

**PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR
HOME SCHOOL AND PRIVATE SCHOOL STUDENTS**

2010 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill addresses private school and home school students' eligibility to participate in extracurricular activities.

Highlighted Provisions:

This bill:

- ▶ provides that a minor who is enrolled in a private school or a home school shall be eligible to participate in extracurricular activities at a public school;
- ▶ provides that, with certain exceptions, a private school or a home school student may only participate in extracurricular activities at the public school within whose boundaries the student's custodial parent or legal guardian resides or a public school from which the student withdrew;
- ▶ provides that, with certain exceptions, private school students and home school students shall be eligible for extracurricular activities at a public school consistent with eligibility standards for fully enrolled public school students; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-11-102.5**, as last amended by Laws of Utah 2008, Chapter 382

37 ENACTS:

38 **53A-11-102.6**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53A-11-102.5** is amended to read:

42 **53A-11-102.5. Dual enrollment.**

43 (1) "District school" means a public school under the control of a local school board
44 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
45 Boards.

46 ~~[(1)]~~ (2) A person having control of a minor ~~[under this part]~~ who is enrolled in a
47 regularly established private school or a home school may also enroll the minor in a public
48 school for dual enrollment purposes.

49 ~~[(2)]~~ (3) The minor may participate in any academic activity in the public school
50 available to students in the minor's grade or age group, subject to compliance with the same
51 rules and requirements that apply to a full-time student's participation in the activity.

52 ~~[(3) Except as otherwise provided in Sections 53A-11-101.5 and 53A-11-102, a~~
53 ~~student enrolled in a public school may also be enrolled in a private school or a home school~~
54 ~~for dual enrollment purposes.]~~

55 (4) (a) A student enrolled in a dual enrollment program in a district school is
56 considered a student of the district in which the ~~[public]~~ district school of attendance is
57 located for purposes of state funding to the extent of the student's participation in the ~~[public]~~
58 district school programs.

59 (b) A student enrolled in a dual enrollment program in a charter school is considered a
60 student of the charter school for purposes of state funding to the extent of the student's
61 participation in the charter school programs.

62 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
63 the State Board of Education shall make rules for purposes of dual enrollment to govern and
64 regulate the transferability of credits toward graduation that are earned in a private or home
65 school.

66 [~~(6) The State Board of Education shall determine the policies and procedures~~
67 ~~necessary to permit students enrolled under Subsection (1) to participate in public school~~
68 ~~extracurricular activities.]~~

69 Section 2. Section **53A-11-102.6** is enacted to read:

70 **53A-11-102.6. Private school and home school students' participation in**
71 **extracurricular activities in a public school.**

72 (1) As used in this section:

73 (a) "Academic eligibility requirements" means the academic eligibility requirements
74 that a home school student is required to meet to participate in an extracurricular activity in a
75 public school.

76 (b) "Principal" means the principal of the school in which a home school student
77 participates or intends to participate in an extracurricular activity.

78 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
79 participate in an extracurricular activity at a public school as provided in this section.

80 (b) A private school student may only participate in an extracurricular activity at a
81 public school that is not offered by the student's private school.

82 (c) Except as provided in Subsection (2)(d), a private school student or a home school
83 student may only participate in an extracurricular activity at:

84 (i) the school within whose attendance boundaries the student's custodial parent or
85 legal guardian resides; or

86 (ii) the school from which the student withdrew for the purpose of attending a private

87 or home school.

88 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a
89 private school student or a home school student to participate in an extracurricular activity
90 other than:

91 (i) an interscholastic competition of athletic teams sponsored and supported by a
92 public school; or

93 (ii) an interscholastic contest or competition for music, drama, or forensic groups or
94 teams sponsored and supported by a public school.

95 (3) (a) Except as provided in Subsections (4) through (13), a private school or home
96 school student shall be eligible to participate in an extracurricular activity at a public school
97 consistent with eligibility standards:

98 (i) applied to a fully enrolled public school student;

99 (ii) of the public school where the private school or home school student participates
100 in an extracurricular activity; and

101 (iii) for the extracurricular activity in which the private school or home school student
102 participates.

103 (b) A school district or public school may not impose additional requirements on a
104 private school or home school student to participate in an extracurricular activity that are not
105 imposed on a fully enrolled public school student.

106 (c) (i) A private school or home school student who participates in an extracurricular
107 activity at a public school shall pay the same fees as required of a fully enrolled public school
108 student to participate in an extracurricular activity.

109 (ii) If a local school board or charter school governing board imposes a mandatory
110 student activity fee for a student enrolled in a public school, the fee may be imposed on a
111 private school or home school student who participates in an extracurricular activity at the
112 public school if the same benefits of paying the mandatory student activity fee that are
113 available to a fully enrolled public school student are available to a private school or home
114 school student who participates in an extracurricular activity at the public school.

115 (4) Eligibility requirements based on school attendance are not applicable to a home
116 school student.

117 (5) A home school student meets academic eligibility requirements to participate in an
118 extracurricular activity if:

119 (a) the student is mastering the material in each course or subject being taught; and

120 (b) the student is maintaining satisfactory progress towards achievement or promotion.

121 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or
122 organization providing instruction to the student shall submit an affidavit to the principal
123 indicating the student meets academic eligibility requirements.

124 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school
125 student shall:

126 (i) be considered to meet academic eligibility requirements; and

127 (ii) retain academic eligibility for all extracurricular activities during the activity
128 season for which the affidavit is submitted, until:

129 (A) a panel established under Subsection (10) determines the home school student
130 does not meet academic eligibility requirements; or

131 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
132 notice to the school principal that the student no longer meets academic eligibility
133 requirements.

134 (7) (a) A home school student who loses academic eligibility pursuant to Subsection
135 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted
136 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
137 home school student has reestablished academic eligibility.

138 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
139 (7)(a), the home school student may participate in extracurricular activities for the remainder
140 of the activity season for which an affidavit was submitted under Subsection (6)(a).

141 (8) A person who has probable cause to believe a home school student does not meet
142 academic eligibility requirements may submit an affidavit to the principal:

143 (a) asserting the home student does not meet academic eligibility requirements; and
144 (b) providing information indicating that the home school student does not meet the
145 academic eligibility requirements.

146 (9) A principal shall review the affidavit submitted under Subsection (8), and if the
147 principal determines it contains information which constitutes probable cause to believe a
148 home school student may not meet academic eligibility requirements, the principal shall
149 request a panel established pursuant to Subsection (10) to verify the student's compliance with
150 academic eligibility requirements.

151 (10) (a) A school district superintendent shall:

152 (i) appoint a panel of three individuals to verify a home school student's compliance
153 with academic eligibility requirements when requested by a principal pursuant to Subsection
154 (9); and

155 (ii) select the panel members from nominees submitted by national, state, or regional
156 organizations whose members are home school students and parents.

157 (b) Of the members appointed to a panel under Subsection (10)(a):

158 (i) one member shall have experience teaching in a public school as a licensed teacher
159 and in home schooling high school-age students;

160 (ii) one member shall have experience teaching in a higher education institution and in
161 home schooling; and

162 (iii) one member shall have experience in home schooling high school-age students.

163 (11) A panel appointed under Subsection (10):

164 (a) shall review the affidavit submitted under Subsection (8);

165 (b) may confer with the person who submitted the affidavit under Subsection (8);

166 (c) shall request the home school student to submit test scores or a portfolio of work
167 documenting the student's academic achievement to the panel;

168 (d) shall review the test scores or portfolio of work; and

169 (e) shall determine whether the home school student meets academic eligibility
170 requirements.

171 (12) A home school student who meets academic eligibility requirements pursuant to
172 Subsection (11), retains academic eligibility for all extracurricular activities during the activity
173 season for which an affidavit is submitted pursuant to Subsection (6).

174 (13) (a) A panel's determination that a home school student does not comply with
175 academic eligibility requirements is effective for an activity season and all extracurricular
176 activities that have academic eligibility requirements.

177 (b) A home school student who is not in compliance with academic eligibility
178 requirements as determined by a panel appointed under Subsection (11) may seek to establish
179 academic eligibility under this section for the next activity season.

180 (14) (a) A public school student who has been declared to be academically ineligible
181 to participate in an extracurricular activity and who subsequently enrolls in a home school
182 shall lose eligibility for participation in the extracurricular activity until the student:

183 (i) demonstrates academic eligibility by providing test results or a portfolio of the
184 student's work to the school principal, provided that a student may not reestablish academic
185 eligibility under this Subsection (14)(a) during the same activity season in which the student
186 was declared to be academically ineligible;

187 (ii) returns to public school and reestablishes academic eligibility; or

188 (iii) enrolls in a private school and establishes academic eligibility.

189 (b) A public school student who has been declared to be behaviorally ineligible to
190 participate in an extracurricular activity and who subsequently enrolls in a home school shall
191 lose eligibility for participation in the extracurricular activity until the student meets eligibility
192 standards as provided in Subsection (3).

193 (15) When selection to participate in an extracurricular activity at a public school is
194 made on a competitive basis, a private school student and a home school student shall be
195 eligible to try out for and participate in the activity as provided in this section.

196 (16) (a) If a student exits a public school to enroll in a private or home school
197 mid-semester or during an activity season, and the student desires to participate in an
198 extracurricular activity at the public school, the public school shall issue an interim academic

199 assessment based on the student's work in each class.

200 (b) A student's academic eligibility to participate in an extracurricular activity under
201 the circumstances described in Subsection (16)(a) shall be based on the student meeting public
202 school academic eligibility standards at the time of exiting public school.

203 (c) A student may appeal an academic eligibility determination made under
204 Subsection (16)(b) in accordance with procedures for appealing a public school student's
205 academic eligibility.