

**Representative Keith Grover** proposes the following substitute bill:

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

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark B. Madsen**

House Sponsor: Keith Grover

7	Cosponsors:	Scott K. Jenkins	Howard A. Stephenson
8	J. Stuart Adams	Peter C. Knudson	Jerry W. Stevenson
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11	Allen M. Christensen	Luz Robles	Michael G. Waddoups
12	Margaret Dayton		

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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



27 students shall be eligible for extracurricular activities at a public school consistent with  
28 eligibility standards for fully enrolled public school students; and

29       ▶ makes technical changes.

30 **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 located  
57 for purposes of state funding to the extent of the student's participation in the ~~[public]~~ district

58 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, the  
63 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 public  
92 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 in  
100 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 season  
128 for which the affidavit is submitted, until:

129 (A) a panel established under Subsection (10) determines the home school student does  
130 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 of  
140 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) 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 to  
181 participate in an extracurricular activity and who subsequently enrolls in a home school shall

182 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 Subsection  
204 (16)(b) in accordance with procedures for appealing a public school student's academic  
205 eligibility.

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**Fiscal Note**

**S.B. 66 1st Sub. (Green) - Public School Extracurricular Activities for Home  
School and Private School Students**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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