

**Renumbered 1/24/2018**

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

(1) As used in this section:

- (a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.
- (b) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.

(2)

- (a) A minor who is enrolled in a private school or a home school shall be eligible to participate in an extracurricular activity at a public school as provided in this section.
- (b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.
- (c) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:
  - (i) the school within whose attendance boundaries the student's custodial parent or legal guardian resides; or
  - (ii) the school from which the student withdrew for the purpose of attending a private or home school.
- (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a private school student or a home school student to participate in an extracurricular activity other than:
  - (i) an interscholastic competition of athletic teams sponsored and supported by a public school; or
  - (ii) an interscholastic contest or competition for music, drama, or forensic groups or teams sponsored and supported by a public school.

(3)

- (a) Except as provided in Subsections (4) through (13), a private school or home school student shall be eligible to participate in an extracurricular activity at a public school consistent with eligibility standards:
  - (i) applied to a fully enrolled public school student;
  - (ii) of the public school where the private school or home school student participates in an extracurricular activity; and
  - (iii) for the extracurricular activity in which the private school or home school student participates.
- (b) A school district or public school may not impose additional requirements on a private school or home school student to participate in an extracurricular activity that are not imposed on a fully enrolled public school student.
- (c)
  - (i) A private school or home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.
  - (ii) If a local school board or charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school or home school student who participates in an extracurricular activity at the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school student are available to a private school or home school student who participates in an extracurricular activity at the public school.

- (4) Eligibility requirements based on school attendance are not applicable to a home school student.
- (5) A home school student meets academic eligibility requirements to participate in an extracurricular activity if:
  - (a) the student is mastering the material in each course or subject being taught; and
  - (b) the student is maintaining satisfactory progress towards achievement or promotion.
- (6)
  - (a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.
  - (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student shall:
    - (i) be considered to meet academic eligibility requirements; and
    - (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
      - (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or
      - (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.
- (7)
  - (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.
  - (b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).
- (8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:
  - (a) asserting the home school student does not meet academic eligibility requirements; and
  - (b) providing information indicating that the home school student does not meet the academic eligibility requirements.
- (9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.
- (10)
  - (a) A school district superintendent shall:
    - (i) appoint a panel of three individuals to verify a home school student's compliance with academic eligibility requirements when requested by a principal pursuant to Subsection (9); and
    - (ii) select the panel members from nominees submitted by national, state, or regional organizations whose members are home school students and parents.
  - (b) Of the members appointed to a panel under Subsection (10)(a):
    - (i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school-age students;
    - (ii) one member shall have experience teaching in a higher education institution and in home schooling; and

- (iii) one member shall have experience in home schooling high school-age students.
- (11) A panel appointed under Subsection (10):
  - (a) shall review the affidavit submitted under Subsection (8);
  - (b) may confer with the person who submitted the affidavit under Subsection (8);
  - (c) shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
  - (d) shall review the test scores or portfolio of work; and
  - (e) shall determine whether the home school student meets academic eligibility requirements.
- (12) A home school student who meets academic eligibility requirements pursuant to Subsection (11), retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6).
- (13)
  - (a) A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.
  - (b) A home school student who is not in compliance with academic eligibility requirements as determined by a panel appointed under Subsection (11) may seek to establish academic eligibility under this section for the next activity season.
- (14)
  - (a) A public school student who has been declared to be academically ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student:
    - (i) demonstrates academic eligibility by providing test results or a portfolio of the student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;
    - (ii) returns to public school and reestablishes academic eligibility; or
    - (iii) enrolls in a private school and establishes academic eligibility.
  - (b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).
- (15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student and a home school student shall be eligible to try out for and participate in the activity as provided in this section.
- (16)
  - (a) If a student exits a public school to enroll in a private or home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.
  - (b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) shall be based on the student meeting public school academic eligibility standards at the time of exiting public school.
  - (c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.