

**HOME SCHOOL AND PRIVATE SCHOOL
STUDENTS' PARTICIPATION IN
EXTRACURRICULAR ACTIVITIES**

2009 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; and
- ▶ 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.



29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53A-11-102.5**, as last amended by Laws of Utah 2008, Chapter 382



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

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

39 **53A-11-102.5. Dual enrollment.**

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

43 ~~[(1)]~~ (2) A person having control of a minor under this part who is enrolled in a
44 regularly established private school or a home school may also enroll the minor in a public
45 school for dual enrollment purposes.

46 ~~[(2)]~~ (3) The minor may participate in any academic activity in the public school
47 available to students in the minor's grade or age group, subject to compliance with the same
48 rules and requirements that apply to a full-time student's participation in the activity.

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

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

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

59 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

60 State Board of Education shall make rules for purposes of dual enrollment to govern and
61 regulate the transferability of credits toward graduation that are earned in a private or home
62 school.

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

66 (6) (a) A minor who is enrolled in a private school or a home school shall be eligible to
67 participate in extracurricular activities at a public school as provided in this Subsection (6).

68 (b) A private school student may only participate in extracurricular activities at a public
69 school that are not offered by the student's private school.

70 (c) Except as provided in Subsection (6)(d), a private school student or a home school
71 student may only participate in extracurricular activities at:

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

74 (ii) the school from which the student withdrew for the purpose of attending a private
75 or home school.

76 (d) A school other than a school described in Subsection (6)(c)(i) or (ii) may allow a
77 private school student or a home school student to participate in extracurricular activities other
78 than:

79 (i) interschool competitions of athletic teams sponsored and supported by a public
80 school; or

81 (ii) interschool contests or competitions for music, drama, or forensic groups or teams
82 sponsored and supported by a public school.

83 (e) (i) Except as provided in Subsections (6)(f) through (h):

84 (A) private school students and home school students shall be eligible for
85 extracurricular activities at a public school consistent with eligibility standards as applied to
86 fully enrolled public school students; and

87 (B) a public school student who has been declared to be ineligible to participate in an
88 extracurricular activity and who subsequently enrolls in a home school may not regain
89 eligibility until the student resolves the reason for ineligibility and conforms to the eligibility
90 standards applicable to fully enrolled public school students.

91 (ii) A school district or public school may not impose additional requirements on
92 private school students or home school students to participate in extracurricular activities that
93 are not imposed on fully enrolled public school students.

94 (f) Eligibility requirements based on school attendance are not applicable to home
95 school students.

96 (g) To demonstrate a home school student's compliance with scholastic eligibility
97 requirements, the individual providing the primary instruction of a home school student shall
98 submit an affidavit that indicates:

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

100 (ii) the student is maintaining satisfactory progress towards advancement or promotion.

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

104 (i) demonstrates academic eligibility by providing test results or a portfolio of the
105 student's work;

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

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

108 (i) When selection to participate in an extracurricular activity at a public school is
109 made on a competitive basis, a private school student and a home school student shall be
110 eligible to try out for and participate in the activity as provided in this Subsection (6).

Legislative Review Note
as of 12-9-08 11:31 AM

Office of Legislative Research and General Counsel

Fiscal Note**S.B. 61 - Home School and Private School Students' Participation in
Extracurricular Activities**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
