

PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides students attending private school, home school, charter school, and online school a process for requesting participation in extracurricular activities outside of the student's school of residence.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows a private school student, a home school student, a charter school student, or an online school student to participate in extracurricular activities outside of the student's public school of residence under certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-703, as last amended by Laws of Utah 2019, Chapter 293

53G-6-704, as last amended by Laws of Utah 2019, Chapter 293



28 **53G-6-705**, as last amended by Laws of Utah 2019, Chapter 293



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

31 Section 1. Section **53G-6-703** is amended to read:

32 **53G-6-703. Private school and home school students' participation in**
33 **extracurricular activities in a public school.**

34 (1) As used in this section:

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

38 (b) "Extracurricular activity" means the same as that term is defined in Section
39 53G-7-501.

40 ~~[(b)]~~ (c) "Minor" means the same as that term is defined in Section **53G-6-201**.

41 ~~[(c)]~~ (d) "Parent" means the same as that term is defined in Section **53G-6-201**.

42 ~~[(d)]~~ (e) "Principal" means the principal of the school in which a home school student
43 participates or intends to participate in an extracurricular activity.

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

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

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

50 (i) the school ~~[within whose]~~ with attendance boundaries within which the student's
51 custodial parent resides; or

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

54 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a
55 private school student or a home school student to participate in an extracurricular activity
56 ~~[other than:]~~ that the public school sponsors and supports if:

57 ~~[(i) an interscholastic competition of athletic teams sponsored and supported by a~~
58 ~~public school, or]~~

59 ~~[(ii) an interscholastic contest or competition for music, drama, or forensic groups or~~
60 ~~teams sponsored and supported by a public school].~~

61 (i) the private school student, subject to Subsection (2)(b), or the home school student
62 receives permission to participate in the extracurricular activity from the principals of:

63 (A) a public school described in Subsection (2)(c)(i) or (ii); and

64 (B) the public school in which the private school student or the home school student
65 intends to participate in the extracurricular activity; and

66 (ii) the private school student or the home school student meets the eligibility
67 requirements under this section.

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

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

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

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

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

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

82 (ii) If a local school board or a charter school governing board imposes a mandatory
83 student activity fee for a student enrolled in a public school, the fee may be imposed on a
84 private school student or a home school student who participates in an extracurricular activity
85 at the public school if the same benefits of paying the mandatory student activity fee that are
86 available to a fully enrolled public school student are available to a private school student or a
87 home school student who participates in an extracurricular activity at the public school.

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

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

- 92 (a) the student is mastering the material in each course or subject being taught; and
- 93 (b) the student is maintaining satisfactory progress towards achievement or promotion.

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

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

- 99 (i) be considered to meet academic eligibility requirements; and
- 100 (ii) retain academic eligibility for all extracurricular activities during the activity season
101 for which the affidavit is submitted, until:

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

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

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

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

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

116 (a) asserting the home school student does not meet academic eligibility requirements;
117 and

118 (b) providing information indicating that the home school student does not meet the
119 academic eligibility requirements.

120 (9) A principal shall review the affidavit submitted under Subsection (8), and if the

121 principal determines it contains information which constitutes probable cause to believe a
122 home school student may not meet academic eligibility requirements, the principal shall
123 request a panel established pursuant to Subsection (10) to verify the student's compliance with
124 academic eligibility requirements.

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

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

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

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

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

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

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

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

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

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

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

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

143 (e) shall determine whether the home school student meets academic eligibility
144 requirements.

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

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

151 (b) A home school student who is not in compliance with academic eligibility

152 requirements as determined by a panel appointed under Subsection (11) may seek to establish
153 academic eligibility under this section for the next activity season.

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

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

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

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

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

167 (15) When selection to participate in an extracurricular activity at a public school is
168 made on a competitive basis, a private school student [~~and~~] or a home school student shall be
169 eligible to try out for and participate in the activity as provided in this section.

170 (16) (a) If a student exits a public school to enroll in a private school or a home school
171 mid-semester or during an activity season, and the student desires to participate in an
172 extracurricular activity at the public school, the public school shall issue an interim academic
173 assessment based on the student's work in each class.

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

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

180 Section 2. Section **53G-6-704** is amended to read:

181 **53G-6-704. Charter school students' participation in extracurricular activities at**
182 **other public schools.**

183 (1) A charter school student is eligible to participate in an extracurricular activity not
184 offered by the student's charter school at:

185 (a) the school within whose attendance boundaries the student's custodial parent
186 resides;

187 (b) the public school from which the student withdrew for the purpose of attending a
188 charter school; or

189 (c) a public school that is not a charter school if the student's charter school is located
190 on the campus of the public school or has local school board approval to locate on the campus
191 of the public school.

192 (2) In addition to the public schools listed in Subsection (1), the state board may
193 establish rules to allow a charter school student to participate in an extracurricular activity at a
194 public school other than a public school listed in Subsection (1).

195 (3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a
196 charter school student to participate in ~~[extracurricular activities other than:]~~ an extracurricular
197 activity a public school sponsors and supports if:

198 ~~[(a) interschool competitions of athletic teams sponsored and supported by a public~~
199 ~~school; or]~~

200 ~~[(b) interschool contests or competitions for music, drama, or forensic groups or teams~~
201 ~~sponsored and supported by a public school.]~~

202 (a) the charter school student receives permission to participate in the extracurricular
203 activity from the principals of:

204 (i) a public school described in Subsection (1)(a), (b), or (c); and

205 (ii) the public school in which the student intends to participate in the extracurricular
206 activity; and

207 (b) the charter school student meets the eligibility requirements under this section.

208 (4) A charter school student is eligible for an extracurricular ~~[activities]~~ activity at a
209 public school consistent with eligibility standards as applied to full-time students of the public
210 school.

211 (5) A school district or a public school may not impose additional requirements on a
212 charter school student to participate in an extracurricular ~~[activities]~~ activity that are not
213 imposed on full-time students of the public school.

214 (6) (a) The state board shall make rules establishing fees for charter school students'
215 participation in an extracurricular [~~activities~~] activity at school district schools.

216 (b) The rules shall provide that:

217 (i) charter school students pay the same fees as other students to participate in an
218 extracurricular [~~activities~~] activity;

219 (ii) charter school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

220 (iii) for each charter school student who participates in an extracurricular activity at a
221 school district school, the charter school shall pay a share of the school district's costs for the
222 extracurricular activity; and

223 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state
224 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
225 activity in a school district or a school divided by total student enrollment of the school district
226 or the school.

227 (c) In determining a charter school's share of the costs of an extracurricular activity
228 under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide
229 based on average costs statewide or average costs within a sample of school districts.

230 (7) When selection to participate in an extracurricular activity at a public school is
231 made on a competitive basis, a charter school student is eligible to try out for and participate in
232 the activity as provided in this section.

233 Section 3. Section [53G-6-705](#) is amended to read:

234 **53G-6-705. Online students' participation in extracurricular activities.**

235 (1) As used in this section:

236 (a) "Online education" means the use of information and communication technologies
237 to deliver educational opportunities to a student in a location other than a school.

238 (b) "Online student" means a student who:

239 (i) participates in an online education program sponsored or supported by the state
240 board, a school district, or a charter school; and

241 (ii) generates funding for the school district or the school pursuant to Subsection
242 [53F-2-102](#)(4) and rules of the state board.

243 (2) An online student is eligible to participate in an extracurricular [~~activities~~] activity
244 at:

245 (a) the school [~~within whose~~] with attendance boundaries within which the student's
246 custodial parent resides; or

247 (b) the public school from which the student withdrew for the purpose of participating
248 in an online education program.

249 (3) A public school other than a school described in Subsection (2)(a) or (b) may allow
250 an online student to participate in an extracurricular [activities other than] activity that the
251 public school sponsors and supports if:

252 [~~(a) interschool competitions of athletic teams sponsored and supported by a public~~
253 ~~school; or]~~

254 [~~(b) interschool contests or competitions for music, drama, or forensic groups or teams~~
255 ~~sponsored and supported by a public school.]~~

256 (a) the online school student receives permission to participate in the extracurricular
257 activity from the principals of:

258 (i) the public school described in Subsection (2)(a) or (b); and

259 (ii) the public school in which the online school student intends to participate in the
260 extracurricular activity; and

261 (b) the online school student meets the eligibility requirements under this section.

262 (4) An online student is eligible [~~for~~] to participate in an extracurricular [activities]
263 activity at a public school consistent with eligibility standards as applied to full-time students
264 of the public school.

265 (5) A school district or public school may not impose additional requirements on an
266 online school student to participate in an extracurricular [activities] activity that are not
267 imposed on full-time students of the public school.

268 (6) (a) The state board shall make rules establishing fees for an online school student's
269 participation in an extracurricular [activities] activity at school district schools.

270 (b) The rules shall provide that:

271 (i) online school students pay the same fees as other students to participate in an
272 extracurricular [activities] activity;

273 (ii) online school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

274 (iii) for each online school student who participates in an extracurricular activity at a
275 school district school, the online school shall pay a share of the school district's costs for the

276 extracurricular activity; and

277 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
278 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
279 activity in a school district or school divided by total student enrollment of the school district
280 or school.

281 (c) In determining an online school's share of the costs of an extracurricular activity
282 under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide
283 based on average costs statewide or average costs within a sample of school districts.

284 (7) When selection to participate in an extracurricular activity at a public school is
285 made on a competitive basis, an online student is eligible to try out for and participate in the
286 activity as provided in this section.