

Senator Lincoln Fillmore proposes the following substitute bill:

PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

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

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:



26 [53G-6-703](#), as last amended by Laws of Utah 2019, Chapter 293

27 [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

29 **Utah Code Sections Affected by Coordination Clause:**

30 [53G-6-703](#), as last amended by Laws of Utah 2019, Chapter 293



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

32 Section 1. Section [53G-6-703](#) is amended to read:

33 **[53G-6-703. Private school and home school students' participation in](#)**
34 **[extracurricular activities in a public school.](#)**

35 (1) As used in this section:

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

39 (b) "Association" means the same as that term is defined in Section [53G-7-1101](#).

40 (c) "Extracurricular activity" means the same as that term is defined in Section
41 [53G-7-501](#).

42 (d) "Initial establishment of eligibility requirements" means an association's eligibility
43 requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10
44 must meet, and to which the student is bound, to participate on a high school sports team when
45 the student:

46 (i) attends the high school in which the student is selected for membership on a high
47 school sports team; or

48 (ii) does not attend the high school in which the student tries out for and is selected for
49 membership on a high school sports team.

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

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

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

54 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
55 participate in an extracurricular activity at a public school as provided in this section.
56

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

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

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

63 ~~[(ii)]~~ (B) the school from which the student withdrew for the purpose of attending a
64 private or home school.

65 (ii) A private school student or a home school student retains the ability to participate
66 in an extracurricular activity at a school described in Subsection (2)(c)(i) if the student did not
67 initially establish the student's eligibility at another school in grade 9 or 10.

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

71 (i) for an interscholastic competition of athletic teams [sponsored and supported by a
72 public school; or], the private school student or the home school student meets the initial
73 establishment of eligibility requirements;

74 (ii) for an interscholastic contest or competition for music, drama, or forensic groups or
75 teams [sponsored and supported by a public school:], the private school student, subject to
76 Subsection (2)(b), or the home school student meets the entry requirements for participation;

77 (iii) the private school student or the home school student meets the eligibility
78 requirements under this section; and

79 (iv) the private school student or the home school student meets the enrollment
80 requirements for public school in accordance with Part 4, School District Enrollment.

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

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

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

87 (iii) for the extracurricular activity in which the private school or the home school

88 student participates.

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

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

95 (ii) If a local school board or a charter school governing board imposes a mandatory
96 student activity fee for a student enrolled in a public school, the fee may be imposed on a
97 private school student or a home school student who participates in an extracurricular activity
98 at the public school if the same benefits of paying the mandatory student activity fee that are
99 available to a fully enrolled public school student are available to a private school student or a
100 home school student who participates in an extracurricular activity at the public school.

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

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

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

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

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

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

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

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

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

117 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
118 notice to the school principal that the student no longer meets academic eligibility

119 requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

150 (11) A panel appointed under Subsection (10):
151 (a) shall review the affidavit submitted under Subsection (8);
152 (b) may confer with the person who submitted the affidavit under Subsection (8);
153 (c) shall request the home school student to submit test scores or a portfolio of work
154 documenting the student's academic achievement to the panel;
155 (d) shall review the test scores or portfolio of work; and
156 (e) shall determine whether the home school student meets academic eligibility
157 requirements.

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

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

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

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

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

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

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

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

180 (15) When selection to participate in an extracurricular activity at a public school is

181 made on a competitive basis, a private school student [~~and~~] or a home school student shall be
182 eligible to try out for and participate in the activity as provided in this section.

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

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

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

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

194 **53G-6-704. Charter school students' participation in extracurricular activities at**
195 **other public schools.**

196 (1) As used in this section:

197 (a) "Association" means the same as that term is defined in Section 53G-7-1101.

198 (b) "Extracurricular activity" means the same as that term is defined in Section
199 53G-7-501.

200 (c) "Initial establishment of eligibility requirements" means the same as that term is
201 defined in Section 53G-6-703.

202 [(+)] (2) A charter school student is eligible to participate in an extracurricular activity
203 not offered by the student's charter school at:

204 (a) the school [~~within whose~~] with attendance boundaries within which the student's
205 custodial parent resides, if, for an interscholastic competition of athletic teams, the student did
206 not initially establish the student's eligibility at another public school in grade 9 or 10;

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

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

212 ~~[(2)]~~ (3) In addition to the public schools listed in Subsection ~~[(1);]~~ (2), the state board
213 may establish rules to allow a charter school student to participate in an extracurricular activity
214 at a public school other than a public school listed in Subsection ~~[(1);]~~ (2).

215 ~~[(3)]~~ (4) A school other than a school described in Subsection ~~[(1)(a), (b), or (c)]~~ (2)
216 may allow a charter school student to participate in ~~[extracurricular activities other than:]~~ an
217 extracurricular activity a public school sponsors and supports if:

218 (a) for interschool competitions of athletic teams [sponsored and supported by a public
219 school; or], the charter school student meets the initial establishment of eligibility
220 requirements;

221 (b) for interschool contests or competitions for music, drama, or forensic groups or
222 teams [sponsored and supported by a public school.], the charter school student meets the entry
223 requirements for participation;

224 (c) the charter school student meets the eligibility requirements under this section; and

225 (d) the charter school student meets the enrollment requirements for public school in
226 accordance with Part 4, School District Enrollment.

227 ~~[(4)]~~ (5) A charter school student is eligible for an extracurricular ~~[activities]~~ activity at
228 a public school consistent with eligibility standards as applied to full-time students of the
229 public school.

230 ~~[(5)]~~ (6) A school district or a public school may not impose additional requirements
231 on a charter school student to participate in an extracurricular ~~[activities]~~ activity that are not
232 imposed on full-time students of the public school.

233 ~~[(6)]~~ (7) (a) The state board shall make rules establishing fees for charter school
234 students' participation in an extracurricular ~~[activities]~~ activity at school district schools.

235 (b) The rules shall provide that:

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

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

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

242 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state

243 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
244 activity in a school district or a school divided by total student enrollment of the school district
245 or the school.

246 (c) In determining a charter school's share of the costs of an extracurricular activity
247 under Subsections [~~(6)(b)(iii) and (iv)~~] (7)(b)(iii) and (iv), the state board may establish
248 uniform fees statewide based on average costs statewide or average costs within a sample of
249 school districts.

250 ~~[(7)]~~ (8) When selection to participate in an extracurricular activity at a public school is
251 made on a competitive basis, a charter school student is eligible to try out for and participate in
252 the activity as provided in this section.

253 Section 3. Section **53G-6-705** is amended to read:

254 **53G-6-705. Online students' participation in extracurricular activities.**

255 (1) As used in this section:

256 (a) "Association" means the same as that term is defined in Section 53G-7-1101.

257 (b) "Extracurricular activity" means the same as that term is defined in Section
258 53G-7-501.

259 (c) "Initial establishment of eligibility requirements" means the same as that term is
260 defined in Section 53G-6-703.

261 ~~[(a)]~~ (d) "Online education" means the use of information and communication
262 technologies to deliver educational opportunities to a student in a location other than a school.

263 ~~[(b)]~~ (e) "Online student" means a student who:

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

266 (ii) generates funding for the school district or the school pursuant to Subsection
267 [~~53F-2-102(4)~~] 53F-2-102(5) and rules of the state board.

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

270 (a) the school [~~within whose~~] with attendance boundaries within which the student's
271 custodial parent resides, if, for an interscholastic competition of athletic teams, the student did
272 not initially establish the student's eligibility at another public school in grade 9 or 10; or

273 (b) the public school from which the student withdrew for the purpose of participating

274 in an online education program.

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

278 (a) for interschool competitions of athletic teams sponsored and supported by a public
279 school~~[-or]~~, the online school student meets the initial establishment of eligibility
280 requirements;

281 (b) for interschool contests or competitions for music, drama, or forensic groups or
282 teams sponsored and supported by a public school~~[-]~~, the online school student meets the entry
283 requirements for participation;

284 (c) the online school student meets the eligibility requirements under this section; and

285 (d) the online school student meets the enrollment requirements for public school in
286 accordance with Part 4, School District Enrollment.

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

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

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

295 (b) The rules shall provide that:

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

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

299 (iii) for each online school student who participates in an extracurricular activity at a
300 school district school, the online school shall pay a share of the school district's costs for the
301 extracurricular activity; and

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

305 or school.

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

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

312 Section 4. **Coordinating H.B. 209 with S.B. 166 -- Substantive and technical**
313 **amendments.**

314 If this H.B. 209 and S.B. 166, Education Entity Amendments, both pass and become
315 law, the Office of Legislative Research and General Counsel shall prepare the Utah Code
316 database for publication by amending Subsections 53G-6-703(2)(c) and (d) to read:

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

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

321 [(ii)] (B) the school from which the student withdrew for the purpose of attending a
322 private or home school.

323 (ii) A private school student, a micro-education entity student, a home school student,
324 or a home-based education entity student retains the ability to participate in an extracurricular
325 activity at a school described in Subsection (2)(c)(i) if the student did not initially establish the
326 student's eligibility at another school in grade 9 or 10.

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

330 (i) for an interscholastic competition of athletic teams [~~sponsored and supported by a~~
331 public school, or], the private school student, the micro-education entity student, the home
332 school student, or the home-based education entity student meets the initial establishment of
333 eligibility requirements;

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

336 (A) subject to Subsection (2)(b), the private school student or the micro-education
337 entity student meets the entry requirements for participation; or

338 (B) the home school student or the home-based education entity student meets the entry
339 requirements for participation;

340 (iii) the private school student, the micro-education entity student, the home school
341 student, or the home-based education entity student meets the eligibility requirements under
342 this section; and

343 (iv) the private school student, the micro-education entity student, the home school
344 student, or the home-based education entity student meets the enrollment requirements for
345 public school in accordance with Part 4, School District Enrollment."