

Representative Jordan D. Teuscher proposes the following substitute bill:

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 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:

None

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (ii) for an interscholastic contest or competition for music, drama, or forensic groups or
70 teams [sponsored and supported by a public school.], the private school student, subject to
71 Subsection (2)(b), or the home school student receives permission to participate in the
72 extracurricular activity from the principals of:

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

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

76 (iii) the private school student or the home school student meets the eligibility
77 requirements under this section.

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

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

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

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

86 (b) A school district or public school may not impose additional requirements on a
87 private school student or a home school student to participate in an extracurricular activity that

88 are not imposed on a fully enrolled public school student.

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

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

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

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

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

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

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

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

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

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

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

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

117 (7) (a) A home school student who loses academic eligibility pursuant to Subsection
118 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted

119 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
120 home school student has reestablished academic eligibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 (e) shall determine whether the home school student meets academic eligibility
154 requirements.

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

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

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

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

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

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

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

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

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

180 (16) (a) If a student exits a public school to enroll in a private school or a home school

181 mid-semester or during an activity season, and the student desires to participate in an
182 extracurricular activity at the public school, the public school shall issue an interim academic
183 assessment based on the student's work in each class.

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

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

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

191 **53G-6-704. Charter school students' participation in extracurricular activities at**
192 **other public schools.**

193 (1) As used in this section:

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

195 (b) "Extracurricular activity" means the same as that term is defined in Section
196 [53G-7-501](#).

197 (c) "Initial establishment of eligibility requirements" means the same as that term is
198 defined in Section [53G-6-703](#).

199 ~~[(1)]~~ (2) A charter school student is eligible to participate in an extracurricular activity
200 not offered by the student's charter school at:

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

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

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

208 ~~[(2)]~~ (3) In addition to the public schools listed in Subsection ~~[(1);~~ (2), the state board
209 may establish rules to allow a charter school student to participate in an extracurricular activity
210 at a public school other than a public school listed in Subsection ~~[(1);~~ (2).

211 ~~[(3)]~~ (4) A school other than a school described in Subsection ~~[(1)(a), (b), or (c)]~~ (2)(a),

212 ~~(b), or (c)~~ may allow a charter school student to participate in [~~extracurricular activities other~~
213 ~~than:~~] an extracurricular activity a public school sponsors and supports if:

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

217 (b) for interschool contests or competitions for music, drama, or forensic groups or
218 teams [sponsored and supported by a public school.], the charter school student receives
219 permission to participate in the extracurricular activity from the principals of:

220 (i) a public school described in Subsection (2)(a), (b), or (c); and

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

223 (c) the charter school student meets the eligibility requirements under this section.

224 ~~[(4)] (5)~~ A charter school student is eligible for an extracurricular [~~activities~~] activity at
225 a public school consistent with eligibility standards as applied to full-time students of the
226 public school.

227 ~~[(5)] (6)~~ A school district or a public school may not impose additional requirements
228 on a charter school student to participate in an extracurricular [~~activities~~] activity that are not
229 imposed on full-time students of the public school.

230 ~~[(6)] (7)~~ (a) The state board shall make rules establishing fees for charter school
231 students' participation in an extracurricular [~~activities~~] activity at school district schools.

232 (b) The rules shall provide that:

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

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

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

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

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

246 ~~[(7)]~~ (8) When selection to participate in an extracurricular activity at a public school is
 247 made on a competitive basis, a charter school student is eligible to try out for and participate in
 248 the activity as provided in this section.

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

250 **53G-6-705. Online students' participation in extracurricular activities.**

251 (1) As used in this section:

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

253 (b) "Extracurricular activity" means the same as that term is defined in Section
 254 [53G-7-501](#).

255 (c) "Initial establishment of eligibility requirements" means the same as that term is
 256 defined in Section [53G-6-703](#).

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

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

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

262 (ii) generates funding for the school district or the school pursuant to Subsection
 263 ~~[53F-2-102(4)]~~ [53F-2-102\(5\)](#) and rules of the state board.

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

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

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

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

273 (a) for interschool competitions of athletic teams sponsored and supported by a public

274 school[~~;~~ or], the online school student meets the initial establishment of eligibility
275 requirements;

276 (b) for interschool contests or competitions for music, drama, or forensic groups or
277 teams sponsored and supported by a public school[-], the online school student receives
278 permission to participate in the extracurricular activity from the principals of:

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

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

282 (c) the online school student meets the eligibility requirements under this section.

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

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

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

291 (b) The rules shall provide that:

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

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

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

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

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

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