



Michael P. Farris, JD, LL.M.  
Chairman

J. Michael Smith, Esq.  
President

July 14, 2017

## State Laws Concerning Participation of Homeschool Students in Public School Activities

This is a list of states that have addressed issues of homeschooler participation in public school classes, sports, activities, etc. The entry for each state below catalogs the particular access issues the state has addressed to the approximate extent the state has addressed them. If a state is not listed, or a particular type of activity is not cataloged within a state's entry, it means we found no state authority on point, and it should be assumed that homeschoolers have no access.

States use a unique vocabulary in this area: "extracurricular," "cocurricular," "curricular," "interscholastic," "program," "activity," etc. Care should be taken to distinguish one from another. When a state defines a word, it is important.

While athletic association rules are not "law," public schools are generally constrained to operate within them, or their teams could be disqualified. We therefore refer to association rules of particular importance in a number of entries.

We strive toward keeping this memo 100% up to date in this rapidly changing area of the law. However, this list should not be considered authoritative because of the possibility of unobserved changes in association rules, statutes, regulations, or case decisions, and because of lag time between changes and the publication of updates.

The appendix section sets out in full many of the statutes and regulations referred to below, and also lists some other resources.

### Alabama

In 2016, the Alabama High School Athletic Association amended its bylaws to allow homeschool students and other "non-traditional students" to participate in interscholastic athletics with public schools. This was a response, in part, to Senate Bill 186 and House Bill 287 in 2014. There are numerous requirements: <http://www.ahsaa.com/Portals/0/PDF's/AHSAA/Home%20School/Memo-%20for%20link%20to%20Non-traditional%20school%20laws%20changes.pdf?ver=2016-04-12-170214-927>

### Alaska

Effective July 1, 2013, a full-time student who is enrolled in grades nine through 12 in an "alternative education program that is located entirely in the state and that does not offer interscholastic activities is eligible to participate in any interscholastic activities program available in a public school" if certain requirements are met. Alaska Statutes § 14.30.365(a). (continued on next page)

A home school program that is “accredited by a recognized accrediting body” is an “alternative education program.” *Id.* § 14.30.365(c)(1). The law does not specify what “recognized” means. Alaska, like all other states, does not require that a home school program be accredited.

“Interscholastic activities” means “preparation for and participation in events or competitions involving another school when the preparation or participation (A) is sanctioned or supported by the statewide interscholastic activities governing body; (B) is conducted outside of the regular school curriculum; and (C) does not involve participation in student government at a school.” *Id.* § 14.30.365(c)(4).

## **Arizona**

Homeschooled students are allowed to participate in the public schools’ interscholastic activities “in the same manner” as pupils who are enrolled in the public schools. Arizona Revised Statutes § 15-802.01.

## **Arkansas**

A school district may permit a local homeschooled student to participate in sports and other activities regulated by the Arkansas Activities Association. If the local school district agrees, a homeschool student may participate in activities in another school district, with that district’s approval. There are deadlines for reporting and notifying officials, and requirements for submitting test results. If the district approves the request, the school must not discriminate against the student. A requirement that the student attend not more than one period each school day may be imposed. The student must comply with other requirements applicable to all students. A student must sit out a minimum of 365 days after withdrawing from any school that is a member of the Arkansas Activities Association.

A school district (including an open-enrollment charter school) may adopt a policy allowing a local homeschool student to take academic classes, and may impose restrictions and limitations.

## **California**

Rule 305 of the California Interscholastic Federation prohibits homeschoolers from playing on public school teams.

## **Colorado**

Children participating in a nonpublic, home-based education program are allowed equal access to the public schools’ extracurricular and interscholastic activities. Colorado Revised Statutes §§ 22-33-104.5(6), 22-32-116.5.

## **Florida**

Home-educated students are eligible to participate in the public schools’ interscholastic extracurricular activities. Florida Statutes § 1006.15.

## **Hawaii**

Because Hawaii does not have a law granting homeschooled students the right to participate in public school classes and activities, individual schools and schools districts have the authority to decide whether to allow homeschool students to participate. Policies vary according to district.

## **Idaho**

Any student who receives educational instruction outside a public school classroom is allowed to dual enroll in a public school to participate in any public school program, including nonacademic activities and post-secondary programs. The same behavior, performance, and responsibility standards apply. Homeschool students must have a standardized test or portfolio showing average performance or performance at the student's grade level. A test or portfolio makes the student eligible (or ineligible) for the current school year and the following school year. Idaho Code § 33-203(4) and (9).

Homeschool students are not required to take a class at a public school to participate in the school's sports program.

## **Illinois**

Nonpublic school students may request to enroll part-time in public schools. The school board has the authority to accept such students into part-time attendance with restrictions but is not required by law to do so. 105 Illinois Compiled Statutes 5/10-20.24. In practice, public schools rarely let homeschool student play on their teams.

According to the Illinois High School Association, each local school determines whether a home school student enrolled at and attending the public school can participate in the school's interscholastic and activity teams. Other requirements apply:

<http://www.ihsa.org/documents/forms/current/HomeSchoolFactSheet.pdf>

Children with disabilities enrolled in nonpublic schools (including homeschools) have a right to enroll part-time in public school. *Id.* 5/14-6.01.

## **Indiana**

Effective starting in the 2013-2014 school year, Indiana High School Athletic Association rules provide that a student enrolled full time in a non-public, non-accredited high school "may have eligibility" to play on teams of his local public school. The student must be enrolled in and attending one class at the public school for at least one full credit. The student must have been enrolled in the non-public school for 3 successive years before submitting a request and he must "complete any state-wide examination authorized by the Indiana Department of Education." The student must be taking and passing at least 70% of the maximum number of classes he could be taking.

See pages 3 and 4 of this document:

<http://www.ihsaa.org/Portals/0/ihsaa/documents/about%20ihsaa/minutes/2012-13/042913%20board.pdf>

See Rule 18:1 <http://www.ihsaa.org/Portals/0/ihsaa/documents/about%20ihsaa/Articles.pdf>

## **Iowa**

Students homeschooling under any option OTHER than Independent Private Instruction or Private Instruction (choice 1 and 2 in HSLDA's summary chart of Iowa homeschool law) may dual enroll with the public school to participate in any academic, instructional, or extracurricular activities offered by the school district. Iowa Code §§256.46, 299A.8; Iowa Administrative Code §§ 281-31.5 to -31.6.

## Kansas

Kansas does not have a law granting homeschooled students the right to participate in public school classes and activities; thus, the individual schools and school districts have the authority to decide whether to allow homeschooler participation. Policies often vary from district to district.

Students wishing to participate in public school classes or activities should contact their local school for information regarding their district's policy.

## Louisiana

The bylaws of the Louisiana High School Athletic Association (LHSAA) allow home study students to participate in interscholastic athletic activities at the local public school within their attendance zone if the principal approves. See Bylaws 1.19, 1.19.1 and 1.19.2 on pages 29-30 of the LHSAA Handbook [http://cdn.lhsaa.org/uploads/handbook/Section\\_1\\_-\\_Eligibility98.pdf](http://cdn.lhsaa.org/uploads/handbook/Section_1_-_Eligibility98.pdf). Home study students must meet the same standards and requirements as other students.

The student's parent must make a written request to participate no later than the first 11 days of the school year. The principal of the school must approve or disapprove the request within 30 days. The principal may only request such information and documentation that is required of other students. The principal's decision is final. Rule 1.19.4 says no person "shall have a cause of action arising from a denial" of the request by the principal.

The home study student must provide proof that he is registered with the State BESE and provide a copy of his transcript. The transcript must show units completed or in progress, grades earned, and the cumulative grade point average. Home study students must meet the same academic standards as other students. A parent can demonstrate this by submitting to the principal the same evidence of progress the parent submitted to the State BESE.

(On January 29, 2013, the Louisiana Supreme Court struck down Louisiana Revised Statutes Annotated § 17:236.3 <http://www.lasc.org/opinions/2013/12CA1471.pdf> which had previously given home study students the right to participate in interscholastic athletic activities.)

## Maine

Students receiving home instruction may enroll in any classes at the appropriate public school. This includes all academic, cocurricular and extracurricular activities. Maine Revised Statutes Annotated tit. 20-A, § 5021.

For regular classes and cocurricular activities, the superintendent's approval is required, but he may not unreasonably withhold his approval. (See 20-A MRSA §5021.1.A and .4.A. Do not confuse with §5021-A) The superintendent's approval is *not* required for a home instruction student to try out for extracurricular activities. (See 20-A MRSA §5021.5)

However, a federal court ruled that if a homeschooler plays on a private school team, it is not a violation of federal law for the state sports association to disqualify the team from interscholastic competition. *Pelletier v. Maine Principals' Ass'n*, 261 F. Supp. 2d 10 (D. Me. 2003) (After the federal case ended, the state court case was dismissed without a ruling. York County Superior Court, ALFSC-CV-2003-00073.)

Although § 5021(3) seems to give homeschoolers the right to access special education services, schools have taken the position that homeschoolers are not eligible for special education services.

Students homeschooling through a private school "recognized" by the Commissioner of Education as providing equivalent instruction (i.e., by following the applicable guidelines) have access to curricular, extracurricular and interscholastic activities unless the public school does not have the "capacity." See 20-A Maine Revised Statutes §5021-A as amended by LD 92 effective July 22, 2013. (Do not confuse this statute with 20-A §5021.)

## Maryland

An intermediate appellate court ruled against private school students who sought to participate in a public school extracurricular activity. *Thomas v. Allegany County Bd. of Educ.*, 443 A.2d 622 (Md. App. 1982).

A private school may include homeschool athletes on its teams without losing its eligibility, according to the Maryland Public Schools Secondary Athletics Association's "Approved Standards of Competition." (This policy was adopted as the result of a federal lawsuit, *Bressler v. Maryland Public Schools Secondary Athletics Association*, JFM-05CV783 (D. Md. 2005).)

<http://www.mpssaa.org/assets/sanctioning/Standards%20Of%20Competition%20Form.pdf>

## Massachusetts

A trial court ruled that a public school and the state athletic association must let a homeschool student try out for and play on a girls' softball team because prohibiting her participation would be unconstitutional as not rationally related to a legitimate state interest. There was no appeal.

See: *Richard Davis v. Massachusetts Interscholastic Athletic Association, Inc., and Dr. Morris Splain, Superintendent of Norton High School*, No. CA942887, Jan. 18, 1995, 3 Mass.L.Rptr. 375, Superior Court of Massachusetts.

The Massachusetts Interscholastic Athletic Association subsequently amended their rules to allow homeschoolers to participate on public school teams provided they are in compliance with the school's policy. For additional details, see MIAA Handbook Rule 54.

[http://www.miaa.net/gen/miaa\\_generated\\_bin/documents/basic\\_module/MIAAHandbook1113.pdf](http://www.miaa.net/gen/miaa_generated_bin/documents/basic_module/MIAAHandbook1113.pdf)

## Michigan

The Michigan Department of Education states that in order to participate in extracurricular activities at the public school, the student "should be enrolled part-time in the public school." (See Nonpublic and Home School Information.) [http://www.michigan.gov/mde/0,4615,7-140-6530\\_6569\\_35175---,00.html](http://www.michigan.gov/mde/0,4615,7-140-6530_6569_35175---,00.html)

However, the Michigan High School Athletic Association's eligibility rules require a student to be "on the school records for at least 66% of full credit load potential for a full time student" in order to play sports for a member school. <http://www.mhsaa.com/Portals/0/Documents/AD%20Forms/eligibility%20summary.pdf>

Homeschool students have a right to take elective courses (i.e., courses that the Michigan statutes do not require homeschool programs to teach) at their local public school. This is based on a Michigan Supreme Court case, *Snyder v. Charlotte Pub. Sch. Dist.*, 365 N.W. 2d 151 (Mich. 1984). Also see Michigan Department of Education statements at [http://www.michigan.gov/mde/0,4615,7-140-6530\\_6569\\_35175---,00.html](http://www.michigan.gov/mde/0,4615,7-140-6530_6569_35175---,00.html)

"Auxiliary services" which are offered to public school students must be provided "on an equal basis" to nonpublic (but not homeschool) students. Michigan Compiled Laws Annotated § 380.1296. These "auxiliary services" may include speech therapy, language therapy, remedial reading, and other services for students with disabilities. *Id.*

## Minnesota

School districts “shall allow all resident pupils receiving instruction in a home school ... to be eligible to fully participate in extracurricular activities on the same basis as public school students.” Minnesota Statutes Annotated § 123B.49, subd. 4(a)-(b). This does not include co-curricular activities.

## Missouri

Missouri Revised Statutes § 167.031(1) says a student must attend some “public, private, parochial, parish, home school or a combination of such schools.” This might give homeschool students a right to enroll part time in public school.

§ 162.1250.1, which deals with public schools offering online programs, says: “Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual courses or virtual programs from enrolling in the school district in accordance with the combined enrollment provisions of section 167.031 for the purposes of participating in the virtual courses or virtual programs.” This clearly gives public schools the authorization, and perhaps even the duty, to allow homeschool students to participate in public school online programs.

Missouri State High School Athletic Association By-law 2.3.4.c (effective July 1, 2017) allows homeschool students to participate in activities if the student is taking at least two seat-time classes at their local public school (for a total of at least one unit of credit in progress), if the local school confirms that the student is carrying (in effect) a full-time work load considering all classes together, and if the public school confirms the student is academically eligible, using whatever standards the public school sets. By-law 2.3.4.d provides that a homeschool student entering this program will be treated as a transfer student. (Transfer issues are outlined in rule 3.10 and under some circumstances will exclude a student from participating for 365 days.)

The Missouri Department of Education states that public schools must give homeschool students access to the district’s gifted education programs. See page 8: [Gifted Education Programs Procedure Manual](#)

## Montana

The Supreme Court of Montana ruled that school district policy which kept nonpublic students from participating in sports programs was “reasonable.” *Kaptein v. Conrad Sch. Dist.*, 931 P.2d 1311 (Mont. 1997).

## Nebraska

School boards shall allow part-time enrollment of students who are residents of the school district. School board policies may require part-time students to follow school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. Nebraska Revised Statutes § 79-2,136.

According to Bylaw 2.5 of the Nebraska School Activities Association, a student must be enrolled in at least 20 hours per week during the current and previous semester in order to represent a high school in athletic or non-athletic interscholastic competition. <https://nsaahome.org/textfile/yb/c&b.pdf>

## Nevada

The board of trustees of the school district must allow homeschooled students to participate in classes, extracurricular and interscholastic activities, and sports in the district in which the student resides, subject to statutory requirements. The governing body of a charter school must allow homeschooled students to participate in classes and extracurricular activities when all statutory requirements are met. A notice of

intent of a homeschooled child to participate in programs and activities must be filed with the school district. Nevada Revised Statutes §§ 386.462, 386.580(5)-(7), 392.070; Nevada Administrative Code ch. 386, §§ 793, 802, 804.

## **New Hampshire**

Home educated students have access to public school curricular courses and cocurricular programs. “Cocurricular programs” means any activity “designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community.” New Hampshire Revised Statutes Annotated § 193:1-c.

School districts may adopt policies regulating homeschool participation, as long as the policies are not more restrictive than those governing public school students. *Id.*

## **New Jersey**

Homeschoolers do not have a statutory right to access public school classes or extracurriculars. On November 9, 2011, however, the New Jersey State Interscholastic Athletic Association (NJSIAA) amended their bylaws to make it clear that local school districts may allow homeschool students to compete in interscholastic sports, provided the student (1) resides in the district for which he is playing, (2) obtains approval from his local school board and principal, (3) demonstrates that he is academically qualified and is receiving an equivalent education, and (4) complies with all requirements imposed on other members of the team. (See page 75 of the NJSIAA Constitution, Bylaws, Rules, and Regulations.) <http://www.njsiaa.org/REFERENCES/11-12ConstitutionByLaw.pdf>

Similarly, the New Jersey Department of Education’s website states that local boards of education may allow homeschool students “to participate in curricular and extra-curricular activities or sports activities.” (See question 10 of the Department of Education’s FAQs.) [http://www.state.nj.us/education/genfo/faq/faq\\_homeschool.htm](http://www.state.nj.us/education/genfo/faq/faq_homeschool.htm)

In practice, public schools rarely allow homeschoolers to participate.

If a public school allows private school students to come onto public school property to receive special education services, they must provide the same access to homeschool students. *Forstrom v. Byrne*, 775 A.2d 65 (N.J. Sup. Ct. App. Div. 2001).

## **New Mexico**

A home school student is eligible to participate in up to three school district activities at the public school in the attendance zone in which the student resides. The school district shall verify each homeschool student’s academic eligibility to participate in school district activities. New Mexico Statutes Annotated § 22-8-23.8.

The New Mexico Activities Association reiterates that home school students may participate in up to three athletic activities during the school year. (See NMAAHandbookRule10.5.) [http://www.nmact.org/file/Section\\_10.pdf](http://www.nmact.org/file/Section_10.pdf)

## **New York**

An appellate court ruled against homeschoolers who sought access to public school interscholastic sports. *Bradstreet v. Sobol*, 650 N.Y.S.2d 402 (N.Y. App. Div. 1996). In addition, the Commissioner of Education’s regulations allow a student in grades 9-12 to participate in an interscholastic public school sport only if she or he is a “bona fide student, enrolled during the first 15 days of such semester, is

registered in the equivalent of three regular courses, is meeting the physical education requirement, and has been in regular attendance 80 percent of the school time ....” New York Compiled Codes, Rules & Regulations tit. 8, § 135.4(c)(7)(ii)(b)(2).

### **North Dakota**

A homeschooled student may participate in extracurricular activities in his or her local school district. The student may also participate in extracurricular activities at an approved nonpublic school if permitted by the school's administrator. The student is subject to the same standards for participation as full-time students at the applicable school. North Dakota Century Code § 15.1-23-16.

### **Ohio**

A public school must allow local homeschoolers to participate in extracurricular activities. A public school has discretion to allow a non-local homeschooler to participate in extracurricular activities if the student's own district does not offer the activity. There are academic eligibility requirements. Ohio Code §3313.5312(A), enacted July, 2013.

Ohio Code §3313.5311.(A) states that the definition of “extracurricular activity” applicable to §3313.5312 is found in Ohio Code §3313.537, where it is defined as a pupil program a school sponsors or participates in, including an interscholastic program, that is “not included in the school's graded course of study.”

### **Oklahoma**

The federal 10th Circuit Court of Appeals upheld a decision denying a homeschool student access to part-time public school enrollment. *Swanson v. Guthrie Indep. Sch. Dist.* No. I-1, 942 F. Supp. 511 (W.D. Okla. 1996), *aff'd*, 135 F.3d 694 (10th Cir. 1998).

### **Oregon**

School districts must allow homeschool students access to public school interscholastic activities. Oregon Revised Statutes § 339.460.

### **Pennsylvania**

Homeschooled students meeting the same eligibility criteria as public school students may participate in extracurricular activities at their public school district of residence. Such activities may include, but are not limited to, clubs, musical ensembles, athletics, and theatrical productions. 24 Pennsylvania Statutes Annotated § 13-1327.1(f.1). *See also* 24 Pennsylvania Statutes Annotated § 5-511.

### **Rhode Island**

Homeschool students are eligible to participate in activities sponsored by the Rhode Island Interscholastic League (RIIL) pursuant to art.3,§1(H) of the RIIL Rules & Regulations. *See also Michael B. v. Exeter-West Greenwich Reg'l. Sch. Dist. Comm.*, No. 0077-91 (Comm. of Ed. Nov. 25, 1991).  
[http://www.riil.org/rules/ARTICLE\\_3.pdf](http://www.riil.org/rules/ARTICLE_3.pdf)



## South Carolina

Homeschool students may participate in "interscholastic activities" at their local public school if they have been homeschooled. Code of Laws of South Carolina 1976 Annotated § 59-63-100(A)(3), (B). For the purposes of this statute, the term "interscholastic activities" is defined as including, but not being limited to, "athletics, music, speech, and other extracurricular activities." Id. § 59-63-100(A)(4)."

According to opinions of the South Carolina Attorney General:

(1) a homeschool student may participate in a school district's Junior ROTC program ([Op. S.C. Att'y. Gen. 2012 WL 4009948](#), Sept. 5, 2012, to Sen. Campsen; and WL 4009949, Sept 5, 2012, to State Sup't. Zais);

(2) the state high school sports association may not prohibit a homeschool student from playing on a charter school team ([Op. S.C. Att'y. Gen. 2012 WL 4009948](#), Sept 5, 2012, to Sen. Campsen);

(3) otherwise eligible public school students who switch to a homeschool program do not need to sit out one year before they can participate in an interscholastic activity, notwithstanding what a narrow reading of SC Code 59-63- 100(A)(3) might indicate ([Op. S.C. Atty Gen 2013 WL 1931658](#), April 24, 2013, to Rep. Newton); and

(4) homeschool students may play for a different school within the district where they live if public school students there are allowed to open enroll in a different school within the same district. ([Op. S.C. Atty Gen 2014 WL 4659413](#), Sept. 8, 2014, to Sen. Martin).

## South Dakota

A homeschool student can participate in public school sports subject to the approval of the school board. South Dakota Codified Laws § 13-36-7. A homeschool student also has a right to partial enrollment in public school. Id. § 13-28-51, as confirmed by an opinion of the South Dakota Attorney General. [http://www.hslda.org/hs/state/sd/Attorney\\_Gen\\_opinion\\_SD\\_11-20-2015.pdf](http://www.hslda.org/hs/state/sd/Attorney_Gen_opinion_SD_11-20-2015.pdf). If the student's enrollment in public school is equal to or greater than 50%, the student is required to take the same tests as public school students as prescribed in SDCL 13-3-55. A homeschool student can obtain a loan of textbooks from the public school. South Dakota Codified Laws § 13-34-23.

## Tennessee

The Tennessee Secondary School Athletic Association (TSSAA) permits a homeschooled student to participate in public school extracurricular athletics if that student's parent has filed a notice of intent for that student and has otherwise complied with the requirements of Tennessee Code Annotated § 49-6-3050(b). Other eligibility requirements also apply. (See TSSAA Bylaws, art. II, § 25, page 19.)

Effective March 11, 2015, TSSAA bylaws were changed so that homeschool students associated with a church-related school, or operating in a satellite of a church-related school, or enrolled in a distance learning program, may also participate in public school extracurricular athletics, but they must simultaneously file a notice of intent and follow the requirements of Tennessee Code Annotated § 49-6-3050(b).

If a school is a member of TSSAA, and assuming the student is eligible to participate under TSSAA rules, local schools are prohibited from preventing homeschoolers (who operate under the notice statute) from seeking to participate. See Tennessee Statute §49-6-3050(e), as signed into law April 1, 2013. <http://www.tn.gov/sos/acts/108/pub/pc0225.pdf>

TSSAA member schools may "play or scrimmage any secondary school with grades 9 and above in regular season play. For the purposes of this rule, a school team may be one school or a cooperative program of one or more schools." (See TSSAA Bylaws, art. IV, § 1.) This could include home school cooperative teams and teams from church related schools. TSSAA member schools may also play or

scrimmage individual home schooled students during the regular season, especially in individual sports such as track and field, wrestling, and golf. (See FAQs on page 54 of the TSSAA Handbook.)

<http://www.tssaa.org/handbook/handbook.pdf>

## **Texas**

Because Texas does not have a law granting homeschooled students the right to participate in public school classes and activities, individual schools and schools districts have the authority to decide whether to allow homeschool students to participate. Policies vary according to district. On the other hand, Texas' athletic association, the University Interscholastic League, prohibits homeschool student's participation in UIL sports at the local public school. See the UIL's eligibility policy: <http://www.uil texas.org/policy/eligibility>

## **Utah**

Homeschool students are eligible to participate in extracurricular activities at a public school subject to the same requirements as public school students. School districts may not impose requirements that are not imposed on fully enrolled public school students. Utah Code § 53A-11-102.6; Utah Administrative Code R277-438-3 thru -4, R277-700-6.

Homeschool students who are dual enrolled in the public school are eligible to participate "in any academic activity in the public school available to students in [their] grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity." Utah Code § 53A-11-102.5(3).

## **Vermont**

School boards are required to adopt rules to integrate home study students "into its schools through enrollment in courses, participation in cocurricular and extracurricular activities and use of facilities." Vermont Statutes Annotated tit. 16, § 563(24). School boards are also required to follow the guidelines contained in Code of Vermont Rules 22-000-009, §§ 4401-05.

## **Virginia**

A school board has the option of allowing homeschool students to take classes. A 1973 attorney general opinion says that "there is no law which prohibits a school board from accepting" a private school student who wants to take an individual class at a public school. 1973 Va. Op. Att'y Gen. (Nov. 30, 1973) (addressed to the Hon. Donald Pendleton). An informal letter from Assistant Attorney General Joan Murphy dated October 6, 1995, indicates that the reference to "private school student" in the Attorney General's opinion should be construed to include homeschool students.

Under Code of Virginia Annotated § 22.1-253.13:2(N), a public school can receive state funding for a homeschool student taking no more than two of the following classes: math, science, English, history, social science, career and technical education, fine arts, foreign language, health education, or physical education.

## Washington

Homeschoolers have access to interscholastic contests and competitions because the Washington Interscholastic Activities Association (WIAA) deems homeschoolers to be “regular members” of the local public school where they have filed their notice of intent to homeschool. Rule 18.5.3 and Q&A-2. <http://www.uil-texas.org/policy/eligibility>. The WIAA has prepared an academic plan contract for the student, his parents, public school principal and athletic director to sign. (See Home Based Contract) [http://www.wiaa.com/ConDocs/Con395/2010/HomeBased\\_Contract.pdf](http://www.wiaa.com/ConDocs/Con395/2010/HomeBased_Contract.pdf)

School districts must permit enrollment of and provide ancillary services for part-time students enrolled in home-based education programs. Washington Revised Code § 28A.150.350.

## West Virginia

The West Virginia Supreme Court has ruled that homeschooled students can be prohibited from participating in interscholastic athletics with public school students. This ruling held that permitting the West Virginia Secondary School Activities Association to require eligible students to be enrolled full time in a member school did not violate the equal protection rights of homeschooled students. *Jones v. W. Va. State Bd. of Educ.*, 622 S.E.2d 289 (W. Va. 2005).

West Virginia Code §18-8-1(c)(3) says the county superintendent shall “offer such assistance, including ... available resources ... as may assist the person ... providing home instruction.” This section also says that a homeschool student may take “any class offered” if the local school board approves.

## Wisconsin

A school board shall allow a pupil enrolled in a home-based private educational program who has met the standards for admission to the course to attend up to 2 courses at a public school in the district during each school semester if the school board determines that there is sufficient space in the classroom. The school board shall determine the minimum standards for admission to a course. The pupil may attend one course in each of 2 school districts, but may not attend more than 2 courses in any semester. Wisconsin Statutes 118.53

Section 1828 of 2013 Wisconsin Act 20, effective July 2, 2013, gave school boards the new power to establish admission standards for admission to individual courses. It also expanded the potential availability of classes from high school classes only to classes at any grade level. Act 20 removed the reference to homeschooling in §118.145 and created a new statute, §118.53, to govern homeschool access.

Effective July 13, 2015, Wisconsin statute 118.133 requires school boards to permit homeschool students to participate in sports and extracurricular activities on the same basis and to the same extent as public school students. The school board may ask the family to provide a statement confirming that the student meets the board's requirements relating to age, and academic and disciplinary records. A temporary rule issued by the Wisconsin Interscholastic Athletic Association states that a statement of enrollment (PI-1206) must be on file with respect to the homeschool student.

## Wyoming

State law permits nonenrolled students to participate in any activities which are sanctioned by the Wyoming High School Activities Association (WHSAA) and are offered by the school district in which the student resides. Wyoming Statutes Annotated § 21-4-506.

The WHSAA allows home educated students to play on participating schools' sports teams. (See WHSAA Constitution, art. XIII, no. 7; WHSAA Rules 2.6.4, 3.1.3, 6.2.91, 6.2.92.) <http://www.whsaa.org/handbook/Handbook.pdf>

*Prepared by the legal staff of the Home School Legal Defense Association. Permission to reprint granted.*

## APPENDIX

### Alaska Statutes § 14.30.365 (effective July 1, 2013)

#### Interscholastic activities; eligibility

(a) A full-time student who is eligible under (b) of this section who is enrolled in grades nine through 12 in an alternative education program that is located entirely in the state and that does not offer interscholastic activities is eligible to participate in any interscholastic activities program available in a public school

(1) that, based on the residence of the parent or legal guardian, the student would be eligible to attend were the student not enrolled in an alternative education program; or

(2) at which the student requests to participate, if

(A) the student shows good cause; and

(B) the governing body of the school approves.

(b) A student is eligible to participate in interscholastic activities under this section if the student

(1) is otherwise eligible to participate in interscholastic activities under requirements established by the school, the school district, and the statewide interscholastic activities governing body;

(2) provides documentation, including academic transcripts, proof of full-time enrollment, and applicable disciplinary records, and, if required for participation in an activity by the school, requested medical records, to the school providing the interscholastic activities program; and

(3) claims the same school for interscholastic activities eligibility purposes during a school year.

(c) In this section,

(1) “alternative education program” means a public secondary school that provides a nontraditional education program, including the Alaska Military Youth Academy; a public vocational, remedial, or theme-based program; a home school program that is accredited by a recognized accrediting body; a charter school authorized under AS 14.03.250--14.03.290; and a statewide correspondence school that enrolls students who reside outside of the district in which the student resides and provides less than three hours a week of scheduled face-to-face student interactions in the same location with a teacher who is certified under AS 14.20.020;

(2) “district” has the meaning given in AS 14.17.990;

(3) “full-time student” means a student who

(A) is enrolled in not less than five classes in grades nine through 11 and not less than four classes in grade 12; and

(B) is on track to graduate from secondary school in not more than four years of attendance in secondary school;

(4) “interscholastic activities” means preparation for and participation in events or competitions involving another school when the preparation or participation

(A) is sanctioned or supported by the statewide interscholastic activities governing body;

(B) is conducted outside of the regular school curriculum; and

(C) does not involve participation in student government at a school.

# Arizona Revised Statutes § 15-802.01

## **Children instructed at home; eligibility to participate in interscholastic activities**

A. Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home shall be allowed to try out for interscholastic activities on behalf of the public school in the same manner as a pupil who is enrolled in that public school. Registration, age eligibility requirements, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of behavior and performance policies for home schooled students shall be consistent with those policies established for students enrolled in that public school. The individual providing the primary instruction of a child who is instructed at home shall submit written verification that provides:

1. Whether the student is receiving a passing grade in each course or subject being taught.
2. Whether the student is maintaining satisfactory progress towards advancement or promotion.

B. A child who is instructed at home and who was previously enrolled in a school shall be ineligible to participate in interscholastic activities for the remainder of the school year during which the child was enrolled in a school.

C. A school district shall not contract with any private entity that supervises interscholastic activities if the private entity prohibits the participation of children instructed at home in interscholastic activities at public, private or charter schools.

# Arkansas Revised Statutes

## **§ 6-18-232. Enrollment of private school or home school students.**

(a) A public school district or an open-enrollment public charter school may adopt a policy to allow a student who attends a private school or a home school to enroll in an academic course at a public school or an open-enrollment public charter school if the student resides in the public school district where the public school or open-enrollment public charter school is located.

(b) A policy adopted by a public school district or open-enrollment public charter school under subsection of this section may:

(1) Set admissions criteria determined by the public school district or open-enrollment public charter school;

(2) Allow a student who attends a private school or a home school to enroll in one (1) or more academic courses in a semester; and

(3) Limit enrollment:

(A) To certain academic courses or grade levels; or

(B) Based on other criteria determined by the public school district or open-enrollment public charter school.

(c)(1) A public school district or an open-enrollment public charter school that enrolls a student who attends a private school or a home school in an academic course is entitled to an amount equal to one-sixth (1/6) of the state foundation funding amount for each academic course in which a student who attends a private school or a home school is enrolled.

(2) A public school district or an open-enrollment public charter school is not entitled to more than the equivalent of the state foundation funding amount for one (1) average daily membership per student regardless of the number of academic courses in which the student who attends a private school or a home school is enrolled.

(d) This section does not require a public school district or an open-enrollment public charter school to allow a student who attends a private school or a home school to enroll in an academic course at a public school or an open-enrollment public charter school.

## **§ 6-15-509. Participation of home-schooled students in interscholastic activities.**

(a) The General Assembly recognizes that all students should have equal access to interscholastic activities as a complement to the academic curriculum.

(b) As used in this section:

(1) "Athletic activity" means a varsity sport or another competitive sports-related contest, game, event, or exhibition that involves an individual student or teams of students either among schools within the resident school district or between schools outside of the resident school district;

(2) "Home-schooled student" means a student legally enrolled in an Arkansas home school;

(3) "Interscholastic activity" means an activity between schools subject to regulations of the Arkansas Activities Association that is:

(A) Outside the regular curriculum of a school district, including without limitation an athletic activity, a fine arts program, or a special interest club or group; and

(B) Taught by an individual with a minimum of a high school diploma;

(4) "Parent" is a legal guardian or legal custodian;

(5) "Resident school" is the school to which the student would be assigned by the resident school district; and

(6) "Resident school district" means the school district in which the home-schooled student's parent resides as determined under [§ 6-18-202](#).

(c) A home-schooled student shall not participate in interscholastic activities at a public school other than the student's resident school.

(d) A resident school district may permit a home-schooled student to participate in an interscholastic activity if:

(1) For the purpose of subsection (g) of this section, the home-schooled student reports to the resident school district within the first eleven (11) days of the fall or spring semester of the resident school district; and

(2) The home-schooled student or his or her parent advises the principal of the resident school in writing of the student's request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for students enrolled in the resident school.

(e) The principal of the resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the student or the student's parent:

(1) Before the signup, tryout, or participation deadlines established for students enrolled in the resident school, provides to the principal a notice of the student's desire to pursue participation; and

(2) Informs the principal in the notice that the student has demonstrated academic eligibility by obtaining:

(A) A minimum test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test in the previous twelve (12) months; or

(B) A minimum score on a test approved by the State Board of Education.

(f) If a home-schooled student's written request to participate in the interscholastic activity is approved under this section, the student:

(1) Although not guaranteed participation in an interscholastic activity, shall have an equal opportunity to try out and participate in interscholastic activities without discrimination; and

(2) Shall not participate unless he or she meets the criteria for participation in the interscholastic activity that apply to students enrolled in the resident school district, including:

(A) Tryout criteria;

(B) Standards of behavior and codes of conduct;



(C) The academic criteria under subdivision (e)(2) of this section;

(D) Practice times;

(E) Required drug testing;

(F) Permission slips, waivers, and physical exams; and

(G) Participation or activity fees.

(g) A home-schooled student who participates in an interscholastic activity may be:

(1) Required to be at school not more than one (1) period per school day; and

(2) Transported by the resident school district to and from interscholastic activities as the resident school district transports other students who are enrolled in the resident school.

(h) A student who withdraws from an Arkansas Activities Association member school to be home-schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.

## Colorado Revised Statutes § 22-33-104.5(6)

### Home-based education—legislative declaration—definitions—guidelines

(6)

(a) If a child is participating in a nonpublic home-based educational program but also attending a public school for a portion of the school day, the school district of the public school shall be entitled to count such child in accordance with the provisions of section 22-54-103(10) for purposes of determining pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title.

(b)

(I) For purposes of this subsection (6), a child who is participating in a nonpublic home-based educational program shall have the same rights as a student enrolled in a public school of the school district in which the child resides or is enrolled and may participate on an equal basis in any extracurricular or interscholastic activity offered by a public school or offered by a private school, at the private school's discretion, as provided in section 22-32-116.5 and is subject to the same rules of any interscholastic organization or association of which the student's school of participation is a member.

(II)

(A) Except as provided for in sub-subparagraph (B) of this subparagraph (II), for purposes of section 22-32-116.5, the school district of attendance for a child who is participating in a nonpublic home-based educational program shall be deemed to be the school district that received the notification pursuant to paragraph (e) of subsection (3) of this section.

(B) For purposes of section 22-32-116.5, the school district of attendance for a child who withdraws from a public or private school more than fifteen days after the start of the school year and enters a non-public home-based educational program shall be the school district or private school from which the child withdrew for the remainder of that school year. If, during the remainder of that academic year, the child chooses to participate in extracurricular or interscholastic activities at the same school and was eligible for participation prior to withdrawing from the school, the child remains eligible to participate at such school.

(c) No child participating in an extracurricular or interscholastic activity pursuant to paragraph (b) of this subsection (6) shall be considered attending the public school district where the child participates in such activity for purposes of determining pupil enrollment under paragraph (a) of this subsection (6).

(d) As used in this subsection (6), "extracurricular or interscholastic activities" shall have the same meaning as "activity" as set forth in section 22-32-116.5(10).

(e) If any fee is collected pursuant to this subsection (6) for participation in an activity, the fee shall be used to fund the particular activity for which it is charged and shall not be expended for any other purpose.

## **Colorado Revised Statutes § 22-32-116.5 (note: the 2013 changes are not incorporated into this excerpt.)**

### **Extracurricular and interscholastic activities**

(1)

(a) Notwithstanding any other provision of this article, each school district and each public school, subject to the requirements of this section, shall allow any student enrolled in a school or participating in a nonpublic home-based educational program to participate on an equal basis in any activity offered by the school district or the public school that is not offered at the student's school of attendance or through the student's nonpublic home-based educational program. A school district or school shall not adopt or agree to be bound by any rule or policy of any organization or association that would prohibit any participation allowed by this section. Each nonpublic school may allow a student to participate in a particular activity offered by the nonpublic school, at the nonpublic school's discretion.

(b) Any student may participate in an activity through any amateur association or league of which the school or school district is not a member, and such participation shall not prevent the student from participating or affect the student's eligibility to participate in the same activity at any school, subject to the limitations specified in this section. Prior to participating in any activity through such an amateur association or league, the student shall obtain the express written permission of the principal of the school at which the student participates in the activity, which permission shall be granted if:

(I) The student's class attendance is not compromised; and

(II) The student is in good academic standing under the school's activities policy applicable to all students.

(c) No school or school district that receives funds under article 54 of this title shall belong to any organization or association nor enforce any rule of a coach or principal that would prohibit a student's participation in any school or interscholastic school activity based upon the student's participation in lawful activities during out-of-school hours and off of school property.

(2)

(a) A student may participate in activities only at the student's school of attendance or through the student's nonpublic home-based educational program, whichever is applicable, unless the school of attendance or nonpublic home-based educational program does not offer an activity in which the student wishes to participate.

(b) If a student's school of attendance or nonpublic home-based educational program does not offer an activity in which the student wishes to participate, the student may participate in the activity at another public school in the student's school district of attendance or in the student's school district of residence. If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity, even if the public school is not in a contiguous school district.

(c) If an activity is not offered at the student's school of attendance and the student chooses to participate in the activity at a public school in a contiguous school district, the school district in which the student chooses to participate, as provided in paragraph (b) of this subsection (2), shall choose the public school at which the student shall participate. In choosing a public school, the school district shall choose the public school that offers the greatest number of activities in which the student wishes to participate.

(d) A student may participate in activities at more than one school of participation during the same school year only if the original school of participation does not offer an activity in which the student wishes to participate.

(3)

(a) If a student's school of attendance does not offer a particular activity, the student may choose to participate in the activity at a nonpublic school. The nonpublic school has discretion whether to allow the student to participate in an activity at the nonpublic school.

(b) A student may participate at a nonpublic school located in the student's school district of attendance or school district of residence. If the activity is not offered at a school in the student's school district of attendance or school district of residence, the student may apply to participate in the activity at a nonpublic school in a school district contiguous to the student's school district of residence.

(c) In choosing whether to participate in activities at a public or nonpublic school, the student shall choose the school of participation that offers the greatest number of activities in which the student wishes to participate. The limitation on the number of schools of participation specified in paragraph (d) of subsection (2) of this section applies regardless of whether the student participates in activities at a public or nonpublic school.

(4)

(a) To participate in an activity at the school of attendance, a student shall meet all of the requirements imposed by the school of attendance.

(b) To participate in an activity at a school of participation, a student shall:

(I) If the student is participating in a nonpublic home-based educational program, comply with all laws governing said programs;

(II) Comply with all eligibility requirements imposed by the school of participation;

(III) Comply with the same responsibilities and standards of behavior, including related classroom and practice requirements, as are imposed on other students participating in the activity at the school of participation.

(5) A student who has not met all eligibility requirements for or who would have become ineligible to participate in activities at a school cannot gain or regain eligibility by applying to participate in activities at another school pursuant to this section. A student shall pay any penalty assessed against the student at the student's school of attendance or school of participation before the student may regain eligibility at the school of attendance or school of participation or become eligible to participate in any activity at another school.

(5.5) For each athletic activity offered, a school district may:

(a) For a team athletic activity, reserve for students enrolled in the district of the school of participation up to twice the number of starting positions on a team at each level of competition;

(b) For an individual athletic activity, reserve for students enrolled in the district of the school of participation up to one-half the total number of team members at each level of competition.

(6)

(a) A school may charge any student participating in an activity a participation fee as a prerequisite to participation. The fee amount that a school of participation charges a nonenrolled student shall not exceed one hundred fifty percent of the fee amount the school of participation would charge an enrolled student to participate in the activity.

(b) If any fee is collected pursuant to this section for participation in an activity, the fee shall be used to fund the particular activity for which it is charged and shall not be expended for any other purpose.

(c) In addition to the fees allowed under paragraph (a) of this subsection (6), a school may charge a nonenrolled student participating in postseason competition in an individual athletic activity the actual cost of that postseason participation if the school is sponsoring only nonenrolled students in the postseason competition.

(7) For purposes of article 54 of this title, no student who participates in an activity in a school district other than the student's school district of attendance shall be included in the pupil enrollment of the school district where the student participates.

(8) The provisions of this section are intended to allow students to participate on an equal basis in extracurricular and interscholastic activities who would otherwise be denied the opportunity to do so and are not intended to sanction or encourage the recruitment of students for participation in such activities by schools or school districts.

(9) If a student transfers enrollment to another school without an accompanying change of domicile by the student's parent or legal guardian, the student's eligibility to participate in activities at the new school of attendance shall be determined under the rules of participation adopted by the school district in which the new school of attendance is located.

(9.5)

(a) Notwithstanding any rule adopted or agreed to by any public school or school district, any student who is sanctioned or is found by the school, school district, or any organization or association to which the school or school district belongs to be ineligible to participate in any activity for any reason, except unsportsmanlike conduct or ejection from an activity, may appeal the sanction or finding. The appeal may be made through the applicable process at the school, any league to which the school or school district belongs, or any other organization to which the school or school district belongs.

(b) Any student may bypass the appeal process at any time by filing a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators approved by the school, school district, or any organization or association to which the school or school district belongs. In rendering his or her decision, the judge or arbitrator shall consider whether any rule was properly applied to the student and whether a waiver of any rule should be granted. A final decision shall be rendered by the judge or arbitrator no later than thirty days after the filing of the petition or complaint and shall be binding on the student, the school, the school district, and any association or organization to which the school or school district belongs. Any cost associated with a judge or arbitrator shall be charged equally to the student and any association or organization to which the school or school district belong.

(c) This subsection (9.5) shall not apply to any coach's team rules that are uniformly applicable to all team members; except that no coach may adopt a rule that is contrary to any provision of this section.

(10) As used in this section, unless the context otherwise requires:

(a) "Activity" means any extracurricular or interscholastic activity, including but not limited to any academic, artistic, athletic, recreational, or other activity offered by a school.

(b) "Nonpublic home-based educational program" has the same meaning as in section 22-33-104.5(2).

(c) "Nonpublic school" means any independent or parochial school that provides a basic academic education, as defined in section 22-33-104(2)(b).

(d) "Public school" means any school that is under the direction and control of a school district, including but not limited to a charter school.

(e) "School" includes any public school and nonpublic school.

(f) "School of attendance" means the school in which a student is enrolled and attends classes.

(g) "School district of attendance" means the school district in which a student is enrolled and attends classes or, if the student is participating in a nonpublic home-based educational program, except as provided for in section 22-33-104.5(6)(b)(II)(B), the school district in which the student participates in said program.

(h) "School district of residence" means the school district in which a student resides.

(i) "School of participation" means a school, other than the student's school of attendance, in which the student participates in an activity.

**NOTE:** Colorado Code §22-32-116.5 and §22-33-104.5 were amended by House Bill 13-1095, signed April 26, 2013. §22-32-116.5 was also amended by House Bill 13-1047, signed into law April 26, 2013. These changes are not reflected in the excerpts above. See [http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/9C9347EF1901FD3187257AEE0054B8BB?open&file=1047\\_e nr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/9C9347EF1901FD3187257AEE0054B8BB?open&file=1047_e nr.pdf) and [http://www.leg.state.co.us/CLICS/CLICS2013A/csl.nsf/fsbillcont3/55FD9490A8313B9E87257A83006D0565?Open&file=1095\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2013A/csl.nsf/fsbillcont3/55FD9490A8313B9E87257A83006D0565?Open&file=1095_01.pdf)

# Florida Statutes § 1006.15

## **Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation**

(1) This section may be cited as the “Craig Dickinson Act.”

(2) Interscholastic extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term “extracurricular” means any school-authorized or education-related activity occurring during or outside the regular instructional school day.

(3)

(a) To be eligible to participate in interscholastic extracurricular student activities, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s.1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1003.43(1) or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student's cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon established and published district school board policy.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled.

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses

taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2 to become eligible to participate as a home education student.

. . . . .

(4) The student standards for participation in interscholastic extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs interscholastic extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, nonpublic, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs interscholastic extracurricular activities and discriminates against eligible students in public, nonpublic, or home education.

(7) Any insurance provided by school districts for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay said premium.

(8)

(a) The Florida High School Athletic Association (FHSAA), in cooperation with each district school board, shall facilitate a program in which a middle school or high school student who attends a private school shall be eligible to participate in an interscholastic or intrascholastic sport at a public high school, a public middle school, or a 6-12 public school that is zoned for the physical address at which the student resides if:



1. The private school in which the student is enrolled is not a member of the FHSAA and does not offer an interscholastic or intrascholastic athletic program.
  2. The private school student meets the guidelines for the conduct of the program established by the FHSAA's board of directors and the district school board. At a minimum, such guidelines shall provide:
    - a. A deadline for each sport by which the private school student's parents must register with the public school in writing their intent for their child to participate at that school in the sport.
    - b. Requirements for a private school student to participate, including, but not limited to, meeting the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to other students participating in interscholastic or intrascholastic sports at a public school or FHSAA member private school.
- (b) The parents of a private school student participating in a public school sport under this subsection are responsible for transporting their child to and from the public school at which the student participates. The private school the student attends, the public school at which the student participates in a sport, the district school board, and the FHSAA are exempt from civil liability arising from any injury that occurs to the student during such transportation.
- (c) For each academic year, a private school student may only participate at the public school in which the student is first registered under sub-subparagraph (a) 2.a. or makes himself or herself a candidate for an athletic team by engaging in a practice.
- (d) The athletic director of each participating FHSAA member public school shall maintain the student records necessary for eligibility, compliance, and participation in the program.
- (e) Any non-FHSAA member private school that has a student who wishes to participate in this program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request of the FHSAA.
- (f) A student must apply to participate in this program through the FHSAA program application process.
- (g) Only students who are enrolled in non-FHSAA member private schools consisting of 125 students or fewer are eligible to participate in the program in any given academic year.

# Idaho Code § 33-203

## Dual enrollment

(1) The parent or guardian of a child of school age who is enrolled in a nonpublic school or a public charter school shall be allowed to enroll the student in a public school for dual enrollment purposes. The board of trustees of the school district shall adopt procedures governing enrollment pursuant to this section. If enrollment in a specific program reaches the maximum for the program, priority for enrollment shall be given to a student who is enrolled full time in the public noncharter school.

(2) Any student participating in dual enrollment may enter into any program in the public school available to other students subject to compliance with the eligibility requirements herein and the same responsibilities and standards of behavior and performance that apply to any student's participation in the activity, except that the academic eligibility requirements for participation in nonacademic activities are as provided for herein.

(3) Any school district shall be allowed to include dual-enrolled nonpublic school and public charter school students for the purposes of state funding only to the extent of the student's participation in the public school programs.

(4) Oversight of academic standards relating to participation in nonacademic public school activities shall be the responsibility of the primary educational provider for that student. In order for any nonpublic school student or public charter school student to participate in nonacademic public school activities for which public school students must demonstrate academic proficiency or eligibility, the nonpublic school or public charter school student shall demonstrate composite grade-level academic proficiency on any state board of education recognized achievement test, portfolio, or other mechanism as provided for in state board of education rules. Additionally, a student shall be eligible if he achieves a minimum composite, core or survey test score within the average or higher than average range as established by the test service utilized on any nationally-normed test. Demonstrated proficiency shall be used to determine eligibility for the current and next following school years. School districts shall provide to nonpublic students who wish to participate in dual enrollment activities the opportunity to take state tests or other standardized tests given to all regularly enrolled public school students.

(5) A public school student who has been unable to maintain academic eligibility is ineligible to participate in nonacademic public school activities as a nonpublic school or public charter school student for the duration of the school year in which the student becomes academically ineligible and for the following academic year.

(6) A nonpublic school or public charter school student participating in nonacademic public school activities must reside within the attendance boundaries of the school for which the student participates.

(7) Dual enrollment shall include the option of joint enrollment in a regular public school and an alternative public school program. The state board of education shall establish rules that provide funding to school districts for each student who participates in both a regular public school program and an alternative public school program.

(8) Dual enrollment shall include the option of enrollment in a post-secondary institution. Any credits earned from an accredited post-secondary institution shall be credited toward state board of education high school graduation requirements.

(9) A nonpublic student is any student who receives educational instruction outside a public school classroom and such instruction can include, but is not limited to, a private school or a home school.

## **Illinois Compiled Statutes § 105 ILCS 5/10-20.24**

### **Part-time attendance**

To accept in part-time attendance in the regular education program of the district pupils enrolled in nonpublic schools if there is sufficient space in the public school desired to be attended. Request for attendance in the following school year must be submitted by the nonpublic school principal to the public school before May 1. Request may be made only to those public schools located in the district where the child attending the nonpublic school resides.

To accept, pursuant to the provisions of Section 14-6.01 [105 ILCS 5/14-6.01], in part-time attendance resident pupils of the types described in Sections 14-1.02 through 14-1.07 [105 ILCS 5/14-1.02 through 105 ILCS 5/14-1.07] who are enrolled in nonpublic schools.

## **Illinois Compiled Statutes § 105 ILCS 5/14-6.01**

### **Powers and duties of school boards**

School boards of one or more school districts establishing and maintaining any of the educational facilities described in this Article shall, in connection therewith, exercise similar powers and duties as are prescribed by law for the establishment, maintenance and management of other recognized educational facilities. Such school boards shall include only eligible children in the program and shall comply with all the requirements of this Article and all rules and regulations established by the State Board of Education. Such school boards shall accept in part-time attendance children with disabilities of the types described in Sections 14-1.02 through 14-1.07 who are enrolled in nonpublic schools. A request for part-time attendance must be submitted by a parent or guardian of the disabled child and may be made only to those public schools located in the district where the child attending the nonpublic school resides; however, nothing in this Section shall be construed as prohibiting an agreement between the district where the child resides and another public school district to provide special educational services if such an arrangement is deemed more convenient and economical. Special educational services shall be provided to such students as soon as possible after the identification, evaluation and placement procedures provided in Section 14-8.02, but no later than the beginning of the next school semester following the completion of such procedures. Transportation for students in part time attendance shall be provided only if required in the child's individualized educational program on the basis of the child's disabling condition or as the special education program location may require.

## **Iowa Code § 256.46**

### **Rules for participation in extracurricular activities by certain children**

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship, or pursuant to other court-ordered decree or order of custody; the child is a foreign exchange student, unless undue influence was exerted to place the child for primarily athletic purposes; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district. The rules shall permit a child who is otherwise eligible to participate, but who does not meet one of the foregoing or similar circumstances relating to residence requirements, to participate at any level of competition other than the varsity level. For purposes of this section and section 282.18, "varsity" means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.

## **Iowa Code § 299A.8**

### **Dual enrollment**

If a parent, guardian, or legal custodian of a school-age child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual evaluation under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph "a", subparagraph (6). A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph "a", subparagraph (3).

# Louisiana Revised Statutes Annotated § 17:236.3

## Home study program participants; eligibility to participate in interscholastic athletics; guidelines; standards; limitations

A. Beginning with the 2010-2011 school year and continuing thereafter, a student in a home study program approved by the State Board of Elementary and Secondary Education in accordance with R.S. 17:236.1 shall be eligible as follows to participate in interscholastic athletic activities at a high school that is a member of the Louisiana High School Athletic Association:

(1) If seeking to participate at a public high school that is a member of the association, participation shall be in accordance with the provisions of this Section.

(2)

(a) If seeking to participate at a state-approved nonpublic high school that is a member of the association, participation shall be at the sole discretion of the governing authority of the nonpublic school. If participation is permitted, the governing authority shall determine the terms and conditions of any such participation at the school. However, the student's participation shall be subject to the same requirements, policies, and rules of eligibility of the Louisiana High School Athletic Association as applicable to other students participating in the activity at that school, excluding any association requirements, policies, or rules that prohibit or restrict such participation by a student in a state-approved home study program.

(b) No person, individually or on behalf of any other person, shall have a cause of action arising from a denial of participation of a home study student in interscholastic athletics at a state-approved nonpublic high school or, if a home study student is allowed to participate under terms and conditions determined by the governing authority of the nonpublic school, from any refusal or denial by the nonpublic school of further participation by the student in interscholastic athletics at the nonpublic school.

(c) Nothing in this Subsection shall be construed as regulation of a private secondary school inconsistent with Article VIII, Section 4, of the Constitution of Louisiana.

B. To be eligible to participate in interscholastic athletics as provided by Subsection A of this Section, the home study student shall meet each of the following conditions and comply with other applicable provisions of this Section:

(1) The student shall be subject to the same residency or attendance zone requirements as other students participating in the athletic activity.

(2)

(a) The student's participation shall be approved by the principal of the school providing the athletic activity.

(b) The student's parent or legal guardian shall make a written request for the student to participate in interscholastic athletic activities to the principal of the school providing the activity. Such request shall be made not later than the first eleven days of the school year.

(c) The principal of the school providing the athletic activity shall approve or disapprove such written request within thirty days after receipt by the principal of all information and documentation requested by the principal from the student or the student's parent or legal guardian, or both. A request for information and documentation by the principal shall be limited to information and documentation that is required by this Section and information and documentation that is required of other students relative to participation in the athletic activity.

(d) A decision by the principal to approve or disapprove the written request for the student to participate shall be final.

(e) No person, individually or on behalf of any other person, shall have a cause of action arising from a denial by a public school principal of participation by a home study student in interscholastic athletics at the school or, if a home study student is allowed by the principal to participate under the terms and conditions provided by this Section from any refusal or denial of further participation by the student in interscholastic athletics at the school.

(3) After a decision is made by the principal to approve a request for the student to participate, the student then shall participate in any tryouts for such activity at the same time and in the same manner as other students who want to participate in the same activity.

(4) At the time of participation in the athletic activity, the student and the student's home study program shall be in full compliance with all guidelines, standards, and requirements established by R.S. 17:236.1 for a home study program to be approved by the state.

(5)

(a) The student shall meet academic standards required of other students to participate in the athletic activity.

(b) The student shall submit documentation from the State Board of Elementary and Secondary Education that the student is in a home study program approved by the board.

(c) The student shall submit a copy of his transcript showing units of study completed or in progress, the grades earned for such study, and his cumulative grade point average.

(6) The student shall meet all other standards and requirements applicable to a student participating in the athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, and transportation arrangements but excluding any requirements that the student be enrolled in or attend the school, or both.

(7) The student shall meet conditions applicable to students at the school relative to having any required insurance coverage either by participating, if otherwise eligible, in insurance programs offered through the school or school system or by providing for such insurance coverage in another manner.

C.

(1) A student who has been enrolled in a public or nonpublic school during the school year in which the student begins home study or during the previous school year and who was determined ineligible to participate in one or more interscholastic extracurricular activities at such school for reasons related to student conduct or academic performance, or both, shall be ineligible to participate in interscholastic athletic activities as provided by this Section for one calendar year from the date the student was determined ineligible.

(2) A student who has been enrolled in a public or nonpublic school during the school year in which the student begins home study shall not be eligible to participate in interscholastic athletic activities as provided by this Section during the remainder of that school year nor during the following school year.

D.

(1) Any home study student who provides or on whose behalf others provide any false representation, documentation, or verification of the student's qualifications for the purpose of meeting eligibility requirements to participate in interscholastic athletics shall be ruled ineligible to participate in accordance with policies of the Louisiana High School Athletic Association and shall be subject to the same penalties as other students as provided by the association.

(2) A school determined to be knowledgeable of any false representation, documentation, or verification of a home study student's qualifications for the purpose of meeting eligibility requirements to participate in interscholastic athletics shall be subject to penalties as established by the Louisiana High School Athletic Association for use of an ineligible student athlete.

# Maine Revised Statutes Annotated tit. 20-A, § 5021

## **Standards for participation in public schools by students enrolled in equivalent instruction programs**

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in a home instruction program under section 5001-A, subsection 3, paragraph A, subparagraph (4) for a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory.

1. Participation in regular classes. A student receiving home instruction may enroll in specific day school classes at the appropriate public school if each of the following conditions is met.

A. The student or the student's parent or guardian, on the student's behalf, applies in writing to and receives written approval from the superintendent or the superintendent's designee. Approval may not be unreasonably withheld.

B. The student can demonstrate prior satisfactory academic achievement consistent with school unit policy and procedures applicable to all students.

C. The student shall comply with behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may withhold credit or terminate participation.

D. Transportation must be provided by the parent or guardian or student. The student may use the same transportation as all other students in the school unit, as long as additional expenses are not incurred.

E. The student shall complete all assignments and tests as required of all students in the class.

F. A home-schooled student may audit a course in accordance with established local policy at the appropriate public school under the following conditions.

(1) The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the superintendent or the superintendent's designee to audit a specific course or courses. Participation may not be unreasonably withheld.

(2) The student agrees to meet established behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may terminate participation.

2. Academic credit. A student receiving home-school instruction must receive academic credit subject to the following requirements.

A. Academic credit for individual courses must be awarded if the student meets required academic standards applicable to all students enrolled in the same course.

B. Academic credit must be awarded for successful completion of alternative instruction opportunities sponsored by the school and available to all students.

3. Special education services. A student receiving home-school instruction is eligible for special education services, as provided under federal regulations, in accordance with section 5001-A and relevant department procedures and standards.



4. Participation in cocurricular activities. A student receiving home-school instruction is eligible to participate in cocurricular activities sponsored by the local school unit provided the following requirements are met.

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. Participation may not be unreasonably withheld.

B. The student agrees to meet established behavioral, disciplinary, attendance and other rules applicable to all students.

5. Participation in extracurricular activities. Students receiving home-school instruction are eligible to try out for extracurricular activities sponsored by the local school unit, provided the student applies in writing, if the following requirements are satisfied.

A. The student agrees to abide by equivalent rules of participation as are applicable to regularly enrolled students participating in the activity and provides evidence that the rules of participation are being met.

B. The student complies with the same physical examination, immunization, insurance, age and semester eligibility requirements as regularly enrolled students participating in the activity. All required documentation must be made available upon request by the school unit.

C. The student meets equivalent academic standards as those established for regularly enrolled students participating in the activity and provides evidence that the academic standards are being met.

D. The student abides by the same transportation policy as regularly enrolled students participating in the activity.

6. Use of school facilities and equipment. A student receiving home-school instruction may use public school facilities and equipment on the same basis as regularly enrolled students if the following conditions are met:

A. Use does not disrupt regular school activities;

B. Use is approved by the school principal in accordance with established school policy;

C. Use does not create additional expense to the school unit;

D. Use is directly related to the student's academic program; and

E. Use of potentially hazardous areas, such as shops, laboratories and the gymnasium, is supervised by a qualified employee of the school administrative unit.

7. Use of school textbooks and library books. Subject to availability, a student receiving home instruction may use school textbooks if the number of particular copies are sufficient and library books owned by the school unit subject to the following conditions:

A. Use does not disrupt regular student, staff or special program functions;

B. The student's sign-out period for a library book is the same as that applicable to regularly enrolled students;

C. The student may sign out a textbook for a period not to exceed one year; and

D. The parent or guardian and student agree to reimburse the school unit for lost, unreturned or damaged library books and textbooks and for consumable supplies used.

8. Reimbursement for students enrolled in equivalent instruction programs. A school administrative unit is entitled to receive state subsidy for any student who receives instruction through one or more on-site academic courses from a public school but is not a full-time student. A school administrative unit that sends any tuition student to another school administrative unit or to a private school approved pursuant to chapter 219 is also entitled to receive state subsidy under this subsection. The rate of reimbursement must be established in increments of 0.25 full-time equivalent status up to 1.0 full-time equivalent status based on the average amount of time per day that a student receives on-site academic services from a public school. School administrative units shall keep an accurate count of the number of students receiving on-site academic services and shall include the full-time equivalency status of these students in the annual count of students attending school in accordance with section 6004.

# Massachusetts: Davis v. Massachusetts Interscholastic Athletic Association, Inc.

Davis v. Massachusetts Interscholastic Athletic Ass'n, Inc., Not Reported in N.E.2d (1995)

3 Mass.L.Rptr. 375

3 Mass.L.Rptr. 375  
Superior Court of Massachusetts.

Richard DAVIS, Father and next friend of Melissa  
Davis,  
v.  
MASSACHUSETTS INTERSCHOLASTIC  
ATHLETIC ASSOCIATION, INC., and Dr. Morris  
Splain, Superintendent of Norton High School

No. CA942887. | Jan. 18, 1995.

## Opinion

### MEMORANDUM OF DECISION AND ORDER PLAINTIFF'S REQUEST FOR A PRELIMINARY INJUNCTION

DONOHUE, Judge.

\*1 Plaintiff, Richard Davis, brings this action on behalf of his daughter, Melissa Davis ("Melissa"). Plaintiff seeks to enjoin the defendants from preventing his **home-schooled** daughter from trying out for and participating on the Norton High School girls' softball team. Plaintiff claims that the Massachusetts Interscholastic Athletic Association, Inc.'s ("MIAA") actions were arbitrary and capricious and in violation of the Constitution of the Commonwealth of Massachusetts and the Fourteenth Amendment of the U.S. Constitution. The MIAA argues that **home-schooled** students are not members of a school since they do not attend school sessions and are thus not eligible to participate in interscholastic athletic programs.

### FACTS<sup>1</sup>

Melissa Davis is a **home-schooled** student who resides in Norton, Bristol County, Massachusetts. She is under the educational jurisdiction of the principal of Norton High School and adheres to a **home-school educational** plan approved by the Norton School Committee. Melissa is a windmill softball pitcher and wants to try out for the Norton High School girls' softball team.

On or about September 12, 1994, an application for a student waiver of the athletic eligibility rule was submitted to the MIAA on Melissa's behalf. On or about September 16, 1994, the MIAA denied Melissa's application for a waiver. The MIAA based its decision on

rule 65 of the MIAA rules. This rule requires a student to be attending school sessions in order to participate in interscholastic athletics. The MIAA determined that because Melissa was **home-schooled** she was not attending school sessions within the meaning of rule 65 and thus was not eligible to try out for the girls' softball team. The Superintendent of Norton High School, defendant Dr. Morris Splain, has indicated that he will not allow Melissa to play on the team without a waiver from the MIAA.<sup>2</sup> Since tryouts for the team are scheduled in January and February of this year, Melissa is seeking a preliminary injunction.

## DISCUSSION

When evaluating a request for a preliminary injunction the court must first evaluate, in combination, the moving party's claim of injury and its chance of success on the merits. *Packaging Industries Group, Inc. v. Cheney*, 380 Mass. 609, 616-17 (1980). If the failure to issue the injunction would subject the moving party to a substantial risk of irreparable harm, the court must then balance this risk against any similar risk of irreparable harm which granting the injunction would create for the opposing party. *Id.* "In the context of a preliminary injunction the only rights which may be irreparably lost are those not capable of vindication by a final judgment, rendered either in law or in equity." *Id.* at 617 n. 11.

The MIAA denied a waiver for Melissa to try out for the girls' softball team because she was not attending school sessions. However, in *Care and Protection of Charles*, 399 Mass.324 (1987), the Supreme Judicial Court held that a **home school** shall meet all of the same requirements for the approval of a private school. Furthermore, G.L.c. 76, §1 (1992 ed.) provides that a private school must meet the same educational requirements of the public schools in the same town.

\*2 Melissa's **home-schooling** program has been approved by the superintendent of Norton High School and her academic progress is constantly monitored by the school. Melissa has taken all required standardized tests and has performed equal to or above high school levels. Therefore, although Melissa does not attend school sessions at Norton High School, she attends school sessions at her home that are academically equivalent to those at Norton High School. Plaintiff argues that MIAA rule 65 violates Melissa's equal protection rights. For the purposes of this analysis, the standard of review under the cognate provisions of the Massachusetts Declaration of

## **Michigan Compiled Laws Annotated § 380.1296**

### **Auxiliary services for nonpublic school children; provision; funding; nature of services; rules**

The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at nonpublic schools. The board may use state school aid to pay for the auxiliary services. The auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; teacher of speech and language services; school social work services; school psychological services; teacher consultant services for students with a disability and other ancillary services for students with a disability; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the superintendent of public instruction.

# **Minnesota Statutes Annotated § 123B.49, subd. 4(a)-(b)**

## **Board control of extracurricular activities**

(a) The board may take charge of and control all extracurricular activities of the teachers and children of the public schools in the district. Extracurricular activities means all direct and personal services for pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member. The board shall allow all resident pupils receiving instruction in a home school as defined in section 123B.36, subdivision 1, paragraph (a), to be eligible to fully participate in extracurricular activities on the same basis as public school students.

(b) Extracurricular activities have all of the following characteristics:

- (1) they are not offered for school credit nor required for graduation;
- (2) they are generally conducted outside school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;
- (3) the content of the activities is determined primarily by the pupil participants under the guidance of a staff member or other adult.

# Missouri Revised Statutes § 167.031

**School attendance compulsory, who may be excused--nonattendance, penalty--home school, definition, requirements--school year defined--daily log, defense to prosecution--compulsory attendance age for the district defined**

1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven years and the compulsory attendance age for the district is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven years of age and the compulsory attendance age for the district shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends.

## 2017-18 MSHSAA By-Laws

**2.3.4 Grades 9-12 Enrollment Options for Academic Eligibility:** The following options are available to students in order to meet the requirements of By-Law 2.3.2.a and b above.

- a. Traditional Option: A student may meet the requirements outlined in By-Law 2.3.2 through being enrolled and attending classes full-time at the high school.
- b. Non-Traditional Option 1 – Transcribed Credits: A student may meet the requirements outlined in By-Law 2.3.2 through meeting ALL of the following:
  1. The student is an enrolled student of the high school, but all or some of the courses/credits are not taken at the local high school (virtual, post-secondary, work study, etc.),
  2. All credits attempted/earned are placed on the high school transcript,
  3. All classes must be completed by the high school's close of the semester, as per By-Law 2.3.11, in order for those classes/credits to be considered toward activity eligibility.
- c. Non-Traditional Option 2 (Public Schools Only) – Seat-Time + Non-Transcribed Credits: A student may meet the requirements outlined in By-Law 2.3.2 through meeting ALL of the following:
  1. The student is an enrolled student of the public high school of residence, as defined in By-Law 3.10, and is taking a minimum of two credit-bearing, seat-time classes for a minimum of 1.0 units of credit at the high school, and
  2. The high school administration confirms after a full academic review that the student is further enrolled in courses taken outside of the school which bring the student up to the academic credit requirements outlined in By-Law 2.3.2 (80%). Each local school will determine its own oversight, standards, and criteria for approval of such outside courses/credits, as well as the procedures to determine success/credit confirmation for

academic eligibility for the current and following semester. It is not necessary that such confirmed credits be placed on the high school transcript, but may be listed, at the school's discretion.

3. All classes/assignments must be completed by the high school's close of the semester, as per By-Law 2.3.11, in order for those classes/credits to be considered toward activity eligibility.

d. Transfer of Enrollment based on Changes in Bona-fide Student and Academic Status: Any student whose enrollment status changes from being a non-bona fide student (not meeting By-Law 2.1 and one of the 9-12 Enrollment Options) to being a bona fide student (meeting By-Law 2.1 and one of the 9-12 Enrollment Options) would be considered a transfer student (see By-Law 3.10.4), and ineligible to represent a member school until a transfer of eligibility form is filed and an eligibility ruling is rendered.

2017-18 MSHSAA Official Handbook <http://www.mshsaa.org/resources/pdf/Official%20Handbook.pdf>

## **Revised Statutes of Nebraska § 79-2,136**

### **Part-time enrollment; school board; duties; section, how construed**

Each school board shall allow the part-time enrollment of students who are residents of the school district pursuant to subsection (1) of section 79-215 and who are also enrolled in a private, denominational, or parochial school or in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements and shall establish policies and procedures for such part-time enrollment. Such policies and procedures may include provisions permitting the part-time enrollment of such students who are not residents of such school districts and may require part-time students to follow school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. Part-time enrollment shall not entitle a student to transportation or transportation reimbursements pursuant to section 79-611. Nothing in this section shall be construed to exempt any student from the compulsory attendance provisions of sections 79-201 to 79-207.



## **Nevada Revised Statutes § 386.462**

### **Participation by homeschooled children; applicability of provisions to homeschooled children**

1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

2. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

## **Nevada Revised Statutes § 386.580(5)-(7)**

### **Application for admission; determination of enrollment; discrimination prohibited; exception for charter school education for certain pupils; participation in class or extracurricular activity by pupil enrolled in another school or homeschooled child**

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

- (a) Space for the child in the class or extracurricular activity is available;
- (b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

- (c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

## **Nevada Revised Statutes § 392.070**

### **Attendance excused for children in private school or homeschool; participation of private school children and homeschooled children in classes and extracurricular activities**

1. Attendance of a child required by the provisions of NRS 392.040 must be excused when:

- (a) The child is enrolled in a private school pursuant to chapter 394 of NRS; or
- (b) A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 392.700.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

- (a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;
- (b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and
- (c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in any classes and extracurricular activities, excluding sports, at a public school within the school district if:

- (a) Space for the child in the class or extracurricular activity is available;
- (b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity; and
- (c) If the child is a homeschooled child, a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 392.705.

If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events, including sports, pursuant to subsection 5.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

5. In addition to those interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled child must be allowed to participate in interscholastic activities and events, including sports, if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 392.705. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

6. If a homeschooled child participates in interscholastic activities and events pursuant to subsection 5:

(a) No challenge may be brought by the Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

7. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

8. The board of trustees of a school district:

(a) May, before providing programs of special education and related services to a homeschooled child pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child. 33

(b) May, before authorizing a homeschooled child to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(c) Shall, before allowing a homeschooled child to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and interscholastic activities and events pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

9. The Department shall adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

10. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401.

## **Nevada Administrative Code ch. 386, § 793**

### **Homeschooled children.**

1. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit to the school district in which the homeschooled child resides a written notice of intent to provide instruction for the homeschooled child at home. A parent or legal guardian of a homeschooled child who submits such a notice shall be deemed to be the teacher of the homeschooled child for all matters relating to participation by the homeschooled child in a sanctioned sport.

2. To be eligible to participate in a sanctioned sport, a parent or legal guardian of a homeschooled child must submit evidence satisfactory to the Executive Director that the homeschooled child has complied with the requirements for academic eligibility adopted by the school district in which he or she resides pursuant to NAC 386.803. The evidence must be submitted to the person designated by the school pursuant to paragraph (c) of subsection 4.

3. A homeschooled child who withdraws from a school where he or she is enrolled:

(a) Remains eligible to participate in a sanctioned sport at that school if eligible to participate in that sanctioned sport at the time of withdrawal from the school; or

(b) If not eligible to participate in a sanctioned sport at the time of withdrawal from the school, must establish eligibility to participate in that sanctioned sport by complying with the requirements for academic eligibility specified in subsection 2.

4. If a homeschooled child resides within the zone of attendance of a school and notifies the school that he or she wishes to participate in a sanctioned sport at that school, the school shall provide to the parent or legal guardian of the homeschooled child:

(a) A statement setting forth the requirements for academic eligibility to participate in a sanctioned sport specified in subsection 2;

(b) All schedules and requirements of the school relating to eligibility for participation in a sanctioned sport at the school; and

(c) The name and telephone number of a person in the athletic department of the school with whom the homeschooled child or a parent or legal guardian of the homeschooled child may communicate relating to the academic eligibility of the homeschooled child to participate in the sanctioned sport.

5. A homeschooled child may participate in a sanctioned sport at a private school upon approval by the private school. The private school may charge and collect a fee for authorizing the participation of the pupil in the sanctioned sport. The fee must be uniform with respect to homeschooled children. The private school shall report any such fee to the Association. A homeschooled child who participates in a sanctioned sport pursuant to this section is subject to the provisions of this chapter governing transfers.

## **Nevada Administrative Code ch. 386, § 802**

### **Academic eligibility: Courses and units of credit.**

1. For each semester a pupil participates in a sanctioned sport, the pupil must enroll in a course of at least two units of credit consisting of at least four classes and regularly attend a school. The pupil must successfully complete a course of at least two units of credit for the immediately preceding semester. If a pupil fails to complete successfully the course for that semester, the pupil is ineligible to participate in a sanctioned sport for one semester unless, for the grading period for the first 9 weeks of the semester that is conducted immediately after that semester, he or she receives a passing grade for the two units of credit for the grading period, at which time he or she must be placed on weekly probation. If the pupil receives a failing grade during the probationary period, the pupil is ineligible to participate in a sanctioned sport for the remainder of the semester in which he or she is placed on weekly probation.

2. A pupil may enroll in a course for one unit of credit for each semester he or she enrolls in a correspondence course or attends any summer school, night school or any other school, including, without limitation, a postsecondary educational institution, and receive credit for the satisfactory completion of that course toward the satisfaction of the requirements for academic eligibility if the principal of the school in which the pupil is enrolled indicates in writing that the course qualifies for credit for the pupil's requirements for graduation.

3. Any course taken or unit of credit received by a pupil pursuant to subsection 2 becomes a part of the pupil's academic record and, after the grade for the course or unit of credit is recorded on his or her transcript, applies to the requirements for academic eligibility to participate in a sanctioned sport.

4. A school shall ensure that each course or unit of credit in which a pupil who participates in a sanctioned sport is enrolled is reviewed in accordance with the provisions of NAC 386.804, 386.805 or 386.806, as adopted by the school pursuant to the provisions of NAC 386.803, to determine academic eligibility to participate in the sanctioned sport.

## **Nevada Administrative Code ch. 386, § 804**

### **Academic eligibility: Passing grades during season; periodic reviews of pupil's progress.**

1. If, pursuant to the provisions of NAC 386.803, a school district adopts the requirements for academic eligibility set forth in this section, each pupil who participates in a sanctioned sport at a school that is located in the school district must maintain a passing grade for each course he or she takes during the season. The school shall, in accordance with this section, review the pupil's progress in each course at least once every 3 weeks, including any vocational, magnet, college or night courses taken by the pupil at a school other than the school where the pupil participates in a sanctioned sport.

2. Except as otherwise provided in subsections 3 and 4, each school district shall establish the dates for conducting the reviews required pursuant to this section based on its academic calendar for each school year. The dates must be determined:

(a) By beginning at the end of the first semester of the school year and counting back to the beginning of the school year in increments of 3 weeks; and

(b) From the beginning of the second semester of the school year and counting forward to the end of the school year in increments of 3 weeks.

3. If approved by the Executive Director, a school district may establish a date for conducting a review pursuant to this section that occurs not more than 1 week before or after any date that the school district must establish pursuant to subsection 2. The Executive Director may waive the establishment of a date for conducting a review pursuant to this section if, as determined by the Executive Director, the review scheduled for that date is unnecessary.

4. A school shall not conduct the first review during a school year until after the first date on which a game, contest or meet may be scheduled for a season as determined by the schedule of activities established by the Association for that purpose.

5. Each review must indicate the pupil's academic status for the period beginning on the first day of the semester and ending on the date on which the review is conducted and must be determined in accordance with the regulations of the school district in which the school is located. Each review may include the pupil's cumulative semester grades or 9-week grades, or any combination thereof. Each school district shall declare the eligibility or ineligibility of a pupil to participate in a sanctioned sport based on the policy of the school district.

6. If a pupil receives a failing grade in an academic course after a review is conducted for the pupil pursuant to this section, the school that conducted the review shall place the pupil on probation for 1 week. A pupil who is placed on probation remains eligible to participate in the sanctioned sport in which he or she participates during the probationary week and must be reviewed on the Friday of the probationary week.

7. If a pupil who is placed on probation pursuant to subsection 6 continues to maintain a failing grade at the review conducted on the Friday of the probationary week, the school that conducted the review shall declare the pupil to be ineligible to participate in a sanctioned sport for the period beginning on the Monday after he or she is declared ineligible and ending on the first Saturday after that Monday.

8. If a pupil is declared ineligible after the probationary week, the school shall conduct a review of the pupil each week until the pupil becomes eligible, regardless of whether that period extends beyond the next scheduled review. If the pupil becomes eligible, the pupil must be reviewed at the next regularly scheduled review and is entitled to another probationary week.

9. If a review is scheduled pursuant to this section for the day before a holiday or vacation for the school, and if a pupil has received a failing grade at the time the review is conducted:

(a) The pupil remains eligible to participate in a sanctioned sport during the holiday or vacation; and

(b) The school that conducted the review shall place the pupil on probation beginning on the first school day after the holiday or vacation.

10. A pupil who is placed on probation the week before a school holiday or vacation is eligible to participate in a sanctioned sport if the school determines that the pupil has maintained passing grades at the regularly scheduled review conducted immediately before the holiday or vacation. If the school determines that the pupil has not maintained passing grades after that review is conducted, the pupil remains ineligible during the holiday or vacation.

11. A pupil who is declared ineligible not more than 2 weeks before a school holiday or vacation remains ineligible to participate in the sanctioned sport until achieving a passing grade as determined by each weekly review conducted pursuant to this section.

12. If a pupil withdraws or is excluded from a class because he or she received a failing grade during a semester, the school shall, immediately after the record of the withdrawal or exclusion becomes available, declare the pupil ineligible to participate in the sanctioned sport for the period beginning on the Monday after he or she withdraws or is excluded and ending on the first Saturday after that Monday. The provisions of this subsection do not exempt a pupil from complying with the requirement set forth in subsection 1 of NAC 386.802.

## **New Hampshire Revised Statutes Annotated § 193:1-c**

### **Access to Public School Programs by Nonpublic or Home Educated Pupils.**

I. Nonpublic or home educated pupils shall have access to curricular courses and cocurricular programs offered by the school district in which the pupil resides. The local school board may adopt a policy regulating participation in curricular courses and cocurricular programs, provided that such policy shall not be more restrictive for non-public or home educated pupils than the policy governing the school district's resident pupils. In this section, "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community. For purposes of allowing access as described in this section, a "home educated pupil" shall not include any pupil who has graduated from a high school level program of home education, or its equivalent, or has attained the age of 21.

II. Nothing in this section shall be construed to require a parent to establish a home education program which exceeds the requirements of RSA 193:1.

## **New Hampshire Interscholastic Athletic Association Bylaws**

For additional details, see art. II, § 13.A of the New Hampshire Interscholastic Athletic Association Bylaws. <http://nhiaa.org/PDFs/2708/4ByLawArticleIIEligibility.pdf>



## **New Mexico Statutes Annotated § 22-8-23.8**

### **Home school student activities program unit**

The home school student activities program unit for a school district is determined by multiplying the number of home school students who are participating in school district activities governed by the New Mexico activities association by the cost differential factor of 0.1. The home school student activities program unit shall be paid to the school district in which it is generated. A home school student is eligible to participate in up to three school district athletic activities at the public school in the attendance zone in which the student resides, according to the New Mexico activities association guidelines. The school district shall verify each home school student's academic eligibility to participate in school district athletic activities. As used in this section, "activities" means athletics, co-curricular and extracurricular activities sanctioned by the New Mexico activities association.

## **New York Compiled Codes, Rules & Regulations tit. 8, § 135.4(c)(7)(ii)(b)(2)**

### **Physical education**

Registration. A pupil shall be eligible for interschool competition in a sport during a semester, provided that he is a bona fide student, enrolled during the first 15 school days of such semester, is registered in the equivalent of three regular courses, is meeting the physical education requirement, and has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

# **North Dakota Century Code § 15.1-23-16**

## **Home education -- Participation in extracurricular activities**

1. A child receiving home education may participate in extracurricular activities either:
  - a. Under the auspices of the child's school district of residence; or
  - b. Under the auspices of an approved nonpublic school, if permitted by the administrator of the school.
2. For purposes of this section, a child participating under the auspices of the child's school district of residence is subject to the same standards for participation in extracurricular activities as those required of full-time students enrolled in the district.
3. For purposes of this section, a child participating under the auspices of an approved nonpublic school is subject to the same standards for participation in extracurricular activities as those required of full-time students enrolled in the school.
4. Once a child's parent has selected the public school district or the approved nonpublic school in which the child will participate for purposes of extracurricular activities and has provided notification of the selection through the statement required by section 15.1-23-02, the child is subject to the transfer rules as provided in the constitution and bylaws of the North Dakota high school activities association.

# Ohio Revised Code

Sec. 3313.5312.

(A) A student who is receiving home instruction in accordance with division (A)(2) of section 3321.04 of the Revised Code shall be afforded, by the superintendent of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered at the district school to which the student otherwise would be assigned during that school year. If more than one school operated by the school district serves the student's grade level, as determined by the district superintendent based on the student's age and academic performance, the student shall be afforded the opportunity to participate in extracurricular activities at the school to which the student would be assigned by the superintendent under section 3319.01 of the Revised Code. If a student who is afforded the opportunity to participate in extracurricular activities under division (A) of this section wishes to participate in an activity that is offered by the district, the student shall not participate in that activity at another school or school district to which the student is not entitled to attend.

(B) The superintendent of any school district may afford any student who receives home instruction under division (A)(2) of section 3321.04 of the Revised Code, and who is not entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered by a school of the district, if the district to which the student is entitled to attend does not offer that extracurricular activity.

(C) In order to participate in an extracurricular activity under this section, the student shall be of the appropriate age and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity, shall fulfill the same nonacademic and financial requirements as any other participant, and shall fulfill either of the following academic requirements:

(1) If the student received home instruction in the preceding grading period, the student shall meet any academic requirements established by the state board of education for the continuation of home instruction.

(2) If the student did not receive home instruction in the preceding grading period, the student's academic performance during the preceding grading period shall have met any academic standards for eligibility to participate in the program established by the school district.

(D) Eligibility for a student who leaves a school district mid-year for home instruction shall be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in that district.

(E) Any student who commences home instruction after the beginning of a school year and who is, at the time home instruction commences, ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the district shall not participate in the extracurricular activity under this section until the student meets the academic requirements established by the state board of education for continuation of home instruction as verified by the superintendent of the district. No student under this section shall be eligible to participate in the same semester in which the student was determined ineligible.

(F) No school district shall impose additional rules on a student to participate under this section that do not apply to other students participating in the same extracurricular activity. No district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity.

(G) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in interscholastic extracurricular activities under this section to meet eligibility requirements that conflict with this section.

See pages 1129 and 1130: [http://www.legislature.state.oh.us/BillText130/130\\_HB\\_59\\_EN\\_N.pdf](http://www.legislature.state.oh.us/BillText130/130_HB_59_EN_N.pdf)

3313.537Communityschoolstudentparticipationinpublicschoolactivities.

(A) As used in this section, “extracurricular activity” means a pupil activity program that a school or school district operates and is not included in the school district’s graded course of study, including an interscholastic extracurricular activity that a school or school district sponsors or participates in and that has participants from more than one school or school district.

# Oregon Revised Statutes § 339.460

## Participation in interscholastic activities by homeschooled students

(1) Home school students shall not be denied by a school district the opportunity to participate in all interscholastic activities if the student fulfills the following conditions:

(a) The student must meet all school district eligibility requirements with the exception of:

(A) The school district's school or class attendance requirements; and

(B) The class requirements of the voluntary association administering interscholastic activities.

(b)

(A) The student must achieve a minimum score on an examination from the list adopted by the State Board of Education pursuant to ORS 339.035. The examination shall be taken at the end of each school year and shall be used to determine eligibility for the following year. The minimum, composite test score that a student must achieve shall place the student at or above the 23rd percentile based on national norms. The parent or legal guardian shall submit the examination results to the school district; or

(B) A school district may adopt alternative requirements, in consultation with the parent or legal guardian of a home school student, that a student must meet to participate in interscholastic activities, including but not limited to a requirement that a student submit a portfolio of work samples to a school district committee for review to determine whether a student is eligible to participate in interscholastic activities.

(c) Any public school student who chooses to be home schooled must also meet the minimum standards as described in paragraph (b) of this subsection. The student may participate while awaiting examination results.

(d) Any public school student who has been unable to maintain academic eligibility shall be ineligible to participate in interscholastic activities as a home school student for the duration of the school year in which the student becomes academically ineligible and for the following year. The student must take the required examinations at the end of the second year and meet the standards described in paragraph (b) of this subsection to become eligible for the third year.

(e) The home school student shall be required to fulfill the same responsibilities and standards of behavior and performance, including related class or practice requirements, of other students participating in the interscholastic activity of the team or squad and shall be required to meet the same standards for acceptance on the team or squad. The home school student must also comply with all public school requirements during the time of participation.

(f) A home school student participating in interscholastic activities must reside within the attendance boundaries of the school for which the student participates.

(2) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Home school students" are those children taught by private teachers, parents or legal guardians as described in ORS 339.030.

(c) "Interscholastic activities" includes but is not limited to athletics, music, speech, and other related activities.

## 24 Pennsylvania Statutes Annotated § 5-511

### School athletics, publications, and organizations

(a) The board of school directors in every school district shall prescribe, adopt, and enforce such reasonable rules and regulations as it may deem proper, regarding (1) the management, supervision, control, or prohibition of exercises, athletics, or games of any kind, school publications, debating, forensic, dramatic, musical, and other activities related to the school program, including raising and disbursing funds for any or all of such purposes and for scholarships, and (2) the organization, management, supervision, control, financing, or prohibition of organizations, clubs, societies and groups of the members of any class or school, and may provide for the suspension, dismissal, or other reasonable penalty in the case of any appointee, professional or other employee, or pupil who violates any of such rules or regulations.

(b) Any school or any class activity or organization thereof, with the approval of the board, may affiliate with any local, district, regional, State, or national organization whose purposes and activities are appropriate to and related to the school program.

(b.1) Private schools shall be permitted, if otherwise qualified, to be members of the Pennsylvania Interscholastic Athletic Association except that private schools located in cities of the second class which are members of the Pennsylvania Interscholastic Athletic Association shall, if they so elect, be assigned to a district or section outside of the geographical boundary of the second class city but contiguous thereto, and shall participate in Pennsylvania Interscholastic Athletic Association sponsored athletic contests in that section. The association shall not prohibit a private school from being a member solely on the grounds that the coach or a member of the coaching staff of any athletic team is not a teacher, or professional employee, either full-time or part-time, at such private school, except that this provision shall not apply to coaches or members of the coaching staff initially employed after January 1, 1965.

(c) The board of school directors may (1) permit the use of school property, real or personal, for the purpose of conducting any activity related to the school program, or by any school or class organization, club, society, or group, (2) authorize any school employee or employees to manage, supervise and control the development and conduct of any of such activities, (3) employ or assign any school employee to serve in any capacity in connection with any of such activities.

(d) Notwithstanding the use of school property or personnel, it shall be lawful for any school or any class or any organization, club, society, or group thereof, to raise, expend, or hold funds, including balances carried over from year to year, in its own name and under its own management, under the supervision of the principal or other professional employee of the school district designated by the board. Such funds shall not be the funds of the school district but shall remain the property of the respective school, class, organization, club, society, or group. The treasurer or custodian of such funds shall furnish to the school district a proper bond, in such amount and with such surety or sureties as the board shall approve, conditioned upon the faithful performance of his duties as treasurer or custodian. The premium of such bond, if any, shall be paid from the fund or funds secured thereby or from the funds of the school district, at the discretion of the board. The treasurer or custodian shall be required to maintain an accounting system approved by the board, shall deposit the funds in a depository approved by the board, shall submit a financial statement to the board quarterly or oftener, at the direction of the board, and shall submit the accounts to be audited in like manner as the accounts of the school district.

(e) All purchases of materials or supplies made by any organization, club, society or group or by any school or class shall be made by the purchaser in accordance with the requirements of section 807.1. [FN2]

(f) The board of school directors of any district is hereby authorized to appropriate any monies of the district for the payment of medical and hospital expenses incurred as a result of participation in such athletic events or games, practice or preparation therefore, or in transportation to or from such athletic

events or games, or the practice or preparation therefore, and for the purchase of accident insurance in connection with such participation and transportation.

## **24 Pennsylvania Statutes Annotated 13-1327.1(f.1)**

### **Home education program**

(f.1.)(1) Beginning January 1, 2006, the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of Section 511, including, but not limited to, clubs, musical ensembles, athletics and theatrical productions provided that the child: 43

(i) meets the eligibility criteria, or their equivalent, for participation in the activity that apply to students enrolled in the school district;

(ii) Meets the try-out criteria, or their equivalent, for participation in the activity that apply to students enrolled in the school district; and

(iii) Complies with all policies, rules and regulations, or their equivalent, of the governing organization of the activity.

(2) For the purposes of this subsection, the school district of residence's program of interscholastic athletics, including varsity sports, shall be considered an activity and shall include all activities related to competitive sports contests, games, events or exhibitions involving individual students or teams of students whenever such activities occur between schools within the school district or between schools outside of the school district.

(3) Where the activity requires completion of a physical examination or medical test as a condition of participation and the school district of residence offers such physical examination or medical test to students enrolled in the school district, the school district shall permit a child who is enrolled in a home education program to access such physical examination or medical test. The school district shall publish the dates and times of such physical examination or medical test in a publication of general circulation in the school district and on its publicly accessible Internet website.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in activities and shall not conflict with any provisions of this section.

## **Pennsylvania Interscholastic Athletic Association Bylaws**

For additional information, see art. X, § 1 of the [Pennsylvania Interscholastic Athletic Association Bylaws](http://www.piaa.org/assets/web/documents/Section%20I.%20%202008-2009%20Constitution%20and%20By-laws.pdf).  
<http://www.piaa.org/assets/web/documents/Section%20I.%20%202008-2009%20Constitution%20and%20By-laws.pdf>



# Code of Laws of South Carolina 1976 Annotated § 59-63-100

(A) As used in this section:

- (1) "Charter school student" is a child enrolled in a charter school established pursuant to Chapter 40, Title 59.
- (2) "Governor's school student" is a child enrolled at a Governor's school established pursuant to this title.
- (3) "Home school student" is a child taught in accordance with Section 59-65-40, 59-65-45, or 59-65-47 and has been taught in accordance with one of these sections for a full academic year prior to participating in an interscholastic activity pursuant to this section.
- (4) "Interscholastic activities" includes, but is not limited to, athletics, music, speech, and other extracurricular activities.

(B) Individual Governor's school students and home school students may not be denied by a school district the opportunity to participate in interscholastic activities if the:

- (1) student meets all school district eligibility requirements with the exception of the:
  - (a) school district's school or class attendance requirements; and
  - (b) class and enrollment requirements of the associations administering the interscholastic activities;
- (2) student's teacher, in the case of a Governor's school student, certifies by submitting an affidavit to the school district that the student fully complies with the law and any attendance, class, or enrollment requirements for a Governor's school. In addition, a charter school student's teacher, in the same manner required by this subsection for a Governor's school student, also must certify by affidavit to the student's school district that the student fully complies with the law and any attendance, class, or enrollment requirements for a charter school in order for the student to participate in interscholastic activities in the manner permitted by Chapter 40 of this title;
- (3) student participating in interscholastic activities:
  - (a) resides within the attendance boundaries of the school for which the student participates; or
  - (b) in the case of a Governor's school student, resides or attends a Governor's school within the attendance boundaries of the school for which the student participates; and
- (4) student notifies the superintendent of the school district in writing of his intent to participate in the interscholastic activity as a representative of the school before the beginning date of the season for the activity in which he wishes to participate.

(C) A public school student who has been unable to maintain academic eligibility is ineligible to participate in interscholastic activities as a charter school student, Governor's school student, or home school student for the following semester. To establish eligibility for subsequent school years, the student's teacher shall certify by submitting an affidavit to the school district that the student meets the relevant policies of the school at which the student wishes to participate.

(D) A Governor's school student or home school student is required to fulfill the same responsibilities and standards of behavior and performance, including related practice requirements, of other students

participating in the interscholastic activities of the team or squad and is required to meet the same standards for acceptance on the team or squad.

(E) A Governor's school may not be denied by a school district the opportunity to have a team representing the school participate in interscholastic activities if the team meets the same eligibility requirements of other teams. An individual Governor's school student may not participate in an interscholastic activity of a public school district if the school that the student is enrolled in has a team or squad participating in that interscholastic activity.

(F) A school district may not contract with a private entity that supervises interscholastic activities if the private entity prohibits the participation of charter school students, Governor's school students, or home school students in interscholastic activities.

## **South Dakota Codified Laws § 13-36-7**

### **Participation in interscholastic activities--Accreditation--Eligibility**

Any student enrolling in a South Dakota district pursuant to § 13-15-21 is eligible to participate in any interscholastic activity sponsored by the South Dakota High School Activities Association. If the school board or governing body of an accredited school approves, a student receiving alternative instruction pursuant to § 13-27-3 is eligible to participate in any interscholastic activity sponsored by the South Dakota High School Activities Association. Nothing in this section confers any vested right in any student wishing to participate in any interscholastic activity to be selected for competition in such activity. However, any accredited school student who leaves an accredited program during the course of the school year for any reason and enters an alternative instruction program is ineligible for participation in interscholastic activities for one year beginning on the date in which the student enters the alternative program.

## **South Dakota Codified Laws § 13-28-51**

### **Enrollment of child on partial basis upon request of parent or guardian--Alternative instruction**

The resident school district of a child excused from school attendance pursuant to § 13-27-2 shall admit that child to a public school in the district upon request from the child's parent or legal guardian. A child enrolled in a school district pursuant to this section may be enrolled in a school of the school district on only a partial basis and shall continue to also receive alternative instruction pursuant to § 13-27-3.

## **South Dakota Codified Laws § 13-34-23.**

### **Loan of textbooks--Textbooks defined.**

Each public school board shall loan without charge to all persons ages five through nineteen who are either enrolled in a public school, or a nonpublic school, or who are engaged in a course of instruction pursuant to § 13-27-3, within the school district under such board's jurisdiction or who are residing in such district but are not enrolled in any such school or engaged in any such course of instruction, such nonsectarian textbooks designed for individual use as are normally furnished by such school board to individual students enrolled in the public schools of the district under such board's jurisdiction. For the purposes of this chapter, textbooks are any instructional materials that constitute the principal source of teaching and learning for a given course of study including print and digital materials, but not including any computer hardware. All such textbooks shall be approved by the respective school boards.

## Utah Code § 53A-11-102.5

### Dual enrollment

- (1) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (2) A person having control of a minor who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.
- (3) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.
- (4)
  - (a) A student enrolled in a dual enrollment program in a district school is considered a student of the district in which the district school of attendance is located for purposes of state funding to the extent of the student's participation in the district school programs.
  - (b) A student enrolled in a dual enrollment program in a charter school is considered a student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

## Utah Code § 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.

## Utah Administrative Code R277-700-6

### High School Requirements.

A. The Board shall establish Core Standards and a Core Curriculum for students in grades 9-12.

B. Students in grades 9-12 shall earn a minimum of 24 units of credit through course completion or through competency assessment consistent with R277-705 to graduate.

C. Grades 9-12 Core Curriculum credits from courses approved by the Board, as specified:

(1) Language Arts (4.0 units of credit):

(a) Ninth grade level (1.0 unit of credit);

(b) Tenth grade level (1.0 unit of credit);

(c) Eleventh grade level (1.0 unit of credit); and

(d) Twelfth grade level (1.0) Unit of credit) consisting of applied or advanced language arts credit from the list of Board-approved courses using the following criteria and consistent with the student's SEOP:

(i) courses are within the field/discipline of language arts with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills; and

(ii) courses provide instruction that leads to student understanding of the nature and disposition of language arts; and

(iii) courses apply the fundamental concepts and skills of language arts; and

(iv) courses provide developmentally appropriate content; and

(v) courses develop skills in reading, writing, listening, speaking, and presentation;

(2) Mathematics (3.0 units of credit) met minimally through successful completion of a combination of the foundation or foundation honors courses, Algebra 1, Geometry, Algebra 2, Secondary Mathematics I, Secondary Mathematics II, Secondary Mathematics III as determined in the student's SEOP. After the 2014-2015 school year Mathematics (3.0 units of credit) shall be met minimally through successful completion of a combination of the foundation or foundation honors courses Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.

(a) Students may opt out of Algebra 2 or Secondary Mathematics III with written parent/legal guardian request. If an opt out is requested, the third math credit shall come from the advanced and applied courses on the Board-approved mathematics list.

(b) 7th and 8th grade students may earn credit for a mathematics foundation course before ninth grade, consistent with the student's SEOP and if at least one of the following criteria is met:



- (i) the student is identified as gifted in mathematics on at least two different USOE-approved assessments;
- (ii) the student is dual enrolled at the middle school/junior high school and the high school;
- (iii) the student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade;
- (iv) the student takes the USOE competency test in the summer prior to 9th grade and earns high school graduation credit for the courses.

(c) Other students who successfully complete a foundation course before ninth grade shall still earn 3.0 units of credit by taking the other foundation courses and an additional course from the advanced and applied Board-approved mathematics list consistent with the student's SEOP and the following criteria:

- (i) courses are within the field/discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;
- (ii) courses provide instruction that lead to student understanding of the nature and disposition of mathematics;
- (iii) courses apply the fundamental concepts and skills of mathematics;
- (iv) courses provide developmentally appropriate content; and
- (v) courses include the five process skills of mathematics: problem solving, reasoning, communication, connections, and representation.

(c) Students who are gifted and students who are advanced may also:

- (i) Take the honors courses at the appropriate grade level; and
- (ii) Continue taking higher level mathematics courses in sequence through grade 11, resulting in a higher level of mathematics proficiency and increased college and career readiness.

(d) A student who successfully completes a Calculus course has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

(e) Students should consider taking additional credits during their senior year that align with their postsecondary career or college expectations. Students who desire a four year college degree in a science, technology, engineering or mathematics(STEM) career area should take a calculus course.

(3) Science (3.0 units of credit):

(a) at a minimum, two courses from the four science foundation areas:

- (i) Earth Systems Science (1.0 units of credit);
- (ii) Biological Science (1.0 units of credit);
- (iii) Chemistry (1.0 units of credit); 51
- (iv) Physics(1.0 units of credit); and

(b) one additional unit of credit from the foundation courses or the applied or advanced science list determined by the LEA board and approved by the Board using the following criteria and consistent with the student's SEOP:

- (i) courses are within the field/discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills; and
- (ii) courses provide instruction that leads to student understanding of the nature and disposition of science; and
- (iii) courses apply the fundamental concepts and skills of science; and
- (iv) courses provide developmentally appropriate content; and
- (v) courses include the areas of physical, natural, or applied sciences; and
- (vi) courses develop students' skills in scientific inquiry.

(4) Social Studies (3.0 units of credit):

- (a) Geography for Life (0.5 units of credit);
- (b) World Civilizations (0.5 units of credit);
- (c) U.S. History (1.0 units of credit);
- (d) U.S. Government and Citizenship (0.5 units of credit);
- (e) General Financial Literacy (0.5 units of credit).

(5) The Arts (1.5 units of credit from any of the following performance areas):

- (a) Visual Arts;
- (b) Music;
- (c) Dance;
- (d) Theatre;

(6) Physical and Health Education (2.0 units of credit):

- (a) Health (0.5 units of credit);
- (b) Participation Skills (0.5 units of credit);
- (c) Fitness for Life (0.5 units of credit);
- (d) Individualized Lifetime Activities (0.5 units of credit) or team sport/athletic participation (maximum of 0.5 units of credit with school approval).

(7) Career and Technical Education (1.0 units of credit):

- (a) Agriculture;
- (b) Business;
- (c) Family and Consumer Sciences;
- (d) Health Science and Technology;
- (e) Information Technology;

- (f) Marketing;
- (g) Technology and Engineering Education;
- (h) Trade and Technical Education.

(8) Educational Technology (0.5 units of credit):

- (a) Computer Technology (0.5 units of credit for the class by this specific name only); or
- (b) successful completion of Board-approved competency examination (credit may be awarded at the discretion of the LEA).

(9) Library Media Skills (integrated into the subject areas).

(10) Electives (6.0 units of credit).

D. Board-approved CRTs shall be used to assess student mastery of the following subjects:

- (1) reading;
- (2) language arts through grade 11;
- (3) mathematics as defined under R277-700-6C(2); and
- (4) science as defined under R277-700-6C(3).

E. LEA boards may require students to earn credits for graduation that exceed minimum Board requirements.

F. Additional elective course offerings may be established and offered at the discretion of an LEA board.

G. Students with disabilities served by special education programs may have changes made to graduation requirements through individual IEPs to meet unique educational needs. A student's IEP shall document the nature and extent of modifications and substitutions or exemptions made to accommodate a student with disabilities.

H. The Board and USOE may review LEA boards' lists of approved courses for compliance with this rule.

I. Graduation requirements may be modified for individual students to achieve an appropriate route to student success when such modifications:

- (1) are consistent with the student's IEP or SEOP or both;
- (2) are maintained in the student's file and include the parent's/guardian's signature; and
- (3) maintain the integrity and rigor expected for high school graduation, as determined by the Board.

## **Utah Administrative Code R277-438-3**

### **Private and Home School Student Participation in Public School Extracurricular or Co-curricular School Activities.**

A. Students exempted from compulsory public school education by the local board for instruction in private or home schools may be eligible for participation in extracurricular or co-curricular public school activities provided they are taking courses comparable to traditional school courses or earning credit

under options outlined in R277-700-6 in at least as many of the designated courses as required by the local board of students for participation in that activity.

B. The private or home school student may only participate in extracurricular or co-curricular school day activities at the school within whose boundaries the student's custodial parent(s) or legal guardian resides.

C. Dual enrollment students shall be eligible for extracurricular or co-curricular school activities consistent with eligibility standards for fully enrolled traditional public school students, including providing report cards and citizenship information to activity sponsors and coaches upon request.

## **Utah Administrative Code R277-438-4**

### **Fees for Private and Home School Students.**

A. Private and home school students are responsible for student participation fees in the same manner as full-time public school students.

B. Student participation fees for private, charter, online or home school students shall be waived by the school or school district if students are eligible and parents provide required documentation under Section 53A-12-103 and R277-407, School Fees. The charter or online schools shall be responsible for payment of waived fees to the resident school district.

## **Vermont Statutes Annotated tit. 16, § 563(24)**

### **Powers of school boards; form of vote if budget exceeds benchmark and district spending is above average**

The school board of a school district, in addition to other duties and authority specifically assigned by law:

. . . . .

(24) Shall adopt a policy which, in accordance with rules adopted by the state board of education, will integrate home study students into its schools through enrollment in courses, participation in cocurricular and extracurricular activities and use of facilities.

. . . . .

## **Code of Vermont Rules 22-000-009, §§ 4401-05**

### **Section 4401 Statutory Authority.**

Section 1(c) of Act 119 of 1998; 16 V.S.A. §563(24).

### **Section 4402 Definitions.**

“Facilities” means the portions of a school building and grounds used by students for classes, study and co-curricular or extracurricular activities.

“Home study student” means a student enrolled in a registered home study program pursuant to 16 V.S.A. §166b. “Integrated course” means a course covering two or more subjects that are taught in a unified manner by one teacher or team where the subjects cannot be separated into discrete sections for purposes of student attendance.

### **Section 4403 Part-time Enrollment of Home Study Students in Public School Academic Programs.**

4403.1 A home study student shall be eligible to enroll as a part-time student in a school operated by his or her district of residence or, if the district does not operate a school, in a public school for which his or her district of residence is required to pay tuition.

4403.2 Each school board shall adopt, by July 1, 1999, policies and procedures to ensure that home study students who request part-time enrollment in academic courses or programs are accepted into those courses or programs, and are furnished with required learning materials, on the same basis as full-time students.

4403.3 Policies and procedures adopted under this rule shall:

(a) upon inquiry by a home study student or parent, require the provision by the district of the student’s residence of information concerning the availability of part-time enrollment in school. Such information shall include procedures, including registration deadlines, that home study students must follow to enroll on a part-time basis in the schools operated by the home study student’s district of residence. In the event the district of residence does not operate a school in the grades appropriate to the inquiring student, the student or parents shall be given information on how to contact neighboring school districts that accept tuition students from the district of residence.

(b) apply the same enrollment procedures and deadlines to home study students that apply to full-time students.

(c) specify any enrollment capacity limits that the school board will apply to particular academic courses or grade levels. Capacity limits shall apply equally to home study and full-time students.

(d) establish criteria to determine whether home study students are eligible to enroll in integrated courses and courses that are available only to students who fulfill prerequisites. Criteria applied to courses with prerequisites shall be applied equally to home study and full-time students. Reasonable indications that academic criteria have been met, including results from achievement tests or other indications of adequate preparation, may be required of home study students, so long as those students are required to meet the same prerequisite standards as full-time students.

(e) establish informal and expeditious processes to appeal denials of requests for part-time enrollment to administrators and/or the school board.

#### **Section 4404 Participation of Home Study Students in Public School Co-curricular and Extracurricular Activities.**

4404.1 A home study student shall be eligible to participate in or, when selection to participate in an activity is made on a competitive basis, to try out for, one or more co-curricular or extracurricular activities at a school operated by his or her district of residence or, if the district does not operate a school, at a public school for which his or her district is required to pay tuition. This rule is not intended to confer a right upon any student to participate in any activity. Although a home student need not enroll in academic programs to participate in activities under this rule, he or she must show compliance with insurance, physical examination, age, transfer and other requirements of the Vermont Principals Association on the same basis as enrolled students.

4404.2 Each school board shall adopt, by July 1, 1999, policies and procedures to ensure that home study students who wish to participate in co-curricular or extracurricular activities are accepted into those activities without first being required to enroll as part-time students at the sponsoring school.

4404.3 Policies and procedures adopted under this rule shall:

(a) upon inquiry by a home study student or parent, require the provision by the district of the student's residence of information concerning the eligibility of home study students to participate in co-curricular or extracurricular activities. Such information shall include procedures, including registration deadlines, that home study students must follow to participate in activities at schools operated by the home study student's district of residence. In the event the district of residence does not operate a school in the grades appropriate to the inquiring student, the student or parents shall be given information on how to contact neighboring school districts that accept tuition students from the district of residence.

(b) apply the same activity registration deadlines to home study students that apply to full-time students.

(c) apply the same academic eligibility requirements to home study students that apply to full-time students. Policies may require the parents of home study students to provide assurances that the school's academic eligibility standards are being met. Such assurances may be required at the same intervals during the year as is required of full-time students. A home study parent's assurance that the student meets the district's academic standards, provided at the intervals required by the school, shall be sufficient to satisfy academic eligibility requirements.

(d) establish priorities and criteria for admitting students to particular activities. When space is limited in a particular activity, preference may be given to enrolled students as long as the reporting requirement in § 4404.4 of these rules is met. Procedures for admitting home study students to activities with limited spaces may include lotteries, first-come-first-served waiting lists and performance-based criteria for participation on sports teams or in activities.

(e) Policies adopted in compliance with this rule shall establish informal and expeditious procedures to appeal denials of requests to participate in activities to administrators and/or the school board.

4404.4 When a home study student's request to participate in an activity is denied on the grounds that space is not available and that preference is given to full-time students, the school shall, within 30 days of the denial, notify the Home Study Consultant at the Department of Education on a form provided by the Department.

#### **Section 4405 Use of School Facilities by Home Study Students.**

4405.1 A home study student may use facilities at a school operated by his or her district of residence or, if the district does not operate a school, at a public school for which his or her district is required to pay tuition.

4405.2 Each school board shall adopt, by July 1, 1999, policies and procedures to ensure that home study students are allowed to use school facilities on the same basis as full-time students.

4405.3 Policies and procedures adopted under this rule shall:

(a) apply to home study students the same criteria, procedures and deadlines for requesting the use of school facilities as are applied to full-time students.

(b) upon inquiry by a home study student or parent, require the provision by the district of the student's residence of information concerning the use of school facilities operated by the district. In the event the district does not operate a school in the grades appropriate to the inquiring student, the student or parents shall be given information on how to contact neighboring school districts which accept tuition students from the district of residence.

(c) provide for the establishment of criteria to determine whether sufficient space is available to comply with specific requests for facilities use. Criteria may also be developed to establish fees, to be applied equally to home study and full-time students, for security, janitorial or other services not normally available at the time of the requested use.

## **Code of Virginia Annotated § 22.1-253.13:2(N)**

### **Standard 2. Instructional, administrative, and support personnel**

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.



## **Washington Revised Code § 28A.150.350**

### **Part time students-- Defined -- Enrollment authorized -- Reimbursement for costs -- Funding authority recognition -- Rules, regulations**

(1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.150.260. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.150.260 and 28A.150.350.

## **Washington Interscholastic Activities Association Rules**

For more details, see Rules 18.5.0, 18.5.3, and 18.7.3 in the Washington Interscholastic Activities Association Handbook.

## **Wisconsin Statutes § 118.53**

Attendance by pupils enrolled in a home-based private educational program.

(1) In this section, "course" means study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject.

(2) In addition to the standards for admission under ss. 118.14, 118.145 (1), and 120.12 (25), the school board of a district shall determine the minimum standards for admission to a course offered by the school district at each grade.

(3) A school board shall allow a pupil enrolled in a home-based private educational program, who has met the standards for admission to the course under sub. (2), to attend up to 2 courses at a public school in the district during each school semester if the school board determines that there is sufficient space in the classroom.

(4) A pupil enrolled in a home-based private educational program and attending a public school under this section may attend one course in each of 2 school districts, but may not attend more than 2 courses in any semester."

### **118.133 Participation in interscholastic athletics and extracurricular activities.**

#### **(1) INTERSCHOLASTIC ATHLETICS.**

(a) A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

(b) Upon request, the home-based educational program in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.

(2) **EXTRACURRICULAR ACTIVITIES.** A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

(3) **PARTICIPATION FEES.** A school board may charge a pupil who participates in interscholastic athletics or extracurricular activities as permitted under this section participation fees, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent that it charges these fees to a pupil who is enrolled in the school district.

## Wyoming Statutes Annotated § 21-4-506

### **Participation in activities by students not enrolled in the district; limitation on fees**

(a) Any school age child who is a resident of a school district, who is not under suspension or expulsion by a Wyoming school district and who is not enrolled as a full-time student in the district in which he resides, shall be permitted by the district to participate in any activities which are sanctioned by the Wyoming high school activities association and which are offered by the district subject to the following:

(i) The district may require the student to pay any fees for participation which are required by the Wyoming high school activities association;

(ii) The district may charge that student an additional fee for participating, but that fee shall be no more than any fee for participating charged to full-time students of the district. The district shall not require that student to pay tuition or to pay any other fees or charges as a condition of participation;

(iii) As a condition of participation, the student shall be required to comply with all other rules and policies of the district or any school activities association applicable to all students participating in the activity and not related to the assessment of fees or charges.