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As Engrossed: H3/29/23

# A Bill

SENATE BILL 361

By: Senator M. McKee  
By: Representative C. Cooper

## For An Act To Be Entitled

AN ACT CONCERNING THE PARTICIPATION OF HOMESCHOOLED STUDENTS IN INTERSCHOLASTIC ACTIVITIES; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE PARTICIPATION OF HOMESCHOOLED STUDENTS IN INTERSCHOLASTIC ACTIVITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-15-509 is amended to read as follows:

6-15-509. Participation of ~~home-schooled~~ homeschooled students in interscholastic activities – Definitions.

(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~~ Homeschooled student” means a student legally enrolled in an Arkansas home school;

(3) “Interscholastic activity” means an activity between schools



subject to rules 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:

(A) Legal guardian; or

(B) 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~~ homeschooled student's parent resides as determined under § 6-18-202.

(c)(1)(A) Except as provided in subdivision ~~(e)(2)~~ (c)(1)(B)(ii) of this section, a ~~home-schooled~~ homeschooled student shall not participate in interscholastic activities at a public school other than the student's resident school.

(B)(i) A ~~home-schooled~~ homeschooled student may participate in interscholastic activities at a public school other than the ~~home-schooled~~ homeschooled student's resident school by mutual agreement between the resident school district and any other public school district where the ~~home-schooled~~ homeschooled student wishes to participate.

(ii) However, a homeschooled student may participate in an interscholastic activity at a public school other than the homeschooled student's resident school without a mutual agreement, as required under subdivision (c)(1)(B)(i) of this section, if the:

(a) Homeschooled student's resident school does not offer the interscholastic activity; and

(b) Superintendent of the other public school district agrees to allow the homeschooled student to enroll in the interscholastic activity.

~~(2) A home-schooled student approved under subdivision (e)(1)(B) of this section to participate in interscholastic activities at a public school other than the home-schooled student's resident school may begin participating.~~

~~(A) In an interscholastic activity that is not an athletic activity immediately upon being approved to participate; and~~

~~(B)(i)(a) Except as provided in subdivision (c)(2)(B)(ii) of this section, in an interscholastic activity that is an athletic activity one (1) calendar year after being approved to participate.~~

~~(b) A home-schooled student under subdivision (c)(2)(B)(i)(a) of this section may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity that is an athletic activity.~~

~~(ii)(iii)~~ A home-schooled homeschooled student may begin participating in an interscholastic activity that is an athletic activity immediately upon being approved to participate if the ~~home-schooled~~ homeschooled student is approved to participate by July 1 of the school year for which the ~~home-schooled~~ homeschooled student will be enrolled in grade seven (7).

~~(3)(2)~~ A ~~home-schooled~~ homeschooled student shall not participate in interscholastic activities at more than one (1) public school at the same time.

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

(1) For the purpose of subsection (g) of this section, the ~~home-schooled~~ homeschooled 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~~ homeschooled student or his or her parent advises the principal of the resident school in writing of the ~~home-schooled~~ homeschooled 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~~ homeschooled student to pursue participation in an interscholastic activity of the resident school if the ~~home-schooled~~ homeschooled student or the ~~home-schooled~~ homeschooled 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 ~~home-schooled~~ homeschooled student's desire to pursue participation; and

(2) Informs the principal in the notice that the ~~home-schooled~~ homeschooled 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~~ homeschooled student's written request to participate in the interscholastic activity is approved under this section, the ~~home-schooled~~ homeschooled 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~~ homeschooled student who participates in an interscholastic activity may be:

(1) Required to be at school ~~not more than one (1) period per school day~~ only when participation in the interscholastic activity requires other students who participate in the interscholastic activity to be at school; 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; and

(3) Enrolled by his or her resident school district in a

nonacademic class period that coincides with the interscholastic activity in which the homeschooled student participates in order for the resident school district to receive an amount equal to one-sixth (1/6) of the state foundation funding amount provided under § 6-20-2305 for the duration of homeschooled student's enrollment in the resident school district.

(h)(1)(A) 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~~ and enrolls in a home school shall immediately be eligible to participate in any interscholastic activity at a public school.

(B)(i) However, a homeschooled student shall not be eligible to participate in an interscholastic activity that is a varsity sport in the public school district if he or she withdrew from an interscholastic activity that is a varsity sport at the resident school district during the previous three hundred sixty-five (365) days.

(ii) A homeschooled student who is not eligible to participate in an interscholastic activity under this subsection may participate in tryouts, practices, classes, or other endeavors associated with the interscholastic activity.

(2) A homeschooled student who has not withdrawn from an Arkansas Activities Association member school may begin participating in an interscholastic activity in a public school district immediately upon being approved to participate by the public school district.

(i)(1) A public school shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the ~~home-schooled~~ homeschooled student is unable to meet because of his or her enrollment in a home school.

(2) The alternative under subdivision (i)(1) of this section shall provide the ~~home-schooled~~ homeschooled student with the same opportunity to participate in an interscholastic activity as a public school student.

SECTION 2. Arkansas Code § 6-15-510(d) and (e), concerning participation of homeschooled students in interscholastic activities at private schools, are amended to read as follows:

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

(1) Required to be at the private school ~~not more than one (1) period per school day~~ only when participation in the interscholastic activity requires other students who participate in the interscholastic activity to be at school; and

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

(e)(1)(A) A student who withdraws from an Arkansas Activities Association member school to be ~~home-schooled~~ homeschooled shall ~~not be~~ eligible to participate in ~~an~~ any interscholastic activity in a private school ~~for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.~~

(B) However, a homeschooled student shall not be eligible to participate in an interscholastic activity that is a varsity sport in the private school if he or she withdrew from an interscholastic activity that is a varsity sport at an Arkansas Activities Association member school during the previous three hundred sixty-five (365) days.

(2) A student who has not withdrawn from an Arkansas Activities Association member school to become ~~home-schooled~~ homeschooled may begin participating in an interscholastic activity in a private school immediately upon being approved to participate.

*/s/M. McKee*

**APPROVED: 4/11/23**