

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/3/23
A Bill

HOUSE BILL 1733

By: Representatives Wing, McCollum
By: Senators Irvin, M. McKee, A. Clark

For An Act To Be Entitled

AN ACT TO CREATE THE RIGHT TO PLAY ACT; CONCERNING
THE PARTICIPATION OF STUDENTS IN INTERSCHOLASTIC
ACTIVITIES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RIGHT TO PLAY ACT; AND
CONCERNING THE PARTICIPATION OF STUDENTS
IN INTERSCHOLASTIC ACTIVITIES.

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

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
to add an additional section to read as follows:

6-18-114. Right to Play Act.

(a) This section shall be known and may be cited as the "Right to Play
Act".

(b) The General Assembly finds and declares that:

(1) The Centers for Disease Control and Prevention finds that
"[r]egular physical activity can help children and adolescents improve
cardiorespiratory fitness, build strong bones and muscles, control weight,
reduce symptoms of anxiety and depression, and reduce the risk of developing
health conditions";

(2) The National Center for Homeless Education has opined that
extracurricular school activities "provide students with a sense of
belonging, community, stability, responsibility, and accomplishment, and
strengthen a student's applications for higher education admission and



scholarships";

(3) The National Federation of State High School Associations has emphasized the important role that coaches play in students' lives, referencing a 2012 study of model high school coaches and their athletes finding that coaches teach "life skills, their student athletes [learn] the skills and [are] able to transfer them to other areas of their lives"; and

(4) Students have only four (4) years to participate in sports and other extracurricular activities, and it is therefore paramount to ensure there are no barriers that restrict their ability to fully participate in sports and other extracurricular activities.

(c) As used in this section:

(1) "Interscholastic activity" means an interschool activity that is not included in a regular curriculum, including without limitation sports and special interest clubs or groups that are subject to regulations of the Arkansas Activities Association;

(2) "Non-school athletic activity" means an organized athletic activity that is not sponsored by or associated with a school and in which participants are:

(A) Engaged in an athletic game or competition against another team, club, or entity; or

(B) In practice or preparation for an organized athletic game or competition against another team, club, or entity;

(3) "Participate" means to:

(A) Try out for an interscholastic activity or athletic team;

(B) Practice with an athletic team or a group or team associated with an interscholastic activity;

(C) Be a member of an athletic team or a group or team associated with an interscholastic activity; or

(D) Play with an athletic team or a group or team associated with an interscholastic activity;

(4) "School" means:

(A) A public school or public school district;

(B) An open-enrollment public charter school; or

(C) A private or parochial school;

(5) "School athletic activity" means an organized athletic

activity that is sponsored by or associated with a school and in which participants are:

(A) Engaged in an athletic game or competition against another team, club, or entity; or

(B) In practice or preparation for an organized athletic game or competition against another team, club, or entity; and

(6) "Season" means the official period of time during which an interscholastic activity is played, including a playoff game.

(d)(1) A student who is considered homeless under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq., as it existed on January 1, 2023, shall be immediately eligible to participate in interscholastic activities at the school in which he or she is enrolled.

(2) The determination regarding whether a student qualifies for immediate eligibility under subdivision (d)(1) of this section shall be made by the local homeless liaison appointed under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq., as it existed on January 1, 2023, at the school in which the student is enrolled.

(e)(1)(A) Except as provided under subdivision (e)(2) of this section, a student who is a member of a school athletic activity and who has engaged in a competition for an interscholastic activity may participate with a non-school athletic activity that is of the same sport as the school athletic activity of which the student is a member during the season in which the student participates on the school athletic activity without losing eligibility to participate on the school athletic activity of which the student is a member.

(B) A student shall not participate with a non-school athletic activity as permitted under subdivision (e)(1)(A) of this section on days when the school athletic activity of which the student is a member is scheduled to practice, compete, or otherwise play.

(2) However, subdivision (e)(1)(A) of this section shall not apply to the following school athletic activities:

(A) Football;

(B) Basketball;

(C) Baseball;

(D) Softball; and

(E) Volleyball.

/s/Wing

APPROVED: 4/12/23