

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H3/10/25 S3/17/25

A Bill

HOUSE BILL 1633

By: Representatives Brooks, Evans, M. Shepherd, Hawk, *McGruder*

By: Senators Hester, J. English

For An Act To Be Entitled

AN ACT TO AMEND ELIGIBILITY REQUIREMENTS FOR HOMESCHOOLED STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES THAT ARE ATHLETIC ACTIVITIES AT PUBLIC SCHOOLS AND PRIVATE SCHOOLS; TO AMEND ELIGIBILITY REQUIREMENTS FOR STUDENTS WHO TRANSFER SCHOOLS UNDER THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES; TO AMEND ELIGIBILITY REQUIREMENTS FOR STUDENTS WHO TRANSFER SCHOOLS UNDER THE PUBLIC SCHOOL CHOICE ACT OF 2015 TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ELIGIBILITY REQUIREMENTS FOR PARTICIPATING IN EXTRACURRICULAR ACTIVITIES FOR CERTAIN STUDENTS WHO TRANSFER SCHOOLS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-15-509(c)(1)(B)(iii), concerning the requirements of a homeschooled student to participate in an interscholastic activity at a public school, is amended to read as follows:

(iii)(a) A homeschooled student may begin participating in an interscholastic activity that is an athletic activity at



a public school other than his or her resident school immediately upon being approved to participate if the homeschooled student is approved to participate by ~~July 1~~ June 1 of the school year for which the homeschooled student will be enrolled in grade seven (7), eight (8), nine (9), or ten (10).

(b) If a homeschooled student is not approved to participate in an interscholastic activity that is a varsity athletic activity by June 1 of the school year for which he or she will be enrolled in grade seven (7), eight (8), nine (9), or ten (10), then the homeschooled student shall not be eligible to participate in the interscholastic activity that is a varsity athletic activity at an Arkansas Activities Association member school for up to three hundred sixty-five (365) days.

SECTION 2. Arkansas Code § 6-15-509(h), concerning eligibility of homeschooled students to participate in certain interscholastic activities at a public school district upon withdrawing from an Arkansas Activities Association member school, is amended to read as follows:

(h)(1)(A) A student who withdraws from an Arkansas Activities Association member school and enrolls in a home school shall immediately be eligible to participate in any interscholastic activity at ~~a~~ the homeschooled student's resident public school district if the homeschooled student is approved to participate by June 1 of the school year for which the homeschooled student will be enrolled in grade seven (7), eight (8), nine (9), or ten (10).

(B)(i) However, a homeschooled student shall not be eligible to participate in an interscholastic activity that is a varsity ~~sport~~ athletic activity in the homeschooled student's resident public school district if he or she withdrew from an interscholastic activity that is a varsity ~~sport~~ athletic activity at the resident public 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 the homeschooled student's resident public school district immediately upon being approved to participate by the resident public school district if the homeschooled student is approved to participate by June 1 of the school year for which the homeschooled student will be enrolled in grade seven (7), eight (8), nine (9), or ten (10).

SECTION 3. Arkansas Code § 6-15-510(e) and (f), concerning eligibility of homeschooled students to participate in certain interscholastic activities at a private school upon withdrawing from an Arkansas Activities Association member school, are amended to read as follows:

(e)(1)(A) A student who withdraws from an Arkansas Activities Association member school to be homeschooled shall be immediately eligible to participate in any interscholastic activity in a private school.

(B) However, a homeschooled student shall not be eligible to participate in an interscholastic activity that is a varsity ~~sport~~ athletic activity in ~~the~~ a private school if he or she withdrew from an interscholastic activity that is a varsity ~~sport~~ athletic activity 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 homeschooled may begin participating in an interscholastic activity in a private school immediately upon being approved to participate if the homeschooled student is approved to participate by the private school by June 1 of the school year for which the homeschooled student will be enrolled in grade seven (7), eight (8), nine (9), or ten (10).

(f)(1) A homeschooled student approved under subsection (b) of this section to participate in interscholastic activities at a private school may begin participating in an interscholastic activity that is an athletic activity immediately ~~upon being~~ if the homeschooled student is approved to participate by ~~July 1~~ the private school by June 1 of the school year for which the homeschooled student will be participating in the interscholastic activity and enrolled in grade seven (7), eight (8), nine (9), or ten (10).

(2) A homeschooled student approved under subsection (b) 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 if the homeschooled student meets the requirements under subdivision (f)(1) of this section.

(3) If an interscholastic activity is not an athletic activity, a homeschooled student approved under subsection (b) of this section to participate in interscholastic activities at a private school may begin participating in the interscholastic activities that are not athletic activities immediately upon being approved to participate.

SECTION 4. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended to add an additional section to read as follows:

6-18-116. Student transfer to nonpublic school – Participation in extracurricular activity.

(a) A student who transfers to a nonpublic school and is enrolled in the nonpublic school by June 1 of the school year for which the transfer student will be enrolled in grade seven (7), eight (8), nine (9), or ten (10) shall be immediately eligible to participate in an extracurricular activity that is an athletic activity.

(b) If a transfer student is not enrolled in a nonpublic school by June 1 of the school year for which he or she will be enrolled in grade seven (7), eight (8), nine (9), or ten (10), then the transfer student shall not be eligible to participate in an extracurricular activity that is a varsity athletic activity for up to three hundred sixty-five (365) days.

(c)(1) A student who transfers to a nonpublic school under this section shall complete a Changing Schools/Athletic Participation form as created by the Arkansas Activities Association.

(2) A Changing Schools/Athletic Participation form shall be completed and filed with the:

(A) Nonpublic school to which the student transfers under this section; and

(B) Arkansas Activities Association.

(3) Before a student is eligible to participate in an extracurricular activity at the nonpublic school to which he or she transfers under this section, the Changing Schools/Athletic Participation form submitted by the student as required under subdivision (c)(1) of this section shall be signed by:

(A) Either the:

(i) Superintendent of the public school district from which the student is transferring, if the student is transferring from a public school district; or

(ii) Director of the nonpublic school from which the student is transferring, if the student is transferring from another nonpublic school;

(B) The director of the nonpublic school to which the student transfers; and

(C) The parent, legal guardian, or person standing in loco parentis to the student.

(4) The individuals under subdivision (c)(3)(A) and (B) of this section shall sign the Changing Schools/Athletic Participation form unless there is demonstrable evidence:

(A) Of recruiting by the receiving nonpublic school personnel; or

(B) The student is transferring to the nonpublic school solely for athletic purposes.

(5) A Changing Schools/Athletic Participation form shall be used only for eligibility determination of a student who transfers to a nonpublic school under this section and is enrolled in the nonpublic school by June 1 before the student enters grades seven through ten (7-10).

SECTION 5. Arkansas Code § 6-18-227(m)(2)(D), concerning the requirement that a student transferring schools under the Arkansas Opportunity Public School Choice Act complete a Changing Schools/Athletic Participation form under certain circumstances, is amended to read as follows:

(D)(i) A Changing Schools/Athletic Participation form shall be used only for eligibility determination of a student who transfers to another public school or nonresident school district under this section and is enrolled in the receiving school district by ~~July 1~~ June 1 before the student enters grades ~~seven through twelve (7-12)~~ seven through ten (7-10).

(ii)(a) A student who transfers to another public school or nonresident school district under this section and is enrolled in the receiving school or receiving school district by June 1 of the school year for which the transfer student will be enrolled in grade seven (7),

eight (8), nine (9), or ten (10) shall be immediately eligible to participate in an extracurricular activity that is an athletic activity.

(b) If a transfer student is not enrolled in a receiving school or receiving school district by June 1 of the school year for which he or she will be enrolled in grade seven (7), eight (8), nine (9), or ten (10), then the transfer student shall not be eligible to participate in an extracurricular activity that is a varsity athletic activity for up to three hundred sixty-five (365) days.

SECTION 6. Arkansas Code § 6-18-1904(f)(2)(D), concerning the requirement that a student transferring schools under the Public School Choice Act of 2015 complete a Changing Schools/Athletic Participation form under certain circumstances, is amended to read as follows:

(D)(i) A Changing Schools/Athletic Participation form shall be used only for eligibility determination of a student who transfers to another public school or nonresident school district under this subchapter and is enrolled in the receiving school district by ~~July 1~~ June 1 before the student enters grades ~~seven through twelve (7-12)~~ seven through ten (7-10).

(ii)(a) A student who transfers to another public school or nonresident school district under this section and is enrolled in the receiving school or receiving school district by June 1 of the school year for which the transfer student will be enrolled in grade seven (7), eight (8), nine (9), or ten (10) shall be immediately eligible to participate in an extracurricular activity that is an athletic activity.

(b) If a transfer student is not enrolled in a receiving school or receiving school district by June 1 of the school year for which he or she will be enrolled in grade seven (7), eight (8), nine (9), or ten (10), then the transfer student shall not be eligible to participate in an extracurricular activity that is a varsity athletic activity for up to three hundred sixty-five (365) days.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that student transfers from public schools greatly impact public school budgets; that student transfers from public schools also impact public schools' abilities to appropriately plan for the upcoming school year, including ensuring staffing needs are met; that

if public schools face unexpected student transfers in large numbers, it will be increasingly difficult for the public schools to appropriately plan and accommodate student needs for the upcoming school year; that both schools and students need time to determine participation in and eligibility for extracurricular activities, particularly for athletic activities; and that this act is immediately necessary to give students time to assess school choice options and select the school that best fits their needs while also providing public schools with enough time to appropriately plan and budget for the upcoming school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Brooks