

CHAPTER 63

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 97-153

BY SENATORS Wells, Hernandez, and Johnson;
also REPRESENTATIVES Dean, Bacon, Musgrave, Reeser, and Tupa.

AN ACT

CONCERNING STUDENT PARTICIPATION IN ACTIVITIES AT PUBLIC SCHOOLS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-32-116.5 (1) and (6) (a), Colorado Revised Statutes, 1995 Repl. Vol., as amended, are amended, and the said 22-32-116.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-32-116.5. Extracurricular and interscholastic activities.

(1) (a) Notwithstanding any other provision of this article, ~~or any policy or rule of any recognized association of schools that organizes and controls sanctioned extracurricular or interscholastic activities;~~ 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) ~~There is a presumption that a~~ ANY student may participate in an activity through any amateur association or league ~~that~~ OF WHICH THE SCHOOL OR SCHOOL DISTRICT is not a member, ~~of an association of schools that organizes and controls sanctioned extracurricular or interscholastic activities and that~~ such participation

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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 ~~under guidelines adopted by the school district.~~ 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.

(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.

(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.

SECTION 2. 22-34-101 (2), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-34-101. High school fast track program. (2) Any high school pupil taking college credit at a state institution of higher education pursuant to the provisions of

this section shall be eligible for all sanctioned high school activities. ~~only at the high school attended during the previous academic year.~~ Pupils complying with the provisions of this section shall be considered eligible for all sanctioned high school and interscholastic activities ~~of any recognized association of schools organizing and controlling such activities,~~ AS IF THE PUPIL WERE ATTENDING CLASSES AT THE HIGH SCHOOL until the time of graduation of the student's senior class. ~~if the student attains the required academic standards of the association for eligibility to participate.~~ The high school pupil shall have none of the rights and privileges of any regularly enrolled student at the state institution of higher education.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 28, 1997