

CHAPTER 351

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 94-1097

BY REPRESENTATIVES May, Hagedorn, Piffner, Adkins, Agler, Anderson, Clark, Coffman, Epps, George, Martin, Owen, and Taylor;
also SENATORS Schaffier, Blickensderfer, Norton, R. Powers, Roberts, Tebedo, and Wells.

AN ACT**CONCERNING THE PARTICIPATION OF STUDENTS IN PUBLIC SCHOOL SPONSORED ACTIVITIES.**

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

SECTION 1. 22-32-116.5, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

22-32-116.5. Extracurricular and interscholastic activities.

(1) Notwithstanding any other provision of this article or any policy or rule of any recognized association of schools which organizes and controls sanctioned EXTRACURRICULAR OR interscholastic activities, a student enrolled in the student's PUBLIC school district of residence shall be allowed to participate ON AN EQUAL BASIS in ~~an~~ ANY EXTRACURRICULAR OR interscholastic activity sponsored in any other PUBLIC school within said school district or at any PUBLIC school in a school district which has boundaries contiguous to the boundaries of the student's PUBLIC school district of residence if the school in which the student is enrolled does not sponsor that particular EXTRACURRICULAR OR interscholastic activity and if the student otherwise meets the school's eligibility requirements for participation. Any student participating in an EXTRACURRICULAR OR interscholastic activity pursuant to the provisions of this ~~section~~ SUBSECTION (1) may be required to pay a fee as a prerequisite to such participation. ANY REQUIRED FEE PAID BY A STUDENT WHO ELECTS TO PARTICIPATE IN EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES PURSUANT TO THIS SECTION SHALL NOT EXCEED THE FEE THE SCHOOL CHARGES ITS ENROLLED STUDENTS.

(2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE OR ANY POLICY OR RULE OF ANY RECOGNIZED ASSOCIATION OF SCHOOLS WHICH ORGANIZES AND CONTROLS SANCTIONED EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES, A

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

STUDENT WHO RESIDES WITHIN THE ATTENDANCE BOUNDARIES OF A PUBLIC SCHOOL DISTRICT BUT WHO IS NOT ENROLLED IN A PUBLIC SCHOOL SHALL BE ALLOWED TO PARTICIPATE ON AN EQUAL BASIS IN ANY EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITY SPONSORED BY A PUBLIC SCHOOL WITHIN SAID PUBLIC SCHOOL DISTRICT IF THE SCHOOL IN WHICH THE STUDENT IS ENROLLED DOES NOT SPONSOR THAT PARTICULAR EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITY AND IF THE STUDENT OTHERWISE MEETS THE SCHOOL'S ELIGIBILITY REQUIREMENTS FOR PARTICIPATION.

(b) AS USED IN THIS SUBSECTION (2), "STUDENT" MEANS ANY CHILD ENROLLED IN:

(I) AN INDEPENDENT OR PAROCHIAL SCHOOL WHICH PROVIDES BASIC ACADEMIC EDUCATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-33-104 (2) (b); OR

(II) A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-33-104.5 (2).

(c) ANY STUDENT PARTICIPATING IN AN EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITY PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2) MAY BE REQUIRED TO PAY A FEE AS A PREREQUISITE TO SUCH PARTICIPATION. ANY REQUIRED FEE PAID BY A STUDENT WHO ELECTS TO PARTICIPATE IN EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES PURSUANT TO THIS SUBSECTION (2) SHALL NOT EXCEED THE FEE THE SCHOOL CHARGES ITS ENROLLED STUDENTS.

~~(2)~~ (3) 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 interscholastic SUCH activities by schools or school districts.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES" INCLUDES BUT IS NOT LIMITED TO ACADEMIC, ARTISTIC, ATHLETIC, RECREATIONAL, AND OTHER RELATED ACTIVITIES OFFERED BY A PUBLIC SCHOOL.

SECTION 2. 22-33-104.5 (6) (b) and (6) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended by Senate Bill 94-72, enacted at the Second Regular Session of the Fifty-ninth General Assembly, are amended, and the said 22-33-104.5 (6) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (6) (b) For purposes of this subsection (6), a child who is participating in a non-public home-based educational program may participate ON AN EQUAL BASIS in any EXTRACURRICULAR OR interscholastic activity ~~including, but not limited to, athletics, music, speech, and other related activities,~~ OFFERED BY A PUBLIC SCHOOL IN THE CHILD'S PUBLIC SCHOOL DISTRICT OF RESIDENCE OR OFFERED BY A PRIVATE SCHOOL, AT THE PRIVATE SCHOOL'S DISCRETION, provided the child:

(I) Is in compliance with all laws governing non-public home-based education;

(II) (A) Meets all of the public school district's eligibility requirements for participation in the EXTRACURRICULAR OR interscholastic activity, except for class

attendance requirements of the school district or any recognized association of schools organizing and controlling the EXTRACURRICULAR OR interscholastic activities, if the child elects to participate in an EXTRACURRICULAR OR interscholastic activity through a public school;

(B) Meets all eligibility requirements established by a private school in the EXTRACURRICULAR OR interscholastic activity, if the child elects to participate in an extracurricular or interscholastic activity through a private school.

(III) Has not been ruled academically ineligible to participate in EXTRACURRICULAR OR interscholastic activities while a public school student within the last two years; AND

(IV) Fulfills the same responsibilities and standards of behavior and performance, including related classroom or practice requirements, as other students participating in the EXTRACURRICULAR OR interscholastic activity of the team, squad, or group, and meets the same standards for participation with the team, squad, or group. ~~and~~

~~(V) Resides within the attendance boundaries of the public or private school with which the child participates.~~

(c) No child participating in an EXTRACURRICULAR OR interscholastic activity pursuant to paragraph (b) of this subsection (6) shall be considered attending the ~~local~~ PUBLIC school district of residence WHERE THE CHILD PARTICIPATES IN SUCH ACTIVITY for purposes of determining pupil enrollment under paragraph (a) of this subsection (6).

(f) AS USED IN THIS SUBSECTION (6), "EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITIES" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 22-32-116.5 (4).

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: June 7, 1994