

1 State of Arkansas
2 94th General Assembly
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4

As Engrossed: H3/29/23

A Bill

SENATE BILL 361

5 By: Senator M. McKee
6 By: Representative C. Cooper
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE PARTICIPATION OF HOMESCHOOLED
10 STUDENTS IN INTERSCHOLASTIC ACTIVITIES; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 CONCERNING THE PARTICIPATION OF
16 HOMESCHOOLED STUDENTS IN INTERSCHOLASTIC
17 ACTIVITIES.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

23 6-15-509. Participation of ~~home-schooled~~ homeschooled students in
24 interscholastic activities – Definitions.

25 (a) The General Assembly recognizes that all students should have
26 equal access to interscholastic activities as a complement to the academic
27 curriculum.

28 (b) As used in this section:

29 (1) “Athletic activity” means a varsity sport or another
30 competitive sports-related contest, game, event, or exhibition that involves
31 an individual student or teams of students either among schools within the
32 resident school district or between schools outside of the resident school
33 district;

34 (2) “~~Home-schooled~~ Homeschooled student” means a student legally
35 enrolled in an Arkansas home school;

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



1 subject to rules of the Arkansas Activities Association that is:

2 (A) Outside the regular curriculum of a school district,
3 including without limitation an athletic activity, a fine arts program, or a
4 special interest club or group; and

5 (B) Taught by an individual with a minimum of a high
6 school diploma;

7 (4) "Parent" is a:

8 (A) Legal guardian; or

9 (B) Legal custodian;

10 (5) "Resident school" is the school to which the student would
11 be assigned by the resident school district; and

12 (6) "Resident school district" means the school district in
13 which the ~~home-schooled~~ homeschooled student's parent resides as determined
14 under § 6-18-202.

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

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

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

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

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

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

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

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

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

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

16 ~~(3)(2)~~ A ~~home-schooled~~ homeschooled student shall not
17 participate in interscholastic activities at more than one (1) public school
18 at the same time.

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

22 (1) For the purpose of subsection (g) of this section, the ~~home-~~
23 ~~schooled~~ homeschooled student reports to the resident school district within
24 the first eleven (11) days of the fall or spring semester of the resident
25 school district; and

26 (2) The ~~home-schooled~~ homeschooled student or his or her parent
27 advises the principal of the resident school in writing of the ~~home-schooled~~
28 homeschooled student's request to participate in the interscholastic activity
29 before the signup, tryout, or participation deadlines established for
30 students enrolled in the resident school.

31 (e) The principal of the resident school shall permit a ~~home-schooled~~
32 homeschooled student to pursue participation in an interscholastic activity
33 of the resident school if the ~~home-schooled~~ homeschooled student or the ~~home-~~
34 ~~schooled~~ homeschooled student's parent:

35 (1) Before the signup, tryout, or participation deadlines
36 established for students enrolled in the resident school, provides to the

1 principal a notice of the ~~home-schooled~~ homeschooled student's desire to
2 pursue participation; and

3 (2) Informs the principal in the notice that the ~~home-schooled~~
4 homeschooled student has demonstrated academic eligibility by obtaining:

5 (A) A minimum test score of the thirtieth percentile on
6 the Stanford Achievement Test Series, Tenth Edition, or another nationally
7 recognized norm-referenced test in the previous twelve (12) months; or

8 (B) A minimum score on a test approved by the State Board
9 of Education.

10 (f) If a ~~home-schooled~~ homeschooled student's written request to
11 participate in the interscholastic activity is approved under this section,
12 the ~~home-schooled~~ homeschooled student:

13 (1) Although not guaranteed participation in an interscholastic
14 activity, shall have an equal opportunity to try out and participate in
15 interscholastic activities without discrimination; and

16 (2) Shall not participate unless he or she meets the criteria
17 for participation in the interscholastic activity that apply to students
18 enrolled in the resident school district, including:

19 (A) Tryout criteria;

20 (B) Standards of behavior and codes of conduct;

21 (C) The academic criteria under subdivision (e)(2) of this
22 section;

23 (D) Practice times;

24 (E) Required drug testing;

25 (F) Permission slips, waivers, and physical exams; and

26 (G) Participation or activity fees.

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

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

33 (2) Transported by the resident school district to and from
34 interscholastic activities as the resident school district transports other
35 *students who are enrolled in the resident school; and*

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

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

6 (h)(1)(A) A student who withdraws from an Arkansas Activities
7 Association member school ~~to be home schooled shall not participate in an~~
8 ~~interscholastic activity in the resident school district for a minimum of~~
9 ~~three hundred sixty five (365) days after the student withdraws from the~~
10 ~~member school~~ and enrolls in a home school shall immediately be eligible to
11 participate in any interscholastic activity at a public school.

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

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

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

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

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

33
34 SECTION 2. Arkansas Code § 6-15-510(d) and (e), concerning
35 participation of homeschooled students in interscholastic activities at
36 private schools, are amended to read as follows:

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

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

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

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

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

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

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25 /s/M. McKee

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28 **APPROVED: 4/11/23**