

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1733

5 By: Representatives Wing, McCollum  
6 By: Senators Irvin, M. McKee, A. Clark  
7

## For An Act To Be Entitled

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

15 TO CREATE THE RIGHT TO PLAY ACT; AND  
16 CONCERNING THE PARTICIPATION OF STUDENTS  
17 IN INTERSCHOLASTIC ACTIVITIES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended  
23 to add an additional section to read as follows:

24 6-18-114. Right to Play Act.

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

27 (b) The General Assembly finds and declares that:

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

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



1 scholarships";

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

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

11 (c) As used in this section:

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

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

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

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

23 (3) "School" means:

24 (A) A public school or public school district;

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

26 (C) A private or parochial school;

27 (4) "School athletic activity" means an organized athletic  
28 activity that is sponsored by or associated with a school and in which  
29 participants are:

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

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

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

36 (d)(1) A student who is considered homeless under the McKinney-Vento

1 Homeless Assistance Act, 42 U.S.C. § 11431 et seq., as it existed on January  
2 1, 2023, shall be immediately eligible to participate in interscholastic  
3 activities at the school in which he or she is enrolled.

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

9 (e)(1) If the association determines a student who is participating or  
10 has applied to participate in an interscholastic activity is ineligible to  
11 participate in the interscholastic activity, the association shall state in  
12 writing all facts the association knows or reasonably could have known that  
13 serve as the basis for its determination that the student is ineligible to  
14 participate in the interscholastic activity.

15 (2) The association shall provide the facts in writing required  
16 for submission under subdivision (e)(1) of this section simultaneously with  
17 its initial determination of ineligibility to the:

18 (A) Student it determines is ineligible to participate in  
19 the interscholastic activity;

20 (B) Parent, legal guardian, or person standing in loco  
21 parentis of the student it determines is ineligible to participate in the  
22 interscholastic activity; and

23 (C) School in which the student is enrolled.

24 (3) The facts in writing required for submission under  
25 subdivision (e)(1) of this section shall include without limitation a written  
26 explanation of the policy or rule that serves as the basis for its  
27 determination of a student's ineligibility, which shall include without  
28 limitation the current set of facts that apply to the violated handbook  
29 policy or rule.

30 (4)(A) If the association determines a student is ineligible to  
31 participate in an interscholastic activity during the preseason or ongoing  
32 season associated with the interscholastic activity, the student who has been  
33 deemed ineligible shall have the opportunity to appeal the association's  
34 decision within five (5) business days of the association providing its basis  
35 for the student's ineligibility required under subdivision (e)(2) of this  
36 section.

1           (B)(i) A student who has appealed the association's  
2 decision under subdivision (e)(4)(A) of this section shall be eligible to  
3 continue to participate in an activity associated with the interscholastic  
4 activity for which the student has been deemed ineligible for the duration of  
5 the appeal process.

6           (ii)(a) The association shall have no more than five  
7 (5) business days to complete each phase of the appeal process available to a  
8 student who appeals the association's decision under subdivision (e)(4)(A) of  
9 this section.

10           (b) If the association fails to complete any  
11 phase of the appeal process requested by a student deemed ineligible to  
12 participate in an interscholastic activity within the time allotted under  
13 subdivision (e)(4)(B)(ii)(a) of this section, the student shall be  
14 immediately eligible to participate in the interscholastic activity in which  
15 he or she has been deemed ineligible with no penalty to the school in which  
16 the student is enrolled.

17           (f)(1) Upon a determination that a student is ineligible to  
18 participate in an interscholastic activity due to an alleged violation of the  
19 association's policies or rules regarding recruiting, the association shall  
20 state in writing all facts the association knows or reasonably could have  
21 known that serve as the basis for its determination that the student has  
22 violated its policies or rules regarding recruiting.

23           (2) The association shall provide the facts in writing required  
24 for submission under subdivision (f)(1) of this section simultaneously with  
25 its initial determination that a student is ineligible to participate in an  
26 interscholastic activity due to an alleged violation of the association's  
27 policies or rules regarding recruiting to the:

28           (A) Student it determines is ineligible to participate in  
29 an interscholastic activity;

30           (B) Parent, legal guardian, or person standing in loco  
31 parentis of the student it determines is ineligible to participate in an  
32 interscholastic activity; and

33           (C) School in which the student is enrolled.

34           (3) The facts in writing required for submission under  
35 subdivision (f)(1) of this section shall include without limitation a written  
36 explanation of the policy or rule within its handbook that has been violated,

1 which shall include without limitation the current set of facts that apply to  
2 the violated handbook policy or rule.

3 (4) An individual who coaches or assists with coaching an  
4 interscholastic activity sponsored by a school that employs the individual is  
5 not recruiting for purposes of this section if he or she coaches or assists  
6 with coaching during an off-season program that is separate from the  
7 interscholastic activity sponsored by the school that employs the individual.

8 (g)(1) The association may require a student to be an amateur to  
9 participate in an athletic activity.

10 (2) However, the association shall not regulate a student's  
11 participation in a:

12 (A) Non-school athletic activity or team; or

13 (B) School athletic activity in such a way that has any  
14 connection to the student's participation in a non-school athletic activity  
15 or team.

16 (h)(1) Except as provided in subdivision (h)(2) of this section, a  
17 student may transfer to another school for purposes of participation in an  
18 interscholastic activity at the school with no penalty to the:

19 (A) Transferring student;

20 (B) School from which the student transfers; and

21 (C) School to which the student transfers.

22 (2) A student shall not transfer to another school for purposes  
23 of participation in an interscholastic activity under this section once the  
24 season for the interscholastic activity in which the student participates has  
25 begun.

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