

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

As Engrossed: H4/3/23

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.
12
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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) "Participate" means to:

24 (A) Try out for an interscholastic activity or athletic
25 team;

26 (B) Practice with an athletic team or a group or team
27 associated with an interscholastic activity;

28 (C) Be a member of an athletic team or a group or team
29 associated with an interscholastic activity; or

30 (D) Play with an athletic team or a group or team
31 associated with an interscholastic activity;

32 (4) "School" means:

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

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

35 (C) A private or parochial school;

36 (5) "School athletic activity" means an organized athletic

1 activity that is sponsored by or associated with a school and in which
2 participants are:

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

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

7 (6) "Season" means the official period of time during which an
8 interscholastic activity is played, including a playoff game.

9 (d)(1) A student who is considered homeless under the McKinney-Vento
10 Homeless Assistance Act, 42 U.S.C. § 11431 et seq., as it existed on January
11 1, 2023, shall be immediately eligible to participate in interscholastic
12 activities at the school in which he or she is enrolled.

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

18 (e)(1)(A) Except as provided under subdivision (e)(2) of this section,
19 a student who is a member of a school athletic activity and who has engaged
20 in a competition for an interscholastic activity may participate with a non-
21 school athletic activity that is of the same sport as the school athletic
22 activity of which the student is a member during the season in which the
23 student participates on the school athletic activity without losing
24 eligibility to participate on the school athletic activity of which the
25 student is a member.

26 (B) A student shall not participate with a non-school
27 athletic activity as permitted under subdivision (e)(1)(A) of this section on
28 days when the school athletic activity of which the student is a member is
29 scheduled to practice, compete, or otherwise play.

30 (2) However, subdivision (e)(1)(A) of this section shall not
31 apply to the following school athletic activities:

32 (A) Football;

33 (B) Basketball;

34 (C) Baseball;

35 (D) Softball; and

36 (E) Volleyball.

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/s/Wing