

By: Senator(s) Hill

To: Education

SENATE BILL NO. 2129

1 AN ACT ENTITLED THE "HOMESCHOOL AND NONPUBLIC SCHOOL STUDENTS
2 EQUAL ACCESS ACT"; TO PROVIDE DEFINITIONS; TO AUTHORIZE AND DIRECT
3 LOCAL SCHOOL BOARDS TO REGISTER A HOMESCHOOL OR NONPUBLIC SCHOOL
4 STUDENT RESIDING IN THE SCHOOL DISTRICT FOR PARTICIPATION IN ANY
5 EXTRACURRICULAR ACTIVITIES AVAILABLE TO STUDENTS IN THE HOMESCHOOL
6 OR NONPUBLIC SCHOOL STUDENT'S GRADE; TO PROVIDE CERTAIN CONDITIONS
7 FOR PARTICIPATION BY THE HOMESCHOOL OR NONPUBLIC SCHOOL STUDENT;
8 TO PROVIDE FOR INSURANCE COVERAGE FOR SUCH EXTRACURRICULAR
9 ACTIVITIES; TO PROVIDE THAT SCHOOLS UTILIZING SUCH HOMESCHOOL OR
10 NONPUBLIC SCHOOL STUDENTS MAY NOT BE IMPEDED FROM COMPETING
11 AGAINST OTHER SCHOOLS; TO PROVIDE THAT SUCH HOMESCHOOL OR
12 NONPUBLIC SCHOOL STUDENTS SHALL BE INCLUDED IN THE PUBLIC SCHOOL'S
13 AVERAGE DAILY ATTENDANCE UNDER THE ADEQUATE EDUCATION PROGRAM; AND
14 FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) This act shall be known and may be cited as
17 the "Homeschool and Nonpublic School Students Equal Access Act."

18 (2) As used in this section:

19 (a) "Extracurricular activities" includes all athletic
20 programs of the school for individuals and team sports, and any
21 school-authorized or education-related activity occurring during
22 or outside the regular instructional school day, including, but
23 not limited to, academic teams, athletics, art, band, choir, honor
24 societies, music, theatre and ROTC.



25 (b) "Homeschool students" are those children taught by
26 private teachers, parents, guardians or custodians in a legitimate
27 home instruction program as defined in the Mississippi Compulsory
28 School Attendance Law, Section 37-13-91, Mississippi Code of 1972.

29 (c) "Nonpublic school" means a private, church or
30 parochial elementary or high school education program in
31 Mississippi where attendance satisfies a student's obligation
32 under Section 37-13-91, Mississippi Code of 1972, for compulsory
33 attendance at school.

34 (3) If a parent, guardian or legal custodian of a homeschool
35 student submits a request, the local school board shall be
36 authorized and required to register the student in a public school
37 for participation on the same basis as public school students in
38 any extracurricular activities available to students in the
39 homeschool student's grade. A homeschool student applying for
40 extracurricular activities must reside within the attendance
41 boundaries of the school in which the student is seeking
42 enrollment. Request for extracurricular activities in the
43 following school year must be submitted by the parent, guardian or
44 legal custodian before May 1. Participation is conditioned on all
45 of the following:

46 (a) The student shall participate in the
47 extracurricular activities as a representative of the school.



(b) The student shall pay any participation or activity fee in an amount equal to the fee charged to a public school participant.

(c) The student shall adhere to the same standards of behavior, responsibility, performance, and code of conduct as other participants of the team or activity. If the student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the participation of the student in interscholastic extracurricular activities is contingent upon established and published district school board policy.

(d) The student shall adhere to the same academic standards as other participants of the team or activity, with those standards confirmed by appropriate documentation provided by the homeschool to the public school providing the activity in which the student is to participate. Such students shall be able to participate in curricular activities if that is a requirement of the extracurricular activity, including, but not limited to, weight training.

(e) The student shall satisfy the same residency requirements as other students in the school at which the student participates.

(4) If a parent, guardian or legal custodian of a nonpublic school student submits a request, the local school board shall be



73 authorized and required to register the student in a public school
74 for participation on the same basis as public school students in
75 any extracurricular activities available to students in the
76 nonpublic school student's grade. A nonpublic school student
77 applying for extracurricular activities must reside within the
78 attendance boundaries of the school in which the student is
79 seeking enrollment. Request for extracurricular activities in the
80 following school year must be submitted by the parent, guardian or
81 legal custodian before May 1. Participation is conditioned on all
82 of the following:

83 (a) The student shall participate in the
84 extracurricular activities as a representative of the school.

85 (b) The student shall pay any participation or activity
86 fee in an amount equal to the fee charged to a public school
87 participant.

88 (c) The student shall adhere to the same standards of
89 behavior, responsibility, performance, and code of conduct as
90 other participants of the team or activity. If the student is
91 convicted of, or is found to have committed, a felony or a
92 delinquent act which would have been a felony if committed by an
93 adult, regardless of whether adjudication is withheld, the
94 participation of the student in interscholastic extracurricular
95 activities is contingent upon established and published district
96 school board policy.



97 (d) The student shall adhere to the same academic
98 standards as other participants of the team or activity, with
99 those standards confirmed by appropriate documentation provided by
100 the nonpublic school to the public school providing the activity
101 in which the student is to participate. Such students shall be
102 able to participate in curricular activities if that is a
103 requirement of the extracurricular activity, including, but not
104 limited to, weight training.

105 (e) The student shall satisfy the same residency
106 requirements as other students in the school at which the student
107 participates.

108 (5) A student of a public school or nonpublic school who has
109 been unable to maintain academic eligibility for participation in
110 extracurricular activities is ineligible to participate in such
111 activities as a student who is instructed as a homeschool student
112 until the student has successfully satisfied standards to regain
113 eligibility that are equivalent to those imposed on other students
114 at the same grade level.

115 (6) A homeschool or nonpublic school student who transfers
116 to a public school before or during the first grading period of
117 the school year is academically eligible to participate in
118 extracurricular activities during the first grading period
119 provided the student has a successful evaluation from the previous
120 year.



121 (7) Any insurance provided by a local school board for
122 participants in extracurricular activities shall cover a
123 participating homeschool or nonpublic school student. If there is
124 an additional premium for such coverage, such participating
125 student shall pay the additional premium.

126 (8) (a) No public school athletic team or group shall be
127 impeded from competing against any other public or nonpublic
128 school team or group because the team or group utilizes homeschool
129 or nonpublic school students as pursuant to this section.

130 (b) A public school is prohibited from membership in
131 any organization or entity which regulates or governs
132 interscholastic extracurricular activities and discriminates
133 against eligible homeschool or nonpublic school students.

134 (9) Any homeschool or nonpublic school student enrolled for
135 extracurricular activities shall be included in the public
136 school's attendance for purposes of adequate education program
137 funding if the extracurricular activity is held during the normal
138 school hours.

139 **SECTION 2.** This act shall take effect and be in force from
140 and after July 1, 2013.

