

1 SENATE BILL NO. 350

2 INTRODUCED BY M. REGIER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS RELATED TO
5 EXTRACURRICULAR PARTICIPATION; ALLOWING SCHOOL DISTRICTS OR ATHLETIC ORGANIZATIONS
6 TO RESTRICT EXTRACURRICULAR PARTICIPATION OF HOME SCHOOL STUDENTS WHO ARE NOT
7 CITIZENS OF THE UNITED STATES OR RESIDENTS OF MONTANA; AMENDING SECTION 20-5-112,
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 20-5-112, MCA, is amended to read:

13 **"20-5-112. Participation in extracurricular activities.** (1) (a) ~~A-EXCEPT AS PROVIDED IN SUBSECTION~~
14 ~~(1)(B), A~~ school district or an athletic association, conference, or organization with authority over interscholastic
15 sports may not prohibit or restrict the ability of a student attending a nonpublic or home school meeting the
16 requirements of 20-5-109 from participating in extracurricular activities at a school in the student's resident
17 school district solely on the student's enrollment at the public school or on the number of hours the student
18 physically attends the public school.

19 ~~(b) Subsection (1)(a) does not apply to a student attending a home school who is not:~~

20 ~~(i) a citizen of the United States; OR~~

21 ~~(ii) A RESIDENT OF THE STATE OF MONTANA, AS DETERMINED UNDER THE PROVISIONS OF 1-1-215.~~

22 ~~(B) A SCHOOL DISTRICT OR AN ATHLETIC ASSOCIATION, CONFERENCE, OR ORGANIZATION WITH AUTHORITY~~
23 ~~OVER INTERSCHOLASTIC SPORTS MAY PROHIBIT OR RESTRICT THE PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OF A~~
24 ~~STUDENT ATTENDING A HOME SCHOOL BASED ON ONE OR BOTH OF THE FOLLOWING FACTORS:~~

25 ~~(I) THE STUDENT'S STATUS AS A UNITED STATES CITIZEN; AND~~

26 ~~(II) THE STUDENT'S STATUS AS A MONTANA RESIDENT, AS DETERMINED UNDER THE PROVISIONS OF 1-1-~~
27 ~~215.~~

28 (2) Except as provided in subsections (1) and (3), a student attending a nonpublic or home school

1 who participates in extracurricular activities at a public school is subject to:

2 (a) the same standards for participation as those required of full-time students enrolled in the
3 school;

4 (b) the same rules of any interscholastic organization of which the school of participation is a
5 member.

6 (3) (a) The academic eligibility for extracurricular participation for a student attending a nonpublic
7 school must be attested by the head administrator of the nonpublic school.

8 (b) The academic eligibility for extracurricular participation for a student attending a home school
9 must be attested in writing by the educator providing the student instruction with verification by the school
10 principal. The verification may not include any form of student assessment."
11

12 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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