

SENATE BILL NO. 221—SENATOR CEGAVSKE

MARCH 21, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Provides for participation of homeschooled children in certain interscholastic activities and events. (BDR 34-1158)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; providing for the participation of homeschooled children in certain interscholastic activities and events; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows homeschooled children to participate in interscholastic athletics governed by an interscholastic association in the same manner as pupils of a public school. (NRS 386.420-386.470) The current association formed pursuant to existing law governs only interscholastic athletics for pupils who are of high school age.

This bill allows homeschooled children to participate in interscholastic athletics governed by an association formed for interscholastic activities and events in addition to the association that is currently formed for high school athletics. The homeschooled children must be allowed to participate through a public school that is a member of such an association and the same rules governing eligibility and participation apply to the homeschooled child.

This bill also allows a private school that is a member of an association for interscholastic activities and events to adopt a policy that prohibits the participation of homeschooled children in the activities and events through the private school or that allows the participation of homeschooled children through the private school.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an association for interscholastic activities and events is formed, other than the association formed pursuant to the provisions of NRS 386.420 to 386.470, inclusive, a homeschooled child must be allowed to participate in the interscholastic activities and events through a member of the association that is a public school.

2. If a private school is a member of such an association, the school may adopt a policy:

(a) Prohibiting a homeschooled child from participating in interscholastic activities and events of the association through the school.

(b) Allowing a homeschooled child to participate in interscholastic activities and events of the association through the school if space is available.

(c) Requiring a homeschooled child who participates in interscholastic activities and events of the association through the school to pay a fee for participation that is equal to or greater than the fee required of a pupil who is enrolled in the school.

3. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events of such an organization apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Except as otherwise provided in subsection 2, fees for participation;

(c) Insurance;

(d) Transportation;

(e) Requirements of physical examination;

(f) Responsibilities of participants;

(g) Schedules of events;

(h) Safety and welfare of participants;

(i) Eligibility for awards, trophies and medals;

(j) Conduct of behavior and performance of participants; and

(k) Disciplinary procedures.

4. No challenge may be brought by such an association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is



1 *invalid because homeschooled children are allowed to participate*
2 *in the interscholastic activity or event.*

3 5. *A school district, public school or private school shall not*
4 *prescribe any regulations, rules, policies, procedures or*
5 *requirements governing the:*

6 (a) *Eligibility of homeschooled children to participate in*
7 *interscholastic activities and events pursuant to this section; or*

8 (b) *Participation of homeschooled children in interscholastic*
9 *activities and events pursuant to this section,*

10 *↳ that are more restrictive than the provisions governing*
11 *eligibility and participation prescribed by such an association.*

12 **Sec. 2.** NRS 386.462 is hereby amended to read as follows:

13 386.462 1. A homeschooled child must be allowed to
14 participate in interscholastic activities and events in accordance with
15 the regulations adopted by the association pursuant to NRS 386.430.

16 2. *If a private school is a member of the association, the*
17 *school may adopt a policy:*

18 (a) *Prohibiting a homeschooled child from participating in*
19 *interscholastic activities and events of the association through the*
20 *school.*

21 (b) *Allowing a homeschooled child to participate in*
22 *interscholastic activities and events of the association through the*
23 *school if space is available.*

24 (c) *Requiring a homeschooled child who participates in*
25 *interscholastic activities and events of the association through the*
26 *school to pay a fee for participation that is equal to or greater than*
27 *the fee required of a pupil who is enrolled in the school.*

28 3. The provisions of NRS 386.420 to 386.470, inclusive, and
29 the regulations adopted pursuant thereto that apply to pupils enrolled
30 in public schools who participate in interscholastic activities and
31 events apply in the same manner to homeschooled children who
32 participate in interscholastic activities and events, including, without
33 limitation, provisions governing:

34 (a) Eligibility and qualifications for participation;

35 (b) ~~Fees~~ *Except as otherwise provided in subsection 2, fees*
36 *for participation;*

37 (c) Insurance;

38 (d) Transportation;

39 (e) Requirements of physical examination;

40 (f) Responsibilities of participants;

41 (g) Schedules of events;

42 (h) Safety and welfare of participants;

43 (i) Eligibility for awards, trophies and medals;



- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

Sec. 3. NRS 392.070 is hereby amended to read as follows:

392.070 1. Attendance required by the provisions of NRS 392.040 must be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child is receiving at home or in some other school equivalent instruction of the kind and amount approved by the State Board.

2. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.440 to 388.520, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not available to the child at the private school or home school or **to** participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

➤ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive

✚, or pursuant to section 1 of this act, as applicable.



1 4. The board of trustees of a school district may revoke its
2 approval for a pupil to participate in a class or extracurricular
3 activity at a public school pursuant to subsection 3 if the board of
4 trustees or the public school determines that the pupil has failed to
5 comply with applicable statutes, or applicable rules and regulations
6 of the board of trustees. If the board of trustees revokes its approval,
7 neither the board of trustees nor the public school are liable for any
8 damages relating to the denial of services to the pupil.

9 5. The programs of special education and related services
10 required by subsection 2 may be offered at a public school or
11 another location that is appropriate.

12 6. The Department may adopt such regulations as are necessary
13 for the boards of trustees of school districts to provide the programs
14 of special education and related services required by subsection 2.

15 7. As used in this section, "related services" has the meaning
16 ascribed to it in 20 U.S.C. § 1401(22).

17 **Sec. 4.** This act becomes effective upon passage and approval.



