



## GUIDANCE FOR SB 157

### Qualified Students Attending a Non-Public or Home School to Participate in Extracurricular Activities in the Student's Resident School District.

#### 1. Introduction

The 2021 Legislature passed [SB 157](#) allowing students who are not enrolled in a public school to participate in extracurricular activities offered by the student resident district when they meet certain requirements.

**Note:** This is a new section of law and a statute number has not been assigned to this bill and you cannot find it in the current Montana Code Annotated. The Montana Legislative Services is working on codifying all the bills passed by the 2021 Legislature. You may search for any bill introduced in the 2021 session [here](#).

#### 2. Effective Date

The effective date is July 1, 2021.

#### 3. Public School Applicability

This legislation applies to all K-12 extracurricular activities. A school district cannot prohibit or restrict the ability of an eligible student based solely on the student's enrollment in public school or the number of hours the student physically attends the public school.

#### 4. Extracurricular Activities Defined

An extracurricular activity is not defined in the legislation. Generally, an extracurricular activity is sponsored by the school and available to public-school students outside of the normal courses. For example, a sport, speech and debate, or a club.

#### 5. Participation Requirements

Students eligible to participate in extracurricular activities must meet the following requirements.

##### 5.1 Attend a Nonpublic School or Home School

Attend a nonpublic school or home school that meets the requirements of Mont. Code Ann. [§20-5-109](#). Some students may be enrolled in public school part-time.

## 5.2 Resident School District

The legislation requires the student participate in the extracurricular activity within the student's resident school district. However, the legislation does not provide any direction on whether the student must live within the geographic boundaries for a particular school within the school district.

For example, a school district has two schools. The student resides within the school district and within the geographic boundaries for School A. However, the student wants to participate in the extracurricular activity at School B.

It is the school district's discretion as to what school within the district the student must participate. However, the school district in making this decision should be consistent and equitable. Some of the factors a school district may consider, include:

- The rules of any interscholastic organization of which the school is a member as directed in SB157(2021).
- Current school policy for enrolled students or other good reason as determined by the District Board of Trustees.

## 5.3 Participation Standards

- Meet the same standards for participation as those required of full-time public-school students.
- Comply with the same rules of any interscholastic organization governing the extracurricular activity.
- Maintain the same academic eligibility as required for participation in the extracurricular activity as a public-school student.
  - Submit proof of academic eligibility. Proof of academic eligibility must be:
    - in writing
    - Completed by the appropriate individual, either:
      - The non-public school's head administrator, or
      - The home-school educator providing student instruction.
  - With a certification or declaration that the information is true and correct.
  - The school principal must verify the eligibility requirements have been satisfied for a student participating in a home school for extracurricular activities requiring academic eligibility to participate.
    - The verification **cannot** include any form of student assessment.

- The school district may determine the best methods of verification based on the information presented. These may include:
  - Review of recent schoolwork or tests completed.
  - Documentation from the program the child is using for home school.
  - Other information as is reasonably required to verify academic eligibility.

A student or their parent/guardian should direct all questions about this process to the local school district.