

SB157

'Allow nonpublic students to participate in public school extracurriculars'
Sponsor: Senator Hinebauch

In the 2021 Montana Legislative Session SB157 was introduced: '*Allow nonpublic students to participate in public school extracurriculars*' by Senator Steve Hinebauch. On April 28, 2021, SB157 was signed into law by Montana's Governor Gianforte. SB157 will take effect July 1, 2021.

SB157 will become a new section of Montana law pertaining to the opportunity for nonpublic (aka 'private') and home schools to participate in public school extracurricular activities (K-12). Those activities could be sports, or even non-sports. There are three parts to this bill:

The first part simply states that the school district may not prohibit or restrict the ability of a student(s) who is attending a nonpublic or home school, that is meeting the requirements of [20-5-109 MCA](#), from participating in extracurricular activities at a public school in the student's RESIDENT SCHOOL district, based **solely** on whether or not the student is physically attending the public school.

The second part requires that all participating nonpublic or home school students are subject to the same standards as public school students in the extracurricular activities. These would be standards established by either the school district or any interscholastic association that the public school belongs to. Standards could relate to attending practices, participation physicals, 'tryouts', attending contests, etc.

The third part of the new law relates to academic eligibility. For **nonpublic** school students, the head administrator must attest to the achievement level of the student. For **home school** students, the new law states that the 'educator providing the student instruction' (aka parent) must attest in writing, for verification from the public school principal. SB 157 further states that the verification may not include any form of student assessment [by the public school].

It is anticipated that there will be some guiding documents available by the end of May 2021 from Montana's Office of Public Instruction (OPI) to help Montana's public schools in the implementation of SB157, as well as providing assistance to interested nonpublic and home schools in their participation.