

SENATE BILL NO. 157

INTRODUCED BY S. HINEBAUCH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE ABILITY OF A STUDENT ATTENDING A NONPUBLIC SCHOOL OR HOME SCHOOL TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES OFFERED BY THE STUDENT'S RESIDENT SCHOOL DISTRICT; AMENDING SECTION 20-5-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-5-111, MCA, is amended to read:

"20-5-111. Responsibilities and rights of parent who provides home school and child who attends home school. (1) Subject to the provisions of 20-5-109, a parent has the authority to instruct the parent's child, stepchild, or ward in a home school and is solely responsible for:

- (1)(a) the educational philosophy of the home school;
- (2)(b) the selection of instructional materials, curriculum, and textbooks;
- (3)(c) the time, place, and method of instruction; and
- (4)(d) the evaluation of the home school instruction.

(2) A child attending a home school has the right to participate on an equal basis in extracurricular activities offered by a public school district in which the child resides and is subject to the same rules of any interscholastic organization of which the school of participation is a member."

NEW SECTION. Section 2. Participation in extracurricular activities. A school district or an athletic association, conference, or organization with authority over interscholastic sports may not prohibit or restrict the ability of a student attending a nonpublic or home school meeting the requirements of 20-5-109 from participating in extracurricular activities at a school in the student's resident school district solely on the student's enrollment at the public school or on the number of hours the student physically attends the public school.

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2 NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an
3 integral part of Title 20, chapter 5, part 1, and the provisions of Title 20, chapter 5, part 1, apply to [section 2].

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5 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2021.

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