

SENATE BILL NO. 157

INTRODUCED BY S. HINEBAUCH, K. BOGNER, J. ELLSWORTH, C. GLIMM, D. HOWARD, D. KARY, T. MANZELLA, T. MCGILLVRAY, B. MOLNAR, K. REGIER, C. SMITH, G. VANCE, M. BINKLEY, P. FIELDER, G. FRAZER, E. HILL, J. HINKLE, C. HINKLE, R. KNUDSEN, B. LER, R. MARSHALL, B. MITCHELL, M. NOLAND, B. PHALEN, A. REGIER, J. SCHILLINGER, B. TSCHIDA

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 20-5-411, MCA;~~ AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. ~~Section 20-5-411, MCA, is amended to read:~~

~~"20-5-411. 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 1. Participation in extracurricular activities. (1) 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

1 participating in extracurricular activities at a school in the student's resident school district solely on the
2 student's enrollment at the public school or on the number of hours the student physically attends the public
3 school.

4 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (1) AND (3), A STUDENT ATTENDING A NONPUBLIC OR HOME
5 SCHOOL WHO PARTICIPATES IN EXTRACURRICULAR ACTIVITIES AT A PUBLIC SCHOOL IS SUBJECT TO:

6 (A) THE SAME STANDARDS FOR PARTICIPATION AS THOSE REQUIRED OF FULL-TIME STUDENTS ENROLLED IN
7 THE SCHOOL;

8 (B) THE SAME RULES OF ANY INTERSCHOLASTIC ORGANIZATION OF WHICH THE SCHOOL OF PARTICIPATION IS A
9 MEMBER.

10 (3) (A) THE ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR PARTICIPATION FOR A STUDENT ATTENDING A
11 NONPUBLIC SCHOOL MUST BE ATTESTED BY THE HEAD ADMINISTRATOR OF THE NONPUBLIC SCHOOL.

12 (B) THE ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR PARTICIPATION FOR A STUDENT ATTENDING A HOME
13 SCHOOL MUST BE ATTESTED IN WRITING BY THE EDUCATOR PROVIDING THE STUDENT INSTRUCTION WITH VERIFICATION
14 BY THE SCHOOL PRINCIPAL. THE VERIFICATION MAY NOT INCLUDE ANY FORM OF STUDENT ASSESSMENT.

15
16 NEW SECTION. Section 2. Codification instruction. [Section 21] is intended to be codified as an
17 integral part of Title 20, chapter 5, part 1, and the provisions of Title 20, chapter 5, part 1, apply to [section 21].

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19 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2021.

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