

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to allow home school  
2 students, who would otherwise be denied the opportunity to do  
3 so, to participate on an equal basis in extracurricular  
4 activities offered at schools.

5           SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§302A- Home school students; extracurricular  
9 activities. (a) Notwithstanding any law to the contrary, each  
10 public school, subject to the requirements of this section,  
11 shall allow any home school student to participate on an equal  
12 basis in any extracurricular activity offered by a public  
13 school.

14           (b) Each private school may allow a student to participate  
15 in an extracurricular activity offered by the private school, at  
16 the private school's discretion.



1        (c) A public school shall not adopt or agree to be bound  
2 by any rule or policy of any organization or association that  
3 would prohibit any participation allowed by this section.

4        (d) A home school student's participation in an  
5 extracurricular activity through any amateur association or  
6 league of which the public school is not a member shall not  
7 prevent the student from participating or affect the student's  
8 eligibility to participate in the same extracurricular activity  
9 at any public school; provided that prior to participating in  
10 any extracurricular activity through the amateur association or  
11 league, the student shall obtain the express written permission  
12 of the principal of the public school at which the student  
13 participates in the extracurricular activity, which permission  
14 shall be granted if:

15        (1) The student's class attendance is not compromised; and

16        (2) The student is in good academic standing under the  
17 home school's activities policy.

18        (e) Notwithstanding any rule adopted or agreed to by any  
19 public school, any home school student who is sanctioned or is  
20 found by the public school, or any organization or association  
21 to which the school belongs, to be ineligible to participate in  
22 any extracurricular activity for any reason, except for



1 unsportsmanlike conduct or ejection from an activity, may appeal  
2 the sanction or finding. The appeal shall be made through the  
3 applicable process at the school, any league to which the school  
4 belongs, or any other organization to which the school belongs.

5 (f) To participate in an extracurricular activity at a  
6 public school, a home school student shall meet all of the  
7 requirements imposed by the public school, including compliance  
8 with:

9 (1) All laws governing the activity;

10 (2) All eligibility requirements imposed by the public  
11 school;

12 (3) The same responsibilities and standards of behavior as  
13 are imposed on other students participating in the  
14 activity at the public school; and

15 (4) The payment of all required activity-related fees,  
16 including any fee provided in subsection (g).

17 (g) A public school may charge a home school student a  
18 participation fee as a prerequisite to participation in an  
19 extracurricular activity. The fee shall not exceed one hundred  
20 fifty per cent of the fee amount the school would charge an  
21 enrolled student to participate in the extracurricular activity;  
22 provided that any fee collected pursuant to this subsection



1 shall be used to fund the particular extracurricular activity  
2 for which it is charged and shall not be expended for any other  
3 purpose.

4 (h) Home school students who participate in an  
5 extracurricular activity in a public school shall be included in  
6 the pupil enrollment of the public school where the student  
7 participates.

8 (i) As used in this section:

9 "Extracurricular activity" means a school-authorized or  
10 education-related activity occurring during or outside the  
11 regular instructional school day, including but not limited to  
12 sports, cheerleading, music, band, clubs, driver's education,  
13 and after-school programs.

14 "Home school" means the sequential program of instruction  
15 for the education of a child which:

16 (1) Takes place in a home;

17 (2) Is provided by the child's parent or guardian or by an  
18 adult relative of the child designated by the parent  
19 or guardian;

20 (3) Is not under the supervision and control of a public  
21 school;



1        (4) Is not intended to be and does not qualify as a  
2        private and nonprofit school or a new century charter  
3        school; and

4        (5) Is subject to any rule adopted by the department of  
5        education under chapter 8-12, Hawaii Administrative  
6        Rules ("compulsory attendance exceptions"), relating  
7        to home schooling.

8        (j) The department shall adopt rules pursuant to chapter  
9        91 to administer and implement this section."

10       SECTION 3. New statutory material is underscored.

11       SECTION 4. This Act shall take effect on July 1, 2011.

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INTRODUCED BY: Michelle Kidani

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**Report Title:**

Home School Students; Extracurricular Activities

**Description:**

Allows home school students to participate in any extracurricular activities offered by a public school. Requires home school students to pay applicable activity-participation fees.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

