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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 so,  
3 to participate on an equal basis in extracurricular and  
4 interscholastic activities. This Act is not intended to  
5 sanction or encourage the recruitment of students for  
6 participation in these activities by public schools.

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

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

16                   (1) The home school student shall participate in  
17                   activities only at the public school in the  
18                   geographic area in which the home school student



1 resides, and may not be granted a geographic  
2 exception for this purpose; and

3 (2) If a home school student's parent or legal  
4 guardian changes domicile to another public  
5 school district, the student shall no longer be  
6 eligible to participate in activities at the  
7 student's former school.

8 (b) Each private school may allow a student to participate  
9 in an activity offered by the private school, at the private  
10 school's discretion.

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

14 (d) Any home school student may participate in an activity  
15 through any amateur association or league of which the public  
16 school is not a member, and this participation shall not prevent  
17 the student from participating or affect the student's  
18 eligibility to participate in the same activity at any public  
19 school. Prior to participating in any activity through such an  
20 amateur association or league, the home school student shall  
21 obtain the express written permission of the principal of the



1 public school at which the student participates in the activity,  
2 which permission shall be granted if:

3 (1) The home school student's class attendance is not  
4 compromised; and

5 (2) The home school student is in good academic  
6 standing under the home school's activities  
7 policy.

8 (e) Notwithstanding any rule adopted or agreed to by any  
9 public school, any home school student who is sanctioned or is  
10 found by the public school, or any organization or association  
11 to which the school belongs, to be ineligible to participate in  
12 any activity for any reason, except unsportsmanlike conduct or  
13 ejection from an activity, may appeal the sanction or finding.  
14 The appeal may be made through the applicable process at the  
15 school, any league to which the school belongs, or any other  
16 organization to which the school belongs.

17 (f) To participate in an activity at a public school, a  
18 home school student shall meet all of the requirements imposed  
19 by the public school, including compliance with:

20 (1) All laws governing the activity;

21 (2) All eligibility requirements imposed by the  
22 public school;



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

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

8           (g) A public school may charge a home school student  
9           participating in an activity a participation fee as a  
10          prerequisite to participation. The fee amount that the school  
11          charges a home school student shall not exceed one hundred fifty  
12          per cent of the fee amount the school would charge an enrolled  
13          student to participate in the activity; provided that if any fee  
14          is collected pursuant to this subsection for participation in an  
15          activity, the fee shall be used to fund the particular activity  
16          for which it is charged and shall not be expended for any other  
17          purpose.

18          (h) No home school student who participates in an activity  
19          in a public school shall be included in the pupil enrollment of  
20          the public school where the student participates.

21          (i) As used in this section:

1       "Activity" means any extracurricular or interscholastic  
2 activity, including any academic, artistic, athletic,  
3 recreational, or other activity offered by a school.

4       "Home school" means the sequential program of instruction  
5 for the education of a child which:

- 6       (1) Takes place in a home;
- 7       (2) Is provided by the child's parent or guardian or by an  
8       adult relative of the child designated by the parent  
9       or guardian;
- 10       (3) Is not under the supervision and control of a public  
11       school;
- 12       (4) Is not intended to be and does not qualify as a  
13       private and nonprofit school or a new century charter  
14       school; and
- 15       (5) Is subject to any rule adopted by the department of  
16       education under title 8, chapter 12, Hawaii  
17       Administrative Rules ("compulsory attendance  
18       exceptions"), relating to home schooling.

19       (j) The department shall adopt rules under chapter 91 to  
20 administer and implement this section."

21       SECTION 3. New statutory material is underscored.

22       SECTION 4. This Act shall take effect upon its approval.



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HB 2004

**Report Title:**

Home School Students; Extracurricular Activities

**Description:**

Allows home school students to participate on an equal basis in any extracurricular or interscholastic activities offered by a public school in the geographic area in which the student resides. Requires home school students to pay applicable activity participation fees.

