
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 activities.

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

7 "§302A- Home school students; extracurricular
8 activities. (a) Notwithstanding any law to the contrary,
9 each public school, subject to the requirements of this section,
10 shall allow any home school student to participate on an equal
11 basis in any extracurricular activity offered by a public
12 school.

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

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



1 (d) Any home school student may participate in an
2 extracurricular activity through any amateur association or
3 league of which the public school is not a member, and this
4 participation shall not prevent the student from participating
5 or affect the student's eligibility to participate in the same
6 extracurricular activity at any public school. Prior to
7 participating in any extracurricular activity through such an
8 amateur association or league, the home school student shall
9 obtain the express written permission of the principal of the
10 public school at which the student participates in the
11 extracurricular activity, which permission shall be granted if:

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

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

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



1 the sanction or finding. The appeal may be made through the
2 applicable process at the school, any league to which the school
3 belongs, or any other organization to which the school belongs.

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

8 (1) All laws governing the activity;

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

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

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

17 (g).

18 (g) A public school may charge a home school student
19 participating in an extracurricular activity a participation fee
20 as a prerequisite to participation. The fee amount that the
21 school charges a home school student shall not exceed one
22 hundred fifty per cent of the fee amount the school would charge



1 an enrolled student to participate in the extracurricular
2 activity; provided that if any fee is collected pursuant to this
3 subsection for participation in an extracurricular activity, the
4 fee shall be used to fund the particular extracurricular
5 activity for which it is charged and shall not be expended for
6 any other purpose.

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

11 (i) As used in this section:

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

17 "Home school" means the sequential program of instruction
18 for the education of a child which:

19 (1) Takes place in a home;

20 (2) Is provided by the child's parent or guardian or by an
21 adult relative of the child designated by the parent
22 or guardian;



1 (3) Is not under the supervision and control of a public
2 school;

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

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

10 (j) The department shall adopt rules pursuant to chapter
11 91 to administer and implement this section."


12 SECTION 3. New statutory material is underscored.


13 SECTION 4. This Act shall take effect on July 1, 2009.


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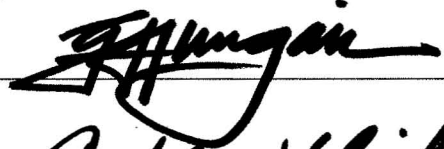
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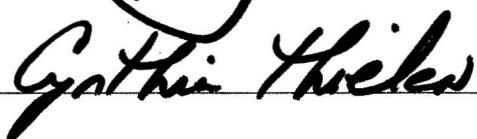
INTRODUCED BY:











JAN 23 2009



Report Title:

Home school students; extracurricular activities

Description:

Allows home school students to participate on an equal basis in any extracurricular activities offered by a public school.

Requires home school students to pay applicable activity participation fees.

