

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0223.01 Richard Sweetman x4333

HOUSE BILL 13-1047

HOUSE SPONSORSHIP

Schafer,

SENATE SPONSORSHIP

Todd,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING THAT, IF A STUDENT CHOOSES TO**
102 **PARTICIPATE IN AN ACTIVITY AT A PUBLIC SCHOOL OTHER THAN**
103 **THE STUDENT'S SCHOOL OF ATTENDANCE, THE SCHOOL DISTRICT**
104 **IN WHICH THE STUDENT CHOOSES TO PARTICIPATE SHALL**
105 **CHOOSE THE PUBLIC SCHOOL AT WHICH THE STUDENT**
106 **PARTICIPATES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 7, 2013

Under current law, if a student's school of attendance does not offer an activity in which the student wishes to participate, the student may participate in the activity at another public school in the student's school district of attendance or in the student's school district of residence. If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity.

The bill clarifies that, if a student chooses to participate in an activity at a public school other than his or her school of attendance, the school district in which the student chooses to participate shall choose the public school at which the student shall participate. The school district shall choose the public school that offers the greatest number of activities in which the student wishes to participate.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby declares that all students enrolled in schools of public school
4 districts, district charter schools, institute charter schools, nonpublic
5 home-based educational programs, on-line education programs, and
6 private schools should have a fair and equitable opportunity to participate
7 in extracurricular activities as part of their educational experience.

8 (2) The general assembly hereby finds that current state laws
9 concerning students' participation in extracurricular activities provide
10 that:

11 (a) A student may participate in activities only at the student's
12 school of attendance unless the school of attendance does not offer an
13 activity in which the student wishes to participate;

14 (b) If a student's school of attendance does not offer an activity in
15 which the student wishes to participate, the student may participate in the
16 activity at another public school in the student's school district of
17 attendance or in the student's school district of residence;

1 (c) If the activity is not offered at any public school in the school
2 district of attendance or the school district of residence, the student may
3 participate in the activity at a public school in a school district that is
4 contiguous to the student's school district of residence or at the nearest
5 public school that has the facilities for and offers the activity, even if the
6 public school is not in a contiguous school district; and

7 (d) If an activity is not offered at the student's school of
8 attendance and the student chooses to participate in the activity at a public
9 school in a contiguous school district, the school district in which the
10 student chooses to participate chooses the public school at which the
11 student participates. In choosing a public school, the school district must
12 choose the public school that offers the greatest number of activities in
13 which the student wishes to participate.

14 (3) The general assembly further finds that:

15 (a) Current state law concerning students' participation in
16 extracurricular activities also includes a provision that suggests that in
17 cases where a student may participate in an activity at a school other than
18 the student's school of attendance, the student, rather than the school
19 district where the student wishes to participate, may choose the school
20 where he or she will participate in the activity;

21 (b) This provision conflicts with the other statutory provisions
22 concerning students' participation in extracurricular activities and has
23 created the opportunity for parties to circumvent the intent of state law
24 and violate rules of the Colorado high school activities association, a
25 statewide high school activities association, regarding:

26 (I) Recruiting of players;

27 (II) The creation of "super teams" composed of recruited students,

1 which teams may establish long-term dominance and ongoing
2 championships, thereby creating the public perception of unfairness in
3 interscholastic athletic competition; and

4 (III) The displacement and exclusion of in-district students from
5 their own schools' teams.

6 (4) Now, then, the general assembly hereby declares that:

7 (a) If an activity is not offered at a student's school of attendance
8 and the student chooses to participate in the activity at another public
9 school, the school district in which the student chooses to participate shall
10 choose the public school at which the student shall participate; and

11 (b) In choosing a public school, the school district shall seek to
12 maximize all students' opportunities to participate in extracurricular
13 activities and shall consider certain factors, including but not limited to:

14 (I) Which public school of the school district offers the most
15 activities in which the student wishes to participate;

16 (II) Which public school or schools of the school district are
17 nearest to the student's residence;

18 (III) The preferences of the student's parents or legal guardians;
19 and

20 (IV) Such issues as may be presented for the school district's
21 consideration by a statewide high school activities association.

22 **SECTION 2.** In Colorado Revised Statutes, 22-32-116.5, **amend**
23 (2) (c) and (2) (d); and **repeal** (3) (c) as follows:

24 **22-32-116.5. Extracurricular and interscholastic activities.**

25 (2) (c) If an activity is not offered at the student's school of attendance
26 and the student chooses to participate in the activity at a public school in
27 a contiguous school district AS PROVIDED IN PARAGRAPH (b) OF THIS

1 SUBSECTION (2), the school district in which the student chooses to
2 participate as ~~provided in paragraph (b) of this subsection (2)~~; shall
3 choose the public school at which the student shall participate. In
4 choosing a public school, the school district shall ~~choose the public~~
5 ~~school that offers the greatest number of activities in which the student~~
6 ~~wishes to participate.~~ SEEK TO MAXIMIZE ALL STUDENTS' OPPORTUNITIES
7 TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES AND SHALL CONSIDER
8 CERTAIN FACTORS, INCLUDING BUT NOT LIMITED TO:

9 (I) WHICH PUBLIC SCHOOL OF THE SCHOOL DISTRICT OFFERS THE
10 MOST ACTIVITIES IN WHICH THE STUDENT WISHES TO PARTICIPATE;

11 (II) WHICH PUBLIC SCHOOL OR SCHOOLS OF THE SCHOOL DISTRICT
12 ARE NEAREST TO THE STUDENT'S RESIDENCE;

13 (III) THE PREFERENCES OF THE STUDENT'S PARENTS OR LEGAL
14 GUARDIANS; AND

15 (IV) SUCH ISSUES AS MAY BE PRESENTED FOR THE SCHOOL
16 DISTRICT'S CONSIDERATION BY A STATEWIDE HIGH SCHOOL ACTIVITIES
17 ASSOCIATION.

18 (d) A student may participate in activities at more than one school
19 of participation during the same school year only if the original school of
20 participation does not offer an activity in which the student wishes to
21 participate. THIS LIMITATION APPLIES REGARDLESS OF WHETHER THE
22 STUDENT PARTICIPATES IN ACTIVITIES AT A PUBLIC OR NONPUBLIC SCHOOL.

23 (3) (c) ~~In choosing whether to participate in activities at a public~~
24 ~~or nonpublic school, the student shall choose the school of participation~~
25 ~~that offers the greatest number of activities in which the student wishes~~
26 ~~to participate. The limitation on the number of schools of participation~~
27 ~~specified in paragraph (d) of subsection (2) of this section applies~~

1 ~~regardless of whether the student participates in activities at a public or~~
2 ~~nonpublic school.~~

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2014 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.