

**NOTE: The governor signed this measure on 4/26/2013.**

# An Act

HOUSE BILL 13-1047

BY REPRESENTATIVE(S) Schafer, Buckner, Exum, Fields, Ginal, Hamner, Hullinghorst, Labuda, Lee, Pettersen, Rosenthal, Stephens, Williams, Young;  
also SENATOR(S) Todd.

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

(b) 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;

(c) 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, even if the public school is not in a contiguous school district; and

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

(3) The general assembly further finds that:

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

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

(I) Recruiting of players;

(II) The creation of "super teams" composed of recruited students, which teams may establish long-term dominance and ongoing championships, thereby creating the public perception of unfairness in interscholastic athletic competition; and

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

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

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

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

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

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

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

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

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

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

(2) (c) If an activity is not offered at the student's school of attendance and the student chooses to participate in the activity at a public school ~~in a contiguous school district~~ AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), the school district in which the student chooses to participate ~~as provided in paragraph (b) of this subsection (2)~~, shall choose the public school at which the student shall participate. In choosing a public

school, the school district shall ~~choose the public school that offers the greatest number of activities in which the student wishes to participate.~~ SEEK TO MAXIMIZE ALL STUDENTS' OPPORTUNITIES TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES AND SHALL CONSIDER CERTAIN FACTORS, INCLUDING BUT NOT LIMITED TO:

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

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

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

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

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

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

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO