February 8, 2011

HOUSE BILL No. 1399

DIGEST OF HB 1399 (Updated February 7, 2011 2:08 pm - DI 109)

Citations Affected: IC 20-26.

Synopsis: Participation in school athletics. Requires a nonpublic high school student who participates in high school athletics at a public high school that is a member of an athletic association to: (1) follow applicable code of conduct rules; and (2) fulfill certain academic requirements. Requires a student who attends a nonaccredited nonpublic school to: (1) follow applicable code of conduct rules; and (2) fulfill certain academic requirements or meet certain school attendance requirements and undergo annual department of education approved academic assessments.

Effective: July 1, 2011.

Wesco, Pond

January 18, 2011, read first time and referred to Committee on Education.
February 8, 2011, amended, reported — Do Pass.

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February 8, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1399

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-26-14-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a) A high school student who attends any nonpublic school whether accredited or nonaccredited that is not a member of an association may participate in high school athletics at a public high school that is a member of an association if the public high school is located within the legal settlement of the student and the criteria set forth in subsection (b) are met.**

(b) For a high school student described in subsection (a) to be eligible to participate in high school athletics at a public high school that is located within the legal settlement of the student and is a member of an association, the following conditions must be met:

(1) If the student attends an accredited nonpublic school, the student must:

(A) fulfill the same academic requirements established for students of the public high school by the school corporation

where the student has legal settlement; and

(B) meet all standards and requirements applicable to a student participating in the interscholastic athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, and transportation arrangements, but excluding any requirements that the student be enrolled in or attend the public school.

(2) If the student attends a nonaccredited nonpublic school, the student must meet the conditions under subdivision (1) or:

(A) must have attended a nonaccredited nonpublic school for the previous three (3) school years;

(B) must take a nationally recognized test, as approved by the department, that assesses basic skills and achievement for each year of high school and achieve at least the minimum standard score commensurate with the student's grade level; and

(C) meet all standards and requirements applicable to a student participating in the interscholastic athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, and transportation arrangements, but excluding any requirements that the student be enrolled in or attend the public school.

SECTION 2. IC 20-26-14-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9. A nonaccredited nonpublic school student who provides false information, documentation, or verification of the student's qualifications for the purpose of meeting eligibility requirements to participate in interscholastic athletic activities is ineligible to participate in interscholastic athletic activities in accordance with policies of the association and may be subject to penalties as provided by the association.**

SECTION 3. IC 20-26-14-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 10. If the association finds that a public or accredited nonpublic school has knowledge of any false representation, documentation, or verification of a nonaccredited nonpublic school student's qualifications that was made for the purpose of meeting eligibility requirements to participate in**

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interscholastic athletic activities, and the school does not declare the student ineligible for participation, the school is subject to penalties established by the association.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1399, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "This section applies to a high school student" and insert "**A high school student who attends any nonpublic school whether accredited or nonaccredited that is not a member of an association may participate in high school athletics at a public high school that is a member of an association if the public high school is located within the legal settlement of the student and the criteria set forth in subsection (b) are met.**

(b) For a high school student described in subsection (a) to be eligible to participate in high school athletics at a public high school that is located within the legal settlement of the student and is a member of an association, the following conditions must be met:

(1) If the student attends an accredited nonpublic school, the student must:

(A) fulfill the same academic requirements established for students of the public high school by the school corporation where the student has legal settlement; and

(B) meet all standards and requirements applicable to a student participating in the interscholastic athletic activity, including but not limited to tryouts, practice time, codes of conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, and transportation arrangements, but excluding any requirements that the student be enrolled in or attend the public school.

(2) If the student attends a nonaccredited nonpublic school, the student must meet the conditions under subdivision (1) or:

(A) must have attended a nonaccredited nonpublic school for the previous three (3) school years;

(B) must take a nationally recognized test, as approved by the department, that assesses basic skills and achievement for each year of high school and achieve at least the minimum standard score commensurate with the student's grade level; and

(C) meet all standards and requirements applicable to a student participating in the interscholastic athletic activity, including but not limited to tryouts, practice time, codes of

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conduct and student discipline, physical exams, proof of age, permission forms, waivers, required paperwork, fees, and transportation arrangements, but excluding any requirements that the student be enrolled in or attend the public school.".

Page 1, delete lines 4 through 17.

Delete page 2.

Page 3, delete lines 1 through 3.

Page 3, line 6, delete "(a) This section applies to a high school student" and insert "**A nonaccredited nonpublic school student who provides false information, documentation, or verification of the student's qualifications for the purpose of meeting eligibility requirements to participate in interscholastic athletic activities is ineligible to participate in interscholastic athletic activities in accordance with policies of the association and may be subject to penalties as provided by the association.**".

Page 3, delete lines 7 through 27.

Page 3, line 30, delete "A student who:" and insert "**If the association finds that a public or accredited nonpublic school has knowledge of any false representation, documentation, or verification of a nonaccredited nonpublic school student's qualifications that was made for the purpose of meeting eligibility requirements to participate in interscholastic athletic activities, and the school does not declare the student ineligible for participation, the school is subject to penalties established by the association.**".

Page 3, delete lines 31 through 42.

Delete page 4.

and when so amended that said bill do pass.

(Reference is to HB 1399 as introduced.)

BEHNING, Chair

Committee Vote: yeas 12, nays 1.

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