

## **Home-Schooled Children Can Participate In District Extra-Curricular Activities**

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On November 10, 2005, Governor Edward G. Rendell signed into law Act 67, effective January 1, 2006, which gives students who engage in a program of home study the right to participate in certain activities sponsored or operated by their district of residence.

The type of activities to which home schooled students now have access is not fully defined in the law. However, eligible activities may not be limited to just extra-curricular or co-curricular activities. Act 67 states the school district of residence shall permit a child who is enrolled in a home education program to participate in any activity that is subject to the provisions of Section 511. Section 511 of the School Code authorizes school boards to adopt rules and regulations governing athletics, publications and dramatic, debating, musical “or other activities relating to the school program.”

Act 67 does provide that home-schooled children must meet the same eligibility and try-out criteria, or their equivalent, as regularly enrolled students in the district. Furthermore, home-schooled children must comply with all policies, rules and regulations, or their equivalent, of the governing organization of the activity (PIAA already has rules that permit non-public school students to participate in interscholastic activities at the local public school that they otherwise would attend if they were enrolled in public school).

Along with failing to define which activities are subject to the Act 67 provisions, equivalencies for eligibility and try-out criteria also are undefined. Nonetheless, in designating equivalent criteria, districts should be careful not to create or impose criteria that are more prohibitive or burdensome than eligibility or try-out criteria used for regularly enrolled students. Furthermore, a home-schooled child who qualifies as disabled is entitled to the same reasonable accommodations that a similarly situated regularly enrolled student is entitled to receive to facilitate participation in district activities.

Neither Act 67, nor Section 511 limit eligible activities to just extracurricular or co-curricular activity. The legislative history of Act 67 makes clear that the Pennsylvania legislature considered and rejected limiting the scope of this statute to just extra-curricular activities. We currently are of the opinion that after-school activities with a classroom-based curricula, such as chorus class, do not fall within Act 67 provisions.

However, if courses with after-school components are determined to fall within Act 67, school districts will have to allow equivalent demonstrations of completion of any classroom component requirements for home-schooled students who wish to participate in the after school component. For example, a classroom component of a co-curricular chorus program might require demonstration of proficient knowledge of a selection of songs. Under Act 67, an electing home-schooled student must be allowed to fulfill the required classroom component by being given the opportunity to demonstrate proficient knowledge of the same selection of songs as those students attending the regular classroom component.

At the present time, an expansive interpretation of Act 67 is not called for because this law is so new and so unsettled. Accordingly, we believe that clients may take a conservative position on how broadly they interpret Act 67.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.