

## Home-based Private Education Student Eligibility Clarification (Home School)

The Governor's office and the Legislative Council have stated that the law inserted in the budget bill does provide home-based private education students (home school students) eligibility for interscholastic sports in their public school district of residence. As you are aware, our membership's Rules of Eligibility conflict with this law. As a result, the WIAA Board of Control will provide temporary relief specific to this law and the related WIAA Rules of Eligibility will be addressed at the 2016 WIAA Annual Meeting.

In the meantime, you will have to work with your administration and school board to determine the process for verifying the participation requirements in interscholastic athletics based on the new law and WIAA Rules of Eligibility for home-based private education students. District level involvement, school board action and thoroughness is the key to home-based private education student eligibility as it is with your full-time student eligibility.

Determine that home-based private education students (home school):

- Are home-based private education students registered with your district and DPI (Wis. Statute 115.001(3g), 118.15, 118.165)
  - [http://sms.dpi.wi.gov/sms\\_homeb](http://sms.dpi.wi.gov/sms_homeb)
- Live within your attendance boundary in their primary residence (driver's license, utility bill, etc.)

Be sure to obtain required information in order to provide clearance to participate:

- Parental permission each school year including acknowledgement of receiving the school athletic code
- Current physical fitness (Pre-participation Physical Exam) to participate in sports
- Athletic emergency form
- Acknowledgement of receiving the WIAA Rules of Eligibility (Age, Consecutive Semester, 4 seasons, transfer, etc.)
- Academic requirements (ie: your school board should determine academic progress (grade reports) at the end of the school term; comparable to the expectations that your full-time students must meet can be applied; etc.)
- Age (Date of Birth)

In summary, all WIAA Rules of Eligibility (on the same basis and to the same extent) apply to Home-Based Private Education student eligibility with the exception of full-time enrollment in your school district.

Notify your insurance provider if home-based private education students are participating on your school athletic teams.

Be sure to determine how you will ask the parent to verify that they have met your academic requirements.

How to apply the rules in several situations:

- **Student has been in home-based private education while living in your school district and now wants to participate. Does the 21-calendar day ineligibility period to establish school grades still apply?** No. The state law for home-based private education must be recognized and the student is unrestricted in their eligibility upon satisfying administrative rules as outlined above.
- **Student transfers from school-based education to home-based private education (home school):** Apply your academic and discipline rules (ROE II-3-A-11, VII-3-F). (Transfer rule will apply.)
- **Student is transferring to home-based private education to avoid expulsion or truancy discipline:** Student is ineligible until the school determines that the student may return (ROE II-3-A-11, VII-3-F). Apply your academic and discipline rules.
- **Student attends another school, lives in your boundary area, and transfers to home-based private education:** Apply the transfer rule (ROE II-3-A).
- **Student attends another school and claims it is home-based private education:** Check to see if the student is registered as home school with the DPI and your district using the information on the DPI Frequently Asked Questions page in the link above. If yes, unrestricted. If no and is attending another school (brick and mortar or virtual) via open enrollment, apply the transfer rule (ROE, II-3-A).

- **Student attends another school, lives in your boundary area, is recruited via undue influence and transfers to home-based private education:** No eligibility is granted (ROE I-1-3-Note, II-3-A-12).
- **Can you cut a home-based private education athlete?** Yes, after providing a try-out opportunity using/applying the same criteria for all athletes whether your full-time student or home-based private education student.
- **Does the Code of Conduct apply?** Yes. Enforce the code of conduct immediately when you believe it has been violated. Apply the Code as written, provide an opportunity to be heard, and follow the appeal process. Everything remains the same with Code violations.
- **What is the discipline for a home-based private education student who commits an offense which would result in expulsion of a school-based student?** The penalty would result in the same period of ineligibility for both types of students.
- **If a district has multiple high schools, where is the student eligible?** The student will be eligible in the high school determined by your school district policy on boundary placement or school placement. Follow the same school board policy that is used to assign full-time public school students already whether it be geography, birth date, etc.
- **Will home-based private education students be bound to participate in athletics at one school, or will they be able to participate in athletics at different schools for different sports?** The law states "A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate." The first day of school and/or the first day of fall practice of 9<sup>th</sup> grade and of 10<sup>th</sup> grade in the public school district determines eligibility. The transfer rule applies to transfers during 9<sup>th</sup> grade, during 10<sup>th</sup> grade and after the fourth consecutive semester.
- **Will home-based private education student be able to play for a school outside of their district of residence?** No. Refer to the state law above.
- **Will home-based private education student be able to play for a private school within/outside of the district of residence?** No. Same as above. If a private school and a public school have a Board of Control approved co-op, the home-based private education students would be eligible on the co-op team just as the full-time public school students at the school.
- **If the home-based private education student participates on the public school team of residence, may he/she participate on a nonschool (same sport/same season) team?** No. The Home-based private education student must follow WIAA nonschool participation rules on the same basis and to the same extent as the public school student.

#### The Law:

118.133 Participation in interscholastic athletics and extracurricular activities. (1) INTERSCHOLASTIC ATHLETICS.

(a) A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

(b) Upon request, the home-based educational program in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.

(2) EXTRACURRICULAR ACTIVITIES. A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

(3) PARTICIPATION FEES. A school board may charge a pupil who participates in interscholastic athletics or extracurricular activities as permitted under this section participation fees, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent that it charges these fees to a pupil who is enrolled in the school district. (Document - Updated 7/21/15 – 3:19p)