



***Policy Adjustments in Accordance with House Substitute for Senate Bill 113  
Approved by the KSHSAA Executive Board at their meeting on June 15-16, 2023  
Statute and Policy become effective July 1, 2023***

In the spring of 2023, members of the Kansas House of Representatives and Kansas Senate passed legislation providing the opportunity for Non-Public School Students to participate in KSHSAA sponsored activities at their respective local public school. Non-public school students are only eligible in the district (USD) where they reside. Those students in grades 7-12 who are primarily enrolled in non-public schools may be deemed eligible for participation at their local public school upon the completion, submission, and approval of the *Eligibility Application per House Substitute for Senate Bill 113*.

**Non-public school students seeking eligibility must complete all KSHSAA and local public-school requirements including, but not limited to:**

- Completed Pre-Participation Physical exam prior to the first practice with such exam completed annually after May 1 (*KSHSAA Handbook Rule 7-1-(1-7)*).
- Concussion Education.
- Heat acclimatization (fall activities only).
- Parent/Guardian participation in parent/guardian team meeting.
- Submission of immunization records consistent with KSA 72-6262.
- Participation fees (if charged for all students by the public school).
- Other requirements as determined by the local public school Board of Education (if required for all students – i.e., required enrollment in a class to participate).

The KSHSAA is preparing the online application process to be completed by the parent/guardian of the student requesting eligibility. **Access to the *Eligibility Application per House Substitute for Senate Bill 113* will be through the KSHSAA website, however the online form is still being created and will not be available until August 1<sup>st</sup>.** Information on this form will include the following information:

- Name
- Birthdate
- Grade level
- Differentiation of non-public school attendance or home school attendance.
  - Information re non-public school (private school) attending; or,
  - Information regarding home school registration with KSDE.
- Home address (place of residence, where the family resides/sleeps).
- Public school designated to serve the home address
- Immunization records consistent with local school expectations and KSA 72-6262
- First date of enrollment in 7<sup>th</sup> grade.
- Date of promotion from 7<sup>th</sup> grade.
- Date of promotion from 8<sup>th</sup> grade.
- Activities in which the student will participate (seasonally).
- Student attendance in any school setting over the previous 12 months.

Following review of the *Eligibility Application per House Substitute for Senate Bill 113*, the student is not eligible for competition until written confirmation is provided by the KSHSAA to the member public school and that member public school athletic administrator enters the student into their respective KSHSAA eligibility database (**Rule 12-1-1**). Emails will be utilized to confirm eligibility and sent to the administrator address on file with the KSHSAA directory.

**Additional Information (bill language and then, application of KSHSAA rules):**

***House Substitute for Senate Bill 113 Language***

**New Sec. 5.**

(a) Any student who meets the requirements of this section shall be permitted to participate in any activities offered by a school district that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114, and amendments thereto. A student shall be permitted to participate in any such activities if such student:

- (1) Is a resident of the school district;
- (2) is enrolled and attending a nonpublic elementary or secondary school;
- (3) complies with the requirements of K.S.A. 72-6262, and amendments thereto, prior to participation in any such activity;
- (4) meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. 72-7114, and amendments thereto, that are not otherwise in conflict with this section;
- (5) pays any fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and
- (6) seeks participation at the appropriate school of the school district that corresponds to where such student resides within the school district's respective school attendance boundaries established by the board of education of the school district.

(b) (1) Any student attending a home school who seeks to participate in an activity in the student's resident school district shall be deemed to meet any academic eligibility requirements established by the activities association for participation in an activity if:

- (A) The student is maintaining satisfactory progress towards achievement or promotion to the next grade level; and
- (B) the parent, teacher or organization that provides instruction to the student submits an affidavit or transcript to the activities association indicating the student meets the academic eligibility requirements of subparagraph (A).

(2) Upon submission of an affidavit, the student attending a home school shall be deemed to meet any academic eligibility requirements established by the activities association and shall retain such academic eligibility during the activity season for which such affidavit is submitted.

(c) The board of education of a school district may require a student who participates in an activity pursuant to this section to enroll in a particular course or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity.

(d) Except as provided in subsection (b), any student who seeks to participate in an activity pursuant to this section shall be subject to any tryout or other participation requirements that are otherwise applicable to all other students for participation in the activity.

(e) This section shall take effect on and after July 1, 2023.

**New Sec. 6.**

(a) The activities association referred to in K.S.A. 72- 7114, and amendments thereto, shall not prohibit a student primarily enrolled in and attending a nonpublic school who enrolls part time in a public school from participating in any activity available to such student as part of such student's primary enrollment and attendance at a nonpublic school.

**Additional information regarding application of KSHSAA adopted rules regarding this new legislation:**

**All Students participating as representatives of a member school must meet the KSHSAA “Individual Eligibility Criteria” with modifications for non-public school students per the following:**

1. **Rule 13 - Scholarship Requirements** – Home School students seeking eligibility at their designated KSHSAA member public school shall provide an affidavit or transcript as required by statute which shows progress toward graduation and/or progress to promotion to the next grade level. This confirmation must be provided in writing during the first week of practice for each season and prior to any first competition. Home School students meet this requirement when parents attest to academic progress toward grade level promotion or graduation. Private School students attain scholarship eligibility for a given semester based upon successful completion of five courses in the previous semester and will need to submit such a record with the eligibility request. This includes providing a comprehensive transcript or record of performance in grades.

The confirmation shall be submitted to the KSHSAA as an attachment to the *Eligibility Application per House Sub for SB 113*.

2. **Rule 14 - Bona Fide Student** – The student must be an undergraduate student enrolled and engaged in learning at a non-public school or a KSHSAA member public school and in good standing. A student whose character or conduct brings discredit to the school or to the student, as determined by the member school principal, is not in good standing and is ineligible for a period of time as specified by the principal.

As part of the *Eligibility Application per House Sub for SB 113*, the parent/legal guardian shall attest that the student has not behaved contrary to local school code of conduct in the past calendar year (immediately prior to the date of application) and is not engaged in nor convicted of criminal activity. Please note detail in **Rule 14-1-6**.

3. **Rule 15 - Enrollment and Attendance** – Home school students are exempt from this academic requirement. Private School students must be enrolled in a minimum of five new courses which would equate to approximately 75 hours of study per class (equivalent to a traditional semester 0.5 credit or referenced to be “unit weight”). Dual enrollment is permitted, and those classes enrolled in at the member public school must be credit bearing classes (each unique 0.5 counts as one of the five required). College classes may be used as well, with a traditional 3.0- or 4.0-hour college class counting as one of the required 0.5 credit courses and any traditional 5.0-hour college class counting as two of the required 0.5 credit courses for eligibility. Please note detail in **Rule 13-1-3b**.

Note, per statute, if the member public school requires students to enroll in a specific course/class in order to be eligible to represent the school, the non-public student is also required to enroll/attend that course to participate in that respective activity. For some schools, those may include performing arts (band, choir, orchestra, piano, speech, drama), academic activities (debate, scholars bowl), leadership activities (Student Council, KAY), or spirit activities (cheer, dance). If such courses require payment of an established fee by the member school students enrolled in a particular course, the non-public student is also required to remit fees for that particular course.

4. **Rule 16 - Semester Requirements** – Once the school determines that a student is promoted from sixth grade, middle school/junior high eligibility begins immediately in the following semester. A student shall not have more than two semesters (the initial year of attendance) of possible eligibility in grade

seven and two semesters in grade eight. Once the school determines that a student is promoted from eighth grade, high school eligibility begins immediately in the following semester. A student shall not have more than eight consecutive semesters of possible eligibility in grades nine through twelve, regardless of whether the ninth grade is included in junior high or in a senior high school. NOTE: If a student does not participate or is ineligible due to transfer, scholarship, etc., the semester(s) during that period shall be counted toward the total number of semesters possible. Please note detail in **Rule 16-1-1**.

Confirmation of semester enrollment shall be submitted to the KSHSAA as part of the *Eligibility Application per House Sub for SB 113*.

5. **Rule 17 - Age Requirements** - Any student who reaches fourteen for the seventh grade, fifteen for the eighth grade, or sixteen for the ninth grade, after August 1, shall be eligible for the remainder of that school year. Any student who reaches fourteen on or before August 1, shall be ineligible for seventh grade competition, but may compete on a mixed grade team (any combination of middle/junior high school grades). Any student who reaches the age of fifteen on or before August 1, shall be ineligible for eighth grade competition, but may compete on a mixed grade team (7th, 8th and 9th, or 8th and 9th, but not 7th and 8th grades). **Art. 4:** Any student who reaches the age of sixteen on or before August 1, shall be ineligible for any middle/junior high school competition. Any student who reaches nineteen on or before August 1, shall be ineligible for interscholastic activities. Any student who reaches nineteen after August 1, shall be eligible for the remainder of that school year. **Rule 17-3-(1-4) and 17-2-1.**

Proof of age shall be submitted to the KSHSAA as part of the *Eligibility Application per House Sub for SB 113*.

6. **Rule 18 - Transfer** – The Transfer Rule applies when a student enrolls in a new school after the first day of attendance in 7<sup>th</sup> grade or the first day of attendance in 9<sup>th</sup> grade. As home school students are not attending a new school, this rule may be set aside. Private school students are afforded eligibility in the non-public school at which the student primarily attends, or the public school defined by the home address. If the non-public school student changes homes, the conditions of Transfer Rule 18 would apply once the student is living in the new home.
7. **Other KSHSAA Rules** – Students must adhere to all eligibility and be mindful of the "ineligibility rules", or those items which may compromise eligibility at any member school. Those rules are adopted by the membership in support of education-based activities in an effort to maintain the integrity of the school program and commitment to making the school team a priority after academic and family obligations are satisfied. Adherence to the detail provided in the following rules, and all others adopted by the KSHSAA, will support continued eligibility:
- Rule 4 – US Olympic Committee-Sponsored National Trials and Competitions
  - Rule 7 – Physical Examination Parental Consent
  - Rule 9 – Moratoriums
  - Rule 10 – Qualifications of Coaches and Music Directors
  - Rule 19 – Undue Influence
  - Rule 20 – Awards
  - Rule 21 – Amateur
  - Rule 22 – Outside Competition
  - Rule 24 – All-Star Games
  - Rule 25 – Anti-Fraternity
  - Rule 26 – Anti-Tryout and Private Instruction

Rule 28 – Music Festivals and Athletics  
Rule 30 – Seasons of Activities  
Rule 32-51 – Specific Activity Regulations  
Rule 52 – Citizenship/Sportsmanship  
Rule 53 – Interscholastic Activities

8. **Impact on Cooperative Agreements** – Member private schools may still enter into Cooperative Agreements with other member schools per the details provided in Rule 29. Students primarily enrolled in a member private school may participate in that cooperative team or in the local public school defined by home address. **(Rule 29)**
  
9. **Impact on Classification of Member High Schools** – Non-public school students establishing eligibility by September 20<sup>th</sup> must be included in the school’s annual KSHSAA classification count. **(Rule 5, Bylaws Article XII, KSA 72-7114 (a)(5))**
  
10. **Impact on Approved School Status** – KSHSAA member high schools may only compete against member schools or schools designated as “Approved Schools”. The KSHSAA will continue to accept applications for schools seeking Approved status. Students attending approved schools retain eligibility at their approved school and at the member public school defined by the home address for the student. (Bylaws Article I Sec 1-5)
  
11. **Impact on Virtual Student Eligibility Policy** – Students seeking eligibility while being primarily enrolled/attending virtual public schools must meet the provisions detailed in <https://www.kshsaa.org/Public/General/VirtualStudents.cfm>. Students seeking eligibility at a member public school while primarily enrolled/attending a virtual non-public school shall complete the Non-public School Student Eligibility Application. Virtual public schools include those under accreditation by the KSDE and direct recipients of some state funding. Many accredited virtual schools are public schools, and because of this, the KSHSAA virtual student eligibility policy is still in effect.

School leaders will be invited to participate in one of the Zoom sessions with KSHSAA staff to discuss this new law and the application of KSHSAA rules. Separate sessions will be conducted on July 12 at 10:00 AM and 2:00 PM and on July 13 at Noon. This item will also be discussed at the July/August administrative seminars around the state.