
By: ~~Delegates Bartlett and Shank, Shank, Edwards, Smigiel, Costa, Dwyer,~~
Impallaria, Sossi, Walkup, Boschert, Cryor, Ramirez, Rzepkowski, and
Ross

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Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 ~~Public Schools – Extracurricular Activities – Home-Schooled and Private~~
3 ~~School Students~~
4 Education - Task Force to Study Extracurricular Activities at Public Schools
5 for Home School and Private School Students

6 ~~FOR the purpose of authorizing a public school to allow certain nonenrolled students~~
7 ~~to participate in certain extracurricular activities under certain circumstances;~~
8 ~~requiring public schools to give placement priority to certain students if certain~~
9 ~~limitations exist in certain extracurricular activities; defining a certain term;~~
10 ~~and generally relating to allowing home-schooled and private school students to~~
11 ~~participate in public school sponsored extracurricular activities.~~

12 FOR the purpose of establishing the Task Force to Study Extracurricular Activities at
13 Public Schools for Home School and Private School Students; specifying the
14 composition, powers, and duties of the Task Force; requiring the Task Force to
15 review, evaluate, and make recommendations concerning certain matters;
16 providing for the staffing of the Task Force; requiring the Task Force to report
17 its findings and recommendations to the Governor and the General Assembly by
18 a certain date; providing for the termination of this Act; and generally relating
19 to the Task Force to Study Extracurricular Activities at Public Schools for Home
20 School and Private School Students.

21 ~~BY adding to~~
22 ~~Article Education~~
23 ~~Section 7-114~~

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2002 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **~~Article -- Education~~**

6 ~~7-114.~~

7 (A) (1) ~~IN THIS SECTION, "EXTRACURRICULAR ACTIVITY" INCLUDES MUSIC,~~
8 ~~DRAMA PROGRAMS, STUDENT ORGANIZATIONS, OR OTHER PROGRAMS SPONSORED~~
9 ~~BY A SCHOOL.~~

10 (I) ~~IN WHICH A STUDENT MAY PARTICIPATE OUTSIDE OF REGULAR~~
11 ~~SCHOOL HOURS; AND~~

12 (II) ~~FOR WHICH A STUDENT DOES NOT EARN ACADEMIC CREDIT.~~

13 (2) ~~"EXTRACURRICULAR ACTIVITY" DOES NOT INCLUDE~~
14 ~~INTERSCHOLASTIC ATHLETICS.~~

15 (B) ~~EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PUBLIC~~
16 ~~SCHOOL MAY ALLOW A STUDENT WHO IS NOT ENROLLED IN THE SCHOOL TO~~
17 ~~PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY SPONSORED BY THE SCHOOL TO~~
18 ~~THE SAME EXTENT THAT A STUDENT WHO IS ENROLLED IN THE SCHOOL MAY~~
19 ~~PARTICIPATE IN THE EXTRACURRICULAR ACTIVITY, IF THE NONENROLLED~~
20 ~~STUDENT:~~

21 (1) (I) ~~PARTICIPATES IN A HOME INSTRUCTION PROGRAM UNDER~~
22 ~~WRITTEN AGREEMENT WITH THE COUNTY SUPERINTENDENT; AND~~

23 (II) ~~IS ELIGIBLE TO ATTEND THE PUBLIC SCHOOL; OR~~

24 (2) (I) ~~IS ENROLLED IN A PRIVATE SCHOOL THAT DOES NOT SPONSOR~~
25 ~~THE EXTRACURRICULAR ACTIVITY; AND~~

26 (II) ~~IS ELIGIBLE TO ATTEND THE PUBLIC SCHOOL.~~

27 (C) ~~A PUBLIC SCHOOL SHALL GIVE PLACEMENT PRIORITY TO ANY STUDENT~~
28 ~~ENROLLED IN THE PUBLIC SCHOOL SPONSORING THE EXTRACURRICULAR ACTIVITY~~
29 ~~OVER ANY NONENROLLED HOME-SCHOOLED OR PRIVATE SCHOOL STUDENT IF~~
30 ~~THERE ARE A LIMITED NUMBER OF SPACES AVAILABLE FOR STUDENTS IN THE~~
31 ~~EXTRACURRICULAR ACTIVITY.~~

32 (a) There is a Task Force to Study Extracurricular Activities at Public Schools
33 for Home School and Private School Students.

34 (b) (1) The Task Force shall review and evaluate issues and make
35 recommendations relating to allowing home school and private school students, as

1 nonenrolled students, access to extracurricular activities in public primary and
2 secondary schools in Maryland.

3 (2) As part of its review, the Task Force shall:

4 (i) Seek to quantify the potential population of nonenrolled
5 students that would qualify to participate in, and may demonstrate interest in,
6 currently offered extracurricular activities at public schools;

7 (ii) Study and determine what extracurricular programs would be
8 applicable and what structural and procedural changes would be necessary to
9 administer programs that provide nonenrolled students access to any applicable
10 activities at public schools;

11 (iii) Examine the fiscal and administrative impacts on the public
12 school system that would result from allowing nonenrolled students access to
13 extracurricular activities at public schools as well as potential solutions or
14 adjustments that could be made to address any fiscal and administrative impacts;

15 (iv) Consult with State and local government officials in other
16 states that have current policies providing access to extracurricular activities at
17 public schools for nonenrolled students;

18 (v) Assess the effect on parental and community involvement in the
19 public schools that might result from allowing nonenrolled students access to
20 extracurricular activities at public schools; and

21 (vi) Any other matter the Task Force deems appropriate.

22 (c) The Commission shall be composed of 15 members as follows:

23 (1) A chairman, appointed by the Governor;

24 (2) One member of the Senate of Maryland, appointed by the President
25 of the Senate;

26 (3) Two members of the House of Delegates of Maryland, appointed by
27 the Speaker of the House;

28 (4) The State Superintendent of Schools, or the State Superintendent's
29 designee;

30 (5) A member of the Maryland State Board of Education;

31 (6) One representative of the home school community, appointed by the
32 Governor;

33 (7) One representative of private schools, appointed by the Governor;

34 (8) One representative of local boards of education, appointed by the
35 Governor;

1 (9) One county superintendent of schools, appointed by the Governor;

2 (10) Two individuals selected from among public school teachers or other
3 public school personnel, appointed by the Governor;

4 (11) The Executive Director of the Maryland Public Secondary Schools
5 Athletic Association, or the Executive Director's designee; and

6 (12) Two members of the public, appointed by the Governor.

7 (d) To the extent practicable, the Governor shall ensure regional, ethnic,
8 economic, and gender diversity on the Task Force.

9 (e) The Maryland State Department of Education, the Department of Budget
10 and Management, and the Department of Legislative Services shall provide staff
11 support to the Task Force.

12 (f) The Task Force shall submit a report of its findings and recommendations
13 to the Governor and, in accordance with § 2-1246 of the State Government Article, to
14 the General Assembly by December 31, 2003.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2003. It shall remain effective for a period of 1 year and, at the end of June 30,
17 2004, with no further action required by the General Assembly, this Act shall be
18 abrogated and of no further force and effect.