

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 4, 2013  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB13-1047 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, after line 1, insert:  
2 "SECTION 1. **Legislative declaration.** (1) The general  
3 assembly hereby declares that all students enrolled in schools of public  
4 school districts, district charter schools, institute charter schools,  
5 nonpublic home-based educational programs, on-line education programs,  
6 and private schools should have a fair and equitable opportunity to  
7 participate in extracurricular activities as part of their educational  
8 experience.  
9 (2) The general assembly hereby finds that current state laws  
10 concerning students' participation in extracurricular activities provide  
11 that:  
12 (a) A student may participate in activities only at the student's  
13 school of attendance unless the school of attendance does not offer an  
14 activity in which the student wishes to participate;  
15 (b) If a student's school of attendance does not offer an activity in  
16 which the student wishes to participate, the student may participate in the  
17 activity at another public school in the student's school district of  
18 attendance or in the student's school district of residence;  
19 (c) If the activity is not offered at any public school in the school  
20 district of attendance or the school district of residence, the student may  
21 participate in the activity at a public school in a school district that is  
22 contiguous to the student's school district of residence or at the nearest  
23 public school that has the facilities for and offers the activity, even if the  
24 public school is not in a contiguous school district; and

1 (d) If an activity is not offered at the student's school of  
2 attendance and the student chooses to participate in the activity at a public  
3 school in a contiguous school district, the school district in which the  
4 student chooses to participate chooses the public school at which the  
5 student participates. In choosing a public school, the school district must  
6 choose the public school that offers the greatest number of activities in  
7 which the student wishes to participate.

8 (3) The general assembly further finds that:

9 (a) Current state law concerning students' participation in  
10 extracurricular activities also includes a provision that suggests that in  
11 cases where a student may participate in an activity at a school other than  
12 the student's school of attendance, the student, rather than the school  
13 district where the student wishes to participate, may choose the school  
14 where he or she will participate in the activity;

15 (b) This provision conflicts with the other statutory provisions  
16 concerning students' participation in extracurricular activities and has  
17 created the opportunity for parties to circumvent the intent of state law  
18 and violate rules of the Colorado high school activities association, a  
19 statewide high school activities association, regarding:

20 (I) Recruiting of players;

21 (II) The creation of "super teams" composed of recruited students,  
22 which teams may establish long-term dominance and ongoing  
23 championships, thereby creating the public perception of unfairness in  
24 interscholastic athletic competition; and

25 (III) The displacement and exclusion of in-district students from  
26 their own schools' teams.

27 (4) Now, then, the general assembly hereby declares that:

28 (a) If an activity is not offered at a student's school of attendance  
29 and the student chooses to participate in the activity at another public  
30 school, the school district in which the student chooses to participate shall  
31 choose the public school at which the student shall participate; and

32 (b) In choosing a public school, the school district shall consider  
33 certain factors, including but not limited to:

34 (I) Which public school of the school district offers the most  
35 activities in which the student wishes to participate;

36 (II) Which public school or schools of the school district are  
37 nearest to the student's residence;

38 (III) The preferences of the student's parents or legal guardians;  
39 and

40 (IV) Such issues as may be presented for the school district's  
41 consideration by a statewide high school activities association."

1 Renumber succeeding sections accordingly.

2 Page 2, strike lines 11 through 13 and substitute:

3 "choosing a public school, the school district shall ~~choose the public~~  
4 ~~school that offers the greatest number of activities in which the student~~  
5 ~~wishes to participate.~~ CONSIDER CERTAIN FACTORS, INCLUDING BUT NOT  
6 LIMITED TO:

7 (I) WHICH PUBLIC SCHOOL OF THE SCHOOL DISTRICT OFFERS THE  
8 MOST ACTIVITIES IN WHICH THE STUDENT WISHES TO PARTICIPATE;

9 (II) WHICH PUBLIC SCHOOL OR SCHOOLS OF THE SCHOOL DISTRICT  
10 ARE NEAREST TO THE STUDENT'S RESIDENCE;

11 (III) THE PREFERENCES OF THE STUDENT'S PARENTS OR LEGAL  
12 GUARDIANS; AND

13 (IV) SUCH ISSUES AS MAY BE PRESENTED FOR THE SCHOOL  
14 DISTRICT'S CONSIDERATION BY A STATEWIDE HIGH SCHOOL ACTIVITIES  
15 ASSOCIATION."

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