

FEB 23 2005
Place On Calendar

HOUSE FILE 423
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 129)

Passed House, Date 3-14-05 Passed Senate, Date 4-18-05
Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0
Approved April 29, 2005

A BILL FOR

1 An Act relating to participation in secondary school
2 interscholastic sports at the varsity and inferior levels.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 423

1 Section 1. Section 256.46, Code 2005, is amended to read
2 as follows:

3 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
4 ACTIVITIES BY CERTAIN CHILDREN.

5 The state board shall adopt rules that permit a child who
6 does not meet the residence requirements for participation in
7 extracurricular interscholastic contests or competitions
8 sponsored or administered by an organization as defined in
9 section 280.13 to participate in the contests or competitions
10 immediately if the child is duly enrolled in a school, is
11 otherwise eligible to participate, and meets one of the
12 following circumstances or a similar circumstance: the child
13 has been adopted; the child is placed under foster or shelter
14 care; the child is living with one of the child's parents as a
15 result of divorce, separation, death, or other change in the
16 child's parents' marital relationship, or pursuant to other
17 court-ordered decree or order of custody; the child is a
18 foreign exchange student; the child has been placed in a
19 juvenile correctional facility; the child is a ward of the
20 court or the state; the child is a participant in a substance
21 abuse or mental health program; or the child is enrolled in an
22 accredited nonpublic high school because the child's district
23 of residence has entered into a whole grade sharing agreement
24 for the pupil's grade with another district. The rules shall
25 permit a child who is otherwise eligible to participate, but
26 who does not meet one of the foregoing or similar
27 circumstances relating to residence requirements, to
28 participate at any level of competition inferior to the
29 varsity level. For purposes of this section and section
30 282.18, "varsity" means the highest level of competition
31 offered by one school or school district against the highest
32 level of competition offered by an opposing school or school
33 district.

34 Sec. 2. Section 282.18, subsection 13, Code 2005, is
35 amended to read as follows:

1 13. A pupil who participates in open enrollment for
2 purposes of attending a grade in grades ~~ten~~ nine through
3 twelve in a school district other than the district of
4 residence is ineligible to participate in varsity
5 interscholastic athletic contests and athletic competitions
6 during the pupil's first ninety school days of enrollment in
7 the district except that the pupil may participate immediately
8 in an a varsity interscholastic sport if the pupil is entering
9 grade nine for the first time and did not participate in an
10 interscholastic athletic competition for another school or
11 school district during the summer immediately following eighth
12 grade, if the district of residence and the other school
13 district jointly participate in the sport, if the sport in
14 which the pupil wishes to participate is not offered in the
15 district of residence, if the pupil chooses to use open
16 enrollment to attend school in another school district because
17 the district in which the student previously attended school
18 was dissolved and merged with one or more contiguous school
19 districts under section 256.11, subsection 12, if the pupil
20 participates in open enrollment because the pupil's district
21 of residence has entered into a whole grade sharing agreement
22 with another district for the pupil's grade, or if the parent
23 or guardian of the pupil participating in open enrollment is
24 an active member of the armed forces and resides in permanent
25 housing on government property provided by a branch of the
26 armed services. A pupil who has paid tuition and attended
27 school, or has attended school pursuant to a mutual agreement
28 between the two districts, in a district other than the
29 pupil's district of residence for at least one school year
30 ~~prior-to-March-107-1989~~, is also eligible to participate
31 immediately in interscholastic athletic contests and athletic
32 competitions under this section, but only as a member of a
33 team from the district that pupil had attended. For purposes
34 of this subsection, "school days of enrollment" ~~do~~ does not
35 include enrollment in summer school. For purposes of this

1 subsection, "varsity" means the same as defined in section
2 256.46.

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EXPLANATION

4 This bill makes a child eligible to participate immediately
5 in extracurricular interscholastic athletic contests or
6 competitions sponsored by bona fide extracurricular
7 interscholastic athletic organizations, as long as the child
8 is otherwise eligible to participate and the contests or
9 competitions are below the varsity level. The bill also makes
10 a ninth grade student who participates in open enrollment
11 eligible to participate immediately in a varsity
12 interscholastic sport if the pupil is entering grade nine fo
13 the first time.

14 The bill strikes a date, which effectively makes any pupil
15 who paid tuition to attend a school, or attended a school
16 pursuant to an agreement between two districts, in a district
17 other than the district of residence, eligible to participate
18 immediately in contests and competitions, but only as a member
19 of a team from the district of the school that the pupil
20 attended.

21 The bill defines "varsity" as the highest level of students
22 of one school in competition against the highest level of
23 students of one or more other schools.

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HOUSE FILE 423

S-3133

1 Amend House File 423, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "Sec. ____ . Section 279.10, subsection 1, Code
6 2005, is amended to read as follows:

7 1. ~~The~~ Except as provided in section 282.18,
8 subsection 18, the school year shall begin on the
9 first day of July and each regularly established
10 elementary and secondary school shall begin no sooner
11 than a day during the calendar week in which the first
12 day of September falls but no later than the first
13 Monday in December. However, if the first day of
14 September falls on a Sunday, school may begin on a day
15 during the calendar week which immediately precedes
16 the first day of September. School shall continue for
17 at least one hundred eighty days, except as provided
18 in subsection 3, and may be maintained during the
19 entire calendar year. However, if the board of
20 directors of a district extends the school calendar
21 because inclement weather caused the district to
22 temporarily close school during the regular school
23 calendar, the district may excuse a graduating senior
24 who has met district or school requirements for
25 graduation from attendance during the extended school
26 calendar. A school corporation may begin employment
27 of personnel for in-service training and development
28 purposes before the date to begin elementary and
29 secondary school."

30 2. Page 3, by inserting after line 2 the
31 following:

32 "Sec. ____ . Section 282.18, Code 2005, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 18. It is the intent of the
35 general assembly to provide students participating in
36 open enrollment under subsection 13 with the
37 opportunity to fully participate in interscholastic
38 athletic competitions if the students are eligible to
39 participate under subsection 13. In order to provide
40 eligible students with this opportunity, the school
41 start date for a school district that is a sending or
42 receiving district as provided in this section shall
43 begin on the first day of July and each regularly
44 established elementary and secondary school in the
45 district shall begin no sooner than August 22, but no
46 later than the first Monday in December. The
47 provisions of section 279.10, subsection 4, shall not
48 apply to a school district subject to the start date
49 set forth in this subsection."

50 3. Title page, line 2, by inserting after the

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Page < 2

- 1 word "levels" the following: "and changing the school
- 2 start date for school districts whose students are
- 3 participating in interscholastic sports and open
- 4 enrollment".
- 5 4. By renumbering as necessary.

By JOHN PUTNEY

S-3133 FILED APRIL 18, 2005

WITHDRAWN

HOUSE FILE 423

AN ACT

RELATING TO PARTICIPATION IN SECONDARY SCHOOL INTERSCHOLASTIC
SPORTS AT THE VARSITY AND INFERIOR LEVELS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 256.46, Code 2005, is amended to read
as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR
ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship, or pursuant to other court-ordered decree or order of custody; the child is a foreign exchange student; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district. The rules shall permit a child who is otherwise eligible to participate, but

who does not meet one of the foregoing or similar circumstances relating to residence requirements, to participate at any level of competition inferior to the varsity level. For purposes of this section and section 282.18, "varsity" means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.

Sec. 2. Section 282.18, subsection 13, Code 2005, is amended to read as follows:

13. A pupil who participates in open enrollment for purposes of attending a grade in grades ten nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in an varsity interscholastic sport if the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services. A pupil who has paid tuition and attended

school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year ~~prior to March 197-1989~~, is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended. For purposes of this subsection, "school days of enrollment" ~~do~~ does not include enrollment in summer school. For purposes of this subsection, "varsity" means the same as defined in section 256.46.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 423, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 29, 2005

THOMAS J. VILSACK
Governor