

**As Reported by the House Education Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 441**

**Representative McColley**

**Cosponsors: Representatives Becker, Blessing, Brenner, Buchy, Burkley, Hambley, Henne, Huffman, Koehler, Retherford, Sweeney, Thompson, Zeltwanger**

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**A BILL**

To amend section 3313.5311 and to enact section 1  
3313.5314 of the Revised Code with regard to 2  
student participation in extracurricular 3  
activities and interscholastic athletics. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3313.5311 be amended and section 5  
3313.5314 of the Revised Code be enacted to read as follows: 6

**Sec. 3313.5311.** (A) As used in this section and in section 7  
3313.5312 of the Revised Code, "extracurricular activity" has 8  
the same meaning as in section 3313.537 of the Revised Code. 9

(B) If the nonpublic school in which the student is 10  
enrolled does not offer the extracurricular activity, a student 11  
enrolled in a chartered or nonchartered nonpublic school shall 12  
be afforded, by the superintendent of the school district in 13  
which the student is entitled to attend school under section 14  
3313.64 or 3313.65 of the Revised Code, the opportunity to 15  
participate in that extracurricular activity at the district 16  
school to which the student otherwise would be assigned during 17

that school year. If more than one school operated by the school 18  
district serves the student's grade level, as determined by the 19  
district superintendent based on the student's age and academic 20  
performance, the student shall be afforded the opportunity to 21  
participate in that extracurricular activity at the school to 22  
which the student would be assigned by the superintendent under 23  
section 3319.01 of the Revised Code. 24

(C) The superintendent of any school district may afford 25  
any student enrolled in a nonpublic school, and who is not 26  
entitled to attend school in the district under section 3313.64 27  
or 3313.65 of the Revised Code, the opportunity to participate 28  
in an extracurricular activity offered by a school of the 29  
district, if ~~both of the following apply:~~ 30

~~(1) The the nonpublic school in which the student is 31  
enrolled does not offer the extracurricular activity.~~ 32

~~(2) and either of the following apply:~~ 33

(1) The extracurricular activity is not interscholastic 34  
athletics or interscholastic contests or competition in music, 35  
drama, or forensics; 36

(2) The extracurricular activity is in an interscholastic 37  
athletic or interscholastic contest or competition in music, 38  
drama, or forensics. In order to participate under division (C)  
(2) of this section, the student shall seek to participate at 39  
either the school district in which the student's nonpublic 40  
school is located or the school district in which the student is 41  
entitled to attend school under section 3313.64 or 3313.65 of 42  
the Revised Code, so long as the chosen district offers the 43  
extracurricular activity. 44

If the student seeks to participate under division (C) (2) 46

of this section at the school district in which the student's 47  
nonpublic school is located, both of the following shall apply: 48

(a) The superintendent of the school district in which the 49  
student is entitled to attend school shall certify that the 50  
student has not participated in any extracurricular activity 51  
that is in an interscholastic athletic or interscholastic 52  
contest or competition in music, drama, or forensics at that 53  
school district during that school year. If the student has 54  
participated in such an extracurricular activity at that school 55  
district during the school year, the student shall be ineligible 56  
to participate at the school district in which the student's 57  
nonpublic school is located for that school year. 58

(b) The superintendent of the school district in which the 59  
student is entitled to attend school and the superintendent of 60  
the school district in which the student is seeking to 61  
participate shall mutually agree, in writing, to allow the 62  
student to participate in the extracurricular activity at the 63  
school district in which the student's nonpublic school is 64  
located. 65

(D) In order to participate in an extracurricular activity 66  
under this section, the student shall be of the appropriate age 67  
and grade level, as determined by the superintendent of the 68  
district, for the school that offers the extracurricular 69  
activity, and shall fulfill the same academic, nonacademic, and 70  
financial requirements as any other participant. 71

(E) No school district shall impose additional rules on a 72  
student to participate under this section that do not apply to 73  
other students participating in the same extracurricular 74  
activity. No district shall impose additional fees for a student 75  
to participate under this section that exceed any fees charged 76

to other students participating in the same extracurricular 77  
activity. 78

(F) No school district, interscholastic conference, or 79  
organization that regulates interscholastic conferences or 80  
events shall require a student who is eligible to participate in 81  
interscholastic extracurricular activities under this section to 82  
meet eligibility requirements that conflict with this section. 83

Sec. 3313.5314. No student who is enrolled in a public or 84  
nonpublic school shall be denied the opportunity to participate 85  
in interscholastic athletics offered by that school solely 86  
because the student is participating or has participated in the 87  
college credit plus program under Chapter 3365. of the Revised 88  
Code, so long as the student fulfills all other academic, 89  
nonacademic, and financial requirements that are not related to 90  
participation in the program. 91

Additionally, no student who is enrolled in a community 92  
school, STEM school, or nonpublic school or who is receiving 93  
home instruction shall be denied the opportunity to participate 94  
in interscholastic athletics at the school in which the student 95  
is entitled to attend school under section 3313.64 or 3313.65 of 96  
the Revised Code solely because of participation in the college 97  
credit plus program, so long as the student meets the applicable 98  
requirements under section 3313.537, 3313.5311, or 3313.5312 of 99  
the Revised Code and fulfills all other academic, nonacademic, 100  
and financial requirements that are not related to participation 101  
in the program. 102

As used in this section, "community school" means a 103  
community school established under Chapter 3314. of the Revised 104  
Code, and "STEM school" means a science, technology, 105  
engineering, and mathematics school established under Chapter 106

3326. of the Revised Code. 107

**Section 2.** That existing section 3313.5311 of the Revised 108  
Code is hereby repealed. 109