

In the spring of 2023, members of the Kansas legislature passed State Statute 72-7121 providing the opportunity for Non-Public School Students to participate in KSHSAA sponsored activities at their respective local public school. In subsequent years, students enrolled in virtual schools were afforded the same opportunity. The KSHSAA Executive Board has adjusted policy in accordance with State Statute 72-7121 to determine, Non-public/Virtual School students are only eligible to participate in activities at the local public school where they reside (in whose attendance boundaries they live). Those students in grades 7-12 who are primarily enrolled in non-public/virtual schools may be deemed eligible for participation at their local public school upon the completion, submission, and approval of the *Non-public/Virtual School Student Eligibility Application*.

**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).

Current policies for participation indicate that information on academic progress should be submitted prior to the ‘season of sport’ for member school students. This policy has been extended to non-public/virtual students requesting participation at a local public school. These seasons occur in the fall, winter and spring per KSHSAA Handbook Rules to provide a timeline for different activities during each season. As such, non-public/virtual students participating in high school activities may need to submit new applications three times a year, every year. Activities available for each season are as follows:

<b>Fall</b>	<b>Winter</b>	<b>Spring</b>	<b>Yearly</b>
Football	Basketball	Baseball	Band
Volleyball	Wrestling	Softball	Orchestra/Piano
Cross Country	Boys Swimming &	Track and Field	Vocal
Boys Soccer	Diving	Girls Soccer	Debate
Girls Tennis	Bowling	Girls Swimming &	Speech
Girls Golf	Scholars Bowl	Diving	Cheerleading
Unified Bowling	Esports	Boys Tennis	Dance
		Boys Golf	KAY

**Note:** Students in junior high or middle school do not have ‘seasons of sport’ as each school may choose when to provide a KSHSAA activity. For junior high or middle school participation of non-public/virtual students, one application may be submitted each school year at any time prior to the school’s activity season. All KSHSAA activities will be listed on the fall/yearly application for junior high/middle school students.

The eligibility application for activities will not be available until approximately one month prior to the start of practices for that activity. Out of season activities will not be available to select on the application. The following dates are the first possible dates for the eligibility application submission:

- Fall/Yearly Activities - July 1
- Winter Activities (HS Only) - October 1
- Spring Activities (HS Only) - February 1

The application for eligibility will not be available during the months of May and June to allow for changeover to the new school year.

Following review of the *Non-public/Virtual School Student Eligibility Application*, the student is not eligible for competition until written confirmation is provided by the KSHSAA to the member public school and that school's administrator enters the student into their respective KSHSAA eligibility database (**Rule 12-1-1**).

**Other Eligibility Information & Questions:** All Students participating as representatives of a member school must meet the KSHSAA "Individual Eligibility Criteria". Below you will find modifications and interpretations **for non-public & virtual school students** on common KSHSAA rules and how they apply to non-enrolled student participants (These rules may be found in the KSHSAA Handbook [HERE](#)):

**Summer participation** – A non-public/virtual school student may participate in summer weights & conditioning programs and coach one-week camps at member public schools, provided they confirm their address is within the attendance boundaries of the school. This should be done with the member school athletic director office. The student will also be required to confirm they will not participate in similar programs for another school. These requirements are also extended to non-public/virtual school students wishing to participate in baseball arm care programs for the local public school prior to the season of sport.

**Tryouts** – Non-public/virtual school students who participate in team tryouts prior to the season of sport (ex: cheerleading in the spring, baseball in January, etc.) should confirm their address is within school boundaries with the athletic director office. If a student is "cut" or does not make the team after tryouts, their season of sport is over, even if the student moves or enrolls at another member school. (**Rule 30-1-3**)

**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. As part of the *Non-public/Virtual School Student Eligibility Application*, the parent/legal guardian will submit such a record. This includes providing a comprehensive transcript or record of performance in grades.

**Rule 14 - Bona Fide Student** – The participating 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 *Non-public/Virtual School Student Eligibility Application*, 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.

**Rule 15 - Enrollment and Attendance** – Students must be enrolled in a minimum of five new courses (those not previously taken). As part of the *Non-public/Virtual School Student Eligibility Application*, the parent/legal guardian will submit such a record.

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**.

Classes corresponding to KSHSAA activities – 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.

Confirmation of resident public school for a non-enrolled student (residence within school attendance boundaries) shall be submitted to the KSHSAA as part of the *Non-public/Virtual School Student Eligibility Application*.

**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 *Non-public/Virtual School Student Eligibility Application*.

**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 *Non-public/Virtual School Student Eligibility Application*.

**Rule 18 – Transfer** – Students wishing to transfer or transition from a member public school to a non-

public/virtual school (homeschool), during the course of a school year are subject to eligibility requirements for transfer which says, "If students change schools without an accompanying move... they will be ineligible for interschool extracurricular activities for one calendar year for grades 9-12, eighteen weeks for grades 7-8, beginning with the first day of their attendance." The Executive Board has supplied interpretations to address transfers between non-public schools and member schools. Specific scenarios include:

1. When a student leaves school during the course of an existing season and enrolls in a nonpublic school, what is the eligibility status in an activity in which the student had been actively rostered? Status for other sports in season? Status for future seasons?

Determination: A student who leaves the school (no longer attending the school) during a season that is underway is not eligible to continue in the specific activity in which they were currently rostered. If the student intends to participate in different activities (not yet underway), they may pursue eligibility at the local public school by completing the virtual/non-public school eligibility application. They will not have eligibility in the same activity in the same school year at any school.

2. A student has been enrolled/attending a member school as an out of district student and participating in activities. The student withdraws from school for home-school education and would like to continue participating on the team in which he/she has been playing. What options exist for any season underway? For other activities? For future seasons?

Determination: Per statute and adopted KSHSAA rule, the non-district student is not eligible to continue participating at the current school as a virtual or homeschool student. Even if the student remains in one class, the student is not eligible. The student would have eligibility at their local public school starting in the next season.

3. A non-public school student has been participating in activities at their local public school. The student decides to enroll in the school. What eligibility is appropriate in the first year of being enrolled in the school? Is it activity specific?

Determination: The student will be eligible at the non-varsity level per *Transfer Rule 18, Section 1, Article 4, Transfer from a Non-Member School*. The exception provided in *Rule 18-1-4* only applies to specific activities in the year after they participated in a full season of that activity at the school they now attend.

KSHSAA Handbook **Rule 18, Transfer, Section 1, Article 4**, says "Students who transfer from a school which is not a member...may be declared eligible at the non-varsity level by the Executive Board." Since the homeschool (or virtual school) is not a member of the Association, the student would be eligible for non-varsity only in all activities during the initial ineligible period (one year for high school students, 18 weeks for junior high/middle school students). There are two exceptions that will allow for varsity eligibility in certain circumstances. These are:

- A. "A non-member school student may be granted varsity transfer-eligibility upon return to the member school most recently attended." (Varsity status is applied only if the student also participates in activities at the same member school during the time they were a homeschool or virtual school student.)
- B. "A student participating on a member school team while attending a non-member school

may be granted varsity transfer-eligibility upon enrollment at that member school." (Varsity status is applied only to the activity or activities in which the student is participating with as a homeschool or virtual school student.)

- C. "A non-member school student may be granted varsity transfer eligibility upon enrollment at their resident school district." (Varsity status is applied only if the student lives in the attendance boundaries of the member school during the time they were a homeschool or virtual school student.)
4. Should students transferring from a non-member school as seniors or those attending a small school without non-varsity levels be exempt from the restriction detailed in 18-1-4?

Determination: No. There is no provision for an exception to 18-1-4 based upon the grade of the student, the size of the school, or the levels of activities offered at the school. If the student does not meet one of the three exceptions for varsity status, the student is eligible at the non-varsity level in all activities. (In cases where a school does not offer the activity at the non-varsity level, an underclass student may participate in practice, but no games. Seniors may not practice as they do not have potential future eligibility in that activity.)

**Rule 29 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. Non-public/virtual school students who reside within the boundaries of and wish to participate with their local public school may only participate in activities the school provides, including those activities in which the school is in a cooperative agreement with another school. Students may not participate in an activity at another school, even within the same school district (USD), when the local school in whose attendance boundaries they reside does not offer the activity.

**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 details 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

**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**, and **KSA 72-7114 (a)(5)**)

**Participation with Non-Member “Approved” School** – KSHSAA member high schools may only compete against member schools or schools designated as “Approved Schools”. (**Bylaws Article I, Sections 1-5**) Students attending approved schools retain eligibility at their approved school and may request eligibility at the member public school defined by the home address for the student by submitting the *Non-public/Virtual School Student Eligibility Application*. If the student participates in an activity at the local public school, they may not also participate with an approved school team for the same activity. (**Rule 22 – Outside Competition**)

**Dual Enrollment** – Students seeking eligibility while being enrolled in classes at both a virtual school and a public school must meet the provisions detailed in the KSHSAA [Virtual Student Policy](#). In order to be eligible for activities per KSA 72-7114, the KSHSAA member public school must be the school of residence, even if the student takes a class in-person at a different school. Students seeking eligibility at a member public school while primarily enrolled/attending a virtual non-public school shall complete the *Non-public/Virtual School Student Eligibility Application*.