



## 2021 SENATE BILL 39

January 28, 2021 - Introduced by Senators STROEBEL, BERNIER, FELZKOWSKI, JACQUE, NASS and MARKLEIN, cosponsored by Representatives DITTRICH, ROZAR, MAGNAFICI, BROOKS, SKOWRONSKI and EDMING. Referred to Committee on Education.

1     **AN ACT** *to amend* 118.133 (1) (a), 118.133 (1) (b) and 118.133 (2) of the statutes;  
2           **relating to:** participation in interscholastic athletics and extracurricular  
3           activities and school district membership in an interscholastic athletic  
4           association in the 2021-22 school year.

---

*Analysis by the Legislative Reference Bureau*

***Interscholastic athletics and extracurricular activities; virtual charter school pupils***

The bill allows a pupil who attends a virtual charter school to participate in interscholastic athletics and extracurricular activities in the pupil's resident school district.

Under current law, a school board must allow a homeschooled pupil who resides in the school district to participate in interscholastic athletics and extracurricular activities. Current law further provides that a school board may charge a homeschooled pupil a participation fee on the same basis that the school board charges participation fees to pupils enrolled in the school district. The bill extends these provisions to pupils who attend a virtual charter school. Under the bill, a school board may charge a virtual charter school pupil a participation fee on the same basis it charges participation fees to pupils enrolled in the school district.

***Interscholastic athletic association; transfer rules in the 2020-21 and 2021-22 school years***

This bill prohibits a school district from being a member of an interscholastic athletic association in the 2021-22 school year unless, during the 2020-21 and

**SENATE BILL 39**

2021-22 school years, the association allows an exception to the association's transfer rules based on the manner in which educational programming was delivered during the 2020-21 and 2021-22 school years. Specifically, under the bill, for purposes of eligibility during the 2020-21 and 2021-22 school years, the interscholastic athletic association must consider the method by which educational programming was delivered during the 2020-21 or 2021-22 school year to be an extenuating circumstance that justifies transferring schools. Under the bill, the "method of delivering educational programming" includes virtual instruction, in-person instruction, and a combination of both virtual and in-person instruction. Additionally, if a waiver is granted based on the method of delivering educational programming in the 2020-21 or 2021-22 school year, the association must allow the pupil to play any level of athletics, including varsity athletics.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 118.133 (1) (a) of the statutes is amended to read:

2           118.133 (1) (a) A school board shall permit a pupil who resides in the school  
3 district and is enrolled in a home-based private educational program or a virtual  
4 charter school to participate in interscholastic athletics in the school district on the  
5 same basis and to the same extent that it permits pupils enrolled in the school district  
6 to participate.

7           **SECTION 2.** 118.133 (1) (b) of the statutes is amended to read:

8           118.133 (1) (b) Upon request, the home-based educational program or virtual  
9 charter school in which the pupil is enrolled shall provide the school board with a  
10 written statement that the pupil meets the school board's requirements for  
11 participation in interscholastic athletics based on age and academic and disciplinary  
12 records. No person may provide a false statement under this paragraph. The school  
13 board may not question the accuracy or validity of the statement or request  
14 additional information.

**SENATE BILL 39**

1           **SECTION 3.** 118.133 (2) of the statutes is amended to read:

2           118.133 (2) EXTRACURRICULAR ACTIVITIES. A school board shall permit a pupil  
3 who resides in the school district and is enrolled in a home-based private educational  
4 program or a virtual charter school to participate in extracurricular activities in the  
5 school district on the same basis and to the same extent that it permits pupils  
6 enrolled in the school district to participate.

7           **SECTION 4. Nonstatutory provisions.**

8           (1) INTERSCHOLASTIC ATHLETIC ASSOCIATION MEMBERSHIP; 2021-22 SCHOOL YEAR. In  
9 the 2021-22 school year, no school district may be a member of an interscholastic  
10 athletic association unless, for purposes of determining pupil eligibility during the  
11 2020-21 and 2021-22 school years, the interscholastic athletic association does all  
12 of the following:

13           (a) If a request to waive the association's transfer rules is submitted on behalf  
14 of a pupil, considers the method by which educational programming was delivered  
15 during the 2020-21 and 2021-22 school years to be an extenuating circumstance  
16 that justifies the pupil transferring schools. For purposes of this paragraph, the  
17 method by which educational programming was delivered includes virtual  
18 instruction, in-person instruction, or a combination of virtual and in-person  
19 instruction.

20           (b) If a waiver is granted based on the extenuating circumstance described in  
21 par. (a), allows the pupil to participate in all levels of competition, including varsity  
22 competition, during the 2020-21 and 2021-22 school years.

23           **SECTION 5. Effective dates.** This act takes effect on the day after publication,  
24 except as follows:

