

## Eligibility for Public School Sports

By: Marybeth Sullivan, Senior Legislative Attorney  
October 22, 2019 | 2019-R-0240

### Issue

Are home-schooled, choice school, or private school students allowed to play on their neighborhood public schools' sports teams?

### Summary

Generally speaking, home-schooled students are not permitted to play on their neighborhood public school's sports teams, while choice and private school students are allowed only if their school offers no sports programs of any kind and at the discretion of the neighborhood public school. These eligibility rules are not a matter of state law or policy, but rather are established by the [Connecticut Interscholastic Athletic Conference](#) (CIAC). Boards of education have delegated their legal authority to oversee interscholastic sports in the state to CIAC, a private, nonprofit organization.

### CIAC Authority

State law gives school boards the authority to organize interscholastic high school athletics in general terms: "Each local or regional board of education shall . . . provide such other educational activities as in its judgment will best serve the interests of the school district" ([CGS § 10-220\(a\)](#)). In regards to interscholastic sports, boards have delegated this authority to CIAC.

CIAC is a private, nonprofit organization governed by a Board of Control elected annually by its member schools (i.e., nearly all Connecticut public and parochial schools). CIAC's constitution and bylaws give its Board of Control the authority to supervise and regulate interscholastic sports competition in 27 CIAC-sanctioned sports. CIAC determines athletic eligibility, makes rules for

athletic competition, and runs state tournaments and controls state championships for girls' and boys' sports. No governmental agency oversees CIAC or authorizes its rules or their implementation.

## **Eligibility Rules**

### ***Home-schooled Students***

CIAC eligibility rules prohibit any home-schooled student from participating on neighborhood public school sports teams for all types of sports. This prohibition includes situations where CIAC member schools recognize home-schooling as district-sponsored "alternative programs" ([CIAC Bylaws, Appendix B, page 205](#)).

In 1997, the State Department of Education (SDE) also addressed this question at the request of a superintendent. The department issued a guidance letter in response, stating that (1) no state law prohibits their participation and (2) school districts ultimately have the freedom to decide whether or not to allow their participation (see "Letter to Olson from Flanagan," SDE Office of Legal and Governmental Affairs, September 23, 1997, Attachment 1). (In practice, school districts that are CIAC members typically do not allow their participation because it would violate CIAC rules as described above.)

### ***Choice and Private School Students***

CIAC eligibility rules allow students who attend Connecticut public schools of choice to play on their neighborhood public school's sports team only if (1) their choice school offers no sports programs of any kind and (2) the neighborhood public school's principal allows it ([CIAC Bylaws, Appendix B, page 205](#)). If the choice school offers even one type of sports program, then the student is prohibited from participating on any type of neighborhood public school team. In practice, CIAC has chosen to also apply this rule to private school students.

Public schools of choice include interdistrict magnet schools, state or local charter schools, and technical high schools. Private schools include parochial schools and secular non-public schools. Many public choice and private schools are CIAC member schools and offer CIAC-sanctioned sports programs.

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Attachment 1: Letter to Olson from Flanagan



STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



September 23, 1997

Richard F. Olson, Ph.D.  
Superintendent of Schools  
Franklin Elementary School  
206 Pond Road  
North Franklin, CT 06254

Dear Dr. Olson:

Your letter dated September 16, 1997, asks for our recommendation concerning requests from parents who are teaching their children at home to allow their children to participate in such extra-curricular activities as band, chorus, inter-scholastic or remedial sports activities. You indicate that your board would like to adopt policies to address these requests.

There is no state law which gives these children the right to participate in extra-curricular activities, and we know of no court cases in this or any other jurisdiction which have held that such a right exists. On the other hand, there is no state law which would prohibit a local board from allowing children who are taught at home to participate in these activities. Most school districts we know of have denied these students access to regular student activities because of possible difficulties with the administration of these policies, liability issues which may be presented and the possibility of private school students requesting the same advantages.

As we discussed on the telephone, many questions arise when considering whether to allow participation by non-enrolled students. These include whether the student is properly immunized and has had required health assessments; eligibility requirements, such a "C rule"; and how to impose discipline. None of these issues are insurmountable, but they do require considerable attention if a board is intending to adopt a policy with regard to these students.

Please let me know if you have any questions with regard to the above.

Sincerely,

A handwritten signature in cursive script that reads "Karen Flanagan".

Karen M. Flanagan, Esq.  
Office of Legal and Governmental Affairs

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