



Idaho Dual Enrollment NICA Rule Exception

Idaho High School Cycling League

www.idahomtb.org

RULE EXCEPTION

Rules 7.1, 7.3, and 7.6 The strict application of the rules regarding eligibility for teams based at public schools conflict with Idaho Code Section 33-203. In accordance with Idaho law, the following rules apply to the Idaho League only:

A student who is not a public school student may participate as a member of the Idaho League team for a public school if the student fulfills the following requirements: (a) the student is entitled to dual enroll in the public school under Idaho Code Section 33-203; (b) the student is dual enrolled in the public school; (c) the student satisfies the academic eligibility or proficiency requirements of Idaho Code Section 33-203 to participate on the public school's Idaho League team.

1. *Questions Presented.*

- a. Idaho Code Section 33-203 permits students enrolled in a non-public or charter school to dual enroll in a public school and enter into any program open to other students of the public school. Rule 7.1, 7.3, and 7.6 of the National Interscholastic Cycling Association (“NICA”) 2015 Rules & Guidelines requires that single school teams be composed of full time students from the same school. Are NICA Rules 7.1, 7.3, and 7.6 inconsistent with Idaho Code Section 33-203?
- b. If NICA Rules 7.1, 7.3, and 7.6 are inconsistent with Idaho Code Section 33-203, the Idaho High School Cycling League (“**Idaho League**”) may petition the NICA Rules Committee for an exception to these Rules. How should this exception be drafted so that (a) the Idaho League's rules comply with Idaho Code Section 33-203 with minimal changes to the NICA Rules?

2. *Answers*

- a. Yes, NICA Rules 7.1, 7.3, and 7.6 are inconsistent with Idaho Code Section 33-203.
- b. Please see the exception attached.



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3. ***Facts***

NICA is a non-profit organization that develops high school mountain biking programs across the United States. NICA provides local leagues with leadership, services, and governance.

The Idaho League is a newly formed local league operated directly by NICA. The Idaho League is preparing for a first season of racing to begin in the fall of 2015. The Idaho League seeks for school-based teams to qualify as official club sports so that the teams' activities constitute officially sanctioned school activity.

4. ***Discussion of Idaho Code Section 33-203 and NICA Rule 7.1***

a. **Idaho Code Section 33-203**

Idaho Code Section 33-203 applies to Idaho public schools and any programs in the public school, whether academic or non-academic. The statute permits students who are enrolled in a public charter schools or nonpublic school to enroll in a public school for “dual enrollment purposes.” Idaho Code § 33-203(1). The statute defines “nonpublic school student” as “any student who receives educational instruction outside a public school classroom and such instruction can include, but is not limited to, a private school or home school.” *Id.* § 33-203(9).

For the public schools, dual enrollment requires that the dual-enrolled students “may enter into any program in the public school available to other students subject to compliance with the eligibility requirements herein and the same responsibilities and standards of behavior and performance that apply to any student's participation in the activity.” *Id.* § 33-203(2). The statute provides special rules for determining the academic eligibility of dual enrolled students for non-academic programs for which public school students must demonstrate academic eligibility. *Id.* In addition, the statute provides that a “nonpublic school or public charter school student participating in nonacademic public school activities must reside within the attendance boundaries of the school for which the student participates.” *Id.* at (6).

b. **NICA Rule 7.1, 7.3, and 7.6**

NICA Rule 7.1 provides the rules for team composition in NICA member leagues. This rule provides for three types of teams: (i) single school teams; (ii) composite teams; and (iii) county-based homeschool teams. The definition of a single school team is that the team comprises full-time students from only a single school, whether public or private. NICA, *NICA 2015 Rules & Guidelines* R. 7.1(A)(1) (2014) (hereinafter “**NICA Rulebook**”). The definition of a composite team is that the team comprises full-time students from multiple schools including homeschooled students. *Id.* R. 7.1(A)(2). Homeschool students may join composite teams based on the location of the school they would attend if not homeschooled. *Id.* The definition of a county homeschool team is that the team comprises only homeschool students who live in the same county or other geographic area. *Id.* R. 7.1(A)(3).



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NICA Rule 7.1(B) sets additional limitations on composite teams. First, composite teams are meant to be temporary. *Id.* Rule 7.1(B). Second, composite teams are limited to 11 riders. *Id.* Third, if 5 or more athletes on a composite team attend the same school, the athletes are scored separately from the rest of the composite team. *Id.*

NICA Rule 7.3 prohibits homeschooled students from participating on single school teams.

NICA Rule 7.6 requires students who are enrolled in a school that has a NICA team to participate on their school's team and forbids participation as members of another team or as independent riders.

c. Analysis of Inconsistencies Between Idaho Code § 33-203 and NICA Rulebook

Idaho's dual enrollment statute applies to any program in a public school. Idaho League teams that seek to become school-sanctioned programs, then, must comply with the dual enrollment statute. The NICA Rulebook applies to NICA leagues, and NICA leagues must comply with the Rulebook or obtain an exception from the NICA Rules Committee. As discussed below, the NICA Rulebook is inconsistent with the Idaho dual enrollment statute. As result of this inconsistency, the Idaho League should seek an exception from the NICA Rules Committee. The NICA Rules Committee has made similar exceptions in the past for other leagues including Colorado and Utah.

(1) NICA Rule 7.1 Is Inconsistent with Idaho Code § 33-203

NICA Rule 7.1 requires that a team be either (a) a single school team, (b) a composite team, or (c) a homeschool team. Idaho Code Section 33-203 requires that public schools permit nonpublic school students to dual enroll in public school and participate in the public school's programs as students of that school.

The Idaho statute and the NICA Rule are inconsistent because none of the NICA recognized categories of teams would fit an Idaho League team based at a public school when dual enrolled students participate on the team, as follows:

- *Single School Team.* The NICA concept of a single school team is based on the team comprising full time students of a single school. Idaho dual enrollment contemplates that students from charter schools, private schools, and homeschools can enroll in part-time in public school to participate in public school programs. Thus, any Idaho League team based at a public school would be disqualified from being a single school team the moment any dual enrolled students joined the team.
- *Composite Team.* The NICA concept of a composite team requires that if 5 or more members are from the same school, then those members of the team score separately from the rest of the team. Idaho dual enrollment requires that dual enrolled students be treated as students of the public



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school. This is not consistent with treating these students as a “team within a team” as required by the NICA Rules. Accordingly, an Idaho League team based at a public school that has dual enrolled students on the team cannot be treated as a composite team under the NICA Rules.

- *Homeschool Team.* The NICA concept of a homeschool team by its terms is restricted to teams of homeschool students only. An Idaho league team based at a public school by definition would not be a homeschool team.

(2) *NICA Rule 7.3 Is Inconsistent with Idaho Code § 33-203*

NICA Rule 7.3 prohibits homeschool students from participating on single school teams. This is inconsistent with Idaho Code Section 33-203, which requires public schools to permit homeschool students to participate in public school programs.

(3) *NICA Rule 7.6 Is Inconsistent with Idaho Code § 33-203*

NICA Rule 7.6 prohibits students who attend a school with a NICA team from participating on another school’s team. Idaho Code Section 33-203 requires public schools to allow nonpublic school students to dual enroll in the public school and participate in the public school’s programs. This is inconsistent with NICA Rule 7.6 because the Idaho statute does not have an exception to dual enrollment based on programs offered at the nonpublic school student’s main school. To illustrate this inconsistency, assume for example the following facts: (a) an Idaho League team is based at a public school; (b) a student who lives within the attendance boundaries of that school attends a private school that has its own Idaho league team. If this student attempts to dual enroll at the public school solely to participate on the public school’s Idaho League team, the public school cannot refuse the student on the basis that the student attends a private school that has its own Idaho League team.