HB287

145753-1

By Representatives Henry and Ball

RFD: Education Policy

First Read: 14-FEB-13
SYNOPSIS: Existing law prevents a child instructed at home by a private tutor or at a church school to participate in extracurricular activities offered by public schools.

This bill would create the Tim Tebow Act.

This bill would define the term extracurricular to mean school authorized athletics and athletic teams.

This bill would allow a student being taught at home or at a church school to participate in athletics and on athletic teams.

This bill would require participating students to adhere to the same requirements as public school students concerning activity fees, standards of behavior, responsibility, performance, conduct, academic standards, and residency requirements.

This bill would require a participating student who participates in an extracurricular activity at a public school to commit to and only
participate in that extracurricular activity at that public school for the duration of the school year, and would allow a student to participate in different extracurricular activities at the same public school.

This bill would require student standards for participation in interscholastic extracurricular activities to be applied beginning with the first semester of the 7th grade year of the participating student.

This bill would specify that insurance coverage provided by a school board for participants in extracurricular activities would cover a child instructed at home by private tutor or under church school law.

This bill would also specify that no school team utilizing these students would be impeded from competing against any other public or private school team.

This bill would also allow such students to participate in these activities in a nonpublic school, if the nonpublic school permits such student participation.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general
law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL TO BE ENTITLED

AN ACT

Relating to education; providing for the Tim Tebow Act; permitting a child instructed at home either by a private tutor or under the church school law to participate in extracurricular athletic activities in public schools and nonpublic schools that accept a student; to provide certain requirements; to require a participating student to commit to
and only participate in an extracurricular activity at that
public school for the school year; to allow a student to
participate in different extracurricular activities at the
same public school; to require student standards for
participation in interscholastic extracurricular activities to
be applied beginning with the first semester of the 7th grade
year of the participating student; to provide for insurance
coverage for extracurricular athletic activities; to specify
schools utilizing such students may not be impeded from
competing against other schools; and in connection therewith
would have as its purpose or effect the requirement of a new
or increased expenditure of local funds within the meaning of
Amendment 621 of the Constitution of Alabama of 1901, now
appearing as Section 111.05 of the Official Recompilation of
the Constitution of Alabama of 1901, as amended.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a)(1) This act shall be known and may be
cited as the Tim Tebow Act.

(2) The purpose of this act is to allow students
instructed at home by either a private tutor or pursuant to
church school law to participate in athletics and on athletic
teams.

(3) For purposes of this act, the term public school
includes a nonpublic school if a nonpublic school permits a
child to participate in its extracurricular activities.
(4) For purposes of this act, the term extracurricular activities includes all athletic programs of the school for individuals or team sports.

(b) A student who is instructed by a private tutor as authorized by law, regulation, or otherwise, may participate in extracurricular activities sponsored by or engaged in by a public school system, or in a nonpublic school, if the nonpublic school permits the student to participate at that school. The student shall register with the local board of education in the district where the student resides. Participation is conditioned on all of the following:

(1) The student registering with the school an intention to participate in the extracurricular activities as a representative of the school.

(2) The student paying any participation or activity fee in an amount equal to the fee charged to a public school participant.

(3) The student adhering to the same standards of behavior, responsibility, performance, and code of conduct as other participants of the team or activity. If the student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the participation of the student in interscholastic extracurricular activities is contingent upon established and published district school board policy.
(4) The student adhering to the same academic standards as other participants of the team or activity, with those standards confirmed by appropriate documentation provided by the tutor to the public school providing the activity in which the student is to participate. Such students shall be able to participate in curricular activities if that is a requirement of the extracurricular activity, including, but not limited to, weight training.

(5) The student satisfies the same residency requirements as other students in the school at which the student participates.

(c) A student who is taught at home and is enrolled in a private school or a church school as defined in Section 16-28-1, Code of Alabama 1975, may participate in extracurricular activities sponsored by, or engaged in by a public school system, or in a nonpublic school, if the nonpublic school permits the student to participate at that school. The student shall register with the local board of education in the district where the student resides. Participation is conditioned on all of the following:

(1) The student registering with the school an intention to participate in extracurricular activities as a representative of the school for the activity in which the student wishes to participate.

(2) The student paying any participation or activity fee in an amount equal to the fee charged to a public school participant.
(3) The student adhering to the same standards of behavior, responsibility, performance, and code of conduct as other participants of the team or activity. If the student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the participation of the student in interscholastic extracurricular activities is contingent upon established and published district school board policy.

(4) The student adhering to the same academic standards as other participants of the team or activity, with those standards confirmed by appropriate documentation provided by the church school administrator to the public school providing the activity in which the student is to participate. Such students shall be able to participate in curricular activities if that is a requirement of an extracurricular activity, including, but not limited to, weight training.

(5) The student satisfies the same residency requirements as other students in the school at which the student participates.

(d) A student of a public school or nonpublic school who has been unable to maintain academic eligibility for participation in extracurricular activities is ineligible to participate in such activities as a student who is instructed by a private tutor, taught at home, or enrolled in a church school until the student has successfully satisfied standards
to regain eligibility that are equivalent to those imposed on other students at the same grade level.

(e) A student instructed by a private tutor, taught at home, or enrolled in a church school who transfers to a public school before or during the first grading period of the school year is academically eligible to participate in extracurricular activities during the first grading period provided the student has a successful evaluation from the previous year.

(f) A student instructed by a private tutor, taught at home, or enrolled in a church school who participates in an extracurricular activity at a public school is committed to and may only participate in that extracurricular activity at that public school for the duration of the school year. Notwithstanding the foregoing, a student may participate in different extracurricular activities at the same public school.

(g) Student standards for participation in interscholastic extracurricular activities shall be applied beginning with the first semester of the 7th grade year of the student. A local board of education may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to students who are instructed by a private tutor, taught at home, or enrolled in a church school than to other students. Except as set forth in subdivision (5) of subsection (b), evaluation processes or requirements that
are placed on student participants who are instructed by a private tutor, taught at home, or enrolled in a church school may not exceed those that apply to those students generally.

(h) Any insurance provided by a district school board for participants in extracurricular activities shall cover a participating student instructed by a private tutor, instructed at home, or enrolled in a church school. If there is an additional premium for such coverage, such participating student shall pay the additional premium.

(i)(1) No public school athletic team or group shall be impeded from competing against any other public or nonpublic school team or group because the team or group utilizes students as pursuant to this section.

(2) A public school is prohibited from membership in any organization or entity which regulates or governs interscholastic extracurricular activities and discriminates against eligible students in public or nonpublic schools, or students being taught by private tutor or enrolled in church school.

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill requires expenditures only by a school board.
Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.