MCGILL SUBSTITUTE FOR SB186

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 prohibit a student instructed by a private tutor, taught at home, or enrolled in a church school who participates in
extracurricular activities at a public school from participating at two public schools simultaneously and would allow such a student to participate in multiple extracurricular activities at the same public school simultaneously or during the same school year if otherwise permitted for other students.

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 school team.

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 activities in public schools; to provide
certain requirements; to prohibit a student instructed by a
private tutor, taught at home, or enrolled in a church school
who participates in extracurricular activities at a public
school from participating at two public schools
simultaneously; to allow a student to participate in different
extracurricular activities at the same public school; 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 extracurricular activities includes all extracurricular programs of the school for individuals or teams.

(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. 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 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 private 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 instructed at home pursuant to church school law 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. Participation is conditioned on all of the following:

(1) The student registering with the school an intention to participate in extracurricular activities as a
1 representative of the school for the activity in which the
2 student wishes to participate.
3
4 (2) The student paying any participation or activity
5 fee in an amount equal to the fee charged to a public school
6 participant.
7
8 (3) The student adhering to the same standards of
9 behavior, responsibility, performance, and code of conduct as
10 other participants of the team or activity. If the student is
11 convicted of, or is found to have committed, a felony or a
12 delinquent act which would have been a felony if committed by
13 an adult, regardless of whether adjudication is withheld, the
14 participation of the student in extracurricular activities is
15 contingent upon established and published district school
16 board policy.
17
18 (4)a. The student adhering to comparable academic
19 standards as other participants of the team or activity, with
20 those standards confirmed by appropriate documentation
21 provided by the church school administrator to the public
22 school providing the activity in which the student is to
23 participate. Appropriate documentation presented to the local
24 board of education shall include the transcript of the student
25 for the previous school year and either of the following:
26
27 1. The results of a nationally recognized
28 standardized test including, but not limited to, ACT/Explore
29 or Plan College Readiness Tests, Stanford Achievement Test,
30 Comprehensive Test of Basic Skills, Iowa Assessments,
31 TerraNova, or California Achievement Test, in which the
composite score of the student ranks at or above the 30th percentile nationally without special accommodations.

2. A portfolio of the school work of the student for the previous year demonstrating his or her academic proficiency appropriate for his or her grade level, as determined by the school principal or guidance counselor.

b. 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. If the student was enrolled in a public or nonpublic school during the immediately preceding school year, the eligibility of the student shall be based on his or her academic performance at that school.

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

(d) A student instructed at home by either a private tutor or pursuant to church school law who participates in extracurricular activities at a public school is not permitted to participate at two public schools simultaneously. Notwithstanding the foregoing, a student may participate in multiple extracurricular activities at the same public school simultaneously or during the same school year if permitted for other students.

(e) A local board of education may not establish requirements for participation in extracurricular activities which make participation in such activities less accessible to
students who are instructed at home by either a private tutor
or pursuant to church school law than to other students.
Except as set forth in subdivision (4) of subsection (b) and
subsection (c), evaluation processes or requirements that are
placed on student participants who are instructed at home by
either a private tutor or pursuant to church school law may
not exceed those that apply to other students generally.

(f) A student enrolled in a public school who
withdraws prior to the completion of the school year is not
eligible to participate in extracurricular activities under
this act for the remainder of that semester or during the
following two semesters. A student enrolled in a public or
nonpublic school who is academically ineligible to participate
in extracurricular activities at the end of any semester and
withdraws is not eligible to participate under this act for
the immediately following two semesters. A student enrolled in
a public school who completes the school year in good standing
and is eligible to participate in extracurricular activities
for the following school year is eligible under this act to
participate in extracurricular activities at that school
during the next school year.

(g) Any insurance provided by a district school
board for participants in extracurricular activities shall
cover a participating student instructed at home by either a
private tutor or pursuant to church school law. If there is an
additional premium for such coverage, such participating
student shall pay the additional premium.
(h) This act does not guarantee that a student trying out for an interscholastic extracurricular activity will be selected to participate, but only that the student may not be prohibited from trying out for an extracurricular activity if the student is otherwise eligible, as outlined in this act and under the rules of the organization or association which regulates interscholastic activities.

(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.