HB503

158355-1

By Representatives McClurkin, Henry, Fincher, McClendon, Davis, Carns, Johnson (K), Hurst, Williams (D), Greer, Patterson, Ball and Vance

RFD: Education Policy

First Read: 18-FEB-14
SYNOPSIS: Existing law prevents a child instructed at home by a private tutor or church school to participate in extracurricular activities offered by public schools.

This bill would create the Equal Access to Athletics 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 by a private tutor or 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, except where contradictory to this bill.
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 may be impeded from competing against any other public school team solely because of the participation of such students.

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 Equal Access to Athletics 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 allow a student to participate in different extracurricular activities at the same public school; to provide for insurance coverage for extracurricular athletic activities; to clarify that students who participate under this act are considered enrolled for the purpose of attendance counts, school classification, and partial funding; 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 Equal Access to Athletics 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 extracurricular activities with public schools.

(3) For purposes of this act, the term extracurricular activities includes all athletic programs of the school for individuals or teams.

(b) A student who is instructed by a private tutor as authorized by Section 16-28-5, Code of Alabama 1975, and other 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 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 extracurricular activities is contingent upon established and published district school board policy.

(4)a. The student adhering to comparable 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. Appropriate documentation shall include the transcript of the student for the previous school year verifying that the student has taken the core curriculum courses required for other students participating in athletics, and either of the following:

1. The results of a nationally recognized standardized test including, but not limited to, ACT/Explore or Plan College Readiness Tests, Stanford Achievement Test, Comprehensive Test of Basic Skills, Iowa Assessments, TerraNova, or California Achievement Test, in which the composite score (i.e., overall average of all subsections or components) of the student ranks at or above the 30th percentile nationally without special accommodations; or

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

c. 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 instructed at home by either a private
tutor or pursuant to church school law who participates in
extracurricular activities at a public school 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 school, local board of education, or
organization or association which regulates or governs
interscholastic extracurricular activities, 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 the provisions of 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 under the auspices of this act. 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) No public school athletic team or group shall be
impeded from competing against any other team against which it
may otherwise compete under other applicable rules solely
because the team or group utilizes students pursuant to this
section.

Section 2. A student instructed under private tutor
or church school law who participates in an extracurricular
activity at a public school, for the purposes of this act,
shall be considered enrolled in the school and shall be
included in all enrollment and attendance counts of students
of the public school. For those students, the public school
shall receive 10 percent of the amount of state and local
funds, including funds earmarked for transportation, school
nurses, technology coordinators, and other line items that may
be included in the appropriation for the Foundation Program
Fund that, for the then-current fiscal year, would have
otherwise been allocated on behalf of each public school
student to the public school of residence. The department
shall adopt rules governing how to calculate and distribute
these per-student allocations.

Section 3. 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 4. This act shall become effective on June 1, 2014, or following its passage and approval by the Governor, or its otherwise becoming law, whichever occurs later.