

1 SB334
2 127990-1
3 By Senators McGill, Brewbaker, Reed, Glover and Waggoner
4 RFD: Education
5 First Read: 05-APR-11

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8 SYNOPSIS: Existing law prevents a child instructed at
9 home by a private tutor or at a church school to
10 participate in extracurricular activities offered
11 by public schools.

12 This bill would create the Tim Tebow Act.

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

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

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

25 This bill would specify that insurance
26 coverage provided by a school board for
27 participants in extracurricular activities would

1 cover a child instructed at home by private tutor
2 or under church school law.

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

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

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

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to education; providing for the Tim Tebow
10 Act; permitting a child instructed at home either by a private
11 tutor or under the church school law to participate in
12 extracurricular athletic activities in public schools and
13 nonpublic schools that accept a student; to provide certain
14 requirements; to provide for insurance coverage for
15 extracurricular athletic activities; to specify schools
16 utilizing such students may not be impeded from competing
17 against other schools; and in connection therewith would have
18 as its purpose or effect the requirement of a new or increased
19 expenditure of local funds within the meaning of Amendment 621
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 111.05 of the Official Recompilation of the
22 Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 (2) The purpose of this act is to allow students
27 instructed at home by either a private tutor or pursuant to

1 church school law to participate in athletics and on athletic
2 teams.

3 (3) For purposes of this act, the term public school
4 includes a nonpublic school if a nonpublic school permits a
5 child to participate in its extracurricular activities.

6 (4) For purposes of this act, the term
7 extracurricular activities includes all athletic programs of
8 the school for individuals or team sports.

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

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

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

23 (3) The student adhering to the same standards of
24 behavior, responsibility, performance, and code of conduct as
25 other participants of the team or activity. If the student is
26 convicted of, or is found to have committed, a felony or a
27 delinquent act which would have been a felony if committed by

1 an adult, regardless of whether adjudication is withheld, the
2 participation of the student in interscholastic
3 extracurricular activities is contingent upon established and
4 published district school board policy.

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

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

16 (c) A student who is taught at home and is enrolled
17 in a private school or a church school as defined in Section
18 16-28-1, Code of Alabama 1975, may participate in
19 extracurricular activities sponsored by, or engaged in by a
20 public school system, or in a nonpublic school, if the
21 nonpublic school permits the student to participate at that
22 school. The student shall register with the local board of
23 education in the district where the student resides.

24 Participation is conditioned on all of the following:

25 (1) The student registering with the school an
26 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 (2) The student paying any participation or activity
4 fee in an amount equal to the fee charged to a public school
5 participant.

6 (3) The student adhering to the same standards of
7 behavior, responsibility, performance, and code of conduct as
8 other participants of the team or activity. If the student is
9 convicted of, or is found to have committed, a felony or a
10 delinquent act which would have been a felony if committed by
11 an adult, regardless of whether adjudication is withheld, the
12 participation of the student in interscholastic
13 extracurricular activities is contingent upon established and
14 published district school board policy.

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

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

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

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

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

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

26 (2) A public school is prohibited from membership in
27 any organization or entity which regulates or governs

1 interscholastic extracurricular activities and discriminates
2 against eligible students in public or nonpublic schools, or
3 students being taught by private tutor or enrolled in church
4 school.

5 Section 2. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, now
9 appearing as Section 111.05 of the Official Recompilation of
10 the Constitution of Alabama of 1901, as amended, because the
11 bill requires expenditures only by a school board.

12 Section 3. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.