

1 HB236
2 165592-1
3 By Representatives Ball and McCutcheon
4 RFD: Education Policy
5 First Read: 11-MAR-15

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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 require a participating
26 student who participates in an extracurricular
27 activity at a public school to commit to and only

1 participate in that extracurricular activity at
2 that public school for the duration of the school
3 year, and would allow a student to participate in
4 different extracurricular activities at the same
5 public school.

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

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

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

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

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

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

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
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22 Relating to education; providing for the Tim Tebow
23 Act; permitting a child instructed at home either by a private
24 tutor or under the church school law to participate in
25 extracurricular athletic activities in public schools and
26 nonpublic schools that accept a student; to provide certain
27 requirements; to require a participating student to commit to

1 and only participate in an extracurricular activity at that
2 public school for the school year; to allow a student to
3 participate in different extracurricular activities at the
4 same public school; to require student standards for
5 participation in interscholastic extracurricular activities to
6 be applied beginning with the first semester of the 7th grade
7 year of the participating student; to provide for insurance
8 coverage for extracurricular athletic activities; to specify
9 schools utilizing such students may not be impeded from
10 competing against other schools; and in connection therewith
11 would have as its purpose or effect the requirement of a new
12 or increased expenditure of local funds within the meaning of
13 Amendment 621 of the Constitution of Alabama of 1901, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

18 (3) The student adhering to the same standards of
19 behavior, responsibility, performance, and code of conduct as
20 other participants of the team or activity. If the student is
21 convicted of, or is found to have committed, a felony or a
22 delinquent act which would have been a felony if committed by
23 an adult, regardless of whether adjudication is withheld, the
24 participation of the student in interscholastic
25 extracurricular activities is contingent upon established and
26 published district school board policy.

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

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

12 (c) A student who is taught at home and is enrolled
13 in a private school or a church school as defined in Section
14 16-28-1, Code of Alabama 1975, may participate in
15 extracurricular activities sponsored by, or engaged in by a
16 public school system, or in a nonpublic school, if the
17 nonpublic school permits the student to participate at that
18 school. The student shall register with the local board of
19 education in the district where the student resides.
20 Participation is conditioned on all of the following:

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

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

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

10 (4) The student adhering to the same academic
11 standards as other participants of the team or activity, with
12 those standards confirmed by appropriate documentation
13 provided by the church school administrator to the public
14 school providing the activity in which the student is to
15 participate, in accordance with this subdivision. Such
16 students shall be able to participate in curricular activities
17 if that is a requirement of an extracurricular activity,
18 including, but not limited to, weight training. Appropriate
19 documentation shall consist of the student's transcript for
20 the previous year and either of the following:

21 a. The results of a nationally recognized
22 standardized test, such as the ACT/Explore or Plan College
23 Readiness Test, Stanford Achievement Test, Comprehensive Test
24 of Basic Skills, Iowa Assessments, Terra Nova, or California
25 Achievement Test, which demonstrate that the student is on
26 grade level or, if grade equivalency is not available, that

1 the student scores at a minimum of the 25th percentile
2 nationally without special accommodation.

3 b. A portfolio of the previous year's school work
4 demonstrating the student's proficiency appropriate for his or
5 her grade level at the discretion of the school principal or
6 guidance counselor. If the student was enrolled in a public or
7 nonpublic school during the immediately preceding school year,
8 the student's eligibility shall be based on his or her
9 academic performance at that school.

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

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

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

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

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

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

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

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

11 (j) This section does not guarantee that a student
12 trying out for an interscholastic sport will make the team,
13 but only that the student shall not be prohibited from trying
14 out for a sports team if the student is otherwise eligible, as
15 outlined herein and under the rules of an organization or
16 association that regulates interscholastic sports.

17 Section 2. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.