

1 HB334
2 89210-1
3 By Representatives Mask and Ward
4 RFD: Education Policy
5 First Read: 06-FEB-08

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8 SYNOPSIS: Existing provisions prevent a child
9 instructed at home by either a private tutor or
10 under the laws relating to church schools to
11 participate in extracurricular activities offered
12 by public schools.

13 This bill as enacted would be cited as the
14 "Tim Tebow Act." As used in this bill, the term
15 "extracurricular" would mean any school authorized
16 activity including athletics, athletic teams, and
17 band occurring during or outside the regular
18 instructional school day.

19 This bill would allow a student being taught
20 at home by either a private tutor or under church
21 school law to participate in athletics, athletic
22 teams, and band.

23 This bill would require participating
24 students to adhere to the same requirements as
25 public school students concerning activity fees,
26 standards of behavior, responsibility, performance,

1 conduct, academic standards, and residency
2 requirements.

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

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

12 This bill would allow such students to
13 participate in these activities in a non-public
14 school, if the non-public school permits such
15 student participation.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT

14
15 Relating to education; providing for the Tim Tebow
16 Act; permitting a child instructed at home either by a private
17 tutor or under the church school law to participate in
18 extracurricular activities; to provide certain requirements;
19 to provide for insurance coverage; to specify schools
20 utilizing such students may not be impeded from competing
21 against other schools; and in connection therewith would have
22 as its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official ReCompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 (2) The purpose of this act is to allow students
4 instructed at home by either a private tutor or under the
5 church school law to participate in athletics, athletic teams,
6 and band.

7 (b) A student who is instructed by a private tutor
8 as authorized by law, regulation, or otherwise, may
9 participate in activities sponsored by or engaged in by a
10 public school system, or in a non-public school, if the
11 non-public school permits the student to participate at that
12 school. Such extracurricular activities include athletics,
13 athletic teams, and band, but does not exclude other
14 activities which local school systems open to these students.
15 Such student shall register with the local board of education
16 in the district where the student resides. Such participation
17 is conditioned on each of the following:

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

21 (2) The student pays any participation or activity
22 fee in an amount equal to the fee charged to public school
23 participants.

24 (3) The student adheres to the same standards of
25 behavior, responsibility, performance, and code of conduct as
26 other participants of the team or activity. If the student is
27 convicted of, or is found to have committed, a felony or a

1 delinquent act which would have been a felony if committed by
2 an adult, regardless of whether adjudication is withheld, the
3 participation of the student in interscholastic
4 extracurricular activities is contingent upon established and
5 published district school board policy.

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

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

17 (6) A student of a public school or private school
18 who has been unable to maintain academic eligibility for
19 participation in extracurricular activities is ineligible to
20 participate in such activities as a student instructed by a
21 private tutor until the student has successfully satisfied
22 standards to regain eligibility that are equivalent to those
23 standards imposed on other students at the same grade level.

24 (7) A student instructed by a private tutor who
25 transfers to a public school before or during the first
26 grading period of the school year is academically eligible to
27 participate in extracurricular activities during the first

1 grading period provided the student has a successful
2 evaluation from the previous year.

3 (c) A student who is taught at home enrolled in a
4 church school as defined in Section 16-28-1 of the Code of
5 Alabama 1975, may participate in activities sponsored by, or
6 engaged in by a public school system, or in a non-public
7 school, if the non-public school permits the student to
8 participate at that school. Such extracurricular activities
9 include athletics, athletic teams, and band, but does not
10 exclude other activities which local school systems open to
11 these students. Such student shall register with the local
12 board of education in the district where the student resides.
13 Such participation is conditioned on each of the following:

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

18 (2) The student pays any participation or activity
19 fee in an amount equal to the fee charged to public school
20 participants.

21 (3) The student adheres to the same standards of
22 behavior, responsibility, performance, and code of conduct as
23 other participants of the team or activity. If the student is
24 convicted of, or is found to have committed, a felony or a
25 delinquent act which would have been a felony if committed by
26 an adult, regardless of whether adjudication is withheld, the
27 participation of the student in interscholastic

1 extracurricular activities is contingent upon established and
2 published district school board policy.

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

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

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

23 (7) A student taught at home enrolled in a church
24 school who transfers to a public school before or during the
25 first grading period of the school year is academically
26 eligible to participate in extracurricular activities during

1 the first grading period provided the student has a successful
2 evaluation from the previous year.

3 (d) Any insurance provided by a district school
4 board for participants in extracurricular activities shall
5 cover a participating student instructed by private tutor and
6 a participating student instructed at home enrolled in a
7 church school. If there is an additional premium for such
8 coverage, such participating student shall pay the premium.

9 (e) Other activities or classes may be open by
10 public schools to students instructed at home by either a
11 private tutor or under church school law depending on local
12 school board decisions.

13 (f) (1) No public school team or group shall be
14 impeded from competing against any other public or non-public
15 school's team or group because the team or group utilizes
16 students as provided in this section.

17 (2) Public schools are prohibited from membership in
18 any organization or entity which regulates or governs
19 interscholastic extracurricular activities and discriminates
20 against eligible students in public or non-public schools, or
21 students being taught by private tutor or enrolled in church
22 schools.

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill requires expenditures only by a school board.

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