

1 HB503  
2 158355-1  
3 By Representatives McClurkin, Henry, Fincher, McClendon,  
4 Davis, Carns, Johnson (K), Hurst, Williams (D), Greer,  
5 Patterson, Ball and Vance  
6 RFD: Education Policy  
7 First Read: 18-FEB-14

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

12 This bill would create the Equal Access to  
13 Athletics Act.

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

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

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

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

6                   This bill would also specify that no school  
7 team utilizing these students may be impeded from  
8 competing against any other public school team  
9 solely because of the participation of such  
10 students.

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 Equal  
10 Access to Athletics Act; permitting a child instructed at home  
11 either by a private tutor or under the church school law to  
12 participate in extracurricular activities in public schools;  
13 to provide certain requirements; to allow a student to  
14 participate in different extracurricular activities at the  
15 same public school; to provide for insurance coverage for  
16 extracurricular athletic activities; to clarify that students  
17 who participate under this act are considered enrolled for the  
18 purpose of attendance counts, school classification, and  
19 partial funding; and in connection therewith would have as its  
20 purpose or effect the requirement of a new or increased  
21 expenditure of local funds within the meaning of Amendment 621  
22 of the Constitution of Alabama of 1901, now appearing as  
23 Section 111.05 of the Official Recompilation of the  
24 Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) (1) This act shall be known and may be  
27 cited as the Equal Access to Athletics Act.

1           (2) The purpose of this act is to allow students  
2 instructed at home by either a private tutor or pursuant to  
3 church school law to participate in extracurricular activities  
4 with public schools.

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

8           (b) A student who is instructed by a private tutor  
9 as authorized by Section 16-28-5, Code of Alabama 1975, and  
10 other regulation or otherwise, may participate in  
11 extracurricular activities sponsored by or engaged in by a  
12 public school system. Participation is conditioned on all of  
13 the following:

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

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

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

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

3 (4) The student adhering 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 private tutor to the public school providing  
7 the activity in which the student is to participate. Such  
8 students shall be able to participate in curricular activities  
9 if that is a requirement of the extracurricular activity,  
10 including, but not limited to, weight training.

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

14 (c) A student who is instructed at home pursuant to  
15 church school law as defined in Section 16-28-1, Code of  
16 Alabama 1975, may participate in extracurricular activities  
17 sponsored by, or engaged in, by a public school system.  
18 Participation is conditioned on all of the following:

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

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

26 (3) The student adhering to the same standards of  
27 behavior, responsibility, performance, and code of conduct as

1 other participants of the team or activity. If the student is  
2 convicted of, or is found to have committed, a felony or a  
3 delinquent act which would have been a felony if committed by  
4 an adult, regardless of whether adjudication is withheld, the  
5 participation of the student in extracurricular activities is  
6 contingent upon established and published district school  
7 board policy.

8 (4)a. The student adhering to comparable academic  
9 standards as other participants of the team or activity, with  
10 those standards confirmed by appropriate documentation  
11 provided by the church school administrator to the public  
12 school providing the activity in which the student is to  
13 participate. Appropriate documentation shall include the  
14 transcript of the student for the previous school year  
15 verifying that the student has taken the core curriculum  
16 courses required for other students participating in  
17 athletics, and either of the following:

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

26 2. A portfolio of the school work of the student for  
27 the previous year demonstrating his or her academic

1 proficiency appropriate for his or her grade level, as  
2 determined by the school principal or guidance counselor.

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

7 c. Such students shall be able to participate in  
8 curricular activities if that is a requirement of an  
9 extracurricular activity including, but not limited to, weight  
10 training.

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

14 (d) A student instructed at home by either a private  
15 tutor or pursuant to church school law who participates in  
16 extracurricular activities at a public school may participate  
17 in multiple extracurricular activities at the same public  
18 school simultaneously or during the same school year if  
19 permitted for other students.

20 (e) A school, local board of education, or  
21 organization or association which regulates or governs  
22 interscholastic extracurricular activities, may not establish  
23 requirements for participation in extracurricular activities  
24 which make participation in such activities less accessible to  
25 students who are instructed at home by either a private tutor  
26 or pursuant to church school law than to other students.  
27 Except as set forth in subdivision (4) of subsection (b) and



1 subsection (c), evaluation processes or requirements that are  
2 placed on student participants who are instructed at home by  
3 either a private tutor or pursuant to church school law may  
4 not exceed those that apply to other students generally.

5 (f) A student enrolled in a public school who  
6 withdraws prior to the completion of the school year is not  
7 eligible to participate in extracurricular activities under  
8 this act for the remainder of that semester or during the  
9 following two semesters. A student enrolled in a public or  
10 nonpublic school who is academically ineligible to participate  
11 in extracurricular activities at the end of any semester and  
12 withdraws is not eligible to participate under this act for  
13 the immediately following two semesters. A student enrolled in  
14 a public school who completes the school year in good standing  
15 and is eligible to participate in extracurricular activities  
16 for the following school year is eligible under the provisions  
17 of this act to participate in extracurricular activities at  
18 that school during the next school year.

19 (g) Any insurance provided by a district school  
20 board for participants in extracurricular activities shall  
21 cover a participating student under the auspices of this act.  
22 If there is an additional premium for such coverage, such  
23 participating student shall pay the additional premium.

24 (h) This act does not guarantee that a student  
25 trying out for an interscholastic extracurricular activity  
26 will be selected to participate, but only that the student may  
27 not be prohibited from trying out for an extracurricular

1 activity if the student is otherwise eligible, as outlined in  
2 this act and under the rules of the organization or  
3 association which regulates interscholastic activities.

4 (i) No public school athletic team or group shall be  
5 impeded from competing against any other team against which it  
6 may otherwise compete under other applicable rules solely  
7 because the team or group utilizes students pursuant to this  
8 section.

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

24 Section 3. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased  
26 expenditure of local funds, the bill is excluded from further  
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official Recompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill requires expenditures only by a school board.

4 Section 4. This act shall become effective on June  
5 1, 2014, or following its passage and approval by the  
6 Governor, or its otherwise becoming law, whichever occurs  
7 later.