

1 SB387  
2 156036-3  
3 By Senator McGill  
4 RFD: Education  
5 First Read: 20-FEB-14

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8 SYNOPSIS: This bill would provide that a student who  
9 is instructed by a private tutor or at a church  
10 school and who is at a ninth grade level or higher  
11 may enroll in a public school for the purpose of  
12 participating in a career technical program.

13 This bill would require participating  
14 students to adhere to the same requirements as  
15 public school students concerning activity fees,  
16 standards of behavior, responsibility, performance,  
17 conduct, academic standards, and residency  
18 requirements.

19 This bill would permit a student enrolling  
20 in a public school to participate in a career  
21 technical program to also participate in  
22 extracurricular activities of the public school.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, prohibits a general  
27 law whose purpose or effect would be to require a

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

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
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21 Relating to education; to permit a child instructed  
22 at home either by a private tutor or under church school law  
23 and who is at a certain grade level to enroll in a public  
24 school for the purpose of participation in a career technical  
25 program under certain conditions; to provide certain  
26 requirements; to authorize participation in extracurricular  
27 activities of the public school; to provide an exception for

1 participation; and in connection therewith would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds within the meaning of Amendment 621  
4 of the Constitution of Alabama of 1901, now appearing as  
5 Section 111.05 of the Official ReCompilation of the  
6 Constitution of Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) For the purposes of this section,  
9 "extracurricular activities" includes all extracurricular  
10 programs of the public school for individuals or teams.

11 (b) A student who is instructed by a private tutor  
12 as authorized by law, regulation, or otherwise or who is  
13 instructed at home pursuant to church school law as defined in  
14 Section 16-28-1, Code of Alabama 1975, may enroll in a public  
15 school for the purpose of attending a career technical program  
16 that offers instruction in useful trades, occupations, or  
17 vocational skills to the students.

18 (c) Enrollment in the public school and  
19 participation in the career technical program is conditioned  
20 on all of the following:

21 (1) The student studying at a ninth grade level or  
22 higher.

23 (2) The student registering with the public school,  
24 on or before August 1, an intention to participate in the  
25 career technical program for the impending school year.

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

4           (4) The student adhering to the same standards of  
5 behavior, responsibility, performance, and code of conduct as  
6 other participants of the career technical program.

7           (5) The student satisfying the same residency  
8 requirements as other students in the school at which the  
9 student participates.

10           (d) A student who enrolls in a public school under  
11 subsection (b) may participate in extracurricular activities  
12 sponsored by or engaged in by the public school.

13           (e) The average annual state cost of attendance for  
14 a student under subsection (b) shall be calculated by dividing  
15 one-third of the state funds appropriated through the  
16 Foundation Program pursuant to Section 16-13-231(b) (2), Code  
17 of Alabama 1975, by the total statewide number of pupils in  
18 average daily membership during the first 20 scholastic days  
19 following Labor Day of the preceding school year, as well as  
20 an one-third allocation of teacher units. The local board of  
21 education shall distribute two-thirds of the funds received  
22 for a student enrolled pursuant to subsection (b) to the  
23 career technical program the student attends.

24           (f) A student enrolling in a public school under  
25 subsection (b) may be denied participation in a career  
26 technical program that limits the number of participants in  
27 the program for safety or liability purposes.

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

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