

1 SB507
2 131560-1
3 By Senator Sanford
4 RFD: Education
5 First Read: 24-MAY-11

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8 SYNOPSIS: Existing law does not prohibit a local board
9 of education from restricting the participation of
10 students in unaffiliated athletic activities or
11 programs and does not provide for the eligibility
12 of transfer students to participate in public or
13 nonpublic high school athletics.

14 This bill would prohibit a local board of
15 education from restricting the participation of an
16 enrolled student in athletic activities or programs
17 that are not affiliated with the enrolling school.

18 This bill would require each public and
19 nonpublic high school in the state to grant
20 immediate eligibility to participate in school
21 athletics to any student who transfers into the
22 school.

23 This bill would also specify that no public
24 or nonpublic school team utilizing these students
25 would be impeded from competing against any other
26 public, nonpublic, or church school team.

1 Amendment 621 of the Constitution of Alabama
2 of 190, now appearing as Section 111.05 of the
3 Official ReCompilation of the Constitution of
4 Alabama of 1901, as amended, prohibits a general
5 law whose purpose or effect would be to require a
6 new or increased expenditure of local funds from
7 becoming effective with regard to a local
8 governmental entity without enactment by a 2/3 vote
9 unless: it comes within one of a number of
10 specified exceptions; it is approved by the
11 affected entity; or the Legislature appropriates
12 funds, or provides a local source of revenue, to
13 the entity for the purpose.

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

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to education; to prohibit a local board of
27 education from restricting the participation of an enrolled

1 student in athletic activities or programs that are not
2 affiliated with the enrolling school; to require public and
3 nonpublic high schools to grant immediate athletic eligibility
4 to students who transfer into the school; to specify schools
5 utilizing such students may not be impeded from competing
6 against other schools; and in connection therewith would have
7 as its purpose or effect the requirement of a new or increased
8 expenditure of local funds within the meaning of Amendment 621
9 of the Constitution of Alabama of 1901, now appearing as
10 Section 111.05 of the Official ReCompilation of the
11 Constitution of Alabama of 1901, as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) A local board of education may not
14 restrict an enrolled student from participating in athletic
15 activities or programs that are not affiliated with the
16 enrolling school or local board of education.

17 (b) (1) Each public and nonpublic high school in the
18 state shall grant immediate eligibility to participate in
19 school athletics to any student who transfers into the school.
20 Immediate eligibility shall be granted regardless of whether
21 the school is located in the school zone in which the parent
22 or legal guardian of the student resides.

23 (2) No public or nonpublic school team or group
24 shall be impeded from competing against any other public,
25 nonpublic, or church school's team or group merely because the
26 school's team or group utilizes students as provided in this
27 subsection.

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.