

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

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.

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

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

A BILL

TO BE ENTITLED

## AN ACT

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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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