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SYNOPSIS: Existing law does not permit a child instructed by a private tutor or students of private schools or church schools to participate in extracurricular activities offered by public schools.

This bill would provide for the Equal Access to Extracurricular Activities Act for the purpose of allowing students of all types of school choices to participate in athletics and fine art classes.

This bill would permit children instructed by a private tutor to participate in such extracurricular activities, including athletics and athletics teams, music, art, and drama. This bill would also allow students in private schools or church schools to participate in public school extracurricular activities, if the activity is not offered in the applicable private school or church school.

This bill would require participating students to adhere to the same requirements as public school students concerning activity fees;

1 standards of behavior, responsibility, performance,
2 and conduct; and academic standards.

3 This bill would also specify that no public
4 school team utilizing these students would be
5 impeded from competing against any other public,
6 private, or church school team.

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

17 The purpose or effect of this bill would be
18 to require a new or increased expenditure of local
19 funds within the meaning of Amendment 621. However,
20 the bill does not require approval of a local
21 governmental entity or enactment by a 2/3 vote to
22 become effective because it comes within one of the
23 specified exceptions contained in Amendment 621.

24
25 A BILL

26 TO BE ENTITLED

27 AN ACT

1 Relating to education, providing for the Equal
2 Access to Extracurricular Activities Act; permitting a child
3 instructed by a private tutor and students of private schools
4 and church schools to participate in public school
5 extracurricular activities; to provide certain requirements;
6 to specify schools utilizing such students may not be impeded
7 from competing against other schools; and in connection
8 therewith would have as its purpose or effect the requirement
9 of a new or increased expenditure of local funds within the
10 meaning of Amendment 621 of the Constitution of Alabama of
11 1901.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a)(1) This section shall be known and
14 may be cited as the Equal Access to Extracurricular Activities
15 Act.

16 (2) The purpose of this section is to allow students
17 of all types of school choices to participate in athletics and
18 fine art classes.

19 (b) A student who is instructed by a private tutor
20 as authorized by law, regulation, or otherwise, may
21 participate in extracurricular activities sponsored by or
22 engaged in by K-12 public schools to which the student would
23 otherwise be zoned to attend. Such extracurricular activities
24 include, but are not limited to, athletics and athletics
25 teams, music, art, and drama. Such student shall register with
26 the local board of education in the district where the student
27 resides. Such participation is conditioned on each of the
28 following:

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

4 (2) The student adheres to the same standards of
5 behavior, responsibility, performance, and code of conduct as
6 other participants of the team or activity.

7 (3) The student adheres to the same academic
8 standards as other participants of the team or activity, with
9 those standards confirmed by appropriate documentation
10 provided by the student to the public school providing the
11 activity in which the student will participate.

12 (c) If a child is a student who is enrolled in a
13 private school or church school as defined in Section 16-28-1
14 of the Code of Alabama 1975, which does not offer an
15 extracurricular activity which is offered by the public school
16 district where the student resides, the student may
17 participate in the extracurricular activity of the public
18 school to which the student would otherwise be zoned to
19 attend. Such participation is conditioned on each of the
20 following:

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

24 (2) 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.

27 (3) The student adheres to the same academic
28 standards as other participants of the team or activity, with
29 those standards confirmed by a transcript provided by the

1 private school or church school to the public school providing
2 the activity in which the student will participate.

3 (d) No public school team or group shall be impeded
4 from competing against any other public, private, or church
5 school's team or group merely because the school's team or
6 group utilizes students as provided in this section.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621 because the
11 bill requires expenditures only by a school board.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.