

1 SB58  
2 115757-1  
3 By Senator Erwin  
4 RFD: Finance and Taxation Education  
5 First Read: 12-JAN-10  
6 PFD: 12/17/2009

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8 SYNOPSIS: Existing provisions prevent a child  
9 instructed at home by either a private tutor or  
10 under the laws relating to church schools to  
11 participate in extracurricular activities offered  
12 by public schools.

13 This bill as enacted would be cited as the  
14 "Tim Tebow Act." As used in this bill, the term  
15 "extracurricular" would mean any school authorized  
16 activity including athletics, athletic teams, and  
17 band occurring during or outside the regular  
18 instructional school day.

19 This bill would allow a student being taught  
20 at home by either a private tutor or under church  
21 school law to participate in athletics, athletic  
22 teams, and band.

23 This bill would require participating  
24 students to adhere to the same requirements as  
25 public school students concerning activity fees,  
26 standards of behavior, responsibility, performance,

1           conduct, academic standards, and residency  
2           requirements.

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

8                   This bill would also specify that no school  
9           team utilizing these students would be impeded from  
10          competing against any other public or private  
11          school team.

12                   This bill would allow such students to  
13          participate in these activities in a non-public  
14          school, if the non-public school permits such  
15          student participation.

16                   Amendment 621 of the Constitution of Alabama  
17          of 1901, now appearing as Section 111.05 of the  
18          Official Recompilation of the Constitution of  
19          Alabama of 1901, as amended, prohibits a general  
20          law whose purpose or effect would be to require a  
21          new or increased expenditure of local funds from  
22          becoming effective with regard to a local  
23          governmental entity without enactment by a 2/3 vote  
24          unless: it comes within one of a number of  
25          specified exceptions; it is approved by the  
26          affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

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

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to education; providing for the Tim Tebow  
16 Act; permitting a child instructed at home either by a private  
17 tutor or under the church school law to participate in  
18 extracurricular activities; to provide certain requirements;  
19 to provide for insurance coverage; to specify schools  
20 utilizing such students may not be impeded from competing  
21 against other schools; and in connection therewith would have  
22 as its purpose or effect the requirement of a new or increased  
23 expenditure of local funds within the meaning of Amendment 621  
24 of the Constitution of Alabama of 1901, now appearing as  
25 Section 111.05 of the Official Recompilation of the  
26 Constitution of Alabama of 1901, as amended.  
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) (1) This act shall be known and may be  
2 cited as the Tim Tebow Act.

3           (2) The purpose of this act is to allow students  
4 instructed at home by either a private tutor or under the  
5 church school law to participate in athletics, athletic teams,  
6 and band.

7           (b) A student who is instructed by a private tutor  
8 as authorized by law, regulation, or otherwise, may  
9 participate in activities sponsored by or engaged in by a  
10 public school system, or in a non-public school, if the  
11 non-public school permits the student to participate at that  
12 school. Such extracurricular activities include athletics,  
13 athletic teams, and band, but does not exclude other  
14 activities which local school systems open to these students.  
15 Such student shall register with the local board of education  
16 in the district where the student resides. Such participation  
17 is conditioned on each of the following:

18           (1) The student registers with the school an  
19 intention to participate in the extracurricular activities as  
20 a representative of the school.

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

24           (3) 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. If the student is  
27 convicted of, or is found to have committed, a felony or a

1 delinquent act which would have been a felony if committed by  
2 an adult, regardless of whether adjudication is withheld, the  
3 participation of the student in interscholastic  
4 extracurricular activities is contingent upon established and  
5 published district school board policy.

6 (4) The student adheres to the same academic  
7 standards as other participants of the team or activity, with  
8 those standards confirmed by appropriate documentation  
9 provided by the tutor to the public school providing the  
10 activity in which the student will participate. Such students  
11 shall be able to participate in curricular activities if that  
12 is a requirement of an extracurricular activity, including,  
13 but not limited to, weight training or band practice.

14 (5) The student meets the same residency  
15 requirements as other students in the school at which the  
16 student participates.

17 (6) A student of a public school or private school  
18 who has been unable to maintain academic eligibility for  
19 participation in extracurricular activities is ineligible to  
20 participate in such activities as a student instructed by a  
21 private tutor until the student has successfully satisfied  
22 standards to regain eligibility that are equivalent to those  
23 standards imposed on other students at the same grade level.

24 (7) A student instructed by a private tutor who  
25 transfers to a public school before or during the first  
26 grading period of the school year is academically eligible to  
27 participate in extracurricular activities during the first

1 grading period provided the student has a successful  
2 evaluation from the previous year.

3 (c) A student who is taught at home enrolled in a  
4 church school as defined in Section 16-28-1 of the Code of  
5 Alabama 1975, may participate in activities sponsored by, or  
6 engaged in by a public school system, or in a non-public  
7 school, if the non-public school permits the student to  
8 participate at that school. Such extracurricular activities  
9 include athletics, athletic teams, and band, but does not  
10 exclude other activities which local school systems open to  
11 these students. Such student shall register with the local  
12 board of education in the district where the student resides.  
13 Such participation is conditioned on each of the following:

14 (1) The student registers with the school an  
15 intention to participate in extracurricular activities as a  
16 representative of the school for the activity in which the  
17 student wishes to participate.

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

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

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

3 (4) The student adheres 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 church school administrator to the public  
7 school providing the activity in which the student will  
8 participate. Such students shall be able to participate in  
9 curricular activities if that is a requirement of an  
10 extracurricular activity, including, but not limited to,  
11 weight training or band practice.

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

15 (6) A student of a public school or private school  
16 who has been unable to maintain academic eligibility for  
17 participation in extracurricular activities is ineligible to  
18 participate in such activities as a student who is taught at  
19 home enrolled in a church school until the student has  
20 successfully satisfied standards to regain eligibility that  
21 are equivalent to those imposed on other students at the same  
22 grade level.

23 (7) A student taught at home enrolled in a church  
24 school who transfers to a public school before or during the  
25 first grading period of the school year is academically  
26 eligible to participate in extracurricular activities during



1 the first grading period provided the student has a successful  
2 evaluation from the previous year.

3 (d) Any insurance provided by a district school  
4 board for participants in extracurricular activities shall  
5 cover a participating student instructed by private tutor and  
6 a participating student instructed at home enrolled in a  
7 church school. If there is an additional premium for such  
8 coverage, such participating student shall pay the premium.

9 (e) Other activities or classes may be open by  
10 public schools to students instructed at home by either a  
11 private tutor or under church school law depending on local  
12 school board decisions.

13 (f) (1) No public school team or group shall be  
14 impeded from competing against any other public or non-public  
15 school's team or group because the team or group utilizes  
16 students as provided in this section.

17 (2) Public schools are prohibited from membership in  
18 any organization or entity which regulates or governs  
19 interscholastic extracurricular activities and discriminates  
20 against eligible students in public or non-public schools, or  
21 students being taught by private tutor or enrolled in church  
22 schools.

23 Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, now  
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the  
2 bill requires expenditures only by a school board.

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