

1 HB287  
2 145753-1  
3 By Representatives Henry and Ball  
4 RFD: Education Policy  
5 First Read: 14-FEB-13

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8 SYNOPSIS: Existing law prevents a child instructed at  
9 home by a private tutor or at a church school to  
10 participate in extracurricular activities offered  
11 by public schools.

12 This bill would create the Tim Tebow Act.

13 This bill would define the term  
14 extracurricular to mean school authorized athletics  
15 and athletic teams.

16 This bill would allow a student being taught  
17 at home or at a church school to participate in  
18 athletics and on athletic teams.

19 This bill would require participating  
20 students to adhere to the same requirements as  
21 public school students concerning activity fees,  
22 standards of behavior, responsibility, performance,  
23 conduct, academic standards, and residency  
24 requirements.

25 This bill would require a participating  
26 student who participates in an extracurricular  
27 activity at a public school to commit to and only

1 participate in that extracurricular activity at  
2 that public school for the duration of the school  
3 year, and would allow a student to participate in  
4 different extracurricular activities at the same  
5 public school.

6 This bill would require student standards  
7 for participation in interscholastic  
8 extracurricular activities to be applied beginning  
9 with the first semester of the 7th grade year of  
10 the participating student.

11 This bill would specify that insurance  
12 coverage provided by a school board for  
13 participants in extracurricular activities would  
14 cover a child instructed at home by private tutor  
15 or under church school law.

16 This bill would also specify that no school  
17 team utilizing these students would be impeded from  
18 competing against any other public or private  
19 school team.

20 This bill would also allow such students to  
21 participate in these activities in a nonpublic  
22 school, if the nonpublic school permits such  
23 student participation.

24 Amendment 621 of the Constitution of Alabama  
25 of 1901, now appearing as Section 111.05 of the  
26 Official Recompilation of the Constitution of  
27 Alabama of 1901, as amended, prohibits a general

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

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

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 Relating to education; providing for the Tim Tebow  
23 Act; permitting a child instructed at home either by a private  
24 tutor or under the church school law to participate in  
25 extracurricular athletic activities in public schools and  
26 nonpublic schools that accept a student; to provide certain  
27 requirements; to require a participating student to commit to

1 and only participate in an extracurricular activity at that  
2 public school for the school year; to allow a student to  
3 participate in different extracurricular activities at the  
4 same public school; to require student standards for  
5 participation in interscholastic extracurricular activities to  
6 be applied beginning with the first semester of the 7th grade  
7 year of the participating student; to provide for insurance  
8 coverage for extracurricular athletic activities; to specify  
9 schools utilizing such students may not be impeded from  
10 competing against other schools; and in connection therewith  
11 would have as its purpose or effect the requirement of a new  
12 or increased expenditure of local funds within the meaning of  
13 Amendment 621 of the Constitution of Alabama of 1901, now  
14 appearing as Section 111.05 of the Official Recompilation of  
15 the Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 (2) The purpose of this act is to allow students  
20 instructed at home by either a private tutor or pursuant to  
21 church school law to participate in athletics and on athletic  
22 teams.

23 (3) For purposes of this act, the term public school  
24 includes a nonpublic school if a nonpublic school permits a  
25 child to participate in its extracurricular activities.

1                   (4) For purposes of this act, the term  
2 extracurricular activities includes all athletic programs of  
3 the school for individuals or team sports.

4                   (b) A student who is instructed by a private tutor  
5 as authorized by law, regulation, or otherwise, may  
6 participate in extracurricular activities sponsored by or  
7 engaged in by a public school system, or in a nonpublic  
8 school, if the nonpublic school permits the student to  
9 participate at that school. The student shall register with  
10 the local board of education in the district where the student  
11 resides. Participation is conditioned on all of the following:

12                   (1) The student registering with the school an  
13 intention to participate in the extracurricular activities as  
14 a representative of the school.

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

18                   (3) The student adhering to the same standards of  
19 behavior, responsibility, performance, and code of conduct as  
20 other participants of the team or activity. If the student is  
21 convicted of, or is found to have committed, a felony or a  
22 delinquent act which would have been a felony if committed by  
23 an adult, regardless of whether adjudication is withheld, the  
24 participation of the student in interscholastic  
25 extracurricular activities is contingent upon established and  
26 published district school board policy.

1           (4) The student adhering to the same academic  
2 standards as other participants of the team or activity, with  
3 those standards confirmed by appropriate documentation  
4 provided by the tutor to the public school providing the  
5 activity in which the student is to participate. Such students  
6 shall be able to participate in curricular activities if that  
7 is a requirement of the extracurricular activity, including,  
8 but not limited to, weight training.

9           (5) The student satisfies the same residency  
10 requirements as other students in the school at which the  
11 student participates.

12           (c) A student who is taught at home and is enrolled  
13 in a private school or a church school as defined in Section  
14 16-28-1, Code of Alabama 1975, may participate in  
15 extracurricular activities sponsored by, or engaged in by a  
16 public school system, or in a nonpublic school, if the  
17 nonpublic school permits the student to participate at that  
18 school. The student shall register with the local board of  
19 education in the district where the student resides.  
20 Participation is conditioned on all of the following:

21           (1) The student registering with the school an  
22 intention to participate in extracurricular activities as a  
23 representative of the school for the activity in which the  
24 student wishes to participate.

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

1           (3) The student adhering to the same standards of  
2 behavior, responsibility, performance, and code of conduct as  
3 other participants of the team or activity. If the student is  
4 convicted of, or is found to have committed, a felony or a  
5 delinquent act which would have been a felony if committed by  
6 an adult, regardless of whether adjudication is withheld, the  
7 participation of the student in interscholastic  
8 extracurricular activities is contingent upon established and  
9 published district school board policy.

10           (4) The student adhering to the same academic  
11 standards as other participants of the team or activity, with  
12 those standards confirmed by appropriate documentation  
13 provided by the church school administrator to the public  
14 school providing the activity in which the student is to  
15 participate. Such students shall be able to participate in  
16 curricular activities if that is a requirement of an  
17 extracurricular activity, including, but not limited to,  
18 weight training.

19           (5) The student satisfies the same residency  
20 requirements as other students in the school at which the  
21 student participates.

22           (d) A student of a public school or nonpublic school  
23 who has been unable to maintain academic eligibility for  
24 participation in extracurricular activities is ineligible to  
25 participate in such activities as a student who is instructed  
26 by a private tutor, taught at home, or enrolled in a church  
27 school until the student has successfully satisfied standards



1 to regain eligibility that are equivalent to those imposed on  
2 other students at the same grade level.

3 (e) A student instructed by a private tutor, taught  
4 at home, or enrolled in a church school who transfers to a  
5 public school before or during the first grading period of the  
6 school year is academically eligible to participate in  
7 extracurricular activities during the first grading period  
8 provided the student has a successful evaluation from the  
9 previous year.

10 (f) A student instructed by a private tutor, taught  
11 at home, or enrolled in a church school who participates in an  
12 extracurricular activity at a public school is committed to  
13 and may only participate in that extracurricular activity at  
14 that public school for the duration of the school year.  
15 Notwithstanding the foregoing, a student may participate in  
16 different extracurricular activities at the same public  
17 school.

18 (g) Student standards for participation in  
19 interscholastic extracurricular activities shall be applied  
20 beginning with the first semester of the 7th grade year of the  
21 student. A local board of education may not establish  
22 requirements for participation in interscholastic  
23 extracurricular activities which make participation in such  
24 activities less accessible to students who are instructed by a  
25 private tutor, taught at home, or enrolled in a church school  
26 than to other students. Except as set forth in subdivision (5)  
27 of subsection (b), evaluation processes or requirements that

1 are placed on student participants who are instructed by a  
2 private tutor, taught at home, or enrolled in a church school  
3 may not exceed those that apply to those students generally.

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

10 (i) (1) No public school athletic team or group shall  
11 be impeded from competing against any other public or  
12 nonpublic school team or group because the team or group  
13 utilizes students as pursuant to this section.

14 (2) A public school is prohibited from membership in  
15 any organization or entity which regulates or governs  
16 interscholastic extracurricular activities and discriminates  
17 against eligible students in public or nonpublic schools, or  
18 students being taught by private tutor or enrolled in church  
19 school.

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

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