

1 SB415
2 156036-3
3 By Senator McGill
4 RFD: Education
5 First Read: 26-FEB-14

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8 SYNOPSIS: This bill would provide that a student who
9 is instructed by a private tutor or at a church
10 school and who is at a ninth grade level or higher
11 may enroll in a public school for the purpose of
12 participating in a career technical program.

13 This bill would require participating
14 students to adhere to the same requirements as
15 public school students concerning activity fees,
16 standards of behavior, responsibility, performance,
17 conduct, academic standards, and residency
18 requirements.

19 This bill would permit a student enrolling
20 in a public school to participate in a career
21 technical program to also participate in
22 extracurricular activities of the public school.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

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

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
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21 Relating to education; to permit a child instructed
22 at home either by a private tutor or under church school law
23 and who is at a certain grade level to enroll in a public
24 school for the purpose of participation in a career technical
25 program under certain conditions; to provide certain
26 requirements; to authorize participation in extracurricular
27 activities of the public school; to provide an exception for

1 participation; and in connection therewith would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds within the meaning of Amendment 621
4 of the Constitution of Alabama of 1901, now appearing as
5 Section 111.05 of the Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) For the purposes of this section,
9 "extracurricular activities" includes all extracurricular
10 programs of the public school for individuals or teams.

11 (b) A student who is instructed by a private tutor
12 as authorized by law, regulation, or otherwise or who is
13 instructed at home pursuant to church school law as defined in
14 Section 16-28-1, Code of Alabama 1975, may enroll in a public
15 school for the purpose of attending a career technical program
16 that offers instruction in useful trades, occupations, or
17 vocational skills to the students.

18 (c) Enrollment in the public school and
19 participation in the career technical program is conditioned
20 on all of the following:

21 (1) The student studying at a ninth grade level or
22 higher.

23 (2) The student registering with the public school,
24 on or before August 1, an intention to participate in the
25 career technical program for the impending school year.

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

4 (4) The student adhering to the same standards of
5 behavior, responsibility, performance, and code of conduct as
6 other participants of the career technical program.

7 (5) The student satisfying the same residency
8 requirements as other students in the school at which the
9 student participates.

10 (d) A student who enrolls in a public school under
11 subsection (b) may participate in extracurricular activities
12 sponsored by or engaged in by the public school.

13 (e) The average annual state cost of attendance for
14 a student under subsection (b) shall be calculated by dividing
15 one-third of the state funds appropriated through the
16 Foundation Program pursuant to Section 16-13-231(b) (2), Code
17 of Alabama 1975, by the total statewide number of pupils in
18 average daily membership during the first 20 scholastic days
19 following Labor Day of the preceding school year, as well as
20 an one-third allocation of teacher units. The local board of
21 education shall distribute two-thirds of the funds received
22 for a student enrolled pursuant to subsection (b) to the
23 career technical program the student attends.

24 (f) A student enrolling in a public school under
25 subsection (b) may be denied participation in a career
26 technical program that limits the number of participants in
27 the program for safety or liability purposes.

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.