

Senate Bill 163

By: Senators Thompson of the 14th, Miller of the 49th, Dolezal of the 27th, Robertson of the 29th, Gooch of the 51st and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to other educational programs under the "Quality Basic Education Act,"
3 so as to authorize home study students to participate in extracurricular and interscholastic
4 activities in the student's resident public school system; to provide for definitions; to provide
5 eligibility requirements; to prohibit certain limitations by resident school systems, public
6 schools, and athletic associations with respect to home study students participating in
7 extracurricular and interscholastic activities; to provide for participation at a particular public
8 school; to provide for participation fees; to provide for a short title; to provide for legislative
9 findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Tim Tebow Act" or "Equal Opportunity
13 for Access in Education Act."

14 **SECTION 2.**

15 (a) The General Assembly recognizes:

- 16 (1) The uniqueness in each child and understands that children learn differently and at
17 different paces from one another;
18 (2) That all students deserve the means to achieve their potential in both academic and
19 extracurricular endeavors; and
20 (3) The contributions of alternative education programs such as private schools and
21 home schools in providing alternatives to public school education.

22 (b) The General Assembly finds:

- 23 (1) The state has a compelling interest in promoting school choice and diversity in order
24 to strengthen the economy and higher education opportunities for all students;

- 25 (2) Parents have the right to control the education of their children as recognized by the
 26 United States Supreme Court in Meyer v. Nebraska and Pierce v. Society of Sisters;
 27 (3) Students who are homeschooled may be unable to receive college athletic or
 28 departmental scholarships because of lack of exposure to recruiters;
 29 (4) All students deserve to be given the opportunity to participate along with their
 30 contemporaries in extracurricular and interscholastic activities;
 31 (5) Students whose parents exercise their right to home school should not be excluded
 32 from accessing additional opportunities in academics or extracurricular and
 33 interscholastic activities;
 34 (6) Home school parents pay property taxes that fund public school activities, yet their
 35 children are not currently allowed to participate in the activities; and
 36 (7) Equal access will broaden the selection of eligible talent by increasing participation
 37 and competition.
- 38 (c) The intent of this Act is to provide a means for all students in this state to participate in
 39 extracurricular and interscholastic activities.

40 SECTION 3.

41 Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 42 relating to other educational programs under the "Quality Basic Education Act," is amended
 43 by adding a new Code section to read as follows:

44 "20-2-319.5.

45 (a) As used in this Code section, the term:

46 (1) 'Athletic association' means any association of schools or any other similar
 47 organization which acts as an organizing, sanctioning, scheduling, or rule-making body
 48 for interscholastic athletic events in which public schools in this state participate.

49 (2) 'Extracurricular and interscholastic activities' means all direct and personal services
 50 for students for their enjoyment that are managed and operated under the guidance of an
 51 adult or staff member. Extracurricular activities have all of the following characteristics:

52 (A) They are not offered for school credit or required for graduation, such as, but not
 53 limited to, athletics, music, theater, speech, and other similar or related activities;

54 (B) They are generally conducted outside school hours or, if partly during school
 55 hours, at times agreed by the participants and approved by school authorities;

56 (C) The content of the activities is determined primarily by the student participants
 57 under the guidance of a staff member or other adult; and

58 (D) They are sanctioned or supported by a state-wide interscholastic activities
 59 governing body.

60 (3) 'Home study student' means a student in a home study program which meets the
61 requirements of subsection (c) of Code Section 20-2-690.

62 (4) 'Resident school' means the local school in which a student would be enrolled by
63 virtue of his or her residence.

64 (b) A home study student shall be eligible to participate in extracurricular and
65 interscholastic activities sponsored by his or her resident school, provided that the
66 following requirements are met:

67 (1) A student's parent on behalf of the student notifies the principal of the resident school
68 in writing of the student's intention to try out for, or participate in, the extracurricular or
69 interscholastic activities as a representative of the school before the beginning date of the
70 season for the chosen activity;

71 (2) The student's parent provides an affidavit that the student is receiving a passing grade
72 in each course taught, is maintaining a satisfactory progress toward advancement, and
73 meets the requirements for participation. The local board of education may not question
74 the accuracy or validity of the statement or request additional information;

75 (3) The student agrees to meet established behavioral, disciplinary, zoning, and other
76 rules applicable to all students. This includes the school's code of conduct and any other
77 faculty expectation expressed to the student by either written or oral means;

78 (4) A student who withdraws from a public school to enroll in a home study program
79 shall be ineligible for participation in extracurricular and interscholastic activities for 12
80 months, beginning on the date in which the student enters the home study program;

81 (5) The student abides by the same transportation policy as regularly enrolled students
82 participating in the extracurricular and interscholastic activity; and

83 (6) The student meets the tryout criteria or the equivalent for participation in the
84 extracurricular and interscholastic activity that applies to students enrolled in the resident
85 school.

86 (c) A resident school, a public school, or an athletic association shall not deny a home
87 study student the opportunity to participate in all extracurricular and interscholastic
88 activities available in the resident school if the student meets the requirements contained
89 in subsection (b) of this Code section.

90 (d) No high school which receives funding under this article shall participate in, sponsor,
91 or provide coaching staff for interscholastic sports events which are conducted under the
92 authority of, conducted under the rules of, or scheduled by any athletic association that
93 does not deem eligible for participation a home study student who meets the requirements
94 contained in subsection (b) of this Code section.

95 (e) A resident school, a public school, or an athletic association shall not require a home
96 study student who chooses to participate in an extracurricular or interscholastic activity at

97 a public school to enroll in a course or to complete any course credits as an eligibility
98 requirement for participating in the extracurricular and interscholastic activity at the public
99 school; except that the resident school, a public school, or athletic association may require
100 the student to enroll in a course if the extracurricular and interscholastic activity is an
101 extension of the course, such as a performing arts group.

102 (f) Home study students may participate at the public school to which the student would
103 be assigned according to local board of education attendance area policies or which the
104 student could choose to attend pursuant to any intra-district open enrollment provisions.

105 (g) A local board of education may charge participation fees to a home study student who
106 participates in extracurricular and interscholastic activities as permitted under this Code
107 section, including fees for uniforms, equipment, and musical instruments, on the same basis
108 and to the same extent that it charges such fees to a student who is enrolled in the resident
109 school."

110

SECTION 4.

111 All laws and parts of laws in conflict with this Act are repealed.