S T A T E O F N E W Y O R K

2175

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sens. ROBACH, ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting school districts from disallowing home-schooled students from participating in district interscholastic sports

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 1501-d to read as follows:

S 1501-D. HOME-SCHOOLED STUDENTS; INTERSCHOLASTIC SPORTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, BOARDS OF EDUCATION OF SCHOOL DISTRICTS ARE PROHIBITED FROM DISALLOWING HOME-SCHOOLED STUDENTS FROM PARTICIPATING IN THE DISTRICT'S INTERSCHOLASTIC SPORTS, AND SHALL MAKE PROVISION FOR SUCH PARTICIPATION IN ACCORDANCE WITH THE FOLLOWING:

(1) HOME-SCHOOLED STUDENTS SHALL NOT BE DENIED BY A SCHOOL DISTRICT THE OPPORTUNITY TO PARTICIPATE IN ALL INTERSCHOLASTIC ACTIVITIES IF THE STUDENT FULFILLS THE FOLLOWING CONDITIONS:

(A) THE STUDENT MUST MEET ALL SCHOOL DISTRICT PHYSICAL EXAMINATION, IMMUNIZATION, AND AGE ELIGIBILITY REQUIREMENTS WITH THE EXCEPTION OF:

(I) THE SCHOOL DISTRICT'S SCHOOL OR CLASS ATTENDANCE REQUIREMENTS; AND

(II) THE CLASS REQUIREMENTS OF THE VOLUNTARY ASSOCIATION ADMINISTERING INTERSCHOLASTIC ACTIVITIES.

(B) (I) THE STUDENT MUST ACHIEVE A MINIMUM SCORE ON A STANDARDIZED ACHIEVEMENT TEST PERMITTED UNDER SECTION 100.10 OF THE COMMISSIONER'S REGULATIONS. THE EXAMINATION SHALL BE TAKEN AT THE END OF EACH SCHOOL YEAR AND SHALL BE USED TO DETERMINE ELIGIBILITY FOR THE FOLLOWING YEAR. THE MINIMUM, COMPOSITE TEST SCORE THAT A STUDENT MUST ACHIEVE SHALL PLACE THE STUDENT AT OR ABOVE THE THIRTY-FOURTH PERCENTILE BASED ON NATIONAL NORMS. THE PARENT OR LEGAL GUARDIAN SHALL SUBMIT THE EXAMINATION RESULTS TO THE SCHOOL DISTRICT; OR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07875-01-5

(II) A SCHOOL DISTRICT MAY ADOPT ALTERNATIVE REQUIREMENTS, IN CONSULTATION WITH THE PARENT OR LEGAL GUARDIAN OF A HOME-SCHOOLED STUDENT, THAT A STUDENT MUST MEET TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES, INCLUDING BUT NOT LIMITED TO A REQUIREMENT THAT A STUDENT SUBMIT A PORTFOLIO OF WORK SAMPLES TO A SCHOOL DISTRICT COMMITTEE FOR REVIEW TO DETERMINE WHETHER A STUDENT IS ELIGIBLE TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES.

(C) THE HOME-SCHOOLED STUDENT SHALL BE REQUIRED TO FULFILL THE SAME RESPONSIBILITIES AND STANDARDS OF BEHAVIOR AND PERFORMANCE, INCLUDING RELATED CLASS OR PRACTICE REQUIREMENTS, OF OTHER STUDENTS PARTICIPATING IN THE INTERSCHOLASTIC ACTIVITY OF THE TEAM OR SQUAD AND SHALL BE REQUIRED TO MEET THE SAME STANDARDS FOR ACCEPTANCE ON THE TEAM OR SQUAD. THE HOME SCHOOL STUDENT MUST ALSO COMPLY WITH ALL PUBLIC SCHOOL REQUIREMENTS DURING THE TIME OF PARTICIPATION.

(D) A HOME-SCHOOLED STUDENT PARTICIPATING IN INTERSCHOLASTIC ACTIVITIES MUST RESIDE WITHIN THE ATTENDANCE BOUNDARIES OF THE SCHOOL FOR WHICH THE STUDENT PARTICIPATES.

(E) TRANSPORTATION MUST BE PROVIDED BY THE PARENT OR GUARDIAN OF THE STUDENT. THE STUDENT MAY USE THE SAME TRANSPORTATION AS ALL OTHER STUDENTS IN THE SCHOOL UNIT, AS LONG AS ADDITIONAL EXPENSES ARE NOT INCURRED.

S 2. This act shall take effect immediately.