

[Second Reprint]

**SENATE, No. 3447**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED NOVEMBER 9, 2017

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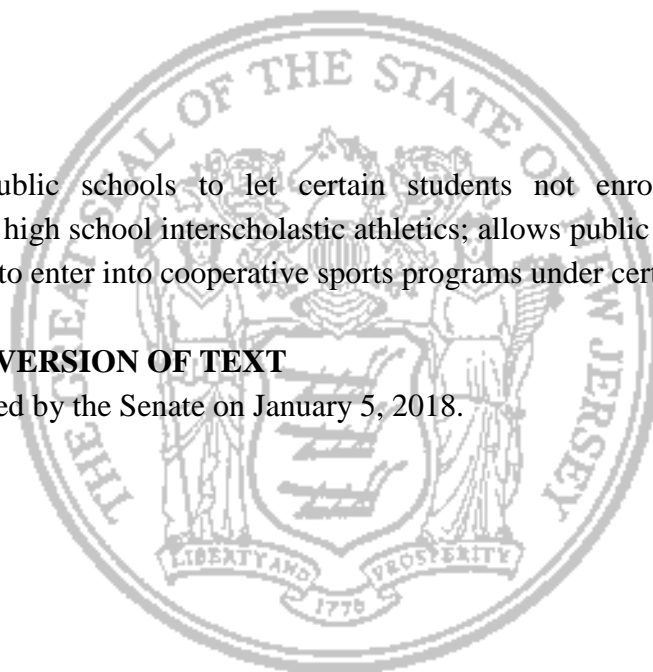
**Senator Allen**

**SYNOPSIS**

Allows public schools to let certain students not enrolled in school participate in high school interscholastic athletics; allows public high schools in same district to enter into cooperative sports programs under certain conditions.

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 5, 2018.



**(Sponsorship Updated As Of: 12/19/2017)**

1 AN ACT concerning <sup>1</sup>**[certain Statewide]**<sup>1</sup> interscholastic sports  
2 programs and supplementing chapter 11 of Title 18A of the New  
3 Jersey Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The New Jersey State Interscholastic Athletic Association  
9 shall allow public high schools in the same school district to enter  
10 into a cooperative sports program for any sport at the varsity level,  
11 regardless of the member schools' Group classification, if either of  
12 the schools demonstrates an inability to field a team at the varsity  
13 level due to: a decline in interest or participation in the sport at one  
14 of the schools that impacts the ability of that school to safely field a  
15 team; or budgetary constraints which force the elimination of  
16 certain sports programs at one of the schools.

17  
18 <sup>1</sup>2. a. A board of education <sup>2</sup>**[**, other than a board of education of  
19 a county vocational school district, shall **]** may<sup>2</sup> permit a student who  
20 attends a nonpublic school and who meets the eligibility requirements  
21 for student athletes established by the New Jersey State Interscholastic  
22 Athletic Association to try out for, and participate in, a school-  
23 sponsored <sup>2</sup>high school<sup>2</sup> interscholastic athletics team or squad in the  
24 student's district of residence in accordance with the same criteria  
25 established for students enrolled in the district if <sup>2</sup>the district is unable  
26 to field a team or squad due to a decline in interest or participation in  
27 the sport that impacts the ability of the district to safely field a team or  
28 squad and<sup>2</sup> the nonpublic school does not sponsor <sup>2</sup>**[an]** a high  
29 school<sup>2</sup> interscholastic sports team or squad in the sport in which the  
30 student wishes to participate. Any controversy concerning a student's  
31 compliance with the eligibility requirements for student-athletes  
32 established by the New Jersey State Interscholastic Athletic  
33 Association shall be adjudicated by the association in accordance with  
34 its constitution and by-laws.

35 A student who attends a nonpublic school who wishes to compete  
36 on an interscholastic sports team or squad in his resident district shall:

37 (1) provide proof that he resides in the district; and

38 (2) meet the sports participation requirements established by the  
39 school district for students enrolled in the district such as physical  
40 examinations, insurance, age, academic, and other requirements. A  
41 nonpublic school student shall comply with the same standards of  
42 behavior, responsibilities, and performance as all other members of the  
43 team or squad.

EXPLANATION – Matter enclosed in bold-faced brackets **[ thus ]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted December 18, 2017.

<sup>2</sup>Senate floor amendments adopted January 5, 2018.

1        b. A student who withdraws from a school district to enroll in a  
2 nonpublic school and who is ineligible to participate in interscholastic  
3 athletics at the time of withdrawal from the school district due to his  
4 failure to meet academic, behavioral, or eligibility standards, shall be  
5 ineligible to compete in interscholastic athletic competition in  
6 accordance with the rules of the New Jersey State Interscholastic  
7 Athletic Association.<sup>1</sup>

8        <sup>2</sup>c. A board of education may charge a student who participates in  
9 a school-sponsored high school interscholastic athletics team or squad  
10 pursuant to this section, other than a student with financial hardship, a  
11 fee no greater than the actual cost per pupil of participating in the  
12 sport. In determining financial hardship the criteria shall be the same  
13 as the Statewide eligibility standards established by the State Board of  
14 Education for free and reduced price meals under the State school  
15 lunch program.<sup>2</sup>

16  
17        <sup>1</sup>3. a. A board of education<sup>2</sup> [ , other than a board of education of  
18 a county vocational school district, shall ] may<sup>2</sup> permit a student who  
19 receives equivalent instruction elsewhere than at school pursuant to  
20 N.J.S.18A:38-25 and who meets the eligibility requirements for  
21 student athletes established by the New Jersey State Interscholastic  
22 Athletic Association to try out for, and participate in,<sup>2</sup> a<sup>2</sup> school-  
23 sponsored<sup>2</sup> high school<sup>2</sup> interscholastic athletics<sup>2</sup> team or squad<sup>2</sup> in  
24 the student's district of residence in accordance with the same criteria  
25 established for students enrolled in the district<sup>2</sup> if the district is unable  
26 to field a team or squad due to a decline in interest or participation in  
27 the sport that impacts the ability of the district to safely field a team or  
28 squad<sup>2</sup>. Any controversy concerning a student's compliance with the  
29 eligibility requirements for student-athletes established by the New  
30 Jersey State Interscholastic Athletic Association shall be adjudicated  
31 by the association in accordance with its constitution and by-laws.

32        A student who receives such instruction who wishes to compete on  
33 an interscholastic sports team or squad in his resident district shall:

34        (1) provide proof that he resides in the district;

35        (2) meet the sports participation requirements established by the  
36 school district for students enrolled in the district such as physical  
37 examinations, insurance, age, academic, and other requirements. The  
38 student shall comply with the same standards of behavior,  
39 responsibilities, and performance as all other members of the team or  
40 squad; and

41        (3) demonstrate to the board of education that he is receiving an  
42 academically equivalent education compared to students enrolled in  
43 the school district and that he is academically qualified to participate.

44        b. A student who withdraws from a public school to receive an  
45 equivalent instructional program elsewhere than at school and who is  
46 ineligible to participate in interscholastic athletics at the time of  
47 withdrawal from the public school due to his failure to meet academic,

1 behavioral, or eligibility standards, shall be ineligible to compete in  
2 interscholastic athletic competition in accordance with the rules of the  
3 New Jersey State Interscholastic Athletic Association.

4 c. <sup>2</sup>A board of education may charge a student who participates in  
5 a school-sponsored high school interscholastic athletics team or squad  
6 pursuant to this section, other than a student with financial hardship, a  
7 fee no greater than the actual cost per pupil of participating in the  
8 sport. In determining financial hardship the criteria shall be the same  
9 as the Statewide eligibility standards established by the State Board of  
10 Education for free and reduced price meals under the State school  
11 lunch program.

12 d. <sup>2</sup>The Department of Education shall develop guidelines for  
13 school districts in making a determination in regard to the  
14 demonstration required pursuant to paragraph (3) of subsection a. of  
15 this section for only the purposes of eligibility to compete on an  
16 interscholastic sports team or squad.<sup>1</sup>

17

18 <sup>1</sup>4. a. A board of education <sup>2</sup>[, other than a board of education of  
19 a county vocational school district, shall] may<sup>2</sup> permit a student who  
20 attends a charter school and who meets the eligibility requirements for  
21 student athletes established by the New Jersey State Interscholastic  
22 Athletic Association to try out for, and participate in, a school-  
23 sponsored <sup>2</sup>high school<sup>2</sup> interscholastic athletics team or squad in the  
24 student's district of residence in accordance with the same criteria  
25 established for students enrolled in the district if <sup>2</sup>the district is unable  
26 to field a team or squad due to a decline in interest or participation in  
27 the sport that impacts the ability of the district to safely field a team or  
28 squad and<sup>2</sup> the charter school does not sponsor <sup>2</sup>[an] a high school<sup>2</sup>  
29 interscholastic sports team or squad in the sport in which the student  
30 wishes to participate. Any controversy concerning a student's  
31 compliance with the eligibility requirements for student-athletes  
32 established by the New Jersey State Interscholastic Athletic  
33 Association shall be adjudicated by the association in accordance with  
34 its constitution and by-laws.

35 A student who attends a charter school who wishes to compete on  
36 an interscholastic sports team or squad in his resident district shall:

37 (1) provide proof that he resides in the district; and

38 (2) meet the sports participation requirements established by the  
39 school district for students enrolled in the district such as physical  
40 examinations, insurance, age, academic, and other requirements. A  
41 charter school student shall comply with the same standards of  
42 behavior, responsibilities, and performance as all other members of the  
43 team or squad.

44 b. A student who withdraws from a school district to enroll in a  
45 charter school and who is ineligible to participate in interscholastic  
46 athletics at the time of withdrawal from the school district due to his  
47 failure to meet academic, behavioral, or eligibility standards, shall be

1 ineligible to compete in interscholastic athletic competition in  
2 accordance with the rules of the New Jersey State Interscholastic  
3 Athletic Association.<sup>1</sup>

4 <sup>2</sup>c. A board of education may charge a student who participates in  
5 a school-sponsored high school interscholastic athletics team or squad  
6 pursuant to this section, other than a student with financial hardship, a  
7 fee no greater than the actual cost per pupil of participating in the  
8 sport. In determining financial hardship the criteria shall be the same  
9 as the Statewide eligibility standards established by the State Board of  
10 Education for free and reduced price meals under the State school  
11 lunch program.<sup>2</sup>

12  
13 <sup>1</sup>5. a. A board of trustees of a charter school <sup>2</sup>~~shall~~ may<sup>2</sup> permit  
14 a student who attends a public school that is not a charter school <sup>2</sup>~~or a~~  
15 school of a county vocational school district<sup>2</sup>, and who resides in the  
16 charter school's district of residence, and who meets the eligibility  
17 requirements for student athletes established by the New Jersey State  
18 Interscholastic Athletic Association to try out for, and participate in, a  
19 charter school-sponsored <sup>2</sup>high school<sup>2</sup> interscholastic athletics team  
20 or squad in accordance with the same criteria established for a student  
21 enrolled in the charter school if <sup>2</sup>the charter school is unable to field a  
22 team or squad due to a decline in interest or participation in the sport  
23 that impacts the ability of the charter school to safely field a team or  
24 squad and<sup>2</sup> the public school that is not a charter school <sup>2</sup>~~or a school~~  
25 of a county vocational school district<sup>2</sup> does not sponsor <sup>2</sup>~~an~~ a high  
26 school<sup>2</sup> interscholastic sports team or squad in the sport in which the  
27 student wishes to participate. Any controversy concerning a student's  
28 compliance with the eligibility requirements for student-athletes  
29 established by the New Jersey State Interscholastic Athletic  
30 Association shall be adjudicated by the association in accordance with  
31 its constitution and by-laws.

32 A student who attends a public school that is not a charter school  
33 <sup>2</sup>~~or a school of a county vocational school district<sup>2</sup> who wishes to~~  
34 compete on a charter school interscholastic sports team or squad shall:

35 (1) provide proof that he resides in the charter school district of  
36 residence; and

37 (2) meet the sports participation requirements established by the  
38 charter school for students enrolled in the charter school such as  
39 physical examinations, insurance, age, academic, and other  
40 requirements. The student shall comply with the same standards of  
41 behavior, responsibilities, and performance as all other members of the  
42 team or squad.

43 b. A student who withdraws from a charter school to enroll in a  
44 public school that is not a charter school <sup>2</sup>~~or a school of a county~~  
45 vocational school district<sup>2</sup> and who is ineligible to participate in  
46 interscholastic athletics at the time of withdrawal from the charter  
47 school due to his failure to meet academic, behavioral, or eligibility

1 standards, shall be ineligible to compete in interscholastic athletic  
2 competition in accordance with the rules of the New Jersey State  
3 Interscholastic Athletic Association.<sup>1</sup>

4 <sup>2</sup>c. A board of trustees may charge a student who participates in a  
5 school-sponsored high school interscholastic athletics team or squad  
6 pursuant to this section, other than a student with financial hardship, a  
7 fee no greater than the actual cost per pupil of participating in the  
8 sport. In determining financial hardship the criteria shall be the same  
9 as the Statewide eligibility standards established by the State Board of  
10 Education for free and reduced price meals under the State school  
11 lunch program.<sup>2</sup>

12  
13 <sup>1</sup>6. a. Nothing in this act shall be construed to require a school  
14 district or charter school to provide transportation services or pay  
15 transportation costs associated with a student's participation in  
16 interscholastic athletics pursuant to the provisions of sections 2  
17 through 5 of this act.

18 b. Nothing in this act shall be construed to require a school  
19 district or charter school to change the schedules, procedures, or  
20 participation requirements of an interscholastic sports team or squad to  
21 accommodate a student who wishes to participate in interscholastic  
22 athletics pursuant to the provisions of sections 2 through 5 of this act.<sup>1</sup>

23 <sup>2</sup>c. Nothing in this act shall be construed to prohibit a school  
24 district or charter school from permitting a student to participate in a  
25 school district-sponsored or charter school-sponsored high school  
26 interscholastic athletics team or squad pursuant to the provisions of  
27 this act for a reason other than that the school district or charter school  
28 is unable to field a team or squad due to a decline in interest or  
29 participation in the sport that impacts the ability to safely field a team  
30 or squad.<sup>2</sup>

31

32 <sup>1</sup>[2.] 7.<sup>1</sup> This act shall take effect <sup>2</sup>[immediately] July 1, 2018<sup>2</sup>.