ASSEMBLY, No. 2986

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Requires public schools to allow certain students not enrolled in the school to participate in interscholastic athletics.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the participation of certain students in Statewide interscholastic sports programs and supplementing chapter 11 of Title 18A of the New Jersey Statutes.

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

1. a. A board of education shall permit a student who receives equivalent instruction elsewhere than at school pursuant to N.J.S.18A:38-25 and who meets the eligibility requirements for student athletes established by the New Jersey State Interscholastic Athletic Association to try out for, and participate in, school-sponsored interscholastic athletics in the student's district of residence in accordance with the same criteria established for students enrolled in the district. Any controversy concerning a student's compliance with the eligibility requirements for student-athletes established by the New Jersey State Interscholastic Athletic Association shall be adjudicated by the association in accordance with its constitution and by-laws.

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

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

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

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

b. A student who withdraws from a public school to receive an equivalent instructional program elsewhere than at school and who is ineligible to participate in interscholastic athletics at the time of withdrawal from the public school due to his failure to meet academic, behavioral, or eligibility standards, shall be ineligible to compete in interscholastic athletic competition in accordance with the rules of the New Jersey State Interscholastic Athletic Association.

c. The Department of Education shall develop guidelines for school districts in making a determination in regard to the demonstration required pursuant to paragraph (3) of subsection a. of this section for only the purposes of eligibility to compete on an interscholastic sports team or squad.

2. a. A board of education shall permit a student who attends a charter school and who meets the eligibility requirements for student athletes established by the New Jersey State Interscholastic Athletic Association to try out for, and participate in, a school-sponsored interscholastic athletics team or squad in the student's district of residence in accordance with the same criteria established for students enrolled in the district if the charter school does not sponsor an interscholastic sports team or squad in the sport in which the student wishes to participate. Any controversy concerning a student's compliance with the eligibility requirements for student-athletes established by the New Jersey State Interscholastic Athletic Association shall be adjudicated by the association in accordance with its constitution and by-laws.

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

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

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

b. A student who withdraws from a school district to enroll in a charter school and who is ineligible to participate in interscholastic athletics at the time of withdrawal from the school district due to his failure to meet academic, behavioral, or eligibility standards, shall be ineligible to compete in interscholastic athletic competition in accordance with the rules of the New Jersey State Interscholastic Athletic Association.

3. a. A board of education shall permit a student who attends a county vocational school on a full-time or shared-time basis and who meets the eligibility requirements for student athletes established by the New Jersey State Interscholastic Athletic Association to try out for, and participate in, a school-sponsored interscholastic athletics team or squad in the student's district of residence in accordance with the same criteria established for students enrolled in the district if the county vocational school does not sponsor an interscholastic sports team or squad in the sport in which the student wishes to participate. Any controversy concerning a student's compliance with the eligibility requirements for student-athletes established by the New Jersey State Interscholastic Athletic Association shall be adjudicated by the association in accordance with its constitution and by-laws.

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

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

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

b. A student who withdraws from a school district to enroll in a county vocational school and who is ineligible to participate in interscholastic athletics at the time of withdrawal from the school district due to his failure to meet academic, behavioral, or eligibility standards, shall be ineligible to compete in interscholastic athletic competition in accordance with the rules of the New Jersey State Interscholastic Athletic Association.

4. a. A board of trustees of a charter school shall permit a student who attends a public school that is not a charter school, and who resides in the charter school's district of residence, and who meets the eligibility requirements for student athletes established by the New Jersey State Interscholastic Athletic Association to try out for, and participate in, a charter school-sponsored interscholastic athletics team or squad in accordance with the same criteria established for a student enrolled in the charter school if the public school that is not a charter school does not sponsor an interscholastic sports team or squad in the sport in which the student wishes to participate. Any controversy concerning a student's compliance with the eligibility requirements for student-athletes established by the New Jersey State Interscholastic Athletic Association shall be adjudicated by the association in accordance with its constitution and by-laws.

A student who attends a public school that is not a charter school who wishes to compete on a charter school interscholastic sports team or squad shall:

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

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

b. A student who withdraws from a charter school to enroll in a public school that is not a charter school and who is ineligible to participate in interscholastic athletics at the time of withdrawal from the charter school due to his failure to meet academic, behavioral, or eligibility standards, shall be ineligible to compete in interscholastic athletic competition in accordance with the rules of the New Jersey State Interscholastic Athletic Association.

5. a. A board of education of a county vocational school district shall permit a student who attends a public school located in the county and who meets the eligibility requirements for student athletes established by the New Jersey State Interscholastic Athletic Association to try out for, and participate in, a county vocational school-sponsored interscholastic athletics team or squad in accordance with the same criteria established for students enrolled in the county vocational school if the student's public school does not sponsor an interscholastic sports team or squad in the sport in which the student wishes to participate. Any controversy concerning a student's compliance with the eligibility requirements for student-athletes established by the New Jersey State Interscholastic Athletic Association shall be adjudicated by the association in accordance with its constitution and by-laws.

A student who attends a public school located in the county who wishes to compete on a county vocational school district interscholastic sports team or squad shall:

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

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

b. A student who withdraws from a county vocational school district to enroll in another public school located in the county and who is ineligible to participate in interscholastic athletics at the time of withdrawal from the county vocational school district due to his failure to meet academic, behavioral, or eligibility standards, shall be ineligible to compete in interscholastic athletic competition in accordance with the rules of the New Jersey State Interscholastic Athletic Association.

6. a. Nothing in this act shall be construed to require a school district, charter school, or county vocational school to provide transportation services or pay transportation costs associated with a student's participation in interscholastic athletics pursuant to the provisions of this act.

b. Nothing in this act shall be construed to require a school district or charter school to change the schedules, procedures, or participation requirements of an interscholastic sports team or squad to accommodate a student who wishes to participate in interscholastic athletics pursuant to the provisions of this act.

7. At the end of the second full school year following the effective date of this act, the Department of Education shall review: the interscholastic athletic programs offered in school districts, charter schools, and county vocational schools to determine if those

schools had reduced these programs since the enactment of this act; the financial impact of the provisions of this act; and the overall impact on county vocational school districts, including the participation rate in interscholastic athletic programs by students who are not enrolled in the district.

8. This act shall take effect immediately.

STATEMENT

This bill requires school districts to allow students who receive equivalent instruction other than at school, and students who attend charter schools or county vocational schools, to participate in interscholastic sports programs in the student's resident district in accordance with the same criteria established for students enrolled in the district. The bill also provides that interscholastic sports programs offered by charter schools and county vocational school districts must be available to students attending other public schools.

Under the bill, a student who receives equivalent instruction elsewhere than at school who wishes to try out for, and participate in, school-sponsored interscholastic athletics in his resident district must:

1) provide proof that he resides in the district;

2) meet the sports participation requirements established by the school district for students enrolled in the district such as physical examinations, insurance, age, academic, and other requirements. The student must comply with the same standards of behavior, responsibilities, and performance as other members of the team; and

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

Under the current rules of the New Jersey State Interscholastic Athletic Association (NJSIAA), the participation of such a student is at the discretion of the board of education of the resident school district.

In the case of a student enrolled in a charter school or county vocational school, the student may try out for, and participate in, interscholastic athletics in his resident district if the student's charter school or county vocational school does not sponsor an interscholastic sports team in the sport in which the student wishes to participate. In order to participate, the student must comply with the requirements listed above, other than the requirement to demonstrate academically equivalent instruction. Under current NJSIAA rules, a student enrolled in a charter school or full-time in a county vocational school may only participate in interscholastic

athletics in the resident district if the principal of the charter school or county vocational school, as applicable, and the principal of the resident district school agree to such participation. There are reciprocal provisions in the bill for students enrolled in public schools who may want to participate in interscholastic athletics sponsored by charter schools or county vocational school districts.

Under the bill, any controversy in regard to whether a home-schooled student, a charter school student, a county vocational school student, or other public school student meets the eligibility requirements for student athletes established by the NJSIAA will be adjudicated by the association in compliance with its constitution and by-laws.