SENATE, No. 1358

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

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 introduced.

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

2. a. A board of education may permit a student who attends a nonpublic 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 high school 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 district is unable to field a team or squad due to a decline in interest or participation in the sport that impacts the ability of the district to safely field a team or squad and the nonpublic school does not sponsor a high school 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 nonpublic 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 nonpublic 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 nonpublic 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.

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

3. a. A board of education may 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, a school-sponsored high school 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 district is unable to field a team or squad due to a decline in interest or participation in the sport that impacts the ability of the district to safely field a team or squad. 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. A board of education may charge a student who participates in a school-sponsored high school interscholastic athletics team or squad pursuant to this section, other than a student with financial hardship, a fee no greater than the actual cost per pupil of participating in the

sport. In determining financial hardship the criteria shall be the same as the Statewide eligibility standards established by the State Board of Education for free and reduced price meals under the State school lunch program.

d. 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.

4. a. A board of education may 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 high school 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 district is unable to field a team or squad due to a decline in interest or participation in the sport that impacts the ability of the district to safely field a team or squad and the charter school does not sponsor a high school 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.

c. A board of education may charge a student who participates in a school-sponsored high school interscholastic athletics team or squad pursuant to this section, other than a student with financial hardship, a fee no greater than the actual cost per pupil of participating in the sport. In determining financial hardship the criteria shall be the same as the Statewide eligibility standards established by the State Board of

Education for free and reduced price meals under the State school lunch program.

5. a. A board of trustees of a charter school may 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 high school interscholastic athletics team or squad in accordance with the same criteria established for a student enrolled in the charter school if the charter school is unable to field a team or squad due to a decline in interest or participation in the sport that impacts the ability of the charter school to safely field a team or squad and the public school that is not a charter school does not sponsor a high school 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.

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

6. a. Nothing in this act shall be construed to require a school district or charter school to provide transportation services or pay transportation costs associated with a student's participation in interscholastic athletics pursuant to the provisions of sections 2 through 5 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 sections 2 through 5 of this act.

c. Nothing in this act shall be construed to prohibit a school district or charter school from permitting a student to participate in a school district-sponsored or charter school-sponsored high school interscholastic athletics team or squad pursuant to the provisions of this act for a reason other than that the school district or charter school is unable to field a team or squad due to a decline in interest or participation in the sport that impacts the ability to safely field a team or squad.

7. This act shall take effect on the 60th day after the date of enactment.

STATEMENT

This bill requires the New Jersey State Interscholastic Athletic Association (NJSIAA) to allow public high schools in the same school district to enter into a cooperative sports program for any sport at the varsity level if either of the schools demonstrates an inability to field a team at the varsity level due to: a decline in interest or participation in the sport at one of the schools that impacts the ability of that school to safely field a team; or budgetary constraints which force the elimination of certain sports programs at one of the schools.

Under the current rules of the NJSIAA, schools are prohibited from entering into cooperative sports programs for basketball, baseball, softball and spring track, and in football if one of the schools is classified as a Group III school. This bill requires the NJSIAA to allow the schools to enter into cooperative sports programs regardless of the sport or the member schools' Group classification.

The bill also permits school districts to allow students who attend nonpublic schools to try out for, and participate in, a high school interscholastic athletics team or squad in the student's district of residence if the district is unable to field a team due to a decline in interest or participation in the sport that impacts the ability of the district to safely field a team or squad, and if the nonpublic school does not sponsor a high school interscholastic sports team or squad in the sport in which the student wishes to participate. Comparable

provisions are included in the bill that will permit school districts to also allow homeschooled students and charter school students to try out for, and participate in, a high school interscholastic athletics team or squad in the district. Public school students who may wish to participate in a school-sponsored high school interscholastic athletics team or squad at a charter school would also be permitted to do so, under similar criteria. School districts and charter schools are permitted to charge students who participate in a school-sponsored high school interscholastic athletics team or squad pursuant to this bill, other than students with a financial hardship, a fee no greater than the actual cost per pupil of participating in the sport.