STATE OF NEW YORK

706--A

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. STIRPE, ARROYO, ASHBY, BENEDETTO, BLANKENBUSH, BRABENEC, COOK, CROUCH, CUSICK, FINCH, GOODELL, JOHNS, LALOR, LAWRENCE, McDONOUGH, MIKULIN, B. MILLER, MORINELLO, MOSLEY, ORTIZ, PALUMBO, PEOPLES-STOKES, RA, RAIA, L. ROSENTHAL, THIELE, WOERNER, WALSH, WALCZYK, GIGLIO, CRENS, MANKTELOW, D. ROSENTHAL, GARBARINO, CRUZ, TAYLOR, BARRON, BARCLAY, FITZPATRICK, M. L. MILLER, HUNTER -- Multi-Sponsored by -- M. of A. HAWLEY, RAMOS, STECK, TAGE -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to allowing school districts to permit home-schooled students to participate 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 3235 to read as follows:

§ 3235. Home instruction students and interscholastic sports. The board of education or trustee of a school district may establish and adopt a policy to allow a student who receives home instruction to try out for and participate on a school district's interschool athletic team. The policy shall include, but not be limited to the following provisions:

1. The student shall be required to meet all the same responsibilities and standards of behavior and eligibility for practice and competition as a public school student enrolled in the school district participating on the interschool athletic team including but not limited to the health examination, immunization, and age eligibility requirements;

2. The student shall annually meet all academic requirements pursuant to section 100.10 of commissioner regulations; provided, however, that a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [---] is old law to be omitted.
board of education or trustee of a school district may require additional academic eligibility requirements; 
3. The student shall only be eligible to try out for and participate on their school district of residence's interschool athletic team; and 
4. Transportation shall be provided by the parent or guardian of the student.

§ 2. This act shall take effect immediately.
NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A706A
SPONSOR: Stirpe

TITLE OF BILL: An act to amend the education law, in relation to allowing school districts to permit home-schooled students to participate in district interscholastic sports

PURPOSE OR GENERAL IDEA OF BILL:
To allow home-schooled students to participate in interscholastic athletics.

SUMMARY OF SPECIFIC PROVISIONS:
Section one provides that the board of education or trustee of a school district may establish and adopt a policy to allow a student who receives home instruction to try out for and participate on a school district's interschool athletic team.

Section two sets forth the effective date.

DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE):
Clarifies that the board of education or trustee of a school district may establish and adopt a policy to allow a student who receives home instruction to try out for and participate on a school district's interschool athletic team; sets forth specific provisions which are required to be contained within such policy.

JUSTIFICATION:
Currently, home-schooled students are prohibited from participating in interscholastic sports even though they are entitled to attend the schools that have the sport. It is fundamentally unfair to prohibit home-schooled students from participating in an important aspect of childhood development merely because their parents or guardians choose to home school them. The students have every right to attend the school, and there is no reduction in school taxes for parents or guardians who home-school their children

PRIOR LEGISLATIVE HISTORY:
2013-18: Referred to Education.

FISCAL IMPLICATIONS:
None to the state.
**EFFECTIVE DATE:**
Immediately.