

---

# Document Based Question

---

**SENATE, No. 426**

**STATE OF NEW JERSEY**

**216th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:  
Senator **JOSEPH PENNACCHIO**  
District 26 (Essex, Morris and Passaic)

**SYNOPSIS**

Requires school districts to allow nonpublic school students to participate in interscholastic sports programs on resident district's sports teams.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



*Cover of Senate, No. 426,*

*House, Office of Legislative Services*

*Provided by NJ State*

**Synopsis:** Senate, No. 426 requires school districts to allow nonpublic school students to participate in interscholastic sports programs on resident district's sports teams.

**The Documents:**

- Document A: Senate, No. 426 Text
- Document B: Information on Primary Sponsor of S426
- Document C: Similar Legislations in Other States
- Document D: Excerpt of Literature for Florida Statute 1006.15
- Document E: Audio testimony regarding similar legislation

**Directions:** After analyzing documents provided, students should use documents to help answer, "Should Senate, No. 426 be passed?" in essay format.

## Document A

**Source:** An excerpt from the Senate, No.246 bill from the NJ State House

41

42

### STATEMENT

43

44

45

46

47

This bill requires school districts to allow students who attend nonpublic schools to try out for, and participate in, interscholastic athletics in the student's district of residence if the nonpublic school does not sponsor an interscholastic sports team or squad in the sport

---

### S426 PENNACCHIO

3

1

2

3

4

5

6

7

8

9

10

11

12

13

in which the student wishes to participate. In order to participate, the student must: provide proof that he resides in the district; and 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 must comply with the same standards of behavior, responsibilities, and performance as all other members of the team or squad.

Under the bill, any controversy concerning a student's compliance with the eligibility requirements for student-athletes established by the New Jersey State Interscholastic Athletic Association will be adjudicated by the association in accordance with its constitution and by-laws.

**Document B**

**Source:** Profile of Senator Joseph Pennacchio (R), Primary sponsor of Senate, No. 426 from NJ State House



*Senator*  
**Joseph Pennacchio (R)**  
*(Assistant Republican Leader)*

**DISTRICT OFFICE ADDRESS:** 170 Changebridge Rd.  
Unit A1  
Montville, NJ 07045

**PHONE NUMBER:** (973) 227-4012

**FAX NUMBER:** (973) 227-4945

**ELECTRONIC MAIL:** [Contact Your Legislator\(s\)](#)

**BORN:** May 27, 1955

**EDUCATION:** B.S. Brooklyn College (Biology)  
D.D.S. New York University College of Dentistry

**OCCUPATION:** Dentist

**PUBLIC/PARTY SERVICE:** N.J. Economic Development Authority 1998-2001; Morris County Board of Freeholders 1999-2001

**LEGISLATIVE SERVICE:** Senate 2008-present, Assistant Republican Leader 2014-present; General Assembly 2001-07, Appropriations Officer 2004-07

**COMMITTEES:** [Transportation](#)  
[Legislative Services Commission](#)

**BILLS SPONSORED:** [List of Bills Sponsored by Senator Joseph Pennacchio](#)

## Document C

**Source:** Summary of similar legislation in other states, provided by Home School Legal Defense Association (HSLDA)

### Arizona

Homeschooled students are allowed to participate in the public schools' interscholastic activities "in the same manner" as pupils who are enrolled in the public schools. Arizona Revised Statutes § 15-802.01.

### California

Rule 305 of the California Interscholastic Federation prohibits homeschoolers from playing on public school teams.

### Colorado

Children participating in a nonpublic, home-based education program are allowed equal access to the public schools' extracurricular and interscholastic activities. Colorado Revised Statutes §§ 22-33-104.5(6), 22-32-116.5.

### Hawaii

Because Hawaii does not have a law granting homeschooled students the right to participate in public school classes and activities, individual schools and schools districts have the authority to decide whether to allow homeschool students to participate. Policies vary according to district.

### Montana

The Supreme Court of Montana ruled that school district policy which kept nonpublic students from participating in sports programs was "reasonable." *Kaptein v. Conrad Sch. Dist.*, 931 P.2d 1311 (Mont. 1997).

### New Hampshire

Home educated students have access to public school curricular courses and cocurricular programs. "Cocurricular programs" means any activity "designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, performing groups, and service to school and community." New Hampshire Revised Statutes Annotated § 193:1-c.

School districts may adopt policies regulating homeschool participation, as long as the policies are not more restrictive than those governing public school students. *Id.*

### New York

An appellate court ruled against homeschoolers who sought access to public school interscholastic sports. *Bradstreet v. Sobol*, 650 N.Y.S.2d 402 (N.Y. App. Div. 1996). In addition, the Commissioner of Education's regulations allow a student in grades 9-12 to participate in an interscholastic public school sport only if she or he is a "bona fide student, enrolled during the first 15 days of such semester, is registered in the equivalent of three regular courses, is meeting the physical education requirement, and has been in regular attendance 80 percent of the school time ...." New York Compiled Codes, Rules & Regulations tit. 8, § 135.4(c)(7)(i)(b)(2).

**Document D**

**Source:** Excerpt of Literature for Florida Statute 1006.15, provided by the Official Internet Site for Florida Legislature (<http://www.leg.state.fl.us/>).

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.
2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a Florida College System institution, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.
3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.
4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

## Document E

**Source:** Audio testimony from committee hearing addressing similar legislation (S.215) which "requires public schools to allow certain students not enrolled in the school to participate in interscholastic athletics".

Senate No. 426 was introduced, but it was never heard in committee. A similar bill, S.125, was in committee on June 6, 2014 and audio testimony can be accessed here: [http://www.njleg.state.nj.us/media/archive\\_audio2.asp?KEY=SED&SESSION=2014](http://www.njleg.state.nj.us/media/archive_audio2.asp?KEY=SED&SESSION=2014)).

Senator Oroho provides testimony and Senator Turner, Senator Beach, Senator Ruiz, and Senator Allen provide comments. The audio testimony also includes a variety of advocates' statements who spoke on the issue as well Senators' questions of them.

The hearing is approximately 36 minutes in length.

### Grading Rubric

Category	"A" Essay	"B" Essay	"C" Essay	"D" Essay	"F" Essay
<b>Introduction and thesis</b>	Contains an introductory paragraph that addresses questions, provides insightful and necessary background information, and a clear thesis statement.	Contains an introductory paragraph that addresses questions, background information, and a thesis statement.	Addresses questions but lacks focus. Has an introductory paragraph and a recognizable thesis.	Inadequate in addressing or identifying questions.  Lacks a clear thesis.	Lacks introduction, or introduction is not relevant.
<b>Organization of Essay</b>	Clearly organized and contains clear transition sentences for each body paragraph.	Clearly organized and contains transition sentences in most body paragraphs.	Organization is recognizable and main ideas are divided in to paragraphs. Lacks transition sentences in most paragraphs.	No clear organization, and \or transition sentences missing.	No organization or body paragraphs. Paragraphs not relevant.
<b>Document Use</b>	Uses a sufficient amount of documents and includes correct citation of documents.	Uses various documents but there are missing citations \incorrect citations.	There are some references of documents, but could have been more.	Only a few documents are used and citations are missing \incorrect.	There is no mention of documents.
<b>Analysis</b>	Conveys analytical skills e.g. synthesizes, finds inconsistencies, sees close details, and questions bias of authors.	Most interpretations of documents are accurate.	Conveys some effort of document analysis.	Documents are misunderstood or lack any effort of document analysis.	There is no mention of documents.
<b>Argument</b>	Argument is apparent in each body paragraph and is clearly connected to thesis.	Most body paragraph contains argument that ties evidence to thesis.	Argument is often lacking. There is no clear explanation how evidence connects to thesis.	Each body paragraph is missing an argument.	There are no body paragraphs or arguments are not relevant.
<b>Conclusion</b>	Includes paragraph that concludes with a summary that addresses main question.	Includes paragraph that may summarize argument of the essay.	Includes some type of concluding paragraph, but may be repetitive.	Conclusion is off-topic.	Conclusion is missing.
<b>Mechanics</b>	Essay is well-written. There are no or very few errors in spelling, sentence structure, punctuation, and capitalization.	Essay is well-written but includes some errors in spelling and grammar.	Well-written, but contains too many errors in verb tense, punctuation, agreement, spelling, and capitalization.	Essay contains serious errors in mechanics and sentence structure.	Errors in essay completely interfere with communication of ideas.