

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 105

BY SENATORS TRUMP AND GAUNCH

[Originating in the Committee on Education;

reported on February 12, 2016.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-25b, relating to education; providing for the Tim Tebow Act; permitting
3 students instructed at home, by a private tutor or enrolled in a private, parochial or church
4 school or a school operated by a religious order, who do not attend a school that is a
5 member of the West Virginia Secondary School Activities Commission to participate in
6 extracurricular athletic or other extracurricular activities at a school that is a member of the
7 commission; providing requirements, standards and insurance coverage; and providing
8 that accommodating schools may not be impeded from competing against other schools.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18-2-25b, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

**§18-2-25b. Tim Tebow Act; permitting students who are home-schooled or taught by a
private tutor, or enrolled in a private, parochial or church school or school
operated by a religious order to participate in extracurricular activities at
schools that are members of the West Virginia Secondary School Activity
Commission.**

1 (a) (1) This act shall be known and may be cited as the Tim Tebow Act.

2 (2) The purpose of this act is to allow students instructed at home or by a private tutor or
3 enrolled in a private, parochial or church school or a school operated by a religious order, who do
4 not attend a school that is a member of the West Virginia Secondary School Activities Commission
5 (SSAC) and who are subject to provisions of article twenty-eight of this chapter, to participate in
6 extracurricular activities, including athletic teams, at schools that are a members of the SSAC.

7 (3) For purposes of this act, the term “member school” includes public schools and any
8 nonpublic school that is a member of the West Virginia Secondary School Activities Commission:
9 Provided, That the nonpublic school has agreed to open its extracurricular activities to Tebow
10 students.

11 (4) For purposes of this act, a “Tebow student” includes students instructed at home or by
12 a private tutor or enrolled in a private, parochial or church school or a school operated by a
13 religious order, who do not attend a school that is a member of the West Virginia Secondary
14 School Activities Commission.

15 (5) For purposes of this act, the term “extracurricular activities” includes all athletic
16 programs of the school for individual or team sports.

17 (b) A Tebow student may participate in extracurricular activities sponsored by or engaged
18 in by a member school: *Provided*, That the extracurricular activity is not offered at the private,
19 parochial or church school or school operated by a religious order where the Tebow student is
20 enrolled. The student shall register with the local board of education in the district where the
21 student resides. Participation is conditioned on all of the following:

22 (1) The student registering with the school an intention to participate in the extracurricular
23 activities as a representative of the school;

24 (2) The student paying any participation or activity fee in an amount equal to the fee
25 charged to a member school participant;

26 (3) The student adhering to the same standards of behavior, responsibility, performance
27 and code of conduct as other participants of the team or activity. If the student is convicted of, or
28 is found to have committed, a felony or a delinquent act which would have been a felony if
29 committed by an adult, regardless of whether adjudication is withheld, the participation of the
30 student in interscholastic extracurricular activities is contingent on established and published
31 district school board policy.

32 (4) The student adhering to the same academic standards as other participants of the
33 team or activity, with those standards confirmed by appropriate documentation provided to the
34 member school providing the activity in which the student is to participate. The student shall be
35 able to participate in curricular activities if that is a requirement of the extracurricular activity,
36 including, but not limited to, weight training. Appropriate documentation shall consist of the
37 student’s transcript for the previous year and either of the following:

38 (A) The results of a nationally recognized standardized test, such as the ACT/Explore or
39 Plan College Readiness Test, Stanford Achievement Test, Comprehensive Test of Basic Skills,
40 Iowa Assessments, Terra Nova or California Achievement Test, which demonstrate that the
41 student is on grade level, or if grade equivalency is not available, that the student scores at a
42 minimum of the twenty-fifth percentile nationally without special accommodation; or

43 (B) A portfolio of the previous year's school work demonstrating the student's proficiency
44 appropriate for his or her grade level at the discretion of the school principal or guidance
45 counselor. If the student was enrolled in a member school during the immediately preceding
46 school year, the student's eligibility shall be based on his or her academic performance at that
47 school.

48 (5) The student complying with the same physical examination and immunization
49 requirements as other participants of the team or activity.

50 (6) The student satisfies the same residency requirements as other students in the school
51 at which the student participates.

52 (c) A student of a member school who has been unable to maintain academic eligibility for
53 participation in extracurricular activities is ineligible to participate in the activities as a Tebow
54 student, until the student has successfully satisfied standards to regain eligibility that are
55 equivalent to those imposed on other students at the same grade level.

56 (d) A Tebow student who transfers to a member school before or during the first grading
57 period of the school year is academically eligible to participate in extracurricular activities during
58 the first grading period provided the student has a successful evaluation from the previous year.

59 (e) A Tebow student who participates in an extracurricular activity at a member school is
60 committed to and may only participate in that extracurricular activity at that member school for the
61 duration of the school year. Notwithstanding the foregoing, a student may participate in different
62 extracurricular activities at the same member school.

63 (f) Student standards for participation in interscholastic extracurricular activities shall be
64 applied beginning with the first semester of the seventh grade year of the student. A local board
65 of education may not establish requirements for participation in interscholastic extracurricular
66 activities which make participation in the activities less accessible to Tebow students than to other
67 students. Except as set forth in subdivision (5), subsection (b) of this section, evaluation
68 processes or requirements that are placed on Tebow student participants may not exceed those
69 that apply to those students generally.

70 (g) Any insurance provided by a district school board for participants in extracurricular
71 activities shall cover a student permitted to participate by provisions of this section. If there is an
72 additional premium for the coverage the participating student shall pay the additional premium.

73 (h)(1) No member school athletic team or group shall be impeded from competing against
74 any other member school team or group because the team or group includes students
75 participating pursuant to this section.

76 (2) A member school is prohibited from membership in any organization or entity which
77 regulates or governs interscholastic extracurricular activities and discriminates against students
78 eligible to participate pursuant to provisions of this section.

79 (i) This section does not guarantee that a student trying out for an interscholastic sport or
80 other extracurricular activity will make the team or become part of another extracurricular activity,
81 but only that the student shall not be prohibited from trying out for the team or activity if the student
82 is otherwise eligible, as outlined herein and under the rules of an organization or association that
83 regulates interscholastic sports.