

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 131

SENATORS TRUMP AND ROBERTS, *original sponsors*

[Originating in the Committee on Education; Reported
on February 5, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-25c, relating to education; creating the Tim Tebow Act; setting forth
3 purpose; defining terms; including Tebow students as students instructed at home or by a
4 private tutor or enrolled in a private, parochial, or church school, or a school operated by
5 a religious order, who do not attend a school that is a member of the West Virginia
6 Secondary School Activities Commission; permitting Tebow students to participate in
7 extracurricular activities sponsored by, or engaged in by, a member school that the
8 students would be authorized to attend; making a Tebow student who leaves a member
9 school during the school year subject to the same transfer protocols that apply to any other
10 member-to-member transfer; setting forth conditions for participation; allowing
11 participation in curricular activities if a requirement of the extracurricular activity; setting
12 forth provisions pertaining to fair treatment of Tebow students; requiring that any insurance
13 provided by a district school board for participants in extracurricular activities cover a
14 participating Tebow student; and clarifying that section does not guarantee that a student
15 trying out for an interscholastic sport or other extracurricular activity that is under the
16 authority of the West Virginia Secondary School Activities Commission will make the team
17 or become part of another extracurricular activity.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25c. Tim Tebow Act; permitting students who are homeschooled 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 Activities Commission.

- 1 (a) (1) This section shall be known and may be cited as the Tim Tebow Act.
2 (2) The purpose of this section is to allow students instructed at home or by a private tutor
3 or enrolled in a private, parochial, or church school, or a school operated by a religious order, who

4 do not attend a school that is a member of the West Virginia Secondary School Activities
5 Commission and who are subject to §18-28-1 et seq. of this code, to participate in extracurricular
6 activities that are under the authority of the commission, including athletic teams, at schools that
7 are members of the commission.

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

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

16 (5) For purposes of this section, the term “extracurricular activities” includes all programs
17 of the school that are under the authority of the commission.

18 (b) A Tebow student may participate in extracurricular activities sponsored by, or engaged
19 in by, a member school that the student would be authorized to attend pursuant to §18-5-16 of
20 this code in the case of a public school or otherwise authorized to attend in the case of a private,
21 parochial, or church school, or a school operated by a religious order: *Provided*, That the
22 extracurricular activity is not offered at the private, parochial, or church school, or school operated
23 by a religious order where the Tebow student is enrolled; and a Tebow student who leaves a
24 member school during the school year shall be subject to the same transfer protocols that apply
25 to any other member-to-member transfer. The student shall register with the county board in the
26 district where the student resides. Participation is conditioned on all of the following:

27 (1) The student registers with the school an intention to participate in the extracurricular
28 activities as a representative of the school;

29 (2) The student pays any participation or activity fee in an amount equal to the fee charged

30 to a member school participant;

31 (3) The student adheres to the same standards of behavior, responsibility, performance,
32 disciplinary procedures and penalties, and code of conduct as other participants of the team or
33 activity. If the student is convicted of, or is found to have committed, a felony or delinquent act
34 which would have been a felony if committed by an adult, regardless of whether adjudication is
35 withheld, the participation of the student in interscholastic extracurricular activities is contingent
36 on established and published county board policy;

37 (4) The student adheres to the same academic standards as other participants of the team
38 or activity, with those standards confirmed by appropriate documentation provided to the member
39 school providing the activity in which the student is to participate. The student is able to participate
40 in curricular activities if that is a requirement of the extracurricular activity, including, but not limited
41 to, weight training. Appropriate documentation consists of one of the following:

42 (A) The student's transcript for the previous semester;

43 (B) The results of a nationally recognized standardized test, such as the ACT/Explore or
44 Plan College Readiness Test, Stanford Achievement Test, Comprehensive Test of Basic Skills,
45 Iowa Assessments, Terra Nova, or California Achievement Test, which demonstrate that the
46 student is on grade level or, if grade equivalency is not available, that the student scores at a
47 minimum in the 25th percentile nationally without special accommodation; or

48 (C) A portfolio of the previous semester's schoolwork demonstrating the student's
49 proficiency appropriate for his or her grade level at the discretion of the school principal or
50 guidance counselor.

51 If the student was enrolled in a member school during the immediately preceding school
52 year, the student's eligibility is based on his or her academic performance at that school;

53 (5) The student complies with the same physical examination and immunization
54 requirements as other participants of the team or activity; and

55 (6) The student satisfies the same residency requirements as other students in the school

56 at which the student participates.

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

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

65 (e) Student standards for participation in interscholastic extracurricular activities shall be
66 applied beginning with the first semester of the sixth-grade year of the student. A county board
67 may not establish requirements for participation in interscholastic extracurricular activities which
68 make participation in the activities less accessible to Tebow students than to other students.
69 Except as otherwise provided in this section, evaluation processes or requirements that are
70 placed on Tebow student participants may not exceed those that apply to those students
71 generally.

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

75 (g)(1) No member school athletic team or group may be impeded from competing against
76 any other member school team or group because the team or group includes students
77 participating pursuant to this section.

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

81 (h) This section does not guarantee that a student trying out for an interscholastic sport or

82 other extracurricular activity that is under the authority of the West Virginia Secondary School
83 Activities Commission will make the team or become part of another extracurricular activity, but
84 only that the student is not prohibited from trying out for the team or activity if the student is
85 otherwise eligible, as provided herein and under the rules of an organization or association that
86 regulates interscholastic sports.