

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 28

BY SENATORS TRUMP, RUCKER, PLYMALE, ROBERTS,
GRADY, WOELFEL, SWOPE, TAKUBO, MARONEY, AND
AZINGER

[Introduced February 10, 2021; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-25d, relating to education; creating 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 activities that are under the authority of the commission at a school that is
 7 a member of the commission; providing requirements, standards, and insurance
 8 coverage; and providing that accommodating schools may not be impeded from
 9 competing against other schools.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25d. 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 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 a
14 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 this
20 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. The student shall register with the county
24 board in the district where the student resides. Participation is conditioned on all of the following:

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

27 (2) The student pays any participation or activity fee in an amount equal to the fee charged
28 to a member school participant;

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

35 (4) The student adheres to the same academic standards as other participants of the team
36 or activity, with those standards confirmed by appropriate documentation provided to the member
37 school providing the activity in which the student is to participate. The student is able to participate

38 in curricular activities if that is a requirement of the extracurricular activity, including, but not limited
39 to, weight training. Appropriate documentation consists of the student's transcript for the previous
40 year and either of the following:

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

46 (B) A portfolio of the previous year's school work demonstrating the student's proficiency
47 appropriate for his or her grade level at the discretion of the school principal or guidance
48 counselor.

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

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

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

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

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

62 (e) A Tebow student who participates in an extracurricular activity at a member school is
63 committed to and may only participate in that extracurricular activity at that member school for the

64 duration of the school year. Notwithstanding the foregoing, a student may participate in different
65 extracurricular activities at the same member school and may seek eligibility under this section to
66 participate as a Tebow student the next school year.

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

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

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

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

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

NOTE: The purpose of this bill is to permit students instructed at home, by a private tutor

or enrolled in a private, parochial or church school or a school operated by a religious order, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular athletic or other extracurricular activities at a school that is a member of the commission..

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.