

H. B. 2526

1  
2  
3  
4  
5  
6  
7  
8  
9

(By Delegates Ellington, O'Neal, Gearheart, Householder, Overington, Howell, Storch, Border, Miller, Walker and Faircloth)

[Introduced February 19, 2013; referred to the Committee on Education then Finance.]

10 A BILL to amend and reenact §18-2-25 of the Code of West Virginia,  
11 1931, as amended, relating to the secondary schools athletic  
12 commission; and participation by home schooled students in  
13 extracurricular activities.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18-2-25 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. STATE BOARD OF EDUCATION.**

18 **§18-2-25. Authority of county boards to regulate athletic and**  
19 **other extracurricular activities of secondary schools;**  
20 **delegation of authority to West Virginia Secondary**  
21 **School Activities Commission; authority of commission;**  
22 **approval of rules ~~and regulations~~ by state board;**  
23 **incorporation; funds; participation by private and**  
24 **parochial schools and by home schooled students.**

25 The county boards of education ~~are hereby granted~~ and shall

1 exercise ~~the~~ control, supervision and regulation of all  
2 interscholastic athletic events, and other extracurricular  
3 activities of the students in public secondary schools, and of ~~said~~  
4 those schools of their respective counties. The county board of  
5 education may delegate ~~such~~ that control, supervision and  
6 regulation of interscholastic athletic events and band activities  
7 to the West Virginia Secondary School Activities Commission. ~~which~~  
8 ~~is hereby established~~

9       The West Virginia Secondary School Activities Commission ~~shall~~  
10 ~~be~~ is composed of the principals, or their representatives, of  
11 those secondary schools whose county boards of education have  
12 certified in writing to the State Superintendent of Schools that  
13 they have elected to delegate the control, supervision and  
14 regulation of their interscholastic athletic events and band  
15 activities of the students in the public secondary schools in their  
16 respective counties to ~~said~~ the commission. The West Virginia  
17 Secondary School Activities Commission is ~~hereby~~ empowered to  
18 exercise the control, supervision and regulation of interscholastic  
19 athletic events and band activities of secondary schools, delegated  
20 to it pursuant to this section. The rules ~~and regulations~~ of the  
21 West Virginia Secondary School Activities Commission shall contain  
22 a provision for a proper review procedure and review board and be  
23 promulgated in accordance with the provisions of chapter  
24 twenty-nine-a of this code, but ~~shall~~ are, in all instances ~~be~~

1 subject to the prior approval of the state board. The West  
2 Virginia Secondary School Activities Commission, may, with the  
3 consent of the State Board of Education, incorporate under the name  
4 of "West Virginia Secondary School Activities Commission, Inc.," as  
5 a nonprofit, nonstock corporation under the provisions of chapter  
6 thirty-one of this code. County boards of education ~~are hereby~~  
7 ~~authorized to~~ may expend moneys for and pay dues to the West  
8 Virginia Secondary School Activities Commission, and all moneys  
9 paid to ~~such~~ the commission, as well as moneys derived from any  
10 contest or other event sponsored by ~~said~~ the commission, ~~shall be~~  
11 are quasi-public funds as ~~the same are~~ defined in article five,  
12 chapter eighteen, and ~~such~~ the funds of the commission ~~shall be~~ are  
13 subject to an annual audit by the State Tax Commissioner.

14 The West Virginia Secondary School Activities Commission shall  
15 promulgate reasonable rules ~~and regulations~~ providing for the  
16 control, supervision and regulation of the interscholastic athletic  
17 events and other extracurricular activities of ~~such~~ private and  
18 parochial secondary schools ~~as~~ that elect to delegate to ~~such~~ the  
19 commission ~~such~~ control, supervision and regulation, upon the same  
20 terms and conditions, subject to the same regulations and  
21 requirements and upon the payment of the same fees and charges as  
22 those provided for public secondary schools. Any such private or  
23 parochial secondary school shall receive any monetary or other  
24 benefits in the same manner and in the same proportion as any

1 public secondary school.

2 Notwithstanding any other provision of this section or the  
3 commission's rules, the commission shall consider eligible for  
4 participation in extracurricular activities of secondary schools a  
5 student who is receiving home instruction pursuant to subsection  
6 (c), section one, article eight of chapter eighteen of this code  
7 and who:

8 (1) Has demonstrated satisfactory evidence of academic  
9 progress for two years in compliance with the provisions of that  
10 subsection;

11 (2) Has not reached the age of nineteen by August 1 of the  
12 current school year;

13 (3) Is an amateur who receives no compensation, but  
14 participates solely for the educational, physical, mental and  
15 social benefits of the activity;

16 (4) Agrees to comply with all disciplinary rules applicable to  
17 all other athletes and activity participants; and

18 (5) Agrees to obey all rules of the West Virginia Secondary  
19 Schools Activities Commission governing awards, all-star games,  
20 parental consents, and physical examinations applicable to all high  
21 school athletes.

22 Eligibility is limited to participation in interscholastic  
23 programs at the public secondary school serving the attendance zone  
24 in which the student lives. Reasonable fees may be charged to the

1 student to cover the costs of participation in interscholastic programs.

NOTE: The purpose of this bill is to allow for the participation of home schooled students in certain secondary school activities.

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