

**H. B. 2749**

(By Delegates Ellington, Howell, Border, Householder, Gearheart,  
Storch, Overington, Miller, Faircloth, Kurcaba and Pasdon)

[Introduced February 13, 2015; referred to the  
Committee on Education.]

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

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

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

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

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

The county boards of education are hereby granted and shall exercise the control, supervision and regulation of all interscholastic athletic events, and other extracurricular activities of the students

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

5         The West Virginia Secondary School Activities Commission ~~shall be~~ is composed of the  
6 principals, or their representatives, of those secondary schools whose county boards of education  
7 have certified in writing to the State Superintendent of Schools that they have elected to delegate the  
8 control, supervision and regulation of their interscholastic athletic events and band activities of the  
9 students in the public secondary schools in their respective counties to ~~said~~ the commission. The  
10 West Virginia Secondary School Activities Commission ~~is hereby empowered to~~ may exercise the  
11 control, supervision and regulation of interscholastic athletic events and band activities of secondary  
12 schools, delegated to it pursuant to this section. The rules ~~and regulations~~ of the West Virginia  
13 Secondary School Activities Commission shall contain a provision for a proper review procedure  
14 and review board and be promulgated in accordance with the provisions of chapter twenty-nine-a  
15 of this code, but ~~shall~~ are, in all instances ~~be~~ subject to the prior approval of the state board. The  
16 West Virginia Secondary School Activities Commission, may, with the consent of the State Board  
17 of Education, incorporate under the name of "West Virginia Secondary School Activities  
18 Commission, Inc.," as a nonprofit, nonstock corporation under the provisions of chapter thirty-one  
19 of this code. County boards of education ~~are hereby authorized to~~ may expend moneys for and pay  
20 dues to the West Virginia Secondary School Activities Commission, and all moneys paid to ~~such~~ the  
21 commission, as well as moneys derived from any contest or other event sponsored by ~~said~~ the  
22 commission, ~~shall be~~ are quasi-public funds as ~~the same are~~ defined in article five, chapter eighteen,

1 and ~~such the~~ funds of the commission ~~shall be~~ are subject to an annual audit by the State Tax  
2 Commissioner.

3         The West Virginia Secondary School Activities Commission shall promulgate reasonable  
4 rules ~~and regulations~~ providing for the control, supervision and regulation of the interscholastic  
5 athletic events and other extracurricular activities of ~~such~~ private and parochial secondary schools  
6 ~~as that~~ elect to delegate to ~~such the~~ commission ~~such~~ control, supervision and regulation, upon the  
7 same terms and conditions, subject to the same regulations and requirements and upon the payment  
8 of the same fees and charges as those provided for public secondary schools. Any such private or  
9 parochial secondary school shall receive any monetary or other benefits in the same manner and in  
10 the same proportion as any public secondary school.

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

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

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

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

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

22         (5) Agrees to obey all rules of the West Virginia Secondary Schools Activities Commission

- 1 governing awards, all-star games, parental consents, and physical examinations applicable to all high
- 2 school athletes.
- 3       Eligibility is limited to participation in interscholastic programs at the public secondary
- 4 school serving the attendance zone in which the student lives. Reasonable fees may be charged to the
- 5 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.