

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2749

2015 Carryover

(BY DELEGATES ELLINGTON, BORDER, HOUSEHOLDER,
GEARHEART, STORCH, OVERINGTON, MILLER, FAIRCLOTH
AND KURCABA)

[Introduced January 13, 2016; referred to the
Committee on Education.]

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

Be it enacted by the Legislature of West Virginia:

1 That §18-2-25 of the Code of West Virginia, 1931, as amended, be amended and
 2 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.**

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

7 The West Virginia Secondary School Activities Commission ~~shall be~~ is composed of the
 8 principals, or their representatives, of those secondary schools whose county boards of education
 9 have certified in writing to the State Superintendent of Schools that they have elected to delegate
 10 the control, supervision and regulation of their interscholastic athletic events and band activities
 11 of the students in the public secondary schools in their respective counties to ~~said~~ the commission.

12 The West Virginia Secondary School Activities Commission ~~is hereby empowered to~~ may

13 exercise the control, supervision and regulation of interscholastic athletic events and band
14 activities of secondary schools, delegated to it pursuant to this section. The rules ~~and~~
15 ~~regulations~~ of the West Virginia Secondary School Activities Commission shall contain a provision
16 for a proper review procedure and review board and be promulgated in accordance with the
17 provisions of chapter twenty-nine-a of this code, but ~~shall~~ are, in all instances ~~be~~ subject to the
18 prior approval of the state board. The West Virginia Secondary School Activities Commission,
19 may, with the consent of the State Board of Education, incorporate under the name of "West
20 Virginia Secondary School Activities Commission, Inc.," as a nonprofit, nonstock corporation
21 under the provisions of chapter thirty-one of this code. County boards of education ~~are hereby~~
22 ~~authorized to~~ may expend moneys for and pay dues to the West Virginia Secondary School
23 Activities Commission, and all moneys paid to ~~such~~ the commission, as well as moneys derived
24 from any contest or other event sponsored by ~~said~~ the commission, ~~shall be~~ are quasi-public
25 funds as ~~the same~~ are defined in article five, chapter eighteen, and ~~such~~ the funds of the
26 commission ~~shall be~~ are subject to an annual audit by the State Tax Commissioner.

27 The West Virginia Secondary School Activities Commission shall promulgate reasonable
28 rules ~~and regulations~~ providing for the control, supervision and regulation of the interscholastic
29 athletic events and other extracurricular activities of ~~such~~ private and parochial secondary schools
30 ~~as that~~ elect to delegate to ~~such~~ the commission ~~such~~ control, supervision and regulation, upon
31 the same terms and conditions, subject to the same regulations and requirements and upon the
32 payment of the same fees and charges as those provided for public secondary schools. Any
33 such private or parochial secondary school shall receive any monetary or other benefits in the
34 same manner and in the same proportion as any public secondary school.

35 Notwithstanding any other provision of this section or the commission's rules, the
36 commission shall consider eligible for participation in extracurricular activities of secondary

37 schools a student who is receiving home instruction pursuant to subsection (c), section one, article
38 eight, chapter eighteen of this code and who:

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

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

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

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

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

49 Eligibility is limited to participation in interscholastic programs at the public secondary school
50 serving the attendance zone in which the student lives. Reasonable fees may be charged to the
51 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.