

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2196**

BY DELEGATES ELLINGTON, GEARHEART AND OVERINGTON

[Passed April 8, 2017; in effect ninety days from passage.]



1 AN ACT to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating  
2 to the Secondary Schools Athletic Commission; participation by home school, private and  
3 parochial school students without an interscholastic program available; providing that the  
4 private and parochial schools must be registered; setting forth standards for each  
5 nonenrolled student participant to meet; providing that each home school, private or  
6 parochial student pay the same fees associated with participation as public school  
7 students; providing that the state board accumulate data as to the costs associated with  
8 the nonenrolled students participating in interscholastic 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 by state  
board; incorporation; funds; participation by private and parochial schools and by  
home schooled students.**

1 (a) The county boards of education shall exercise control, supervision and regulation of  
2 all interscholastic athletic events, and other extracurricular activities of the students in public  
3 secondary schools, and of those public schools of their respective counties. The county board of  
4 education may delegate control, supervision and regulation of interscholastic athletic events and  
5 band activities to the West Virginia Secondary School Activities Commission.

6 (b) The West Virginia Secondary School Activities Commission is composed of the  
7 principals, or their representatives, of those secondary schools whose county boards of education  
8 have certified in writing to the State Superintendent of Schools that they have elected to delegate  
9 the control, supervision and regulation of their interscholastic athletic events and band activities

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

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

33 (d) Notwithstanding any other provision of this section or the commission's rules, the  
34 commission shall consider eligible for participation in interscholastic activities of secondary  
35 schools a student who is receiving home instruction pursuant to subsection (c), section one, article

36 eight, chapter eighteen of this code along with students who are enrolled in a registered private  
37 or parochial school that does not have interscholastic programs and who:

38 (1) Has demonstrated satisfactory evidence of academic progress for two years in  
39 compliance with the provisions of that subsection; *Provided, That:*

40 (A) The home school student's average test results are within or above the fourth stanine  
41 in all subject areas, and;

42 (B) The private or parochial school students meet the same academic and attendance  
43 requirements of public school students.

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

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

47 (4) Agrees to comply with all disciplinary rules and regulations of the West Virginia  
48 Secondary Schools Activities Commission and the county board in which the home-schooled,  
49 private or parochial student lives, applicable to all other athletes and activity participants; and

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

53 Eligibility is limited to participation in interscholastic programs at the public secondary,  
54 private or parochial school serving the attendance zone in which the student lives: *Provided, That*  
55 home school, private or parochial students who leave a member school during the school year  
56 shall be subject to the same transfer protocols that apply to member-to-member transfers.  
57 Homeschool, private, and parochial school students participating in interscholastic programs shall  
58 be required to pay the same amount that public school students pay when participating in these  
59 programs.

60 One year following the effective date of this bill, the West Virginia State Board of Education  
61 shall determine the additional costs, on a per student basis, of non-enrolled students participating

62 in interscholastic programs, and shall make recommendations to the Legislature regarding how  
63 the costs of these non-enrolled students have affected the school aid formula.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2017.

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*Governor*