

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2196

BY DELEGATES ELLINGTON, GEARHEART AND

OVERINGTON

[Originating in the Committee on Education; March

24, 2017]

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 regulations~~
15 of the West Virginia Secondary School Activities Commission shall contain a provision for a proper
16 review procedure and review board and be promulgated in accordance with the provisions of
17 chapter twenty-nine-a of this code, but ~~shall~~ are, in all instances ~~be~~ subject to the prior approval
18 of the state board. The West Virginia Secondary School Activities Commission, may, with the
19 consent of the State Board of Education, incorporate under the name of "West Virginia Secondary
20 School Activities Commission, Inc.," as a nonprofit, nonstock corporation under the provisions of
21 chapter thirty-one of this code. County boards of education ~~are hereby authorized to~~ may expend
22 moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all
23 moneys paid to ~~such~~ the commission, as well as moneys derived from any contest or other event
24 sponsored by ~~said~~ the commission, ~~shall be~~ are quasi-public funds as ~~the same are~~ defined in
25 article five, chapter eighteen, and ~~such~~ the funds of the commission ~~shall be~~ are subject to an
26 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 such
33 private or parochial secondary school shall receive any monetary or other benefits in the same
34 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; *provided* that the student's average test results
41 are within or above the fourth stanine in all subject areas;

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

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

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

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

50 Eligibility is limited to participation in interscholastic programs at the public secondary
51 school serving the attendance zone in which the student lives. *Provided* that home school
52 students who leave a member school during the school year shall be subject to the same transfer
53 protocols that apply to member-to-member transfers. Reasonable fees may be charged to the
54 student to cover the costs of participation in interscholastic programs.