

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4007**

BY DELEGATES ELLINGTON, MOORE, JENNINGS, BUTLER,

MILLER, C., MARTIN, OVERINGTON, FAST, ESPINOSA,

HOUSEHOLDER AND STATLER

[Introduced January 12, 2018; 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 School Activities Commission and participation by home schooled  
 3 students in extracurricular activities.

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

**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 §18-8-1(c) of this code 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 the student's average test  
40 results are within or above the fourth stanine in all subject areas;

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 and regulations of the West Virginia  
45 Secondary School Activities Commission and the county board in which the home-schooled  
46 student lives; and

47 (5) Agrees to obey all rules of the West Virginia Secondary School 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 live: *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.

NOTE: The purpose of this bill is to allow home-schooled students to participate in secondary school extracurricular activities.

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