

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENGROSSED

House Bill 3127

BY DELEGATES ELLINGTON, PORTERFIELD, KESSINGER,

FAST, WILSON, JENNINGS, AND WORRELL

[Introduced February 12, 2019; 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 5. COUNTY BOARD OF EDUCATION.

§18-5-15. Ages of persons to whom schools are open; enrollment for less than full-time and for extracurricular participation; conditions; enrollment of suspended or expelled student.

1 (a) The public schools shall be open for the full instructional term to all persons who have
2 attained the entrance age as stated in ~~section five, article two and section eighteen, article five,~~
3 ~~chapter eighteen~~ §18-5-44 and §18-8-1a of this code. ~~Provided, That~~ A public school may not
4 deny the enrollment in any curricular or extracurricular course, program or activity of any person
5 to whom the schools are open who meets the student health, safety, conduct and residence
6 conditions established for any other student, subject to the following:

7 (1) Persons enrolling for less than full-time shall enroll on or before the first day of the
8 instructional term;

9 (2) Persons enrolled for less than full-time shall be included in the county's net enrollment
10 for the purposes of §18-9A-1 et seq. of this code on a full-time-equivalent basis in accordance
11 with guidelines established by the department of education;

12 (3) Persons enrolling only for participation in an extracurricular activity may only enroll in
13 the school in whose attendance zone the primary residence of the student is established;

14 (4) Persons enrolled in a non-public school may not enroll in a public school for
15 participation in an extracurricular activity that is offered at the non-public school;

16 (5) Persons enrolled only for participation extracurricular activities shall be included in the
17 county's net enrollment for the purposes of §18-9A-1 et seq. of this code as a one-half full-time-
18 equivalent student;

19 (6) County boards shall provide methods for evaluation of the subject matter competency
20 of persons enrolling who have previously been instructed through nonaccredited sources to
21 determine: (i) Academic placement and course credits for competency attained for persons
22 enrolling on a full-time basis; (ii) Sufficient competency prerequisite for enrollment in course or
23 courses for persons enrolling for less than full-time; and (iii) For persons enrolling for less than
24 full-time to participate in extracurricular activities, academic performance at a level sufficient for
25 eligibility when required of all other students; and

26 (7) Any student suspended or expelled from public or private school shall only be permitted
27 to enroll in public school upon the approval of the superintendent of the county where the student
28 seeks enrollment: *Provided, however,* That in making such decision, the principal of the school in
29 which the student may enroll shall be consulted by the superintendent and the principal may make
30 a recommendation to the superintendent concerning the student's enrollment in his or her new
31 school: *Provided, further however,* That if enrollment to public school is denied by the
32 superintendent, the student may petition the board of education where the student seeks
33 enrollment.

34 (b) Persons over the age of 21 may enter only those programs or classes authorized by
35 the State Board of Education and deemed appropriate by the county board of education
36 conducting any such program or class: *Provided,* That authorization for such programs or classes
37 shall in no way serve to affect or eliminate programs or classes offered by county boards of
38 education at the adult level for which fees are charged to support such programs or classes.

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.