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H. B. 4230

(By Delegates Hunt, Mr. Speaker, Mr. Miley,
Morgan, Moore, Reynolds, Craig, Miller,
R. Phillips, Tomblin, Eldridge and McCuskey)

[Introduced January 20, 2014; referred to the
Committee on Education then Finance.]

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

Be it enacted by the Legislature of West Virginia:

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

1 **parochial schools and by home schooled students.**

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

11 The West Virginia Secondary School Activities Commission shall
12 be composed of the principals, or their representatives, of those
13 secondary schools whose county boards of education have certified
14 in writing to the State Superintendent of Schools that they have
15 elected to delegate the control, supervision and regulation of
16 their interscholastic athletic events and band activities of the
17 students in the public secondary schools in their respective
18 counties to said commission. The West Virginia Secondary School
19 Activities Commission ~~is hereby empowered to~~ may exercise the
20 control, supervision and regulation of interscholastic athletic
21 events and band activities of secondary schools, delegated to it
22 pursuant to this section. The rules ~~and regulations~~ of the West
23 Virginia Secondary School Activities Commission shall contain a
24 provision for a proper review procedure and review board and be

1 promulgated in accordance with the provisions of chapter
2 twenty-nine-a of this code, but shall, in all instances be subject
3 to the prior approval of the state board. The West Virginia
4 Secondary School Activities Commission, may, with the consent of
5 the State Board of Education, incorporate under the name of "West
6 Virginia Secondary School Activities Commission, Inc.," as a
7 nonprofit, nonstock corporation under the provisions of chapter
8 thirty-one of this code. County boards of education are hereby
9 authorized to expend moneys for and pay dues to the West Virginia
10 Secondary School Activities Commission, and all moneys paid to ~~such~~
11 the commission, as well as moneys derived from any contest or other
12 event sponsored by ~~said~~ the commission, shall be quasi-public funds
13 as the same are defined in article five, chapter eighteen, and ~~such~~
14 the funds of the commission ~~shall be~~ are subject to an annual audit
15 by the State Tax Commissioner.

16 The West Virginia Secondary School Activities Commission shall
17 promulgate reasonable rules ~~and regulations~~ providing for the
18 control, supervision and regulation of the interscholastic athletic
19 events and other extracurricular activities of ~~such~~ private and
20 parochial secondary schools as elect to delegate to ~~such~~ the
21 commission such control, supervision and regulation, upon the same
22 terms and conditions, subject to the same regulations and
23 requirements and upon the payment of the same fees and charges as
24 those provided for public secondary schools. Any ~~such~~ private or

1 parochial secondary school shall receive any monetary or other
2 benefits in the same manner and in the same proportion as any
3 public secondary school.

4 Notwithstanding any other provision of this section, code or
5 the commission's rules to the contrary, the commission shall
6 consider eligible for participation in interscholastic athletic
7 events and extracurricular activities of secondary schools a
8 student who is receiving home instruction pursuant to subsection
9 (c), section one, article eight of chapter eighteen of this code,
10 approved by the county board of education and who is not enrolled
11 in a charter school and who:

12 (1) Has demonstrated satisfactory evidence of academic
13 progress in compliance with the provisions of that subsection;

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

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

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

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

1 Eligibility is limited to participation in interscholastic
2 programs at the public secondary school serving the attendance zone
3 in which the student lives. Reasonable fees may be charged to the
4 student to cover the costs of participation in interscholastic
5 programs.

NOTE: The purpose of this bill is to allow for the participation of home schooled students in certain secondary school activities. This bill does not apply to students of charter schools.

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