

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3127

BY DELEGATES ELLINGTON, PORTERFIELD, KESSINGER,

FAST, WILSON, JENNINGS AND WORRELL

[Passed March 2, 2020; 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 School Activities Commission and participation by home schooled
3 students in extracurricular activities; setting forth eligibility requirements for home
4 schooled students to participate in extracurricular activities at member schools under
5 certain circumstances; providing that member-to-member transfer protocols apply and
6 providing that reasonable fees may be charged.

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 by state board;
incorporation; funds; participation by private and parochial schools and by home-
schooled students.**

1 The county boards of education shall exercise the 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 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 The West Virginia Secondary School Activities Commission is composed of the principals,
7 or their representatives, of those secondary schools whose county boards of education have
8 certified in writing to the State Superintendent of Schools that they have elected to delegate the
9 control, supervision and regulation of their interscholastic athletic events and band activities of
10 the students in the public secondary schools in their respective counties to the commission. The
11 West Virginia Secondary School Activities Commission may exercise the control, supervision and
12 regulation of interscholastic athletic events and band activities of secondary schools, delegated
13 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 29A of this code, but shall, in all
16 instances be 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, nonstock
19 corporation under the provisions of chapter 31 of this code. County boards of education may
20 expend moneys for and pay dues to the West Virginia Secondary School Activities Commission,
21 and all moneys paid to the commission, as well as moneys derived from any contest or other
22 event sponsored by the commission, are quasi-public funds as defined in §18-5-1 *et seq.*, of this
23 code, and the funds of the commission are subject to an annual audit by the State Tax
24 Commissioner.

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

33 Notwithstanding any other provision of this section or the commission's rules, the
34 commission shall consider eligible for participation in interscholastic athletic events and other
35 extracurricular activities of secondary schools a student who is receiving home instruction
36 pursuant to §18-8-1(c) of this code and who:

37 (1) Has demonstrated satisfactory evidence of academic progress for one year in
38 compliance with the provisions of that subsection: *Provided*, That the student's average test
39 results are within or above the fourth stanine in all subject areas;

40 (2) Is enrolled in at least one virtual instructional course per semester, consistent with the
41 applicable virtual instruction policy of the county board in which the home-schooled student lives
42 and the State Board;

43 (3) Has not reached the age of 19 by August 1 of the current school year;

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

46 (5) Agrees to comply with all disciplinary rules of the West Virginia Secondary School
47 Activities Commission and the county board in which the home-schooled student lives; and

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

51 Eligibility is limited to participation in interscholastic athletic events and other
52 extracurricular activities at the public secondary school serving the attendance zone in which the
53 student lives: *Provided*, That home-schooled students who leave a member school during the
54 school year are subject to the same transfer protocols that apply to member-to-member transfers.
55 Reasonable fees may be charged to the student to cover the costs of participation in
56 interscholastic athletic events and other extracurricular activities.

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

The within this the.....
day of, 2020.

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Governor