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**H. B. 4593**

(By Delegates Ellington, Walker, Border, Overington,  
Sobonya, O’Neal, Savilla, C. Miller, Gearheart,  
Householder and Sigler)

[Introduced February 17, 2012; 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 participation by home schooled students.

*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  
parochial schools and by home schooled students.**

The county boards of education are hereby granted and shall  
exercise the control, supervision and regulation of all

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

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

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

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

1 Notwithstanding any other provision of this section or the  
2 commission's rules, the commission shall consider eligible for  
3 participation in extracurricular activities of such secondary  
4 schools a student who is receiving home instruction pursuant to  
5 subsection (c), section one, article eight of chapter eighteen of  
6 this code and who:

7 (1) Has demonstrated satisfactory evidence of academic  
8 progress for two years in compliance with the provisions of that  
9 subsection;

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

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

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

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

21 Eligibility is limited to participation in interscholastic  
22 programs at the public secondary school serving the attendance zone  
23 in which such student lives. Reasonable fees may be charged to the  
24 student to cover the costs of participation in interscholastic programs.

NOTE: The purpose of this bill is to allow for the participation of home schooled students in certain secondary school activities.

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