

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **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 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 29A of this code, but shall, in all instances be subject to the prior approval of the state  
18 board. The West Virginia Secondary School Activities Commission, may, with the consent of the  
19 State Board of Education, incorporate under the name of West Virginia Secondary School  
20 Activities Commission, Inc., as a nonprofit, nonstock corporation under the provisions of chapter  
21 31 of this code. County boards of education ~~are hereby authorized to~~ may expend moneys for  
22 and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid  
23 to ~~such~~ the commission, as well as moneys derived from any contest or other event sponsored  
24 by ~~said~~ the commission, ~~shall be~~ are quasi-public funds as ~~the same are~~ defined in §18-5-1 *et*  
25 *seq.*, of this code, and ~~such~~ the funds of the commission ~~shall be~~ are subject to an annual audit  
26 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 elect to delegate to ~~such~~ the commission ~~such~~ control, supervision and regulation, upon the  
31 same terms and conditions, subject to the same ~~regulations~~ rules 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 19 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 of the West Virginia Secondary School  
45 Activities Commission and the county board in which the home-schooled student lives; and  
46 (5) Agrees to obey all rules of the West Virginia Secondary School Activities Commission  
47 governing awards, all-star games, parental consents, physical examinations and vaccinations  
48 applicable to all high school athletes.
- 49 Eligibility is limited to participation in interscholastic programs at the public secondary  
50 school serving the attendance zone in which the student lives: *Provided*, That home-schooled  
51 students who leave a member school during the school year are subject to the same transfer  
52 protocols that apply to member-to-member transfers. Reasonable fees may be charged to the  
53 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.