

H. B. 2071

(By Delegate Caputo (By Request))

[Introduced January 12, 2011; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-2-25 of the Code of West Virginia,
1931, as amended, relating to the West Virginia secondary
school activities commission; and requiring rules to provide
for use of neck braces by football players.

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 by state board;
incorporation; funds; participation by private and
parochial schools.**

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

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

1 code, but shall, in all instances be subject to the prior approval
2 of the state board. The West Virginia Secondary School Activities
3 Commission, may, with the consent of the State Board of Education,
4 incorporate under the name of "West Virginia Secondary School
5 Activities Commission, Inc.," as a nonprofit, nonstock corporation
6 under ~~the provisions of~~ chapter thirty-one of this code. The
7 commission shall provide in any rule pertaining to interscholastic
8 athletic football events that all players are required to wear neck
9 braces, in addition to the head gear and other protective equipment
10 ordinarily worn in those events. County boards of education are
11 hereby authorized to expend moneys for and pay dues to the West
12 Virginia Secondary School Activities Commission, and all moneys
13 paid to ~~such~~ the commission, as well as moneys derived from any
14 contest or other event sponsored by said commission, shall be
15 quasi-public funds as the same are defined in article five, chapter
16 eighteen, and ~~such~~ the funds of the commission shall be subject to
17 an annual audit by the State Tax Commissioner.

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

1 requirements and upon the payment of the same fees and charges as
2 those provided for public secondary schools. Any ~~such~~ private or
3 parochial secondary school shall receive any monetary or other
4 benefits in the same manner and in the same proportion as any
5 public secondary school.

NOTE: The purpose of this bill is to require the West Virginia
Secondary School Activities Commission to adopt rules to provide
for use of neck braces by football players in interscholastic
athletic football events.

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