

H. B. 2058

(By Delegate Caputo)

[Introduced January 15, 2015; 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 relating to interscholastic athletic football events include the requirement that neck braces be worn by all 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.

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

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

6 The West Virginia Secondary School Activities Commission shall be composed of the
7 principals, or their representatives, of those secondary schools whose county boards of education
8 have certified in writing to the State Superintendent of Schools that they have elected to delegate
9 the control, supervision and regulation of their interscholastic athletic events and band activities
10 of the students in the public secondary schools in their respective counties to said commission.
11 The West Virginia Secondary School Activities Commission, is hereby empowered to exercise the
12 control, supervision and regulation of interscholastic athletic events and band activities of
13 secondary schools, delegated to it pursuant to this section. The rules ~~and regulations~~ of the West
14 Virginia Secondary School Activities Commission shall contain ~~a provision for~~ a proper review
15 procedure and review board and be promulgated in accordance with ~~the provisions of~~ chapter
16 twenty-nine-a of this code, but shall, in all instances be subject to the prior approval of the state
17 board. The West Virginia Secondary School Activities Commission, may, with the consent of the
18 State Board of Education, incorporate under the name of "West Virginia Secondary School
19 Activities Commission, Inc.," as a nonprofit, nonstock corporation under ~~the provisions of~~ chapter
20 thirty-one of this code. The commission shall provide in any rule pertaining to interscholastic
21 athletic football events that all players are required to wear neck braces, in addition to the head gear
22 and other protective equipment ordinarily worn in those events. County boards of education are

1 hereby authorized to expend moneys for and pay dues to the West Virginia Secondary School
2 Activities Commission, and all moneys paid to ~~such~~ the commission, as well as moneys derived
3 from any contest or other event sponsored by ~~said~~ the commission, shall be quasi-public funds as
4 the same are defined in article five, chapter eighteen, and ~~such~~ the funds of the commission shall be
5 subject to an annual audit by the State Tax Commissioner.

6 The West Virginia Secondary School Activities Commission shall promulgate reasonable
7 rules ~~and regulations~~ providing for the control, supervision and regulation of the interscholastic
8 athletic events and other extracurricular activities of ~~such~~ the private and parochial secondary
9 schools as elect to delegate to ~~such~~ the commission such control, supervision and regulation, upon
10 the same terms and conditions, subject to the same regulations and requirements and upon the
11 payment of the same fees and charges as those provided for public secondary schools. Any ~~such~~
12 private or parochial secondary school shall receive any monetary or other benefits in the same
13 manner and in the same proportion as any 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 all 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.