

1 **H. B. 4340**

2
3 (By Delegates Morgan, Perdue, Craig, Hatfield,
4 Perry, Cann, Ferro, Stephens, Hall,
5 M. Poling and Poore)

6 [Introduced January 30, 2012; referred to the
7 Committee on Education then the Judiciary.]
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10 A BILL to amend and reenact §18-2-25 of the Code of West Virginia,
11 1931, as amended, relating to the West Virginia Secondary
12 School Activities Commission; and requiring the commission to
13 propose legislative rules concerning concussions.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18-2-25 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. STATE BOARD OF EDUCATION.**

18 **§18-2-25. Authority of county boards to regulate athletic and**
19 **other extracurricular activities of secondary schools;**
20 **delegation of authority to West Virginia Secondary**
21 **School Activities Commission; authority of commission;**
22 **approval of rules and regulations by state board;**
23 **incorporation; funds; participation by private and**
24 **parochial schools; rules regarding concussions.**

1 (a) The county boards of education are ~~hereby~~ granted and
2 shall 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 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~~ continued.

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

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

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

1 benefits in the same manner and in the same proportion as any
2 public secondary school.

3 (d) (1) Notwithstanding the exemption provided in section
4 three, article one, chapter twenty-nine-a of this code, the West
5 Virginia Secondary School Activities Commission shall propose rules
6 for legislative approval under the provisions of article three,
7 chapter twenty-nine-a of this code, developing the guidelines and
8 other pertinent information and forms to inform and educate
9 coaches, youth athletes and their parents or guardians, or both, of
10 the nature and risk of concussion and head injury, including
11 continuing to play after concussion or head injury. On a yearly
12 basis, a concussion and head injury information sheet shall be
13 signed and returned by the youth athlete and the athlete's parent
14 or guardian before the youth athlete's initiating practice or
15 competition.

16 (2) A youth athlete who is suspected of sustaining a
17 concussion or head injury in a practice or game shall be removed
18 from competition at that time.

19 (3) A youth athlete who has been removed from play may not
20 return to play until the athlete is evaluated by a licensed health
21 care provider trained in the evaluation and management of
22 concussion and receives written clearance to return to play from
23 that licensed health care provider.

NOTE: The purpose of this bill is to require the West Virginia Secondary School Activities Commission to propose legislative rules concerning concussions.

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