

1 **Senate Bill No. 540**

2 (By Senators Plymale, D. Hall, Green, Stollings and Jenkins)

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4 [Introduced February 11, 2014; referred to the Committee on  
5 Education; and then to the Committee on 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 requiring the West Virginia  
12 Secondary School Activities Commission to promulgate rules  
13 that allow a college preparatory team to elect to be  
14 recognized as a member; and setting forth provisions the rule  
15 shall include.

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

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

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

20 **§18-2-25. Authority of county boards to regulate athletic and  
21 other extracurricular activities of secondary schools;  
22 delegation of authority to West Virginia Secondary**

1           **School Activities Commission; authority of commission;**  
2           **approval of rules and regulations by state board;**  
3           **incorporation; funds; participation by private and**  
4           **parochial schools.**

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

14           (b) The West Virginia Secondary School Activities Commission  
15 shall be composed of the principals, or their representatives, of  
16 those secondary schools whose county boards ~~of education~~ have  
17 certified in writing to the State Superintendent of Schools that  
18 they have elected to delegate the control, supervision and  
19 regulation of their interscholastic athletic events and band  
20 activities of the students in the public secondary schools in their  
21 respective counties to said commission. The West Virginia  
22 Secondary School Activities Commission is hereby empowered to  
23 exercise the control, supervision and regulation of interscholastic

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

20 (c) The West Virginia Secondary School Activities Commission  
21 shall promulgate reasonable rules and regulations providing for the  
22 control, supervision and regulation of the interscholastic athletic  
23 events and other extracurricular activities of such private and

1 parochial secondary schools as elect to delegate to ~~such~~ the  
2 commission such control, supervision and regulation, upon the same  
3 terms and conditions, subject to the same regulations and  
4 requirements and upon the payment of the same fees and charges as  
5 those provided for public secondary schools. Any such private or  
6 parochial secondary school shall receive any monetary or other  
7 benefits in the same manner and in the same proportion as any  
8 public secondary school.

9 (d) The West Virginia Secondary School Activities Commission  
10 shall promulgate reasonable rules pursuant to this section that  
11 allow a college preparatory team to elect to be recognized as a  
12 member of the West Virginia Secondary School Activities Commission.  
13 The rules shall:

14 (1) Limit recognition of college preparatory teams as members  
15 of the West Virginia Secondary School Activities Commission to only  
16 those college preparatory teams that require its students to attend  
17 a school that has elected to delegate control pursuant to  
18 subsections (b) and (c) of this section;

19 (2) Prohibit a college preparatory team recognized as a member  
20 of the West Virginia Secondary School Activities Commission from  
21 competing for league, regional or state championships;

22 (3) Prohibit a college preparatory team recognized as a member  
23 of the West Virginia Secondary School Activities Commission from

1 having fifth year seniors or post-high school graduate student  
2 athletes on its roster; and

3 (4) Require a college preparatory team recognized as a member  
4 of the West Virginia Secondary School Activities Commission to play  
5 a limited schedule in each sanctioned sport against schools that  
6 have elected to delegate control pursuant to subsections (b) and  
7 (c) of this section.

NOTE: The purpose of this bill is to require the West Virginia Secondary School Activities Commission to promulgate rules that allow a college preparatory team to elect to be recognized as a member.

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