

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4659**

BY DELEGATES LINVILLE, MAYNARD, BARNHART, J.

JEFFRIES AND GRAVES

[Introduced February 03, 2020; Referred to the  
Committee on Education then Government  
Organization]

1 A BILL to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating  
 2 to the West Virginia Secondary School Activities Commission; requiring Legislative Auditor  
 3 to conduct a performance audit of the commission; authorizing the inspection of records  
 4 and examination of personnel; permitting subsequent performance audits to be conducted  
 5 at reasonable and prudent intervals; and removing redundant wording.

*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 and audits of funds; participation by private  
 and parochial schools.**

1 (a) 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 schools of their respective counties. The  
 4 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  
 6 Activities Commission,” which is hereby established.

7 (b) The West Virginia Secondary School Activities Commission shall be 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 commission.  
 12 The West Virginia Secondary School Activities Commission is hereby empowered to exercise the  
 13 control, supervision and regulation of interscholastic athletic events and band activities of  
 14 secondary schools, delegated to it pursuant to this section. The rules ~~and regulations~~ of the West

15 Virginia Secondary School Activities Commission shall contain a provision for a proper review  
16 procedure and review board and be promulgated in accordance with the provisions of chapter  
17 29A of this code, but shall, in all instances be subject to the prior approval of the State Board. The  
18 West Virginia Secondary School Activities Commission, may, with the consent of the State Board  
19 of Education, incorporate under the name of "West Virginia Secondary School Activities  
20 Commission, Inc.," as a nonprofit, nonstock corporation under the provisions of chapter 31 of this  
21 code.

22 (c) County boards of education are hereby authorized to expend moneys for and pay dues  
23 to the West Virginia Secondary School Activities Commission, and all moneys paid to such  
24 commission, as well as moneys derived from any contest or other event sponsored by said  
25 commission, shall be quasi-public funds as the same are defined in §18-5-1 *et seq.* of this code,  
26 and such funds of the commission shall be subject to an annual audit by the State Tax  
27 Commissioner.

28 (d) In addition, the Legislative Auditor may, at reasonable and prudent intervals, conduct  
29 performance audits of the commission. For this purpose, the Legislative Auditor shall have the  
30 power and authority to examine the revenues, expenditures, and performance of the commission,  
31 which shall allow the Legislative Auditor to inspect all records and accounts of the commission  
32 and to examine the personnel of the commission. For any legally protected information provided  
33 or disclosed to the Legislative Auditor pursuant to this subsection, the Legislative Auditor shall  
34 protect the confidentiality, privacy, or security of the protected information in like manner and with  
35 the same duty as is required of the commission. The Legislative Auditor shall complete an initial  
36 performance audit of the commission by December 1, 2021, and, on that date, deliver a report  
37 thereof to the Joint Committee on Government and Finance and to the Legislative Oversight  
38 Commission on Education Accountability.

39 (e) The West Virginia Secondary School Activities Commission shall promulgate  
40 reasonable rules ~~and regulations~~ providing for the control, supervision and regulation of the

41 interscholastic athletic events and other extracurricular activities of such private and parochial  
42 secondary schools ~~as~~ that elect to delegate to such commission such control, supervision and  
43 regulation, upon the same terms and conditions, subject to the same ~~regulations~~ rules and  
44 requirements and upon the payment of the same fees and charges as those provided for public  
45 secondary schools. Any such private or parochial secondary school shall receive any monetary  
46 or other benefits in the same manner and in the same proportion as any public secondary school.

NOTE: The purpose of this bill is to require the Legislative Auditor to perform a performance audit of the West Virginia Secondary School Activities Commission. The bill also gives the Legislative auditor the authority to examine the revenues, expenditures, and performance of the commission, and allows the Legislative Auditor to inspect all records and accounts of the commission and to examine the personnel of the commission.

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