

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4925

BY DELEGATES KESSINGER, HORNBUCKLE, MAYNARD AND

CAMPBELL

[Introduced February 11, 2020; Referred to the

Committee on Education.]

1 A BILL to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating
2 to requiring the West Virginia Secondary Schools Athletic Commission to recognize
3 preparatory schools as nonparticipating members solely for the purpose of competing on
4 the national level.

Be it enacted by the Legislature of West Virginia:

**§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; participation by private and parochial schools.**

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

11 (b) The West Virginia secondary school activities commission shall be composed of the
12 principals, or their representatives, of those secondary schools whose county boards of education
13 have certified in writing to the state Superintendent of Schools that they have elected to delegate
14 the control, supervision and regulation of their interscholastic athletic events and band activities
15 of the students in the public secondary schools in their respective counties to said commission.
16 The West Virginia secondary school activities commission is hereby empowered to exercise the
17 control, supervision and regulation of interscholastic athletic events and band activities of
18 secondary schools, delegated to it pursuant to this section. The rules and regulations of the West
19 Virginia secondary school activities commission shall contain a provision for a proper review
20 procedure and review board and be promulgated in accordance with the provisions of chapter
21 twenty-nine-a of this code, but shall, in all instances be subject to the prior approval of the state

22 board. The West Virginia secondary school activities commission, may, with the consent of the
23 state Board of Education, incorporate under the name of “West Virginia Secondary School
24 Activities Commission, Inc.,” as a nonprofit, nonstock corporation under the provisions of chapter
25 thirty-one of this code. County boards of education are hereby authorized to expend moneys for
26 and pay dues to the West Virginia secondary school activities commission, and all moneys paid
27 to such commission, as well as moneys derived from any contest or other event sponsored by
28 said commission, shall be quasi-public funds as the same are defined in article five, chapter
29 eighteen, and such funds of the commission shall be subject to an annual audit by the State Tax
30 Commissioner.

31 (c) The West Virginia secondary school activities commission shall promulgate reasonable
32 rules and regulations providing for the control, supervision and regulation of the interscholastic
33 athletic events and other extracurricular activities of such private and parochial secondary schools
34 as elect to delegate to such commission such control, supervision and regulation, upon the same
35 terms and conditions, subject to the same regulations and requirements and upon the payment
36 of the same fees and charges as those provided for public secondary schools. Any such private
37 or parochial secondary school shall receive any monetary or other benefits in the same manner
38 and in the same proportion as any public secondary school.

39 (d) The West Virginia secondary school activities commission shall recognize preparatory
40 schools that contract with other schools for academic instruction as nonparticipating members of
41 the commission solely for the purpose of competing on the national level. Such recognition does
42 not entitle the preparatory school to compete in any commission state championship events.

NOTE: The purpose of this bill is to require the West Virginia Secondary Schools Athletic Commission to recognize preparatory schools as nonparticipating solely for the purpose of competing on a national level.

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