

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 192

SENATOR TARR, *original sponsor*

[Originating in the Committee on Education; reported
on January 17, 2020]

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 Activities
6 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 are public funds subject to an annual audit by the
27 State Tax 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.