

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2141**

BY DELEGATE CAPUTO

[ Introduced January 9, 2019; Referred  
to the Committee on Education then Finance.]

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; and requiring rules relating  
 3 to interscholastic athletic football events include the requirement that neck braces be worn  
 4 by all football players.

*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 by state board; incorporation; funds; participation by private and parochial schools.**

1 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~~ the schools of their respective counties.  
 4 The 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 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~~ may  
 13 exercise the control, supervision and regulation of interscholastic athletic events and band  
 14 activities of secondary schools, delegated to it pursuant to this section. The rules ~~and regulations~~  
 15 of the West Virginia Secondary School Activities Commission shall contain ~~a provision for a~~  
 16 proper review procedure and review board and be promulgated in accordance with ~~the provisions~~

17 of §29A-3-1 et seq. of this code, but shall, in all instances be subject to the prior approval of the  
18 state board. The West Virginia Secondary School Activities Commission, may, with the consent  
19 of the State Board of Education, incorporate under the name of “West Virginia Secondary School  
20 Activities Commission, Inc.,” as a nonprofit, nonstock corporation under ~~the provisions of chapter~~  
21 31 of this code. The commission shall provide in any rule pertaining to interscholastic athletic  
22 football events that all players are required to wear neck braces, in addition to the head gear and  
23 other protective equipment ordinarily worn in those events. County boards of education are  
24 hereby authorized to expend moneys for and pay dues to the West Virginia Secondary School  
25 Activities Commission, and all moneys paid to ~~such~~ the commission, as well as moneys derived  
26 from any contest or other event sponsored by ~~said~~ the commission, shall be quasi-public funds  
27 as the same are defined in §18-5-1 et seq. of this code, and ~~such~~ the funds of the commission  
28 ~~shall be~~ are subject to an annual audit by the State Tax Commissioner.

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

NOTE: The purpose of this bill is to require the West Virginia Secondary School Activities Commission to adopt rules to provide for use of neck braces by all football players in interscholastic athletic football events.

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