

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2495**

By Delegates Pinson and Ridenour

[Introduced January 11, 2023; 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 to  
 2 the secondary schools activities commission and participation in commission activities by  
 3 private and parochial school students whose schools are not members of the commission.

*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 and by home-schooled students.**

1 (a) The county boards of education shall exercise the control, supervision, and regulation  
 2 of all interscholastic athletic events, and other extracurricular activities of the students in public  
 3 secondary schools, and of those schools of their respective counties. The county board of  
 4 education may delegate control, supervision, and regulation of interscholastic athletic events and  
 5 band activities to the West Virginia Secondary School Activities Commission.

6 (b) The West Virginia Secondary School Activities Commission is composed of the  
 7 principals, or their representatives, of those secondary schools whose county boards of education  
 8 have certified in writing to the State Superintendent of Schools that they have elected to delegate  
 9 the control, supervision, and regulation of their interscholastic athletic events and band activities of  
 10 the students in the public secondary schools in their respective counties to the commission. The  
 11 West Virginia Secondary School Activities Commission may exercise the control, supervision, and  
 12 regulation of interscholastic athletic events and band activities of secondary schools, delegated to  
 13 it pursuant to this section. The rules of the West Virginia Secondary School Activities Commission  
 14 shall contain a provision for a proper review procedure and review board and be promulgated in  
 15 accordance with the provisions of chapter 29A of this code, but shall, in all instances, be subject to  
 16 the prior approval of the state board. The West Virginia Secondary School Activities Commission,

17 may, with the consent of the State Board of Education, incorporate under the name of West  
18 Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock corporation under  
19 the provisions of chapter 31 of this code. County boards of education may expend moneys for and  
20 pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to the  
21 commission, as well as moneys derived from any contest or other event sponsored by the  
22 commission, are quasi-public funds as defined in §18-5-1 *et seq.* of this code, and the funds of the  
23 commission are subject to an annual audit by the State Tax Commissioner.

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

32 (d) Notwithstanding any other provision of this section, or the commission's rules, the  
33 commission shall consider eligible for participation in interscholastic athletic events and other  
34 extracurricular activities of secondary schools a student who:

35 ~~(1) Has demonstrated satisfactory evidence of academic progress for one year in~~  
36 ~~compliance with the provisions of that subsection: *Provided*, that the student's average test results~~  
37 ~~are within or above the fourth stanine in all subject areas Is either:~~

38 ~~(A) receiving Is receiving home instruction pursuant to §18-8-1(c) of this code and who (1)~~  
39 ~~Has has demonstrated satisfactory evidence of academic progress for one year in compliance~~  
40 ~~with the provisions of that subsection: *Provided*, That the student's average test results are within~~  
41 ~~or above the fourth stanine in all subject areas; or~~

42 ~~(B) Is attending a private or parochial secondary school that is not a member of the~~

43 commission and who meets the academic requirements set forth by the commission;

44 (2) And who:

45 ~~(2)~~(A) Is enrolled in at least one virtual instructional course per semester, consistent with  
46 the applicable virtual instruction policy of the county board in which the home-schooled student  
47 lives;

48 ~~(3)~~(B) Has not reached the age of 19 by August 1 of the current school year;

49 ~~(4)~~(C) Is an amateur who receives no compensation but participates solely for the  
50 educational, physical, mental and social benefits of the activity;

51 ~~(5)~~(D) Agrees to comply with all disciplinary rules of the West Virginia Secondary School  
52 Activities Commission and the county board in which the home-schooled student lives; and

53 ~~(6)~~(E) Agrees to obey all rules of the West Virginia Secondary School Activities  
54 Commission governing awards, all-star games, parental consents, physical examinations, and  
55 vaccinations applicable to all high school athletes.

56 Eligibility is limited to participation in interscholastic athletic events and other  
57 extracurricular activities at the public secondary school serving the attendance zone in which the  
58 student lives: *Provided*, That home-schooled and private or parochial secondary school students  
59 who leave a member school during the school year are subject to the same transfer protocols that  
60 apply to member-to-member transfers. Reasonable fees may be charged to the student to cover  
61 the costs of participation in interscholastic athletic events and other extracurricular activities.

62 (e) The West Virginia Secondary School Activities Commission shall recognize  
63 preparatory athletic programs, whose participants attend a secondary school in West Virginia for  
64 academic instruction, as nonparticipating members of the commission solely for the purpose of  
65 competing on the national level: *Provided*, That the preparatory athletic program shall pay the  
66 same fees as member schools. Such recognition does not entitle the preparatory athletic program  
67 to compete against a member school during the regular season or in any commission state  
68 championship events. The commission may promulgate an emergency rule pursuant to

69 subsection (b) of this section, if necessary, to carry out the intent of this subsection.

NOTE: The purpose of this bill is to allow private and parochial school students whose school is not a member of the West Virginia Secondary Activities Commission to participate in commission activities under certain conditions.

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