

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 262

By Senators Weld, Rucker, Oliverio, Phillips, and

Deeds

[Introduced January 17, 2023; referred
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §18-2-25e, relating to allowing students to transfer schools and retain his or her
 3 athletic eligibility at least one-time during a student's four years of secondary school.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25e. Athletic eligibility of transfer students.

1 (a) The West Virginia Secondary School Activities Commission shall modify its rule, prior to
 2 the 2023-2024 school year, to allow students to transfer schools and retain athletic eligibility one-
 3 time during a student's four years of secondary school, inclusive of grades nine through 12. The
 4 West Virginia Secondary School Activities Commission may promulgate an emergency rule, if
 5 necessary, to modify its rule prior to the 2023-2024 school year.

6 (b) The State Board of Education, in its review and approval of the West Virginia
 7 Secondary School Activities Commission's rule described in this section, shall ensure that the rule
 8 modification achieves the intent of this section to not require a student to undergo one year of
 9 athletic ineligibility if the student transfers secondary schools during or after the student's ninth
 10 grade year.

11 (c) Nothing in this section is intended to limit or restrict a student transferring more than one
 12 time for the following reasons:

13 (1) A student transferring back to the student's residential district and participating in
 14 athletics as currently permitted by the West Virginia Secondary School Activities Commission's
 15 rules;

16 (2) The West Virginia Secondary School Activities Commission's ability to make eligibility
 17 determinations on a case-by-case basis when warranted by a student's circumstances in
 18 accordance with the West Virginia Secondary School Activities Commission's rules; or

19 (3) For any other reason permitted under the rules of the West Virginia Secondary School
 20 Athletics Commission.

NOTE: The purpose of this bill is to modify the procedure for athletic eligibility of transfer students.

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