

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3268

By Delegates Ferrell, Rohrbach, Barnhart, W. Clark,
Campbell, Vance, Mallow, Pritt, T. Clark, Heckert, and
Hanshaw (Mr. Speaker)

[Introduced March 07, 2025; referred to the
Committee on Education]

1 A BILL to amend and reenact §18-2-25, §18-2-25e, and §29A-3A-1 of the Code of West Virginia,
 2 1931, as amended; to amend said code by adding a new section, designated §18-2-25f,
 3 relating generally to the West Virginia Secondary School Activities Commission; clarifying
 4 rulemaking authority; allowing the commission to pull the coaching credentials under
 5 certain circumstances; requiring that the commission modify its rules regarding athletic
 6 eligibility after transferring schools; requiring that the commission may modify its rules
 7 regarding incoming ninth grade student academic eligibility requirements; and updating
 8 rulemaking definitions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

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 and participants in the Hope Scholarship Program or in a Microschool or Learning Pod.

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~~ The West Virginia Secondary School Activities
14 Commission shall ~~contain a provision for a proper review procedure and review board and be~~
15 ~~promulgated~~ promulgate, adopt, amend or repeal rules in accordance with the provisions of
16 ~~chapter 29A §29A-3A-1 et seq.~~ of this code, but shall, in all instances, be subject to the prior
17 approval of the state board. The West Virginia Secondary School Activities Commission, may, with
18 the consent of the State Board of Education, incorporate under the name of West Virginia
19 Secondary School Activities Commission, Inc., as a nonprofit, nonstock corporation ~~under the~~
20 ~~provisions of chapter 31 of this code.~~ County boards of education may expend moneys for and pay
21 dues to the West Virginia Secondary School Activities Commission, and all moneys paid to the
22 commission, as well as moneys derived from any contest or other event sponsored by the
23 commission, are quasi-public funds as defined in §18-5-1 *et seq.* of this code, and the funds of the
24 commission are subject to an annual audit by the State Tax Commissioner.

25 (c) The West Virginia Secondary School Activities Commission shall promulgate
26 reasonable rules, in accordance with the provisions of §29A-3A-1 et seq. of this code, providing for
27 the control, supervision, and regulation of the interscholastic athletic events and other
28 extracurricular activities of private and parochial secondary schools as elect to delegate to the
29 commission control, supervision, and regulation, upon the same terms and conditions, subject to
30 the same rules and requirements and upon the payment of the same fees and charges as those
31 provided for public secondary schools. Any such private or parochial secondary school shall
32 receive any monetary or other benefits in the same manner and in the same proportion as any
33 public secondary school.

34 (d) Notwithstanding any other provision of this section, or the commission's rules, the

35 commission shall consider eligible for participation in interscholastic athletic events and other
36 extracurricular activities of secondary schools a student who is receiving home instruction
37 pursuant to §18-8-1(c) of this code, is a participant in the Hope Scholarship Program, pursuant to
38 §18-8-1(m) of this code and as provided for in §18-31-1, *et seq.* of this code, or participates in a
39 microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

40 (1) Has demonstrated satisfactory evidence of academic progress for each year in
41 compliance with the provisions of that subsection: *Provided*, That the student's average
42 test results are within or above the fourth stanine in all subject areas;

43 (2) Has not reached the age of 19 by August 1 of the current school year;

44 (3) Is an amateur who receives no compensation but participates solely for the
45 educational, physical, mental and social benefits of the activity;

46 (4) Agrees to comply with all disciplinary rules of the West Virginia Secondary School
47 Activities Commission and the county board in which the student lives; and

48 (5) Agrees to obey all rules of the West Virginia Secondary School Activities Commission
49 governing awards, all-star games, parental consents, physical examinations, and vaccinations
50 applicable to all high school athletes.

51 Eligibility is limited to participation in interscholastic athletic events and other
52 extracurricular activities at the public secondary school serving the attendance zone in which the
53 student lives: *Provided*, That students who leave a school during the school year are subject to the
54 same transfer protocols that apply to member-to-member transfers. Reasonable fees may be
55 charged to the student to cover the costs of participation in interscholastic athletic events and
56 other extracurricular activities.

57 (e) Students enrolled in a private school shall be eligible to participate in extracurricular
58 activities at the public secondary school serving the attendance zone in which the student lives if
59 the extracurricular activity is not offered at the student's private school: *Provided*, The student
60 meets the requirements of subsection (d)(4) and (d)(5) of this section.

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

69 (g) The West Virginia Secondary School Activities Commission shall have the ability to pull
 70 the coaching credentials of any coach who is found guilty of illegally recruiting student athletes.

§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 at~~
 3 ~~least one time during a student's four years of secondary school, inclusive of grades nine through~~
 4 ~~12. The West Virginia Secondary School Activities Commission may promulgate an emergency~~
 5 ~~rule, if necessary, to modify its rule prior to the 2023-2024 school year.~~

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

8 ~~(1) The West Virginia Secondary School Activities Commission's ability to make eligibility~~
 9 ~~determinations on a case-by-case basis when warranted by a student's circumstances in~~
 10 ~~accordance with the West Virginia Secondary School Activities Commission's rules; or~~

11 ~~(2) For any other reason permitted under the rules of the West Virginia Secondary School~~
 12 ~~Activities Commission.~~

13 (a) The West Virginia Secondary School Activities Commission shall modify its rule, prior to
 14 the 2025-2026 school year, to allow students to transfer schools and retain athletic eligibility.

15 (b) All eighth-grade students advancing to ninth grade may transfer out of their home

16 residence school district without sitting out a year of athletic eligibility.

17 (c) If a student transfers out of his or her current school before June 15th of their eighth
18 grade year, he or she may do so without sitting out a year of athletic eligibility.

19 (d) Students may transfer back to the home residence by June 15th of his or her ninth or
20 tenth grade year without sitting out a year of athletic eligibility.

21 (e) All transfers after June 15th of their 11th or during their 12th grade year must have
22 WVSSAC approval without sitting out a year of athletic eligibility.

§18-2-25f. Athletic eligibility for eighth grade students in secondary schools.

1 (a) The West Virginia Secondary School Activities Commission shall modify its rule, prior to
2 the 2025-2026 school year, to permit incoming ninth graders to participate in athletic programs in
3 secondary schools if the student completed their eighth-grade year with a 2.0 grade point average
4 or did not receive a final failing grade in any course during their eighth-grade year. The West
5 Virginia Secondary School Activities Commission may promulgate an emergency rule, if
6 necessary, to modify its rule prior to the 2025-2026 school year.

7 (b) Nothing in this section is intended to limit the West Virginia Secondary School Activities
8 Commission's ability to make eligibility determinations in accordance with its rules.

CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES ACT._

ARTICLE 3A. HIGHER EDUCATION RULE MAKING._

§29A-3A-1.

Definitions

1 As used in this article:

2 (a) "Commission" means the Legislative Oversight Commission on Education
3 Accountability;

4 (b) "Agency", for purposes of this article, means the Higher Education Policy Commission
5 created by §18B-1B-1 *et seq.* of this code, the Council for Community and Technical College
6 Education established pursuant to §18B-2B-3 of this code, the School Building Authority

7 established pursuant to §18-9D-1 *et seq.* of this code, or any successor board, commission,
8 agency, or officer and the West Virginia Secondary School Activities Commission established
9 pursuant to §18-2-25 of this code.

10 (c) "Agency" also means any other entity directed by this code to promulgate a rule or rules
11 in accordance with this article, but this definition shall apply solely for the purpose of promulgating
12 the rule or rules required to be promulgated in accordance with this article.

NOTE: The purpose of this bill is to clarify rulemaking authority of the West Virginia Secondary Schools Activities Commission; require that certain rules be modified and allowing the commission to pull the coaching credentials of any coach found guilty of illegally recruiting student athletes.

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