

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 804

By Senators Taylor, Smith (Mr. President), Azinger,
Bartlett, Chapman, Charnock, Deeds, Fuller, Grady,
Hart, Helton, Jeffries, Martin, Maynard, Morris,
Roberts, Rose, Rucker, Stuart, Thorne, Weld, and
Willis

[Introduced March 19, 2025; 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 West Virginia Secondary School Activities Commission Reform Act; giving public
3 charter schools control, supervision, and regulation of all extracurricular activities of the
4 students in their schools; allowing public charter schools to delegate control, supervision,
5 and regulation of interscholastic athletic events and band activities to the West Virginia
6 Secondary School Activities Commission; providing that the commission is composed of
7 the athletic directors, or their representatives, of certain secondary schools; modifying
8 commission rule-making procedures; requiring rules to include a school classification
9 system based on a competitive balance formula which includes the number of transfers a
10 school has received and other factors; providing that the commission is to become a state
11 agency; providing that commission funds from dues paid and from any event sponsored by
12 the commission are public funds; requiring that executive director of the commission be
13 appointed by the Governor, by and with the advice and consent of the Senate; requiring
14 commission rules to provide for executive director to investigate and make decisions on all
15 violations of rules and questions of dispute regarding any sports activities governed by the
16 commission and to include provisions ensuring adequate due process; providing that any
17 disagreement with the executive director's decision can only be brought before the
18 Intermediate Court of Appeals; providing for organized groups of certain nonpublic school
19 students to participate in the extracurricular activities under commission control,
20 supervision, and regulation; removing one of the requirements for homeschool students,
21 Hope Scholarship Program participants, microschool students, and learning pod students
22 to be eligible for extracurricular activities of secondary schools and modifying fees that can
23 be charged to these students; and providing for certain existing commission rules to
24 continue in effect.

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

1 (a) The amendment and reenactment of this section during the 2025 regular session of the
2 Legislature shall be known as the West Virginia Secondary School Activities Commission Reform
3 Act.

4 (b) The county boards of education shall exercise the control, supervision, and regulation
5 of all interscholastic athletic events, and other extracurricular activities of the students in public
6 secondary schools, and of those schools of their respective counties except that public charter
7 schools shall perform those functions over their public secondary schools. The county board of
8 education and public charter school may delegate control, supervision, and regulation of
9 interscholastic athletic events and band activities to the West Virginia Secondary School Activities
10 Commission.

11 ~~(b)~~ (c) The West Virginia Secondary School Activities Commission is composed of the
12 principals athletic directors, or their representatives, of those secondary schools whose county
13 boards of education and public charter schools have certified in writing to the State Superintendent
14 of Schools that they have elected to delegate the control, supervision, and regulation of their
15 interscholastic athletic events and band activities of the students in the public secondary schools
16 in their respective counties or public charter school, as applicable, to the commission: *Provided,*
17 That if no full- or part-time athletic director is assigned to the school, the principal of a school or the
18 public charter school, as applicable, shall designate a person to serve as a member of the
19 commission. The West Virginia Secondary School Activities Commission may exercise the
20 control, supervision, and regulation of interscholastic athletic events and band activities of

secondary schools, delegated to it pursuant to this section. The rules of the West Virginia Secondary School Activities Commission shall contain a provision for a proper review procedure and review board and be ~~promulgated~~ proposed for legislative approval in accordance with the provisions of ~~chapter 29A~~ §29A-3A-1 et seq. of this code, but shall, in all instances, be subject to the prior approval of the state board. The rules shall include a school classification system based on a competitive balance formula which includes the number of transfers a school has received and other factors. The West Virginia Secondary School Activities Commission, may, with the consent of the State Board of Education, incorporate under the name of West Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock corporation under the provisions of chapter 31 of this code: Provided, That effective July 1, 2025, the commission shall cease being a nonprofit, nonstock corporation and instead shall become a state agency directly under the state board, but separate from the State Superintendent and West Virginia Department of Education. County boards of education and public charter schools may expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to the commission, as well as moneys derived from any contest or other event sponsored by the commission, are ~~quasi-public~~ public funds as defined in §18-5-1 et seq. of this code, and the funds of the commission are subject to an annual audit by the State ~~Tax Commissioner~~ Auditor.

(d) An Executive Director of the West Virginia Secondary School Activities Commission shall be appointed by the Governor, by and with the advice and consent of the Senate and shall serve at the Governor's will and pleasure. The commission rules shall provide for the executive director to investigate and make decisions on all violations of rules and questions of dispute regarding any sports activities governed by the commission and include provisions ensuring adequate due process. Any disagreement with the executive director's decision may only be brought before the Intermediate Court of Appeals.

(~~e~~) (e) The West Virginia Secondary School Activities Commission shall ~~promulgate~~ propose for legislative approval pursuant to §29A-3A-1 et seq. of this code reasonable rules

47 providing for the control, supervision, and regulation of the interscholastic athletic events and
48 other extracurricular activities of private and parochial secondary schools as elect to delegate to
49 the commission control, supervision, and regulation, upon the same terms and conditions, subject
50 to the same rules and requirements and upon the payment of the same fees and charges as those
51 provided for public secondary schools. Any such private or parochial secondary school shall
52 receive any monetary or other benefits in the same manner and in the same proportion as any
53 public secondary school.

54 (f) The West Virginia Secondary School Activities Commission shall propose, for
55 legislative approval pursuant to §29A-3A-1 et seq. of this code, reasonable rules providing for the
56 control, supervision, and regulation of the interscholastic athletic events and other extracurricular
57 activities of organized groups of nonpublic school students as elect to delegate to the commission
58 control, supervision, and regulation, upon the same terms and conditions, subject to the same
59 rules and requirements and upon the payment of the same fees and charges as those provided for
60 public secondary schools. These organized groups of nonpublic school students may include any
61 or all of the following: Students receiving home instruction pursuant to §18-8-1(c) of this code;
62 participants in the Hope Scholarship Program choosing an individualized instructional program
63 pursuant to §18-8-1(m) of this code and as provided for in §18-31-1 et seq.; and microschools or
64 learning pods, pursuant to §18-8-1(n) of this code. Any group of students organized to participate
65 in extracurricular activities pursuant to this subsection shall receive any monetary or other benefits
66 in the same manner and in the same proportion as any public secondary school.

67 ~~(d)~~ (g) Notwithstanding any other provision of this section, or the commission's rules, the
68 commission shall consider eligible for participation in interscholastic athletic events and other
69 extracurricular activities of secondary schools a student who is receiving home instruction
70 pursuant to §18-8-1(c) of this code, is a participant in the Hope Scholarship Program, pursuant to
71 §18-8-1(m) of this code and as provided for in §18-31-1, et seq. of this code, or participates in a
72 microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

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

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

~~(3)~~ (2) Is an amateur who receives no compensation but participates solely for the educational, physical, mental and social benefits of the activity;

~~(4)~~ (3) Agrees to comply with all disciplinary rules of the West Virginia Secondary School Activities Commission and the county board in which the student lives; and

~~(5)~~ (4) Agrees to obey all rules of the West Virginia Secondary School Activities Commission governing awards, all-star games, parental consents, physical examinations, and vaccinations applicable to all high school athletes.

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

~~(e)~~ (h) Students enrolled in a private school ~~shall be eligible to~~ may participate in extracurricular activities at the public secondary school serving the attendance zone in which the student lives if the extracurricular activity is not offered at the student's private school: *Provided*, The student meets the requirements of subsection ~~(d)~~(4) (g)(3) and ~~(d)~~(5) (g)(4) of this section.

~~(f)~~ (i) The West Virginia Secondary School Activities Commission shall recognize preparatory athletic programs, whose participants attend a secondary school in West Virginia for academic instruction, as nonparticipating members of the commission solely for the purpose of competing on the national level: *Provided*, That the preparatory athletic program shall pay the

99 same fees as member schools. Such recognition does not entitle the preparatory athletic program
100 to compete against a member school during the regular season or in any commission state
101 championship events. The commission may promulgate an emergency rule pursuant to
102 subsection (b) of this section, if necessary, to carry out the intent of this subsection.

103 (j) Any existing commission rule validly promulgated under rulemaking procedures existing
104 prior to the effective date of this Act passed during the 2025 regular session of the Legislature shall
105 continue in effect and is not required to be proposed for legislative approval under the amended
106 rulemaking procedures until amended or repealed.

NOTE: The purpose of this bill is to reform the West Virginia Secondary School Activities Commission.

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