

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4759**

By Delegates Ferrell, Parsons, Rohrbach, Hall,  
Hanshaw (Mr. Speaker), Campbell, Clark, Heckert,  
Kump, and Marple

[Introduced January 22, 2026; 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 homeschooled students and participants in the Hope Scholarship Program or in a**

## **Microschool** or **Learning Pod**

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

61 elementary and middle school students enrolled in any private, parochial or church school or  
62 school of a religious order or other nonpublic school who have played against at least two public  
63 schools during the previous regular athletic season shall be eligible to participate in county athletic  
64 tournaments held at the end of the athletic season, except for invitational tournaments.

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

73 (g) The West Virginia Secondary School Activities Commission shall have the ability to pull  
74 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 2026-2027 school year, to allow students to transfer schools and retain athletic eligibility.

15           (b) All eighth-grade students advancing to ninth grade or ninth grade to tenth grade may  
16       transfer out of their home residence school district without sitting out a year of athletic eligibility.

17           (c) Any transfer under these guidelines shall be made before the 30<sup>th</sup> day of current  
18       scholastic year.

19           (d) If a student transfers out of his or her current school before June 15<sup>th</sup> of their eighth  
20       grade year, he or she may do so without sitting out a year of athletic eligibility.

21           (e) Eighth grade students transferring out of district at anytime during eighth grade  
22       scholastic year shall be considered as their one transfer to chosen school district.

23           (f) Students may transfer back to the home residence by June 15<sup>th</sup> of his or her ninth or  
24       tenth grade year without sitting out a year of athletic eligibility.

25           (g) All transfers after June 15<sup>th</sup> of their 11<sup>th</sup> or during their 12<sup>th</sup> grade year must have  
26       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 2026-2027 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 2026-2027 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.