

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 540**

4 (By Senators Plymale, D. Hall, Green, Stollings and Jenkins)

5 _____
6 [Originating in the Committee on Education;
7 reported February 14, 2014.]
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11 A BILL to amend and reenact §18-2-25 of the Code of West Virginia,
12 1931, as amended, relating to requiring the West Virginia
13 Secondary School Activities Commission to promulgate rules
14 that allow a college preparatory team to elect to be
15 recognized as a member; and setting forth provisions the rule
16 shall include.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §18-2-25 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 2. STATE BOARD OF EDUCATION.**

21 **§18-2-25. Authority of county boards to regulate athletic and**
22 **other extracurricular activities of secondary schools;**
23 **delegation of authority to West Virginia Secondary**
24 **School Activities Commission; authority of commission;**

1 **approval of rules and regulations by state board;**
2 **incorporation; funds; participation by private and**
3 **parochial schools.**

4 (a) The county boards of education are hereby granted and
5 shall exercise the control, supervision and regulation of all
6 interscholastic athletic events, and other extracurricular
7 activities of the students in public secondary schools, and of said
8 schools of their respective counties. The county board ~~of~~
9 ~~education~~ may delegate such control, supervision and regulation of
10 interscholastic athletic events and band activities to the West
11 Virginia Secondary School Activities Commission, which is hereby
12 established.

13 (b) The West Virginia Secondary School Activities Commission
14 shall be composed of the principals, or their representatives, of
15 those secondary schools whose county boards ~~of education~~ have
16 certified in writing to the State Superintendent of Schools that
17 they have elected to delegate the control, supervision and
18 regulation of their interscholastic athletic events and band
19 activities of the students in the public secondary schools in their
20 respective counties to said commission. The West Virginia
21 Secondary School Activities Commission is hereby empowered to
22 exercise the control, supervision and regulation of interscholastic
23 athletic events and band activities of secondary schools, delegated
24 to it pursuant to this section. The rules and regulations of the

1 West Virginia Secondary School Activities Commission shall contain
2 a provision for a proper review procedure and review board and be
3 promulgated in accordance with the provisions of chapter
4 twenty-nine-a of this code, but shall, in all instances, be subject
5 to the prior approval of the state board. The West Virginia
6 Secondary School Activities Commission, may, with the consent of
7 the State Board of Education, incorporate under the name of West
8 Virginia Secondary School Activities Commission, Inc., as a
9 nonprofit, nonstock corporation under the provisions of chapter
10 thirty-one of this code. County boards ~~of education~~ are hereby
11 authorized to expend moneys for and pay dues to the West Virginia
12 Secondary School Activities Commission, and all moneys paid to ~~such~~
13 the commission, as well as moneys derived from any contest or other
14 event sponsored by said commission, shall be quasi-public funds as
15 the same are defined in article five, chapter eighteen of this
16 code, and ~~such~~ the funds of the commission shall be subject to an
17 annual audit by the State Tax Commissioner.

18 (c) The West Virginia Secondary School Activities Commission
19 shall promulgate reasonable rules and regulations providing for the
20 control, supervision and regulation of the interscholastic athletic
21 events and other extracurricular activities of such private and
22 parochial secondary schools as elect to delegate to ~~such~~ the
23 commission such control, supervision and regulation, upon the same
24 terms and conditions, subject to the same regulations and

1 requirements and upon the payment of the same fees and charges as
2 those provided for public secondary schools. Any such private or
3 parochial secondary school shall receive any monetary or other
4 benefits in the same manner and in the same proportion as any
5 public secondary school.

6 (d) The West Virginia Secondary School Activities Commission
7 shall promulgate reasonable rules pursuant to this section that
8 allow a college preparatory team to elect to be recognized as a
9 member of the West Virginia Secondary School Activities Commission.

10 The rules shall:

11 (1) Limit recognition of college preparatory teams as members
12 of the West Virginia Secondary School Activities Commission to only
13 those college preparatory teams that require its students to attend
14 a school which has elected to delegate control pursuant to
15 subsections (b) and (c) of this section and that require all of its
16 students to attend the same school;

17 (2) Prohibit a college preparatory team recognized as a member
18 of the West Virginia Secondary School Activities Commission from
19 competing for league, regional or state championships;

20 (3) Prohibit a college preparatory team recognized as a member
21 of the West Virginia Secondary School Activities Commission from
22 having fifth-year seniors or post-high school graduate student
23 athletes on its roster; and

24 (4) Require a college preparatory team recognized as a member

1 of the West Virginia Secondary School Activities Commission to play
2 a limited schedule in each sanctioned sport against schools that
3 have elected to delegate control pursuant to subsections (b) and
4 (c) of this section.