

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 540

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

[Originating in the Committee on Education;
reported February 14, 2014.]

A BILL to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia Secondary School Activities Commission to promulgate rules that allow a college preparatory team to elect to be recognized as a member; and setting forth provisions the rule shall include.

Be it enacted by the Legislature of West Virginia:

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

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 and regulations by state board; incorporation; funds; participation by private and parochial schools.

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

10 (b) The West Virginia Secondary School Activities
11 Commission shall be composed of the principals, or their
12 representatives, of those secondary schools whose county

13 boards of education have certified in writing to the State
14 Superintendent of Schools that they have elected to delegate
15 the control, supervision and regulation of their interscholastic
16 athletic events and band activities of the students in the
17 public secondary schools in their respective counties to said
18 commission. The West Virginia Secondary School Activities
19 Commission is hereby empowered to exercise the control,
20 supervision and regulation of interscholastic athletic events
21 and band activities of secondary schools, delegated to it
22 pursuant to this section. The rules and regulations of the
23 West Virginia Secondary School Activities Commission shall
24 contain a provision for a proper review procedure and review
25 board and be promulgated in accordance with the provisions
26 of chapter twenty-nine-a of this code, but shall, in all
27 instances, be subject to the prior approval of the state board.
28 The West Virginia Secondary School Activities Commission,
29 may, with the consent of the State Board of Education,
30 incorporate under the name of West Virginia Secondary
31 School Activities Commission, Inc., as a nonprofit, nonstock

32 corporation under the provisions of chapter thirty-one of this
33 code. County boards ~~of education~~ are hereby authorized to
34 expend moneys for and pay dues to the West Virginia
35 Secondary School Activities Commission, and all moneys
36 paid to ~~such~~ the commission, as well as moneys derived from
37 any contest or other event sponsored by said commission,
38 shall be quasi-public funds as the same are defined in article
39 five, chapter eighteen of this code, and ~~such~~ the funds of the
40 commission shall be subject to an annual audit by the State
41 Tax Commissioner.

42 (c) The West Virginia Secondary School Activities
43 Commission shall promulgate reasonable rules and
44 regulations providing for the control, supervision and
45 regulation of the interscholastic athletic events and other
46 extracurricular activities of such private and parochial
47 secondary schools as elect to delegate to ~~such~~ the
48 commission such control, supervision and regulation, upon
49 the same terms and conditions, subject to the same
50 regulations and requirements and upon the payment of the

51 same fees and charges as those provided for public secondary
52 schools. Any such private or parochial secondary school
53 shall receive any monetary or other benefits in the same
54 manner and in the same proportion as any public secondary
55 school.

56 (d) The West Virginia Secondary School Activities
57 Commission shall promulgate reasonable rules pursuant to
58 this section that allow a college preparatory team to elect to
59 be recognized as a member of the West Virginia Secondary
60 School Activities Commission. The rules shall:

61 (1) Limit recognition of college preparatory teams as
62 members of the West Virginia Secondary School Activities
63 Commission to only those college preparatory teams that
64 require its students to attend a school which has elected to
65 delegate control pursuant to subsections (b) and (c) of this
66 section and that require all of its students to attend the same
67 school;

68 (2) Prohibit a college preparatory team recognized as a
69 member of the West Virginia Secondary School Activities

70 Commission from competing for league, regional or state
71 championships;

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

76 (4) Require a college preparatory team recognized as a
77 member of the West Virginia Secondary School Activities
78 Commission to play a limited schedule in each sanctioned
79 sport against schools that have elected to delegate control
80 pursuant to subsections (b) and (c) of this section.