

**Senate Bill No. 82**

(By Senators Plymale and D. Hall)

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[Introduced January 14, 2014; referred to the Committee on Education; and then to the  
Committee on the Judiciary.]  
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4 A BILL to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating  
5 to requiring the West Virginia Secondary School Activities Commission to promulgate rules  
6 that allow college preparatory team to elect to be recognized as a member; and setting forth  
7 provisions rule shall include.  
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10 *Be it enacted by the Legislature of West Virginia:*

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

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

14 **§18-2-25. Authority of county boards to regulate athletic and other extracurricular activities**  
15 **of secondary schools; delegation of authority to West Virginia Secondary School**  
16 **Activities Commission; authority of commission; approval of rules by state**  
17 **board; incorporation; funds; participation by private and parochial schools.**

18 (a) The county boards of education are hereby granted and shall exercise the control,  
19 supervision and regulation of all interscholastic athletic events, and other extracurricular activities  
20 of the students in public secondary schools, and of ~~said~~ those schools ~~of~~ in their respective counties.  
21 The county board ~~of education~~ may delegate ~~such~~ control, supervision and regulation of  
22 interscholastic athletic events and band activities to the "West Virginia Secondary School Activities  
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1 Commission," which is ~~hereby~~ established.

2       **(b)** The West Virginia Secondary School Activities Commission shall be composed of the  
 3 principals, or their representatives, of those secondary schools whose county boards of education  
 4 have certified in writing to the State Superintendent of Schools that they have elected to delegate the  
 5 control, supervision and regulation of their interscholastic athletic events and band activities of the  
 6 students in the public secondary schools in their respective counties to ~~said~~ the commission. The  
 7 West Virginia Secondary School Activities Commission is ~~hereby empowered to~~ may exercise the  
 8 control, supervision and regulation of interscholastic athletic events and band activities of secondary  
 9 schools, delegated to it pursuant to this section. The rules ~~and regulations~~ of the West Virginia  
 10 Secondary School Activities Commission shall contain a provision for a proper review procedure  
 11 and review board and be promulgated in accordance with the provisions of chapter twenty-nine-a  
 12 of this code, but shall, in all instances be subject to the prior approval of the state board. The West  
 13 Virginia Secondary School Activities Commission, may, with the consent of the State Board of  
 14 Education, incorporate under the name of "West Virginia Secondary School Activities Commission,  
 15 Inc.," as a nonprofit, nonstock corporation under the provisions of chapter thirty-one of this code.  
 16 County boards of education are ~~hereby authorized to~~ may expend moneys for and pay dues to the  
 17 West Virginia Secondary School Activities Commission, and all moneys paid to ~~such~~ the  
 18 commission, as well as moneys derived from any contest or other event sponsored by ~~said~~ the  
 19 commission, ~~shall be~~ are quasi-public funds as the same are defined in article five, chapter eighteen  
 20 of this code, and ~~such~~ the funds of the commission ~~shall be~~ are subject to an annual audit by the State  
 21 Tax Commissioner.

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to require the West Virginia Secondary School Activities Commission to promulgate rules that allow a college preparatory team to elect to be recognized as a member.

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