

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2058

FISCAL  
NOTE

2015 Carryover

(BY DELEGATE CAPUTO)

[Introduced January 13, 2016; referred to the  
Committee on Education then Finance.]

1 A BILL to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating  
 2 to the West Virginia Secondary School Activities Commission; and requiring rules relating  
 3 to interscholastic athletic football events include the requirement that neck braces be worn  
 4 by all football players.

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

1 That §18-2-25 of the Code of West Virginia, 1931, as amended, be amended and  
 2 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 by state  
 board; incorporation; funds; participation by private and parochial schools.**

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

7 The West Virginia Secondary School Activities Commission shall be composed of the  
 8 principals, or their representatives, of those secondary schools whose county boards of  
 9 education have certified in writing to the State Superintendent of Schools that they have  
 10 elected to delegate the control, supervision and regulation of their interscholastic athletic  
 11 events and band activities of the students in the public secondary schools in their  
 12 respective counties to said commission. The West Virginia Secondary School Activities

13 Commission, is hereby empowered to exercise the control, supervision and regulation of  
14 interscholastic athletic events and band activities of secondary schools, delegated to it  
15 pursuant to this section. The rules ~~and regulations~~ of the West Virginia Secondary  
16 School Activities Commission shall contain ~~a provision~~ for a proper review procedure and  
17 review board and be promulgated in accordance with ~~the provisions of~~ chapter twenty-nine-a  
18 of this code, but shall, in all instances be subject to the prior approval of the state board. The  
19 West Virginia Secondary School Activities Commission, may, with the consent of the State  
20 Board of Education, incorporate under the name of "West Virginia Secondary School  
21 Activities Commission, Inc.," as a nonprofit, nonstock corporation ~~under the provisions of~~  
22 chapter thirty-one of this code. The commission shall provide in any rule pertaining to  
23 interscholastic athletic football events that all players are required to wear neck braces, in  
24 addition to the head gear and other protective equipment ordinarily worn in those events. County  
25 boards of education are hereby authorized to expend moneys for and pay dues to the West  
26 Virginia Secondary School Activities Commission, and all moneys paid to ~~such~~ the commission,  
27 as well as moneys derived from any contest or other event sponsored by ~~said~~ the  
28 commission, shall be quasi-public funds as the same are defined in article five, chapter eighteen,  
29 and ~~such~~ the funds of the commission shall be subject to an annual audit by the State Tax  
30 Commissioner.

31 The West Virginia Secondary School Activities Commission shall promulgate reasonable  
32 rules ~~and regulations~~ providing for the control, supervision and regulation of the interscholastic  
33 athletic events and other extracurricular activities of ~~such~~ the private and parochial secondary  
34 schools as elect to delegate to ~~such~~ the commission such control, supervision and regulation,  
35 upon the same terms and conditions, subject to the same regulations and requirements and  
36 upon the payment of the same fees and charges as those provided for public secondary schools.

- 37 Any ~~such~~ private or parochial secondary school shall receive any monetary or other benefits  
38 in the same manner and in the same proportion as any public secondary school.

NOTE: The purpose of this bill is to require the West Virginia Secondary School Activities Commission to adopt rules to provide for use of neck braces by all football players in interscholastic athletic football events.

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