

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4925

BY DELEGATES KESSINGER, HORNBUCKLE, MAYNARD AND

CAMPBELL

[Introduced February 11, 2020; Referred to the
Committee on Education.]

1 A BILL to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating
2 to requiring the West Virginia Secondary Schools Athletic Commission to recognize
3 preparatory schools as nonparticipating members solely for the purpose of competing on
4 the national level.

Be it enacted by the Legislature of West Virginia:

**§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 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 schools of their respective counties. The
4 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 activities
6 commission,” which is hereby established.

7 (b) 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 education
9 have certified in writing to the state Superintendent of Schools that they have elected to delegate
10 the control, supervision and regulation of their interscholastic athletic events and band activities
11 of the students in the public secondary schools in their respective counties to said commission.
12 The West Virginia secondary school activities commission is hereby empowered to exercise the
13 control, supervision and regulation of interscholastic athletic events and band activities of
14 secondary schools, delegated to it pursuant to this section. The rules and regulations of the West
15 Virginia secondary school activities commission shall contain a provision for a proper review
16 procedure and review board and be promulgated in accordance with the provisions of chapter
17 twenty-nine-a of this code, but shall, in all instances be subject to the prior approval of the state

18 board. The West Virginia secondary school activities commission, may, with the consent of the
19 state Board of Education, incorporate under the name of “West Virginia Secondary School
20 Activities Commission, Inc.,” as a nonprofit, nonstock corporation under the provisions of chapter
21 thirty-one of this code. County boards of education are hereby authorized to expend moneys for
22 and pay dues to the West Virginia secondary school activities commission, and all moneys paid
23 to such commission, as well as moneys derived from any contest or other event sponsored by
24 said commission, shall be quasi-public funds as the same are defined in article five, chapter
25 eighteen, and such funds of the commission shall be subject to an annual audit by the State Tax
26 Commissioner.

27 (c) The West Virginia secondary school activities commission shall promulgate reasonable
28 rules and regulations providing for the control, supervision and regulation of the interscholastic
29 athletic events and other extracurricular activities of such private and parochial secondary schools
30 as elect to delegate to such commission such control, supervision and regulation, upon the same
31 terms and conditions, subject to the same regulations and requirements and upon the payment
32 of the same fees and charges as those provided for public secondary schools. Any such private
33 or parochial secondary school shall receive any monetary or other benefits in the same manner
34 and in the same proportion as any public secondary school.

35 (d) The West Virginia secondary school activities commission shall recognize preparatory
36 athletic programs, whose participants attend a secondary school in West Virginia for academic
37 instruction, as nonparticipating members of the commission solely for the purpose of competing
38 on the national level: *Provided*, That the preparatory athletic program shall pay the same fees as
39 member schools. Such recognition does not entitle the preparatory athletic program to compete
40 against a member school during the regular season or in any commission state championship
41 events. The commission may promulgate an emergency rule pursuant to subsection (b) of this
42 section, if necessary, to carry out the intent of this subsection.

NOTE: The purpose of this bill is to require the West Virginia Secondary Schools Athletic Commission to recognize preparatory schools as nonparticipating solely for the purpose of competing on a national level.

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