

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 36

BY SENATOR TARR

[Introduced February 10, 2021; 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 the West Virginia Secondary School Activities Commission; requiring the Legislative
 3 Auditor to conduct a performance audit of the commission; authorizing the inspection of
 4 records and examination of personnel; permitting subsequent performance audits be
 5 conducted at reasonable and prudent intervals; and removing redundant language.

Be it enacted by the Legislature of West Virginia:

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 and audit of funds; participation by private and parochial schools and by home-schooled students.

1 (a) The county boards of education shall exercise the control, supervision and regulation
 2 of all interscholastic athletic events, and other extracurricular activities of the students in public
 3 secondary schools, and of those schools of their respective counties. The county board of
 4 education may delegate control, supervision and regulation of interscholastic athletic events and
 5 band activities to the West Virginia Secondary School Activities Commission.

6 (b) The West Virginia Secondary School Activities Commission is composed of the
 7 principals, or their representatives, of those secondary schools whose county boards of education
 8 have certified in writing to the State Superintendent of Schools that they have elected to delegate
 9 the control, supervision and regulation of their interscholastic athletic events and band activities
 10 of the students in the public secondary schools in their respective counties to the commission.
 11 The West Virginia Secondary School Activities Commission may exercise the control, supervision
 12 and regulation of interscholastic athletic events and band activities of secondary schools,
 13 delegated to it pursuant to this section. The rules of the West Virginia Secondary School Activities
 14 Commission shall contain a provision for a proper review procedure and review board and be

15 promulgated in accordance with the provisions of chapter 29A of this code, but shall, in all
16 instances be subject to the prior approval of the state board. The West Virginia Secondary School
17 Activities Commission, may, with the consent of the State Board of Education, incorporate under
18 the name of West Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock
19 corporation under the provisions of chapter 31 of this code.

20 (c) County boards of education may expend moneys for and pay dues to the West Virginia
21 Secondary School Activities Commission, and all moneys paid to the commission, as well as
22 moneys derived from any contest or other event sponsored by the commission, are quasi-public
23 funds as defined in §18-5-1 *et seq.*, of this code, and the funds of the commission are subject to
24 an annual audit by the State Tax Commissioner.

25 (d) In addition, the Legislative Auditor may, at reasonable and prudent intervals, conduct
26 performance audits of the commission. For this purpose, the Legislative Auditor may examine the
27 revenues, expenditures, and performance of the commission, which shall allow the Legislative
28 Auditor to inspect all records and accounts of the commission and to examine the personnel of
29 the commission. For any legally protected information provided or disclosed to the Legislative
30 Auditor pursuant to this subsection, the Legislative Auditor shall protect the confidentiality,
31 privacy, or security of the protected information in like manner and with the same duty as is
32 required of the commission. The Legislative Auditor shall complete an initial performance audit of
33 the commission by December 1, 2022, and, on that date, deliver a report thereof to the Joint
34 Committee on Government and Finance and to the Legislative Oversight Commission on
35 Education Accountability.

36 (e) The West Virginia Secondary School Activities Commission shall promulgate
37 reasonable rules providing for the control, supervision and regulation of the interscholastic athletic
38 events and other extracurricular activities of private and parochial secondary schools ~~as that~~ elect
39 to delegate to the commission control, supervision and regulation, upon the same terms and
40 conditions, subject to the same rules and requirements and upon the payment of the same fees

41 and charges as those provided for public secondary schools. Any such private or parochial
42 secondary school shall receive any monetary or other benefits in the same manner and in the
43 same proportion as any public secondary school.

44 (f) Notwithstanding any other provision of this section or the commission's rules, the
45 commission shall consider eligible for participation in interscholastic athletic events and other
46 extracurricular activities of secondary schools a student who is receiving home instruction
47 pursuant to §18-8-1(c) of this code and who:

48 (1) Has demonstrated satisfactory evidence of academic progress for one year in
49 compliance with the provisions of that subsection: *Provided*, That the student's average test
50 results are within or above the fourth stanine in all subject areas;

51 (2) Is enrolled in at least one virtual instructional course per semester, consistent with the
52 applicable virtual instruction policy of the county board in which the home-schooled student lives
53 and the State Board;

54 (3) Has not reached the age of 19 by August 1 of the current school year;

55 (4) Is an amateur who receives no compensation, but participates solely for the
56 educational, physical, mental, and social benefits of the activity;

57 (5) Agrees to comply with all disciplinary rules of the West Virginia Secondary School
58 Activities Commission and the county board in which the home-schooled student lives; and

59 (6) Agrees to obey all rules of the West Virginia Secondary School Activities Commission
60 governing awards, all-star games, parental consents, physical examinations, and vaccinations
61 applicable to all high school athletes.

62 (g) Eligibility is limited to participation in interscholastic athletic events and other
63 extracurricular activities at the public secondary school serving the attendance zone in which the
64 student lives: *Provided*, That home-schooled students who leave a member school during the
65 school year are subject to the same transfer protocols that apply to member-to-member transfers.
66 Reasonable fees may be charged to the student to cover the costs of participation in

67 interscholastic athletic events and other extracurricular activities.

NOTE: The purpose of this bill is to require the Legislative Auditor to conduct a performance audit of the West Virginia Secondary School Activities Commission and authorizing the inspection of records and examination of personnel. The bill permits subsequent performance audits to be conducted at reasonable and prudent intervals.

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