

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4330

BY DELEGATES PINSON, D. JEFFRIES, BURKHAMMER,
KEATON, ELLINGTON, HANNA, KESSINGER, PACK AND
MANDT

[Introduced January 21, 2022; 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 secondary schools activities commission and participation in commission activities
3 by private and parochial school students whose schools are not members of the
4 commission.

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

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

33 (d) Notwithstanding any other provision of this section, or the commission's rules, the
34 commission shall consider eligible for participation in interscholastic athletic events and other
35 extracurricular activities of secondary schools a student who: ~~is~~

36 (1) Is either:

37 (A) ~~receiving~~ Receiving home instruction pursuant to §18-8-1(c) of this code and who:

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

41 (B) Attending a private or parochial secondary school that is not a member of the

42 commission and who meets the academic requirements set forth by the commission;

43 (2) And who:

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

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

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

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

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

55 Eligibility is limited to participation in interscholastic athletic events and other
56 extracurricular activities at the public secondary school serving the attendance zone in which the
57 student lives: *Provided*, That home-schooled and private or parochial secondary school students
58 who leave a member school during the school year are subject to the same transfer protocols that
59 apply to member-to-member transfers. Reasonable fees may be charged to the student to cover
60 the costs of participation in interscholastic athletic events and other extracurricular activities.

61 (e) The West Virginia Secondary School Activities Commission shall recognize
62 preparatory athletic programs, whose participants attend a secondary school in West Virginia for
63 academic instruction, as nonparticipating members of the commission solely for the purpose of
64 competing on the national level: *Provided*, That the preparatory athletic program shall pay the
65 same fees as member schools. Such recognition does not entitle the preparatory athletic program
66 to compete against a member school during the regular season or in any commission state
67 championship events. The commission may promulgate an emergency rule pursuant to

68 subsection (b) of this section, if necessary, to carry out the intent of this subsection.

NOTE: The purpose of this bill is to allow private and parochial school students whose school is not a member of the West Virginia Secondary Activities Commission to participate in commission activities under certain conditions.

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