

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5011

By Delegates Ferrell, Rohrbach, Hanshaw (Mr.
Speaker), Campbell, DeVault, Gearheart, Barnhart,
W. Hall, Heckert, Westfall, and Sheedy

[Introduced January 23, 2024; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18-2-25e of the Code of West Virginia, 1931, as amended, relating
 2 to remove the one-time free transfer for high school student-athletes and to create a new
 3 system for transferring high school student-athletes in general.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.
§18-2-25e. Athletic eligibility of transfer students.

1 ~~(a) The West Virginia Secondary School Activities Commission shall modify its rule, prior to~~
 2 ~~the 2023-2024 school year, to allow students to transfer schools and retain athletic eligibility at~~
 3 ~~least one time during a student's four years of secondary school, inclusive of grades nine through~~
 4 ~~12. The West Virginia Secondary School Activities Commission may promulgate an emergency~~
 5 ~~rule, if necessary, to modify its rule prior to the 2023-2024 school year~~

6 (a) If county boards of education or similar governing bodies within private or parochial
 7 schools have instigated formal actions to release and accept enrollment of a new student, that
 8 student will immediately be granted eligibility if the following rules are met:

9 (1) The enrollment transfer must occur at the beginning of the ninth-grade academic year
 10 on or before the eleventh instructional day and the student-athlete is residing with their parents.

11 (A) If the student's parents reside in an attendance zone containing multiple member
 12 schools, the student-athlete must designate a "home school" at the time of enrollment in an out of
 13 district school. If the student later elects to "transfer back," the student is only eligible to transfer
 14 back to the "home school." Once a student has been a member of a team that participated in a
 15 scrimmage or contest, the student has established eligibility at that school.

16 (2) During the ninth, tenth, eleventh, and twelfth-grades, a student shall be entitled to one
 17 transfer back from a school located outside the attendance zone where the student's parents
 18 reside into the member school located within the attendance zone where the student's parents
 19 reside. This school must be the "home school" identified in the initial enrollment in the out of district
 20 school.

21 (3) Any student transferring under the provisions of this rule will not become eligible until
22 the completion of the academic year in which the transfer occurs.

23 (4) Eligibility will begin with the succeeding fall sports season or, if the transfer is completed
24 on or before the eleventh instructional day of the beginning of the academic year, it will begin
25 immediately. Once a student has been a member of a team that has participated in a scrimmage or
26 contest, the student has established eligibility at that school.

27 (5) Notwithstanding any provision in this code to the contrary, this rule shall override any
28 previous rule regarding the transfer and eligibility of high school athletes in West Virginia.

29 (6) Only the West Virginia Secondary School Activities Commission and its board of
30 directors shall have the ability to change or modify this eligibility requirement as necessary.

31 (b) Nothing in this section is intended to limit or restrict a student transferring more than
32 one time for the following reasons:

33 (1) The West Virginia Secondary School Activities Commission's ability to make eligibility
34 determinations on a case-by-case basis when warranted by a student's circumstances in
35 accordance with the West Virginia Secondary School Activities Commission's rules; or

36 (2) For any other reason permitted under the rules of the West Virginia Secondary School
37 Activities Commission.

NOTE: The purpose of this bill is to remove the one-time free transfer for high school student-athletes and to create a new system for transferring high school student-athletes in general.

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