

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2528

BY DELEGATES BROOKS AND PRITT

[Passed April 11, 2025; in effect 90 days from

passage (July 10, 2025)]

1 AN ACT to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing elementary and middle school students enrolled in any private, parochial,
3 or church school or school of a religious order or other nonpublic school to participate in
4 county athletic tournaments under certain circumstances.

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 and participants in the Hope Scholarship Program or in a Microschool or Learning Pod.

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 receiving home instruction
36 pursuant to §18-8-1(c) of this code, is a participant in the Hope Scholarship Program, pursuant to
37 §18-8-1(m) of this code and as provided for in §18-31-1, *et seq.* of this code, or participates in a
38 microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

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

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

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

45 (4) Agrees to comply with all disciplinary rules of the West Virginia Secondary School
46 Activities Commission and the county board in which the student lives; and

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

50 Eligibility is limited to participation in interscholastic athletic events and other
51 extracurricular activities at the public secondary school serving the attendance zone in which the
52 student lives: *Provided*, That students who leave a school during the school year are subject to
53 the same transfer protocols that apply to member-to-member transfers. Reasonable fees may be
54 charged to the student to cover the costs of participation in interscholastic athletic events and
55 other extracurricular activities.

56 (e) Students enrolled in a private school shall be eligible to participate in extracurricular
57 activities at the public secondary school serving the attendance zone in which the student lives if
58 the extracurricular activity is not offered at the student's private school: *Provided*, The student
59 meets the requirements of subsection (d)(4) and (d)(5) of this section: *Provided, however*, That
60 elementary and middle school students enrolled in any private, parochial or church school or
61 school of a religious order or other nonpublic school who have played against at least two public
62 schools during the previous regular athletic season shall be eligible to participate in county athletic
63 tournaments held at the end of the athletic season, except for invitational tournaments.

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

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

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Day of, 2025.

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Governor