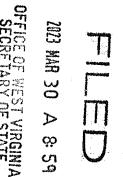
WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

HB2820

ENROLLED



Committee Substitute

for

House Bill 2820

BY DELEGATES CROUSE, STEELE, BURKHAMMER, KIMBLE,

WORRELL, CANNON, DILLON, BUTLER, MAYNOR, LUCAS,

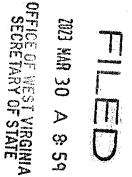
AND PINSON

[Passed March 11, 2023; in effect ninety days from passage.]

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[Passed March 11, 2023; in effect ninety days from passage.]

1 AN ACT to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended; and to 2 amend said code by adding thereto a new section, designated §18-2-25e, all relating to 3 eligibility for participation in extracurricular activities under control of the West Virginia 4 Secondary Schools Activities Commission; permitting students enrolled in private schools. the Hope Scholarship Program, microschools and learning pods access to participate in 5 6 extracurricular activities; modifying eligibility requirements for students enrolled in private 7 schools, home school, the Hope Scholarship Program, microschools, and learning pods 8 to participate in extracurricular activities; prohibiting private school student from 9 participating in public school sport if sport is offered at private school; clarifying students enrolled in private schools, the Hope Scholarship Program, microschools and learning 10 11 pods are subject to same transfer protocols that apply to member-to-member transfers; 12 clarifying when students may transfer schools and retain eligibility to participate in 13 extracurricular activities under control of the West Virginia Secondary Schools Activities 14 Commission; and requiring the West Virginia Secondary Schools Activities Commission 15 to promulgate rules, including emergency rules if necessary.

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

(a) The county boards of education shall exercise the control, supervision, and regulation
 of all interscholastic athletic events, and other extracurricular activities of the students in public
 secondary schools, and of those schools of their respective counties. The county board of

education may delegate control, supervision, and regulation of interscholastic athletic events and
band activities to the West Virginia Secondary School Activities Commission.

(b) The West Virginia Secondary School Activities Commission is composed of the 6 principals, or their representatives, of those secondary schools whose county boards of education 7 have certified in writing to the State Superintendent of Schools that they have elected to delegate 8 the control, supervision, and regulation of their interscholastic athletic events and band activities 9 of the students in the public secondary schools in their respective counties to the commission. 10 11 The West Virginia Secondary School Activities Commission may exercise the control, supervision, and regulation of interscholastic athletic events and band activities of secondary schools, 12 delegated to it pursuant to this section. The rules of the West Virginia Secondary School Activities 13 Commission shall contain a provision for a proper review procedure and review board and be 14 promulgated in accordance with the provisions of chapter 29A of this code, but shall, in all 15 instances, be subject to the prior approval of the state board. The West Virginia Secondary School 16 Activities Commission, may, with the consent of the State Board of Education, incorporate under 17 the name of West Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock 18 corporation under the provisions of chapter 31 of this code. County boards of education may 19 expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, 20 and all moneys paid to the commission, as well as moneys derived from any contest or other 21 22 event sponsored by the commission, are guasi-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.

(c) The West Virginia Secondary School Activities Commission shall promulgate reasonable rules providing for the control, supervision, and regulation of the interscholastic athletic events and other extracurricular activities of private and parochial secondary schools as elect to delegate to the commission control, supervision, and regulation, upon the same terms

and conditions, subject to the same rules and requirements and upon the payment of the same fees and charges as those provided for public secondary schools. Any such private or parochial secondary school shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school.

(d) Notwithstanding any other provision of this section, or the commission's rules, the
commission shall consider eligible for participation in interscholastic athletic events and other
extracurricular activities of secondary schools a student who is receiving home instruction
pursuant to §18-8-1(c) of this code, is a participant in the Hope Scholarship Program, pursuant to
§18-8-1(m) of this code and as provided for in §18-31-1, *et seq.* of this code, or participates in a
microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

(1) Has demonstrated satisfactory evidence of academic progress for each year in
compliance with the provisions of that subsection: *Provided*, That the student's average test
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;

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

(4) Agrees to comply with all disciplinary rules of the West Virginia Secondary School
 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.

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

(e) Students enrolled in a private school shall be eligible to participate in extracurricular
activities at the public secondary school serving the attendance zone in which the student lives if
the extracurricular activity is not offered at the student's private school: *Provided*, The student
meets the requirements of subsection (d)(4) and (d)(5) of this section.

(f) The West Virginia Secondary School Activities Commission shall recognize preparatory 60 athletic programs, whose participants attend a secondary school in West Virginia for academic 61 instruction, as nonparticipating members of the commission solely for the purpose of competing 62 on the national level: Provided, That the preparatory athletic program shall pay the same fees as 63 member schools. Such recognition does not entitle the preparatory athletic program to compete 64 against a member school during the regular season or in any commission state championship 65 events. The commission may promulgate an emergency rule pursuant to subsection (b) of this 66 section, if necessary, to carry out the intent of this subsection. 67

§18-2-25e. Athletic eligibility of transfer students.

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

6 (b) Nothing in this section is intended to limit or restrict a student transferring more than7 one time for the following reasons:

8 (1) The West Virginia Secondary School Activities Commission's ability to make eligibility 9 determinations on a case-by-case basis when warranted by a student's circumstances in 10 accordance with the West Virginia Secondary School Activities Commission's rules; or

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

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

Clerk of the House of Delegates

Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

Speaker of the House of Delegates

resident of the Senate

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