

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED
1991 JUL 31 PM 2:12
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

~~AGENCY~~ West Virginia Secondary School Activities Comm. TITLE NUMBER: 127

CITE AUTHORITY: _____

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Board of Appeals

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 31, 1991

TITLE 127
LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

SERIES 1
CONSTITUTION

SECTION 127-1-1. General.

1.1 **Scope** - These rules establish the organization and duties of the West Virginia Secondary School Activities Commission.

1.2 **Authority** - WV Code 18-2-25

1.3 **Filing Date** -

1.4 **Effective Date** -

1.5 **Revision of current rule**

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SECTION 127-1-8. Board of Appeals

8.1. The Board of Appeals shall have authority to administer the regulations of the West Virginia Secondary School Activities Commission.

8.2. The State Superintendent of schools or his representative designated by him to act in his stead, a representative selected by the West Virginia School Boards Association and a representative selected by the West Virginia School Administrators Association shall serve as appointive members of the Board of Appeals. Said appointive members shall be accorded full voting privileges but shall be ineligible to be elected or to serve as an officer of the West Virginia Secondary School Activities Commission.

(a) The president of the ~~Secondary School Principals Commission~~ Association of Secondary School Principals shall serve as an ex-officio member of the Board of Appeals. However, serving the one (1) year term as an ex-officio member shall not render said member ineligible to be elected to a regular five (5) year term as an officer-member provided he is otherwise eligible.

8.3. The Board of Appeals shall have authority to appoint an executive secretary, except as hereinafter provided, and such additional assistance as maybe necessary to assure efficient functioning of the work of the West Virginia Secondary School Activities Commission. Furthermore, said Board of Appeals shall have authority to fix and to pay salaries to the executive secretary and to other staff

#1990 Revision 8.5

personnel appointed to assist said executive secretary. The Board of Appeals shall also have authority to devise a plan of retirement benefits for the executive secretary and other full-time staff personnel appointed to assist said executive secretary.

(a) At least one of the staff personnel appointed to assist the Executive Secretary shall have the status of Assistant Executive Secretary. The appointment of said Assistant Executive Secretary shall be made by the Board of Appeals only upon the nomination and recommendation by the Executive Secretary. In case the Board of Appeals refuses to appoint the person so nominated, the Executive Secretary shall nominate and recommend another person and submit the name to the Board of Appeals at such time as said Board may direct. The length of the contract term of office of the said Assistant Executive Secretary shall be the same as that prescribed for the Executive Secretary in subsections 11.1 and 11.2 of these regulations. The said Assistant Executive Secretary shall not be removed during his contract term of office except for just and reasonable cause as prescribed in subsection 11.3.

(b). All other staff personnel to assist the Executive Secretary shall be recommended by the Executive Secretary before being considered for employment by the Board of Appeals.

8.4. The board of Appeals shall have power by appointment to fill vacancies in its membership until the vacancies are filled regularly at the next annual meeting of the Commission.

8.5. The Board of Appeals shall have power to decide all cases of eligibility of athletes and participants in band activities. The Board may also exercise discretionary powers it may deem necessary for the furtherance of education and interscholastic athletic events and band activities in the secondary schools of West Virginia.

8.6. The Board of Appeals shall appoint deputy board members who will serve during the will and pleasure of the Board of Appeals.

8.7. At the request of the Board of Appeals a deputy board member shall investigate matters of eligibility and other violations of the rules and regulations of the West Virginia Secondary School Activities Commission. Said Deputy board member shall submit to said Board of Appeals a written report of his findings and recommendations for disposition of the case(s).

8.8. The Board of Appeals shall have the power to investigate through the deputy board member, or in such other manner as may be found advisable, matters of eligibility and other violations of rules when the said Board deems it advisable to do so on the basis of information furnished, even though a formal protest is not filed.

#1990 Revision 8.13

8.9. The Board of Appeals may divide the state into regions and sections for the purpose of administration and for tournaments or meets of any interscholastic athletic or band activity.

8.10. The board of Appeals shall approve or reject all emergency rules and regulations adopted by the constitution and Bylaws Committee.

8.11. The Board of Appeals shall hold hearings and render decisions in all contested cases.

8.12. the Board of Appeals shall have power to resolve disputes concerning the validity of any interscholastic athletic contest.

8.13. Five (5) officer-members present and voting at any meeting of the Board of Appeals shall constitute a quorum for said Board of Appeals to transact all business.

8.14. The minutes of regular and special meetings of the Board of Appeals will be submitted to principals of all member schools.



KEN HECHLER
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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
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Charleston, WV 25305-0770

RECEIVED

JUL 8 1992

WVSSAC

FILED

TO: Jim
Bill Hamrick

AGENCY: Secondary Schools Act. Comm.

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 127 Secondary Schools Act. Comm.

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED. In Red Ink.

SIGNED: Jim Hamrick

TITLE OF PERSON SIGNING: Executive Secretary

DATE: July 14, 1992

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.