

WEST VIRGINIA
SECRETARY OF STATE

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #2

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2008 MAY 16 AM 11:15

SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Secondary Schools Activities Comm.
West Virginia Board of Education TITLE NUMBER: 127

RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W. Va. Code §18-2-25

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Constitution

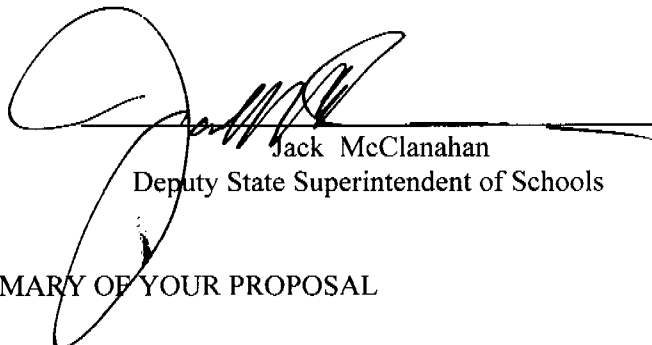
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 16, 2008 AT 4:00 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Gary Ray, Executive Director
WV Secondary School Activities Commission
2875 Staunton Turnpike
Parkersburg, West Virginia 26104

THE ISSUE TO BE HEARD WILL BE
LIMITED TO SECTION 127-1-6.3.
of this proposed rule.



Jack McClanahan
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: West Virginia Secondary School Activities Commission
Proposed Changes in Rules and Regulations, Series 1, 2 and 3

PUBLIC COMMENT PERIOD ENDS: _____ **ADOPTED:** _____

BACKGROUND

The majority of public and most private schools in West Virginia belong to the West Virginia Secondary School Activities Commission (WVSSAC). Each year, the principals of member schools submit revisions to the rules and regulations. The submitted proposals are presented and voted upon at the annual Board of Control meeting. Any approved changes are then submitted to the West Virginia Board of Education (WVBE) for its review and approval.

PURPOSE

These amendments are brought forth to keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs.

These proposals will be distributed for public comment in May and June. The WVSSAC will present to the WVBE the comments received for its review at the July meeting.

The WVSSAC staff, Constitution and Bylaws Committee, and Board of Control respectfully request that the proposed rule changes to the West Virginia Secondary School Activities Commission Rules and Regulations Handbook, Series 1, 2 and 3 be placed on public comment for 30 days.

CONTENT

Ten proposals are being submitted to the WVBE by the WVSSAC. Each rule change is presented with the whole rule being included. This will help the WVBE members understand the significance of the rule change.

The following is a brief summary of the effect of each proposal:

1. Addresses criteria for middle and high schools seeking membership. (Vote: Yes-111 No-4)
2. Update vacancy procedure. (Vote: Yes-107 No-5)
3. Clarifies enrollment and team membership with current middle/high school configuration. (Vote: Yes-114 No-1)
4. Clarifies enrollment and team membership with current middle/high school configuration. (Vote: Yes-107 No-6)
5. To make consistent with all other sports for participation. (Vote: Yes-69 No-44)
6. To better clarify the residence and transfer rule. (Vote: Yes-112 No-0)
7. To allow for more flexibility in scheduling during the summer. (Vote: Yes-81 No-30)
8. To allow for more flexibility in scheduling during the summer. (Vote: Yes-89 No-21)

9. To decrease the size between the largest and smallest schools in each of the classes. (Vote: Yes-78 No-37)
10. Not needed. Rule change in 2007 allowed beginning on Monday of week 8 for football contest. (Vote: Yes-104 No-1)
11. To increase number of weigh-ins for junior high like we did for high school a few years ago. (Vote: Yes-83 No-11)

IMPACT

Instruction

None

Leadership

None

Financial

None

Administrative

None

ATHLETIC ADMINISTRATORS, PRINCIPALS, AND COUNTY SUPERINTENDENTS WILL NEED TO BE AWARE OF THE CHANGES IN ORDER TO ADMINISTER THEIR SCHOOL PROGRAMS IN ACCORDANCE WITH THE CURRENT RULES. THERE IS NO MAJOR CHANGE THAT WOULD IMPACT ADMINISTRATION NEGATIVELY.

WVSSAC
Rules and Regulations Handbook
2008-09 Proposed Rule Changes Passed by BOC

Proposal 1 (111-4)

Amend 127-1-4 Membership (Pg. 2) as follows:

4.2.5. A member-high school must sponsor one (1) sport per gender during each season - fall, winter and spring. Schools having membership prior to the 2007-2008 school year are exempt from this provision.

Constitution and By-Laws

Rationale:

Addresses criteria for middle and high schools seeking membership.

Proposal 2 (107-5)

Amend 127-1-6 Officers and Duties (Pg. 4) as follows:

6.3 The term of an officer-member shall end immediately upon his agreement to accept a position that would make him ineligible to hold office in this Commission. However, in the event that a director ceases to meet the qualifications for his/her position but remains in good standing in the last year of his/her term, such director shall be given the option to remain in his/her position for the remainder of the assigned term. The vacancy would then be filled at the next annual Board of Control.

Thomas Kidd, Principal
John Adams Middle School

Rationale:

This is the pattern of most professional organizations. This is the vacancy procedure for NASSP and NAESP. Appointed representatives have definitions for their organizations term of office. For a Board Member, this would mean 4/5 of the term served, so it would not best serve the interest of the commission to appoint someone new for just 8 months and then have another election at the Board of Control meeting.

Proposal 3 (114-1)

Amend 127-2-3 Enrollment and Team Membership (Pg. 15) as follows:

3.2.3. if member schools containing grades 6 and/or 7 and/or 8 ~~and/or 9~~ may combine students from two or more schools within the county to form one interscholastic team in a sport. Requests for permission to combine students from two or more schools in the same non-public or public school system must be submitted annually to the West Virginia Secondary School Activities Commission (WVSSAC) in writing by the superintendent of the non-public or public school system. Schools which are combining to form one team must be feeder schools for the same high school and at least one school does not have sufficient numbers for a team. If more than two schools are involved, principals are to evaluate the number of available participants in each school and shall combine schools to provide as many teams that sufficient numbers will allow. Sufficient numbers will be defined as the number of a starting line-up plus 50% (for odd number line-ups, round up).

Constitution and By-Laws

Rationale:

Clarifies enrollment and team membership with current middle/high school configuration.

Proposal 4 (107-6)

Amend 127-2-3 Enrollment and Team Membership (Pg. 16) as follows:

3.4. Students enrolled in the following grades in member schools will be eligible for ~~junior high~~ freshman/middle school participation:

<i>Junior High Schools</i>	<i>Schools</i>	<i>High Schools</i>	<i>Middle</i>
Grades 7 and 8	7, 8 and 9 (six year school)	6, 7, 8 (3-year or 4-year school)	
Grades 7, 8, and 9	8 and 9 (five year school)		
Grades 8 and 9	9 (four year school)		

3.4.1. Middle School - 6, 7 and 8 may compete with and against schools/teams of the same configuration.

3.4.2. Stand alone freshman programs may compete with and against schools/teams of the same grade configuration. An 8th grade student not provided the opportunity to participate at their member school because the sport is not offered may choose to participate on a stand alone freshman team at their feeder high school, provided the student is otherwise eligible.

Constitution and By-Laws

Rationale:

Clarifies enrollment and team membership with current middle/high school configuration.

Proposal 5 (69-44)

Amend 127-2-3 Enrollment and Team Membership (Pg. 15) as follows:

3.5 Sixth grade students may be eligible to participate in interscholastic sport teams except football in the middle school in which they are enrolled.

Tom Kidd, Principal, John Adams Middle School
Missy Ruddle, Principal, McKinley Middle School
Candace Strader, Principal, East Bank Middle School

Rationale:

There are cases when a student member cannot participate in youth league or member of school middle conference. This is not equal opportunity and disenfranchises due to weight limits. Would help develop JV Middle School teams. Would ultimately help develop high school varsity and JV team members would be under guided supervision of approved coaches in school setting. Consistent with all other sports for participation.

More information will follow at the discussion proposal.

Many schools cannot have teams because enrollment is too low.

Sixth grade would allow more students to be involved.

Proposal 6 (112-0)

Amend §127-2-7. Residence-Transfer. (Pg. 19) as follows:

7.1. Part A - Residence - This residence rule applies to all students enrolled in grades 6-12 in both public and non-public member schools.

~~7.1.1. A student shall be eligible in the zone in which the student's parents reside. Public secondary school attendance zones shall be established by official action by each county~~

~~Board of Education. Zones of nonpublic member schools shall be established by their governing board and subject to approval by Board of Directors. Said non-public member schools attendance zones shall not exceed the boundaries of the county in which they are located.~~

7.1.1. A student shall be eligible in the school located in the attendance zone in which the student's parents reside. Public secondary school attendance zones shall be established by official action by each county Board of Education. In the event the county Board of Education establishes overlapping attendance zones, a student shall be eligible at the school in which the student first chooses to enroll upon entering the ninth grade. Attendance zones of nonpublic member schools shall be established by their governing board and subject to approval by the Board of Directors. Said non-public member school's attendance zone shall not exceed the boundary of the county in which the school is located.

~~7.1.2. A student shall be eligible when enrolling to attend a member secondary school for the first time in the zone in which the parents reside, unless the student has established eligibility under Rule 127-2-7.2.3 in another attendance zone.~~

~~7.1.3~~ 7.1.2. When a town or city is located in two counties and only one public secondary school is located in the town or city, students living in the town or city may attend this secondary school if mutually agreed upon by the two county boards of education and approved by the Board of Directors. A student shall be eligible at the school in which the student first chooses to enroll upon entering 9th grade.

~~7.1.4~~ 7.1.3. A student who is in the care of the West Virginia Department of Health and Human Resources shall be eligible to participate in interscholastic athletics as a member of the athletic teams of the secondary school in the zone in which said West Virginia Department of Health and Human Resources places the student in a home, provided the student is otherwise eligible.

~~7.1.5~~ 7.1.4. A student may be eligible outside the specified zone of attendance if the student has been in attendance in that zone the immediate preceding year (365 days). There can be no change of residence involving change of attendance zone during the immediate preceding year (365 days).

~~a. Should the parents make a bona fide change of residence to a new school zone during the school term, a student may remain in the school zone from which the parents moved and retain eligibility.~~

~~b. A student whose parents have resided in the school zone for a minimum of one academic year at which the student has been in attendance for a minimum of one academic year and whose parents move out of the school zone may:~~

7.1.5. A student whose parents have resided in the school zone for a minimum of one academic year in which the student has been in attendance for a minimum of one academic year and whose parents make a bona fide change of residence to a new school zone during the school term may:

A. Retain eligibility in the attendance zone where the parents previously resided as long as said student retains continuous enrollment and attendance or:

B. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school or:

C. Transfer at any time prior to the start of the next school year to the school in the attendance zone in which his parents are residing and be eligible for interscholastic activities at the receiving school.

7.1.6. A student whose parents have resided in the school zone for less than one academic year at which the student has been in attendance for less than one academic year and whose parents make a bona fide change of residence to a new school zone during the school term may:

A. Retain eligibility for the balance of the academic year, provided the said student retains continuous enrollment and attendance or:

B. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school or:

C. If a student chooses to remain enrolled at the school outside the attendance zone in which his/her parents reside at the conclusion of the academic year the student will be ineligible for the next academic year.

~~7.1.6~~ 7.1.7. Foreign exchange students, attending a member school under the auspices of a Council on Standards for International Educational Travel (CSIET) student exchange program, shall be considered eligible regarding residence for a maximum period of one calendar year. Said foreign exchange student may not be a graduate of the secondary school of the home country and must maintain eligibility in a member school. A foreign exchange program must assign students to schools by a method which insures that no student, school, or other interested party may influence the assignment for athletic purposes.

~~7.1.7~~ 7.1.8. A student returning from an approved foreign exchange program may resume interscholastic competition in a member school at the point of interruption provided the student does not fulfill graduation requirements while participating in the exchange program and provided the student meets all requirements relative to age and semesters of eligibility.

7.2. Part B - Transfer.

~~7.2.1.~~ A student becomes immediately eligible, providing all other eligibility requirements are met, when parents make a bona fide change of residence to a new school zone. Determination of a bona fide change of residence depends upon the facts of each case.

~~7.2.2.~~ If a student transfers during the school year from a secondary school in one zone to a secondary school in another zone, said student shall be ineligible for 365 days from date of enrollment unless the parents become residents of the zone to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in the attendance zone unless exempted by Rule 127-2-7.2.8 and 127-2-7.2.9.

~~7.2.3.~~ Students who transfer during the school year to or from a member or non-member school shall be ineligible for 365 days from date of enrollment unless the parents move from one member school zone to another member school zone in conjunction with transfer of schools.

7.2.1. If a student transfers during the school year from one secondary school to another secondary school, said student shall be ineligible for 365 days from date of enrollment, absent a bona fide change of residence.

7.2.4. 7.2.2 If the transfer is from a non-member school to a member school in the zone where the student's parents reside, a student is eligible providing; (1) the student is enrolling in a member school for the first time and (2) the principals of both non-member and member schools involved concur that undue influence is not involved with the transfer.

~~7.2.5.~~ 7.2.3 A student may be transferred from one attendance zone to another zone within the same county by a county board of education and maintain eligibility. The transfer must be initiated by county board of education personnel to fulfill certain special education programs(s)

not available in the attendance zone from which the student is transferred. Upon the completion of the special program, the student must return to the attendance zone of the student's residence.

~~7.2.6.~~ 7.2.4 For the purpose of athletic eligibility, the Commission does not recognize emancipated status as relates to transfer except as might occur in marriage and relocation to another school zone.

~~7.2.7~~ 7.2.5 Notwithstanding any other provisions of WVSSAC rules and regulations, if a student transfers for athletic reasons, the student will be ineligible for 365 days from the date of enrollment.

~~7.2.8.~~ 7.2.6 If a student is released and accepted by formal actions of county boards of education or similar governing bodies of a non-public school which have verified that such transfer is not for athletic purposes, said student will be granted immediate eligibility provided all other rules are met. The transfer must occur at the beginning of the 9th grade school year with the student enrolled on or before the eleventh instructional day of the beginning of the school year and provided that said student is residing with the parents. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

~~7.2.9. During the 9th, 10th, 11th, 12th grades, a student shall be entitled to one transfer back into the public member school located within the attendance zone where the student's parents residence is located regardless of from where the student is transferring. A student shall be entitled to transfer back to a non-public member school if said student had been enrolled in said non-public member school or non-public member feeder school the 365 days prior to enrollment in the 9th grade. Any student transferring under the provisions of this rule will not become eligible until the completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season. Transfer must be completed prior to the first day of school.~~

7.2.7. TRANSFER BACK. During the 9th, 10th, 11th, 12th grades, a student shall be entitled to one transfer back into the public member school located within the attendance zone where the student's parents reside, or to a non-public member school if said student had been enrolled in said non-public member school or non-public member feeder school during the 365 days prior to enrollment in the 9th grade, regardless of from where the student is transferring. Any student transferring under the provisions of this rule will not become eligible until the completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season, or immediately if the transfer back is completed on or before the eleventh instructional day of the beginning of the school year. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

~~7.2.10.~~ 7.2.8 The eligibility of a student whose parents are divorced or legally separated is determined by the following: a. a court decree establishing residency with one parent.

~~7.2.11.~~ 7.2.9 After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for 365 days from date of enrollment unless a change of residency is decreed by the court.

Constitution and By-Laws

Rationale:

To better clarify the residence and transfer rule.

Proposal 7 (81-30)

Amend 127-3-7 Out of Season Coaching (Pg. 37) as follows:

7.2. School organized out-of-season practice or related activities shall only be permitted with principal approval during Weeks 50, 51 and 52 of the National Federation Standardized Calendar, from the day after the completion of the last state tournament of the school year until the first day of fall sport practice of the next school year. All schools will observe a one (1) week dead period during the week of the Fourth of July. During this period, there can be no coaching or any contact or observation by any coach, faculty or non-faculty, with any student-athletes. This dead period shall also apply to weight programs. Participation by students must be open to all students, voluntary, and not required directly or indirectly for membership on a school team. Participation by students during these weeks does not meet Practice Rule 127-2-13.4.

Don Dellinger, Principal
Hedgesville High School

Rationale:

This rule change will allow for more flexibility in scheduling during the summer. This change will also allow coaches of sports other than football and basketball to attend summer camps at colleges and universities. This will only add four (4) weeks to the summer schedule with the incorporation of the one (1) week dead period. The dead period and the spreading out of activities will allow families more freedom to plan vacations.

Proposal 8 - Vote on only if Proposal 7 is passed. (89-21)

Amend 127-3-7 Out of Season Coaching (Pg. 37) as follows:

7.3. A coach or principal designee of each sport or activity may be present as an observer, lecture participant, staff member, or in any capacity at any summer camp during weeks 50, 51, and 52 of the National Federation Standardized Calendar from the day after the completion of the last state tournament of the school year until the first day of fall sport practice of the next school year except the one (1) week dead period mentioned in Rule 127-3-7.2.

Don Dellinger, Principal
Hedgesville High School

Rationale:

This rule change will allow for more flexibility in scheduling during the summer. This change will also allow coaches of sports other than football and basketball to attend summer camps at colleges and universities. This will only add four (4) weeks to the summer schedule with the incorporation of the one (1) week dead period. The dead period and the spreading out of activities will allow families more freedom to plan vacations.

Proposal 9 (78-37)

Amend 127-3-10 Classifications (Pg.40) as follows:

10.1. Beginning with the 2008-2009 school year, Each member high school schools shall be classified as either AAAA, AAA, AA, or A for football and boys/girls basketball only. All other sports will remain under the current classification. These classifications will be based on the enrollment figures in grades 9-10-11 at the end of the second school month of the odd numbered year preceding the classification.

Warren Grace, Principal
Paden City High School

Rationale:

To decrease the disparity in size between the largest and smallest schools in each of the respective classes. The addition of a new classification would afford more schools a better opportunity to successfully compete on a more equal playing field in all classifications. With the current classifications, most of the smaller schools in each class would have less of a chance to participate or compete in post season play. The respective coaching committees will be responsible for organizing post season play-off and tournament formats.

Proposal 10 (104-1)

Amend 127-3-23 Football (Pg. 48) as follows:

~~23.2.1. The Board of Directors, upon written request, may grant permission for a football team to play its first game one day earlier if the playing field is used by more than one high school.~~

Constitution and By-Laws

Rationale:

Rule change in 2007 allowed beginning on Monday of Week 8 for football high school contest.

Proposal 11 (83-11)

Amend 127-3-31 Wrestling (Pg. 56) as follows:

31.8.2. Junior high school teams may have 44 16 matches including tournaments sanctioned by the WSSAC.

Andy Garber, Principal
Warwood Middle School

Rationale:

A number of years ago, high school weigh-ins increased from 16 weigh-ins to 18 weigh-ins. It was the intention to do the same for junior high and middle school weigh-ins, increasing them from 14 weigh-ins to 16 weigh-ins. However, no action was ever taken.

TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

2006 MAY 16 AM 11:15

SERIES 1
CONSTITUTION

SECRETARY OF STATE

§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. - W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2-25.

1.3. Filing Date. - July 13, 2007.

1.4. Effective Date. - September 11, 2007.

§127-1-2. Name.

2.1. The name of this organization shall be the West Virginia Secondary School Activities Commission, a voluntary organization. Extracurricular activities of the students in the public secondary schools are controlled pursuant to West Virginia Code article two, chapter eighteen, and authority for the delegation of such control to said Commission is granted by statute.

§127-1-3. Goals.

3.1. This Commission through the employment of the instrumentalities hereinafter established shall supervise and control interscholastic athletics and band activities among member schools.

3.2. In the performance of these functions it shall be the aim of the Commission

3.2.1. To stress the cultural values, the appreciations and skills involved in these interscholastic activities and to promote cooperation and friendship;

3.2.2. To limit these interscholastic activities in both character and quantity so that such activities and such events may be looked upon as promoting the objectives of secondary education and as such shall not interfere with nor abridge the regular program of teachers and students in the performance of their duties;

3.2.3. To encourage economy in expenses of these interscholastic activities;

3.2.4. To discourage long trips for interscholastic activities; and

3.2.5. To establish minimum standards of conduct for both active and spectator participants, coaches and all other school personnel at all interscholastic activities approved, sponsored or controlled by this Commission.

§127-1-4. Membership.

4.1. The West Virginia Secondary School Activities Commission shall be composed of the principals or designee, of those public or private secondary schools which have certified in writing to

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the State Superintendent of Schools that they have elected to delegate the control, supervision and regulation of their interscholastic athletic and band activities.

4.2. Membership in the Commission shall be predicated upon accepting the following conditions:

4.2.1. The principal or his designee is and shall be the sole representative of the school in all matters pertaining to the constitution, bylaws, rules and regulations of the Commission;

4.2.2. The principal or his designee is and shall be responsible for conducting interscholastic athletic and band activities of the school in accordance with the constitution, bylaws, rules and regulations of the Commission which have been adopted by the Board of Control of the Commission for the governing of such activities;

4.2.3. Pay the annual dues charged by the Commission;

4.2.4. The principal or his designee shall file a statement with the Executive Director of the Commission agreeing to abide by and support the constitution and the rules and regulations of the Commission.

4.2.5. A member high school must sponsor one (1) sport per gender during each season - fall, winter and spring. Schools having membership prior to the 2007-2008 school year are exempt from this provision.

4.2.6. At the annual meeting of the Board of Control, the Executive Director shall announce the names of the principals whose schools have become new members.

a. A middle school shall be a school so designated and approved by the West Virginia Department of Education.

b. A junior high school shall be a school so designated and approved by the West Virginia Department of Education.

c. A senior high school consists of grades nine (9), ten (10), eleven (11) and twelve (12), established by law and so designated and approved by the West Virginia Department of Education.

4.2.7. The first year of membership will be a probationary year with the school not being allowed participation in WVSSAC sponsored tournaments.

4.2.8. A one time membership fee of \$1,500.00 will be afforded senior high schools, \$500.00 to middle/junior high schools, or \$2,000.00 to combined middle/senior high schools.

4.2.9. Public schools seeking membership that are a result of consolidation or splitting of existing member schools shall be exempt from the provisions in subsections 4.2.6 and 4.2.7.

4.3. A school, through its principal, coach or other official, is not permitted to enter into an agreement with any other school to waive the standards of eligibility of students or waive or change any other requirement established in these regulations.

4.4. Any member violating the regulations of this Commission and refusing to abide by the decision of the Board of Directors or the Review Board shall be subject to the penalties hereinafter set forth. (See §127-6-2 of these regulations.)

§127-1-5. Administration.

5.1. The administration of the West Virginia Secondary School Activities Commission shall be vested in the secondary school principals heretofore defined as members and who shall constitute a Board of Control. Said Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of said Commission and shall have charge of all funds of said Commission, and in order to expedite the regulations of said activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted and working through the Board of Directors, authority to interpret and enforce these regulations. Said Board of Control shall delegate and assign to the Board of Trustees, hereinafter constituted, the power and authority to hold title to and manage the property owned by said Commission. These regulations of said Commission shall be the articles, rules, explanations and interpretations which have been voted upon and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of said Commission. Fifty (50) members shall constitute a quorum for the transaction of all business at said annual meeting and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of said Commission.

5.2. At the annual or called meetings of the Board of Control of the West Virginia Secondary School Activities Commission each member shall have one vote on each question or proposition under consideration. A member may appoint, by a written statement to the president of said Commission, his the assistant principal or other member of his the faculty to represent his the school at meetings of the Board of Control but no such appointment shall absolve the member of his responsibility as defined in these regulations.

5.3. The Board of Control of the West Virginia Secondary School Activities Commission shall, at its annual meetings, elect officers of the Commission and define their duties as provided in §127-1-6 of these regulations. The officers so elected shall be members of the Board of Directors of the West Virginia Secondary School Activities Commission with the powers and duties assigned to it by §127-1-8 of the regulations of said Commission. Said Board of Directors shall be the executive body of the Commission and shall administer the regulations of the Commission. Further, said Board of Directors shall enforce the provisions of these regulations through the application of penalties provided under §127-6-2 of these regulations. Adjudication of disagreements and disputes among members of the Commission shall be one of the chief duties of the Board of Directors. Such adjudication may, however, be appealed to the Review Board.

5.4. The Board of Control of the West Virginia Secondary School Activities Commission shall delegate to the Board of Directors, hereinafter constituted, the authority to define, devise and/or create five (5) administrative districts in the State of West Virginia:

5.4.1. Effective July 1, 1971, and until such time as it is necessary to change the boundaries of such districts, the five (5) administrative districts shall be as follows:

a. First District: Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler and Wetzel.

b. Second District: Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur.

c. Third District: Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam and Roane.

d. Fourth District: Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt and Wood.

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e. Fifth District: Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster and Wyoming.

5.4.2. Any change in the boundaries of said administrative districts adopted by the Board of Directors shall be submitted for approval to the Board of Control at the annual meeting. Said change requires two thirds (2/3) affirmative vote of the members present and voting at the annual Board of Control meeting.

5.4.3. Any adopted and approved changes in the boundaries of the administrative districts shall not be cause for reducing the length of the regular term of office of an incumbent officer member.

§127-1-6. Officers and Duties.

6.1. There shall be five (5) elected officer-members of the West Virginia Secondary School Activities Commission, each of whom shall be a principal of a secondary school in West Virginia.

6.1.1. The elected officer-members shall constitute the Board of Directors of the West Virginia Secondary School Activities Commission.

6.1.2. One (1) officer-member shall be elected to a regular term each year at the annual meeting of said Commission. The runner-up candidate in each election shall be declared the alternate-officer-member and shall serve any portion of the officer member's unexpired term which may occur. If the alternate-officer-member is not thus determined, then a separate election shall be held to do so. Said officer-member and alternate-officer-member shall be from the same administrative district.

6.1.3. The regular term of an elected officer-member shall be a period of five (5) years and said term shall begin immediately following the close of the annual meeting in which he was elected.

6.1.4. An elected officer-member shall be eligible to serve two (2) regular five (5) year terms in succession. Upon completion of the two successive terms, a former officer-member shall not be appointed to nor elected to fill a vacancy of an unexpired term during the five (5) year period immediately following the expiration of his regular term. Serving more than one half of an unexpired five (5) year term shall constitute one of the two permitted successive terms.

6.1.5. The election shall be by ballot when more than one (1) candidate from the same administrative district is nominated for officer-member. When more than two (2) candidates from the same administrative district are nominated for officer-member, the balloting shall continue until one (1) of said candidates shall receive a majority of the votes cast. The candidates with the least number of votes on each ballot shall be dropped from each subsequent ballot.

6.1.6. At the first meeting of the Board of Directors following the close of the annual meeting of the Commission said Board of Directors shall elect one (1) of its officer members to serve as president and one (1) to serve as vice president.

6.2. Two (2) or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as officer-members at the same time.

6.3. The term of an officer-member shall end immediately upon his agreement to accept a position that would make him ineligible to hold office in this Commission. However, in the event that a director ceases to meet the qualifications for his/her position but remains in good standing in the last year of his/her term, such director shall be given the option to remain in his/her position for the remainder of the assigned term. The vacancy would then be filled at the next annual Board of Control.

6.4. The annual honorarium of the officer-members shall be five hundred (\$500.00) dollars each.

6.5. The Executive Director shall act as treasurer and shall pay out monies from the funds belonging to this Commission in payment of bills only upon order of the president.

6.6. The president shall furnish bond in the amount of twenty thousand (\$20,000) dollars. The Executive Director shall furnish bond in the amount of one hundred thousand (\$100,000) dollars. The premium for both of these bonds shall be paid by the Commission.

6.7. The Board of Directors may submit questions for discussion and ascertain sentiment of the schools by means of questionnaires. No vote to alter these regulations shall be taken except at the annual meeting of the Commission, except that these regulations may, in case of emergency, with the consent of the Board of Directors, enact and adopt all necessary rules and regulations, whether by deletion, amendment, revision or addition, and which emergency rules and regulations shall be submitted at the next annual meeting of the Commission for formal adoption or rejection.

§127-1-7. Meetings.

7.1. The annual meeting of the West Virginia Secondary School Activities Commission shall be planned by the Executive Director and the Board of Directors of said Commission.

7.2. Special meetings may be called by order of the president of the Commission. Fifty (50) principals constitute a quorum to transact business.

§127-1-8. Board of Directors.

8.1. The Board of Directors 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 to act in his stead, a representative from the West Virginia Board of Education, a representative selected by the West Virginia School Boards Association, a representative selected by the West Virginia School Administrators Association, and a representative selected by the West Virginia Athletic Directors Association shall serve as appointive members of the Board of Directors. Said 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.

8.2.1. The president of the Association of Secondary School Principals shall serve as an ex-officio member of the Board of Directors. 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 Directors shall have authority to appoint an Executive Director, except as hereinafter provided, and such additional assistance as may be necessary to assure efficient functioning of the work of the West Virginia Secondary School Activities Commission. Furthermore, said Board of Directors shall have authority to fix and to pay salaries to the Executive Director and to other staff personnel appointed to assist said Executive Director. The Board of Directors shall also have authority to devise a plan of retirement benefits for the Executive Director and other full-time staff personnel appointed to assist said Executive Director.

8.3.1. At least one of the staff personnel appointed to assist the Executive Director shall have the status of Assistant Executive Director. The appointment of said Assistant Executive Director shall be made by the Board of Directors only upon the nomination and recommendation by the Executive Director. In case the Board of Directors fails to appoint the person so nominated, the Executive Director shall nominate and recommend another person and submit the name to the Board

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of Directors at such time as said Board may direct. The length of the contract term of office of the said Assistant Executive Director shall be the same as that prescribed for the Executive Director in subsections 11.1 and 11.2 of these regulations. No Assistant Executive Director shall be removed during the contract term of office except for just and reasonable cause as prescribed in subsection 11.3.

8.3.2. All other staff personnel to assist the Executive Director shall be recommended by the Executive Director before being considered for employment by the Board of Directors.

8.3.3. The Board of Directors will annually evaluate the performance of the Executive Director. It shall be the responsibility of the Executive Director to evaluate Assistant Executive Directors. The Executive Director must submit a list of areas of concern to be addressed. From said list, a plan of improvement would be implemented by the Executive Director. Failure on the part of the Assistant Executive Director and other office personnel to comply to the plan of improvement could result in disciplinary action up to and including dismissal.

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

8.6. The Board of Directors shall appoint Deputy Board Members who will serve at the will and pleasure of the Board of Directors.

8.7. At the request of the Board of Directors, a Deputy Board Member may 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 Directors a written report of his findings and recommendations for disposition of the case(s).

8.8. The Board of Directors 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 said Board deems it advisable to do so on the basis of information furnished, even though a formal protest is not filed.

8.9. The Board of Directors shall 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 Directors shall hold hearings and render decisions in all contested cases.

8.11. Five (5) officer-members present and eligible to vote at any meeting of the Board of Directors shall constitute a quorum for said Board of Directors to transact all business.

8.12. The minutes of regular and special meetings of the Board of Directors shall be submitted to principals of all member schools.

§127-1-9. Funds.

9.1. The annual dues for members of this Commission shall be based upon the student enrollment of the school they represent.

9.1.1. A thirty (\$30.00) dollar flat membership fee for all three (3)-and four (4)-year schools on the first one hundred (100) students, or fraction thereof, enrolled in a school.

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9.1.2. After the first one hundred (100) students enrolled, the membership will be ten (\$10.00) dollars per one hundred (100) additional students, or fraction thereof, up to one thousand (1,000) students.

9.1.3. For each one hundred (100) students above one thousand (1,000) an additional five (\$5.00) dollars per one hundred (100) students, or fraction thereof, is to be added.

9.1.4. A six (6) year high school shall pay a flat fee of thirty (\$30.00) dollars for grades seven (7) and eight (8) and ten (\$10.00) dollars per hundred (100), or fraction thereof, for grades nine (9), ten (10), eleven (11) and twelve (12) up to one thousand (1,000) students and five (\$5.00) dollars per hundred (100), or fraction thereof, above one thousand (1,000) students.

9.1.5. A thirty (\$30.00) dollar fee is the ceiling for all regular junior high schools and middle schools.

9.1.6. Dues for the year are payable on or before February 1 of each year. Membership in the Commission shall extend from July 1 to June 30 in any year and shall be lapsed if dues are not paid on or before February 15. The enrollment figure to be used to determine the amount of dues shall be the gross enrollment of boys and girls at the close of the second (2nd) month of the current school year. In case a membership has been allowed to lapse, it may not be reinstated until the dues for the year of such lapsed membership, plus a penalty of twenty-five (\$25.00) dollars reinstatement fee, have been paid to the Commission.

9.2. The Board of Directors may reduce the amount of annual dues of the members for any year.

9.3. The Board of Directors is authorized to levy entry fees and assessments for the conducting of any interscholastic athletic or band activity when it is not self-supporting. Fees and assessments from one (1) activity division shall not be used for the support of another.

9.4. The Commission shall determine the expenditures of money but special power is given to the Board of Directors to use funds as are necessary to carry on its work.

9.5. The fiscal year of this Commission extends from July 1 to June 30. All monies paid as dues to the Commission as well as all monies derived from any contest or other event sponsored by the Commission become quasi public funds and as such shall be subject to an annual audit by the West Virginia Tax Commissioner. A written summary of the audit shall be a part of the annual report of the Executive Director to the Board of Control.

9.6. In case of dissolution of the West Virginia Secondary School Activities Commission, all funds of said Commission shall be prorated equally and distributed to the County Boards of Education of the members of said Commission. Provided, however, that governing boards of those who become members of said Commission subsequent to January 1, 1968, shall be entitled to a prorated share of only that portion of the said Commission's fund which have been collected, earned, and accumulated between the inception of such membership and the actual dissolution of said Commission.

§127-1-10. Amendments.

10.1. The articles, bylaws, rules and regulations of the West Virginia Secondary School Activities Commission may be amended as provided in the sections immediately following.

10.2. A Constitution and Bylaws Committee, consisting of five (5) members of the Commission, shall be appointed by and shall serve during the will and pleasure of the Board of Directors. Said Board of Directors shall designate one (1) of the members so appointed to serve as the chairman of such committee.

10.3. The Board of Directors shall give due consideration to maintaining a balance of representation by programmatic level as defined in subsection 4.2 of these regulations when making new appointments to the Constitution and Bylaws Committee. However, an incumbent member of said committee shall not be ruled ineligible to continue to serve on said committee solely because he becomes principal of a secondary school different from that from which he was originally appointed.

10.4. It shall be the function and purpose of the Constitution and Bylaws Committee to provide continuity and cohesion in the rules and regulations governing the interscholastic athletic and band activity programs in West Virginia. Further, it shall be the function and purpose of the Constitution and Bylaws Committee to address what it considers as needed interim constitutional rule changes for possible Board of Directors consideration.

10.5. Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the West Virginia Secondary School Activities Commission.

10.6. Proposed changes to these regulations may be submitted by any member of the West Virginia Secondary School Activities Commission. Such proposed changes, whether by revision, addition or deletion, shall be postmarked or received by the WVSSAC office by January 15 of each year in order to permit the Constitution and Bylaws Committee to study such proposed changes and to submit them, by mail, to the membership thirty (30) days prior to the annual meeting of said Commission.

10.7. At the annual meeting of the West Virginia Secondary School Activities Commission each, and only each, such proposed changes received by the Constitution and Bylaws Committee, and those interim emergency rules and regulations enacted by the said Committee shall be presented to the membership of said Commission for discussion and formal adoption or rejection. Said Committee may accompany each presentment with an explanation of the effect of said proposed change upon present rules and objectives of the Commission. Said Committee may also recommend adoption or rejection of said proposal along with the Committee numerical vote for said recommendation.

10.8. The president of the Commission shall appoint a parliamentarian to serve at the meetings of the Commission to decide questions of procedure during said meetings. Roberts Rules of Order shall be followed in conducting the annual meeting and all other meetings.

10.9. An amendment to the regulations of the West Virginia Secondary School Activities Commission shall become effective following the annual meeting at which such amendment was adopted and such adoption is formally approved by the West Virginia Board of Education in accordance with W.Va. Code and such other rules and regulations promulgated by the West Virginia Board of Education.

10.10. Nothing in these regulations shall be construed as limiting or in any way effecting the validity of emergency rules and regulations which have been duly approved by the Board of Directors in accordance with subsection 6.7 of these regulations. Emergency rules and regulations will be effective upon the date they are filed with the Secretary of State of State of West Virginia and remain in effect until the next meeting of the Commission.

§127-1-11. Executive Director.

11.1. The Board of Directors shall employ the Executive Director and Assistant Executive Director. At the discretion of the Board of Directors these positions will be given from one-year to four-year contracts. These contracts may be re-negotiated prior to expiration. If a new contract is not to be negotiated, people in these positions will be notified in writing six months prior to the end of the contract period. A letter to this effect shall be sent to the President of the West Virginia Association of Secondary School Principals.

11.2. If a vacancy occurs in the office of the Executive Director or Assistant Executive Director position during any contract period, the Board of Directors shall fill such vacancy. The exception will be that if a person serving as a Board of Directors member or one who has served in that capacity within the preceding one year prior to the vacancy becomes a candidate for one of the positions, the authority to fill the vacancy of said position shall be vested in the Constitution and Bylaws Committee.

11.3. The Executive Director shall not be removed during the term of office contract period except for just and reasonable cause. Reasonable cause may include, but not be limited to the following: immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

§127-1-12. Duties of the Executive Director.

12.1. The Executive Director shall carry on the work incident to the efficient functioning of said Commission. The general management and administration of the program of officiating for the interscholastic athletic activities sponsored by this Commission is considered one and a proper function of said Commission.

12.1.1. The Executive Director shall be responsible for assigning general areas of responsibilities and directing the activities of the Assistant Executive Director as such responsibilities relate to the work of said Commission.

12.1.2. Based on employee evaluations and/or employee performance, the Executive Director shall make the appropriate recommendation of the employment status of all other employees.

12.2. The Executive Director shall receive complaints and make investigations concerning the eligibility of secondary school students who participate in athletic and band activities. The Executive Director shall also receive complaints and make investigations concerning violations of the rules of the Commission.

12.3. The Executive Director shall render decisions and impose penalties in athletic eligibility and other disputes subject to review by the Board of Directors. The Executive Director shall have the discretion to grant exceptions to the rules based upon previous Board of Directors decisions on cases of a similar nature. Appeals of rendered decisions by the Executive Director shall be filed within thirty (30) days of the decision unless otherwise stated.

12.4. It shall be the duty of the Executive Director to make a full and complete written report to the county board of education regarding any disciplinary action taken by the Board of Directors against a member school which is located in the county in which the said board of education has jurisdiction.

12.5. The Executive Director shall attend state meetings of the West Virginia Secondary School Principals Association and report, when requested by the principals, on the work of the Commission office.

12.6. The Executive Director shall attend the meetings, when practicable, of the National Federation of State High School Associations and bring to the attention of the Commission and the Board of Directors reports from the meetings.

12.7. The Executive Director shall devote his full time to the work assigned to him by the Board of Directors. He shall hold no other remunerative office or position. He shall not officiate at any interscholastic contest.

12.8. The Executive Director shall represent West Virginia in conferences and controversies involving other states.

12.9. The Executive Director shall exercise all rights and privileges pertaining to eligibility and to representation with the National Federation of State High School Associations granted to members by the Board of Directors and principals by these regulations.

§127-1-13. Review Board.

13.1. A West Virginia Secondary School Activities Commission Review Board is hereby established.

13.1.1. Said Review Board shall consist of seven (7) members to be appointed by the West Virginia Board of Education upon recommendation by the State Superintendent of Schools. No person, other than a county superintendent of schools, and a representative of the West Virginia Athletic Directors Association, shall be appointed or shall serve who is employed by the West Virginia Board of Education or any county board of education. All members of the Review Board shall be residents of the State of West Virginia.

13.1.2. Each of the following associations shall be requested to present three (3) nominations to the State Superintendent of Schools for membership on the Review Board:

- a. West Virginia Bar Association
- b. West Virginia School Administrators Association
- c. West Virginia State Committee of the North Central Association of Colleges and Secondary Schools
- d. West Virginia State Medical Association
- e. West Virginia Sportswriter Association
- f. West Virginia Athletic Directors Association
- g. West Virginia Retired School Employees Association

13.1.3. Members of the Review Board need not be members of the association which submitted their names in nomination and shall be appointed for a term of five (5) years. Prior to the expiration date of the term of each member of the Review Board, the respective association will nominate three (3) representatives to the State Superintendent of Schools who shall subsequently recommend one (1) to the West Virginia Board of Education.

13.1.4. The term of office of each member of the Review Board will begin upon the acceptance of the appointment and will expire on June 30 of the year in which the term expires.

13.1.5. The member with the shortest remaining tenure on the Review Board shall serve as its chairman. Each appointed member of said Review Board shall have equal voting privileges.

13.1.6. In the same manner as prescribed in subsection 13.1(d) of these regulations, the West Virginia Board of Education shall have power to fill any vacancy which occurs in the membership of the Review Board. Such appointments shall be made at the next regular or called meeting of said Board of Education following the existence of a vacancy and shall be for the unexpired term of the position vacated.

13.1.7. Members of the Review Board shall serve without pay but shall be reimbursed for actual expenses incident to the performances of their duties upon presentation to the West Virginia Department of Education an itemized sworn statement thereof. Costs shall be taxed by the Review Board at its discretion, not to exceed the actual expenses incurred, against the party who fails to prevail and the Review Board may, in its discretion, if it so desires, require any appealing party to post security for costs with the State Superintendent of Schools the sum of two hundred (\$200) dollars.

13.1.8. The Review Board will sit for hearings within a reasonable time after the aggrieved party having a matter for review files an appeal but not longer than thirty (30) days after such appeal is filed, and at such other times as the Review Board may determine, at the State Capitol in Charleston, or in such other place as the Chairman of said Review Board may elect.

13.2. The West Virginia Department of Education shall make available adequate and competent secretarial services to record the proceedings and transactions of each meeting of the Review Board and to prepare the official written report, required elsewhere in these regulations, on each decision rendered by said Review Board.

13.3. Any decision of the Board of Directors involving a penalty, protest, or interpretation of the rules and regulations of this Commission governing interscholastic athletic or band activities may be appealed to the Review Board in the manner hereinafter described. Said appeal may be made by any member of the aggrieved party which is directly affected by the decision of the Board of Directors and aggrieved by such decision of the Board of Directors.

13.3.1. Appeals must be filed with the State Superintendent of Schools of West Virginia within fifteen (15) days after any final decision of the Board of Directors of the West Virginia Secondary School Activities Commission.

13.3.2. Upon receipt of said appeal, the State Superintendent of Schools shall immediately notify each member of the Review Board of said appeal and the chairman of said Review Board who shall forthwith set a date, time and place for hearing and shall immediately notify all interested parties, in writing, of the same.

13.3.3. The filing of any appeal shall not stay enforcement nor act to supersede the prior ruling or decision of the Board of Directors. However, pending the hearing of any appeal, at its discretion, the Board of Directors may grant a stay of enforcement upon such terms as it deems proper.

13.4. Proceedings for review shall be instituted by filing a petition, in quintuplicate, with the State Superintendent within fifteen (15) days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the West Virginia Secondary School Activities Commission or its Executive Director and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

13.4.1. Within fifteen (15) days after receipt of a copy of the petition by the West Virginia Secondary School Activities Commission, or its Executive Director, or within such further time as the Review Board may allow, said Commission or said Executive Director shall transmit to such Review Board, the original or a certified copy of the entire record of the proceedings under review, including a transcript of all testimony and all papers, motions, documents, evidence and records as were before the said Commission, all Commission staff memoranda submitted in connection with the case, and a statement of matters officially noted; but, by stipulation of all parties to the review proceedings, the record may be shortened. The expense of preparing such record shall be taxed as a part of the costs of the appeal. The appellant shall provide security for costs involved. Upon demand by any party to the appeal, said Commission shall furnish, at the cost of the party requesting same, a copy of such

record. In the event the complete record is not filed with the Review Board within the time provided for in this section, the appellant may apply to the Review Board to have the case docketed, and the Review Board shall order such record filed. Failure of the said Commission to file the record within the time stipulated shall automatically stay the enforcement of the order or decision of the Board of Directors, in that particular case, and such stay shall continue until such record is filed.

13.4.2. Appeals taken on questions of law, fact, or both, shall be heard upon assignment of error filed in the case or set out in the briefs of the appellant. Errors not argued by brief may be disregarded, but the Review Board may consider and decide errors which are not assigned or argued.

13.4.3. The review shall be conducted by the Review Board without a jury and shall be upon the records made before the Commission, except that in cases of alleged irregularities in procedure before the Commission not shown in the record, testimony thereon may be taken before the Review Board. The Review Board may hear oral arguments and require written briefs.

13.5. After hearing all evidence and arguments, the Review Board shall render a decision in one (1) of three (3) forms:

13.5.1. Sustaining the ruling of the Board of Directors;

13.5.2. Reversing the ruling of the Board of Directors; or

13.5.3. Remanding the matter to the Board of Directors for further action.

a. The Board of Review shall reverse, vacate or modify the order or decision of the Board of Directors if the substantial rights of the petitioner or petitioners have been prejudiced because the administrative findings, inferences, conclusions, decisions or orders are

A. In violation of constitutional or statutory provisions;

B. In excess of the statutory authority or jurisdiction of the Commission;

C. Made upon unlawful procedures;

D. Affected by other error of law;

E. Clearly wrong in view of the reliable probative and substantial evidence on the whole record; or

F. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

b. Four (4) members, present and eligible to vote, shall constitute a quorum for the Review Board to transact all business.

c. A majority vote of those members of the Review Board in attendance at any hearing shall be required to render a decision. Such decision shall be final and binding on all parties concerned.

d. Within thirty (30) days from the date of any hearing, the Review Board shall make a written report of its decision, stating briefly therein its reasons for such a decision. Copies of the report shall be mailed to the State Superintendent of Schools, the Executive Director of the West Virginia Secondary School Activities Commission and, upon written request, to other interested parties.

13.6. Nothing in these regulations shall be construed to limit the Board of Directors in performing its regular duties as provided in the regulations of the West Virginia Secondary School Activities Commission; in making investigations and initiating proceedings against any member of said Commission; in making interpretations of the rules of eligibility of student athletes or band members; or in imposing penalties for the violations of any rules, regulations or bylaws of said Commission.

13.6.1. §127-1-8.5 of the Constitution, and §127-6-3.2 of these regulations which infer or state that decisions of the Board of Directors are final are hereby modified only to the extent that such final ruling of the Board of Directors may be appealed within the time limit in the manner prescribed elsewhere in these regulations and affirmed, reversed or remanded by the Review Board.

§127-1-14. Rules and Regulations.

14.1. The Constitution and Bylaws of the West Virginia Secondary School Activities Commission are the rules and regulations of said Commission.

§127-1-15. Board of Trustees.

15.1. The Board of Directors shall appoint a five (5)-member Board of Trustees. Each trustee shall be a principal of a member school and shall serve during the will and pleasure of said Board of Directors. Two (2) or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as trustees at the same time.

15.2. The Board of Trustees and their lawfully appointed successors shall hold title to all real estate and other property owned by the West Virginia Secondary School Activities Commission except as shall be directed otherwise by the Board of Control.

15.3. The Board of Trustees shall elect from the membership thereof, to hold office for a term of one (1) year or until a successor shall be elected, a chairman and, if need requires, a vice-chairman, secretary and treasurer.

15.4. The Board of Trustees shall serve without pay or honorarium.

15.5. If it so elects, the Board of Control shall direct the Board of Trustees to incorporate in accordance with the pertinent laws of West Virginia and in such manner as will fully protect and exempt from any and all legal liability the individual officers and members, jointly and severally, of the West Virginia Secondary School Activities Commission for an account of the debts and other obligations of every kind and description of said Commission.

15.6. Should a trustee withdraw from membership of the Commission or be excluded therefrom, his trusteeship therein shall automatically cease from the date of such withdrawal or exclusion.

15.7. Should a trustee refuse, within five (5) days from the receipt thereof, to execute a legal instrument relating to any property of the Commission, when directed to do so by the Board of Control or the Board of Directors, and when all legal requirements have been satisfied with reference to execution, the Board of Directors may declare his membership on the Board of Trustees vacated.

15.8. The Board of Control and/or the Board of Directors may direct the trustees with respect to the purchase, sale, mortgage, encumbrance, construction, repairing, remodeling and maintenance of any and all property, real and personal, as may be committed to said trustees by said Board of Control or Board of Directors.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: **W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission**

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Secondary School Activities Commission

Address: 2875 Staunton Turnpike
 Parkersburg, West Virginia 26104

Phone Number: 304.485.5494

Email: gary.ray@wvssac.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

Rule Title: **West Virginia Secondary School Activities Commission Series 1, 2 and 3**

Rule Title: **West Virginia Secondary School Activities Commission Series 1, 2 and 3**

3. Explanation of above estimates (including long-range effect);

Please include any increase or decrease in fees in your estimated total revenues.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission.

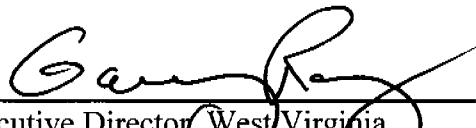
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission. The amendments proposed will keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs. Proposed changes include: addresses criteria for middle and high schools seeking membership; updates vacancy procedure; clarifies enrollment and team membership with current middle/high school configuration; clarifies enrollment and team membership with current middle/high school configuration; consistency among all sports for participation; clarification of the residence and transfer rule; allow more flexibility in scheduling during the summer; decrease the size between the largest and smallest schools in each of the classes; increase number of weigh-in for junior high as was done for high school.

Signature of Agency Head or Authorized Representative

Date


Executive Director, West Virginia
Secondary School Activities Commission

April 25, 2008

