

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

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2002 JUN -7 P 3:45

OFFICE 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 Commission TITLE NUMBER: 127

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

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

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: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 6, 2002


William J. Luff, Jr.

Deputy State Superintendent of Schools

SCANNED

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION RULES

Comment period ends: June 3, 2002.

Background: These amendments are required to keep the West Virginia Secondary School Activities Commission current with regard to changes, trends and issues in the band and athletic programs.

Recommendations: It is the Department's recommendation that all proposals be approved with the exception of the following:

- **Proposal One** - This proposed amendment would change the boundaries of districts from five to eight.
- **Proposal Sixteen** - This proposed amendment would allow a coach to receive a lifetime pass with twenty years of coaching.
- **Proposal Twenty-three** - This proposed amendment would require three classifications in all sports.

Minor editorial revisions such as formatting - to be compliant with the Secretary of State's office, and gender preference - SSAC preference, were made.

PROPOSAL 1

Amend §127-1-5 Administration (pg. 2) as follows:

5.4 The Board of Control of the West Virginia Secondary School Activities Commission shall delegate and assign to the Board of Appeals Directors, hereinafter constituted, the ~~power and authority to define, devise and/or create five (5)~~ eight (8) administrative districts in the State of West Virginia:

(a) Effective July 1, ~~1974~~ 2002, and until such time as it is necessary to change the boundaries of such districts, the ~~five (5)~~ eight (8) administrative districts shall be as follows:

- (1) First District: ~~Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler and Wetzel. Mercer, Monroe, McDowell, Raleigh, Summers, Wyoming.~~
- (2) Second District: ~~Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur. Cabell, Lincoln, Logan, Mason, Mingo, Wayne.~~
- (3) Third District: ~~Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam and Roane. Boone, Clay, Kanawha, Putnam~~
- (4) Fourth District: ~~Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt and Wood. Braxton, Fayette, Greenbrier, Nicholas, Pocahontas, Webster.~~
- (5) Fifth District: ~~Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster and Wyoming. Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, Wood.~~
- (6) Sixth District: Brooke, Hancock, Marshall, Ohio, Wetzel.
- (7) Seventh District: Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, Upshur.
- (8) Eighth District: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton.

PROPOSAL 2

Amend 127-1-5 Administration (pg. 2) as follows:

5.4(b) Any change in the boundaries of said administrative districts adopted by the Board of Appeals Directors shall be submitted for approval to the Board of Control at the annual meeting. ~~Such adopted change may be remanded to the Board of Appeals for further study and action only by a two thirds (2/3) vote of the members of the Board of Control present and voting at the annual meeting. If the adopted change in boundaries is not remanded for further study and action, it shall be considered approved. Said change requires two thirds (2/3) affirmative vote of the members present and voting at the annual Board of Control meeting.~~

PROPOSAL 3

Amend 127-1-6 Officers and Duties (pg. 3) as follows:

6(d) 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. ~~An alternate officer member who serves more than one (1) year of an officer member's unexpired term shall be eligible to be elected to the next succeeding regular five (5) year term. Serving more than one half of an unexpired five (5) year term shall constitute one of the two permitted successive terms.~~

PROPOSAL 4

Amend 127-1-8 Board of Appeals as follows:

§127-1-8 Board of Appeals. Directors.

PROPOSAL 5

Amend 127-1-11 Executive Secretary (pg. 6) as follows:

§127-1-11 Executive Secretary. Director.

PROPOSAL 6

Amend 127-1-11 Executive Secretary (pg. 6) as follows:

11.3 The Executive ~~Secretary~~ Director shall serve during at the will and pleasure of the Board of Appeals but shall not be removed during his/her ~~the~~ term of office contract period except for just and reasonable cause. ~~Inefficiency, failure to carry out duties hereinafter set forth shall be deemed sufficient cause for removal of the Executive Secretary. 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.~~

PROPOSAL 7

Amend 127-1-12 Duties of the Executive ~~Secretary~~ Director (pg. 6) as follows:

- 12.1(b) Based on employee evaluations and/or employee performance, the Executive Director shall make the appropriate recommendation of the employment status of all other employees.

PROPOSAL 8

Amend 127-2-3 Enrollment and Team Membership (pg. 9) as follows:

- 3.2(e) students at a junior high or middle feeder school who are not provided the opportunity to participate because of age may move up to their high school if granted permission by the county board of education or governing body of a private/parochial school and the school principals involved.

PROPOSAL 9

Amend 127-2-3 Enrollment and Team Membership (pg. 10) as follows:

- 3-5 Students enrolled in the ninth grade of a four, five or six year high school may participate on the high school team. Also, ninth graders of a feeder school may participate on their high school team if granted permission by the county or governing body of a private/parochial board of education and the school principals involved. However, once a student becomes a member of that team said student will be ineligible for the junior high team in that sport.

- 3.2(d) Students enrolled in the ninth grade of a four, five or six year high school may participate on the high school team. Also, ninth graders of a feeder school may participate on their high school team and sixth grade students of a K-6 elementary feeder school may participate on their junior high team if granted permission by the county board of education or governing body of a private/parochial school and the school principals involved. Once a ninth grade student becomes a member of the high school team said student will be ineligible for the junior high team in that sport.

PROPOSAL 10

Amend 127-2-5 Semester and Season (pg. 10) as follows:

- 5.98(c) ~~The Board may also assess appropriate penalties to the student athlete or to the school if said Board determines through its investigation that said student athlete or said school did try to evade the rule by subterfuge. In no event may a student be allowed to participate in more than four (4) seasons in any one sport in grades 9-12.~~

PROPOSAL 11

Amend 127-2-6 Scholarship (pg. 11) as follows:

- 6.1(a) ~~Two of those four full credit subjects must be in English Language Arts, Social Studies, Mathematics or Science and may or may not be in the same area. A semester course that constitutes 8100 minutes of instruction (block schedule) will count as two subjects.~~

PROPOSAL 12

Amend 127-2-6 Scholarship (pg. 11) as follows:

- 6.1(b) ~~If a student has completed all state, county and school requirements for graduating, he or she~~ The student may select four full credits from any area of the curriculum offered by the school.

PROPOSAL 13

Amend 127-2-7 Residence-Transfer (pg. 11) as follows:

- 7.44 9(f) ~~Nine months at the new residence will be required to make it a bona fide move. If a family moves into a new school zone and remains there for less than nine months, the move will not be considered bona fide and the family's child who is enrolled and participating in athletics in the new school zone becomes ineligible there the day the family leaves the new school zone.~~

PROPOSAL 14

Amend 127-2-7 Residence-Transfer (pg. 11) as follows:

- 7.2217 (a) If there has been a divorce in a family and sole custody has been awarded by the court granting the divorce to one of the parents, the athletic eligibility of the student will be established at the school that serves the area where that parent resides. The eligibility of a student whose parents are divorced or legally separated by court decree is determined by establishing initial residency with one parent.

PROPOSAL 15

Amend 127-2-7 Residence-Transfer (pg. 11) as follows:

- 7.2217 (b) ~~If joint custody has been awarded, the student will be eligible in the zone where either parent resides.~~ After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for the remainder of that school year unless a change of residency is decreed by the court.

PROPOSAL 16

Amend 127-3-6 Coaches (pg. 16) as follows:

- 6.86 All coaches and athletic directors of member schools ~~who upon retirement from a member school~~ with at least 20 years of service either as a coach, athletic director or combination of coaching and athletic director shall receive a lifetime WVSSAC Courtesy and Identification Card. This card shall allow admittance to any WVSSAC sponsored event. This admittance will be by presentation of the WVSSAC Courtesy and Identification Card and photo identification.

PROPOSAL 17

Amend 127-3-7 ~~Camps~~/Out-of-Season Coaching (pg. 18) as follows:

- 7.1 School organized out-of-season practice or ~~school organized summer camps shall not be permitted.~~ related activities shall only be permitted with principal approval during Weeks 50, 51, and 52 of the National Federation Standardized Calendar. 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.

PROPOSAL 18

Amend 127-3-7 ~~Camps~~/Out-of-Season coaching (pg. 18) as follows:

- 7.2 A coach or ~~surrogate principal designee of each sport or activity~~ may not be present as an observer, lecture participant, staff member, or in any capacity at any summer camp where ~~the number of his athletes (students who would be under his supervision the next season in that sport) exceeds fifty percent of the number of persons designated as the starting line up or cheerleading squad (i.e. basketball two or less; football five or less; wrestling seven or less; baseball four or less; etc.)~~ Nor may a school or related organization be involved in fund raising projects to subsidize student attendance ~~at or in camps during Weeks 50, 51, and 52 of the National Federation Standardized Calendar.~~

PROPOSAL 19

Amend 127-3-8 Forfeit and Restitution (pg. 19) as follows:

- 8.3 If a team or ~~individual student participating in an individual contest leaves the field or court playing area~~ in protest and ~~fails to complete the contest,~~ the contest is forfeited and the school ~~principal or his designee and the violator must appeal~~ may be required to appear before the Executive Secretary ~~Director~~ to indicate why additional action should not be taken.

PROPOSAL 20

Amend 127-3-9 Game Officials (Does Not Apply to Cheerleaders) (pg. 19) as follows:

- 9.3 ~~The visiting school is responsible for selection of game officials to the extent that selection is made possible by mutual agreement. The initiative is placed upon the host school by the rules. However, if names are not submitted in accordance with the rules, the visiting school should take steps to secure agreement upon satisfactory officials. The host school initiates the selection of game officials. It is highly recommended that the host school contract officials for all interscholastic contests. Contractual agreements are between the school and the official.~~

PROPOSAL 21

Amend 127-3-10 Classifications (pg. 20) as follows:

- 10.1 ~~Classification of member high schools shall be determined every two years on the even number years. Such classification shall be based on the enrollment of grades 10-11-12 at the end of the second month of the odd numbered year preceding the reclassification. Such classification shall remain in effect for a two period.~~ Each member high school shall be classified as either AAA, AA, or A 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.

PROPOSAL 22

Amend 127-3-10 Classification (pg. 20) as follows:

- 10.2 ~~Each member high school shall be classified as either AAA, AA, or A based on the enrollment figures as described in subsection 10.1 above.~~
Classification of member high schools shall be determined every four years on the even numbered years and will remain in effect for a four year period unless a 20% change in enrollment using State Department of Education enrollment figures at the end of the second school month. Change of classification due to 20% change in enrollment would not go into effect until the next school year.

PROPOSAL 23

Amend 127-3-10 Classification (pg. 20) as follows:

- 10.4 The Board of Appeals ~~may~~ shall structure the WVSSAC tournament series in each sport by classification (AAA-AA-A). Each sport will be structured according to the level of interest and accommodation for tournament alignment. Prior to any change of structure of any given sport, a survey of the membership must be conducted by WVSSAC.

PROPOSAL 24

Amend 127-3-12 Legal Opponents (pg. 21) as follows:

- 12.1 ~~Member schools of the West Virginia Secondary School Activities Commission shall not participate in any interscholastic athletic contest, meet or tournament with any West Virginia public or parochial secondary school which is not a member of this Commission.~~

PROPOSAL 25

Amend 127-3-12 Legal Opponents (pg. 21) as follows:

- 12.4-3 ~~Member schools of the West Virginia Secondary School Activities Commission shall not participate in any interscholastic contest or practice against non-school teams or in any interscholastic contest or practice which involves alumni participants, with the exception of that provision provided for member high schools against that school's alumni team in basketball, softball, and volleyball.~~

PROPOSAL 26

Amend 127-3-16 Sports Rules - Game Protests (pg. 22) as follows:

- 4615.3 ~~The protest of a game contest or ejection will not be allowed, by the Board of Appeals when it is based on judgement decision on the part of an official or even a misinterpretation or misapplication of the rules. Accordingly, the Board of Appeals is not authorized to order contests to be replayed or ejections to be reconsidered.~~

PROPOSAL 27

Amend 127-3-16 Sports Rules - Game Protests (pg. 22) as follows:

- 46.4 ~~As the rules of this Commission do not give the Board of Appeals authority to order games replayed, protests arising from decisions of officials will not be considered.~~

PROPOSAL 28

Amend 127-3-18 State Championships (pg. 22) as follows:

- 4817.2 ~~The Board of Appeals may shall~~ divide the state into sections and regions for the purpose of determining championships in the sports sponsored by this Commission. The Board of Appeals shall have charge of directing and making necessary arrangements for tournaments, meets and contests leading to and including state championships. ~~The principals of involved schools will be consulted and given the opportunity to participate in the alignment of schools for sectional and regional tournaments. Member school principals will receive the proposed tournament alignment from the WVSSAC office and will be given the opportunity to comment on the alignment prior to the presentation to the Board of Appeals. Principals will sign a form to verify receipt and return the form to the WVSSAC office within ten (10) days from the date of the bulletin.~~

PROPOSAL 29

Amend 127-3-23 Cross Country (Boys and Girls) (pg. 25) as follows:

- 2322.2 ~~Organized Team Practice: Organized team practice will begin on Monday of Week 7 and the first meet may be held on Wednesday of Week 9. Organized team practice will begin on Monday Week 5 and first meet may be held on Wednesday of Week 7.~~

PROPOSAL 30

Amend 127-3-23 Cross Country (Boys and Girls) (pg. 25) as follows:

~~2322.4~~ Maximum Team Contests: ~~No limit.~~ A cross country team will be permitted 16 meets exclusive of regional and state contests.

PROPOSAL 31

Amend 127-3-24 Football (pg. 26) as follows:

~~2423.9(g)~~ Junior High/Middle School football teams may be permitted to play overtime periods in ~~County or League Playoffs or when advancement to finals must be determined during county or League Championship Playoffs in regular season games.~~ Where conferences or counties are holding season ending championships, a tie breaking procedure shall be established if at the end of two overtime periods the score remains tied. A maximum of 2 overtime periods will be permitted in accordance with the National Federation Football Rules 20 yard line overtime procedure.

PROPOSAL 32

Amend 127-3-25 Golf (Boys and Girls) (pg. 27) as follows:

~~2524.2~~ Organized Team Practice: Organized team practice will begin on Monday of Week ~~7~~ 5 and the first contest may be played on any day after the opening of practice ~~the first day of the season.~~

PROPOSAL 33

Amend 127-3-26 Soccer (Boys and Girls) (pg. 27) as follows:

~~2625.4~~ Maximum Team Contests: A soccer team will be permitted to play no more than ~~49~~ 20 matches if participating in a conference tournament; otherwise the regular season will be ~~18~~ matches exclusive of sectional, regional, and state tournaments. ~~The conference tournament is to count as one (1) match.~~

PROPOSAL 34

Amend 127-3-27 Softball (pg. 28) as follows:

~~2726.4~~ Maximum Team Contests: A softball team will be permitted to play no more than 31 games if participating in a conference tournament or a tournament with a minimum of four participating teams; otherwise, the regular season will be 30 games exclusive of sectional, regional and state contests. ~~The conference tournament is to count as one (1) game.~~

PROPOSAL 35

Amend 127-3-31 Volleyball (Girls) (pg. 30) as follows:

~~3130.4~~ Maximum Team Contest: A volleyball team will be permitted to play in no more than 23 matches if participating in a conference tournament; otherwise the regular season will be 22 matches exclusive of sectional, regional, and state contests. The conference tournament is to count as one (1) match.

PROPOSAL 36

Amend 127-3-32 Wrestling (pg. 31) as follows:

~~3231.4~~ Maximum Team Contest: A wrestling team will be permitted to have ~~46~~ 18 matches exclusive of ~~one (1) conference or county tournament,~~ regional and state tournaments.

PROPOSAL 37

Amend 127-4-3 Code for Interscholastic Athletics (pg. 35) as follows:

~~3.87(d)~~ In case of spectators physically molesting an official, administrator, coach, or player student, the school may be given one of two options: 1) take action file charges against the offender (s) or 2) accept discipline from the WVSSAC. Any person found guilty of WV State Law 61-2-15a Assault, Battery on Athletic Officials while these individuals are working or as a result of working an athletic contest shall be banned from all WVSSAC athletic events for a minimum of 365 days from the date of being found guilty. The school filing charges shall notify the WVSSAC of the incident and outcome of any legal action.

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TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 1
CONSTITUTION

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§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 - June 7, 2002.
- 1.4. Effective Date - August 6, 2002.

§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;

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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 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. 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

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(12), established by law and so designated and approved by the West Virginia Department of Education.

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,

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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.

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

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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.

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.

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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

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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 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,

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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.

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

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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.

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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.

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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

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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:

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- 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

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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

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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;

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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.

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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 WORKSHEET

(submit 4 copies)

HD NO. _____ DRAFT NO. _____ BILL NO. _____ RESOLUTION NO. _____

SUBJECT **WV Secondary School Activities Commission** FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2, AND GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG RANGE EFFECT IN ITEM 3.					
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 32,679	\$	\$ 59,847	\$ 92,526	\$
PERSONAL SERVICES	\$ (1a) 6,000	\$	\$ (1a) 10,000	\$ (1a) 16,000	\$
CURRENT EXPENSES	(1b) 2,520		(1b) 7,560	(1b) 10,080	
REPAIRS/ALTERATIONS	(1c) 1,500		(1c) 2,500	(1c) 4,000	
EQUIPMENT	(1d) 19,500		(1d) 32,500	(1d) 52,000	
OTHER	(23) \$147 Cross Country		(23) (447)	(594)	
	1480 Swim		(2,246)	(3,726)	
	1532 Tennis		(4,594)	(6,126)	
2. ESTIMATED TOTAL REVENUES	\$ (23) \$1,586.00	\$ (16) 2,000.00	\$ (16) 2,000.00	\$ (16) (-2000.00)	\$ (23) 1,586.00 \$ 0

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

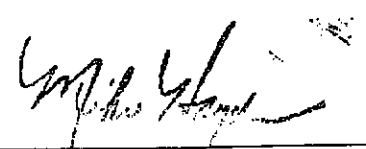
Continued on Attached Page

4/22/02

DATE

WV Secondary School Activities Commission

AGENCY



AUTHORIZED REPRESENTATIVE

FISCAL NOTE WORKSHEET - CONTINUED

Proposal 1

- a. If the number of administrative districts is raised from five to eight, the amount of annual student scholarships of \$1,000 each would increase from \$10,000 to \$16,000.
- b. If the number of administrative districts is raised from five to eight, three additional representatives would need to be added to each of the fourteen Sport Coaches' Committees. Currently, each representative's expenses are approximately \$60.00 annually. The increase of 42 more representatives would be an additional expense of \$2,520.00.
- c. If the number of administrative districts is increased, the number of Board of Appeals members would increase from five to eight. There would be an increase of \$1500 in personal services due to a \$500 honorarium received by each member.
- d. The current expense for each Board member is \$6,500 annually. The additional three members would result in an increase expense of \$19,500.

Proposal 23

Additional classes would require more days of tournament play which would increase expenses and possibly decrease instructional time. Possible increased revenue could result in wrestling (\$936) and soccer (\$650). However, the sports which have shown losses may have increased losses due to additional days of tournament play (cross country - \$147; swim - \$1480; tennis - \$1582).

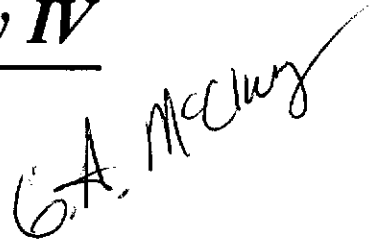
SPECIFIC AMOUNTS OF INCREASE OR DECREASE FOR ALL PROPOSALS ARE EXPLAINED ON THE FISCAL NOTE WORKSHEET.

MAY 3 2002

Regional Education Service Agency IV

404 Old Main Drive
Summersville, WV 26651
(304) 872-6440
(FAX) 872-6442

Braxton
Fayette
Greenbrier
Nicholas
Pocahontas
Webster



ELMER L. PRITT
Executive Director

April 26, 2002

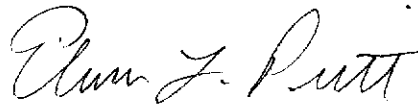
Dr. David Stewart
West Virginia Superintendent of Schools
West Virginia Department of Education
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Dr. Stewart:

Re: Proposed SSAC Rule Dealing with Summer Athletic Activities

At our Wednesday, April 24, 2002, Board of Directors meeting, discussion took place concerning proposed policy revision permitting student participation in summer activities related to athletics. The Board of Directors unanimously directed me to convey to you their desire to expressly prohibit allowing more involvement between coaches and student athletes during the summer session. They feel very strongly that present guidelines are adequate and that further expansion of summer activities would be detrimental to the students. The RESA IV Board of Directors unanimously supports last year's limiting out-of-season practice.

Sincerely yours,



Elmer L. Pritt
Executive Director

ELP/cmp

THE AMERICAN LEGION



Parkersburg Post 15, 2505 Ohio Avenue, P.O. Box 724, Parkersburg, WV 26102

23 May 2002

Mr. G. A. McClung, Asst. Superintendent
WV Department of Education
Charleston, WV. 25305

MAY 28 2002

Re: Proposed 21 Day Rule.

Dear Superintendent McClung,

On behalf of the American Legion Parkersburg Post 15 permit me to register a negative viewpoint regarding the proposed 21 day rule now being considered by the State Board of Education. I respectfully request the board vote against this proposal.

This proposal, if passed, will be very detrimental to the summer baseball program known as American Legion baseball. Here's why, legion baseball can not start each year until the high school teams have completed their seasons. This means in early June. If the high school coaches are allowed, as now proposed, to practice 21 day's in June, this means most legion teams can not start until that 21 day period has been completed.

In WV most of our athletes play multiple sports, basically football and basketball. I know in the case of Parkersburg Post 15, if this rule was effective at this time we could not have a team until July because our team is made up of the football, basketball and baseball players.

I also see this proposal as being most unfair to the multi-talented athlete, if the boy excels in both football and basketball, as most do, he will be under extreme pressure from both the football and basketball coaches to participate in their particular sport. One might argue that is not a problem as the coaches will have to share the boy equally. We all know that this will not fly as each coach will look the boy in the eye and simply tell him if he wishes to play his sport he should choose to show up for his 21 day sessions. The proposal also says this a voluntary program. Oh yes, we can say that, but we know what the coaches say, be there or else. It's not fair to put the boy in this position. I view this proposal as real trouble for the schools athlete directors to settle coaches complaints against each other.

Please weigh this proposal carefully and do what is best for the athlete keeping in mind the negative aspects as it effects American Legion baseball.

Most sincerely,

R.T. Cunningham
Athletic Officer, Post 15

MAY 31 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Athletics, Provisions Governing Eligibility
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Wheeling Park High School - Dick Dei

Title: Asst. Principal/Athletic Director

Street Address: 1976 Park View Rd. City/State/Zip Wheeling, WV 26003

Comments/Suggestions

§127-2-2. Waivers.

§127-2-3. Enrollment and Team Membership.

§127-2-5. Semester and Season.

§127-2-6. Scholarship.

§127-2-7. Residence - Transfer.

**§127-3 - Provisions Governing Contests.
Comment Response Form
Page Three**

§127-3-20. Basketball (Boys and Girls).

§127-3-21. Cheerleading.

§127-3-22. Cross Country (Boys and Girls).

§127-3-23. Football.

§127-3-24. Golf (Boys and Girls).

§127-3-25. Soccer (Boys and Girls).

Schools who play in large conferences will be effected most by this change. In our conference, we could play four games. This would reduce our scheduled games to sixteen. It also presents a problem for scheduling.

§127-3-26. Softball.

§127-3-27. Swimming (Boys and Girls).

§127-3-28. Tennis (Boys and Girls).

§127-3-29. Track and Field (Boys and Girls).

§127-3-30. Volleyball (Girls).

JUN - 3 2002

§127-3 - Provisions Governing Contests.
Comment Response Form
Page Three

Valley (Fayette)

§127-3-20. Basketball (Boys and Girls).

§127-3-21. Cheerleading.

Reassignments of regions for cheering competition. If you look at proposals and every thing appears to be okay and then you're changed without being notified & given the opportunity to express your opinion & hear it. Doesn't seem quite right.

§127-3-22. Cross Country (Boys and Girls).

§127-3-23. Football.

§127-3-24. Golf (Boys and Girls).

§127-3-25. Soccer (Boys and Girls).

§127-3-26. Softball.

§127-3-27. Swimming (Boys and Girls).

§127-3-28. Tennis (Boys and Girls).

§127-3-29. Track and Field (Boys and Girls).

§127-3-30. Volleyball (Girls).

JUN - 3 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Tyler Consolidated High School
Title: Jimmy Wyatt, Principal
Street Address: 1993 Silver Knight Dr. City/State/Zip Sistersville, WV.
26175

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation.

§127-3-5. Awards.

§127-3-6. Coaches.

This would place more free admission cards out there for the member schools to absorb the costs.

§127-3-7. Out-of-Season Coaching.

This would put pressure on multi sport athletes on which sports to attend camp, etc. - could get competitive among coaches.

§127-3-8. Forfeit and Restitution.

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).

§127-3 - Provisions Governing Contests
Comment Response Form
Page Two

§127-3-10. Classification.

*This is a good move as it adds
some stability among classes.*

§127-3-11. Exchange of Eligibility Certificates.

§127-3-12. Legal Opponents.

§127-3-13. Contracts.

§127-3-14. Sunday Contests.

§127-3-15. Sports Rules - Game Protests.

§127-3-16. Sanctioning and Travel.

§127-3-17. WSSAC Tournaments.

§127-3-18. Season Regulations.

§127-3-19. Baseball.

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Constitution
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Tyler Consolidated High School

Title: Jeminy Wyatt, Principal

Street Address: 1993 Silver Knight Dr. City/State/Zip Sistersville W.V
26175

Comments/Suggestions

§127-1-2. Name.

§127-1-3. Goals.

§127-1-4. Membership.

§127-1-5. Administration.

§127-1-6. Officers and Duties.

§127-1-7. Meetings.

§127-1-8. Board of Directors.

§127-1-9. Funds.

There is no need to expand the size of the board in these times of declining enrollment. Wasting funds to pay for the expansion. There is no collusion among "non principals" on this ten member board.

MAY 31 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Allen Osborne / Pocahontas High

Title: Athletic Director / Basketball Coach

Street Address: Rt. 2 Box 50 City/State/Zip: Poca, WV 25159

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation.

§127-3-5. Awards.

§127-3-6. Coaches.

§127-3-7. Out-of-Season Coaching. — *see attachment*

§127-3-8. Forfeit and Restitution.

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).

While this proposal is a step in the right direction, it possibly could cause more problems within each school. The possible problems will be caused due to the restrictive nature of the proposal. Allowing such a short window of time, 3 weeks, will cause problems for administrators, coaches, and athletes. If an athlete is a multi-sport athlete and coaches from a variety of sports are vying for his /her time during this time which sport will he or she choose? This situation will cause principals to place rigid time lines for sports and actually coaches and athletes will not have the 3 week time period, they will be able to work with the athlete maybe one week. This could cause friction between coaches, coaches and principals, and athlete and coach.

A more sensible approach would be to let a coach work with his athlete(s) anytime in the off season. There will be a need for regulations, so those multi-sport athletes will have the opportunity to participate in other sports and not be pressured to specialize in one sport. The following rules could allow this to happen:

1. A coach can work with up to 4 athletes at a time. Most coaches do not want to practice their TEAMS, but they do want to work individually with their athletes. For example, a football coach could work with his quarterback and receivers on passing and catching techniques. A basketball coach could work with his players on shooting techniques. This would give each coach an opportunity to work with players to help them develop better skills individually. After all, this is what we are trying to achieve. We want to allow our athletes the opportunity to improve individually.
2. To protect the multi sport athlete the months of August, mid-November to mid-December, and March will be dead months. This is the time that sports are beginning and coaches who are not coaching athletes will not be allowed contact with them. For example, in August, football, volleyball, cheerleading, soccer, golf, and cross-country begin. So, only those coaches will be allowed contact with athletes. Basketball, wrestling, track, baseball, softball, and tennis coaches would be dead or would not be allowed to work with their athletes. Once September 1 comes, any athlete not participating in an August sport could receive instruction and individual attention by their coaches.
3. During the summer a coach can coach his/her team in summer leagues. This would allow coaches to work with their teams and take away the AAU element, especially in basketball. Football coaches could work with teams in 7 on 7 passing leagues.
4. A coach can attend one team camp with his/her team.

West Virginia is far behind other states in allowing good, qualified coaches to work with the student-athletes. We need to give our athletes the same opportunity that other states give to their athletes to be the best they can be. Thank you.

Sincerely yours,

Allen Osborne

G. A. McClung

From: Marcia Ritchie [mritchie@citynet.net]
Sent: Monday, May 27, 2002 11:00 AM
To: 'gmccclung@access.k12.wv.us'
Subject: Comment Response

Individual/Organization: Marcia Ritchie -Middle School Soccer Coach
101 2nd Avenue, Murraysville, WV 26164

Comments/ Suggestions:

In regard to WVSSAC Rules 127-2.4.2 and 127-2-4.3. Students at the junior high and middle school level who exceed the age limit should not be given special treatment. Having taught in the middle school, I have seen the immaturity level exhibited by these students. Age does not determine maturity. There are plenty of students in high school. School/coaches should not rush kids.

In regard to WVSSAC Rules that govern organized out-of-season practice and related activities during Weeks 50, 51, and 52 of the calendar.

Being a parent of 3 students (middle /high school) and a middle school coach, I do not agree in allowing the coaches to start practices earlier than required.

It is hard on the student to make every practice, let alone out-of-season practices that coaches WILL require of them. There are coaches that will "weed out" students if they are unable or choose family vacations or other activities rather than practices. I do not see this as being beneficial to the students/family. That's what school sports are meant for-the children.

Schools and sports coaches are forcing children to pick one or 2 sports or activities earlier and earlier..then get burnt out in high school. Ages 11-14 are optimum learning ages for sports in the development of a child. Coaches are becoming too demanding and unaccommodating.

We need to develop better coaches. Not allow them to monopolize or waste time with longer and more unscheduled practices.

Speaking as a parent, coaches are turning kids off with their lack of consistency/direction and vision for their teams.

Thank you,

Marcia Ritchie

MAY 30 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization:

Tom Wamsley / Tygart's Valley H.S.

Title:

Athletic Director

Street Address:

Rt 250 South

City/State/Zip

Mill Creek, WV

26280

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation.

§127-3-5. Awards.

§127-3-6. Coaches.

Proposal #16 → Good Change - hope it passes

§127-3-7. Out-of-Season Coaching.

I have great concerns in regards
to proposals 17 and 18.
(please see Attachment)

§127-3-8. Forfeit and Restitution.

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).



Tygarts Valley High School

Home of the Fightin', Bitin', Bulldogs

Phone: 304-335-4824 / 4575 / 4345 (Main Office)
304-335-4427 (Athletic Director)

P.O. Box 68
Mill Creek, WV 26280

Fax: 304-335-6963

May 22, 2002

G.A. McClung, Assistant Superintendent
WV Dept. of Education
Building 6, Room 318 State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305-9969

Dear Mr. McClung:

I am writing in reference to Proposals #17 & #18 in regards to the proposed changes in the WVSSAC Rules and Regulations Handbook. I have 25 years of coaching experience, 20 of which I have been and am currently a head varsity boys basketball coach. I have just completed my 3rd year of being the Athletic Director at TVHS.

The people who support these proposals will say that it will allow our athletes a chance to improve themselves during this 3 week period. In reality, the coaches are more concerned with building team concepts and running team plays than they are with individual progress. These 2 proposals will cause a great amount of stress and discord between coaches of multi-sport athletes as someone will have to decide with which team the athlete will spend either all or the majority of the limited available time.

If the proponents of these proposals are truly concerned about the individual athlete, then let's have a rule that allows the coach to work only with small groups (3 or less) or just single individuals during the off season whenever the opportunity presents itself. Rather than scheduling the entire team for practices over a concentrated 3 week period, the small group settings would allow more flexibility for the individual athlete and the families involved. Our goals should be for more improvement for the individual athlete rather than improving the teams.

Please see fit to defeat Proposals #17 & #18.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wamsley", written over a horizontal line.

Coach Tom Wamsley
Athletic Director
Head Boys Varsity Basketball Coach
TVHS