

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy _____
West Virginia Secondary School Activities Commission
Proposed Changes in Rules and Regulations

PUBLIC COMMENT PERIOD ENDS: May 21, 1999 **ADOPTED:** _____

BACKGROUND

The majority of public and most private schools in West Virginia belong to the West Virginia Secondary School Activities Commission. 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 State Board of Education for their review and approval.

PURPOSE

These amendments are brought forth to keep the West Virginia Secondary School Activities Commission current and updated on changes, trends and problems in the band and athletic programs.

These proposals were distributed for public comment in April and May. The West Virginia Secondary School Activities Commission will present to the Board the comments received for your review at the June meeting.

The West Virginia Secondary School Activities Commission 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 be approved.

CONTENT

Seventeen proposals are being submitted to the State Board by the Secondary School Activities Commission. Each rule change is presented with the whole rule being included. This will help the State Board members understand the significance of the rule change.

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

1. Changes the number of administrative districts from five to eight. (Vote: Yes-65 No-14)
2. Provides for a performance evaluation of the Executive Secretary and the Assistant Executive Secretaries. (Vote: Yes-75 No-2)
3. Allows the person who proposed a rule to present the proposal to the WV State Board of Education. (Vote: Yes-41 No-33)
4. Allows the Executive Secretary the latitude to grant exceptions to the rules based upon past Board of Appeals decisions. (Vote: Yes-57 No-20)
5. Allows junior highs and middle schools to combine students from two or more schools within a county to form one interscholastic team in a sport if insufficient numbers exist at each of the feeder schools. (Vote: Yes-39 No-32)

6. Clarifies means of establishing eligibility if parents move out of the school zone. (Vote: Yes-70 No-6)
7. Defines eligibility of a student who resides with natural parents, guardian, adoptive parents or placement. (Vote: Yes-48 No-27)
8. Grants eligibility to any student who resides with his/her parents and transfers on or before the eleventh instructional day beginning the school term and clarifies the establishment of eligibility as the first participation in a scrimmage or contest. (Vote: Yes-40 No-27)
9. Brings WVSSAC sanction rules into compliance with National Federation regulations. (Vote: Yes-72 No 0)
10. Clarifies that the basketball tournament allowance is for high school varsity teams only. (Vote: Yes-69 No-2)
11. Allows two cross country scrimmages. (Vote: Yes-68 No-2)
12. Changes the first contest date for high school soccer. (Vote: Yes-68 No-2)
13. Changes the beginning of the junior high soccer season to allow for extra conditioning. (Vote: Yes-51 No-13)
14. Allows one alumni game for high school softball. (Vote: Yes-54 No-16)
15. Changes the season dates for high school swimming. (Vote: Yes-63 No-0)
16. Allows two swimming scrimmages. (Vote: Yes-69 No-0)
17. Establishes consistency of inclusion of the Non-Participation Rule under each team sport regulations. (Vote: Yes-71 No-0)

IMPACT

Instruction

None

Leadership

The addition of three Board of Appeals members would influence the leadership of the WVSAC.

Financial

One of the proposals would collectively result in increased expenses of \$16,500. Specific amount of increase for this proposal is explained on the Fiscal Note Worksheet.

Administrative

Athletic directors/principals 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 or cause extra administrative work at the school level.

*10 TITLE 127
LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 1
CONSTITUTION

§127-1-1 General.

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

1.2 Authority — WV Code §18-2-25

1.3 Filing Date —

1.4 Effective Date — July 1, 1987

§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 events and band activities among the schools represented by the member 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 Appeals hereinafter constituted, and the executive secretary, hereinafter constituted and working through the Board of Appeals, 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 all 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 assistant principal or other member of his faculty to represent him 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 Appeals 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 Appeals shall be the executive body of the Commission and shall administer the regulations of the Commission. Further, said Board of Appeals 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 Appeals. Such adjudication may, however, be subject to review by the Review Board.

Proposal 1

Amend §127-1-5 Administration (pg. 3) 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, 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~~, 1999, 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, and Wyoming.
- (2) Second District: ~~Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Menongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur.~~ Cabell, Lincoln, Logan, Mason, Mingo, and 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, and Webster.
- (5) Fifth District: Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster and Wyoming. Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood.
- (6) Sixth District: Brooke, Hancock, Marshall, Ohio, and Wetzel.
- (7) Seventh District: Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, and Upshur.
- (8) Eighth District: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton.

Rationale:

This proposal is submitted due to the creation and current success of RESAs. A correlation should be implemented that reflects our total educational delivery. In addition, a need exists to transfer knowledge generated in the field of secondary athletics and practical functions that are vested in the secondary principals. In the past five (5) years, 1992 and 1997, similar proposals were backed by the Board of Control but turned down by the State Board. Detailed rationale will be provided at the spring meeting.

- (b) Any change in the boundaries of said administrative districts adopted by the Board of Appeals shall be submitted for approval to the Board of Control at its 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.
- (c) 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.

*10 TITLE 127
LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 1
CONSTITUTION

§127-1-1 General.

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

1.2 Authority — WV Code §18-2-25

1.3 Filing Date —

1.4 Effective Date — July 1, 1987

§127-1-8 Board of Appeals.

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

8.2 The State Superintendent of Schools or his representative designated to act in his stead, a representative from the State 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 Appeals. Said appointive members shall be accorded full voting privileges but shall be ineligible to be elected or to serve as an officer of the West Virginia Secondary School Activities Commission.

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

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

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

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

Proposal 2

Amend §127-1-8 **Board of Appeals** (pg. 6) by adding the following:

8.3 (c) The Board of Appeals will annually evaluate the performance of the Executive Secretary. It shall be the responsibility of the Executive Secretary to evaluate assistant executive secretaries.

Rationale:

The Board of Appeals shall have the responsibility of evaluating the performance of the Executive Secretary.

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

- 8.6 The Board of Appeals shall appoint Deputy Board Members who will serve during the will and pleasure of the Board of Appeals.
- 8.7 At the request of the Board of Appeals a Deputy Board Member shall investigate matters of eligibility and other violations of the rules and regulations of the West Virginia Secondary School Activities Commission. Said Deputy Board Member shall submit to said Board of Appeals a written report of his findings and recommendations for disposition of the case(s).
- 8.8 The Board of Appeals shall have the power to investigate through the Deputy Board Member, or in such other manner as may be found advisable, matters of eligibility and other violations of rules when the said Board deems it advisable to do so on the basis of information furnished, even though a formal protest is not filed.
- 8.9 The Board of Appeals may divide the state into regions and sections for the purpose of administration and for tournaments or meets of any interscholastic athletic or band activity.
- 8.10 The Board of Appeals shall approve or reject all emergency rules and regulations adopted by the Constitution and Bylaws Committee.
- 8.11 The Board of Appeals shall hold hearings and render decisions in all contested cases.
- 8.12 The Board of Appeals shall have power to resolve disputes concerning the validity of any interscholastic athletic contest.
- 8.13 Five (5) officer-members present and voting at any meeting of the Board of Appeals shall constitute a quorum for said Board of Appeals to transact all business.
- 8.14 The minutes of regular and special meetings of the Board of Appeals will be submitted to principals of all member schools.

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LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 1
CONSTITUTION

FILED
APR 21 1 47 PM '99
OFFICE OF WEST VIRGINIA
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** — WV Code §18-2-25
- 1.3 **Filing Date** —
- 1.4 **Effective Date** — July 1, 1987

§127-1-10 Amendments.

The articles, bylaws, rules and regulations of the West Virginia Secondary School Activities Commission may be amended as provided in the sections immediately following. Provisions for adoption of emergency rules and regulations are made in subsection 6.7 and subsection 8.10 of these regulations. Before any proposed amendment or regulation other than any emergency rule or regulation becomes effective, it shall be approved by a majority vote of the members of said Commission present and voting at an annual or called meeting.

- 10.1A 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 Appeals. Said Board of Appeals shall designate one (1) of the members so appointed to serve as the chairman of such committee.
- 10.2The Board of Appeals shall give due consideration to maintaining a fair balance of representation of a secondary school 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/she becomes principal of a secondary school different from that from which he/she was originally appointed.
- 10.3It 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, in cases of emergency and with the consent of the Board of Appeals, to enact and adopt all necessary interim rules and regulations, whether by deletion, amendment, revision or addition and which emergency rules and regulations shall be submitted for formal adoption or rejection at the next annual or called meeting of the West Virginia Secondary School Activities Commission.
- 10.4Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the West Virginia Secondary School Activities Commission.
- 10.5Proposed 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.
- 10.6At the annual meeting of the West Virginia Secondary School Activities Commission each, and only each, such proposed change 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 proposition.
- 10.7The president of the Commission shall appoint a parliamentarian to serve at the meetings of the Commission to decide questions of procedure during said meetings.

Proposal 3

Amend §127-1-10 Amendments (pg. 8) as follows:

- 10.8 An amendment to the regulations of the West Virginia Secondary School Activities Commission shall not become effective until July 1 immediately following the annual meeting at which such amendment was adopted and such adoption is formally approved by the West Virginia State Board of Education following presentation by the original person proposing the amendment.

Rationale:

The author of the recommended proposal should have the privilege of defending the amendment.

10.9 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 Appeals 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 the State of West Virginia and remain in effect until the next meeting of the Commission.

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1.2 Authority — WV Code §18-2-25

1.3 Filing Date —

1.4 Effective Date — July 1, 1987

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

12.1 The executive secretary shall carry on the work incident to the efficient functioning of the Activities 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.

(a) He/She shall be responsible for assigning general areas of responsibilities and directing the activities of the assistant executive secretary as such responsibilities relate to the work of said Commission.

12.2 The executive secretary shall receive complaints and make investigations concerning the eligibility of secondary school athletes and participants in band activities. He/She shall also receive complaints and make investigations concerning violations of the rules of the Commission.

Proposal 4

Amend §127-1-12 Duties of the Executive Secretary (pg. 10) as follows:

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

Rationale:

This gives the latitude of the Executive Secretary to be a decision maker and to listen to all sides of all parties prior to the decision. This will eliminate some of the frivolous appeals and reduce the number of caseloads heard.

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

12.5 The executive secretary shall attend state meetings of the West Virginia Secondary School Principals Association and report, when requested by the principals, on the work of his/her office.

12.6 The executive secretary 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 Appeals reports from the national meeting.

12.7 The executive secretary shall devote his/her full time to the work assigned to him/her by the Board of Appeals. He/She shall hold no other remunerative office or position. He/She shall not officiate at any interscholastic contest.

12.8 The executive secretary shall represent West Virginia in conferences and controversies involving other states.

12.9 The executive secretary 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 Appeals and Principals by these regulations.

FISCAL NOTE WORKSHEET

(submit 4 copies)

JO. _____ 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	\$ 16,500	\$	\$ 26,750	\$ 43,250	\$
PERSONAL SERVICES	\$ (1a) 3,000	\$	\$ (1a) 5,000	\$ (1a) 8,000	\$
CURRENT EXPENSES	(1b) 2,100		(1b) 3,500	(1b) 5,600	
REPAIRS/ALTERATIONS	(1c) 900		(1c) 1,500	(1c) 2,400	
EQUIPMENT	(1d) 10,500		(1d) 16,750	(1d) 27,250	
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ 0	\$	\$ 0	\$ 0	\$

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

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 \$5,000 to \$8,000.
- 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 is \$50.00 annually. The increase of 42 more representatives would be an additional expense of \$2,100.00.
- 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 \$900 in personal services due to a \$300 honorarium received by each member.
- d. The current expense for each board member is \$3,350 annually. The additional three members would result in an increase expense of \$10,050.

4/1/99

DATE

WV Secondary School Activities Commission

AGENCY


 AUTHORIZED REPRESENTATIVE

PUBLIC RESPONSE

**Policy West Virginia Code Title 127, § 18-2-25: West Virginia Secondary School
Activities Commission**

Directions: Please use this form to comment on the proposed changes in the policy.

Individual/Organization: _____

Address: _____

Telephone: _____

COMMENTS

Proposal 1: _____

Proposal 2: _____

Proposal 3: _____

Proposal 4: _____

Proposal 5: _____

Proposal 6: _____

Proposal 7: _____

Proposal 8: _____

Proposal 9: _____

Proposal 10: _____

Proposal 11: _____

Proposal 12: _____

Proposal 13: _____

Proposal 14: _____

Proposal 15: _____

Proposal 16: _____

Proposal 17: _____

General Comments: _____

RETURN BY: May 21, 1999

**TO: John Ray, Coordinator
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Charleston, West Virginia 25305
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