

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION TITLE NUMBER: 127

RULE TYPE: LEGISLATIVE RULES : CITE AUTHORITY: WV CODE 18-2-25

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Constitution

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JUNE 11, 1997 AT 5:00 PM. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WVSSAC

ROUTE 9, BOX 76

PARKERSBURG, WV 26101

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Warren Carter by JC

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.46

West Virginia



Secondary School  
Activities Commission

ROUTE 9, BOX 76

PARKERSBURG, WV 26101-9158

TELEPHONE 485-5494  
FAX NUMBER 428-5431

WARREN CARTER, EXECUTIVE SECRETARY  
GERALD A. TREMBUSH, ASSISTANT EXECUTIVE SECRETARY  
ELIZABETH W. BEST, ASSISTANT EXECUTIVE SECRETARY

April 11, 1997

Judy Cooper, Director Administrative Law Division  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd. East  
Charleston, WV 25305

Dear Ms. Cooper:

Please find enclosed the Fiscal Note Worksheet, Executive Summary, Notice of Comment Period on a Proposed Rule, and the proposed changes for the WVSSAC Rules and Regulations Handbook.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Warren Carter".

Warren Carter  
Executive Secretary

WC/rk

# 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	\$ 17,500	\$	\$ 26,750	\$ 44,250	\$
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	(11) 1,000		(11) 0	(11) 1,000	
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.

Proposal 11

The issuance of additional courtesy and identification cards would impact the number of paid admissions at WVSSAC tournament contests. This would result in a \$1,000 annual decrease in revenue.

4/9/97  
DATE

WV Secondary School Activities Commission  
AGENCY

  
AUTHORIZED REPRESENTATIVE

\*10 TITLE 127  
LEGISLATIVE RULES  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES  
COMMISSION

SERIES 1  
CONSTITUTION

FILED  
APR 14 1 25 PM '97  
OFFICE OF THE  
SECRETARY OF STATE

**\*09 §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

**\*09 §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. 4) 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~~ 1997, and until such time as it is necessary to change the boundaries of such districts, the ~~five (5)~~ eight (8) administrative districts and 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, Monongalia, 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, and 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 in practical functions that are vested in the secondary principals. In the past five years, 1992 and 1996, 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**

**\*09 §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

**\*09 §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.

- 10.1** 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 Appeals. Said Board of Appeals shall designate one (1) of the members so appointed to serve as the chairman of such committee.
- 10.2** The 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.
- 10.3** 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, 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.
- 10.4** Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the West Virginia Secondary School Activities Commission.

**Proposal 2**

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

- 10.5** 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

~~submitted to the Constitution and Bylaws Committee postmarked or received by the WVSSAC office by January 4 + 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.

**Rationale:**

It is always busy with groups making and rethinking change and seeking commitment to the rules and regulations. Several administrators would like to have some additional time following the holiday break, and often times postal delays result in proposals not being accepted. The January 15th date would still allow ample time for the Board of Appeals to meet and the Constitution and Bylaws Committee to meet and have the proposals to the principals 30 days in advance of the meeting.

- 10.6 At 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 and/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.
- 10.7 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.
- 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.
- 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.