

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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: 09 127-1

TITLE OF RULE BEING AMENDED: Officers & Duties

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 14, 1993 AT 5 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WVSSAC

Rt. 9, Box 76

Parkersburg, WV 26101-9158

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL.

4.00

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 09-127-1-6.4 OFFICERS AND DUTIES

Type of Rule: Legislative Interpretive  Procedural

Agency WVSSAC

Address ROUTE 9, BOX 76, PARKERSBURG, WV 26101-9158

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 450.00	\$ —	\$ 250.00	\$ 300.00	\$ 300.00
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

The amendment allows for a \$50.00 increase in honorarium for each Board of Appeals member. The total cost of this amendment would be \$450.00 a year.

3. Objectives of these rules:

Increase honorarium from \$250.00 to \$300.00. This has not been changed since 1986. Board members meet monthly with a 3 day meeting in June. They receive no other compensation for their time and dedication.

Rule Title: 09-127-1-6.4 OFFICERS AND DUTIES

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

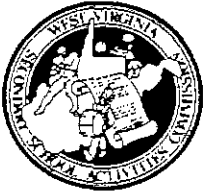
Date: APRIL 14, 1993

Signature of Agency Head or Authorized Representative

Warren Carter

# West Virginia

TELEPHONE 485-5494  
FAX NUMBER 428-5431



## Secondary School Activities Commission

ROUTE 9, BOX 76

PARKERSBURG, WV 26101-9158

WARREN CARTER, EXECUTIVE SECRETARY  
JAN PANNETT, ADMINISTRATIVE ASSISTANT

April 16, 1993

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

Dear Ms. Cooper,

Enclosed you will find proposed rule changes for the WVSSAC. All public and most private schools in West Virginia belong to the 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 distributed for a 60 day public comment period. The revisions are then submitted to the State Board of Education for their review and approval. The rules are then filed with your office. We will submit the final form to you as soon as this process has been completed. The Board of Education should take action at their July 8, 9 meeting.

Please advise if these rules are not in proper form or order.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Warren Carter".

Warren Carter  
Executive Secretary

WC/smv

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION  
ROUTE 9 -- BOX 76, PARKERSBURG, WV 26101

**Proposal 1**

Amend \*09 §127-1-6.4 - **Officers and Duties** (pg. 5) as follows:

6.4 The annual honorarium of the officer - members shall be ~~two hundred fifty (\$250)~~  
three hundred (\$300.00) dollars each effective 1994.

**\*09 §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.
- (a) The elected officer-members shall constitute the Board of Appeals of the West Virginia Secondary School Activities Commission.
  - (b) 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.
  - (c) 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 of which he was elected.
  - (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.
  - (e) The election shall be by ballot when more than one (1) candidate from the same administrative district in West Virginia 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.

- (f) At the first meeting of the Board of Appeals following the close of the annual meeting of the Commission said Board of Appeals shall designate 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 of West Virginia 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 ~~two hundred fifty (\$250)~~ three hundred (\$300.00) dollars each effective 1994.
- 6.5 The executive secretary 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 ten thousand (\$10,000) dollars. The executive secretary shall furnish bond in the amount of fifty thousand (\$50,000) dollars. The premium for both of these bonds shall be paid by the commission.
- 6.7 The officers of the Commission may submit questions for discussion by mail 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 Appeals, 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.

### Rationale:

This stipend has not been increased for a number of years. The Board members spend a large amount of time with Activities Commission work. This is only a small honorarium for their time and dedication.

## Proposal 2

Amend \*09 §127-1-8.2 - Board of Appeals (pg. 6) as follows:

8.2 "The State Superintendent of Schools or his representative designated ~~by him~~ to act in his stead, a representative selected by the West Virginia School Boards Association, ~~and~~ a representative selected by the West Virginia School Administrators Association 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."

### **\*09 §127-1-8. Board of Appeals.**

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

8.2 The State Superintendent of Schools or his representative designated ~~by him~~ to act in his stead, a representative selected by the West Virginia School Boards Association, ~~and~~ a representative selected by the West Virginia School Administrators Association 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 maybe necessary to assure efficient functioning of the work of the West Virginia Secondary School Activities Commission. Furthermore, said Board of Appeals shall have authority to fix and to pay salaries to the executive secretary and to other staff 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 and at least one shall have the status of Administrative Assistant. The appointment of said Assistant Executive Secretary and Administrative Assistant 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 and Administrative Assistant 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 and Administrative Assistant shall not be removed during his contract term of office except for just and reasonable cause as prescribed in subsection 11.3.

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

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

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

8.6 The Board of Appeals shall appoint Deputy Board Members who will serve during the will and pleasure of the Board of Appeals.

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

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

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.

### **Rationale:**

An Athletic Director added to the Board of Appeals would add athletic expertise and knowledge to this group. Athletic Directors administer directly to the school program.

### **Proposal 3**

Amend \*09 §127-1-12.3 - **Duties of the Executive Secretary** (Pg. 11) 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. Appeals of rendered decisions by the Executive Secretary shall be filed within (30) days of the decision, unless otherwise stated.

### **\*09 §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 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 shall also receive complaints and make investigations concerning violations of the rules of the Commission.

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. Appeals of rendered decisions by the Executive Secretary shall be filed within (30) days of the decision, unless otherwise stated.

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 commission and report, when requested by the principals, on the work of his 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 full time to the work assigned to him by the Board of Appeals. He shall hold no other remunerative office or position. He 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.

**Rationale:**

This amendment adds a time provision to a decision made by the Executive Secretary. This establishes time lines for due process.