

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 6, 1989
ADMINISTRATIVE LAW DIVISION

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Secondary Schools Activities Comm. TITLE NUMBER: 127

CITE AUTHORITY: 18-2

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-1-3

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Constitution of the WV Secondary
Schools Activities Commission

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 6, 1989

(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.

***09 Section 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, than 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 four (4) 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 four-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 four (4) 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) dollars each.

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.

***09 Section 127-1-7. Meetings.**

7.1. The annual meeting of the West Virginia Secondary School Activities Commission shall be planned by the executive secretary and the Board of Appeals 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.

***09 Section 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 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 Secondary School Principals Commission 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.

1989 Correction 12.5

11.3. The executive secretary shall serve during the will and pleasure of the Board of Appeals but shall not be removed during his term of office 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.

***09 Section 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.

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.

***09 Section 127-1-13. Review Board.**

13.1. Review Board.

(a) A West Virginia Secondary School Activities Commission Review Board is hereby established.

(b) Said Review Board shall consist of seven (7) members to be appointed by the West Virginia State 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 State Board of Education or any county board of education. All members of the review board shall be residents of the State of West Virginia.

(c) 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:

- (1) West Virginia Bar Association,
- (2) West Virginia School Administrators Association,
- (3) West Virginia State Committee of the North Central Association of Colleges and Secondary Schools,
- (4) West Virginia State Medical Association,
- (5) West Virginia Sportswriter Association,
- (6) West Virginia Athletic Directors Association,
- (7) West Virginia Retired School Employees Association.

(d) 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 State Board of Education.

(e) 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.

(f) 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.

(g) In the same manner as prescribed in subsection 13.1(d) of these regulations, the West Virginia State 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.