

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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STATE

**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 October 18, 1990

Judy Cooper
for SSAC

*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.

(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 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 when their cases are not specifically covered by these regulations.~~

~~8.6. The Board of Appeals shall exercise whatever discretionary powers it may deem necessary for the furtherance of interscholastic athletic events and band activities in the secondary schools of West Virginia.~~

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. Three (3) 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.~~

8.13. 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.

*09 Section 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.~~

~~(a) A ten (\$10) 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.~~

~~(b) After the first one hundred (100) students enrolled, the membership will be five (\$5) dollars per one hundred (100) additional students, or fraction thereof, up to one thousand (1,000) students.~~

~~(c) For each one hundred (100) students above one thousand (1,000) additional one (\$1) dollar per one hundred (100) students, or fraction thereof, is to be added.~~

~~(d) A six (6) year high school shall pay a flat fee of ten (\$10.) dollars for grades seven (7) and eight (8) and five (\$5.) 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 one (\$1.) dollar per hundred (100), or fraction thereof, above one thousand (1,000) students.~~

~~(e) A ten (\$10.) dollar fee is the ceiling for all regular junior high schools.~~

~~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 five (\$5.00) dollars reinstatement fee, has been paid to the Commission.~~

9.1. The annual dues for members of this Commission shall be based upon the student enrollment of the school they represent.

(a) 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.

(b) 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.

(c) For each one hundred (100) students above one thousand (1,000) additional five (\$5.00) dollars per one hundred (100) students, or fraction thereof, is to be added.

(d) 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.

(e) A thirty (\$30.00) dollar fee is the ceiling for all regular junior high schools and middle schools.

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 fee, has been paid to the Commission.

9.2. The Board of Appeals may reduce the amount of annual dues of the members for any year.

9.3. The Board of Appeals is authorized to levy entry fees and assessments for the conducting of any interscholastic athletic event or band activity when it is not self-supporting. Funds 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 Appeals 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 State Tax Commissioner. A written summary of the audit shall be a part of the annual report of the executive secretary 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.