

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN III

ADMINISTRATIVE LAW DIVISION

Form #2

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2004 APR 19 P 2:52

OFFICE 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; CITE AUTHORITY: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-25

AMENDMENT TO AN EXISTING RULE: YES X NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED:     2    

TITLE OF RULE BEING AMENDED: Athletics, Provisions Governing Eligibility

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 May 20, 2004 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

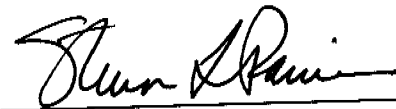
Mike Hayden, Executive Director

WV Secondary School Activities Commission

2875 Staunton Turnpike

Parkersburg, West Virginia 26104

THE ISSUES TO BE HEARD WILL BE LIMITED TO SECTIONS 127-2-3.10., 6.2., 7.1.1.a., b., c., d. and e., and 10.2.4. of this proposed rule.



Steven L. Paine  
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION**

West Virginia Secondary School Activities Commission  
Proposed Changes to Rules 1, 2 and 3

**PUBLIC COMMENT PERIOD ENDS:**

**BACKGROUND**

The majority of public and most private schools in West Virginia belong to the West Virginia Secondary School Activities Commission (WVSSAC). 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 changes approved by the Board of Control are then submitted to the West Virginia Board of Education for administrative and public review.

**PURPOSE**

The amendments are brought forth to keep the WVSSAC abreast of changes, trends and issues in the band and athletic programs.

These proposals, if approved, will be distributed for public comment in April and May. The WVSSAC will present comments received for the Board's review at the June meeting.

The WVSSAC staff, **Constitution and Bylaws Committee**, and **Board of Control** respectfully request that the proposed rule changes, enumerated below, be approved for placement on public comment.

The West Virginia Department of Education (WVDE) recommends that seven of the eight proposals be placed on public comment; WVDE does not recommend or support Proposal 2.

**CONTENT**

Eight proposals are being submitted to the State Board by the West Virginia Secondary School Activities Commission. Each rule is presented in its entirety to assist Board members in understanding the significance of each proposed change.

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

1. Proposal 1: To place in the constitution recently adopted Board of Director policies regarding membership. (Vote: Yes-90 No-1)
2. Proposal 2: To prevent the recruitment of students for athletic teams. (Vote: Yes-91 No-1)  
**WVDE does not recommend or support Proposal 2.**
3. Proposal 3: To prevent multiple transfers for athletic reasons. (Vote: Yes-89 No-4)
4. Proposal 8: To allow athletes to participate in state or national amateur championships. (Vote: Yes-93 No-0)

5. Proposal 9: To allow more flexibility to get in the required 14 practice days. (Vote: Yes-66 No-12)
6. Proposal 10: To allow more flexibility to get in the required 14 practice days. (Vote: Yes-84 No-0)
7. Proposal 11: To allow more flexibility to get in the required 14 practice days for high schools. (Vote: Yes-87 No-0)
8. Proposal 12: To allow more flexibility to get in the required 14 practice days for junior high/middle schools. (Vote: Yes-82 No-0)

### IMPACT

Instruction: None

Leadership: None

Financial: None

Administrative: None

**ATHLETIC ADMINISTRATORS, PRINCIPALS, AND COUNTY SUPERINTENDENTS  
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 .**

**WVSSAC**  
**Rules and Regulations Handbook**  
**2004-05 Proposed Rule Changes Accepted by BOC**

**Proposal 1 Passed 90-1**

**Amend 127-1-4 Membership (pg. 2) as follows:**

4.2.6 The first year of membership will be a probationary year with the school not being allowed participation in WVSSAC sponsored tournaments.

4.2.7 A one time membership fee of \$1500.00 will be afforded senior high schools, \$500.00 to middle/junior high schools, or \$2,000.00 to combined middle/senior high schools.

4.2.8 Public schools seeking membership that are a result of consolidation or splitting of existing member schools shall be exempt from the provisions in 4.2.6 and 4.2.7.

**Rationale:** To place in the constitution recently adopted Board of Director policies regarding membership.

Constitution and Bylaws Committee

**Proposal 2 Passed 91-0**

**Amend 127-2-3 Enrollment and Team Membership (pg. 15) as follows:**

3.10 Boarding students at member schools are not eligible. (Definition: A boarding student is one who receives room and board that is provided by said school or anyone other than the parent(s) of said student.)

**Rationale:** To prevent the recruitment of students for athletic teams.

Constitution and Bylaws Committee

**Proposal 3 Passed 89-4**

**Amend 127-2-7 Residence-Transfer (pg. 18) as follows:**

**7.1 Part A - Residence**

In determining one's residence, the following criteria shall apply:

- A. Where the parents and family members sleep the majority of the time.
- B. Where the mail is received.
- C. Where the meals are prepared and eaten.
- D. Where the parents are registered to vote, and
- E. Where important family activities take place during significant parts of each day.

**Rationale:** To prevent multiple transfers for athletic reasons.

Constitution and Bylaws Committee

**Proposal 4 Passed 65-29**

**Amend 127-2-7 Residence-Transfer (pg. 19) as follows:**

7.2.2. If a student transfers during the school year from a secondary school in one zone to a secondary school in another zone, said student shall be ineligible for ~~the remainder of that school year~~ 365 days from date of enrollment unless the parents become residents of the zone to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in the attendance zone unless exempted by Rule 127-2-7.2.8 and 127-2-7.2.9.

**Rationale:** To prevent multiple transfers for athletic reasons.

Constitution and Bylaws Committee

**Proposal 5 (Will not be voted upon if Proposal 4 is defeated.) Passed 65-10**

**Amend 127-2-7 Residence-Transfer (pg. 19) as follows:**

7.2.3. Students who transfer during the school year to or from a member school shall be ineligible for ~~the remainder of that school year~~ 365 days from the date of enrollment unless the parents move from one member school zone to another member school zone in conjunction with transfer of schools.

**Rationale:** To prevent multiple transfers for athletic reasons.

Constitution and Bylaws Committee

**Proposal 6 Failed 45-46**

**Amend 127-2-7 Residence-Transfer (pg. 20) as follows:**

7.2.8. If a student is released and accepted by formal actions of county boards of education or similar governing bodies of a non-public school which have verified that such transfer is not for athletic purposes, said student will be granted immediate eligibility provided all other rules are met. The transfer must occur at the beginning of the 9<sup>th</sup> grade school year with the student enrolled on or before the eleventh instructional day of the beginning of the school year and provided that said student is residing with the parents. Notwithstanding any provisions, once that team has participated in a scrimmage or contest, the student has established eligibility at that school for the remainder of that school year.

**Rationale:** To allow a one time transfer out of zone beginning with the 9<sup>th</sup> grade year.

Constitution and Bylaws Committee

**Proposal 7 (Will not be voted upon if Proposal 6 is defeated.) No Vote**

**Amend 127-2-7 Residence-Transfer (pg. 20) as follows:**

7.2.9. During the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> grades, a student shall be entitled to one transfer back into the public school located within the attendance zone where the student's parents residence is

located regardless of from where the student is transferring.

7.2.9.10 The eligibility of a student whose parents are divorced or legally separated is determined by the following:

- a. court decree establishing residency with one parent.

7.2.10.11 After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for the remainder of that school year unless a change of residency is decreed by the court.

**Rationale:** To prevent multiple transfers for athletic reasons.

Constitution and Bylaws Committee

### **Proposal 8 Passed 93-0**

#### **Amend 127-2-10 Non-school Participation (pg. 21) as follows:**

10.2. A student may participate as a member of a national team (and the actual, direct tryouts thereof) which is defined as:

10.2.1. one selected by the national governing body of the sport,

10.2.2. while representing the National Federation in an International Schoolsport Federation, or

10.2.3. as a representative of the United States in recognized national or international events.

10.2.4. a qualifier for the West Virginia Golf Association's Amateur Championship or the United States Golf Association's United States Amateur Championship.

**Rationale:** With Golf season now beginning two weeks earlier, the season overlaps with these two prestigious championships. Athletes should not have to delay or lose their eligibility because they have qualified for these events. Current rule punishes the athlete and his/her team because the athlete has qualified for a major athletic contest.

Dianna M. Vargo, Principal  
Wheeling Park High School

### **Proposal 9 Passed 66-12**

#### **Amend 127-3-20 Basketball (Boys and Girls) (pg. 43) as follows:**

20.9.1 Girls may begin practice on Monday of Week ~~19~~ 18 and boys on Monday of Week ~~20~~ 19. The first contest for girls ~~will~~ may be played on Wednesday of week 21 and Wednesday of week 22 for boys.

**Rationale:** Allow more flexibility to get in the required 14 practice days.

Constitution and Bylaws Committee

**Proposal 10 Passed 84-0**

**Amend 127-3-22 Cross Country (Boys and Girls) (pg. 44) as follows:**

22.2 Organized team practice will begin on Monday Week 5 and first meet may be held on ~~Wednesday~~ Saturday of Week 7.

**Rationale:** Allow more flexibility to get in the required 14 practice days.

Constitution and Bylaws Committee

**Proposal 11 Passed 87-0**

**Amend 127-3-30 Volleyball (pg. 51) as follows:**

30.2 Organized Team Practice: Organized team practice will begin on Monday of Week 7 6 and the first contest may be played on Wednesday of Week 9.

**Rationale:** Allow more flexibility to get in the required 14 practice days for high schools.

Constitution and Bylaws Committee

**Proposal 12 Passed 82-0**

**Amend 127-3-30 Volleyball (pg. 52) as follows:**

30.10.2 Organized team practice will begin on Monday of week 8-7 and the first contest may be played on Wednesday of Week 10.

**Rationale:** Allow more flexibility to get in the required 14 practice days for junior high/middle schools.

Constitution and Bylaws Committee

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TITLE 127

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LEGISLATIVE RULE

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

SECRETARY OF STATE

SERIES 2

ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

**§127-2-1. General.**

1.1. Scope<sub>2</sub> - These rules establish the provisions governing student eligibility to participate in interscholastic athletics.

1.2. Authority<sub>2</sub> - W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2-25.

1.3. Filing Date<sub>2</sub> - ~~June 7, 2002.~~

1.4. Effective Date<sub>2</sub> - ~~August 6, 2002.~~

**§127-2-2. Waivers.**

2.1. The Board of Directors is authorized to grant a waiver to a rule when it determines the rule fails to accomplish the purpose for which it is intended or when the rule works extreme and undue hardship upon the student.

2.2. Speculative loss of college scholarship is not considered a basis for granting a waiver to these rules.

**§127-2-3. Enrollment and Team Membership.**

3.1. To be eligible for participation in interscholastic athletics, a student must be enrolled full-time in a member school as described in Rule 127-2-6 on or before the eleventh instructional day of the school year. Enrollment must be continuous after the student has officially enrolled in the school.

3.2. Students can participate only in schools in which they are enrolled; however, an exception may be granted by the Board of Directors as follows:

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3.2.1. if a feeder school does not afford students the opportunity to participate and they are otherwise eligible.

3.2.2. for students from the WV Schools for the Deaf and the Blind (WVSD&B) to participate at Hampshire High School or Romney Middle School (only in sports not available at WVSD&B).

3.2.3. if member schools containing grades 6 and/or 7 and/or 8 and/or 9 may combine students from two or more schools within the county to form one interscholastic team in a sport. Requests for permission to combine students from two or more schools in the same non-public or public school system must be submitted annually to the West Virginia Secondary School Activities Commission (WVSSAC) in writing by the superintendent of the non-public or public school system. Schools which are combining to form one team must be feeder schools for the same high school and at least one school does not have sufficient numbers for a team. If more than two schools are involved, principals are to evaluate the number of available participants in each school and shall combine schools to provide as many teams that sufficient numbers will allow. Sufficient numbers will be defined as the number of a starting line-up plus 50% (for odd number line-ups, round up).

3.2.4. Students enrolled in the ninth grade of a four, five or six year high school may participate on the high school team. Also, ninth graders of a feeder school may participate on their high school team and sixth grade students of a K-6 elementary feeder school may participate on their junior high team if granted permission by the county board of education or governing body of a private/parochial school and the school principals involved. Once a ninth grade student becomes a member of the high school team said student will be ineligible for the junior high team in that sport.

3.2.5. Students at a junior high or middle feeder school who are not provided the opportunity to participate because of age may move up to their high school if granted permission by the county board of education or governing body of a private/parochial school and the school principals involved.

3.3. A student academically ineligible by rule may begin practicing 15 school days immediately prior to the dates of regaining full eligibility provided all other eligibility requirements are met.

3.4. Students enrolled in the following grades in member schools will be eligible for junior high participation:

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### *Junior High Schools*

Grades 7 and 8

Grades 7, 8, and 9

Grades 8 and 9

### *High Schools*

7, 8 and 9 (six year school)

8 and 9 (five year school)

9 (four year school)

### *Middle Schools*

6, 7, 8 (3-year or 4-year school)

3.5. Sixth grade students may be eligible to participate in interscholastic sport teams except football in the middle school in which they are enrolled.

3.6. Students who are enrolled in a grade below the ninth are not eligible for a high school team, and students enrolled in a grade below the seventh will not be eligible for a junior high team. Students enrolled in a grade below the sixth will not be eligible for a middle school team.

3.7. Senior students will be eligible for spring sports until the close of the school's season.

3.8. Schools may sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill. If a school sponsors a team in a particular sport for members of one sex but sponsors no such team for members of the other sex, and athletic opportunities for members of that sex previously have been limited, members of the excluded sex must be allowed to try out for the team offered. For example, because overall athletic opportunities for females have previously been limited, females will be allowed to try out for baseball, but males will not be allowed to try out for volleyball or softball.

3.9. Students enrolled at WV School for the Deaf will be allowed to participate in sports at the WV School for the Blind. Students from the WV School for the Blind will be allowed to participate in sports at the WV School for the Deaf.

3.10. Boarding students at member schools are not eligible. (Definition: A boarding student is one who receives room and board that is provided by said school or anyone other than the parent(s) of said student.)

### **§127-2-4. Age.**

4.1. A student in high school who becomes 19 and a student in junior high school who becomes 16 before August 1 shall be ineligible for interscholastic competition.

4.2. A student in high school who becomes 19 and a student in junior high school who becomes 16 on or after August 1 shall remain eligible for the entire year.

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4.3. A student in a middle school (eighth grade being the highest grade) who becomes 15 before August 1 shall be ineligible for interscholastic competition at that level.

4.4. A student in a middle school (eighth grade being the highest grade) who becomes 15 on or after August 1 shall remain eligible for the entire school year at that level.

### §127-2-5. Semester and Season.

5.1. A student may have the privilege to participate in the interscholastic program for four consecutive years (eight consecutive semesters or equivalent) after entering the ninth grade of a four-year high school or the ninth grade in a 7-9 junior high school.

5.2. A student shall not participate for more than two seasons while in grades 7-8 of a junior high/high school or no more than three seasons while in grades 6-7-8 of a middle school in any interscholastic activity.

5.3. Students retained without failing.

5.3.1. *Loss of eligibility.* A student held back in the sixth, seventh or eighth grade without failing shall lose one of the four years of high school eligibility for each year the student is held back.

5.3.2. *Loss of fourth year.* A student held back one year in the seventh or eighth grade without failing shall lose the fourth year of eligibility after entering the ninth grade.

5.3.3. *Loss of third and fourth years.* A student held back for two years in the seventh or eighth grade without failing shall lose both the third and fourth years of eligibility after entering the ninth grade.

5.4. Ten days of attendance or enrollment shall constitute a semester. Said ten days includes the day of enrollment, the last day of attendance and the elapsed time between, provided that they are days when school was actually in session.

5.5. The number of semesters of athletic eligibility of a student is determined by semesters of enrollment and attendance and not by semesters of participation. (This applies for students in grades 9-12 only).

5.6. A student whose eligibility expires with the end of a semester shall not become

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ineligible until report cards are issued or five school days into the next semester, whichever is less. The student will be considered eligible any days between the two semesters.

5.7. Any part of a contest or interscholastic event in which a student competes shall be counted as a season for that sport in grades 6-12 and a semester of participation in grades 9-12.

5.8. The Board of Directors is authorized to grant a waiver to the Semester and Season Rule when it feels the rule fails to accomplish the purpose for which it is intended and when the rule works extreme and undue hardship upon the student. Waivers may be granted in the following circumstances:

5.8.1. The Board is authorized to consider cases in which a student entering high school (explained in Rule 5.1) did not stay in continuous enrollment because of personal illness, or no school was available, or because of other undue hardship reasons ascertained through investigation.

5.8.2. The Board may provide release from the continuous enrollment restriction provided no participation had occurred during the semester(s) in question.

5.8.3. In no event may a student be allowed to participate in more than four (4) seasons in any one sport in grades 9-12.

5.9. The Board may also assess appropriate penalties to the student or to the school if said Board determines through its investigation that said student or said school did try to evade the rule by subterfuge.

### **§127-2-6. Scholarship.**

6.1. A student is required to do passing work in the equivalent of at least 20 periods (four subjects with full credit toward graduation) per week. Failure to earn passing marks in four full credit subjects during a semester shall render a student ineligible for the following semester.

6.1.1. A semester course that constitutes 8100 minutes of instruction (block schedule) will count as two subjects.

6.1.2. The student may select four full credits from any area of the curriculum offered by the school.

6.1.3. If a student is taking a multiple period subject, such as block or vocational courses

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for a full morning or afternoon, it may be counted as more than one subject. The number of subjects counted will be equal to the units of full credits given.

6.1.4. If a student has been declared ineligible according to the standards outlined above, the student may attend summer school and have eligibility reinstated if the student meets the standards at the conclusion of summer school.

6.1.5. If a student has been declared ineligible according to the standards outlined above, the student may have eligibility reinstated at midsemester if the student is meeting the standards at that time.

6.2. *Note:* Full credit is defined as one-half credit for a semester or 4050 minutes as provided by ~~West Virginia Board of Education §126-30-1 et seq., "Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12)" (Policy 2444.01)~~ and West Virginia Board of Education §126-42-1 et seq., "Assuring the Quality of Education: Regulations for Education Programs" (Policy 2510).

6.3. Schools providing for planned programs of independent learning during the regular school term may wish not to require all students to attend classes for 4050 minutes during a semester. In such instances, full credit may be awarded for satisfactory performance provided that it meets standards established by the county and West Virginia Department of Education.

6.4. Full credit may be awarded for subjects in addition to those offered by the school as well as experimental programs developed by the school itself provided that it meets standards established by the county and West Virginia Department of Education.

6.5. A student not attempting four (4) full credit subjects during a semester must complete one semester of school work to regain eligibility.

6.6. Any student who withdraws from school and does not re-enroll within 10 school days of that withdrawal date will lose eligibility for the remainder of that semester.

6.7. Credit deficiencies cannot be made up after the last day of the semester, except in a case where a student whose final examinations and course credit are delayed due to illness which can be verified by a physician.

6.8. The official school transcript will be used to determine a student's eligibility and will be regarded as final.

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6.9. In accordance with West Virginia Board of Education §126-26-1 et seq., ~~West Virginia Board of Education Policy 2436.10~~; “Participation in Extracurricular Activities” (Policy 2436.10, C-Rule), students must maintain a 2.0 average to participate in interscholastic athletics. (See Appendix.)

### §127-2-7. Residence-Transfer.

#### 7.1. Part A - Residence.

##### 7.1.1. In determining one’s residence, the following criteria shall apply:

Aa. Where the parent (s) and family members sleep the majority of the time.

Bb. Where the mail is received.

Cc. Where the meals are prepared and eaten.

Dd. Where the parent (s) is/are registered to vote, and

Ee. Where important family activities take place during significant parts of each day.

7.1.12. A student shall be eligible in the zone in which the student’s parents reside. Public secondary school attendance zones shall be established by official action by each county Board of Education. Zones of nonpublic member schools shall be established by their governing board and subject to approval by Board of Directors.

7.1.23. A student shall be eligible when enrolling to attend a member secondary school for the first time in the zone in which the parents reside, unless the student has established eligibility under Rule 127-2-7.2.3 in another attendance zone.

7.1.34. When a town or city is located in two counties and only one public secondary school is located in the town or city, students living in the town or city may attend this secondary school if mutually agreed upon by the two county boards of education and approved by the Board of Directors.

7.1.45. A student who is in the care of the West Virginia Department of Health and Human Resources shall be eligible to participate in interscholastic athletics as a member of the athletic teams of the secondary school in the zone in which said West Virginia Department of Health

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and Human Resources places the student in a home, provided the student is otherwise eligible.

7.1.56. A student may be eligible outside the specified zone of attendance if the student has been in attendance in that zone the immediate preceding year (365 days) prior to entering a member secondary school. There can be no change of residence involving change of attendance zone during the immediate preceding year (365 days).

a. Should the parents make a bona fide change of residence to a new school zone during the school term, a student may remain in the school zone from which the parents moved and retain eligibility.

b. A student whose parents have resided in the school zone for a minimum of one academic year at which the student has been in attendance for a minimum of one academic year and whose parents move out of the school zone may:

A. Retain eligibility as long as said student retains enrollment and attendance or:

B. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school or:

C. Transfer at any time prior to the start of the next school year to the school in the attendance zone in which his parents are residing and be eligible for interscholastic activities at the receiving school.

7.1.67. Foreign exchange students, attending a member school under the auspices of a Council on Standards for International Educational Travel (CSIET) student exchange program, shall be considered eligible regarding residence for a maximum period of one calendar year. Said foreign exchange student may not be a graduate of the secondary school of the home country and must maintain eligibility in a member school. A foreign exchange program must assign students to schools by a method which insures that no student, school, or other interested party may influence the assignment for athletic purposes.

7.1.78. A student returning from an approved foreign exchange program may resume interscholastic competition in a member school at the point of interruption provided the student does not fulfill graduation requirements while participating in the exchange program and provided the student meets all requirements relative to age and semesters of eligibility.

7.2. Part B - Transfer.

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7.2.1. A student becomes immediately eligible, providing all other eligibility requirements are met, when parents make a bona fide change of residence to a new school zone. Determination of a bona fide change of residence depends upon the facts of each case. In order for a change of residence to be considered bona fide the following circumstances may be considered but are not exclusive:

- a. Was the original residence abandoned;
- b. Did the entire family make the change of residence;
- c. Is the change made with the intent to be permanent;
- d. Does the family have more than one residence for eligibility purposes?
- e. When parents are not legally separated and when they are residing in different places, the residence shall be considered the residence formerly used by both parents;
- f. Was the residence change used or manipulated for the purpose of gaining athletic eligibility?

7.2.2. If a student transfers during the school year from a secondary school in one zone to a secondary school in another zone, said student shall be ineligible for the remainder of that school year unless the parents become residents of the zone to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in the attendance zone unless exempted by Rule 127-2-7.2.8.

7.2.3. Students who transfer during the school year to or from a member school shall be ineligible for the remainder of that school year unless the parents move from one member school zone to another member school zone in conjunction with transfer of schools.

7.2.4. If the transfer is from a non-member school to a member school in the zone where the student's parents reside, a student is eligible providing; (1) the student is enrolling in a member school for the first time and (2) the principals of both non-member and member schools involved concur that undue influence is not involved with the transfer.

7.2.5. A student may be transferred from one-attendance zone to another zone within the same county by a county board of education and maintain eligibility. The transfer must be initiated by county board of education personnel to fulfill certain special education programs(s) not available

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in the attendance zone from which the student is transferred. Upon the completion of the special program, the student must return to the attendance zone of the student's residence.

7.2.6. For the purpose of athletic eligibility, the Commission does not recognize emancipated status as relates to transfer except as might occur in marriage and relocation to another school zone.

7.2.7. Notwithstanding any other provisions of WVSSAC rules and regulations, if a student transfers for athletic reasons, the student will be ineligible for 365 days from the date of enrollment. A transfer for athletic reasons is defined as, but not limited to:

- a. Seeking a superior athletic team;
- b. Seeking a team consistent with the student's ability;
- c. Seeking relief from conflict with the philosophy or action of an administrator, teacher or coach relating to athletics;
- d. Seeking a means to nullify punitive action by the previous school.

7.2.8. If a student is released and accepted by formal actions of county boards of education or similar governing bodies of a non-public school which have verified that such transfer is not for athletic purposes, said student will be granted immediate eligibility provided all other rules are met. The transfer must occur at the beginning of the school year with the student enrolled on or before the eleventh instructional day of the beginning of the school year and provided that said student is residing with the parents. Notwithstanding any provisions, once that team has participated in a scrimmage or contest, the student has established eligibility at that school for the remainder of that school year.

7.2.9. The eligibility of a student whose parents are divorced or legally separated is determined by the following:

- a. court decree establishing residency with one parent.

7.2.10. After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for the remainder of that school year unless a change of residency is decreed by the court.

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### **§127-2-8. Adoption/Guardianship.**

8.1. A student shall be eligible to participate in interscholastic athletics only if (1) residing with one or both of the parents; (2) residing with a testamentary guardian following the death of the parents; or (3) residing in a location where the student was placed by the West Virginia Department of Health and Human Resources pursuant to WVSSAC Rule 127-2-7.1.45.

8.2. The residence of a testamentary guardian shall constitute the residence of the ward when, and only when, (1) such testamentary guardian has been duly appointed by the last will and testament of the student's last surviving parent; (2) said testamentary guardian has duly qualified as such before the proper tribunal in West Virginia; and (3) the student is actually residing in the household of the testamentary guardian at the time of the student's sport participation.

8.3. Notwithstanding any other provision of the WVSSAC rules and regulations, any student residing with a guardian/custodian other than a testamentary guardian may not compete for a school in any sport on the varsity level but may compete at the junior varsity level.

8.4. Notwithstanding any other provisions of WVSSAC rules and regulations, legal guardian/custodian may not be changed for athletic reasons. A transfer for athletic reasons is defined as, but not limited to:

8.4.1. Seeking a superior athletic team;

8.4.2. Seeking a team consistent with the student's ability;

8.4.3. Seeking relief from conflict with the philosophy or action of an administrator, teacher or coach relating to athletics;

8.4.4. Seeking a means to nullify punitive action by the previous school.

### **§127-2-9. Undue Influence - Recruiting.**

9.1. The use of influence by a person or group connected or not connected with the school to secure or retain a student for athletic participation is not permitted and may cause the student to be ineligible and may cause certain sanctions to be placed against the member school.

9.2. An employee of the school system shall not initiate any communication regarding athletic participation or enrollment with a student, parent of a student, guardian or family member,

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in person or through a third party prior to enrollment. This does not include the introduction of athletic programs to students at feeder schools during a school's scheduling process.

9.3. A student, parent of a student, or guardian shall not be offered for the purpose of encouraging enrollment in a school or participation in an athletic program any inducement, such as free tuition, jobs, supplies, uniforms, other than that which is provided for all students.

### **§127-2-10. Non-school Participation.**

10.1. During the school year and while a member of a school team, a student shall neither participate on any formally organized non-school team in the same sport, nor shall the student compete as an individual unattached in non-school formally organized competition in the same sport. The following sports are exempted from the provisions of this rule: cheerleading, cross country, golf, swimming, tennis, track, and wrestling, providing:

10.1.1. participation is approved by the student's principal.

10.1.2. the student misses no school-sponsored athletic contest involving a team in that sport.

10.2. A student may participate as a member of a national team (and the actual, direct tryouts thereof) which is defined as:

10.2.1. one selected by the national governing body of the sport,

10.2.2. while representing the National Federation in an International Schoolsport Federation, or

10.2.3. as a representative of the United States in recognized national or international events.

10.2.4. a qualifier for the West Virginia Golf Association's Amateur Championship or the United States Golf Association's United States Amateur Championship.

10.3. A student who has participated on a non-school team or as an individual unattached in non-school formally organized competition after the beginning practice date of that sport will be ineligible for participation on that school team for that season in that particular sport except as provided by Rules §127-2-10.1 and 10.2.

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### §127-2-11. Amateur.

11.1. A student who represents a school in an interscholastic sport shall be an amateur in that sport. An amateur athlete is one who engages in athletic competition solely for the physical, mental, social, and pleasure benefits derived therefrom. An athlete forfeits amateur status in a sport by:

11.1.1. competing for money or other monetary compensation (allowable travel, meals and lodging expenses may be accepted);

11.1.2. receiving any award or prize of monetary value which has not been approved by the WVSSAC;

11.1.3. capitalizing on athletic fame by receiving money or gifts of monetary value (scholarships to institutions of higher learning are specifically exempted);

11.1.4. signing a professional playing contract in that sport.

11.2. Accepting a nominal, standard fee or salary for instructing, supervising or officiating in organized youth sports program or recreation, playground or camp activities shall not jeopardize amateur status. "Organized youth sports program" includes both school and non-school programs. Compensation for giving private lessons is permissible if approved by the WVSSAC.

11.3. A student who loses amateur status may apply to the WVSSAC for reinstatement in the interscholastic program after a waiting period of one complete high school season (starting practice date to through state tournament or end of season) for that sport.

11.4. A senior student may participate in a professional tryout either during or after the season of that sport provided

11.4.1. that it does not occur on the day of a school contest of that sport, or

11.4.2. that it meets with the principal's approval.

### §127-2-12. Participation as an Ineligible.

12.1. Any student who participates in an interscholastic athletic contest as an ineligible, either knowingly or inadvertently, shall be ineligible for a period not to exceed 365 days as

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determined by the Executive Director.

### §127-2-13. Practice.

13.1. Only students enrolled in the specific member school are allowed to participate in that school's practices. Exceptions - Rules 127-2-3.2 and 127-2-3.5.

13.2. The frequency and length of practice is at the discretion of each member school.

13.3. Member schools of the WVSSAC may practice on any day of the year with the exception of Sunday practice. Rule 127-3-14.2 further clarifies Sunday practice.

13.4. Individual players of a team must have practiced

13.4.1. on 7 SEPARATE days before participating in an interscholastic scrimmage.

13.4.2. on 14 SEPARATE days, exclusive of the day of a contest, before participating in an interscholastic contest. The following sport(s) is exempted from the provisions of this rule: golf.

13.5. A student shall not be permitted to engage in interscholastic practice until that student has filed with the principal a completed Athletic Participation/Parental Consent/Physician's Certificate Form. Rule 127-3-3 further explains this required form.

13.6. A student academically ineligible may begin practicing 15 school days immediately prior to the date of regaining full eligibility.

13.7. If a student has established eligibility in a sport requiring 14 separate days of practice and is continuing to participate in that sport or no school days have lapsed from one sport to another sport in a same season, the student may participate in another sport of the season after completing seven separate days of sport specific practice in the second sport.

13.8. Students participating in a sport(s) in one season must have practiced 14 separate days, exclusive of the day of a contest, to be eligible to participate in a sport in the next season with the following exception: the student has continued to practice or participate in tournament play without an interruption of school days. The student must complete seven separate days of sport specific practice in the second sport.

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT West Virginia Secondary School Activities Commission - Rule 2 FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF 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 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT**

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
			<u>04</u>	<u>05</u>	
1. ESTIMATED TOTAL COST	\$0	\$0	\$0	\$0	\$0
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$0	\$0	\$0	\$0	\$0
2. ESTIMATED TOTAL REVENUES	\$0	\$0	\$0	\$0	\$0

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

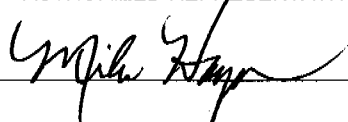
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

April 6, 2004

West Virginia Secondary School Activities Commission

  
 \_\_\_\_\_

**West Virginia Secondary School Activities Commission (WVSSAC)  
Series 2: Athletics, Provisions Governing Eligibility**

**COMMENT PERIOD ENDS:**

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*Directions: Please use this form to provide comments/suggestions regarding revisions found in WVSSAC Series 2 at §127-2-3.10., §127-2-6.2., §127-2-7.1.1.a, b, c, d and e. and §127-2-10.2.4.*

Individual/Organization: \_\_\_\_\_

Title: \_\_\_\_\_ Business: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

<b>COMMENTS/SUGGESTIONS</b>
<b>§127-2-3.10.</b>          
<b>§127-2-6.2.</b>          
<b>§127-2-7.1.1.a, b, c, d and e.</b>          

**WVSSAC - Series 2**  
**Comment Form**  
**Page Two**

**§127-2-10.2.4.**

Please Mail the Completed Comment Form to:  
Mike Hayden  
Executive Director  
West Virginia Secondary School Activities Commission  
2875 Staunton Turnpike  
Parkersburg, West Virginia 26104