

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

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2004 JUN 11 P 1:01

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: Secondary School Activities Commission TITLE NUMBER: 127

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

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§ 29A-3B-1, et seq.; W.Va. Board of Education  
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

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: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS August 10, 2004.



Steven L. Paine  
Deputy State Superintendent of Schools

**EXECUTIVE SUMMARY**  
**WEST VIRGINIA BOARD OF EDUCATION**

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

**PUBLIC COMMENT PERIOD ENDED:** May 20, 2004

**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.

The WVSSAC staff, **Constitution and Bylaws Committee**, and **Board of Control** respectfully **request that the proposed rule changes be approved.**

**CONTENT**

Eight proposals were submitted to the State Board by the West Virginia Secondary School Activities Commission at the March 2004 meeting. Each rule was 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)  
**The WVDE did 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

**SUMMARY OF COMMENTS**

No comments were received as a result of the comment period.

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TITLE 127

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LEGISLATIVE RULE

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

WEST VIRGINIA  
SECRETARY OF STATE

SERIES 2

ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

**§127-2-1. General.**

1.1. Scope. - These rules establish the provisions governing student eligibility to participate in interscholastic athletics.

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

1.3. Filing Date. - June 11, 2004.

1.4. Effective Date. - July 12, 2004.

**§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:

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

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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:

<i>Junior High Schools</i>	<i>High Schools</i>	<i>Middle Schools</i>
Grades 7 and 8	7, 8 and 9 (six year school)	6, 7, 8 (3-year or 4-year school)
Grades 7, 8, and 9	8 and 9 (five year school)	
Grades 8 and 9	9 (four 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.

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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.

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.

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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 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

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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 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 §126-42-1 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.

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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.

6.9. In accordance with West Virginia Board of Education §126-26-1 et seq., "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:

- a. Where the parent (s) 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 parent (s) is/are registered to vote, and
- e. Where important family activities take place during significant parts of each day.

7.1.2. 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.

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7.1.3. 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.

7.1.4. 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.

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

7.1.6. 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.

7.1.7. 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

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the assignment for athletic purposes.

7.1.8. 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.

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

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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 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, 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.

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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.

### **§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:

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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 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.

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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.

**APPENDIX**

§126-26-1 et seq., West Virginia Board of Education  
Policy 2436.10, "Participation in Extracurricular Activities"

**126CSR26**

**TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION**

**SERIES 26  
PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (2436.10)**

**§126-26-1. General.**

1.1. Scope. – These legislative rules establish academic eligibility of students to participate in extracurricular activities both during and after normal school hours in the public schools of the State.

1.2. Authority. – W.Va. Code §§18-2-5.

1.3. Filing Date. – August 10, 1984.

1.4. Effective Date. – September 10, 1984.

1.5. Repeal of Former Rule. – None. This is a revision.

**§126-26-2. Applicability.**

This policy applies only to nonacademic extracurricular activities, such as interscholastic athletics, cheerleading, student government, class officers, and clubs which are not closely related to identifiable programs/areas of study, in grades 7-12. Excluded from this policy are extracurricular activities which are closely related to identifiable academic programs/areas of study and which serve to complement academic curricular activities such as vocational, linguistic, mathematic, scientific, forensic, theatrical, musical, journalistic and other similar academic extracurricular activities.

**§126-26-3. Eligibility.**

In order to participate in the extracurricular activities to which this policy applies, a student must:

3.1. Maintain a 2.0 average.

a. A 2.0 average is defined as a grade-point average (GPA) of 2.0 or better on a scale where an "A" mark earns 4 points, a "B" is awarded 3 points, a "C" is worth 2 points, a "D" is given a value of 1 point, and an "F" is worth 0 points.

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b. For purposes of achieving the clearest and most uniform application of the policy for those schools which use a numerical grading system, all numerical grades shall be converted to the corresponding letter grade. Each letter grade shall be assigned the appropriate value as set forth above, and the average thereof computed to determine whether the student is eligible. No enhanced value should be given for a "plus" or "minus" designation, such as "B+" or "C-"; all grades with the same letter designation have the same numerical value in the 4.0 scale.

c. In computing a student's "grade-point average" (GPA) for purposes of this policy, all subjects undertaken by the student and for which a final grade is recorded are to be considered. Athletic and cheerleading practice may not be counted as a subject. The total number of classes taken is divided into the total number of "grade points" earned to determine the GPA. Classes for which a pass/fail is awarded will be included in computing the GPA only if the student failed the class.

d. The student's eligibility will be determined for each semester by his or her GPA the previous semester.

e. If a student does not maintain a 2.0 average for the second semester, he or she will be ineligible for participation in the second semester.

f. If a student does not maintain a 2.0 average for the second semester, he or she may attend summer school to raise the GPA. For purposes of computing the GPA after summer school, all the student's grades from the second semester plus his or her grade from the summer school will be used to determine the GPA. This provision is effective retroactively to the end of the second semester of the 1983-84 school year, so that work taken at an approved summer school in 1984 may be used to determine a student's GPA for the first semester of the 1984-85 school year.

g. In the case of handicapped students, if grades are given, all grades received from placements in regular classrooms and special education classrooms should be included when computing the GPA. Handicapped students placed in ungraded programs will be eligible for participation in extracurricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their IEP.

h. A student who has not achieved a 2.0 GPA the previous semester may have his or her eligibility reinstated at midsemester if the student has attained at least a 2.0 GPA for the most recent grading period the current semester and, in cases where grades are not given at midsemester, is continuing to maintain a 2.0 GPA at midsemester.

and

3.2. Meet State and local attendance requirements.

**126CSR26**

a. Students must meet the attendance requirement in Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12) of a full day for students in the first three (3) years of grades 9-12 and at least four (4) class periods in the fourth year of grades 9-12.

b. Students must meet the attendance requirements of local boards of education.

**MEMORANDUM**

TO: County Superintendents, Chief Instructional Leaders and Middle  
and Adolescent Level Principals

FROM: Bill Hanlin, Executive Secretary  
Secondary School Activities Commission  
Warren Carter, Assistant Executive Secretary  
Secondary School Activities Commission  
Lydia McCue, Assistant Director, School Effectiveness Unit  
West Virginia Department of Education

SUBJECT: Clarification of Policy 2436.10  
Participation in Extracurricular Activities

DATE: April 21, 1987

Even though Policy 2436.10, Participation in Extracurricular Activities, is in its third year of implementation, there are occasional questions which arise that need clarification. The purpose of this mailing is to share clarification with you about specific procedures and interpretations which have been made.

Enclosed you will find (1) an additional copy of Policy 2436.10 and (2) a series of questions and answers related to the interpretation of that policy. If after reviewing the contents, you have concerns or need additional information, please contact Bill Hanlin or Warren Carter at 485-5494.

WC/LM:jy

Enclosures

0175v/0010t

87-2129

**West Virginia's Tomorrow is Education Today!**

**PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**  
**(Policy 2436.10 with Questions and Answers)**

This policy applies only to nonacademic extracurricular activities, such as interscholastic athletics, student government, class officers, and clubs which are not closely related to identifiable programs/areas of study, in grades 6-12. Excluded from this policy are extracurricular activities which are closely related to identifiable academic programs/areas of study and which serve mathematics, scientific, forensic, theatrical, musical, journalistic, and other similar academic extracurricular activities.

**Eligibility**

In order to participate in the extracurricular activities to which this policy applies, a student must:

- (1) Maintain a 2.0 average
  - (a) A 2.0 average is defined as a grade-point average (GPA) of 2.0 or better on a scale where an "A" mark earns 4 points, a "B" is awarded 3 points, a "C" is worth 2 points, a "D" is given a value of 1 point, and an "F" is worth 0 points.
  - (b) For purposes of achieving the clearest and most uniform application of the policy for those schools which use a numerical grading system, all numerical grades shall be converted to the corresponding letter grade. Each letter grade shall be assigned the appropriate value as set forth above, and the average thereof computed to determine whether the student is eligible. No enhanced value should be given for a "plus" or "minus" designation such as "B+" or "C-"; all grades with the same letter designation, have the same numerical value in the 4.0 scale. [See questions 15, 16, and 19.]
  - (c) In computing a student's "grade-point average" (GPA) for purposes of this policy, all subjects undertaken by the student and for which a final grade is recorded are to be considered. Athletic and cheerleading practice may not be counted as a subject. The total number of classes taken is divided into the total number of "grade points" earned to determine the GPA. Classes for which a pass/fail is awarded will be included in computing the GPA only if the student failed the class. [See questions 1, 2, 3, 4, 5, 6, 7, 12, 20, 21, and 22].
  - (d) The student's eligibility will be determined for each semester by his or her GPA the previous semester. [See questions 13 and 14].
  - (e) If a student does not maintain a 2.0 average for the first semester, he or she will be ineligible for participation in the second semester.
  - (f) If a student does not maintain a 2.0 average for the second semester, he or she may attend summer school to raise the GPA. For purposes of computing the GPA after summer school, all the student's grades from the second semester plus his or her grade from the summer school will be used to determine the GPA. [See questions 10, 11, 17, and 18].
  - (g) In the case of handicapped students, if grades are given, all grades received from placements in regular classrooms and special education classrooms should be included when computing the GPA. Handicapped students placed in ungraded programs will be eligible for participation in extracurricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their IEP.
  - (h) A student who has not achieved a 2.0 GPA the previous semester may have his or her eligibility reinstated at midsemester if the student has attained at least a 2.0 GPA for the most recent grading period the current semester and, in cases where grades are not given at midsemester, is continuing to maintain a 2.0 GPA at midsemester. [See questions 8 and 9].
- (2) Meet state and local attendance requirements
  - (a) Attendance for all four years during grades 9-12 is important to attain full benefit from the educational programs offered in the schools of West Virginia. Therefore, all students shall be scheduled for the full instructional day for all four years. Exceptions may be made by county boards of education to accommodate placement into college courses, advanced vocational programs, or for other compelling circumstances.
  - (b) County boards of education shall develop policies to define the circumstances under which students may attend school fewer than four years and/or may be scheduled for less than the full instructional day. [See question 21].

**Effective Date**

This policy is effective at the end of the first semester of the 1983-84 school year.

Approved August 12, 1983

Amended August 10, 1984

Reviewed January, 1987      0175/0010t

## Questions and Answers

1. How do you compute GPA with block scheduling?

Answer: After careful review of eligibility determination and block scheduling, it appears that perhaps this issue has been made too complicated. If one keeps in mind that eligibility is based upon half credits of the previous semester (18 weeks), eligibility may easily be determined by using the Student Permanent Record Card and the amount of credit attempted.

The following three recordings should clarify GPA computation for eligibility:

- (1) Semester Recording: All full credit courses with final course grade recorded.

Course	Grade	Attempted Credit	Quality Points
English 10	A	1	4
History	B	1	3
Band	C	1	2
Algebra	D	1	1

GPA:  $(4+3+2+1) \div 4 = 2.5$  eligible

- (2) Semester Recording: All full credit courses with nine week grades recorded.

English 10	A/B	1	
History	C/B	1	
Band	C/C	1	
Algebra	D/F	1	

GPA:  $(4+3+2+3+2+2+1+0) \div 8 = 2.125$  eligible

- (3) Semester Recording: Combination of full and half credit courses recorded.

English	A	1	
History	B	1	
Band	C	1	
Civil War	C	.5	
Tumbling	B	.5	

GPA:  $(4+4+3+3+2+2+2+3) \div 8 = 2.875$  or  $(4+3+2+1+1.5) \div 4 = 2.875$  eligible

\*In all cases, the computation of summer school grades will be based upon the method of recording on the Student Permanent Record Card and the amount of credit attempted.

2. How do you compute the 2.0 average?

Answer: (1) The basis for computing the grade-point average (GPA) will be the number of regularly scheduled periods, exclusive of study hall, non-graded classes, audited classes, or pass/fail classes for which a passing grade is given.

- (2) One grade will be given for each period. If two (2) or more classes are taken during a period within a semester, the letter grade for each class will be converted to its appropriate grade point and averaged by the number of classes to determine a grade point for that period.

Examples:

- (1) 2 classes

$$\begin{array}{l} 9 \text{ weeks class - grade B - } 3 \\ 9 \text{ weeks class - grade C - } 2 \\ \hline 5 \end{array} \div 2 = 2.5 \text{ average}$$

- (2) 3 classes

$$\begin{array}{l} 6 \text{ weeks class - grade B - } 3 \\ 6 \text{ weeks class - grade D - } 1 \\ 6 \text{ weeks class - grade D - } 1 \\ \hline 5 \end{array} \div 3 = 1.66 \text{ average}$$

The letter grade for each of the other periods will be converted to a grade point. Then all the grade points will be totaled and divided by the number of periods.

Examples:

(1) 2 classes in one period                      2.5 average  
 Math ----- C=                      2.0  
 Social Studies ----- C=                      2.0  
 English ----- F=                      0.0  
 Science ----- C=                      2.0  
 Music ----- B=                      3.0  
 11.5  $\div$  6 = 1.916 ineligible

(2) 3 classes in one period                      1.7 average  
 Math ----- B=                      3.0  
 Social Studies ----- C=                      2.0  
 English ----- B=                      3.0  
 Science ----- D=                      1.0  
 10.7  $\div$  5 = 2.14 eligible

3. How do you compute summer school?

Answer: The basis for determining the number of periods will be the number of half credits awarded. Each half credit will count as one period and will be added to all grades earned during the second semester. The average will then be recomputed.

Example:

a. Classes from the previous semester:

2 classes in one period                      2.5 average  
 Math C=                      2.0  
 Social Studies C=                      2.0  
 English F=                      0.0  
 Science C=                      2.0  
 Music B=                      3.0  
 11.5  $\div$  6 = 1.916 ineligible

b. Classes for summer school:

English - 1/2 credit - B= 3  
 Algebra - 1/2 credit - B=  $\frac{3}{6}$

Final Average:

2 classes in one period                      2.5 average  
 Math ----- C=                      2.0  
 Social Studies ----- C=                      2.0  
 English ----- F=                      0.0  
 Science ----- C=                      2.0  
 Music ----- B=                      3.0  
 English ----- B=                      3.0  
 Algebra ----- B=                      3.0  
 17.5  $\div$  8 = 2.1875 eligible

4. How are grades averaged if a student is in a class three days in a week and study hall the other two?

Answer: The grade earned for the class will be pro-rated to arrive at a period grade. In other words, if a class meets three days a week for a semester, that class would count as three-fifths or .6 in the calculation. For example:

Physical Education (3 days per week) — A = 4 points x .6 (3/5) = 2.4

Physical Education-(.6) ----- A = 2.4  
 Math ----- C = 2.0  
 Social Studies ----- C = 2.0  
 English ----- F = 0.0  
 Science ----- C = 2.0  
 Music ----- B = 3.0  
 11.4  $\div$  5.6 = 2.0358 eligible

5. If a student attends vo-tech school for three class periods but only receives one grade for these 3 periods, how do you compute the average?

Answer: The grade will be counted three times and considered as three periods.

6. How do you compute the grade when a student is taking three subjects during a class period during a semester?

Answer: The grades for each subject will be averaged to get a class grade. For example:

1st 6 weeks - grade B = 3.0  
2nd 6 weeks - grade C = 2.0  
3rd 6 weeks - grade C = 2.0  
 $\frac{7.0}{3} \therefore 3 = 2.333$  - grade point average for that class period

7. How will schools on modular schedules without traditional class periods be computed?

Answer: Each grade per one-half unit will be counted as one period. Classes for which less than one-half unit is awarded may be grouped together to form one-half unit (at least 4,050 minutes) and the grades earned in those classes then computed as in question 6. In grades 7 and 8, where units are not awarded, classes may be grouped by using the length the regularly scheduled period rather than the one-half unit as the basis for computation.

8. May a student practice during the period of ineligibility?

Answer: No, if the student does not have a 2.0 average, he or she may not practice, with one exception. The exception is that a student may begin practicing 15 practice days before the end of his/her period of ineligibility (at nine weeks and at end of semester), if it can be confirmed that the student has a 2.0 average at that time.

9. In cases where students are attempting to regain their eligibility at midsemester, what is meant by most recent grading period?

Answer: In systems utilizing a nine week marking period, the students must have a 2.0 GPA for that grading period. In systems utilizing a six week marking period, the student must have a 2.0 GPA at that grading period and continue to maintain a 2.0 GPA until midsemester (nine weeks).

- a. If the most recent grading period is six weeks and a student has achieved at least a 2.0 GPA, the student may begin practice and if the student still has at least a 2.0 GPA at the end of nine weeks, he/she will be eligible the tenth week.
- b. If the most recent grading period is nine weeks, the school may check the student's grades at six weeks and allow the student to begin practice if the student has achieved at least a 2.0 GPA. At the end of the grading period (nine weeks in this case), the student will be eligible the tenth week if the 2.0 or better has been maintained.

10. How is the GPA computed if a student fails a class in summer school?

Answer: All summer school grades will be considered in determining a student's eligibility for the following semester.

11. If a student has a 2.0 at the end of the second semester and chooses to go to summer school, can he/she lose their eligibility if they fail classes?

Answer: No. Previous semester GPA can't be lowered by summer school grades.

12. If a student fails second semester English, can it be made up in summer school?

Answer: Yes, however, when determining the GPA, both grades (second semester and summer school) must be averaged.

13. What happens if a student has an incomplete?

Answer: All incompletes will be computed as an "F" until made up. This applies to the C-Rule only and not the West Virginia Secondary School Activities Commission Scholarship Rule.

14. If a student comes from an elementary school and does not have a 2.0 average, is he or she eligible?

Answer: Yes. Any student entering the sixth grade of a middle school or the seventh grade of a junior high/high school for the first time will be eligible. This student must have a "C" average at the end of the first semester to remain eligible.

15. What happens if a student transfers from out of state?

Answer: He or she must have a 2.0 average in the school previously attended for the previous semester.

16. What happens if a student transfers from another county which has numerical grades?

Answer: The numerical grades must be changed to letter grades using the sending county's grading scale.

17. If a student moves in from another state and the school had a weighted grading scale, how do you compute his/her average?  
Answer: A weighted grading scale cannot be used. Every grade will be converted using the four point scale and then computed.
18. Can a second semester class be wiped out or deleted after attending summer school in computing the 2.0 average?  
Answer: No. All classes taken during the second semester and summer school will be used in computing the GPA.
19. May a student repeat a class for which he or she has received a low grade in summer school or during a regular semester to raise the GPA?  
Answer: The criteria for retaking a course depends upon local school and/or county policy. However, the method of computation would be the same as those used for averaging summer school classes.
20. If a student has established eligibility for the semester, can he lose eligibility prior to the end of the semester?  
Answer: No.
21. What happens if a student withdraws from a class?  
Answer: Local policies regarding withdrawal from class must be followed. Grades recorded will be calculated as in questions 20, 21, and 22.
22. In determining eligibility, how are classes for which pass/fail grade averaged?  
Answer: Pass/fail classes must be included only if the student failed the class.
23. What classes must be considered in computing the "C" average for eligibility?  
Answer: All subjects that are undertaken by a student and for which a grade is recorded.
24. Are there activities not considered when computing eligibility?  
Answer: Yes. Study Hall, non-graded classes and audited classes are not considered when computing the average.
25. Does a student need to meet any other scholarship rule in order to participate in extracurricular activities?  
Answer: Yes. Students must meet all rules and regulations of the WVSSAC and rules of local board of education.
26. Does a team manager need to have a C-average?  
Answer: Yes, all student assistants must have a C-average.
27. How do you compute grades if a student is taking three different courses in Vo-Tech school?  
Answer: Each grade for the three courses will be considered in computing the average.

## 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 04	NEXT 05	THEREAFTER
	1. ESTIMATED TOTAL COST	\$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

