

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy _____
West Virginia Secondary School Activities Commission
Proposed Changes in Rules and Regulations

PUBLIC COMMENT PERIOD ENDS: June 3, 2002 **ADOPTED:** _____

BACKGROUND

The majority of public and most private schools in West Virginia belong to the West Virginia Secondary School Activities Commission. Each year, the principals of member schools submit revisions to the rules and regulations. The submitted proposals are presented and voted upon at the annual Board of Control meeting. Any approved changes are then submitted to the West Virginia State Board of Education for its review and approval.

PURPOSE

These amendments are brought forth to keep the West Virginia Secondary School Activities Commission current and updated on changes, trends and issues in the band and athletic programs.

These proposals were distributed for public comment in May and June. The West Virginia Secondary School Activities Commission will present to the Board the comments received for its review at the June meeting.

The West Virginia Secondary School Activities Commission staff, Constitution and Bylaws Committee, and Board of Control respectfully request that the proposed rule changes to the West Virginia Secondary School Activities Commission Rules and Regulations Handbook be approved.

CONTENT

Thirty-seven proposals are being submitted to the State Board by the West Virginia Secondary School Activities Commission. Each rule change is presented with the whole rule being included. This will help the State Board members understand the significance of the rule change.

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

1. Changes the number of administrative districts from five to eight. (Vote: Yes-86 No-0)
2. Changes procedure for determining administrative district boundaries from Board of Appeals to Board of Control approval. (Vote: Yes-87 No-0)
3. Clarifies number of terms an alternate Board of Appeals member may serve. (Vote: Yes-84 No-0)
4. Changes the title of Board of Appeals to Board of Directors to be consistent with National Federation state associations. (Vote: Yes-88 No-0)
5. Changes the title of Executive Secretary to Executive Director to be consistent with National Federation state associations. (Vote: Yes-88 No-0)
6. Specifies reasonable courses for termination of the Executive Director contract. (Vote: Yes-92 No-0)

7. Specifies that the Executive Director will evaluate staff and make recommendations for employment. (Vote: Yes-91 No-0)
8. Permits an exception to WVSSAC Rules 127-2-4.2 and 127-2-4.3 to allow students at the junior high and middle school level who exceed the age limit to participate at the high school level. (Vote: Yes-74 No-16)
9. Permits sixth grade students in K-6 elementary feeder schools to participate on the middle school/junior high team. (Vote: Yes-69 No-15)
10. Prohibits a student from participating in more than four seasons in any one sport in grades 9-12. (Vote: Yes-90 No-0)
11. Defines courses allowed to fulfill the rule requiring two subjects. (Vote: Yes-87 No-0)
12. Changes the Scholarship Rule to allow two full credit subjects from any area of the curriculum rather than requiring English, Language Arts, Social Studies, Mathematics, and Science. (Vote: Yes-83 No-4)
13. Eliminates the requirement for nine months of residence for a bona fide change of residency. (Vote: Yes-88 No-1)
14. Defines eligibility for students whose parents are divorced or legally separated. (Vote: Yes-89 No-0)
15. Establishes eligibility if student changes residence after establishing initial residency. (Vote: Yes-86 No-0)
16. Allows coaches and athletic directors to receive lifetime WVSSAC Courtesy and Identification Card prior to retirement. (Vote: Yes-89 No-0)
17. Permits school organized out-of-season practice and related activities during Weeks 50, 51, and 52 of the National Federation Standardized Calendar. (Vote: Yes-50 No-34)
18. Allows coaches or principal designees to attend summer camp during Weeks 50, 51, and 52 of the National Federation Standardized Calendar. (Vote: Yes-43 No-31)
19. Establishes consequences if an athlete or team leaves the playing area in protest prior to the end of a contest. (Vote: Yes-87 No-0)
20. Recommends use of contest contracts between officials and schools. (Vote: Yes-84 No-4)
21. Changes classification enrollment figures from 10-11-12 to 9-10-11. (Vote: Yes-76 No-8)
22. Changes classification from two years to four years unless a 20% change in enrollment occurs. (Vote: Yes-70 No-15)
23. Requires a three class tournament structure in all sports. (Vote: Yes-80 No-2)
24. Eliminates the stipulation that member schools may only play other member schools. (Vote: Yes-75 No-6)
25. Eliminates contests or practices which involve alumni participants. (Vote: Yes-75 No-6)
26. Prohibits protests of a contest or ejection. (Vote: Yes-77 No-6)
27. Eliminates protest rules because they are already in a preceding rule. (Vote: Yes-88 No-0)
28. Establishes a comment procedure for member schools for tournament alignment. (Vote: Yes-84 No-4)
29. Increases the length of the cross country season by an earlier start date. (Vote: Yes-78 No-3)
30. Establishes 16 meets as the maximum team contests for cross country. (Vote: Yes-85 No-2)
31. Provides an overtime procedure for junior high/middle school football. (Vote: Yes-78 No-11)
32. Establishes a two week earlier start for the golf season. (Vote: Yes-79 No-8)
33. Changes the maximum team contests for soccer from 19 to 20. (Vote: Yes-72 No-10)

34. Allows softball teams to play 31 games if participating in a conference tournament or a tournament with four teams. (Vote: Yes-79 No-0)
35. Increases the maximum team contests for volleyball to 23 if participating in a tournament. (Vote: Yes-78 No-0)
36. Increases the maximum team contests allowed in wrestling from 16 to 18 matches. (Vote: Yes-85 No-0)
37. Establishes consequences for individuals found guilty of assault or battery of an official, administrator, coach or player. (Vote: Yes-90 No-0)

IMPACT

Instruction

None

Leadership

Proposal 2 would change authority to determine administrative districts from the Board of Appeals to the Board of Control.

Proposal 3 establishes the allowed number of terms for an appointed Board of Appeals member.

Proposal 7 would require the Board of Appeals to follow contract termination similar to county boards of education.

Financial

Proposal 1 would result in an increased expense of \$20,520.00.

Proposal 16 Gate receipts at regional basketball, football playoff games, and state tournaments would decrease by approximately \$2,000.

Proposal 23 would result in an increase expense in the sports of cross country, swimming, and tennis. Increased revenue could be received in the sports of wrestling and soccer.

SPECIFIC AMOUNT OF INCREASE FOR ALL PROPOSALS ARE EXPLAINED ON THE FISCAL NOTE WORKSHEET.

Administrative

Proposal 17 would require administrative decisions on scheduling activities and administrative supervision during the last three weeks of June. However, it would allow qualified coaches to have additional time to develop students' skills.

Proposal 28 would provide more involvement by principals.

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.

TITLE 127
LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

FILED

SERIES 2
ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

2002 MAY -3 P 2:49

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§127-2-1 General.

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

1.2 **Authority** - WV Code §18-2-25

1.3 **Filing Date** -

1.4 **Effective Date** - July 1, 1987

§127-2-2 Note.

~~(a) The word "student" used in these Rules and Regulations refers either to a boy or girl participant in interscholastic athletics or band activities. Therefore, according to correct grammatical usage, since the antecedent "student" can involve persons of both sexes, the masculine pronouns he, his or him used throughout said Rules and Regulations will refer either to male or female participants.~~

~~(b) The word "principal" used in the Rules and Regulations refers either to a male or female head of a secondary school. Therefore, according to correct grammatical usage, since the antecedent "principal" can involve or refer to persons of either or both sexes, the masculine pronouns he, him or his will refer to a male or female head of a secondary school.~~

~~(c) The words "this Commission" or the abbreviation WVSSAC used throughout these Rules and Regulations refers to The West Virginia Secondary School Activities Commission.~~

~~(d) The word "coach" used in these rules and regulations refers either to a male or female coach of a secondary school. Therefore, according to correct grammatical usage, since the antecedent "coach" can involve or refer to persons of either or both sexes, the masculine pronouns, he, him or his will refer to a male or a female coach.~~

~~(e) The word "semester" used in these rules and regulations refers to one-half of the required number of days that constitute a school year as defined by the West Virginia State Board of Education.~~

~~(f) The word "varsity" used in these rules and regulations refers to the primary representative team of a high school.~~

2.1 The Board of Directors is authorized to grant exceptions 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 exceptions 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:

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

(b) ~~an exception would be granted~~ for students from the WV Schools for the Deaf and the Blind to participate at Hampshire High School or Romney Middle School (only in sports not available at WVSD&B).

(c) 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 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).

(d) 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

(e) 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 ~~An ineligible student may practice 15 days prior to his date of becoming eligible provided that he is otherwise eligible. This rule applies only to an academically ineligible student or a student who falls under Transfer Rules 127-2-7.15, 127-2-7.16, 127-2-7.20, and Adoption Guardianship Rule 127-2-8.4. 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:

<u>Junior High Schools</u>	<u>High Schools</u>	<u>Middle Schools</u>
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)	

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

~~3.5 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 if granted permission by the county or governing body of a private parochial board of education and the school principals involved. However, Once a student becomes a member of that team said student will be ineligible for the junior high team in that sport~~

3.65 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.

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

3.87 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.

3.98 Students enrolled at WV School for the Deaf will be allowed to participate in sports at the WV School for the Blind. ~~Reciprocal being~~ Students from the WV School for the Blind will be allowed to also participate in sports at the WV School for the Deaf. ~~This adoption would not be honored for the respective tournaments of the EDSAA (Eastern Schools for Deaf Athletic Association) and the EAAB (Eastern Athletic Association of the Blind.)~~

§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.

~~5.2 In schools with 6 grades (7-12) and 5 grades (8-12), Rule 5.3 will govern seventh and/or eighth and nine through twelve (9-12) will be considered as a four-year school, as explained in rule 5.1.~~

5.32 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.

5.43 Students retained without failing.

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

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

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

5.54 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. ~~School records may be requested for verification.~~

5.65 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).

5.76 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.

5.87 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.

5.98 The Board of ~~Appeals~~ Directors is authorized to grant exceptions 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. Exceptions may be granted in the following circumstances:

(a) The Board is authorized to consider ~~only these~~ cases in which a student entering high school (explained in Rules 5.1 and 5.2) and 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.

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

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

(a) ~~Two of those four full credit subjects must be in English Language Arts, Social Studies, Mathematics or Science and may or may not be in the same area. A semester course that constitutes 8100 minutes of instruction (block schedule) will count as two subjects.~~

(b) ~~If a student has completed all state, county and school requirements for graduating, he or she~~ The student may select four full credits from any area of the curriculum offered by the school.

(c) 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; ~~however, part (a) above must also be met.~~

(d) If a student has been declared ineligible according to the standards outlined above, ~~he or she~~ the student may attend summer school and have ~~his or her~~ eligibility reinstated if the student meets the standards at the conclusion of summer school.

(e) If a student has been declared ineligible according to the standards outlined above, ~~he or she~~ the student may have ~~his or her~~ 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 taken from the West Virginia Department of Education, "Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12) (March 1982)."

6.3 Schools providing for planned programs of independent learning during the regular school term may ~~not 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. ~~Such credit must be earned during the regular school term.~~

6.5 ~~In order for a withdrawn student, an expelled student, or A student not attempting four (4) full credit subjects during a semester to regain eligibility, said student~~ 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 ~~his/her~~ 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 ~~In all cases~~, The official school transcript will be used to determine a student's eligibility and will be regarded as final.

6.9 On August 12, 1983, the State Board of Education adopted Policy #2436.10 (C-Rule). Students must maintain a 2.0 average to participate in interscholastic athletics. ~~Be sure to read this policy for details.~~ (See Appendix)

§127-2-7 Residence-Transfer.

Philosophy:

~~Following is a brief resume of the points of philosophy included in the residence and transfer rules of this Commission:~~

~~7.1 Participation in interscholastic athletics is a privilege provided for students who meet standards set by principals of all member schools:~~

~~7.2 Participation in interscholastic athletics is a privilege which should fundamentally be available to bona fide students in school zones where their parents or legally established guardians reside.~~

~~7.3 Standards governing residence and transfer are a necessary prerequisite to participation in athletics because~~

~~(a) They protect the opportunities of bona fide resident students to participate.~~

~~(b) They provide a fundamentally fair and equitable framework in which interscholastic athletic competition in an educational setting can take place.~~

~~(c) They provide uniform standards for all schools to follow in maintaining athletic competition:~~

~~(d) They support the educational philosophy that participation in athletics is a privilege which must not be permitted to assume a dominant position in the school program:~~

~~(e) They keep the focus of educators and students on the fact that students attend school to receive those requirements mandated by law first and athletics second.~~

~~(f) They maintain the fundamental principle that a student should live at home with his parents and attend school in the school zone in which his parents reside.~~

~~(g) They reinforce the view that the family is a strong and viable unit in our society and, as such, is the best place for a student to reside while attending school.~~

~~(h) They prevent school hopping or shopping around for school or athletic programs which may suit an individual's personal interest.~~

- ~~(i) They prevent "bumping" of students who have gained legitimate eligibility by persons from outside the school zone.~~
- ~~(j) They serve as a deterrent to individuals who would seek to recruit student athletes to attend a particular school.~~
- ~~(k) They serve as a deterrent to student athletes running away from discipline problems, teacher problems, coach or similar conflicts.~~
- ~~(l) They protect school programs from losing students who have established an identity as an athlete and, as such, are contributors to the overall school program and image.~~
- ~~(m) They tend to encourage competition between member nonpublic and public schools.~~
- ~~(n) They eliminate family financial status from becoming a factor on eligibility. The ability to pay or not to pay tuition creates a suspect classification.~~

~~7.4 Speculative loss of college scholarship is not considered a basis for granting exceptions to these rules~~

Part A - Residence

~~7.51 A student shall be eligible in the zone in which his 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 Appeals Directors.~~

~~7.62 A student shall be eligible if he is enrolling to attend a member secondary school for the first time at either a public school or a member nonpublic secondary school in the zone in which his the parents reside, unless he the student has established eligibility under Rule 127-2-7.15 or Rule 127-2-7.2416 in another attendance zone.~~

~~7.73 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 Appeals Directors.~~

~~7.84 A student from a broken home who is in the care of the Department of Health and Human Services of West Virginia shall be eligible to participate in interscholastic athletics as a member of the athletic teams of the high secondary school in the zone in which said Department of Public Assistance Health and Human Services places him the student in a home, provided he the student is otherwise eligible under the rules of the West Virginia Secondary School Activities Commission.~~

~~7.95 A student may be eligible outside his the specified zone of attendance if he 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).~~

~~7.106 (a) Should the parents make a bona fide change of residence to a new school zone during the school term, a student of any grade may remain in the school zone from which his 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:

- 1) Retain his/her eligibility as long as said student retains enrollment and attendance or:
- 2) Transfer at time of change of residence to the school in the attendance zone in which his/her the parents are now residing and be eligible in that school or:
- 3) Transfer at any time prior to the start of the next school year to the school in the attendance zone in which his/her parents are residing and be eligible for interscholastic activities at the receiving school.

~~7.11—Students who have attended a given high school and whose parents move from the zone following the completion of the student's eleventh (11th) grade may retain eligibility for their twelfth (12th) grade, providing there is no undue influence to retain the attendance of such students:~~

7.427 Foreign exchange students, attending a member school under the auspices of ~~approved~~ a CSIET student exchange programs, 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 his 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.

7.438 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 ~~did not receive credits toward graduation~~ 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.

Part B - Transfer

7.449 A student becomes immediately eligible, providing he ~~is otherwise eligible~~ 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 ~~at least the following facts must exist~~ circumstances may be considered but are not exclusive:

- a. Was the original residence ~~must be~~ abandoned as a residence; that is sold, rented, or disposed of as a residence and ~~must not be used as a residence by any member of the immediate family;~~
- b. Did the entire family ~~must~~ make the change and take with them the household goods and furniture ~~appropriate to the circumstances of residence;~~
- c. Is the change ~~must be~~ made with the intent that it is to be permanent;
- d. ~~Under no circumstance can a single family unit have two or more residences for eligibility purposes;-~~ 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. ~~Nine months at the new residence will be required to make it a bona fide move. If a family moves into a new school zone and remains there for less than nine months, the move will not be considered bona fide and the family's child who is enrolled and participating in athletics in the new school zone becomes ineligible there the day the family leaves the new school zone;~~

gf. ~~Under no circumstance~~ Was the residence change be used or manipulated for the purpose of gaining athletic eligibility?

~~7.4510~~ 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 ~~district~~ zone to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in ~~their home~~ the attendance zone unless exempted by Rule 127-2-7.2416.

~~7.4611~~ 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 ~~public~~ member school zone to another ~~public~~ member school zone in conjunction with transfer of schools ~~unless exempted by Rule 127-2-7.21~~. Students may, during this bona fide change in residence, transfer to either a member ~~public or a member non-public~~ school without penalty. However, if the transfer is from a non-member private school to a public 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 private and public schools involved concur that undue influence is not involved with the transfer.

7.12 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.

~~7.4713~~ A student may be transferred from one ~~school~~ 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 ~~school~~ attendance zone from which the student is transferred. Upon the completion of the special program, the student must return to the ~~school~~ attendance zone of his residence.

~~7.4814~~ 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.

~~7.19~~ ~~The Board of Directors is authorized to grant exceptions to the Residence and Transfer 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.~~

~~7.2015~~ Notwithstanding any other provisions of WVSSAC rules and regulations, if a student transfers for athletic reasons, ~~he/she~~ 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 ~~sports~~ athletics;
- (d) Seeking a means to nullify punitive action by the previous school.

~~7.2416~~ 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

his/her 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.

7.2217 The eligibility of a student whose parents are divorced or legally separated is determined by the following:

(a) ~~If there has been a divorce in a family and sole custody has been awarded by the court granting the divorce to one of the parents, the athletic eligibility of the student will be established at the school that serves the area where that parent resides.~~ The eligibility of a student whose parents are divorced or legally separated by court decree is determined by establishing initial residency with one parent.

(b) ~~If joint custody has been awarded, the student will be eligible in the zone where either parent resides.~~ 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.

c. ~~If it becomes necessary at a later date for the student to reside with the other parent, the move will be accepted as a bona fide move if the court changes the custody to this parent. This type of move will be accepted for immediate athletic eligibility purposes only one time. Thereafter, if a student subsequently decides to return and reside with the first parent in a different school zone, the student will be ineligible for the remainder of that school year.~~

§127-2-8 Adoption Guardianship.

8.1 A student athlete shall be able eligible to participate in interscholastic athletics only if he/she is (1) residing with one or both of his/her the parents; (2) residing with a testamentary guardian following the death of his/her the parents; or (3) residing in a location where he/she the student was placed by the Department of Health and Human Resources pursuant to WVSSAC Rule 127-2-7.84.

8.2 The residence of a testamentary guardian shall constitute the residence of his 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 his the testamentary guardian at the time of his 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:

- (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 sports athletics;
- (d) 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 schools.

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.

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, ~~gymnastics~~ and wrestling providing:

- (a) participation is approved by the student's ~~high school or junior high school~~ principal.
- (b) the student misses no school-sponsored athletic ~~event~~ 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

- (a) one selected by the national governing body of the sport,
- (b) while representing the National Federation in an International Schoolsport Federation, or
- (c) as a representative of the United States in recognized national or international events.

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:

- (a) competing for money or other monetary compensation (allowable travel, meals and lodging expenses may be accepted);
- (b) receiving any award or prize of monetary value which has not been approved by the ~~student's state association~~ WVSSAC;

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

(d) 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 West Virginia Secondary School Activities Commission.

11.3 A ~~high school~~ student who loses amateur status may apply to the West Virginia Secondary School Activities Commission 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

(a) that it does not occur on the day of a school contest of that sport or

(b) that it meets with ~~student's~~ the principal's approval.

§127-2-12 Participation as an Ineligible.

12.1 Any student who participates in an interscholastic athletic ~~event~~ contest as an ineligible, either knowingly or inadvertently, shall be ineligible for a period not to exceed 365 days as determined by the Executive ~~Secretary~~ 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 - Rule 127-2-3.2 and 127-2-3.52.

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 127-3-45-~~2~~ 14.2 further clarifies Sunday practice.

13.4 (a) Individual players of a team must have practiced on 7 SEPARATE days before participating in an interscholastic scrimmage.

(b) Individual players of a team must have practiced 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 An ineligible student may practice 15 days prior to his date of becoming eligible provided that he is otherwise eligible. This rule applies only to an academically ineligible student or a student who falls under Transfer Rules 127-2-7.15, 127-2-7.16, 127-2-7.20 and Adoption Guardianship Rule 127-2-8.4. 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, he/she 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 **WV Secondary School Activities Commission** FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST 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, AND GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG RANGE EFFECT IN ITEM 3.					
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 32,679	\$	\$ 59,847	\$ 92,526	\$
PERSONAL SERVICES	\$ (1a) 6,000	\$	\$ (1a) 10,000	\$ (1a) 16,000	\$
CURRENT EXPENSES	(1b) 2,520		(1b) 7,560	(1b) 10,080	
REPAIRS/ALTERATIONS	(1c) 1,500		(1c) 2,500	(1c) 4,000	
EQUIPMENT	(1d) 19,500		(1d) 32,500	(1d) 52,000	
OTHER	(23) \$147 Cross Country		(23) (447)	(594)	
	1480 Swim		(2,246)	(3,726)	
	1532 Tennis		(4,594)	(6,126)	
2. ESTIMATED TOTAL REVENUES	\$ (23) \$1,586.00	\$ (16) 2,000.00	\$ (16) 2,000.00	\$ (16) (-2000.00)	\$ (23) 1,586.00 \$ 0

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

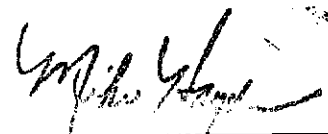
Continued on Attached Page

4/22/02

DATE

WV Secondary School Activities Commission

AGENCY



AUTHORIZED REPRESENTATIVE

FISCAL NOTE WORKSHEET - CONTINUED

Proposal 1

- a. If the number of administrative districts is raised from five to eight, the amount of annual student scholarships of \$1,000 each would increase from \$10,000 to \$16,000.
- b. If the number of administrative districts is raised from five to eight, three additional representatives would need to be added to each of the fourteen Sport Coaches' Committees. Currently, each representative's expenses are approximately \$60.00 annually. The increase of 42 more representatives would be an additional expense of \$2,520.00.
- c. If the number of administrative districts is increased, the number of Board of Appeals members would increase from five to eight. There would be an increase of \$1500 in personal services due to a \$500 honorarium received by each member.
- d. The current expense for each Board member is \$6,500 annually. The additional three members would result in an increase expense of \$19,500.

Proposal 23

Additional classes would require more days of tournament play which would increase expenses and possibly decrease instructional time. Possible increased revenue could result in wrestling (\$936) and soccer (\$650). However, the sports which have shown losses may have increased losses due to additional days of tournament play (cross country - \$147; swim - \$1480; tennis - \$1582).

SPECIFIC AMOUNTS OF INCREASE OR DECREASE FOR ALL PROPOSALS ARE EXPLAINED ON THE FISCAL NOTE WORKSHEET.

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Athletics, Provisions Governing Eligibility
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: _____

Title: _____

Street Address: _____ City/State/Zip _____

Comments/Suggestions

§127-2-2. Waivers.

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

§127-2-5. Semester and Season.

§127-2-6. Scholarship.

§127-2-7. Residence - Transfer.

**§127-2 - Athletics, Provisions Governing Eligibility
Comment Response Form
Page Two**

§127-2-8. Adoption/Guardianship.

§127-2-13. Practice.

Return comments by June 3, 2002 to:

**G. A. McClung
Assistant Superintendent
West Virginia Department of Education
Building 6, Room 318 State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305-9969
e-mail: gmcclung@access.k12.wv.us
FAX: 304-558-8867**