



TITLE 127  
LEGISLATIVE RULES  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION  
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** - WV Code 18-2-25
- 1.3 **Filing Date** - --
- 1.4 **Effective Date** - July 1, 1987

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

- 3.1 To be eligible for participation in interscholastic athletics a student must be enrolled in a member school on or before the eleventh instructional day of the semester in which he competes. 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 Appeals if a feeder school does not afford students the opportunity to participate and they are otherwise eligible. **Also, an exception would be granted for not more than ten students from the WV Schools for the Deaf and the Blind to participate at Hampshire County High School or Romney Junior High School (only in sports not available at WVSD&B).**
- 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 127-2-7.17, 127-2-7.18, 127-2-7.22 and Adoption Guardianship Rule 127-2-8.8.
- 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>
Grades 7 and 8	7, 8 and 9 (six year school)
Grades 7, 8 and 9	8 and 9 (five year school)
Grades 8 and 9	9 (four year school)
- 3.5 Students enrolled in the ninth grade of a four, five or six year high school may participate on the high school team; however, once a student becomes a member of that team said student will be ineligible for the junior high team in that sport.
- 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.
- 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.

**Proposal 6**

Amend §127-2-3 Enrollment and Team Membership (Pg. 16) by adding the following:

- 3.9 Allow students enrolled at WV School for the Deaf to participate in sports at the WV School for the Blind. Reciprocal being students from the WV School for the Blind 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.)

**Rationale:**

These schools are state-supported and housed at the same state facility.

TITLE 127  
LEGISLATIVE RULES  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION  
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** - WV Code 18-2-25
- 1.3 Filing Date** - --
- 1.4 Effective Date** - July 1, 1987

**§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**

7.5 A student shall be eligible in the zone in which his parents reside. Public secondary school 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.

**Proposal 7**

Amend §127-2-7 - **Residence-Transfer** - (pg. 21) as follows:

7.6 A student shall be eligible if he is enrolling to attend a secondary school for the first time at either a public school or a member nonpublic secondary school in the zone in which his parents reside, unless he has established eligibility under Rule 127-2-7.15 or Rule 127-2-7.21 in another attendance zone.

**Rationale:**

Adding this rule further clarifies means of establishing eligibility.

- 7.7 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.
- 7.8 A student from a broken home who is in the care of the Department of Human Services of West Virginia shall be eligible to participate in interscholastic athletics as a member of the athletic teams of the high school in the zone in which said Department of Public Assistance places him in a home, provided he is otherwise eligible under the rules of the West Virginia Secondary School Activities Commission.
- 7.9 A student may be eligible outside his specified zone of attendance if he 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).
- 7.10 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 parents moved and retain eligibility only until the end of that school year.
- 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 his twelfth (12th) grade, providing there is no undue influence to retain the attendance of such students.
- 7.12 Foreign exchange students, attending a member school under the auspices of approved 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 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.
- 7.13 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 while participating in the exchange program and provided the student meets all requirements relative to age and semesters of eligibility.

**Part B - Transfer**

**Proposal 8**

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

7.14 A student becomes immediately eligible, providing he is otherwise eligible, when parents make a bona fide

change of residence to a new school zone. ~~Change of residence is defined as an actual physical relocation of the family to a different residence with the intent to reside indefinitely and terminate all occupancy of their previous residence. 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:~~

- a. ~~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. ~~The entire family must make the change and take with them the household goods and furniture appropriate to the circumstances;~~
- c. ~~The change must be made with the intent that it is permanent;~~
- d. ~~Under no circumstance can a single family unit have two or more residences 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;~~
- g. ~~Under no circumstances can a residence change be used or manipulated for the purpose of gaining athletic eligibility.~~

**Rationale:**

The WVSSAC is often faced with defining bona fide transfers. This proposal will hopefully clarify all aspects.

**Proposal 9**

Amend §127-2-7 **Residence - Transfer** (pg. 21) as follows;

- 7.15 If a student transfers during the school term from a secondary school in one zone to a secondary school in another zone, said student shall be ineligible for a period of 365 calendar days unless the parents become residents of the district to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in their home zone.
- 7.16 Students who transfer during the school term to or from a member school shall be ineligible for a period not to exceed three hundred sixty-five (365) calendar days unless the parents move from one public school zone to another public school zone in conjunction with transfer of schools. 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.
- 7.17 A student may be transferred from one school 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 zone from which the student is transferred. Upon the completion of the special program, the student must return to the school zone of his residence.
- 7.18 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 Appeals 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.
- 7.20 Notwithstanding any other provisions of WVSSAC rules and regulations, if a student transfers for athletic reasons, he/she 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;
  - (d) Seeking a means to nullify punitive action by the previous school.
- 7.21 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. ~~This will be a one-time transfer while in grades 7-12 and must occur upon completion of the highest grade of the present school or upon entering the lowest~~

~~grade of another school. Should a second transfer occur, said student will be subject to the strictest interpretation of all other rules stated in 127-2-7. The transfer must occur at the beginning of the school year the student must be enrolled in school on or before the eleventh instructional day beginning the school year. (Editorial changes will be required pertaining to the 365 day ineligibility period.)~~

**Rationale:**

Approval of Rule 7.16 would be consistent with the one time transfer rule and would not discriminate against a higher grade level in this situation. Also, this rule would eliminate the potential hardship caused to a student that has established a positive academic, social, and athletic experience and would choose to remain in that environment.

Approval of Rule 3 7-21 allows for open enrollment, with athletic participation, and places the investigative burden of proof on the County Board of Education or governing body.

**Proposal 10**

Amend §127-2-7 **Residence - Transfer** (pg. 21) by adding the following: (If Proposal 9 passes, the phrase during the school year will be inserted in all sections of this rule.)

- 7.22** The eligibility of a student whose parents are divorced 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.
  - 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 365 days.
  - 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 365 days.

**Rationale:**

In view of the fact that students are victims in a divorce situation, this change will clarify how they can become eligible if a transfer occurs.

# 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	\$ 19,500	\$	\$ 26,750	\$ 46,250	\$
PERSONAL SERVICES	\$ (1a) 3,000	\$	\$ (1a) 5,000	\$ (1a) 8,000	\$
CURRENT EXPENSES	(1b) 2,100		(1b) 3,500	(1b) 5,600	
REPAIRS /ALTERATIONS	(1c) 900		(1c) 1,500	(1c) 2,400	
EQUIPMENT	(1d) 10,500		(1d) 16,750	(1d) 27,250	
OTHER	(11) 3,000		(11) 0	(11) 3,000	
2. ESTIMATED TOTAL REVENUES	\$ 0	\$	\$ 0	\$ 0	\$

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

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 \$5,000 to \$8,000.

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 is \$50.00 annually. The increase of 42 more representatives would be an additional expense of \$2,100.00.

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 \$900 in personal services due to a \$300 honorarium received by each member.

d. The current expense for each board member is \$3,350 annually. The additional three members would result in an increase expense of \$10,050.

Proposal 11

The issuance of additional courtesy and identification cards would impact the number of paid admissions at WVSSAC tournament contests. This would result in an estimated \$3,000 annual decrease in revenue.

4/8/98  
DATE

WV Secondary School Activities Commission  
AGENCY

*Warren Carter*  
\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

**COMMENT LOG  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION RULES**

Directions: Please use this form in commenting on the proposed Amendments to the Rules and Regulations of the WVSSAC.

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

Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

	Title of Rule Being Amended	COMMENT
1	Rule §127-1-5.4 Administration	
2	Rule §127-1-6.1(c)(d) Officers and Duties	
3	Rule §127-1-6.1(e) Officers and Duties	
4	Rule §127-1-8.2 Board of Appeals	
5	Rule §127-1-10.8 Amendments	
6	Rule §127-2-3.9 Enrollment and Team Membership	

	Title of Rule Being Amended	COMMENT
7	Rule §127-2-7.6 Residence - Transfer	
8	Rule §127-2-7.14 Residence - Transfer	
9	Rule §127-2-7.15, .16, .21 Residence - Transfer	
10	Rule §127-2-7.22 Residence - Transfer	
11	Rule §127-3-6.8 Coaches	
12	Rule §127-3-7.7 Camps/Out-of-Season Coaching	
13	Rule §127-3-10.5 Classification	
14	Rule §127-3-20.4 Baseball	
15	Rule §127-3-21.4 Basketball (Boys and Girls)	
16	Rule §127-127-3-21.9 Basketball (Boys and Girls)	

	Title of Rule Being Amended	COMMENT
17	Rule §127-3-22.3 Cheerleading	
18	Rule §127-3-24.9 (g) Football	
19	Rule §127-3-26.9 Soccer	
20	Rule §127-3-27.4 Softball	
21	Rule §127-3-30.9 Track and Field (Boys and Girls)	
22	Rule §127-3-31.9 Volleyball	
23	Rule §127-4-3.8 (b)(c) Code for Interscholastic Athletics	

Please submit comments by: May 22, 1998

Please submit comments to: Mr. Warren Carter  
Executive Secretary  
WVSSAC  
Route 9, Box 76  
Parkersburg, WV 26101

**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:** May 22, 1998 **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 their 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 problems in the band and athletic programs.

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

Twenty-three proposals are being submitted to the State Board by the 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-87 No-24)
2. Limits the term of an elected Board of Appeals member to two years and limits number of successive terms to two terms. (Vote: Yes-110 No-07)
3. Bases election of Board of Appeals principal members on RESA districts; principals will only vote for members in their district. (Vote: Yes-91 No-16)
4. Limits the term of appointed Board of Appeals members to two regular two year terms and allows appointed member to serve as an officer. (Vote: Yes-105 No-4)
5. Allows the person who proposed a rule to present the proposal to the WV State Board of Education. (Vote: Yes-75 No-31)

6. Allows students in WV School for Deaf and WV School for Blind to participate in sports at either school. (Vote: Yes-123 No-0)
7. Clarifies means of establishing eligibility. (Vote: Yes-116 No-0)
8. Defines bona fide change of residency. (Vote: Yes-84 No-34)
9. Clarifies eligibility for transfers during the school year and grants eligibility to any student who transfers and enrolls on or before the eleventh instructional day beginning the school term. (Vote: Yes-68 No-25)
10. Defines eligibility of a student whose parents are divorced during the school term. (Vote: Yes-111 No-2)
11. Allows the WVSSAC to issue complimentary Courtesy and Identification cards to retired coaches with at least 20 years of coaching experience. (Vote: Yes-112 No-6)
12. Allows a coaching staff member to provide individual or group instruction for 10 separate days from June 1 to July 31. (Vote: Yes-91 No-22)
13. Allows for reclassification during the second year of the classification period for consolidated schools. (Vote: Yes-118 No-0)
14. Allows 31 baseball games if participating in a conference tournament. (Vote: Yes-108 No-3)
15. Allows for 21 basketball games if participating in a four team tournament and 22 games if participating in an eight team tournament. (Vote: Yes-110 No-0)
16. Clarifies junior high/middle school basketball number of quarters per day and clarifies no holiday tournaments or alumni games. (Vote: Yes-109 No-0)
17. Changes the end of the junior high/middle school cheer season to coincide with the last day of the junior high/middle school girls' or boys' basketball season. (Vote: Yes-118 No-0)
18. Defines overtime periods for junior high school football. (Vote: Yes-114 No-0)
19. Defines the number of quarters for a player for one soccer season. (Vote: Yes-100 No-0)
20. Allows 31 softball games if participating in a conference tournament. (Vote: Yes-117 No-0)
21. Determines the end of the junior high track season. (Vote: Yes-113 No-0)
22. Clarifies that alumni games are only allowed for high school volleyball teams. (Vote: Yes-110 No-0)
23. Changes the penalties for coach, player, or bench personnel who are ejected from a contest. (Vote: Yes-92 No-21)

## IMPACT

Instruction

None

### Leadership

The addition of a total of three Board of Appeals members would influence the leadership of the WVSSAC.

### Financial

Two of the proposals would collectively result in increased expenses of \$19,500. Specific amount of increase for each of the proposals is explained on the Fiscal Note Worksheet.

### Administrative

Athletic directors/principals 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 or cause extra administrative work at the school level.

*West Virginia*  
*Secondary School*  
*Activities Commission*

TELEPHONE 485-5494  
FAX NUMBER 428-5431



ROUTE 9, BOX 76 PARKERSBURG, WV 26101-9158  
WARREN CARTER, EXECUTIVE SECRETARY  
GERALD A. TREMBUSH, ASSISTANT EXECUTIVE SECRETARY  
ELIZABETH W. BEST, ASSISTANT EXECUTIVE SECRETARY  
C. W. POWELL, ASSISTANT EXECUTIVE SECRETARY



April 15, 1998

Judy Cooper, Director Administrative Law Division  
Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd. East  
Charleston, WV 25305

Dear Ms. Cooper:

Please find enclosed the Fiscal Note Worksheet, Executive Summary, Notice of Comment Period on a Proposed Rule, and the proposed changes for the WVSSAC Rules and Regulations Handbook.

Thank you.

Sincerely,

*Warren Carter*

Warren Carter  
Executive Secretary

WC/rk