

**WEST VIRGINIA
SECRETARY OF STATE**

BETTY IRELAND

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark in this Box

2008 MAY 16 AM 11:15

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Secondary Schools Activities Comm.
West Virginia Board of Education TITLE NUMBER: 127

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

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Athletics, Provisions Governing Eligibility

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 16, 2008 AT 4:00 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Gary Ray, Executive Director

WV Secondary School Activities Commission

2875 Staunton Turnpike

Parkersburg, West Virginia 26104

THE ISSUES TO BE HEARD WILL BE
**LIMITED TO SECTIONS 127-2-3 and
127-2-7** of this proposed rule.


Jack McClanahan
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: West Virginia Secondary School Activities Commission
Proposed Changes in Rules and Regulations, Series 1, 2 and 3

PUBLIC COMMENT PERIOD ENDS: _____ **ADOPTED:** _____

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 approved changes are then submitted to the West Virginia Board of Education (WVBE) for its review and approval.

PURPOSE

These amendments are brought forth to keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs.

These proposals will be distributed for public comment in May and June. The WVSSAC will present to the WVBE the comments received for its review at the July meeting.

The WVSSAC 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, Series 1, 2 and 3 be placed on public comment for 30 days.

CONTENT

Ten proposals are being submitted to the WVBE by the WVSSAC. Each rule change is presented with the whole rule being included. This will help the WVBE members understand the significance of the rule change.

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

1. Addresses criteria for middle and high schools seeking membership. (Vote: Yes-111 No-4)
2. Update vacancy procedure. (Vote: Yes-107 No-5)
3. Clarifies enrollment and team membership with current middle/high school configuration. (Vote: Yes-114 No-1)
4. Clarifies enrollment and team membership with current middle/high school configuration.. (Vote: Yes-107 No-6)
5. To make consistent with all other sports for participation. (Vote: Yes-69 No-44)
6. To better clarify the residence and transfer rule. (Vote: Yes-112 No-0)
7. To allow for more flexibility in scheduling during the summer. (Vote: Yes-81 No-30)
8. To allow for more flexibility in scheduling during the summer. (Vote: Yes-89 No-21)

9. To decrease the size between the largest and smallest schools in each of the classes. (Vote: Yes-78 No-37)
10. Not needed. Rule change in 2007 allowed beginning on Monday of week 8 for football contest. (Vote: Yes-104 No-1)
11. To increase number of weigh-ins for junior high like we did for high school a few years ago. (Vote: Yes-83 No-11)

IMPACT

Instruction

None

Leadership

None

Financial

None

Administrative

None

ATHLETIC ADMINISTRATORS, PRINCIPALS, AND COUNTY SUPERINTENDENTS WILL NEED TO BE AWARE OF THE CHANGES IN ORDER TO ADMINISTER THEIR SCHOOL PROGRAMS IN ACCORDANCE WITH THE CURRENT RULES. THERE IS NO MAJOR CHANGE THAT WOULD IMPACT ADMINISTRATION NEGATIVELY.

WVSSAC
Rules and Regulations Handbook
2008-09 Proposed Rule Changes Passed by BOC

Proposal 1 (111-4)

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

4.2.5. A member-high school must sponsor one (1) sport per gender during each season - fall, winter and spring. Schools having membership prior to the 2007-2008 school year are exempt from this provision.

Constitution and By-Laws

Rationale:

Addresses criteria for middle and high schools seeking membership.

Proposal 2 (107-5)

Amend 127-1-6 Officers and Duties (Pg. 4) as follows:

6.3 The term of an officer-member shall end immediately upon his agreement to accept a position that would make him ineligible to hold office in this Commission. However, in the event that a director ceases to meet the qualifications for his/her position but remains in good standing in the last year of his/her term, such director shall be given the option to remain in his/her position for the remainder of the assigned term. The vacancy would then be filled at the next annual Board of Control.

Thomas Kidd, Principal
John Adams Middle School

Rationale:

This is the pattern of most professional organizations. This is the vacancy procedure for NASSP and NAESP. Appointed representatives have definitions for their organizations term of office. For a Board Member, this would mean 4/5 of the term served, so it would not best serve the interest of the commission to appoint someone new for just 8 months and then have another election at the Board of Control meeting.

Proposal 3 (114-1)

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

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).

Constitution and By-Laws

Rationale:

Clarifies enrollment and team membership with current middle/high school configuration.

Proposal 4 (107-6)

Amend 127-2-3 Enrollment and Team Membership (Pg. 16) as follows:

3.4. Students enrolled in the following grades in member schools will be eligible for ~~junior high~~ freshman/middle school participation:

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

3.4.1. Middle School - 6, 7 and 8 may compete with and against schools/teams of the same configuration.

3.4.2. Stand alone freshman programs may compete with and against schools/teams of the same grade configuration. An 8th grade student not provided the opportunity to participate at their member school because the sport is not offered may choose to participate on a stand alone freshman team at their feeder high school, provided the student is otherwise eligible.

Constitution and By-Laws

Rationale:

Clarifies enrollment and team membership with current middle/high school configuration.

Proposal 5 (69-44)

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

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.

Tom Kidd, Principal, John Adams Middle School
Missy Ruddle, Principal, McKinley Middle School
Candace Strader, Principal, East Bank Middle School

Rationale:

There are cases when a student member cannot participate in youth league or member of school middle conference. This is not equal opportunity and disenfranchises due to weight limits. Would help develop JV Middle School teams. Would ultimately help develop high school varsity and JV team members would be under guided supervision of approved coaches in school setting. Consistent with all other sports for participation. More information will follow at the discussion proposal. Many schools cannot have teams because enrollment is too low. Sixth grade would allow more students to be involved.

Proposal 6 (112-0)

Amend §127-2-7. Residence-Transfer. (Pg. 19) as follows:

7.1. Part A - Residence - This residence rule applies to all students enrolled in grades 6-12 in both public and non-public member schools.

~~7.1.1. 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. Said non-public member schools attendance zones shall not exceed the boundaries of the county in which they are located.~~

7.1.1. A student shall be eligible in the school located in the attendance 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. In the event the county Board of Education establishes overlapping attendance zones, a student shall be eligible at the school in which the student first chooses to enroll upon entering the ninth grade. Attendance zones of nonpublic member schools shall be established by their governing board and subject to approval by the Board of Directors. Said non-public member school's attendance zone shall not exceed the boundary of the county in which the school is located.

~~7.1.2. 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.~~

7.1.3 7.1.2. 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. A student shall be eligible at the school in which the student first chooses to enroll upon entering 9th grade.

7.1.4 7.1.3. 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.

7.1.5 7.1.4. 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). 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:~~

7.1.5. A student whose parents have resided in the school zone for a minimum of one academic year in which the student has been in attendance for a minimum of one academic year and whose parents make a bona fide change of residence to a new school zone during the school term may:

A. Retain eligibility in the attendance zone where the parents previously resided as long as said student retains continuous 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.

7.1.6. A student whose parents have resided in the school zone for less than one academic year at which the student has been in attendance for less than one academic year and whose parents make a bona fide change of residence to a new school zone during the school term may:

A. Retain eligibility for the balance of the academic year, provided the said student retains continuous 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. If a student chooses to remain enrolled at the school outside the attendance zone in which his/her parents reside at the conclusion of the academic year the student will be ineligible for the next academic year.

~~7.1.6~~ 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 the assignment for athletic purposes.

~~7.1.7~~ 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.~~

~~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 365 days from date of enrollment unless the parents become residents of the zone to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in the attendance zone unless exempted by Rule 127-2-7.2.8 and 127-2-7.2.9.~~

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

7.2.1. If a student transfers during the school year from one secondary school to another secondary school, said student shall be ineligible for 365 days from date of enrollment, absent a bona fide change of residence.

7.2.4. 7.2.2 If the transfer is from a non-member school to a member school in the zone where the student's parents reside, a student is eligible providing; (1) the student is enrolling in a member school for the first time and (2) the principals of both non-member and member schools involved concur that undue influence is not involved with the transfer.

~~7.2.5.~~ 7.2.3 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.~~ 7.2.4 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~~ 7.2.5 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.

~~7.2.8.~~ 7.2.6 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 9th grade school year with the student enrolled on or before the eleventh instructional day of the beginning of the school year and provided that said student is residing with the parents. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

~~7.2.9. During the 9th, 10th, 11th, 12th grades, a student shall be entitled to one transfer back into the public member school located within the attendance zone where the student's parents residence is located regardless of from where the student is transferring. A student shall be entitled to transfer back to a non-public member school if said student had been enrolled in said non-public member school or non-public member feeder school the 365 days prior to enrollment in the 9th grade. Any student transferring under the provisions of this rule will not become eligible until the completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season. Transfer must be completed prior to the first day of school.~~

7.2.7. TRANSFER BACK. During the 9th, 10th, 11th, 12th grades, a student shall be entitled to one transfer back into the public member school located within the attendance zone where the student's parents reside, or to a non-public member school if said student had been enrolled in said non-public member school or non-public member feeder school during the 365 days prior to enrollment in the 9th grade, regardless of from where the student is transferring. Any student transferring under the provisions of this rule will not become eligible until the completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season, or immediately if the transfer back is completed on or before the eleventh instructional day of the beginning of the school year. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

~~7.2.10.~~ 7.2.8 The eligibility of a student whose parents are divorced or legally separated is determined by the following: a. a court decree establishing residency with one parent.

~~7.2.11.~~ 7.2.9. After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for 365 days from date of enrollment unless a change of residency is decreed by the court.

Constitution and By-Laws

Rationale:

To better clarify the residence and transfer rule.

Proposal 7 (81-30)

Amend 127-3-7 Out of Season Coaching (Pg. 37) as follows:

7.2. School organized out-of-season practice or related activities shall only be permitted with principal approval during Weeks 50, 51 and 52 of the National Federation Standardized Calendar from the day after the completion of the last state tournament of the school year until the first day of fall sport practice of the next school year. All schools will observe a one (1) week dead period during the week of the Fourth of July. During this period, there can be no coaching or any contact or observation by any coach, faculty or non-faculty, with any student-athletes. This dead period shall also apply to weight programs. Participation by students must be open to all students, voluntary, and not required directly or indirectly for membership on a school team. Participation by students during these weeks does not meet Practice Rule 127-2-13.4.

Don Dellinger, Principal
Hedgesville High School

Rationale:

This rule change will allow for more flexibility in scheduling during the summer. This change will also allow coaches of sports other than football and basketball to attend summer camps at colleges and universities. This will only add four (4) weeks to the summer schedule with the incorporation of the one (1) week dead period. The dead period and the spreading out of activities will allow families more freedom to plan vacations.

Proposal 8 - Vote on only if Proposal 7 is passed. (89-21)

Amend 127-3-7 Out of Season Coaching (Pg. 37) as follows:

7.3. A coach or principal designee of each sport or activity may be present as an observer, lecture participant, staff member, or in any capacity at any summer camp during weeks 50, 51, and 52 of the National Federation Standardized Calendar from the day after the completion of the last state tournament of the school year until the first day of fall sport practice of the next school year except the one (1) week dead period mentioned in Rule 127-3-7.2.

Don Dellinger, Principal
Hedgesville High School

Rationale:

This rule change will allow for more flexibility in scheduling during the summer. This change will also allow coaches of sports other than football and basketball to attend summer camps at colleges and universities. This will only add four (4) weeks to the summer schedule with the incorporation of the one (1) week dead period. The dead period and the spreading out of activities will allow families more freedom to plan vacations.

Proposal 9 (78-37)

Amend 127-3-10 Classifications (Pg.40) as follows:

10.1. Beginning with the 2008-2009 school year, Each member high school schools shall be classified as either AAAA, AAA, AA, or A for football and boys/girls basketball only. All other sports will remain under the current classification. These classifications will be based on the enrollment figures in grades 9-10-11 at the end of the second school month of the odd numbered year preceding the classification.

Warren Grace, Principal
Paden City High School

Rationale:

To decrease the disparity in size between the largest and smallest schools in each of the respective classes. The addition of a new classification would afford more schools a better opportunity to successfully compete on a more equal playing field in all classifications. With the current classifications, most of the smaller schools in each class would have less of a chance to participate or compete in post season play. The respective coaching committees will be responsible for organizing post season play-off and tournament formats.

Proposal 10 (104-1)

Amend 127-3-23 Football (Pg. 48) as follows:

~~23.2.1. The Board of Directors, upon written request, may grant permission for a football team to play its first game one day earlier if the playing field is used by more than one high school.~~

Constitution and By-Laws

Rationale:

Rule change in 2007 allowed beginning on Monday of Week 8 for football high school contest.

Proposal 11 (83-11)

Amend 127-3-31 Wrestling (Pg. 56) as follows:

31.8.2. Junior high school teams may have 44 16 matches including tournaments sanctioned by the WSSAC.

Andy Garber, Principal
Warwood Middle School

Rationale:

A number of years ago, high school weigh-ins increased from 16 weigh-ins to 18 weigh-ins. It was the intention to do the same for junior high and middle school weigh-ins, increasing them from 14 weigh-ins to 16 weigh-ins. However, no action was ever taken.

TITLE 127
LEGISLATIVE RULE
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. - W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-25.

1.3. Filing Date. - ~~July 13, 2006.~~

1.4. Effective Date. - ~~September 11, 2006.~~

§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 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).

127CSR2

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~~ freshman/middle school participation:

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

3.4.1. Middle School - 6, 7 and 8 may compete with and against schools/teams of the same configuration.

3.4.2. Stand alone freshman programs may compete with and against schools/teams of the same grade configuration. An 8th grade student not provided the opportunity to participate at their member school because the sport is not offered may choose to participate on a stand alone freshman team at their feeder high school, provided the student is otherwise eligible.

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

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

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

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

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

3.10. Boarding students at member schools, with the exception of students at the WV Schools for the Deaf and Blind, are not eligible. (Definition: A boarding student is one who receives room and board that is provided by said school unless such residence is based on Court Order or State Action.)

§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. 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).

127CSR2

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 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).

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

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

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

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

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

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

6.9. In accordance with §126CSR26 West Virginia Board of Education ~~§126-26-1 et seq., Policy 2436.10~~, Participation in Extracurricular Activities (~~Policy 2436.10, C-Rule~~), students must maintain a 2.0 average to participate in interscholastic athletics. (~~See Appendix.~~)

§127-2-7. Residence-Transfer.

7.1. Part A - Residence - This residence rule applies to all students enrolled in grades 6-12 in both public and non-public member schools.

~~7.1.1. 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. Said non-public member schools attendance zones shall not exceed the boundaries of the county in which they are located.~~

7.1.1. A student shall be eligible in the school located in the attendance 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. In the event the county Board of Education establishes overlapping attendance zones, a student shall be eligible at the school in which the student first chooses to enroll upon entering the ninth grade. Attendance zones of nonpublic member schools shall be established by their governing board and subject to approval by the Board of Directors. Said non-public member school's attendance zone shall not exceed the boundary of the county in which the school is located.

~~7.1.2. 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.~~

7.1.3 7.1.2. 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. A student shall be eligible at the school in which the student first chooses to enroll upon entering 9th grade.

~~7.1.4~~ 7.1.3. 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.

~~7.1.5~~ 7.1.4. 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). 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:~~

7.1.5. A student whose parents have resided in the school zone for a minimum of one academic year in which the student has been in attendance for a minimum of one academic year and whose parents make a bona fide change of residence to a new school zone during the school term may:

Aa. Retain eligibility in the attendance zone where the parents previously resided as long as said student retains continuous enrollment and attendance or:

Bb. 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:

Cc. 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.

7.1.6. A student whose parents have resided in the school zone for less than one academic year at which the student has been in attendance for less than one academic year and whose parents make a bona fide change of residence to a new school zone during the school term may:

a. Retain eligibility for the balance of the academic year, provided the said student retains continuous 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. If a student chooses to remain enrolled at the school outside the attendance zone in which his/her parents reside at the conclusion of the academic year the student will be ineligible for the next academic year.

~~7.1.6~~ 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 the assignment for athletic purposes.

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~~7.1.7~~ 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.

~~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 365 days from date of enrollment unless the parents become residents of the zone to which the student transfers. Students transferring out of attendance zone shall immediately forfeit eligibility in the attendance zone unless exempted by Rule ~~127-2-7.2.8~~ and ~~127-2-7.2.9~~.

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

7.2.1. If a student transfers during the school year from one secondary school to another secondary school, said student shall be ineligible for 365 days from date of enrollment, absent a bona fide change of residence.

~~7.2.4.~~ 7.2.2 If the transfer is from a non-member school to a member school in the zone where the student's parents reside, a student is eligible providing; (1) the student is enrolling in a member school for the first time and (2) the principals of both non-member and member schools involved concur that undue influence is not involved with the transfer.

~~7.2.5.~~ 7.2.3 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.~~ 7.2.4 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~~ 7.2.5 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.

~~7.2.8.~~ 7.2.6 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 9th grade school year with the student enrolled on or before the eleventh instructional day of the beginning of the school year and provided that said student is residing with the parents. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

~~7.2.9.~~ During the 9th, 10th, 11th, 12th grades, a student shall be entitled to one transfer back into the public member school located within the attendance zone where the student's

~~parents residence is located regardless of from where the student is transferring. A student shall be entitled to transfer back to a non-public member school if said student had been enrolled in said non-public member school or non-public member feeder school the 365 days prior to enrollment in the 9th grade. Any student transferring under the provisions of this rule will not become eligible until the completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season. Transfer must be completed prior to the first day of school.~~

7.2.7. TRANSFER BACK. During the 9th, 10th, 11th, 12th grades, a student shall be entitled to one transfer back into the public member school located within the attendance zone where the student's parents reside, or to a non-public member school if said student had been enrolled in said non-public member school or non-public member feeder school during the 365 days prior to enrollment in the 9th grade, regardless of from where the student is transferring. Any student transferring under the provisions of this rule will not become eligible until the completion of the school year in which said transfer occurs. Eligibility will begin with the succeeding fall sports season, or immediately if the transfer back is completed on or before the eleventh instructional day of the beginning of the school year. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

~~7.2.10.~~ 7.2.8 The eligibility of a student whose parents are divorced or legally separated is determined by the following: a. a court decree establishing residency with one parent.

~~7.2.11.~~ 7.2.9. After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for 365 days from date of enrollment unless a change of residency is decreed by the court.

§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 127-2-7.1.5.

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.

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: 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 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.

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.

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13.6. A student academically ineligible may begin practicing 15 school days immediately prior to the date of regaining full eligibility. (All other ineligible students may not practice.)

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

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

FISCAL NOTE FOR PROPOSED RULES

Rule Title: **W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission**

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Secondary School Activities Commission

Address: 2875 Staunton Turnpike
 Parkersburg, West Virginia 26104

Phone Number: 304.485.5494

Email: gary.ray@wvssac.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-" for decrease)	Next Increase/Decrease (use "-" for decrease)	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

Rule Title: **West Virginia Secondary School Activities Commission Series 1, 2 and 3**

Rule Title: **West Virginia Secondary School Activities Commission Series 1, 2 and 3**

3. Explanation of above estimates (including long-range effect);

Please include any increase or decrease in fees in your estimated total revenues.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission.


MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2 and 3, Rules of the West Virginia Secondary School Activities Commission. The amendments proposed will keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs. Proposed changes include: addresses criteria for middle and high schools seeking membership; updates vacancy procedure; clarifies enrollment and team membership with current middle/high school configuration; clarifies enrollment and team membership with current middle/high school configuration; consistency among all sports for participation; clarification of the residence and transfer rule; allow more flexibility in scheduling during the summer; decrease the size between the largest and smallest schools in each of the classes; increase number of weigh-in for junior high as was done for high school.

Signature of Agency Head or Authorized Representative

Date


Executive Director, West Virginia
Secondary School Activities Commission

April 25, 2008

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

COMMENT PERIOD ENDS: June 16, 2008

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on WVSSAC Series 2: Athletics, Provisions Governing Eligibility. Additional sheets may be attached, if necessary.

Name : _____ Organization: _____

Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS

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

§127-2-7. Residence-Transfer.

Please direct all comments to:

Mr. Gary Ray
Executive Director
West Virginia Secondary School Activities Commission
2875 Staunton Turnpike
Parkersburg, West Virginia 26104
Telephone No.: (304) 485-5494
Fax No.: (304) 428-5431