

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

1992 MAY 19 AM 9:15

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

~~AGENCY~~ West Virginia Secondary School Activities Comm TITLE NUMBER: 127

CITE AUTHORITY: _____

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Residence-Transfer;

Undue Influence - Recruiting; Nonschool Participation

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 20, 1992

Jim Hamrick / jr

2.50

TITLE 127
LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 2
ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

***-9 §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** -
- 1.5 Repeal of Former Rule** - Amends 7.10; 9.2; 9.3; 10.1

***09 §127-2-7. Residence-Transfer**

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.
- 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 127-2-7.16 in another attendance zone.
- 7.7** A student who completes the highest grade of an elementary school or member secondary school and enrolls for the first time in the next succeeding grade of the junior high school or senior high school located in his home zone shall be eligible to participate in interscholastic athletics, provided he is otherwise eligible.
- 7.8** 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.
- 7.9** 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.

- 7.10 A student may be eligible outside his specified zone of attendance if he has been in attendance in that zone the three (3) immediate preceding ~~immediate preceding year~~ prior to entering a member secondary school. There can be no change of residence involving change of attendance zone during these three (3) preceding ~~the immediate preceding year~~.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.

***09 §127-2-9. Undue Influence - Recruiting.**

- 9.1 A student is considered a prospective athlete if the student has participated in an interscholastic contest beyond the sixth grade.
- 9.2 The use of influence by a person or group connected or not connected with the school to secure or retain a prospective athlete is not permitted and ~~shall~~ cause the student to be ineligible and ~~shall~~ cause certain sanctions to be placed against the member schools.
- 9.2 The use of influence by a person or group connected or not connected with the school to secure or retain a prospective athlete is not permitted and may cause the student to be ineligible and may cause certain sanctions to be placed against the member schools.
- 9.3 An employee of the school system shall not initiate any communication with a prospective athlete, parent of an athlete, guardian or family member, in person or through a third party prior to enrollment.
- 9.3 An employee of the school system shall not initiate any communication with a prospective athlete, parent of an athlete, guardian or family member, in person or through a third party prior to enrollment. County boards of education will be notified if such incidents occur.
- 9.4 A prospective athlete, parent of an athlete, or guardian shall not be offered any inducement, such as free tuition, jobs, supplies, uniforms, other than that which is provided for all students.

***09 §127-2-10. Nonschool Participation.**

- 10.1 During the school year and while a member of a school team, a student shall neither participate on any nonschool team in the same sport, nor shall the student compete as an individual unattached in non-school formally organized competition in the same sport. The following sports are exempted from the provisions of this rule: cheerleading, cross country, golf, swimming, tennis, track and gymnastics providing:
- 10.1 During the school year and while a member of a school team, a student shall neither participate on any nonschool 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 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) the Olympic Development Program which is defined as a training program competition,
 - (c) while representing the National Federation in an International Schoolsport Federation,
 - (d) or 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 *09 §127-2-10.1 and 10.2.



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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
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Charleston, WV 25305-0770

TO: Jim Hamrick

AGENCY: Secondary School Activity Commission

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August 27, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE: 127 Secondary School Activity Commission

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: J. Adenett

TITLE OF PERSON SIGNING: Admin. Asst.

DATE: Sept 2, 1992

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.