

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

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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: Secondary School Activities Commission TITLE NUMBER: 127

CITE AUTHORITY: 18-2

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE x 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: Athletics - Eligibility

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 September 11, 1993

4.20

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

***09 SECTION 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

1.5 **Repeal of Former Rule**

Proposal 4

Amend *09 §127-2-3.2 - **Enrollment and Team Membership** (pg. 18) by deleting the following:

~~3.2 If a student who has not enrolled in a member school on or before the eleventh day decides to transfer, even though it may be a bonafied change of residence, he will not be eligible during that semester.~~

Re-number 3.3 - 3.9.

***09 §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 If a student who has not enrolled in a member school on or before the eleventh day decides to transfer, even though it may be a bona fide change of residence, he will not be eligible during that semester.~~

3.2 Students can participate only in schools in which they are enrolled; for example, a student in a feeder junior high school cannot participate on the high school team.

3.3 An ineligible student may practice 15 days prior to his date of becoming eligible provided that he is otherwise eligible.

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.

Rationale:

This rule has never been followed. Any bonafide change of residence establishes eligibility. The deletion clarifies the existing interpretation.

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1.3 **Filing Date** -

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

1.5 **Revision of Current Rule**

Proposal 5

Amend *09 Section 127-2-6.1 - **Scholarship** (pg. 21) by adding the following as subsections (d) and (e) :

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

(e) If a student has been declared ineligible according to the standards outlined above, he or she may have his or her eligibility reinstated at midsemester if the student is meeting the standards at that time.

***09 §127-2-6 Scholarship.**

6.1 A student is required to do passing work in the equivalent of at least 20 periods (four subjects with full credit toward graduation) per week. Failure to earn passing marks in four full credit subjects during a semester shall render a student ineligible for the following semester.

(a) Two of those four full credit subjects must be in English-Language Arts, Social Studies, Mathematics or Science, and may or may not be in the same area.

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

(c) If a student is taking a multiple period subject, such as vocational courses for a full morning or afternoon, it may be counted as more than one subject. The number of subjects counted will be equal to the units of full credits given; however, part (a) above must also be met.

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

(e) If a student has been declared ineligible according to the standards outlined above, he or she may have his or her eligibility reinstated at midsemester if the student is meeting the standards at that time.

6.2 **Note:** Full credit is defined as one-half credit for a semester or 4050 minutes as taken from the West Virginia Department of Education, "Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12) (March 1982)."

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

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

6.5 In order for a withdrawn student or an expelled student to regain eligibility, said student must complete one semester of school work.

6.6 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.

6.7 In all cases, the official school transcript will be used to determine a student's eligibility and will be regarded as final.

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

Rationale:

These additions to the scholarship rule allows for a student to regain eligibility after summer school or at mid-term. This makes the scholarship rule consistent with the 2.0 rule.

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1.3 **Filing Date** -

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

1.5 **Add New Rule; Revision of Current Rule; Repeal of Current Rule**

Proposal 6

Amend *09 §127-2-7 - **Residence-Transfer** - (pg. 23) by adding new 7.8 as follows:

"7.8 - A student who enters the lowest grade of a member school for the first time located in his/her home zone, shall be eligible to participate in interscholastic athletics, provided he/she is otherwise eligible. This transfer must occur at the beginning of the school term."

Re-number 127-2-7.8 to 7.14

Proposal 7

Amend *09 §127-2-7.17 - **Residence-Transfer** - (pg. 25) by deleting the following:

"7.17 Students who transfer 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." [~~(3) and the student transfer takes place no later than the first ten (10) days of the first semester.~~]

Proposal 8

Amend *09 §127-2-7.20 - **Residence-Transfer** - (pg. 25) by deleting the following:

~~[7.20 A transfer student may not compete in any athletic contest until the WVSSAC Athletic Transfer Form has been filed with the WVSSAC office.]~~

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 - A student who enters the lowest grade of a member school for the first time located in his/her home zone, shall be eligible to participate in interscholastic athletics, provided he/she is otherwise eligible. This transfer must occur at the beginning of the school term.”

7.9 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.

7.10 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.

7.11 A student may be eligible outside his specified zone of attendance if he has been in attendance in that zone the immediate preceding year prior to entering a member secondary school. There can be no change of residence involving change of attendance zone during the immediate preceding year.

7.12 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 under the end of that school year.

7.13 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.

7.14 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 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.

7.15 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

7.16 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.

7.17 If a student transfers 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.

7.18 Students who transfer 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, and (3) ~~the student transfer takes place no later than the first ten (10) days of the first semester.~~

7.19 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. A WVSSAC transfer form must be completed on the student, indicating approval by the principals of the involved schools.

7.20 The commission does not recognize emancipated status as relates to transfer except as might occur in marriage and relocation to another school zone.

~~7.20 A transfer student may not compete in any athletic contest until the WVSSAC Athletic Transfer Form has been filed with the WVSSAC office.~~

7.21 "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."

Rationale:

127-2-7.8: Adding 7.8 allows for more flexibility in student transfers. With this rule change, a student may enter a school at its lowest grade and be eligible immediately, if the school is in the students home zone.

127-2-7.17: This deletion eliminates a ten (10) day deadline for enrollment. There is no significance in being enrolled ten (10) days for this kind of a transfer.

127-2-7.20: This amendment eliminates the use of a transfer form. This is a time-saving and paper-shuffling deletion that will simplify the procedure for transfer.

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1.3 **Filing Date** -

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

1.5 **Repeal of Current Rule** - Amends Existing Rule

Proposal 9

Amend *09 §127-2-10.2 - **Nonschool Participation** - (pg. 28) by deleting the following:

“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]~~

(b) while representing the National Federation in an International Schoolsport Federation,

(c) or as a representative of the United States in recognized national or international events.”

***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, 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,~~
- (b) while representing the National Federation in an International Schoolsport Federation,
- (c) 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.

Rationale:

This deletion clarifies the rule. Confusion was evident because of using Olympic Development Program terminology.