

**WEST VIRGINIA  
SECRETARY OF STATE**

**BETTY IRELAND**

**ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

2007 JUL 13 AM 10: 22

OFFICE 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 Board of Education TITLE NUMBER: 127

CITE AUTHORITY: W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-25

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§ 29A-3B-1, et seq.; W. Va. Board of Education  
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO \_\_\_\_\_

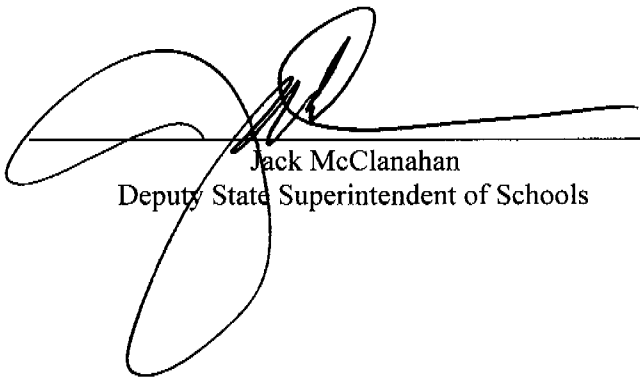
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Provisions Governing Conduct

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 11, 2007.

  
\_\_\_\_\_  
Jack McClanahan  
Deputy State Superintendent of Schools

**EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION**

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

**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. 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 West Virginia Secondary School Activities Commission current and updated on changes, trends and issues in the band and athletic programs.

**RESPONSE TO COMMENTS**

The proposed revisions to the rules were placed on public comment at the WVBE's May meeting. No comments were received as a result of the comment period.

**CONTENT**

Ten proposed revisions were submitted to the WVBE by the West Virginia Secondary School Activities Commission. 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. Force schools seeking membership to have a comprehensive athletic program. (Vote: Yes-119 No-0)
2. Vocational assistant principal left off by mistake in last years proposal. (Vote: Yes-118 No-1)
3. No merit or logical reason for being in rule book. (Vote: Yes-113 No-2)
4. This changes the rule to what is actually being done. (Vote: Yes-122 No-0)
5. This changes the rule to what is actually being done. (Vote: Yes-122 No-0)
6. This changes the rule to what is actually being done. (Vote: Yes-122 No-0)
7. Allow more flexibility for middle school scrimmages. (Vote: Yes-85 No-15)
8. Clarifies what can and cannot be done by an individual serving a suspension for being ejected. (Vote: Yes-116 No-4)
9. Specifies who may be penalized for violating WVSSAC rules. (Vote: Yes-122 No-0)
10. Not practical. Best practice is to use the regular appeal process. (Vote: Yes-117 No-0)

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.**

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TITLE 127  
LEGISLATIVE RULE  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION  
OFFICE OF THE SECRETARY OF STATE

SERIES 4  
PROVISIONS GOVERNING CONDUCT

**§127-4-1. General.**

1.1. Scope - These rules govern conduct for active and spectator participants, coaches and all other school personnel at interscholastic athletic events.

1.2. Authority - W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-5.

1.3. Filing Date - July 13, 2007.

1.4. Effective Date - September 11, 2007.

1.5. Repeal of Former Rule. This legislative rule amends W. Va. 127CSR4, West Virginia Secondary School Activities Commission Series 4, *Provisions Governing Conduct*, filed June 7, 2002 and effective August 6, 2002.

**§127-4-2. Sportsmanship.**

2.1. Member schools are required to conduct all relations with other schools in a spirit of good sportsmanship. Acts which are prima facie evidence of failure to abide by this rule are those which are noted below and others of similar nature which violate the accepted code of good sportsmanship.

2.2. It shall be the responsibility of the home schools to take proper steps and precautions to insure that crowd and spectator control is handled reasonably at all interscholastic athletic contests including all post season athletic contests whether home or away. In addition to the spectators, attention must be directed to the safety, comfort, and security of the coaches, officials, and students. Their seating accommodations should protect them from spectator interference.

2.3. It shall be the responsibility of any team, student, coach, or attendant to remain in or a part of a contest until its normal end as provided by the National Federation Rules of that particular sport. The exception to the above would be provided by the same National Federation Rules of that particular sport. The penalty for a violation by a coach, student, or team attendant will not only involve ejection during that particular contest but shall also involve that student, coach, or team attendant not being a part of that school's team for the next regularly scheduled contest(s) as regulated in §127-4-3.7.3. The coach, student, or team attendant may practice in the days prior to the contest but may not dress or participate on the day of the contest. Rule 127-3-8 further explains the forfeiture consequences.

2.4. It shall be the responsibility of a member school to use every means at its disposal to impress upon its faculty, student body, team members, coaching staff, and officials the values of sportsmanship in preparation for the conduct and management of interscholastic contests.

2.5. It shall be the responsibility of an administrator, spectator, student, or coach to follow those directions provided for in the Code for Interscholastic Athletics.

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### §127-4-3. Code for Interscholastic Athletics.

#### 3.1. The school administrator shall:

3.1.1. Encourage and promote friendly relationships and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by acquainting students and others in the community with ideals of good sportsmanship and by so publicizing these concepts and attitudes that all members of the school and community will understand their meaning.

3.1.2. Insist upon implicit compliance with all rules and regulations of the West Virginia Secondary School Activities Commission, hereinafter referred to in this rule as the WVSSAC.

3.1.3. Secure WV registered officials for all contests.

3.1.4. Insist upon adequate safety provisions for all activities, for both participants and spectators.

3.1.5. Approve only those activities and schedules which are educationally and physically sound for the student.

3.1.6. Encourage all to judge the success of the athletic program on the basis of the education goals and the attitude of the participants and spectators, rather than on the basis of the number of games won or lost.

3.1.7. Insist that the students exemplify the highest standards of good sportsmanship as a means of inculcating desirable spectator attitudes.

3.1.8. Provide adequate hygienic, sanitary, and attractive facilities for the dressing and housing of visiting teams and officials.

3.1.9. Review with staff the Sportsmanship Rule.

#### 3.2. The coach shall:

3.2.1. Demonstrate high ideals, good habits, and desirable attitudes in personal behavior and demand the same standards of the students.

3.2.2. Recognize that the purpose of competition is to promote the physical, mental, social, and emotional well-being of the students and that the most important values of competition are derived from playing the game fairly.

3.2.3. Be a modest winner and a gracious loser.

3.2.4. Maintain self-control at all times, accepting adverse decisions without public display of emotion or of dissatisfaction with the officials.

3.2.5. Cooperate with the school principal in the planning, scheduling and conduct of sports activities.

3.2.6. Employ accepted educational methods in coaching, giving all students an opportunity to use and develop initiative, leadership, and judgment.

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3.2.7. Pay close attention to the physical condition and well-being of the students refusing to jeopardize the health of an individual for the sake of improving the team's chances to win.

3.2.8. Teach students that it is better to lose fairly than win unfairly.

3.2.9. Prohibit gambling, profanity, abusive language, and similar violations of good sportsmanship.

3.2.10. Refuse to disparage an opponent, an official, or others associated with athletic activities and discourage gossip and questionable rumors concerning them.

3.2.11. Properly supervise students under his immediate care and specifically observe a coach's responsibilities in conjunction with state interscholastic contests.

### 3.3. The spectator shall:

3.3.1. Realize that he represents the school just as definitely as does the member of a team, and, therefore, has an obligation to be a true sportsman, encouraging through this behavior the practice of good sportsmanship by others.

3.3.2. Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill and outstanding examples of sportsmanship and fair play exhibited by either team.

3.3.3. Recognize that, since the primary purpose of interscholastic athletics is to promote the physical, mental, moral, social, and emotional well-being of the students through the medium of contests, victory or defeat is in reality of secondary importance.

3.3.4. Treat visiting teams and officials as guests, extending to them every courtesy.

3.3.5. Be modest in victory and gracious in defeat.

3.3.6. Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them.

### 3.4. The student shall:

3.4.1. Be courteous to visiting teams and officials.

3.4.2. Participate to the limit of his ability. The true student does not give up, nor does he quarrel, cheat, bet, or grandstand.

3.4.3. Be modest when successful and be gracious in defeat. A true sportsman does not offer excuses for failures.

3.4.4. Maintain a high degree of physical fitness by observing team and training rules conscientiously.

3.4.5. Demonstrate loyalty to the school by maintaining satisfactory scholastic standing and by participating in and supporting other school activities.

3.4.6. Understand and observe the rules of the game and the standards of eligibility.

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3.4.7. Respect the integrity and judgment of officials and accept their decisions without questions.

3.4.8. Respect the facilities of host schools and the trust entailed in being a guest.

3.4.9. The cheerleader shall always cheer positively for the team and never negatively against the opponent.

3.5. The official shall:

3.5.1. Place the welfare of the student above all other considerations.

3.5.2. Know the game rules thoroughly and give intelligent interpretations.

3.5.3. Maintain confidence and control from start to finish.

3.5.4. Work cooperatively with fellow officials and game administrators.

3.5.5. Refrain from exhibiting emotions or arguing with a student or coach. Maintain self-control under all conditions.

3.5.6. Be fair, impartial and professional.

3.5.7. Be neat and dress in the appropriate uniform.

3.5.8. Be in adequate physical condition for the demands of the particular sport.

3.5.9. Refrain from commenting upon or discussing a team, play, game situation, or fellow official.

3.5.10. So conduct the game as to enlist the cooperation of students, coaches, and spectators in the interest of good sportsmanship.

3.6. *Protection, Facilities, and Assistance.* The home team is expected to furnish supervision. Outdoor facilities or playing facilities should be separated from the spectators by a restraining barrier (fence, wire, rope, etc.). Officials should be provided with a parking space, private dressing facilities not accessible to unauthorized personnel, and should be paid no later than half-time of game. The use of trained, competent, adult "assistant officials," i.e., scorers, timers, chain and down marker crews, etc., is strongly recommended.

3.7. *Statement of Policy.* Insofar as unsportsmanlike actions by students, school administrators, officials, coaches, faculty members, and spectators are concerned, the identical items under the Sportsmanship Rule along with the following guides will be referred to by the WVSSAC:

3.7.1. The school whose coach behaves in a manner likely to have adverse influence on the attitudes of students or spectators may be provided with the choice of taking disciplinary action against that coach or having the entire school disciplined by the WVSSAC.

3.7.2. Any student who in protest lays hands or attempts to lay hands upon an official may be declared ineligible by the principal or by the WVSSAC for up to one year. Any student who strikes an opponent, coach, or a spectator during or following an athletic event may be declared ineligible by the principal or the WVSSAC for a specified period of time up to one year, depending on the seriousness of

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the act.

3.7.3. Any coach, student, or bench personnel ejected by an official will be suspended for the remainder of the game, match, meet or contest. He will also face suspension in additional contest(s); the suspension will be assessed based upon ten (10) percent of the allowed regular season contests for each sport. Any tenth of a percentage from .1 to .4 will be a suspension equal to the whole number of the percent. Any tenth from .5 to .9 will be an additional contest added to the whole number. The suspension will include the number of indicated contests in that sport and at that level and all other sport contests in the interim at any level. A second ejection will result in the doubling of the suspension assessed for the first ejection. If he is ejected for a third time during the same sport season, the individual will be suspended from participating or coaching for 365 calendar days from the date of ejection.

a. Any coach, player or bench personnel who has been ejected shall not be permitted to attend any contest(s) during said suspension. He/she shall not be affiliated with the team in any capacity. This would include but not be limited to transportation to or from the contest, meeting with the team before, during or after said contest. He/she is not permitted to be in sight or sound of said contest venue. Regular practice or team meetings not affiliated with a contest are permitted.

b. If suspensions are imposed to a student or bench personnel at the end of the sport season and no contest remains, the suspension is carried over to that particular sport until the next school year. In the case of a senior student, the penalty will continue to the next WVSSAC sponsored sport.

c. Any coach suspension that cannot be enforced during the sport season in which the ejection occurs will be enforced at the beginning of the next season of that same sport.

3.7.4. In case of spectators physically molesting an official, administrator, coach, or student, the school may be given one of two options: 1) file charges against the offender (s) or 2) accept discipline from the WVSSAC. Any person found guilty of W.Va. Code §61-2-15(a) Assault, Battery on Athletic Officials, while these individuals are working or as a result of working an athletic contest, shall be banned from all WVSSAC athletic events for a minimum of 365 days from the date of being found guilty. The school filing charges shall notify the WVSSAC of the incident and outcome of any legal action.

3.7.5. The school that does not lend complete cooperation in the host school's effort to promote the spirit of good sportsmanship may be disciplined by the WVSSAC.

3.7.6. A coach may be considered as committing unsportsmanlike conduct if he makes degrading remarks about officials during or after a game either on the field of play, from the bench, or through any public news media, argues with officials, or goes through motions indicating dislike for a decision, protests the decision and actions of officials pertaining to the game during and after the contest, or detains the official on the field of play following a game to request a ruling or explanation of some phase of the game. If a coach feels he has a legitimate criticism of a penalty call or a request for a rule interpretation, such criticism or request should be made in the privacy of the coach's office or the official's quarters and should be made in a courteous manner.

3.7.7. A student or team attendant shall not leave the bench area, team box area, or his designated off-field area during a game or contest other than during that time permitted by game or contest rules. A coach shall not leave the bench area, team box area, or the designated off-field area during a game or contest other than during that time permitted by game or contest rules unless a student altercation is taking place and the official requests assistance. Violation of this rule shall cause the coach, student, or team attendant to be immediately ejected from the contest, team penalized according to game or contest rules and that coach, student, or team attendant will not be eligible to participate in the

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next contest as outlined in §127-4-2.3.

3.8. Procedure. Unsportsmanship action must be reported in detail to the WVSSAC. A copy of the complaint must also be filed with the principal of the school involved. Each principal involved shall report such information or answers to the report as they deem appropriate. Upon receipt of all reports, the Executive Director and/or the Board of Directors of the WVSSAC shall investigate and adjudicate such reports in accordance with the powers afforded in §127-1-8.6 and 8.7 and §127-1-12.2 and 12.3 of the Constitution. Penalties up to and including suspension of member schools may be made in accordance with §127-4.

3.9. The following defines the different types of disciplinary action which may be assessed for violation of any WVSSAC rule by a member school, administrator, coach, athlete or contest official:

3.9.1. *Warning.* A warning may be given by the Executive Director or Assistant Executive Director. It is official notice that an inexcusable, unethical, or unsportsmanship action has occurred, is a matter of record, and that such an occurrence must not be repeated.

3.9.2. *Probation.* Probation is a much more severe type of warning and may be expressed two ways: 1) a school, coach, student, or team attendant on probation is told that further violations will lead to a fine or suspension; and/or 2) a school on probation is on conditional WVSSAC membership but may engage in its regular schedule, sanctioned events, and all WVSSAC tournament play, providing a program is filed with the Executive Director of the WVSSAC indicating measures to be taken to alleviate this problem which caused the school to be placed on probation.

3.9.3. *Suspension.* A school/coach suspended from the WVSSAC may not meet in interscholastic competition of any kind with a WVSSAC member school or a school that is a member of another state associated with the National Federation of State High School Associations.

3.9.4. *Fine.* A fine may be levied by the Executive Director. It may be levied in addition to a warning, probation, or suspension.

3.10. *Appeals.* All cases involving disciplinary action against member schools, coaches, students, team attendants, or officials may be protested in accordance with §127-6.

### FISCAL NOTE WORKSHEET (Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT West Virginia Secondary School Activities Commission FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF 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 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
			<u>06</u>	<u>07</u>	
1. ESTIMATED TOTAL COST	\$0	\$0	\$0	\$0	\$0
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$0	\$0	\$0	\$0	\$0
2. ESTIMATED TOTAL REVENUES	\$0	\$0	\$0	\$0	\$0

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

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

April 6, 2007

West Virginia Secondary School Activities Commission

