

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

2002 JUN -7 3:48

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 Secondary School Activities Commission TITLE NUMBER: 127

CITE AUTHORITY: W.Va. Constitution, Article XII, §2, 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 _____

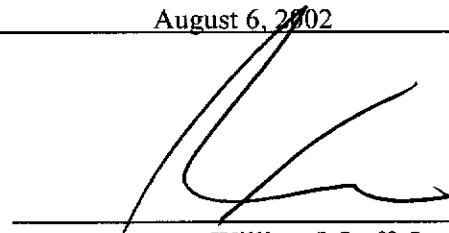
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Band Activities

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 August 6, 2002.



William J. Luff, Jr.
Deputy State Superintendent of Schools

SCANNED

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION RULES

Comment period ends: June 3, 2002.

Background: These amendments are required to keep the West Virginia Secondary School Activities Commission current with regard to changes, trends and issues in the band and athletic programs.

Recommendations: It is the Department's recommendation that all proposals be approved with the exception of the following:

- Proposal One - This proposed amendment would change the boundaries of districts from five to eight.
- Proposal Sixteen - This proposed amendment would allow a coach to receive a lifetime pass with twenty years of coaching.
- Proposal Twenty-three - This proposed amendment would require three classifications in all sports.

Minor editorial revisions such as formatting - to be compliant with the Secretary of State's office, and gender preference - SSAC preference, were made.

PROPOSAL 1

Amend §127-1-5 Administration (pg. 2) as follows:

5.4 The Board of Control of the West Virginia Secondary School Activities Commission shall delegate and assign to the Board of Appeals Directors, hereinafter constituted, the ~~power and authority to define, devise and/or create five (5) eight (8)~~ administrative districts in the State of West Virginia:

(a) Effective July 1, ~~1974~~ 2002, and until such time as it is necessary to change the boundaries of such districts, the ~~five (5) eight (8)~~ administrative districts shall be as follows:

- (1) First District: ~~Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler and Wetzel. Mercer, Monroe, McDowell, Raleigh, Summers, Wyoming.~~
- (2) Second District: ~~Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur. Cabell, Lincoln, Logan, Mason, Mingo, Wayne.~~
- (3) Third District: ~~Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam and Roane. Boone, Clay, Kanawha, Putnam~~
- (4) Fourth District: ~~Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt and Wood. Braxton, Fayette, Greenbrier, Nicholas, Pocahontas, Webster.~~
- (5) Fifth District: ~~Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster and Wyoming. Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, Wood.~~
- (6) ~~Sixth District: Brooke, Hancock, Marshall, Ohio, Wetzel.~~
- (7) ~~Seventh District: Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, Upshur.~~
- (8) ~~Eighth District: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton.~~

PROPOSAL 2

Amend 127-1-5 Administration (pg. 2) as follows:

5.4(b) Any change in the boundaries of said administrative districts adopted by the Board of Appeals Directors shall be submitted for approval to the Board of Control at the annual meeting. ~~Such adopted change may be remanded to the Board of Appeals for further study and action only by a two thirds (2/3) vote of the members of the Board of Control present and voting at the annual meeting. If the adopted change in boundaries is not remanded for further study and action, it shall be considered approved. Said change requires two thirds (2/3) affirmative vote of the members present and voting at the annual Board of Control meeting.~~

PROPOSAL 3

Amend 127-1-6 Officers and Duties (pg. 3) as follows:

6(d) An elected officer-member shall be eligible to serve two (2) regular five (5) year terms in succession. Upon completion of the two successive terms, a former officer-member shall not be appointed to nor elected to fill a vacancy of an unexpired term during the five (5) year period immediately following the expiration of his regular term. ~~An alternate officer-member who serves more than one (1) year of an officer-member's unexpired term shall be eligible to be elected to the next succeeding regular five (5) year term. Serving more than one half of an unexpired five (5) year term shall constitute one of the two permitted successive terms.~~

PROPOSAL 4

Amend 127-1-8 Board of Appeals as follows:

§127-1-8 Board of Appeals. Directors.

PROPOSAL 5

Amend 127-1-11 Executive Secretary (pg. 6) as follows:

§127-1-11 Executive Secretary. Director.

PROPOSAL 6

Amend 127-1-11 Executive Secretary (pg. 6) as follows:

11.3 The Executive Secretary Director shall serve during at the will and pleasure of the Board of Appeals but shall not be removed during ~~his/her~~ the term of office contract period except for just and reasonable cause. ~~Inefficiency, failure to carry out duties hereinafter set forth shall be deemed sufficient cause for removal of the Executive Secretary. Reasonable cause may include, but not be limited to the following: immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.~~

PROPOSAL 7

Amend 127-1-12 Duties of the Executive ~~Secretary~~ Director (pg. 6) as follows:

- 12.1(b) Based on employee evaluations and/or employee performance, the Executive Director shall make the appropriate recommendation of the employment status of all other employees.

PROPOSAL 8

Amend 127-2-3 Enrollment and Team Membership (pg. 9) as follows:

- 3.2(e) 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.

PROPOSAL 9

Amend 127-2-3 Enrollment and Team Membership (pg. 10) as follows:

- 3.5 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 if granted permission by the county or governing body of a private/parochial board of education and the school principals involved. However, once a student becomes a member of that team said student will be ineligible for the junior high team in that sport.

- 3.2(d) 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.

PROPOSAL 10

Amend 127-2-5 Semester and Season (pg. 10) as follows:

- 5.02(c) ~~The Board may also assess appropriate penalties to the student athlete or to the school if said Board determines through its investigation that said student athlete or said school did try to evade the rule by subterfuge. In no event may a student be allowed to participate in more than four (4) seasons in any one sport in grades 9-12.~~

PROPOSAL 11

Amend 127-2-6 Scholarship (pg. 11) as follows:

- 6.1(a) ~~Two of these 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. A semester course that constitutes 8100 minutes of instruction (block schedule) will count as two subjects.~~

PROPOSAL 12

Amend 127-2-6 Scholarship (pg. 11) as follows:

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

PROPOSAL 13

Amend 127-2-7 Residence-Transfer (pg. 11) as follows:

- 7.14 ~~2(f) Nine months at the new residence will be required to make it a bona fide move. If a family moves into a new school zone and remains there for less than nine months, the move will not be considered bona fide and the family's child who is enrolled and participating in athletics in the new school zone becomes ineligible there the day the family leaves the new school zone.~~

PROPOSAL 14

Amend 127-2-7 Residence-Transfer (pg. 11) as follows:

- 7.2217 (a) If there has been a divorce in a family and sole custody has been awarded by the court granting the divorce to one of the parents, the athletic eligibility of the student will be established at the school that serves the area where that parent resides. The eligibility of a student whose parents are divorced or legally separated by court decree is determined by establishing initial residency with one parent.

PROPOSAL 15

Amend 127-2-7 Residence-Transfer (pg. 11) as follows:

- 7.2217 (b) ~~If joint custody has been awarded, the student will be eligible in the zone where either parent resides.~~ After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for the remainder of that school year unless a change of residency is decreed by the court.

PROPOSAL 16

Amend 127-3-6 Coaches (pg. 16) as follows:

- 6.86 All coaches and athletic directors of member schools ~~who upon retirement from a member school~~ with at least 20 years of service either as a coach, athletic director or combination of coaching and athletic director shall receive a lifetime WVSSAC Courtesy and Identification Card. This card shall allow admittance to any WVSSAC sponsored event. This admittance will be by presentation of the WVSSAC Courtesy and Identification Card and photo identification.

PROPOSAL 17

Amend 127-3-7 Camps/Out-of-Season Coaching (pg. 18) as follows:

- 7.1 ~~School organized out-of-season practice or school organized summer camps shall not be permitted.~~ related activities shall only be permitted with principal approval during Weeks 50, 51, and 52 of the National Federation Standardized Calendar. 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.

PROPOSAL 18

Amend 127-3-7 Camps/Out-of-Season coaching (pg. 18) as follows:

- 7.2 A coach or surrogate principal designee of each sport or activity may not be present as an observer, lecture participant, staff member, or in any capacity at any summer camp where ~~the number of his athletes (students who would be under his supervision the next season in that sport) exceeds fifty percent of the number of persons designated as the starting line-up or cheerleading squad (i.e. basketball two or less; football five or less; wrestling seven or less; baseball four or less; etc.)~~ Nor may a school or related organization be involved in fund raising projects to subsidize student attendance at or in camps during Weeks 50, 51, and 52 of the National Federation Standardized Calendar.

PROPOSAL 19

Amend 127-3-8 Forfeit and Restitution (pg. 19) as follows:

- 8.3 If a team or individual student participating in an individual contest leaves the field or court playing area in protest and fails to complete the contest, the contest is forfeited and the school principal or his designee and the violator must appeal may be required to appear before the Executive Secretary Director to indicate why additional action should not be taken.

PROPOSAL 20

Amend 127-3-9 Game Officials (Does Not Apply to Cheerleaders) (pg. 19) as follows:

- 9.3 ~~The visiting school is responsible for selection of game officials to the extent that selection is made possible by mutual agreement. The initiative is placed upon the host school by the rules. However, if names are not submitted in accordance with the rules, the visiting school should take steps to secure agreement upon satisfactory officials. The host school initiates the selection of game officials. It is highly recommended that the host school contract officials for all interscholastic contests. Contractual agreements are between the school and the official.~~

PROPOSAL 21

Amend 127-3-10 Classifications (pg. 20) as follows:

- 10.1 ~~Classification of member high schools shall be determined every two years on the even number years. Such classification shall be based on the enrollment of grades 10-11-12 at the end of the second month of the odd numbered year preceding the reclassification. Such classification shall remain in effect for a two period.~~ Each member high school shall be classified as either AAA, AA, or A 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.

PROPOSAL 22

Amend 127-3-10 Classification (pg. 20) as follows:

- 10.2 ~~Each member high school shall be classified as either AAA, AA, or A based on the enrollment figures as described in subsection 10.1 above.~~
Classification of member high schools shall be determined every four years on the even numbered years and will remain in effect for a four year period unless a 20% change in enrollment using State Department of Education enrollment figures at the end of the second school month. Change of classification due to 20% change in enrollment would not go into effect until the next school year.

PROPOSAL 23

Amend 127-3-10 Classification (pg. 20) as follows:

- 10.4 The Board of Appeals ~~may shall~~ structure the WVSSAC tournament series in each sport by classification (AAA-AA-A). Each sport will be structured according to the level of interest and accommodation for tournament alignment. Prior to any change of structure of any given sport, a survey of the membership must be conducted by WVSSAC.

PROPOSAL 24

Amend 127-3-12 Legal Opponents (pg. 21) as follows:

- 12.1 ~~Member schools of the West Virginia Secondary School Activities Commission shall not participate in any interscholastic athletic contest, meet or tournament with any West Virginia public or parochial secondary school which is not a member of this Commission.~~

PROPOSAL 25

Amend 127-3-12 Legal Opponents (pg. 21) as follows:

- 12.4.3 ~~Member schools of the West Virginia Secondary School Activities Commission shall not participate in any interscholastic contest or practice against non-school teams or in any interscholastic contest or practice which involves alumni participants, with the exception of that provision provided for member high schools against that school's alumni team in basketball, softball, and volleyball.~~

PROPOSAL 26

Amend 127-3-16 Sports Rules - Game Protests (pg. 22) as follows:

- ~~16.3~~ 15.3 The protest of a ~~game contest or election~~ will not be allowed, ~~by the Board of Appeals when it is based on judgement decision on the part of an official or even a misinterpretation or misapplication of the rules.~~ Accordingly, the Board of Appeals is not authorized to order contests to be replayed or ejections to be reconsidered.

PROPOSAL 27

Amend 127-3-16 Sports Rules - Game Protests (pg. 22) as follows:

- ~~16.4~~ As the rules of this Commission do not give the Board of Appeals authority to order games replayed, protests arising from decisions of officials will not be considered.

PROPOSAL 28

Amend 127-3-18 State Championships (pg. 22) as follows:

- ~~18.2~~ 17.2 The Board of Appeals ~~may shall~~ divide the state into sections and regions for the purpose of determining championships in the sports sponsored by this Commission. The Board of Appeals shall have charge of directing and making necessary arrangements for tournaments, meets and contests leading to and including state championships. ~~The principals of involved schools will be consulted and given the opportunity to participate in the alignment of schools for sectional and regional tournaments. Member school principals will receive the proposed tournament alignment from the WVSSAC office and will be given the opportunity to comment on the alignment prior to the presentation to the Board of Appeals. Principals will sign a form to verify receipt and return the form to the WVSSAC office within ten (10) days from the date of the bulletin.~~

PROPOSAL 29

Amend 127-3-23 Cross Country (Boys and Girls) (pg. 25) as follows:

- ~~23.2~~ 22.2 ~~Organized Team Practice: Organized team practice will begin on Monday of Week 7 and the first meet may be held on Wednesday of Week 9. Organized team practice will begin on Monday Week 5 and first meet may be held on Wednesday of Week 7.~~

PROPOSAL 30

Amend 127-3-23 Cross Country (Boys and Girls) (pg. 25) as follows:

~~2322.4~~ Maximum Team Contests: ~~No limit.~~ A cross country team will be permitted 16 meets exclusive of regional and state contests.

PROPOSAL 31

Amend 127-3-24 Football (pg. 26) as follows:

~~2423.9(g)~~ Junior High/Middle School football teams may be permitted to play overtime periods in ~~County or League Playoffs or when advancement to finals must be determined during county or League Championship Playoffs in regular season games.~~ Where conferences or counties are holding season ending championships, a tie breaking procedure shall be established if at the end of two overtime periods the score remains tied. A maximum of 2 overtime periods will be permitted in accordance with the National Federation Football Rules 20 yard line overtime procedure.

PROPOSAL 32

Amend 127-3-25 Golf (Boys and Girls) (pg. 27) as follows:

~~2524.2~~ Organized Team Practice: Organized team practice will begin on Monday of Week ~~7~~ 5 and the first contest may be played on any day after ~~the opening of practice the first day of the season.~~

PROPOSAL 33

Amend 127-3-26 Soccer (Boys and Girls) (pg. 27) as follows:

~~2625.4~~ Maximum Team Contests: A soccer team will be permitted to play no more than ~~49~~ 20 matches ~~if participating in a conference tournament; otherwise the regular season will be 48 matches~~ exclusive of sectional, regional, and state tournaments. ~~The conference tournament is to count as one (1) match.~~

PROPOSAL 34

Amend 127-3-27 Softball (pg. 28) as follows:

~~2726.4~~ Maximum Team Contests: A softball team will be permitted to play no more than 31 games if participating in a conference tournament or a tournament with a minimum of four participating teams; otherwise, the regular season will be 30 games exclusive of sectional, regional and state contests. ~~The conference tournament is to count as one (1) game.~~

PROPOSAL 35

Amend 127-3-31 Volleyball (Girls) (pg. 30) as follows:

~~3430.4~~ Maximum Team Contest: A volleyball team will be permitted to play in no more than 23 matches ~~if participating in a conference tournament; otherwise the regular season will be 22 matches~~ exclusive of sectional, regional, and state contests. The conference tournament is to count as one (1) match.

PROPOSAL 36

Amend 127-3-32 Wrestling (pg. 31) as follows:

~~3231.4~~ Maximum Team Contest: A wrestling team will be permitted to have ~~46~~ 18 matches exclusive of ~~one (1) conference or county tournament~~, regional and state tournaments.

PROPOSAL 37

Amend 127-4-3 Code for Interscholastic Athletics (pg. 35) as follows:

3.87(d) In case of spectators physically molesting an official, ~~administrator~~, coach, or ~~player student~~, the school may be given one of two options: 1) take action file charges against the offender (s) or 2) accept discipline from the WVSSAC. Any person found guilty of WV State Law 61-2-15a 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.

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TITLE 127

LEGISLATIVE RULE

2002 JUN -7 P 3:48

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 5

BAND ACTIVITIES

§127-5-1. General.

- 1.1. Scope - These rules and regulations govern band activities.
- 1.2. Authority - W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2-5.
- 1.3. Filing Date - June 7, 2002.
- 1.4. Effective Date - August 6, 2002.

§127-5-2. Enrollment and Membership - Band.

- 2.1. All members of a member school band must be enrolled in that school. Rule 127-5-2.3 and 127-5-2.4 will be the only exception.
- 2.2. Majorettes, flag corps, drill teams, etc. are considered an integral part of the band and shall be adjudicated and governed accordingly. Any performance by a majorette, member of a flag corps or drill team, without the band, shall not be considered a band activity.
- 2.3. Instrumental music students in seventh and eighth grades of feeder elementary schools or any grade of a feeder junior high school who receive their instruction from the band director of the senior high band in which said students will eventually enroll and which feeder school does not have a band of its own shall be eligible to participate in the band directed by their instructor.
- 2.4. Ninth grade instrumental music students, in feeder school grades 7 through 9, are eligible to participate in the marching band program of the high school in which they will eventually enroll if the feeder school does not afford students the opportunity to participate in a marching band and they are otherwise eligible.
- 2.5. Participants in secondary school interscholastic band activities shall be eligible only for the number of years in which they are enrolled and attending a secondary school as an undergraduate.
- 2.6. In middle schools, students who are enrolled in grades five through eight may be eligible to participate in all band activities.

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§127-5-3. Scholarship - Band.

3.1. 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.

3.1.1. 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.

3.1.2. If a student has completed all state, county and school requirements, he may select four full credits from any area of the curriculum offered by the school.

3.1.3. 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.

3.2. Full credit is defined as one-half credit for a semester or 4050 minutes as provided by West Virginia Board of Education §126-30-1 et seq., "Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12)" (Policy 2444.01) and West Virginia Board of Education §126-42-1 et seq., "Assuring the Quality of Education: Regulations for Education Programs" (Policy 2510).

3.3. 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.

3.4. 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 Board of Education. Such credit must be earned during the regular school term.

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

3.6. Scholastic 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 is delayed due to illness which can be verified by a physician.

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

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3.8. A student promoted to the seventh grade for the first time is considered to have satisfied scholastic requirements and is permitted to participate during the first semester of his initial enrollment in that grade, provided the student is otherwise eligible.

§127-5-4. Festivals - Band.

4.1. The Board of Directors shall divide the state into regions for the purpose of band festivals and shall have the authority to place bands in those regions. They shall also determine the time, place and management of these events.

4.2. All bands participating in those festivals shall be composed of students that meet the qualification standards set forth in these rules.

4.3. The Board of Directors shall appoint directors for the festivals. One of their responsibilities will be to contract adjudicators for the festivals.

4.4. First year programs will not be required to participate in the regional festival.

§127-5-5. Sanctioning - Band.

5.1. On or before September 1 of each school year, the Board of Directors shall submit to each member school of this Commission a list of approved school sponsored and non-school sponsored contests and activities in which bands of member schools may participate during the ensuing year.

5.2. Additions to this list may be made after September 1 of each school year provided that the request for approval is filed with the Commission office at least thirty (30) days prior to the activity.

5.3. In order to qualify for approved participation in activities outside the home county and counties contiguous to the home county (including out-of-state), bands of member schools must have participated within the guidelines of the West Virginia Secondary Schools Activities Commission (WVSSAC) Band Festival Plan in the most recently conducted regional band festival.

5.4. A school band shall not be absent from school more than five (5) days each year for the purpose of participating in band activities.

5.5. The regulations above apply only during the regular school term.

§127-5-6. Awards - Band.

6.1. Only a member school or a non-school organization sponsoring an activity approved by

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this Commission may give the following awards to a student or band: medal, trophy, cup, certificate, ribbon, plaque, unattached letter, unattached chevron or similar award.

6.2. A student may accept as an individual or member of a school band the above specified awards in the following situations:

6.2.1. from a member school for participation,

6.2.2. in a sanctioned event,

6.2.3. in a non-sanctioned event during the summer.

6.3. A student may not receive the following awards from any source:

6.3.1. Wearing apparel - sweaters, jackets, etc.

6.3.2. Equipment - radio, television, etc.

6.3.3. Music instruments, batons, etc.

6.3.4. Money - (Scholarship to institutions of higher learning are exempted).

6.4. Bands of member schools may accept prizes and/or gratuities for participation in sanctioned events during the school term and in non-sanctioned events during the summer.

6.5. Purchase of an item mentioned in Section 127-5-6.3.1-4 whereby a portion is donated by a school, booster club, auxiliary agency, or any other group or organization is prohibited.

6.6. Nothing in this Awards Rule shall be interpreted to affect the recognition of scholarship or scholastic achievement.

6.7. Any student who accepts an award in any band activity, other than those approved in these rules, shall be ineligible to participate in any band activity for 365 days.

§127-5-7. Classification of Schools - Band.

7.1. There shall be three classes of schools for bands: Class AAA, Class AA, Class A. The Board of Directors is authorized to determine the size of enrollment in each class.

7.2. Classification shall be determined every four years in the even numbered year and, when established, shall remain in effect for four school years. Classification shall be based on the second month's enrollment of the previous odd numbered year.

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7.3. Enrollment standard for schools will be the active enrollment of the total number of students in grades 9, 10, and 11.

7.4. Member junior high schools and middle schools will not be given a classification.

FISCAL NOTE WORKSHEET

(submit 4 copies)

HD NO. _____ DRAFT NO. _____ BILL NO. _____ RESOLUTION NO. _____

SUBJECT **WV Secondary School Activities Commission** FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2, AND GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG RANGE EFFECT IN ITEM 3.

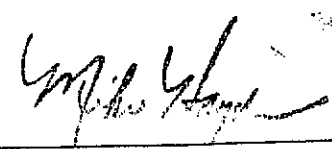
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 32,679	\$	\$ 59,847	\$ 92,526	\$
PERSONAL SERVICES	\$ (1a) 6,000	\$	\$ (1a) 10,000	\$ (1a) 16,000	\$
CURRENT EXPENSES	(1b) 2,520		(1b) 7,560	(1b) 10,080	
REPAIRS/ALTERATIONS	(1c) 1,500		(1c) 2,500	(1c) 4,000	
EQUIPMENT	(1d) 19,500		(1d) 32,500	(1d) 52,000	
OTHER	(23) \$147 Cross Country		(23) (447)	(594)	
	1480 Swim		(2,246)	(3,726)	
	1532 Tennis		(4,594)	(6,126)	
2. ESTIMATED TOTAL REVENUES	\$ (23) \$1,586.00	\$ (16) 2,000.00	\$ (16) 2,000.00	\$ (16) (-2000.00)	\$ (23) 1,586.00 \$ 0

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

Continued on Attached Page

4/22/02
DATE

WV Secondary School Activities Commission
AGENCY


AUTHORIZED REPRESENTATIVE

FISCAL NOTE WORKSHEET - CONTINUED

Proposal 1

- a. If the number of administrative districts is raised from five to eight, the amount of annual student scholarships of \$1,000 each would increase from \$10,000 to \$16,000.
- b. If the number of administrative districts is raised from five to eight, three additional representatives would need to be added to each of the fourteen Sport Coaches' Committees. Currently, each representative's expenses are approximately \$60.00 annually. The increase of 42 more representatives would be an additional expense of \$2,520.00.
- c. If the number of administrative districts is increased, the number of Board of Appeals members would increase from five to eight. There would be an increase of \$1500 in personal services due to a \$500 honorarium received by each member.
- d. The current expense for each Board member is \$6,500 annually. The additional three members would result in an increase expense of \$19,500.

Proposal 23

Additional classes would require more days of tournament play which would increase expenses and possibly decrease instructional time. Possible increased revenue could result in wrestling (\$936) and soccer (\$650). However, the sports which have shown losses may have increased losses due to additional days of tournament play (cross country - \$147; swim - \$1480; tennis - \$1582).

SPECIFIC AMOUNTS OF INCREASE OR DECREASE FOR ALL PROPOSALS ARE EXPLAINED ON THE FISCAL NOTE WORKSHEET.

MAY 3 2002

Regional Education Service Agency IV

404 Old Main Drive
Summersville, WV 26651
(304) 872-6440
(FAX) 872-6442

Braxton
Fayette
Greenbrier
Nicholas
Pocahontas
Webster

G.A. McClary

ELMER L. PRITT
Executive Director

April 26, 2002

Dr. David Stewart
West Virginia Superintendent of Schools
West Virginia Department of Education
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Dr. Stewart:

Re: Proposed SSAC Rule Dealing with Summer Athletic Activities

At our Wednesday, April 24, 2002, Board of Directors meeting, discussion took place concerning proposed policy revision permitting student participation in summer activities related to athletics. The Board of Directors unanimously directed me to convey to you their desire to expressly prohibit allowing more involvement between coaches and student athletes during the summer session. They feel very strongly that present guidelines are adequate and that further expansion of summer activities would be detrimental to the students. The RESA IV Board of Directors unanimously supports last year's limiting out-of-season practice.

Sincerely yours,

Elmer L. Pritt

Elmer L. Pritt
Executive Director

ELP/cmp

G. A. McClung

From: Marcia Ritchie [mritchie@citynet.net]
Sent: Monday, May 27, 2002 11:00 AM
To: 'gmccclung@access.k12.wv.us'
Subject: Comment Response

Individual/Organization: Marcia Ritchie -Middle School Soccer Coach
101 2nd Avenue, Murraysville, WV 26164

Comments/ Suggestions:

In regard to WVSSAC Rules 127-2.4.2 and 127-2-4.3. Students at the junior high and middle school level who exceed the age limit should not be given special treatment. Having taught in the middle school, I have seen the immaturity level exhibited by these students. Age does not determine maturity. There are plenty of students in high school. School/coaches should not rush kids.

In regard to WVSSAC Rules that govern organized out-of-season practice and related activities during Weeks 50,51, and 52 of the calendar.

Being a parent of 3 students (middle /high school) and a middle school coach, I do not agree in allowing the coaches to start practices earlier than required.

It is hard on the student to make every practice, let alone out-of-season practices that coaches WILL require of them. There are coaches that will "weed out" students if they are unable or choose family vacations or other activities rather than practices. I do not see this as being beneficial to the students/family. That's what school sports are meant for-the children.

Schools and sports coaches are forcing children to pick one or 2 sports or activities earlier and earlier..then get burnt out in high school. Ages 11-14 are optimum learning ages for sports in the development of a child. Coaches are becoming too demanding and unaccommodating.

We need to develop better coaches. Not allow them to monopolize or waste time with longer and more unscheduled practices.

Speaking as a parent, coaches are turning kids off with their lack of consistency/direction and vision for their teams.

Thank you,

Marcia Ritchie

MAY 30 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Tom Wamsley / Tugart Valley H.S.

Title: Athletic Director

Street Address: Rt 250 South City/State/Zip Mill Creek, WV 26280

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation,

§127-3-5. Awards,

§127-3-6. Coaches.

Proposal #16 → Good Change - hope it passes

§127-3-7. Out-of-Season Coaching.

§127-3-8. Forfeit and Restitution.

I have great concerns in regards to proposals 17 and 18. (please see Attachment)

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).

**§127-3 - Provisions Governing Contests
Comment Response Form
Page Two**

§127-3-10. Classification.

*Proposal # 21 → Good Change - hope it
AND Proposal # 22 → PASSES*

§127-3-11. Exchange of Eligibility Certificates.

§127-3-12. Legal Opponents.

§127-3-13. Contracts.

§127-3-14. Sunday Contests.

§127-3-15. Sports Rules - Game Protests.

§127-3-16. Sanctioning and Travel.

§127-3-17. WSSAC Tournaments.

§127-3-18. Season Regulations.

§127-3-19. Baseball.



Tygarts Valley High School

Home of the Fightin', Bitin', Bulldogs

Phone: 304-335-4824 / 4575 / 4345 (Main Office)
304-335-4427 (Athletic Director)

P.O. Box 68
Mill Creek, WV 26280

Fax: 304-335-6963

May 22, 2002

G.A. McClung, Assistant Superintendent
WV Dept. of Education
Building 6, Room 318 State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305-9969

Dear Mr. McClung:

I am writing in reference to Proposals #17 & #18 in regards to the proposed changes in the WVSSAC Rules and Regulations Handbook. I have 25 years of coaching experience, 20 of which I have been and am currently a head varsity boys basketball coach. I have just completed my 3rd year of being the Athletic Director at TVHS.

The people who support these proposals will say that it will allow our athletes a chance to improve themselves during this 3 week period. In reality, the coaches are more concerned with building team concepts and running team plays than they are with individual progress. These 2 proposals will cause a great amount of stress and discord between coaches of multi-sport athletes as someone will have to decide with which team the athlete will spend either all or the majority of the limited available time.

If the proponents of these proposals are truly concerned about the individual athlete, then let's have a rule that allows the coach to work only with small groups (3 or less) or just single individuals during the off season whenever the opportunity presents itself. Rather than scheduling the entire team for practices over a concentrated 3 week period, the small group settings would allow more flexibility for the individual athlete and the families involved. Our goals should be for more improvement for the individual athlete rather than improving the teams.

Please see fit to defeat Proposals #17 & #18.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wamsley", written over the printed name.

Coach Tom Wamsley
Athletic Director
Head Boys Varsity Basketball Coach
TVHS

MAY 3 2002

Regional Education Service Agency IV

404 Old Main Drive
Summersville, WV 26651
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ELMER L. PRITT
Executive Director

April 26, 2002

Dr. David Stewart
West Virginia Superintendent of Schools
West Virginia Department of Education
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Dr. Stewart:

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At our Wednesday, April 24, 2002, Board of Directors meeting, discussion took place concerning proposed policy revision permitting student participation in summer activities related to athletics. The Board of Directors unanimously directed me to convey to you their desire to expressly prohibit allowing more involvement between coaches and student athletes during the summer session. They feel very strongly that present guidelines are adequate and that further expansion of summer activities would be detrimental to the students. The RESA IV Board of Directors unanimously supports last year's limiting out-of-season practice.

Sincerely yours,

Elmer L. Pritt

Elmer L. Pritt
Executive Director

ELP/omp

THE AMERICAN LEGION



Parkersburg Post 15, 2505 Ohio Avenue, P.O. Box 724, Parkersburg, WV 26102

23 May 2002

Mr. G. A. McClung, Asst. Superintendent
WV Department of Education
Charleston, WV. 25305

MAY 28 2002

Re: Proposed 21 Day Rule.

Dear Superintendent McClung,

On behalf of the American Legion Parkersburg Post 15 permit me to register a negative viewpoint regarding the proposed 21 day rule now being considered by the State Board of Education. I respectfully request the board vote against this proposal.

This proposal, if passed, will be very detrimental to the summer baseball program known as American Legion baseball. Here's why, legion baseball can not start each year until the high school teams have completed their seasons. This means in early June. If the high school coaches are allowed, as now proposed, to practice 21 day's in June, this means most legion teams can not start until that 21 day period has been completed.

In WV most of our athletes play multiple sports, basically football and basketball. I know in the case of Parkersburg Post 15, if this rule was effective at this time we could not have a team until July because our team is made up of the football, basketball and baseball players.

I also see this proposal as being most unfair to the multi-talented athlete, if the boy excels in both football and basketball, as most do, he will be under extreme pressure from both the football and basketball coaches to participate in their particular sport. One might argue that is not a problem as the coaches will have to share the boy equally. We all know that this will not fly as each coach will look the boy in the eye and simply tell him if he wishes to play his sport he should choose to show up for his 21 day sessions. The proposal also says this a voluntary program. Oh yes, we can say that, but we know what the coaches say, be there or else. It's not fair to put the boy in this position. I view this proposal as real trouble for the schools athlete directors to settle coaches complaints against each other.

Please weigh this proposal carefully and do what is best for the athlete keeping in mind the negative aspects as it effects American Legion baseball.

Most sincerely,

R.T. Cunningham
Athletic Officer, Post 15

MAY 31 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Athletics, Provisions Governing Eligibility
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Wheeling Park High School - Dick DeI

Title: Asst. Principal/Athletic Director

Street Address: 1976 Park View Rd. City/State/Zip Wheeling, WV 26003

Comments/Suggestions

§127-2-2. Waivers.

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

§127-2-5. Semester and Season.

§127-2-6. Scholarship.

§127-2-7. Residence - Transfer.

**§127-3 - Provisions Governing Contests.
Comment Response Form
Page Three**

§127-3-20. Basketball (Boys and Girls).

§127-3-21. Cheerleading.

§127-3-22. Cross Country (Boys and Girls).

§127-3-23. Football.

§127-3-24. Golf (Boys and Girls).

§127-3-25. Soccer (Boys and Girls).

Schools who play in large conferences will be effected most by this change. In our conference, we could play four games. This would reduce our scheduled games to sixteen. It also presents a problem for scheduling.

§127-3-26. Softball.

§127-3-27. Swimming (Boys and Girls).

§127-3-28. Tennis (Boys and Girls).

§127-3-29. Track and Field (Boys and Girls).

§127-3-30. Volleyball (Girls).

JUN - 3 2002

§127-3 - Provisions Governing Contests.
Comment Response Form
Page Three

Valley (Fayette)

§127-3-20. Basketball (Boys and Girls).

§127-3-21. Cheerleading.

*Reassignments of regions for cheering competition. If you look at
proposals and every thing appears to be okay but then you see changes
without being notified & others. The opportunity to express your opinion & heard.
Doesn't seem quite right.*

§127-3-22. Cross Country (Boys and Girls).

§127-3-23. Football.

§127-3-24. Golf (Boys and Girls).

§127-3-25. Soccer (Boys and Girls).

§127-3-26. Softball.

§127-3-27. Swimming (Boys and Girls).

§127-3-28. Tennis (Boys and Girls).

§127-3-29. Track and Field (Boys and Girls).

§127-3-30. Volleyball (Girls).

JUN - 3 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Tyler Consolidated High School

Title: Jimmy Wyatt, Principal

Street Address: 1993 Silver Knight Dr. City/State/Zip Sistersville, WV.
26175

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation.

§127-3-5. Awards.

§127-3-6. Coaches.

This would place more free admission cards out there for the member schools to absorb the costs.

§127-3-7. Out-of-Season Coaching.

This would put pressure on multi sport athletes on which sports to attend camp, etc. - could get competitive among coaches.

§127-3-8. Forfeit and Restitution.

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).

§127-3 - Provisions Governing Contests
Comment Response Form
Page Two

§127-3-10. Classification.

*This is a good move as it adds
some stability among classes.*

§127-3-11. Exchange of Eligibility Certificates.

§127-3-12. Legal Opponents.

§127-3-13. Contracts.

§127-3-14. Sunday Contests.

§127-3-15. Sports Rules - Game Protests.

§127-3-16. Sanctioning and Travel.

§127-3-17. WVSSAC Tournaments.

§127-3-18. Season Regulations.

§127-3-19. Baseball.

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Constitution
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Tyler Consolidated High School

Title: Jimmy Wyatt, Principal

Street Address: 1993 Silver Knight Dr. City/State/Zip Sistersville WV
26175

Comments/Suggestions

§127-1-2. Name.

§127-1-3. Goals.

§127-1-4. Membership.

§127-1-5. Administration.

§127-1-6. Officers and Duties.

§127-1-7. Meetings.

§127-1-8. Board of Directors.

§127-1-9. Funds.

There is no need to expand the size of the board in these times of declining enrollment. Wasting funds to pay for the expansion. There is no collusion among "non principals" on this ten member board.

MAY 31 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Allen Osborne / Pocca High

Title: Athletic Director / Basketball Coach

Street Address: Rt. 2 Box 50 City/State/Zip Pocca, WV 25159

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation.

§127-3-5. Awards.

§127-3-6. Coaches.

§127-3-7. Out-of-Season Coaching. — *See attachment*

§127-3-8. Forfeit and Restitution.

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).

While this proposal is a step in the right direction, it possibly could cause more problems within each school. The possible problems will be caused due to the restrictive nature of the proposal. Allowing such a short window of time, 3 weeks, will cause problems for administrators, coaches, and athletes. If an athlete is a multi-sport athlete and coaches from a variety of sports are vying for his /her time during this time which sport will he or she choose? This situation will cause principals to place rigid time lines for sports and actually coaches and athletes will not have the 3 week time period, they will be able to work with the athlete maybe one week. This could cause friction between coaches, coaches and principals, and athlete and coach.

A more sensible approach would be to let a coach work with his athlete(s) anytime in the off season. There will be a need for regulations, so those multi-sport athletes will have the opportunity to participate in other sports and not be pressured to specialize in one sport. The following rules could allow this to happen:

1. A coach can work with up to 4 athletes at a time. Most coaches do not want to practice their TEAMS, but they do want to work individually with their athletes. For example, a football coach could work with his quarterback and receivers on passing and catching techniques. A basketball coach could work with his players on shooting techniques. This would give each coach an opportunity to work with players to help them develop better skills individually. After all, this is what we are trying to achieve. We want to allow our athletes the opportunity to improve individually.
2. To protect the multi sport athlete the months of August, mid-November to mid-December, and March will be dead months. This is the time that sports are beginning and coaches who are not coaching athletes will not be allowed contact with them. For example, in August, football, volleyball, cheerleading, soccer, golf, and cross-country begin. So, only those coaches will be allowed contact with athletes. Basketball, wrestling, track, baseball, softball, and tennis coaches would be dead or would not be allowed to work with their athletes. Once September 1 comes, any athlete not participating in an August sport could receive instruction and individual attention by their coaches.
3. During the summer a coach can coach his/her team in summer leagues. This would allow coaches to work with their teams and take away the AAU element, especially in basketball. Football coaches could work with teams in 7 on 7 passing leagues.
4. A coach can attend one team camp with his/her team.

West Virginia is far behind other states in allowing good, qualified coaches to work with the student-athletes. We need to give our athletes the same opportunity that other states give to their athletes to be the best they can be. Thank you.

Sincerely yours,

Allen Osborne

G. A. McClung

From: Marcia Ritchie [mritchie@citynet.net]
Sent: Monday, May 27, 2002 11:00 AM
To: 'gricclung@access.k12.wv.us'
Subject: Comment Response

Individual/Organization: Marcia Ritchie -Middle School Soccer Coach
101 2nd Avenue, Murraysville, WV 26164

Comments/ Suggestions:

In regard to WVSSAC Rules 127-2.4.2 and 127-2-4.3. Students at the junior high and middle school level who exceed the age limit should not be given special treatment. Having taught in the middle school, I have seen the immaturity level exhibited by these students. Age does not determine maturity. There are plenty of students in high school. School/coaches should not rush kids.

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Schools and sports coaches are forcing children to pick one or 2 sports or activities earlier and earlier..then get burnt out in high school. Ages 11-14 are optimum learning ages for sports in the development of a child. Coaches are becoming too demanding and unaccommodating.

We need to develop better coaches. Not allow them to monopolize or waste time with longer and more unscheduled practices.

Speaking as a parent, coaches are turning kids off with their lack of consistency/direction and vision for their teams.

Thank you ,

Marcia Ritchie

MAY 30 2002

TITLE 127
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
Provisions Governing Contests
Comment Response Form

Please use this form when commenting. You may attach additional sheets if necessary.

Individual/Organization: Tom Wamsley / Tygart's Valley H.S.

Title: Athletic Director

Street Address: Rt 250 South City/State/Zip Mill Creek, WV 26280

Comments/Suggestions

§127-3-2. Duties and Responsibilities of the Principal.

§127-3-3. Physical Examination - Parental Permission.

§127-3-4. All Star Participation,

§127-3-5. Awards,

§127-3-6. Coaches.

Proposal #16 → Good Change - hope it passes

§127-3-7. Out-of-Season Coaching.

I have great concerns in regards to proposals 17 and 18. (please see Attachment)

§127-3-8. Forfeit and Restitution.

§127-3-9. Game Officials (Does Not Apply to Cheerleaders).



Tygart's Valley High School

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May 22, 2002

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WV Dept. of Education
Building 6, Room 318 State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305-9969

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Please see fit to defeat Proposals #17 & #18.

Sincerely,

Coach Tom Wamsley
Athletic Director
Head Boys Varsity Basketball Coach
TVHS