

*obsolete  
valid Sept 30, 1984  
to July 13, 1987*

**TITLE 127  
LEGISLATIVE RULES  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES  
COMMISSION**

**SERIES 5  
BAND ACTIVITIES - CHEERLEADERS**

**§127-5-1. General.**

1.1. Scope. -- These rules govern band activities and cheerleader activities.

1.2. Authority -- WV Code §18-2-25

1.3. Filing Date -- August 31, 1984

1.4. Effective Date. -- September 30, 1984

**§127-5-2. Administration.**

2.1. The Board of Appeals shall have authority to enforce rules and regulations and apply penalties for violations of such rules and regulations as the secondary school principals may establish by the majority vote of a quorum of principals of member schools at an annual meeting. Proposed revisions of the rules and regulations governing interscholastic band activities shall be submitted and handled in accordance with series 1, subsections 10.5 and 10.6 of the regulations of the West Virginia Secondary School Activities Commission.

2.2. The following regulations adopted by the Board of Control of the West Virginia Secondary School Activities Commission are the conditions governing participation of school band activities sponsored by the West Virginia Secondary School Activities Commission. Authority for participation by any secondary school, exercised by any person or parties other than the high school principal, and/or violations of the provisions and regulations shall be considered a voluntary termination of that school's group, or organizational right to participate in interscholastic band activities with like groups among member schools. On or before September 1 of each school year the Board of Appeals shall submit to each member school of this Commission, list of approved school sponsored and nonschool sponsored contests and ac-

tivities in which bands of member schools may participate during the ensuing year. Additions to this list will not be made after September 1 of each school year. The Board of Appeals may approve participation in an activity which is not on said list. However, the request for approval of such participation must be filed with said Board of Appeals at least thirty (30) days prior to the date of such activity.

**§127-5-3. Band festivals.**

3.1. The Board of Appeals of the Activities Commission shall divide the state into sections and/or regions and/or areas for the purpose of band festivals, and shall have authority to place bands in sections or regions or areas, and determine the time, place and management of these events.

3.2. All bands participating in region or area festivals shall be composed of bona fide students of secondary schools which are members of the West Virginia Secondary School Activities Commission.

3.3. The West Virginia Secondary School Activities Commission shall obtain and appoint all adjudicators for the state band festivals.

**§127-5-4. Classification of schools (band).**

4.1. There shall be three (3) classes of schools for bands: Class AAA, Class AA, Class A. The Board of Appeals is authorized to determine the size of enrollment in each class.

4.2. Classification shall be determined every two (2) years in the even numbered year and when established shall remain in effect for two (2) school terms. Classification shall be based on the second (2nd) month's enrollment of the previous odd numbered year.

4.3. Enrollment standard for subsection 4.2 of this rule is based on the active enrollment of the total number of pupils in grades ten (10), eleven (11) and twelve (12) at the end of the second (2nd) month of the odd numbered years as defined above and describing in the following limits:

- Class AAA - Active enrollment of 619 or more st
- Class AA - Active enrollment of 318 to and includin  
618 students
- Class A - Active enrollment of 317 or less students

4.4. Class AAA school bands will not be permitted to play music for the purpose of adjudication unless said music has a five (5) rating. Class AA school bands will not be permitted to pay music for the purpose of adjudication unless said music has at least a three (3) rating. However school bands may elect to perform in a classification higher than their enrollment indicates.

4.5. Class B schools shall include junior high schools and first year music organizations. Class B schools are not eligible for area state festivals.

#### §127-5-5. Approved Participation.

5.1. Secondary school bands may participate in activities which are approved by the West Virginia Secondary School Activities Commission. On or before September 1 of each school year, the Board of Appeals, through its executive secretary, shall submit to each member school of this Commission a list of approved school sponsored and nonschool sponsored activities in which the bands may participate.

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

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 in the most recently conducted area or 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. Bands of member schools may accept prizes

and/or gratuities for participation in approved activities.

5.6. The awards rule is in effect for individual participation in band activities.

#### §127-5-6. Eligibility for band participants.

6.1. All members of secondary school bands shall be enrollees of the school unit of which they are members, i.e. three (3) year, six (6) year or junior high school.

6.2. 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 the drill team, without the band shall not be considered a band activity.

6.3. Instrumental music students in seventh (7th) and eighth (8th) 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.

6.4. To be eligible for participation in band activities, a student must have earned a passing grade in at least four (4) subjects, or their equivalent, which count as two (2) units of credit toward meeting the specific or elective requirements for graduation. Said credit must have been earned at the end of the semester immediately preceding that in which the student desires to compete (unless said student has just been promoted to the ninth (9th) grade, in which case subsection 6.12 of this regulation would have the same effect.) Said student must also be currently enrolled in not less than four (4) subjects, or their equivalent, which count as two (2) units of credit toward meeting the specific or elective requirements for graduation.

6.5. A minimum of two (2) of the subjects must be English-language arts, social studies, mathematics or science. Said two (2) subjects may or may not be in the same content area. An exception, however, is to be made in the case of a "first-semester" senior who has completed all of the specific requirements for graduation except the English-language arts. Said

senior may select his other three(3) subjects from any area of the curriculum offered by the school.

6.6. A unit of credit is that which is awarded for attainment of objectives from an area of study. For a unit to be awarded a minimum of eight thousand one hundred (8,100) minutes of school time shall be allotted for teaching and learning.

(Note: These eight thousand one hundred (8100) minutes may be attained in a number of ways. Examples of how schools can schedule include, but are not limited to: one period daily of at least forty-five (45) minutes for one hundred eighty (180) days; at least two hundred twenty-five (225) minutes weekly for thirty-six (36) weeks; five hundred forty (540) modules of at least fifteen (15) minutes for the school year of thirty-six (36) weeks.)

6.7. One-half (1/2) unit of credit shall be awarded for attainment of objectives from an area of study provided a minimum of four thousand fifty (4050) minutes of school time have been allotted for teaching and learning. These four thousand fifty (4050) minutes are generally equivalent to one semester's work; examples would be one-half (1/2) the duration of days quoted in the Note, subsection 6.6 of this rule. One-quarter (1/4) unit of credit shall be awarded for attainment of objectives from an area of study provided a minimum of two thousand twenty-five (2025) minutes of school time have been allotted for teaching and learning. These two thousand twenty-five (2025) minutes are generally equivalent to nine (9) weeks' work; examples would be one-fourth (1/4) of the duration of days quoted in the note of subsection 6.6 of this rule.

(Note: The definition of unit of credit and examples above are taken from the West Virginia Department of Education Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9 - 12) (March 1982).

6.8. Schools providing for planned programs of independent learning during the regular school term may not wish to require all students to attend classes a specific amount of time. In such instances the necessary credit may be awarded for satisfactory performance in administered proficiency examinations or for successful completion of curricular units, steps or phases which have been established by the school as comprising the equivalency of a unit of credit as defined above and approved by the West Virginia De-

partment of Education.

6.9. Credit may be awarded for subjects taken in addition to those offered by the school as well as for experimental programs developed by the school itself. In each instance certain criteria must be met. Such criteria has been established by the West Virginia Department of Education and will be found in the Graduation Requirements. Such credit must be earned during the regular school term.

6.10. A multiple period subject such as those pursued at a vocational or trade and industrial center for a full morning or a full afternoon session shall be counted as two (2) subjects in meeting the requirements stipulated in subsection 6.4 of these rules.

6.11. A student shall be ineligible if he did not earn, during the immediate preceding semester, credit for at least four (4) subjects as prescribed in subsections 6.4 and 6.5 of these rules.

6.12. A student promoted to the seventh (7th) 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 he is otherwise eligible.

6.13. Scholastic deficiencies if made up in any manner after the close of a semester shall not render the student eligible for participation in band activities during the following semester. Only that work which is given in regular school classes, except as noted in subsections 6.8 and 6.9, shall be counted for credit. A further exception is noted and permitted in the case of a student whose final examinations and course credits were delayed beyond the end of a semester due to the student's illness which is verified by a physician. Work taken by a student from a tutor or a special instructor may not be counted for eligibility. Credit earned in a summer school shall not count for or against a student's record for eligibility purposes.

6.14. The purposes of subsection 6.11 of these rules is to exclude from participation in band activities any student who has withdrawn from school until he has completed a semester of school work following his re-enrollment.

6.15. A student who is expelled or suspended from school during any semester, without having completed the amount of work required for eligibility, cannot be eligible during the immediate subsequent semes-

ter.

6.16. The eligibility of a student who attended another school during the preceding or current semester must be established by an official transcript or certificate signed by the principal of the school from which said student transferred.

6.17. Credits or grades recorded in the established and approved school manner shall be regarded as official and final in determining eligibility.

6.18. 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 undergraduates.

6.19. Participants in interscholastic band activities on an individual or team basis may accept a medal, trophy, cup, certificate, ribbon, plaque, unattached letter, unattached chevron or any similar award given by his school or given by a nonschool organization sponsoring an activity approved by this Commission. Students who accept awards for participation in interscholastic activities, other than those approved in this rule, shall be ineligible to participate in interscholastic activities for three hundred sixty-five (365) days. Any member school which gives awards in violation of the restrictions of this rule shall be suspended from the Commission.

6.20. The rules governing awards apply to a student of a member school participating (as an individual or as a member of a team or group) in an activity or contest sponsored by members of this Commission or by nonschool agencies or groups. The acceptance of awards (other than those approved in these rules) for participation in impromptu interscholastic contests, or activities sponsored by clubs, churches, parent-teacher associations, etc., not approved by this Commission shall be considered a violation of these rules.

6.21. Awards from any source, which are not approved by this Commission, consist of wearing apparel (sweaters, jackets, jerseys, shoes, etc.), equipment (radios, television sets, etc.) athletic goods (batons, tennis rackets, golf bags, tennis or golf balls, etc.) or any other merchandise or money.

6.22. Nothing in the awards rule shall be interpreted to affect the recognition of scholarship or scholastic achievements.

6.23. Purchase by students when any part of the purchase price is donated, paid by the school or raised through methods similar to those mentioned above is regarded as a violation.

6.24. Sponsors of parades, festivals or other types of multiple activities are urged to help defray the cost of other expenses of bands attending such events.

(Note: For exception to above rules on awards, please refer to series 2, subsection 15.6 of these regulations.)

#### **§127-5-7. Powers of the Board of Appeals.**

7.1. If the Board of Appeals finds a school guilty of violating the provisions of these regulations, said Board of Appeals has the power to:

(a) Declare the school ineligible for band activities for the current school year.

(b) Place the school on probation for a period of time not to exceed three hundred sixty-five (365) days from such finding. Such probation may include the loss of voting rights for the member and/or loss of the privilege of the member school to participate in any or all of the interscholastic athletic events which are sanctioned, controlled or sponsored by this Commission, and/or the imposition of other restrictive measures as the Board of Appeals may deem advisable.

(c) Assess such fines as are deemed necessary and just.

(d) Impose such other or additional penalties as may seem justifiable in the particular case considered.

#### **§127-5-8. Cheerleaders.**

8.1. Cheerleaders will be included under the jurisdiction of the West Virginia Secondary School Activities Commission and will be subject to the same eligibility requirements as band members.

8.2. Cheerleaders shall be enrollees of the member school of this Commission which they represent.

8.3. Cheerleaders must meet the academic requirements as specified in series 2, section 8 of these regulations and/or subsections 6.4 through 6.7 of this rule.

8.4. Cheerleaders must comply with series 2, section 16 of these regulations regarding amateur practices and series 4, section 9 of these regulations regarding meets and tournaments.