

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE July 20, 1995
ADMINISTRATIVE LAW DIVISION

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES TITLE NUMBER: 127

COMMISSION

RULE TYPE: LEGISLATIVE RULES; CITE AUTHORITY WV CODE 18-2-25

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 127-5-2

TITLE OF RULE BEING AMENDED: ENROLLMENT AND MEMBERSHIP - BAND

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

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS

COMMENT PERIOD WILL END ON Aug 21, 1995 AT 5:00 PM

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WVSSAC

ROUTE #9, BOX 76

PARKERSBURG, WV 26101

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Warren Carter (j)

3.40

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

TITLE 127
LEGISLATIVE RULES
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 5
BAND ACTIVITIES

#1995 Addition 2.5

***09 §127-5-1 General.**

1.1 Scope - These rules and regulations govern band activities.

1.2 Authority - WV Code §18-2-5

1.3 Filing Date -

1.4 Effective Date - July 1, 1987

***09 §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** 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 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.

2.5 In middle schools, students who are enrolled in grades five through eight will be eligible to participate in all band activities.

***09 §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.
- (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, he 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.
- 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)."
- 3.2 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.
- 3.3 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.
- 3.4 In order for a withdrawn student or expelled student to regain eligibility, he must complete one semester of school work.
- 3.5 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.
- 3.6 In all cases, the official school transcript will be used to determine a student's eligibility and will be regarded as final.
- 3.7 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 he is otherwise eligible.

***09 §127-5-4 Festivals - Band.**

- 4.1 The Board of Appeals 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 Appeals shall appoint coordinators for the festivals. One of their responsibilities will be to contract adjudicators for the festivals. The Commission office may be asked to assist, if necessary.
- 4.4 First year programs will not be required to participate in the regional festival.

***09 §127-5-5 Sanctioning - Band.**

- 5.1 On or before September 1 of each school year, the Board of Appeals shall submit to each member school of this Commission a list of approved school sponsored and nonschool 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 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.

***09 §127-5-6 Awards - Band.**

- 6.1 Only a member school or a nonschool organization sponsoring an activity approved by 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:
 - (a) from a member school for participation
 - (b) in a sanctioned event
 - (c) in a non-sanctioned event during the summer.
- 6.3 A student may not receive the following awards from any source:
 - (a) Wearing apparel - sweaters, jackets, etc.
 - (b) Equipment - radio, television, etc.
 - (c) Music instruments, batons, etc.
 - (d) 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 (a-d)** 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.

***09 §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 Appeals is authorized to determine the size of enrollment in each class.
- 7.2 Classification shall be determined every two years in the even numbered year and, when established, shall remain in effect for two school terms. Classification shall be based on the second month's enrollment of the previous odd numbered year.
- 7.3 Enrollment standard for schools will be the active enrollment of the total number of students in grades 10, 11 and 12.
- 7.4 Member junior high schools and middle schools will not be given a classification.