



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

6/15/2018 9:38:56 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-01  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Series 1, Constitution  
CITE STATUTORY AUTHORITY: 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); & W. Va. Board of Education and Steven L. Paine, Ed.D. v. Board of Education of the County of Nicholas, W. Va., 17-0767 (October 10, 2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/16/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mr. Bernie Dolan, Executive Director, WVSSAC  
ADDRESS: 2875 Staunton Turnpike  
Parkersburg, West Virginia 26104  
EMAIL: [bernie.dolan@wvssac.org](mailto:bernie.dolan@wvssac.org)

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The proposed rule changes, approved by WVSSAC member schools, are brought forth to keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Terminology has been amended as WV middle schools do not include 9th grade. Series 1 was reviewed by WVDE staff for compliance with WVBE policy and amended accordingly.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No state costs or revenue will be impacted by the proposed amendment of WVSSAC Series 1, Constitution.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No state costs or revenue will be impacted by the proposed amendment of WVSSAC Series 1, Constitution.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

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

No state costs or revenue will be impacted by the proposed amendment of WVSSAC Series 1, Constitution.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

Virginia M Harris -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**EXECUTIVE SUMMARY**  
**WEST VIRGINIA BOARD OF EDUCATION**

**Series 1, Constitution**  
**Series 2, Athletics, Provisions Governing Eligibility**  
**Series 3, Provisions Governing Contests**  
**Series 5, Band Activities**  
West Virginia Secondary School Activities Commission  
Proposed Changes in Rules and Regulations

**BACKGROUND**

The majority of public and most private schools in West Virginia are members of the West Virginia Secondary School Activities Commission (WVSSAC). 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 consideration.

**PURPOSE**

The proposed rule changes, approved by WVSSAC member schools, are brought forth to keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs.

Series 1, Series 2, Series 3, and Series 5, were reviewed by WVDE staff for compliance with WVBE policy and amended accordingly.

The WVSSAC Commission staff, Constitution and Bylaws Committee, and Board of Control respectfully submit rule changes to WVSSAC Series 1, 2, 3, and 5 for the WVBE's consideration.

**CONTENT**

Twenty eight proposals are submitted to the WVBE by the WVSSAC for consideration. Following is a brief summary of the effect of each proposal:

**Series 1, Constitution**

1. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
2. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
3. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)

**Series 2, Athletics, Provisions Governing Eligibility**

4. Prevent acquiring temporary residence in another school zone for athletic eligibility. Solidifies Rule 127-2.2a ( Vote: Yes-131 No 4)
5. To allow students coming from another sport to practice 2 less days. (Vote: Yes-137 No-0)
6. To add new Emergency Action Plan to the Rules & Regulation Handbook. (Vote: Yes-133 No-0)

### **Series 3, Provisions Governing Contests**

7. To allow physical exam to be completed earlier. (Vote: Yes-134 No-1)
8. ~~To allow more of a competitive balance with those schools of same structure. (Vote: Yes 100 No-24)~~ NOTE: Proposal 8 was rejected by the WVBE.
9. Schools may choose to play up to challenge their student-athletes and compete on more competitive playing field. (Vote: Yes-108 No-16)
10. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
11. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
12. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
13. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
14. To ensure younger/inexperienced student athletes are able to get game experience. (Vote: Yes-127 No-2)
15. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
16. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
17. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
18. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
19. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
20. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
21. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
22. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
23. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
24. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
25. Eligibility participation limits are no longer counted by matches but by weigh-ins. (Vote: Yes-134 No-0)

### **Series 5, Band Activities**

26. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
27. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 No-0)
28. Middle Schools in WV do not include 9<sup>th</sup> Grade. (Vote: Yes-134 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.**

**WVSSAC**  
**Rules and Regulations Handbook**  
**2018-19 Proposed Rule Changes Passed by BOC**

**Proposal 1 (Vote: Yes- 134 No-0)**

**Amend §127-1-4. Membership. (pg. 2) as follows:**

4.2.8. A one time membership fee of \$1,500.00 will be afforded senior high schools, \$500.00 to ~~middle/Middle School/9th Grade~~, or \$2,000.00 to combined middle/senior high schools.  
Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 2 (Vote: Yes- 134 No-0)**

**Amend §127-1-9. Funds. (pg. 7) as follows:**

9.1.5. A thirty (\$30.00) dollar fee is the ceiling for all regular Middle School/~~9th Grade~~.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 3 (Vote: Yes- 134 No-0)**

**Amend §127-2-3. Enrollment and Team Membership. (pg. 16) as follows:**

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 middle school/~~9th grade~~ 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 middle school/9th grade team in that sport.~~ Members of a 9th grade team may be grouped for practice with members of the varsity team. However, if a 9th grade student participates in a varsity scrimmage or game that student becomes ineligible for the 9th grade team. Participation is defined as dressing and being available to play in a game, regardless if said player enters the game.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 4 (Vote: Yes-131 No-4)**

**Amend §127-2-7. Residence-Transfer. (Pg. 20) by adding the following**

7.2. Part B - Transfer.

7.2.a. If a student transfers during the school year from one secondary school to another secondary school, said student shall be ineligible for 365 days from date of enrollment, absent a bona fide change of residence. Determination of a bona fide change of residence depends upon the facts of each case and is defined as, but not limited to:

7.2.a.1. The original residence must be abandoned as a residence; that is sold, rented, or disposed of as a residence and must not be used as a residence by the immediate family;

7.2.a.2. The change is being made with the intent that the move is permanent;

7.2.a.3. The entire family must make the change;

7.2.a.4. Documentation of connection of utilities to the residence; power, water, waste, sewer

7.2.a.5. Change of voter's registration, driver's license, mailing address, etc.,

7.2.a.6. If a student returns to a previously abandoned residence, the student shall be ineligible for 365 days from the date of enrollment.

Mike Arbogast, Principal, South Charleston HS

Jeff Kelley, Principal, St. Albans HS

**Rationale:**

Prevents acquiring temporary residence in another school zone for athletic eligibility. Solidifies Rule 127-2.2.a.

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**Proposal 5 (Vote: Yes-137 No-0)**

**Amend §127-2-13. Practice. (Pg.24) as follows:**

13.7. If a student has established eligibility in a sport requiring 14 separate days of practice and is continuing to participate in that sport or no school days have lapsed from one sport to another sport in a same season, the student may participate in another sport of the season after completing five ~~seven~~ separate days of sport specific practice in the second sport.

13.8. Students participating in a sport(s) in one season must have practiced 14 separate days, exclusive of the day of a contest, to be eligible to participate in a sport in the next season with the following exception: the student has continued to practice or participate in tournament play without an interruption of school days. The student must complete five ~~seven~~ separate days of sport specific practice in the second sport.

Trent Sherman, Principal  
Martinsburg High School

**Rationale:**

I believe students coming from another sport are conditioned enough to start the next sport quicker than 7 days. I believe more days encourages coaches and students to practice students in 2 sports at the same time which could be more detrimental to their health than starting the sport sooner than 7 days.

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**Proposal 6 (Vote: Yes-133 No-0)**

**Add New Rule §127-2-15. Emergency Action Plan. (Pg.25) as follows:**

15.1. On or before December 31, 2017, each member school shall adopt and submit to the West Virginia Secondary School Activities Commission (WVSSAC) and to the County Board of Education an Emergency Action Plan (EAP) for athletics, designed to respond to athletic injuries that occur on school property during school-sponsored athletic practices and events.

15.2. Each EAP shall include:

15.2.1. Implementation of the EAP for every sport at every level. The EAP shall discuss how it is to be implemented with the participation of the school's principal and athletic director (if any), coaches, and athletes.

15.2.2 Training. The EAP shall include any necessary training for any person designated as responsible for any portion of the implementation of the EAP. Training may be in person or online, as may be available to the school.

15.2.3. Protocol for summoning emergency medical assistance. The EAP shall discuss how the school's sports teams will assign responsibility for summoning emergency medical assistance in the case of an emergency during a practice or event.

15.2.4. Protocol for beginning Cardiopulmonary Resuscitation (CPR). The EAP shall discuss how the school's sports teams will assign responsibility for beginning CPR in the event it is necessary. Each sports team must have individuals trained in CPR. The school shall provide proper training to any individual assigned responsibility for performing CPR.

15.2.5. Protocol for the use of Automated External Defibrillator (AED). It is recommended that each school have an AED available. The EAP must address how the school's sports teams will assign responsibility for retrieving and using an AED in the event it is necessary. Each sports team must be instructed on the location of the nearest AED to any practice or event facility (even if the closest one is not at the school). The school shall provide proper training to any individual assigned responsibility for using an AED.

15.2.6. Protocol for the treatment of heat stroke. The EAP must address how the school's sports teams will prepare for and treat heat stroke. Each sports team that practices outdoors is recommended to have available an emersion tub, and must have water, ice, and towels, to be used for the treatment of heat stroke. The EAP must address how the school's sports teams will assign responsibility for obtaining these items and preparing them before a practice or game begins.

15.2.7. Written records. The EAP shall require that each of the school's sports teams assign responsibility for the items discussed above at the beginning of each season, and record those assignments on a written record, which record shall be retained by the sports team and the school.

15.2.8. Symptoms and risk factors for sudden cardiac arrest. The EAP shall require that schools train athletes, coaches, and volunteers about the symptoms and risk factors for sudden cardiac arrest.

15.2.9. Coordination with local Emergency Medical Systems. The EAP shall require that schools coordinate with their local EMS personnel, notifying EMS personnel of the availability of AEDs at the school, and notifying EMS personnel of the EAP adopted by the school.

15.2.10. Follow up retraining. The EAP shall require that school sports teams that respond to an emergency incident meet to discuss their response after the incident has passed. Discussion shall center on the team's response to the incident, areas for improvement, and retraining that may be necessary, and any counseling that may be required for the individuals involved.

15.3. Schools may, but are not required to adopt the Anyone Can Save a Life Program (available at [www.anyonecansavealife.org](http://www.anyonecansavealife.org)), which meets all of the requirements of this Rule, to be implemented as that schools EAP in compliance with this Rule.

15.4. Each EAP adopted pursuant to this Rule shall be provided to the County Board of Education, and shall be retained by the County Board of Education until the EAP is superseded by a revised EAP.

Emergency Rule

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**Proposal 7 (Vote: Yes-134 No-1)**

**Amend §127-3-3 Physical Examination – Parental Permission (Pg. 33) as follows:**

3.3 A physical examination form must be completed no earlier than ~~June 1~~ May 1 for an upcoming year. The physical is valid until the completion of the last WVSSAC State Tournament during the said upcoming school year.

Kari Vicars, Principal  
Summers County High School

**Rationale:**

With the trend of schools systems starting school earlier in August and finishing earlier in May, as well as the newer flexibility with the summer practice period including flex days, some school systems require sports physicals for their students for these post school date activities and need flexibility with the physical date. Moving up the date for eligible sports physicals would give school systems more flexibility and allow physicals to be scheduled while the students are still in attendance.

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**Proposal 8 was rejected by the West Virginia Board of Education.**

**~~Proposal 8 (Vote: Yes-100 No-24)~~**

**~~Amend §127-3-10 Classification. (Pg. 39) as follows:~~**

~~10.1. Each member high school shall be classified as either AAA, AA, or A based on the enrollment figures in grades 9-10-11 and 12 at the end of the second school month of the odd-numbered year preceding the classification. All non-public high schools shall be classified as AP (all private) classification and shall compete against other schools in this classification for post-season tournaments.~~

~~Reva Sanders-Wallace, Principal  
Tolsia High School~~

**~~Rationale:~~**

~~The non-public schools are unique in their structure and ability to limit enrollment while still having access to a larger number of prospective student athletes, this would be on more of a competitive balance with those schools of same structure.~~

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**Proposal 9 (Vote: Yes-108 No-16)**

**Amend §127-3-10 Classification. (Pg. 30) as follows:**

10.3. A school may choose to compete in WVSSAC tournaments in one class above its classification providing proper notification is made to the WVSSAC prior to April 1 of a new classification year. Approval of this option will be for a four-year period and will be effective for ~~all~~ individual sports sponsored by the school.

Reva Sanders-Wallace, Principal  
Tolsia High School

**Rationale:**

Schools may choose to play up to challenge their student-athletes and compete on a more competitive playing field in individual sports by own choosing. This is a return to the former rule of the same option.

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**Proposal 10 (Vote: Yes- 134 No-0)**

**Amend §127-3-11. Exchange of Eligibility Certificates. (pg. 39) as follows:**

11.3. The names of the students on all Middle school/~~9th grade~~ teams and teams from the ninth grade of the four year high school and sixth, seventh, eighth and ninth of a six year high school shall be submitted on the master eligibility certificate prepared for use by the school.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 11 (Vote: Yes- 134 No-0)**

**Amend §127-3-17. WVSSAC Tournaments. (pg. 42) as follows:**

17.5. The Board of Directors may approve participation by member Middle School/~~9th Grade~~ in county, league or conference tournament. Tournament play on the state level for member Middle School/~~9th Grade~~ shall be prohibited.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 12 (Vote: Yes- 134 No-0)**

**Amend §127-3-19. Baseball. (pg. 43) as follows:**

19.9. ~~Middle School/9th Grade~~ - The above will apply for Middle School/~~9th Grade~~ with following adaptations:

19.9.a. Middle school/~~9th grade~~ teams may play 18 games including tournaments sanctioned by the WVSSAC.

19.9.b. Middle school/~~9th grade~~ season will be completed by Saturday of Week 45.

19.9.c. Middle school/~~9th grade~~ teams are permitted one (1) scrimmage. See Glossary.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 13 (Vote: Yes- 134 No-0)**

**Amend §127-3-20. Basketball (Boys and Girls). (pg. 44) as follows:**

20.9. ~~Middle School/9th Grade~~ - The above rules will apply for Middle School/~~9th Grade~~ with the following adaptations:

20.9.e. All middle school/~~9th grade~~ students may play a maximum of 80 quarters for one season.

20.9.f. All middle school/~~9th grade~~ students may play a maximum of 4 quarters per day.

20.9.g. Games involving only students below the 9th grade shall be played in 6-minute quarters. ~~A member school sponsoring games involving teams which combine 9th grade students with students in the 8th and/or 7th grades may play those games in quarters of 8 minutes.~~

20.9.h. Middle school/~~9th grade~~ are not permitted to play an alumni game.

20.9.i. Scrimmages: Middle school/~~9th grade~~ teams are permitted one (1) scrimmage.- See Glossary.

20.9.j. A ninth grade team in a high school program will follow the rules provided for ~~Middle High School/9th Grade~~.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 14 (Vote: Yes-127 No-2)**

**Amend §127-3-20 Basketball. (Pg. 44) as follows:**

20.9.e. All middle school/9th grade students may play a maximum of ~~80~~ 100 quarters for one season.

20.9.f. All middle school/9th grade students may play a maximum of ~~4~~ 5 quarters per day.

Paul C. Huston II, Principal  
Long Drain School

**Rationale:**

Some middle school programs are experiencing lower participation numbers and are struggling to maintain a sufficient number teams to get younger/inexperienced student athletes playing experience. This will help to ensure that those schools are able to get student athletes game experience that they might not otherwise.

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**Proposal 15 (Vote: Yes- 134 No-0)**

**Amend §127-3-20 Basketball. (Pg. 44) as follows:**

20.9. ~~Middle School/9th Grade~~ - The above rules will apply for Middle School/~~9th Grade~~ with the following adaptations:

20.9.a. Girls may begin practice on Monday of Week 18 and boys on Monday of Week 19. The first contest for girls may be played on Wednesday of week 21 and Wednesday of week 22 for boys.

20.9.b. The girls basketball season will end on Saturday of Week 33 and Saturday of Week 34 for boys.

20.9.c. Tournament play on the state level shall be prohibited.

20.9.d. Boys and girls basketball teams will be permitted to play no more than 20 games. Tournament exception does not apply.

20.9.e. All middle school/~~9th grade~~ students may play a maximum of 80 quarters for one season.

20.9.f. All middle school/~~9th grade~~ students may play a maximum of 4 quarters per day.

20.9.g. ~~Games involving only students below the 9th grade shall be played in 6 minute quarters.~~ A member school sponsoring games involving teams which combine ~~9th grade students with~~ students in the 8th ~~and/or with~~ 7th grades ~~may~~ must play those games in quarters of ~~8~~ 6 minutes.

20.9.h. Middle school/~~9th grade~~ are not permitted to play an alumni game.

20.9.i. Scrimmages: Middle school/~~9th grade~~ teams are permitted one (1) scrimmage.- See Glossary.

20.9.j. ~~A ninth grade team in a high school program will follow the rules provided for Middle School/9th Grade.~~

Kenny DeMoss, Principal  
Parkersburg High School

**Rationale:**

To remove freshman from middle school rules for basketball and allow them to be governed by the high school rules for stand along freshman teams.

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**Proposal 16 (Vote: Yes- 134 No-0)**

**Amend §127-3-21. Cheerleading. (pg. 45) as follows:**

21.6. ~~Middle School/9th Grade~~ - The above rules will apply for Middle School/~~9th Grade~~ with the following adaptations:

21.6.a. Organized Team Practice: Organized team practice will begin on Monday of Week 6.

21.6.b. The middle school/~~9th grade~~ spirit and competitive cheer season will begin Monday of Week 6. The competitive season will end Saturday of Week 18. The middle school/~~9th grade~~ spirit season will end on the last day of the middle school/~~9th grade~~ girls' or boys' basketball season.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 17 (Vote: Yes- 134 No-0)**

**Amend §127-3-23. Football. (pg. 47) as follows:**

23.9. ~~Middle School/9th Grade~~ - The above rules will apply for Middle School/~~9th Grade~~ with the following adaptations:

23.9.g. Middle school/~~9th grade~~ football teams may be permitted to play overtime periods 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.

23.9.h. Middle school/~~9th grade~~ game ball: The football used involving only students in the eighth grade and below shall be the youth football. Games involving students of a combination seventh and eighth, ~~and ninth~~ graders may use the youth football by mutual agreement. Modification of the rule is listed in Rule 1-3-1, National Federation Football Rule Book.

23.9.i. Length of Quarters: The maximum length of quarters for ninth grade teams shall be 10 minutes. For teams composed of students in the sixth, seventh and eighth grade, the length of quarters shall be 8 minutes.

23.9.j. A ninth grade team in a high school program will follow the rules provided for ~~middle school/9th grade~~ high school.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 18 (Vote: Yes- 134 No-0)**

**Amend §127-3-24. Golf (Boys and Girls). (pg. 49) as follows:**

24.7. Middle school/~~9th grade~~ ~~Golf~~ - The above will apply for Middle School/~~9th Grade~~ with the following adaptations:

24.7.a. Middle school/~~9th grade~~ teams are permitted to play no more than 14 matches.

24.7.b. There shall be one season for golf in middle school/~~9th grade~~, either fall or spring; however, the season selected shall be no longer than 10 weeks.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 19 (Vote: Yes- 134 No-0)**

**Amend §127-3-25. Soccer (Boys and Girls). (pg. 49) as follows:**

25.9. ~~Middle School/9th Grade~~ - The above will apply for Middle School/~~9th Grade~~ with the following adaptations:

25.9.a. Middle school/~~9th grade~~ teams may play 14 matches including tournaments sanctioned by the WVSSAC.

25.9.b. Organized team practice will begin on Monday of Week 6 and the first contest may be played on Monday of Week 9.

25.9.c. Middle school/~~9th grade~~ season will be completed by Saturday of Week 17.

25.9.d. The maximum number of halves for a student in one season will be 28.

25.9.e. Middle school/~~9th grade~~ teams are permitted one (1) scrimmage. See Glossary.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 20 (Vote: Yes- 134 No-0)**

**Amend §127-3-26. Softball. (pg. 50) as follows:**

26.9. ~~Middle School/9th Grade~~ - The above will apply for Middle School/~~9th Grade~~ with the following adaptations:

26.9.a. Middle school/~~9th grade~~ teams may play 18 games including tournaments sanctioned by the WVSSAC.

26.9.b. Middle school/~~9th grade~~ season will be completed by Saturday of Week 45.

26.9.c. Middle school/~~9th grade~~ teams are permitted one (1) scrimmage. See Glossary.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 21 (Vote: Yes- 134 No-0)**

**Amend §127-3-27. Swimming (Boys and Girls). (pg. 51) as follows:**

27.8. The above will apply for Middle School/~~9th Grade~~ with the following adaptations:

27.8.a. Middle school/~~9th grade~~ teams will be permitted 14 meets.

27.8.b. Organized team practice will begin on Monday of Week 18 and the first contest may be on Wednesday of Week 20.

27.8.c. Middle school/~~9th grade~~ season will be completed by Saturday of Week 31.

27.8.d. Middle school/~~9th grade~~ teams are permitted one (1) scrimmage. See Glossary.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 22 (Vote: Yes- 134 No-0)**

**Amend §127-3-28. Tennis (Boys and Girls). (pg. 52) as follows:**

28.8. ~~Middle School/9<sup>th</sup> Grade~~ - The above will apply for Middle School/~~9<sup>th</sup> Grade~~ with the following adaptations:

28.8.a. Middle school/~~9<sup>th</sup> grade~~ teams may play 16 matches including tournaments sanctioned by the WVSSAC.

28.8.b. Middle school/~~9<sup>th</sup> grade~~ teams are permitted one (1) scrimmage. See Glossary.

28.8.c. There shall be one season for tennis in middle school/~~9<sup>th</sup> grade~~, either fall or spring; however, the season selected shall be no longer than 12 weeks.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 23 ((Vote: Yes- 134 No-0)**

**Amend §127-3-29. Track and Field (Boys and Girls). (pg. 52) as follows:**

29.9. ~~Middle School/9<sup>th</sup> Grade~~ - The above will apply for Middle School/~~9<sup>th</sup> Grade~~ with the following adaptations:

29.9.a. Middle school/~~9<sup>th</sup> grade~~ teams will be permitted 14 meets and only 2 meets per week.

29.9.b. Middle school/~~9<sup>th</sup> grade~~ season will be completed by Thursday of Week 46.

29.9.c. Participation limitation: Middle school/~~9<sup>th</sup> grade~~ students, regardless of grade levels (6, 7, 8, ~~or 9~~), may compete in a maximum of four events, of which only three may be running events including relays.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 24 (Vote: Yes- 134 No-0)**

**Amend §127-3-30. Volleyball (Girls). (pg. 53) as follows:**

30.10. ~~Middle School/9<sup>th</sup> Grade~~ - The above will apply for Middle School/~~9<sup>th</sup> Grade~~ with the following adaptations:

30.10.a. Middle school/~~9<sup>th</sup> grade~~ teams will be permitted 16 playing dates.

30.10.b. Organized team practice will begin on Monday of Week 7 and the first contest may be played on Wednesday of Week 10.

30.10.c. Middle school/~~9<sup>th</sup> grade~~ season will be completed by Saturday of Week 17.

30.10.d. Middle school/~~9<sup>th</sup> grade~~ teams are permitted one (1) scrimmage. See Glossary.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 25 (Vote: Yes- 133 No-0)**

**Amend §127-3-31 Wrestling. (Pg. 51) as follows:**

31.1. Rules: Wrestling rules published by the National Federation of State High School Associations are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

31.2. Organized Team Practice: Organized team practice will begin on Monday of Week 20 and the first contest may be played on Wednesday of Week 22.

31.3. Length of Season: The wrestling season will end for each team or individual at tournament elimination.

31.4. Maximum Team Contest: A wrestling team will be permitted to have 18 ~~matches~~ weigh-ins exclusive of regional and state tournaments.

31.4.a. Dual, triangular and quadrangular ~~matches~~ weigh-ins count as one. ~~Matches~~ weigh-ins in which five or more schools participate count as two.

31.5. Scrimmages: Two wrestling scrimmages with another high school may be conducted. See Glossary.

31.6. Individual students of a team must have practiced on 14 SEPARATE days, exclusive of the day of a contest, before participating in an interscholastic contest.

31.7. A student may accept awards only in WVSSAC sanctioned events during the season of that sport. These awards must be consistent with the items specified in the Awards Rule. Students may accept only this same type of award in non-sanctioned events outside the sport season.

31.8. *Middle School/9th Grade* - The above will apply for Middle School/9th Grade with the following adaptations:

31.8.a. Organized Team Practice: Organized team practice will begin on Monday of Week 19 and the first contest may be played on Wednesday of Week 22.

31.8.b. Middle school/9th grade school teams may have 16 ~~matches~~ weigh-ins excluding any conference tournament.

31.8.c. Middle school/9th grade teams are permitted one (1) scrimmage under the same conditions as a high school.

31.8.d. Middle school/9th grade season will be completed by Saturday of Week 33.

Constitution and By-Laws

**Rationale:**

Eligibility participation limits are no longer counted by matches but by weigh-ins.

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**Proposal 26 (Vote: Yes- 134 No-0)**

**Amend §127-3-31. Wrestling (Boys). (pg. 54) as follows:**

31.8. ~~Middle School/9th Grade~~ - The above will apply for Middle School/~~9th Grade~~ with the following adaptations:

31.8.a. Organized Team Practice: Organized team practice will begin on Monday of Week 19 and the first contest may be played on Wednesday of Week 22.

31.8.b. Middle school/~~9th grade~~ school teams may have 16 matches excluding any conference tournament.

31.8.c. Middle school/~~9th grade~~ teams are permitted one (1) scrimmage under the same conditions as a high school.

31.8.d. Middle school/~~9th grade~~ season will be completed by Saturday of Week 33.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 27 (Vote: Yes- 134 No-0)**

**Amend §127-5-2. Enrollment and Membership - Band. (pg. 61) as follows:**

2.3. Instrumental music students in seventh and eighth grades of feeder elementary schools or any grade of a feeder middle school/~~9th grade~~ 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.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

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**Proposal 28 (Vote: Yes- 134 No-0)**

**Amend §127-5-7. Classification of Schools - Band. (pg. 64) as follows:**

7.4. Member Middle School/~~9th Grade~~ and middle schools will not be given a classification.

Constitution & Bylaws Committee

**Rationale:**

Middle Schools in WV do not include 9<sup>th</sup> grade.

127CSR1

TITLE 127  
LEGISLATIVE RULE  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

SERIES 1  
CONSTITUTION

**§127-1-1. General.**

1.1. Scope. -- These rules establish the organization and duties of the West Virginia Secondary School Activities Commission.

1.2. Authority. -- W. Va. Constitution, Article XII, §2, and W. Va. Code §18-2-25.

1.3. Filing Date. -- ~~July 11, 2014.~~

1.4. Effective Date. -- ~~September 9, 2014.~~

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 127CSR1, West Virginia Secondary School Activities Commission Series 1, Constitution, filed ~~July 11, 2008~~ July 11, 2014, and effective ~~September 8, 2008~~ September 9, 2014.

**§127-1-2. Name.**

2.1. The name of this organization shall be the West Virginia Secondary School Activities Commission (WVSSAC/Commission), a voluntary organization. Extracurricular activities of the students in the public secondary schools are controlled pursuant to ~~West Virginia Code article two, chapter eighteen~~ W. Va. Code §18-2-25, and authority for the delegation of such control to ~~said~~ the Commission is granted by statute.

**§127-1-3. Goals.**

3.1. This Commission, through the employment of the instrumentalities hereinafter established, shall supervise and control interscholastic athletics and band activities among member schools.

3.2. In the performance of these functions it shall be the aim of the Commission;

3.2.a. To stress the cultural values, ~~the~~ appreciations, and skills involved in these interscholastic activities, and to promote cooperation and friendship;

3.2.b. To limit these interscholastic activities in both character and quantity so that ~~such~~ these activities and ~~such~~ events may be looked upon as promoting the objectives of secondary education, and as such shall not interfere with nor abridge the regular program of teachers and students in the performance of their duties;

3.2.c. To encourage economy in expenses of these interscholastic activities;

3.2.d. To discourage long trips for interscholastic activities; and

3.2.e. To establish minimum standards of conduct for both active and spectator participants, coaches, and all other school personnel at all interscholastic activities approved, sponsored, or controlled by this Commission.

**§127-1-4. Membership.**

4.1. The ~~West Virginia Secondary School Activities Commission~~ WVSSAC shall be composed of the principals or designee, of those public or private secondary schools which have certified in writing to the State Superintendent of Schools of West Virginia (State Superintendent) that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic and band activities.

4.2. Membership in the Commission shall be predicated upon accepting the following conditions:

4.2.a. The principal or ~~his~~ designee is and shall be the sole representative of the school in all matters pertaining to the constitution, bylaws, rules and regulations of the Commission;

4.2.b. The principal or ~~his~~ designee is and shall be responsible for conducting interscholastic athletic and band activities of the school in accordance with the constitution, bylaws, rules and regulations of the Commission which have been adopted by the Board of Control of the Commission for the governing of such activities;

4.2.c. Pay the annual dues charged by the Commission;

4.2.d. The principal or ~~his~~ designee shall file a statement with the Executive Director of the Commission agreeing to abide by and support the constitution and the rules and regulations of the Commission.

4.2.e. A member school must sponsor one (1) sport per gender during each season - fall, winter, and spring. Schools having membership prior to the 2007-2008 school year are exempt from this provision.

4.2.f. At the annual meeting of the Board of Control, the Executive Director shall announce the names of the principals whose schools have become new members.

4.2.f.1. A middle school shall be a school so designated and approved by the West Virginia Department of Education.

~~4.2.f.2. A junior high school shall be a school so designated and approved by the West Virginia Department of Education.~~

4.2.f.3. A senior high school consists of grades nine (9), ten (10), eleven (11), and twelve (12), established by law, and so designated and approved by the West Virginia Department of Education (WVDE).

4.2.g. The first year of membership will be a probationary year with the school not being allowed participation in WVSSAC sponsored tournaments.

4.2.h. A one-time membership fee of \$1,500.00 will be afforded senior high schools, \$500.00 to middle/~~junior high~~ schools, or \$2,000.00 to combined middle/senior high schools.

4.2.i. Public schools seeking membership that are created as a result of consolidation or splitting of existing member schools shall be exempt from the provisions in subsections ~~4.2.f and~~ 4.2.g.

4.3. A school, through its principal, coach, or other official, is not permitted to enter into an agreement with any other school to waive the standards of eligibility of students or waive or change any other requirement established in these regulations.

4.4. Any member violating the regulations of this Commission and refusing to abide by the decision of the Board of Directors or the Review Board shall be subject to the penalties hereinafter set forth. (See §127-6-2 of these regulations.)

#### **§127-1-5. Administration.**

5.1. The administration of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC shall be vested in the secondary school principals ~~heretofore defined as~~ members and who shall constitute a Board of Control. ~~Said~~ The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of ~~said~~ the Commission and shall have charge of all ~~funds of said~~ Commission funds, and in order to expedite the regulations of ~~said~~ activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted, and working through the Board of Directors, authority to interpret and enforce these regulations. ~~Said~~ The Board of Control shall delegate and assign to the Board of Trustees, hereinafter constituted, the power and authority to hold title to and manage the property owned by ~~said~~ the Commission. These regulations of ~~said~~ the Commission shall be the articles, rules, explanations, and interpretations which have been voted upon and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of ~~said~~ the Commission. Fifty (50) members shall constitute a quorum for the transaction of all business at ~~said~~ the annual meeting and ~~approved~~ is by a majority vote of the members of the Board of Control present and voting at the annual meeting of ~~said~~ the Commission.

5.2. At the annual or called meetings of the Board of Control of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC each member shall have one vote on each question or proposition under consideration. A member may appoint, by a written statement to the president of ~~said~~ the Commission, ~~his~~ the assistant principal or other member of ~~his~~ the faculty to represent ~~his~~ the school at meetings of the Board of Control, but no such appointment shall absolve the member of ~~his~~ responsibility as defined in these regulations.

5.3. The Board of Control of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC shall, at its annual meetings, elect officers of the Commission and define their duties as provided in §127-1-6 of these regulations. The officers so elected shall be members of the Board of Directors of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC with the powers and duties assigned to it by §127-1-8 of the regulations of ~~said~~ the Commission. ~~Said~~ The Board of Directors shall be the executive body of the Commission and shall administer the regulations of the Commission. Further, ~~said~~ the Board of Directors shall enforce the provisions of these regulations through the application of penalties provided under §127-6-2 of these regulations. Adjudication of disagreements and disputes among members of the Commission

shall be one of the chief duties of the Board of Directors. Such adjudication may, however, be appealed to the Review Board.

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

5.4.a. Effective July 1, 1971, and until such time as it is necessary to change the boundaries of such districts, the five (5) administrative districts shall be as follows:

5.4.a.1. First District: Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler, and Wetzell.

5.4.a.2. Second District: Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur.

5.4.a.3. Third District: Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam, and Roane.

5.4.a.4. Fourth District: Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt, and Wood.

5.4.a.5. Fifth District: Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster, and Wyoming.

5.4.b. Any change in the boundaries of ~~said~~ the administrative districts adopted by the Board of Directors shall be submitted for approval to the Board of Control at the annual meeting. ~~Said~~ Any change requires two thirds (2/3) affirmative vote of the members present and voting at the annual Board of Control meeting.

5.4.c. Any adopted and approved changes in the boundaries of the administrative districts shall not be cause for reducing the length of the regular term of office of an incumbent officer member.

**§127-1-6. Officers and Duties.**

6.1. There shall be five (5) elected officer-members of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC, each of whom shall be a principal of a secondary school in West Virginia.

6.1.a. The elected officer-members shall constitute the Board of Directors of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC.

6.1.b. One (1) officer-member shall be elected to a regular term each year at the annual meeting of ~~said~~ the Commission. The runner-up candidate in each election shall be declared the alternate-officer-member and shall serve any portion of the officer-member's unexpired term which may occur. If the alternate-officer-member is not thus determined, then a separate election shall be held to do so. ~~Said~~ Both the officer-member and alternate-officer-member shall be from the same administrative district.

6.1.c. The regular term of an elected officer-member shall be a period of five (5) years and ~~said~~ the term shall begin on Monday of Week 40 of the NFHS Calendar, following the member's election.

6.1.d. An elected officer-member shall be eligible to serve two (2) regular five (5) year terms in succession. Upon completion of the two (2) 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 a~~ regular term. Serving more than one half (1/2) of an unexpired five (5) year term shall constitute one (1) of the two (2) permitted successive terms.

6.1.e. The election shall be by ballot when more than one (1) candidate from the same administrative district is nominated for officer-member. When more than two (2) candidates from the same administrative district are nominated for officer-member, the balloting shall continue until one (1) ~~of said candidates shall~~ receives a majority of the votes cast. The candidates with the least number of votes on each ballot shall be dropped from each subsequent ballot.

6.1.f. At the first meeting of the Board of Directors following the close of the annual meeting of the Commission, ~~said the~~ Board of Directors shall elect one (1) of its officer members to serve as president and one (1) to serve as vice president.

6.2. Two (2) or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as officer-members ~~at the same time~~ simultaneously.

6.3. The term of an officer-member shall end immediately upon ~~his~~ their agreement to accept a position that would make ~~him them~~ ineligible to hold office in this Commission. However, in the event that a director ceases to meet the qualifications for ~~his/her~~ their position but remains in good standing in the last year of ~~his their~~ term, such director shall be given the option to remain in ~~his their~~ position for the remainder of the assigned term. The vacancy would then be filled at the next annual Board of Control meeting.

6.4. The annual honorarium of each of the officer-members shall be five hundred (\$500.00) dollars each.

6.5. The Executive Director shall act as treasurer, and shall pay out monies from the funds belonging to this Commission in payment of bills only upon order of the president.

6.6. The president shall furnish bond in the amount of twenty thousand (\$20,000) dollars. The Executive Director shall furnish bond in the amount of one hundred thousand (\$100,000) dollars. The premium for both of these bonds shall be paid by the Commission.

6.7. The Board of Directors may submit questions for discussion and ascertain sentiment of the schools by means of questionnaires. No vote to alter these regulations shall be taken except at the annual meeting of the Commission, except that ~~these regulations~~ Board of Directors may, in case of emergency, with the consent of the Board of Directors, enact and adopt all necessary rules and regulations, whether by deletion, amendment, revision, or addition, and which emergency rules and regulations shall be filed with the Secretary of State and thereafter submitted at the next annual meeting of the Commission for formal adoption or rejection.

#### **§127-1-7. Meetings.**

7.1. The annual meeting of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC shall

be planned by the Executive Director and the Board of Directors of ~~said the~~ the Commission.

7.2. Special meetings may be called by order of the president of the Commission. Fifty (50) principals constitute a quorum to transact business.

**§127-1-8. Board of Directors.**

8.1. The Board of Directors shall have authority to administer the regulations of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC.

8.2. The State Superintendent ~~of Schools~~ or his representative designated ~~to act in his stead~~, a representative from the West Virginia Board of Education (WVBE), a representative selected by the West Virginia School Boards Association, a representative selected by the West Virginia School Administrators Association, and a representative selected by the West Virginia Athletic Directors Association, shall serve as appointive members of the Board of Directors. ~~Said~~ These members shall be accorded full voting privileges but shall be ineligible to be elected or to serve as an officer of ~~West Virginia Secondary School Activities Commission~~ WVSSAC.

8.2.a. The president of the West Virginia Association of Secondary School Principals (WVASSP) shall serve as an ex-officio member of the Board of Directors. However, serving the one (1) year term as an ex-officio member shall not render ~~said that~~ member ineligible to be elected to a regular five (5) year term as an officer-member provided ~~he is~~ they are otherwise eligible.

8.3. The Board of Directors shall have authority to appoint an Executive Director, except as hereinafter provided, and such additional assistance as may be necessary to assure efficient functioning of the work of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC. Furthermore, ~~said the~~ Board of Directors shall have authority to fix and ~~to~~ pay salaries to the Executive Director and to other ~~staff~~ personnel appointed to assist ~~said the~~ Executive Director. The Board of Directors shall also have authority to devise a plan of retirement benefits for the Executive Director and other full-time ~~staff~~ personnel appointed to assist ~~said the~~ Executive Director.

8.3.a. At least one of the ~~staff~~ personnel appointed to assist the Executive Director shall have the status of Assistant Executive Director. The appointment of ~~said the~~ Assistant Executive Director shall be made by the Board of Directors only upon the nomination and recommendation by the Executive Director. In case the Board of Directors fails to appoint the person ~~so~~ nominated, the Executive Director shall nominate and recommend another person and submit the name to the Board of Directors at such time as ~~said the~~ Board may direct. The length of the contract term of office of the ~~said~~ Assistant Executive Director shall be the same as that prescribed for the Executive Director in ~~subsections §127-1-11.1 and 11.2~~ of these regulations. No Assistant Executive Director shall be removed during the contract term of office except for just and reasonable cause as prescribed in ~~subsection~~ §127-1-11.3.

8.3.b. All other ~~staff~~ personnel to assist the Executive Director shall be recommended by the Executive Director before being considered for employment by the Board of Directors.

8.3.c. The Board of Directors will annually evaluate the performance of the Executive Director. It shall be the responsibility of the Executive Director to evaluate Assistant Executive Directors. The Executive Director must submit a list of areas of concern to be addressed. From ~~said that~~ list, a plan of

improvement would be implemented by the Executive Director. Failure on the part of the Assistant Executive Director and other ~~office~~ personnel to comply ~~to~~ with the plan of improvement could result in disciplinary action up to and including dismissal.

8.4. The Board of Directors shall have power of appointment to fill vacancies in its membership until the vacancies are filled regularly at the next annual meeting of the Commission.

8.5. The Board of Directors shall have power to decide all cases of eligibility of students and participants in interscholastic athletic and band activities. The Board may also exercise discretionary powers it may deem necessary for the furtherance of education and interscholastic athletic and band activities in the secondary schools of West Virginia.

8.6. The Board of Directors shall appoint Deputy Board Members who will serve at the will and pleasure of the Board of Directors.

8.7. At the request of the Board of Directors, a Deputy Board Member may investigate matters of eligibility and other violations of the rules and regulations of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC. ~~Said~~ The Deputy Board Member shall submit to ~~said~~ the Board of Directors a written report of ~~his~~ findings and recommendations for disposition of the case(s).

8.8. The Board of Directors shall have the power to investigate through the Deputy Board Member, or in such other manner as may be found advisable, matters of eligibility and other violations of rules when ~~said~~ the Board deems it advisable to do so on the basis of information furnished, even though a formal protest is not filed.

8.9. The Board of Directors shall divide the state into regions and sections for the purpose of administration and for tournaments or meets of any interscholastic athletic or band activity.

8.10. The Board of Directors shall hold hearings and render decisions in all contested cases.

8.11. Five (5) officer-members present and eligible to vote at any meeting of the Board of Directors shall constitute a quorum ~~for said Board of Directors~~ to transact all business.

8.12. The minutes of regular and special meetings of the Board of Directors shall be submitted to principals of all member schools.

**§127-1-9. Funds.**

9.1. The annual dues for members of this Commission shall be based upon the student enrollment of the school they represent.

9.1.a. A thirty (\$30.00) dollar flat membership fee for all three (3)-and four (4)-year schools on the first one hundred (100) students, or fraction thereof, enrolled in a school.

9.1.b. After the first one hundred (100) students enrolled, the membership will be ten (\$10.00) dollars per one hundred (100) additional students, or fraction thereof, up to one thousand (1,000) students.

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9.1.c. For each one hundred (100) students above one thousand (1,000) an additional five (\$5.00) dollars per one hundred (100) students, or fraction thereof, is to be added.

9.1.d. A ~~six (6) year~~ combined middle/high school shall pay a flat fee of thirty (\$30.00) dollars for grades seven (7) and eight (8), and ten (\$10.00) dollars per hundred (100), or fraction thereof, for grades nine (9), ten (10), eleven (11), and twelve (12) up to one thousand (1,000) students and five (\$5.00) dollars per hundred (100), or fraction thereof, above one thousand (1,000) students.

9.1.e. A thirty (\$30.00) dollar fee is the ceiling for all ~~regular junior high schools and middle schools/schools without grades 9-12.~~

9.1.f. Dues for the year are payable on or before February 1 of each year. Membership in the Commission shall extend from July 1 to June 30 in any year and shall be lapsed if dues are not paid on or before February 15. The enrollment figure to be used to determine the amount of dues shall be the gross enrollment of ~~boys and girls~~ all students at the close of the second (2nd) month of the current school year. In case a membership has ~~been allowed to lapse, it lapsed,~~ the member school may not be reinstated until the dues for the year of such lapsed membership, plus a penalty of twenty-five (\$25.00) dollars reinstatement fee, have been paid to the Commission.

9.2. The Board of Directors may reduce the amount of annual dues of the members for any year.

9.3. The Board of Directors is authorized to levy entry fees and assessments for the conducting of any interscholastic athletic or band activity ~~when it~~ the activity is not self-supporting. Fees and assessments from one (1) activity division shall not be used for the support of another.

9.4. The Commission shall determine the expenditures of money, but ~~special~~ superseding power is given to the Board of Directors to use funds as are necessary to carry on its work.

9.5. The fiscal year of this Commission extends from July 1 to June 30. All monies paid as dues to the Commission, as well as all monies derived from any contest or other event sponsored by the Commission become quasi-public funds and as such shall be subject to an annual audit by the West Virginia Tax Commissioner. A written summary of the audit shall be a part of the annual report of the Executive Director to the Board of Control.

9.6. In case of dissolution of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC, all funds of ~~said the~~ the Commission shall be prorated equally and distributed to the County Boards of Education or governing bodies of the members of ~~said the~~ the Commission. Provided, however, that governing boards of those schools that ~~who~~ become members of ~~said the~~ the Commission subsequent to January 1, 1968, shall be entitled to a prorated share of only that portion of the ~~said the~~ the Commission's fund which ~~have~~ has been collected, earned, and accumulated between the inception of such membership and the actual dissolution of ~~said the~~ the Commission.

### §127-1-10. Amendments.

10.1. The articles, bylaws, rules and regulations of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC may be amended as provided in ~~the~~ its sections ~~immediately following.~~

10.2. A Constitution and Bylaws Committee, consisting of five (5) members of the Commission, shall

be appointed by and shall serve ~~during at~~ the will and pleasure of the Board of Directors. ~~Said~~ The Board of Directors shall designate one (1) of the members so appointed to serve as the chairman of such committee.

10.3. The Board of Directors shall give due consideration to maintaining a balance of representation by programmatic level as defined in ~~subsection §127-1-4.2 of theseis~~ regulations when making new appointments to the Constitution and Bylaws Committee. However, an incumbent member of ~~said the~~ committee shall not be ruled ineligible to continue to serve on ~~said the~~ committee solely because ~~he they~~ becomes principal of a secondary school different from that from which ~~he was they were~~ originally appointed.

10.4. It shall be the function and purpose of the Constitution and Bylaws Committee to provide continuity and cohesion in the rules and regulations governing the interscholastic athletic and band activity programs in West Virginia. Further, it shall be the function and purpose of the Constitution and Bylaws Committee to address what it considers, as needed, interim constitutional rule changes for possible Board of Directors' consideration.

10.5. Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC.

10.6. Proposed changes to these regulations may be submitted by any member of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC. Such proposed changes, whether by revision, addition or deletion, shall be postmarked or received by the WVSSAC office by January 15 of each year in order to permit the Constitution and Bylaws Committee to study such proposed changes and to submit them, by mail, to the membership thirty (30) days prior to the annual meeting of ~~said the~~ Commission.

10.7. At the annual meeting of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC each, ~~and only each, such~~ proposed changes received by the Constitution and Bylaws Committee, and those interim emergency rules and regulations enacted by the ~~said the~~ Committee, shall be presented to the membership of ~~said the~~ Commission for discussion and formal adoption or rejection. ~~Said The~~ Committee may accompany each presentment with an explanation of the effect of ~~said the~~ proposed change upon present rules and objectives of the Commission. ~~Said The~~ Committee may also recommend adoption or rejection of ~~said the~~ proposal along with the Committee numerical vote for ~~said the~~ recommendation.

10.8. The president of the Commission shall appoint a parliamentarian to serve at the meetings of the Commission to decide questions of procedure during ~~said the~~ meetings. Roberts Rules of Order shall be followed in conducting the annual meeting and all other meetings.

10.9. An amendment to the regulations of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC shall become effective following the annual meeting at which such amendment was adopted and such adoption is formally approved by the ~~West Virginia Board of Education~~ WVBE in accordance with W. Va. Code and such other rules and regulations promulgated by the ~~West Virginia Board of Education~~ WVBE.

10.10. Nothing in these regulations shall be construed as limiting or in any way ~~eaffecting~~ the validity of emergency rules and regulations which have been duly approved by the Board of Directors in accordance with ~~subsection §127-1-6.7 of theseis~~ regulations. Emergency rules and regulations will be

effective upon the date they are filed with the Secretary of State of State of West Virginia and remain in effect until the next meeting of the Commission.

**§127-1-11. Executive Director.**

11.1. The Board of Directors shall employ the Executive Director and Assistant Executive Director. At the discretion of the Board of Directors these positions will be given from one (1) year to four (4) year contracts. These contracts may be renegotiated prior to expiration. If a new contract is not to be negotiated, ~~people~~ individuals in these positions will be notified in writing six (6) months prior to the end of the contract period. A letter to this effect shall be sent to the President of the ~~West Virginia Association of Secondary School Principals~~ WVASSP.

11.2. If a vacancy occurs in the office of the Executive Director or Assistant Executive Director position during any contract period, the Board of Directors shall fill such vacancy. The exception will be that if a person serving as a Board of Directors member or one who has served in that capacity within the preceding one (1) year prior to the vacancy becomes a candidate for one of the positions, the authority to fill the vacancy of ~~said the~~ the position shall be vested in the Constitution and Bylaws Committee.

11.3. The Executive Director shall not be removed during the term of office contract period except for just and reasonable cause. 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.

**§127-1-12. Duties of the Executive Director.**

12.1. The Executive Director shall carry on the work incident to the efficient functioning of ~~said the~~ the Commission. The general management and administration of the program of officiating for the interscholastic athletic activities sponsored by this Commission is considered ~~one and~~ a proper function of ~~said the~~ the Commission.

12.1.a. The Executive Director shall be responsible for assigning general areas of responsibilities and directing the activities of the Assistant Executive Director as such responsibilities relate to the work of ~~said the~~ the Commission.

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.

12.2. The Executive Director shall receive complaints and make investigations concerning the eligibility of ~~secondary member~~ secondary member school students who participate in athletic and band activities. The Executive Director shall also receive complaints and make investigations concerning violations of the rules of the Commission.

12.3. The Executive Director shall render decisions and impose penalties in athletic eligibility and other disputes subject to review by the Board of Directors. The Executive Director shall have the discretion to grant exceptions to the rules based upon previous Board of Directors' decisions on cases of a similar nature. Appeals of rendered decisions by the Executive Director shall be filed within thirty (30) days of the decision unless otherwise stated.

12.4. It shall be the duty of the Executive Director to make a full and complete written report to the county board of education or governing body regarding any disciplinary action taken by the Board of Directors against a member school which is located in the county in which the ~~said~~ the board of education or governing body has jurisdiction.

12.5. The Executive Director shall attend state meetings of the ~~West Virginia Secondary School Principals Association~~ WVASSP and report, when requested by the principals, on the work of the Commission office.

12.6. The Executive Director shall attend the meetings, when practicable, of the National Federation of State High School Associations and bring meeting reports to the attention of the Commission and the Board of Directors ~~reports from the meetings~~.

12.7. The Executive Director shall devote his full time to the work assigned ~~to him~~ by the Board of Directors. ~~He~~ The Executive Director shall hold no other remunerative office or position. ~~He and~~ shall not officiate at any interscholastic contest.

12.8. The Executive Director shall represent West Virginia in conferences and controversies involving other states.

12.9. The Executive Director shall exercise all rights and privileges pertaining to eligibility and to representation with the National Federation of State High School Associations granted to members by the Board of Directors and principals by these regulations.

**§127-1-13. Review Board.**

13.1. A ~~West Virginia Secondary School Activities Commission~~ WVSSAC Review Board is hereby established.

13.1.a. ~~Said~~ The Review Board shall consist of seven (7) members to be appointed by the ~~West Virginia Board of Education~~ WVBE upon recommendation by the State Superintendent ~~of Schools~~. No person, other than a county superintendent of schools, and a representative of the West Virginia Athletic Directors Association, shall be appointed or shall serve who is employed by the ~~West Virginia Board of Education~~ WVBE or any county board of education. All members of the Review Board shall be residents of the State of West Virginia.

13.1.b. Each of the following associations shall be requested to present three (3) nominations to the State Superintendent ~~of Schools~~ for membership on the Review Board:

13.1.b.1. West Virginia Bar Association

13.1.b.2. West Virginia Association of School Administrators ~~Association~~

~~13.1.b.3. West Virginia State Committee of the North Central Association of Colleges and Secondary Schools~~

13.1.b.4. West Virginia State Medical Association

13.1.b.5. West Virginia Sportswriter Association

13.1.b.6. West Virginia Athletic Directors Association

13.1.b.7. West Virginia Association of Retired School Employees Association.

13.1.c. Members of the Review Board need not be members of the association which submitted their names in nomination and shall be appointed for a term of five (5) years. Prior to the expiration date of the term of each member of the Review Board, the respective association will nominate three (3) representatives to the State Superintendent ~~of Schools~~ who shall subsequently recommend one (1) to the ~~West Virginia Board of Education~~ WVBE.

13.1.d. The term of office of each member of the Review Board will begin upon the acceptance of the appointment and will expire on June 30 of the year in which the term expires.

13.1.e. The member with the shortest remaining tenure on the Review Board shall serve as its chairman. Each appointed member of ~~said the~~ Review Board shall have equal voting privileges.

13.1.f. In the same manner as prescribed in ~~subsection §127-113.1.d of these~~ regulations, the ~~West Virginia Board of Education~~ WVBE shall have power to fill any vacancy which occurs in the membership of the Review Board. Such appointments shall be made at the next regular or called meeting of ~~said the Board of Education~~ WVBE following the existence of a vacancy, and shall be for the unexpired term of the position vacated.

13.1.g. Members of the Review Board shall serve without pay but shall be reimbursed for actual expenses incident to the performances of their duties upon presentation to ~~the West Virginia Department of Education~~ WVDE an itemized sworn statement thereof. Costs shall be taxed by the Review Board at its discretion, not to exceed the actual expenses incurred, against the party who fails to prevail and the Review Board may, in its discretion, if it so desires, require any appealing party to post security for costs with the State Superintendent ~~of Schools~~ in the sum of two hundred (\$200) dollars.

13.1.h. The Review Board will sit for hearings within a reasonable time after the aggrieved party having a matter for review files an appeal, but not longer than thirty (30) days after such appeal is filed, and at such other times as the Review Board may determine, at the State Capitol in Charleston, or in such other place as the ~~Chairman~~ of ~~said the~~ Review Board may elect.

13.2. The ~~West Virginia Department of Education~~ WVDE shall make available adequate and competent secretarial services to record the proceedings and transactions of each meeting of the Review Board and to prepare the official written report, required ~~elsewhere~~ in these regulations, on each decision rendered by ~~said the~~ Review Board.

13.3. Any decision of the Board of Directors involving a penalty, protest, or interpretation of the rules and regulations of this Commission governing interscholastic athletic or band activities may be appealed to the Review Board in the manner hereinafter described. ~~Said~~ Such appeal may be made by any member of the aggrieved party ~~which is~~ directly affected by the decision of the Board of Directors and aggrieved by such decision of the Board of Directors.

13.3.a. Appeals must be filed with the State Superintendent ~~of Schools of West Virginia~~ within

fifteen (15) days after any final decision of the Board of Directors of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC.

13.3.b. Upon receipt of ~~said any~~ appeal, the State Superintendent of Schools shall immediately notify each member of the Review Board of ~~said the~~ appeal and the chairman of ~~said the~~ Review Board ~~who shall forthwith~~ set a date, time, and place for hearing and shall immediately notify all interested parties, in writing, of the same.

13.3.c. The filing of any appeal shall not stay enforcement nor act to supersede the prior ruling or decision of the Board of Directors. However, pending the hearing of any appeal, at its discretion, the Board of Directors may grant a stay of enforcement upon such terms as it deems proper.

13.4. Proceedings for review shall be instituted by filing a petition, ~~in quintuplicate~~ and five copies of same, with the State Superintendent within fifteen (15) days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the ~~West Virginia Secondary School Activities Commission~~ WVSSAC or its Executive Director and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

13.4.a. Within fifteen (15) days after receipt of a copy of the petition by the ~~West Virginia Secondary School Activities Commission~~ WVSSAC, or its Executive Director, or within such further time as the Review Board may allow, ~~said the~~ Commission or ~~said the~~ Executive Director shall transmit to ~~such the~~ Review Board, the original or a certified copy of the entire record of the proceedings under review, including a transcript of all testimony and all papers, motions, documents, evidence, and records as were before the ~~said the~~ Commission, all Commission staff memoranda submitted in connection with the case, and a statement of matters officially noted; but, by stipulation of all parties to the review proceedings, the record may be shortened. The expense of preparing such record shall be taxed as a part of the costs of the appeal. The appellant shall provide security for costs involved. Upon demand by any party to the appeal, ~~said the~~ Commission shall furnish, at the cost of the party requesting same, a copy of such record. In the event the complete record is not filed with the Review Board within the time provided for in this section, the appellant may apply to the Review Board to have the case docketed, and the Review Board shall order such record filed. Failure of the ~~said the~~ Commission to file the record within the time stipulated shall automatically stay the enforcement of the order or decision of the Board of Directors, in that particular case, and such stay shall continue until such record is filed.

13.4.b. Appeals taken on questions of law, fact, or both, shall be heard upon assignment of error filed in the case or set out in the briefs of the appellant. Errors not argued by brief may be disregarded, but the Review Board may consider and decide errors which are not assigned or argued.

13.4.c. The review shall be conducted by the Review Board without a jury and shall be upon the records made before the Commission, except that in cases of alleged irregularities in procedure before the Commission not shown in the record, testimony thereon may be taken before the Review Board. The Review Board may hear oral arguments and require written briefs.

13.5. After hearing all evidence and arguments, the Review Board shall render a decision in one (1) of three (3) forms:

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13.5.a. Sustaining the ruling of the Board of Directors;

13.5.b. Reversing the ruling of the Board of Directors; or

13.5.c. Remanding the matter to the Board of Directors for further action.

13.5.c.1. The ~~Board of Review~~ Board shall reverse, vacate, or modify the order or decision of the Board of Directors if the substantial rights of the petitioner or petitioners have been prejudiced because the administrative findings, inferences, conclusions, decisions, or orders are:

13.5.c.1.A. In violation of constitutional or statutory provisions;

13.5.c.1.B. In excess of the statutory authority or jurisdiction of the Commission;

13.5.c.1.C. Made upon unlawful procedures;

13.5.c.1.D. Affected by other error of law;

13.5.c.1.E. Clearly wrong in view of the reliable probative and substantial evidence on the whole record; or

13.5.c.1.F. Arbitrary or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

13.5.c.2. Four (4) members, present and eligible to vote, shall constitute a quorum for the Review Board to transact all business.

13.5.c.3. A majority vote of those members of the Review Board in attendance at any hearing shall be required to render a decision. Such decision shall be final and binding on all parties concerned.

13.5.c.4. Within thirty (30) days from the date of any hearing, the Review Board shall make a written report of its decision, stating briefly therein its reasons for such a decision. Copies of the report shall be mailed to the State Superintendent of Schools, the Executive Director of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC and, upon written request, to other interested parties.

13.6. Nothing in these regulations shall be construed to limit the Board of Directors in performing its regular duties as provided in the regulations of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC; in making investigations and initiating proceedings against any member of ~~said the~~ Commission; in making interpretations of the rules of eligibility of student athletes or band members; or in imposing penalties for the violations of any rules, regulations, or bylaws of ~~said the~~ Commission.

13.6.a. §127-1-8.5 of the Constitution, and §127-6-3.2 of these regulations which infer or state that decisions of the Board of Directors are final are hereby modified only to the extent that such final ruling of the Board of Directors may be appealed within the time limit in the manner prescribed elsewhere in these regulations and affirmed, reversed, or remanded by the Review Board.

### **§127-1-14. Rules and Regulations.**

14.1. The Constitution and Bylaws of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC are the rules and regulations of ~~said the~~ the Commission.

**§127-1-15. Board of Trustees.**

15.1. The Board of Directors shall appoint a five (5) member Board of Trustees. Each trustee shall be a principal of a member school and shall serve ~~during at~~ during at the will and pleasure of ~~said the~~ the Board of Directors. Two (2) or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as trustees at the same time.

15.2. The Board of Trustees and their lawfully appointed successors shall hold title to all real estate and other property owned by the ~~West Virginia Secondary School Activities Commission~~ WVSSAC except as shall be directed otherwise by the Board of Control.

15.3. The Board of Trustees shall elect from the membership thereof, to hold office for a term of one (1) year or until a successor shall be elected, a chairman and, if need requires, a vice-chairman, secretary and treasurer.

15.4. The Board of Trustees shall serve without pay or honorarium.

15.5. If it so elects, the Board of Control shall direct the Board of Trustees to incorporate in accordance with the pertinent laws of West Virginia and in such manner as will fully protect and exempt from any and all legal liability the individual officers and members, jointly and severally, of the ~~West Virginia Secondary School Activities Commission~~ WVSSAC for an account of the debts and other obligations of every kind and description of ~~said the~~ the Commission.

15.6. Should a trustee withdraw from membership of the Commission or be excluded therefrom, ~~his~~ that trusteeship therein shall automatically cease from the date of such withdrawal or exclusion.

15.7. Should a trustee refuse, within five (5) days from the receipt thereof, to execute a legal instrument relating to any property of the Commission, when directed to do so by the Board of Control or the Board of Directors, and when all legal requirements have been satisfied with reference to execution, the Board of Directors may declare ~~his that~~ his that membership on the Board of Trustees vacated.

15.8. The Board of Control and/or the Board of Directors may direct the trustees with respect to the purchase, sale, mortgage, encumbrance, construction, repairing, remodeling and maintenance of any and all property, real and personal, as may be committed to ~~said the~~ said the trustees by ~~said the~~ said the Board of Control or Board of Directors.

West Virginia Secondary School Activities Commission (WVSSAC)

Series 1, Constitution

COMMENT PERIOD ENDS: July 16, 2018

COMMENT RESPONSE FORM

**NOTICE:** Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on WVSSAC Series 1, Constitution. Additional sheets may be attached, if necessary.

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Please check the box below that best describes your role.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family     |
| <input type="checkbox"/> Principal                    | <input type="checkbox"/> Teacher             | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff   | <input type="checkbox"/> Service Personnel   | <input type="checkbox"/> Community Member  |

COMMENTS/SUGGESTIONS
Removal of "9 <sup>th</sup> grade" (inclusive of "junior high") throughout Series 1.
Other proposed changes to Series 1; please identify section associated with your comment(s).

Please direct all comments to:

Mr. Bernie Dolan  
Executive Director  
West Virginia Secondary School Activities Commission  
2875 Staunton Turnpike  
Parkersburg, West Virginia 26104  
Telephone No.: (304) 485-5494  
Fax No.: (304) 428-5431