



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-05
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Series 5, Band Activities
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

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 5 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 5, Band Activities.

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 5, Band Activities.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	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
2. Estimated Total Revenues	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 5, Band Activities.

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 9th Grade. (Vote: Yes-134 No-0)
2. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
3. Middle Schools in WV do not include 9th 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 9th Grade. (Vote: Yes-134 No-0)
11. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
12. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
13. Middle Schools in WV do not include 9th 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 9th Grade. (Vote: Yes-134 No-0)
16. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
17. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
18. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
19. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
20. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
21. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
22. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
23. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
24. Middle Schools in WV do not include 9th 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 9th Grade. (Vote: Yes-134 No-0)
27. Middle Schools in WV do not include 9th Grade. (Vote: Yes-134 No-0)
28. Middle Schools in WV do not include 9th 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 9th grade.

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 9th grade.

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 9th grade.

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.

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.

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), 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

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.

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.~~

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 their own choosing. This is a return to the former rule of the same option.

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 9th grade.

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 9th grade.

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 9th grade.

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 9th grade.

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.

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.

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 9th grade.

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 9th grade.

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 9th grade.

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 9th grade.

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 9th grade.

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 9th grade.

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

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

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

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

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

28.8.c. There shall be one season for tennis in middle school/~~9th 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 9th grade.

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

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

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

29.9.c. Participation limitation: Middle school/~~9th 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 9th grade.

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

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

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

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

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

Constitution & Bylaws Committee

Rationale:

Middle Schools in WV do not include 9th grade.

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.

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 9th grade.

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 9th grade.

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 9th grade.

127CSR5

TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

SERIES 5
BAND ACTIVITIES

§127-5-1. General.

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

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 127CSR5, West Virginia Secondary School Activities Commission Series 5, Band Activities, filed June 7, 2002, and effective August 5, 2002.

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

2.1. All members of a member school band must be enrolled in that school; ~~Rule §127-5-2.3 and 127-5-2.4 will be is~~ 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 7th and eighth 8th grades of feeder elementary schools or any grade of a feeder junior high school~~ which does not have its own band and who receive their instruction from the band director of the senior high band in which said the students will eventually enroll and which feeder school does not have a band of its own shall be eligible to participate in the band directed by their instructor.

~~2.4. Ninth grade instrumental music students, in feeder school grades 7 through 9, are eligible to participate in the marching band program of the high school in which they will eventually enroll if the feeder school does not afford students the opportunity to participate in a marching band and they are otherwise eligible.~~

~~2.54. 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.~~

~~2.65. Students enrolled in middle schools~~ students who are enrolled in serving grades five through eight may be eligible to participate in all band activities.

§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. All students are required to be enrolled in the equivalent of at least four (4) content area course credits toward graduation. Failure to earn passing marks in four full credit subjects during a semester the equivalent of at least four (4) content area courses toward graduation shall render a student ineligible for the following semester.~~

3.1.1a. Two (2) of those four (4) ~~full credit subjects~~ content area course credits must be in English-language arts, social studies, mathematics or science, and may or may not be in the same ~~area~~ subject.

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

3.1.3c. If a student is taking a multiple period subject block course, such as vocational courses for a full morning or afternoon, it may be counted as more than one (1) subject course. The number of subjects courses counted will be equal to the units of full credits given; however, ~~part (a) above must also be met. §127-5-1.1 and §127-5-1.2 apply.~~

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

3.3. ~~Schools providing for planned programs of independent learning during the regular school term may not wish to require all students to attend classes for 4050 minutes during a semester. In such instances, full credit may be awarded for satisfactory performance provided that it meets standards established by the county and West Virginia Department of Education.~~

3.42. Full credit may be awarded for subjects in addition to those offered by the school as well as outside courses and experimental programs developed by the school itself provided that it meets standards established by the county and West Virginia Board of Education. Such credit must be earned during the regular school term.

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

3.64. Scholastic deficiencies cannot be made up after the last day of the semester, except ~~in a case where~~ when a student's ~~whose~~ final examination(s) and course credit ~~is~~ are delayed due to illness ~~which can be verified by a physician.~~

3.75. In all cases, the official school transcript ~~will be used to~~ determines a student's eligibility and ~~will be~~ is regarded as final.

3.86. A student promoted to the ~~seventh~~ 7th grade for the first time is considered to have satisfied scholastic requirements and is permitted to participate during the first semester of ~~his~~ initial enrollment in that grade, provided the student is otherwise eligible.

§127-5-4. Festivals - Band.

127CSRS

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

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

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

4.4. ~~First-year~~ Newly established programs ~~will~~ are not be required to participate in the regional festival.

§127-5-5. Sanctioning - Band.

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

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

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

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

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

§127-5-6. Awards - Band.

6.1. Only a member school or a non-school organization sponsoring an activity approved by this Commission may give the following awards to a student or band: medal, trophy, cup, certificate, ribbon, plaque, unattached letter, unattached chevron, or similar award.

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

6.2.1 ~~a.~~ from a member school for participation;

6.2.2 ~~b.~~ in a sanctioned event; or

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

127CSRS

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

6.3.~~1a~~. Wearing apparel - sweaters, jackets, etc.;

6.3.~~1b~~. Equipment - radio, television, etc.;

6.3.~~1c~~. Music instruments, batons, etc.; and

6.3.~~1d~~. Money - (Scholarship to institutions of higher learning are exempted).

6.4. ~~Bands of m~~Member school bands 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 for a student of an item mentioned in ~~Section §~~127-5-6.3.1-4 whereby a portion is donated by a school, booster club, auxiliary agency, or any other group or organization is prohibited.

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

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

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

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

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

7.3. Enrollment standard for schools will be the active enrollment of the total number of students in grades 9, 10, ~~and~~ 11 and 12.

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

West Virginia Secondary School Activities Commission (WVSSAC)

Series 5, Band Activities

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 5, Band Activities. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- School System Superintendent
- School System Staff
- Parent/Family
- Principal
- Teacher
- Business/Industry
- Professional Support Staff
- Service Personnel
- Community Member

COMMENTS/SUGGESTIONS
Removal of "9th grade" (inclusive of "junior high") throughout Series 5.
Other proposed changes to Series 5; 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