



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: 127-02

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Series 2, Athletics, Provision Governing Eligibility

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; prevent acquiring temporary residence in another school zone for athletic eligibility; allow students coming from another sport to practice 2 less days; and, addition of a new Emergency Action Plan to the Rules & Regulation Handbook. Series 2 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 2, Athletics, Provision Governing Eligibility.

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 2, Athletics, Provision Governing Eligibility.

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 2, Athletics, Provision Governing Eligibility.

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 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.

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TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

SERIES 2
ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

§127-2-1. General.

1.1. Scope. -- These rules establish the provisions governing student eligibility to participate in interscholastic athletics.

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

1.3. Filing Date. -- ~~July 13, 2017.~~

1.4. Effective Date. -- ~~September 11, 2017.~~

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 127CSR2, West Virginia Secondary School Activities Commission Series 2, Athletics, Provisions Governing Eligibility, filed ~~July 9, 2015~~ July 13, 2017, and effective ~~September 8, 2015~~ September 11, 2017.

§127-2-2. Waivers.

2.1. The Board of Directors is authorized to grant a waiver to a rule when it determines the rule fails to accomplish the purpose for which it is intended or when the rule ~~works~~ causes extreme and undue hardship upon the student.

2.2. Speculative loss of college scholarship is not considered a basis for granting a waiver to these rules.

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

3.1. To be eligible for participation in interscholastic athletics, a student must be enrolled full-time in a member school as described in ~~Rule~~ §127-2-6 on or before the eleventh instructional day of the ~~school~~ academic year. Enrollment must be continuous after the student has officially enrolled in the school.

3.2. Students can participate in interscholastic activities only in schools in which they are enrolled; however, an exception may be granted by the Board of Directors as follows:

3.2.a. if a feeder school does not afford students the opportunity to participate and they are otherwise eligible.

3.2.b. for students from the WV Schools for the Deaf and the Blind (WVSD&B) to participate at Hampshire High School or Romney Middle School (only in sports not available at WVSD&B).

3.2.c. ~~if in~~ Member schools containing grades 6 and/or 7 and/or 8 may combine students from two or more schools within the county to form one interscholastic team in a sport. Requests for permission to combine students from two or more schools in the same ~~non-public~~ private/parochial or public school system must be submitted annually to the West Virginia Secondary School Activities Commission (WVSSAC) in writing by the superintendent of the ~~non-public~~ private/parochial or public school system. Schools which are combining to form one team must be feeder schools for the same high school, and at least one school ~~does not~~ must have sufficient numbers for a team. If more than two schools are involved, principals are to evaluate the number of available participants in each school and shall combine schools to provide as many teams ~~that sufficient~~ as sufficient numbers ~~will~~ allow. Sufficient numbers will be defined as the number of a starting line-up plus 50% (for odd number line-ups, round up).

3.2.d. Students enrolled in the ninth grade ~~of a four, five or six year high school~~ may participate only on the high school teams. ~~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 at a high school 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~~ the player enters the game.

3.2.e. Students at a middle feeder school who are not provided the opportunity to participate because of age may move up to their high school if granted permission by the county board of education or governing body of a private/parochial school and the school principals involved.

3.3. A student academically ineligible by rule may begin practicing 15 school days immediately prior to the dates of regaining full eligibility provided all other eligibility requirements are met.

3.4. Students enrolled in the following grades in member schools will be eligible for ~~freshman/~~ middle school participation.

3.4.a. ~~Middle School~~ Grades 6, 7, and 8 may compete with and against schools/teams of the same configuration.

3.4.b. Stand-alone ~~freshman~~ 9th grade programs at a high school may compete with and against schools/teams of the same grade configuration. An 8th grade student not provided the opportunity to participate at their member school because the sport is not offered may choose to participate on a stand-alone ~~freshman~~ 9th grade team at their feeder high school, provided the student is otherwise eligible.

3.5. ~~Sixth grade students may be eligible to participate in interscholastic sport teams in the middle school in which they are enrolled. Beginning school year 2009-2010~~ sixth grade students may be are eligible to participate in all interscholastic sport teams, including football, in the middle/feeder elementary school in which they are enrolled.

3.6. Students who are enrolled in a grade below the ninth are not eligible for a high school team. Students enrolled in a grade below the sixth will not be eligible for a middle school team.

3.7. ~~Senior~~ Twelfth grade students will be eligible for spring sports until the close of the school's season.

3.8. Schools may sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill. If a school sponsors a team in a particular sport for members of one sex but sponsors no such team for members of the other sex, and athletic opportunities for members of that sex previously have been limited, members of the excluded sex must be allowed to try out for the team offered. For example, because overall athletic opportunities for females have previously been limited, females will be allowed to try out for baseball, but males will not be allowed to try out for volleyball or softball.

3.9. Students enrolled at West Virginia School for the Deaf will be allowed to participate in sports at the West Virginia School for the Blind. Students from the West Virginia School for the Blind will be allowed to participate in sports at the West Virginia School for the Deaf.

3.10. Boarding students at member schools, with the exception of students at ~~the WV Schools for the Deaf and Blind~~ WVSDB, are not eligible. (Definition: A boarding student is one who receives room and board that is provided by ~~said~~ the school unless such residence is based on Court Order or State Action.)

§127-2-4. Age.

4.1. A student in high school who becomes 19 ~~before August 1~~ and a student in ~~junior high~~ middle school who becomes 16 before August 1 shall be ineligible for interscholastic competition.

~~4.2. A student in high school who becomes 19 and a student in junior high school who becomes 16 on or after August 1 shall remain eligible for the entire year.~~

~~4.32. A student in a middle school (eighth grade being the highest grade) grade 8 or below who becomes 15 before August 1 shall be ineligible for interscholastic competition at that level.~~

~~4.43. A student in a middle school (eighth grade being the highest grade) grade 8 or below who becomes 15 on or after August 1 shall remain eligible for the entire ~~school~~ academic year at that level.~~

§127-2-5. Semester and Season.

5.1. A student may have the privilege to participate in the interscholastic program for four consecutive years (eight consecutive semesters or equivalent) after entering the ninth grade ~~of a four year high school~~.

5.2. While in grades 6, 7, and 8, ~~A~~ a student shall not participate in more than three seasons ~~while in grades 6-7-8~~ in any single interscholastic activity.

5.3. Ten days of attendance or enrollment shall constitute a semester of eligibility. ~~Said~~ Ten days includes the day of enrollment, the last day of attendance, and the elapsed time between, provided that they are days when school was actually in session.

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5.4. The number of semesters of athletic eligibility of a student is determined by semesters of enrollment and attendance and not by semesters of participation. (This applies for students in grades 9-12 only).

5.5. A student whose eligibility expires with the end of a semester shall not become ineligible until report cards are issued or five school days into the next semester, whichever ~~is less~~ occurs first. The student will be considered eligible any days between the two semesters.

5.6. Any part of a contest or interscholastic event in which a student competes shall be counted as a season for that sport in grades 6-12 and a semester of participation in grades 9-12.

5.7. The Board of Directors is authorized to grant a waiver to the Semester and Season Rule when it feels the rule fails to accomplish the purpose for which it is intended and when the rule ~~works~~ causes extreme and undue hardship upon the student. Waivers may be granted in the following circumstances:

5.7.a. The Board of Directors is authorized to consider cases in which a student entering ~~high school 9th grade~~ (explained in Rule 127-2-5.1) did not stay in continuous enrollment because of personal illness, or no school was available, or because of other undue hardship reasons ascertained through investigation.

5.7.b. The Board of Directors may provide release from the continuous enrollment restriction provided no participation had~~s~~ occurred during the semester(s) in question.

5.7.c. In no event may a student be allowed to participate ~~in~~ for more than four (4) seasons in any one sport in grades 9-12.

5.8. The Board of Directors may also assess appropriate penalties to the student or to the school if ~~said~~ the Board of Directors determines through its investigation that ~~said~~ the student or ~~said~~ the school ~~did try~~ tried to evade the rule by subterfuge.

§127-2-6. Scholarship.

6.1. A student is required to be enrolled in the equivalent of ~~at least 20 periods (four subjects with full credit toward graduation) per week~~ four (4) content area courses toward graduation.

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

~~6.1.b. The student may select four full credits from any area of the curriculum offered by the school.~~

~~6.1.ea. If a student is taking a multiple period subject course, such as block or vocational courses for a full morning or afternoon, it may be counted as more than one subject course. The number of subjects counted will be equal to the units of full credits given.~~

~~6.1.eb. If a student has been declared ineligible according to the standards outlined above, the student may attend summer school and have eligibility reinstated if the student meets the standards at the conclusion of summer school.~~

6.1.ec. If a student has been declared ineligible according to the standards outlined above, the student may have eligibility reinstated at ~~midsemester~~ midpoint of the course if the student is meeting the standards at that time.

~~6.2. Note: Full credit is defined as one half credit for a semester or 4050 minutes as provided by West Virginia Board of Education §126 42 1 et seq., "Assuring the Quality of Education: Regulations for Education Programs" (Policy 2510).~~

~~6.3. Schools providing for planned programs of independent learning during the regular school term may wish not 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.~~

~~6.4. Full credit may be awarded for subjects in addition to those offered by the school as well as experimental programs developed by the school itself provided that it meets standards established by the county and West Virginia Department of Education.~~

6.52. A student not attempting four (4) full credit subjects during a semester must complete ~~one~~ nine weeks of school work to regain consideration for eligibility.

6.63. Any student who withdraws from school and does not re-enroll within 10 school days of that withdrawal date will lose eligibility for the remainder of that semester.

6.74. Credit deficiencies cannot be made up after the last day of the semester, except in a case where a student whose final examinations and course credit are delayed due to illness ~~which can be~~ verified by a physician or as established by local ~~B~~board of Education Policy.

6.85. The official school transcript will be used to determine a student's eligibility and will be regarded as final.

6.96. In accordance with §126CSR26, West Virginia Board of Education (WVBE) Policy 2436.10, Participation in Extracurricular Activities (C-Rule), students must maintain a 2.0 grade point average to participate in interscholastic athletics.

§127-2-7. Residence-Transfer.

7.1. Part A - Residence - This residence rule applies to all students enrolled in grades 6-12 in ~~both public and non-public~~ all member schools.

7.1.a. A student shall be eligible in the school located in the attendance zone in which the student's parents reside. Public secondary school attendance zones shall be established by official action by each county ~~B~~board of Education. The attendance zones of a ~~non-public~~ private/parochial member school shall be identical with the attendance zone of the public school in which the ~~non-public~~ private/parochial member school is located. In the event of overlapping attendance zones, a student shall be eligible at the school in which the student first chooses to enroll upon entering the ~~ninth~~ ninth grade.

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7.1.b. When a town or city is located in two counties and only one public secondary school is located in the town or city, students living in the town or city may attend this secondary school if mutually agreed upon by the two county boards of education and approved by the Board of Directors. A student shall be eligible at the school in which the student first chooses to enroll upon entering 9th grade.

7.1.c. A student who is in the care of the West Virginia Department of Health and Human Resources (WVDHHR) shall be eligible to participate in interscholastic athletics as a member of the athletic teams of the secondary school in the zone in which ~~said the West Virginia Department of Health and Human Resources~~ WVDHHR places the student in a home, provided the student is otherwise eligible.

7.1.d. A student entering a school as an "unaccompanied youth" under the conditions of the federal McKinney-Vento Act may be granted eligibility for interscholastic competition by the Board of Directors in accordance with ~~Rule §127-2-21~~.

7.1.e. A student may be eligible outside the specified zone of attendance if the student has been in attendance in that zone the immediate preceding year (365 days). There can be no change of residence involving change of attendance zone during the immediate preceding year (365 days).

7.1.f. A student whose parents have resided in the school zone for a minimum of one academic year, ~~at~~ during which the student has been in attendance for a minimum of one academic year, and whose parents make a bona fide change of residence to a new school zone during the ~~school term~~ academic year may:

7.1.f.1. Retain eligibility as long as ~~said the~~ student retains continuous enrollment and attendance, ~~or;~~

7.1.f.2. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school, ~~or;~~

7.1.f.3. Transfer at any time prior to the start of the next ~~school~~ academic year to the school in the attendance zone in which ~~his~~ the student's parents are residing and be eligible for interscholastic activities at the receiving school.

7.1.f.4. However, a student who has started participation in a sport, which would include practice or contest, that they were participating in at a WVSSAC member school, may not participate in that sport for that sport season at the WVSSAC member school to ~~where~~ which they transferred, so long as that transfer was within one contiguous county of their former member school.

7.1.g. A student whose parents have resided in the school zone for less than one academic year, ~~at~~ during which the student has been in attendance for less than one academic year, and whose parents make a bona fide change of residence to a new school zone during the school term may:

7.1.g.1. Retain eligibility for the balance of the academic year, provided the ~~said~~ student retains continuous enrollment and attendance, ~~or;~~

7.1.g.2. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school, ~~or;~~

7.1.g.3. If a student chooses to remain enrolled at the school outside the attendance zone in which ~~his/her~~ the student's parents reside at the conclusion of the academic year the student will be ineligible for the next academic year.

7.1.h. Foreign exchange students, attending a member school under the auspices of a Council on Standards for International Educational Travel (CSIET) student exchange program, shall be considered eligible regarding residence for a maximum period of one calendar year. ~~Said~~ A foreign exchange student may not be a graduate of the secondary school of the home country and must maintain eligibility in a member school. A foreign exchange program must assign students to schools by a method which insures that no student, school, or other interested party may influence the assignment for athletic purposes.

7.1.i. A student returning from an approved foreign exchange program may resume interscholastic competition in ~~a~~ the member school in which the student was enrolled at the point of interruption, provided the student does not fulfill graduation requirements while participating in the exchange program and provided the student meets all requirements relative to age and semesters of eligibility.

7.2. Part B - Transfer.

7.2.a. If a student transfers during the ~~school~~ academic year from one secondary school to another secondary school, ~~said~~ the 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; in that the original residence 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, (e.g. 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.

7.2.b. If the transfer is from a ~~non-public~~ private/parochial school to a member school in the zone where the student's parents reside, a student is eligible providing: (1) the student is enrolling in a member school for the first time, and (2) the principals of both ~~non-public~~ private/parochial and member schools involved concur that undue influence is not involved with the transfer.

7.2.c. A student may be transferred from one attendance zone to another zone within the same county by a county board of education and maintain eligibility. The transfer must be initiated by county board of education personnel to fulfill certain special education programs(s) not available in the

attendance zone from which the student is transferred. Upon the completion of the special program, the student must return to the attendance zone of the student's residence.

7.2.d. For the purpose of athletic eligibility, the Commission does not recognize emancipated minor status as it relates to transfer, except as might occur in marriage and relocation to another school zone.

7.2.e. Notwithstanding any other provisions of WVSSAC rules and regulations, if a student transfers for athletic reasons, the student will be ineligible for 365 days from the date of enrollment. A transfer for athletic reasons depends upon the facts of each case and is defined as, but not limited to:

7.2.e.1. Seeking a superior athletic team;

7.2.e.2. Seeking a team consistent with the student's ability;

7.2.e.3. Seeking relief from conflict with the philosophy or action of an administrator, teacher, or coach relating to athletics;

7.2.e.4. Seeking a means to nullify punitive action by the previous school.

7.2.f. If a student enrolls ~~that~~ who has been released and accepted by formal actions of county boards of education or similar governing bodies of a ~~non-public~~ private/parochial school which have verified that such transfer is not for athletic purposes, ~~said~~ the student will be granted immediate eligibility provided all other rules are met. The enrollment transfer must occur at the beginning of the 9th grade ~~school~~ academic year with the student enrolled on or before the eleventh instructional day of the beginning of the ~~school~~ academic year and provided that ~~said~~ the student is residing with the parents. With respect to a student whose parents reside in an attendance zone containing more than one member school, at the time of enrollment in an out-of-district school at the beginning of the student's 9th grade ~~school~~ academic year, the student must identify a "home" school. In the event the student later elects to ~~avail himself or herself of~~ utilize the "transfer back" rule (§127-1-7.2.g), the student is only eligible to transfer back to the identified "home" school. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

7.2.g. ~~TRANSFER BACK.~~ Transfer Back. During the 9th, 10th, 11th, and 12th grades, a student shall be entitled to one transfer back from a school located outside the attendance zone where the student's parents reside into the member school located within the attendance zone where the student's parents reside. This school must be the home school identified in the initial enrollment in the out of district school. Any student transferring under the provisions of this rule will not become eligible until the completion of the ~~school~~ academic year in which ~~said~~ the transfer occurs. Eligibility will begin with the succeeding fall sports season, or immediately if the transfer back is completed on or before the eleventh instructional day of the beginning of the ~~school~~ academic year. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

7.2.h. If a member middle school student is released and accepted by formal actions of county board of education or ~~similar~~ governing bodies of a ~~non-public~~ private/parochial school which have verified that such transfer is not for athletic purposes, ~~said~~ the student will be granted immediate eligibility provided all other rules are met. The transfer must occur at the beginning of the ~~school~~ academic year with the student enrolled on or before the eleventh instructional day of the beginning of

the ~~school~~ academic year and provided that ~~said~~ the student is residing with the parents. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school.

7.2.i. The eligibility of a student whose parents are divorced or legally separated is determined by court decree establishing residency with one parent.

7.2.j. After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for 365 days from date of enrollment unless a change of residency is decreed by the court.

§127-2-8. Adoption/Guardianship.

8.1. A student shall be eligible to participate in interscholastic athletics and activities only if: (1) residing with one or both of the parents; (2) residing with a testamentary guardian following the death of the parents; or (3) residing in a location where the student was placed by the ~~West Virginia Department of Health and Human Resources~~ WVDHHR pursuant to WVSSAC Rule §127-2-7.1.c.

8.2. The residence of a testamentary guardian shall constitute the residence of the ward when, and only when: (1) ~~such~~ the testamentary guardian has been duly appointed by the last will and testament of the student's last surviving parent; (2) ~~said~~ the testamentary guardian has duly qualified as such before the proper tribunal in West Virginia; and (3) the student is actually residing in the household of the testamentary guardian at the time of the student's sport participation.

8.3. Notwithstanding any other provision of the WVSSAC rules and regulations, any student residing with a guardian/custodian other than a testamentary guardian may not compete for a school in any sport on the varsity level but may compete at the junior varsity level. If a student elects to participate at the junior varsity level pursuant to this rule, the student may not participate at the varsity level even after being enrolled at the school for 365 days. However, if a student elects to participate at the junior varsity level pursuant to this rule, and then commences to reside with a custodial parent, the student may participate at the varsity level notwithstanding the fact that the student had previously participated at the junior varsity level pursuant to this rule.

8.4. Notwithstanding any other provisions of WVSSAC rules and regulations, legal guardian/ custodian may not be changed for athletic reasons. A transfer for athletic reasons is defined as, ~~but not limited to~~ in §127-2-7.2.e.1-4.

~~8.4.a. Seeking a superior athletic team;~~

~~8.4.b. Seeking a team consistent with the student's ability;~~

~~8.4.c. Seeking relief from conflict with the philosophy or action of an administrator, teacher or coach relating to athletics;~~

~~8.4.d. Seeking a means to nullify punitive action by the previous school.~~

§127-2-9. Undue Influence - Recruiting.

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9.1. The use of influence by a person or group, connected or not connected with the school, to secure or retain a student for athletic participation is not permitted and may cause the student to be ineligible and may cause certain sanctions to be placed against the member school.

9.2. An employee of the school system shall not initiate any communication regarding athletic participation or enrollment with a student, parent of a student, guardian, or family member, in person or through a third party, prior to enrollment. This does not include the introduction of athletic programs to students at feeder schools.

9.3. A student, parent of a student, or guardian shall not be offered for the purpose of encouraging enrollment in a school or participation in an athletic program any inducement, such as free tuition, jobs, supplies, uniforms, other than that which is provided for all students.

§127-2-10. Non-school Participation.

10.1. During the ~~school~~ academic year and while a member of a school team, a student shall neither participate, which ~~would~~ includes, but is not limited to, fund-raising activities, team picture, tryouts, etc., on any formally organized non-school team in the same sport, nor shall the student compete as an individual unattached in non-school formally organized competition in the same sport. The following sports are exempted from the provisions of this rule: cross country, golf, swimming, tennis, track, and wrestling, ~~provided that:~~

10.1.a. participation is approved by the student's principal; and

10.1.b. the student misses no school-sponsored athletic contest involving a team in that sport.

10.2. A student may participate as a member of a national team (and the actual, direct tryouts thereof) which is defined as:

10.2.a. one selected by the national governing body of the sport; ;

10.2.b. while representing the National Federation in an International Schoolsport Federation; ;
or

10.2.c. as a representative of the United States in recognized national or international events; or

10.2.d. a qualifier for the West Virginia Golf Association's Amateur Championship or the United States Golf Association's United States Amateur Championship.

10.3. A student who has participated on a non-school team or as an individual unattached in non-school formally organized competition after the beginning practice date of that sport will be ineligible for participation on that school team for that season in that particular sport except as provided by ~~Rules~~ §§127-2-10.1 and 10.2.

§127-2-11. Amateur.

127CSR2

11.1. A student who represents a school in an interscholastic sport shall be an amateur in that sport. An amateur athlete is one who engages in athletic competition solely for the physical, mental, social, and pleasure benefits derived therefrom. An athlete forfeits amateur status in a sport by:

11.1.a. competing for money or other monetary compensation (allowable travel, meals, and lodging expenses may be accepted);

11.1.b. receiving any award or prize of monetary value which has not been approved by the WVSSAC;

11.1.c. capitalizing on athletic fame by receiving money or gifts of monetary value (scholarships to institutions of higher learning are specifically exempted);

11.1.d. signing a professional playing contract in that sport.

11.2. Accepting a nominal, standard fee or salary for instructing, supervising, or officiating in organized youth sports program or recreation, playground, or camp activities shall not jeopardize amateur status. "Organized youth sports program" includes both school and non-school programs. Compensation for giving private lessons is permissible if approved by the WVSSAC.

11.3. A student who loses amateur status may apply to the WVSSAC for reinstatement in the interscholastic program after a waiting period of one complete high school season (starting practice date through state tournament or end of season) for that sport.

11.4. A senior student may participate in a professional tryout either during or after the season of that sport provided that:

11.4.a. ~~that~~ it does not occur on the day of a school contest of that sport; ~~or~~ and

11.4.b. ~~that~~ it meets with the principal's approval.

§127-2-12. Participation as an Ineligible.

12.1. Any student who participates in an interscholastic athletic contest as an ineligible, either knowingly or inadvertently, shall be ineligible for a period not to exceed 365 days as determined by the Executive Director.

§127-2-13. Practice.

13.1. Only students enrolled and eligible to be listed on the eligibility certificate for that sport in the specific member school are allowed to participate in that school's practices. Exceptions - ~~Rules~~ §§127-2-3.2, 127-2-3.5 and 127-2-13.6.

13.2. The frequency and length of practice is at the discretion of each member school.

13.3. Member schools of the WVSSAC may practice on any day of the year with the exception of Sunday practice. ~~Rule~~ §127-3-14.2 further clarifies Sunday practice.

13.4. Individual players of a team must have practiced:

13.4.a. on 7 ~~SEPARATE~~ separate days before participating in an interscholastic scrimmage.

13.4.b. on 14 ~~SEPARATE~~ separate days, exclusive of the day of a contest, before participating in an interscholastic contest. The following sport(s) is exempted from the provisions of this rule: golf.

13.4.c. A student athlete who is absent from practice with their team for non-medical reasons, and not under a doctor care, for more than fourteen (14) consecutive days must have the required full fourteen (14) practice days before resuming participation in a contest. Students participating in football must follow the practice progression as set forth in ~~Rule~~ §127-3-23.

13.5. A student shall not be permitted to engage in interscholastic practice until that student has filed with the principal a completed Athletic Participation/Parental Consent/Physician's Certificate Form. ~~Rule~~ §127-3-3 further explains this required form.

13.6. A student academically ineligible may begin practicing 15 school days immediately prior to the date of regaining full eligibility. (All other ineligible students may not practice.)

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 ~~seven~~ five (5) 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 ~~seven~~ five (5) separate days of sport specific practice in the second sport.

§127-2-14. Concussion.

14.1. Pursuant to W. Va. Code §18-2-25a, Member schools are to provide information in the format approved by the WVSSAC Board of Directors to appropriate school administrators, coaches, interscholastic athletes, and their parents or guardians describing the nature and risk of concussion and head injury, including the risks of continuing to play or practice after a concussion or head injury. Annually, all interscholastic athletes and their parents are required to sign and return a statement that they have read the information provided to them prior to the interscholastic athlete beginning practice or competition for that scholastic year. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet: Athletic Participation/Parental Consent/Physician's Certificate Form (Physical Exam Form), A Parent's Guide to Concussions (Information to parents), available on the WVSSAC website at <http://www.wvssac.org>.)

14.2. Each head coach of member schools is required annually to complete a concussion and head injury recognition and return-to-play protocol course approved by the WVSSAC. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet: Coach's Course, available on the WVSSAC website at <http://www.wvssac.org>.)

14.3. An interscholastic athlete suspected of a concussion or head injury by a licensed health care professional or by the head coach or athletic trainer shall be removed from play or practice ~~may~~ and not return-to-play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return-to-play and practice from the licensed health care professional. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet: available on the WVSSAC website at <http://www.wvssac.org>.)

14.4. Any of the following who have appropriate training in the evaluation and management of head injuries shall be considered as the licensed health care professional enumerated in this rule:

- 14.4.a. Medical Doctor (MD);
- 14.4.b. Doctor of Osteopathy (DO);
- 14.4.c. Doctor of Chiropractic (DC);
- 14.4.d. Advanced Registered Nurse Practitioner (ARNP);
- 14.4.e. Physician Assistant (PA-C); or
- 14.4.f. Registered Certified Athletic Trainer (ATC/R).

14.5. Member schools must submit the concussion report form to the WVSSAC within 30 days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. (See, WVSSAC, Sports Medicine tab, Sports Medicine Packet, available on the WVSSAC website at <http://www.wvssac.org>.)

14.6. The West Virginia Board of Education shall be notified if any of the documents referred to in this section of the rule are revised, amended, or altered as to form or content. The documents shall include but not be limited to: Athletic Participation/Parental Consent/Physician's Certificate Form (Physical Exam Form); A Parent's Guide to Concussions (Information to Parents), Coach's Course, Return to Play Protocol, Concussion Report form. All forms are found in the WVSSAC Sports Medicine Packet and are available under the Sports Medicine tab, Sports Medicine Packet on the WVSSAC website at <http://www.wvssac.org>.)

§127-2-14. Emergency Action Plan (EAP).

15.1. On or before December 31, 2017, each member school shall adopt and submit to the WVSSAC and to the county board of Education an 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.a. 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.b. 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.c. 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.d. 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.e. 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.f. 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.g. 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.h. 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.i. Coordination with local Emergency Medical Systems. The EAP shall require that schools coordinate with their local Emergency Medical Services (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.j. 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.

West Virginia Secondary School Activities Commission (WVSSAC)

Series 2, Athletics, Provision Governing Eligibility

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 2, Athletics, Provisions Governing Eligibility. 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 th grade" (inclusive of "junior high") throughout Series 2.
§127-2-7.2.a.6. (Prevent acquiring temporary residence in another school zone for athletic eligibility.)
§127-2-13.7 and 13.8. (Allow students coming from another sport to practice 2 less days.)
§127-2-15. (Add new Emergency Action Plan to the Rules & Regulation Handbook.)
Other proposed changes to Series 2; 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