



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: 127-01

RULE TYPE: Legislative
Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Constitution (WVSSAC Series 1)

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); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/12/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director

ADDRESS: West Virginia Secondary School Activities Commission

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:

WVSSAC Series 1 establishes the organization and duties of the West Virginia Secondary School Activities Commission.

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

Amendments are brought forth to keep the West Virginia Secondary School Activities Commission current and updated on changes, trends, and issues in athletic, band, and other programs. 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 and are then submitted to the West Virginia Board of Education for review and placement on public comment. A full description of proposed changes is found in the Executive Summary.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of 127CSR1, WVSSAC Series 1.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of 127CSR1, WVSSAC Series 1.

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

There will be no economic impact on the state or its residents as a result of the proposed amendment of 127CSR1, WVSSAC Series 1.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 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

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

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of 127CSR1, WVSSAC Series 1.

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

Yes

Michele L Blatt -- 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 4, Provisions Governing Conduct**

**West Virginia Secondary School Activities Commission
Proposed Changes in Rules and Regulations**

BACKGROUND

The majority of public and most private schools in West Virginia belong to the West Virginia Secondary School Activities Commission. 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 State Board of Education for its review and approval.

PURPOSE

These amendments are brought forth to keep the West Virginia Secondary School Activities Commission current and updated on changes, trends and issues in the band and athletic programs.

These proposals were distributed for public comment in May and June. The West Virginia Secondary School Activities Commission will present to the Board the comments received for its review at the June meeting.

The West Virginia Secondary School Activities Commission staff, Constitution and Bylaws Committee, and Board of Control respectfully request that the proposed rule changes to the West Virginia Secondary School Activities Commission Rules and Regulations Handbook be approved.

CONTENT

Twenty-seven proposals were submitted by member schools for consideration; twenty-two proposals were approved. Following is a brief description of the proposal and outcome of the vote. Series 2 was further amended in compliance with recent legislative action.

1. Administration §127-1-5.1 (Vote: Yes-125 No-2 Proposal PASSED)
2. Review Board §127-1-13.4 (Vote: Yes-129 No-0 Proposal PASSED)
3. Scholarship §127-2-6 (Vote: Yes-116 No-17 Proposal PASSED)
4. Residence Transfer §127-2-7.1.f.4 (Vote: Yes-124 No-5 Proposal PASSED)
5. Duties and Responsibilities of the Principal §127-3-2.10 (Vote: Yes-65 No-68 *Proposal FAILED*)
6. Out of Season Coaching §127-3-7 (Vote: Yes-76 No-56 Proposal PASSED)
7. Out of Season Coaching §127-3-7.7 (Vote: Yes-125 No-12 Proposal PASSED)
8. Classification §127-3-10 (Vote: Yes-117 No-12 Proposal PASSED)
9. Appendix 1 §127-3 (Vote: Yes-112 No-16 Proposal PASSED)
10. Appendix 1 § 127-3 (Vote: Yes-58 No-72 *Proposal FAILED*)
11. Sanctioning and Travel §127-3-16.6 (Vote: Yes-129 No-1 Proposal PASSED)
12. Baseball §127-3-19 (Vote: Yes-105 No-21 Proposal PASSED)
13. Basketball (Boys and Girls) §127-3-20 (Vote: Yes-68 No-58 Proposal PASSED)

14. Basketball (Boys and Girls) §127-3-20 (Vote: Yes-109 No-20 Proposal PASSED)
15. Basketball (Boys and Girls) §126-3-20 (Vote: Yes-24 No-112 *Proposal FAILED*)
16. Football §127-3-23 (Vote: Yes-25 No-111 *Proposal FAILED*)
17. Soccer (Boys and Girls) §127-3-25 (Vote: Yes-102 No-9 Proposal PASSED)
18. Softball §127-3-26 (Vote: Yes-49 No-62 *Proposal FAILED*)
19. Softball §127-3-26 (Vote: Yes-93 No-16 Proposal PASSED)
20. Volleyball (Girls) §127-3-30 (Vote: Yes-122 No-0 Proposal PASSED)
21. Volleyball (Girls) §127-3-30 (Vote: Yes-131 No-0 Proposal PASSED)
22. Volleyball (Girls) §127-3-30 (Vote: Yes-116 No-7 Proposal PASSED)
23. Wrestling §127-3-31 (Vote: Yes-126 No-0 Proposal PASSED)
24. Code for Interscholastic Athletics §127-4-3 (Vote: Yes-130 No-0 Proposal PASSED)
25. Transfer §127-2-7.2 (Vote: Yes-131 No-0 Proposal PASSED)
26. Football §127-3-23 (Vote: Yes-129 No-0 Proposal PASSED)
27. Officers and Duties §127-1-6.4 (Vote: Yes-125 No-1 Proposal PASSED)

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
2023-2024 Proposed Rule Changes Passed by BOC

Proposal 1 (Vote: Yes-125 No-2)

Amend §127-1-5-1. Administration (Pg.5) as follows:

5.1. The administration of the WVSSAC shall be vested in the secondary school principal and who shall constitute a Board of Control. The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of the Commission and shall have charge of all Commission funds, and in order to expedite the regulations of activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constitute, and working through the Board of Directors, authority to interpret and enforce these regulations. The Board of Control shall delegate and assign to the Board of Trustees, hereinafter constitute, the power and authority to hold title to and manage the property owned by the Commission. These regulations of the Commission shall be the articles, rules, explanations, and interpretations which have been voted upon and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission. Fifty members shall constitute a quorum for the transaction of all business at the annual meeting and approval is by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission. If the result of a vote by the Board of Controls has a margin of five or less after the vote is counted, a second confirmation vote will be taken.

Rationale:

In situations of a close vote to margin of 5 or less, it is good practice to have a confirmation vote to verify the results and to rule out any counting errors.

Kenny Demoss, Principal
Parkersburg High School
Shawn Wheeler, Principal
Buffalo High School

Proposal 2 (Vote: Yes-129 No-0)

Amend §127-1-13.4. Review Board (Pg. 13) as follows:

13.4. Proceedings for review shall be instituted by filing a petition, ~~and five copies of same,~~ with the State Superintendent within 14 days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the WVSSAC or its Executive Director and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

Rationale:

Five copies are not needed.

Constitution & Bylaws Committee

Proposal 3 (Vote: Yes-116 No-17)

Amend §127-2-6. Scholarship (Pg. 20) as follows:

6.1. A student is required to be enrolled in the equivalent of four content area courses toward graduation. If the student is a senior, they are required to only be enrolled in the class(es) necessary for graduation.

Rationale:

West Virginia currently requires 22 credits for graduation. If schools operate on a block schedule or an eight period day, students could have 32 credits at the end of their high school career. If students take dual credit courses, they potentially may only need one credit their senior year to count for graduation.

Home school students currently only need one (virtual) course from the home school each year to be eligible to play, and these students will not be in the building at all except for practice and play. It seems that we are holding our traditional brick and mortar students to a higher standard than the home school students. This leads to issues that involve overfilled classes, as well as students enrolled in classes they do not like nor strive for achievement which then results in lower GPAs.

**Kendra Rapp, Principal
Nicholas County High School**

Proposal 4 (Vote: Yes-124 No-5)

Amend §127-2-7.1.f.4. Residence-Transfer (Pg. 22) as follows:

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~~, the former school may not participate in that sport for that sport season at the WVSSAC member school to which they transferred. ~~So long as that transfer was within one contiguous county of their former member school.~~

Rationale:

To clarify and consider the geographical location of every school and student residence, as well as provide fairness across the board for student-athletes with these circumstances.

**Kenny Demoss, Principal
Parkersburg High School
Alicia Riggelman, Principal
Musselman High School**

Proposal 6 (Vote: Yes-65 No-68 Proposal FAILED)

Amend §127-3-2.10 Duties and Responsibilities of the Principal (Pg. 41) as follows:

2.10. The principal, assistant principal, and athletic director of each member school shall be admitted to any WVSSAC sanctioned event. Vocational principals ~~and~~ assistant principals, and member-school feeder elementary principals and assistant principals shall also be admitted. This admittance will be by presentation of the WVSSAC Courtesy Card and a photo identification.

Rationale:

To allow feeder elementary principals and assistant principals from member schools admittance to all WVSSAC sanctioned events at no cost. A county level administrator has asked that it be proposed with the rationale that some elementary principals like to attend events in support of former students.

**Mike Kelley, Principal
Herbert Hoover High School**

Proposal 6 (Vote: Yes-76 No-56)

Amend §127-3-7 Out of Season Coaching. (Pg. 43) as follows:

~~7.2. School organized out of season practice or related activities shall be permitted with principal approval during three consecutive weeks established by each school and approved by each county board of education or by the governing body of a private/parochial school. These three consecutive weeks may begin on or after Monday of Week 49, and must conclude by Friday of Week 4 of the NFHS Standardized Calendar; provided, there will be no out of season practice or related activities during the week of July 4th as determined by the NFHS Standardized Calendar (refer to handbook appendix). Participation must be open to all students, voluntary, and not required directly or indirectly for membership on a school team. Participation by students during these weeks does not meet §127-2-13.4.~~

7.2.a. With principal approval, each sport program may use ~~twelve~~ 32 “flex-days” from Monday of Week 49 through Friday of Week 48 of the next academic year. A flex-day is a day, outside the regular season and ~~outside the three week practice window~~, when a coach may have sport-specific contact with student athletes. Flex-days shall not be used during the first week of each high or middle school sport season. Use of any part of a day for an activity will count as a full day of activity.

These flex days shall be combined with all varsity and sub varsity sports by teams. (A flex day used by a sport, counts for all levels of that sport per school.) Participation must be open to all students, voluntary, and not required directly or indirectly for membership on a school team. Additionally, the (Sunday-Saturday) of July 4th and two weeks surrounding Christmas Day and New Year’s Day (Sunday-Saturday) shall also be eliminated from flex day use.

Rationale:

Rule is designed to lessen the stresses on multisport athletes that are crammed into the 3-week window. Rule is designed to allow for scheduling of all sports to be spread out over the entire year.

(Current 3-week window is often not used by Spring sports teams and would be better served through Fall and Winter) Rule would fall more in line with what surrounding states have already initiated. (many are wide-open/year round) Rule would allow for the experts (coaches) to perform tasks associated with that sport. Rule keeps the number of days similar (depending on which one passes), just spread out. Rule creates a more manageable situation for players, coaches, as well as availability of scheduling for facility limitations. Rule is still under the direction/guidance of the building principal and additional restriction could be put in place as needed.

**Alicia Riggleman, Principal
Musselman High School**

Proposal 7 (Vote: Yes-125 No-12)

Amend §127-3-7.7 Out of Season Coaching (Pg. 45) as follows:

7.7. Coaches may not promote, initiate, organize, supervise, or participate in out-of-season events involving students of the same sport as the grade level coaching assignment and preceding grade level except as specified in §§127-3-7.2, 127-3-7.2.a, and 127-3-7.3 until the student has aged out of the coach’s coaching assignment. Middle school coach may coach an 8th grade student in the same sport after the conclusion of the season. High school coach may coach an athlete once they have completed the senior season. The county board of education shall be authorized to approve a coach to organize and/or supervise a recreation program for students. However, this type assignment must be recreational in nature, include a variety of activities, and comprise no coaching or instruction of that same sport as the school coaching

assignment. In addition to the above, gymnasiums or facilities opened for recreational activities must use the following requirements:

Rationale:

A coach should be able to coach an athlete in travel once they finish their last season with the school team. (8th grade for middle school and 12th grade for high school) There is no ability to recruit players or any advantages for the coach because at this point they are finished with that athlete. It is hard to find coaches in some sports because travel pays more but I think this makes sense and gives us more flexibility.

Colleen Hoyer, Principal
Charleston Catholic High School

Proposal 8 (Vote: Yes-117 No-12)

Amend §127-3-10 Classification (Pg. 47) as follows:

Please see below the revisions regarding the classification rule as per recommendations from the WVSSAC Competitive Balance Committee.

10.1. ~~Excluding boys and girls basketball, e~~ Each member high school shall be classified as either AAAA, AAA, AA, or A based on the enrollment figures in grades 9, 10, 11, and 12 total score given by the classification model that considers the factors of enrollment, location, and economics. The designation shall be done after at the end of the second school month of the odd numbered year preceding the classification. For an explanation of the classification model, and how scores are assigned, see Appendix 1.

10.2. ~~Excluding boys and girls basketball, e~~ Classification of member high schools shall be determined every four years on the even numbered years and will remain in effect for a four year period unless the school experiences a 20% change in enrollment using WVDE enrollment figures at the end of the second school month. Classification changes due to a 20% change in enrollment becomes effective next academic year.

10.4. ~~Excluding boys and girls basketball, t~~ The Board of Directors may structure the WVSSAC tournament series in each sport by classification (AAAA, AAA-AA-A). Each sport will be structured according to the level of interest and accommodation for tournament alignment. The WVSSAC will conduct a survey of the membership prior to any change of structure of any given sport.

10.5. ~~Excluding boys and girls basketball, i~~ If a consolidation of two or more member schools occurs during the classification period, the new member school will be reclassified based on the total score given by the classification model that considers the factors of enrollment, location, and economics. ~~combined enrollment of 9, 10, 11, and 12 in the consolidating schools.~~

10.6 ~~Each member high school shall be classified in boys and girls basketball as either AAAA, AAA, AA, or A based on a total score given by the classification model that considers the following factors: enrollment, location and economics. For an explanation of the classification model, and how scores are assigned, see Appendix 1.~~

10.7. ~~Classification of member high schools in boys and girls basketball shall be determined in the next regular reclassification year and will remain in effect for a two year period unless the school experiences a 20% change in enrollment using WVDE enrollment figures at the end of the second school month and qualifies to be moved according to the classification model. Classification changes due to a 20% change in enrollment and the classification model becomes effective next academic year.~~

~~10.8. A school may choose to compete in WVSSAC tournaments in one class above its classification in boys and girls basketball 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 two year period.~~

~~10.9. In boys and girls basketball, the Board of Directors may structure the WVSSAC tournament series in each sport by classification (AAAA-AAA-AA-A). Each sport will be structured according to the level of interest and accommodation for tournament alignment. The WVSSAC will conduct a survey of the membership prior to any change of structure of any given sport.~~

~~10.10 If a consolidation of two or more member schools occurs during the two year period, the new member school will be reclassified in boys and girls basketball based on the classification applied to the newly classification model applied to the new consolidated school consolidated school.~~

10.11. 6 No member school shall, based on the classification, be compelled to play more than one class up from where it would be classified in a ~~four~~ three class system based strictly on enrollment.

10.12. 7 The WVSSAC Board of Directors is authorized to grant a waiver to a classification assignment when it determines the rule fails to accomplish the purpose for which it is intended.

Rationale:

1. All member high schools will be classified according to the classification formula (as defined in Appendix 1) instead of simply enrollment.
2. The WVSSAC Board of Directors will determine tournament structure for each sport as well as the number of classes that will participate in the tournament for each sport.

Mike Kelley, Principal
Herbert Hoover High School
Meredith Dailer, Principal
Wheeling Park High School

Proposal 9 (Vote: Yes-112 No-16)
Amend §127-3 Appendix 1

This considers the following factors: enrollment, location, and economics. These factors are given individual scores, which are then given a weighted aggregate total. All individual scores (scores for enrollment, location and economics) are normalized using maximum-minimum normalization using feature scaling, wherein their values fall between 0-1. Individual scores are calculated in the following ways:

- The enrollment score takes enrollment data and normalizes it on a scale from 0-1.
- The location score is ~~made up of two equally weighted pieces.~~
 - ~~Part 1 is determined by taking the school county's population divided by the driving distance between the school and the county seat, that value is then normalized between 0-1.~~
 - ~~Part 2 is calculated by finding the distance from the school to the closest city with a population of 10,000 or more, then normalized between 0-1. Each part is then multiplied by half of the location score weight.~~
- The economic score is determined by first calculating a county score where the z-score of the county's median household income is added to the z-score of the county's poverty rate and

the sum is normalized between 0-1.

- For all schools located within single high school counties, the county economic score serves as the school economic score.
- For all schools located within multi-high school counties, Direct Certified numbers on students eligible for free or reduced lunch are used to scale the county economic score. The scaling is accomplished by comparing the Direct Certified numbers of each individual school with the county average.

Weights are applied to each score that are determined based on qualitative assessment by the WVSSAC Competition Balance Committee. All county data (population, median household income, and poverty rate) are from the most recent US Census American Community Survey's Five Year Estimates and the distances are determined using Google Maps.

Rationale:

The above revisions will provide the following:

1. The factor of proximity to county seat has been removed from the classification formula.

**Mike Kelley, Principal
Herbert Hoover High School
Meredith Dailer, Principal
Wheeling Park High School**

*Proposal 10 (Vote: Yes-58 No-72 Proposal FAILED)
Amend §127-3 Appendix 1*

This considers the following factors: enrollment, location, and economics. These factors are given individual scores, which are then given a weighted aggregate total. All individual scores (scores for enrollment, location and economics) are normalized using maximum-minimum normalization using feature scaling, wherein their values fall between 0-1. Individual scores are calculated in the following ways:

- The enrollment score takes enrollment data and normalizes it on a scale from 0-1.
- The location score is ~~made up of two equally weighted pieces.~~
 - ~~Part 1 is determined by taking the school county's population divided by the driving distance between the school and the county seat, that value is then normalized between 0-1.~~
 - ~~Part 2 is calculated by finding the distance from the school to the closest city with a population of 40,000 8,000 or more, then normalized between 0-1. Each part is then multiplied by half of the location score weight.~~
- The economic score is determined by first calculating a county score where the z- score of the county's median household income is added to the z-score of the county's poverty rate and the sum is normalized between 0-1.
 - For all schools located within single high school counties, the county economic score serves as the school economic score.
 - For all schools located within multi-high school counties, Direct Certified numbers on students eligible for free or reduced lunch are used to scale the county economic score. The scaling is accomplished by comparing the Direct Certified numbers of each individual school with the county average.

Weights are applied to each score that are determined based on qualitative assessment by the WVSSAC Competition Balance Committee. All county data (population, median household

income, and poverty rate) are from the most recent US Census American Community Survey's Five Year Estimates and the distances are determined using Google Maps.

Rationale:

The above revisions will provide the following:

1. The factor of proximity to county seat has been removed from the classification formula.
2. The factor of proximity to a city of 10,000 has been revised to proximity to a city of 8,000 or more.

**Mike Kelley, Principal
Herbert Hoover High School
Meredith Dailer, Principal
Wheeling Park High School**

Proposal 11 (Vote: Yes-129 No-1)

Amend §127-3-16.6 Sanctioning and Travel (Pg.50) as follows:

16.6. A member school shall not enter an event that involves travel of more than 600 miles round trip unless ~~it occurs on days when school is not in session~~ is approved by the member school's county board of education. ~~The WVSSAC must sanction the event.~~

Rationale:

Currently, the WVSSAC BOD has been approving trips of more than 600 miles in addition to the member school's local board. There is no need for WVSSAC approval if the local board approves. Current sanctioning rules would still apply.

**Kenny DeMoss, Principal
Parkersburg High School**

Proposal 12 (Vote: Yes-105 No-21)

Amend §127-3-19 Baseball (Pg. 52) as follows:

19.9.a. Baseball Middle school teams may play ~~48~~ 20 games not including tournaments sanctioned by the WVSSAC.

Rationale:

High School baseball is allowed 32 games exclusive of sectional, regional, and state tournament contests. In Middle School we are currently permitted 18 games including season-ending conference tournaments. That is a wide disparity in the number of allowed contests for Softball compared to other sports. In other sports, middle school to high school are within 80% of games. Softball Middle School is 56% to High School. We are asking to increase this amount of games to 20 regular season games in order to better prepare student/athletes for the endurance required to complete a high school season. This would move the percentage difference to 63%/69%.

**Brian Atkinson, Principal
Logan Middle School**

Proposal 13 (Vote: Yes-68 No-58)

Amend §127-3-20 Basketball (Boys and Girls) (Pg. 53) as follows:

20.9.f. All middle students may play a maximum of ~~five~~ six quarters per day.

Rationale:

Due to declining participation from a variety of reasons, it is becoming difficult to maintain junior varsity teams which then affects skills development and ensuring that all who wish to play and

apply those skills in a game. Rules for the High School teams for the 2022-23 school year changed from five quarters to six for the same reasons. This should also be applied to Middle Schools to ensure continuity from the Middle School to High School program.

This will also affect Rule 127-3-20 Section 20.9.e – All Middle School students will play a maximum of 100 quarters for one season, which will have to be increased.

**Brian Atkinson, Principal
Logan Middle School**

Proposal 14 (Vote: Yes-109 No-20)

Amend §127-3-20 Basketball (Boys and Girls) (Pg. 54) as follows:

20.9.d. Boys and girls basketball teams will be permitted to play no more than 20 games. Tournament exception does ~~not~~ apply. Schools may play no more than 3 extra games during the end of season conference/county tournament.

Rationale:

Middle school teams in our current conference (10 teams) are having to play few regular season games because they have to “hold out” three games for the conference tournament. This would allow for all teams to play the maximum number of games, while allowing them to hold a conference tournament. In this single-elimination format, only half the teams would play more than one extra game, while only 2 teams would play 3 extra games. Other sports such as wrestling, and football exclude conference or league championships from their total number of season games or weigh-ins.

**John Rogers
Mountaineer Middle School**

Proposal 15 (Vote: Yes-24 No-111 Proposal FAILED)

Amend §127-3-20 Basketball (Boys and Girls) (Pg. 53) as follows:

20.9.d. Boys and girls basketball teams will be permitted to play no more than 20 games. End of season conference/county tournament exception does ~~not~~ apply.

Rationale:

Middle schools who participate in a conference should have the same opportunity for season-ending championships as the High School. Middle School conference championships usually do not exceed 2-3 games whereas high schools that are given the exemption could play up to an additional 8-9 games through the state tournament. If a middle school has to plan accordingly to accommodate conference championships, they could lose games if eliminated and not play their maximum of 20. We are asking for the exemption to be applied for Middle Schools.

**Brian Atkinson, Principal
Logan Middle School**

Proposal 16 (Vote: Yes-25 No-111 Proposal FAILED)

Amend §127-3-23 Football (Pg. 55) as follows:

23.8. The Board of Directors shall develop a four classification system of four geographic regions.

Rationale:

Football is the only sport that does not have a regional format to determine the state championship. Requiring in-region games will help balance scheduling, and maintaining the point system for eight at-large teams will assure that the sixteen best teams in each classification will

make the playoff field.

Football is the only sport where scheduling affects the post-season eligibility and the student-athletes should not suffer because schools will not agree to play each other.

**David Decker, Principal
Lincoln High School**

Proposal 17 (Vote: Yes-102 No-9)

Amend §127-3-25 Soccer (Boys and Girls) (Pg. 58) as follows:

25.9.a. Middle school teams may play 14 matches. ~~including tournaments sanctioned by the WVSSAC. Tournament exception does apply. Schools may play no more than 3 extra games during the end of season conference/county tournament.~~

Rationale:

Middle school teams in our current conference (10 teams) are having to play few regular season games because they have to "hold out" three games for the conference tournament. This would allow for all teams to play the maximum number of games, while allowing them to hold a conference tournament. In this single-elimination format, only half the teams would play more than one extra game, while only 2 teams would play 3 extra games. Other sports such as wrestling, and football exclude conference or league championships from their total number of season games or weigh-ins.

**John Rogers
Mountaineer Middle School**

Proposal 18 (Vote: Yes-49 No-62 Proposal FAILED)

Amend §127-3-26 Softball (Pg. 59) as follows:

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

Tournament exception does apply. Schools may play no more than 3 extra games during the end of season conference/county tournament.

Rationale:

Middle school teams in our current conference (10 teams) are having to play few regular season games because they have to "hold out" three games for the conference tournament. This would allow for all teams to play the maximum number of games, while allowing them to hold a conference tournament. In this single-elimination format, only half the teams would play more than one extra game, while only 2 teams would play 3 extra games. Other sports such as wrestling, and football exclude conference or league championships from their total number of season games or weigh-ins.

**John Rogers
Mountaineer Middle School**

Proposal 19 (Voted: Yes-93 No-16)

Amend §127-3-26 Softball (Pg.59) as follows:

26.9.a. Softball Middle school teams may play ~~48~~ 20 games not including tournaments sanctioned by the WVSSAC.

Rationale:

High School softball is allowed 32 games exclusive of sectional, regional, and state tournament contests. In Middle School we are currently permitted 18 games including season-ending conference tournaments. That is a wide disparity in the number of allowed contests for Softball compared to other sports. In other sports, middle school to high school are within 80% of games. Softball Middle School is 56% to High School. We are asking to increase this amount of games to 20 regular season games and up to 2 conference championship games in order to better prepare student/athletes for the endurance required to complete a high school season. This would move the percentage difference to 63%/69%.

**Brian Atkinson, Principal
Logan Middle School**

Proposal 20 (Vote: Yes-122 No-0)

Amend §127-3-30 Volleyball (Girls) (Pg. 60) as follows:

30.2. Organized Team Practice: Organized team practice will begin on Monday of Week ~~6~~ 5 and the first contest may be played on Wednesday of Week ~~8~~ 7.

Rationale:

Currently, the volleyball season begins one week later than other fall sports. The volleyball coaches' committee unanimously recommended this change. The change was needed to allow sectionals to be played on week earlier and the regional championship games to be played during week 18 (one night per class), with eight regional champions advancing to the state tournament. The change will also eliminate conflicts of having both volleyball and cheer regionals on the same day.

**Matt DeMotto, Principal
Bridgeport High School
Mike Kelley, Principal
Herbert Hoover High School
Kenny Demoss, Principal
Parkersburg High School**

Proposal 21 (Vote: Yes-131 No-0)

Amend §127-3-30 Volleyball (Girls) (Pg. 63) as follows:

30.10.b. Organized team practice will begin on Monday of Week ~~7~~ 6 and the first contest may be played on Wednesday of Week ~~9~~ 8.

Rationale:

Makes the middle school season length consistent with the high school change of starting one week earlier. Also makes middle school volleyball start date consistent with other middle school fall sports.

**Matt DeMotto, Principal
Bridgeport High School
Mike Kelley, Principal
Herbert Hoover High School
Kenny DeMoss, Principal
Parkersburg High School**

Proposal 22 (Vote: Yes-116 No-7)

Amend §127-3-30 Volleyball (Girls) (Pg. 63) as follows

30.10.a. Middle school teams will be permitted 18 playing dates. Tournament exception does

apply. Schools may play no more than 2 extra dates during the end of season conference/county tournament.

Rationale:

Middle school teams in our current conference (10 teams) are having to play few regular season dates because they have to "hold out" two dates for the conference tournament. This would allow for all teams to play the maximum number of dates while allowing them to hold a conference tournament. In this single-elimination format, only half the teams would play more than one extra date, while only 4 teams would play 2 extra dates. Other sports such as wrestling and football exclude conference or league championships from their total number of season games or weigh-ins.

**John Rogers, Principal
Mountaineer Middle School**

Proposal 23 (Vote: Yes-126 No-0)

Amend §127-3-31 Wrestling (Pg.64) as follows:

31.4. Maximum Team Contest: A ~~high~~ school wrestling team will be permitted to have ~~18 weigh-ins exclusive of regional and state tournaments, no more than 18 varsity weigh-ins, and 18 girls' JV weigh-ins. A male or female participant may participate in no more than a total of 18 weigh-ins exclusive of the state duals qualifier and state duals tournament as well as the regional and state tournament contests between the varsity, jv and girls' jv matches.~~

Rationale:

To clarify the number of weigh-ins that are allowed for Varsity and JV, wrestlers, including males and females that participate in the state duals qualifier and state duals tournament.

**Kenny Demoss, Principal
Parkersburg High School**

Proposal 24 (Vote: Yes-130 No-0)

Amend §127-4-3 Code for Interscholastic Athletics (Pg. 69) as follows:

3.7.c. Any coach, student, or bench personnel ejected by an official will be suspended for the remainder of the game, match, meet or contest. The coach, student, or bench personnel ejected by an official will also be suspended in ~~an~~ additional contest(s); the suspension ~~will be~~ is assessed based upon ten (10) percent of the allowed regular season contests ~~for that sport, or post season progression in a playoff tournament for each sport.~~ Regardless of when the suspension occurs (regular season or post season), the length of the suspension (number of contests) will be as follows: golf (2); cross country (2); soccer (2); volleyball (2 play dates); football (1); cheer (1); swim (2); wrestling (2 weigh ins); boys basketball (2); girls basketball (2); tennis (2); track (2); softball (3); and baseball (3). ~~Any tenth of a percentage from .1 to .4 will be a suspension equal to the whole number of the percent. Any tenth from .5 to .9 will be an additional contest added to the whole number.~~ The suspension will include the number of indicated contests in that sport and at that level and all other sport contests in the interim at any level. A second ejection will result in the doubling of the suspension assessed for the first ejection. If an individual is ejected for a third time during the same sport season, the individual will be suspended from participating or coaching for 365 calendar days from the date of ejection. In accordance with Rule 127315.3, an individual ejected by an official may not appeal that ejection, ~~or but may appeal~~ any subsequent suspension that is a consequence of the ejection by an official.

Rationale:

The rule change is necessary as a result of a recent court case.

Proposal 25 (Vote: Yes-131 No-0)

Amend §127-2-7 Transfer (Pg. 23) as follows:

7.2.b If the transfer is from a ~~private/parochial school~~ home school or non-member 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 ~~private/parochial~~ the non-member and member schools involved concur that undue influence is not involved with the transfer.

Rationale:

The rule applies to any non-member school, not just private/parochial.

Constitution and Bylaws

Proposal 26 (Voted: Yes-129 No-0)

Amend §127-3-23 Football (Pg. 57) as follows:

127-3-23.9.g Middle school football teams ~~may~~ shall play overtime periods in regular season games. Overtime periods will be played until a winner is determined in accordance with the NFHS Football Rules "20 yard line overtime procedure."

Rationale:

The rule was changed last year to read "shall." Editorial change needed to correct the language in the rule book.

Constitution and Bylaws

Proposal 27 (Vote: Yes-125 No-1)

Amend §127-1-6 Officers and Duties (Pg. 7) as follows:

127-1-6.4 The annual honorarium of each of the officer-members shall be ~~\$500~~ \$1000.

Rationale:

This amounts to \$100 per meeting. Board of Directors are spending on average 7 hours per meeting with an increased number of appeal hearings at each meeting coupled with long drives for many of them.

**Trent Sherman, Principal
Martinsburg High School**

127CSR1

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

**SERIES 1
CONSTITUTION**

§127-1-1. General.

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

1.2. Authority. -- W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-2-25a, and 18-2-25b.

1.3. Filing Date. -- ~~July 14, 2022.~~

1.4. Effective Date. -- ~~September 12, 2022.~~

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 127CSR1, West Virginia Secondary School Activities Commission Series 1, Constitution, filed ~~July 11, 2019~~ July 14, 2022, and effective ~~September 9, 2019~~ September 12, 2022.

§127-1-2. Name.

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

§127-1-3. Goals.

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

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

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

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

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

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

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

§127-1-4. Membership.

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

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

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

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

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

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

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

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

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

4.2.f.2. A senior high school consists of grades 9, 10, 11, and 12, established by law, and so designated and approved by the ~~West Virginia Department of Education (WVDE).~~

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

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

4.2.i. Public schools seeking membership that are created as a result of consolidation or splitting

of existing member schools shall be exempt from the provisions in subsection 4.2.g.

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

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

§127-1-5. Administration.

5.1. The administration of the WVSSAC shall be vested in the secondary school principal and who shall constitute a Board of Control. The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of the Commission and shall have charge of all Commission funds, and in order to expedite the regulations of activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted, and working through the Board of Directors, authority to interpret and enforce these regulations. The Board of Control shall delegate and assign to the Board of Trustees, hereinafter constituted, the power and authority to hold title to and manage the property owned by the Commission. These regulations of the Commission shall be the articles, rules, explanations, and interpretations which have been voted upon and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission. Fifty members shall constitute a quorum for the transaction of all business at the annual meeting and approval is by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission. If the result of a vote by the Board of Control has a margin of five or less after the vote is counted, a second confirmation vote will be taken.

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

5.3. The Board of Control of the WVSSAC shall, at its annual meetings, elect officers of the Commission and define their duties as provided in §127-1-6 of these regulations. The officers so elected shall be members of the Board of Directors of the WVSSAC with the powers and duties assigned to it by §127-1-8 of the regulations of the Commission. The Board of Directors shall be the executive body of the Commission and shall administer the regulations of the Commission. Further, the Board of Directors shall enforce the provisions of these regulations through the application of penalties provided under §127-6-2 of these regulations. Adjudication of disagreements and disputes among members of the Commission shall be one of the chief duties of the Board of Directors. Such adjudication may, however, be appealed to the Review Board.

5.4. The Board of Control of the WVSSAC shall delegate to the Board of Directors, hereinafter constituted, the authority to define, devise, and/or create five administrative districts in the State of West Virginia:

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

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

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

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

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

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

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

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

§127-1-6. Officers and Duties.

6.1. There shall be five elected officer-members of the WVSSAC, each of whom shall be a principal of a secondary school in West Virginia.

6.1.a. The elected officer-members shall constitute the Board of Directors of the WVSSAC.

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

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

6.1.d. An elected officer-member shall be eligible to serve two regular five year terms in succession. Upon completion of the two successive terms, a former officer-member shall not be appointed to, nor elected to fill, a vacancy of an unexpired term during the five year period immediately following the expiration of a regular term. Serving more than one half of an unexpired five year term shall constitute one of the two permitted successive terms.

6.1.e. The election shall be by ballot when more than one candidate from the same administrative

district is nominated for officer-member. When more than two candidates from the same administrative district are nominated for officer-member, the balloting shall continue until one candidate receives a majority of the votes cast. The candidate with the least number of votes on each ballot shall be dropped from each subsequent ballot.

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

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

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

6.4. The annual honorarium of each of the officer-members shall be ~~\$500.00~~1,000.00.

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

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

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

§127-1-7. Meetings.

7.1. The annual meeting of the WVSSAC shall be planned by the Executive Director and the Board of Directors of the Commission.

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

§127-1-8. Board of Directors.

8.1. The Board of Directors shall have authority to administer the regulations of the WVSSAC.

8.2. The State Superintendent or representative designee, a representative from the West Virginia Board of Education (WVBE), a representative selected by the West Virginia School Boards Association, a

representative selected by the West Virginia School Administrators Association, and a representative selected by the West Virginia Athletic Directors Association, shall serve as appointive members of the Board of Directors. These members shall be accorded full voting privileges but shall be ineligible to be elected or to serve as an officer of WVSSAC.

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

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

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

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

8.3.c. The Board of Directors will annually evaluate the performance of the Executive Director. It shall be the responsibility of the Executive Director to evaluate Assistant Executive Directors. The Executive Director must submit a list of areas of concern to be addressed. From that list, a plan of improvement would be implemented by the Executive Director. Failure on the part of the Assistant Executive Director and other personnel to comply with the plan of improvement could result in disciplinary action up to and including dismissal.

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

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

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

8.7. At the request of the Board of Directors, a Deputy Board Member may investigate matters of eligibility and other violations of the rules and regulations of the WVSSAC. The Deputy Board Member shall submit to the Board of Directors a written report of findings and recommendations for disposition of the case(s).

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

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

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

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

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

§127-1-9. Funds.

9.1. The Board of Directors may initiate the amount of annual dues of the members for any year.

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

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

9.4. The fiscal year of this Commission extends from July 1 to June 30. All monies derived from any contest or other event sponsored by the Commission shall be subject to an annual audit by the West Virginia Tax Commissioner. A written summary of the audit shall be a part of the annual report of the Executive Director to the Board of Control.

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

§127-1-10. Amendments.

10.1. The articles, bylaws, rules, and regulations of the WVSSAC may be amended as provided in this section.

10.2. A Constitution and Bylaws Committee, consisting of five members of the Commission, shall be appointed by and shall serve at the will and pleasure of the Board of Directors. The Board of Directors shall designate one of the members so appointed to serve as the chairman of such committee.

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

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

10.5. Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the WVSSAC.

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

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

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

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

10.10. Nothing in these regulations shall be construed as limiting or in any way affecting the validity of emergency rules and regulations which have been duly approved by the Board of Directors in accordance with §127-1-6.7 of this regulation. Emergency rules and regulations will be effective upon the date they are filed with the Secretary of State of State of West Virginia and remain in effect until the next meeting of the Commission.

§127-1-11. Executive Director.

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

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

11.3. The Executive Director shall not be removed during the term of office contract period except for just and reasonable cause. Reasonable cause may include, but not be limited to the following: immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

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

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

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

12.1.b. Based on employee evaluations and/or employee performance, the Executive Director shall make the appropriate recommendation of the employment status of all other employees.

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

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

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

12.5. The Executive Director shall attend state meetings of the WVASSP and report, when requested by the principals, on the work of the Commission office.

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

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

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

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

§127-1-13. Review Board.

13.1. A WVSSAC Review Board is hereby established.

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

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

13.1.b.1. West Virginia Bar Association;

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

13.1.b.3. West Virginia State Medical Association;

13.1.b.4. West Virginia Sportswriter Association;

13.1.b.5. West Virginia Athletic Directors Association; and

13.1.b.6. West Virginia Association of Retired School Employees.

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

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

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

13.1.f. In the same manner as prescribed in §127-1-13.1.a through 13.1.c of this regulation, the WVBE shall have power to fill any vacancy which occurs in the membership of the Review Board. Such appointments shall be made at the next regular or called meeting of the WVBE following the existence of a vacancy, and shall be for the unexpired term of the position vacated.

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

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

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

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

13.3.a. Appeals must be filed with the State Superintendent within 15 days after any final decision of the Board of Directors of the WVSSAC.

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

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

13.4. Proceedings for review shall be instituted by filing a petition, ~~and five copies of same,~~ with the State Superintendent within 15 days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the WVSSAC or its Executive Director and all other parties of record by registered or certified mail. The petition shall state

whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§127-1-14. Rules and Regulations.

14.1. The constitution and bylaws of the WVSSAC are the rules and regulations of the Commission.

§127-1-15. Board of Trustees.

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

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

15.3. The Board of Trustees shall elect from the membership thereof, to hold office for a term of one year or until a successor shall be elected, a Chair and, if need requires, a Vice-Chair, Secretary and Treasurer.

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

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

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

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

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

West Virginia Secondary School Activities Commission (WVSSAC)
W. Va. 127CSR1, Series 1, Constitution

COMMENT PERIOD ENDS: June 12, 2023

COMMENT RESPONSE FORM

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

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

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> County Board Member | <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Higher Education |
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Principal | <input type="checkbox"/> Parent/Family | <input type="checkbox"/> Legislator |
| <input type="checkbox"/> Central Office Staff | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member | <input type="checkbox"/> Other |

COMMENTS/SUGGESTIONS
§127-1-5.1. Administration.
§127-1-6.4. Officers and Duties.
§127-1-13.4. Review Board.

Please direct all comments to:
Mr. Bernie Dolan, Executive Director
West Virginia Secondary School Activities Commission
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Parkersburg, West Virginia 26104
bernie.dolan@wvssac.org
Fax No.: 304.428.5431