



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/11/2023 10:15:20 AM

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: Athletics, Provisions Governing Eligibility (WVSSAC Series 2)

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 2 establishes the provisions governing student eligibility to participate in interscholastic athletics.

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 127CSR2, WVSSAC Series 2.

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 127CSR2, WVSSAC Series 2.

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 127CSR2, WVSSAC Series 2.

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 127CSR2, WVSSAC Series 2.

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**

127CSR2
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 §§18-2-5, and 18-2-25 et seq., 18-2-25a, and 18-2-25b.

1.3. Filing Date. -- ~~November 10, 2022.~~

1.4. Effective Date. -- ~~January 9, 2023.~~

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 14, 2022~~ November 10, 2022, and effective ~~September 12, 2022~~ January 9, 2023.

§127-2-2. Waivers.

2.1. The West Virginia Secondary School Activities Commission (WVSSAC/Commission) Board of Directors (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 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,

3.1.a. a student must be enrolled full-time in a member school as described in §127-2-6 on or before the 11th instructional day of the academic year and meet all other eligibility rules that apply. Enrollment must be continuous after the student has officially enrolled in the school, or

3.1.b. a student must comply with W. Va. Code §18-2-25, section (d), and meet all other eligibility rules that apply, or

3.1.c. a student must comply with W. Va. Code §18-2-25, section (e), and meet all other eligibility rules that apply.

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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 West Virginia Schools for the Deaf and the Blind (WVSDb) to participate at Hampshire High School or Romney Middle School (only in sports not available at WVSDb).

3.2.c. Member schools containing grades 6 and/or 7 and/or 8 may combine students from two or more schools within the county or regional area to form one interscholastic team in a sport. Requests for permission to combine students from two or more schools in the same private/parochial or public school system must be submitted annually to the WVSSAC in writing by the superintendent of the 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 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 as sufficient numbers 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 9th grade may participate only on high school teams. Sixth grade students of a K-6 elementary feeder school may participate on their middle school team if granted permission by the county board of education or governing body of a private/parochial school and the school principals involved. 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 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 date 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 middle school participation.

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

3.4.b. Stand-alone 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 9th grade team at their feeder high school, provided the student is otherwise eligible.

3.5. Sixth grade students 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 9th are not eligible for a high school team. Students enrolled in a grade below the 6th will not be eligible for a middle school team.

3.7. 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 WVSD, are not eligible. (Definition: A boarding student is one who receives room and board that is provided by the school unless such residence is based on Court Order or State Action.)

3.11. A homeschooled student receiving home instruction pursuant to W.Va. Code §18-8-1(c) shall be considered eligible for participating in interscholastic athletic events and other extracurricular activities of the public secondary school serving the attendance zone in which the student lives or as allowed by §127-2-7.2.f and §127-2-7.2.h who:

3.11.a. has been homeschooled for at least one year immediately preceding interscholastic athletic participation;

3.11.b. has demonstrated satisfactory evidence of academic progress for the immediately preceding academic year (see W. Va. §127CSR3, Provisions Governing Contests, Glossary, for the definition of academic year);

3.11.c. is enrolled in at least one virtual instructional course per semester, consistent with the applicable virtual instruction policy of the county board in which the homeschooled student lives and the applicable virtual instruction policy of the West Virginia Board of Education (WVBE); and

3.11.d. is otherwise eligible to participate as a result of being subject to all other eligibility rules applicable to non-homeschooled students.

§127-2-4. Age.

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

4.2. A student in grade 8 or below who becomes 15 before July 1 shall be ineligible for interscholastic competition at that level.

4.3. A student in grade 8 or below who becomes 15 on or after July 1 shall remain eligible for the entire 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 9th grade.

5.2. A student may have the privilege to participate in the interscholastic program for three consecutive years (or six consecutive semesters or equivalent) after entering the 6th grade.

5.3. Ten days of attendance or enrollment shall constitute a semester of eligibility. 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.

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 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 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 9th grade 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 has occurred during the semester(s) in question.

5.7.c. In no event may a student be allowed to participate for more than four 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 the Board of Directors determines through its investigation that the student or the school tried to evade the rule by subterfuge.

§127-2-6. Scholarship.

6.1. A student is required to be enrolled in the equivalent of four content area courses toward graduation. Students who are seniors are required to at least be enrolled in class(es) necessary for graduation.

6.1.a. If a student is taking a multiple period course, such as block or vocational courses for a full morning or afternoon, it may be counted as more than one course.

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

6.2. A student not attempting four full credit subjects during a semester must complete nine weeks of schoolwork to regain consideration for eligibility.

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

6.4. 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 verified by a physician or as established by local board of education policy.

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

6.6. In accordance with W. Va. §126CSR26, Policy 2436.10, Participation in Extracurricular Activities (C Rule) (Policy 2436.10), 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 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 board of education. The attendance zones of a private/parochial member school shall be identical with the attendance zone of the public school in which the 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 9th grade.

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 the WVDHHR places the student in a home, provided the student is otherwise eligible.

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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 §127-2-1.

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 immediately preceding year (365 days). There can be no change of residence involving change of attendance zone during the immediately preceding year (365 days).

7.1.f. A student whose parents have resided in the school zone for a minimum of one academic year, 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 academic year may:

7.1.f.1. Retain eligibility as long as 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 academic year to the school in the attendance zone in which 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 student wereas participating in at a WVSSAC member 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.~~

7.1.g. A student whose parents have resided in the school zone for less than one academic year, 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 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 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. 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 ensures that no student, school, or other interested party may influence the assignment for athletic purposes.

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7.1.i. A student returning from an approved foreign exchange program may resume interscholastic competition in 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.

7.1.j. Any international student enrolling in a member school who does not meet the criteria of §127-2-7.1.h shall only be eligible to participate at the junior varsity level in any sport for the duration of the time the student is enrolled.

7.2. Part B - Transfer.

7.2.a. In addition to those transfers permitted by any other rule, a student shall be eligible for a one-time transfer during the grades 9-12 and shall retain their immediate eligibility following the transfer. If the transfer occurs during a season in which the student has started practice at the previous school, the student will be eligible for all sports except the sport in which the student has started practice at the previous school. Any transfer made outside the scope of this rule shall have the ability to file for a waiver with the WVSSAC Board of Directors as permitted by this rule.

7.2.a.1. If a student transfers Any additional transfers during the academic year from one secondary school to another secondary school, shall cause the student ~~shall~~ to be ineligible for 365 days from date of enrollment, absent a bona fide change of residence. Students who are ineligible under this rule may practice during the period of ineligibility, given they meet all other factors of eligibility outlined in Policy 2436.10, §3. Eligibility. 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.~~42~~. 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.~~23~~. The change is being made with the intent that the move is permanent;

7.2.a.~~34~~. The entire family must make the change;

7.2.a.~~45~~. Documentation of connection of utilities to the residence (e.g., power, water, waste, sewer);

7.2.a.~~56~~. Change of voter's registration, driver's license, mailing address, etc.;

7.2.a.~~67~~. 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 ~~private/parochial~~ 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, and (3) meet all other eligibility rules that apply.

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 program(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.

~~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 who has been released and accepted by formal actions of county boards of education or similar governing bodies of a private/parochial school which have verified that such transfer is not for athletic purposes, 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 academic year with the student enrolled on or before the eleventh instructional day of the beginning of the academic year and provided that 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 academic year, the student must identify a "home" school. In the event the student later elects to utilize "transfer back" (§127-2-7.2.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. A student transitioning from a feeder middle school to its assigned high school, as determined by the county board of education or the school's governing body, would not constitute a transfer.~~

~~7.2.g. 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 academic year in which 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 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 governing body of a private/parochial school which have verified that such transfer is not for athletic purposes, the student will be granted immediate eligibility provided all other rules are~~

met. The transfer must occur at the beginning of the academic year with the student enrolled on or before the eleventh instructional day of the beginning of the academic year and provided that 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.ig. The eligibility of a student whose parents are divorced or legally separated is determined by court decree establishing residency with one parent.

7.2.jh. After establishing initial residency with one parent, all subsequent transfers will ~~require a period of ineligibility for 365 days from date of enrollment~~ will follow §127-2-7.2.a unless a change of residency is decreed by the court.

7.2.ki. Any homeschooled student participating in interscholastic athletics pursuant to W. Va. Code §18-2-25(d) who leaves a member school during the school year is subject to the same rules/protocols that apply to non-homeschooled student transfers.

§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 WVDHHR pursuant to §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) the testamentary guardian has been duly appointed by the last will and testament of the student's last surviving parent; (2) 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 in §127-2-7.2.e.1-4.

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

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 a WVSSAC established sport season and while a member of a school team, a student shall neither participate, which 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;

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

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; or

10.2.e. the USA Swimming Junior National 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 WVSSAC established start date of the sport season will be ineligible for participation on that school team for that season in that particular sport except as provided by §127-2-10.1 and §127-2-10.2.

§127-2-11. Amateur.

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);

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

11.4.b. 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 WVSSAC 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 are §§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. §127-3-14.2 further clarifies Sunday practice.

13.4. Individual players of a team must have practiced:

13.4.a. on five separate days before participating in an interscholastic scrimmage.

13.4.b. on 12 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 14 consecutive days must have the required 12 separate practice days before resuming participation in a contest. Students participating in football must follow the practice progression as set forth in §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. §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 12 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 separate days of sport specific practice in the second sport.

13.8. Students participating in a sport(s) in one season must have practiced 12 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 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 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 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);
- 14.4.f. Registered Certified Athletic Trainer (ATC/R); or
- 14.4.g. Licensed Physical Therapist.

14.5. Member schools must submit Part I of the concussion report form to the WVSSAC within seven days and Part II 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 WVBE 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>.)

§127-2-15. Emergency Action Plan (EAP).

15.1. Effective 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). Each member school will have an accessible AED on the school or event grounds during the duration of all athletic events and practices. 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. 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)
W. Va. 127CSR2, Series 2, Athletics, Provisions Governing Eligibility**

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 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"/> 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
§127-2-3.1.a-c. Enrollment and Team Membership.
§127-2-6.1. Scholarship.
§127-2-7.1.f.4. Residence-Transfer.
§127-2-7.2.a. and 7.2.a.1. Residence-Transfer.
§127-2-7.2.b. Residence-Transfer.
§127-2-7.2.e. Residence-Transfer.
§127-2-7.2.h. Residence-Transfer.

Please direct all comments to:
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