

**WEST VIRGINIA  
SECRETARY OF STATE**

**BETTY IRELAND**

**ADMINISTRATIVE LAW DIVISION**

Form #2

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2007 NOV 15 PM 12: 01

WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Constitution, Article XII, §2 and W. Va. Code §18-2-5

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 26

TITLE OF RULE BEING AMENDED: Participation in Extracurricular Activities (2436.10)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 17, 2007 AT 4:00 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Heather L. Deskins, General Counsel

Legal Services

West Virginia Department of Education

Capitol Building 6, Room 362

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

COMMENTS TO BE CONSIDERED ARE LIMITED TO THIS PROPOSED RULE.

  
**Jack McClanahan**  
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**EXECUTIVE SUMMARY  
WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**Policy Number and Title:**

Policy 2436.10 – Participation in Extracurricular Activities.

**Background:**

This policy revision will clarify when and how a student's grade point average is considered in determining eligibility for participation in extracurricular activities. The revision was requested to eliminate inconsistencies in those instances when students are either entering public school for the first time or have had a break in their public school attendance.

**Proposals:**

Revisions to Policy 2436.10 clarify the following:

- The policy applies only to interscholastic athletics (which includes cheerleading), student government, and class officers.
- In schools and/or counties where the traditional semester approach is not used, the nine week point shall be utilized in place of the midsemester. Similarly, in schools which do not use the traditional semester approach, eligibility shall be determined for each semester by examining the GPA earned during the previous eighteen week period.
- Students who have had a break in public school attendance for any reason may be required to establish eligibility after re-enrollment in the public school. If the county school system accepts the transfer of credits/grades earned in the non-public setting, then those credits/grades may be used in determining academic eligibility. If the county school system does not accept the transfer of credits/grades earned in the non-public setting, then eligibility must be established after re-enrollment in the public school setting. Eligibility may be gained at midsemester.
- Students who are entering public school for the first time will be eligible for participation upon enrollment and must have a 2.0 GPA at the end of the semester in which they enroll to remain eligible.

**Impact:**

The proposed revision to this policy will clarify how the academic eligibility of students who are either entering public school for the first time or have had a break in their public school attendance is determined. This should eliminate confusion on behalf of those students and parents who had questions regarding the applicability of the policy and allow them to make decisions regarding a return to or enrollment in public school with accurate information about extracurricular participation.

FILED

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION

2007 NOV 15 PM 12: 01

OFFICE OF THE CLERK  
WEST VIRGINIA  
SECRETARY OF STATE

SERIES 26  
PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (2436.10)

**§126-26-1. General.**

1.1. Scope. -- ~~These~~ legislative rules ~~establishes~~ academic eligibility of students to participate in extracurricular activities both during and after normal school hours in West Virginia the public schools of the State.

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

1.3. Filing Date. -- ~~August 10, 1984.~~

1.4. Effective Date. -- ~~September 10, 1984.~~

1.5. Repeal of Former Rule. -- ~~None. This is a revision --~~ This legislative rule amends W. Va. 126CSR26, West Virginia Board of Education Policy 2436.10, Participation in Extracurricular Activities, filed August 10, 1984 and effective September 10, 1984.

**§126-26-2. Applicability.**

2.1. This policy applies only to ~~nonacademic extracurricular activities, such as interscholastic athletics, cheerleading, student government, and class officers, and clubs which are not closely related to identifiable programs/areas of study,~~ in grades 7-12. Excluded from this policy are ~~extra-curricular~~ co-curricular activities which are closely related to identifiable academic programs/areas of study and which serve to complement academic curricular activities such as vocational, linguistic, mathematic, scientific, forensic, theatrical, musical, journalistic and other similar academic ~~extracurricular~~ co-curricular activities.

**§126-26-3. Eligibility.**

3.1. In order to participate in the extracurricular activities to which this policy applies, a student must meet all state and local attendance requirements and:

3.1.1. Maintain a 2.0 average.

## 126CSR26

a. A 2.0 average is defined as a grade-point average (GPA) of 2.0 or better on a scale where an "A" mark earns 4 points, a "B" is awarded 3 points, a "C" is worth 2 points, a "D" is given a value of 1 point, and an "F" is worth 0 points.

b. For purposes of achieving the clearest and most uniform application of the policy for those schools which use a numerical grading system, all numerical grades shall be converted to the corresponding letter grade. Each letter grade shall be assigned the appropriate value as set forth above, and the average thereof computed to determine whether the student is eligible. No enhanced value should be given for a "plus" or "minus" designation, such as "B+" or "C-"; all grades with the same letter designation have the same numerical value in the 4.0 scale.

c. In computing a student's "grade-point average" (GPA) for purposes of this policy, all subjects undertaken by the student and for which a final grade is recorded are to be considered. Athletic and cheerleading practice may not be counted as a subject. The total number of classes taken is divided into the total number of "grade points" earned to determine the GPA. Classes for which a pass/fail is awarded will be included in computing the GPA only if the student failed the class.

d. The A student's eligibility will be determined for each semester by his or her GPA the previous semester (or, in schools which do not use the traditional semester approach, during the previous eighteen week period).

e. If a student does not maintain a 2.0 average for during the second semester, he or she will be ineligible for participation in the second semester. Eligibility shall be reviewed at the mid-point of the second semester (the nine week point) to determine whether a student is maintaining a 2.0 average.

f. If a student does not maintain earn a 2.0 average for by the end of the second semester, he or she may attend summer school to raise the GPA so that he or she is eligible for participation at the beginning of the next school year. For purposes of computing the GPA after summer school, all of the student's grades from the second semester plus his or her grade from the summer school will be used to determine the GPA. This provision is effective retroactively to the end of the second semester of the 1983-84 school year, so that work taken at an approved summer school in 1984 may be used to determine a student's GPA for the first semester of the 1984-85 school year.

g. In the case of handicapped students, if grades are given, all grades received from placements in regular classrooms and special education classrooms should be included when computing the GPA. Handicapped students placed in ungraded programs will be eligible for participation in extracurricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their IEP.

## 126CSR26

g. h. A student who has not achieved a 2.0 GPA for the previous semester may have his or her eligibility reinstated at midsemester if the student has attained at least a 2.0 GPA for the most recent grading period the current semester and, in cases where grades are not given at midsemester is continuing to maintain a 2.0 GPA at midsemester. In schools and/or counties where the traditional semester approach is not used, the nine week point shall be utilized in place of the midsemester.

h. In the case of students with exceptionalities as set forth in West Virginia Board of Education Policy 2419, *Regulations for the Education of Students with Exceptionalities* (W. Va. 126CSR16), if grades are given, all grades received from placements in regular classrooms and special education classrooms should be included when computing the GPA. Exceptional students placed in ungraded programs will be eligible for participation in extracurricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their individualized education program (IEP).

i. Students who have had a break in public school attendance for any reason may be required to establish eligibility after re-enrollment in the public school. If the county school system accepts the transfer of credits/grades earned in the non-public setting, then those credits/grades may be used in determining academic eligibility. If the county school system does not accept the transfer of credits/grades earned in the non-public setting, then eligibility must be established after re-enrollment in the public school setting. Eligibility may be gained at midsemester (nine week point) if the student has attained at least a 2.0 GPA. In schools and/or counties where the traditional semester approach is not used, the nine week point shall be utilized in place of the midsemester.

j. Students who are entering public schools for the first time will be eligible for participation upon enrollment and must have a 2.0 GPA at the end of the semester in which they enroll to remain eligible.

and

### ~~3.2. Meet State and local attendance requirements.~~

~~a. Students must meet the attendance requirement in Graduation Requirements for West Virginia Public Schools: Adolescent Education (Grades 9-12) of a full day for students in the first three (3) years of grades 9-12 and at least four (4) class periods in the fourth year of grades 9-12.~~

~~b. Students must meet the attendance requirements of local boards of education.~~

**FISCAL NOTE WORKSHEET**  
(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

SUBJECT **Policy 2436.10 – Participation in Extracurricular Activities**

FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

**SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONGRANGE EFFECT**

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$0	\$0	\$0	\$0	\$0
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$0	\$0	\$0	\$0	\$0
2. ESTIMATED TOTAL REVENUES	\$0	\$0	\$0	\$0	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONGRANGE EFFECT):

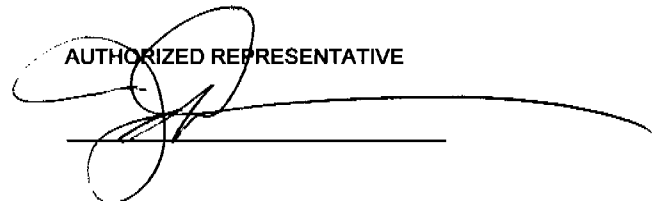
DATE

AGENCY

AUTHORIZED REPRESENTATIVE

11-6-07

West Virginia Department of Education



126CSR26

**POLICY 2436.10: Participation in Extracurricular Activities**

**COMMENT PERIOD ENDS: December 17, 2007**

**COMMENT RESPONSE FORM**

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The following form is provided to assist those who choose to comment on Policy 2436.10: Participation in Extracurricular Activities. Additional sheets may be attached, if necessary.

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

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

Street Address: \_\_\_\_\_

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

Please check the box below that best describes your role.

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

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**COMMENTS/SUGGESTIONS**

**§126-26-1. General.**

**§126-26-2. Applicability.**

**126CSR26**

**§126-26-3. Eligibility**

Please direct all comments to:

Heather L. Deskins  
Legal Services  
West Virginia Department of Education  
Capitol Building 6, Room 362  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330  
E-Mail Address: [hdeskins@access.k12.wv.us](mailto:hdeskins@access.k12.wv.us)  
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