



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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5/8/2024 12:59:43 PM

Office of West Virginia  
Secretary Of State

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**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-04  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Provisions Governing Conduct (WVSSAC Series 4)  
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: 06/10/2024 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: David Price, Executive Director  
ADDRESS: West Virginia Secondary School Activities Commission, 2875 Staunton Turnpike  
Parkersburg, West Virginia 26104  
EMAIL: david.price@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 4 governs conduct for active and spectator participants, coaches and all other school personnel at interscholastic athletic events.

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

Amendments (attached to rule filing) 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.

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 127CSR4, Provisions Governing Conduct.

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 127CSR4, Provisions Governing Conduct.

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 127CSR4, Provisions Governing Conduct.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	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
<b>2. Estimated Total Revenues</b>	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 127CSR4, Provisions Governing Conduct.

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

Yes

**Kelli D Talbott -- 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 schools and several 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 will be 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 July 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**

Nineteen proposals were submitted by member schools for consideration; eighteen proposals were approved (Proposal 15 is actually from WVDE policy and therefore cannot be amended by the Board of Control.) The following is a brief description of each proposal and outcome of the vote.

1. Semester and Season – §127-2-5 (Vote: Yes – 91, No-36 Proposal PASSED)
2. Scholarship – §127-2-6.7 (Vote: Yes – 128, No-1 Proposal PASSED)
3. Baseball – §127-3-19.9 (Vote: Yes – 125, No – 0 Proposal PASSED)
4. Softball – §127-3-26.9 (Vote: Yes – 128, No – 0 Proposal PASSED)
5. Basketball (Boys and Girls) – §127.3.20.9 (Vote: Yes-127, No-0 Proposal PASSED)
6. Code for Interscholastic Athletics-§127.4.3.7 (Vote: Yes-127, No-0 Proposal PASSED)
7. Enrollment and Team Membership-§127-2-3 (Vote Yes -125, No-0 Proposal PASSED)
8. Residence Transfer – §127-2-7.2.b (Vote: Yes128, No-0 Proposal PASSED)
9. Residence Transfer – §127-2-7.2.a (Vote Yes 126, No-1 Proposal PASSED)
10. Residence Transfer – §127-2-7.2.f (Vote: Yes 127, No-0 Proposal PASSED)
11. Residence Transfer – §127-2-7.2.j (Vote Yes 127, No-1, Proposal PASSED)
12. Review Board – §127-1-13 (Vote Yes – 128, No-0 Proposal PASSED)

13. Officers and Duties – §127-1-6.4 (Vote: Yes-129, No-1 Proposal PASSED)
14. Cross Country (Boys and Girls) – §127-3-22.8 (Vote: Yes-129, No-0 Proposal PASSED)
15. Eligibility §126-26-4.1 (Vote: Yes-129, No-0 Proposal PASSED) -WVBE Policy, Not Board of Control
16. Coaches §127-3-6.1 (Vote: Yes – 127, No – 0 Proposal PASSED)
17. Basketball (Boys and Girls) §127.3.20.9 (Vote: Yes – 128, No – 0 Proposal PASSED)
18. Out of Season Coaching – §127-3-7.9 (Vote: Yes – 130, No – 0 Proposal PASSED)
19. Non School Participation –§127-2-10 (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  
PROPOSED RULE CHANGES PASSED BY BOARD OF CONTROL

**PROPOSAL 1 (Vote: Yes – 91, No – 36)**

**Amend §127-2-5. Semester and Season as follows:**

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 9<sup>th</sup> grade.~~ seven consecutive years (14 consecutive semesters) after enrollment in 6<sup>th</sup> 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 6<sup>th</sup> grade.~~

~~5.3. 5.2~~ Ten days of attendance and/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. 5.3~~ The number of semesters of athletic eligibility of a student is determined by semesters of enrollment and/or attendance and not by semesters of participation. ~~(This applies for students in grades 9-12 only.)~~ (This applies for students in grades 6-12).

~~5.5.5.4~~ 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. 5.5~~ 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.~~ 6-12.

~~5.7. 5.6~~ The Board of Directors is authorized to grant a waiver to the Semester and Season Rule when it ~~feels~~ determines the rule fails to accomplish the purpose for which it is intended and/or when the rule causes extreme and undue hardship upon the student. Waivers may be granted in the following circumstances:

~~5.7.a. 5.6.a~~ The Board of Directors is authorized to consider cases in which a student ~~entering 9<sup>th</sup> 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. 5.6.b~~ The Board of Directors ~~may provide~~ is authorized to release from the continuous enrollment restriction provided no participation has occurred during the semester(s) in question.

~~5.7.c. 5.6.c~~ In no event may a student be allowed to participate for more than ~~four~~ seven seasons or fourteen semesters in any one sport in grades ~~9-12.~~ 6-12.

~~5.8. 5.7~~ The Board of Directors ~~may also~~ is authorized to 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.

Rationale: Creates a clear distinction regarding number of years and semesters of athletic

eligibility for secondary school students in grades 6-12. Provides a more uniform rule by removing any middle to high school level transitions.

Shann Elkins, Principal  
Madison Middle School

**PROPOSAL 2 (Vote: Yes – 128, No – 1)**  
**Amend §127-2-6. Scholarship as follows:**

6.7. A student expelled from any public, private, charter, or other school entity in WV or transferring to WV from another state where the student was expelled will not be eligible for participation in extracurricular activities until the expiration of the assigned expulsion.

Rationale: Students can currently transfer from a public school to a private school in another county after expulsion and continue to participate in extracurricular activities. If a student expelled from a public school in XYZ county transfers to private school ABC, the private school immediately makes them eligible.

James Green, Principal  
Fairmont Senior High School

**PROPOSAL 3 (Vote: Yes – 125, No – 0)**  
**Amend §127-3-19. Baseball as follows:**

19.9.a. Middle school teams may play 20 games including tournaments sanctioned by the WVSSAC. Tournament exception does apply. Schools may play no more than three extra games during the end of season conference/county tournament.

Rationale: The rule was changed last year to increase to 20 games. The end of season language needs to be added to make all middle school sports consistent.

Constitution and Bylaws Committee

**PROPOSAL 4 (Vote – Yes – 128, No – 0)**  
**Amend §127-3-26. Softball as follows:**

26.9.a. Middle school teams may play 20 games including tournaments sanctioned by the WVSSAC not including tournaments sanctioned by the WVSSAC. Tournament exception does apply. Schools may play no more than three extra games during the end of season conference/county tournament.

Rationale: The rule was changed last year to increase to 20 games. The end of season language needs to be added to make all middle school sports consistent.

Constitution and Bylaws Committee

**PROPOSAL 5 (Vote – Yes 127, No – 0)**  
**Amend §127-3-20. Basketball (Boys and Girls) 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 three extra games during the end of the season conference/county tournament.

Rationale: Rule was changed last year to allow for end of season tournament games. The word “not” should have been deleted from the rule.

**PROPOSAL 6 (Vote: Yes – 127, No – 0)**

**Amend §127-4-3.7 Code for Interscholastic Athletics as follows:**

3.7.c. Any coach, player, team member, student, or bench personnel ejected or disqualified by rule ~~by an official~~ will be suspended for the remainder of ~~the~~ a game, match, meet, ~~or~~ contest or other interscholastic event, (ejected, disqualified or disqualification hereafter) (Excepting any applicable ejection or disqualification sport specific rule not involving sportsmanship) by an official, referee, judge, or other such person charged to administer participation. The coach, player, team member, student, or bench personnel ejected or disqualified ~~by an official~~ will also be suspended an additional contest(s); the suspension is assessed based upon ten (10) percent of the allowed regular season contests for that 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 (two); cross country (two); soccer (two); volleyball (two play dates); football (one); cheer (one); swim (two); wrestling (two weigh ins); boys basketball (two); girls basketball (two); tennis (two); track (two); softball (three); and baseball (three). 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 or disqualification will result in the doubling of the suspension assessed for the first ejection. If an individual is ejected or disqualified 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 or disqualification. In accordance with Rule 127-3-15.3, an individual ejected or disqualified ~~by an official~~ may not appeal that ejection or disqualification, but may appeal any subsequent suspension that is a consequence of the ejection or disqualification. ~~by an official.~~

Rationale: Addition of phrase “disqualification” as it is used in NFHS rule book for players, etc. Recommended by legal counsel.

Constitution and Bylaws Committee

**PROPOSAL 7 – (Vote: Yes – 125, No – 0)**

**Amend §127-2-3. Enrollment and Team Membership as follows:**

3.11. A homeschooled student receiving home instruction pursuant to W.Va. Code §18-8-1(c), a Hope Scholar, a micro school student, and/or a learning pod student, 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~~ resides with their parents 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.a. has demonstrated satisfactory evidence of academic progress for the immediately preceding academic year ( see §127CSR3, Provisions Governing Contests, Glossary, for the definition of academic year) as defined by an average stanine of a four or higher in all content areas on a nationally normed assessment;

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

3.11.c. has received all vaccinations as required for school attendance by West Virginia state code.

3.12 A student attending a member or non- member private school, or a public charter school may participate in extracurricular activities in a public member school in the attendance area in which the student resides with their parents if the private school or public charter school does not offer the extracurricular activity. The student is required to show evidence of a 2.0 GPA. This provision does not guarantee membership on the team, but rather an opportunity to try out just like all other students.

Rationale: Language needs to be revised to reflect legislative changes.

Constitution and Bylaws Committee

**PROPOSAL 8 (Vote: Yes – 128, No – 0)**

**Amend §127-2-7.2 Residence-Transfer as follows:**

7.2.b. If the transfer is from a 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 and member schools involved concur that undue influence is not involved with the transfer, and (3) meets all other eligibility rules that apply. If a student leaves a public or private member school at the end of the academic year and becomes a home-schooled student for the first time, the student must provide evidence of a 2.0 from the second semester or the public or private member school in order to be eligible for extracurricular activities the next year. For each additional year, the student would follow provisions outlined in 127-2-3.11. A student who leaves a public or private member school anytime during the academic year to become a homeschooled student will be ineligible for extracurricular activities for the remainder of the semester. To gain eligibility, the student must provide evidence of satisfactory progress as defined by an average stanine of 4 or higher on a nationally normed assessment.

Rationale: Language needs to be revised to reflect legislative changes.

Constitution and Bylaws Committee

**PROPOSAL 9 (Vote: Yes – 126, No – 1)**

**Amend §127-2-7.2 Residence-Transfer as follows:**

127-2-7.2.a. In addition to those transfers permitted by any other rule, a student shall be eligible for a one-time transfer during grades 9-12 and shall retain their immediate eligibility following the transfer. This also applies to homeschool students, Hope Scholars, micro school students, learning pod students, and public charter school students. If the transfer occurs during a season in which the student has ~~started practice~~ participated in any capacity within a WVSSAC established sports season (including, but not limited to summer participation) as set forth and published by the WVSSAC, the student will be eligible for all sports except for ~~the~~ that sport. in which the student has started practice at the previous school.

Rationale: Language needed as result of legislation as well to clarify what constitutes participation in a sport.

Constitution and Bylaws Committee

**PROPOSAL 10 (Vote: Yes – 127, No – 0)**

**Amend §127-2-7.2 Residence-Transfer as follows:**

7.2.f. If a member middle school student is released and accepted by formal actions of a county board of education or governing body of a private/parochial school ~~which have verified that such transfer is not for athletic reasons~~, 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. This also applies to homeschool students, Hope Scholars, micro school students, learning pod students, and public charter school students. 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. If the transfer occurs during a season in which the student has participated in any capacity within a WVSSAC established sports season (including, but not limited to summer participation) as set forth and published by the WVSSAC, the student will be eligible for all sports except for that sport.

Rationale: Language needed to clarify as a result of legislative changes.

Constitution and Bylaws Committee

**PROPOSAL 11 (Vote: Yes – 127, No – 1)**

**Amend §127-2-7. Residence-Transfer as follows:**

127.2.7.2.j An out of state student in grades 6-12 who transfers to any WVSSAC member school is not eligible for participation in extracurricular activities unless the student meets all criteria as set forth in 127-2-7.2.a.

Rationale: Language needed to clarify as a result of legislation.

Constitution and Bylaws Committee

**PROPOSAL 12 (Vote: Yes – 128, No – 0)**

**Amend §127-1-13. Review Board as follows:**

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

13.1.b.1. West Virginia Bar Association;

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

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

13.1.b.4. West Virginia Sportswriter Association;

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

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

13.1.B.7. State Superintendent's Designee

Rationale: The Review Board is comprised of seven members. The seventh member historically was from the North Central Association, which no longer is an educational entity that works with West Virginia schools. This addition completes the membership.

Constitution and Bylaws Committee

**PROPOSAL 13 (Vote: Yes – 129, No – 1)**  
**Amend §127-1-6.4 Officers and Duties as follows:**

6.4. The ~~annual~~ honorarium of each of the officer-members shall be ~~\$1000.00~~, \$100 per meeting attended.

Rationale: There are times when special meetings are called that result in board members exceeding the ten regularly scheduled meetings. This change would allow board members to be compensated for each meeting attended.

Constitution and Bylaws Committee

**PROPOSAL 14 (Vote: Yes – 129, No – 0)**  
**Amend §127-3-22.8 Cross Country (Boys and Girls) as follows:**

22.8 Middle Schools. The above rules will apply to middle school with the following adaptations:

22.8.a Organized team conditioning practice will begin on Monday of Week 5 and the first meet will be held during Week 7.

22.8.b Maximum Team Contests: A middle school cross country team will be permitted 14 meets.

22.8.c Length of Season: The middle school cross country season will end on Saturday of Week 16.

Rationale: No current language in rule book that addresses middle school cross country.

Constitution and Bylaws Committee

**PROPOSAL 15 (Vote: Yes – 129, No – 0) ~~This is WVBE policy.~~**  
**Amend §126-26-4. Eligibility as follows:**

~~4.1.b.11.C. is enrolled in at least one virtual instructional course per semester, consistent with the applicable virtual instruction policies of the county in which the homeschooled student lives and the applicable virtual instruction policies of the WVBE. A homeschooled student who fails to receive a C grade or higher at the conclusion of the virtual instruction course or semester, whichever is earliest, shall be ineligible to continue participation and remain ineligible for the following semester.~~

Rationale: Language needs deleted as a result of recent legislation. No longer required for eligibility.

Constitution and Bylaws Committee

**PROPOSAL 16 (Vote: Yes – 127, No – 0)**  
**Amend §127-3-6. Coaches as follows:**

6.1. A member of a school faculty, substitute teacher, or student teacher, with West Virginia Department of Education (WVDE) Authorized Certification, shall be allowed to coach an athletic team. A member of a private/parochial school ~~facility~~, faculty, substitute teacher, regardless of WVDE certification status, shall be allowed to coach an athletic team. An authorized certified individual may coach if they meet all of the requirements in §127-3-6.4.

Rationale: Editorial change. Typo that was never corrected.

Constitution and Bylaws Committee

**PROPOSAL 17 (Vote: Yes – 128, No – 0)**

**Amend §127-3-20.9 Basketball (Boys and Girls) as follows:**

20.9.e. All middle students may play a maximum of ~~400~~ 120 quarters for one season.

Rationale: Rule was changed last year to allow six quarters per day, but the maximum number of quarters for the season rule was not changed. Makes the rules consistent.

Constitution and Bylaws Committee

**PROPOSAL 18 (Vote: Yes – 130, No – 0)**

**Amend §127-3-7.9 Out-of-Season Coaching as follows:**

7.9 Involvement in community- based youth league athletic programs (i.e. serving on a youth league board, serving as a director, booster, etc.) is permitted.

Rationale: Current interpretation of the rule does not allow a coach to also serve on a youth league board or be involved in any capacity. The intent of the rule is to prohibit coaching. This revision provides some allowances for those who wish to be involved in their communities and also coach for a member school without being penalized.

Constitution and Bylaws Committee

**PROPOSAL 19 (Vote: Yes – 125, No – 1)**

**Amend §127-2-10. Non-school Participation as follows:**

~~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.~~

10.1. During a WVSSAC established sport season and while a member of a WVSSAC school team, a student may participate in, including but not limited to, showcases, clinics/camps, tryouts, fund-raising activities, and similar activities (hereafter "events") in the same sport outside of the WVSSAC school team activities, however, the student may not compete for a non-WVSSAC school, team, club, or similar structured organization in their formally organized competition/contest/match/game/practice in the same sport. For the identified non-WVSSAC events which are allowed during the sport season, approval for participation shall be obtained from the student's WVSSAC school/principal. The WVSSAC school/principal shall have discretion in approving the requested approval, but such shall not be unreasonably withheld. If approved the principal/school may set reasonable limitations therein for all matters which reasonably conflict with the WVSSAC school's practice and game/contest schedule including all regular and post season events taking into consideration that the WVSSAC sport season competition/contest/match/game/practices have priority over the non-WVSSAC school participation request.

10.1. Notwithstanding the provisions as contained in 10.1, a student may participate during the sport season as a member of a national team (and the actual, direct tryouts thereof) which is defined as:

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

10.2. b. while representing the National Federation in an International School sport 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 in a game/contest/ and/or practice on a non-WVSSAC school/ team/club or similar structured organization or as an individual unattached in formally organized competition/contest/match /game/practice in the same sport after the WVSSAC established start date of the sport season will be ineligible for participation on that school team for that sport season in that particular sport except as provided by §127-2-10.1 and §127-2-10.2

10.4.

Rationale: As per discussion with legislators to provide some flexibility in the rule.

Constitution and Bylaws Committee

127CSR4

TITLE 127  
LEGISLATIVE RULE  
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

SERIES 4  
PROVISIONS GOVERNING CONDUCT

**§127-4-1. General.**

1.1. Scope. -- These rules govern conduct for active and spectator participants, coaches and all other school personnel at interscholastic athletic events.

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

1.3. Filing Date. -- ~~July 12, 2023.~~

1.4. Effective Date. -- ~~September 11, 2023.~~

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 127CSR4, West Virginia Secondary School Activities Commission Series 4, Provisions Governing Conduct, filed ~~July 11, 2019~~ July 12, 2023, and effective ~~September 9, 2019~~ September 11, 2023.

**§127-4-2. Sportsmanship.**

2.1. Member schools are required to conduct all relations with other schools in a spirit of good sportsmanship. Acts which are prima facie evidence of failure to abide by this rule are those which are noted below and others of similar nature which violate the accepted code of good sportsmanship.

2.2. It shall be the responsibility of the home schools to take proper steps and precautions to insure that crowd and spectator control is handled reasonably at all interscholastic athletic contests including all post season athletic contests whether home or away. In addition to the spectators, attention must be directed to the safety, comfort, and security of the coaches, officials, and students. Their seating accommodations should protect them from spectator interference.

2.3. It shall be the responsibility of any team, student, coach, or attendant to remain in or a part of a contest until its normal end as provided by the National Federation Rules of that particular sport. The exception to the above would be provided by the same National Federation Rules of that particular sport. The penalty for a violation by a coach, student, or team attendant will not only involve ejection during that particular contest but shall also involve that student, coach, or team attendant not being a part of that school's team for the next regularly scheduled contest(s) or post season progression in a playoff tournament, as regulated in §127-4-3.7.3. The coach, student, or team attendant may practice in the days prior to the contest but may not dress or participate on the day of the contest. Rule W. Va. §127-3-8 CSR3, Provisions Governing Contests (Rule §127CSR3), section 8, further explains the forfeiture consequences.

2.4. It shall be the responsibility of a member school to use every means at its disposal to impress upon its faculty, student body, team members, coaching staff, and officials the values of sportsmanship in preparation for the conduct and management of interscholastic contests.

2.5. It shall be the responsibility of an administrator, spectator, student, or coach to follow those directions provided for in the Code for Interscholastic Athletics.

**§127-4-3. Code for Interscholastic Athletics.**

3.1. The school administrator shall:

3.1.a. Encourage and promote friendly relationships and good sportsmanship throughout the school by requiring courtesy and proper decorum at all times, by acquainting students and others in the community with ideals of good sportsmanship and by so publicizing these concepts and attitudes that all members of the school and community will understand their meaning.

3.1.b. Insist upon implicit compliance with all rules and regulations of the West Virginia Secondary School Activities Commission, hereinafter referred to in this rule as the WVSSAC.

3.1.c. Secure WV registered officials for all contests.

3.1.d. Insist upon adequate safety provisions for all activities, for both participants and spectators.

3.1.e. Approve only those activities and schedules which are educationally and physically sound for the student.

3.1.f. Encourage all to judge the success of the athletic program on the basis of the education goals and the attitude of the participants and spectators, rather than on the basis of the number of games won or lost.

3.1.g. Insist that the students exemplify the highest standards of good sportsmanship as a means of inculcating desirable spectator attitudes.

3.1.h. Provide adequate hygienic, sanitary, and attractive facilities for the dressing and housing of visiting teams and officials.

3.1.i. Review with staff the Sportsmanship Rule.

3.2. The coach shall:

3.2.a. Demonstrate high ideals, good habits, and desirable attitudes in personal behavior and demand the same standards of the students.

3.2.b. Recognize that the purpose of competition is to promote the physical, mental, social, and emotional well-being of the students and that the most important values of competition are derived from playing the game fairly.

3.2.c. Be a modest winner and a gracious loser.

## 127CSR4

3.2.d. Maintain self-control at all times, accepting adverse decisions without public display of emotion or of dissatisfaction with the officials.

3.2.e. Cooperate with the school principal in the planning, scheduling and conduct of sports activities.

3.2.f. Employ accepted educational methods in coaching, giving all students an opportunity to use and develop initiative, leadership, and judgment.

3.2.g. Pay close attention to the physical condition and well-being of the students refusing to jeopardize the health of an individual for the sake of improving the team's chances to win.

3.2.h. Teach students that it is better to lose fairly than win unfairly.

3.2.i. Prohibit gambling, profanity, abusive language, and similar violations of good sportsmanship.

3.2.j. Refuse to disparage an opponent, an official, or others associated with athletic activities and discourage gossip and questionable rumors concerning them.

3.2.k. Properly supervise students under their immediate care and specifically observe a coach's responsibilities in conjunction with state interscholastic contests.

### 3.3. The spectator shall:

3.3.a. Realize that they represent the school just as definitely as does the member of a team, and, therefore, has an obligation to be a true sportsman, encouraging through this behavior the practice of good sportsmanship by others.

3.3.b. Recognize that good sportsmanship is more important than victory by approving and applauding good team play, individual skill and outstanding examples of sportsmanship and fair play exhibited by either team.

3.3.c. Recognize that, since the primary purpose of interscholastic athletics is to promote the physical, mental, moral, social, and emotional well-being of the students through the medium of contests, victory or defeat is in reality of secondary importance.

3.3.d. Treat visiting teams and officials as guests, extending to them every courtesy.

3.3.e. Be modest in victory and gracious in defeat.

3.3.f. Respect the judgment and integrity of officials, realizing that their decisions are based upon game conditions as they observe them.

### 3.4. The student shall:

3.4.a. Be courteous to visiting teams and officials.

## 127CSR4

3.4.b. Participate to the limit of their ability. The true student does not give up, nor do they quarrel, cheat, bet, or grandstand.

3.4.c. Be modest when successful and be gracious in defeat. A true "sport" does not offer excuses for failures.

3.4.d. Maintain a high degree of physical fitness by observing team and training rules conscientiously.

3.4.e. Demonstrate loyalty to the school by maintaining satisfactory scholastic standing and by participating in and supporting other school activities.

3.4.f. Understand and observe the rules of the game and the standards of eligibility.

3.4.g. Respect the integrity and judgment of officials and accept their decisions without questions.

3.4.h. Respect the facilities of host schools and the trust entailed in being a guest.

3.4.i. The cheerleader shall always cheer positively for the team and never negatively against the opponent.

3.5. The official shall:

3.5.a. Place the welfare of the student above all other considerations.

3.5.b. Know the game rules thoroughly and give intelligent interpretations.

3.5.c. Maintain confidence and control from start to finish.

3.5.d. Work cooperatively with fellow officials and game administrators.

3.5.e. Refrain from exhibiting emotions or arguing with a student or coach. Maintain self-control under all conditions.

3.5.f. Be fair, impartial and professional.

3.5.g. Be neat and dress in the appropriate uniform.

3.5.h. Be in adequate physical condition for the demands of the particular sport.

3.5.i. Refrain from commenting upon or discussing a team, play, game situation, or fellow official.

3.5.j. So conduct the game as to enlist the cooperation of students, coaches, and spectators in the interest of good sportsmanship.

3.6. *Protection, Facilities, and Assistance.* The home team is expected to furnish supervision. Outdoor facilities or playing facilities should be separated from the spectators by a restraining barrier (fence, wire,

rope, etc.). Officials should be provided with a parking space, private dressing facilities not accessible to unauthorized personnel, and should be paid no later than half-time of game. The use of trained, competent, adult "assistant officials," i.e., scorers, timers, chain and down marker crews, etc., is strongly recommended.

3.7. *Statement of Policy.* Insofar as unsportsmanlike actions by students, school administrators, officials, coaches, faculty members, and spectators are concerned, the identical items under the Sportsmanship Rule along with the following guides will be referred to by the WVSSAC:

3.7.a. The school whose coach behaves in a manner likely to have adverse influence on the attitudes of students or spectators may be provided with the choice of taking disciplinary action against that coach or having the entire school disciplined by the WVSSAC.

3.7.b. Any student who in protest lays hands or attempts to lay hands upon an official may be declared ineligible by the principal or by the WVSSAC for up to one year. Any student who strikes an opponent, coach, or a spectator during or following an athletic event may be declared ineligible by the principal or the WVSSAC for a specified period of time up to one year, depending on the seriousness of the act.

3.7.c. Any coach, player, team member, student, or bench personnel ejected or disqualified by rule or by an official, referee, judge, or other such person charged to administer participation, by an official will be suspended for the remainder of the a game, match, meet, or contest or other interscholastic event, (ejected, disqualified, or disqualification hereafter) (excepting any applicable ejection or disqualification sport specific rule not involving sportsmanship). The coach, player, team member, student, or bench personnel ejected or disqualified by an official will also be suspended an additional contest(s); the suspension is assessed based upon ten (10) percent of the allowed regular season contests for that 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 (two); cross country (two); soccer (two); volleyball (two play dates); football (one); cheer (one); swim (two); wrestling (two weigh ins); boys basketball (two); girls basketball (two); tennis (two); track (two); softball (three); and baseball (three). 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 or disqualification will result in the doubling of the suspension assessed for the first ejection. If an individual is ejected or disqualified 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 or disqualification. In accordance with Rule §127-3-15.3, an individual ejected or disqualified by an official may not appeal that ejection or disqualification, but may appeal any subsequent suspension that is a consequence of the ejection or disqualification. ~~by an official.~~

3.7.c.1. Any coach, player or bench personnel who has been ejected shall not be permitted to attend any contest(s) during said suspension. He/she shall not be affiliated with the team in any capacity. This would include but not be limited to transportation to or from the contest, meeting with the team before, during or after said contest. He/she is not permitted to be in sight or sound of said contest venue. Regular practice or team meetings not affiliated with a contest are permitted.

3.7.c.2. If suspensions are imposed to a student or bench personnel at the end of the sport season and no contest remains, the suspension is carried over to that particular sport until the next school year. In the case of a senior student, the penalty will continue to the next WVSSAC sponsored sport.

## 127CSR4

3.7.c.3. Any coach suspension that cannot be enforced during the sport season in which the ejection occurs will be enforced at the beginning of the next season of that same sport.

3.7.d. In case of spectators physically molesting an official, administrator, coach, or student, the school may be given one of two options: 1) file charges against the offender (s) or 2) accept discipline from the WVSSAC. Any person found guilty of W. Va. Code §61-2-15(a) Assault, Battery on Athletic Officials, while these individuals are working or as a result of working an athletic contest, shall be banned from all WVSSAC athletic events for a minimum of 365 days from the date of being found guilty. The school filing charges shall notify the WVSSAC of the incident and outcome of any legal action.

3.7.e. The school that does not lend complete cooperation in the host school's effort to promote the spirit of good sportsmanship may be disciplined by the WVSSAC.

3.7.f. A coach may be considered as committing unsportsmanlike conduct if they make degrading remarks about officials during or after a game either on the field of play, from the bench, or through any public news media, argues with officials, or goes through motions indicating dislike for a decision, protests the decision and actions of officials pertaining to the game during and after the contest, or detains the official on the field of play following a game to request a ruling or explanation of some phase of the game. If a coach feels he/she has a legitimate criticism of a penalty call or a request for a rule interpretation, such criticism or request should be made in the privacy of the coach's office or the official's quarters and should be made in a courteous manner.

3.7.g. A student or team attendant shall not leave the bench area, team box area, or their designated off-field area during a game or contest other than during that time permitted by game or contest rules. A coach shall not leave the bench area, team box area, or the designated off-field area during a game or contest other than during that time permitted by game or contest rules unless a student altercation is taking place and the official requests assistance. Violation of this rule shall cause the coach, student, or team attendant to be immediately ejected from the contest; team penalized according to game or contest rules; and that coach, student, or team attendant will not be eligible to participate in the next contest as outlined in §127-4-2.3.

3.8. Procedure. Unsportsmanship action must be reported in detail to the WVSSAC. A copy of the complaint must also be filed with the principal of the school involved. Each principal involved shall report such information or answers to the report as they deem appropriate. Upon receipt of all reports, the Executive Director and/or the Board of Directors of the WVSSAC shall investigate and adjudicate such reports in accordance with the powers afforded in W. Va. §127CSR1, Constitution, sections 8.6, and 8.7, and §127-1-12.2, and 12.3 of the Constitution. Penalties up to and including suspension of member schools may be made in accordance with §127CSR4.

3.9. The following defines the different types of disciplinary action which may be assessed for violation of any WVSSAC rule by a member school, administrator, coach, athlete or contest official:

3.9.a. *Warning*. A warning may be given by the Executive Director or Assistant Executive Director. It is official notice that an inexcusable, unethical, or unsportsmanship action has occurred, is a matter of record, and that such an occurrence must not be repeated.

3.9.b. *Probation*. Probation is a much more severe type of warning and may be expressed two ways: 1) a school, coach, student, or team attendant on probation is told that further violations will lead

## 127CSR4

to a fine or suspension; and/or 2) a school on probation is on conditional WVSSAC membership but may engage in its regular schedule, sanctioned events, and all WVSSAC tournament play, providing a program is filed with the Executive Director of the WVSSAC indicating measures to be taken to alleviate this problem which caused the school to be placed on probation.

3.9.c. *Suspension.* A school/coach suspended from the WVSSAC may not meet in interscholastic competition of any kind with a WVSSAC member school or a school that is a member of another state associated with the National Federation of State High School Associations.

3.9.d. *Fine.* A fine may be levied by the Executive Director.

3.9.e. Each of these sanctions (Warning, Probation, Suspension, and Fine) may be imposed or levied separately, or in a combination of one or more sanctions.

3.10. *Appeals.* All cases involving disciplinary action against member schools, coaches, students, team attendants, or officials may be protested in accordance with W. Va. §127CSR6, Violations of the Rules (Rule §127CSR6). However, disciplinary action imposed by an official, including disciplinary action that is a consequence of a decision by an official, such as a suspension for an additional game or games as a consequence of an ejection, is governed by Rule §127CSR3, section 15.3, and is not subject to appeal.

3.11. *Review of Ejections.* Disciplinary action imposed by a contest official, including disciplinary action that results in a suspension for an additional game or games as a consequence of an ejection, is not subject to appeal pursuant to Rule §127CSR6. However, if the individual ejected believes the ejection was improper, he/she may request a review of the ejection by his/her principal. If the principal believes there is merit in the requested review, the principal shall complete and submit the WVSSAC Ejection Review Form within 24 hours or the next business day of the ejection to the Executive Director of the WVSSAC. If a review is properly requested, the WVSSAC will review the officials' special report, the WVSSAC Ejection Review Form, and such other information as the WVSSAC deems appropriate. Upon review, the WVSSAC Executive Director or the designated Assistant Director will either sustain the ejection and any consequent suspension(s), or will determine the ejection was improper and void any consequent suspension(s). A decision by the WVSSAC upon reviewing an ejection is not subject to appeal pursuant to Rule §127CSR6.

**West Virginia Secondary School Activities Commission (WVSSAC)  
W. Va. 127CSR4, Series 4, Provisions Governing Conduct**

**COMMENT PERIOD ENDS: June 10, 2024**

**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 4, Provisions Governing Conduct**. 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**

**§127-4-3.7.c. Code for Interscholastic Athletics.**

Please direct all comments to:  
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West Virginia Secondary School Activities Commission  
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Parkersburg, West Virginia 26104  
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