



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY RULE

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-02

RULE TYPE: LegislativeExempt Amendment to Existing Rule: Yes

RULE NAME: Athletics, Provisions Governing Eligibility

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Constitution, Article XII, §2, and W. Va. Code §18-2-5 and §18-2-25 et seq.

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

The proposed changes to this rule are a result of the passage of House Bill No. 4425 - To repeal the provision allowing for students to transfer from one school to another without losing eligibility (2026 Regular Legislative Session), effective on June 11

PRIMARY CONTACT:

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THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Existing C.S.R. § 127-2-7 7.2 Part B Transfer being amended was promulgated before the 2023-2024 school year and filed on July 12, 2023, to be effective September 11, 2023, as a result of the passage of W.Va. Code § 18-2-25(e) by the 2023 West Virginia Legislature which required the WVSSAC to allow students to transfer and retain athletic eligibility at least one time during a students four years of secondary school, inclusive of grades 9-12 by emergency rule if necessary. The WVSSAC met that direction and has operated under such rule for the last three years with substantial discussion and debate which has demonstrated the requirements of W.Va. Code §29A-3-15(f) are met as on March 11, 2026, during the 2026 West Virginia Legislative session, W.Va. Code §18-2-25(e) was repealed. The date of repeal prevented the WVSSAC Board of Control from promulgating a rule to address the repeal of W.Va. Code §18-2-25(e) during its previously scheduled March 30-31, 2026, annual meeting. However, the WVSSAC Constitution and Bylaws Committee, pursuant to its authority, promulgated and provided to the WVSSAC Board of Control the enclosed amendment C.S.R. § 127-2-7 7.2 Part B Transfer rule which was presented for discussion, amendment and formal consideration during the next Board of Control meeting. The amended Emergency Rule was passed by the Board of Control with 147 favor and 0 opposed. Therefore, if approve by the West Virginia State Board of Education the rule will be filed with the West Virginia Secretary of State and become effective upon his approval or upon the 42nd day following the filing which ever comes first.

C.S.R. § 127-2-7 7.2 Part B Transfer. Provides student/athletes in grades 9 and 10 with the opportunity to have school choice prior to September 1 and further allows a one-time transfer back to their declared home school, without penalty, prior to September 1 of their 11th grade year.

C.S.R. § 127-2-7 7.2 Part B - Transfer. As noted above, member school representatives of the West Virginia Secondary School Activities Commission voted 147-0 in favor of the Emergency Rule during its 2026 annual meeting. The West Virginia Board of Education approved this rule be filed as an emergency rule on June 11, 2026, at its June 3, 2026, meeting.

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE? No

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND OR EXPIRED? No

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The WVSSAC is a non-profit, private, voluntary association of public, private, and parochial West Virginia Secondary Schools and is not a state agency; therefore, there will be no impact on the revenues of State Government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The WVSSAC is a non-profit, private, voluntary association of public, private, and parochial West Virginia Secondary Schools and is not a state agency; therefore, there will be no impact on revenue accounts.

C. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

The WVSSAC is a non-profit, private, voluntary association of public, private, and parochial West Virginia Secondary Schools and is not a state agency; therefore, it is not anticipated that there will be any economic impact to the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 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):

No state costs or revenue will be impacted by the proposed amendment of W. Va. 127CSR2, Athletics Provisions Governing Eligibility. The WVSSAC is a non-profit, private, voluntary association of public, private, and parochial West Virginia Secondary Schools and is not a state agency. Also, the Secondary School Activities Commission currently enforces a similar rule and the amendment as proposed by its Constitution and Bylaws Committee and adopted by member schools on a 147-0 vote, is not anticipated to provide any substantial change to the enforcement cost of such. Further, all West Virginia Secondary School Activities Commission funds have been found to not be public funds by the Supreme Court of West Virginia in Mayo v. Secondary Schools Activities Com'n, 223 W. Va. 88, (W. Va. 2008).

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

Yes

Tina A Payne--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.

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TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
SERIES 2
ATHLETICS, PROVISIONS GOVERNING ELIGIBILITY

§127-2-1. General.

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

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

1.3. Filing Date. -- ~~July 9, 2025.~~

1.4. Effective Date. -- ~~August 8, 2025.~~

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 8, 2024~~ July 9, 2025, and effective ~~September 6, 2024~~ August 8, 2025.

§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 and meet all other eligibility rules that apply. Enrollment must be continuous after the student has 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.

3.2. A waiver, as pursuant to §127-2-2, may be granted by the Board of Directors as follows:

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

3.2.b. 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. Individual sports can co-op if the individual sport has less than enough to make up a team. 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) for football, boys basketball, girls basketball, volleyball, softball, baseball, girls soccer, and boys soccer. For wrestling, a school with fewer than seven weight classes would not be eligible to apply for a co-op with another school meeting all other co-op requirements that has seven or more weight classes represented.

3.2.c. 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.

3.2.d. 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

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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 WVSDDB, 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), 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 resides with their parents or as allowed by §127-2-7.2.e and §127-2-7.2.f who:

3.11.a. 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); 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 charter public school may participate in extracurricular activities in a member school in the attendance area in which the student resides with their parents if the private school or charter public 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.

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

§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.

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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 seven consecutive years (14 consecutive semesters) after enrollment in 6th grade. Semesters of eligibility beginning with the 2025-2026 school year and thereafter: 6th grade – 14, 7th grade – 12, 8th grade – 10, 9th grade – 8, 10th grade – 6, 11th grade – 4, 12th grade – 2.

5.2. 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 6-12.

5.3. 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.

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

5.5. The Board of Directors is authorized to grant a waiver to the Semester and Season Rule when it 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:

5.5.a. The Board of Directors is authorized to consider cases in which a student 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.

5.5.b. The Board of Directors is authorized to release from the continuous enrollment restriction provided no participation has occurred during the semester(s) in question.

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

5.6. The Board of Directors 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.

§127-2-6. Scholarship.

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

6.2. 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.

7.1.d. A student entering a school as an "unaccompanied youth" under the conditions of the federal McKinney-Vento Act, provided the student is otherwise eligible.

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 who has started participation in a sport, which would include practice or contest, that the student was participating in at the former school, may not participate in that sport for that sport season at the WVSSAC member school to which they transferred.

7.1.g. 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.

7.1.h. 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.i. 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. This also applies to homeschool students, Hope Scholars, micro-school students, learning pod students, and charter public school students. 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, at the previous school, the student will be eligible for all sports except for that sport. 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. In addition to those transfers permitted by any other rule, a student shall be eligible for a one-time transfer during 9th or 10th grades, subject to below, and shall retain their immediate eligibility following the transfer. Eligibility will be granted immediately if the transfer is completed on or before September 1. This also applies to Hope Scholars, homeschool students, micro school students, learning pod students, and charter public school students. When the transfer occurs during a season in which the student has participated in any capacity within a WVSSAC established sports season as set forth and published by the WVSSAC Standardized Calendar for the applicable academic year, at any previous secondary school, the student will be eligible for all sports except for that sport. Any transfer made outside the scope of this rule may file for a waiver with the WVSSAC Board of Directors as permitted by these rules.~~

Further a student would be eligible upon a bona fide change in residence, defined as follows:

~~7.2.a.1. Any additional transfers during the academic year from one secondary school to another secondary school, shall cause the student 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, Section 4. 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.21. 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.32. The change is being made with the intent that the move is permanent;

7.2.a.43. The entire family must make the change;

7.2.a.54. Documentation of connection of utilities to the residence (e.g., power, water, waste, sewer);

7.2.a.65. Change of voter's registration, driver's license, mailing address, etc.;

7.2.a.76. 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. Transfer Back. A student in the 9th, 10th, or 11th grades, subject to below, will be entitled to one transfer back from a school located outside of their attendance zone where the student resides into a member school located within the attendance zone where the student's parents reside. The school

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must be the “home” school originally identified or selected as the “home” school in the initial enrollment in the out of attendance zone school. Eligibility will be granted immediately if the transfer is on or before September 1, subject to below.

If the transfer occurs during the remainder of the academic year, the student will be ineligible for the remainder of that academic year and will gain eligibility after the end of that academic year, providing they meet the specified GPA requirements. If the transfer back occurs on or before September 1 of that academic year in which the student has participated in any capacity within a WVSSAC established sports season as set forth and published by the WVSSAC standardized academic calendar, at the previous school, the student will be eligible for all sports except for that sport. Any transfer made outside the scope of this rule may have the ability to file an appeal for a waiver with the WVSSAC Board of Directors as permitted by these rules.

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, Section 4. Eligibility.

7.2.~~b~~c. 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, (2) the principals of both 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. If a student leaves a public or private member school at the end of the academic year and becomes a homeschooled student for the first time, the student must provide evidence of a 2.0 GPA from the second semester from 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.

7.2.~~d~~e. 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.~~e~~f. For the purpose of athletic eligibility, the Commission does not recognize emancipated minor status as it relates to transfer.

~~7.2.e. 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.f. 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, 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 charter public school students. If the transfer occurs during a season in which the student has participated in any capacity within a WVSSAC

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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.

7.2.g. After establishing initial residency with one parent, all subsequent transfers will follow §127-2-7.2.a unless a change of residency is decreed by the court.

7.2.h. 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.

7.2.i. A student not residing in West Virginia who transfers to any WVSSAC member school in grades 6-12 is not eligible for participation in extracurricular activities. A student not residing in West Virginia who attends a member school or member school feeder for the preceding 365 days is considered to have established eligibility in that attendance zone and is therefore eligible.

§127-2-8. Adoption/Guardianship/Custody.

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.a.1-4.

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

§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.

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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 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.a. Notwithstanding the provisions as contained in §127-2-10.1, 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.1. one selected by the national governing body of the sport;

10.1.a.2. while representing the National Federation in an International School sport Federation;

10.1.a.3. as a representative of the United States in recognized national or international events;

10.1.a.4. a qualifier for the West Virginia Golf Association's Amateur Championship or the United States Golf Association's United States Amateur Championship; or

10.1.a.5. the USA Swimming Junior National Championship.

10.2. 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.

§127-2-11. Amateur.

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

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

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

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

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

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

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

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

11.4.a. 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.

11.5. No school or anyone employed by a member school, including coaches and administrators, may be involved with a student athlete's use of their NIL. No one associated with or acting at the direction of a member school, such as booster clubs, alumni, or collectives, may use the promise of NIL opportunities to entice student athletes to transfer to or attend their school.

11.6. Student athletes are prohibited from making any reference to a member school or the WVSSAC when engaging in any NIL activity. Student athletes may not endorse or promote any third party entities, goods, or services during team activities. Student athletes may not wear the apparel or display the logo, insignia, or identifying mark of an NIL partner during any team activities. Student athletes are prohibited from participation in an NIL club that is based on their affiliation with a member school or a member school's interscholastic team, or an NIL club that references a member school or a member school's interscholastic team.

11.7. Student athletes are prohibited from engaging in any NIL activities involving the following categories of products and services:

11.7.a. Adult entertainment products and services

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11.7.b. Alcohol products

11.7.c. Tobacco and nicotine-related products

11.7.d. Cannabis products

11.7.e. Controlled dangerous substances

11.7.f. Prescription pharmaceuticals

11.7.g. Casinos and gambling, including sports betting, the lottery, and betting in connection with video games, online games, and mobile devices; and

11.7.h. Weapons, firearms, and ammunition

§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.

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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);

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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.

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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.