EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

Series 1, Constitution
Series 2, Athletics, Provisions Governing Eligibility
Series 3, Provisions Governing Contests
Series 4, Provisions Governing Conduct
West Virginia Secondary School Activities Commission
Proposed Changes in Rules and Regulations

BACKGROUND

The majority of public and most private schools in West Virginia belong to the West Virginia Secondary School Activities Commission. Each year, the principals of member schools submit revisions to the rules and regulations. The submitted proposals are presented and voted upon at the annual Board of Control meeting. Any approved changes are then submitted to the West Virginia State Board of Education for its review and approval.

PURPOSE

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

These proposals will be distributed for public comment in May and June. The West Virginia Secondary School Activities Commission will present to the State 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 be approved.

CONTENT

Thirteen proposals are being submitted to the State Board by the West Virginia Secondary School Activities Commission. Each rule change is presented with the whole rule being included. This will help the State Board members understand the significance of the rule change.

The following is a brief summary of the effect of each proposal:

1. Clarification (Vote: Yes-137 No-0)
2. Clarification (Vote: Yes-135 No-0)
3. Clarification (Vote: Yes-140 No-0)
4. Clarification (Vote: Yes-137 No-0)
5. Clarify position of our office since the inception of this rule. (Vote: Yes-135 No-0)
6. Clarification (Vote: Yes-137 No-3)
7. Clarification (Vote: Yes-138 No-0)
8. Clarification (Vote: Yes-139 No-0)
9. Competitive Balance (Vote: Yes-111 No-26)
10. Clarification (Vote: Yes-135 No-5)
11. Clarification (Vote: Yes-136 No-0)
12. Clarification (Vote: Yes-131 No-1)
13. Clarification (Vote: Yes-136 No-0)

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.

RESPONSE TO COMMENTS

NO COMMENTS WERE RECEIVED FOR SERIES 1 AND 4; COMMENTS RECEIVED FOR SERIES 2 AND 3 RESULTED IN NO CHANGES TO THE RULES.
WVSSAC

2019-20 Proposed Rule Changes Passed by BOC

Proposal 1 (Vote: Yes-137 No-0)  \[\text{NOTE: Proposal 1 was not approved by the WVBE for placement on comment.}\]

Amend §127-1-6. Officers and Duties. (pg. 4) as follows:

6. There shall be five (5) elected officer-members of the WVSSAC, each of whom shall be a principal of a secondary school in West Virginia.

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

6.1.a. One (1) officer-member shall be elected to a regular term each year at the annual meeting of the Commission. The runner-up candidate in each election shall be declared the alternate-officer-member and shall serve any portion of the officer-member’s unexpired term which may occur. If the alternate-officer-member is not thus determined, then a separate election shall be held to do so. Both the officer-member and alternate-officer-member shall be from the same administrative district.

6.1.c. The regular term of an elected officer-member shall be a period of five (5) years and the term shall begin on Monday of Week 40 of the NFHS Calendar, following the member’s election.

6.1.d. An elected officer-member shall be eligible to serve two (2) regular five (5) year terms in succession. Upon completion of the two (2) successive terms, a former officer-member shall not be appointed to, nor elected to fill, a vacancy of an unexpired term during the five (5) year period immediately following the expiration of a regular term. Serving more than one half of an unexpired five (5) year term shall constitute one of the two (2) permitted successive terms.

6.1.e. The election shall be by ballot when more than one (1) candidate from the same administrative district is nominated for officer-member. When more than two (2) candidates from the same administrative district are nominated for officer-member, the balloting shall continue until one (1) candidate receives a majority of the votes cast. The candidate with the least number of votes on each ballot shall be dropped from each subsequent ballot.

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

Constitution & Bylaws Committee

Rationale: Clarification

Proposal 2 (Vote: Yes-135 No-0)

Amend §127-1-12. Duties of Executive Director. (Pg. 9) by adding the following

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

Proposal 3 (Vote: Yes-140 No-0)

Amend §127-1-13. Review Board. (Pg.24) as follows:

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

Constitution & Bylaws Committee

Proposal 4 (Vote: Yes-137 No-0)

New Rule §127-2-5 Semester and Season. (Pg.17) as follows:

5.2. While in grades 6, 7, and 8, a student shall not participate in more than three seasons in any single interscholastic activity.

Constitution & Bylaws Committee

Proposal 5 (Vote: Yes-139 No-0)

Amend §127-3-4 All-Star Participation. (Pg. 35) as follows:

4.1. Only a graduating senior, or any student completing athletic eligibility at the end of the current academic year because of age or completion of semesters of eligibility, may play in one All-Star game upon conclusion of the each season without loss of athletic eligibility for the balance of that year.

Constitution & Bylaws Committee

Proposal 6 (Vote: Yes-137 No-0)

Amend §127-3-6 Coaches. (Pg. 37) as follows:

6.6. All coaches, athletic directors, and band directors of member schools who, upon retirement from a full time teaching, school service, or administrative position at a member school, have at least 20 years of service as a coach, athletic director, band director, or combination thereof shall receive a lifetime WVSSAC Courtesy and Identification Card. This card shall allow admittance to any WVSSAC sponsored event. This admittance will be by presentation of the WVSSAC Courtesy and Identification Card and photo identification. Spouses of deceased coaches, athletic directors, and band directors shall have a WVSSAC permanent Courtesy and Identification Card with the same admittance stipulations transferred to them upon request to the WVSSAC.

Constitution & Bylaws Committee

Proposal 7 (Vote: Yes-138 No-0)
Amend §127-3-9 Game Officials. (Pg. 40) as follows:

9.6.n. Honor all existing officiating contracts with member schools unless a valid reason is presented and accepted by the involved school. Accepting a game involving a higher level of competition is not a valid reason the to cancel a contract.  

Rationale: Clarification

Proposal 8 (Vote: Yes-139 No-0)

Amend §127-3-9 Game Officials. (Pg. 40) as follows:

9.7. The WVSSAC Executive Director shall have the power to penalize for violations of these rules. Any official penalized under these rules shall have the right to appeal to the Board of Directors. The WVSSAC Executive Director shall inform fully a penalized official of his/her appeal rights.  

Rationale: Clarification

Proposal 9 (Vote: Yes-111 No-26)

Amend §127-3-10 Classification. (Pg. 39) as follows:

10.1. Excluding boys and girls basketball, each member public high school shall be classified as either AAA, AA, or A based on the enrollment figures in grades 9, 10, 11, and 12 at the end of the second school month of the odd numbered year preceding the classification.

10.2. Excluding boys and girls basketball, classification of member high schools shall be determined every four years on the even numbered years and will remain in effect for a four year period unless the school experiences a 20% change in enrollment using WVDE enrollment figures at the end of the second school month. Classification changes due to a 20% change in enrollment becomes effective next academic year. 41 127CSR3

10.3. A school may choose to compete in WVSSAC tournaments in one class above its classification providing proper notification is made to the WVSSAC prior to April 1 of a new classification year. Approval of this option will be for a four year period and will be effective for individual sports sponsored by the school.

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

10.5. Excluding boys and girls basketball, if a consolidation of two or more member schools occurs during the classification period, the new member school will be reclassified based on the combined enrollment of 9, 10, 11, and 12 in the consolidating schools.

10.6. Each member high school shall be classified in boys and girls basketball as either AAAAA, AAA, AA, or A based on a total score given by the classification model that considers the following factors: enrollment, location and economics. For an explanation of the classification model, and how scores are assigned, see appendix 1.
10.7. Classification of member high schools in boys and girls basketball shall be determined in the next regular reclassification year and will remain in effect for a two year period unless the school experiences a 20% change in enrollment using WVDE enrollment figures at the end of the second school month and qualifies to be moved according to the classification model. Classification changes due to a 20% change in enrollment and the classification model becomes effective next academic year. 41 127CSR3

10.8. A school may choose to compete in WVSSAC tournaments in one class above its classification in boys and girls basketball providing proper notification is made to the WVSSAC prior to April 1 of a new classification year. Approval of this option will be for a two year period and will be effective for individual sports sponsored by the school.

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

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

10.11. No member school shall, based on the classification, be compelled to play more than one class up from where it would be classifieds in a 4 class system based strictly on enrollment.

Appendix 1:

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

- **The enrollment score** takes enrollment data and normalizes it on a scale from 0-1.
- **The location score** is made up of two equally weighted pieces.
  - Part 1 is determined by taking the school county’s population divided by the driving distance between the school and the county seat, that value is then normalized between 0-1.
  - Part 2 is calculated by finding the distance from the school to the closest city with a population of 10,000 or more, then normalized between 0-1. Each part is then multiplied by half of the location score weight.
- **The economic score** is determined by first calculating a county score where the z-score of the county’s median household income is added to the z-score of the county’s poverty rate and the sum is normalized between 0-1.
  - For all schools located within single high school counties, the county economic score serves as the school economic score.
  - For all schools located within multi-high school counties, Direct Certified numbers on students eligible for free or reduced lunch are used to scale the county economic score. The scaling is accomplished by comparing the Direct Certified numbers of each individual school with the county average.

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

Rationale: The WVSSAC convened the Competitive Balance Committee which was tasked with determining if there was a more effective way to classify schools to better promote competitive balance for all member schools. The
current system classifies schools strictly on student enrollment. The committee members represented a diverse group of schools in terms of size and location. Early meetings seemed to create consensus on some relevant points.

- All member schools operate under the same rules.
- Enrollment is a significant factor in athletic success.
- Classifying schools based on enrollment alone may not be the best system.
- Other factors impact the student-athlete’s access to training, participation, coaching and facilities. This impacts a student-athlete’s ability to compete, and by extension, a school’s ability to compete. Chief among these factors are the location of the school and economic conditions in the district.

The committee had vigorous debate and examined multiple models for classification of schools. The members who co-sponsored this proposal believe it adjusts for the aforementioned factors and creates a more competitive system for all member schools. It is proposed that this model be piloted in boys and girls basketball for two years beginning with the 2020-21 school year. After the two year trial, member schools can vote to expand to other sports, extend the pilot, or drop the rule.

Proposal 10  (Vote: Yes-135  No-5)

Proposal Amend §127-3-13 Contracts. (Pg. 42) as follows:

13.5. A school will forfeit an athletic contest during regular season or scheduled tournament play if cancellation is caused by teachers, support personnel, or school patrons acting as a striking body. If both participating schools are affected by strike, cancellation shall be considered no contest. Regular season cancellation may be rescheduled during that same season by agreement of the involved parties and the Board of Directors.

Rationale: Clarification

Constitution & Bylaws Committee

Proposal 11  (Vote: Yes-136  No-0)

Amend §127-3-17. WVSSAC Tournaments. (pg. 43) as follows:

17.1. Participation in Commission sponsored and directed sectional, regional and state tournaments exclusively shall be limited to WVSSAC member schools.

Rationale: Clarification

Constitution & Bylaws Committee

Proposal 12  (Vote: Yes-131  No-1)

Amend §127-3-20. Basketball (Boys and Girls). (pg. 42) as follows:

20.9.f. All middle students may play a maximum of four - five quarters per day.

Rationale: Clarification

Constitution & Bylaws Committee

Proposal 13  (Vote: Yes-136  No-0)

Amend §127-4-03 Code for Interscholastic Athletics (page 60) as follows:

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.

Rationale: Clarification

Constitution & Bylaws Committee
FISCAL NOTE FOR PROPOSED RULES

Rule Title: W. Va. 127CSR1, 2, 3 and 4 Rules of the West Virginia Secondary School Activities Commission

Type of Rule: X Legislative □ Interpretive □ Procedural

Agency: West Virginia Secondary School Activities Commission

Address: 2875 Staunton Turnpike
          Parkersburg, West Virginia  26104

Phone Number: 304.485.5494                      Email: berniedolan@wvssac.org

Fiscal Note Summary
Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2, 3 and 4 Rules of the West Virginia Secondary School Activities Commission.

Fiscal Note Detail
Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

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Rule Title: West Virginia Secondary School Activities Commission Series 1, 2, 3 and 4

3. Explanation of above estimates (including long-range effect);
   Please include any increase or decrease in fees in your estimated total revenues.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2, 3 and 4, Rules of the West Virginia Secondary School Activities Commission.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

No state costs or revenues will be impacted by the proposed amendment of W. Va. 127CSR1, 2, 3 and 4, Rules of the West Virginia Secondary School Activities Commission.

Signature of Agency Head or Authorized Representative

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Date

____________________

April 4, 2019

Executive Director, West Virginia
Secondary School Activities Commission