

**W. Va. 126CSR26, Policy 2436.10, Participation in Extracurricular Activities
Executive Summary**

**West Virginia Department of Education
Office of Leadership Development / Division of School and District Accountability**

Policy Cycle: 30-day Comment Period Adoption of Policy

Policy Process: Revision Repeal and Replace New

Introduction: Policy 2436.10, Participation in Extracurricular Activities, is being amended to comply with House Bill 2820 (2023 Regular Session).

Background: Policy 2436.10, last amended in 2022, establishes academic eligibility of students to participate in extracurricular activities both during and after normal school hours in West Virginia public schools

Proposed Changes: The policy is being amended to comply with House Bill 2820 (2023 Regular Session).

Impact: There should be limited impact due to the policy revision.

Action:

- Release for 30-day public comment.
 - Approve by WVBE with effective date 30 days from filing.
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Response to Comments: The comment received during the comment period resulted in changes to the policy (see Attachment H-1).

Comments were received by the following groups:

- Teachers
 - Administrators (including principals and county staff)
 - Higher Educators
 - Parents/Grandparents
 - 1 Others (Legislator)
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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 26
PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (2436.10)**

§126-26-1. General.

1.1. Scope. -- This legislative rule establishes academic eligibility of students to participate in extracurricular activities both during and after normal school hours in West Virginia public schools.

1.2. Authority. -- W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-8-1, and 18-8-1a.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Repeal of Former Rule. -- This rule amends W. Va. 126CSR26, Policy 2436.10, Participation in Extracurricular Activities, filed July 14, 2022, and effective August 15, 2022.

§126-26-2. Purpose.

2.1. This policy promotes expectations of academic performance for students engaged in extracurricular activities. While students bear the responsibility to meet these expectations, school administrators are required to enforce eligibility rules to create a school environment primarily focused on academic performance.

§126-26-3. Applicability.

3.1. This policy applies only to interscholastic athletics, student government, and class officers in grades 6-12. Excluded from this policy are co-curricular activities which are closely related to identifiable academic programs/areas of study and which serve to complement academic curricular activities such as career and technical education, linguistic, mathematic, scientific, forensic, theatrical, musical, journalistic, and other similar academic cocurricular activities.

§126-26-4. Eligibility.

4.1. In order to participate in the extracurricular activities to which this policy applies, a student must meet the following:

4.1.a. adhere to all state and local attendance policies.

4.1.b. maintain a 2.0 average.

4.1.b.1. A 2.0 average is defined as a grade-point average (GPA) of 2.0 or better on a scale

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where an A is given the value of 4 points, a B is given the value of 3 points, a C is given the value of 2 points, a D is given the value of 1 point, and an F is given the value of 0 points.

4.1.b.2. For purposes of achieving the clearest and most uniform application of the policy for those schools which use a numerical grading system, all numerical grades shall be converted to the corresponding letter grade. Each letter grade shall be assigned the appropriate value as set forth above, and the average thereof computed to determine whether the student is eligible. No enhanced value should be given for a plus or minus designation, such as B+ or C-; all grades with the same letter designation have the same numerical value in the 4.0 scale.

4.1.b.3. In computing a student's GPA for purposes of this policy, all subjects undertaken by the student and for which a final grade is recorded are to be considered. Athletic practice may not be counted as a subject. The total number of classes taken is divided into the total number of grade points earned to determine the GPA. Classes for which a pass/failure is awarded will be included in computing the GPA only if the student failed the class.

4.1.b.4. A student's eligibility will be determined for each semester by the student's GPA from the previous semester (or, in schools which do not use the traditional semester approach, during the previous 18-week period).

4.1.b.5. If a student does not maintain a 2.0 average for the semester, the student will be ineligible for participation for the following semester. Students not meeting eligibility requirements shall be reviewed at the mid-point of the second semester (the nine-week point) to determine whether the student has achieved a 2.0 average.

4.1.b.6. If a student does not earn a 2.0 average by the end of the second semester, the student may attend summer school to raise the GPA to become eligible for participation at the beginning of the next school year. For purposes of computing the GPA after summer school, all of the student's grades from the second semester plus the student's grade from the summer school will be used to determine the GPA.

4.1.b.7. A student who has not achieved a 2.0 GPA for the previous semester may have eligibility reinstated at midsemester if the student has attained at least a 2.0 GPA. In schools and/or counties where the traditional semester approach is not used, the nine-week point shall be utilized in place of the midsemester.

4.1.b.8. In the case of students with exceptionalities as set forth in W. Va. 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities, if grades are given, all grades received from placements in regular classrooms and special education classrooms should be included when computing the GPA. Exceptional students placed in ungraded programs will be eligible for participation in extracurricular activities if their records indicate that they are making satisfactory progress in meeting the objectives of their individualized education program (IEP).

4.1.b.9. Students who have had a break in public school attendance for any reason may be required to establish eligibility after re-enrollment in the public school. The credits/grades earned and transferred from the non-public setting shall be used in determining academic eligibility. Eligibility shall be gained at midsemester (nine-week point) if the student has attained at least a 2.0 GPA. In schools and/or counties where the traditional semester approach is not used, the nine-week point shall be

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utilized in place of the midsemester.

4.1.b.10. Students who are entering public schools or other West Virginia Secondary Schools Activities Commission (WVSSAC) member schools for the first time will be eligible for participation as follows:

4.1.b.10.A. Students who have not earned grades that the receiving school will accept for credit upon transfer will be eligible upon enrollment and must have a 2.0 GPA at the end of the semester in which they enroll to remain eligible.

4.1.b.10.B. Students who have earned grades that the receiving school will accept for credit upon transfer must have earned a 2.0 GPA in the previous semester to be eligible upon enrollment. If not eligible upon enrollment, the student shall become eligible at the midsemester (nine-week point) if the student has attained at least a 2.0 GPA.

4.1.b.11. Homeschooled students, Hope Scholarship students, or students receiving instruction in a microschool or learning pod, participating in interscholastic athletics pursuant to W. Va. Code §18-2-25(d) will be eligible for participation, provided that the student:

4.1.b.11.A. complies with the rules promulgated by the WVSSAC; and

4.1.b.11.B. has demonstrated satisfactory evidence of academic progress for the immediately preceding year and that the student's average test results for the immediately preceding year are within or above the fourth stanine in all subject areas.

§126-26-5. Severability.

5.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Rule Title: W. Va. 126CSR26, Policy 2436.10, Participation in Extracurricular Activities

FISCAL NOTE FOR PROPOSED RULES

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Department of Education
Address: Drew McClanahan, Office of Leadership Development
Capitol Building 6, Suite 750
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone Number: 304.558.3199 Email: dmccclanahan@k12.wv.us

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 proposed W. Va. 126CSR26, Policy 2436.10.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of proposed W. Va. 126CSR26, Policy 2436.10.

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 proposed 126CSR26, Policy 2436.10.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	Current Increase / Decrease (use "-")	Next Increase / Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	\$0.00	\$0.00	\$0.00
Personal Services	\$0.00	\$0.00	\$0.00
Current Expenses	\$0.00	\$0.00	\$0.00
Repairs & Alterations	\$0.00	\$0.00	\$0.00
Assets	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00
2. Estimated Total Revenues	\$0.00	\$0.00	\$0.00

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 proposed W. Va. 126CSR26, Policy 2436.10.

Signature of Agency Head or Authorized Representative

Date

**W. Va. 126CSR26, Policy 2436.10, Participation in Extracurricular Activities
Comment Log**

Comment Period: May 8, 2024 to June 10, 2024

Action

A/S Comment was accepted and supports the proposed policy.

A/C Comment was accepted and resulted in changes to the proposed policy.

N Comment was not accepted.

Date	Commenter	Comments	Action	Rationale
§126-26-1. General.				
5/22/24	Michael Hornsby	The intent of the legislation passed was to be specific to micro-schools, homeschoolers, and learning pod students only. This language does not result in that.	Y	Homeschool, Hope Scholarship, microschool, and learning pod students will be added to the policy, for clarification.