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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. BY HER NEXT FRIEND AND)
MOTHER, HEATHER JACKSON,)

PLAINTIFF,)

VS.)

CIVIL ACTION NO.
2:21-cv-00316

WEST VIRGINIA STATE BOARD OF)
EDUCATION, HARRISON COUNTY BOARD)
OF EDUCATION, WEST VIRGINIA)
SECONDARY SCHOOL ACTIVITIES)
COMMISSION, W. CLAYTON BURCH IN)
HIS OFFICIAL CAPACITY AS STATE)
SUPERINTENDENT, DORA STUTLER IN)
HER OFFICIAL CAPACITY AS HARRISON)
COUNTY SUPERINTENDENT, AND THE)
STATE OF WEST VIRGINIA, ,)

DEFENDANTS,)

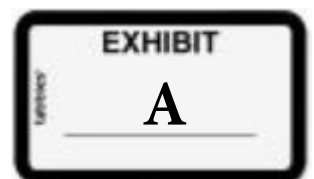
AND)

LAINY ARMISTEAD,)

DEFENDANT-INTERVENOR.)

VIDEOTAPED REMOTE ZOOM 30(b)(6) DEPOSITION
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
BERNARD DOLAN
FRIDAY, FEBRUARY 11, 2022

JOB NO. 5079532
REPORTED BY: DAYNA HESTER, C.S.R. 9970



1 VIDEOTAPED REMOTE ZOOM 30(B)(6) DEPOSITION OF WEST
2 VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION BERNARD
3 DOLAN, TAKEN ON BEHALF OF PLAINTIFF B.P.J., BY HER NEXT
4 FRIEND AND MOTHER, HEATHER JACKSON, AT 12:18 P.M., EASTERN
5 STANDARD TIME, FRIDAY, FEBRUARY 11, 2022, WITH THE WITNESS
6 (PHYSICALLY PRESENT WITH COUNSEL), COURT REPORTER, AND
7 VIDEOGRAPHER APPEARING REMOTELY VIA ZOOM VIDEOCONFERENCE,
8 BEFORE DAYNA HESTER, C.S.R. NO. 9970,
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Page 6

1 E X H I B I T S (CONTINUED)
 2 EXHIBIT NO. PAGE DESCRIPTION
 3 EXHIBIT 9 140 FILE TITLED
 "EXHIBIT 0009 - TAB 01.PDF"
 4
 EXHIBIT 10 142 FILE TITLED
 5 "EXHIBIT 0010 - TAB 06.PDF"
 6 EXHIBIT 11 146 FILE TITLED
 "EXHIBIT 0011 - TAB 03.PDF"
 7
 EXHIBIT 12 148 FILE TITLED
 8 "EXHIBIT 0012 - TAB 04.PDF"
 9 EXHIBIT 13 151 FILE TITLED
 "EXHIBIT 0013 - TAB 17.PDF"
 10
 EXHIBIT 14 152 FILE TITLED
 11 "EXHIBIT 0014 - TAB 08.PDF"
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Page 8

1 I N D E X
 2 DEPONENT EXAMINATION PAGE
 3 BERNARD DOLAN
 4 BY MS. KANG 14
 5 BY MR. CROPP 158
 6
 7
 8 QUESTIONS INSTRUCTED BY COUNSEL NOT TO ANSWER
 9 (NONE.)
 10
 11 E X H I B I T S
 12 EXHIBIT NO. PAGE DESCRIPTION
 13 EXHIBIT 1 18 FILE TITLED
 "EXHIBIT 0001 - TAB 14.PDF"
 14 EXHIBIT 2 33 FILE TITLED
 "EXHIBIT 0002 - TAB 19.PDF"
 15
 EXHIBIT 3 47 FILE TITLED
 16 "EXHIBIT 0003 - TAB 09.PDF"
 17 EXHIBIT 4 91 FILE TITLED
 "EXHIBIT 0004 - TAB 11.PDF"
 18
 EXHIBIT 5 103 FILE TITLED
 19 "EXHIBIT 0005 - TAB 18.PDF"
 20 EXHIBIT 6 121 FILE TITLED
 "EXHIBIT 0006 - TAB 15.PDF"
 21
 EXHIBIT 7 126 FILE TITLED
 22 "EXHIBIT 0007 - TAB .02.PDF"
 23 EXHIBIT 8 128 FILE TITLED
 "EXHIBIT 0008 - TAB 07.PDF"
 24
 25 -- EXHIBITS CONTINUED ON NEXT PAGE --

Page 7

1 ZOOM VIDEOCONFERENCE DEPOSITION
 2 FRIDAY, FEBRUARY 11, 2022
 3 12:18 P.M. EASTERN STANDARD TIME
 4
 5 THE VIDEOGRAPHER: Good afternoon.
 6 We are going on the record at 12:18 p.m. 12:18
 7 EST on February 11th, 2022. 12:18
 8 Please note that the microphones may pick 12:18
 9 up background noise, private conversations, and 12:18
 10 interference if unmuted. 12:18
 11 When muted remember to unmute to speak on 12:18
 12 the record. 12:18
 13 Audio and video recording will continue to 12:18
 14 take place unless all parties agree to go off the 12:18
 15 record. 12:18
 16 This is Media Unit 1 of the video-recorded 12:18
 17 deposition of 30(b)(6) witness Bernie Dolan taken by 12:19
 18 counsel for plaintiff in the matter of B.P.J., by 12:19
 19 her next friend and mother, Heather Jackson, versus 12:19
 20 West Virginia State Board of Education, et al., 12:19
 21 filed in the United States District Court for the 12:19
 22 Southern District of West Virginia, Charleston 12:19
 23 Division. Case Number 2:21-cv-00316. 12:19
 24 This deposition is being conducted via 12:19
 25 Veritext Virtual Zoom technology and all parties are 12:19

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<p>1 attending remotely. 12:19 2 My name is Shawna Hynes from the firm 12:19 3 Veritext Legal Solutions, and I am the videographer. 12:19 4 The court reporter is Dayna Hester from 12:19 5 the firm Veritext Legal Solutions. 12:20 6 I am not related to any party in this 12:20 7 action, nor am I financially interested in the 12:20 8 outcome. 12:20 9 Counsel present and everyone attending 12:20 10 remotely will state their appearances and 12:20 11 affiliations for the record. 12:20 12 If there are any objections to proceeding, 12:20 13 please state them at the time of your appearance 12:20 14 beginning with the noticing attorney. 12:20 15 MS. KANG: Hi. 12:20 16 My name is Katelyn Kang. I'm an attorney 12:20 17 at the law firm of Cooley LLP, and I'm here on 12:20 18 behalf of the plaintiff. 12:20 19 And I'll let my co-counsel introduce 12:20 20 themselves. 12:20 21 MS. HARTNETT: Hi. 12:20 22 This is Kathleen Hartnett from Cooley LLP 12:20 23 for plaintiff. 12:20 24 MR. BARR: Good afternoon. 12:20 25 This is Andrew Barr from Cooley LLP on 12:20 Page 10</p>	<p>1 MS. GREEN: This is Roberta Green, Shuman 12:21 2 McCuskey & Slicer. I'm here on behalf of WVSSAC. 12:21 3 And here with me today is our deponent 12:22 4 30(b)(6) witness Bernie Dolan. 12:22 5 MS. BANDY: Hello. 12:22 6 This is Kimberly Bandy also on behalf of 12:22 7 West Virginia SSAC. 12:22 8 MS. MORGAN: This is Kelly Morgan on 12:22 9 behalf of the West Virginia State Board of Education 12:22 10 and Superintendent Burch. 12:22 11 I have with me as well general counsel 12:22 12 Heather Hutchens and Deputy Superintendent Michelle 12:22 13 Blatt as our representative. 12:22 14 MR. CAPEHEART: This is Curtis Capeheart 12:22 15 the West Virginia Attorney General's office on 12:22 16 behalf of the defendant State of West Virginia. 12:22 17 Also with me in my office is another 12:22 18 individual from the office, Jesseca Church. 12:22 19 MR. CROPP: My name is Jeffrey Cropp. I'm 12:22 20 with Steptoe & Johnson. We represent defendants 12:22 21 Harrison County Board of Education and 12:22 22 Superintendent Dora Stutler. 12:22 23 MS. HAMMOND: Hi. 12:23 24 This is Kristen Hammond. I'm also on 12:23 25 behalf of the West Virginia State Board of Education 12:23 Page 12</p>
<p>1 behalf of plaintiff. 12:20 2 MS. VEROFF: Hello. 12:20 3 This is Julie Veroff from Cooley LP on 12:20 4 behalf of plaintiff. 12:20 5 MS. STARK: Hi. 12:20 6 This is Loree Stark with the American 12:20 7 Civil Liberties Union of West Virginia on behalf of 12:21 8 plaintiff. 12:21 9 MR. WARD: Hi. 12:21 10 Nicholas Ward, ACLU West Virginia, on 12:21 11 behalf of plaintiff. 12:21 12 MS. HELSTROM: Hi. 12:21 13 This is Zoë Helstrom from Cooley LLP on 12:21 14 behalf of plaintiff. 12:21 15 MS. PELET DEL TORO: Hi. 12:21 16 This is Valeria Pelet del Toro from Cooley 12:21 17 LLP on behalf of plaintiff. 12:21 18 MS. GREEN: Hi. 12:21 19 Am I too soon? 12:21 20 MR. BLOCK: Hi. 12:21 21 This is Josh Block from ACLU on behalf of 12:21 22 plaintiff. 12:21 23 MS. SWAMINATHAN: And hi. 12:21 24 This is Sruti Swaminathan from Lambda 12:21 25 Legal on behalf of plaintiff. 12:21 Page 11</p>	<p>1 and Superintendent Burch. 12:23 2 MR. SCRUGGS: All right. I think that 12:23 3 leaves us as intervenor. 12:23 4 Jonathan Scruggs on behalf of the 12:23 5 Intervenor with Alliance Defending Freedom. 12:23 6 And also attending today on behalf of the 12:23 7 intervenor is my -- let me get my list here -- Catie 12:23 8 Kelly, Christiana Holcomb, Hal Frampton, and 12:23 9 Timothy Ducar. 12:23 10 And that is it. 12:23 11 THE VIDEOGRAPHER: Thank you. 12:23 12 If that's everybody, will the court 12:23 13 reporter please swear in the witness. 12:23 14 THE REPORTER: Okay. And because it is a 12:23 15 federal case, I do have a read-on. One second. 12:23 16 My name is Dayna Hester. This statement 13:08 17 is to acknowledge my obligations pursuant to Federal 13:08 18 Rules of Civil Procedure. 13:08 19 Rule 30(b), Subsection 5(a). My business 13:08 20 address is 707 Wilshire Boulevard, Los Angeles, 13:08 21 California. The videographer has stated the 13:08 22 additional required information. 23 Rule 30(b), Subsection 5(c). Upon 24 completion of the deposition, if there is a 25 stipulation about the custody of the transcript or Page 13</p>

1 other pertinent matters, I will recite such
 2 stipulation(s). Additionally, the videographer will
 3 read-off when the deposition concludes.
 4 So with this being said, I will now swear
 5 in the witness.
 6 Mr. Dolan, please, raise your right hand.
 7 THE WITNESS: [Witness did as requested].
 8 THE REPORTER: Do you affirm the testimony
 9 you are about to give in the cause now pending will
 10 be the truth, the whole truth, and nothing but the
 11 truth? 12:24
 12 THE WITNESS: I do. 12:24
 13 THE REPORTER: Thank you. 12:24
 14
 15 BERNARD DOLAN
 16 having been first duly sworn, was
 17 examined and testified as follows:
 18
 19 EXAMINATION 12:25
 20 BY MS. KANG: 12:25
 21 Q. Hi. Good afternoon, Mr. Dolan. How are 12:25
 22 you? 12:25
 23 A. Good. How are you? 12:25
 24 Q. Doing well. 12:25
 25 Thank you so much for spending your Friday 12:25
 Page 14

1 afternoon with us. 12:25
 2 Before we get started, would you please 12:25
 3 state and spell your name for the record. 12:25
 4 A. Bernard, B-E-R-N-A-R-D; Dolan, D-O-L-A-N. 12:25
 5 Q. Mr. Dolan, before we get started, we have 12:25
 6 some housekeeping items. So the oath you just took 12:25
 7 is the same oath you would take if you were 12:25
 8 testifying in a courtroom. So what that means is 12:25
 9 you must testify truthfully and not leave out any 12:25
 10 important facts. 12:25
 11 Is there any reason you cannot testify 12:25
 12 truthfully today? 12:25
 13 A. No. 12:25
 14 Q. Please give verbal answers to any of my 12:25
 15 questions. Nodding or shaking your head cannot, 12:25
 16 unfortunately, be captured by the court reporter. 12:25
 17 So the answer you just gave was perfect. 12:25
 18 If you don't understand the question, 12:25
 19 please let me know, and I'm happy to try to rephrase 12:25
 20 it or make it clear for you. If you answer, I will 12:25
 21 assume you understood. Is that fair? 12:25
 22 A. Yes. 12:25
 23 Q. And just to be clear, when I ask questions 12:25
 24 I am not seeking communications that you had with 12:26
 25 your attorney. 12:26
 Page 15

1 Because the court reporter is taking down 12:26
 2 what we say on the record, I'll do my best to avoid 12:26
 3 talking over you and to avoid talking at the same 12:26
 4 time as you. 12:26
 5 And then, finally, I'm going to try to do 12:26
 6 a break every hour or so -- but if at any point you 12:26
 7 need a break, we'll finish up whatever question we 12:26
 8 are on, and we can take a break whenever you feel 12:26
 9 comfortable. 12:26
 10 Does that sound fair? 12:26
 11 A. Yes, ma'am. 12:26
 12 Q. Have you ever had your deposition taken 12:26
 13 before? 12:26
 14 A. Yes. 12:26
 15 Q. When was it? 12:26
 16 A. Two years ago, I believe. 12:26
 17 Q. What was it about? 12:26
 18 A. A herpes case in wrestling. 12:26
 19 Q. So were you testifying on behalf of the 12:26
 20 WVSSAC? 12:26
 21 A. Yes, ma'am. 12:26
 22 Q. And going forward if I say the 12:26
 23 "Commission" instead of the "WVSSAC," would that be 12:26
 24 all right with you? 12:26
 25 A. That is fine. 12:26
 Page 16

1 Q. So you mentioned it's a herpes case. Can 12:26
 2 you tell me whether you testified on behalf of the 12:27
 3 W- -- of the Commission or was it in your personal 12:27
 4 capacity? 12:27
 5 A. I believe it was on behalf of the 12:27
 6 Commission, but I'm -- I wouldn't -- I'm not sure. 12:27
 7 Q. Have you ever -- have you ever had your 12:27
 8 deposition taken other than this time? 12:27
 9 A. Not that I recall. 12:27
 10 Q. Have you ever testified at trial? 12:27
 11 A. Yes. 12:27
 12 Q. When was this? 12:27
 13 A. Couple years -- I would say probably three 12:27
 14 or four years ago. 12:27
 15 Q. What was it about? 12:27
 16 A. A golf ruling in a championship. 12:27
 17 Q. And so were you also testifying on behalf 12:27
 18 of the Commission? 12:27
 19 A. Yes, ma'am. 12:27
 20 Q. Did you bring anything with you today? 12:27
 21 A. Just a bottle of water. 12:27
 22 Q. Good. 12:27
 23 And do you understand that you are here to 12:27
 24 respond to a 30(b)(6) deposition notice? 12:28
 25 A. Yes. 12:28
 Page 17

<p>1 Q. Do you know what a 30(b)(6) deposition -- 12:28 2 deposition notice is? 12:28 3 A. Yes. 12:28 4 Q. Have you had a chance to review the 12:28 5 deposition notice? 12:28 6 A. Yes. 12:28 7 Q. So in that deposition notice, there were a 12:28 8 number of topics. 12:28 9 Are you familiar with each of the topics 12:28 10 described in that notice? 12:28 11 A. Yes. 12:28 12 Q. So if you go into your Marked Exhibits 12:28 13 folder, I'm going to introduce to you a document 12:28 14 that's been marked as Exhibit 1. 12:28 15 (Deposition Exhibit 1 was marked for 12:28 16 identification and is attached hereto.) 12:28 17 BY MS. KANG: 12:28 18 Q. Let me know when you have had a chance to 12:28 19 pull that up. 12:28 20 A. Okay. Exhibit 1, the deposition notice. 12:28 21 Q. That's correct. 12:28 22 And I'm going to ask you to scroll down to 12:28 23 Page 6 of Exhibit A. I believe it's Page 7 of the 12:28 24 actual pdf, if that's helpful, or Page 6. 12:29 25 A. Yes. Okay. 12:29 Page 18</p>	<p>1 A. Not necessary for that one. 12:30 2 Q. And just to clarify, you didn't talk to 12:30 3 anyone other than your attorney? 12:30 4 A. No. 12:30 5 Q. For Topic 3, what did you do to prepare 12:30 6 for Topic 3? 12:30 7 A. Looked at our handbook, rules and 12:30 8 regulations handbook. 12:30 9 Q. Did you review any other document? 12:30 10 A. No. 12:30 11 Q. Did you consult with anyone other than 12:30 12 your attorney? 12:30 13 A. No. 12:30 14 Q. And is there any reason you cannot give 12:30 15 full and complete answers on behalf of the 12:30 16 Commission for that topic? 12:30 17 A. No. 12:30 18 Q. For Topic 4, what did you do to prepare 12:31 19 for it? 12:31 20 A. Rules and regulations handbook. 12:31 21 Q. Did you review anything else? 12:31 22 A. No. 12:31 23 Q. Did you consult with anyone other than 12:31 24 your attorney? 12:31 25 A. No. 12:31 Page 20</p>
<p>1 Q. Great. 12:29 2 So I'm going to go through each of the 12:29 3 topics and just ask you a few questions about them. 12:29 4 So for Topic 1, what did you do to prepare 12:29 5 for Topic 1? 12:29 6 A. Looked at our organization. 12:29 7 Q. Did you review any documents? 12:29 8 A. Our rules and regulations. 12:29 9 Q. And by looked at your organization, did 12:29 10 you mean -- 12:29 11 A. Review -- 12:29 12 Q. -- look at your -- sorry. Go ahead. 12:29 13 A. Just -- there's a part of our rules and 12:29 14 regulations that has a history of the organization. 12:29 15 Q. Got it. 12:29 16 Is there any reason you can't give full 12:29 17 and complete testimony on Topic 1? 12:29 18 A. No. 12:29 19 Q. When preparing for Topic 1, did you 12:30 20 consult with anyone other than your attorney? 12:30 21 A. No. 12:30 22 Q. Moving on to Topic 2, same question. What 12:30 23 did you do to prepare for Topic 2? 12:30 24 A. Probably just discuss with my attorney. 12:30 25 Q. And did you review any documents? 12:30 Page 19</p>	<p>1 Q. And is there any reason you cannot give 12:31 2 full and complete answers on behalf of the 12:31 3 Commission for Topic 4? 12:31 4 A. No. 12:31 5 Q. For Topic 5, what did you do to prepare 12:31 6 for that? 12:31 7 A. Looked at our rules and regulations and 12:31 8 probably researched my email. 12:31 9 Q. Can you clarify for me what you mean by 12:31 10 researched your email? 12:31 11 A. Just search the email to make sure I 12:31 12 didn't have any communication with the plaintiffs. 12:31 13 Q. Did you consult with anyone other than 12:31 14 your attorney for Topic 5? 12:32 15 A. No. 12:32 16 Q. And is there any reason you cannot give 12:32 17 full and complete answers on behalf of the 12:32 18 Commission? 12:32 19 A. No. 12:32 20 Q. Sorry. I know these questions are 12:32 21 repetitive, but I do appreciate it. 12:32 22 For Topic 6, what did you do to prepare 12:32 23 for Topic 6? 12:32 24 A. Researched -- or looked through my emails 12:32 25 as well as text messages. 12:32 Page 21</p>

1 Q. Did you review any documents? 12:32
 2 A. Not really. Just -- I'm sorry. 12:32
 3 Our transgender policy or our Board 12:32
 4 policy. That was all. 12:32
 5 Q. Did you review any of the emails or text 12:32
 6 messages that you searched for? 12:32
 7 A. I probably would have read them for -- to 12:32
 8 determine whether there was any substance to them, 12:32
 9 yes. 12:33
 10 Q. Did you consult with anyone other than 12:33
 11 your attorney for Topic 6? 12:33
 12 A. No. 12:33
 13 Q. And is there any reason you cannot give 12:33
 14 full and complete answers on behalf of the 12:33
 15 Commission for Topic 6? 12:33
 16 A. No. 12:33
 17 Q. For Topic 7, what did you do to prepare 12:33
 18 for it? 12:33
 19 A. Looked at our rules and regulations 12:33
 20 handbook. 12:33
 21 Q. Did you review any documents other than 12:33
 22 the rules and regulations handbook? 12:33
 23 A. No. 12:33
 24 Q. Did you consult with anyone other than 12:33
 25 your attorney about Topic 7? 12:33

Page 22

1 A. No. 12:33
 2 Q. And is there any reason you cannot give 12:33
 3 full and complete answers on behalf of the 12:33
 4 Commission? 12:33
 5 A. No. 12:33
 6 Q. For Topic 8, what did you do to prepare 12:33
 7 for Topic 8? 12:33
 8 A. Reviewed text messages and emails 12:33
 9 concerning House Bill 3293. 12:34
 10 Q. Did you review anything else? 12:34
 11 A. No. 12:34
 12 Q. Did you consult with anyone other than 12:34
 13 your attorney? 12:34
 14 A. No. 12:34
 15 Q. And is there any reason you cannot give 12:34
 16 full and complete answers on behalf of the 12:34
 17 Commission? 12:34
 18 A. No. 12:34
 19 Q. For Topic 9, what did you do to prepare 12:34
 20 for Topic 9? 12:34
 21 A. Reviewed the rules and regulations 12:34
 22 handbook. 12:34
 23 Q. Did you review anything other than the 12:34
 24 rules and regulations handbook? 12:34
 25 A. No. 12:34

Page 23

1 Q. Did you consult anyone other than your 12:34
 2 attorney? 12:34
 3 A. No. 12:34
 4 Q. Is there any reason you cannot give full 12:34
 5 and complete answers on behalf of the Commission? 12:34
 6 A. No. 12:34
 7 Q. All right. We're almost there. 12:34
 8 For Topic 10, what did you do to prepare 12:34
 9 for it? 12:34
 10 A. Reviewed the rules and regulations 12:34
 11 handbook. 12:35
 12 Q. Did you review anything else? 12:35
 13 A. No. 12:35
 14 Q. Did you -- did you consult anyone other 12:35
 15 than your attorney? 12:35
 16 A. No. 12:35
 17 Q. Is there any reason you cannot give full 12:35
 18 and complete answers on behalf of the Commission? 12:35
 19 A. No. 12:35
 20 Q. For Topic 11, what did you do to prepare 12:35
 21 for it? 12:35
 22 A. Reviewed the rules and regulations 12:35
 23 handbook as well as the Board policy on transgender. 12:35
 24 Q. Did you review anything else? 12:35
 25 A. No. 12:35

Page 24

1 Q. Did you consult with anyone other than 12:35
 2 your attorney? 12:35
 3 A. No. 12:35
 4 Q. Is there any reason you cannot give full 12:35
 5 and complete answers on behalf of the Commission? 12:35
 6 A. No. 12:35
 7 Q. For Topic 12, what did you do to prepare 12:35
 8 for it? 12:35
 9 A. Reviewed the rules and regulations 12:36
 10 handbook. 12:36
 11 Q. Did you review anything else? 12:36
 12 A. No. 12:36
 13 Q. Did you consult with anyone other than 12:36
 14 your attorney? 12:36
 15 A. No. 12:36
 16 Q. Is there any reason you can't give full 12:36
 17 and complete answers on behalf of the Commission? 12:36
 18 A. No. 12:36
 19 Q. For Topic 13, what did you do to prepare 12:36
 20 for it? 12:36
 21 A. Read the rule -- read the House Bill 3293. 12:36
 22 Q. Did you review anything else? 12:36
 23 A. Just our rules and regulations. 12:36
 24 Q. Did you consult with anyone other than 12:36
 25 your attorney? 12:36

Page 25

1 A. No. 12:36
 2 Q. And is there any reason you cannot give 12:36
 3 full and complete answers on behalf of the 12:36
 4 Commission? 12:36
 5 A. I -- I did consult -- I probably -- I had 12:37
 6 a communication with Melissa White from House 12:37
 7 Education. She had sent me documents -- or a 12:37
 8 document. So I would say I communicated with 12:37
 9 Melissa White about House Bill 3293. 12:37
 10 Q. Was this in preparation for this 12:37
 11 deposition? 12:37
 12 A. No. I'm sorry. 12:37
 13 Q. No need to apologize. 12:37
 14 All right. Last -- last topic. What did 12:37
 15 you do to prepare for Topic 14? 12:37
 16 A. Primarily reviewed the rules and 12:37
 17 regulations handbook and the transgender Board 12:37
 18 policy and look at emails and text messages. 12:37
 19 Q. Anything else? 12:38
 20 A. No. 12:38
 21 Q. Did you consult with anyone other than 12:38
 22 your attorney? 12:38
 23 A. No. 12:38
 24 Q. Is there any reason you cannot give full 12:38
 25 and complete answers on behalf of the Commission? 12:38
 Page 26

1 A. No. 12:38
 2 Q. So for some of these topics, you mentioned 12:38
 3 reviewing emails and documents. Do you know if 12:38
 4 those emails and documents have been produced to 12:38
 5 Plaintiff? 12:38
 6 A. They all have, yes. 12:38
 7 Q. All right. Thank you. 12:38
 8 MS. KANG: You can take down Exhibit 1. 12:38
 9 BY MS. KANG: 12:38
 10 Q. Do you understand that you're testifying 12:38
 11 about these topics in the deposition notice on 12:38
 12 behalf of the Commission? 12:38
 13 A. Yes. 12:38
 14 Q. So just to be clear, when I ask for your 12:38
 15 position on something, I -- I'm asking for the 12:38
 16 position of -- of the Commission unless I say 12:38
 17 otherwise. 12:38
 18 You understand? 12:38
 19 A. Yes, ma'am. 12:38
 20 Q. In general, what did you do to prepare for 12:38
 21 today's deposition? 12:38
 22 A. Again, reviewed the rule -- the rules and 12:39
 23 regulations. 12:39
 24 Q. Did you meet with anyone other than your 12:39
 25 attorney? 12:39
 Page 27

1 A. No. 12:39
 2 Q. Did you discuss today's deposition with 12:39
 3 anyone other than your attorney? 12:39
 4 A. Just that I had it scheduled so people 12:39
 5 would know in the office not to send me calls. 12:39
 6 Q. So other employees at -- at the 12:39
 7 Commission; is that right? 12:39
 8 A. Yes, ma'am. 12:39
 9 Q. Do you know who B.P.J. is? 12:39
 10 A. By name only, yes. 12:39
 11 Q. Do you know anything else about her? 12:39
 12 MS. GREEN: I'll just object to the form, 12:39
 13 to the extent he knows things from me, from counsel. 12:39
 14 THE WITNESS: I have -- only know what -- 12:39
 15 the documents that have been sent to me. I don't 12:39
 16 know anything firsthand about her. 12:40
 17 BY MS. KANG: 12:40
 18 Q. Do you agree that B.P.J. is a girl who is 12:40
 19 transgender? 12:40
 20 MS. GREEN: I'll object to the form. And 12:40
 21 I'll just object outside the scope. 12:40
 22 THE WITNESS: It's been presented to me 12:40
 23 that way. 12:40
 24 BY MS. KANG: 12:40
 25 Q. Are you aware that B.P.J. ran 12:40
 Page 28

1 cross-country on the girls' team at Bridgeport 12:40
 2 Middle School? 12:40
 3 A. Yes. 12:40
 4 Q. How did you become aware of that? 12:40
 5 A. Through the court case. 12:40
 6 Q. Have you ever spoken to B.P.J.? 12:40
 7 A. I have not. 12:40
 8 Q. Have you ever spoken to B.P.J.'s parents? 12:40
 9 A. No. 12:40
 10 MS. GREEN: And I'll just object to the 12:40
 11 extent this is outside the scope. 12:40
 12 BY MS. KANG: 12:40
 13 Q. Have you ever spoken to B.P.J.'s sibling? 12:40
 14 A. No. 12:40
 15 Q. Now, I want to just talk a little bit 12:40
 16 about your personal background to sort of better 12:41
 17 understand your selection as -- as the witness for 12:41
 18 the 30(b)(6) deposition. 12:41
 19 What is your position at the Commission? 12:41
 20 A. I am the executive director. 12:41
 21 Q. What are your responsibilities as 12:41
 22 executive director? 12:41
 23 A. Generally oversee the organization, assign 12:41
 24 duties and evaluate staff, make decisions when 12:41
 25 there's disagreement amongst schools. 12:41
 Page 29

1 Q. What sort of duties do you assign? 12:41
 2 A. Director of all the tournaments. So 12:41
 3 each -- each assistant executive director is 12:41
 4 assigned multiple sports that they will oversee 12:41
 5 and -- and put on the tournaments. 12:41
 6 I assign secretarial duties to the 12:41
 7 secretarial staff. 12:41
 8 Q. How many assistant executive directors do 12:42
 9 you have? 12:42
 10 A. Three. 12:42
 11 Q. So I believe you said you make decisions 12:42
 12 when schools have disputes. Is that accurate? 12:42
 13 A. Yes, ma'am. 12:42
 14 Q. Can you tell me a little bit -- a little 12:42
 15 bit more about that. 12:42
 16 MS. GREEN: I'll just object. Outside the 12:42
 17 scope. 12:42
 18 THE WITNESS: If there is a difference 12:42
 19 on -- opinion on eligibility of a student in one 12:42
 20 school, one school may say they are eligible, one 12:42
 21 school may say they are ineligible. So we gather 12:42
 22 the facts, and we'll make a determination. 12:42
 23 BY MS. KANG: 12:42
 24 Q. And by "we," do you mean you as the 12:42
 25 executive director or the Commission? 12:42
 Page 30

1 A. The Commission. 12:42
 2 Q. And who is -- 12:42
 3 A. And I -- I'm sorry. Me as the executive 12:42
 4 director for the Commission. 12:42
 5 Q. Understood. 12:42
 6 How long have you been the executive 12:42
 7 director? 12:43
 8 A. Seven years. 12:43
 9 Q. Have you held any other positions at the 12:43
 10 Commission? 12:43
 11 A. No. 12:43
 12 Q. Do you -- 12:43
 13 A. Pardon me. Wait a minute. 12:43
 14 I was on the Board of Directors at one 12:43
 15 point. 12:43
 16 Q. And when was that? 12:43
 17 A. That -- I believe it was 2012 to 2014. 12:43
 18 Q. What was your role when you were on the 12:43
 19 Board of Directors? 12:43
 20 MS. GREEN: Object to the form. 12:43
 21 THE WITNESS: Approve -- approve the 12:43
 22 workings of the organization to proof financial 12:43
 23 reports, those things. 12:43
 24 Also to hear appeals of students or 12:43
 25 coaches who have been -- who violated the rule and 12:43
 Page 31

1 they come up before the Board to either appeal their 12:44
 2 discipline or appeal their ineligibility. 12:44
 3 BY MS. KANG: 12:44
 4 Q. Do you report to anyone currently as the 12:44
 5 executive director? 12:44
 6 A. I have ten Board members, yes. 12:44
 7 Q. Is that the same Board of Directors that 12:44
 8 you were just talking about? 12:44
 9 A. Yes, ma'am. 12:44
 10 Q. Does anyone report to you? 12:44
 11 A. My eight other staff members report to me, 12:44
 12 yes. 12:44
 13 Q. What are their titles? 12:44
 14 A. Three of -- 12:44
 15 MS. GREEN: Object. Outside the scope. 12:44
 16 And can I just have a continuing objection 12:44
 17 for the outside scope, or you want be to keep 12:44
 18 hopping in? 12:44
 19 MS. KANG: Yes. I'll grant you a 12:44
 20 continuing objection for outside the scope, Roberta. 12:44
 21 MS. GREEN: Thank you. Thank you. 12:44
 22 THE WITNESS: There are three assistant 12:44
 23 executive directors, one events communication 12:44
 24 coordinator, one bookkeeper, and three secretaries. 12:44
 25 ///
 Page 32

1 BY MS. KANG: 12:45
 2 Q. Have you ever been employed by -- employed 12:45
 3 by the Attorney General's Office of the State of 12:45
 4 West Virginia? 12:45
 5 A. No. 12:45
 6 Q. Have you ever been employed by the 12:45
 7 West Virginia House of Delegates? 12:45
 8 A. No. 12:45
 9 Q. Have you ever been employed by the 12:45
 10 West Virginia Senate? 12:45
 11 A. No. 12:45
 12 Q. Have you ever been employed by the 12:45
 13 Harrison County Board of Education? 12:45
 14 A. No. 12:45
 15 Q. Have you ever been employed by the 12:45
 16 West Virginia State Board of Education? 12:45
 17 A. No. 12:45
 18 Q. So I am going to introduce to you a 12:45
 19 document that is going to be marked as Exhibit 2. 12:45
 20 And I'll let you know when it should 12:45
 21 appear in your Marked Exhibit folder. 12:45
 22 (Deposition Exhibit 2 was marked for 12:45
 23 identification and is attached hereto.) 12:45
 24 BY MS. KANG: 12:45
 25 Q. So if you go to your Marked Exhibit 12:45
 Page 33

1 folder, you should now see a document that's been 12:45
 2 marked as Exhibit 2. 12:45
 3 Let me know when you see it. 12:46
 4 A. Okay. 12:46
 5 Q. So on Page 2 of Exhibit 2, you'll see a 12:46
 6 section entitled "Bernie Dolan," and this is -- I'll 12:46
 7 represent to you that this is a screenshot that I 12:46
 8 took from the Commission website on February 10th, 12:46
 9 2022. And in the bottom left corner you'll see the 12:46
 10 URL stamp where I pulled it from the website. 12:46
 11 And I'd just like to ask you a few 12:46
 12 questions about your biography in -- on this page. 12:46
 13 Do you agree with what's written in the 12:46
 14 paragraph on Page 2 of Exhibit 2 under "Bernie 12:46
 15 Dolan"?. 12:46
 16 MS. MORGAN: Counsel, this is Kelly 12:46
 17 Morgan. 12:46
 18 I do not see an Exhibit 2 in the Egnyte. 12:46
 19 MS. KANG: So if you're -- if anyone is 12:46
 20 having trouble accessing the Marked Exhibits, I 12:46
 21 recommend clicking on the folder again to refresh 12:46
 22 it. 12:46
 23 Let me know if you continue to have 12:47
 24 problems. 12:47
 25 THE WITNESS: I do -- I agree with what is 12:47
 Page 34

1 written there. 12:47
 2 BY MS. KANG: 12:47
 3 Q. Where did you work before your current 12:47
 4 role at the Commission? 12:47
 5 A. Ohio County Schools. 12:47
 6 Q. How long did you work there? 12:47
 7 A. 30 years. 12:47
 8 Q. Whoa. 12:47
 9 Did you interact with any transgender 12:47
 10 individuals in that role? 12:47
 11 A. I did not. 12:47
 12 Q. When did you attend West Virginia 12:47
 13 University? 12:47
 14 A. I graduated in '85; so probably '81 to 12:47
 15 '85. 12:47
 16 Q. And when did you attend Salem 12:47
 17 International University? 12:47
 18 A. I would say '99 to 2000 or 2000 to 2001. 12:47
 19 Q. What is the Super Six? 12:47
 20 A. State football championship. 12:48
 21 Q. What was your role there? 12:48
 22 A. I had a variety of roles starting out from 12:48
 23 assistant media director over the years to being the 12:48
 24 director -- once I was the athletic director of 12:48
 25 Wheeling Park High School. 12:48
 Page 35

1 Q. What was your role as the athletic 12:48
 2 director? 12:48
 3 A. I was the athletic director at Wheeling 12:48
 4 Park High School. 12:48
 5 What was the question? 12:48
 6 Q. Sure. 12:48
 7 Could you tell me what some of your 12:48
 8 responsibilities were in that role? 12:48
 9 A. I would oversee the coaches, do their 12:48
 10 evaluations, purchase equipment for each team, as 12:48
 11 well as coordinate transportation, and also make 12:48
 12 sure all eligibility information was submitted to 12:48
 13 the Commission -- Commission as well as accurate. 12:48
 14 Q. What is the state golf tournament? 12:49
 15 A. State championship for golf. 12:49
 16 Q. And what was your role there? 12:49
 17 A. The director. 12:49
 18 Q. What is OVAC? 12:49
 19 A. It's the Ohio Valley Athletic Conference. 12:49
 20 It was the conference that Wheeling Park was a 12:49
 21 member of, and still is, but it's the athletic 12:49
 22 conference for the high schools. 12:49
 23 Q. What was your role there? 12:49
 24 A. I served on executive Board a couple of 12:49
 25 the years while I was the athletic director at 12:49
 Page 36

1 Wheeling Park. 12:49
 2 Q. Finally, what is WVADA? 12:49
 3 A. West Virginia Athletic Directors 12:49
 4 Association. 12:49
 5 Q. What was your role there? 12:49
 6 A. I served on the executive Board -- or the 12:49
 7 Board of Directors for a couple of years while I was 12:49
 8 the athletic director at Wheeling Park High School. 12:49
 9 Q. And do you yourself play sports? 12:50
 10 A. A little bit still. 12:50
 11 Q. What sports do you play? 12:50
 12 A. Tennis a little bit. Basketball a little 12:50
 13 bit. Pickleball. 12:50
 14 Q. Do you currently coach any sports? 12:50
 15 A. I do not. 12:50
 16 Q. Did you used to coach? 12:50
 17 A. I did. 12:50
 18 Q. What did you coach? 12:50
 19 A. 18 years I coached boys' and girls' track 12:50
 20 at Wheeling Park High School; 12:50
 21 12 as the head coach for both boys and 12:50
 22 girls; 12:50
 23 Assistant coach of football; 12:50
 24 And assistant coach of girls' basketball. 12:50
 25 Q. Thank you. 12:50
 Page 37

<p>1 MS. KANG: You can take down Exhibit 2 12:50 2 now. 12:50 3 BY MS. KANG: 12:50 4 Q. So now I want to move into talking a 12:50 5 little bit more about the Commission and its 12:50 6 structure. 12:50 7 When was the Commission founded? 12:50 8 A. In 1916. 12:50 9 Q. Why was it founded? 12:51 10 A. To primarily handle disputes between 12:51 11 schools at that point, and they did provide 12:51 12 championship opportunities for schools. 12:51 13 Q. What sort of disputes between schools? 12:51 14 A. As I said earlier, it could be 12:51 15 eligibility; it could have been breaking of 12:51 16 contracts; could be officials, you know -- who -- 12:51 17 what officials get assigned to games. 12:51 18 So there is quite a bit of conflict 12:51 19 possible. 12:51 20 Q. How does the Commission define secondary 12:51 21 sports? 12:51 22 A. Secondary sports, we are -- we oversee the 12:51 23 sports that we currently have, which is -- a number 12:51 24 of them. 12:52 25 But the -- what happens is, as the schools 12:52</p>	<p>1 Q. And you said you stopped collecting dues 12:53 2 for 20 years; is that correct? 12:53 3 A. Yes. 12:53 4 Q. Why did the Commission stop collecting 12:53 5 dues? 12:53 6 A. At that point, it was more trouble than it 12:53 7 was worth it. There wasn't that much money coming 12:53 8 in from dues. It was before my time, though. 12:53 9 Q. Understood. 12:53 10 How many employees does the Commission 12:53 11 have currently? 12:53 12 A. Nine. 12:53 13 Q. Is there someone who is considered in 12:54 14 charge of the Commission? 12:54 15 A. I would assume -- I am the executive 12:54 16 director. So I would be in charge. But I still 12:54 17 answer to my Board of Directors. 12:54 18 Q. So does the Commission have a relationship 12:54 19 with the State Board of Education in West Virginia? 12:54 20 A. We do have a relationship, number one. As 12:54 21 our rules are promulgated from our members, they 12:54 22 will submit rules to be voted on by the membership 12:54 23 at our Board of Control. 12:54 24 If at the Board of Control they pass by a 12:54 25 majority, then those rules get submitted to the 12:54</p>
Page 38	Page 40
<p>1 offer these sports as clubs, once there is enough 12:52 2 schools that offer the sports, then they would 12:52 3 petition us to recognize an additional sport. So we 12:52 4 have, I believe, 19 championships at this point. 12:52 5 Q. What grades count as a secondary grade? 12:52 6 A. 6th through 12. 12:52 7 Q. Do you know if Bridgeport Middle School 12:52 8 qualifies as a secondary school? 12:52 9 A. They are a member of our association. So 12:52 10 yes. 12:52 11 Q. Can you tell me what is a member of 12:52 12 your -- what does a member of your association mean? 12:52 13 A. First of all, initially there was 12:52 14 a initia- -- an initiation fee. And there were 12:52 15 dues. But we have not charged dues for 20 years. 12:52 16 To be a member, you just have to 12:53 17 provide -- you have to agree to follow all the rules 12:53 18 and regulations as well as provide an opportunity 12:53 19 for a boy sport and a girl sport in each of the 12:53 20 seasons. 12:53 21 Q. So each member school has to offer a boys' 12:53 22 team or a girls' team for each support? 12:53 23 A. Yes. 12:53 24 Q. Is that right? 12:53 25 A. Yes. Yes. 12:53</p>	<p>1 State Board of Education who would then put them out 12:54 2 for public comment. 12:54 3 And they would have final vote on whether 12:54 4 or not the rule becomes law. And if it does, they 12:54 5 will submit that to the Secretary of State's office. 12:55 6 Q. So just to clarify, who submits the rules 12:55 7 to the Board of Control again? 12:55 8 A. Principals. We are a principals 12:55 9 organization. So each principal has one vote in our 12:55 10 membership. 12:55 11 Q. And are you the principal of your member 12:55 12 school? 12:55 13 A. Yes, ma'am. 12:55 14 Q. Do you personally, as the executive 12:55 15 director, work with the State Board of Education of 12:55 16 West Virginia? 12:55 17 A. Not directly. 12:55 18 MS. GREEN: I'm sorry. Could -- I'm 12:55 19 sorry. 12:55 20 Ms. Kang, would you repeat the question? 12:55 21 MS. KANG: Sure. 12:55 22 BY MS. KANG: 12:55 23 Q. Do you personally, as the executive 12:55 24 director, have a role or relationship with the State 12:55 25 Board of Education of West Virginia? 12:55</p>
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1 A. I don't have a -- I mean, I have a working 12:55
 2 relationship because we deal with same schools. But 12:55
 3 as far as on a daily basis of any interaction, no -- 12:55
 4 other than they approve the rules. 12:56
 5 Q. Does the Commission have a relationship 12:56
 6 with the County Board of Education? 12:56
 7 A. Not really. We are a principals 12:56
 8 organization. We do communicate with county boards. 12:56
 9 But our membership are the high schools. 12:56
 10 Q. What sort of communication -- 12:56
 11 A. And -- 12:56
 12 Q. Oh, sorry. 12:56
 13 What sort of communications would you have 12:56
 14 with the County Board? 12:56
 15 A. Oftentimes we would -- if there is rules 12:56
 16 or memos that we go out and send out, sometimes we 12:56
 17 will send them to the County Boards of Education 12:56
 18 that -- to keep them up to date on what is going on 12:56
 19 with the Commission. 12:56
 20 Q. By "rules," do you mean the Commission's 12:56
 21 rules? 12:56
 22 A. It could be -- yes, the Commission rules. 12:56
 23 Yep. Yes. 12:57
 24 Q. Does the Commission determine who can play 12:57
 25 on a secondary school sports team? 12:57

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1 MS. GREEN: Object to the form. 12:57
 2 THE WITNESS: When you say "Commission," 12:57
 3 it's not the nine members here at the office. 12:57
 4 The Commission, technically, is made up by 12:57
 5 the 286 members. So they have voted in the rules, 12:57
 6 and they are required by law -- by the -- being a 12:57
 7 member to follow those rules. So only when there is 12:57
 8 a dispute do we intervene. 12:57
 9 BY MS. KANG: 12:57
 10 Q. So I'd ask who makes the initial 12:57
 11 determination of a student's eligibility? 12:57
 12 A. That would be the school. 12:57
 13 Q. I believe you mentioned earlier the -- a 12:57
 14 dispute process. So the student -- or a student's 12:57
 15 eligibility is disputed. 12:57
 16 Can you walk me through what would happen 12:57
 17 there? 12:57
 18 A. It could be a school sending -- if 12:57
 19 Student A left School Number 1, went to School 12:58
 20 Number 2, and didn't follow the normal transfer 12:58
 21 procedures, School A might file a complaint to say, 12:58
 22 "Hey, can you look at so-and-so because they never 12:58
 23 sat out with School B, or Number 2." 12:58
 24 So we would intervene and get the 12:58
 25 information, work with the two schools, and come up 12:58

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1 with a final answer. 12:58
 2 Q. What sort of information would you look 12:58
 3 at? 12:58
 4 A. Whether they -- when they enrolled at the 12:58
 5 school, who they -- are they still living with their 12:58
 6 parents, same household, did they -- did they make a 12:58
 7 bona fide move, and whether they have a 2.0 or not. 12:58
 8 Things like that. 12:58
 9 Q. Anything else? 12:58
 10 A. Could be age. There's a number of rules 12:58
 11 for eligibility, but those are the biggest ones. 12:58
 12 Q. So if a student is deemed ineligible by 12:59
 13 the Commission, is that student -- student 12:59
 14 prohibited from playing? 12:59
 15 A. The student would be prohibited from 12:59
 16 playing in a varsity or JV game. There's only a 12:59
 17 limited exception as to when they would be able to 12:59
 18 even practice with the team. But for the most part, 12:59
 19 if you're ineligible, you're ineligible for all 12:59
 20 activities for that team. 12:59
 21 Q. And I believe you mentioned that you have 12:59
 22 286 member schools. Do you know if that includes 12:59
 23 all the schools -- secondary schools in 12:59
 24 West Virginia? 12:59
 25 A. It does not. 12:59

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1 Q. Do you know how many schools are not a 12:59
 2 member school in West Virginia? 12:59
 3 A. I do not. 12:59
 4 Q. If the Commission finds a person is 12:59
 5 ineligible, is there an appeal process? 12:59
 6 A. Yes, there is. 12:59
 7 Q. Can you walk me through what that appeal 13:00
 8 process looks like? 13:00
 9 A. They would -- I would send them a letter 13:00
 10 telling them initially that they were determined 13:00
 11 ineligible. If they would like a hearing in front 13:00
 12 of our Board of Directors, then along with the 13:00
 13 level -- along with a letter of ineligibility, I 13:00
 14 would send the appeal papers that they would fill 13:00
 15 out and return to me. 13:00
 16 And then within 30 days, I would bring 13:00
 17 them before our Board of Directors for them to make 13:00
 18 a decision to grant a waiver or not. And the Board 13:00
 19 can grant a waiver for rule fails to accomplish what 13:00
 20 it was intended for or there's a hardship on the 13:00
 21 student. 13:00
 22 Q. What sort of hardship would count? 13:00
 23 A. It -- it's up to the Board of Directors. 13:00
 24 So there is -- there's no marker that you have to 13:00
 25 hit. So there's lots of different things that may 13:01

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<p>1 have come up. 13:01</p> <p>2 Q. Have you taken part in the appeal process 13:01</p> <p>3 before? 13:01</p> <p>4 A. When I was a member of the Board of 13:01</p> <p>5 Directors, yes. 13:01</p> <p>6 Q. So is it the Board of Directors that makes 13:01</p> <p>7 the determination on the appeal? 13:01</p> <p>8 A. Yes. 13:01</p> <p>9 Q. Are you familiar with WVEIS, the 13:01</p> <p>10 West Virginia Education Information System? 13:01</p> <p>11 A. Yes. 13:01</p> <p>12 Q. Does the Commission have any control over 13:01</p> <p>13 the information that goes into WVEIS? 13:01</p> <p>14 A. No. We have no access to that note. 13:01</p> <p>15 Q. In West Virginia, to your knowledge, has a 13:01</p> <p>16 college team ever competed against a middle school 13:01</p> <p>17 team? 13:02</p> <p>18 A. Has a college team ever competed against a 13:02</p> <p>19 middle school? 13:02</p> <p>20 Q. That's correct. 13:02</p> <p>21 A. It would be against our rule if they did. 13:02</p> <p>22 But no, not to my knowledge. 13:02</p> <p>23 MS. KANG: So I'm going to introduce a 13:02</p> <p>24 document to you that's going to be marked as 13:02</p> <p>25 Exhibit 3, and I'll let you know when folks can 13:02</p> <p style="text-align: right;">Page 46</p>	<p>1 Is this the most recent version of the 13:04</p> <p>2 rules and regulations? 13:04</p> <p>3 A. Yes. There may be editorial changes 13:04</p> <p>4 between then, but that's the most recent copy we 13:04</p> <p>5 have, yes. 13:04</p> <p>6 Q. So is it fair to say -- 13:04</p> <p>7 A. For -- 13:04</p> <p>8 Q. I'm sorry. Go ahead. 13:04</p> <p>9 A. For the current year. 13:04</p> <p>10 Q. So is it fair to say that this document 13:04</p> <p>11 is -- is currently in effect? 13:04</p> <p>12 A. Yes. 13:04</p> <p>13 Q. And just to be clear, is this the rules 13:04</p> <p>14 and regulations handbook that you reviewed when 13:04</p> <p>15 preparing for this deposition? 13:04</p> <p>16 A. Yes. 13:04</p> <p>17 Q. Is the Commission required to follow these 13:04</p> <p>18 rules and regulations? 13:04</p> <p>19 A. The Commission as well as all the member 13:04</p> <p>20 schools, yes. 13:04</p> <p>21 Q. So I believe you might have mentioned it 13:04</p> <p>22 earlier, but just to be clear, can you walk me 13:04</p> <p>23 through the rule-making process of the rules and 13:05</p> <p>24 regulations in this handbook? 13:05</p> <p>25 A. Okay. Any principal can submit a rule 13:05</p> <p style="text-align: right;">Page 48</p>
<p>1 access it in their Marked Exhibit folder. 13:02</p> <p>2 (Deposition Exhibit 3 was marked for 13:02</p> <p>3 identification and is attached hereto.) 13:02</p> <p>4 MS. KANG: So Exhibit 3 should now be in 13:02</p> <p>5 everyone's Marked Exhibit folder. If you don't see 13:02</p> <p>6 it, try clicking on the folder again to refresh it. 13:03</p> <p>7 BY MS. KANG: 13:03</p> <p>8 Q. Mr. Dolan, let me know when you're able to 13:03</p> <p>9 access Exhibit 3. 13:03</p> <p>10 A. Okay. 13:03</p> <p>11 Q. Do you recognize this document? 13:03</p> <p>12 A. It is our rules and regulations handbook. 13:03</p> <p>13 Yes. 13:03</p> <p>14 Q. Do you know who prepared this document? 13:03</p> <p>15 A. Over time it's -- you know -- you know, 13:03</p> <p>16 it's the charge of one of my secretaries to -- once 13:03</p> <p>17 rules are changed, to submit the changes. But we 13:03</p> <p>18 take care of that in -- in the office here. 13:03</p> <p>19 Q. So is this a Commission that's responsible 13:03</p> <p>20 for the information in the rules and regulations 13:03</p> <p>21 handbook? 13:03</p> <p>22 A. Yes. 13:03</p> <p>23 Q. So you'll notice that on the first page of 13:03</p> <p>24 Exhibit 3 it says that this was revised and printed 13:04</p> <p>25 August 2021. 13:04</p> <p style="text-align: right;">Page 47</p>	<p>1 proposal. It has to be in by January 15th. 13:05</p> <p>2 This rule proposal would then be looked at 13:05</p> <p>3 by our constitution and bylaws committee. They 13:05</p> <p>4 would make sure that it's legal and written 13:05</p> <p>5 appropriate. 13:05</p> <p>6 In the next week here, we'll be sending 13:05</p> <p>7 out those proposals, all of our rule proposal 13:05</p> <p>8 changes out to our membership. 13:05</p> <p>9 We will meet in the -- the first week of 13:05</p> <p>10 in April. And we will go over all of the rule 13:05</p> <p>11 proposals, and we'll vote on them individually. 13:05</p> <p>12 If they pass by a majority, they'll move 13:05</p> <p>13 on to the State Board of Education, who puts them 13:05</p> <p>14 out for comment. And then they will vote on them 13:05</p> <p>15 whether or not they will move forward as part of our 13:06</p> <p>16 rule book. 13:06</p> <p>17 Q. What do you mean by you make sure that the 13:06</p> <p>18 proposed rule is legal? 13:06</p> <p>19 A. Sometimes the way it's written may not be 13:06</p> <p>20 appropriate. You know, there just may be 13:06</p> <p>21 misspellings, misinterpretation. So any changes we 13:06</p> <p>22 make would go back to the person who made it. We 13:06</p> <p>23 would re-read it and say, "Is this what your intent 13:06</p> <p>24 was" to make sure it's written properly. 13:06</p> <p>25 Q. And just to be clear, who exactly votes on 13:06</p> <p style="text-align: right;">Page 49</p>

1 the proposed rule in the Commission? 13:06	1 Q. So it's Page 99 of the pdf. But I believe 13:10
2 A. At our Board of Control, all 286 members 13:06	2 it's Page 85 of the actual document. 13:10
3 are eligible to vote. So if they come to our annual 13:06	3 A. Okay. 13:10
4 meeting, we will discuss each item. And then the 13:07	4 Q. And just for future reference, when I -- 13:10
5 next day we vote on every item that we have. 13:07	5 when I say Page 99 or Page 2, I'm referring the page 13:10
6 Q. So it -- it would be the Board of Control 13:07	6 of the pdf not the page numbers that may be written 13:10
7 and any member school who participate in that 13:07	7 in the exhibit. 13:10
8 meeting that would vote on that rule? 13:07	8 MS. GREEN: His assistant is slow. He has 13:10
9 A. That is correct. 13:07	9 got a really slow assistant over here who is paging 13:10
10 Q. Who amends these rules if they need 13:07	10 through a page at a time. We should be back in 13:10
11 amendments? 13:07	11 about two weeks. 13:10
12 A. Beforehand, it would be the constitution 13:07	12 THE WITNESS: Is it the organizational 13:10
13 and bylaws. There is a committee that we have 13:07	13 chart? 13:10
14 that -- made up of five principals. 13:07	14 BY MS. KANG: 13:10
15 Q. Who is responsible for enforcing these 13:07	15 Q. That's correct. 13:10
16 rules? 13:07	16 A. Okay. Yes. I am there. 13:10
17 A. All of the member schools plus the SSAC 13:07	17 Q. Do you recognize this organizational 13:10
18 office itself. 13:07	18 chart? 13:10
19 Q. What happens if a member school doesn't 13:07	19 A. I do. 13:11
20 follow these rules? 13:07	20 Q. Do you believe that accurately reflects 13:11
21 A. Either the coach, the administration, or 13:07	21 the organizational structure of the Commission? 13:11
22 the school itself could face any sort of penalty 13:07	22 A. Except for the State Board of Education, 13:11
23 from a letter of warning to suspension or fine. 13:08	23 they only have oversight of our -- they have final 13:11
24 Q. By "suspension," do you mean suspension 13:08	24 say of our rules. So that may be why they are 13:11
25 from being a member school? 13:08	25 placed at the top. 13:11
Page 50	Page 52
1 A. I don't know if we have ever suspended 13:08	1 The Board of Directors -- I'm not sure it 13:11
2 anybody from being a member school, but it would be 13:08	2 accurately reflects our organization. But yeah. 13:11
3 suspicion of games, maybe not able to participate in 13:08	3 Q. Would -- 13:11
4 championships. 13:08	4 A. The Board of Directors does not answer to 13:11
5 But, to my knowledge, we have never 13:08	5 the Board of Control, I guess. 13:11
6 suspended anybody from being a member. 13:08	6 Q. So, I guess, where would you place the 13:11
7 Q. Is it possible for the Commission to 13:08	7 Board of Directors in the organizational chart to 13:11
8 cancel a school's membership? 13:08	8 make it more accurate? 13:11
9 A. I'm not sure. 13:08	9 A. Well, I would probably and will probably 13:11
10 Q. To your knowledge, has anyone ever 13:08	10 move State Board of Education, National Federation 13:11
11 submitted a rule proposal about the participation of 13:08	11 out of the chart, and Board of Directors would be at 13:11
12 transgender students? 13:08	12 the top. Board of Control would be where the 13:11
13 A. No. 13:08	13 National Federation is. 13:12
14 Q. So I'm going to be just walking you 13:09	14 Q. So is it fair to say that the Board of 13:12
15 through a couple of excerpts in this exhibit. And 13:09	15 Directors is probably the one at the head of the 13:12
16 it is quite long. So I'm only going to be pointing 13:09	16 organization? 13:12
17 to certain sections. 13:09	17 A. That is correct. 13:12
18 So with that said, as I am going through, 13:09	18 Q. I'm just going to ask you few questions 13:12
19 if you want me to slow down or pause, or you want to 13:09	19 about a couple of these -- of these entries on the 13:12
20 read over something, just -- just let me know. 13:09	20 organizational chart. 13:12
21 So I'm going to ask you to turn to Page 99 13:09	21 Can you tell me a little more about the 13:12
22 of the pdf. In the bottom right-hand corner, it 13:09	22 State Board of Education's relationship with the 13:12
23 will be stamped WVSSAC000216. And let me know 13:09	23 Board of Control specifically. 13:12
24 whenever you happen to get there. 13:09	24 A. With the Board of Control, the State Board 13:12
25 A. What page again? 13:10	25 of Education has final -- they will review and put 13:12
Page 51	Page 53

<p>1 the rules out for comments by the general public, 13:12 2 and they'll have the final say on the votes. 13:12 3 That's probably the only relationship the 13:12 4 State Board of Education has with the Board of 13:12 5 Control. 13:13 6 Q. I know you touched a bit on this earlier, 13:13 7 but could you tell me a bit more about what the 13:13 8 Board of Control's role is in the Commission. 13:13 9 A. The Board of Control's charge is to vote 13:13 10 for rule changes, either vote them up or down. 13:13 11 Q. What do you mean by "vote them up or 13:13 12 down"? 13:13 13 A. When the -- they are put up for a vote, 13:13 14 whether it's to create a new rule or not, it's their 13:13 15 vote -- it's a majority of the Board of Control that 13:13 16 is there that day for the vote. 13:13 17 It either passes or it fails. If it 13:13 18 passes, it goes on to the State Board of Education. 13:13 19 Q. Does the State Board ever promulgate rules 13:13 20 that the Commission has to follow? 13:13 21 A. The State Board has a 2.0 policy that is 13:13 22 in our rule book, but it never passed our Board of 13:14 23 Control. It was -- it's a State Board of Education 13:14 24 policy. 13:14 25 Q. Does the Commission have to follow that 13:14 Page 54</p>	<p>1 ever promulgate or propose rules? 13:15 2 A. If they are one of the five principals 13:15 3 they can, yes. 13:15 4 Q. Can you tell me a little bit more about 13:15 5 what your assistant executive directors do in 13:16 6 relation to the rules in this handbook? 13:16 7 A. Basically they -- they can help interpret 13:16 8 the rules between our member schools, if there is 13:16 9 issues. 13:16 10 But they primarily are responsible for the 13:16 11 championships in their particular sports. But they 13:16 12 can answer questions and interpretations on disputes 13:16 13 of the rule book between schools. 13:16 14 Q. By overseeing the championship, does that 13:16 15 include issuing rules for the championship? 13:16 16 A. No. All of our playing rules are created 13:16 17 by the National Federation. There are some times 13:16 18 that they have -- by state adoption that you can 13:16 19 modify rules, but we follow the NFHS playing rules 13:16 20 100 percent. 13:17 21 Q. So the -- 13:17 22 A. Close a 100 percent. As close to a 13:17 23 100 percent as possible. 13:17 24 Q. So does -- so the Commission does not have 13:17 25 any of its own rules in relation to championship? 13:17 Page 56</p>
<p>1 2.0 rule? 13:14 2 A. Yes. And all of our members. 13:14 3 Q. Are you aware of any other rules from the 13:14 4 State Board of Education? 13:14 5 A. Not really. 13:14 6 Q. What is the Board of Control's 13:14 7 relationship with the directors, if any? 13:14 8 A. Five of the Board of Directors are 13:14 9 principals; so five of those principals would be 13:14 10 members of the Board of Control. That's about 13:14 11 the -- the best relationship -- the only 13:14 12 relationship they have. 13:14 13 Q. What is the Board of Control's 13:14 14 relationship with the executive director? 13:14 15 A. None, really. I mean, the Board -- the 13:15 16 Board -- the five members of the Board of Directors 13:15 17 that are principals represented an administrative 13:15 18 district. And so the Board -- the Board of 13:15 19 Directors answers to schools in their district. So 13:15 20 that's the only indirect connection between myself 13:15 21 and the Board of Control. 13:15 22 Q. And there are ten Board of 13:15 23 Directors members; is that right? 13:15 24 A. Yes, ma'am. 13:15 25 Q. Does any member of the Board of Directors 13:15 Page 55</p>	<p>1 A. No. There are rules in there that govern 13:17 2 how many people are at the game; you know, how many 13:17 3 teams are at the game; where the game is going to be 13:17 4 held. All those things. The time. The place. 13:17 5 Those are all determined by our Board of Directors. 13:17 6 And then they are given the charge to 13:17 7 myself or my -- my assistants to run those 13:17 8 championships on those days. 13:17 9 Q. What does the Sports Medicine Committee 13:17 10 do? 13:17 11 A. They advise us in all of our rules and 13:17 12 regulations that go in for each sport for safety. 13:18 13 For instance, concussion, heat illness, sudden 13:18 14 cardiac arrest, whether we are making modifications 13:18 15 to practice schedules based on their -- their 13:18 16 expertise. 13:18 17 And so they will make recommendations to 13:18 18 us for modifying sports to make it more safe. 13:18 19 Q. So who makes up the Sports Medicine 13:18 20 Committee? 13:18 21 A. There's a variety of doctors and athletic 13:18 22 trainers. I believe there is -- I mean, there is a 13:18 23 number of them. At least 12. I'm not sure of the 13:18 24 exact number because they come off and on. But 13:18 25 yeah. So they -- that's who makes it up is a 13:18 Page 57</p>

1 variety of medical personnel. 13:18
 2 Q. And do they report to you? 13:19
 3 A. They would make recommendations to me to 13:19
 4 give to the Board of Directors if we happen to have 13:19
 5 changes about -- sport-specific things, practice, 13:19
 6 things like that. Things that are not in the rule 13:19
 7 book, but they are modifications or rules that they 13:19
 8 would apply. 13:19
 9 Heat illness is a big example. They are 13:19
 10 providing recommendations on how long a practice is, 13:19
 11 what you are allowed to do at a practice, and things 13:19
 12 like that. 13:19
 13 Q. Do you happen to know if anyone from the 13:19
 14 West Virginia Legislature spoke with anyone from the 13:19
 15 Sports Medicine Committee before H.B. 3293 was 13:19
 16 passed? 13:19
 17 A. Not that I know of. 13:19
 18 MS. KANG: So I think now might be a good 13:19
 19 time for a five- to ten-minute break, just let you 13:19
 20 stretch your legs a little bit. 13:20
 21 THE WITNESS: Okay. 13:20
 22 MS. KANG: Roberta, are you all right with 13:20
 23 that? 13:20
 24 MS. GREEN: Yes. I think it's a good 13:20
 25 time. 13:20

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1 MS. KANG: All right. So why don't we -- 13:20
 2 why don't we take a break until about 1:30. 13:20
 3 THE WITNESS: Okay. 13:20
 4 THE VIDEOGRAPHER: This marks the end of 13:20
 5 Media Number 1. Going off the record. The time is 13:20
 6 1:20. 13:20
 7 (Brief recess.) 13:34
 8 THE VIDEOGRAPHER: This marks the 13:34
 9 beginning of Media Number 2 in the deposition of 13:34
 10 30(b)(6) Witness Bernie Dolan. 13:34
 11 Back on the record. The time is 1:35. 13:35
 12 BY MS. KANG: 13:35
 13 Q. Mr. Dolan, before I move on to my next 13:35
 14 topic, I just want to ask you two more quick 13:35
 15 questions about the Sports Medicine Committee. 13:35
 16 To your knowledge, has the Sports Medicine 13:35
 17 Committee or anyone from that committee ever made a 13:35
 18 recommendation regarding transgender participation 13:35
 19 in athletics? 13:35
 20 A. I don't believe it's ever been on the 13:35
 21 agenda, no. 13:35
 22 Q. Do you know if the Sports Medicine 13:35
 23 Committee has ever made a recommendation on girls 13:35
 24 playing on boys' teams? 13:35
 25 A. Not in my tenure here, no. I don't know 13:35

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1 about previous. 13:35
 2 Q. All right. So I'm going to have a similar 13:35
 3 set of questions next. So just diving a little bit 13:35
 4 more into the Commission's role at -- role in 13:35
 5 sports. 13:35
 6 Can you tell me -- I know you mentioned 13:35
 7 some earlier -- what factors are currently used to 13:36
 8 determine a student's eligibility? 13:36
 9 A. Number one is do they live with their -- 13:36
 10 are they enrolled in the school; 13:36
 11 Number two, do they live with their 13:36
 12 parents; 13:36
 13 Number three, do they reside in the 13:36
 14 district where their school is; 13:36
 15 What's -- what's their age as of 13:36
 16 August 1st of the -- that current year; 13:36
 17 Are they playing on any other teams 13:36
 18 outside the school team. 13:36
 19 Those are the majority -- and do they have 13:36
 20 a 2.0. 13:36
 21 Those are the majority of the eligibility 13:36
 22 reasons that somebody might not be eligible for a 13:36
 23 period of time. 13:36
 24 Q. If I could just put a pin in that. 13:36
 25 So a student could be ineligible for a 13:36

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1 certain period of time and then gain eligibility? 13:36
 2 A. Yes. 13:37
 3 Q. And the factors that are used to determine 13:37
 4 a student's eligibility -- are those the rules and 13:37
 5 regulations in the handbook plus the rules 13:37
 6 promulgated by the State Board of Education? 13:37
 7 A. It is the -- the rules that are in our 13:37
 8 rule book, as well as the 2.0, which is the 13:37
 9 West Virginia Department of ED's rule, State Board 13:37
 10 of Education. 13:37
 11 It's in our rule book, but it's not 13:37
 12 technically our rule, but it's for all of our 13:37
 13 member -- all of our public schools, and our private 13:37
 14 schools follow it too. 13:37
 15 Q. Do the -- do the county boards of 13:37
 16 education in West Virginia have any rules that 13:37
 17 determine a student's eligibility? 13:37
 18 MS. GREEN: And I'll just object to the 13:37
 19 form. 13:37
 20 THE WITNESS: They are not supposed to 13:37
 21 have any rules additional than ours. They have 13:38
 22 given over the rights of overseeing sports to the 13:38
 23 SSAC. 13:38
 24 BY MS. KANG: 13:38
 25 Q. When a student's eligibility is in 13:38

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1 dispute, who makes the final determination as to 13:38
 2 that student's eligibility? 13:38
 3 A. I would make the initial -- well, the 13:38
 4 school makes the initial call. I would then either 13:38
 5 verify or overturn their decision based upon the 13:38
 6 facts. 13:38
 7 And then if they're not happy with the 13:38
 8 answer that I get, they want to appeal that, they 13:38
 9 take that to the Board of Directors. And if they 13:38
 10 are -- if my ruling is sustained at the Board of 13:38
 11 Directors, they have a Board of Review that they 13:38
 12 could go to to get one final opportunity for a 13:38
 13 waiver. 13:38
 14 Q. And the Board of Review is that different 13:39
 15 from the Board of Control? 13:39
 16 A. It is. The Board of Review is the final 13:39
 17 Board that has seven members and may or may not be 13:39
 18 connected to the schools. It's more general. But 13:39
 19 they are appointed by the State Board of Education. 13:39
 20 Q. Is the Board of Review a part of the 13:39
 21 Commission? 13:39
 22 A. They are appointed by the Board of -- or 13:39
 23 the State Board of Education. So I think you've 13:39
 24 seen them say WVSSAC Board of Review, but we have no 13:39
 25 input as to whether or not -- who the members are. 13:39
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1 Q. Are any Commission members currently part 13:39
 2 of the Board of Review? 13:39
 3 A. There may be one member who is a Board 13:39
 4 office personnel who also serves on the 13:40
 5 Commission -- or on the Board of Review as the 13:40
 6 athletic director's association, but she is not a 13:40
 7 member -- she's not an employee of one of the 13:40
 8 schools. She works at the county office. 13:40
 9 Q. Which county office? 13:40
 10 A. I believe Lewis County office. 13:40
 11 Q. Okay. So I want us to go back to 13:40
 12 Exhibit 3. And this will be Page 16 of the pdf. 13:40
 13 And in the bottom right-hand corner it will be Bates 13:40
 14 stamped VSV- -- WVSSAC000133. And let me know 13:40
 15 whenever you get a chance to review it. 13:40
 16 MS. GREEN: And, Ms. Kang, what was the 13:40
 17 pdf page? 13:41
 18 MS. KANG: Sure. It's Page 16. 13:41
 19 MS. GREEN: 15 or 16? 13:41
 20 BY MS. KANG: 13:41
 21 Q. 16. 1,6. 13:41
 22 A. Okay. I'm at 14 now. 13:41
 23 MS. GREEN: Sorry. 13:41
 24 THE WITNESS: Okay. 13:41
 25 MS. GREEN: And what does it read at the 13:41
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1 bottom? 13:42
 2 BY MS. KANG: 13:42
 3 Q. WVSSAC000133. 13:42
 4 A. Yep. Okay. Yes. 13:42
 5 Q. At the top of Exhibit 3, Page 16, you'll 13:42
 6 note it says, "Title 127 Legislative Rule." 13:42
 7 Do you know what a legislative rule is? 13:42
 8 A. I assume -- no. All of our rules are 127. 13:42
 9 So I think that's the area that we are in. But I 13:42
 10 would probably be guessing if I did, you know. 13:42
 11 MS. GREEN: Yeah. 13:42
 12 THE WITNESS: Yeah. 13:42
 13 BY MS. KANG: 13:42
 14 Q. Do you know who promulgated this specific 13:42
 15 rule? 13:42
 16 MS. GREEN: I'll just object to the form. 13:42
 17 THE WITNESS: Well, our rules have been in 13:42
 18 place since 1916. So over time, all of our rules 13:42
 19 have had some modification every year. 13:43
 20 So as far as when that particular rule, 13:43
 21 the most current part, I couldn't tell you. 13:43
 22 It's probably -- well, it says it was 13:43
 23 effective in September 9 of 2019. So that means 13:43
 24 there was a rule change at the Board of Control in 13:43
 25 2019. 13:43
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1 BY MS. KANG: 13:43
 2 Q. Okay. I just want to draw your attention 13:43
 3 to the section on the same page it says "127-1-2 13:43
 4 Name." 13:43
 5 And in this paragraph -- I'll read out a 13:43
 6 section. But take your time reading it as well. 13:43
 7 It says [as read]: 13:43
 8 "Extracurricular activities of the 13:43
 9 students in the public secondary 13:43
 10 schools are controlled pursuant to 13:43
 11 W. Va. Code 18225, and authority for 13:43
 12 the delegation of such control to the 13:43
 13 Commission is granted by statute." 13:44
 14 A. Yes. 13:44
 15 Q. Now, did I -- did I read this correctly? 13:44
 16 A. You did. 13:44
 17 Q. Is this statement accurate? 13:44
 18 A. I believe it's accurate. But it's not 13:44
 19 inclusive if that's the -- because it's -- we have 13:44
 20 private schools as members also. 13:44
 21 But the legislature apparently, by 13:44
 22 statute, only dealt with the public schools. 13:44
 23 Q. Do you know how many private schools are 13:44
 24 part of your membership? 13:44
 25 A. Somewhere around 20. I don't know the 13:44
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<p>1 exact number. 13:44</p> <p>2 Q. Are you familiar at all with West Virginia 13:44</p> <p>3 Code 18225? 13:44</p> <p>4 A. Yes. 13:44</p> <p>5 Q. What is your understanding of it? 13:44</p> <p>6 MS. GREEN: I'll just object to the extent 13:44</p> <p>7 it would call for a legal conclusion. 13:44</p> <p>8 THE WITNESS: It was when they authorized 13:45</p> <p>9 the WVSSAC. 13:45</p> <p>10 BY MS. KANG: 13:45</p> <p>11 Q. What do you mean "authorized WVSSAC"? 13:45</p> <p>12 A. We had been an organization since 1916. 13:45</p> <p>13 And in the late '60s, they -- for some reason they 13:45</p> <p>14 put us in the code, I guess. 13:45</p> <p>15 Q. What does "extracurricular activities" in 13:45</p> <p>16 this section mean? 13:45</p> <p>17 A. It would be sports and band. 13:45</p> <p>18 Q. Does it include club sports? 13:45</p> <p>19 A. No. Not -- not in terms of the WVSSAC, 13:45</p> <p>20 no. 13:45</p> <p>21 Q. When does a club sport become a sport that 13:46</p> <p>22 is controlled by the WVSSAC? 13:46</p> <p>23 A. When there is more than 30 -- more than 20 13:46</p> <p>24 we can recognize it. 13:46</p> <p>25 At 32 teams, when there are 32 individual 13:46</p> <p style="text-align: right;">Page 66</p>	<p>1 BY MS. KANG: 13:47</p> <p>2 Q. What does "supervise and control 13:47</p> <p>3 interscholastic athletics" mean? 13:47</p> <p>4 MS. GREEN: Object to the form. 13:47</p> <p>5 THE WITNESS: Provide the rules and make 13:47</p> <p>6 sure that everybody is following the rules. 13:47</p> <p>7 BY MS. KANG: 13:47</p> <p>8 Q. And how do you make sure that everyone is 13:47</p> <p>9 following the rules? 13:47</p> <p>10 A. Well, usually it -- you know, it's brought 13:47</p> <p>11 to our attention either through members of the 13:47</p> <p>12 public, schools in particular. Sometimes we see 13:47</p> <p>13 violations in the newspaper, and we follow up on 13:47</p> <p>14 them. 13:48</p> <p>15 Q. By "follow up," you mean you reach out to 13:48</p> <p>16 the individual member school? 13:48</p> <p>17 A. Yes. And ask them for a written response 13:48</p> <p>18 as to what the allegation might be. 13:48</p> <p>19 Q. And do you have a rough estimate of how 13:48</p> <p>20 many violations happen a year? 13:48</p> <p>21 A. How many violations? Or how many times 13:48</p> <p>22 are we called about a violation? 13:48</p> <p>23 Q. Let's say, how many times you are called 13:48</p> <p>24 for a violation. 13:48</p> <p>25 A. If I had to guess, it would probably be 13:48</p> <p style="text-align: right;">Page 68</p>
<p>1 teams, our Board can authorize a championship for 13:46</p> <p>2 one class. 13:46</p> <p>3 If there is 50 percent of our 13:46</p> <p>4 membership -- of the high school membership, they 13:46</p> <p>5 could authorize two classes; 75 percent they could 13:46</p> <p>6 authorize three. 13:46</p> <p>7 Q. So I'm going to draw your attention now 13:46</p> <p>8 staying on the same page on Exhibit 3 to the section 13:46</p> <p>9 that says, "127-1-3 Goals." 13:46</p> <p>10 And I'm also going to refer you to the 13:46</p> <p>11 section that says "3.1." And I'll read it out loud. 13:46</p> <p>12 And feel free to take your time reading it as well. 13:46</p> <p>13 [As read]: 13:46</p> <p>14 "This Commission, through the 13:46</p> <p>15 employment of instrumentalities 13:46</p> <p>16 hereinafter established, shall 13:47</p> <p>17 supervise and control interscholastic 13:47</p> <p>18 athletics and band activities among 13:47</p> <p>19 member schools." 13:47</p> <p>20 A. Okay. 13:47</p> <p>21 Q. Did I read this correctly? 13:47</p> <p>22 A. You did. 13:47</p> <p>23 Q. Is this statement accurate? 13:47</p> <p>24 MS. GREEN: Object to form. 13:47</p> <p>25 THE WITNESS: Yes. 13:47</p> <p style="text-align: right;">Page 67</p>	<p>1 two or three a month. Not counting the appeals -- 13:48</p> <p>2 the student appeals. 13:48</p> <p>3 Q. How does a school stop being a member of 13:48</p> <p>4 the WVSSAC? 13:48</p> <p>5 A. To be honest with you, I'm not sure how a 13:49</p> <p>6 public school does. 13:49</p> <p>7 The private school simply writes us a 13:49</p> <p>8 letter and says, "We no longer want to be a member 13:49</p> <p>9 of your organization." There's no penalty for 13:49</p> <p>10 withdrawal. 13:49</p> <p>11 Q. Is there a reason why it's a different 13:49</p> <p>12 rule for a private school versus a public school? 13:49</p> <p>13 A. I guess a public could withdraw. 13:49</p> <p>14 Q. To your knowledge, has any public school 13:49</p> <p>15 ever withdrawn? 13:49</p> <p>16 A. No. Just -- they have consolidated; and, 13:49</p> <p>17 therefore, they become a new school, or they've 13:49</p> <p>18 closed and have been absorbed into a new school. 13:49</p> <p>19 But, to my knowledge, no public school has ever not 13:49</p> <p>20 been a member. 13:49</p> <p>21 Q. Are all public schools in West Virginia 13:49</p> <p>22 currently members? 13:49</p> <p>23 A. All public secondary schools 6 through 12, 13:49</p> <p>24 yes. 13:49</p> <p>25 Q. If a school is not a member of the 13:49</p> <p style="text-align: right;">Page 69</p>

1 Commission, could it still offer interscholastic 13:49	1 Commission? 13:52
2 sports? 13:49	2 A. I'm sure they did at one time, yes. 13:52
3 A. Yes. 13:49	3 Q. So we're going to stay on the same page, 13:52
4 Q. Can a school that is not a member compete 13:50	4 but I'm going to draw your attention to the section 13:52
5 with member schools? 13:50	5 that starts with 4.2.b. Says [as read]: 13:52
6 A. As long as they are a school, yes. 13:50	6 "The principal or designee is and 13:52
7 Q. So now I would like to draw your attention 13:50	7 shall be responsible for conducting 13:52
8 to Page 17 of Exhibit 3, it should be just the next 13:50	8 interscholastic athletic
9 page down. 13:50	9 and band activities of the school in
10 And I'll ask you to look at the paragraph 13:50	10 accordance with the constitution,
11 that starts "127-1-4. Membership." 13:50	11 bylaws, rules and regulations of the
12 A. Okay. 13:50	12 Commission which have been adopted by
13 Q. And that paragraph says [as read]: 13:50	13 the Board of Control of the Commission
14 "The WVSSAC shall be composed of the 13:50	14 for the governing of such
15 principals or designee, of those public 13:50	15 activities." 13:52
16 or private secondary schools which have 13:50	16 A. Okay. 13:52
17 certified in writing to the State 13:50	17 Q. Did I read this correctly? 13:52
18 Superintendent of Schools of 13:50	18 A. Yes. 13:52
19 West Virginia [paren] (State 13:50	19 Q. Do you believe this statement is accurate? 13:52
20 Superintendent) that they have elected 13:50	20 MS. GREEN: Object to the form. 13:52
21 to delegate the control, supervision, 13:50	21 THE WITNESS: Yes. 13:52
22 and regulation of their interscholastic 13:50	22 BY MS. KANG: 13:52
23 athletic and band activities." 13:50	23 Q. What happens if a principal or a designee 13:52
24 Did I read that correctly? 13:50	24 breaks one of the Commission's rules? 13:53
25 A. Yes. 13:50	25 A. There's a -- depends upon what the rule is 13:53
Page 70	Page 72
1 Q. Is this statement accurate? 13:51	1 and how often, it could be a letter of discipline, 13:53
2 MS. GREEN: Object to the form. 13:51	2 it could be a verbal warning, or it could go all the 13:53
3 THE WITNESS: Yes. 13:51	3 way up to suspension or fine. 13:53
4 BY MS. KANG: 13:51	4 Q. So am I right that, when a member school 13:53
5 Q. What does it mean to "delegate the 13:51	5 makes a determination of what students are eligible 13:53
6 control, supervision, and regulation of their 13:51	6 to play secondary sports, it has to follow the rules 13:53
7 interscholastic athletic and band activities"? 13:51	7 and regulations of the Commission? 13:53
8 MS. GREEN: Object to the form. 13:51	8 A. Yes. 13:53
9 THE WITNESS: It means that the WVSSAC and 13:51	9 Q. So now I'm going to ask you to scroll down 13:53
10 its member schools will write rules and everybody 13:51	10 two more pages to Page 19. It should be stamped 13:53
11 will follow them. 13:51	11 WVSSAC000136 of Exhibit 3. Let me know whenever 13:53
12 And so they can't have rules of their own 13:51	12 you're there. 13:53
13 that are separate from the rules that we have all 13:51	13 A. Okay. We're there. 13:53
14 agreed to. 13:51	14 Q. I'm sorry. Let me actually take you to 13:54
15 BY MS. KANG: 13:51	15 Page 20. That's Bates stamped -137 of Exhibit 3. 13:54
16 Q. So just to be a clear, a member school 13:51	16 A. Okay. 13:54
17 cannot issue its own rules -- is that -- for 13:51	17 Q. So in the section that says "127-1-8. 13:54
18 interscholastic athletics; is that right? 13:51	18 Board of Directors," it says [as read]: 13:54
19 A. Not if it's in conflict with our rule. 13:51	19 "The Board of Directors shall have 13:54
20 Q. Can it issue rules that are not in 13:51	20 authority to administer the regulations 13:54
21 conflict with the SSAC rules? 13:51	21 of the WVSSAC." 13:54
22 A. Sure. 13:51	22 Did I read that correctly? 13:54
23 Q. Did Bridgeport Middle School delegate its 13:52	23 A. You did. 13:54
24 control, supervision, and regulation of 13:52	24 Q. Do you believe the statement is accurate? 13:54
25 interscholastic athletic activities to the 13:52	25 A. Yes. 13:54
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<p>1 Q. What does administer the regulations of 13:54 2 the WVSSAC mean? 13:54 3 MS. GREEN: Object to the form. 13:54 4 THE WITNESS: Make sure everybody is 13:54 5 following the rules as written and interpreted. 13:54 6 (Simultaneously speaking.) 13:54 7 BY MS. KANG: 13:54 8 Q. By "interpreted," who -- 13:54 9 A. The -- 13:55 10 Q. -- makes -- oh, sorry. 13:55 11 A. Just -- 13:55 12 Q. Did you -- 13:55 13 A. As the rules are written. 13:55 14 Q. Does it mean anything else? 13:55 15 A. No. 13:55 16 Q. I'm going to ask you to scroll one more 13:55 17 page down to the page that's Bates stamped 13:55 18 WVSSAC -138. It should be Page 21 of the pdf of 13:55 19 Exhibit 3. 13:55 20 A. Okay. 13:55 21 Q. So I'll draw your attention to 13:55 22 Section 8.5, which says [as read]: 13:55 23 "The Board of Directors shall have 13:55 24 power to decide all cases of 13:55 25 eligibility of students and 13:55</p>	<p>1 A. Well, the Commission cannot. The Board of 13:56 2 Directors can. And then the Board of Review can. 13:56 3 But the -- the office itself cannot grant waivers. 13:56 4 I'll take that back. 13:56 5 I can grant a waiver if it's been ruled 13:56 6 before in a similar fashion by the Board, but I 13:57 7 don't have -- I don't execute that. 13:57 8 Q. So is it fair to say that if the Board of 13:57 9 Review issues a determination of a student's 13:57 10 eligibility and the current student before you has a 13:57 11 similar set of facts, you can rely on that previous 13:57 12 determination? 13:57 13 MS. GREEN: Object to the form. 13:57 14 THE WITNESS: The rule says that, but 13:57 15 they're never -- I've yet to find two cases that are 13:57 16 exactly similar. So... 13:57 17 BY MS. KANG: 13:57 18 Q. But you have the ability to -- to do so? 13:57 19 A. It says that we have the ability to do so, 13:57 20 yes. 13:57 21 Q. So now I'd like to -- we're staying on the 13:57 22 same page -- draw your attention to Paragraph 8.7 13:57 23 and 8.8. 13:57 24 So I'll read Paragraph 8.7 first. It says 13:57 25 [as read]: 13:57</p>
Page 74	Page 76
<p>1 participants in interscholastic 13:55 2 athletic and band activities. The 13:55 3 Board may also exercise discretionary 13:55 4 powers it may deem necessary for the 13:55 5 furtherance of education and 13:55 6 interscholastic athletic and band 13:55 7 activities in the secondary schools of 13:56 8 West Virginia." 13:56 9 Did I read that correctly? 13:56 10 A. You did. 13:56 11 Q. Do you believe this statement is accurate? 13:56 12 MS. GREEN: Object to the form. 13:56 13 THE WITNESS: Yes. 13:56 14 BY MS. KANG: 13:56 15 Q. What does it mean "Shall have the power to 13:56 16 decide all cases of eligibility of students and 13:56 17 participants in interscholastic athletic and band 13:56 18 activities"? 13:56 19 MS. GREEN: Object to form. 13:56 20 THE WITNESS: If I have -- if the school 13:56 21 or I have determined somebody to be ineligible, they 13:56 22 can grant a waiver to make them eligible. 13:56 23 BY MS. KANG: 13:56 24 Q. Can anyone other than the Commission grant 13:56 25 a waiver? 13:56</p>	<p>1 "At the request of the Board of 13:58 2 Directors, a Deputy Board Member may 13:58 3 investigate matters of eligibility and 13:58 4 other violations of the rules and 13:58 5 regulations of the WVSSAC. The Deputy 13:58 6 Board Member shall submit to the Board 13:58 7 of Directors a written report of 13:58 8 findings and recommendations for 13:58 9 disposition of the case(s)." 13:58 10 Did I read that correctly? 13:58 11 A. You did. 13:58 12 Q. Do you believe this statement is accurate? 13:58 13 MS. GREEN: Object to form. 13:58 14 THE WITNESS: Yes. 13:58 15 BY MS. KANG: 13:58 16 Q. When would the Board of Directors request 13:58 17 an investigation into matters of eligibility? 13:58 18 A. If something was brought to them by a 13:58 19 member school or the public at large. 13:58 20 Q. Are there any Deputy Board Members 13:58 21 currently? 13:58 22 A. There are ten. 13:58 23 Q. Who do they report to? 13:58 24 A. They have very few -- very few 13:58 25 responsibilities. We have not asked them to 13:59</p>
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<p>1 investigate. We -- you know, we feel like it has 13:59 2 put some them in difficult positions. So most of 13:59 3 the investigations come out of our office. 13:59 4 Q. Can you tell me a little bit more about 13:59 5 putting them in difficult positions; what you mean 13:59 6 by that. 13:59 7 A. If they have to go into somebody else's 13:59 8 school and make a determination on eligibility or 13:59 9 where somebody lives, it could be a rival school and 13:59 10 people might not want them there. 13:59 11 So, you know, we have taken it over 13:59 12 because it's unbiased if we're looking at it. 13:59 13 Q. So are the Deputy Board Members designees 13:59 14 or members of the member school? 13:59 15 A. They are principals of a member school, 13:59 16 yes. 14:00 17 Q. So now on Paragraph 8.8 it says [as read]: 14:00 18 "The Board of Directors shall have 14:00 19 the power to investigate through the 20 Deputy Board Member, or in 21 such other manner as may be found 22 advisable, matters of eligibility and 23 other violations of rules when the 24 Board deems it advisable to do so on 25 the basis of information furnished,</p>	<p>1 A. A formal protest would be somebody's -- 14:01 2 has written it and put their name to it. 14:01 3 Informal would be an anonymous letter or a 14:01 4 phone call. 14:01 5 Q. So I'm going to ask you to scroll one page 14:01 6 down in Exhibit 3 to the page that is Bates 14:01 7 Stamped -139. It should be Page 22 of the pdf. 14:01 8 A. Okay. 14:01 9 Q. So I am looking at Section 127-1-9 titled 14:01 10 "Funds." 14:01 11 A. Okay. 14:01 12 Q. How -- how is the Commission funded? 14:01 13 A. All of our revenue comes from championship 14:02 14 events, ticket sales at championship events; 14:02 15 Regional basketball ticket sales; 14:02 16 Playoffs for football; 14:02 17 Registering of officials; 14:02 18 Coaches Education; 14:02 19 And corporate partnership. 14:02 20 Q. Are there any other sources of revenue? 14:02 21 A. None of any significance. 14:02 22 Q. By "none of any significance," what do you 14:02 23 mean? 14:02 24 A. There would be maybe some fines in there 14:02 25 for people -- coaches not paying -- or not 14:02</p>
Page 78	Page 80
<p>1 even though a formal protest is not 2 filed." 3 Did I read that correctly? 14:00 4 A. You did. 14:00 5 Q. Is this statement accurate? 14:00 6 MS. GREEN: Object to the form. 14:00 7 THE WITNESS: It is. 14:00 8 BY MS. KANG: 14:00 9 Q. So when would the Board -- when would the 14:00 10 Board deem it advisable to investigate matters of 14:00 11 eligibility even without formal protest? 14:00 12 A. Sometimes they -- 14:00 13 MS. GREEN: Object to the form. 14:00 14 I'm sorry. 14:00 15 THE WITNESS: Oh. I'm sorry. 14:00 16 Sometimes they get anonymous letters that 14:00 17 would supply some information; and, you know, they 14:00 18 would -- now they would ask us because I also can 14:00 19 investigate. And so we would do it and then -- 14:00 20 instead of our Board -- Deputy Board just because we 14:01 21 don't want to put them in a position where they 14:01 22 would be ruling on a -- sometimes a competitor. 14:01 23 BY MS. KANG: 14:01 24 Q. And what is the difference between a 14:01 25 formal protest versus an informal protest? 14:01</p>	<p>1 evaluating their officials or not putting scores in. 14:02 2 Things like that. 14:02 3 Q. How much money are those fines usually? 14:02 4 A. \$25 or \$50 or \$10, depending upon what it 14:02 5 is for. 14:03 6 Q. Now, you mentioned the Coaches Education. 14:03 7 Could you tell me a bit more about what that is. 14:03 8 A. The legislature requires that our coaches 14:03 9 who are non-teachers must have a Coaches Education. 14:03 10 And this is a State Board of Education. But they 14:03 11 have charged us with providing the education, but 14:03 12 State Board of Education would do the certification. 14:03 13 Q. Do the coaches pay the Commission for this 14:03 14 education? 14:03 15 A. They do. 14:03 16 Q. Is the Commission a for-profit 14:03 17 organization? 14:03 18 A. We are not. 14:03 19 Q. Do you receive any funds from the federal 14:03 20 government? 14:03 21 A. We received from -- some pandemic funds. 14:03 22 But that was all through the small 14:03 23 business authority. 14:04 24 Q. Anything else? 14:04 25 A. We have received GEAR funding from -- 14:04</p>
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1 through the Department of Education for monies to go 14:04
 2 back to the school through AEDs, wet globe bulbs 14:04
 3 [verbatim], reimbursement for travel, things like 14:04
 4 that. 14:04
 5 Because everybody was in short -- low 14:04
 6 attendance, and so we were trying to find a way to 14:04
 7 help them with their money. 14:04
 8 Q. By "gear funding," do you mean sports gear 14:04
 9 or... 14:04
 10 A. For them they also had limited attendance 14:04
 11 and limited games. So -- 14:04
 12 Did I miss the question? 14:04
 13 Okay. What was your question again? 14:04
 14 Q. Oh. I just asked that by "gear funding," 14:04
 15 did you mean sports gear? 14:04
 16 A. No. No. It is -- I think it's -- GEAR is 14:05
 17 the program. 14:05
 18 Q. Understood. 14:05
 19 And was this all during the pandemic? 14:05
 20 A. Yes, ma'am. 14:05
 21 Q. Do you receive any funds from your member 14:05
 22 schools? 14:05
 23 A. The only funds we receive at this time 14:05
 24 would be fines that they would have to pay for not 14:05
 25 attending, not putting in scores. 14:05
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1 Sometimes our events might be held at 14:05
 2 their schools; so they would collect the gate and 14:05
 3 then write us a check. 14:05
 4 But that's pretty much all we get from the 14:05
 5 schools. 14:05
 6 Q. And how much are the fines? 14:05
 7 A. For not putting in an evaluation, it's 14:05
 8 \$10; 14:05
 9 For not doing your eligibility, it's \$25; 14:05
 10 And if you don't put in a score, it's \$50. 14:05
 11 Q. Is any of the Commission's revenue shared 14:06
 12 with the member schools? 14:06
 13 A. Yes. 14:06
 14 Q. How is it shared? 14:06
 15 A. We -- we give reimbursement back to the 14:06
 16 schools. Each sport has a different formula, but we 14:06
 17 help with travel and meal money at most of the 14:06
 18 events. 14:06
 19 At football they also get a commission of 14:06
 20 the gate. 20 percent the first week, 15 percent the 14:06
 21 second, 10 the third, and 5 at the championship. 14:06
 22 Q. If you had to estimate, what percentage of 14:06
 23 Commission funds go to the member schools? 14:06
 24 A. When you say go to the schools, you mean 14:06
 25 actually cash sent back to them? Or do you mean 14:07
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1 services to the school? 14:07
 2 Q. Let's start with cash sent back to them. 14:07
 3 MS. GREEN: Object to the form. 14:07
 4 THE WITNESS: I would say \$300,000 out of 14:07
 5 a probably \$1.5 million budget. 14:07
 6 BY MS. KANG: 14:07
 7 Q. So what about services? 14:07
 8 A. The services -- oh. I'm sorry. 14:07
 9 Services would be higher because -- I 14:07
 10 would think it's probably closer to \$700,000 14:07
 11 depending upon what you call as "giving back". 14:07
 12 You know, if it's -- some people would say 14:07
 13 that the expenses to put on tournaments is a way to 14:07
 14 give back. 14:07
 15 Direct expenses would be, you know, the 14:07
 16 things that we are purchasing for them right now, 14:07
 17 which would be the AED and the wet globe bulb and 14:07
 18 the cooling submersion tubs. 14:07
 19 Q. So what -- what is encompassed in the term 14:08
 20 "services"? 14:08
 21 A. Services. Each -- each season we travel 14:08
 22 around the state to meet with all principals for a 14:08
 23 regional principal meeting. 14:08
 24 We also travel around the state to meet 14:08
 25 with each sport during each -- at the beginning of 14:08
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1 each season to make sure -- we go over all the rules 14:08
 2 and regulations that are current. 14:08
 3 Those are some of -- as well as expenses 14:08
 4 that we incur hosting the tournaments for them. 14:08
 5 And the coaches -- you know, we have -- we 14:08
 6 have expenses in materials for Coaches Education. 14:08
 7 Q. I believe you mentioned you stopped 14:09
 8 collecting dues from your members. 14:09
 9 Do you currently have any plans to resume 14:09
 10 collecting dues? 14:09
 11 A. No. We have a proposal from one of our 14:09
 12 principals for this year to strike out the -- all of 14:09
 13 the dues' language and inserting language in there 14:09
 14 that says, "Could resume at any time when 14:09
 15 necessary." 14:09
 16 Q. So, now, sticking with Exhibit 3, I'm 14:09
 17 actually going to ask you to go back up to Page 6 of 14:09
 18 the pdf and the Bates stamp is WVSSAC000123. And 14:09
 19 let me know whenever you get there. 14:09
 20 A. Okay. 14:10
 21 Q. So I'm going to direct you to the 14:10
 22 paragraph that begins with "Discrimination 14:10
 23 Prohibited." 14:10
 24 Take your time reading it, and let me know 14:10
 25 whenever you are finished reading that paragraph. 14:10
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1 A. [Witness reviews document]. 14:10
 2 Okay. 14:10
 3 Q. Do you know who wrote this portion of the 14:10
 4 handbook? 14:10
 5 A. I do not. 14:10
 6 Q. Do you know how long this portion has been 14:10
 7 in the handbook? 14:10
 8 A. I do not. 14:10
 9 Q. Do you remember ever reviewing this 14:10
 10 section of the handbook? 14:10
 11 A. Yes. 14:10
 12 Q. When did you review it? 14:11
 13 A. I -- 14:11
 14 Q. Oh. Go ahead. 14:11
 15 A. I would say a couple of years ago. We've 14:11
 16 tried to have a book study and go through all of 14:11
 17 these. 14:11
 18 Q. When you reviewed it a couple of years 14:11
 19 ago, did you believe the Commission was required to 14:11
 20 comply with Title IX? 14:11
 21 A. Yes. 14:11
 22 Q. Is the Commission currently required to 14:11
 23 comply with Title IX? 14:11
 24 MS. GREEN: I'll just object to the form. 14:11
 25 THE WITNESS: I would believe that the 14:11
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1 schools are required to follow Title IX. But I 14:11
 2 believe we believe it also. 14:11
 3 BY MS. KANG: 14:11
 4 Q. Now, I want to turn your attention to the 14:11
 5 section below that titled "Beliefs and Objectives." 14:11
 6 Take a moment to read the first paragraph 14:11
 7 and let me know whenever you are done. 14:11
 8 A. [Witness reviews document]. 14:11
 9 Okay. 14:12
 10 Q. What are "proper ideals of sportsmanship," 14:12
 11 as written in this paragraph? 14:12
 12 MS. GREEN: Object to the form. 14:12
 13 THE WITNESS: Are you on Paragraph 1 or 3? 14:12
 14 BY MS. KANG: 14:12
 15 Q. Paragraph 1 [verbatim] of the Beliefs and 14:12
 16 Objectives section. 14:12
 17 A. What was your question again? 14:12
 18 Q. Sure. 14:12
 19 What are -- what are the proper ideals of 14:12
 20 sportsmanship? 14:12
 21 I'm sorry. I -- 14:12
 22 A. The -- 14:12
 23 Q. I am referring to Paragraph 3. You had it 14:12
 24 right the first time. 14:12
 25 A. Okay. 14:12
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1 Sportsmanship is that everybody's on a 14:12
 2 fair playing field. And the -- you should be 14:12
 3 gracious in losing and winning. 14:13
 4 Q. What do you mean by "fair playing field"? 14:13
 5 MS. GREEN: Object to the form. 14:13
 6 THE WITNESS: Same age. Same gender. 14:13
 7 BY MS. KANG: 14:13
 8 Q. Anything else? 14:13
 9 A. No. 14:13
 10 When I say "same age," it would be same 14:13
 11 programatic level. So middle -- middle school kids 14:13
 12 cannot play against high school but freshmen can 14:13
 13 play against seniors. 14:13
 14 Q. What are physical -- the physical and 14:13
 15 social benefits that are referenced in this 14:13
 16 paragraph? 14:13
 17 A. Just good -- for one, just good health. 14:13
 18 Participation. Also, you know, we believe that 14:13
 19 it's -- the competitive part is good, and the 14:14
 20 training part is beneficial to the student athlete. 14:14
 21 Q. Why do you believe it's beneficial? 14:14
 22 A. Studies we have read. And as a 14:14
 23 participant a long time ago. 14:14
 24 Q. What does "partisanship and prejudice" 14:14
 25 mean in this paragraph? 14:14
 Page 88

1 A. Partisanship and prejudice would mean that 14:14
 2 it's equal. You know, one side -- especially 14:14
 3 with -- you know, as far as equipment or what -- if 14:14
 4 you come to a game, you can't have lush seats for 14:15
 5 you and the other team have foldable chairs and 14:15
 6 things like that. So that's part- -- partisan. 14:15
 7 You know, all the equipment at a game has 14:15
 8 to be the same equipment everybody is using. Same 14:15
 9 ball. Same rims. Everything is the same. 14:15
 10 Q. What do you mean by "prejudice" in this 14:15
 11 paragraph? 14:15
 12 A. Prejudice would mean, you know -- you 14:15
 13 know, is there some advantage to one team over 14:15
 14 another. 14:15
 15 Q. What sort of advantage are you referring 14:15
 16 to? 14:15
 17 A. Could be something as simple as a tarp 14:15
 18 over your bench as opposed to the other team not 14:15
 19 having it; 14:15
 20 Could be as simple as a heater. You might 14:16
 21 have a heater on a sideline at a cold game and they 14:16
 22 don't. 14:16
 23 So things that would make the game unfair 14:16
 24 that are outside of the game. 14:16
 25 Q. Is there anything else that you believe 14:16
 Page 89

<p>1 would make the game unfair? 14:16</p> <p>2 MS. GREEN: Object to the form. 14:16</p> <p>3 THE WITNESS: There are probably other 14:16</p> <p>4 things, but right off the top of my head not sure. 14:16</p> <p>5 Could be something as simple as how far 14:16</p> <p>6 you got to walk to your locker room in between 14:16</p> <p>7 games. 14:16</p> <p>8 BY MS. KANG: 14:16</p> <p>9 Q. Do you believe that allowing transgender 14:16</p> <p>10 students to participate on sports teams consistent 14:16</p> <p>11 with their gender identity is consistent with the 14:16</p> <p>12 goals identified in this paragraph? 14:16</p> <p>13 MS. GREEN: Object to the form. 14:16</p> <p>14 THE WITNESS: I believe our -- our Board 14:16</p> <p>15 policy was that, if it was not safe or unfair 14:16</p> <p>16 advantage, then it would be okay for them to 14:17</p> <p>17 participate. 14:17</p> <p>18 BY MS. KANG: 14:17</p> <p>19 Q. Does Bridgeport Middle School 14:17</p> <p>20 cross-country count as an interscholastic athletic? 14:17</p> <p>21 A. It does. 14:17</p> <p>22 MS. KANG: So I'm actually about to move 14:17</p> <p>23 into the next session. I think we are up on an 14:17</p> <p>24 hour. 14:17</p> <p>25 Roberta, do you have preference as to 14:17</p> <p style="text-align: right;">Page 90</p>	<p>1 BY MS. KANG: 14:19</p> <p>2 Q. And, Mr. Dolan, let me know whenever you 14:19</p> <p>3 have it up. 14:19</p> <p>4 A. Okay. 14:19</p> <p>5 MS. GREEN: Counsel, was there a certain 14:19</p> <p>6 page in the exhibit? 14:19</p> <p>7 MS. KANG: Yeah. 14:19</p> <p>8 BY MS. KANG: 14:19</p> <p>9 Q. If you go to Page 6 to start, that would 14:19</p> <p>10 be great. And the Bates stamp is -365. 14:19</p> <p>11 MS. GREEN: I'm sorry. 14:19</p> <p>12 THE WITNESS: That's fine. 14:19</p> <p>13 Is this the "2016-'17 Participation 14:19</p> <p>14 Report"?. 14:19</p> <p>15 BY MS. KANG: 14:19</p> <p>16 Q. Do you believe it is? 14:19</p> <p>17 A. Okay. 14:20</p> <p>18 [Witness reviews document]. 14:20</p> <p>19 Okay. 14:20</p> <p>20 Q. So I'm going to represent to you that this 14:20</p> <p>21 is a document that was produced by your counsel in 14:20</p> <p>22 response to one of plaintiff's discovery requests. 14:20</p> <p>23 If you want to read the text of the 14:20</p> <p>24 request, it's Request Number 15 in this same 14:20</p> <p>25 document. 14:20</p> <p style="text-align: right;">Page 92</p>
<p>1 whether you want me to get started or you want to 14:17</p> <p>2 take a break now? 14:17</p> <p>3 THE WITNESS: I'm good. 14:17</p> <p>4 MS. GREEN: All right. Let's do -- 14:17</p> <p>5 THE WITNESS: I can't go to the bathroom. 14:17</p> <p>6 MS. GREEN: I know. Really no need for a 14:17</p> <p>7 bathroom break over here. 14:18</p> <p>8 MS. KANG: All right. Well, if it's okay 14:18</p> <p>9 with you, we'll go on a little bit longer. 14:18</p> <p>10 Let me know if you do need a break. 14:18</p> <p>11 So we can take down Exhibit 3. 14:18</p> <p>12 BY MS. KANG: 14:18</p> <p>13 Q. And I want to talk a little bit about some 14:18</p> <p>14 of the statistics that the Commission turns over to 14:18</p> <p>15 various organizations. 14:18</p> <p>16 So I'm going to introduce an exhibit that 14:18</p> <p>17 will be marked as Exhibit 4. 14:18</p> <p>18 MS. KANG: And I'll let you know when it's 14:18</p> <p>19 in everyone's folders. 14:18</p> <p>20 (Deposition Exhibit 4 was marked for 14:19</p> <p>21 identification and is attached hereto.) 14:19</p> <p>22 MS. KANG: Exhibit 4 should now be in 14:19</p> <p>23 everyone's Marked Exhibit folder. 14:19</p> <p>24 Let me know if anyone has trouble 14:19</p> <p>25 accessing it. 14:19</p> <p style="text-align: right;">Page 91</p>	<p>1 Do you recognize this document that is 14:20</p> <p>2 before you right now? 14:20</p> <p>3 A. I do. 14:20</p> <p>4 Q. What is it? 14:20</p> <p>5 A. This is a participation -- the National 14:20</p> <p>6 Federation of High School keeps track of how many 14:20</p> <p>7 participants are in each sport, trying to find 14:20</p> <p>8 trends among the sports, which ones are growing, 14:20</p> <p>9 which ones are falling; and if they are falling, how 14:20</p> <p>10 come. 14:20</p> <p>11 Q. What is the National Federation of State 14:21</p> <p>12 High School Associations? 14:21</p> <p>13 A. It is the association of 51 members, the 14:21</p> <p>14 50 states plus Washington, D.C., and they primarily 14:21</p> <p>15 provide the sport-specific rules for almost all of 14:21</p> <p>16 our events. 14:21</p> <p>17 Q. How long have you provided these 14:21</p> <p>18 statistics to the Federation? 14:21</p> <p>19 A. To be honest with you, they've been 14:21</p> <p>20 tracking them, but I couldn't tell you how long we 14:21</p> <p>21 have. 14:21</p> <p>22 Q. Do you think it's -- 14:21</p> <p>23 A. I would assume. 14:21</p> <p>24 Q. Go ahead. 14:21</p> <p>25 A. I would assume -- it's a -- it's an 14:21</p> <p style="text-align: right;">Page 93</p>

1 ongoing thing; so I would think it's probably been 14:21	1 Q. So it's any grade from 9 to 12? 14:24
2 done for a number of years. 14:21	2 A. It's a combination of 9 through 12, yes. 14:24
3 Q. More than ten? 14:21	3 Q. If we go over to the third column, the one 14:24
4 A. Yes. 14:21	4 that says "Male," what does that mean? 14:24
5 Q. More than 20? 14:21	5 A. That -- it's the same -- when we do our 14:24
6 A. Probably. 14:21	6 eligibility sheets by sport, for instance, football, 14:24
7 Q. Why do you provide these statistics to the 14:21	7 football doesn't differentiate between boys and 14:24
8 NFHS? 14:22	8 girls. It's -- they're asking for the number of 14:24
9 A. They -- they gather them for the whole 14:22	9 participants. 14:25
10 country to try to monitor which sports are growing 14:22	10 When you get to girls' track, it can only 14:25
11 in popularity and which ones might not be. And the 14:22	11 be done by girls; so, therefore, that -- that's why 14:25
12 ones that aren't, they're trying to look and see 14:22	12 there's not -- there's a zero in girls' track for 14:25
13 why. 14:22	13 males and boys' track has a number but girls' does 14:25
14 Q. I'm just going to ask you a few questions 14:22	14 not. 14:25
15 to help me understand how to read this chart. 14:22	15 So football is the number of participants. 14:25
16 Did you prepare this document? 14:22	16 So in the blue column under "Male," it would be the 14:25
17 A. I personally did not prepare it. But this 14:22	17 number of male -- or number of people in football. 14:25
18 is a document prepared by our office, yes. 14:22	18 Could be male or female because our eligibility 14:25
19 Q. Do you know who prepared this document? 14:22	19 doesn't differentiate between the two. 14:25
20 A. Alice Goodwin in our office. 14:22	20 Q. So just to be clear, even if a girl plays 14:25
21 Q. What's her position? 14:22	21 on the football team, she will not show up in the 14:25
22 A. Secretary. 14:22	22 column that says "Female" for football? 14:25
23 Q. Is she your secretary? 14:22	23 A. That's correct. Because they're asking 14:25
24 A. No. 14:22	24 for the number of participants in football, and it's 14:25
25 Q. Do you know which secretary she is? 14:22	25 primarily football -- it's primarily a male sport. 14:26
Page 94	Page 96
1 A. Well, we don't all have specific 14:22	1 So it falls under the male category. That's the 14:26
2 secretaries. She works primarily with Greg Reed, 14:23	2 best we could do for them. 14:26
3 but we all ask different people to do different 14:23	3 Similarly, cheer is primarily a cheer 14:26
4 things, depending upon what the level of activity 14:23	4 event, but there are boys. But there's no number in 14:26
5 going on in the office for that particular staff 14:23	5 there. So we just -- it's just the total number in 14:26
6 member is. 14:23	6 that -- for that particular sport. 14:26
7 Q. What is Greg Reed's role? 14:23	7 Q. Okay. Scroll all the way over to the 14:26
8 A. Assistant executive director. 14:23	8 gray-colored columns. They're labeled as 14:26
9 Q. Do you contribute any information to this 14:23	9 "Mid/Junior." 14:26
10 document? 14:23	10 What does "Mid/Junior" mean? 14:26
11 A. This document is -- I personally do not. 14:23	11 A. It was either middle school or junior high 14:26
12 It's pulled from our website. And it probably -- it 14:23	12 and -- you know. I don't believe we have any more 14:26
13 is self-populating, I believe. So she doesn't 14:23	13 junior high. So probably could be fixed to say just 14:26
14 actually type it in there. They pull it from our 14:23	14 middle school. 14:26
15 eligibility sheets. 14:23	15 Q. What grades would those be? 14:26
16 Q. And who is "they"? 14:23	16 A. 6th through 8. 14:26
17 A. Our -- our web designer created this form, 14:23	17 Q. So now I'm going to ask you to -- to 14:26
18 and it self-populates from that form, from their 14:24	18 scroll down to Page 11. It will be Bates 14:27
19 eligibility. 14:24	19 stamped -370. 14:27
20 Q. So in the second column of this chart, it 14:24	20 Let me know whenever you get there. 14:27
21 says "Senior." 14:24	21 A. Okay. 14:27
22 What does that mean? 14:24	22 Q. So the last year that you produced this 14:27
23 A. "Senior" means "high school." 14:24	23 document is 2020 to 2021. 14:27
24 Q. So senior -- 14:24	24 Do you know when the 2021 to 2022 14:27
25 A. 9 through 12. 14:24	25 statistics will be published? 14:27
Page 95	Page 97

<p>1 A. We submitted them over the summer. 14:27 2 Obviously, our spring sports aren't -- aren't in 14:27 3 place yet. So we wouldn't have numbers for them. 14:27 4 Q. For the 2021 to 2022 period, do you know 14:27 5 if B.P.J. will be listed in the "Female" column or 14:27 6 the "Male" column? 14:27 7 MS. GREEN: Object to form. 14:28 8 THE WITNESS: Which team is she on? 14:28 9 BY MS. KANG: 14:28 10 Q. She is on the cross-country team for 14:28 11 girls. 14:28 12 A. And then that's where she will be listed. 14:28 13 Because it's just pulling the number off of the 14:28 14 eligibility of that particular team. 14:28 15 Q. And the numbers that are submitted, are 14:28 16 they coming from the member schools themselves? 14:28 17 A. They -- the member schools have to submit 14:28 18 their eligibility on our site. And from there, 14:28 19 it takes the total of each school and puts them in 14:28 20 their category. 14:28 21 Q. So I'm going to ask you to scroll down one 14:28 22 more page to the doc -- to the document that is 14:28 23 Bates Stamped -371. 14:28 24 A. Okay. 14:28 25 Q. So this is also a document that was 14:28</p> <p style="text-align: right;">Page 98</p>	<p>1 2018 to 2019. Is there a reason why we don't have 14:30 2 the 2019 to 2020 statistics? 14:30 3 A. I don't know if that's the most recent 14:30 4 one. Because obviously with COVID and them not 14:30 5 working from the office for a long period of time, I 14:30 6 don't know if they have not submitted the most 14:30 7 recent years. 14:30 8 Q. So in the column that says "Boys School," 14:30 9 what does this column indicate? 14:30 10 A. Are we still on Page 7? 14:30 11 Q. Yes. We are -- we are on Page 12. 14:31 12 A. 12. Okay. 14:31 13 Q. The Bates stamp is -371. 14:31 14 A. And which one am I looking for? 14:31 15 Q. Yeah. So if you go over, it's the fourth 14:31 16 column. It says "Boys School." 14:31 17 A. Boys -- okay. 14:31 18 Q. Yeah. 14:31 19 A. These are -- these are the schools that 14:31 20 are offering basketball. If you are looking at 14:31 21 basketball, there is 124 schools who are offering 14:31 22 boys' basketball. And there are 124 schools that 14:31 23 are offering girls' basketball. 14:31 24 You'll notice that "Baseball" has 122. 14:31 25 There are no girls -- there are no girls' baseball 14:31</p> <p style="text-align: right;">Page 100</p>
<p>1 produced by your counsel in response to one of 14:29 2 plaintiff's discovery requests. 14:29 3 If you want the read the text of that 14:29 4 request, you can look at Request 14 on Page -4 of 14:29 5 this exhibit. 14:29 6 Do you recognize this document? 14:29 7 A. This is a form from the National 14:29 8 Federation that puts our participation numbers into 14:29 9 their chart. 14:29 10 So the numbers that came off of that chart 14:29 11 for '18/'19 would match these numbers. 14:29 12 All those sports that are activities that 14:29 13 are -- have zeros by them, those are activities or 14:29 14 sports that we do not offer. But they are offered 14:29 15 through the National Federation. 14:29 16 Q. So you do not -- you as a Commission do 14:29 17 not make this form? 14:29 18 A. No. They send this back to us. This is 14:29 19 basically a verification of the form we sent to 14:30 20 them. 14:30 21 Q. So is it fair to say that the National 14:30 22 Federation takes information that you give them and 14:30 23 puts it into this form? 14:30 24 A. Yes, ma'am. 14:30 25 Q. So I noticed that the year only goes to 14:30</p> <p style="text-align: right;">Page 99</p>	<p>1 teams. That's why it is a "0." 14:31 2 Q. Got it. 14:31 3 And then the boys participation, does that 14:31 4 reflect that 3,052 boys participated of the 14:31 5 124 schools that offer boys' basketball? 14:32 6 A. Yes. 14:32 7 And I would believe this is just high 14:32 8 school. It's not middle school also. 14:32 9 Q. Do you know if co-ed teams are reflected 14:32 10 on the chart? 14:32 11 A. Again, co-ed teams would be -- they would 14:32 12 be reflected as the -- the majority sport. So, for 14:32 13 instance, baseball, it could be co-ed if a girl 14:32 14 wanted to play baseball. But she would be listed on 14:32 15 the -- the school was offering boys' baseball -- or 14:32 16 they are offering baseball, the girl would simply be 14:32 17 listed on the eligibility and be counted as a 14:32 18 baseball participant, not as a female. 14:33 19 So in this -- this study that they are 14:33 20 doing is simply the number of participants in that 14:33 21 sport, not a breakdown of boys and girls if it's 14:33 22 co-ed. 14:33 23 Q. Who determines whether to make a team 14:33 24 co-ed? 14:33 25 A. Well, if you have enough boys and have 14:33</p> <p style="text-align: right;">Page 101</p>

<p>1 enough girls to have a team, then if we are offering 14:33 2 boys and girls, then you have to have a separate 14:33 3 team. 14:33 4 For instance, cross-country, you can have 14:33 5 one girl and she could make up a team or she could 14:33 6 be the team. But if you only have one soccer girl, 14:33 7 she couldn't be the team. So she would have to play 14:33 8 with the boys. And that would be co-ed at the time. 14:34 9 Q. Is it fair to say that what makes a sport 14:34 10 co-ed depends on the sport? 14:34 11 MS. GREEN: Object to the form. 14:34 12 THE WITNESS: It depends on the sport -- I 14:34 13 would say depends upon the participants. 14:34 14 If there are enough of each gender to 14:34 15 participate, we would have separate -- separate 14:34 16 championships. 14:34 17 BY MS. KANG: 14:34 18 Q. So is it fair to say that once a certain 14:34 19 number of participants is reached for boys and 14:34 20 girls, they have to be separate? 14:34 21 A. At some point based on the number, we 14:34 22 would make a recommendation to the Board of 14:34 23 Directors that we now have enough to break them and 14:35 24 have a stand-alone. 14:35 25 Q. Can you give me an example of when you 14:35 Page 102</p>	<p>1 Q. So I would like to draw your attention to 14:36 2 Interrogatory Number 13 on Exhibit 5. 14:37 3 What does "participation mixed as 14:37 4 indicated to respond to demand" mean? 14:37 5 A. "Identify all WVSSAC sponsored sports in 14:37 6 which students may participate on a team designated 14:37 7 as co-ed or mixed." 14:37 8 Is that the question? And why cheer is 14:37 9 considered mixed? 14:37 10 Q. Yeah. That -- why don't we start there. 14:37 11 Why is cheer considered mixed? 14:37 12 A. It has both boys and girls. So it could 14:37 13 be co-ed or mixed. 14:37 14 Q. What is the difference between calling 14:37 15 cheer mixed and saying that "participation mixed as 14:38 16 indicated to respond to demand"? 14:38 17 A. Basically because cheer almost always has 14:38 18 boy members. Wrestling is starting to get a number 14:38 19 of them. Baseball very seldom has -- it's very 14:38 20 seldom a mixed sport. And football is very seldom. 14:38 21 But golf is transitioning into its own sport. 14:38 22 Q. By "seldom," do you mean girls seldom 14:38 23 participate on those teams? 14:38 24 A. That is correct. 14:38 25 Q. Just to be clear, football is a boys' 14:38 Page 104</p>
<p>1 made that recommendation? 14:35 2 A. We haven't made it yet. But I will tell 14:35 3 you that we're -- you know, we have offered more 14:35 4 opportunities for girls in golf. And our number of 14:35 5 girls playing golf has gone up significantly. 14:35 6 We'll watch the numbers. And, as time 14:35 7 goes on, if we -- if the numbers continue to grow, 14:35 8 then they will have the opportunity to have a 14:35 9 stand-alone program for girls' golf. Right now, 14:35 10 they play on the boys' team or the co-ed team. 14:35 11 MS. KANG: So we can take down this 14:35 12 exhibit, and I'm going to introduce a different 14:35 13 document as the next exhibit, which I believe is 14:36 14 Exhibit 5. 14:36 15 (Deposition Exhibit 5 was marked for 14:36 16 identification and is attached hereto.) 14:36 17 MS. KANG: Exhibit 5 is now in everyone's 14:36 18 Marked Exhibit folder. Please let me know if you 14:36 19 have trouble accessing it. 14:36 20 BY MS. KANG: 14:36 21 Q. Mr. Dolan, let me know once you have it 14:36 22 up. 14:36 23 And once you have it up, if you could go 14:36 24 to Page 5 of the pdf, that would be great. 14:36 25 A. Okay. 14:36 Page 103</p>	<p>1 team, but if a girl wants to play football, she 14:39 2 would be permitted to play on that team? 14:39 3 A. That's correct. 14:39 4 Q. If a boy wanted to play on a girls' team, 14:39 5 would they be permitted to? 14:39 6 A. No. 14:39 7 Q. Why not? 14:39 8 A. Because girls have been -- they've been 14:39 9 denied opportunity in the past, and by allowing boys 14:39 10 to participate on girls' teams that are strictly 14:39 11 girls, for instance, girls' soccer, girls' 14:39 12 basketball, volleyball and softball, that girls 14:39 13 would then lose opportunity. 14:39 14 Q. Do you have any rules preventing a boy 14:39 15 from playing on a girls' team? 14:39 16 A. Yes. 14:39 17 Q. What rule would that be? 14:39 18 A. I have to find it in my rule book. 14:40 19 Q. Why don't we go back to the rule book, and 14:40 20 I'll ask you a few questions on that. 14:40 21 So we'll go back to Exhibit 3. 14:40 22 (Simultaneously speaking.) 14:40 23 THE WITNESS: I'm trying to -- 14:40 24 BY MS. KANG: 14:40 25 Q. And it should be -- 14:40 Page 105</p>

1 A. Try -- 14:40
 2 Q. It should be Exhibit 3. It should be 14:40
 3 Page 17, and the Bates stamp should end in -148. 14:40
 4 A. Page 17 talks about our membership. 14:40
 5 Q. Yes. I'm looking at Paragraph 3.8 of 14:40
 6 Exhibit 3 on -148. 14:40
 7 A. Okay. 14:40
 8 Q. Take a moment to read Paragraph 3.8 and 14:41
 9 let me know when you've had a chance to finish 14:41
 10 reading it. 14:41
 11 A. What page are you on again? Because I 14:41
 12 don't have 3.8. 14:41
 13 Q. No problem. It's page 17. The Bates 14:41
 14 stamp should end in -148. 14:41
 15 A. 17 of the pdf document or 17 of our -- 14:41
 16 that's numbered on our rule book? 14:41
 17 Q. This might be page -- this might be 17 14:41
 18 that's numbered in your rule book. My apologies. 14:41
 19 It's Page 31 of the pdf. 14:41
 20 A. Okay. We're getting there. 14:41
 21 MS. GREEN: We should have music to play 14:41
 22 through the... 14:41
 23 THE WITNESS: Okay. Scroll down. 14:41
 24 Okay. Yep. Yes. Yes. 3.8. 14:42
 25 ///

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1 BY MS. KANG: 14:42
 2 Q. Is that the rule that you were thinking of 14:42
 3 that prevented a transgender boy from playing on a 14:42
 4 girls' team? 14:42
 5 A. Yes. 14:42
 6 MS. GREEN: Object to the form, if I 14:42
 7 can -- 14:42
 8 THE WITNESS: Okay. Back up? 14:42
 9 MS. GREEN: Yes. 14:42
 10 BY MS. KANG: 14:42
 11 Q. Why was this rule enacted? 14:42
 12 A. I would assume to -- it complies with 14:42
 13 Title IX, but it's -- you know, we're trying to not 14:42
 14 allow boys to participate in girls' events to either 14:42
 15 hurt them or dominate them. 14:42
 16 Q. When was this rule, Section 3.8, enacted? 14:42
 17 A. I would have to find that out. I'd have 14:42
 18 to go back through all of our rules and find when it 14:42
 19 was -- when it was enacted. 14:42
 20 Q. Do you believe that it was enacted within 14:43
 21 the past five years? 14:43
 22 A. No. 14:43
 23 Q. Past ten? 14:43
 24 A. No. 14:43
 25 Q. Past 20? 14:43

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1 A. I -- I'm not sure. I don't know if it's 14:43
 2 gone that far. But I would say a significant 14:43
 3 number, yes. I don't know if it's made it to 20. 14:43
 4 Q. Fair enough. 14:43
 5 So the team is separated by boys' and 14:43
 6 girls' teams. Can a student ask to participate on a 14:43
 7 co-ed team? 14:43
 8 A. If there is a boys' team and a girls' 14:43
 9 team -- are we talking about, like, boys' and girls' 14:43
 10 basketball and can the girls' basketball player play 14:44
 11 on the boys' team? Is that what you're asking? 14:44
 12 Q. Yes. 14:44
 13 A. They cannot. If there is a team for them, 14:44
 14 they must play on the team of their gender. 14:44
 15 Q. Let's go back to Exhibit 5. 14:44
 16 And then I think once we are done with 14:44
 17 that exhibit, we can take a break. 14:44
 18 So let's go back to Page 5 of the pdf. I 14:44
 19 just have a few follow-up questions. Back to 14:44
 20 Interrogatory Number 13. 14:44
 21 A. Okay. 14:44
 22 Q. What grades does junior varsity cover? 14:44
 23 A. It doesn't have a grade. It could be 9 to 14:44
 24 12. You could be a senior and still on the junior 14:44
 25 varsity. If some -- some schools because of numbers 14:44

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1 will have just the varsity. Some will have varsity 14:45
 2 and j- -- junior varsity. And some will have 14:45
 3 varsity, junior varsity, and a freshman team. 14:45
 4 So just different designation of those 14:45
 5 teams. 14:45
 6 Q. What does junior varsity mean? 14:45
 7 A. Junior varsity -- 14:45
 8 MS. GREEN: I was just going to object to 14:45
 9 the form. 14:45
 10 THE WITNESS: Okay. 14:45
 11 When you have too many kids and you 14:45
 12 have -- you want an opportunity for them, you have a 14:45
 13 junior varsity as long as you can get a schedule for 14:45
 14 them. 14:45
 15 BY MS. KANG: 14:45
 16 Q. What does "varsity" mean? 14:45
 17 A. You are the team that participates for the 14:45
 18 state championships. 14:45
 19 Q. What does "freshman" mean? 14:45
 20 A. Some large schools want to give more 14:45
 21 opportunity to their student athletes. So they have 14:45
 22 too many kids for a junior varsity, JV; so they have 14:46
 23 a separate freshman program. 14:46
 24 Q. Just to be clear, if a student wants to 14:46
 25 play a sport that is not in this list -- so it's not 14:46

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1 cheer, wrestling, baseball, football, or golf -- 14:46
 2 they have to join either the boys' or girls' team? 14:46
 3 A. I think that's everybody that is not 14:46
 4 included, yes. 14:46
 5 Q. One last question before we take a break. 14:46
 6 I would like to draw your attention to 14:46
 7 Page 9 of Exhibit 5, and this is the response to 14:46
 8 Interrogatory Number 14. 14:46
 9 A. Okay. 14:46
 10 Q. So just to be clear, to make sure I am 14:46
 11 reading this chart correctly, in the first row that 14:46
 12 starts with "Andrew Jackson Middle School," it 14:46
 13 indicates that one girl participated in wrestling. 14:47
 14 Is that an accurate -- is that an accurate 14:47
 15 interpretation? 14:47
 16 A. It is. 14:47
 17 Q. How do you collect these statistics? 14:47
 18 A. This was a survey of the schools because, 14:47
 19 when they do their eligibility, it doesn't 14:47
 20 distinguish between boys and girls. 14:47
 21 So in order to find out who is playing 14:47
 22 what sports, how many -- how many girls are 14:47
 23 participating in -- in the sports that allow boys 14:47
 24 and girls, the co-ed or mixed, we -- we have to 14:47
 25 survey them to find out. 14:47
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1 Q. When was this survey done? 14:47
 2 A. In the last two weeks, I would imagine. I 14:47
 3 forget. I mean, it was in the last three -- two to 14:47
 4 three weeks. 14:47
 5 Q. Why did you survey the schools? 14:47
 6 A. Just to find out how many girls were 14:47
 7 participating in our -- since we don't have accurate 14:47
 8 data of how many girls are playing different sports, 14:48
 9 this was our opportunity to go ahead and -- and poll 14:48
 10 our membership. 14:48
 11 Not every school replied. And we don't 14:48
 12 have a way to verify it. It was just for us to have 14:48
 13 an idea. We looked -- 14:48
 14 Q. Are there any -- oh. Go ahead, please. 14:48
 15 A. We would look at this data, for instance, 14:48
 16 golf and wrestling, to determine how close we are to 14:48
 17 having its own sport. 14:48
 18 Q. Is this data the current data? Or is this 14:48
 19 data, like, a participation across all years -- 14:48
 20 A. And again -- 14:48
 21 Q. -- of all time? 14:48
 22 A. I believe -- you know, it wasn't a 14:48
 23 certified data. Schools were primarily listing 14:48
 24 second -- second -- or last year's spring sports and 14:48
 25 this year's winter and fall. 14:49
 Page 111

1 So, obviously, they don't know how many 14:49
 2 baseball, softball, track, and tennis participants 14:49
 3 we have coming up because we haven't had our teams 14:49
 4 yet. 14:49
 5 MS. KANG: Okay. I think now is a good 14:49
 6 time for everybody to take a break, if that is all 14:49
 7 right with you, Mr. Dolan. 14:49
 8 THE WITNESS: Sure. 14:49
 9 Okay. Roberta, is that -- does that work 14:49
 10 for you? 14:49
 11 MS. GREEN: Sure. Thank you. 14:49
 12 MS. KANG: Of course. 14:49
 13 THE VIDEOGRAPHER: This marks the end of 14:49
 14 Media Number 2. 14:49
 15 Going off the record. The time is 2:49. 14:49
 16 (Brief recess.) 14:59
 17 THE VIDEOGRAPHER: This marks the 15:00
 18 beginning of Media Number 3 in the deposition of 15:00
 19 30(b)(6) Witness Bernie Dolan. 15:00
 20 Back on the record. The time is 3:01. 15:00
 21 BY MS. KANG: 15:00
 22 Q. Mr. Dolan, would it be harmful to a 15:01
 23 student if they were forbidden from playing school 15:01
 24 sports? 15:01
 25 MS. GREEN: Object to the form. 15:01
 Page 112

1 THE WITNESS: There are lots of kids who 15:01
 2 are, I think, not allowed to participate for 15:01
 3 whatever reason. It could be eligibility things. 15:01
 4 So happens to a lot of kids right now. 15:01
 5 We do think there are benefits to 15:01
 6 participation. 15:01
 7 BY MS. KANG: 15:01
 8 Q. What sort of benefits does playing a 15:01
 9 school sport afford? 15:01
 10 A. Giving an opportunity for leadership, 15:01
 11 personal health, camaraderie, cooperation. 15:01
 12 Q. I want to talk a little bit about House 15:01
 13 Bill 3293, or H.B. 3293, and a little bit more about 15:01
 14 the Commission's policy for H.B. 3293 was enacted. 15:01
 15 A. Okay. 15:02
 16 Q. Do you believe that H.B. 3293 forbids 15:02
 17 B.P.J. from playing on a girls' team? 15:02
 18 MS. GREEN: Object to the perform. 15:02
 19 THE WITNESS: I would believe it did 15:02
 20 before the court case. Yes. 15:02
 21 BY MS. KANG: 15:02
 22 Q. Have you ever talked to any organizations 15:02
 23 outside of the State of West Virginia regarding 15:02
 24 H.B. 3293? 15:02
 25 A. Not that I know of. 15:02
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1 Q. Have you ever talked to any organizations 15:02
 2 outside of West Virginia concerning transgender 15:02
 3 athletes generally? 15:02
 4 A. We may have talked -- you know, our 15:02
 5 National Federation, it was probably on a -- one of 15:02
 6 our either winter meetings or summer meetings there 15:02
 7 was probably a topic. 15:02
 8 And I would have to go back and look, but 15:02
 9 the state may have put up a presentation on whatever 15:02
 10 their -- whatever their rule was. 15:02
 11 Q. Do you remember when this meeting 15:03
 12 occurred? 15:03
 13 A. I do not. 15:03
 14 Q. Do you know which state proposed a rule? 15:03
 15 MS. GREEN: Object to the form. 15:03
 16 THE WITNESS: I believe the presentation 15:03
 17 was from Connecticut. 15:03
 18 BY MS. KANG: 15:03
 19 Q. Do you remember what the rule they 15:03
 20 proposed was? 15:03
 21 MS. GREEN: Object to the form. 15:03
 22 THE WITNESS: I don't know. They weren't 15:03
 23 proposing a rule; they were explaining their rule. 15:03
 24 BY MS. KANG: 15:03
 25 Q. Do you remember what their rule was? 15:03
 Page 114

1 A. I believe it was full participation by 15:03
 2 gender identity. 15:03
 3 Q. Okay. So I'm going to ask you a few 15:03
 4 questions about the Commission's policy. Before I 15:03
 5 do so, just to be totally clear on the record, I'm 15:03
 6 just going to give you some terms that I'll explain 15:04
 7 my definitions for. So whenever I ask you 15:04
 8 questions, this is what I mean. 15:04
 9 When I use the term "cisgender," I am 15:04
 10 referring to someone whose gender identity matches 15:04
 11 the sex they were assigned at birth. So, for 15:04
 12 example, if someone was assigned male at birth and 15:04
 13 they identify as a male, that person would be a 15:04
 14 cisgender boy. 15:04
 15 When I use the term "transgender," I am 15:04
 16 referring to someone whose gender identity does not 15:04
 17 match the sex they were assigned at birth. So, for 15:04
 18 example, if someone was assigned male at birth but 15:04
 19 then they identify as female, that person would be a 15:04
 20 transgender girl or woman. 15:04
 21 And so for purposes of the questions I 15:04
 22 will be asking next, I'll be using these definitions 15:04
 23 for -- for clarity. 15:04
 24 Are you all right with that? 15:04
 25 A. Yes. 15:04
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1 MS. GREEN: Objection to form. 15:04
 2 THE WITNESS: Sorry. 15:04
 3 Yes. 15:04
 4 BY MS. KANG: 15:04
 5 Q. And then you may already understand this, 15:04
 6 but when I use the phrase "H.B. 3293," I am 15:04
 7 referring to House Bill 3293. 15:04
 8 Are you familiar with this bill? 15:05
 9 A. Yes. 15:05
 10 Q. To your knowledge, has a cisgender boy 15:05
 11 ever played on a girl's sports team? 15:05
 12 MS. GREEN: Objection to the form. 15:05
 13 THE WITNESS: Not to my knowledge. 15:05
 14 BY MS. KANG: 15:05
 15 Q. To your knowledge, has it ever been raised 15:05
 16 as an issue? 15:05
 17 MS. GREEN: Object to the form. 15:05
 18 THE WITNESS: No. 15:05
 19 BY MS. KANG: 15:05
 20 Q. Currently, if a cisgender girl wants to 15:05
 21 play football, is she permitted to do so on the 15:05
 22 boys' team? 15:05
 23 A. Yes. Because there's no girls' team at 15:05
 24 the moment. 15:05
 25 Q. Before H.B. 3293 was enacted, did the 15:05
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1 Commission allow transgender students to participate 15:06
 2 on sports teams consistent with their gender 15:06
 3 identity? 15:06
 4 MS. GREEN: Object to the form. 15:06
 5 THE WITNESS: Our policy ident- -- 15:06
 6 whatever the school identified them in WVEIS was how 15:06
 7 we recognize them. 15:06
 8 BY MS. KANG: 15:06
 9 Q. Can you tell me a little bit more about 15:06
 10 this policy? 15:06
 11 MS. GREEN: Object to the form. 15:06
 12 THE WITNESS: Basically, it was to protect 15:06
 13 athletes from harm or unfairness because of physical 15:06
 14 abilities. So whatever the school identified them 15:06
 15 at if -- if everybody was okay with that, they got 15:06
 16 to participate. 15:06
 17 If it ever came to a point where somebody 15:07
 18 was too big, too strong, or it wasn't safe for that 15:07
 19 person to play, then they could appeal to the Board. 15:07
 20 BY MS. KANG: 15:07
 21 Q. Can you tell me a little bit more about 15:07
 22 what you mean by "it wasn't safe" for them to play? 15:07
 23 A. Could be a volleyball player who could 15:07
 24 jump much higher than the girls, much stronger. And 15:07
 25 when he hits the ball, could hurt the -- hurt the 15:07
 Page 117

<p>1 other participants. 15:07 2 Q. How did the Commission come up with this 15:07 3 policy? 15:07 4 A. It was actually created by my predecessor. 15:07 5 And just came in in the beginnings of my time. And 15:07 6 they were just addressing an issue that hadn't come 15:07 7 to West Virginia at this point, but they wanted to 15:08 8 have something in there as a temporary stopgap 15:08 9 measure. 15:08 10 And to this point, no one has written a 15:08 11 rule to be voted on -- our -- by our membership. So 15:08 12 that has been the -- our guidance since 2016. 15:08 13 Q. Who was your predecessor? 15:08 14 A. Gary Ray. 15:08 15 Q. And why did he feel the need to enact this 15:08 16 policy? 15:08 17 MS. GREEN: Object to the form. 15:08 18 THE WITNESS: As we went to the national 15:08 19 meetings more and more, people were saying this was 15:08 20 an issue, and so they wanted -- you know, it had not 15:08 21 hit West Virginia yet but wanted to have something 15:08 22 in place to protect the kids. 15:09 23 BY MS. KANG: 15:09 24 Q. Did you ever receive any complaints about 15:09 25 this policy? 15:09</p>	<p>1 looked to WVEIS to determine a student's gender? 15:10 2 A. We have -- we don't have access to WVEIS. 15:10 3 We would ask the school to provide what they have 15:10 4 designated the student as in WVEIS. 15:10 5 Q. Has this always been the case? 15:11 6 A. I would assume that it's always been the 15:11 7 case. Even before we had a policy, the school 15:11 8 determined what they put in WVEIS. 15:11 9 Q. Have you received any complaints about 15:11 10 B.P.J.'s participation? 15:11 11 A. Not that I know of. 15:11 12 Q. And to be clear, you haven't received any 15:11 13 complaints about transgender students participating 15:11 14 in West Virginia? 15:11 15 A. No. 15:11 16 Q. Have any transgender students ever asked 15:11 17 the Commission if they could participate in sports 15:11 18 at a secondary school level? 15:11 19 MS. GREEN: Object to the form. 15:11 20 THE WITNESS: I had one boy who wanted to 15:11 21 be a -- play volleyball, and we told him he couldn't 15:12 22 play volleyball because it was a girls' sport. And 15:12 23 he said, "Then I'll be a boy -- I'll be a girl." 15:12 24 And -- but he wasn't -- he never did 15:12 25 anything else with it. And we assumed he just 15:12</p>
Page 118	Page 120
<p>1 A. No. 15:09 2 Q. Do you know who specifically drafted the 15:09 3 policy? 15:09 4 A. I believe it was probably my predecessor 15:09 5 Gary Ray and -- and the legal counsel at the time. 15:09 6 Q. Do you know if anyone else participated in 15:09 7 the drafting? 15:09 8 A. I don't think so. 15:09 9 Q. Was this policy ever implemented? 15:09 10 A. We have never used it, if that's what you 15:09 11 are asking. 15:09 12 Q. What do you mean by "never used it"? 15:09 13 A. Nobody ever brought up a case -- I'm not 15:09 14 even aware of any case of transgender participating. 15:09 15 Therefore, nobody ever brought it to the Board to 15:10 16 decide whether or not it was fair or safe. 15:10 17 Q. When a school determines a student's 15:10 18 gender, is that always put into WVEIS? 15:10 19 MS. GREEN: Object to the form. 15:10 20 THE WITNESS: I am not sure what they put 15:10 21 in WVEIS, to be honest with you. I'm not -- you 15:10 22 know, each school, I would assume, has rules and 15:10 23 regulations they have to do. 15:10 24 BY MS. KANG: 15:10 25 Q. Is it fair to say that the Commission 15:10</p>	<p>1 wanted to play volleyball because it never came back 15:12 2 up. 15:12 3 I did have contact with a school who said 15:12 4 they had one student who one day identified as a 15:12 5 girl, next day a boy, and back and forth. But we 15:12 6 have not heard anything more from that student. 15:12 7 So... 15:12 8 BY MS. KANG: 15:12 9 Q. When was that? 15:12 10 A. That would have been in the last year. 15:12 11 Q. Do you remember which school it was from? 15:12 12 A. Yes. 15:12 13 Q. Which school was it? 15:12 14 A. South Charleston High School. 15:12 15 Q. So I'm going to introduce a document 15:13 16 that's going to be marked as Exhibit 6. 15:13 17 I'll let you know when it's available in 15:13 18 your folder. 15:13 19 (Deposition Exhibit 6 was marked for 15:13 20 identification and is attached hereto.) 15:13 21 MS. KANG: Exhibit 6 is now available in 15:13 22 the shared exhibit folder. 15:13 23 BY MS. KANG: 15:13 24 Q. Mr. Dolan, let me know when you have had a 15:13 25 chance to look at it. 15:13</p>
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<p>1 A. [Witness reviews document]. 15:13</p> <p>2 Okay. 15:13</p> <p>3 Q. Do you recognize this document? 15:14</p> <p>4 A. Yeah. This was our transgender Board of 15:14</p> <p>5 Directors policy. 15:14</p> <p>6 Q. Is this the same policy that we were 15:14</p> <p>7 discussing earlier? 15:14</p> <p>8 A. Yes. 15:14</p> <p>9 Q. So I want to draw your attention to Bullet 15:14</p> <p>10 Point 1, which says [as read]: 15:14</p> <p>11 "The transgender student's school 15:14</p> <p>12 shall make the initial determination as 15:14</p> <p>13 to whether a student may participate in 15:14</p> <p>14 interscholastic athletics in a gender 15:14</p> <p>15 that does not match the gender assigned 15:14</p> <p>16 to him or her at birth." 15:14</p> <p>17 Did I read that correctly? 15:14</p> <p>18 A. Yes. 15:14</p> <p>19 Q. Why did the Commission give the initial 15:14</p> <p>20 determination to the transgender student's school? 15:14</p> <p>21 MS. GREEN: Object to the form. 15:14</p> <p>22 THE WITNESS: First of all, we -- we don't 15:14</p> <p>23 know this student. There would be no way for us to 15:14</p> <p>24 know all the factors. 15:14</p> <p>25 So the school is the entity that works 15:14</p> <p style="text-align: right;">Page 122</p>	<p>1 BY MS. KANG: 15:16</p> <p>2 Q. Did you or your staff ever consider 15:16</p> <p>3 putting in this policy -- putting in a hormone 15:16</p> <p>4 requirement? 15:16</p> <p>5 MS. GREEN: Object to the form. 15:16</p> <p>6 THE WITNESS: No. Because we would not 15:16</p> <p>7 change the policy. I think it would -- if it was 15:16</p> <p>8 going to change, it was going to be changed by a 15:16</p> <p>9 rule by our membership and was never brought forward 15:16</p> <p>10 as a rule proposal. 15:16</p> <p>11 BY MS. KANG: 15:16</p> <p>12 Q. Am I right to say that this policy was not 15:16</p> <p>13 a rule? 15:16</p> <p>14 A. That's correct. 15:16</p> <p>15 Q. What's the difference between this policy 15:16</p> <p>16 versus a rule? 15:16</p> <p>17 A. This never went before the membership to 15:16</p> <p>18 have a vote; so I don't think it has the power of a 15:16</p> <p>19 rule. 15:16</p> <p>20 Q. What sort of power would that be? 15:16</p> <p>21 A. Well, this was giving guidance to a Board 15:16</p> <p>22 of Directors. 15:17</p> <p>23 But a rule is voted on and -- and approved 15:17</p> <p>24 by the State Board of Education; so it is the rule 15:17</p> <p>25 of law for high school athletics from the WVSSAC. 15:17</p> <p style="text-align: right;">Page 124</p>
<p>1 closely with that student and the parents and the 15:15</p> <p>2 family on a daily basis. 15:15</p> <p>3 BY MS. KANG: 15:15</p> <p>4 Q. Why did the Commission think transgender 15:15</p> <p>5 students should be able to participate on teams 15:15</p> <p>6 consistent with their identity? 15:15</p> <p>7 MS. GREEN: Object to the form. 15:15</p> <p>8 THE WITNESS: I assume that the school 15:15</p> <p>9 would put them in the proper place, wherever the 15:15</p> <p>10 school decided based on all the factors. 15:15</p> <p>11 BY MS. KANG: 15:15</p> <p>12 Q. Did you ever consider implementing a 15:15</p> <p>13 hormone requirement in this policy? 15:15</p> <p>14 MS. GREEN: I'm sorry. I didn't hear what 15:15</p> <p>15 you said, Ms. Kang. 15:15</p> <p>16 MS. KANG: Sure. 15:15</p> <p>17 BY MS. KANG: 15:15</p> <p>18 Q. Did you ever consider implementing a 15:15</p> <p>19 hormone requirement in this policy? 15:15</p> <p>20 MS. GREEN: Thank you. 15:15</p> <p>21 Object to the form. 15:15</p> <p>22 THE WITNESS: Our -- it was my 15:15</p> <p>23 predecessor's. So I'm not sure of their discussion 15:15</p> <p>24 as to whether or not they were going to put that in 15:16</p> <p>25 or not. 15:16</p> <p style="text-align: right;">Page 123</p>	<p>1 Q. What do you mean by it provided guidance 15:17</p> <p>2 to the Board of Directors? 15:17</p> <p>3 A. Would allow them to grant waivers if 15:17</p> <p>4 somebody -- if it was unsafe or unfair to other 15:17</p> <p>5 students or to this student. 15:17</p> <p>6 Q. By unfair to the student, do you mean 15:17</p> <p>7 unfair to the trans student? 15:17</p> <p>8 A. Either one. Either one. For safety or 15:17</p> <p>9 given them advantages that made it unfair. 15:17</p> <p>10 Q. Am I right that this policy does not 15:18</p> <p>11 mention anything about WVEIS? 15:18</p> <p>12 MS. GREEN: Object to the form. 15:18</p> <p>13 THE WITNESS: I don't believe it -- I 15:18</p> <p>14 don't believe it mentions WVEIS. It does say that 15:18</p> <p>15 the school will make the initial determination. 15:18</p> <p>16 BY MS. KANG: 15:18</p> <p>17 Q. Under this policy, what happens if a 15:18</p> <p>18 student's gender marker in WVEIS is, let's say -- 15:18</p> <p>19 let's say, male, but the school treats the student 15:18</p> <p>20 as female? What would the SAC do in that situation? 15:18</p> <p>21 MS. GREEN: I'll object to the form. 15:18</p> <p>22 Speculative. 15:18</p> <p>23 THE WITNESS: I think we would have to 15:18</p> <p>24 look at all the factors that were involved in -- you 15:18</p> <p>25 know, I'm not even sure what the factors would be, 15:19</p> <p style="text-align: right;">Page 125</p>

<p>1 but I think we would have to, you know, have 15:19</p> <p>2 everything presented to us to make a determination. 15:19</p> <p>3 BY MS. KANG: 15:19</p> <p>4 Q. So is it fair to say, in that case you 15:19</p> <p>5 would not strictly follow WVEIS? 15:19</p> <p>6 MS. GREEN: Object to the form. 15:19</p> <p>7 THE WITNESS: We would -- it would be in 15:19</p> <p>8 the cases where it was unsafe and unfair that we 15:19</p> <p>9 would not be following WVEIS. If we felt like it 15:19</p> <p>10 was unsafe or unfair to the participants, other 15:19</p> <p>11 participants or the transgender student, then the 15:19</p> <p>12 Board can override it. 15:19</p> <p>13 BY MS. KANG: 15:19</p> <p>14 Q. Okay. I'm going to ask you to turn your 15:19</p> <p>15 attention to a document that I'm going to be marking 15:19</p> <p>16 as Exhibit 7. 15:19</p> <p>17 MS. KANG: And I'll let you know when it's 15:19</p> <p>18 available in everyone's folder. 15:19</p> <p>19 (Deposition Exhibit 7 was marked for 15:20</p> <p>20 identification and is attached hereto.) 15:20</p> <p>21 MS. KANG: Exhibit 7 should now be 15:20</p> <p>22 available in everyone's Marked Exhibit folder. 15:20</p> <p>23 BY MS. KANG: 15:20</p> <p>24 Q. And let me know, Mr. Dolan, whenever you 15:20</p> <p>25 have a chance to -- to look at it. 15:20</p> <p style="text-align: right;">Page 126</p>	<p>1 A. Right. It had not gone through any court 15:22</p> <p>2 action. Yes. 15:22</p> <p>3 Q. Were you concerned that the policy was 15:22</p> <p>4 going to be challenged at some point? 15:22</p> <p>5 A. All of our -- all of our policies get 15:22</p> <p>6 challenged at some point. So... 15:22</p> <p>7 Q. Fair enough. 15:22</p> <p>8 A. Yes. 15:22</p> <p>9 Q. So now I'm going to introduce a document 15:22</p> <p>10 as Exhibit 8. One moment. 15:22</p> <p>11 MS. KANG: Exhibit 8 is now available in 15:22</p> <p>12 everyone's Marked Exhibit folder. 15:22</p> <p>13 (Deposition Exhibit 8 was marked for 15:22</p> <p>14 identification and is attached hereto.) 15:22</p> <p>15 BY MS. KANG: 15:22</p> <p>16 Q. Mr. Dolan, let me know whenever you have 15:22</p> <p>17 it open. 15:22</p> <p>18 A. Okay. 15:23</p> <p>19 Q. So I know this was a while ago, but do you 15:23</p> <p>20 remember the meeting that is referenced in 15:23</p> <p>21 Exhibit 8? 15:23</p> <p>22 A. Not specifically. But yes. 15:23</p> <p>23 Q. Do you remember at all who was present at 15:23</p> <p>24 this meeting? 15:23</p> <p>25 A. It's probably in the minutes. 15:23</p> <p style="text-align: right;">Page 128</p>
<p>1 A. Okay. 15:20</p> <p>2 Q. So this is an email that was produced by 15:20</p> <p>3 your counsel in response to one of plaintiff's 15:20</p> <p>4 document request. 15:20</p> <p>5 Do you remember this particular email? 15:20</p> <p>6 A. After I went back and searched it, yeah. 15:20</p> <p>7 And I don't remember -- I didn't remember it until I 15:21</p> <p>8 was looking for it. 15:21</p> <p>9 Q. Is bernie.dolan@wvssac.org your email 15:21</p> <p>10 address? 15:21</p> <p>11 A. It is. 15:21</p> <p>12 Q. Who is Daniel Swartos? 15:21</p> <p>13 A. He is the executive director for the 15:21</p> <p>14 South Dakota High School Athletic Association -- or 15:21</p> <p>15 Activities Association. 15:21</p> <p>16 Q. Is that an association in South Dakota? 15:21</p> <p>17 A. Yes. 15:21</p> <p>18 Q. So I'd like to draw your attention to 15:21</p> <p>19 Page 2 of this pdf that's been Bates Stamped -224. 15:21</p> <p>20 Let me know whenever you get there. 15:21</p> <p>21 A. Okay. 15:21</p> <p>22 Q. In this email you say [as read]: 15:21</p> <p>23 "It has not been challenged yet." 15:21</p> <p>24 To clarify, are you referring to the 15:21</p> <p>25 policy that we looked at in Exhibit 6? 15:21</p> <p style="text-align: right;">Page 127</p>	<p>1 THE WITNESS: Can you scroll down to the 15:23</p> <p>2 next page and see... 15:23</p> <p>3 MS. GREEN: Okay. 15:23</p> <p>4 THE WITNESS: Keep going. See if 15:23</p> <p>5 there's... 15:23</p> <p>6 [Witness reviews document]. 15:24</p> <p>7 I do not remember. I would assume it was 15:24</p> <p>8 all of my Board of Directors, though. 15:24</p> <p>9 BY MS. KANG: 15:24</p> <p>10 Q. How often does the Board of Directors 15:24</p> <p>11 meet? 15:24</p> <p>12 A. Mostly once a month. There a couple of 15:24</p> <p>13 months that we don't meet. So about ten times a 15:24</p> <p>14 year. 15:24</p> <p>15 Q. Is this Board of Directors report given to 15:24</p> <p>16 anyone outside of the Board of Directors? 15:24</p> <p>17 MS. GREEN: Object to the form. 15:24</p> <p>18 THE WITNESS: I'm not sure because we 15:24</p> <p>19 don't give it out anymore. So I don't know if 15:24</p> <p>20 that's -- if this came from the interscholastic or 15:24</p> <p>21 if it was Board of Directors report that somebody 15:24</p> <p>22 would have submitted. 15:24</p> <p>23 I don't do it currently; so I don't know 15:25</p> <p>24 if it was -- who it went to in the past. 15:25</p> <p>25 ///</p> <p style="text-align: right;">Page 129</p>

1 BY MS. KANG: 15:25
 2 Q. Did it used to go to someone before? 15:25
 3 A. I don't know. That's what I... 15:25
 4 Q. So I want to draw your attention to Page 2 15:25
 5 of the pdf. It's been Bates Stamped -283. And it's 15:25
 6 Bullet Point 4 "Legal Update." 15:25
 7 And in Bullet Point 4, you'll see another 15:25
 8 Bullet Point iv that says "Transgender." 15:25
 9 Read that paragraph and let me know when 15:25
 10 you are finished. 15:25
 11 A. [Witness reviews document]. 15:25
 12 Okay. 15:25
 13 Q. Regarding this specific topic, what was 15:25
 14 discussed? 15:26
 15 MS. GREEN: Object to the form. 15:26
 16 THE WITNESS: Based on the information 15:26
 17 there -- obviously, I can't remember in 2016 -- but 15:26
 18 we were discussing the policy and how it was -- how 15:26
 19 schools would -- how it would work with the schools. 15:26
 20 BY MS. KANG: 15:26
 21 Q. And what do you mean "how it would work 15:26
 22 with the schools"? 15:26
 23 A. Well, it says, Number 1, the school would 15:26
 24 make the first determination; did they meet all 15:26
 25 other eligibility requirements; was it fair 15:26
 Page 130

1 competition if the school allows; you know, was 15:26
 2 there an appeal process; and then make sure that we 15:26
 3 look at each case on an individual basis and kind 15:26
 4 of -- where the Board stood. 15:26
 5 Q. What do you mean by "where the Board 15:26
 6 stood"? 15:26
 7 A. I don't know what the discussion was at 15:27
 8 that point. 15:27
 9 Q. I notice that in this line it says 15:27
 10 [as read]: 15:27
 11 "Editing our transgender policy and 15:27
 12 guidelines...." 15:27
 13 As far as you know, was there any editing 15:27
 14 that was done to the policy? 15:27
 15 A. I don't believe we edited anything because 15:27
 16 it's still the exact same policy that -- that they 15:27
 17 approved months earlier. 15:27
 18 Q. Do you remember if the Board of 15:27
 19 Directors -- the Board of Directors unanimously 15:27
 20 approved this policy? 15:27
 21 A. I don't know. 15:27
 22 Q. Do you remember if anything was ever 15:27
 23 conveyed outside of the Board of Directors regarding 15:27
 24 this policy? 15:27
 25 MS. GREEN: Object to the form. 15:27
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1 THE WITNESS: When we meet with our 15:27
 2 principals and -- when we meet with our principals 15:27
 3 and also at an administrative workshop for a number 15:28
 4 of years, we indicated that whatever they determined 15:28
 5 we would accept as long as it was not unsafe or 15:28
 6 unfair. 15:28
 7 BY MS. KANG: 15:28
 8 Q. So is it fair to say that your member 15:28
 9 schools were aware of this policy? 15:28
 10 A. Well, I would think at different times. 15:28
 11 Again, the turnover at schools is high. So if -- 15:28
 12 did somebody -- every person -- did we verify that 15:28
 13 they heard it? I don't know. 15:28
 14 But the turnover is relatively high at all 15:28
 15 of our schools, especially at the principal level. 15:28
 16 So... 15:28
 17 Q. Would it be fair to say that at one point 15:28
 18 you did inform the member schools about this policy? 15:28
 19 MS. GREEN: Object to the form. 15:28
 20 THE WITNESS: As long as they attended our 15:29
 21 meetings, yes. They might not -- 15:29
 22 BY MS. KANG: 15:29
 23 Q. And by -- 15:29
 24 A. -- have attended. 15:29
 25 Q. And by "meetings," do you mean the Board 15:29
 Page 132

1 of Directors meetings? 15:29
 2 A. No. It would be our regional principals 15:29
 3 meetings that we did at the beginning of each year. 15:29
 4 Q. Does the Commission report H.B. 3293? 15:29
 5 MS. GREEN: Object to form. 15:29
 6 THE WITNESS: I don't think we ever -- 15:29
 7 there was ever a position on it. I think our 15:29
 8 position has been we support Title IX and try to 15:29
 9 give more opportunities for girls. But bottom line 15:29
 10 is we are not allowed to discriminate by our rule -- 15:29
 11 by our policies. 15:29
 12 BY MS. KANG: 15:29
 13 Q. By "not allowed to discriminate," do you 15:29
 14 mean also not allowed to discriminate against 15:29
 15 transgender students? 15:30
 16 A. I would think we are not allowed to -- we 15:30
 17 are not allowed to discriminate against transgender. 15:30
 18 That's correct. 15:30
 19 Q. Could you tell me a little bit more about 15:30
 20 what you mean by advance Title IX? 15:30
 21 A. Well, we continued to offer more 15:30
 22 opportunities and protect the opportunities that 15:30
 23 girls have. 15:30
 24 We have increased the opportunities for 15:30
 25 girl golfers to participate just against girls. So 15:30
 Page 133

1 our number of girls' golfers has risen tremendously. 15:30
 2 We also have supported a girls' only 15:30
 3 wrestling invitational that has allowed more girls 15:30
 4 to participate in wrestling. 15:30
 5 We have encouraged schools to make sure 15:31
 6 that Title IX is followed when they are putting in 15:31
 7 fields, putting in locker rooms, money for programs, 15:31
 8 and things like that. 15:31
 9 Q. Do you believe that Title IX also protects 15:31
 10 transgender girls? 15:31
 11 MS. GREEN: Object to the form. 15:31
 12 THE WITNESS: I -- I am not sure. I think 15:31
 13 that it -- it has been ruled that way, yes. 15:31
 14 BY MS. KANG: 15:31
 15 Q. Have there ever been any safety concerns 15:31
 16 with girls playing on the boys' team? 15:31
 17 MS. GREEN: Object to the form. 15:31
 18 THE WITNESS: The girls are choosing to 15:31
 19 participate. So I think all kids there's -- there's 15:31
 20 an oppor- -- there's a possibility of injury. And 15:31
 21 so, you know, it -- it's brought out in their 15:31
 22 preparticipation physical that, you know, there is a 15:31
 23 possibility of injury. 15:32
 24 BY MS. KANG: 15:32
 25 Q. To your knowledge, have there been any 15:32
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1 injuries from a girl playing on a boys' team? 15:32
 2 MS. GREEN: Object to the form. 15:32
 3 THE WITNESS: Oh, I'm sure. I mean, I 15:32
 4 don't know specifically. But there's -- people get 15:32
 5 hurt every day in every sport. So I'm sure somebody 15:32
 6 has gotten hurt in football or wrestling. 15:32
 7 BY MS. KANG: 15:32
 8 Q. In the context of school sports, what is 15:32
 9 competitive skill? 15:32
 10 MS. GREEN: Object to the form. 15:32
 11 THE WITNESS: Skill needed to be 15:32
 12 successful in that sport. 15:32
 13 BY MS. KANG: 15:32
 14 Q. Does cross-country require competitive 15:32
 15 skill? 15:32
 16 MS. GREEN: Object to the form. 15:32
 17 THE WITNESS: I would think so. 15:32
 18 BY MS. KANG: 15:32
 19 Q. Do you know whether any girls who tried 15:32
 20 out for cross-country at Bridgeport Middle School 15:32
 21 for the fall of 2021 were unable to join the team? 15:32
 22 MS. GREEN: Object to the form. 15:33
 23 THE WITNESS: We were not involved in the 15:33
 24 selection. So I don't know. 15:33
 25 ///
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1 BY MS. KANG: 15:33
 2 Q. Believe it or not, I am on my last set of 15:33
 3 questions. So thank you for bearing with me so far. 15:33
 4 Hopefully, we can get this done early. 15:33
 5 So now I want to talk a little bit more 15:33
 6 about House Bill 3293. 15:33
 7 Were you involved at all in the passage of 15:33
 8 H.B. 3293? 15:33
 9 MS. GREEN: Object to the form. 15:33
 10 THE WITNESS: I wouldn't say I was 15:33
 11 involved in the passage. 15:33
 12 Oftentimes I get asked to come down and 15:33
 13 speak. And I was asked to speak to the Democratic 15:33
 14 caucus. And I pretty much said what I said earlier. 15:33
 15 We support girls' sports and continued to offer more 15:33
 16 opportunities for them. But we're not allowed to 15:33
 17 discriminate. 15:34
 18 BY MS. KANG: 15:34
 19 Q. Besides the Democratic caucus, did you 15:34
 20 speak to anyone else? 15:34
 21 A. I had communication with Melissa White, 15:34
 22 who was -- is the counsel for House Ed. 15:34
 23 Q. And did you think -- 15:34
 24 A. And I think that -- 15:34
 25 Q. Go ahead. 15:34
 Page 136

1 A. I don't think -- I don't think we spoke 15:34
 2 about it. She had sent me an email about it. 15:34
 3 Q. Did you speak to any legislative committee 15:34
 4 about H.B. 3293? 15:34
 5 MS. GREEN: Object to the form. 15:34
 6 THE WITNESS: I spoke to the caucus. I 15:34
 7 was down there as a witness in front of finance, I 15:34
 8 believe, Senate finance -- or House finance. But I 15:34
 9 was never called in to -- to give an opinion or any 15:34
 10 information. 15:34
 11 BY MS. KANG: 15:34
 12 Q. So you were called in as a witness but you 15:34
 13 didn't testify? 15:34
 14 A. They told me to be available. 15:34
 15 Q. Were you told anything about H.B. 3293 15:35
 16 before it was passed? 15:35
 17 MS. GREEN: Object to the form. 15:35
 18 THE WITNESS: Actually, I was sent an 15:35
 19 email from Melissa White. But when I looked at it, 15:35
 20 the beginning of it was a home school bill. 15:35
 21 So I assumed she sent the wrong bill. 15:35
 22 And -- but it did say "transgender" at the top. So 15:35
 23 I sent it to the legal counsel who was helping us 15:35
 24 with legislative activity. Or -- 15:35
 25 MS. GREEN: And I'll object to the form. 15:35
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1 THE WITNESS: Okay. 15:35
 2 MS. GREEN: Caution him regarding 15:35
 3 conversations with counsel. 15:35
 4 THE WITNESS: Okay. 15:35
 5 BY MS. KANG: 15:35
 6 Q. By "counsel," was it counsel at the 15:35
 7 Commission? 15:35
 8 A. It is counsel -- 15:35
 9 MS. GREEN: I'll just -- 15:35
 10 THE WITNESS: Okay. 15:35
 11 MS. GREEN: -- object to the form. 15:36
 12 THE WITNESS: Okay. 15:36
 13 It was counsel we've had at -- that we 15:36
 14 used during legislative time. 15:36
 15 BY MS. KANG: 15:36
 16 Q. Who is this person? 15:36
 17 MS. GREEN: I'll just object to the form. 15:36
 18 I think they're in the privilege log. We identified 15:36
 19 them. 15:36
 20 Do you know the name of the firm? 15:36
 21 THE WITNESS: Dinsmore & Shohl is the law 15:36
 22 firm. 15:36
 23 BY MS. KANG: 15:36
 24 Q. Did any legislators tell you about the 15:36
 25 purpose of H.B. 3293? 15:36
 Page 138

1 MS. GREEN: Object to the form. 15:36
 2 THE WITNESS: I don't remember having that 15:36
 3 conversation with any of them. I had one email from 15:36
 4 Senator Unger, who sent me the NCAA guidelines at 15:36
 5 the time. It was unsolicited and didn't have 15:36
 6 anything, really, with it, just a link to the NCAA 15:36
 7 guidelines. 15:37
 8 BY MS. KANG: 15:37
 9 Q. Did you respond to that email? 15:37
 10 A. I did not. 15:37
 11 Q. Has the Commission taken any steps to 15:37
 12 contemplate policies or rules concerning the 15:37
 13 implementation of H.B. 3293? 15:37
 14 MS. GREEN: Object to the form. 15:37
 15 THE WITNESS: The legislation 3293 charged 15:37
 16 the Department of Ed with creating the rule. So 15:37
 17 we're going to wait for those guidelines to come out 15:37
 18 and then probably just bring them into our rule book 15:37
 19 like we did the 2.0. 15:37
 20 BY MS. KANG: 15:37
 21 Q. But to be clear, if the State Board 15:37
 22 promulgates a rule, will the Commission have to 15:37
 23 follow that rule? 15:38
 24 A. Our schools would have to follow it, 15:38
 25 which, if all of our schools have to follow it, I 15:38
 Page 139

1 would say we're following it, yes. 15:38
 2 Q. Okay. I'm going to introduce a document 15:38
 3 as Exhibit 9, and I'll let you know when it's 15:38
 4 available. 15:38
 5 (Deposition Exhibit 9 was marked for 15:38
 6 identification and is attached hereto.) 15:39
 7 MS. KANG: Exhibit 9 is now available in 15:39
 8 the Marked Exhibits folder. 15:39
 9 BY MS. KANG: 15:39
 10 Q. And let me know when you have a chance to 15:39
 11 pull it up, Mr. Dolan. 15:39
 12 A. Okay. 15:39
 13 Q. So these are some text messages that your 15:39
 14 counsel produced in response to Plaintiff's 15:39
 15 discovery requests. It's been Bates stamped 15:39
 16 WVSSAC000001. And I'm going to represent to you 15:39
 17 that these are texts between you and 15:39
 18 Stephen Baldwin. 15:39
 19 Do you remember this conversation? 15:39
 20 A. Yes. 15:39
 21 MS. GREEN: Object to the form. 15:39
 22 THE WITNESS: Yes, I do. 15:39
 23 BY MS. KANG: 15:39
 24 Q. Who is Stephen Baldwin? 15:39
 25 A. Senator from Greenbrier County. 15:39
 Page 140

1 Q. Is this the same Democratic office that 15:40
 2 you were just talking about? 15:40
 3 A. Yes, ma'am. 15:40
 4 Q. Why did you decide to participate in this 15:40
 5 meeting? 15:40
 6 MS. GREEN: Object to the form. 15:40
 7 THE WITNESS: Oftentimes I -- I don't feel 15:40
 8 like I have a choice. When the legislature calls, I 15:40
 9 need to go down and be heard. 15:40
 10 BY MS. KANG: 15:40
 11 Q. Did you bring any documents with you to 15:40
 12 this meeting? 15:40
 13 A. Just the -- just our board policy. 15:40
 14 Q. Do you remember if you were shown any 15:40
 15 documents at the meeting? 15:40
 16 A. I don't remember. 15:40
 17 Q. Did the Democratic Caucus give you any 15:40
 18 documents? 15:40
 19 A. I don't remember if they gave me the bill 15:40
 20 at that time or not. So I'm not sure. 15:40
 21 Q. So if you scroll down to the document 15:41
 22 that's Bates Stamped -006. And I believe it's 15:41
 23 Page 6 of 7 of the pdf of Exhibit 9. 15:41
 24 A. Okay. 15:41
 25 Q. Do you know who Rucker is? 15:41
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<p>1 A. Senator Rucker is the Senate education 15:41 2 chair. 15:41 3 Q. Do you agree with her statement that it is 15:41 4 not a real policy? 15:41 5 A. I believe it is a policy that -- but it 15:41 6 had not -- it didn't go through a rule-writing 15:42 7 process and was never challenged in court and 15:42 8 upheld. 15:42 9 So we think it was an internal policy, 15:42 10 yes, that we give our -- 15:42 11 Q. What do you mean -- 15:42 12 A. We give our board the opportunity to hear 15:42 13 cases of appeals. 15:42 14 Q. Can you clarify what you mean by "internal 15:42 15 policy"? 15:42 16 A. Well, it wasn't in our rule book. 15:42 17 Q. So I'm going to introduce an additional 15:42 18 document as Exhibit 10. 15:42 19 (Deposition Exhibit 10 was marked for 15:43 20 identification and is attached hereto.) 15:43 21 MS. KANG: Exhibit 10 is now available in 15:43 22 the Marked Exhibits folder. 15:43 23 BY MS. KANG: 15:43 24 Q. Let me know when you have it up, 15:43 25 Mr. Dolan. 15:43 Page 142</p>	<p>1 A. I believe in the Title IX document it says 15:45 2 you can't discriminate. And so we support Title IX; 15:45 3 so we have to support the whole thing. 15:45 4 Q. You also say in your response that 15:45 5 [as read]: 15:45 6 "This has increased the quantity and 15:45 7 quality of opportunities for girls in 15:45 8 our schools." 15:45 9 What opportunities do you believe has been 15:45 10 increased? 15:45 11 A. Well, when I was in school, which would 15:45 12 have been the early -- early '70s, may or may not 15:45 13 have had girls' basketball at all and wouldn't have 15:45 14 had volleyball or soccer, for sure, swim. So over 15:45 15 the last 50 years, we have increased the sports that 15:45 16 girls can participate in a hundred times over. 15:45 17 Q. Do you believe that B.P.J. should have the 15:45 18 right to these opportunities? 15:46 19 MS. GREEN: Object to the form. 15:46 20 THE WITNESS: I believe we'll follow the 15:46 21 rule -- the law. 15:46 22 BY MS. KANG: 15:46 23 Q. What do you mean by "follow the law"? 15:46 24 A. Whatever -- whatever the Department of Ed 15:46 25 writes as the rule, then we have to implement that 15:46 Page 144</p>
<p>1 A. [Witness reviews document]. 15:43 2 Okay. 15:43 3 Q. Do you remember this email? 15:43 4 A. After I looked it back up, yes. 15:44 5 Q. And is that still your email address at 15:44 6 the top? 15:44 7 A. It is. 15:44 8 Q. Who is John Raby? 15:44 9 A. John Raby is an Associated Press reporter. 15:44 10 Q. Had you spoken to him before? 15:44 11 A. Probably in a different capacity. When I 15:44 12 was the director of Super Six, he was a reporter 15:44 13 that would come to games. So... 15:44 14 Q. So on the first page of Exhibit 10, 15:44 15 Mr. Raby asks the question [as read]: 15:44 16 "What does the WVSSAC think of the 15:44 17 bill?" 15:44 18 And then if you go to the next page of 15:44 19 Exhibit 10, in response you write [as read]: 15:44 20 "The WVSSAC has supported Title IX 15:44 21 for the last 50 years...Title IX has 15:44 22 non discrimination language that we 15:44 23 support." 15:45 24 What do you mean by "Title IX has 15:45 25 non-discrimination language that we support"? 15:45 Page 143</p>	<p>1 with all of our schools. 15:46 2 Q. Do you believe that B.P.J.'s participation 15:46 3 in cross-country harms any of these opportunities? 15:46 4 MS. GREEN: Object to the form. 15:46 5 THE WITNESS: Well, "harm" is a -- a 15:46 6 unique word because harm might be that it might not 15:46 7 physically harm somebody, but they -- you know, harm 15:46 8 might be that you take somebody's position on the 15:46 9 team. 15:46 10 In cross-country, only the top seven kids 15:46 11 get to compete on the varsity team, whether it's 15:46 12 middle school or high school. If you are 15:46 13 number seven and you get bumped out, there might be 15:46 14 harm. 15:47 15 But, in general, physical harm, I don't 15:47 16 believe so. 15:47 17 BY MS. KANG: 15:47 18 Q. Do you know if B.P.J. has, as you say, 15:47 19 bumped out another girl? 15:47 20 A. I do not. 15:47 21 MS. GREEN: Object to the form. 15:47 22 THE WITNESS: Okay. 15:47 23 MS. KANG: So I am going to introduce 15:47 24 another document as Exhibit 11. 15:47 25 /// Page 145</p>

<p>1 (Deposition Exhibit 11 was marked for 15:47 2 identification and is attached hereto.) 15:48 3 MS. GREEN: Okay. 15:48 4 MS. KANG: Exhibit 11 is now available in 15:48 5 everyone's Marked Exhibit folder. 15:48 6 BY MS. KANG: 15:48 7 Q. Let me know when you have it up. 15:48 8 And, Mr. Dolan, we can take a five-minute 15:48 9 break, I think, after -- after this email, before we 15:48 10 wrap up. 15:48 11 A. Okay. 15:48 12 Scroll down. 15:48 13 Okay. 15:48 14 Q. Do you recognize this email? 15:48 15 A. I do. 15:48 16 Q. Do you remember this email? 15:48 17 A. I don't know if I remember it. But I 15:48 18 recognize it, yes. 15:48 19 Q. Who is Josh Weekley? 15:48 20 A. He runs RunWV which keeps track of all 15:48 21 boys' and girls' track and cross-country times and 15:49 22 posts them on runwv.com. 15:49 23 Q. Why did you contact him? 15:49 24 A. I was looking for data in comparing girls' 15:49 25 times to boys' times. 15:49</p> <p style="text-align: right;">Page 146</p>	<p>1 But we'll take a pause here and come back 15:50 2 around 3:56. 15:50 3 THE WITNESS: Okay. 15:50 4 THE VIDEOGRAPHER: Going off the record. 15:50 5 The time is 3:51. 15:50 6 (Brief recess.) 15:57 7 THE VIDEOGRAPHER: Back on the record. 15:57 8 The time is 3:57. 15:57 9 BY MS. KANG: 15:57 10 Q. Mr. Dolan, I'm going to introduce another 15:57 11 document as Exhibit 12. 15:57 12 A. Okay. 15:57 13 Q. And I'll let you know when it's in there. 15:57 14 (Deposition Exhibit 12 was marked for 15:57 15 identification and is attached hereto.) 15:58 16 MS. KANG: Okay. Exhibit 12 is now 15:58 17 available in the Marked Exhibits folder. 15:58 18 BY MS. KANG: 15:58 19 Q. Let me know when you have had a chance to 15:58 20 pull it up. 15:58 21 A. Scroll down. 15:58 22 That's it. Okay. 15:58 23 Okay. 15:58 24 Q. Is this the same Melissa White as the one 15:59 25 you were referencing earlier? 15:59</p> <p style="text-align: right;">Page 148</p>
<p>1 Q. Why did you want that data? 15:49 2 A. Just curious to see if there were 15:49 3 advantages that boy -- if -- what the actual data 15:49 4 showed for comparison of boys' and girls' times. 15:49 5 Q. Did you ask in response to any questions 15:49 6 from the West Virginia Legislature? 15:49 7 A. I don't remember the time frame of this; 15:49 8 so I don't know if it was before or after or during 15:49 9 the legislative time. 15:49 10 Q. Did you ever get the data from Josh 15:49 11 Weekley? 15:50 12 A. Did not. Did not. They had computer 15:50 13 problems and so... 15:50 14 Q. What did you mean by "a transgender issue" 15:50 15 on the -- 15:50 16 A. Again -- 15:50 17 Q. -- first page? 15:50 18 A. I was asking -- I was just telling him. I 15:50 19 was trying to compare boys' times and girls' times 15:50 20 and what hap- -- you know, what the actual times 15:50 21 were of boys and girls competing against each other. 15:50 22 MS. GREEN: Okay. I think if folks are 15:50 23 all right, we will take a five-minute break, and 15:50 24 then I should have -- let's see -- I should have a 15:50 25 couple more exhibits to go through. 15:50</p> <p style="text-align: right;">Page 147</p>	<p>1 A. Yes. 15:59 2 Q. Do you know what Melissa White's position 15:59 3 is? 15:59 4 A. Well, on the paper it says Chief Counsel 15:59 5 for Committee on Education of West Virginia House of 15:59 6 Delegates. 15:59 7 Q. Do you know why Melissa White reached out 15:59 8 to you regarding H.B. 3293? 15:59 9 A. There may have been original language in 15:59 10 there that may have identified the WVSSAC. I don't 15:59 11 know. But it involves athletics; so I'm sure, as a 15:59 12 courtesy, she was sending me something. 15:59 13 Q. Had you spoken to her about athletics 15:59 14 before this email? 15:59 15 MS. GREEN: I'll object to the form. 15:59 16 THE WITNESS: This -- that -- last year or 15:59 17 in general? 15:59 18 BY MS. KANG: 15:59 19 Q. In general. 15:59 20 A. Yeah. I mean, every time there is 15:59 21 legislation involving athletics, home school, 15:59 22 whatever, it's not unusual for them to contact me 15:59 23 about our position or our input on it. 16:00 24 Q. So you notice in the top-right corner, 16:00 25 Thursday, March 11th is underlined. 16:00</p> <p style="text-align: right;">Page 149</p>

1 Was this the first time that Melissa White 16:00
 2 spoke to you about H.B. 3293? 16:00
 3 MS. GREEN: Object to the form. 16:00
 4 THE WITNESS: I believe it was. I may 16:00
 5 have been underlining that as I was gathering my 16:00
 6 documents to make sure I got them all out of my 16:00
 7 email. So that might be why that was underlined. 16:00
 8 BY MS. KANG: 16:00
 9 Q. In this email, she asks for your thoughts 16:00
 10 on H.B. 3293. 16:00
 11 Did you provide her with any thoughts? 16:00
 12 A. I did not. It was -- it -- I thought 16:00
 13 there was an attachment to that, and I sent it off. 16:01
 14 Was there -- oh, yeah. There it is. Down 16:01
 15 at the bottom. 16:01
 16 And I didn't -- I didn't open it. I sent 16:01
 17 it off to Dinsmore & Shohl. 16:01
 18 Q. Did you ever have any verbal 16:01
 19 communications with Melissa White about this bill? 16:01
 20 A. The only communication I could -- might 16:01
 21 have had is that when she asked me to come to the 16:01
 22 finance meeting and wait outside. And then I was 16:01
 23 told I wasn't needed. 16:01
 24 MS. KANG: I'm going to introduce a 16:01
 25 document as Exhibit 13. 16:01

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1 (Deposition Exhibit 13 was marked for 16:02
 2 identification and is attached hereto.) 16:02
 3 MS. KANG: Exhibit 13 is now available in 16:02
 4 everyone's Marked Exhibit folder. 16:02
 5 BY MS. KANG: 16:02
 6 Q. So let me know when you have it up. And 16:02
 7 once you have it up, if you could scroll to the very 16:02
 8 last page that has been Bates stamped -370. Let me 16:02
 9 know. 16:02
 10 A. Okay. 16:02
 11 Q. Do you recognize this text exchange? 16:02
 12 A. Yes. 16:02
 13 Q. Is the Melissa at the top of the thread 16:03
 14 referring to Melissa White? 16:03
 15 A. Yes. 16:03
 16 Q. Do you know why she asked for the 16:03
 17 transgender policy? 16:03
 18 MS. GREEN: Object to the form. 16:03
 19 THE WITNESS: At some point, I don't -- 16:03
 20 I'm not sure of the date. But at some point we 16:03
 21 were -- you know, we had told them that we had a 16:03
 22 Board policy for transgender. 16:03
 23 So I'm sure she was trying to get a copy 16:03
 24 of that. 16:03
 25 ///

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1 BY MS. KANG: 16:03
 2 Q. Who is "them"? 16:03
 3 A. House -- House Education. 16:03
 4 Q. Did you provide the policy to her? 16:03
 5 A. I'm sure I did. 16:03
 6 Q. Did she say anything to you afterwards 16:03
 7 about the transgender policy? 16:03
 8 A. Not that I recall. 16:03
 9 Q. Did the two of you discuss H.B. 3293 after 16:03
 10 this text conversation at any point? 16:04
 11 MS. GREEN: Object to the form. 16:04
 12 THE WITNESS: Not that I recall. 16:04
 13 MS. KANG: I'm just going to introduce one 16:04
 14 last exhibit, Exhibit 14. 16:04
 15 (Deposition Exhibit 14 was marked for 16:04
 16 identification and is attached hereto.) 16:04
 17 MS. KANG: Exhibit 14 is now available in 16:04
 18 the Marked Exhibits folder. 16:04
 19 BY MS. KANG: 16:04
 20 Q. And let me know when you have it up. 16:04
 21 THE WITNESS: That is 11. 16:04
 22 MS. GREEN: Oh. I'm sorry. Uploaded 16:04
 23 error there. 16:04
 24 THE WITNESS: It was 9. Yeah. 16:04
 25 There it is. 16:04

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1 MS. GREEN: I'm sorry. 16:04
 2 THE WITNESS: Okay. 16:05
 3 BY MS. KANG: 16:05
 4 Q. So on the first page that is Bates 16:05
 5 Stamped -286, you will see it reads "Regional 16:05
 6 Principals' Meetings." 16:05
 7 What is the purpose of the Regional 16:05
 8 Principals' Meetings? 16:05
 9 A. It's when we make sure that any new rules, 16:05
 10 we go over them. And then also -- most importantly, 16:05
 11 they get their C&I cards, which are all the coaches 16:05
 12 get in free to games. 16:05
 13 And so that's the only reason why they 16:05
 14 come to the meeting, sadly to say, not to hear me 16:05
 15 speak. 16:06
 16 Q. And apologies for my ignorance. But 16:06
 17 what's a C&I card? 16:06
 18 A. Courtesy and identification card. It's 16:06
 19 like a free pass into all high school games. 16:06
 20 Q. All right. Scroll down one page in 16:06
 21 Exhibit 14 to the page Bates Stamped -287. 16:06
 22 A. Is it the schedule? 16:06
 23 Q. No. It's just the first -- 16:06
 24 A. Regional Principals' Meeting? 16:06
 25 Q. That's correct. 16:06

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<p>1 A. First slide? 16:06</p> <p>2 Q. That's -- that's correct. 16:06</p> <p>3 A. Okay. 16:06</p> <p>4 Q. So are these the slides that were 16:06</p> <p>5 presented at this meeting? 16:06</p> <p>6 A. Yes. 16:06</p> <p>7 Q. Do you know who prepared these slides? 16:06</p> <p>8 A. Each of us prepared our -- our portion, 16:06</p> <p>9 myself and the three assistants. So we all have 16:06</p> <p>10 different areas to cover. 16:07</p> <p>11 Q. By "three assistants," you mean your three 16:07</p> <p>12 assistant executive directors? 16:07</p> <p>13 A. Uh-huh. 16:07</p> <p>14 Q. So I want to draw your attention to what's 16:07</p> <p>15 been Bates stamped -346. Apology if I -- will 16:07</p> <p>16 identify the page number in a moment. 16:07</p> <p>17 So it is Page 61 of the pdf. 16:07</p> <p>18 A. Okay. 16:07</p> <p>19 Q. Do you recognize this slide? 16:07</p> <p>20 A. I'm not there yet. 16:07</p> <p>21 MS. GREEN: I'm sorry. 16:07</p> <p>22 BY MS. KANG: 16:07</p> <p>23 Q. Oh. I'm sorry. 16:07</p> <p>24 A. Yes. 16:08</p> <p>25 Q. Do you know who prepared this slide? 16:08</p> <p style="text-align: right;">Page 154</p>	<p>1 current position is that gender is identified in 16:09</p> <p>2 WVEIS," would you have to depend on the school's 16:09</p> <p>3 determination? 16:09</p> <p>4 A. Yes. 16:09</p> <p>5 Q. Can the information in WVEIS for someone's 16:10</p> <p>6 gender be changed? 16:10</p> <p>7 MS. GREEN: Object to the form. 16:10</p> <p>8 THE WITNESS: I'm not sure what the rules 16:10</p> <p>9 are for WVEIS. 16:10</p> <p>10 BY MS. KANG: 16:10</p> <p>11 Q. Do you know who contributes information to 16:10</p> <p>12 WVEIS? 16:10</p> <p>13 MS. GREEN: Object to the form. 16:10</p> <p>14 THE WITNESS: Each school does, but I'm 16:10</p> <p>15 not sure, like, who in each school. 16:10</p> <p>16 BY MS. KANG: 16:10</p> <p>17 Q. Do you remember if this slide was 16:10</p> <p>18 discussed during the regional principals' meeting? 16:10</p> <p>19 A. Probably was. I would say yes. 16:10</p> <p>20 Q. What was discussed? 16:10</p> <p>21 MS. GREEN: Object to the form. 16:10</p> <p>22 THE WITNESS: Just what was on the slide, 16:10</p> <p>23 that current law is being challenged, and we were 16:10</p> <p>24 waiting for final ruling from the Department of Ed. 16:10</p> <p>25 ///</p> <p style="text-align: right;">Page 156</p>
<p>1 A. This would have been Cindy Daniel. 16:08</p> <p>2 Q. And she is one of your -- 16:08</p> <p>3 A. Assistant executive directors. 16:08</p> <p>4 Q. So in the second bullet point here, it 16:08</p> <p>5 says [as read]: 16:08</p> <p>6 "WVSSAC's current position is that 16:08</p> <p>7 gender is identified in WVEIS for 16:08</p> <p>8 athletic participation purposes." 16:08</p> <p>9 What does this mean? 16:08</p> <p>10 A. Well, I think this was before the ruling 16:08</p> <p>11 that B.P.J. could participate; so that we were still 16:08</p> <p>12 reiterating it in our policy at the time until we 16:08</p> <p>13 got the final ruling from the Department of Ed. 16:09</p> <p>14 Q. Just to be clear, if someone's gender in 16:09</p> <p>15 WVEIS is male, does that mean they would have to 16:09</p> <p>16 play on the boys' team? 16:09</p> <p>17 A. Yes. 16:09</p> <p>18 Q. Before H.B. 3293 was enacted and under 16:09</p> <p>19 your trans policy, did you just rely on the school's 16:09</p> <p>20 determination of gender or would you go into WVEIS 16:09</p> <p>21 and look at WVEIS? 16:09</p> <p>22 A. We don't have access to WVEIS; so we 16:09</p> <p>23 wouldn't be able to. And, to our knowledge, we 16:09</p> <p>24 didn't have any other cases prior to this. 16:09</p> <p>25 Q. So in this slide, when it says "the 16:09</p> <p style="text-align: right;">Page 155</p>	<p>1 BY MS. KANG: 16:10</p> <p>2 Q. Anything else? 16:10</p> <p>3 A. As it relates to transgender as it relates 16:10</p> <p>4 to this slide, you mean? 16:10</p> <p>5 Q. That's correct. 16:11</p> <p>6 A. I don't think there was anything more 16:11</p> <p>7 discussed, from my knowledge. 16:11</p> <p>8 MS. KANG: So I believe that is all my 16:11</p> <p>9 questions. 16:11</p> <p>10 I'm going to go off the record for about 16:11</p> <p>11 five minutes or so and see if there's anything else 16:11</p> <p>12 I need to ask. 16:11</p> <p>13 But, otherwise, I think we're at the 16:11</p> <p>14 finish line, Mr. Dolan. 16:11</p> <p>15 THE WITNESS: Good. 16:11</p> <p>16 THE VIDEOGRAPHER: Off the record. The 16:11</p> <p>17 time is 4:11. 16:11</p> <p>18 (Brief recess.) 16:17</p> <p>19 THE VIDEOGRAPHER: Back on the record. 16:17</p> <p>20 The time is 4:18. 16:17</p> <p>21 MS. KANG: Mr. Dolan, I am finished asking 16:17</p> <p>22 my questions. I will reserve the right to ask any 16:17</p> <p>23 questions depending on other parties' questions. 16:18</p> <p>24 I'll also reserve the right to ask questions if 16:18</p> <p>25 there are changes in the errata. But otherwise I 16:18</p> <p style="text-align: right;">Page 157</p>

1 think we're -- you're done with me for today. 16:18
 2 THE WITNESS: Okay. Thank you. 16:18
 3 THE VIDEOGRAPHER: Is there anybody else 16:18
 4 with questions or should I go ahead and close out? 16:18
 5 MR. SCRUGGS: This is Jonathan Scruggs for 16:18
 6 the intervenor. No questions from us. 16:18
 7 MS. MORGAN: This is Kelly Morgan. 16:18
 8 No questions for the State Board and 16:18
 9 Superintendent Burch. 16:18
 10 MR. CROPP: This is Jeffrey Cropp for 16:18
 11 Harrison County Board of Education and Dora Stutler. 16:18
 12 16:18
 13 EXAMINATION 16:18
 14 BY MR. CROPP: 16:18
 15 Q. I just have a couple of follow-up 16:18
 16 questions, Mr. Dolan. 16:19
 17 A. Okay. 16:19
 18 Q. Regarding Exhibit 6, which is the 16:19
 19 transgender policy, was a copy of that policy ever 16:19
 20 distributed to the member schools? 16:19
 21 A. I don't believe so. 16:19
 22 Q. Okay. Was a copy of the transgender 16:19
 23 policy ever given to the principals? 16:19
 24 A. I don't believe so. 16:19
 25 Q. Was a copy of that transgender policy ever 16:19
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1 given to the County Boards of Education? 16:19
 2 A. I don't believe so. 16:19
 3 Q. Was a copy of the transgender policy ever 16:19
 4 given to the county superintendents? 16:19
 5 A. I don't believe so. 16:19
 6 Q. You mentioned that -- at a regional 16:19
 7 meeting that that policy was reviewed with the 16:19
 8 principals who attended the -- that meeting. 16:19
 9 But my question is, is that -- was that 16:19
 10 just at the first meeting where the policy was 16:19
 11 introduced, or did you go over that policy every 16:19
 12 regional meeting after it was introduced? 16:19
 13 MS. GREEN: Object to the form. 16:19
 14 THE WITNESS: Normally, we would -- you 16:20
 15 mean each year? Or do you mean, like, when we do 16:20
 16 ten of them, was it brought up at each ten? 16:20
 17 BY MR. CROPP: 16:20
 18 Q. Each year. So it was introduced in one 16:20
 19 year. My question is at the subsequent years -- did 16:20
 20 you go over that policy during the subsequent years 16:20
 21 at that -- at all ten regional meetings? 16:20
 22 A. I would say it was -- I don't know when it 16:20
 23 came off, but it was on the agenda for a number of 16:20
 24 years, yes. 16:20
 25 Q. Whether you say -- 16:20
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1 A. I don't -- 16:20
 2 Q. Go ahead. 16:20
 3 A. I don't remember if it was on this past 16:20
 4 year -- it was on this year with Cindy's slide, but 16:20
 5 normally it was on mine. 16:20
 6 So I don't -- I would have to go back and 16:20
 7 check all my -- if we record them. And if you 16:20
 8 didn't go to the meeting, then you were able to 16:20
 9 listen to the recording. 16:20
 10 Q. Okay. This policy -- excuse me. 16:20
 11 The policy was never voted on by the 16:21
 12 member schools, the transgender policy? 16:21
 13 A. That's correct. 16:21
 14 MR. CROPP: I don't have any further 16:21
 15 questions. 16:21
 16 Thank you. 16:21
 17 MR. CAPEHEART: Curtis Capeheart for the 16:21
 18 State. 16:21
 19 I have no questions. 16:21
 20 Thank you, Mr. Dolan. 16:21
 21 THE WITNESS: Thank you. 16:21
 22 THE VIDEOGRAPHER: Okay. That looks like 16:21
 23 everybody. So I'll go ahead and close out unless 16:21
 24 there is anything else. 16:21
 25 THE REPORTER: And this is the reporter. 16:21
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1 I did hear that there will be an errata 16:21
 2 sheet. So is the witness reviewing? 16:21
 3 MS. GREEN: Yes. We'll read and sign. 16:21
 4 And if I could -- 16:21
 5 This is Roberta Green. 16:21
 6 So if I could please have it sent to me, 16:21
 7 and I'll get with Mr. Dolan. 16:21
 8 THE REPORTER: Thank you. 16:21
 9 THE VIDEOGRAPHER: Thank you. 16:21
 10 We are off the record at 4:22 p.m. EST, 16:21
 11 and this concludes today's testimony given by 16:22
 12 30(b)(6) Witness Bernie Dolan. The total number of 16:22
 13 Media Units used was three. And will be retained by 16:22
 14 Veritext Legal Solutions. 16:22
 15 (Whereupon, at 4:22 p.m., the deposition 16:22
 16 of BERNARD DOLAN was adjourned.)
 17 --- oOo ---
 18
 19
 20
 21
 22
 23
 24
 25
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1
2
3
4 I, BERNARD DOLAN, hereby certify under penalty
5 of perjury under the laws of the State of California that
6 the foregoing is true and correct.
7 Executed this _____ day of
8 _____, 2022, at _____,
9 California.
10
11
12 _____
13 BERNARD DOLAN
14 30(b)(6) DEPOSITION
15 WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
16
17
18
19
20
21
22
23
24
25

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1 ROBERTA F. GREEN, ESQ.
2 RGREEN@SHUMANLAW.COM
3 February 28, 2022
4 RE: B.P.J. vs. WEST VIRGINIA STATE BOARD OF EDUCATION
5 February 11, 2022, BERNARD DOLAN, JOB NO. 5079532
6 The above-referenced transcript has been
7 completed by Veritext Legal Solutions and
8 review of the transcript is being handled as follows:
9 Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext
10 to schedule a time to review the original transcript at
11 a Veritext office.
12 Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.
20 Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.
23 Signature Waived – Reading & Signature was waived at the
24 time of the deposition.
25

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.
3
4 I, Dayna Hester, C.S.R. No. 9970, in
5 and for the State of California, do hereby certify:
6 That, prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn to
8 testify to the truth, the whole truth, and nothing but the
9 truth;
10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my direction, and
13 the same is a true, correct, and complete transcript of
14 said proceedings;
15 That if the foregoing pertains to the original
16 transcript of a deposition in a Federal Case, before
17 completion of the proceedings, review of the transcript
18 { XX } was { } was not required;
19 I further certify that I am not interested in
20 the event of the action.
21 Witness my hand this 26th day of February,
22 2022.
23
24 Certified Shorthand Reporter
25 for the State of California

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1 Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF
2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.
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<p>1 B.P.J. vs. WEST VIRGINIA STATE BOARD OF EDUCATION 2 BERNARD DOLAN (#5079532) 3 ERRATA SHEET 4 PAGE ___ LINE ___ CHANGE _____ 5 _____ 6 REASON _____ 7 PAGE ___ LINE ___ CHANGE _____ 8 _____ 9 REASON _____ 10 PAGE ___ LINE ___ CHANGE _____ 11 _____ 12 REASON _____ 13 PAGE ___ LINE ___ CHANGE _____ 14 _____ 15 REASON _____ 16 PAGE ___ LINE ___ CHANGE _____ 17 _____ 18 REASON _____ 19 PAGE ___ LINE ___ CHANGE _____ 20 _____ 21 REASON _____ 22 _____ 23 _____ 24 WITNESS _____ Date _____ 25 _____</p>	

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[topic - videographer]

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[witness - zoë]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**PLAINTIFF'S NOTICE OF 30(b)(6)
DEPOSITION**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff B.P.J., by her next friend and mother, Heather Jackson, will take the deposition of Defendant the West Virginia Secondary School Activities Commission at approximately the stated time below or on such other date and at such other time as may be agreed upon by the parties.

The deposition will be conducted remotely via video teleconference offered by Veritext. The deposition will continue from day to day until concluded. The deposition will be taken under oath before a certified shorthand reporter or other officer authorized to administer oaths. The deposition will be recorded by stenographic means, on videotape, and by instant visual display of testimony using LiveNote or similar software. The deposition shall be used for discovery purposes and may be used as evidence in this action, including at trial.

**Exhibit
0001**

Pursuant to Rule 30(b)(6), Defendant West Virginia Secondary School Activities Commission shall designate one or more knowledgeable officers, directors, managing agents, or other persons who consent to testify on their behalf concerning the subjects set forth in Exhibit A. Prior to deposition, Defendant West Virginia Secondary School Activities Commission and Plaintiff shall meet and confer about the matters for examination.

Deponent	Date and Time of Deposition
West Virginia Secondary School Activities Commission 2875 Staunton Turnpike Parkersburg, WV 26104	February 11, 2022 at 12:00 PM EST

Dated: January 21, 2022

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Exhibit A

DEFINITIONS

1. “Action” means the above-captioned litigation instituted by B.P.J. on May 26, 2021.
2. “B.P.J.” means B.P.J. and her mother, Heather Jackson.
3. “Communication” means any transmission of information from one PERSON to another by any means in the form of facts, ideas, inquiries, or otherwise.
4. “Concerning” is defined as information, things, Communications, or Documents that reflect, relate to, identify, constitute, embody, describe, discuss, summarize, evidence, reference, comment on, or concern in any way the subject matter of the request.
5. “Document” means any written, printed, typed, recorded, magnetic, punched, copied, graphic or tangible thing in, upon, or from which information may be embodied, translated, conveyed, or stored (including, but not limited to, correspondence, memoranda, notes, records, books, papers, telegrams, telexes, dictation or other audio tapes, video tapes, computer tapes, computer discs, computer printouts, microfilm, microfiche, worksheets, diaries, calendars, photographs, charts, drawings, sketches, and all other writings or drafts thereof) as defined in Federal Rule of Civil Procedure 34(a), Federal Rule of Civil Procedure 45, and Federal Rule of Evidence 1001, whether or not labeled “confidential.” A draft or non-identical copy is a separate Document within the meaning of this term.
6. “Executive Director” means Bernie Dolan in his capacity as Executive Director of the School Activities Commission.
7. “Person” means any natural person or any business, legal, or governmental entity or association or any other cognizable entity, including, without limitation, corporations,

proprietorships, partnerships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies, and orders.

8. "Policy" means any policy, procedure, rule, protocol, guideline, regulation, practice, or other principle or course of action.
9. "You," "Your," or "Yours" means the School Activities Commission, and each of its officers, directors, employees, partners, corporate parent, subsidiaries, affiliates, attorneys, accountants, consultants, representatives, and agents.

TOPICS OF EXAMINATION

TOPIC 1:

Your organization and structure, including Your employees, their positions, and the scope of their responsibilities, including the role and responsibilities of Your Executive Director.

TOPIC 2:

All of the sources of Your funding.

TOPIC 3:

Your Policies, Documents, and Communications Concerning Your control, supervision, or authority over secondary school athletics in West Virginia.

TOPIC 4:

Your Policies, Documents, and Communications Concerning Your relationship with the West Virginia State Board of Education and State Superintendent W. Clayton Burch, including any protocol regarding delegation or supervision.

TOPIC 5:

Your Policies, Documents, and Communications Concerning Plaintiff B.P.J. and her family from January 1, 2019 to the present.

TOPIC 6:

Your Policies, Documents, and Communications Concerning the participation of transgender students in athletics in West Virginia prior to and following the passage of H.B. 3293, including but not limited to the implementation and enforcement of Your Board of Directors Transgender Policy (Bates stamped WVSSAC000008).

TOPIC 7:

Your Policies, Documents, and Communications Concerning how to determine whether a student is a boy or a girl for purposes of competing in School Activities Commission events.

TOPIC 8:

Your Policies, Documents, and Communications Concerning H.B. 3293, including the circumstances and process by which H.B. 3293 was enacted.

TOPIC 9:

Your Policies, Documents, and Communications Concerning the separation of boys and girls in school-sponsored sports in West Virginia.

TOPIC 10:

Your Policies, Documents, and Communications Concerning school-sponsored sports teams designated as co-ed or mixed.

TOPIC 11:

Your Policies, Documents, and Communications Concerning the process by which Your member schools may appeal the eligibility of a transgender student to participate on school-sponsored sports teams.

TOPIC 12:

Your Policies, Documents, and Communications Concerning Your role in setting standards of eligibility for Your sponsored events and for adjudicating disputes over a student's eligibility.

TOPIC 13:

Your understanding Concerning the purpose, scope, and implications of H.B. 3293, including the basis for Your responses to Interrogatory Nos. 7 and 9.

TOPIC 14:

All Your discovery responses provided to date in this Action.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 21st day of January, 2022, I electronically filed a true and exact copy of the *Plaintiff's Notice of 30(b)(6) Deposition* with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark

Loree Stark

West Virginia Bar No. 12936

WVSSAC STAFF



BERNIE DOLAN

Bernie Dolan joined the WVSSAC July 1, 2015. He assumed the position of Executive Director in January 2016. He received his Masters from West Virginia University and a Professional Administration Certificate from Salem International University. Dolan comes to the WVSSAC from Ohio County where he served as Assistant Superintendent. He also served as Principal, Assistant Principal/Athletic Director, math instructor, and Technology Coordinator at Wheeling Park High School. Bernie has served as the Director for the Super Six; Director of the State Golf Tournament; on the OVAC Executive Board; on the WVADA Board of Directors; and on the WVSSAC Board of Directors.

GREGORY B. REED

Mr. Greg Reed, Assistant Principal/Athletic Director, Martinsburg High School was appointed Assistant Executive Director in December 2015. He attended Glenville State College majoring in Secondary Education. He received his MA in Communication Studies from WVU and his Educational Leadership degree from Salem International University. He taught and coached at Nicholas County High School. Greg served as Assistant Principal/Athletic Director at Martinsburg High School since 2003.

WAYNE RYAN

Mr. Wayne Ryan assumed the position of Assistant Executive Director in July, 2016. He served as Assistant Principal/Athletic Director at Summers County High School. He received his Bachelors in Secondary Education from Alderson Broaddus and Masters in Communication from West Virginia University. He received his CAA certification from the NIAAA. He is also a member of the WBCA, NFHSCA, WVSACA, NIAAA and the WVADA.

DR. CINDY DANIEL

Dr. Cindy Daniel joined the WVSSAC staff in July 2018 as an Assistant Executive Director. A veteran educator with 34 years of experience in the West Virginia public school system, Dr. Daniel has served as a teacher, coach, curriculum supervisor, assistant principal, acting principal, and assistant superintendent before retiring in 2017 as the WV Deputy State Superintendent of Schools. She earned her bachelor's degree in Multi-categorical Special Education from the University of Charleston, masters' degrees in School Counseling and Leadership Studies from Marshall University, and her doctorate in Leadership Studies from Marshall University.

THE RULES AND REGULATIONS

of the

**West Virginia Secondary School
Activities Commission**

as set forth in the

Constitution and Bylaws

and

Approved by the West Virginia State Board of Education

Published by

THE BOARD OF DIRECTORS

of

The West Virginia Secondary School Activities Commission

REVISED AND PRINTED AUGUST 2021

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**Exhibit
0003**

WVSSAC000118

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IV

INTRODUCTION

Officers of the Activities Commission

THE BOARD OF DIRECTORS

PRESIDENT:	DR. GREGORY MOORE , Principal South Harrison High School Lost Creek, West Virginia 26385	Office: 304-326-7440
VICE PRESIDENT:	MICHAEL KELLEY Herbert Hoover High School Elkview, West Virginia 25071	Office: 304-965-3394
MEMBER:	JIMMY FRASHIER , Principal Ripley High School Ripley, West Virginia 25271	Office: 304-372-7355
MEMBER	DAVID COTTRELL , Principal Clay-Battelle High School Blacksville, West Virginia 26521	Office: 304-432-8208
MEMBER:	CRAIG LEE LOY , Principal Valley PreK-8 School Smithers, West Virginia 25186	Office: 304-442-8284
MEMBER:	STEVE CAMPBELL , Athletic Director Association Musselman High School Inwood, West Virginia 25428	Office: 304-229-1950
MEMBER:	JIM CRAWFORD County Boards of Education St. Albans, West Virginia 25177	Office: 304-549-0499
MEMBER:	DR. EDDIE CAMPBELL County Superintendents, Tucker County Parsons, West Virginia 26287	Office: 304-478-2771
MEMBER:	DR. JAMES WILSON WV State Board of Education Glen Dale, West Virginia 26038	Office: 304-281-1338
MEMBER:	ROBERT DUNLEVY WV State Superintendent Designee 130 North 10th Street Wheeling, West Virginia 26003	Office: 304-281-0529
EXECUTIVE DIRECTOR	BERNIE DOLAN 2875 Staunton Turnpike Parkersburg, West Virginia 26104-7219	Office: 304-485-5494
ASSISTANT EXECUTIVE DIRECTOR	GREG REED 2875 Staunton Turnpike Parkersburg, West Virginia 26104-7219	Office: 304-485-5494
ASSISTANT EXECUTIVE DIRECTOR	WAYNE RYAN 2875 Staunton Turnpike Parkersburg, West Virginia 26104-7219	Office: 304-485-5494
ASSISTANT EXECUTIVE DIRECTOR	DR CINDY DANIEL 2875 Staunton Turnpike Parkersburg, West Virginia 26104-7219	Office: 304-485-5494

DEPUTY BOARD MEMBERS AND JURISDICTION

REGION ONE

MEREDITH DAILER

WHEELING PARK HIGH SCHOOL, WHEELING, WEST VIRGINIA
Counties: Brooke, Hancock, Marshall, Ohio, Tyler and Wetzel

REGION TWO

DOTTIE SMITH

WIRT COUNTY HIGH SCHOOL, ELIZABETH, WEST VIRGINIA
Counties: Calhoun, Doddridge, Gilmer, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood

REGION THREE

MATT DeMOTTO

BRIDGEPORT HIGH SCHOOL, BRIDGEPORT, WEST VIRGINIA
Counties: Harrison, Marion, Monongalia, Preston, Taylor and Tucker

REGION FOUR

HOLLY KLOEPPNER

MUSSELMAN HIGH SCHOOL, INWOOD, WEST VIRGINIA
Counties: Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton

REGION FIVE

VACANT

Counties: Barbour, Braxton, Clay, Lewis, Nicholas, Randolph, Upshur, and Webster

REGION SIX

ROCKY POWELL

WOODROW WILSON HIGH SCHOOL, BECKLEY, WEST VIRGINIA
Counties: Fayette, Raleigh and Summers

REGION SEVEN

AMY ROBERTSON

GREENBRIER WEST HIGH SCHOOL, CHARMCO, WEST VIRGINIA
Counties: Greenbrier, Monroe and Pocahontas

REGION EIGHT

ANNA LILLY

PIKEVIEW HIGH SCHOOL, PRINCETON, WEST VIRGINIA
Counties: McDowell, Mercer and Wyoming

REGION NINE

VACANT

Counties: Boone, Kanawha, Mason and Putnam

REGION TEN

VACANT

Counties: Cabell, Lincoln, Logan, Mingo and Wayne

CONSTITUTION AND BYLAWS COMMITTEE

TRENT SHERMAN, Principal
Martinsburg High School
Martinsburg, West Virginia

VACANT

STEVE WAMSLEY, Principal
Tygarts Valley High School
Mill Creek, West Virginia

MIKE COLLINS, Principal
Bluefield High School
Bluefield, West Virginia

JASON MARLING, Principal
Sherrard Middle School
Wheeling, West Virginia

BOARD OF TRUSTEES

KENT YOHO

Tyler Consolidated High School

VACANT

VACANT

KENNY DEMOSS

Parkersburg High School

HOLLY KLOEPPNER

Musselman High School

DISCRIMINATION PROHIBITED: As required by federal laws and regulations, the West Virginia Secondary School Activities Commission does not discriminate on the basis of sex, race, color, religion, handicapping condition, marital status, or national origin to employment or in its programs and activities. Inquiries may be referred to Bernie Dolan, Executive Director, 2875 Staunton Turnpike, Parkersburg, WV 26104. **NOTE:** State and Federal laws include Title IX, Education Amendments of 1972; Title VI, Civil Rights Act of 1964; Title VII, Civil Rights Act of 1964; Rehabilitation Act of 1973, Section 504; and other State and Federal laws and regulations governing students and employees.

BELIEFS AND OBJECTIVES

The Commission believes that a controlled activities program is a strong factor in the development of courage, personality, cooperation, and leadership. The Commission believes that representatives of a school should be good citizens of that school, hence the need for requirements and regulations governing eligibility that have been standardized.

The Commission is designed to provide means for the unbiased and amicable settlement of disputes regarding activities.

The Commission seeks to present proper ideals of sportsmanship so that coaches, players, school authorities, game officials, and spectators may combine to make any activity enjoyable and productive of physical and social benefits to both sides involved in the contest, with partisanship and prejudice eliminated as far as possible.

To accomplish these objectives the Commission asks the cooperation of its members, all lovers of clean, wholesome activities, and all fans, young and old, who believe in our American system of interscholastics.

HISTORICAL SKETCH

The West Virginia High School Athletic Association was organized June 17, 1916, during a meeting of the West Virginia State Education Association. The original draft of the Constitution and Bylaws as formulated by Mr. R.J. Gorman, Charleston, West Virginia, was submitted to the principals of the high schools by Principal W.C. McKee of Charleston High School.

The charter members were Bluefield, Charleston, Clarksburg (Washington Irving), Elkins, Fairmont West, Grafton, Huntington, Parkersburg, St. Marys, Sistersville and Wheeling.

The first officers were: President, John G. Graham, Principal of Huntington High School; Vice President, Benjamin H. Williams, Principal of Beaver High School, Bluefield; and Secretary-Treasurer, H. P. Johns, Principal of Wheeling High School.

The officers of the association were to be three in number; namely, a president, a vice president, and a secretary-treasurer.

After a few minor changes of the original draft, the eleven charter member schools met and adopted the Constitution and Bylaws by an unanimous vote.

The Association grew very rapidly during the ensuing years, and the work on the part of the secretary-treasurer especially became very burdensome. During these years on three or four occasions, moves were made to employ a full time executive secretary, a step that had been taken in several other states. However, on each occasion, such proposal was defeated.

It was not until 1946 that the Board of Control of the Association realized that a principal of a member school could not serve his school in an acceptable manner and at the same time serve as secretary-treasurer of the High School Athletic Association.

As a result of a meeting of the Board of Control held in Bluefield, West Virginia, on April 6, 1946, "the report of the Committee on the Executive Secretary was distributed to the members in mimeographed form, and on motion of Principal W. C. Whaley, East Fairmont, and seconded by Principal Robert L. Bryan, South Charleston, the report was accepted by a majority vote."

The report accepted was as follows:

"The president, vice president and treasurer shall constitute a Board of Appeals, which board shall have authority to appoint an executive secretary to serve for a period of four years or during the will and pleasure of the Board of Appeals. The beginning salary of the executive secretary shall be three thousand four hundred dollars (\$3,400) to four thousand dollars (\$4,000)."

Shortly after the meeting in Bluefield, the Board of Appeals met and employed William R. Fugitt as the first Executive Secretary of the West Virginia School Athletic Association, and Mr. Fugitt immediately set up his office in Beckley, West Virginia.

Mr. Fugitt came into his new position well prepared for the work ahead. A graduate of Marshall College (AB) and the University of Cincinnati (MA), Mr. Fugitt began his career as an elementary principal. He then taught and coached at Proctorville, Ohio, and Dunbar, West Virginia, after which he served for four years as a high school principal in Beckley. From 1933 to 1937, Mr. Fugitt was Assistant County Superintendent of Raleigh County Schools.

During Mr. Fugitt's tenure as Executive Secretary of the Secondary School Activities Commission, he was elected President of the National Federation of State High School Associations, an organization in which some 20,000 senior and Middle School/9th Grade hold membership.

During Mr. Fugitt's tenure in office, the name of the Association was changed to that of the West Virginia Secondary School Activities Commission. This took place in 1955.

Mr. Fugitt passed away on November 3, 1959 and was succeeded by W. Gordon Eismon who, at that time, was a member of the Board of Appeals. The office was moved to Charles Town for a short time and then to Parkersburg upon Mr. Eismon's relocation.

Mr. Eismon was a graduate of Glenville State College (AB) and West Virginia University (MA). He served the Wirt County Board of Education for a period of 14 years as teacher, coach, principal, and county superintendent of schools before moving on to the principalship of Charles Town High School in Jefferson County.

VIII

Mr. Eismon was in his 12th year as principal at Charles Town when appointed to the Executive Secretary position. During his tenure as Executive Secretary, he, like Mr. Fugitt, was elected President of the National Federation of State High School Associations.

Mr. Eismon retired September 1, 1975 and was succeeded by Mr. Sam Williams who, at the time, was serving as West Virginia's first Assistant Executive Secretary.

Mr. Williams was educated at Glenville State College (AB) and received his MA at West Virginia University. He then became Principal of Wirt County High School and served in that capacity for ten years. From Wirt County, Mr. Williams moved to New Matamoras, Ohio, where he served as Executive Head of that school district for two years and moved on to St. Marys High to serve as principal for five years. For a period of twenty years, Mr. Williams was active as a football official in high schools and colleges in West Virginia and Ohio and was ranked as one of the top football officials in the Mid-Atlantic Conference.

It was during his tenure that the Commission experienced tremendous growth, particularly in the area of girls sports and state level championships. The current WVSSAC office was also built during this time. Mr. Williams retired on January 1, 1986.

Mr. Bill Hanlin became Executive Secretary on January 1, 1986, after serving as Assistant Executive Secretary since 1975. Mr. Hanlin was educated at Glenville State College (AB). He then coached football at Tyler County High School and Ashland High School, Ashland, Ohio. Mr. Hanlin entered the University of Maryland as a graduate assistant and earned his MA Degree. After receiving his MA at Maryland, he returned to St. Marys High School as football coach for nine years. He returned to Glenville State College as head coach in football from 1966 until 1975 before becoming the Assistant Executive Secretary.

Important programs implemented during Mr. Hanlin's tenure included the officials and schools rating systems, PROJECT TARGET, the Academic Achievement Awards and state-wide cheering competition. He also served on the National Federation of State High Schools Executive Committee as Vice President and was a member of the National Federation TARGET Executive Committee.

Mr. Jim Hamrick assumed the Executive Secretary position on January 16, 1989. A graduate of Glenville State College (AB) and West Virginia University (MA), Mr. Hamrick began his career at his high school Alma Mater, Meadow Bridge High School. After teaching math and coaching there for three years, he moved to Rainelle High School where he was head coach of all sports for four years. From there he went to Clendenin High School for one year. During that time he was a member of the WVSSAC Board of Appeals, directed the State Track Meet and served on numerous other WVSSAC Committees. He was also a member of the National Federation Track Rules Committee on two occasions. From there he moved on to Herbert Hoover High School for seven years. In 1970 he was named as principal at Clendenin Junior High School where he served until 1989. For twenty-five years he served as a football, basketball, baseball and track official. He also directed numerous state basketball tournaments and was director of the state track meet for thirteen years. He retired in August 1992.

Mr. Warren Carter assumed the position as Executive Secretary in September 1992. He had served as Assistant Executive Secretary since 1985. He graduated from Shepherd College (AB) and West Virginia University (MA). Mr. Carter taught at Charles Town and later assumed the principalship of Shepherdstown High School. He was the Principal at Jefferson High School at the time of his appointment to the WVSSAC staff. Prior to that time he had served as President of the Board of Appeals and as a member of the National Federation Executive Committee.

Important programs expanded or implemented during Mr. Carter's tenure included Sportsmanship, Ethics, and Integrity Program, NFICEP Coaches' Education, Regional Principals' Meetings, Girls' Sports, state championships in swimming and three-person officiating crews in basketball. He was also largely responsible for technology advancements such as computerized scanning of forms, office networking, and creation of a WVSSAC web site. He retired in December 1999.

Ms. Janet Pannett was appointed Assistant Executive Secretary in January 1993. She was appointed Administrative Assistant of the WVSSAC in July 1986. Ms. Pannett was a graduate and former instructor and coach at West Liberty State College. She received her MA degree from West Virginia University. During her tenure, tremendous growth and development occurred in the girls program and implementation of state-wide competition in cheerleading.

WVSSAC000125

Mr. Gerald Trembush, Principal of Moundsville Jr. High School and past president of the WVSSAC Board of Appeals, was appointed Assistant Executive Secretary on May 1, 1993. He taught and served as Principal at Sherrard Jr. High School and in 1972 assumed the Assistant Principalship at John Marshall High School. He was appointed Principal at Moundsville Junior High School in 1984.

Ms. Elizabeth W. Best, Assistant Principal of Jefferson High School, was appointed Assistant Executive Secretary on June 13, 1995. She graduated from Shepherd College (BS) and West Virginia University (MA). She taught mathematics and served as department head at Jefferson High School for eleven years. She was appointed Assistant Principal at Jefferson High School in 1988.

Mr. C. W. "Butch" Powell, Athletic Director and Boys' Basketball Coach of Nicholas County High School, was appointed Assistant Executive Secretary on August 5, 1997. He taught, coached, and served as athletic director at Kingwood High School from 1969 to 1974 and then assumed similar positions at Nicholas County High School from 1974-1997.

Mr. Mike Hayden assumed the position as Executive Secretary in January 2000. He graduated from Parkersburg High School in 1960 and Morehead State University in 1965. He taught and coached for two years at Massillon High School and Fremont, OH for 1 year before returning to Parkersburg High School in 1968 as teacher/coach. He was head football coach at Parkersburg South High School from 1970-84 and Assistant Principal at Parkersburg High School from 1984-December 1999. He is a Certified Athletic Administrator (CAA) and has a Masters Degree in Education Administration from West Virginia University.

Mr. Gary W. Ray assumed the position as Executive Director in August 2007. He had served as Assistant Executive Director since May 26, 2001. He graduated from Glenville State College and received his Masters Degree from the WV College of Graduate Studies in 1979. He became athletic director and assistant principal of Oak Hill High School in 1978 and assumed the principalship in 1995. He served as Director of Schools in Fayette County. He was active with the WVSCA Coaches' Association and the West Virginia Athletic Directors' Association. He has also been a member of the WVSSAC Board of Appeals, TARGET Committee, and WVSSAC Sportsmanship Committee.

Miss Kelly Geddis was appointed Assistant Executive Director on October 17, 2002. She earned her teaching certification in English and Physical Education in 1981 and completed her Masters Degree in Sport Management and her Administration Certification from West Virginia University. She began her teaching career at Morgantown High School where she coached the sports of cheer, girls' basketball and boys' track. In 1987 she became Athletic Director and later served as an Assistant Principal. She has been an instructor for the WVSSAC Coaches Education Program since its inception in 1991 and is also an instructor for the American Association of Cheerleaders, Coaches and Advisors (AACCA).

Mr. Ray Londeree, Principal at Valley (F) High School, was appointed Assistant Executive Director on March 15, 2007. He received his AB from Concord College and MS degree from WV College of Graduate Studies. He has served as principal at Oak Hill High School, Eastern Greenbrier Jr. High and Gauley Bridge High/Middle School. He also coached several sports and was athletic director at Valley, Mt. Hope and Oak Hill High School. He has also been a member of the WVSSAC Board of Directors.

Mr. Bernie Dolan assumed the position of Executive Director January 2016. He served as Assistant Executive Director from July 2015 till he took office in January 2016. He received his BA from West Virginia University and his Masters in Safety and Environmental Engineering. He also received a Professional Administration Certificate from Salem International University. He served as Deputy Superintendent in Ohio County. At Wheeling Park High School, he served as Principal, Assistant Principal/Athletic Director, Technology Coordinator and math instructor. He served as Director for the Super Six; Director of the State Golf Tournament; on the OVAC Executive Board; and on the WVADA Board of Directors. He has also been a member of the WVSSAC Board of Directors.

Mr. Greg Reed, Assistant Principal/Athletic Director, Martinsburg High School was appointed Assistant Executive Director in December 2015. He attended Glenville State College majoring in Secondary Education. He received his MA in Communication Studies from WVU and his Educational Leadership degree from Salem International University. He taught and coached at Nicholas County High School. He served as Assistant Principal/Athletic Director at Martinsburg High School since 2003.

x

Mr. Wayne Ryan assumed the position of Assistant Executive Director in July, 2016. He served as Assistant Principal/Athletic Director at Summers County High School. He received his Bachelors in Secondary from Alderson Broaddus and Masters in Communication from West Virginia University. He received his CAA certification from the NIAAA. He is also a member of the WBCA, NFHSCA, WVSACA, NIAAA and the WVADA.

Dr. Cindy Daniel joined the WVSSAC staff in July 2018 as an Assistant Executive Director. A veteran educator with 34 years of experience in the West Virginia public school system, Dr. Daniel has served as a teacher, coach, curriculum supervisor, assistant principal, acting principal, and assistant superintendent before retiring in 2017 as the WV Deputy State Superintendent of Schools. She earned her bachelor's degree in Multi-categorical Special Education from the University of Charleston, masters' degrees in School Counseling and Leadership Studies from Marshall University, and her doctorate in Leadership Studies from Marshall University.

William R. "Bill" Wooton became WVSSAC general counsel on June 1, 1985, following the tenure of Sam White, who resigned to become Judge of the Circuit Court of Doddridge, Pleasants and Ritchie Counties. He was educated at Marshall University (BBA), Ohio University and West Virginia University College of Law. Mr. Wooton resigned as WVSSAC general counsel on December 31, 2020 to become a Justice of the West Virginia Supreme Court of Appeals.

REORGANIZATION AND LEGALIZATION

Prior to 1952, the Bylaws consisted of major rules to which had been added, over the years, explanations and rulings based upon interpretations and decisions of various Boards of Appeals. As a result of general acceptance and long usage, these explanations and interpretations acquired force and meaning comparable to the basic rules. Consequently, at the annual meeting of the Board of Control in 1952, official action was taken declaring that, because of usage, explanations and interpretations under the rules are a part of the rules.

At the annual meeting in 1955 a constitution was adopted establishing authority for a reorganization to include all interscholastic activities and the changing of the name of the organization from the "West Virginia High School Athletic Association." The reorganization provided for a division of the Bylaws into two separate parts: "The Athletic Bylaws" and "The Non-Athletic Activities Bylaws."

An act to amend Article 2, Chapter 18 of the Code of West Virginia of 1931 as amended by adding thereto a new section, designated Section 25, pertaining to The West Virginia Secondary School Activities Commission was enacted into law by the West Virginia Legislature on March 11, 1967. The new law created the West Virginia Secondary School Activities Commission as a legal entity, an arm of the county school boards. As such it is authorized by law to make rules and regulations and to adjudicate contested cases.

Prior to the enactment of the law in 1967, the Commission's scope of jurisdiction included supervision, control and regulation of all interscholastic extracurricular activities of the schools of its members. The law now limits the Commission's scope of jurisdiction to interscholastic athletic events and band activities.

The position of the Commission was further strengthened as the result of a decision rendered by the West Virginia Supreme Court of Appeals in a case styled, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION v HARVEY OAKLEY, JUDGE, AND EDWARD LEE, dated September 1968.

The decision rendered is long and need not be recounted here in its entirety. However, a few very significant statements from that decision are important enough to be included in this section on LEGALIZATION. (Boldface is pertinent. Points not necessarily in order in the decision).

1. As a general rule courts should not interfere with the internal affairs of school activities commissions or associations.
2. The West Virginia Secondary School Activities Commission is still for all intents and purposes in the same position as it has been for the past fifty years; that is, that member schools eligible to participate may voluntarily do so, and after such participation, they agree to comply with the rules and regulations that have governed such organization in the past and will govern in the future.

3. The organization has had rules for eligibility of students to participate in athletics or procedure for declaring such students ineligible to participate and for disciplinary procedures for member schools and for the review of such action or decision made by the officers of boards of the association or organization during its entire existence. Where such procedure is provided for in such organization or association the procedure must be followed and due process of law may be afforded administratively without the use of or application to the courts.

(State ex. rel. Burchett v Taylor, 150 W.Va. 702, 149 S.E. 2d 234.)

The question as to whether a student's participation in interscholastic athletics is a CONSTITUTIONAL RIGHT or a PRIVILEGE was answered in litigation in the UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF WEST VIRGINIA, CHARLESTON, in a Civil Action case No. 79-2497 Harris vs. West Virginia Secondary School Activities Commission, et. al.

On September 2, 1981, Chief Judge Dennis R. Knapp ruled:

"The Supreme Court held that a student's legitimate entitlement to an education is a property interest protected by the due process clause of the Fourteenth Amendment, Gross vs. Lopez, 419 U.S. 754; 95 S. Ct. 729 (1975). However, participating in interscholastic athletics is only a mere expectation rather than a constitutionally protected claim of entitlement and, thus, falls outside the protection of due process. Moreland v. Western Pennsylvania, 572 F. 2d 121 (3rd Cir. 1978). Even if the plaintiff's due process arguments were well founded, the WVSSAC, in both its rules and actions, provided plaintiff with a sufficient review procedure that ultimately resulted in the relief sought."

Judge Knapp's decision was appealed to the UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT in Richmond, Virginia. On May 2, 1982, Senior Circuit Judge Clement F. Haynsworth, Jr. and Circuit Judges H. Emory Widener, Jr. and Robert F. Chapman agreed with and affirmed the District Court's opinion.

In June, 1987, a Petition for Writ of Mandamus was filed by A. James Manchin, Treasurer of State of West Virginia, asking that the WVSSAC comply with statutory requirements of state agencies and that the WVSSAC deposit with the State Treasurer, within 24 hours, "all monies received or collected by them for or on behalf of the State for any purpose whatsoever."

The Supreme Court ruled and Justice McHugh wrote the opinion in December 1987. This opinion stated that "Funds received by the West Virginia Secondary School Activities Commission, which operates pursuant to authority granted it by county boards of education under W.Va. Code 18-2-25 (1967), are quasi-public funds" as defined in W.Va. Code 18-5-13 (1987), and are to be accounted for in a manner similar to that provided for funds of county boards of education, but such funds are not to be accounted for under W.Va. Code 12-2-2 (1983) as "monies due the State." Consequently, the Writ of Mandamus on behalf of Treasurer Manchin was denied.

The titles Executive Secretary, Assistant Executive Secretary and Board of Appeals were changed by the Board of Control in April 2002 to Executive Director, Assistant Executive Director, and Board of Directors respectively.

A partial list showing the number of member schools from 1931:	1937-212	1950-228	1963-328	1976-313	1989-318	2002-300
	1938-218	1951-287*	1964-333	1977-312	1990-327	2003-296
	1939-215	1952-287	1965-334	1978-310	1991-320	2004-299
	1940-219	1953-289	1966-333	1979-311	1992-306	2005-297
	1941-220	1954-290	1967-332	1980-313	1993-306	2006-297
	1942-221	1955-291	1968-327	1981-311	1994-306	2007-292
	1943-214	1956-296	1969-317	1982-311	1995-307	2008-292
	1944-214	1957-305	1970-320+	1983-313	1996-308	2009-301
	1945-214	1958-318	1971-323	1984-321	1997-307	2010-293
	1946-219	1959-320	1972-318	1985-314	1998-304	2011-287
	1947-221	1960-320	1973-322	1986-313	1999-304	2012-287
	1948-222	1961-318	1974-322	1987-316	2000-304	2013-288
	1949-226	1962-321	1975-320	1988-316	2001-306	2014-288
						2015-288
						2016-288

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2017-288

2018-289

*Hereafter this figure includes Middle School/9th Grade as members.

+Hereafter this number also includes Private and Parochial School Members.

NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS

The National Federation consists of the fifty individual state high school athletic and/or activities associations and the association of the District of Columbia. Also affiliated are nine interscholastic organizations from the Canadian Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland-Labrador, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan and Quebec as well as the Canadian School Sports Federation and the associations of the Republic of the Philippines, Guam and Saint Thomas.

These associations have united to secure the benefits of cooperative action which eliminates unnecessary duplication of effort and increases efficiency through the pooling and coordinating of ideas of all who are engaged in the administration of high school athletic and activities programs.

ORIGIN AND GROWTH

The national organization had its beginning in a meeting at Chicago on May 14, 1920. L.W. Smith, secretary of the Illinois High School Athletic Association, issued invitations to neighboring states, and state association representatives came from Illinois, Indiana, Iowa, Michigan and Wisconsin. The primary purpose of the meeting was to discuss problems which had resulted from high school contests which were organized by colleges and universities or by other clubs or promoters. In many cases, little attention was paid to the eligibility rules of the high school associations or to other school group regulations, and chaotic conditions had developed. At this first meeting it was decided that the welfare of the high schools required a more active part in the control of such athletic activities be exercised by the high school through the state associations, and this control necessitated the formation of a national organization. A Constitution and Bylaws were adopted and the group decided on the name "Midwest Federation of State High School Athletic Association." Principal George Edward Marshall, Davenport, Iowa, was elected president and Principal L.W. Smith of Joliet, Illinois, was elected secretary-treasurer.

In 1921, four states — Illinois, Iowa, Michigan and Wisconsin — continued their interest and became charter members through formal ratification of the constitution. Largely due to their efforts, the national organization grew during the early years.

In 1922, the Chicago annual meeting was attended by representatives from eleven states, and the name of the National Federation of State High School Athletic Associations was adopted. A number of college and university representatives who attended the meeting expressed sympathy for and interest in the efforts to introduce a high degree of order in the regulation of interscholastic contests.

Since that time, the National Federation has had a healthy growth to its present nationwide membership. By 1940, a national office with a full-time executive staff became necessary, and such office was established in September of that year.

The legislative body is the National Council made up of one representative from each member state association. Each representative must be a state association chief executive officer or governing board member. The executive body is the Executive Committee of twelve members from the eight territorial sections as outlined in the Constitution. Their election is by the National Council at its summer meeting.

STATEMENT OF PHILOSOPHY

The purpose of the National Federation of State High School Associations is to coordinate the efforts of its member state associations toward the ultimate objectives of interscholastic activities. It shall provide a means for state high school associations to cooperate in order to enhance and protect their interscholastic pro-

grams. In order to accomplish this, the National Federation is guided by a philosophy consistent with the accepted purposes of secondary education. Member state associations' programs must be administered in accordance with the following basic beliefs:

Interscholastic activities shall be an integral part of the total secondary school educational program which has as its purpose to provide educational experiences not otherwise provided in the curriculum, which will develop learning outcomes in the areas of knowledge, skills and emotional patterns and will contribute to the development of better citizens. Emphasis shall be upon teaching "through" activities in addition to teaching the "skills" of activities.

Interschool activities shall be primarily for the benefit of the high school students who participate directly and vicariously in them. The interscholastic activity program shall exist mainly for the value which it has for students and not for the benefit of the sponsoring institutions. The activities and contests involved shall be psychologically sound by being tailored to the physical, mental and emotional maturity levels of the youth participating in them.

Any district and/or state athletic meet competition to determine a so-called champion shall provide opportunities for schools to demonstrate and to evaluate the best taught in their programs with the best taught in other schools and in other areas of the state.

Participation in interscholastic activities is a privilege to be granted to those students who meet the minimum standards of eligibility adopted cooperatively by the schools through their state associations and those additional standards established by each school for its own students.

The state high school associations and the National Federation shall be concerned with the development of those standards, policies and regulations essential to assist their member schools in the implementation of their philosophy of interscholastic activities.

Nonschool activities sponsored primarily for the benefit of the participants in accordance with a philosophy compatible with the school philosophy of interscholastics may have values for youth. When they do not interfere with the academic and interscholastic programs and do not result in exploitation of youth, they shall be considered as a worthwhile supplement to interschool activities.

The welfare of the schools demands a united front in sports direction policies and the high school associations provide opportunity for this unity. **They must be kept strong!**

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GLOSSARY OF TERMS

ALL-STAR GAME - a contest where all contestants on each team are students selected from four or more school teams. No more than three students from any one school may participate on the same team.

COACH - county board/governing body contracted or approved facilitator of any secondary school athletic team.

COMMISSION/WVSSAC - West Virginia Secondary School Activities Commission

CONTEST or GAME - one or more of the following conditions are present: previous agreement, advertisement, score and/or time kept, spectators present, regulation or modified rules used, coverage appearing in local media, sufficient number of students to form teams, admission charged, and/or contest officiated by registered officials.

EXTRACURRICULAR ACTIVITIES - nonacademic activities such as interscholastic athletics, student government, class officers, marching band that is not a part of the curricular band, and clubs which are not closely related to identifiable programs/areas of study.

FACULTY MEMBER - one who has a full-time teacher permit as defined by W. Va. 126CSR136, WVBE Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification.

FEEDER SCHOOL - the school(s) designated by the county board of education/governing body as the school of attendance prior to entrance into the high school.

GRID-O-RAMA/SOCCER-O-RAMA - must adhere to rules of Preview and Scrimmage (see definitions).

MEMBER SCHOOL - a school that is a member of the WVSSAC.

PREVIEW - must be three or more teams; teams are only allowed to play the equivalent of one contest; all conditions of a scrimmage apply.

PRINCIPAL - the individual charged with supervision, management, and control of a secondary school.

SCRIMMAGE - after seven days of practice; prior to the first contest; without keeping score in a book or on a score board; not under game conditions (examples include basketball and soccer - quarters; three out-baseball and softball); admission may be charged; free substitution; time-outs permitted; if officials are used, they must be West Virginia registered officials.

SEMESTER - a block of instructional time that is equivalent to at least one-half of the academic year. (See W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs.)

SECONDARY SCHOOL - a high school or middle school as registered with the WVDE.

STUDENT - a male or female participant in interscholastic athletics or band activities.

SUBSTITUTE TEACHER - a person in a public school who has met the requirements as specified by the WVBE and has been approved as a substitute teacher of that county board of education, or a person who has met the requirements of the governing body of a private/parochial school.

VARSITY - primary representative team of a high school.

WVSSAC000131

BASKETBALL CLASSIFICATION FACTORS

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 Competitive 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.

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**TITLE 127
LEGISLATIVE RULE**

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

**SERIES 1
CONSTITUTION**

§127-1-1. General.

1.1. Scope. — These rules establish the organization and duties of the West Virginia Secondary School Activities Commission.

1.2. Authority. — W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18 225a, and 18225b.

1.3. Filing Date. — July 11, 2019.

1.4. Effective Date. — September 9, 2019.

1.5. Repeal of Former Rule. — This legislative rule amends W. Va. 127CSR1, West Virginia Secondary School Activities Commission Series 1, Constitution, filed August 10, 2018, and effective October 9, 2018.

§127-1-2. Name.

2.1. The name of this organization shall be the West Virginia Secondary School Activities Commission (WVSSAC/Commission), a voluntary organization. Extracurricular activities of the students in the public secondary schools are controlled pursuant to W. Va. Code §18225, and authority for the delegation of such control to the Commission is granted by statute.

§127-1-3. Goals.

3.1. This Commission, through the employment of the instrumentalities hereinafter established, shall supervise and control interscholastic athletics and band activities among member schools.

3.2. In the performance of these functions it shall be the aim of the Commission:

3.2.a. To stress the cultural values, appreciations, and skills involved in these interscholastic activities, and to promote cooperation and friendship;

3.2.b. To limit these interscholastic activities in both character and quantity so that these activities and events may be looked upon as promoting the objectives of secondary education, and as such shall not interfere with nor abridge the regular program of teachers and students in the performance of their duties;

3.2.c. To encourage economy in expenses of these interscholastic activities;

3.2.d. To discourage long trips for interscholastic activities; and

3.2.e. To establish minimum standards of conduct for both active and spectator participants, coaches, and all other school personnel at all interscholastic activities approved, sponsored, or controlled by this Commission.

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§127-1-4. Membership.

4.1. The WVSSAC shall be composed of the principals or designee, of those public or private secondary schools which have certified in writing to the State Superintendent of Schools of West Virginia (State Superintendent) that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic and band activities.

4.2. Membership in the Commission shall be predicated upon accepting the following conditions:

4.2.a. The principal or designee is and shall be the sole representative of the school in all matters pertaining to the constitution, bylaws, rules and regulations of the Commission;

4.2.b. The principal or designee is and shall be responsible for conducting interscholastic athletic and band activities of the school in accordance with the constitution, bylaws, rules and regulations of the Commission which have been adopted by the Board of Control of the Commission for the governing of such activities;

4.2.c. Pay the annual dues charged by the Commission;

4.2.d. The principal or designee shall file a statement with the Executive Director of the Commission agreeing to abide by and support the constitution and the rules and regulations of the Commission.

4.2.e. A member school must sponsor one sport per gender during each season - fall, winter, and spring. Schools having membership prior to the 2007-2008 school year are exempt from this provision.

4.2.f. At the annual meeting of the Board of Control, the Executive Director shall announce the names of the principals whose schools have become new members.

4.2.f.1. A middle school shall be a school so designated and approved by the West Virginia Department of Education.

4.2.f.2. A senior high school consists of grades 9, 10, 11, and 12, established by law, and so designated and approved by the West Virginia Department of Education (WVDE).

4.2.g. The first year of membership will be a probationary year with the school not being allowed participation in WVSSAC sponsored tournaments.

4.2.h. A one-time membership fee of \$1,500.00 will be afforded senior high schools, \$500.00 to middle schools, or \$2,000.00 to combined middle/senior high schools.

4.2.i. Public schools seeking membership that are created as a result of consolidation or splitting of existing member schools shall be exempt from the provisions in subsection 4.2.g.

4.3. A school, through its principal, coach, or other official, is not permitted to enter into an agreement with any other school to waive the standards of eligibility of students or waive or change any other requirement established in these regulations.

4.4. Any member violating the regulations of this Commission and refusing to abide by the decision of the Board of Directors or the Review Board shall be subject to the penalties hereinafter set forth. (See §127-6-2 of these regulations.)

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4.5 In accordance with WV Code § 18-2-25(e), a preparatory athletic program whose participants attend a secondary school in West Virginia for academic instructions may become a non-participating member of the commission, upon application, solely for the purpose of competing on the national level: *Provided*, that the preparatory athletic program shall pay the same fees as member schools. Such recognition does not entitle the preparatory athletic program to compete against a member school during the regular season or in any commission state championship events. And the participants in the preparatory athletic program who attend a secondary school in West Virginia for academic instruction are not eligible to participate on any interscholastic athletic team at the secondary school providing academic instruction. Successful applicants will be issued a Certificate of Recognition by the commission which will expire on June 30 of each year.

§127-1-5. Administration.

5.1. The administration of the WVSSAC shall be vested in the secondary school principal and who shall constitute a Board of Control. The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of the Commission and shall have charge of all Commission funds, and in order to expedite the regulations of activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted, and working through the Board of Directors, authority to interpret and enforce these regulations. The Board of Control shall delegate and assign to the Board of Trustees, hereinafter constituted, the power and authority to hold title to and manage the property owned by the Commission. These regulations of the Commission shall be the articles, rules, explanations, and interpretations which have been voted upon and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission. Fifty members shall constitute a quorum for the transaction of all business at the annual meeting and approval is by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission.

5.2. At the annual or called meetings of the Board of Control of the WVSSAC each member shall have one vote on each question or proposition under consideration. A member may appoint, by a written statement to the president of the Commission, the assistant principal or other member of the faculty to represent the school at meetings of the Board of Control, but no such appointment shall absolve the member of responsibility as defined in these regulations.

5.3. The Board of Control of the WVSSAC shall, at its annual meetings, elect officers of the Commission and define their duties as provided in §127-1-6 of these regulations. The officers so elected shall be members of the Board of Directors of the WVSSAC with the powers and duties assigned to it by §127-1-8 of the regulations of the Commission. The Board of Directors shall be the executive body of the Commission and shall administer the regulations of the Commission. Further, the Board of Directors shall enforce the provisions of these regulations through the application of penalties provided under §127-6-2 of these regulations. Adjudication of disagreements and disputes among members of the Commission shall be one of the chief duties of the Board of Directors. Such adjudication may, however, be appealed to the Review Board.

5.4. The Board of Control of the WVSSAC shall delegate to the Board of Directors, hereinafter constituted, the authority to define, devise, and/or create five administrative districts in the State of West Virginia:

5.4.a. Effective July 1, 1971, and until such time as it is necessary to change the boundaries of such districts, the five administrative districts shall be as follows:

5.4.a.1. First District: Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler, and Wetzel.

5.4.a.2. Second District: Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur.

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5.4.a.3. Third District: Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam, and Roane.

5.4.a.4. Fourth District: Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt, and Wood.

5.4.a.5. Fifth District: Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster, and Wyoming.

5.4.b. Any change in the boundaries of the administrative districts adopted by the Board of Directors shall be submitted for approval to the Board of Control at the annual meeting. Any change requires two thirds affirmative vote of the members present and voting at the annual Board of Control meeting.

5.4.c. Any adopted and approved changes in the boundaries of the administrative districts shall not be cause for reducing the length of the regular term of office of an incumbent officer member.

§127-1-6. Officers and Duties.

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

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

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

6.1.e. The election shall be by ballot when more than one candidate from the same administrative district is nominated for officer-member. When more than two candidates from the same administrative district are nominated for officer-member, the balloting shall continue until one 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.

6.1.f. At the first meeting of the Board of Directors following the close of the annual meeting of the Commission, the Board of Directors shall elect one of its officer members to serve as president and one to serve as vice president.

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6.2. Two or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as officer-members simultaneously.

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.

6.4. The annual honorarium of each of the officer-members shall be \$500.00.

6.5. The Executive Director shall act as treasurer, and shall pay out monies from the funds belonging to this Commission in payment of bills only upon order of the president.

6.6. The president shall furnish bond in the amount of \$20,000. The Executive Director shall furnish bond in the amount of \$100,000. The premium for both of these bonds shall be paid by the Commission.

6.7. The Board of Directors may submit questions for discussion and ascertain sentiment of the schools by means of questionnaires. No vote to alter these regulations shall be taken except at the annual meeting of the Commission, except that the Board of Directors may, in case of emergency, with the consent of the Board of Directors, enact and adopt all necessary rules and regulations, whether by deletion, amendment, revision, or addition, and which emergency rules and regulations shall be filed with the Secretary of State and thereafter submitted at the next annual meeting of the Commission for formal adoption or rejection.

§127-1-7. Meetings.

7.1. The annual meeting of the WVSSAC shall be planned by the Executive Director and the Board of Directors of the Commission.

7.2. Special meetings may be called by order of the president of the Commission. Fifty principals constitute a quorum to transact business.

§127-1-8. Board of Directors.

8.1. The Board of Directors shall have authority to administer the regulations of the WVSSAC.

8.2. The State Superintendent or representative designee, a representative from the West Virginia Board of Education (WVBE), a representative selected by the West Virginia School Boards Association, a representative selected by the West Virginia School Administrators Association, and a representative selected by the West Virginia Athletic Directors Association, shall serve as appointive members of the Board of Directors. These members shall be accorded full voting privileges but shall be ineligible to be elected or to serve as an officer of WVSSAC.

8.2.a. The president of the West Virginia Association of Secondary School Principals (WVASSP) shall serve as an ex-officio member of the Board of Directors. However, serving the one year term as an ex-officio member shall not render that member ineligible to be elected to a regular five year term as an officer-member provided they are otherwise eligible.

8.3. The Board of Directors shall have authority to appoint an Executive Director, except as hereinafter provided, and such additional assistance as may be necessary to assure efficient functioning of the work of

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the WVSSAC. Furthermore, the Board of Directors shall have authority to fix and pay salaries to the Executive Director and to other personnel appointed to assist the Executive Director. The Board of Directors shall also have authority to devise a plan of retirement benefits for the Executive Director and other full-time personnel appointed to assist the Executive Director.

8.3.a. At least one of the personnel appointed to assist the Executive Director shall have the status of Assistant Executive Director. The appointment of the Assistant Executive Director shall be made by the Board of Directors only upon the nomination and recommendation by the Executive Director. In case the Board of Directors fails to appoint the person nominated, the Executive Director shall nominate and recommend another person and submit the name to the Board of Directors at such time as the Board may direct. The length of the contract term of office of the Assistant Executive Director shall be the same as that prescribed for the Executive Director in §127-1-11.1-11.2 of these regulations. No Assistant Executive Director shall be removed during the contract term of office except for just and reasonable cause as prescribed in §127-1-11.3.

8.3.b. All other personnel to assist the Executive Director shall be recommended by the Executive Director before being considered for employment by the Board of Directors.

8.3.c. The Board of Directors will annually evaluate the performance of the Executive Director. It shall be the responsibility of the Executive Director to evaluate Assistant Executive Directors. The Executive Director must submit a list of areas of concern to be addressed. From that list, a plan of improvement would be implemented by the Executive Director. Failure on the part of the Assistant Executive Director and other personnel to comply with the plan of improvement could result in disciplinary action up to and including dismissal.

8.4. The Board of Directors shall have power of appointment to fill vacancies in its membership until the vacancies are filled regularly at the next annual meeting of the Commission.

8.5. The Board of Directors shall have power to decide all cases of eligibility of students and participants in interscholastic athletic and band activities. The Board may also exercise discretionary powers it may deem necessary for the furtherance of education and interscholastic athletic and band activities in the secondary schools of West Virginia.

8.6. The Board of Directors shall appoint Deputy Board Members who will serve at the will and pleasure of the Board of Directors.

8.7. At the request of the Board of Directors, a Deputy Board Member may investigate matters of eligibility and other violations of the rules and regulations of the WVSSAC. The Deputy Board Member shall submit to the Board of Directors a written report of findings and recommendations for disposition of the case(s).

8.8. The Board of Directors shall have the power to investigate through the Deputy Board Member, or in such other manner as may be found advisable, matters of eligibility and other violations of rules when the Board deems it advisable to do so on the basis of information furnished, even though a formal protest is not filed.

8.9. The Board of Directors shall divide the state into regions and sections for the purpose of administration and for tournaments or meets of any interscholastic athletic or band activity.

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8.10. The Board of Directors shall hold hearings and render decisions in all contested cases.

8.11. Five (5) officer-members present and eligible to vote at any meeting of the Board of Directors shall constitute a quorum to transact all business.

8.12. The minutes of regular and special meetings of the Board of Directors shall be submitted to principals of all member schools.

§127-1-9. Funds.

9.1. The annual dues for members of this Commission shall be based upon the student enrollment of the school they represent.

9.1.a. A \$30.00 flat membership fee for all three- and four-year schools on the first 100 students, or fraction thereof, enrolled in a school.

9.1.b. After the first 100 students enrolled, the membership will be \$10.00 per 100 additional students, or fraction thereof, up to 1,000 students.

9.1.c. For each 100 students above 1,000 an additional \$5.00 per 100 students, or fraction thereof, is to be added.

9.1.d. A combined middle/high school shall pay a flat fee of \$30.00 for grades 7 and 8, and \$10.00 per 100, or fraction thereof, for grades 9, 10, 11, and 12 up to 1,000 students and \$5.00 per 100, or fraction thereof, above 1,000 students.

9.1.e. A \$30.00 fee is the ceiling for all middle schools/schools without grades 9-12.

9.1.f. Dues for the year are payable on or before February 1 of each year. Membership in the Commission shall extend from July 1 to June 30 in any year and shall be lapsed if dues are not paid on or before February 15. The enrollment figure to be used to determine the amount of dues shall be the gross enrollment of all students at the close of the second month of the current school year. In case a membership has lapsed, the member school may not be reinstated until the dues for the year of such lapsed membership, plus a penalty of \$25.00 reinstatement fee, have been paid to the Commission.

9.2. The Board of Directors may reduce the amount of annual dues of the members for any year.

9.3. The Board of Directors is authorized to levy entry fees and assessments for the conducting of any interscholastic athletic or band activity when the activity is not self-supporting. Fees and assessments from one activity division shall not be used for the support of another.

9.4. The Commission shall determine the expenditures of money, but superseding power is given to the Board of Directors to use funds as are necessary to carry on its work.

9.5. The fiscal year of this Commission extends from July 1 to June 30. All monies paid as dues to the Commission, as well as all monies derived from any contest or other event sponsored by the Commission become quasi-public funds and as such shall be subject to an annual audit by the West Virginia Tax Commissioner. A written summary of the audit shall be a part of the annual report of the Executive Director to the Board of Control.

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9.6. In case of dissolution of the WVSSAC, all funds of the Commission shall be prorated equally and distributed to the County Boards of Education or governing bodies of the members of the Commission. Provided, however, that governing boards of those schools that become members of the Commission subsequent to January 1, 1968, shall be entitled to a prorated share of only that portion of the Commission's fund which has been collected, earned, and accumulated between the inception of such membership and the actual dissolution of the Commission.

§127-1-10. Amendments.

10.1. The articles, bylaws, rules and regulations of the WVSSAC may be amended as provided in this section.

10.2. A Constitution and Bylaws Committee, consisting of five members of the Commission, shall be appointed by and shall serve at the will and pleasure of the Board of Directors. The Board of Directors shall designate one of the members so appointed to serve as the chairman of such committee.

10.3. The Board of Directors shall give due consideration to maintaining a balance of representation by programmatic level as defined in §127-1-4.2 of this regulation when making new appointments to the Constitution and Bylaws Committee. However, an incumbent member of the committee shall not be ruled ineligible to continue to serve on the committee solely because they become principal of a secondary school different from that from which they were originally appointed.

10.4. It shall be the function and purpose of the Constitution and Bylaws Committee to provide continuity and cohesion in the rules and regulations governing the interscholastic athletic and band activity programs in West Virginia. Further, it shall be the function and purpose of the Constitution and Bylaws Committee to address what it considers, as needed, interim constitutional rule changes for possible Board of Directors' consideration.

10.5. Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the WVSSAC.

10.6. Proposed changes to these regulations may be submitted by any member of the WVSSAC. Such proposed changes, whether by revision, addition or deletion, shall be postmarked or received by the WVSSAC office by January 15 of each year in order to permit the Constitution and Bylaws Committee to study such proposed changes and to submit them, by mail, to the membership 30 days prior to the annual meeting of the Commission.

10.7. At the annual meeting of the WVSSAC each proposed change received by the Constitution and Bylaws Committee, and those interim emergency rules and regulations enacted by the Committee, shall be presented to the membership of the Commission for discussion and formal adoption or rejection. The Committee may accompany each presentment with an explanation of the effect of the proposed change upon present rules and objectives of the Commission. The Committee may also recommend adoption or rejection of the proposal along with the Committee numerical vote for the recommendation.

10.8. The president of the Commission shall appoint a parliamentarian to serve at the meetings of the Commission to decide questions of procedure during the meetings. Roberts Rules of Order shall be followed in conducting the annual meeting and all other meetings.

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10.9. An amendment to the regulations of the WVSSAC shall become effective following the annual meeting at which such amendment was adopted and such adoption is formally approved by the WVBE in accordance with W. Va. Code and such other rules and regulations promulgated by the WVBE.

10.10. Nothing in these regulations shall be construed as limiting or in any way affecting the validity of emergency rules and regulations which have been duly approved by the Board of Directors in accordance with §127-1-6.7 of this regulation. Emergency rules and regulations will be effective upon the date they are filed with the Secretary of State of State of West Virginia and remain in effect until the next meeting of the Commission.

§127-1-11. Executive Director.

11.1. The Board of Directors shall employ the Executive Director and Assistant Executive Director. At the discretion of the Board of Directors these positions will be given from one year to four year contracts. These contracts may be renegotiated prior to expiration. If a new contract is not to be negotiated, individuals in these positions will be notified in writing six months prior to the end of the contract period. A letter to this effect shall be sent to the President of the WVASSP.

11.2. If a vacancy occurs in the office of the Executive Director or Assistant Executive Director position during any contract period, the Board of Directors shall fill such vacancy. The exception will be that if a person serving as a Board of Directors member or one who has served in that capacity within the preceding one year prior to the vacancy becomes a candidate for one of the positions, the authority to fill the vacancy of the position shall be vested in the Constitution and Bylaws Committee.

11.3. The Executive Director shall not be removed during the term of office contract period except for just and reasonable cause. Reasonable cause may include, but not be limited to the following: immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

§127-1-12. Duties of the Executive Director.

12.1. The Executive Director shall carry on the work incident to the efficient functioning of the Commission. The general management and administration of the program of officiating for the interscholastic athletic activities sponsored by this Commission is considered a proper function of the Commission.

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. (Revised 2019-20)

12.1.b. Based on employee evaluations and/or employee performance, the Executive Director shall make the appropriate recommendation of the employment status of all other employees.

12.2. The Executive Director shall receive complaints and make investigations concerning the eligibility of member school students who participate in athletic and band activities. The Executive Director shall also receive complaints and make investigations concerning violations of the rules of the Commission.

12.3. The Executive Director shall render decisions and impose penalties in athletic eligibility and other disputes subject to review by the Board of Directors. The Executive Director shall have the discretion to

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grant exceptions to the rules based upon previous Board of Directors' decisions on cases of a similar nature. Appeals of rendered decisions by the Executive Director shall be filed within 30 days of the decision unless otherwise stated.

12.4. It shall be the duty of the Executive Director to make a full and complete written report to the county board of education or governing body regarding any disciplinary action taken by the Board of Directors against a member school which is located in the county in which the board of education or governing body has jurisdiction.

12.5. The Executive Director shall attend state meetings of the WVASSP and report, when requested by the principals, on the work of the Commission office.

12.6. The Executive Director shall attend the meetings, when practicable, of the National Federation of State High School Associations and bring meeting reports to the attention of the Commission and the Board of Directors.

12.7. The Executive Director shall devote full time to the work assigned by the Board of Directors. The Executive Director shall hold no other remunerative office or position and shall not officiate at any inter-scholastic contest.

12.8. The Executive Director shall represent West Virginia in conferences and controversies involving other states.

12.9. The Executive Director shall exercise all rights and privileges pertaining to eligibility and to representation with the National Federation of State High School Associations granted to members by the Board of Directors and principals by these regulations.

§127-1-13. Review Board.

13.1. A WVSSAC Review Board is hereby established.

13.1.a. The Review Board shall consist of seven members to be appointed by the WVBE upon recommendation by the State Superintendent. No person, other than a county superintendent of schools, and a representative of the West Virginia Athletic Directors Association, shall be appointed or shall serve who is employed by the WVBE or any county board of education. All members of the Review Board shall be residents of the State of West Virginia.

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

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

13.1.c. Members of the Review Board need not be members of the association which submitted their names in nomination and shall be appointed for a term of five years. Prior to the expiration date of the term of each member of the Review Board, the respective association will nominate three representatives to the State Superintendent who shall subsequently recommend one to the WVBE.

13.1.d. The term of office of each member of the Review Board will begin upon the acceptance of the appointment and will expire on June 30 of the year in which the term expires.

13.1.e. The member with the shortest remaining tenure on the Review Board shall serve as its chairman. Each appointed member of the Review Board shall have equal voting privileges.

13.1.f. In the same manner as prescribed in §127-1-13.1.a through 13.1.c of this regulation, the WVBE shall have power to fill any vacancy which occurs in the membership of the Review Board. Such appointments shall be made at the next regular or called meeting of the WVBE following the existence of a vacancy, and shall be for the unexpired term of the position vacated.

13.1.g. Members of the Review Board shall serve without pay but shall be reimbursed for actual expenses incident to the performances of their duties upon presentation to WVDE an itemized sworn statement thereof. Costs shall be taxed by the Review Board at its discretion, not to exceed the actual expenses incurred, against the party who fails to prevail and the Review Board may, in its discretion, if it so desires, require any appealing party to post security for costs with the State Superintendent in the sum of \$200.

13.1.h. The Review Board will sit for hearings within a reasonable time after the aggrieved party having a matter for review files an appeal, but not longer than 30 days after such appeal is filed, and at such other times as the Review Board may determine, at the State Capitol in Charleston, or in such other place as the Chair of the Review Board may elect.

13.2. The WVDE shall make available adequate and competent secretarial services to record the proceedings and transactions of each meeting of the Review Board and to prepare the official written report, required in these regulations, on each decision rendered by the Review Board.

13.3. Any decision of the Board of Directors involving a penalty, protest, or interpretation of the rules and regulations of this Commission governing interscholastic athletic or band activities may be appealed to the Review Board in the manner hereinafter described. Such appeal may be made by any member of the aggrieved party directly affected by the decision of the Board of Directors and aggrieved by such decision of the Board of Directors.

13.3.a. Appeals must be filed with the State Superintendent within 15 days after any final decision of the Board of Directors of the WVSSAC.

13.3.b. Upon receipt of any appeal, the State Superintendent shall immediately notify each member of the Review Board of the appeal and the Chair of the Review Board shall set a date, time, and place for hearing and shall immediately notify all interested parties, in writing, of the same.

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13.3.c. The filing of any appeal shall not stay enforcement nor act to supersede the prior ruling or decision of the Board of Directors. However, pending the hearing of any appeal, at its discretion, the Board of Directors may grant a stay of enforcement upon such terms as it deems proper.

13.4. Proceedings for review shall be instituted by filing a petition, and five copies of same, with the State Superintendent within 15 days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the WVSSAC or its Executive Director and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

13.4.a. Within 15 days after receipt of a copy of the petition by the WVSSAC, or its Executive Director, or within such further time as the Review Board may allow, the Commission or the Executive Director shall transmit to the Review Board, the original or a certified copy of the entire record of the proceedings under review, including a transcript of all testimony and all papers, motions, documents, evidence, and records as were before the Commission, all Commission staff memoranda submitted in connection with the case, and a statement of matters officially noted; but, by stipulation of all parties to the review proceedings, the record may be shortened. The expense of preparing such record shall be taxed as a part of the costs of the appeal. The appellant shall provide security for costs involved. Upon demand by any party to the appeal, the Commission shall furnish, at the cost of the party requesting same, a copy of such record. In the event the complete record is not filed with the Review Board within the time provided for in this section, the appellant may apply to the Review Board to have the case docketed, and the Review Board shall order such record filed. Failure of the Commission to file the record within the time stipulated shall automatically stay the enforcement of the order or decision of the Board of Directors, in that particular case, and such stay shall continue until such record is filed.

13.4.b. Appeals taken on questions of law, fact, or both, shall be heard upon assignment of error filed in the case or set out in the briefs of the appellant. Errors not argued by brief may be disregarded, but the Review Board may consider and decide errors which are not assigned or argued.

13.4.c. The review shall be conducted by the Review Board without a jury and shall be upon the records made before the Commission, except that in cases of alleged irregularities in procedure before the Commission not shown in the record, testimony thereon may be taken before the Review Board. The Review Board may hear oral arguments and require written briefs.

13.5. After hearing all evidence and arguments, the Review Board shall render a decision in one of three forms:

13.5.a. Sustaining the ruling of the Board of Directors;

13.5.b. Reversing the ruling of the Board of Directors; or

13.5.c. Remanding the matter to the Board of Directors for further action.

13.5.c.1. The Review Board shall reverse, vacate, or modify the order or decision of the Board of Directors if the substantial rights of the petitioner or petitioners have been prejudiced because the administrative findings, inferences, conclusions, decisions, or orders are:

13.5.c.1.A. In violation of constitutional or statutory provisions;

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13.5.c.1.B. In excess of the statutory authority or jurisdiction of the Commission;

13.5.c.1.C. Made upon unlawful procedures;

13.5.c.1.D. Affected by other error of law;

13.5.c.1.E. Clearly wrong in view of the reliable probative and substantial evidence on the whole record; or

13.5.c.1.F. Arbitrary or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

13.5.c.2. Four members, present and eligible to vote, shall constitute a quorum for the Review Board to transact all business.

13.5.c.3. A majority vote of those members of the Review Board in attendance at any hearing shall be required to render a decision. Such decision shall be final and binding on all parties concerned.

13.5.c.4. Within 30 days from the date of any hearing, the Review Board shall make a written report of its decision, stating briefly therein its reasons for such a decision. Copies of the report shall be mailed to the State Superintendent, the Executive Director of the WVSSAC and, upon written request, to other interested parties.

13.6. Nothing in these regulations shall be construed to limit the Board of Directors in performing its regular duties as provided in the regulations of the WVSSAC; in making investigations and initiating proceedings against any member of the Commission; in making interpretations of the rules of eligibility of student athletes or band members; or in imposing penalties for the violations of any rules, regulations, or bylaws of the Commission.

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. (Revised 2019-20)

§127-1-14. Rules and Regulations.

14.1. The constitution and bylaws of the WVSSAC are the rules and regulations of the Commission.

§127-1-15. Board of Trustees.

15.1. The Board of Directors shall appoint a five member Board of Trustees. Each trustee shall be a principal of a member school and shall serve at the will and pleasure of the Board of Directors. Two or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as trustees at the same time.

15.2. The Board of Trustees and their lawfully appointed successors shall hold title to all real estate and other property owned by the WVSSAC except as shall be directed otherwise by the Board of Control.

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15.3. The Board of Trustees shall elect from the membership thereof, to hold office for a term of one year or until a successor shall be elected, a Chair and, if need requires, a Vice-Chair, Secretary and Treasurer.

15.4. The Board of Trustees shall serve without pay or honorarium.

15.5. If it so elects, the Board of Control shall direct the Board of Trustees to incorporate in accordance with the pertinent laws of West Virginia and in such manner as will fully protect and exempt from any and all legal liability the individual officers and members, jointly and severally, of the WVSSAC for an account of the debts and other obligations of every kind and description of the Commission.

15.6. Should a trustee withdraw from membership of the Commission or be excluded therefrom, that trusteeship therein shall automatically cease from the date of such withdrawal or exclusion.

15.7. Should a trustee refuse, within five days from the receipt thereof, to execute a legal instrument relating to any property of the Commission, when directed to do so by the Board of Control or the Board of Directors, and when all legal requirements have been satisfied with reference to execution, the Board of Directors may declare that membership on the Board of Trustees vacated.

15.8. The Board of Control and/or the Board of Directors may direct the trustees with respect to the purchase, sale, mortgage, encumbrance, construction, repairing, remodeling and maintenance of any and all property, real and personal, as may be committed to the trustees by the Board of Control or Board of Directors.

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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, 18-2-25, 18-2-25a, and 18225b.

1.3. Filing Date. — July 13, 2021.

1.4. Effective Date. — September 13, 2021.

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 13, 2021, and effective September 13, 2021.

§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, a student must be enrolled fulltime in a member school as described in §127-2-6 on or before the 11th instructional day of the academic year. Enrollment must be continuous after the student has officially enrolled in the school.

3.2. Students can participate in interscholastic activities only in schools in which they are enrolled; however, an exception may be granted by the Board of Directors as follows:

3.2.a. if a feeder school does not afford students the opportunity to participate and they are otherwise eligible.

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

3.2.c. Member schools containing grades 6 and/or 7 and/or 8 may combine students from two or more schools within the county to form one interscholastic team in a sport. Requests for permission to

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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).

3.2.d. Students enrolled in the 9th grade may participate only on high school teams. 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. Members of a 9th grade team at a high school may be grouped for practice with members of the varsity team. However, if a 9th grade student participates in a varsity scrimmage or game, that student becomes ineligible for the 9th grade team. Participation is defined as dressing and being available to play in a game, regardless if the player enters the game.

3.2.e. 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 dates 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 standalone 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 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.

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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. Homeschooled students receiving home instruction pursuant to W.Va. Code §18-8-1(c), shall be considered eligible for participating in interscholastic athletic events and other extracurricular activities of public secondary school serving the attendance zone in which the student lives who (1) has been homeschooled for at least one year immediately preceding interscholastic athletic participation; (2) has demonstrated satisfactory evidence of academic progress for the immediately preceding academic year; (3) is enrolled in at least one virtual instructional course per semester, consistent with the applicable virtual instruction policy of the county board in which the home schooled student lives and the applicable virtual instruction policy of the State Board of Education; and (4) is otherwise eligible to participate as a result of being subject to all other eligibility rules applicable to a non-homeschooled students.

§127-2-4. Age.

4.1. A student in high school who becomes 19 before August 1 and a student in middle school who becomes 16 before August 1 shall be ineligible for interscholastic competition.

4.2. A student in grade 8 or below who becomes 15 before August 1 shall be ineligible for interscholastic competition at that level.

4.3. A student in grade 8 or below who becomes 15 on or after August 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 for four consecutive years (eight consecutive semesters or equivalent) after entering the 9th grade.

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

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

5.5. 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. 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.

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

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

5.7.c. In no event may a student be allowed to participate for more than four seasons in any one sport in grades 9-12.

5.8. The Board of Directors may also 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. A student is required to be enrolled in the equivalent of four content area courses toward graduation.

6.1.a. If a student is taking a multiple period course, such as block or vocational courses for a full morning or afternoon, it may be counted as more than one course.

6.1.b. If a student has been declared ineligible according to the standards outlined above, the student may attend summer school and have eligibility reinstated if the student meets the standards at the conclusion of summer school.

6.1.c. If a student has been declared ineligible according to the standards outlined above, the student may have eligibility reinstated at midpoint of the course if the student is meeting the standards at that time.

6.2. A student not attempting four full credit subjects during a semester must complete nine weeks of school work to regain consideration for eligibility. (Revised 2009-10)

6.3. Any student who withdraws from school and does not re-enroll within ten school days of that withdrawal date will lose eligibility for the remainder of that semester.

6.4. Credit deficiencies cannot be made up after the last day of the semester except in a case where a student whose final examinations and course credit are delayed due to illness verified by a physician or as established by local board of education policy.

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

6.6. In accordance with §126CSR26, West Virginia Board of Education (WVBE) Policy 2436.10, Participation in Extracurricular Activities (C Rule), students must maintain a 2.0 grade point average to participate in interscholastic athletics.

§127-2-7. Residence-Transfer. (Revised 2008-09; 2019-20)

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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 may be granted eligibility for interscholastic competition by the Board of Directors in accordance with §127-2-1.

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 immediate preceding year (365 days). There can be no change of residence involving change of attendance zone during the immediate preceding year (365 days).

7.1.f. A student whose parents have resided in the school zone for a minimum of one academic year, during which the student has been in attendance for a minimum of one academic year, and whose parents make a bona fide change of residence to a new school zone during the academic year may:

7.1.f.1. Retain eligibility as long as the student retains continuous enrollment and attendance, or;

7.1.f.2. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school, or;

7.1.f.3. Transfer at any time prior to the start of the next academic year to the school in the attendance zone in which the student's parents are residing and be eligible for interscholastic activities at the receiving school.

7.1.f.4. However, a student who has started participation in a sport, which would include practice or contest, that they were participating in at a WVSSAC member school, may not participate in that sport for that sport season at the WVSSAC member school to which they transferred, so long as that transfer was within one contiguous county of their former member school. (Revised 2015-16)

7.1.g. A student whose parents have resided in the school zone for less than one academic year, during which the student has been in attendance for less than one academic year, and whose parents make a bona fide change of residence to a new school zone during the school term may:

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7.1.g.1. Retain eligibility for the balance of the academic year, provided the student retains continuous enrollment and attendance; or

7.1.g.2. Transfer at time of change of residence to the school in the attendance zone in which the parents are now residing and be eligible in that school; or

7.1.g.3. If a student chooses to remain enrolled at the school outside the attendance zone in which the student's parents reside at the conclusion of the academic year the student will be ineligible for the next academic year.

7.1.h. 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 insures that no student, school, or other interested party may influence the assignment for athletic purposes.

7.1.i. 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.

7.2. Part B - Transfer. (Revised 2008-09)

7.2.a. If a student transfers during the academic year from one secondary school to another secondary school, the student shall 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 §126-26-3. Determination of a bona fide change of residence depends upon the facts of each case and is defined as, but not limited to: (Revised 2020-21)

7.2.a.1. 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.2. The change is being made with the intent that the move is permanent;

7.2.a.3. The entire family must make the change;

7.2.a.4. Documentation of connection of utilities to the residence (e.g. power, water, waste, sewer);

7.2.a.5. Change of voter's registration, driver's license, mailing address, etc.;

7.2.a.6. If a student returns to a previously abandoned residence, the student shall be ineligible for 365 days from the date of enrollment. (Revised 20018-19)

7.2.b. If the transfer is from a private/parochial 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.

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7.2.c. 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.d. For the purpose of athletic eligibility, the Commission does not recognize emancipated minor status as it relates to transfer, except as might occur in marriage and relocation to another school zone.

7.2.e. Notwithstanding any other provisions of WVSSAC rules and regulations, if a student transfers for athletic reasons, the student will be ineligible for 365 days from the date of enrollment. A transfer for athletic reasons depends upon the facts of each case and is defined as, but not limited to:

7.2.e.1. Seeking a superior athletic team;

7.2.e.2. Seeking a team consistent with the student's ability;

7.2.e.3. Seeking relief from conflict with the philosophy or action of an administrator, teacher, or coach relating to athletics;

7.2.e.4. Seeking a means to nullify punitive action by the previous school.

7.2.f. If a student enrolls who has been released and accepted by formal actions of county boards of education or similar governing bodies of a private/parochial school which have verified that such transfer is not for athletic purposes, the student will be granted immediate eligibility provided all other rules are met. The enrollment transfer must occur at the beginning of the 9th grade 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. With respect to a student whose parents reside in an attendance zone containing more than one member school, at the time of enrollment in an outofdistrict school at the beginning of the student's 9th grade academic year, the student must identify a "home" school. In the event the student later elects to utilize "transfer back" (§127-2-7.2.g), the student is only eligible to transfer back to the identified "home" school. 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. (Revised 2012-13; 2017-18)

7.2.g. Transfer Back. During the 9th, 10th, 11th, and 12th grades, a student shall be entitled to one transfer back from a school located outside the attendance zone where the student's parents reside into the member school located within the attendance zone where the student's parents reside. This school must be the home school identified in the initial enrollment in the out of district school. Any student transferring under the provisions of this rule will not become eligible until the completion of the academic year in which the transfer occurs. Eligibility will begin with the succeeding fall sports season, or immediately if the transfer back is completed on or before the eleventh instructional day of the beginning of the academic year. 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.

7.2.h. 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 which have verified that such transfer is not for athletic purposes, 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

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with the parents. 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.

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

7.2.j. After establishing initial residency with one parent, all subsequent transfers will require a period of ineligibility for 365 days from date of enrollment unless a change of residency is decreed by the court.

7.2.k Any homeschooled students 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-homeschool student transfers.

§127-2-8. Adoption/Guardianship.

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 §1272-7.1.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.e.1-4.

§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.

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. (Revised 2014-15)

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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 the academic year 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: (Revised 2011-12)

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; or

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.

10.3. A student who has participated on a non-school team or as an individual unattached in nonschool formally organized competition after the beginning practice date of that sport will be ineligible for participation on that school team for that season in that particular sport except as provided by §127210.1 and §127-2-10.2.

§127-2-11. Amateur.

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);

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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.

§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 §§127-2-2, 127-2-3.5, and 127-2-13.6. (Revised 2012-13)

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. (Effective September 13, 2021)

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. (Effective September 13, 2021)

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 full 14 practice days before resuming participation in a contest. Students participating in football must follow the practice progression as set forth in §127-3-23. (Revised 2011-12)

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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. §12733 further explains this required form.

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 14 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. (Revised 2018-19)

13.8. Students participating in a sport(s) in one season must have practiced 14 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. (Revised 2013-14)

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); or

14.4.f. Registered Certified Athletic Trainer (ATC/R).

14.4g. Physical Therapist (PT)

14.5. Member schools must submit the concussion report form to the WVSSAC 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). (Revised 2020-21)

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. Requirement for Automated External Defibrillator (AED); Protocol for the use of AED. Each member school will have an 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

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AED to any practice or event facility. The school shall provide proper training to any individual assigned responsibility for using an AED. **(Revised 2020-21)**

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.

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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 and §18-2-25(d).

1.3. Filing Date. — November 12, 2020.

1.4. Effective Date. — December 14, 2020.

1.5. Repeal of Former Rule. — This legislative rule amends W. Va. 126CSR26, Policy 2436.10, Participation in Extracurricular Activities, filed May 16, 2008, and effective June 16, 2008.

§126-26-2. Applicability.

2.1. 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 vocational, linguistic, mathematic, scientific, forensic, theatrical, musical, journalistic, and other similar academic cocurricular activities.

§126-26-3. Eligibility.

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

3.1.a. Maintain a 2.0 average.

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

3.1.a.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.

3.1.a.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/fail is awarded will be included in computing the GPA only if the student failed the class.

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

3.1.a.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.

3.1.a.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 so that the student is eligible for participation at the beginning of the next school year. For purposes of computing the GPA after summer school, all of the student's grades from the second semester plus the student's grade from the summer school will be used to determine the GPA.

3.1.a.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.

3.1.a.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).

3.1.a.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. If the county accepts the transfer of credits/grades earned in the non-public setting, then those credits/grades shall be used in determining academic eligibility. If the county does not accept the transfer of credits/grades earned in the non-public setting, then eligibility must be established after re-enrollment in the public school setting. Eligibility 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 utilized in place of the midsemester.

3.1.a.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:

3.1.a.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.

3.1.a.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.

3.1.a.11. Homeschooled students participating in interscholastic athletics pursuant to W. Va. Code §18-2-25(d) will be eligible for participation, provided that the student:

3.1.a.11.A. complies with the rules promulgated by the WVSSAC;

3.1.a.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; and

3.1.a.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.

§126-26-4. Severability.

4.1. 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.

Questions and Answers

1. How do you compute GPA with block scheduling?

Answer: After careful review of eligibility determination and block scheduling, it appears that perhaps this issue has been made too complicated. If one keeps in mind that eligibility is based upon half credits of the previous semester (18 weeks), eligibility may easily be determined by using the Student Permanent Record Card and the amount of credit attempted.

The following three recordings should clarify GPA computation for eligibility:

(1) Semester Recording: All full credit courses with final course grade recorded.

Course	Grade	Attempted Credit	Quality Points
English 10	A	1	4
History	B	1	3
Band	C	1	2
Algebra	D	1	1

GPA: $(4+3+2+1) \div 4 = 2.5$ eligible

(2) Semester Recording: All full credit courses with nine week grades recorded.

English 10	A/B	1	
History	C/B	1	
Band	C/C	1	
Algebra	D/F	1	

GPA: $(4+3+2+3+2+2+1+0) \div 8 = 2.125$ eligible

(3) Semester Recording: Combination of full and half credit courses recorded.

English	A	1	
History	B	1	
Band	C	1	
Civil War	C	.5	
Tumbling	B	.5	

GPA: $(4+4+3+3+2+2+2+3) \div 8 = 2.875$ or $(4+3+2+1+1.5) \div 4 = 2.875$ eligible

*In all cases, the computation of summer school grades will be based upon the method of recording on the Student Permanent Record Card and the amount of credit attempted.

2. How do you compute the 2.0 average?

Answer: (1) The basis for computing the grade-point average (GPA) will be the number of regularly scheduled periods, exclusive of study hall, non-graded classes, audited classes, or pass/fail classes for which a passing grade is given.

(2) One grade will be given for each period. If two (2) or more classes are taken during a period within a semester, the letter grade for each class will be converted to its appropriate grade point and averaged by the number of classes to determine a grade point for that period.

Examples:

(1) 2 classes

9 weeks class - grade B - 3
 9 weeks class - grade C - 2
 $5 \div 2 = 2.5$ average

(2) 3 classes

6 weeks class - grade B - 3
 6 weeks class - grade D - 1
 6 weeks class - grade D - 1
 $5 \div 3 = 1.66$ average

The letter grade for each of the other periods will be converted to a grade point. Then all the grade points will be totaled and divided by the number of periods.

Examples:

(1) 2 classes in one period	2.5 average
Math ----- C=	2.0
Social Studies ----- C=	2.0
English ----- F=	0.0
Science ----- C=	2.0
Music ----- B=	3.0
-----	11.5 :- 6 = 1.916 ineligible

(2) 3 classes in one period	1.7 average
Math ----- B=	3.0
Social Studies ----- C=	2.0
English ----- B=	3.0
Science ----- D=	1.0
-----	10.7 :- 5 = 2.14 eligible

3. How do you compute summer school?

Answer: The basis for determining the number of periods will be the number of half credits awarded. Each half credit will count as one period and will be added to all grades earned during the second semester. The average will then be recomputed.

Example:

a. Classes from the previous semester:

2 classes in one period	2.5 average
Math ----- C=	2.0
Social Studies ----- C=	2.0
English ----- F=	0.0
Science ----- C=	2.0
Music ----- B=	3.0
-----	11.5 :- 6 = 1.916 ineligible

b. Classes for summer school:

English - 1/2 credit - ----- B=	3
Algebra - 1/2 credit - ----- B=	3
-----	6

Final Average:

2 classes in one period	2.5 average
Math ----- C=	2.0
Social Studies ----- C=	2.0
English ----- F=	0.0
Science ----- C=	2.0
Music ----- B=	3.0
English ----- B=	3.0
Algebra ----- B=	3.0
-----	17.5 :- 8 = 2.1875 eligible

4. How are grades averaged if a student is in a class three days in a week and study half the other two?

Answer: The grade earned for the class will be pro-rated to arrive at a period grade. In other words, if a class meets three days a week for a semester, that class would count as three-fifths or .6 in the calculation. For example:

Physical Education (3 days per week) — A = 4 points x .6 (3/5) = 2.4

Physical Education-(.6) ----- A =	2.4
Math ----- C =	2.0
Social Studies ----- C =	2.0
English ----- F =	0.0
Science ----- C =	2.0
Music ----- B =	3.0

$$11.4 \div 5.6 = 2.0358 \text{ eligible}$$

5. If a student attends vo-tech school for three class periods but only receives one grade for these 3 periods, how do you compute the average?

Answer: The grade will be counted three times and considered as three periods.

6. How do you compute the grade when a student is taking three subjects during a class period during a semester?

Answer: The grades for each subject will be averaged to get a class grade. For example:

1st 6 weeks -	grade B =	3.0
2nd 6 weeks -	grade C =	2.0
3rd 6 weeks -	grade C =	2.0
		7.0 \div 3 = 2.333 - grade point average for that class period

7. How will schools on modular schedules without traditional class periods be computed?

Answer: Each grade per one-half unit will be counted as one period. Classes for which less than one-half unit is awarded may be grouped together to form one-half unit (at least 4,050 minutes) and the grades earned in those classes then computed as in question 6. In grades 7 and 8, where units are not awarded, classes may be grouped by using the length the regularly scheduled period rather than the one-half unit as the basis for computation.

8. May a student practice during the period of ineligibility?

Answer: No, if the student does not have a 2.0 average, he or she may not practice, with one exception. The exception is that a student may begin practicing 15 practice days before the end of his/her period of ineligibility (at nine weeks and at end of semester), if it can be confirmed that the student has a 2.0 average at that time.

9. In cases where students are attempting to regain their eligibility at midsemester, what is meant by most recent grading period?

Answer: In systems utilizing a nine week marking period, the students must have a 2.0 GPA for that grading period. In systems utilizing a six week marking period, the student must have a 2.0 GPA at that grading period and continue to maintain a 2.0 GPA until midsemester (nine weeks).

- a. If the most recent grading period is six weeks and a student has achieved at least a 2.0 GPA, the student may begin practice and if the student still has at least a 2.0 GPA at the end of nine weeks, he/she will be eligible the tenth week.
- b. If the most recent grading period is nine weeks, the school may check the student's grades at six weeks and allow the student to begin practice if the student has achieved at least a 2.0 GPA. At the end of the grading period (nine weeks in this case), the student will be eligible the tenth week if the 2.0 or better has been maintained.

10. How is the GPA computed if a student fails a class in summer school?

Answer: All summer school grades will be considered in determining a student's eligibility for the following semester.

11. If a student has a 2.0 at the end of the second semester and chooses to go to summer school, can he/she lose their eligibility if they fail classes?

Answer: No. Previous semester GPA can't be lowered by summer school grades.

12. If a student fails second semester English, can it be made up in summer school?

Answer: Yes, however, when determining the GPA, both grades (second semester and summer school) must be averaged.

13. What happens if a student has an incomplete?

Answer: All incompletes will be computed as an "F" until made up. This applies to the C-Rule only and not the West Virginia Secondary School Activities Commission Scholarship Rule.

14. If a student comes from an elementary school and does not have a 2.0 average, is he or she eligible?
Answer: Yes. Any student entering the sixth grade of a middle school for the first time will be eligible. This student must have a "C" average at the end of the first semester to remain eligible.
15. What happens if a student transfers from out of state?
Answer: He or she must have a 2.0 average in the school previously attended for the previous semester.
16. What happens if a student transfers from another county which has numerical grades?
Answer: The numerical grades must be changed to letter grades using the sending county's grading scale.
17. If a student moves in from another state and the school had a weighted grading scale, how do you compute his/her average?
Answer: A weighted grading scale cannot be used. Every grade will be converted using the four point scale and then computed.
18. Can a second semester class be wiped out or deleted after attending summer school in computing the 2.0 average?
Answer: No. All classes taken during the second semester and summer school will be used in computing the GPA.
19. May a student repeat a class for which he or she has received a low grade in summer school or during a regular semester to raise the GPA?
Answer: The criteria for retaking a course depends upon local school and/or county policy. However, the method of computation would be the same as those used for averaging summer school classes.
20. If a student has established eligibility for the semester, can he lose eligibility prior to the end of the semester?
Answer: No.
21. What happens if a student withdraws from a class?
Answer: Local policies regarding withdrawal from class must be followed. Grades recorded will be calculated as in questions 20, 21, and 22.
22. In determining eligibility, how are classes for which pass/fail grade averaged?
Answer: Pass/fail classes must be included only if the student failed the class.
23. What classes must be considered in computing the "C" average for eligibility?
Answer: All subjects that are undertaken by a student and for which a grade is recorded.
24. Are there activities not considered when computing eligibility?
Answer: Yes. Study Hall, non-graded classes and audited classes are not considered when computing the average.
25. Does a student need to meet any other scholarship rule in order to participate in extracurricular activities?
Answer: Yes. Students must meet all rules and regulations of the WSSAC and rules of local board of education.
26. Does a team manager need to have a C-average?
Answer: Yes, all student assistants must have a C-average.
27. How do you compute grades if a student is taking three different courses in Vo-Tech school?
Answer: Each grade for the three courses will be considered in computing the average.

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**TITLE 127
LEGISLATIVE RULE**

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

**SERIES 3
PROVISIONS GOVERNING CONTESTS**

§127-3-1. General.

1.1. Scope. — These rules govern the conduct of athletic contests.

1.2. Authority. — W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-2-25a, and 18225b.

1.3. Filing Date. — July 13, 2021.

1.4. Effective Date. — September 13, 2021.

1.5. Repeal of Former Rule. — This legislative rule amends W. Va. 127CSR3, West Virginia Secondary School Activities Commission Series 3, Provisions Governing Contests, filed July 13, 2021, and effective September 13, 2021.

§127-3-2. Duties and Responsibilities of the Principal.

2.1. The principal of each member school is recognized as the school representative and as such is accountable to the West Virginia Secondary School Activities Commission (WVSSAC/Commission) for conduct of the athletic programs of that school.

2.2. The principal or designee shall notify coaches and faculty (§1273-6) of the rules and regulations of this Commission. It shall be that individual's responsibility to notify those students participating in WVSSAC activities. Failure of the principal in performing this responsibility will not prevent the Commission from enforcing its rules and regulations.

2.3. The principal shall have the authority to delegate responsibilities or duties; however, such delegation shall not relieve the principal of responsibility for any infraction of the rules and regulations of this Commission by coaches and faculty.

2.4. The principal has the authority to designate a member of the faculty who must supervise all interscholastic activities.

2.5. The principal is responsible for adequate team and crowd control measures at home contests in which the school participates, assuring that the school's participants and fans conduct themselves in a proper manner, and assuring that all fans and officials are provided adequate protection. In situations where contests are played on neutral sites, the responsibilities will be shared by participating school principals.

2.6. The principal has the right to exclude a contestant who would not represent the school in an appropriate manner, a student who fails to maintain a satisfactory scholastic standing, or a student who has been excluded for a serious illness or injury.

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2.7. The principal will be responsible for signing all game contracts, seeking sanctioning of necessary events, and signing all certificates of eligibility prior to student participation.

2.8. The principal may designate the assistant principal or other faculty member to provide representation and/or to participate in all voting matters at a Board of Control meeting which is further explained in the Constitution.

2.9. The principal shall have such other powers as will encourage the growth, development and expansion of the athletic program for the welfare of the students, the school, and the WVSSAC.

2.10. The principal, assistant principal, and athletic director of each member school shall be admitted to any WVSSAC sanctioned event. Vocational principals and assistant principals shall also be admitted. This admittance will be by presentation of the WVSSAC Courtesy Card and a photo identification.

2.11. The principal and assistant principal of each member school, who upon retirement is a member in good standing with the WVSSAC, shall receive a WVSSAC permanent Courtesy and Identification Card. This card shall allow admittance to any WVSSAC sponsored event. This admittance will be by presentation of the WVSSAC Courtesy Card and photo identification. Spouses of deceased principals and assistant principals shall have a WVSSAC permanent Courtesy and Identification Card with the same admittance stipulations transferred to them upon request to the WVSSAC.

2.12. WVSSAC Courtesy and Identification Cards shall be honored at all events involving WVSSAC member schools with the exception of state tournaments.

§127-3-3. Physical Examination — Parental Permission.

3.1. The Athletic Participation/Parental Consent/Physician's Certificate Form allows for annual updates rather than a complete physical examination.

3.2. A student shall not be permitted to engage in interscholastic practice or participate in an interscholastic contest until that student has filed with the principal a completed Athletic Participation/Parental Consent/Physician's Certificate Form. This form must be signed by all parties: student, parent(s), physician. Consent and approval for sport(s) in which a student is requesting participation must be approved by both parent and physician.

3.3. A physical examination form must be completed no earlier than May 1 for an upcoming year. The physical is valid until completion of the last WVSSAC state tournament during the next academic year.

§127-3-4. All-Star Participation.

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 each season without loss of athletic eligibility for the balance of that year. (Revised 2019-20)

§127-3-5. Awards.

5.1. Only a member school or a school sponsoring a sanctioned event may give the following awards to a student or team: medal, trophy, cup, certificate, ribbon, plaque, unattached letter, unattached chevron, or any similar award.

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5.2. A student may accept on an individual or team basis the above specified awards in the following situations:

5.2.a. from a member school for participation;

5.2.b. in a sanctioned event;

5.2.c. in a non-sanctioned event, at any time in the following sports: cheerleading, cross country, golf, swimming, tennis, track, or wrestling;

5.2.d. in a non-sanctioned event, but not during the school sports season for the following sports: football, basketball, volleyball, baseball, lacrosse, softball, or soccer.

5.3. A student may not receive the following award with a retail value that exceeds \$100.00:

5.3.a. Apparel - sweaters, jackets, jerseys, shoes, etc.

5.3.b. Equipment - radio, televisions, etc.

5.3.c. Athletic goods - batons, tennis rackets, bats, golf bag, tennis or golf balls, etc.

5.3.d. Money (scholarships to institutions of higher learning are exempted.)

5.4. Purchase of an item as identified in §127-3-5.3, whereby any portion is donated by a school, booster club, auxiliary agency, or any other group or organization is prohibited.

5.5. Nothing in §127-3-5 shall be interpreted to affect the recognition of scholarship or scholastic achievements.

§127-3-6. Coaches.

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, 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.

6.2. A public school substitute teacher is defined as a person who has met the licensure requirements as specified by the West Virginia Board of Education (WVBE) and has been approved as a substitute teacher of that county board of education. Private/parochial school substitutes must meet requirements of respective governing bodies.

6.3. A college student fulfilling teacher training responsibilities as a student teacher may be assigned certain coaching responsibilities during that period of training. This assignment will be administratively consistent with the student teacher's role in the classroom, and shall be approved by the county board of education or the governing body of a private/parochial school. The student teacher will work directly under the supervision of the appointed coach or assistant coach.

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6.4. An authorized certified coach must meet the following requirements:

6.4.a. The coach is employed under a contract with a county board of education which specifies a rate of pay equivalent to the rate for professional educators who accept similar duties as extra duty assignments and which provides for liability insurance associated with the activity;

6.4.b. The coach has successfully completed approved training: NFHS Sport Science, Sport First Aid, and WV Component (14 hours of instruction and test) and has received WVDE Authorization;

6.4.c. Coaching authorizations are for one year.

6.5. The head coach shall be required to attend any sports rules clinic in the coaching assignment which is sponsored by this Commission. Schools failing to have a head coaching position filled at the time of the clinic will be required to have a school representative present at the rules clinic.

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. (Revised 2019-20)

§127-3-7. Out-of-Season Coaching. (Revised 2016-17)

7.1. Philosophy — A student should have the opportunity to engage voluntarily in school athletic activities provided that the student is eligible, that such activities do not interfere with the student's educational development and their activities do not conflict with the principles of wholesome amateur athletics. The WVSSAC discourages the exploitation of students by overzealous individuals and organizations who attempt to impose an obligation or pressure on the student. Athletic participation should be used for the pleasure and satisfaction that is derived from athletic competition in a variety of experiences.

7.2. School organized out-of-season practice or related activities shall be permitted with principal approval during three consecutive weeks established by each county board of education or by the governing body of a private/parochial school. These three consecutive weeks may begin on or after Monday of Week 49, and must conclude by Friday of Week 4 of the NFHS Standardized Calendar; provided, there will be no out-of-season practice or related activities during the week of July 4th as determined by the NFHS Standardized Calendar (refer to handbook appendix). Participation must be open to all students, voluntary, and not required directly or indirectly for membership on a school team. Participation by students during these weeks does not meet §127-2-13.4.

7.2.a. With principal approval, each sport program may use **twelve** "flex-days" from Monday of Week 49 through Friday of Week 48 of the next academic year. A flex-day is a day, outside the regular season and outside the three week practice window, when a coach may have sport-specific contact with student athletes. Flex-days shall not be used during the first week of each high or middle school sport season. Use of any part of a day for an activity will count as a full day of activity. (Revised 2020-21)

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7.3. A coach or principal designee of each sport or activity may be present as an observer, lecture participant, staff member, [or in any capacity at any summer camp] during weeks established in §12737.2 and §127-3-7.2.a.

7.4. A coach or designee shall not work with individuals in any form of drills or practice of the grade level coaching assignment and preceding grade level except during those dates specified as the season for that specific sport or as designated in §§127-3-7.2, 127-3-7.2.a, and 127-3-7.3 of this rule.

7.5. Coaches may participate in a formal development program of the United States Olympic Committee (USOC) involving students of the same sport as their coaching assignments. The formal development program must be under the official guidance of the USOC through the National Governing Body (NGB) of the sport. The NGB must assure in writing to the WVSSAC that coaches will receive formal orientation and that strict supervision and monitoring of coaches will ensure that no recruitment or inappropriate influence will be exerted on students.

7.6. Conditioning/Recreation Programs — Throughout the academic year, students who are not participating in a school's athletic program may voluntarily participate in an off-season conditioning program. This program also may occur during the summer, subject to county board of education or governing body approval and the following provisions:

7.6.a. Participation in the program must be open to all students enrolled in the school providing the program.

7.6.b. Participation is voluntary and is not required directly or indirectly for membership on a school team.

7.6.c. Students will provide their own clothing (sweatsuit, shoes, etc.).

7.6.d. Activities will be limited to running, weight training, and stretching exercises. Agility drills that do not involve specific skills of a given sport are permitted.

7.6.e. Specific equipment pertaining to a given sport may not be used. This includes such items as footballs, basketballs, volleyballs, wrestling mats, discuses, etc.

7.6.f. In cases where schools schedule all students into the last period of the school day, the guidelines in §§127-3-7.6.c, 127-3-7.6.d, and 127-3-7.6.e shall apply unless the class is considered a part of the physical education program and credit is earned. There shall be no teaching of sport specific skills in this case unless those same skills and course of study are taught in all physical education classes at this same time of the academic year.

7.6.g. The county board of education may choose to compensate the supervisor or director of conditioning/recreation programs.

7.7. Coaches may not promote, initiate, organize, supervise, or participate in out-of-season events involving students of the same sport as the grade level coaching assignment and preceding grade level except as specified in §§127-3-7.2, 127-3-7.2.a, and 127-3-7.3. The county board of education shall be authorized to approve a coach to organize and/or supervise a recreation program for students. However, this type assignment must be recreational in nature, include a variety of activities, and comprise no coaching or in-

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struction of that same sport as the school coaching assignment. In addition to the above, gymnasiums or facilities opened for recreational activities must use the following requirements:

- 7.7.a. The gymnasium or field is open to all students for participation.
- 7.7.b. Various activities are available to students and are not limited to one sport or activity on a given day.
- 7.7.c. Supervisor or director must be approved by the county board of education or governing body.
- 7.7.d. There is no coaching or instruction in the skills and technique in any sport.
- 7.7.e. Comparable opportunities are provided both sexes.
- 7.7.f. Participation is voluntary and is not required directly or indirectly for membership on a school team.
- 7.8. The principal is responsible for adherence to these requirements.

§127-3-8. Forfeit and Restitution.

8.1. A written request for investigation of an eligibility issue in any sport may be filed by a member school principal with the WVSSAC Executive Director. Individual and/or team awards will not be affected if the request is filed more than 42 calendar days past the conclusion of the State Championship in that sport.

8.2. When a student is declared ineligible subsequent to competing as an individual, or a penalty has been imposed or action taken by the WVSSAC, the student's performance shall be stricken from the records and the points contributed to the team total deleted. The team standings will be adjusted accordingly, and any awards received shall be returned.

8.3. When a student is declared ineligible subsequent to representing the school in team competition or a penalty has been imposed by the WVSSAC, the contest(s) may be forfeited. The team standing in the final standing will be adjusted, and the team awards and the ineligible student's awards may be returned.

8.4. If a team, or student participating in an individual contest, leaves the playing area in protest and fails to complete the contest, the contest is forfeited and the school principal or designee and the violator may be required to appear before the WVSSAC Executive Director to indicate why additional action should not be taken.

8.5. If a coach is ejected from a contest and an assistant coach or assigned school representative is not available to continue as coach, the contest is terminated and forfeited to the opponent.

8.6. If a student is deemed ineligible under WVSSAC rules, but participates in interscholastic competition in accordance with the terms of a court order or injunction, and the order or injunction ultimately otherwise adjudicated so that injunctive relief is/was not warranted, any one of the following actions may be taken in the interest of fairness or restitution to the competing schools:-

8.6.a. Require that individual or team performance records achieved during participation by such ineligible student shall be vacated or stricken; or

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8.6.b. Require that team or individual victories be forfeited to opponent(s); or

8.6.c. Require that team or individual awards earned by such individual or team be returned to the Commission.

§127-3-9. Game Officials.

9.1. All officials utilized in interscholastic games and contests in West Virginia must be registered with the WVSSAC, except in the case of emergency, §127-3-9.4 may be invoked. A game officials' registration plan shall be established by the WVSSAC Board of Directors (Board of Directors).

9.2. Officials for interscholastic contests shall be agreed upon mutually by the competing schools at least two weeks before the scheduled date of contest. Coaches or other persons connected with competing schools shall not officiate at the contest unless all competing consent.

9.3. The host school initiates the selection of game officials. It is highly recommended that the host school contract officials for all interscholastic contests. Contractual agreements are between the school and the official.

9.4. The WVSSAC Executive Director shall be empowered to authorize the use of non-registered officials for athletic contests where registered officials are not available and scheduled athletic contests risk cancellation.

9.5. All officials registered with the WVSSAC are subject to and required to abide by the rules and regulations set forth in these rules and the "West Virginia Secondary School Activities Commission Officials' Handbook", which is revised and published yearly. WVSSAC registered officials are provided the same opportunity for appeal of any decisions as set forth in the rules.

9.6. The official shall:

9.6.a. Attend a state WVSSAC rules clinic in the sport for which the official is registered. Failure to comply will result in suspension for that year.

9.6.b. Attend four local Officials' Board meetings. Failure to comply will result in suspension for that year.

9.6.c. Take Part I and Part II NFHS Rules Examinations in the sports where specified. Failure to take Part I will result in a five point deduction for the purpose of classification at the end of that sport season. Failure to take Part II Exam will result in suspension the following year.

9.6.d. Abstain from consuming intoxicating beverages on the day of the assigned contest prior to and during the contest, and after, in the vicinity of the playing area of the contest.

9.6.e. Abstain from the use of smokeless or any other forms of tobacco in the vicinity of the playing area of the contest.

9.6.f. Abstain from the use of illegal drugs.

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9.6.g. Be fair, impartial, unbiased, professional, and competent in officiating.

9.6.h. Be in and maintain proper physical and mental condition as verified by the physical examination form submitted to the WVSSAC; dress and appearance must be appropriate.

9.6.i. Be at the site of the contest in adequate time to care for necessary pre-contest duties or as specified in the NFHS Rules.

9.6.j. Maintain self-control under all conditions.

9.6.k. Refrain from commenting upon or discussing a team, play, game situation, or fellow official.

9.6.l. Conduct the game so as to enlist the cooperation of students, coaches, and spectators in the interest of good sportsmanship.

9.6.m. Comply with any WVSSAC rule, regulation, Constitution, or directive, and particularly those regulations pertaining to filing Special Reports and Official Ratings of Schools.

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 to cancel a contract. (Revised 2019-20)

9.6.o. Comply with local board rules as set forth in board regulations.

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 appeal rights.

§127-3-10. Classification. (Revised 2019-20)

10.1. Excluding boys and girls basketball, each member 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. (Revised 2011-12; 2018-19)

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.

10.3. A school may choose to compete in WVSSAC tournaments in any class above its classification providing proper notification is made to the WVSSAC prior to Friday of week 27 after classification has been approved by the Board of Directors. 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.

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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 AAAA, 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 Glossary.

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.

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 classification model applied to the new 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 four class system based strictly on enrollment.

§127-3-11. Exchange of Eligibility Certificates.

11.1. Commission approved eligibility certificates are required at the beginning of the season of each sport and prior to the first contest.

11.2. The principal is responsible for the proper completion of the certificate.

11.3. The names of the students on all middle school, 9th grade, junior varsity and varsity teams shall be submitted on the school's master eligibility.

11.4. Student additions to the team must be certified immediately on an eligibility certificate submitted to the WVSSAC. {Revised 2007-08}

11.5. Principals will verify student eligibility using birth certificates to confirm a student's age. Disputed cases shall be reviewed and approved by the WVSSAC Executive Director prior to participation.

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11.6. Changes to a student's age, number of semesters of attendance or semester credits on an eligibility certificate must be reported to and approved by the WVSSAC prior to participation.

11.7. Schools that fail to send the required eligibility information to the WVSSAC prior to the first contest will be assessed a fine of \$25.00 payable to the WVSSAC. (Revised 2007-08)

§127-3-12. Legal Opponents.

12.1. WVSSAC member schools shall not participate against any public, private, or parochial secondary school whose status has not been recognized by that group's governing body.

12.2. WVSSAC member schools shall not participate against schools that have been placed under a specified sanction, including member schools and outofstate schools.

12.3. WVSSAC member schools shall not participate in any interscholastic contest or practice against non-school teams or involving alumni participants.

§127-3-13. Contracts.

13.1. All interscholastic contest contracts shall be prepared in duplicate on forms furnished by the WVSSAC. Contracts should include specific dates, financial guarantee provisions, adequate forfeiture stipulations, and all other items listed on the contract.

13.2. In order for a contract between two schools to be binding, it must be signed by the principal or designee of both schools.

13.3. Contracts between both schools may be canceled in the following situations:

13.3.a. If either principal or designee fails to sign the contract.

13.3.b. If either school is forced to suspend its school schedule.

13.3.c. If one school fails to return the signed contract to the other school within 30 days of receipt.

13.3.d. Upon written mutual consent of the contracting parties.

13.3.e. The Board of Directors may annul a contract when deemed necessary for the furtherance of interscholastic athletics in West Virginia, or when provisions of the contract are contrary to Commission rules.

13.4. Contracts executed by the principal are binding on the principal's successor.

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. (Revised 2019-20)

§127-3-14. Sunday Contests.

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14.1. WVSSAC member schools shall not engage in any practice, contest, meet, or tournament on Sunday. However, in case of emergency, State Championship finals may be played on Sunday after 1:00 p.m.

14.2. Sunday practice shall be defined as any team, group, or individual meeting to view films, hold shooting practice, or any other activity associated with the sport.

§127-3-15. Sports Rules — Game Protests.

15.1. The current edition of official High School Rules published by the NFHS are the official rules used in contests, meets, and tournaments played by WVSSAC schools. The Board of Directors may modify such rules as provided by the NFHS. Any modified rules published in special bulletins or "The Interscholastic" shall apply.

15.2. In the absence of published NFHS rules, the Board of Directors may authorize competition under prevailing rules and regulations as modified for amateur competition.

15.3. Contests or ejections shall not be protested. Accordingly, the Board of Directors is not authorized to order contests replayed or ejections reconsidered.

§127-3-16. Sanctioning and Travel.

16.1. A member school shall not enter a contest/competition which requires sanctioning until it is approved by the WVSSAC.

16.2. All applications for sanctioning must be submitted to the WVSSAC 30 days prior to the event, with the exception of international events.

16.3. Events requiring NFHS approval are:

16.3.a. Co-sponsorship Sanction Requirement: Any interstate event involving two or more schools, which is co-sponsored by or titled in the name of an organization outside the high school community (e.g., a university, a theme park, a shoe company), in addition to being sponsored by a member school, an approved school, or a state association, shall require sanction of the NFHS office.

16.3.b. Non-bordering State Sanction Requirement: Each state association shall sanction through the NFHS office interstate competition by a member school involving either:

16.3.b.1. More than eight schools, at least one of which is from a state that does not border the host state; or

16.3.b.2. Five or more states, at least one of which does not border the host state.

16.3.c. International Event: Each member state association shall approve and receive NFHS approval for competition by a member school against a school from a foreign country, except for two school and three school competition with a school or schools from Canada or Mexico which necessitates a round trip of less than 600 miles.

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16.3.d. International Event: Games against Canadian or Mexican schools involving travel of greater than 600 miles, or an event involving more than three schools, one or more of which are from Canada or Mexico, requires a request to the NFHS for international sanction and notice to and sanction by the appropriate National Governing Body.

16.4. Bordering state events requiring approval are:

16.4.a. Any interstate event in which four or more schools participate. (All schools from neighboring states.)

16.4.b. Any interstate event which involves schools from three or more state high school associations.

16.5. Intrastate events requiring approval are:

16.5.a. An event with more than four schools participating; or

16.5.b. Any event where awards are given.

16.6. The WVSSAC may assess a fine and/or other penalties against the participating school for violations of the sanction provisions.

16.7. A member school shall not enter an event that involves travel of more than 600 miles round trip unless it occurs on days when school is not in session. The WVSSAC must sanction the event.

§127-3-17. WVSSAC Tournaments.

17.1. Participation in Commission sponsored and directed sectional, regional and state tournaments exclusively shall be limited to WVSSAC member schools. (Revised 2019-20)

17.2. The Board of Directors shall divide the state into sections and regions for the purpose of determining championships in Commission sponsored sports. The Board of Directors shall direct and arrange for tournaments, meets, and contests leading to and including state championships. The WVSSAC will provide member school principals the opportunity to review and comment on the alignment prior to the presentation to the Board of Directors. Principals will sign a form to verify receipt and return the form to the WVSSAC office within ten days from the date of the bulletin.

17.3. The Board of Directors shall have general control over sectional tournaments. The detailed management of these sectional tournaments, however, shall be under the control of the schools assigned to each respective section.

17.4. All net earnings from tournaments conducted under the supervision of the Board of Directors shall be turned over to the Commission unless otherwise specified by the Board of Control. Sectional or regional assessments may be charged to cover the cost of a tournament trophy furnished by the WVSSAC.

17.5. The Board of Directors may approve participation by member middle schools in county, league or conference tournament. Tournament play on the state level for member middle schools is prohibited.

17.6. State tournaments conclude only after all games, matches, or events are completed.

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§127-3-18. Season Regulations.

18.1. The Commission uses the NFHS standardized calendar to schedule all activities. Each sport season shall have an established beginning and ending date for practice and interscholastic contests based on a standardized calendar.

§127-3-19. Baseball.

19.1. Rules: Baseball rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modifications.

19.2. Organized Team Practice: Organized team practice will begin Monday of Week 35 and the first contest may be played on Wednesday of Week 37.

19.3. Length of Season: The baseball season ends for each team by WVSSAC tournament elimination.

19.4. Maximum Team Contests: A baseball team is permitted to play no more than 32 games exclusive of sectional, regional, and state tournament contests.

19.5. Scrimmages: Teams may conduct two baseball scrimmages with another high school. (See Glossary.)

19.6. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

19.7. Student Participation:

19.7.a. A student may not play or practice on a non-school baseball team while a member of the school team.

19.7.b. A student shall not participate in more than 32 games in one season, exclusive of sectional, regional, and state tournament contests. Serving as a "courtesy or pinch runner" is not considered "participation" in a game.

19.8. During the sport season, a student may accept awards only in WVSSAC sanctioned events. Awards must comply with §127-3-5. Outside the sport season, students may accept only compliant awards in non-sanctioned events.

19.9. Middle Schools — The above will apply for middle schools with following adaptations:

19.9.a. Middle school teams may play 18 games including tournaments sanctioned by the WVSSAC.

19.9.b. Middle school season will be completed by Saturday of Week 45.

19.9.c. Middle school teams are permitted one scrimmage. (See Glossary.)

§127-3-20. Basketball (Boys and Girls).

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20.1. Rules: Basketball rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

20.2. Organized Team Practice: Organized team practice for girls will begin on Monday of Week 19 and Monday of Week 20 for boys. The first contest for girls may be played on Tuesday of Week 22 and Tuesday of Week 23 for boys.

20.3. Length of Season: The boys' and girls' basketball seasons will end for each team at tournament elimination.

20.4. Maximum Team Contests: A varsity or junior varsity basketball team will be permitted to play no more than 22 games in the regular season exclusive of sectional, regional, and state tournament contests.

20.4.a. The maximum number of quarters for a student in one season is 110 exclusive of sectional, regional, and state tournament contests.

20.4.b. A student can play only five quarters in one day.

20.4.c. Participation in a quarter, regardless of time, will be considered one quarter.

20.4.d. Overtime is considered as an extension of the fourth quarter.

20.5. A high school basketball team is permitted to participate in a preview and a scrimmage or two scrimmage games. (See Glossary.)

20.6. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

20.7. A student may not play or practice on a non-school team while a member of the school team.

20.8. During the sport season a student may accept awards only in WVSSAC sanctioned events Awards must comply with the §127-3-5. Outside the sport season, students may accept only compliant awards in non-sanctioned events.

20.9. Middle Schools — The above rules will apply for middle schools with the following adaptations: (Revised 2018-19)

20.9.a. Girls may begin practice on Monday of Week 18 and boys on Monday of Week 19. The first contest for girls may be played on Wednesday of week 21 and Wednesday of week 22 for boys.

20.9.b. The girls basketball season will end on Saturday of Week 33 and Saturday of Week 34 for boys.

20.9.c. Tournament play on the state level shall be prohibited.

20.9.d. Boys and girls basketball teams will be permitted to play no more than 20 games. Tournament exception does not apply.

20.9.e. All middle students may play a maximum of 100 quarters for one season.

20.9.f. All middle students may play a maximum of five quarters per day. (Revised 2019-20)

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20.9.g. A member school sponsoring games involving teams which combine students in 7th and 8th grades must play those games in quarters of six minutes.

20.9.h. Middle schools are not permitted to play an alumni game.

20.9.i. Scrimmages: Middle school teams are permitted one scrimmage. (See Glossary.)

§127-3-21. Cheerleading.

21.1. Rules: Cheerleading rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification. (Revised 2010-11)

21.2. Organized Practice: Organized team practice will begin on Monday of Week 5.

21.3. Length of Season: The high school spirit and competitive season will begin Monday of Week 5. The competitive season will end for each team at their cheer tournament elimination. The high school spirit season will end on the last day of the Girls' State Basketball Tournament or Boys' State Basketball Tournament.

21.4. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

21.5. A student may accept awards in WVSSAC sanctioned events and non-sanctioned events during the entire year. These awards must be consistent with the items specified in §127-3-5.

21.6. Middle Schools — The above rules will apply for middle schools with the following adaptations:

21.6.a. Organized Team Practice: Organized team practice will begin on Monday of Week 6.

21.6.b. The middle school spirit and competitive cheer season will begin Monday of Week 6. The competitive season will end Saturday of Week 18. The middle school spirit season will end on the last day of the middle school girls' or boys' basketball season.

§127-3-22. Cross Country (Boys and Girls).

22.1. Rules: Cross country rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

22.2. Organized team practice will begin on Monday of Week 5 and the first meet may be held on Saturday of Week 7.

22.3. Length of Season: The cross country season will end for each team or individual at tournament elimination.

22.4. Maximum Team Contests: A cross country team will be permitted 16 meets exclusive of regional and state contests.

22.5. Scrimmages: Schools may conduct two cross country scrimmages with another high school may be conducted. (See Glossary.)

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22.6. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

22.7. A student may accept awards in WVSSAC sanctioned events and non-sanctioned events during the entire year. These awards must be consistent with the items specified in the §127-3-5.

§127-3-23. Football.

23.1. Rules: Football rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

23.2. Organized Team Practice: Organized team conditioning practice will begin on Monday of Week 5 and the first contest may be played during Week 8.

23.2.a. The following table establishes for high school the equipment/contact level, earliest date for scrimmage or GridORama, date for first contest, and date season must be completed.

Year	First Date Organized Practice Helmets Only No Contact	First Date Helmet & Shoulder Pads Soft Equipment Contact Bag, shields sleds, tackling wheel, etc.	Full Pads Soft Equipment Contact Bag, shields sleds, tackling wheel, etc.	Full Pads Full Contact	Earliest Scrimmage Or Grid-O-Rama After 4:00 PM	First Contest	Date Season Must Be Completed
2021	Aug. 2 & 3	Aug. 4 & 5	Aug. 6	Aug. 7	Aug. 13	Aug. 23	Nov. 6
2022	Aug. 1 & 2	Aug. 3 & 4	Aug. 5	Aug. 6	Aug. 12	Aug. 22	Nov. 5
2023	Jul 31 & Aug. 1	Aug. 2 & 3	Aug. 4	Aug. 5	Aug. 11	Aug. 21	Nov. 4
2024	Aug. 5 & 6	Aug. 7 & 8	Aug. 9	Aug. 10	Aug. 16	Aug. 26	Nov. 9
2025	Aug. 4 & 5	Aug. 6 & 7	Aug. 8	Aug. 9	Aug. 15	Aug. 25	Nov. 8

23.2.b. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

23.2.c. In season football camps sponsored by a member school or by other school related organizations where football coaching and instruction are given are not permitted.

23.2.d. The use of football uniforms, protective equipment, tackling or blocking dummies, charging sleds, or similar devices are strictly prohibited during the conditioning program. During the date of pads no live contact, the use of sleds, shields, and blocking dummies is allowed to permit gradual adaptation of the students to carrying the weight of their pads and adjusting to temperature variation.

23.3. Length of Season: The football season will end for each team at the end of the regular season or by play-off elimination.

23.4. Maximum Team Contests: A football team will be permitted to play no more than 10 games exclusive of the play-off games.

23.4.a. The total number of quarters for a student in one season is 50 exclusive of the play-off games.

23.4.b. A student may only play four quarters in one day.

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23.4.c. Any student who participated in one or more downs in one quarter shall be charged with one quarter of play. Downs in which the football teams are in a free kick formation, or the offensive team is in a scrimmage kick formation, as defined in the NFHS Football Rule Book, will not count as a down.

23.4.d. Overtime is considered as an extension of the fourth quarter.

23.4.e. Interscholastic practice game in which teams representing a member school play against alumni or others is not be allowed.

23.5. A football team is permitted to participate in a Grid-O-Rama and one preseason scrimmage or two preseason scrimmages. (See Glossary for definitions of Grid-O-Rama and Scrimmage.)

23.6. Special Regulations:

23.6.a. All rules and regulations of these bylaws pertaining to football are also applicable to sixman and eight-man football.

23.6.b. Any member of a freshman team who plays in a varsity contest (scrimmage, Grid-o-Rama or game) is ineligible to return to the freshman team.

23.6.c. A student may not play or practice on a non-school football team while a member of the school team.

23.7. A student may accept awards for WVSSAC sanctioned and non-sanctioned events during the entire year. These awards must be consistent with the items specified in the §127-3-5.

23.8. The Board of Directors is authorized to adopt a point rating system and overall procedure for determining a state champion in each class.

23.9. Middle Schools: The above rules will apply for middle schools with the following adaptations:

23.9.a. Organized team conditioning practice will begin on Monday of Week 6 and the first game played during Week 9.

23.9.b. The following table establishes the first date for organized practice, the first date pads with no live contact, the first date for live contact, earliest date for a scrimmage, the date for first game and the date season must be completed.

Year	First Date Organized Practice	Pads No Live Contact	Contact Allowed Full Equip.	Date For Scrimmage	Earliest For First Game	Date Season Must Be Completed
2021	Aug. 9	Aug. 16	Aug. 19	Aug. 23	Week 9	Oct. 30
2022	Aug. 8	Aug. 15	Aug. 18	Aug. 22	Week 9	Oct. 29
2023	Aug. 7	Aug. 14	Aug. 17	Aug. 21	Week 9	Oct. 28
2024	Aug. 12	Aug. 19	Aug. 22	Aug. 26	Week 9	Nov. 2
2025	Aug. 11	Aug. 18	Aug. 21	Aug. 25	Week 9	Nov. 1

23.9.c. The football season will end on Saturday of Week 17.

23.9.d. Not more than eight interscholastic football games shall be played, excepting one league playoff game. There shall be a nine game limit, even if league playoff games are used, and the extra game is

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limited to two teams. Leagues choosing to have the extra playoff game may participate in a two quarter Grid-O-Rama in place of a scrimmage game, if agreed to before the start of the season.

23.9.e. The total number of quarters for a middle school student in one season is 40, exclusive of the playoff game in §127-3-23.4.

23.9.f. A middle school football team is allowed one preseason scrimmage under the following conditions:

23.9.f.1. Scrimmage will not be played under game conditions.

23.9.f.2. Scrimmage must be played prior to first game of regular season.

23.9.f.3. Admission may be charged.

23.9.f.4. Registered officials may be used.

23.9.g. Middle school football teams may play overtime periods in regular season games. In season ending championship games, a tie breaking procedure shall be established and used if at the end of two overtime periods, the score remains tied. A maximum of two overtime periods are permitted in accordance with the NFHS Football Rules "20 yard line overtime procedure."

23.9.h. Middle school game ball: The football used involving only students in the 8th grade and below shall be the youth football. Modification of the rule is listed in the NFHS Rule Book, Rule 1-3-1.

23.9.i. Length of Quarters: For teams composed of students in any combination of 6th, 7th, and 8th grades, the length of quarters shall be eight minutes.

23.9.j. A 9th grade team in a high school program will follow the rules provided for high school.

§127-3-24. Golf (Boys and Girls).

24.1. Rules: Golf rules published by the United States Golf Association are the official rules for all interscholastic competition unless otherwise provided by WVSSAC modifications.

24.2. Organized Team Practice: Organized team practice will begin on Monday of Week 5 and the first contest may be played on any day after the first day of the season.

24.3. Length of Season: The golf season will end for each team or individual at tournament elimination.

24.4. Maximum Team Contests: A high school golf team will be permitted to play no more than 18 varsity matches, 18 JV matches, and 18 girls' JV matches. A male or female participant may play no more than a total of 18 matches exclusive of regional and state tournament contests between the varsity, JV, and girls' JV matches. Girls who participate on school teams who do not have a minimum of three female participants may participate as individuals in girls' JV matches as long as the total number of matches they play between varsity, JV, and girls' JV does not exceed 18. Each interscholastic contest counts as one, whether it is nine or 18 holes, and regardless of number of opponents.

24.5. Scrimmages: Not permitted.

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24.6. A student may accept awards in WVSSAC sanctioned events and non-sanctioned events during the entire year. These awards must be consistent with the items specified in §127-3-5.

24.7. Middle School Golf: The above will apply for middle schools with the following adaptations:

24.7.a. Middle school teams are permitted to play no more than 14 matches.

24.7.b. There shall be one season for golf in middle school, either fall or spring; however, the season selected shall be no longer than ten weeks.

§127-3-25. Soccer (Boys and Girls).

25.1. Rules: Soccer rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modifications.

25.2. Organized Team Practice: Organized team practice will begin on Monday of Week 5 and the first contest may be played on Friday of Week 7.

25.3. Length of Season: The soccer season will end for each team by WVSSAC tournament elimination.

25.4. Maximum Team Contests: A soccer team will be permitted to play no more than 20 matches exclusive of sectional, regional, and state tournaments.

25.4.a. The maximum number of halves for a student in one season will be 50, exclusive of sectional, regional, and state tournaments.

25.4.b. A student shall not be permitted to participate in more than three halves during any one day. Play in any part of a half counts as one half. In an overtime game, the overtime shall be considered an extension of the second half.

25.5. A high school soccer team is permitted to participate in a soccer-o-rama and one preseason scrimmage or two preseason scrimmages. (See Glossary.)

25.6. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

25.7. A student may not play or practice on a non-school soccer team while a member of the school team.

25.8. A student may accept awards only in WVSSAC sanctioned events during the season of that sport. These awards must be consistent with the items specified in §127-3-5. Students may accept only this same type of award in non-sanctioned events outside the sport season.

25.9. Middle Schools: The above will apply for middle schools with the following adaptations:

25.9.a. Middle school teams may play 14 matches including tournaments sanctioned by the WVSSAC.

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25.9.b. Organized team practice will begin on Monday of Week 6 and the first contest may be played on Monday of Week 9.

25.9.c. Middle school season will be completed by Saturday of Week 17.

25.9.d. The maximum number of halves for a student in one season will be 28.

25.9.e. Middle school teams are permitted one scrimmage. (See Glossary.)

§127-3-26. Softball.

26.1. Rules: Softball rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modifications.

26.2. Organized Team Practice: Organized team practice will begin on Monday of Week 35 and the first contest may be played on Wednesday of Week 37.

26.3. Length of Season: The softball season will end for each team by WVSSAC tournament elimination.

26.4. Maximum Team Contests: A softball team will be permitted to play no more than 32 contests exclusive of sectional, regional and state contests.

26.5. Scrimmages: Two softball scrimmages with another high school may be conducted. (See Glossary.)

26.6. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

26.7. Student Participation:

26.7.a. A student may not play or practice on a non-school softball team while a member of the school team.

26.7.b. A student shall not participate in more than 32 games in one season, exclusive of sectional, regional and state tournament contests. Serving as a "courtesy or pinch runner" is not considered "participation" in a game.

26.8. During the sport season, a student may accept awards only in WVSSAC sanctioned events. These awards must be compliant with §127-3-5. Outside the sport season students may accept only compliant awards in non-sanctioned events.

26.9. Middle Schools: The above will apply for middle schools with the following adaptations:

26.9.a. Middle school teams may play 18 games including tournaments sanctioned by the WVSSAC.

26.9.b. Middle school season will be completed by Saturday of Week 45.

26.9.c. Middle school teams are permitted one scrimmage. (See Glossary.)

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§127-3-27. Swimming (Boys and Girls).

27.1. Rules: Swimming rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

27.2. Organized Team Practice: Organized team practice will begin on Monday of Week 17 and the first contest may be on Wednesday of Week 19.

27.3. Length of Season: The swimming season will end for each team or individual by WVSSAC tournament elimination.

27.4. Maximum Team Contests: A swimming team will be permitted 16 contests exclusive of sectional, regional, and state contests.

27.5. Scrimmages: Two swimming scrimmages with another high school may be conducted. (See Glossary.)

27.6. Individual students of a team must have practiced on **12** separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

27.7. A student may accept awards in WVSSAC sanctioned events and non-sanctioned events during the entire year. These awards must be consistent with the items specified in §127-3-5.

27.8. The above will apply for middle schools with the following adaptations: (Revised 2018-19)

27.8.a. Middle school teams will be permitted 14 meets.

27.8.b. There shall be one season for Middle school swimming, either winter or spring. However, the season selected shall be no longer than 12 weeks. (Revised 2021-22)

27.8.c. Middle school season will be completed by Saturday of Week 31.

27.8.d. Middle school teams are permitted one scrimmage. (See Glossary.)

§127-3-28. Tennis (Boys and Girls).

28.1. Rules: Tennis rules published by the United States Tennis Association are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

28.2. Organized Team Practice: Organized team practice will begin on Monday of Week 35 and the first contest may be played on Wednesday of Week 37.

28.3. Length of Season: The tennis season will end for each team or individual at tournament elimination.

28.4. Maximum Team Contests: A tennis team will be permitted 22 matches exclusive of sectional, regional, and state contests.

28.4.a. Dual, triangular and quadrangular matches count as one match. Matches in which five or more schools participate count as two matches.

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28.5. Scrimmages: Two tennis scrimmages with another high school may be conducted. (See Glossary.)

28.6. Individual students of a team must have practiced on **12** separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

28.7. A student may accept awards in WVSSAC sanctioned events or non-sanctioned events during the entire year. These awards must be consistent with the items specified in §127-3-5.

28.8. Middle Schools: The above will apply for middle schools with the following adaptations: (Revised 2018-19)

28.8.a. Middle school teams may play 16 matches including tournaments sanctioned by the WVS-SAC.

28.8.b. Middle school teams are permitted one scrimmage. (See Glossary.)

28.8.c. There shall be one season for tennis in middle school, either fall or spring; however, the season selected shall be no longer than 12 weeks.

§127-3-29. Track and Field (Boys and Girls).

29.1. Rules: Track and Field rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

29.2. Organized Team Practice: Organized team practice will begin on Monday of Week 35 and the first contest may be on Wednesday of Week 37.

29.3. Length of Season: The track and field season will end for each team or individual by WVSSAC tournament elimination.

29.4. Maximum Team Contests: A track and field team will be permitted 16 meets exclusive of sectional, regional, and state contests.

29.5. Participation Limitations: Maximum of four events per participant per meet.

29.6. Scrimmages: Not permitted.

29.7. Individual students of a team must have practiced on **12** separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

29.8. A student may accept awards in WVSSAC sanctioned events and non-sanctioned events during the entire year. These awards must be consistent with the items specified in §127-3-5.

29.9. Middle Schools — The above will apply for middle schools with the following adaptations: (Revised 2018-19)

29.9.a. Middle school teams will be permitted 14 meets and only two meets per week.

29.9.b. Middle school season will be completed by Thursday of Week 46.

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29.9.c. Participation limitation: Middle school students, regardless of grade levels (6, 7, or 8), may compete in a maximum of four events, of which only three may be running events, including relays.

§127-3-30. Volleyball (Girls).

30.1. Rules: Volleyball rules published by NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

30.2. Organized Team Practice: Organized team practice will begin on Monday of Week 6 and the first contest may be played on Wednesday of Week 8.

30.3. Length of Season: The volleyball season will end for each team by WVSSAC tournament elimination.

30.4. Maximum Team Contest: A volleyball team will be permitted no more than 22 playing dates exclusive of sectional, regional, and state contests.

30.4.a. Dual, triangular, and quadrangular matches count as one playing date. Matches in which five or more schools participate count as two playing dates.

30.5. In dual competition, a student may participate in a maximum of four games against the same opponent if a match is two of three games and six games if the varsity match is three of five games.

30.6. Scrimmages: Two volleyball scrimmages with another high school, or one scrimmage and one preview may be conducted. (See Glossary.)

30.7. Individual students of a team must have practiced on **12** separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

30.8. A student may not play or practice on a non-school volleyball team while a member of the school team.

30.9. A student may accept awards only in WVSSAC sanctioned events during the season of that sport. These awards must be consistent with the items specified in §127-3-5. Students may accept only this same type of award in non-sanctioned events outside the sport season.

30.10. Middle Schools: The above will apply for middle schools with the following adaptations:

30.10.a. Middle school teams will be permitted **18** playing dates. (Revised 2021-22)

30.10.b. Organized team practice will begin on Monday of Week 7 and the first contest may be played on Wednesday of Week 9.

30.10.c. Middle school season will be completed by Saturday of Week 17.

30.10.d. Middle school teams are permitted one scrimmage or one preview. (See Glossary.)

§127-3-31. Wrestling (Boys).

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31.1. Rules: Wrestling rules published by the NFHS are the official rules for all interscholastic competition unless otherwise provided by Commission modification.

31.2. Organized Team Practice: Organized team practice will begin on Monday of Week 20 and the first contest may be played on Wednesday of Week 22.

31.3. Length of Season: The wrestling season will end for each team or individual at tournament elimination.

31.4. Maximum Team Contest: A wrestling team will be permitted to have 18 weigh-ins exclusive of regional and state tournaments. (Revised 2018-19)

31.4.a. Triangular and quadrangular weigh-ins count as one weigh-in. Weigh-ins in which five or more schools participate count as two weigh-ins. A dual meet, in which only two teams compete, shall only count as one-half of a weigh-in point. (Revised 2020-21)

31.5. Scrimmages: Two wrestling scrimmages with another high school may be conducted. (See Glossary.)

31.6. Individual students of a team must have practiced on 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

31.7. A student may accept awards only in WVSSAC sanctioned events during the season of that sport. These awards must be consistent with the items specified in §127-3-5. Students may accept only this same type of award in non-sanctioned events outside the sport season.

31.8. Middle Schools: The above will apply for middle schools with the following adaptations:

31.8.a. Organized Team Practice: Organized team practice will begin on Monday of Week 19 and the first contest may be played on Wednesday of Week 22.

31.8.b. Middle school teams may have 16 weigh-ins excluding any conference tournament. (Revised 2016-17; 2018-19)

31.8.c. Middle school teams are permitted one scrimmage under the same conditions as a high school.

31.8.d. Middle school season will be completed by Saturday of Week 33.

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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 11, 2019.

1.4. Effective Date. -- September 9, 2019.

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 9, 2015, and effective September 8, 2015.

§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 127-3-8 further explains the forfeiture consequences. (Revised 2011-12)

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.

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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.

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

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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.

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.

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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:

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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, student, or bench personnel ejected by an official will be suspended for the remainder of the game, match, meet or contest. The coach, student, or bench personnel ejected by an official will also be suspended in additional contest(s); the suspension will be assessed based upon ten (10) percent of the allowed regular season contests or post season progression in a playoff tournament for each sport. Any tenth of a percentage from .1 to .4 will be a suspension equal to the whole number of the percent. Any tenth from .5 to .9 will be an additional contest added to the whole number. 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 will result in the doubling of the suspension assessed for the first ejection. If an individual is ejected 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. In accordance with Rule 127315.3, an individual ejected by an official may not appeal that ejection, or any subsequent suspension that is a consequence of the ejection by an official. (Revised 2012-13; 2015-16)

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. (Revised 2007-08)

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.

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

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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. (Revised 2019-20)

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 §127-1-8.6 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 §127-4.

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: (Revised 2007-08)

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 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 §127-6. 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 127-3-15.3 and is not subject to appeal.

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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 §127-6. 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 §127-6.

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**TITLE 127
LEGISLATIVE RULE**

WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

**SERIES 5
BAND ACTIVITIES**

§127-5-1. General.

1.1. Scope. — These rules and regulations govern band activities.

1.2. Authority. — W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-2-25a, and 18225b.

1.3. Filing Date. — August 10, 2018.

1.4. Effective Date. — October 9, 2018.

1.5. Repeal of Former Rule. — This legislative rule amends W. Va. 127CSR5, West Virginia Secondary School Activities Commission Series 5, Band Activities, filed June 7, 2002, and effective August 5, 2002.

§127-5-2. Enrollment and Membership - Band.

2.1. All members of a member school band must be enrolled in that school; §127-5-2.3 is the only exception.

2.2. Majorettes, flag corps, drill teams, etc. are considered an integral part of the band and shall be adjudicated and governed accordingly. Any performance by a majorette, member of a flag corps or drill team, without the band, shall not be considered a band activity.

2.3. Instrumental music students in 7th and 8th grades of a feeder school which does not have its own band and who receive their instruction from the band director of the senior high band in which the students will eventually enroll shall be eligible to participate in the band directed by their instructor. (Revised 2018-19)

2.4. Participants in secondary school interscholastic band activities shall be eligible only for the number of years in which they are enrolled and attending a secondary school.

2.5. Students enrolled in schools serving grades five through eight may be eligible to participate in all band activities.

§127-5-3. Scholarship - Band.

3.1. All students are required to be enrolled in the equivalent of at least four content area course credits toward graduation. Failure to earn passing marks in the equivalent of at least four content area courses toward graduation shall render a student ineligible for the following semester.

3.1.a. Two of those four content area course credits must be in English-language arts, social studies, mathematics or science, and may or may not be in the same subject.

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3.1.b. If a student has completed all state, county, and school requirements, they may select four full credits from any area of the curriculum offered by the school.

3.1.c. If a student is taking a multiple period block course, such as vocational courses for a full morning or afternoon, it may be counted as more than one course. The number of courses counted will be equal to the units of full credits given; however, §127-5-1.1 and §127-5-1.2 apply.

3.2. Full credit may be awarded for outside courses and experimental programs developed by the school itself provided that it meets standards established by the county and West Virginia Board of Education. Such credit must be earned during the regular school term.

3.3. In order for a withdrawn student or expelled student to regain eligibility, they must complete one semester of school work.

3.4. Scholastic deficiencies cannot be made up after the last day of the semester, except when a student's final examination(s) and course credit are delayed due to illness verified by a physician.

3.5. In all cases, the official school transcript determines a student's eligibility and is regarded as final.

3.6. A student promoted to the 7th grade for the first time is considered to have satisfied scholastic requirements and is permitted to participate during the first semester of initial enrollment in that grade, provided the student is otherwise eligible.

§127-5-4. Festivals - Band.

4.1. The West Virginia Secondary School Activities Commission (WVSSAC/Commission) Board of Directors (Board of Directors) shall divide the state into regions for the purpose of band festivals and shall have the authority to place bands in those regions. They shall also determine the time, place, and management of these events.

4.2. All bands participating in those festivals shall be composed of students that meet the qualification standards set forth in these rules.

4.3. The Board of Directors shall appoint directors for the festivals. One of their responsibilities will be to contract adjudicators for the festivals.

4.4. Newly established programs are not required to participate in the regional festival.

§127-5-5. Sanctioning - Band.

5.1. On or before September 1 of each school year, the Board of Directors shall provide each member school a list of approved school sponsored and non-school sponsored contests and activities in which member bands may participate during the ensuing year.

5.2. Additions to this list may be made after September 1 of each school year, provided that the request for approval is filed with the Commission office at least 30 days prior to the activity.

5.3. In order to qualify for approved participation in activities outside the home county and counties contiguous to the home county (including out-of-state), bands of member schools must have participated

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within the guidelines of the WVSSAC Band Festival Plan in the most recently conducted regional band festival.

5.4. A school band shall not be absent from school more than five school days each year for the purpose of participating in band activities.

5.5. The regulations above apply only during the regular school term.

§127-5-6. Awards - Band.

6.1. Only a member school or a non-school organization sponsoring an activity approved by this Commission may give the following awards to a student or band: medal, trophy, cup, certificate, ribbon, plaque, unattached letter, unattached chevron, or similar award.

6.2. A student may accept as an individual or member of a school band the above specified awards in the following situations:

- 6.2.a. from a member school for participation;
- 6.2.b. in a sanctioned event; or
- 6.2.c. in a non-sanctioned event during the summer.

6.3. A student may not receive the following awards from any source:

- 6.3.a. Wearing apparel - sweaters, jackets, etc.;
- 6.3.b. Equipment - radio, television, etc.;
- 6.3.c. Music instruments, batons, etc.; and
- 6.3.d. Money (scholarship to institutions of higher learning are exempted).

6.4. Member school bands may accept prizes and/or gratuities for participation in sanctioned events during the school term and in non-sanctioned events during the summer.

6.5. Purchase for a student of an item mentioned in §127-5-6.3.1-4 whereby a portion is donated by a school, booster club, auxiliary agency, or any other group or organization is prohibited.

6.6. Nothing in §127-5-6 shall be interpreted to affect the recognition of scholarship or scholastic achievement.

6.7. Any student who accepts an award in any band activity, other than those approved in these rules, shall be ineligible to participate in any band activity for 365 days.

§127-5-7. Classification of Schools - Band.

7.1. There shall be three classes of schools for bands: Class AAA, Class AA, and Class A. The Board of Directors is authorized to determine the size of enrollment in each class.

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7.2. Classification shall be determined every four years in the even numbered year and, when established, shall remain in effect for four school years. Classification shall be based on the second month's enrollment of the previous odd numbered year.

7.3. Enrollment standard for schools will be the active enrollment of the total number of students in grades 9, 10, 11, and 12.

7.4. Member middle schools will not be given a classification. (Revised 2018-19)

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**TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION**

**SERIES 6
VIOLATIONS OF THE RULES**

§127-6-1. General.

- 1.1. Scope - These rules govern the procedures for protests, contested cases and waiver of rules.
- 1.2. Authority - W.Va. Constitution, Article XII, §2 and W.Va. Code §18-2-25.
- 1.3. Filing Date - July 13, 2007.
- 1.4. Effective Date - September 11, 2007.

1.5 Repeal of Former Rule. This legislative rule amends W. Va. 127CSR6, West Virginia Secondary School Activities Commission Series 6, Violation of the Rules, filed June 7, 2002 and effective August 6, 2002.

§127-6-2. Powers of the Board of Directors to Impose Penalties.

2.1. All violations of rules and questions of dispute are within the power of the Board of Directors to investigate, through the Executive Director, or other authorized person or persons, and to impose such penalties as are prescribed elsewhere in this Constitution and Bylaws and as listed below.

2.2. If the Board of Directors finds a school guilty of violating the provisions of this Constitution and Bylaws, said Board of Directors has the power to:

2.2.1. Declare the school ineligible for championship honors or other activities for the current year in the activity in which the offense occurred.

2.2.2. Place the school on probation for a period of time not to exceed 365 days from date of such finding. Such probation may include the loss of voting rights for the member and/or the loss of the privilege of the member school to participate in any or all interscholastic events which are sanctioned, controlled or sponsored by this Commission, and/or the imposition of other restrictive measures as the Board of Directors may deem advisable.

2.2.3. Assess such fines as are deemed necessary and just.

2.2.4. Impose such other additional penalties as may seem justifiable in the particular case considered.

§127-6-3. Method for Protests - Deputies.

3.1. If charges against any member of the Commission cannot be satisfactorily resolved by the Deputy Board Member in the region in which such charges originate, then the charges shall be submitted in writing to the Executive Director of the West Virginia Secondary School Activities Commission (WVSSAC).

3.2. If the Executive Director is unable to resolve the charges in a manner satisfactory to the schools concerned, he shall submit the protest to the Board of Directors and the decision of said Board shall be final except as provided in Section 127-1-13.3.1 of the Constitution.

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3.3. In no case shall a protest be heard by said Board unless the principal bringing the charges notifies in writing the principal of the school being protested. A copy of such notification shall accompany the protest sent to the Executive Director.

3.4. The principal of a school against which charges have been preferred shall be permitted to appear before the Board of Directors.

§127-6-4. Method of Protests - Executive Director.

4.1. If the Executive Director has reason to believe that any member of the WVSSAC has or is violating the rules of the Commission he shall make such investigation as he deems necessary to determine the innocence or guilt of the suspected member.

4.2. The Executive Director shall then report his findings to the principal of the offending school and set a time and place for a meeting with the principal of the school, at which meeting the principal shall be permitted to submit any pertinent evidence in defense of his school.

4.3. If the principal is not then satisfied with the decision of the Executive Director, a request may be made for a hearing before the Board of Directors at such time and place as is convenient for both the principal and the Board.

4.4. In no case shall the Board of Directors hear charges and render a decision unless the principal is given an opportunity to appear in defense of his school. After all evidence has been submitted, the Board of Directors shall render a decision which shall be final except as provided in §127-1-13.3 of the Constitution.

§127-6-5. Method of Protests - Contested Cases.

5.1. Commencement of an appeal in a contested case by an aggrieved party, hereinafter named the petitioner, shall be instituted by the filing of a verified petition which shall contain:

- 5.1.1. The name and address of the petitioner.
- 5.1.2. The interest of the petitioner.
- 5.1.3. A statement of facts.
- 5.1.4. A statement of jurisdiction.
- 5.1.5. A designation of the applicable rule or rules involved.
- 5.1.6. An assignment of errors relied upon.
- 5.1.7. A statement of the relief requested.

5.2. Petitions for appeal shall be served upon the WVSSAC by registered or certified mail.

5.3. The Executive Director, or any other interested party, may file an answer, but failure to file an answer will be interpreted as a denial of the allegations contained in the petition. If they elect to file an answer, it shall contain the following:

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- 5.3.1. Allegation of facts with denials, additional facts or other pertinent data.
- 5.3.2. A statement of other applicable rules and statutes.
- 5.3.3. A statement of objections, if any, to the parties or other portion of the petition.
- 5.3.4. Designation of other interested parties.

5.4. All answers shall be filed with the Board of Directors within five (5) days after receipt of the petition for appeal.

5.5. In the event that the parties are unable to dispose of the issues without a hearing or if the Board of Directors elects to proceed without a pre-hearing conference, the Executive Director shall notify all parties in writing of the date, time and place set for a hearing on the appeal. The notice shall be given at least seven (7) days in advance of the time set for the hearing and shall contain a short and plain statement of the issues involved. Said hearing shall be conducted in conjunction with a regularly scheduled meeting of the Board of Directors. In this event, costs for such a meeting shall not be taxed against the petitioner(s).

5.6. The matter may be heard at a special meeting of the Board of Directors provided the petitioner(s) agrees in writing to pay all costs incidental to such meeting. Such costs shall not exceed the actual expenses incurred. The Board of Directors, at its discretion, may require the petitioner(s) to post adequate security for such costs with the Executive Director.

5.7. If the petitioner(s)' appeal should prevail at the special meeting of the Board of Directors or at a subsequent hearing before the Review Board, the security deposit or the posted costs shall be returned to the petitioner(s).

5.8. All parties to any appeal may represent themselves or be represented by an attorney licensed to practice law in the State of West Virginia.

5.9. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Objections to evidentiary offers shall be noted in the record. Any party to any such hearings may vouch the record as to any excluded testimony or other evidence.

5.10. All evidence, including papers, records, Commission staff memoranda, and documents, in the possession of the Commission, of which it desires to avail itself, shall be offered and made a part of the record in the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.

5.11. Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

5.12. All of the testimony and evidence of any such hearing shall be reported by stenographic notes and characters or by mechanical means. All rulings on the admissibility of testimony and evidence shall also be reported. The Board of Directors shall prepare an official record, which shall include reported testimony and exhibits in each contested case, and all Commission staff memoranda and data used in consideration of the case, but it shall not be necessary to transcribe the reported testimony unless required for purpose of rehearing or review. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default.

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§127-6-6. Review Board.

6.1. Any decision of the Board of Directors involving penalty, protest or interpretation of the rules and regulations of this Commission may be appealed to the Review Board in the manner hereinafter described. Said appeal may be made by any member of the aggrieved party which is directly affected by the decision of the Board of Directors and aggrieved by such decision of the Board of Directors.

6.2. Appeals must be filed with the State Superintendent of Schools of West Virginia within fifteen days after any final decision of the Board of Directors of the WVSSAC.

6.3. Upon receipt of said appeal, the State Superintendent of Schools shall immediately notify each member of the Review Board of said appeal and the Chairman of said Review Board who shall forthwith set a date, time and place for hearing and shall immediately notify all interested parties, in writing, of the same.

6.4. The filing of any appeal shall not stay enforcement nor act to supersede the prior ruling or decision of the Board of Directors. However, pending the hearing on any appeal, at its discretion, the Board of Directors may grant a stay of enforcement upon such terms as it deems proper.

6.5. Proceedings for review shall be instituted by filing a petition, in quintuplicate, with the State Superintendent of Schools within fifteen days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the WVSSAC or its Executive Director and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

6.6. Within fifteen days after receipt of a copy of the petition by the WVSSAC or its Executive Director, or within such further time as the Review Board may allow, said Commission or said Executive Director shall transmit to such Review Board, the original or a certified copy of the entire record of the proceedings under review, including a transcript of all testimony and all papers, motions, documents, evidence and records as were before the said Commission, all Commission staff memoranda submitted in connection with the case, and a statement of matters officially noted; but, by stipulation of all parties to the review proceedings, the record may be shortened. The expense of preparing such record shall be taxed as a part of the costs of the appeal. The appellant shall provide security for costs involved. Upon demand by any party to the appeal, said Commission shall furnish, at the cost of the party requesting same, a copy of such record. In the event the complete record is not filed with the Review Board within the time provided for in this section, the appellant may apply to the Review Board to have the case docketed, and the Review Board shall order such record filed. Failure of the said Commission to file the record within the time stipulated shall automatically stay the enforcement of the order or decision of the Board of Directors, in that particular case, and such stay shall continue until such record is filed.

6.7. Appeals taken on questions of law, fact or both, shall be heard upon assignment of error filed in the cause or set out in the briefs of the appellant. Errors not argued by brief may be disregarded, but the Review Board may consider and decide errors which are not assigned or argued.

6.8. The review shall be conducted by the Review Board without a jury and shall be upon the records made before the Commission, except that in cases of alleged irregularities in procedure before the Commission not shown in the record, testimony thereon may be taken before the Review Board. The Review Board may hear oral arguments and require written briefs.

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6.9. After hearing all evidence and arguments, the Review Board shall render a decision in one of three forms: (1) sustaining the ruling of the Board of Directors; (2) reversing the ruling of the Board of Directors; or (3) remanding the matter to the Board of Directors for further action. The Board of Review shall reverse, vacate or modify the order or decision of the Board of Directors if the substantial rights of the petitioner or petitioners have been prejudiced because of the administrative findings, inferences, conclusions, decisions or order are (1) in violation of constitutional or statutory provisions; or (2) in excess of the statutory authority or jurisdiction of the Commission; or (3) made upon unlawful procedures; or (4) affected by other error of law; or (5) clearly wrong in view of the reliable probative and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

6.10. Four members, present and voting, shall constitute a quorum for the Review Board to transact all business.

6.11. A majority vote of those members of the Review Board in attendance at any hearing shall be required to render a decision. Such decision shall be final and binding on all parties concerned.

6.12. Within thirty (30) days from the date of any hearing, the Review Board shall make a written report of its decision, stating briefly therein its reasons for such a decision. Copies of the report shall be mailed to the State Superintendent of Schools, the Executive Director of the WVSSAC and, upon written request, to other interested parties.

6.13. Nothing in this Article shall be construed to limit the Board of Directors in performing its regular duties as provided in the Constitution and Bylaws of the WVSSAC; in making investigations and initiating proceedings against any member of said Commission; in making interpretations of the rules of eligibility of student athletes, cheerleaders or band members; or in imposing penalties for the violations of any rules, regulations, or Bylaws of said Commission.

6.14. The Constitution §127-1-8.5 and Rules §127-6-2, §127-6-3.2 and §127-6-4.4 which infer or state that decisions of the Board of Directors are final, 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 this Article and affirmed, reversed or remanded by the Board of Review.

HIGH SCHOOL WVSSAC STANDARDIZED CALENDAR 2021-2027

	Date and-or Week No.	2021-2022	2022-2023	2023-2024	2024-2025	2026-2026	2026-2027
BAND	Mon. of Wk. 38	Mar. 21	Mar. 20	Mar. 18	Mar. 24	Mar. 23	Mar. 22
State Contest	to Sat. of Wk. 43	Apr. 30	Apr. 29	Apr. 27	May 3	May 2	May 1
BASEBALL	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
Season Starts	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 18	Mar. 17
1st Contest May Be Held	(45-46) Mon-Sat	May 9-21	May 8-20	May 6-18	May 12-24	May 11-23	May 10-22
Sectional	(47) Mon-Sat	May 23-28	May 22-27	May 20-25	May 26-31	May 25-30	May 24-29
Regional	(48) Thurs-Sat	June 2-4	June 1-3	May 30-June 1	June 5-7	June 4-6	June 3-5
State							
BASKETBALL BOYS'	Mon. of Wk. 20	Nov. 15	Nov. 14	Nov. 13	Nov. 18	Nov. 17	Nov. 16
Season Starts	Tues. of Wk. 23	Dec. 7	Dec. 6	Dec. 5	Dec. 10	Dec. 9	Dec. 8
1st Contest May Be Held	(34-35) Fri-Sat	Feb. 25-Mar. 5	Feb. 24-Mar. 4	Feb. 23-Mar. 2	Feb. 28-Mar. 8	Feb. 27-Mar. 7	Feb. 26-Mar. 6
Sectional	(36) Tues-Thurs	Mar. 8-10	Mar. 7-9	Mar. 5-7	Mar. 11-13	Mar. 10-12	Mar. 9-11
Regional	(37) Wed-Sat	Mar. 16-19	Mar. 16-18	Mar. 13-16	Mar. 19-22	Mar. 18-21	Mar. 17-20
State							
BASKETBALL GIRLS'	Mon. of Wk. 19	Nov. 8	Nov. 7	Nov. 6	Nov. 11	Nov. 10	Nov. 9
Season Starts	Tues. of Wk. 22	Nov. 30	Nov. 29	Nov. 28	Dec. 3	Dec. 2	Dec. 1
1st Contest May Be Held	(33-34) Fri-Sat	Feb. 18-26	Feb. 17-25	Feb. 16-24	Feb. 21-Mar. 1	Feb. 20-28	Feb. 19-27
Sectional	(35) Tues-Thurs	Mar. 1-3	Feb. 28-Mar. 2	Feb. 27-29	Mar. 4-6	Mar. 3-5	Mar. 2-4
Regional	(36) Wed-Sat	Mar. 9-12	Mar. 8-11	Mar. 6-9	Mar. 12-15	Mar. 11-14	Mar. 10-13
State							
CHEERLEADING	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
Season Starts	(18) Sat	Nov. 6	Nov. 5	Nov. 4	Nov. 9	Nov. 8	Nov. 7
Regional	(23) Sat	Dec. 11	Dec. 10	Dec. 9	Dec. 14	Dec. 13	Dec. 12
State Contest		Mar. 19	Mar. 18	Mar. 16	Mar. 22	Mar. 21	Mar. 20
Season Ends							
CROSS COUNTRY	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
Season Starts	Sat. of Wk. 7	Aug. 21	Aug. 20	Aug. 19	Aug. 24	Aug. 23	Aug. 22
1st Contest May Be Held	(16) Thurs-Sat	Oct. 21-23	Oct. 20-22	Oct. 19-21	Oct. 24-26	Oct. 23-25	Oct. 22-24
Regional	(17) Sat	Oct. 30	Oct. 29	Oct. 28	Nov. 2	Nov. 1	Oct. 31
State							
FOOTBALL	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
Season Starts	Wk. 8	Aug. 23	Aug. 22	Aug. 21	Aug. 26	Aug. 25	Aug. 24
1st Contest May Be Held	(19) Fri-Sat	Nov. 12-13	Nov. 11-12	Nov. 10-11	Nov. 15-16	Nov. 14-15	Nov. 13-14
Play-Off 1st Round	(20) Fri-Sat	Nov. 19-20	Nov. 18-19	Nov. 17-18	Nov. 22-23	Nov. 21-22	Nov. 20-21
Play-Off 2nd Round	(21) Fri-Sat	Nov. 26-27	Nov. 25-26	Nov. 24-25	Nov. 29-30	Nov. 28-29	Nov. 27-28
Play-Off 3rd Round	(22) Fri-Sat	Dec. 3-4	Dec. 2-3	Dec. 1-2	Dec. 6-7	Dec. 5-6	Dec. 4-5
Championship							
GOLF	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
Season Starts	Tues. of Wk. 5	Aug. 3	Aug. 2	Aug. 1	Aug. 6	Aug. 5	Aug. 4
1st Contest May Be Held	(13) Mon	Sept. 27	Sept. 26	Sept. 25	Sept. 30	Sept. 29	Sept. 28
Regional	(14) Tues-Wed	Oct. 5-6	Oct. 4-5	Oct. 3-4	Oct. 8-9	Oct. 7-8	Oct. 6-7
State							
SOCCER	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
Season Starts	Fri. of Wk. 7	Aug. 20	Aug. 19	Aug. 18	Aug. 23	Aug. 22	Aug. 21
1st Contest May Be Held	(16) Mon-Sat	Oct. 18-23	Oct. 17-22	Oct. 16-21	Oct. 21-26	Oct. 20-25	Oct. 19-24
Sectional	(17) Tues, Thurs	Oct. 26, 28	Oct. 25, 27	Oct. 24, 26	Oct. 29, 31	Oct. 28, 30	Oct. 27, 29
Regional Final	(18) Fri-Sat	Nov. 5-6	Nov. 4-5	Nov. 3-4	Nov. 8-9	Nov. 7-8	Nov. 6-7
State							
SOFTBALL	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
Season Starts	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 16	Mar. 17
1st Contest May Be Held	(44-45) Mon-Sat	May 2-14	May 1-13	Apr. 29-May 11	May 5-17	May 4-15	May 3-14
Sectional	(46) Mon-Sat	May 16-21	May 15-20	May 13-18	May 19-24	May 18-23	May 17-22
Regional	(47) Wed-Thurs	May 25-26	May 24-25	May 22-23	May 28-29	May 27-28	May 26-27
State							
SWIMMING	Mon. of Wk. 17	Oct. 25	Oct. 24	Oct. 23	Oct. 28	Oct. 27	Oct. 26
Season Starts	Wed. of Wk. 19	Nov. 10	Nov. 9	Nov. 8	Nov. 13	Nov. 12	Nov. 11
1st Contest May Be Held	(31) Sat	Feb. 5	Feb. 4	Feb. 3	Feb. 8	Feb. 7	Feb. 6
Regional	(33) Thurs-Fri	Feb. 17-18	Feb. 16-17	Feb. 15-16	Feb. 20-21	Feb. 19-20	Feb. 18-19
State							
TENNIS	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
Season Starts	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 18	Mar. 17
1st Contest May Be Held	(44) Mon-Sat	May 2-7	May 1-6	Apr. 29-May 4	Apr. 29-May 4	May 4-9	May 3-8
Regional	(45) Thurs-Sat	May 12-14	May 11-13	May 10-12	May 9-11	May 14-16	May 13-15
State							
TRACK	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
Season Starts	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 18	Mar. 17
1st Contest May Be Held	(45) Wed-Sat	May 11-14	May 10-13	May 8-11	May 14-17	May 13-16	May 12-15
Regional	(46) Fri-Sat	May 20-21	May 19-20	May 17-18	May 23-24	May 22-23	May 21-22
State							
VOLLEYBALL	Mon. of Wk. 6	Aug. 9	Aug. 8	Aug. 7	Aug. 6	Aug. 11	Aug. 10
Season Starts	Wed. of Wk. 8	Aug. 25	Aug. 24	Aug. 23	Aug. 28	Aug. 27	Aug. 26
1st Contest May Be Held	(18) Mon-Thurs	Nov. 1-4	Oct. 31-Nov. 3	Oct. 30-Nov. 2	Oct. 29-Nov. 1	Nov. 3-6	Nov. 2-5
Sectional	(18) Sat	Nov. 6	Nov. 5	Nov. 4	Nov. 3	Nov. 8	Nov. 7
Regional	(19) Fri-Sat	Nov. 12-13	Nov. 11-12	Nov. 10-11	Nov. 9-10	Nov. 14-15	Nov. 13-14
State							
WRESTLING	Mon. of Wk. 20	Nov. 15	Nov. 14	Nov. 13	Nov. 18	Nov. 17	Nov. 16
Season Starts	Wed. of Wk. 22	Dec. 1	Nov. 30	Nov. 29	Dec. 4	Dec. 3	Dec. 2
1st Contest May Be Held	(33) Sat	Feb. 19	Feb. 18	Feb. 17	Feb. 22	Feb. 21	Feb. 20
Regional	(35) Thurs-Sat	Mar. 3-5	Mar. 2-4	Feb. 29-Mar. 2	Mar. 6-8	Mar. 6-7	Mar. 4-6
State							

**MIDDLE SCHOOL
WVSSAC STANDARDIZED CALENDAR
2021-2027**

	Date and-or Week No.	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027
BAND State Contest	Mon. of Wk. 38 to Sat. of Wk. 43	Mar. 21 Apr. 30	Mar. 20 Apr. 29	Mar. 18 Apr. 27	Mar. 21 May 3	Mar. 23 May 2	Mar. 22 May 1
BASEBALL Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 35 Wed. of Wk. 37 Sat. of Wk. 45	Feb. 28 Mar. 16 May 14	Feb. 27 Mar. 15 May 13	Feb. 26 Mar. 13 May 11	Mar. 3 Mar. 19 May 17	Mar. 2 Mar. 18 May 16	Mar. 1 Mar. 17 May 15
BASKETBALL BOYS' Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 19 Wed. of Wk. 22 Sat. of Wk. 34	Nov. 8 Dec. 1 Feb. 26	Nov. 7 Nov. 30 Feb. 25	Nov. 6 Nov. 29 Feb. 24	Nov. 11 Dec. 4 Mar. 1	Nov. 10 Dec. 3 Feb. 28	Nov. 9 Dec. 2 Feb. 27
BASKETBALL GIRLS' Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 18 Wed. of Wk. 21 Sat. of Wk. 33	Nov. 1 Nov. 24 Feb. 19	Oct. 31 Nov. 23 Feb. 18	Oct. 30 Nov. 22 Feb. 17	Nov. 4 Nov. 27 Feb. 22	Nov. 3 Nov. 26 Feb. 21	Nov. 2 Nov. 25 Feb. 20
CHEERLEADING Season Starts Season Ends	Mon. of Wk. 6 Sat. of Wk. 34	Aug. 9 Feb. 26	Aug. 8 Feb. 25	Aug. 7 Feb. 24	Aug. 12 Mar. 1	Aug. 11 Feb. 28	Aug. 10 Feb. 27
CROSS COUNTRY Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 5 Wed. of Wk. 7 Tues. of Wk. 16	Aug. 2 Aug. 18 Oct. 19	Aug. 1 Aug. 17 Oct. 18	July 31 Aug. 16 Oct. 17	Aug. 5 Aug. 21 Oct. 22	Aug. 4 Aug. 20 Oct. 21	Aug. 3 Aug. 19 Oct. 20
FOOTBALL Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 6 (9) Mon-Sat (17) Sat	Aug. 9 Aug. 30-Sept. 4 Oct. 30	Aug. 8 Aug. 29-Sept. 3 Oct. 29	Aug. 7 Aug. 28-Sept. 2 Oct. 28	Aug. 12 Sept. 2-7 Nov. 2	Aug. 11 Sept. 1-6 Nov. 1	Aug. 10 Aug. 31-Sept. 5 Oct. 31
GOLF	There shall be one season for golf in middle school, either fall or spring; however, the season selected shall be no longer than 10 weeks.						
SOCCER Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 6 Mon. of Wk. 9 Sat. of Wk. 17	Aug. 9 Aug. 30 Oct. 30	Aug. 8 Aug. 29 Oct. 29	Aug. 7 Aug. 28 Oct. 28	Aug. 12 Sept. 2 Nov. 2	Aug. 11 Sept. 1 Nov. 1	Aug. 10 Aug. 31 Oct. 31
SOFTBALL Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 35 Wed. of Wk. 37 Sat. of Wk. 45	Feb. 28 Mar. 16 May 14	Feb. 27 Mar. 15 May 13	Feb. 26 Mar. 13 May 11	Mar. 3 Mar. 19 May 17	Mar. 2 Mar. 18 May 16	Mar. 1 Mar. 17 May 15
SWIMMING Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 17 Wed. of Wk. 19 Sat. of Wk. 32	Oct. 25 Nov. 10 Feb. 12	Oct. 24 Nov. 9 Feb. 11	Oct. 23 Nov. 8 Feb. 10	Oct. 28 Nov. 13 Feb. 15	Oct. 27 Nov. 12 Feb. 14	Oct. 26 Nov. 11 Feb. 13
TENNIS	There shall be one season for tennis in middle school, either fall or spring; however, the season selected shall be no longer than 12 weeks.						
TRACK Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 35 Wed. of Wk. 37 Thurs. of Wk. 46	Feb. 28 Mar. 16 May 19	Feb. 27 Mar. 15 May 18	Feb. 26 Mar. 13 May 16	Mar. 3 Mar. 19 May 22	Mar. 2 Mar. 18 May 21	Mar. 1 Mar. 17 May 20
VOLLEYBALL Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 7 Wed. of Wk. 9 Sat. of Wk. 17	Aug. 16 Sept. 1 Oct. 30	Aug. 15 Aug. 31 Oct. 29	Aug. 14 Aug. 30 Oct. 28	Aug. 19 Sept. 4 Nov. 2	Aug. 18 Sept. 3 Nov. 1	Aug. 17 Sept. 2 Oct. 31
WRESTLING Season Starts 1st Contest May Be Held Season Ends	Mon. of Wk. 19 Wed. of Wk. 22 Sat. of Wk. 33	Nov. 8 Dec. 1 Feb. 19	Nov. 7 Nov. 30 Feb. 18	Nov. 6 Nov. 29 Feb. 17	Nov. 11 Dec. 4 Feb. 22	Nov. 10 Dec. 3 Feb. 21	Nov. 9 Dec. 2 Feb. 20

**NATIONAL FEDERATION
STANDARDIZED PROCEDURE FOR NUMBERING CALENDAR WEEKS**

2021-22	2022-23	2023-24	2024-25	2025-26
1 7/4-7/10	7/3-7/9	7/2-7/8	7/7-7/13	7/6-7/12
2 7/11-7/17	7/10-7/16	7/9-7/15	7/14-7/20	7/13-7/19
3 7/18-7/24	7/17-7/23	7/16-7/22	7/21-7/27	7/20-7/26
4 7/25-7/31	7/24-7/30	7/23-7/29	7/28-8/3	7/27-8/2
5 8/1-8/7	7/31-8/6	7/30-8/5	8/4-8/10	8/3-8/9
6 8/8-8/14	8/7-8/13	8/6-8/12	8/11-8/17	8/10-8/16
7 8/15-8/21	8/14-8/20	8/13-8/19	8/18-8/24	8/17-8/23
8 8/22-8/28	8/21-8/27	8/20-8/26	8/25-8/31	8/24-8/30
9 8/29-9/4	8/28-9/3	8/27-9/2	9/1-9/7	8/31-9/6
10 9/5-9/11	9/4-9/10	9/3-9/9	9/8-9/14	9/7-9/13
11 9/12-9/18	9/11-9/17	9/10-9/16	9/15-9/21	9/14-9/20
12 9/19-9/25	9/18-9/24	9/17-9/23	9/22-9/28	9/21-9/27
13 9/26-10/2	9/25-10/1	9/24-9/30	9/29-10/5	9/28-10/4
14 10/3-10/9	10/2-10/8	10/1-10/7	10/6-10/12	10/05-10/11
15 10/10-10/16	10/9-10/15	10/8-10/14	10/13-10/19	10/12-10/18
16 10/17-10/23	10/16-10/22	10/15-10/21	10/20-10/26	10/19-10/25
17 10/24-10/30	10/23-10/29	10/22-10/28	10/27-11/2	10/26-11/1
18 10/31-11/6	10/30-11/5	10/29-11/4	11/3-11/9	11/2-11/8
19 11/7-11/13	11/6-11/12	11/5-11/11	11/10-11/16	1/9-11/15
20 11/14-11/20	11/13-11/19	11/12-11/18	11/17-11/23	11/16-11/22
21 11/21-11/27	11/20-11/26	11/19-11/25	11/24-11/30	11/23-11/29
22 11/28-12/4	11/27-12/3	11/26-12/2	12/1-12/7	11/30-12/6
23 12/5-12/11	12/4-12/10	12/3-12/9	12/8-12/14	12/7-12/13
24 12/12-12/18	12/11-12/17	12/10-12/16	12/15-12/21	12/14-12/20
25 12/19-12/25	12/18-12/24	12/17-12/23	12/22-12/28	12/21-12/27
26 12/26-1/1	12/25-12/31	12/24-12/30	12/29-1/4	12/28-1/3
27 1/2-1/8	1/1-1/7	12/31-1/6	1/5-1/11	1/4-1/10
28 1/9-1/15	1/8-1/14	1/7-1/13	1/12-1/18	1/11-1/17
29 1/16-1/22	1/15-1/21	1/14-1/20	1/19-1/25	1/18-1/24
30 1/23-1/29	1/22-1/28	1/21-1/27	1/26-2/1	1/25-1/31
31 1/30-2/5	1/29-2/4	1/28-2/3	2/2-2/8	2/1-2/7
32 2/6-2/12	2/5-2/11	2/4-2/10	2/9-2/15	2/8-2/14
33 2/13-2/19	2/12-2/18	2/11-2/17	2/16-2/22	2/15-2/21
34 2/20-2/26	2/19-2/25	2/18-2/24	2/23-3/1	2/22-2/28
35 2/27-3/5	2/26-3/4	2/25-3/2	3/2-3/8	3/1-3/7
36 3/6-3/12	3/5-3/11	3/3-3/9	3/9-3/15	3/8-3/14
37 3/13-3/19	3/12-3/18	3/10-3/16	3/16-3/22	3/15-3/21
38 3/20-3/26	3/19-3/25	3/17-3/23	3/23-3/29	3/22-3/28
39 3/27-4/2	3/26-4/1	3/24-3/30	3/30-4/5	3/29-4/4
40 4/3-4/9	4/2-4/8	3/31-4/6	4/6-4/12	4/5-4/11
41 4/10-4/16	4/9-4/15	4/7-4/13	4/13-4/19	4/12-4/18
42 4/17-4/23	4/16-4/22	4/14-4/20	4/20-4/26	4/19-4/25
43 4/24-4/30	4/23-4/29	4/21-4/27	4/27-5/3	4/26-5/2
44 5/1-5/7	4/30-5/6	4/28-5/4	5/4-5/10	5/3-5/9
45 5/8-5/14	5/7-5/13	5/5-5/11	5/11-5/17	5/10-5/16
46 5/15-5/21	5/14-5/20	5/12-5/18	5/18-5/24	5/17-5/23
47 5/22-5/28	5/21-5/27	5/19-5/25	5/25-5/31**	5/24-5/30**
48 5/29-6/4**	5/28-6/3**	5/26-6/1**	6/1-6/7	5/31-6/6
49 6/5-6/11	6/4-6/10	6/2-6/8	6/8-6/14	6/7-6/13
50 6/12-6/18	6/11-6/17	6/9-6/15	6/15-6/21	6/14-6/20
51 6/19-6/25	6/18-7/24	6/16-6/22	6/22-6/28	6/21-6/27
52 6/26-7/2	6/25-7/1	6/23-6/29	6/29-7/5	6/28-7/4

* Easter Sunday
** Memorial Day week

APPENDIX C

PAST MEMBERS - BOARD OF DIRECTORS

1916-17

John G. Graham (Huntington), President
Benjamin H. Williams (Bluefield), Vice President
H.P. Johns (Wheeling), Secretary-Treasurer

1917-19

John G. Graham (Huntington), President
Benjamin H. Williams (Bluefield), Vice President
George H. Colebank (Fairmont), Secretary-Treasurer

1919-20

John G. Graham (Huntington), President
John L. Stewart (Parkersburg), Vice President
H.W. Piggott (Grafton), Secretary-Treasurer

1920-22

Lakin F. Roberts (Charleston), President
Jesse E. Riley (New Martinsville), Vice President
A.J. Gibson (Elkins), Secretary-Treasurer

1922-23

R.W. Shumaker (Spencer), President
Walter Riddle (Bridgeport), Vice President
A.J. Gibson (Elkins), Secretary-Treasurer

1923-25

H.W. Piggott (Parkersburg), President
E.E. Church (Martinsburg), Vice President
H.Y. Clark (Grafton), Secretary-Treasurer

1925-26

S.C. Grose (Welch), President
P.E. King (Wheeling), Vice President
H.Y. Clark (Grafton), Secretary-Treasurer

1926-27

S.C. Grose (Welch), President
O.D. Lambert (Kingwood), Vice President
C.M. Stainaker (Calto), Secretary-Treasurer

1927-29

Leslie D. Moore (Spencer), President
E.Q. Swan (Huntington), Vice President
C.M. Stainaker (Calto), Secretary-Treasurer

1929-30

E.Q. Swan (Huntington), President
E.G. Kuhn (Farmington), Vice President
C.M. Stainaker (Beckley), Secretary-Treasurer

1930-31

E.G. Kuhn (Farmington), President
I.E. Ewing (Wheeling), Vice President
C.M. Stainaker (Logan), Secretary-Treasurer

1931-32

I.E. Ewing (Wheeling), President
Vice President, Vacant — Appointed for each meeting
S. Key Dickinson (Clarksburg), Secretary-Treasurer

1932-34

I.E. Ewing (Wheeling), President
Rocco J. Gorman (Charleston), Vice President
S. Key Dickinson (Clarksburg), Secretary-Treasurer

1934-39

C.W. Jackson (Bluefield), President
C.A. Tesch (Salem), Vice President
I.E. Ewing (Wheeling), Secretary-Treasurer

1939-44

George M. Spolcher (Dunbar), President
Dan H. Perdue (Fayetteville), Vice President
I.E. Ewing (Wheeling), Secretary-Treasurer

1944-46

George M. Speicher (Dunbar), President
Dan H. Perdue (Fayetteville), Vice President
I.E. Ewing (Wheeling), Secretary-Treasurer

1946-47

George M. Speicher (Dunbar), President
Dan H. Perdue (Fayetteville), Vice President
Fred P. Wehl (Weston), Treasurer

1947-48

George M. Spelcher (Dunbar), President
C.F. Walker (Wellsburg), Vice President
Fred P. Wehl (Weston), Treasurer

1948-53

C.F. Walker (Wellsburg), President
Jonathan Y. Lowe (Milton), Vice President
Fred P. Wehl (Weston), Treasurer

1953-59

Jonathan Y. Lowe (Milton and Beverly Hills), President
W.G. Eismon (Charles Town), Vice President
Fred P. Wehl (Weston), Treasurer

1959-60

Jonathan Y. Lowe (Beverly Hills), President
John W. Saunders (Shady Spring), Vice President
Fred P. Wehl (Weston), Treasurer

1960-61

Jonathan Y. Lowe (Beverly Hills), President
Jake H. Moser (Saint Albans Junior High), Vice President
Fred P. Wehl (Weston), Treasurer

1962-64

Jake H. Moser (Saint Albans Junior High), President
Roy Coffman (Lewisburg), Vice President
Fred P. Wehl (Weston), Treasurer

1964-66

Roy Coffman (Alderson), President
Larney R. Gump (Barrackville), Vice President
Fred P. Wehl (Weston), Treasurer

1966-68

Fred P. Wehl (Berkeley Springs), President (1967)
Scott H. Davis (Morgantown), 1967
Larney R. Gump (Barrackville), Vice President
Alva T. Ball (Dunbar), Member (1967)
E.F. Garrity (DuPont Junior High), Member
Charles W. Dean, Jr., (Gary), Member
Cliff West (Wayne), Member

1968-70

Cliff West (Wayne), President
Charles W. Dean, Jr., (Gary), Vice President
Edwin M. Badrug (Marmet Junior High), Member
Henry Hamilton (Elkins), Member (1969)
Robert H. Kidd, State Department of Education (Charleston), Member
Harry A. Stansbury, State School Boards Assn. (Charleston), Member

1970-71

E.W. Malcolm (Fairmont Senior), President
 Edwin M. Bartrug (Marmet Junior High), Vice President
 C.W. Dean (Gary), Member
 Jackson L. Flanigan (Charles Town), Member
 Ray H. Watson (Wirt County), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Orlan C. Fowler, State School Boards Assoc. (Clarksburg), Member
 William H. Calhoun (Herbert Hoover), Ex-Officio Member

1971-72

Edwin M. Bartrug (Marmet Junior High), President
 Ray H. Watson (Wirt County), Vice President
 Jackson L. Flanigan (Charles Town), Member
 Acie B. Stewart (Herdon), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Orlan C. Fowler, State School Boards Assoc. (Clarksburg), Member

1972-73

Ray H. Weston (Wirt County), President
 Jackson L. Flanigan (Jefferson), Vice President
 Acie B. Stewart (Herdon), Member
 Keith L. Holt (East Fairmont), Member
 C.P. Wells (Nicholas County), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Orlan C. Fowler, State School Boards Association (Clarksburg), Member

1973-74

Keith L. Holt (East Fairmont), President
 William G. Griffith (Horace Mann Junior High), Vice President
 Ray H. Watson (Wirt County), Member
 Acie B. Stewart (Herdon), Member
 Ray Waldo, Jr. (Martinsburg Senior), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Orlan C. Fowler, State School Boards Assoc. (Clarksburg), Member

1974-75

Acie B. Stewart (Herdon), President
 Ray Waldo, Jr. (Martinsburg Senior), Vice President
 Ray H. Watson (Wirt County), Member
 Keith L. Holt (East Fairmont), Member
 John W. Lyons (Herbert Hoover), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Carlton A. Buttrey, State School Boards Assoc. (St. Marys), Member

1975-76

Ray Waldo, Jr. (Martinsburg Senior), President
 James E. Hamrick (Clendenin Junior High), Vice President
 Keith L. Holt (East Fairmont), Member
 Robert W. Eakins (Williamstown), Member
 Acie B. Stewart (Herdon), Member
 Robert L. Turner (Big Creek), Ex-Officio Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Carlton A. Buttrey, State School Boards Assoc. (St. Marys), Member

1976-77

James E. Hamrick (Clendenin Junior High), President
 Robert W. Eakins (Williamstown), Vice President
 Ray Waldo, Jr. (Martinsburg Senior), Member
 Keith L. Holt (East Fairmont), Member
 George W. Keatley (Princeton), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Carlton A. Buttrey, State School Boards Assoc. (St. Marys), Member
 Merrell S. McIlwain (South Charleston), Ex-Officio Member

1977-78

Robert W. Eakins (Williamstown), President
 George W. Keatley (Princeton), Vice President
 Warren Carter (Jefferson), Member
 Keith L. Holt (East Fairmont), Member
 James E. Hamrick (Clendenin Junior High), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Carlton A. Buttrey, State School Boards Assoc. (St. Marys), Member

1978-79

George W. Keatley (Princeton), President
 Warren Carter (Jefferson), Vice President
 James E. Hamrick (Clendenin Junior High), Member
 Robert W. Eakins (Williamstown), Member
 Sam Scolapio, Jr. (Washington Irving), Member
 Dr. Daniel B. Taylor, State Department of Education (Charleston), Member
 Carlton A. Buttrey, State School Boards Assoc. (St. Marys), Member
 Paris Hume (Greenbrier East), Ex-Officio Member

1979-80

Warren L. Carter (Jefferson), President
 Sam Scolapio, Jr. (Washington Irving), Vice President
 Robert W. Eakins (Williamstown), Member
 George W. Keatley (Princeton), Member
 Robert L. Perkins (Nicholas County), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 John T. Grossi (Weir), Ex-Officio Member

1980-81

Sam Scolapio, Jr. (Washington Irving), President
 Robert L. Perkins (Nicholas County), Vice President
 George W. Keatley (Princeton), Member
 Warren L. Carter (Jefferson), Member
 William F. Gainer (Hamilton Jr.), Member
 Edna Mae Phillips, State Dept. of Education (Beckley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 John T. Grossi (Weir), Ex-Officio Member

1981-82

Robert L. Perkins (Nicholas County), President
 William F. Gainer (Hamilton Junior High), Vice President
 Warren L. Carter (Jefferson), Member
 Sam Scolapio, Jr. (Washington Irving), Member
 James T. Lane (Northfork), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Richard D. Johnson (Broadway Junior), Ex-Officio Member

1982-83

William F. Gainer (Hamilton Junior High), President
 James T. Lane (Northfork), Vice President
 Robert L. Perkins (Nicholas County), Member
 Sam Scolapio, Jr. (Washington Irving), Member
 John J. Cole (Musselman), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 Norma L. Winter (Sissonville), Ex-Officio Member

1983-84

James T. Lane (Northfork), President
 John J. Cole (Musselman), Vice President
 Robert L. Perkins (Nicholas County), Member
 William F. Gainer (Hamilton Junior High), Member
 Vincent Paoletti (John Marshall), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 James O. Gore (Peterslown), Ex-Officio Member

1984-85

John J. Cole (Musselman), President
 Vincent Paoletti (John Marshall), Vice President
 William F. Gainer (Hamilton Junior High), Member
 James T. Lane (Northfork), Member
 David Gillisple (Washington Junior High, South Charleston), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 Edward B. Prendergast (Richwood), Ex-Officio Member

1985-86

Vincent Paoletti (John Marshall), President
 David Gillisple (Lincoln Junior High), Vice President
 John J. Cole (Musselman), Member
 James T. Lane (Northfork), Member
 Jack D. Wiseman (Ripley), Member
 Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Dr. Russell George, (Berkeley Springs), Ex-Officio Member

1986-87

David Gillisple (McKinley Junior High), President
 Jack D. Wiseman (Ripley), Vice President
 John J. Cole (Musselman), Member
 George W. Keatley (Princeton), Member
 Vincent Paoletti (John Marshall), Member
 Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Harold Nicholson (Parkersburg), Ex-Officio Member

1987-88

David Gillisple (McKinley Junior High), President
 Jack D. Wiseman (Ripley), Vice President
 Dr. Russell George (Berkeley Springs), Member
 George W. Keatley (Princeton), Member
 Vincent Paoletti (John Marshall), Member
 Dr. Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Edna Mae Phillips, State Department of Education (Beckley), Member
 Gary J. McClung (Meadow Bridge), Ex-Officio Member

1988-89

Jack D. Wiseman (Ripley), President
 George W. Keatley (Princeton), Vice President
 Dr. Russell George (Berkeley Springs), Member
 David Gillisple (McKinley Junior High), Member
 Gerald Trembush (Moundsville Junior High), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Kathryn Roten, State Department of Education (Charleston), Member
 Stephen Baldwin, WV Assoc. of School Administrators, (Lewisburg), Member
 Michael Kessinger (Bramwell), Ex-Officio Member

1989-90

George Keatley (Princeton), President
 Gerald Trembush (Moundsville Junior High), Vice President
 Thomas Kidd (John Adams Junior High School), Member
 Donald Knotts (Frankfort), Member
 Jack D. Wiseman (Ripley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Kathryn Roten, State Department of Education (Charleston), Member
 Stephen Baldwin, WV Assoc. of School Administrators, (Lewisburg), Member
 Gary Greenfield, (Hedgesville Middle), Ex-Officio Member

1990-91

Gerald Trembush (Moundsville Junior High), President
 Donald Knotts (Frankfort), Vice President
 Thomas Kidd (John Adams Junior High), Member
 George Keatley (Princeton), Member
 Jack Wiseman (Ripley), Member
 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Kathryn Roten, State Department of Education (Charleston), Member
 Stephen Baldwin, WV Assoc. of School Administrators, (Lewisburg), Member
 Robert G. Bonar, (Calhoun County High School), Ex-Officio Member

1991-92

Thomas Kidd (John Adams Junior High), President
 Jack Wiseman (Ripley), Vice President
 Gerald Trembush (Moundsville Junior High) Member
 George Keatley (Princeton), Member
 Frank Allveto (Hedgesville), Member
 Jimmy D. Morris, State School Boards Association (Clay), Member
 Dr. N. Blaine Groves, State Department of Education (Martinsburg), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Mike Cunningham, (Clendenin Junior High School), Ex-Officio Member

1992-93

Thomas Kidd (John Adams Junior High), President
 Jack Wiseman (Ripley), Vice President
 Gerald Trembush (Moundsville Junior High) Member
 George Keatley (Princeton), Member
 Frank Allveto (Hedgesville), Member
 Edward W. Fields, State School Boards Association (Hancock), Member
 Dr. N. Blaine Groves, State Department of Education (Martinsburg), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Mike Cunningham, (Clendenin Junior High School), Ex-Officio Member

1993-94

Jack Wiseman (Ripley), President
 George Keatley (Princeton), Vice President
 Frank Allveto (Hedgesville), Member
 Jimmy Wyatt, (Tyler Consolidated), Member
 Thomas Kidd (John Adams Junior High), Member
 Dr. N. Blaine Groves, State Department of Education (Martinsburg), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Gary Ray, Athletic Directors Association (Oak Hill), Member
 Edward W. Fields, County Boards of Education
 Leon Pilewski (Washington-Irving), Ex-Officio Member

1994-95

Frank Allveto (Hedgesville), President
 Joe McClung (Meadow Bridge), Vice President
 Fred Aldridge (Ravenswood), Member
 Dr. Charles Wagoner, State Board of Education (Weston), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Gary Ray, Athletic Directors Association (Oak Hill), Member
 Jimmy Wyatt (Tyler Consolidated), Member
 Dennis Bennett (Richwood), Member
 Dr. N. Blaine Groves, State Department of Education (Martinsburg), Member
 Edward W. Fields, County Board of Education (New Cumberland), Member
 Wilma Zigmund (Logan), Ex-Officio Member

1995-96

Joe McClung (Meadow Bridge), President
 Jimmy Wyatt (Tyler Consolidated), Vice President
 Frank Allveto (Hedgesville), President
 Fred Aldridge (Ravenswood), Member
 Dr. Charles Wagoner, State Board of Education (Weston), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Mike Hayden, Athletic Directors Association (Parkersburg), Member
 Dennis Bennett (Richwood), Member
 Edward W. Fields, County Board of Education (New Cumberland), Member

1996-97

Jimmy Wyatt (Tyler Consolidated), President
 Dennis Bennett (Richwood), Vice President
 Frank Allveto (Hedgesville), Member
 Joe McClung (Meadow Bridge), Member
 Fred Aldridge (Ravenswood), Member
 Dr. Charles Wagoner, State Board of Education (Weston), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Mike Hayden, Athletic Directors Association (Parkersburg), Member
 Edward W. Fields, County Board of Education (New Cumberland), Member
 Paul J. Morris, State Department of Education (Dunbar), Member

1997-98

Dennis Bennett (Richwood), President
 Joe McClung (Meadow Bridge), Vice President
 Charles S. Buell (Huntington), Member
 Jimmy Wyatt (Tyler Consolidated), Member
 David Rogers (Martinsburg South Middle), Member
 Dr. Charles Wagoner, State Board of Education (Weston), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Don Hetzel, Athletic Directors Association (Jefferson), Member
 Edward W. Fields, County Board of Education (New Cumberland), Member
 Paul J. Morris, State Department of Education (Dunbar), Member

1998-99

Joe McClung (Meadow Bridge), President
 Roy McCasie (Parkersburg South), Member
 Dennis Bennett (Richwood), Member
 Jimmy Wyatt (Tyler Consolidated), Member
 David Rogers (Martinsburg South Middle), Member
 J. D. "Jimmy" Morris, State Board of Education (Clay), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Don Hetzel, Athletic Directors Association (Jefferson), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member

1999-00

Joe McClung (Meadow Bridge), President
 David Rogers (Martinsburg South Middle), Vice President
 Roy McCasie (Parkersburg South), Member
 Dennis Bennett (Richwood), Member
 Jimmy Wyatt (Tyler Consolidated), Member
 J. D. "Jimmy" Morris, State Board of Education (Clay), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Don Dellinger, Athletic Directors Association (Hedgesville), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member

2000-01

David Rogers (Martinsburg South Middle), President
 Jimmy Wyatt (Tyler Consolidated), Vice President
 Joe McClung (Meadow Bridge), Member
 Roy McCasie (Parkersburg South), Member
 Dennis Bennett (Richwood), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Don Dellinger, Athletic Directors Association (Hedgesville), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member

2001-02

Jimmy Wyatt (Tyler Consolidated), President
 Dennis Bennett (Richwood), Vice President
 Ray Londeree (Oak Hill), Member
 David Rogers (Martinsburg South Middle), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member

2002-03

Dennis Bennett (Richwood), President
 Ray Londeree (Oak Hill), Vice President
 Jimmy Wyatt (Tyler Consolidated), Member
 David Rogers (Martinsburg South Middle), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Stephen Baldwin, WV Assoc. of School Administrators (Lewisburg), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member
 William Niday (Parkersburg), Member

2003-04

Ray Londeree (Oak Hill), President
 David Rogers (Martinsburg South Middle), Vice President
 Dennis Bennett (Richwood), Member
 Warren Grace (Paden City), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Frank Allveto, County Superintendents (Berkeley Co.), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member
 Tom Eschbacher (Parkersburg South), Member

2004-05

Ray Londeree (Oak Hill), President
 David Rogers (Martinsburg South Middle), Vice President
 Thomas Kidd (John Adams JH), Member
 Warren Grace (Paden City), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Frank Allveto, County Superintendents (Berkeley Co.), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Keith Donley, County Board of Education (Wellsburg), Member
 Paul J. Morris, State Department of Education (Dunbar), Member
 Tom Eschbacher (Parkersburg South), Member

2005-06

David Rogers (Martinsburg South Middle), President
 Thomas Kidd (John Adams JH), Vice President
 Ray Londeree (Oak Hill), Member
 Warren Grace (Paden City), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Frank Allveto, County Superintendents (Berkeley Co.), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Jack Wiseman, County Board of Education (Ravenswood), Member
 Sandra Chapman, State Department of Education (Wheeling), Member
 Tom Eschbacher (Parkersburg South), Member

2006-07

Warren Grace (Paden City), President
 Thomas Kidd (John Adams JH), Vice President
 Ray Londeree (Valley FJ), Member
 David Rogers (Martinsburg South Middle), Member
 Tom Eschbacher (Parkersburg South), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Frank Allveto, County Superintendents (Berkeley Co.), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Jack Wiseman, County Board of Education (Ravenswood), Member
 Sandra Chapman, State Department of Education (Wheeling), Member

2007-08

Thomas Kidd (John Adams JH), President
 Tom Eschbacher (Parkersburg South), Vice President
 Warren Grace (Paden City), Member
 Ben Disibbio (PikeView), Member
 Don Dellinger (Hedgesville), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Frank Allveto, County Superintendents (Berkeley Co.), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Jack Wiseman, County Board of Education (Ravenswood), Member
 Sandra Chapman, State Department of Education (Wheeling), Member

2008-09

Tom Eschbacher (Parkersburg South), President
 Ben Disibbio (PikeView), Vice President
 Thomas Kidd (John Adams JH), Member
 Warren Grace (Paden City), Member
 Don Dellinger (Hedgesville), Member
 Ronald Spencer, State Board of Education (Smithburg), Member
 Edward Toman, County Superintendents (Gilmer Co.), Member
 Harold Erwin, Athletic Directors Association (Eleanor), Member
 Ernie Moore, County Board of Education (Gassaway), Member
 Sandra Chapman, State Department of Education (Wheeling), Member

2009-10

Ben Disibbio (PikeView), President
 Don Dellinger (Hedgesville), Vice President
 Mike Arbogast (South Charleston), Member
 Tom Eschbacher (Parkersburg South), Member
 Warren Grace (Paden City), Member
 Ronald Spencer, WV State Superintendents Designee (Smithburg), Member
 Edward Toman, County Superintendents (Gilmer Co.), Member
 Jeff Bailey, Athletic Directors Association (Morgantown), Member
 Ernie Moore, County Board of Education (Gassaway), Member
 Robert Dunlevy, WV State Board of Education (Wheeling), Member

2010-11

Don Dellinger (Hedgesville), President
 Mike Arbogast (South Charleston), Vice President
 Tom Eschbacher (Parkersburg South), Member
 Bernie Dolan (Wheeling Park), Member
 Ben Disibbio (PikeView), Member
 Ronald Spencer, WV State Superintendents Designee (Smithburg), Member
 Edward Toman, County Superintendents (Gilmer Co.), Member
 Jeff Bailey, Athletic Directors Association (Morgantown), Member
 Ernie Moore, County Board of Education (Gassaway), Member
 Robert Dunlevy, WV State Board of Education (Wheeling), Member

2011-12

Mike Arbogast (South Charleston), President
 Bernie Dolan (Wheeling Park), Vice President
 Don Dellinger (Hedgesville), Member
 Tom Eschbacher (Parkersburg South), Member
 Ben Disibbio (PikeView), Member
 Ronald Spencer, WV State Superintendents Designee (Smithburg), Member
 Edward Toman, County Superintendents (Gilmer Co.), Member
 Ron Allen, Athletic Directors Association (Hedgesville), Member
 Perry Cook, County Board of Education (Oceana), Member
 Robert Dunlevy, WV State Board of Education (Wheeling), Member

2012-13

Bernie Dolan (Wheeling Park), President
 Tom Eschbacher (Parkersburg South), Vice President
 David Cottrell (Clay-Battelle), Member
 Mike Arbogast (South Charleston), Member
 Ben Disibbio (PikeView), Member
 Ronald Spencer, WV State Superintendents Designee (Smithburg), Member
 Edward Toman, County Superintendents (Gilmer Co.), Member
 Ron Allen, Athletic Directors Association (Hedgesville), Member
 Jim Crawford, County Board of Education (St. Albans), Member
 Robert Dunlevy, WV State Board of Education (Wheeling), Member

2013-14

Tom Eschbacher (Parkersburg South), President
 Ben Disibbio (PikeView), Vice President
 Mike Arbogast (South Charleston), Member
 David Cottrell (Clay-Battelle), Member
 Rick Jones (John Marshall), Member
 Dan Erenrich (Morgantown), Member
 Eddie Campbell, County Superintendents (Tucker Co.), Member
 Ted Gillespie, County Board of Education (Princeton), Member
 Robert Dunlevy, WV State Board of Education (Wheeling), Member
 Ronald Spencer, WV State Superintendents Designee (Smithburg), Member

2014-15

Tom Eschbacher (Parkersburg South), President
 David Cottrell (Clay-Battelle), Vice President
 Mike Arbogast (South Charleston), Member
 Rick Jones (John Marshall), Member
 Dan Erenrich (Morgantown), Member
 Craig Lee Loy (Valley [F]), Member
 Eddie Campbell, County Superintendents (Tucker Co.), Member
 Gregory Prudich, County Board of Education (Princeton), Member
 Robert Dunlevy, WV State Board of Education (Wheeling), Member
 Ronald Spencer, WV State Superintendents Designee (Smithburg), Member

2015-16

David Cottrell (Clay-Battelle), President
 Rick Jones (John Marshall), Vice President
 Mike Arbogast (South Charleston), Member
 Craig Lee Loy (Valley [F]), Member
 Wayne Ryan (Summers County), Member
 Greg Webb (Huntington), Member
 Gregory Prudich, County Board of Education (Princeton), Member
 Eddie Campbell, County Superintendents (Tucker Co.), Member
 Dr. James Wilson, WV State Board of Education (Glen Dale), Member
 Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

2016-17

Mike Arbogast (South Charleston), President
 Craig Lee Loy (Valley [F]), Vice President
 David Cottrell (Clay-Battelle), Member
 Harold Erwin (Eleanor, Retired), Member
 Vacant
 Vacant
 Jim Crawford, County Board of Education (St. Albans), Member
 Eddie Campbell, County Superintendents (Tucker Co.), Member
 Dr. James Wilson, WV State Board of Education (Glen Dale), Member
 Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

2017-18

Mike Arbogast (South Charleston), President
 Craig Lee Loy (Valley [F]), Vice President
 David Cottrell (Clay-Battelle), Member
 Jamie Tallman (Union), Member
 David Nuzum (East Fairmont), Member
 Richard Summers (Jackson Middle), Member
 Jim Crawford, County Board of Education (St. Albans), Member
 Eddie Campbell, County Superintendents (Tucker Co.), Member
 Dr. James Wilson, WV State Board of Education (Glen Dale), Member
 Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

2018-19

Craig Lee Loy (Valley [F]), President
 Richard Summers (Jackson Middle), Vice President
 Mike Arbogast (South Charleston), Member
 David Cottrell (Clay-Battelle), Member
 Jamie Tallman (Union), Member
 Gregory Moore (South Harrison), Member
 Jim Crawford, County Board of Education (St. Albans), Member
 Eddie Campbell, County Superintendents (Tucker Co.), Member
 Dr. James Wilson, WV State Board of Education (Glen Dale), Member
 Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

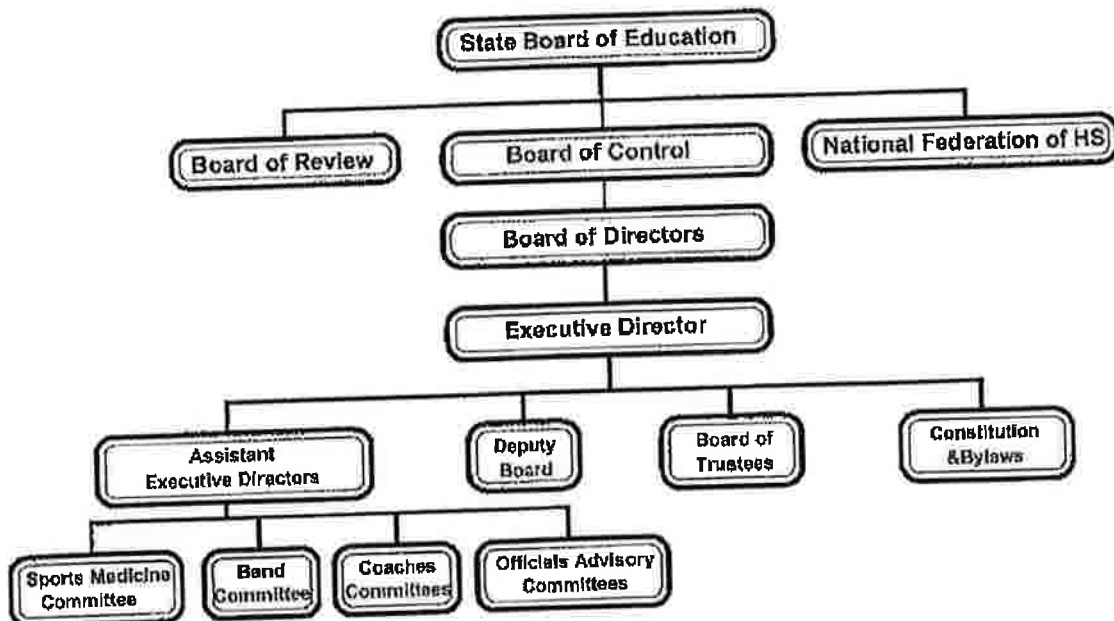
2019-20

Richard Summers (Jackson Middle), President
David Cottrell (Clay-Battelle), Vice President
Craig Lee Loy (Valley F), Member
Michael Kelley (Herbert Hoover), Member
Art Petitto (Bridgeport Middle), Member
Gregory Moore(South Harrison), Member
Jim Crawford, County Board of Education (St. Albans), Member
Eddie Campbell, County Superintendents (Tucker Co.), Member
Dr. James Wilson, WV State Board of Education (Glen Dale), Member
Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

2020-21

David Cottrell (Clay-Battelle), President
Gregory Moore(South Harrison), Vice President
Craig Lee Loy (Valley F), Member
Michael Kelley (Herbert Hoover), Member
Art Petitto (Bridgeport Middle), Member
Jimmy Frashler (Ripley), Member
Jim Crawford, County Board of Education (St. Albans), Member
Eddie Campbell, County Superintendents (Tucker Co.), Member
Dr. James Wilson, WV State Board of Education (Glen Dale), Member
Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

WVSSAC ORGANIZATIONAL CHART



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WVSSAC Administrative Districts



THE ADMINISTRATIVE DISTRICTS

- 1st: Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler, and Wetzel.
- 2nd: Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur.
- 3rd: Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam, and Roane.
- 4th: Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt, and Wood.
- 5th: Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster, and Wyoming.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,
Defendants,**

and

**LAINEY ARMISTEAD,
Intervenor Defendant.**

CERTIFICATE OF SERVICE

I hereby certify that I, Roberta F. Green, have this day, the 18th day of January 2022, served a true and exact copy of "WVSSAC's Responses to Plaintiff's Second Set" with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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/S/ Roberta F. Green

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Facsimile: (304) 343-1826
Counsel for Defendant WVSSAC

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,
Defendants,**

and

**LAINY ARMISTEAD,
Intervenor Defendant.**

WVSSAC'S RESPONSES TO PLAINTIFF'S SECOND SET

Now comes West Virginia Secondary School Activities Commission, incorrectly identified by Plaintiff as "School Activities Commission" (hereinafter designated appropriately as "WVSSAC"), by counsel, and responds as follows to Plaintiff's Second Set of Requests for Production to Defendant The West Virginia Secondary School Activities Commission.

Defendant has not completed discovery in this civil action and has not completed its preparation for trial. For these reasons, the Defendant's responses are based upon only such information and documents as are presently available and known to WVSSAC. Further discovery and independent investigation may lead to other responsive information and/or documents. The following responses are given in good faith but without prejudice to the Defendant's right to

produce evidence of subsequently discovered facts or documents.

The Defendant avails itself of all rights under the Federal Rules of Civil Procedure and such other applicable rules and law, and objects to the instructions contained in Plaintiff's discovery requests to the extent such instructions attempt to impose burdens on the Defendant that are outside the scope of the Rules or the law generally. The Defendant is not bound to follow any instructions which may be contrary to the Rules and other law.

Without waiving the foregoing, the Defendant provides the following responses.

DOCUMENTS TO BE PRODUCED

To the extent that Plaintiff's Requests extend to "all" documents, policies, communications or other, WVSSAC objects to the scope as overly broad, insufficiently descriptive and reserves the right to supplement these responses or to object further thereafter.

REQUEST NO. 13:

All DOCUMENTS reflecting, referring to, or relating to COMMUNICATIONS to or from YOU regarding H.B. 3293, including but not limited to COMMUNICATIONS involving Bernie Dolan.

RESPONSE:

WVSSAC000001-7, WVSSAC000225-28, WVSSAC000237, WVSSAC000257-60.

REQUEST NO. 14:

DOCUMENTS sufficient to show the sports that are available in West Virginia at the secondary school level, the number of girls and boys participating in each sport, and the number of girls who are playing on boys' teams in each sport over the past five years.

RESPONSE:

See WVSSAC000371-386, produced herewith.

REQUEST NO. 15:

Copies of all DOCUMENTS that YOU provided to the National Federation of State High School Associations regarding participation statistics in sports in West Virginia over the past five years.

RESPONSE:

Se WVSSAC000365-370, as reported to NFHS and maintained by NFHS as follows:

https://members.nfhs.org/participation_statistics

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION,
By Counsel.**

/S/ Roberta F. Green

Roberta F. Green (WVSB #6598)
Kimberly M. Bandy (WVSB #10081)
SHUMAN MCCUSKEY SLICER PLLC
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Sport	Senior	Male	Female	Total	Freshmen	Male	Female	Total	Male	Female	Total	Mid/Jr.	Male	Female	Total	Total
	(Schools)	(Senior)	(Senior)	(Senior)	(Schools)	(Freshmen)	(Freshmen)	(Freshmen)	(Senior+Fresh)	(Senior+Fresh)	(Senior+Fresh)	(Schools)	(Mid/Jr.)	(Mid/Jr.)	(Mid/Jr.)	(Grand)
Band	124	2,701	3,214	6,615	8	28	22	60	2,719	5,936	8,655	197	5,475	5,982	11,455	18,110
Football	117	5,890	0	5,890	28	529	0	557	5,978	0	5,978	137	4,259	0	4,259	10,237
Track(G)	119	0	2,464	2,464	2	0	87	89	0	2,541	2,541	118	0	1,849	3,390	5,930
Track(B)	119	3,019	0	3,019	8	77	0	85	3,094	0	3,094	118	2,978	0	2,978	6,072
Soccer(G)	75	0	1,745	1,745	0	0	0	0	0	1,745	1,745	27	0	543	543	2,288
Soccer(B)	80	2,034	0	2,034	0	0	0	0	2,034	0	2,034	48	1,207	0	1,207	3,241
Basketball(G)	125	0	2,102	2,102	7	0	71	78	0	2,178	2,178	180	0	1,178	3,178	5,352
Basketball(B)	125	2,672	0	2,672	44	461	0	505	3,153	0	3,153	182	1,678	0	3,178	6,831
Wrestling	82	1,560	0	1,560	0	1	0	1	1,561	0	1,561	81	1,378	0	1,378	2,939
Volleyball	118	0	2,253	2,253	0	0	112	112	0	2,367	2,367	139	0	2,541	2,541	5,008
Baseball	123	2,793	0	2,793	0	0	0	0	2,793	0	2,793	54	1,024	0	1,024	3,817
Softball	117	0	2,243	2,243	0	0	0	0	0	2,243	2,243	80	0	1,549	1,549	3,792
Golf	106	902	0	902	0	18	0	18	918	0	918	49	425	0	425	1,343
Tennis(B)	76	886	0	886	0	1	0	1	887	0	887	29	213	0	213	900
Tennis(G)	78	0	869	869	0	0	0	0	0	869	869	28	0	260	260	1,129
Swimming(B)	48	499	0	499	0	2	0	2	501	0	501	0	0	0	0	501
Swimming(G)	49	0	708	708	0	0	0	0	0	708	708	0	0	0	0	708
Cheer	122	0	2,061	2,061	1	0	11	12	0	2,072	2,072	160	0	2,402	2,402	4,474
CrossCountry(B)	98	1,099	0	1,099	1	33	0	34	1,117	0	1,117	108	1,318	0	1,318	2,430
CrossCountry(G)	94	0	806	806	0	0	0	0	0	806	806	102	0	1,102	1,102	1,908

As of May 17, 2017

WVSSAC000365

2016-2017 Participation Report

Sport	Senior	Male	Female	Total	Freshmen	Male	Female	Total	Male	Female	Total	Mid/Jr.	Male	Female	Total	Total
	(Schools)	(Senior)	(Senior)	(Senior)	(Schools)	(Freshmen)	(Freshmen)	(Freshmen)	(Senior+Fresh)	(Senior+Fresh)	(Senior+Fresh)	(Schools)	(Mid/Jr.)	(Mid/Jr.)	(Mid/Jr.)	(Grand)
Band	124	2,701	3,914	6,615	11	18	27	40	2,719	3,936	6,655	157	5,473	5,982	11,455	19,110
Football	117	5,590	0	5,590	13	383	0	383	5,973	0	5,973	137	4,259	0	4,259	10,232
Track(G)	119	0	2,464	2,464	3	0	97	97	0	2,561	2,561	118	0	3,369	3,369	5,930
Track(B)	119	3,019	0	3,019	3	77	0	77	3,096	0	3,096	116	2,976	0	2,976	6,072
Soccer(G)	75	0	1,745	1,745	0	0	0	0	0	1,745	1,745	27	0	543	543	2,288
Soccer(B)	80	2,034	0	2,034	0	0	0	0	2,034	0	2,034	48	1,207	0	1,207	3,241
Basketball(G)	125	0	2,102	2,102	7	0	71	71	0	2,173	2,173	180	0	3,179	3,179	5,352
Basketball(B)	125	2,672	0	2,672	44	481	0	481	3,153	0	3,153	182	3,678	0	3,678	6,831
Wrestling	92	1,560	0	1,560	0	1	0	1	1,561	0	1,561	81	1,373	0	1,373	2,934
Volleyball	111	0	2,255	2,255	8	0	112	112	0	2,367	2,367	133	0	2,641	2,641	5,008
Baseball	123	2,793	0	2,793	0	0	0	0	2,793	0	2,793	54	1,024	0	1,024	3,817
Softball	117	0	2,243	2,243	0	0	0	0	0	2,243	2,243	80	0	1,569	1,569	3,812
Golf	106	902	0	902	0	16	0	16	918	0	918	49	425	0	425	1,343
Tennis(B)	76	686	0	686	0	1	0	1	687	0	687	29	213	0	213	900
Tennis(G)	78	0	869	869	0	0	0	0	0	869	869	28	0	260	260	1,129
Swimming(B)	48	499	0	499	0	2	0	2	501	0	501	0	0	0	0	501
Swimming(G)	49	0	708	708	0	0	0	0	0	708	708	0	0	0	0	708
Cheer	122	0	2,061	2,061	1	0	11	11	1,117	0	1,117	108	1,313	0	1,313	2,430
CrossCountry(B)	98	1,099	0	1,099	1	18	0	18	0	806	806	102	0	1,102	1,102	3,908
CrossCountry(G)	94	0	806	806	0	0	0	0	0	806	806		21,941	21,047	42,988	87,020
Total		23,555	19,167	42,722		997	313	1,310	26,552	19,680	46,232					

As of May 17, 2017

2017-18 Participation Survey Results as of May 11, 2018

Sport	Senior Schools	Male (Senior)	Female (Senior)	Total (Senior)	Freshmen Schools	Male (Freshmen)	Female (Freshmen)	Total (Freshmen)	Male (Seniors/Freshmen)	Female (Seniors/Freshmen)	Total (Senior/Freshmen)	Middle Schools	Male (Middle School)	Female (Middle School)	Total (Middle School)	Total (Grand)
Band	124	2,740	1,965	4,705	8	20	30	50	2,760	4,015	6,775	107	5,043	6,143	11,186	16,961
Baseball	116	5,475	0	5,475	9	235	0	235	5,710	0	5,710	154	4,126	0	4,126	9,946
Basketball	118	0	2,429	2,429	4	0	68	68	0	2,497	2,497	150	0	5,311	5,311	8,008
Track (B)	118	2,808	0	2,808	3	59	0	59	2,867	0	2,867	150	2,811	0	2,811	5,178
Track (G)	77	0	1,794	1,794	0	0	0	0	0	1,794	1,794	25	0	480	495	2,219
Soccer (B)	81	2,044	0	2,044	0	0	0	0	2,044	0	2,044	49	1,178	0	1,178	3,222
Soccer (G)	81	2,044	0	2,044	0	0	42	42	0	2,086	2,086	179	0	0	3,007	5,093
Baseball (G)	124	0	2,056	2,056	5	0	0	0	0	2,056	2,056	180	2,087	0	4,143	6,199
Basketball (G)	124	2,617	0	2,617	47	523	0	523	3,140	0	3,140	85	1,308	0	1,393	4,533
Wrestling	91	1,654	0	1,654	0	1	0	1	1,655	0	1,655	138	0	2,578	2,578	4,232
Volleyball	117	0	2,375	2,375	8	0	95	95	0	2,470	2,470	33	250	0	283	2,753
Baseball	122	2,688	0	2,688	0	0	0	0	0	2,226	2,226	88	0	1,338	1,338	4,026
Softball	118	0	2,226	2,226	0	0	0	0	0	2,226	2,226	47	429	0	476	2,702
Golf	105	847	0	847	0	3	0	3	850	0	850	29	181	0	181	1,031
Tennis (B)	79	642	0	642	0	0	0	0	642	0	642	0	0	0	0	642
Tennis (G)	81	0	831	831	0	2	0	2	0	833	833	0	0	0	0	833
Swimming (B)	48	506	0	506	0	0	0	0	0	710	710	157	0	2,887	3,597	
Swimming (G)	47	0	710	710	0	0	0	0	0	2,078	2,078	0	0	1,318	3,396	
Choir	121	0	2,078	2,078	0	18	0	18	1,892	0	1,892	115	1,818	0	1,933	3,831
CrossCountry (B)	98	1,149	0	1,149	0	0	0	0	0	821	821	109	0	1,128	1,949	
CrossCountry (G)	93	0	821	821	0	0	0	0	0	0	0	0	0	0	0	821

2018-2019 WVSSAC Participation Report

Sports	Spillover (Schools)	Male (Senior)		Female (Senior)		Total (Senior)		Freshman (Schools)		Female (Freshman)		Male (Freshman)		Total (Freshman)		Senior/Fresh		Female (Senior/Fresh)		Male (Senior/Fresh)		Total (Senior/Fresh)		Mid/Jr. (Schools)	Male (Mid/Jr.)	Female (Mid/Jr.)	Total (Mid/Jr.)	Total (Grand)
		Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count					
Band	124	2772	3835	6608	0	0	6608	43	0	0	0	0	0	0	0	0	6651	157	0	0	0	0	157	5473	1069	11528	18179	
Football	113	2756	0	5956	711	165	711	60	0	0	0	0	0	0	0	0	2484	0	0	0	0	0	0	0	0	3382	9468	
Tennis(G)	5	0	2924	2474	0	0	2474	0	0	0	0	0	0	0	0	0	2080	0	0	0	0	0	0	0	0	2763	8743	
Track(B)	5	0	2415	2415	0	0	2415	0	0	0	0	0	0	0	0	0	1826	0	0	0	0	0	0	0	0	505	2881	
Soccer(M)	77	0	1805	1805	0	0	1805	0	0	0	0	0	0	0	0	0	2041	0	0	0	0	0	0	0	0	1333	3874	
Soccer(F)	82	0	2055	2055	0	0	2055	0	0	0	0	0	0	0	0	0	2199	0	0	0	0	0	0	0	0	3235	5129	
Basketball(G)	96	0	2765	2765	0	0	2765	0	0	0	0	0	0	0	0	0	3052	0	0	0	0	0	0	0	0	3586	6688	
Basketball(B)	30	0	2872	2872	0	0	2872	0	0	0	0	0	0	0	0	0	3052	0	0	0	0	0	0	0	0	3586	6688	
Wrestling	51	0	1822	1822	0	0	1822	0	0	0	0	0	0	0	0	0	2156	0	0	0	0	0	0	0	0	2784	3217	
Volleyball	116	0	2372	2372	0	0	2372	0	0	0	0	0	0	0	0	0	2650	0	0	0	0	0	0	0	0	1012	3762	
Baseball	2	0	2184	2184	0	0	2184	0	0	0	0	0	0	0	0	0	2184	0	0	0	0	0	0	0	0	1539	3723	
Softball	2	0	2184	2184	0	0	2184	0	0	0	0	0	0	0	0	0	2184	0	0	0	0	0	0	0	0	1539	3723	
Golf	108	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	1012	1811	
Tennis(B)	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	451	882	
Tennis(G)	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	226	1117	
Swimming(B)	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	243	497	
Swimming(G)	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	701	701	
Cheer	105	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	2356	4492	
CrossCountry(B)	102	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	1383	2868	
CrossCountry(G)	98	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2160	0	0	0	0	0	0	0	0	1160	1973	
Total		23330	32445	42585	49	682	49	901	0	0	0	0	24002	19465	43467	14248	21277	21250	42927	86294	86294	86294	86294	86294	86294	86294	86294	

WVSSAC000368

WVSSAC Participation Report 2019-2020 Sports Season

Sport	Senior	Male	Female	Total	Freshmen	Male	Female	Total	Male	Female	Total	Mid/Jr.	Male	Female	Total	Total
	(Schools)	(Senior)	(Senior)	(Senior)	(Schools)	(Freshmen)	(Freshmen)	(Freshmen)	(Senior+Freshman)	(Senior+Freshman)	(Senior+Freshman)	(Schools)	(Mid/Jr.)	(Mid/Jr.)	(Mid/Jr.)	(Grand)
Band	124	2749	3871	6620	8	16	27	43	2766	3898	6664	167	5470	8066	11638	20501
Football	110	8797	0	8797	7	10	0	10	5807	0	5807	136	2412	0	2412	14026
Soccer(G)	76	0	1695	1695	0	0	0	0	1935	0	1935	29	0	333	333	1928
Soccer(B)	82	1935	0	1935	1	0	0	0	0	2614	2614	160	0	2239	2239	4853
Basketball(G)	98	0	2614	2614	3	0	0	0	3687	0	3687	165	2475	0	2475	4804
Basketball(B)	87	3666	0	3666	34	12	0	12	1852	0	1852	80	890	0	890	4954
Wrestling	53	1881	0	1881	0	1	0	1	2928	0	2928	180	0	1968	1968	4311
Volleyball	117	0	2913	2913	9	0	15	15	0	0	0	40	202	0	202	1750
Golf	98	772	0	772	0	2	0	2	341	0	341	0	0	0	0	582
Swimming(B)	41	339	0	339	0	0	0	0	0	627	627	0	0	0	0	627
Swimming(G)	39	0	627	627	0	0	0	0	0	2330	2330	153	0	1643	1643	3973
Cheer	87	0	2330	2330	1	0	0	0	1302	0	1302	116	982	0	982	2168
CrossCountry(B)	103	1283	0	1283	0	0	0	0	0	1047	1047	110	0	770	770	1617
CrossCountry(G)	101	0	1047	1047	0	0	0	0	0	0	0	38	0	0	0	0
Track(G)	67	0	0	0	4	0	0	0	0	0	0	52	0	0	0	0
Track(B)	68	0	0	0	3	0	0	0	0	0	0	30	0	0	0	0
Tennis(B)	35	0	0	0	0	0	0	0	0	0	0	31	0	0	0	0
Tennis(G)	38	0	0	0	0	0	0	0	0	0	0	36	0	0	0	0
Baseball	56	0	0	0	0	0	0	0	0	0	0	52	0	0	0	0
Softball	47	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

2020-2021 WVSSAC Participation Report

Sports	Senior (Schools)	Male (Senior)	Female (Senior)	Total (Senior)	Freshmen (Schools)	Male (Freshmen)	Female (Freshmen)	Total (Freshmen)	Male (Senior+Fresh)	Female (Senior+Fresh)	Total (Senior+Fresh)	Mid/Jr. (Schools)	Male (Mid/Jr.)	Female (Mid/Jr.)	Total (Mid/Jr.)	Total (Grand)
	124	2,758	3,732	6,490	8	16	27	43	2,774	3,759	6,533	157	5,431	6,026	13,457	17,990
Band	113	5,159	0	5,159	7	222	0	229	5,386	0	5,386	128	3,540	0	3,540	8,926
Football	110	0	2,028	2,028	2	0	32	32	0	2,060	2,060	112	0	2,171	2,171	4,231
Track(G)	111	2,415	0	2,415	0	48	0	48	2,463	0	2,463	113	1,841	0	1,841	4,304
Track(B)	76	0	1,725	1,725	0	0	0	0	0	1,725	1,725	26	0	407	487	2,213
Soccer(G)	82	2,008	0	2,008	0	0	0	0	2,008	0	2,008	52	1,215	0	1,215	3,223
Soccer(B)	119	0	1,901	1,901	1	0	7	7	0	1,908	1,908	163	0	2,759	2,759	4,667
Basketball(G)	123	2,569	0	2,569	21	257	0	257	2,826	0	2,826	170	3,264	0	3,264	6,090
Basketball(B)	89	1,441	0	1,441	0	1	0	1	1,442	0	1,442	66	996	0	996	2,438
Wrestling	118	0	2,401	2,401	0	0	67	67	0	2,458	2,458	145	0	2,601	2,601	5,059
Volleyball	115	2,604	0	2,604	0	0	0	0	2,604	0	2,604	50	917	0	917	3,521
Baseball	111	0	2,098	2,098	0	0	0	0	0	2,098	2,098	74	0	1,332	1,332	3,430
Softball	99	855	0	855	0	2	0	2	855	0	855	39	337	0	337	1,192
Golf	72	555	0	555	0	0	0	0	555	0	555	29	190	0	190	745
Tennis(M)	76	0	766	766	0	0	0	0	0	766	766	30	0	195	195	961
Tennis(F)	48	304	0	304	0	2	0	2	306	0	306	0	0	0	0	306
Swimming(B)	48	0	471	471	0	0	0	0	0	471	471	0	0	0	0	471
Swimming(G)	116	0	1,816	1,816	0	0	0	0	0	1,816	1,816	140	0	1,929	1,929	3,745
Cheer	99	978	0	978	0	8	0	8	987	0	987	102	1,125	0	1,125	2,112
CrossCountry(B)	92	0	819	819	0	0	0	0	0	819	819	98	0	535	935	1,754

Year	State	Sport	Boys School	Girls School	Boys Participation	Girls Participation
2018/2019	WV	Adapted Basketball	0	0	0	0
2018/2019	WV	Adapted Bocce - Indoor	0	0	0	0
2018/2019	WV	Adapted Bowling	0	0	0	0
2018/2019	WV	Adapted Floor Hockey	0	0	0	0
2018/2019	WV	Adapted Football	0	0	0	0
2018/2019	WV	Adapted Soccer	0	0	0	0
2018/2019	WV	Adapted Softball	0	0	0	0
2018/2019	WV	Adapted Track	0	0	0	0
2018/2019	WV	Adapted Volleyball	0	0	0	0
2018/2019	WV	Adaptive Corn Toss	0	0	0	0
2018/2019	WV	Adaptive Golf	0	0	0	0
2018/2019	WV	Adaptive Handball	0	0	0	0
2018/2019	WV	Adaptive Strength Training	0	0	0	0
2018/2019	WV	Adaptive Tennis	0	0	0	0
2018/2019	WV	Air Rifery	0	0	0	0
2018/2019	WV	Archery	0	0	0	0
2018/2019	WV	Badminton	0	0	0	0
2018/2019	WV	Baseball	122	0	2750	0
2018/2019	WV	Basketball	124	124	3052	2094
2018/2019	WV	Bass Fishing	0	0	0	0
2018/2019	WV	Beach Volleyball	0	0	0	0
2018/2019	WV	Bocce - Outdoor	0	0	0	0
2018/2019	WV	Bowling	0	0	0	0
2018/2019	WV	Canoe Paddling	0	0	0	0
2018/2019	WV	Competitive Spirit* (Boys who cheer/Girls who ch	0	0	0	0
2018/2019	WV	Crew	102	98	1140	839
2018/2019	WV	Cross Country	0	0	0	0
2018/2019	WV	Cycling	0	0	0	0
2018/2019	WV	Dance	0	0	0	0
2018/2019	WV	Dance/Drill	0	0	0	0
2018/2019	WV	Dance Team, High Kick	0	0	0	0
2018/2019	WV	Dance Team, Jazz	0	0	0	0
2018/2019	WV	Decathlon	0	0	0	0
2018/2019	WV	Drill Team	0	0	0	0
2018/2019	WV	Equestrian	0	0	0	0
2018/2019	WV	Fencing	0	0	0	0
2018/2019	WV	Field Hockey	0	0	0	0
2018/2019	WV	Figure Skating	0	0	0	0
2018/2019	WV	Flag Football	0	0	0	0
2018/2019	WV	Football -- 11-Player	113	0	5551	0
2018/2019	WV	Football -- 6-player	0	0	0	0
2018/2019	WV	Football -- 8-player	0	0	0	0
2018/2019	WV	Football -- 9-player	0	0	0	0
2018/2019	WV	Golf	106	0	880	0
2018/2019	WV	Gymnastics	0	0	0	0
2018/2019	WV	Heptathlon	0	0	0	0
2018/2019	WV	Ice Hockey	0	0	0	0
2018/2019	WV	Judo	0	0	0	0
2018/2019	WV	Kayaking	0	0	0	0
2018/2019	WV	Lacrosse	0	0	0	0
2018/2019	WV	Martial Arts	0	0	0	0
2018/2019	WV	Mixed 6-Coed Volleyball	0	0	0	0
2018/2019	WV	Mt. Biking	0	0	0	0
2018/2019	WV	Native Youth Olympics	0	0	0	0
2018/2019	WV	Rifery	0	0	0	0
2018/2019	WV	Rock Climbing	0	0	0	0
2018/2019	WV	Rodeo	0	0	0	0
2018/2019	WV	Roller Hockey	0	0	0	0
2018/2019	WV	Rugby	0	0	0	0
2018/2019	WV	Rythmic Gymnastics	0	0	0	0
2018/2019	WV	Sailing	0	0	0	0
2018/2019	WV	Sand Volleyball	0	0	0	0
2018/2019	WV	Skiing -- Alpine	0	0	0	0
2018/2019	WV	Skiing -- Cross Country	0	0	0	0
2018/2019	WV	Snowboarding	0	0	0	0
2018/2019	WV	Soccer	82	77	2041	1826
2018/2019	WV	Softball -- Fast Pitch	0	117	0	2184
2018/2019	WV	Softball -- Slow Pitch	0	0	0	0
2018/2019	WV	Soft Tennis	0	0	0	0

			0	0	0	0
2018/2019	WV	Squash	0	0	0	0
2018/2019	WV	Surfing	37	34	497	701
2018/2019	WV	Swimming & Diving	0	0	0	0
2018/2019	WV	Synchronized Swimming	0	0	0	0
2018/2019	WV	Team Tennis	76	81	656	874
2018/2019	WV	Tennis	0	0	0	0
2018/2019	WV	Track and Field -- Indoor	118	118	2980	2484
2018/2019	WV	Track and Field -- Outdoor	0	0	0	0
2018/2019	WV	Trap Shooting	0	0	0	0
2018/2019	WV	Ultimate Frisbee	0	0	0	0
2018/2019	WV	Unified Basketball	0	0	0	0
2018/2019	WV	Unified Flag Football	0	0	0	0
2018/2019	WV	Unified Track and Field -- Outdoor	0	116	0	2468
2018/2019	WV	Volleyball	0	0	0	0
2018/2019	WV	Water Polo	0	0	0	0
2018/2019	WV	Weight Lifting	91	0	1663	0
2018/2019	WV	Wrestling	0	0	0	0
2017/2018	WV	Adapted Basketball	0	0	0	0
2017/2018	WV	Adapted Bocce - Indoor	0	0	0	0
2017/2018	WV	Adapted Bowling	0	0	0	0
2017/2018	WV	Adapted Floor Hockey	0	0	0	0
2017/2018	WV	Adapted Soccer	0	0	0	0
2017/2018	WV	Adapted Softball	0	0	0	0
2017/2018	WV	Adapted Track	0	0	0	0
2017/2018	WV	Adapted Volleyball	0	0	0	0
2017/2018	WV	Adaptive Corn Toss	0	0	0	0
2017/2018	WV	Adaptive Golf	0	0	0	0
2017/2018	WV	Adaptive Handball	0	0	0	0
2017/2018	WV	Adaptive Strength Training	0	0	0	0
2017/2018	WV	Adaptive Tennis	0	0	0	0
2017/2018	WV	Air Rifery	0	0	0	0
2017/2018	WV	Archery	0	0	0	0
2017/2018	WV	Badminton	122	0	2688	0
2017/2018	WV	Baseball	124	124	3140	2098
2017/2018	WV	Basketball	0	0	0	0
2017/2018	WV	Bass Fishing	0	0	0	0
2017/2018	WV	Beach Volleyball	0	0	0	0
2017/2018	WV	Bocce - Outdoor	0	0	0	0
2017/2018	WV	Bowling	0	0	0	0
2017/2018	WV	Canoe Paddling	0	106	0	1975
2017/2018	WV	Competitive Spirit Squad	0	0	0	0
2017/2018	WV	Crew	98	93	1162	821
2017/2018	WV	Cross Country	0	0	0	0
2017/2018	WV	Cycling	0	0	0	0
2017/2018	WV	DANCE	0	0	0	0
2017/2018	WV	Dance/Drill	0	0	0	0
2017/2018	WV	Dance Team, High Kick	0	0	0	0
2017/2018	WV	Dance Team, Jazz	0	0	0	0
2017/2018	WV	Decathlon	0	0	0	0
2017/2018	WV	Drill Team	0	0	0	0
2017/2018	WV	Equestrian	0	0	0	0
2017/2018	WV	Fencing	0	0	0	0
2017/2018	WV	Field Hockey	0	0	0	0
2017/2018	WV	Figure Skating	0	0	0	0
2017/2018	WV	Flag Football	116	0	5710	0
2017/2018	WV	Football -- 11-Player	0	0	0	0
2017/2018	WV	Football -- 6-player	0	0	0	0
2017/2018	WV	Football -- 8-player	0	0	0	0
2017/2018	WV	Football -- 9-player	105	0	856	0
2017/2018	WV	Golf	0	0	0	0
2017/2018	WV	Gymnastics	0	0	0	0
2017/2018	WV	Heptathlon	0	0	0	0
2017/2018	WV	Ice Hockey	0	0	0	0
2017/2018	WV	Judo	0	0	0	0
2017/2018	WV	Kayaking	0	0	0	0
2017/2018	WV	Lacrosse	0	0	0	0
2017/2018	WV	Martial Arts	0	0	0	0
2017/2018	WV	Mixed 6-Coed Volleyball	0	0	0	0
2017/2018	WV	Mt. Biking	0	0	0	0
2017/2018	WV	Native Youth Olympics	0	0	0	0

2017/2018	WV	Pentathlon	0	0	0	0
2017/2018	WV	Rifery	0	0	0	0
2017/2018	WV	Rock Climbing	0	0	0	0
2017/2018	WV	Rodeo	0	0	0	0
2017/2018	WV	Roller Hockey	0	0	0	0
2017/2018	WV	RUGBY	0	0	0	0
2017/2018	WV	Rythmic Gymnastics	0	0	0	0
2017/2018	WV	sailing	0	0	0	0
2017/2018	WV	Sand Volleyball	0	0	0	0
2017/2018	WV	Skiing -- Alpine	0	0	0	0
2017/2018	WV	Skiing -- Cross Country	0	0	0	0
2017/2018	WV	Snowboarding	81	77	2044	1794
2017/2018	WV	Soccer	0	117	0	2226
2017/2018	WV	Softball -- Fast Pitch	0	0	0	0
2017/2018	WV	Softball -- Slow Pitch	0	0	0	0
2017/2018	WV	Soft Tennis	0	0	0	0
2017/2018	WV	Squash	0	0	0	0
2017/2018	WV	Surfing	0	0	0	0
2017/2018	WV	Swimming & Diving	48	47	508	710
2017/2018	WV	Synchronized Swimming	0	0	0	0
2017/2018	WV	Team Tennis	0	0	0	0
2017/2018	WV	Tennis	76	81	642	831
2017/2018	WV	Track and Field -- Indoor	0	0	0	0
2017/2018	WV	Track and Field -- Outdoor	118	118	2967	2492
2017/2018	WV	Trap Shooting	0	0	0	0
2017/2018	WV	Ultimate Frisbee	0	0	0	0
2017/2018	WV	Unified Flag Football	0	0	0	0
2017/2018	WV	Unified Track and Field -- Outdoor	0	0	0	0
2017/2018	WV	Volleyball	0	117	0	2471
2017/2018	WV	Water Polo	0	0	0	0
2017/2018	WV	Weight Lifting	0	0	0	0
2017/2018	WV	Wrestling	91	0	1665	0
2016/2017	WV	Adapted Basketball	0	0	0	0
2016/2017	WV	Adapted Bocce - Indoor	0	0	0	0
2016/2017	WV	Adapted Bowling	0	0	0	0
2016/2017	WV	Adapted Floor Hockey	0	0	0	0
2016/2017	WV	Adapted Soccer	0	0	0	0
2016/2017	WV	Adapted Softball	0	0	0	0
2016/2017	WV	Adapted Track	0	0	0	0
2016/2017	WV	Adapted Volleyball	0	0	0	0
2016/2017	WV	Adaptive Corn Toss	0	0	0	0
2016/2017	WV	Adaptive Golf	0	0	0	0
2016/2017	WV	Adaptive Handball	0	0	0	0
2016/2017	WV	Adaptive Strength Training	0	0	0	0
2016/2017	WV	Adaptive Tennis	0	0	0	0
2016/2017	WV	Air Rifery	0	0	0	0
2016/2017	WV	Archery	0	0	0	0
2016/2017	WV	Badminton	0	0	0	0
2016/2017	WV	Baseball	123	0	2793	0
2016/2017	WV	Basketball	125	125	3153	2173
2016/2017	WV	Bocce - Outdoor	0	0	0	0
2016/2017	WV	Bowling	0	0	0	0
2016/2017	WV	Canoe Paddling	0	0	0	0
2016/2017	WV	Competitive Spirit Squad	0	106	0	1975
2016/2017	WV	Crew	0	0	0	0
2016/2017	WV	Cross Country	98	94	1117	806
2016/2017	WV	Cycling	0	0	0	0
2016/2017	WV	DANCE	0	0	0	0
2016/2017	WV	Dance/Drill	0	0	0	0
2016/2017	WV	Dance Team, High Kick	0	0	0	0
2016/2017	WV	Dance Team, Jazz	0	0	0	0
2016/2017	WV	Decathlon	0	0	0	0
2016/2017	WV	Drill Team	0	0	0	0
2016/2017	WV	Equestrian	0	0	0	0
2016/2017	WV	Fencing	0	0	0	0
2016/2017	WV	Field Hockey	0	0	0	0
2016/2017	WV	Figure Skating	0	0	0	0
2016/2017	WV	Flag Football	0	0	0	0
2016/2017	WV	Football -- 11-Player	117	0	5973	0
2016/2017	WV	Football -- 6-player	0	0	0	0

2016/2017	WV	Football -- 8-player	0	0	0	0
2016/2017	WV	Football -- 9-player	0	0	0	0
2016/2017	WV	Golf	106	0	918	0
2016/2017	WV	Gymnastics	0	0	0	0
2016/2017	WV	Heptathlon	0	0	0	0
2016/2017	WV	Ice Hockey	0	0	0	0
2016/2017	WV	Judo	0	0	0	0
2016/2017	WV	Kayaking	0	0	0	0
2016/2017	WV	Lacrosse	0	0	0	0
2016/2017	WV	Martial Arts	0	0	0	0
2016/2017	WV	Mixed 6-Coed Volleyball	0	0	0	0
2016/2017	WV	Mt. Biking	0	0	0	0
2016/2017	WV	Native Youth Olympics	0	0	0	0
2016/2017	WV	Pentathlon	0	0	0	0
2016/2017	WV	Rifery	0	0	0	0
2016/2017	WV	Rock Climbing	0	0	0	0
2016/2017	WV	Rodeo	0	0	0	0
2016/2017	WV	Roller Hockey	0	0	0	0
2016/2017	WV	RUGBY	0	0	0	0
2016/2017	WV	Rythmic Gymnastics	0	0	0	0
2016/2017	WV	sailing	0	0	0	0
2016/2017	WV	Sand Volleyball	0	0	0	0
2016/2017	WV	Skiing -- Alpine	0	0	0	0
2016/2017	WV	Skiing -- Cross Country	0	0	0	0
2016/2017	WV	Snowboarding	0	0	0	0
2016/2017	WV	Soccer	80	75	2034	1745
2016/2017	WV	Softball -- Fast Pitch	0	117	0	2243
2016/2017	WV	Softball -- Slow Pitch	0	0	0	0
2016/2017	WV	Soft Tennis	0	0	0	0
2016/2017	WV	Squash	0	0	0	0
2016/2017	WV	Surfing	48	49	501	708
2016/2017	WV	Swimming & Diving	0	0	0	0
2016/2017	WV	Synchronized Swimming	0	0	0	0
2016/2017	WV	Team Tennis	76	78	687	867
2016/2017	WV	Tennis	0	0	0	0
2016/2017	WV	Track and Field -- Indoor	0	0	0	0
2016/2017	WV	Track and Field -- Outdoor	119	119	3096	2561
2016/2017	WV	Trap Shooting	0	0	0	0
2016/2017	WV	Ultimate Frisbee	0	0	0	0
2016/2017	WV	Volleyball	0	118	0	2367
2016/2017	WV	Water Polo	0	0	0	0
2016/2017	WV	Weight Lifting	92	0	1561	0
2016/2017	WV	Wrestling	0	0	0	0
2015/2016	WV	Adapted Basketball	0	0	0	0
2015/2016	WV	Adapted Bocce - Indoor	0	0	0	0
2015/2016	WV	Adapted Bowling	0	0	0	0
2015/2016	WV	Adapted Floor Hockey	0	0	0	0
2015/2016	WV	Adapted Soccer	0	0	0	0
2015/2016	WV	Adapted Softball	0	0	0	0
2015/2016	WV	Adapted Track	0	0	0	0
2015/2016	WV	Adapted Volleyball	0	0	0	0
2015/2016	WV	Air Rifery	0	0	0	0
2015/2016	WV	Archery	0	0	0	0
2015/2016	WV	Badminton	0	0	0	0
2015/2016	WV	Baseball	124	0	2832	0
2015/2016	WV	Basketball	122	124	3181	2164
2015/2016	WV	Bocce - Outdoor	0	0	0	0
2015/2016	WV	Bowling	0	0	0	0
2015/2016	WV	Canoe Paddling	0	0	0	0
2015/2016	WV	Competitive Spirit Squad	0	106	0	1975
2015/2016	WV	Crew	93	89	985	829
2015/2016	WV	Cross Country	0	0	0	0
2015/2016	WV	Cycling	0	0	0	0
2015/2016	WV	DANCE	0	0	0	0
2015/2016	WV	Dance/Drill	0	0	0	0
2015/2016	WV	Dance Team, High Kick	0	0	0	0
2015/2016	WV	Dance Team, Jazz	0	0	0	0
2015/2016	WV	Decathlon	0	0	0	0
2015/2016	WV	Drill Team	0	0	0	0
2015/2016	WV	Equestrian	0	0	0	0

2015/2016	WV	Fencing	0	0	0	0
2015/2016	WV	Field Hockey	0	0	0	0
2015/2016	WV	Flag Football	0	0	0	0
2015/2016	WV	Football -- 11-Player	107	0	6005	0
2015/2016	WV	Football -- 6-player	0	0	0	0
2015/2016	WV	Football -- 8-player	0	0	0	0
2015/2016	WV	Football -- 9-player	0	0	0	0
2015/2016	WV	Golf	89	0	917	0
2015/2016	WV	Gymnastics	0	0	0	0
2015/2016	WV	Heptathlon	0	0	0	0
2015/2016	WV	Ice Hockey	0	0	0	0
2015/2016	WV	Judo	0	0	0	0
2015/2016	WV	Kayaking	0	0	0	0
2015/2016	WV	Lacrosse	0	0	0	0
2015/2016	WV	Mixed 6-Coed Volleyball	0	0	0	0
2015/2016	WV	Mt. Biking	0	0	0	0
2015/2016	WV	Native Youth Olympics	0	0	0	0
2015/2016	WV	None	0	0	0	0
2015/2016	WV	Pentathlon	0	0	0	0
2015/2016	WV	Rifery	0	0	0	0
2015/2016	WV	Rodeo	0	0	0	0
2015/2016	WV	RUGBY	0	0	0	0
2015/2016	WV	Rythmic Gymnastics	0	0	0	0
2015/2016	WV	sailing	0	0	0	0
2015/2016	WV	Skiing -- Alpine	0	0	0	0
2015/2016	WV	Skiing -- Cross Country	0	0	0	0
2015/2016	WV	Snowboarding	70	64	1902	1789
2015/2016	WV	Soccer	0	122	0	2327
2015/2016	WV	Softball -- Fast Pitch	0	0	0	0
2015/2016	WV	Softball -- Slow Pitch	0	0	0	0
2015/2016	WV	Soft Tennis	0	0	0	0
2015/2016	WV	Surfing	0	0	0	0
2015/2016	WV	Swimming & Diving	48	49	424	638
2015/2016	WV	Synchronized Swimming	0	0	0	0
2015/2016	WV	Team Tennis	0	0	0	0
2015/2016	WV	Tennis	78	79	643	937
2015/2016	WV	Track and Field -- Indoor	0	0	0	0
2015/2016	WV	Track and Field -- Outdoor	120	118	3107	2714
2015/2016	WV	Volleyball	0	108	0	2390
2015/2016	WV	Water Polo	0	0	0	0
2015/2016	WV	Weight Lifting	0	0	0	0
2015/2016	WV	Wrestling	99	3	1500	3
2014/2015	WV	Adapted Basketball	0	0	0	0
2014/2015	WV	Adapted Bowling	0	0	0	0
2014/2015	WV	Adapted Floor Hockey	0	0	0	0
2014/2015	WV	Adapted Soccer	0	0	0	0
2014/2015	WV	Adapted Softball	0	0	0	0
2014/2015	WV	Adapted Track	0	0	0	0
2014/2015	WV	Air Rifery	0	0	0	0
2014/2015	WV	Archery	0	0	0	0
2014/2015	WV	Badminton	0	0	0	0
2014/2015	WV	Baseball	123	0	2405	0
2014/2015	WV	Basketball	125	125	3038	2095
2014/2015	WV	Bowling	0	0	0	0
2014/2015	WV	Canoe Paddling	0	0	0	0
2014/2015	WV	Competitive Spirit Squad	0	122	0	1938
2014/2015	WV	Crew	0	0	0	0
2014/2015	WV	Cross Country	98	93	957	825
2014/2015	WV	DANCE	0	0	0	0
2014/2015	WV	Dance/Drill	0	0	0	0
2014/2015	WV	Dance Team, High Kick	0	0	0	0
2014/2015	WV	Dance Team, Jazz	0	0	0	0
2014/2015	WV	Decathlon	0	0	0	0
2014/2015	WV	Drill Team	0	0	0	0
2014/2015	WV	Equestrian	0	0	0	0
2014/2015	WV	Fencing	0	0	0	0
2014/2015	WV	Field Hockey	0	0	0	0
2014/2015	WV	Flag Football	0	0	0	0
2014/2015	WV	Football -- 11-Player	116	0	5985	0
2014/2015	WV	Football -- 6-player	0	0	0	0

			0	0	0	0
2014/2015	WV	Football -- 8-player	0	0	0	0
2014/2015	WV	Football -- 9-player	0	0	908	0
2014/2015	WV	Golf	106	0	0	0
2014/2015	WV	Gymnastics	0	0	0	0
2014/2015	WV	Heptathlon	0	0	0	0
2014/2015	WV	Ice Hockey	0	0	0	0
2014/2015	WV	Judo	0	0	0	0
2014/2015	WV	Kayaking	0	0	0	0
2014/2015	WV	Lacrosse	0	0	0	0
2014/2015	WV	Mixed 6-Coed Volleyball	0	0	0	0
2014/2015	WV	Mt. Biking	0	0	0	0
2014/2015	WV	Native Youth Olympics	0	0	0	0
2014/2015	WV	None	0	0	0	0
2014/2015	WV	Pentathlon	0	0	0	0
2014/2015	WV	Rifery	0	0	0	0
2014/2015	WV	Rodeo	0	0	0	0
2014/2015	WV	RUGBY	0	0	0	0
2014/2015	WV	Rythmic Gymnastics	0	0	0	0
2014/2015	WV	sailing	0	0	0	0
2014/2015	WV	Skiing -- Alpine	0	0	0	0
2014/2015	WV	Skiing -- Cross Country	0	0	0	0
2014/2015	WV	Snowboarding	0	0	1853	1768
2014/2015	WV	Soccer	75	76	0	2376
2014/2015	WV	Softball -- Fast Pitch	0	119	0	0
2014/2015	WV	Softball -- Slow Pitch	0	0	0	0
2014/2015	WV	Soft Tennis	0	0	0	0
2014/2015	WV	Surfing	42	45	396	635
2014/2015	WV	Swimming & Diving	0	0	0	0
2014/2015	WV	Synchronized Swimming	0	0	0	0
2014/2015	WV	Team Tennis	76	77	640	865
2014/2015	WV	Tennis	0	0	0	0
2014/2015	WV	Track and Field -- Indoor	0	0	2792	2627
2014/2015	WV	Track and Field -- Outdoor	113	112	0	2405
2014/2015	WV	Volleyball	0	120	0	0
2014/2015	WV	Water Polo	0	0	0	0
2014/2015	WV	Weight Lifting	88	3	1470	3
2014/2015	WV	Wrestling	0	0	0	0
2013/2014	WV	Adapted Basketball	0	0	0	0
2013/2014	WV	Adapted Bowling	0	0	0	0
2013/2014	WV	Adapted Floor Hockey	0	0	0	0
2013/2014	WV	Adapted Soccer	0	0	0	0
2013/2014	WV	Adapted Softball	0	0	0	0
2013/2014	WV	Adapted Track	0	0	0	0
2013/2014	WV	Air Rifery	0	0	0	0
2013/2014	WV	Archery	0	0	0	0
2013/2014	WV	Badminton	124	0	2790	0
2013/2014	WV	Baseball	185	145	3067	2143
2013/2014	WV	Basketball	0	0	0	0
2013/2014	WV	Bowling	3	133	3	2075
2013/2014	WV	Competitive Spirit Squad	0	0	0	0
2013/2014	WV	Crew	97	94	936	770
2013/2014	WV	Cross Country	0	0	0	0
2013/2014	WV	DANCE	0	0	0	0
2013/2014	WV	Dance/Drill	0	0	0	0
2013/2014	WV	Dance Team, High Kick	0	0	0	0
2013/2014	WV	Dance Team, Jazz	0	0	0	0
2013/2014	WV	Decathlon	0	0	0	0
2013/2014	WV	Drill Team	0	0	0	0
2013/2014	WV	Equestrian	0	0	0	0
2013/2014	WV	Fencing	0	0	0	0
2013/2014	WV	Field Hockey	0	0	0	0
2013/2014	WV	Flag Football	0	0	6198	0
2013/2014	WV	Football -- 11-Player	149	0	0	0
2013/2014	WV	Football -- 6-player	0	0	0	0
2013/2014	WV	Football -- 8-player	0	0	0	0
2013/2014	WV	Football -- 9-player	0	0	995	16
2013/2014	WV	Golf	107	9	0	0
2013/2014	WV	Gymnastics	0	0	0	0
2013/2014	WV	Heptathlon	0	0	0	0
2013/2014	WV	Ice Hockey	0	0	0	0

			0	0	0	0
2013/2014	WV	Judo	0	0	0	0
2013/2014	WV	Kayaking	0	0	0	0
2013/2014	WV	Lacrosse	0	0	0	0
2013/2014	WV	Mixed 6-Coed Volleyball	0	0	0	0
2013/2014	WV	Mt. Biking	0	0	0	0
2013/2014	WV	Native Youth Olympics	0	0	0	0
2013/2014	WV	None	0	0	0	0
2013/2014	WV	Outrigger Canoe Paddling LL	0	0	0	0
2013/2014	WV	Pentathlon	0	0	0	0
2013/2014	WV	Riflery	0	0	0	0
2013/2014	WV	Rodeo	0	0	0	0
2013/2014	WV	RUGBY	0	0	0	0
2013/2014	WV	Rythmic Gymnastics	0	0	0	0
2013/2014	WV	sailing	0	0	0	0
2013/2014	WV	Skiing -- Alpine	0	0	0	0
2013/2014	WV	Skiing -- Cross Country	0	0	0	0
2013/2014	WV	Snowboarding	76	77	1756	1704
2013/2014	WV	Soccer	0	122	0	2339
2013/2014	WV	Softball -- Fast Pitch	0	0	0	0
2013/2014	WV	Softball -- Slow Pitch	0	0	0	0
2013/2014	WV	Soft Tennis	0	0	0	0
2013/2014	WV	Surfing	47	47	445	614
2013/2014	WV	Swimming & Diving	0	0	0	0
2013/2014	WV	Synchronized Swimming	0	0	0	0
2013/2014	WV	Team Tennis	78	79	658	849
2013/2014	WV	Tennis	0	0	0	0
2013/2014	WV	Track and Field -- Indoor	120	118	2792	2586
2013/2014	WV	Track and Field -- Outdoor	0	130	0	2343
2013/2014	WV	Volleyball	0	0	0	0
2013/2014	WV	Water Polo	0	0	0	0
2013/2014	WV	Weight Lifting	92	3	1542	3
2013/2014	WV	Wrestling	0	0	0	0
2012/2013	WV	Adapted Basketball	0	0	0	0
2012/2013	WV	Adapted Bowling	0	0	0	0
2012/2013	WV	Adapted Floor Hockey	0	0	0	0
2012/2013	WV	Adapted Soccer	0	0	0	0
2012/2013	WV	Adapted Softball	0	0	0	0
2012/2013	WV	Adapted Track	0	0	0	0
2012/2013	WV	Air Riflery	0	0	0	0
2012/2013	WV	Archery	0	0	0	0
2012/2013	WV	Badminton	122	0	2788	0
2012/2013	WV	Baseball	125	124	2982	2161
2012/2013	WV	Basketball	0	0	0	0
2012/2013	WV	Bowling	0	123	0	2030
2012/2013	WV	Competitive Spirit Squad	0	0	0	0
2012/2013	WV	Crew	93	90	887	714
2012/2013	WV	Cross Country	0	0	0	0
2012/2013	WV	DANCE	0	0	0	0
2012/2013	WV	Dance/Drill	0	0	0	0
2012/2013	WV	Dance Team, High Kick	0	0	0	0
2012/2013	WV	Dance Team, Jazz	0	0	0	0
2012/2013	WV	Decathlon	0	0	0	0
2012/2013	WV	Drill Team	0	0	0	0
2012/2013	WV	Equestrian	0	0	0	0
2012/2013	WV	Fencing	0	0	0	0
2012/2013	WV	Field Hockey	0	0	0	0
2012/2013	WV	Flag Football	117	0	5978	0
2012/2013	WV	Football -- 11-Player	0	0	0	0
2012/2013	WV	Football -- 6-player	0	0	0	0
2012/2013	WV	Football -- 8-player	0	0	0	0
2012/2013	WV	Football -- 9-player	108	0	1016	0
2012/2013	WV	Golf	0	0	0	0
2012/2013	WV	Gymnastics	0	0	0	0
2012/2013	WV	Heptathlon	0	0	0	0
2012/2013	WV	Ice Hockey	0	0	0	0
2012/2013	WV	Judo	0	0	0	0
2012/2013	WV	Kayaking	0	0	0	0
2012/2013	WV	Lacrosse	0	0	0	0
2012/2013	WV	Mixed 6-Coed Volleyball	0	0	0	0
2012/2013	WV	Mt. Biking	0	0	0	0

2012/2013	WV	Native Youth Olympics	0	0	0	0
2012/2013	WV	None	0	0	0	0
2012/2013	WV	Outrigger Canoe Paddling LL	0	0	0	0
2012/2013	WV	Pentathlon	0	0	0	0
2012/2013	WV	Rifery	0	0	0	0
2012/2013	WV	Rodeo	0	0	0	0
2012/2013	WV	RUGBY	0	0	0	0
2012/2013	WV	Rythmic Gymnastics	0	0	0	0
2012/2013	WV	sailing	0	0	0	0
2012/2013	WV	Skiing -- Alpine	0	0	0	0
2012/2013	WV	Skiing -- Cross Country	0	0	0	0
2012/2013	WV	Snowboarding	75	74	1827	1647
2012/2013	WV	Soccer	0	120	0	2247
2012/2013	WV	Softball -- Fast Pitch	0	0	0	0
2012/2013	WV	Softball -- Slow Pitch	0	0	0	0
2012/2013	WV	Soft Tennis	0	0	0	0
2012/2013	WV	Surfing	45	46	455	654
2012/2013	WV	Swimming & Diving	0	0	0	0
2012/2013	WV	Synchronized Swimming	0	0	0	0
2012/2013	WV	Team Tennis	78	79	676	853
2012/2013	WV	Tennis	0	0	0	0
2012/2013	WV	Track and Field -- Indoor	113	114	2855	2433
2012/2013	WV	Track and Field -- Outdoor	0	119	0	2273
2012/2013	WV	Volleyball	0	0	0	0
2012/2013	WV	Water Polo	0	0	0	0
2012/2013	WV	Weight Lifting	89	0	1615	0
2012/2013	WV	Wrestling	0	0	0	0
2011/2012	WV	Adapted Basketball	0	0	0	0
2011/2012	WV	Adapted Bowling	0	0	0	0
2011/2012	WV	Adapted Floor Hockey	0	0	0	0
2011/2012	WV	Adapted Soccer	0	0	0	0
2011/2012	WV	Adapted Softball	0	0	0	0
2011/2012	WV	Adapted Track	0	0	0	0
2011/2012	WV	Air Rifery	0	0	0	0
2011/2012	WV	Archery	0	0	0	0
2011/2012	WV	Badminton	120	0	2774	0
2011/2012	WV	Baseball	125	125	3022	2013
2011/2012	WV	Basketball	0	0	0	0
2011/2012	WV	Bowling	2	121	2	2068
2011/2012	WV	Competitive Spirit Squad	0	0	0	0
2011/2012	WV	Crew	91	92	896	690
2011/2012	WV	Cross Country	0	0	0	0
2011/2012	WV	DANCE	0	0	0	0
2011/2012	WV	Dance/Drill	0	0	0	0
2011/2012	WV	Dance Team, High Kick	0	0	0	0
2011/2012	WV	Dance Team, Jazz	0	0	0	0
2011/2012	WV	Decathlon	0	0	0	0
2011/2012	WV	Drill Team	0	0	0	0
2011/2012	WV	Equestrian	0	0	0	0
2011/2012	WV	Fencing	0	0	0	0
2011/2012	WV	Field Hockey	0	0	0	0
2011/2012	WV	Flag Football	116	2	6089	2
2011/2012	WV	Football -- 11-Player	0	0	0	0
2011/2012	WV	Football -- 6-player	0	0	0	0
2011/2012	WV	Football -- 8-player	0	0	0	0
2011/2012	WV	Football -- 9-player	108	1	1029	1
2011/2012	WV	Golf	0	0	0	0
2011/2012	WV	Gymnastics	0	0	0	0
2011/2012	WV	Heptathlon	0	0	0	0
2011/2012	WV	Ice Hockey	0	0	0	0
2011/2012	WV	Judo	0	0	0	0
2011/2012	WV	Kayaking	0	0	0	0
2011/2012	WV	Lacrosse	0	0	0	0
2011/2012	WV	Mixed 6-Coed Volleyball	0	0	0	0
2011/2012	WV	Mt. Biking	0	0	0	0
2011/2012	WV	Native Youth Olympics	0	0	0	0
2011/2012	WV	None	0	0	0	0
2011/2012	WV	Outrigger Canoe Paddling LL	0	0	0	0
2011/2012	WV	Pentathlon	0	0	0	0
2011/2012	WV	Rifery	0	0	0	0

2011/2012	WV	Rodeo	0	0	0	0
2011/2012	WV	RUGBY	0	0	0	0
2011/2012	WV	Rythmic Gymnastics	0	0	0	0
2011/2012	WV	sailing	0	0	0	0
2011/2012	WV	Skiing -- Alpine	0	0	0	0
2011/2012	WV	Skiing -- Cross Country	0	0	0	0
2011/2012	WV	Snowboarding	74	74	1848	1589
2011/2012	WV	Soccer	0	118	0	2315
2011/2012	WV	Softball -- Fast Pitch	0	0	0	0
2011/2012	WV	Softball -- Slow Pitch	0	0	0	0
2011/2012	WV	Soft Tennis	0	0	0	0
2011/2012	WV	Surfing	45	45	434	643
2011/2012	WV	Swimming & Diving	0	0	0	0
2011/2012	WV	Synchronized Swimming	0	0	0	0
2011/2012	WV	Team Tennis	78	80	744	890
2011/2012	WV	Tennis	0	0	0	0
2011/2012	WV	Track and Field -- Indoor	112	112	2689	2417
2011/2012	WV	Track and Field -- Outdoor	0	117	0	2266
2011/2012	WV	Volleyball	0	0	0	0
2011/2012	WV	Water Polo	0	0	0	0
2011/2012	WV	Weight Lifting	91	1	1610	1
2011/2012	WV	Wrestling	0	0	0	0
2010/2011	WV	Adapted Basketball	0	0	0	0
2010/2011	WV	Adapted Bowling	0	0	0	0
2010/2011	WV	Adapted Floor Hockey	0	0	0	0
2010/2011	WV	Adapted Soccer	0	0	0	0
2010/2011	WV	Adapted Softball	0	0	0	0
2010/2011	WV	Adapted Track	0	0	0	0
2010/2011	WV	Air Rifery	0	0	0	0
2010/2011	WV	Archery	0	0	0	0
2010/2011	WV	Badminton	124	0	2774	0
2010/2011	WV	Baseball	130	128	3111	2213
2010/2011	WV	Basketball	0	0	0	0
2010/2011	WV	Bowling	0	0	0	0
2010/2011	WV	Canoeing	0	128	0	2112
2010/2011	WV	Competitive Spirit Squad	0	0	0	0
2010/2011	WV	Crew	90	88	857	711
2010/2011	WV	Cross Country	0	0	0	0
2010/2011	WV	DANCE	0	0	0	0
2010/2011	WV	Dance/Drill	0	0	0	0
2010/2011	WV	Dance Team, High Kick	0	0	0	0
2010/2011	WV	Dance Team, Jazz	0	0	0	0
2010/2011	WV	Decathlon	0	0	0	0
2010/2011	WV	Drill Team	0	0	0	0
2010/2011	WV	Equestrian	0	0	0	0
2010/2011	WV	Fencing	0	0	0	0
2010/2011	WV	Field Hockey	0	0	0	0
2010/2011	WV	Flag Football	122	0	6183	0
2010/2011	WV	Football -- 11-Player	0	0	0	0
2010/2011	WV	Football -- 6-player	0	0	0	0
2010/2011	WV	Football -- 8-player	0	0	0	0
2010/2011	WV	Football -- 9-player	109	0	1044	0
2010/2011	WV	Golf	0	0	0	0
2010/2011	WV	Gymnastics	0	0	0	0
2010/2011	WV	Heptathlon	0	0	0	0
2010/2011	WV	Ice Hockey	0	0	0	0
2010/2011	WV	Judo	0	0	0	0
2010/2011	WV	Kayaking	0	0	0	0
2010/2011	WV	Lacrosse	0	0	0	0
2010/2011	WV	Mixed 6-Coed Volleyball	0	0	0	0
2010/2011	WV	Mt. Biking	0	0	0	0
2010/2011	WV	Native Youth Olympics	0	0	0	0
2010/2011	WV	None	0	0	0	0
2010/2011	WV	Pentathlon	0	0	0	0
2010/2011	WV	Rifery	0	0	0	0
2010/2011	WV	Rodeo	0	0	0	0
2010/2011	WV	RUGBY	0	0	0	0
2010/2011	WV	Rythmic Gymnastics	0	0	0	0
2010/2011	WV	sailing	0	0	0	0
2010/2011	WV	Skiing -- Alpine	0	0	0	0

			0	0	0	0
2010/2011	WV	Skiing -- Cross Country	0	0	0	0
2010/2011	WV	Snowboarding	73	70	1845	1582
2010/2011	WV	Soccer	0	0	0	0
2010/2011	WV	Softball -- Fast Pitch	0	124	0	2382
2010/2011	WV	Softball -- Slow Pitch	0	0	0	0
2010/2011	WV	Soft Tennis	0	0	0	0
2010/2011	WV	Surfing	44	46	420	662
2010/2011	WV	Swimming & Diving	0	0	0	0
2010/2011	WV	Synchronized Swimming	0	0	0	0
2010/2011	WV	Team Tennis	77	79	784	960
2010/2011	WV	Tennis	0	0	0	0
2010/2011	WV	Track and Field -- Indoor	113	112	2828	2487
2010/2011	WV	Track and Field -- Outdoor	0	122	0	2336
2010/2011	WV	Volleyball	0	0	0	0
2010/2011	WV	Water Polo	0	0	0	0
2010/2011	WV	Weight Lifting	91	0	1673	0
2010/2011	WV	Wrestling	0	0	0	0
2009/2010	WV	Adapted Basketball	0	0	0	0
2009/2010	WV	Adapted Bowling	0	0	0	0
2009/2010	WV	Adapted Floor Hockey	0	0	0	0
2009/2010	WV	Adapted Soccer	0	0	0	0
2009/2010	WV	Adapted Softball	0	0	0	0
2009/2010	WV	Adapted Track	0	0	0	0
2009/2010	WV	Air Rifery	0	0	0	0
2009/2010	WV	Archery	0	0	0	0
2009/2010	WV	Badminton	125	0	2743	0
2009/2010	WV	Baseball	131	131	3215	2397
2009/2010	WV	Basketball	0	0	0	0
2009/2010	WV	Bowling	0	0	0	0
2009/2010	WV	Canoeing	0	128	0	2166
2009/2010	WV	Competitive Spirit Squad	0	0	0	0
2009/2010	WV	Crew	84	85	831	727
2009/2010	WV	Cross Country	0	0	0	0
2009/2010	WV	DANCE	0	0	0	0
2009/2010	WV	Dance/Drill	0	0	0	0
2009/2010	WV	Dance Team, High Kick	0	0	0	0
2009/2010	WV	Dance Team, Jazz	0	0	0	0
2009/2010	WV	Decathlon	0	0	0	0
2009/2010	WV	Drill Team	0	0	0	0
2009/2010	WV	Equestrian	0	0	0	0
2009/2010	WV	Fencing	0	0	0	0
2009/2010	WV	Field Hockey	0	0	0	0
2009/2010	WV	Flag Football	123	0	6404	0
2009/2010	WV	Football -- 11-Player	0	0	0	0
2009/2010	WV	Football -- 6-player	0	0	0	0
2009/2010	WV	Football -- 8-player	0	0	0	0
2009/2010	WV	Football -- 9-player	111	0	1117	0
2009/2010	WV	Golf	0	0	0	0
2009/2010	WV	Gymnastics	0	0	0	0
2009/2010	WV	Heptathlon	0	0	0	0
2009/2010	WV	Ice Hockey	0	0	0	0
2009/2010	WV	Judo	0	0	0	0
2009/2010	WV	Kayaking	0	0	0	0
2009/2010	WV	Lacrosse	0	0	0	0
2009/2010	WV	Mixed 6-Coed Volleyball	0	0	0	0
2009/2010	WV	Mt. Biking	0	0	0	0
2009/2010	WV	Native Youth Olympics	0	0	0	0
2009/2010	WV	None	0	0	0	0
2009/2010	WV	Pentathlon	0	0	0	0
2009/2010	WV	Rifery	0	0	0	0
2009/2010	WV	Rodeo	0	0	0	0
2009/2010	WV	RUGBY	0	0	0	0
2009/2010	WV	Rythmic Gymnastics	0	0	0	0
2009/2010	WV	sailing	0	0	0	0
2009/2010	WV	Skiing -- Alpine	0	0	0	0
2009/2010	WV	Skiing -- Cross Country	0	0	0	0
2009/2010	WV	Snowboarding	72	69	1815	1677
2009/2010	WV	Soccer	0	124	0	2333
2009/2010	WV	Softball -- Fast Pitch	0	0	0	0
2009/2010	WV	Softball -- Slow Pitch	0	0	0	0

2009/2010	WV	Soft Tennis	0	0	0	0
2009/2010	WV	Surfing	0	0	0	0
2009/2010	WV	Swimming & Diving	45	44	464	653
2009/2010	WV	Synchronized Swimming	0	0	0	0
2009/2010	WV	Team Tennis	0	0	0	0
2009/2010	WV	Tennis	79	82	794	988
2009/2010	WV	Track and Field -- Indoor	0	0	0	0
2009/2010	WV	Track and Field -- Outdoor	108	108	2938	2633
2009/2010	WV	Volleyball	0	121	0	2306
2009/2010	WV	Water Polo	0	0	0	0
2009/2010	WV	Weight Lifting	0	0	0	0
2009/2010	WV	Wrestling	86	0	1686	0
2008/2009	WV	Adapted Bowling	0	0	0	0
2008/2009	WV	Adapted Floor Hockey	0	0	0	0
2008/2009	WV	Adapted Soccer	0	0	0	0
2008/2009	WV	Adapted Softball	0	0	0	0
2008/2009	WV	Archery	0	0	0	0
2008/2009	WV	Badminton	0	0	0	0
2008/2009	WV	Baseball	124	0	2780	0
2008/2009	WV	Basketball	129	130	3258	2417
2008/2009	WV	Bowling	0	0	0	0
2008/2009	WV	Canoeing	0	0	0	0
2008/2009	WV	Competitive Spirit Squad	0	127	0	2179
2008/2009	WV	Crew	0	0	0	0
2008/2009	WV	Cross Country	86	87	759	667
2008/2009	WV	Decathlon	0	0	0	0
2008/2009	WV	Equestrian	0	0	0	0
2008/2009	WV	Fencing	0	0	0	0
2008/2009	WV	Field Hockey	0	0	0	0
2008/2009	WV	Flag Football	0	0	0	0
2008/2009	WV	Football -- 11-Player	122	0	6534	0
2008/2009	WV	Football -- 6-player	0	0	0	0
2008/2009	WV	Football -- 8-player	0	0	0	0
2008/2009	WV	Football -- 9-player	0	0	0	0
2008/2009	WV	Golf	108	0	1112	0
2008/2009	WV	Gymnastics	0	0	0	0
2008/2009	WV	Heptathlon	0	0	0	0
2008/2009	WV	Ice Hockey	0	0	0	0
2008/2009	WV	Judo	0	0	0	0
2008/2009	WV	Lacrosse	0	0	0	0
2008/2009	WV	Native Youth Olympics	0	0	0	0
2008/2009	WV	Other 1:	0	0	0	0
2008/2009	WV	Other 2:	0	0	0	0
2008/2009	WV	Pentathlon	0	0	0	0
2008/2009	WV	Rifery	0	0	0	0
2008/2009	WV	Rodeo	0	0	0	0
2008/2009	WV	Rythmic Gymnastics	0	0	0	0
2008/2009	WV	Skiing -- Alpine	0	0	0	0
2008/2009	WV	Skiing -- Cross Country	0	0	0	0
2008/2009	WV	Snowboarding	0	0	0	0
2008/2009	WV	Soccer	72	69	1797	1626
2008/2009	WV	Softball -- Fast Pitch	0	124	0	2418
2008/2009	WV	Softball -- Slow Pitch	0	0	0	0
2008/2009	WV	Soft Tennis	0	0	0	0
2008/2009	WV	Swimming & Diving	45	44	427	664
2008/2009	WV	Synchronized Swimming	0	0	0	0
2008/2009	WV	Team Tennis	0	0	0	0
2008/2009	WV	Tennis	78	82	766	961
2008/2009	WV	Track and Field -- Indoor	0	0	0	0
2008/2009	WV	Track and Field -- Outdoor	110	109	2945	2785
2008/2009	WV	Volleyball	0	84	0	1621
2008/2009	WV	Water Polo	0	0	0	0
2008/2009	WV	Weight Lifting	0	0	0	0
2008/2009	WV	Wrestling	85	0	1613	0
2007/2008	WV	Adapted Bowling	0	0	0	0
2007/2008	WV	Adapted Floor Hockey	0	0	0	0
2007/2008	WV	Adapted Soccer	0	0	0	0
2007/2008	WV	Adapted Softball	0	0	0	0
2007/2008	WV	Archery	0	0	0	0
2007/2008	WV	Badminton	0	0	0	0

2007/2008	WV	Baseball	125	0	2863	0
2007/2008	WV	Basketball	130	130	3086	2368
2007/2008	WV	Bowling	0	0	0	0
2007/2008	WV	Canoeing	0	0	0	0
2007/2008	WV	Canoeing	0	126	0	2212
2007/2008	WV	Competitive Spirit Squad	0	0	0	0
2007/2008	WV	Crew	78	79	747	615
2007/2008	WV	Cross Country	0	0	0	0
2007/2008	WV	Decathlon	0	0	0	0
2007/2008	WV	Equestrian	0	0	0	0
2007/2008	WV	Fencing	0	0	0	0
2007/2008	WV	Field Hockey	0	0	0	0
2007/2008	WV	Flag Football	0	0	6530	0
2007/2008	WV	Football -- 11-Player	121	0	0	0
2007/2008	WV	Football -- 6-player	0	0	0	0
2007/2008	WV	Football -- 8-player	0	0	0	0
2007/2008	WV	Football -- 9-player	0	0	1092	0
2007/2008	WV	Golf	110	0	0	0
2007/2008	WV	Gymnastics	0	0	0	0
2007/2008	WV	Heptathlon	0	0	0	0
2007/2008	WV	Ice Hockey	0	0	0	0
2007/2008	WV	Judo	0	0	0	0
2007/2008	WV	Lacrosse	0	0	0	0
2007/2008	WV	Native Youth Olympics	0	0	0	0
2007/2008	WV	Other 1:	0	0	0	0
2007/2008	WV	Other 2:	0	0	0	0
2007/2008	WV	Pentathlon	0	0	0	0
2007/2008	WV	Rifery	0	0	0	0
2007/2008	WV	Rodeo	0	0	0	0
2007/2008	WV	Rythmic Gymnastics	0	0	0	0
2007/2008	WV	Skiing -- Alpine	0	0	0	0
2007/2008	WV	Skiing -- Cross Country	0	0	0	0
2007/2008	WV	Snowboarding	71	69	1815	1676
2007/2008	WV	Soccer	0	0	0	0
2007/2008	WV	Softball -- Fast Pitch	0	125	0	2461
2007/2008	WV	Softball -- Slow Pitch	0	0	0	0
2007/2008	WV	Soft Tennis	0	0	397	625
2007/2008	WV	Swimming & Diving	42	41	0	0
2007/2008	WV	Synchronized Swimming	0	0	0	0
2007/2008	WV	Team Tennis	0	0	746	1003
2007/2008	WV	Tennis	81	83	0	0
2007/2008	WV	Track and Field -- Indoor	0	0	2920	2747
2007/2008	WV	Track and Field -- Outdoor	108	107	0	2263
2007/2008	WV	Volleyball	0	116	0	0
2007/2008	WV	Water Polo	0	0	0	0
2007/2008	WV	Weight Lifting	0	0	1613	0
2007/2008	WV	Wrestling	85	0	0	0
2006/2007	WV	Adapted Bowling	0	0	0	0
2006/2007	WV	Adapted Floor Hockey	0	0	0	0
2006/2007	WV	Adapted Soccer	0	0	0	0
2006/2007	WV	Adapted Softball	0	0	0	0
2006/2007	WV	Archery	0	0	0	0
2006/2007	WV	Badminton	0	0	0	0
2006/2007	WV	Baseball	123	0	2908	0
2006/2007	WV	Basketball	130	130	3363	2543
2006/2007	WV	Bowling	0	0	0	0
2006/2007	WV	Canoeing	0	0	0	0
2006/2007	WV	Canoeing	0	0	0	0
2006/2007	WV	Competitive Spirit Squad	0	0	0	0
2006/2007	WV	Crew	0	0	755	642
2006/2007	WV	Crew	74	75	0	0
2006/2007	WV	Cross Country	0	0	0	0
2006/2007	WV	Decathlon	0	0	0	0
2006/2007	WV	Equestrian	0	0	0	0
2006/2007	WV	Fencing	0	0	0	0
2006/2007	WV	Field Hockey	0	0	0	0
2006/2007	WV	Flag Football	0	0	6630	0
2006/2007	WV	Football -- 11-Player	121	0	0	0
2006/2007	WV	Football -- 6-player	0	0	0	0
2006/2007	WV	Football -- 8-player	0	0	0	0
2006/2007	WV	Football -- 9-player	0	0	0	0
2006/2007	WV	Golf	104	2	1010	2
2006/2007	WV	Gymnastics	0	0	0	0

2006/2007	WV	Heptathlon	0	0	0	0
2006/2007	WV	Ice Hockey	0	0	0	0
2006/2007	WV	Judo	0	0	0	0
2006/2007	WV	Lacrosse	0	0	0	0
2006/2007	WV	Native Youth Olympics	0	0	0	0
2006/2007	WV	Other 1:	0	0	0	0
2006/2007	WV	Other 2:	0	0	0	0
2006/2007	WV	Pentathlon	0	0	0	0
2006/2007	WV	Rifery	0	0	0	0
2006/2007	WV	Rodeo	0	0	0	0
2006/2007	WV	Rythmic Gymnastics	0	0	0	0
2006/2007	WV	Skiling -- Alpine	0	0	0	0
2006/2007	WV	Skiling -- Cross Country	0	0	0	0
2006/2007	WV	Snowboarding	72	67	1844	1603
2006/2007	WV	Soccer	0	124	0	2476
2006/2007	WV	Softball -- Fast Pitch	0	0	0	0
2006/2007	WV	Softball -- Slow Pitch	0	0	0	0
2006/2007	WV	Soft Tennis	40	39	391	632
2006/2007	WV	Swimming & Diving	0	0	0	0
2006/2007	WV	Synchronized Swimming	0	0	0	0
2006/2007	WV	Team Tennis	81	83	792	1033
2006/2007	WV	Tennis	0	0	0	0
2006/2007	WV	Track and Field -- Indoor	105	105	2851	2686
2006/2007	WV	Track and Field -- Outdoor	0	113	0	2379
2006/2007	WV	Volleyball	0	0	0	0
2006/2007	WV	Water Polo	0	0	0	0
2006/2007	WV	Weight Lifting	78	1	1573	1
2006/2007	WV	Wrestling	0	0	0	0
2005/2006	WV	Adapted Bowling	0	0	0	0
2005/2006	WV	Adapted Floor Hockey	0	0	0	0
2005/2006	WV	Adapted Soccer	0	0	0	0
2005/2006	WV	Adapted Softball	0	0	0	0
2005/2006	WV	Archery	0	0	0	0
2005/2006	WV	Badminton	128	0	2909	0
2005/2006	WV	Baseball	134	134	2492	2193
2005/2006	WV	Basketball	0	0	0	0
2005/2006	WV	Bowling	0	0	0	0
2005/2006	WV	Canoeing	1	131	1	2149
2005/2006	WV	Competitive Spirit Squad	0	0	0	0
2005/2006	WV	Crew	77	75	747	679
2005/2006	WV	Cross Country	0	0	0	0
2005/2006	WV	Decathlon	0	0	0	0
2005/2006	WV	Equestrian	0	0	0	0
2005/2006	WV	Fencing	0	0	0	0
2005/2006	WV	Field Hockey	0	0	0	0
2005/2006	WV	Flag Football	125	1	5413	1
2005/2006	WV	Football -- 11-Player	0	0	0	0
2005/2006	WV	Football -- 6-player	0	0	0	0
2005/2006	WV	Football -- 8-player	0	0	0	0
2005/2006	WV	Football -- 9-player	102	2	997	2
2005/2006	WV	Golf	0	0	0	0
2005/2006	WV	Gymnastics	0	0	0	0
2005/2006	WV	Heptathlon	0	0	0	0
2005/2006	WV	Ice Hockey	0	0	0	0
2005/2006	WV	Judo	0	0	0	0
2005/2006	WV	Lacrosse	0	0	0	0
2005/2006	WV	Native Youth Olympics	0	0	0	0
2005/2006	WV	Other 1:	0	0	0	0
2005/2006	WV	Other 2:	0	0	0	0
2005/2006	WV	Pentathlon	0	0	0	0
2005/2006	WV	Rifery	0	0	0	0
2005/2006	WV	Rodeo	0	0	0	0
2005/2006	WV	Rythmic Gymnastics	0	0	0	0
2005/2006	WV	Skiling -- Alpine	0	0	0	0
2005/2006	WV	Skiling -- Cross Country	0	0	0	0
2005/2006	WV	Snowboarding	69	65	1700	1523
2005/2006	WV	Soccer	0	127	0	2543
2005/2006	WV	Softball -- Fast Pitch	0	0	0	0
2005/2006	WV	Softball -- Slow Pitch	0	0	0	0
2005/2006	WV	Soft Tennis	0	0	0	0

2005/2006	WV	Swimming & Diving	41	40	449	672
2005/2006	WV	Synchronized Swimming	0	0	0	0
2005/2006	WV	Team Tennis	0	0	0	0
2005/2006	WV	Tennis	79	83	799	1005
2005/2006	WV	Track and Field -- Indoor	0	0	0	0
2005/2006	WV	Track and Field -- Outdoor	104	106	2659	2333
2005/2006	WV	Volleyball	0	112	0	2036
2005/2006	WV	Water Polo	0	0	0	0
2005/2006	WV	Weight Lifting	0	0	0	0
2005/2006	WV	Wrestling	80	1	1654	1
2005/2006	WV	Adapted Bowling	0	0	0	0
2004/2005	WV	Adapted Floor Hockey	0	0	0	0
2004/2005	WV	Adapted Soccer	0	0	0	0
2004/2005	WV	Adapted Softball	0	0	0	0
2004/2005	WV	Archery	0	0	0	0
2004/2005	WV	Badminton	0	0	0	0
2004/2005	WV	Baseball	129	0	2951	0
2004/2005	WV	Basketball	136	135	2395	2122
2004/2005	WV	Bowling	0	0	0	0
2004/2005	WV	Canoeing	0	0	0	0
2004/2005	WV	Competitive Spirit Squad	2	133	2	2201
2004/2005	WV	Crew	2	2	32	44
2004/2005	WV	Cross Country	77	75	753	603
2004/2005	WV	Decathlon	0	0	0	0
2004/2005	WV	Equestrian	0	0	0	0
2004/2005	WV	Fencing	0	0	0	0
2004/2005	WV	Field Hockey	0	0	0	0
2004/2005	WV	Flag Football	0	0	0	0
2004/2005	WV	Football -- 11-Player	125	2	5378	2
2004/2005	WV	Football -- 6-player	0	0	0	0
2004/2005	WV	Football -- 8-player	0	0	0	0
2004/2005	WV	Football -- 9-player	0	0	0	0
2004/2005	WV	Golf	106	2	1046	3
2004/2005	WV	Gymnastics	0	0	0	0
2004/2005	WV	Heptathlon	0	0	0	0
2004/2005	WV	Ice Hockey	0	0	0	0
2004/2005	WV	Judo	0	0	0	0
2004/2005	WV	Lacrosse	3	3	135	105
2004/2005	WV	Native Youth Olympics	0	0	0	0
2004/2005	WV	Other 1:	0	0	0	0
2004/2005	WV	Other 2:	0	0	0	0
2004/2005	WV	Pentathlon	0	0	0	0
2004/2005	WV	Rifery	0	0	0	0
2004/2005	WV	Rodeo	0	0	0	0
2004/2005	WV	Rhythmic Gymnastics	0	0	0	0
2004/2005	WV	Skiing -- Alpine	0	0	0	0
2004/2005	WV	Skiing -- Cross Country	0	0	0	0
2004/2005	WV	Snowboarding	0	0	0	0
2004/2005	WV	Soccer	66	63	1633	1457
2004/2005	WV	Softball -- Fast Pitch	0	126	0	2603
2004/2005	WV	Softball -- Slow Pitch	0	0	0	0
2004/2005	WV	Soft Tennis	0	0	0	0
2004/2005	WV	Swimming & Diving	39	39	371	618
2004/2005	WV	Synchronized Swimming	0	0	0	0
2004/2005	WV	Team Tennis	0	0	0	0
2004/2005	WV	Tennis	82	84	762	947
2004/2005	WV	Track and Field -- Indoor	0	0	0	0
2004/2005	WV	Track and Field -- Outdoor	108	109	2546	2248
2004/2005	WV	Volleyball	0	111	0	2095
2004/2005	WV	Water Polo	0	0	0	0
2004/2005	WV	Weight Lifting	0	0	0	0
2004/2005	WV	Wrestling	84	3	1516	3
2003/2004	WV	Adapted Bowling	0	0	0	0
2003/2004	WV	Adapted Floor Hockey	0	0	0	0
2003/2004	WV	Adapted Soccer	0	0	0	0
2003/2004	WV	Adapted Softball	0	0	0	0
2003/2004	WV	Archery	0	0	0	0
2003/2004	WV	Badminton	0	0	0	0
2003/2004	WV	Baseball	112	0	2572	0
2003/2004	WV	Basketball	117	117	2909	2145

2003/2004	WV	Bowling	2	1	12	5
2003/2004	WV	Canoeing	0	0	0	0
2003/2004	WV	Competitive Spirit Squad	14	105	33	1859
2003/2004	WV	Crew	2	0	32	0
2003/2004	WV	Cross Country	70	67	647	581
2003/2004	WV	Decathlon	0	0	0	0
2003/2004	WV	Equestrian	0	0	0	0
2003/2004	WV	Fencing	0	0	0	0
2003/2004	WV	Field Hockey	0	0	0	0
2003/2004	WV	Flag Football	0	0	0	0
2003/2004	WV	Football -- 11-Player	108	4	5394	4
2003/2004	WV	Football -- 6-player	0	0	0	0
2003/2004	WV	Football -- 8-player	0	0	0	0
2003/2004	WV	Football -- 9-player	0	0	0	0
2003/2004	WV	Golf	89	25	849	34
2003/2004	WV	Gymnastics	0	0	0	0
2003/2004	WV	Heptathlon	0	0	0	0
2003/2004	WV	Ice Hockey	0	0	0	0
2003/2004	WV	Judo	0	0	0	0
2003/2004	WV	Lacrosse	0	0	0	0
2003/2004	WV	Native Youth Olympics	0	0	0	0
2003/2004	WV	Other 1:	0	0	0	0
2003/2004	WV	Other 2:	0	0	0	0
2003/2004	WV	Pentathlon	0	0	0	0
2003/2004	WV	Rifley	0	0	0	0
2003/2004	WV	Rodeo	0	0	0	0
2003/2004	WV	Rythmic Gymnastics	0	0	0	0
2003/2004	WV	Skiing -- Alpine	0	0	0	0
2003/2004	WV	Skiing -- Cross Country	0	0	0	0
2003/2004	WV	Snowboarding	59	55	1444	1197
2003/2004	WV	Soccer	0	108	0	2218
2003/2004	WV	Softball -- Fast Pitch	0	0	0	0
2003/2004	WV	Softball -- Slow Pitch	0	0	0	0
2003/2004	WV	Soft Tennis	30	34	244	508
2003/2004	WV	Swimming & Diving	0	0	0	0
2003/2004	WV	Synchronized Swimming	0	0	0	0
2003/2004	WV	Team Tennis	65	68	608	784
2003/2004	WV	Tennis	0	0	0	0
2003/2004	WV	Track and Field -- Indoor	93	93	2231	1959
2003/2004	WV	Track and Field -- Outdoor	0	95	0	1948
2003/2004	WV	Volleyball	0	0	0	0
2003/2004	WV	Water Polo	0	0	0	0
2003/2004	WV	Weight Lifting	72	10	1213	14
2003/2004	WV	Wrestling	0	0	0	0
2002/2003	WV	Adapted Bowling	0	0	0	0
2002/2003	WV	Adapted Floor Hockey	0	0	0	0
2002/2003	WV	Adapted Soccer	0	0	0	0
2002/2003	WV	Adapted Softball	0	0	0	0
2002/2003	WV	Archery	0	0	0	0
2002/2003	WV	Badminton	125	0	2908	0
2002/2003	WV	Baseball	133	131	3315	2437
2002/2003	WV	Basketball	1	1	6	6
2002/2003	WV	Bowling	0	0	0	0
2002/2003	WV	Canoeing	7	122	11	2236
2002/2003	WV	Competitive Spirit Squad	2	2	47	67
2002/2003	WV	Crew	77	74	728	648
2002/2003	WV	Cross Country	0	0	0	0
2002/2003	WV	Decathlon	0	0	0	0
2002/2003	WV	Equestrian	0	0	0	0
2002/2003	WV	Fencing	0	0	0	0
2002/2003	WV	Field Hockey	0	0	0	0
2002/2003	WV	Flag Football	0	0	0	0
2002/2003	WV	Football -- 11-Player	123	2	6164	2
2002/2003	WV	Football -- 6-player	0	0	0	0
2002/2003	WV	Football -- 8-player	0	0	0	0
2002/2003	WV	Football -- 9-player	0	0	0	0
2002/2003	WV	Golf	102	28	994	42
2002/2003	WV	Gymnastics	0	0	0	0
2002/2003	WV	Heptathlon	0	0	0	0
2002/2003	WV	Ice Hockey	0	0	0	0

			0	0	0	0
2002/2003	WV	Judo	2	2	105	87
2002/2003	WV	Lacrosse	0	0	0	0
2002/2003	WV	Native Youth Olympics	0	0	0	0
2002/2003	WV	Other 1:	0	0	0	0
2002/2003	WV	Other 2:	0	0	0	0
2002/2003	WV	Pentathlon	0	0	0	0
2002/2003	WV	Rifery	0	0	0	0
2002/2003	WV	Rodeo	0	0	0	0
2002/2003	WV	Rythmic Gymnastics	0	0	0	0
2002/2003	WV	Skiing -- Alpine	0	0	0	0
2002/2003	WV	Skiing -- Cross Country	0	0	0	0
2002/2003	WV	Snowboarding	63	67	1560	1443
2002/2003	WV	Soccer	0	118	0	2476
2002/2003	WV	Softball -- Fast Pitch	0	0	0	0
2002/2003	WV	Softball -- Slow Pitch	0	0	0	0
2002/2003	WV	Soft Tennis	35	36	302	564
2002/2003	WV	Swimming & Diving	0	0	0	0
2002/2003	WV	Synchronized Swimming	0	0	0	0
2002/2003	WV	Team Tennis	77	78	764	919
2002/2003	WV	Tennis	0	0	0	0
2002/2003	WV	Track and Field -- Indoor	104	103	2540	2185
2002/2003	WV	Track and Field -- Outdoor	0	101	0	2142
2002/2003	WV	Volleyball	0	0	0	0
2002/2003	WV	Water Polo	0	0	0	0
2002/2003	WV	Weight Lifting	80	11	1456	37
2002/2003	WV	Wrestling				

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,
Defendants,**

And

**LAINIEY ARMISTEAD,
Intervenor Defendant.**

CERTIFICATE OF SERVICE

I hereby certify that I, Roberta F. Green, have this day, the 9th day of February, 2022, served a true and exact copy of "*WVSSAC's Responses to Plaintiff's Second Set of Interrogatories*" with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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**Exhibit
0005**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,
Defendants,**

And

**LAINY ARMISTEAD,
Intervenor Defendant.**

**WVSSAC'S RESPONSES TO PLAINTIFF'S
SECOND SET OF INTERROGATORIES**

Now comes West Virginia Secondary School Activities Commission (WVSSAC), by counsel, and responds to Plaintiff's Second Set of Interrogatories to Defendant The West Virginia Secondary School Activities Commission.¹

¹ Defendant has not completed discovery in this civil action and has not completed its preparation for trial. For these reasons, the Defendant's responses are based upon only such information and documents as are presently available and known to WVSSAC. Further discovery and independent investigation may lead to other responsive information and/or documents. The following responses are given in good faith but without prejudice to the Defendant's right to produce evidence of subsequently discovered facts or documents.

The Defendant avails itself of all rights under the Federal Rules of Civil Procedure and such other applicable rules and law, and objects to the instructions contained in Plaintiff's discovery requests to the extent such instructions attempt to impose burdens on the Defendant that are outside the scope of the Rules or the law generally. The Defendant is not bound to follow any instructions which may be contrary to the Rules and other law.

INTERROGATORIES

INTERROGATORY NO. 13: Identify all WVSSAC sponsored sports in which students may participate on a team designated as co-ed or mixed. If any such sport includes designations of a particular level (e.g., varsity, junior varsity, freshman, intramural), please also include such designations.

RESPONSE:

Available at both middle and high school:

Cheer is mixed.

Participation mixed as indicated to respond to demand:

Wrestling

Baseball - Freshman

Football – Varsity, Junior Varsity, Freshman

Golf (transitioning toward having a separate girls' designation) – Varsity, Junior Varsity

INTERROGATORY NO. 14: Identify all co-ed or mixed teams participating in WVSSAC sponsored competition, including (a) the name of the school and (b) the sport in which the team competes. If any team (or subpart of a team) is designated as being of a particular level (e.g., varsity, junior varsity, freshman, intramural), please also include that designation.

RESPONSE:

WVSSAC does not track this information. However, please see attached excel spreadsheet for member schools' self-report. WVSSAC000366-369.

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION,
By Counsel.**

/s/ Roberta F. Green

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
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**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent,
DORA STUTLER in her official capacity as
Harrison County Superintendent, and
THE STATE OF WEST VIRGINIA,
Defendants,**

and

**LAINIEY ARMISTEAD,
Intervenor Defendant.**

VERIFICATION

STATE OF WEST VIRGINIA;

COUNTY OF WOOD, to-wit:

Bernie Dolan, being first duly sworn, upon his oath does hereby depose and say that he has read the answers to interrogatories in the foregoing and believes that the facts contained therein, except insofar as they are stated to be upon information and belief, are believed to be true; that the responses set forth herein, subject to inadvertent and undiscovered errors, are based on and therefore necessarily limited by the records and information in existence, presently recollected and thus far discovered in the course of the preparation of these responses; that consequently, he reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, said responses are true to the best of his knowledge, information and belief.

By:

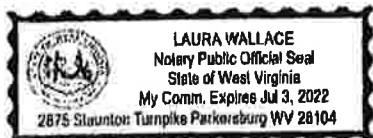

Bernie Dolan

Taken, subscribed and sworn to before me this 9th day of February, 2022.

My commission expires: July 3, 2022.

Laura Wallace
Notary Public

[SEAL]



What is the name of your school?	How many girls participated in Football?	How many girls participated in Wrestling?	How many girls participated in Golf?	How many boys participated in Cheer?	How many girls participated in Baseball?
Andrew Jackson Middle School	0	1	0	0	0
Andrew Middle School	0	0	0	0	0
Aurora School	0	5	0	0	0
Barboursville Middle School	0	2	1	0	0
Beckley - Stratton Middle School	1	1	1	0	0
Berkeley Springs High School	0	2	0	0	0
Blennerhassett Middle School	0	0	0	0	0
Bluefield High School	0	0	1	0	0
Bluefield Middle School	1	0	1	1	0
Braxton County High School	0	1	1	0	0
Bridge Street Middle School	0	0	0	0	0
Bridgeport High School	0	0	1	0	0
Bridgeport Middle	2	0	0	0	0
Brooke High School	0	2	1	0	0
Bruceston School	1	0	0	0	0
Buffalo	0	0	0	0	0
Cameron High School	0	0	0	0	0
Cameron Middle High School	0	0	1	0	0
Capital High School	0	0	0	0	0
Capron Bridge Middle	1	2	0	0	0
Central Preston MS	0	0	0	0	0
CEREDD-KENOVA MIDDLE SCHOOL	1	0	0	0	0
Chapmanville Middle School	0	1	1	0	0
Chapmanville Regional High School	1	3	0	1	0
Charles Town Middle School	0	0	2	1	0
Charleston Catholic	1	0	2	0	0
Clay Battelle Middle/High School	0	0	0	0	0
Clay County High School	0	0	0	0	0
Clay County Middle School	0	0	0	0	0
Crum PK8	0	2	0	0	0
Doddridge County High	1	2	0	1	0
East bank middle	0	1	0	0	0
East Fairmont High School	0	8	0	0	0
East Hardy High School	1	3	2	0	0
Eastern Greenbrier Middle School	0	2	6	0	0
Edison	0	0	0	0	0
Elkins High School	0	0	0	2	0
Elkins Middle School	0	0	0	0	0
Elkview Middle	0	0	1	0	0
Fairmont Catholic #0201	0	0	0	0	0
Fairmont Senior	0	0	0	0	0
Fairview middle	0	0	0	0	0
Fayetteville PK8	0	0	0	0	1
FGPK8	0	0	0	1	0
Fort Gay Pre K-8	0	1	3	1	0
Frankfort High School	0	1	0	0	0
George Washington High School	0	1	1	1	0
George Washington Middle	0	0	1	4	0
Gilmer	0	0	3	0	0
Glen Fork Elementary and Middle School	0	0	0	0	0
Glenwood School	0	1	0	0	0
Grafton High School	0	0	0	0	0
Greater Beckley Christian	0	0	0	0	0

Greater Beckley Christen School	0	0	0	0	0
Greenbrier East	0	2	1	1	0
Greenbrier West	1	0	0	0	0
Hamilton Middle	0	2	0	0	0
Hemlin PK8	0	0	0	0	4
Hampshire	0	1	0	0	0
Herman	0	0	0	0	0
Harts PK-8	0	0	2	0	0
Hayes Middle School	1	0	0	0	0
Hedgesville	0	1	0	0	0
Hedgesville Middle	0	0	3	1	0
Herbert Hoover High School	0	0	4	0	0
Horace Mann Middle	0	0	3	0	0
Horace Mann Middle School	0	0	4	1	0
Huntington East Middle	0	1	0	1	0
Huntington High	0	2	3	0	0
Huntington Middle School	1	1	1	0	0
Hurricane Middle	0	1	0	0	0
Independence High School	0	0	2	0	0
Jackson Middle School	0	0	0	1	0
James Monroe High School	0	2	4	0	0
Jefferson High School	0	2	4	0	0
John Adams Middle School	2	2	8	0	0
John Marshall	0	0	0	0	0
Kasson Elementary Middle School	0	0	0	0	0
Kermit pk-8	0	0	0	0	0
Keyser High School	0	0	0	0	0
Lenore PK8	1	1	1	0	0
Lewis County High School	0	0	1	0	0
Liberty High School	0	0	0	1	0
Lincoln County High School	0	0	2	0	0
Lincoln High School	0	0	0	0	0
Lincoln Middle School	0	4	1	0	0
Logan High School	0	0	2	0	0
Logan Middle	1	0	0	0	0
Long Drain School	0	0	0	0	0
Madison Middle School	0	0	0	0	0
Madonna	0	0	0	2	0
Madonna high school	0	1	0	0	0
Magnolia High School	0	0	0	0	0
Man High School	0	1	0	0	0
Man Middle School	0	0	0	0	0
Mannington Middle School	0	1	0	0	0
Martinsburg High	0	0	0	0	0
Martewan PK-8	0	1	0	0	0
Meadow Bridge High School	0	0	2	0	0
Midland Trail High School	0	0	0	0	0
Mingo Central High School	0	0	0	0	0
Monongah Middle School	0	0	0	0	0
Montcalm High School	0	1	0	2	0
Moorefield High School	0	0	4	1	0
Morgantown High	1	1	0	0	0
Moundsville Middle School	0	0	0	0	0
Mountain Ridge Middle School	0	0	0	0	0

Mountain View Middle School	1	0	0	0	0
Mountaineer Middle (H)	3	0	0	0	0
Mountaineer Middle Morgantown	0	1	0	0	0
Mountaineer middle school (harrison)	3	8	2	0	0
Musselman HS	1	4	0	0	0
Musselman Middle	0	0	0	0	0
New Martinsville School	0	0	2	0	0
Nicholas County High School	0	0	0	2	0
Nitro High School	0	0	0	0	0
North Marion	0	0	1	1	0
Notre Dame High School	0	1	0	0	0
Oak Glen High School	0	0	1	0	0
OAK GLEN MIDDLE SCHOOL	0	0	0	0	0
Oak Hill High	0	0	0	0	0
Oak Hill Middle School	2	0	0	0	0
Platen City High School---We have grades 7-12	0	1	1	1	0
Park Middle	0	0	2	3	0
Parkersburg Catholic High School (7-12)	0	0	0	0	0
Parkersburg South	0	0	1	0	0
Paw Paw	0	0	0	0	0
Pendleton County High School	0	0	0	0	0
Petersburg High/middle (7-12)	0	0	0	0	0
Peterstown Middle School	0	0	1	0	0
PikeView High School	0	0	0	0	0
PikeView Middle School	0	3	0	0	0
Poca High School	1	1	1	0	0
Poca Middle School	1	0	0	0	0
Pocahontas County High School	4	1	1	0	0
Point Pleasant Jr./Sr. High School	0	1	2	0	0
Princeton Senior	1	3	1	1	0
Pt.Pleasant Jr/Sr HS	1	0	0	0	0
Revenswood High School	0	0	0	0	0
Richwood High School	4	0	4	0	0
Richwood Middle School	1	0	0	0	0
Ripley High School	0	0	1	0	0
Ripley middle school	0	1	0	0	0
Ritchie County High School	1	0	2	0	0
River View High School	0	0	0	0	0
Riverside	0	0	1	0	0
Rivesville Middle	0	0	1	0	0
Roane County High School	0	0	0	6	0
Robert C. Byrd High School	0	0	0	0	0
Robert L. Bland Middle School	0	0	0	0	0
Ramney Middle School	0	0	0	0	0
Saint Francis de Sales School	0	0	0	19	0
Scott High School	0	4	0	0	0
Shady Spring High School	1	1	0	1	0
Shepherdstown Middle	1	0	2	1	0
Sherman High School	0	0	4	0	0
Sherrard	0	1	3	0	0
Sissonville High School	0	0	0	1	0
Sissonville Middle School	2	0	0	0	0
South Charleston High School	0	1	0	1	0
South Harrison	0	1	0	0	0

		0	0	0	0
South Harrison middle school	2	2	1	0	0
Spring Mills High School	1	0	0	0	0
Spring Mills Middle School	0	2	3	1	0
Spring Valley	0	1	0	0	0
St albans	1	0	0	2	0
St. Francis Central Catholic School	0	1	1	0	0
St. Marys High	0	0	1	0	0
Summers County High School	0	1	0	0	0
Summersville Middle School	1	0	0	0	0
Tolsia high school	0	0	0	0	0
trap hill middle school	0	0	2	0	0
Triadelphia Middle	0	0	1	0	0
Trinity Christian School	0	0	0	0	0
Tucker County High School	0	0	0	0	0
Tucker Valley Middle	0	0	0	0	0
Tug Valley	1	1	1	0	4
Tygerts Valley	0	0	2	0	0
Tyler consolidated	0	1	3	0	0
Union High School	0	0	0	0	0
University	0	0	0	0	0
Valley High School (Wetzel)	0	0	0	0	0
Valley PK B	0	0	2	1	0
Van Jr/Sr High School	0	1	0	1	0
WAHAMA JR/SR HIGH	0	1	0	0	0
Wern Springs Middle School	0	0	3	0	0
Warwood	0	0	1	0	0
Wayne HS	0	0	2	0	0
wayne middle	0	0	0	0	0
Weir high school	0	1	0	0	0
Weir Middle School	1	0	2	0	0
West Fairmont Middle School	1	0	0	0	0
West Side Middle School	0	0	0	0	0
Western Greenbrier Middle School	0	0	2	0	0
Westside High School	0	1	0	1	0
Wheeling Central Catholic High School	2	1	1	2	0
Wheeling Middle	0	0	0	0	0
Wheeling Park High School	0	4	0	0	0
Wildwood Middle School	0	2	0	0	0
Williamson PKB	0	0	1	0	0
Winfield High School	1	0	0	0	0
Winfield middle	1	0	0	0	0
Wirt County High School	0	0	0	0	0
Wood county Christian school	0	0	0	0	9
Wyoming East High School	60	133	147	87	

TRANSGENDER POLICY

WVSSAC BOARD OF DIRECTORS

In the event a member school, or its governing authority, determines to permit transgender students to participate in interscholastic athletics, the WVSSAC has adopted the following policy to govern such participation:

I.

Definitions

Transgender Student – a student whose gender identity differs from the student's assigned sex at birth.

Gender Identity – a person's deeply-felt internal sense of being male or female.

II.

WVSSAC Transgender Student Policy

A Transgender Student shall be eligible to participate in interscholastic athletics in a manner consistent with a member school policy that meets the minimum standards designated by the WVSSAC Board of Directors policy.

The WVSSAC Board of Directors has designated the following as the minimum standards a member school must consider when determining whether a transgender student may participate in interscholastic athletics in a particular sport. A separate determination shall be made by the member school for each sport in which the student seeks to participate.

1. The transgender student's school shall make the initial determination as to whether a student may participate in interscholastic athletics in a gender that does not match the gender assigned to him or her at birth. When determining whether a transgender student is eligible to participate in interscholastic athletics in a manner consistent with the student's gender identity a member school must consider the following:
 - a. Whether the student is a "transgender student" as determined based upon applicable regulations and policies of the member school or its governing authority.
 - b. Whether the student meets all applicable academic and enrollment eligibility requirements.
 - c. Whether fair competition among high school teams would be impacted by the student's participation.
2. The determination of a student's gender assignment for interscholastic athletics shall remain in effect for the duration of the student's high school eligibility.
3. Any member school may appeal the eligibility of a transgender student on the grounds that the student's participation in interscholastic athletics would adversely affect competitive equity or safety of teammates or opposing players.
 - a. Any such appeal will be heard by the WVSSAC Board of Directors.
 - b. The identity of the student shall remain confidential. All discussion and documentation will be kept confidential and the proceedings will also be confidential unless the student and family make a specific request otherwise.
 - c. The WVSSAC Board of Directors will not consider whether the school has properly determined the student's sex assignment. The board's deliberations will be limited to the question of whether the transgender student represents a threat to competitive equity or the safety of teammates or opposing players. Factors to be considered will include, but not be limited to, the age of the student; the athletic experience of the student; the degree to which the student presents a risk of harm to other competitors due to his or her strength, size, or speed; the nature of the sport; and the degree to which fair competition among high school teams would be impacted by the student's participation.

Exhibit
0006



Bernie Dolan <bernie.dolan@wvsac.org>

transgender

Mon, May 6, 2019 at 5:10 PM

Daniel Swartos <daniel.swartos@sdhsaa.com>
to: HI - Christopher Chun <chun@hhsaa.org>, MS - Don Hinton <dhinton@misshsaa.com>, TN - Bernard Childress <bchildress@tssaa.org>, WV - Bernie Dolan
bernie.dolan@wvsac.org>, MT - Mark Beckman <mbeckman@mhsa.org>, Jerome Singleton <jsingle@schsl.org>

Chris, Mark, Bernie, Don, Bernard, and Jerome,

Good afternoon! Say, I've got a state legislator who has been fighting us for years to get rid of our transgender policy.

Today he sent me this link: <https://www.transathlete.com/k-12> which lists states according to their policy.

He noted that Hawaii, West Virginia, Tennessee, Mississippi, South Carolina, and Montana all have no transgender policy and he wants us to follow your lead.

A few questions:

- Is this map accurate? Do you all not have transgender policies?
- If not, have you ever been challenged on not having a policy?
- Have you received any litigation for not having a policy?
- Did you remove an existing policy or have you never had a policy?

Any information would be helpful. Transgender athletes make up around 0.008% of our athletes in the state, but we spend an inordinate amount of time fighting about it.

Have a great day!

-Dan

Dr. Daniel Swartos, Executive Director
South Dakota High School Activities Association
804 N. Euclid Avenue, Suite 102
Pierre, SD 57501
Office: (605)-224-9261
Cell: (605)-924-0361



WVSSAC000223



Bernie Dolan <bernie.dolan@wvssac.org>

Transgender

Mon, May 6, 2019 at 6:29 PM

bernie.dolan@wvssac.org <bernie.dolan@wvssac.org>
to: Daniel Swartos <daniel.swartos@sdhsaa.com>

Daniel,

WV has a board policy that is not in our by laws.
Basically,
We support whatever the local school's determination.

However there can be an appeal on safety and competitive balance.
It has not been challenged yet

Bernie

Sent from my iPhone
(Quoted text hidden)

WVSSAC000224



WVSSAC Board of Directors Report

JUNE 19-20, 2016

I. LEGAL UPDATE

- A. Review Board
 - i. [REDACTED], Hedgesville - Granted eligibility
 - ii. [REDACTED], Notre Dame - Granted 2nd semester eligibility
 - iii. Greenbrier County Circuit Court, Non-member wanted to play - Denied eligibility
 - iv. Transgender - Editing our transgender policy and guidelines on how to handle individual circumstance for this office.

2. BOARD OF DIRECTOR RESIGNATIONS

- A. District 1 - Rick Jones
- B. District 4 - Greg Webb

3. DEPUTY BOARD MEMBER VACANCY

- A. Region 1 and Region 7 are vacant.

4. BOARD OF TRUSTEES VACANCY

- A. There is one vacancy on the Board of Trustees.

B. ADMINISTRATIVE UPDATE

- A. Regional Principal Meetings - August
- B. Corporate Partner Update - New plan for Corporate Sponsors. Different levels of sponsorship: Champion; Partner; Patron. Must be at Champion level or higher to qualify for naming rite for events.
- C. 2015-16 Rule Proposals Approved by WVDE
- D. Technology - Website - New changes are coming to the Website
- E. Administrators Workshop - Workshop will be 9/20/16. This event is beneficial for all administrators' not just new principals.
- F. Request to Partner with the WV Attorney General on Opioid Use/Abuse - How to get started legally. Parents need to seek another avenue besides Opioid use that is not addictive. We will be giving out information with the Student Athlete Physical Exam Form.

C. APPEALS

- A. [REDACTED], Pocahontas High School - 127-2-4 (Age) - The Board voted 5-2 to overturn the decision of the Executive Director.
- B. [REDACTED], East Hardy High School - 127-2-7 (Residence-Transfer) - The Board voted 6-1 to sustain the decision of the Executive Director denying eligibility.
- C. [REDACTED], Spring Mills High School - 127-2-7 (Residence-Transfer) - The Board voted unanimously to overturn the decision of the Executive Director granting eligibility.
- D. [REDACTED], McKinley Middle School - 127-2-4 (Age) - The Board voted to sustain the decision of the Executive Director denying eligibility.
- E. [REDACTED], Wirt County High School - 127-2-7 (Residence-Transfer) - The Board voted unanimously to overturn the decision of the Executive Director granting eligibility.
- F. [REDACTED], Charleston Catholic High School - 127-2-7 (Residence-Transfer) - The Board voted unanimously to sustain the decision of the Executive Director denying eligibility.
- G. [REDACTED], Spring Valley High School - 127-2-7 (Residence-Transfer) - The Board voted unanimously to overturn the decision of the Executive Director granting eligibility.
- H. [REDACTED], Notre Dame High School - 127-2-7 (Residence-Transfer) - The Board voted unanimously to sustain the decision of the Executive Director denying eligibility.

D. ITEMS FOR THE GOOD OF THE ORDER

- A. Flood Relief - The WVSSAC is receiving donations from various sources. Metro News has a Go Fund Me account to raise money for the relief. Zides is donating helmets and shoulder pads. WVU is donating 513 pairs of spikes. Funds raised will be divided among the 3 high schools and 3 middle schools.

Bernie Dolan, Executive Director

Exhibit
0008

WVSSAC000282

**Minutes of Meeting
Board of Directors #669
WVSSAC Office, Parkersburg, WV
July 19-20, 2016**

1. **Financial Reports**
 - A. State Softball Tournament –
2. **Committee Meeting Reports**
 - A. None
3. **Discipline Log**
 - A. None
4. **Legal Update**
 - A. Review Board
 - i. [REDACTED] – Hedgesville – Granted eligibility
 - ii. [REDACTED] – Notre Dame – Granted 2nd semester eligibility
 - iii. Greenbrier County Circuit Court – Non-member wanted to play – Denied eligibility
 - iv. Transgender – Editing our transgender policy and guidelines on how to handle individual circumstance for this office and schools. There is nothing in the Rules and Regulation Handbook. Schools make first determination as to what gender the student is. 1) Whether student is truly transgender, 2) Meet all eligibility requirements, 3) Fair competition among schools if the school allows, 4) Any member school can appeal to this Board, 5) Look on individual basis, 6) Where are we going to stand as a Board.
5. **Board of Director Resignations**
 - A. District 1 – Rick Jones
 - B. District 4 – Greg Webb
6. **Deputy Board Member Vacancy**
 - A. Region 1 and Region 7 are vacant.
7. **Board of Trustees Vacancy**
 - A. There is one vacancy on the Board of Trustees.
8. **Administrative Update**
 - A. Regional Principal Meetings – August
 - B. Corporate Partner Update – New plan for Corporate Sponsors. Different levels of sponsorship: Champion; Partner; Patron. Must be at Champion level or higher to qualify for naming rite for events.
 - C. 2015-16 Rule Proposals Approved by WVDE

- D. Technology – Website – New changes are coming to the Website
- E. Administrators Workshop – Workshop will be 9/20/16. This event is beneficial for all administrators' not just new principals.
- F. Request to Partner with the WV Attorney General on Opioid Use/Abuse – How to get started legally. Parents need to seek another avenue besides Opioid use that is not addictive. We will be giving out Information with the Student Athlete Physical Exam Form.

9. Appeals

- A. [REDACTED], Poca High School – 127-2-4 (Age) - The Board voted 5-2 to overturn the decision of the Executive Director granting eligibility as it has been demonstrated that the rule fails to accomplish the purpose for which it is intended
- B. [REDACTED], East Hardy High School – 127-2-7 (Residence-Transfer) - On a motion by Eddie Campbell and seconded by Jim Crawford, the Board voted 6-1 (Dr. Wilson voted no) to sustain the decision of the Executive Director denying eligibility as extreme and undue hardship had not been proven and for the reason that the applicant had not demonstrated that the rule fails to accomplish the purpose for which it is intended. Attending to present the appeal was: [REDACTED] Student Athlete; Danielle Bright, mother; and Chad Williams, Assistant Principal.
- C. [REDACTED], Spring Mills High School – 127-2-7 (Residence-Transfer) – On a motion by Lee Loy and seconded by Dr. Wilson, the Board voted unanimously to overturn the decision of the Executive Director granting eligibility as it has been demonstrated that the rule fails to accomplish the purpose for which it is intended. Attending to present the appeal was: [REDACTED] Student Athlete; and Lynn Dodson, Jr., father.
- D. [REDACTED], McKinley Middle School – 127-2-4 (Age) – On a motion by David Cottrell and seconded by Jim Crawford, the Board voted to sustain the decision of the Executive Director denying eligibility as the applicant has not demonstrated that the rule fails to accomplish the purpose for which it is intended and there is no allegation of extreme and undue hardship. Attending to present the appeal was: [REDACTED] Student Athlete; and Chris Pomeroy, father.
- E. [REDACTED], Wirt County High School – 127-2-7 (Residence-Transfer) – On a motion by David Cottrell and seconded by Jim Crawford, the Board voted unanimously to overturn the decision of the Executive Director granting eligibility as it has been demonstrated that the rule fails to accomplish the purpose for which it is intended. Attending to present the appeal was: [REDACTED] Student Athlete; Carla and David Holbert, Grandparents/Guardians; Coach Yoak; and Tim Murray, Assistant Principal.
- F. [REDACTED], Charleston Catholic High School – 127-2-7 (Residence-Transfer) – On a motion by David Cottrell and seconded by Lee Loy, the Board voted unanimously to sustain the decision of the Executive Director denying eligibility as extreme and undue hardship has not been proven and for the reason that the applicant has not demonstrated that the rule fails to accomplish the purpose for which it is intended. Attending to present the appeal was: [REDACTED] Student Athlete; Andy Wickline, father; and Lee Bradley, Athletic Director.
- G. [REDACTED], Spring Valley High School – 127-2-7 (Residence-Transfer) – On a motion by Dr. Wilson and seconded by Jim Crawford, the Board voted unanimously to overturn the decision of the Executive Director granting eligibility extreme and undue

hardship having been established. Attending to present the appeal was: [REDACTED]

[REDACTED], Student Athlete; and Robert Douglas Perry, father.

- H. [REDACTED], Notre Dame High School – 127-2-7 (Residence-Transfer) – On a motion by David Cottrell and seconded by Jim Crawford, the Board voted unanimously to sustain the decision of the Executive Director denying eligibility for the reason that extreme and undue hardship has not been proven and for the reason that the applicant has not demonstrated that the rule falls to accomplish the purpose for which it is intended. Attending to present the appeal was: [REDACTED], Student Athlete; and Kevin Hardman, father.

10. **Items for the Good of the Order**

- A. Presidential Issue – Rick Jones resigned to accept position as assistant superintendent. Mike Arbogast will fill in the rest of his term and then serve his own term. Lee Loy will now serve as Vice President for the rest of Mike Arbogast's term and then serve his own term. On a motion by Jim Crawford and a second by David Cottrell, the Board voted unanimously to accept the president and vice president.
- B. Flood Relief – Schools have done an incredible job of donating and helping out the flooded areas. The WVSSAC is receiving donations from various sources. Metro News has a Go Fund Me account to raise money for the relief. Zides is donating helmets and shoulder pads. WVU is donating 513 pairs of spikes. Funds raised will be divided among the 3 high schools and 3 middle schools.
- C. Pictures of Board - Action Images will be here in August (maybe October) to take pictures of the Board members for the wall display.

Motion to adjourn by Eddie Campbell and seconded by Jim Crawford. Vote – unanimous.

Bernie Dolan, Executive Director



To: Stephen Baldwin

Wed, Mar 24, 5:39 PM

Could you talk to our caucus about the transgender student athlete Bill? Our concern is that legislature shouldn't get involved. We should leave it to you.

It's five days. So unless they pass a Bill in last five days, they will be able to override.

Thanks

Tue, Mar 30, 7:22 AM



**Exhibit
0009**

12:29

LTE

New iMessage

Cancel

To: Stephen Baldwin

I have my board of control today.

I have a few slots open to call or "zoom" into your caucus or I can be there tomorrow.

Today

Probably 9:00-930

12-1

After 4

Sorry I forget the biggest day here

We vote on all new



To: Stephen Baldwin

Ok, I understand. 12-1 is probably the time we are meeting anyway. Could you join us for 10 minutes or so via phone? Or if you prefer in person tomorrow is fine too. This isn't up for a vote yet.

Tomorrow is better in person

Ok let's plan on it. Thx.



New iMessage

Cancel

To: Stephen Baldwin

Yes

Ok let's plan on 930 in 330 west wing. Thx sir.

Fairness wv will be there too. We are most interested in your perspective though.

Ok

Tue, Mar 30, 7:41 PM

Do I. We'd anything special to get in

Tell security you are meeting with me

They'll let you in





To: Stephen Baldwin

They'll let you in

You're a big deal

I'll see you tomorrow

Haha. Not at all. Ask a Republican. They'll tell you I'm not.

Lol

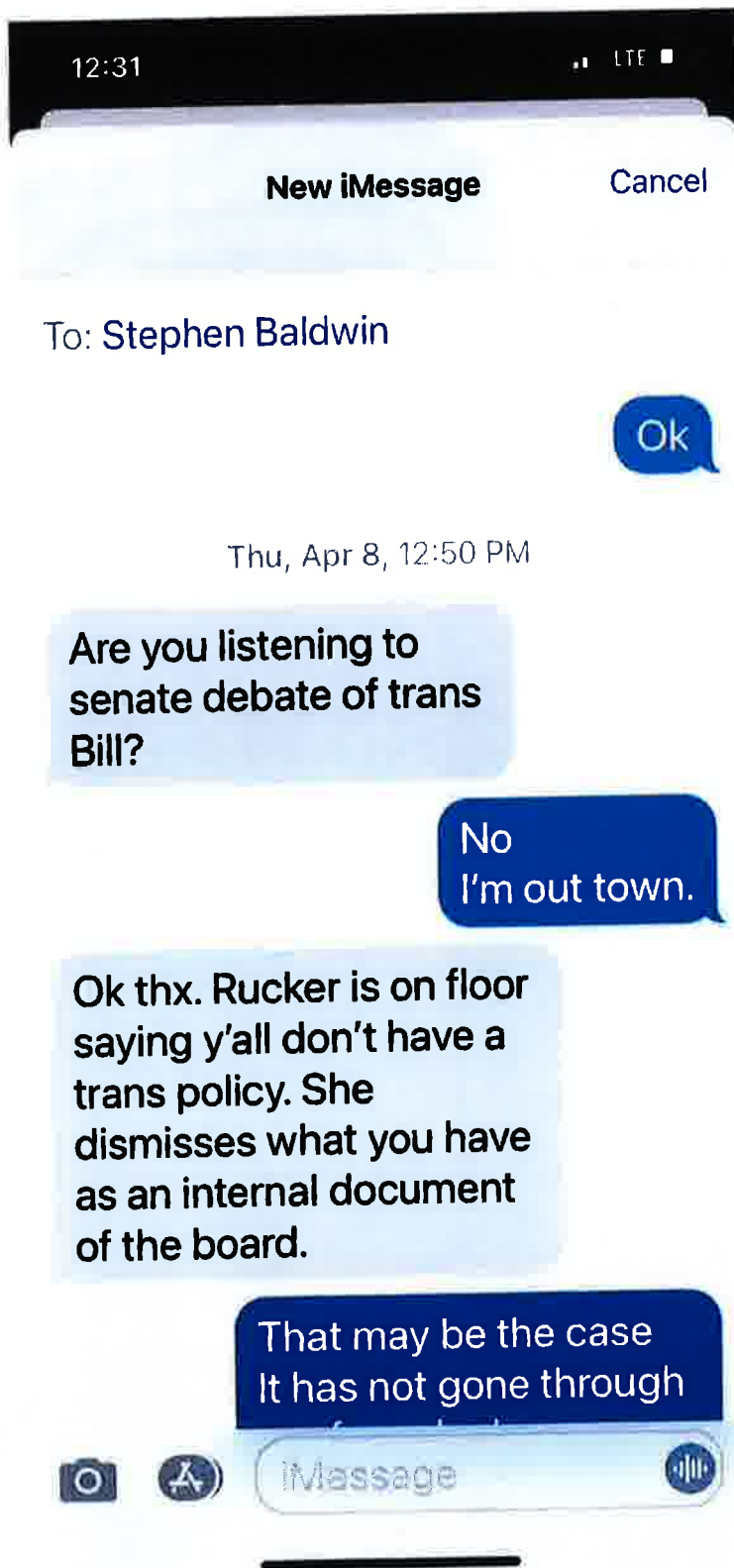
Thx sir!

Wed, Mar 31, 9:21 AM

Room change. We are now in 208W, the judiciary room.

Ok







To: Stephen Baldwin

That may be the case
It has not gone through
our formal rules process

Ok thx

Mon, Aug 23, 2:32 PM

**Afternoon bernie! Do y'all
keep records of all-state
student athletes? A
constituent who ran track
in the late 70s is trying to
track down her records.
Thx.**

We do not unless it was a
state record.
What is her name, year
and events if you know.



Bernie Dolan <bernie.dolan@wvssac.org>



Media question on transgender bill in the WV Legislature
messages

Wed, Mar 24, 2021 at 1:34 PM

From: John Raby <jraby@ap.org>
To: "bernie.dolan@wvssac.org" <bernie.dolan@wvssac.org>

Hi Bernie,

This is John Raby with The Associated Press. I hope you're doing well.

I'm writing a story on the transgender athlete bill (HB3293) now moving through the West Virginia Legislature.

I would like to know:

- _ Are there any transgender athletes currently competing in high school sports in West Virginia?
- _ Do you know whether any transgender athletes have competed in high school sports in previous years?
- _ What does the WVSSAC think of the bill?

Thank you!

Sincerely,

John Raby

The Associated Press

Charleston

304-550-6800



The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
WVSSAC000276

Wed, Mar 24, 2021 at 1:37 PM

From: Bernie Dolan <bernie.dolan@wvssac.org>
To: "Raby, John" <jraby@ap.org>

John,
1. We are unaware if there are any Transgender students participating in our activities. Our school indicate the gender on the eligibility list. We do not have access to the school records.
2. I am unaware of any transgender athletes participating. If it was a girl to a boy, it may have gone under the radar.
3. The WVSSAC has supported Title IX for the last 50 years. This has increased the quantity and quality of opportunities for girls in our schools. Title IX has non discrimination language that we support.

Bernie
(Quoted text hidden)
Bernie Dolan
Executive Director
WVSSAC
2875 Staunton Turnpike
Parkersburg, WV 26104
304-485-5494

Wed, Mar 24, 2021 at 2:12 PM

From: John Raby <jraby@ap.org>
To: Bernie Dolan <bernie.dolan@wvssac.org>

Thank you, sir.

From: Bernie Dolan <bernie.dolan@wvssac.org>
Sent: Wednesday, March 24, 2021 1:57 PM
To: Raby, John <jraby@ap.org>
Subject: Re: Media question on transgender bill in the WV Legislature

[EXTERNAL]

(Quoted text hidden)
(Quoted text hidden)

WVSSAC000277

Bernie Dolan <bernie.dolan@wvssac.org>



Track Data
messages

Mon, Mar 8, 2021 at 1:38 PM

runwv@runwv.com <runwv@runwv.com>
o: bernie.dolan@wvssac.org

Mr. Dolan,

You had contacted me a couple (maybe a few) weeks ago regarding data in relationship to a bill that might be proposed by a legislator. At the time, my data was in limbo, sitting on a crashed hard drive. Our IT guy at work was finally able to find the time to check it out, and he was able to retrieve my files.

If you still have need of something in relation to this, let me know, and I'll do my best to help you out.

Josh Weekley
RunWV.com

Mon, Mar 8, 2021 at 3:27 PM

bernie.dolan <bernie.dolan@wvssac.org>
o: runwv@runwv.com

Josh,

We were looking at girls' times in some events compared to boys. A transgender issue.

Bernie

[Quoted text hidden]

Bernie Dolan
Executive Director
WVSSAC
2875 Staunton Turnpike
Parkersburg, WV 26104
304-485-5494



Mon, Mar 8, 2021 at 8:41 PM

runwv@runwv.com <runwv@runwv.com>
o: Bernie Dolan <bernie.dolan@wvssac.org>

WVSSAC000226

Josh Weekley

RunWV.com

[Quoted text hidden]

WVSSAC000227

Bernie Dolan <bernie.dolan@wvssac.org>



transgender participation in secondary schools bill
message

Thu, Mar 11, 2021 at 9:53 AM

to: **Melissa White** <Melissa.White@wvhouse.gov>
Bernie Dolan <bernie.dolan@wvssac.org>, **Bernie Dolan** <bdolan@k12.wv.us>

Bernie,

Attached is a draft of an originating bill regarding transgender participation in sports. I kept it short. There are obviously certain things that would need to be handled in a rule, unless you have language that you would like to see in the bill. Please let me know your thoughts and if there are any unintended consequences. The Chairman does not want to keep girls from participating in boys sports when there are not girls teams.

Thanks,

Melissa

Melissa J. White
Chief Counsel
Committee on Education
West Virginia House of Delegates
Room 432M
1900 Kanawha Boulevard, East
Charleston, WV 25305



Transgender originating bill.docx
36K

WVSSAC000228

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants,**

And

**LAINY ARMISTEAD,
Intervenor Defendant.**

CERTIFICATE OF SERVICE

I hereby certify that I, Roberta F. Green, have this day, the 9th day of February, 2022, served a true and exact copy of *“WVSSAC’s Third Supplemental Responses to Plaintiff’s First Set of Requests for Production”* on counsel by electronic means:

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/S/ Roberta F. Green

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants,**

And

**LAINY ARMISTEAD,
Intervenor Defendant.**

**WVSSAC'S *THIRD* SUPPLEMENTAL RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR PRODUCTION**

Now comes West Virginia Secondary School Activities Commission (WVSSAC), by counsel, and supplements its previous responses to Plaintiff's First Set of Requests for Production to Defendant The West Virginia Secondary School Activities Commission.¹

¹ Defendant has not completed discovery in this civil action and has not completed its preparation for trial. For these reasons, the Defendant's responses are based upon only such information and documents as are presently available and known to WVSSAC. Further discovery and independent investigation may lead to other responsive information and/or documents. The following responses are given in good faith but without prejudice to the Defendant's right to produce evidence of subsequently discovered facts or documents.

The Defendant avails itself of all rights under the Federal Rules of Civil Procedure and such other applicable rules and law, and objects to the instructions contained in Plaintiff's discovery requests to the extent such instructions attempt to impose burdens on the Defendant that are outside the scope of the Rules or the law generally. The Defendant is not bound to follow any instructions which may be contrary to the Rules and other law.

DOCUMENTS TO BE PRODUCED

To the extent that Plaintiff's Requests extend to "all" documents, policies, communications or other, WVSSAC objects to the scope as overly broad, insufficiently descriptive and reserves the right to supplement these responses or to object further thereafter.

REQUEST NO. 1: All DOCUMENTS, POLICIES, and COMMUNICATIONS CONCERNING the participation of students who are transgender in school sports of any level in West Virginia.

RESPONSE:

Given that all WVSSAC documents and policies are gender neutral, their communications are gender neutral as well. Therefore, all and none of WVSSAC's documents, policies and communications are responsive. WVSSAC seeks further guidance on what Plaintiff seeks to receive here and will revisit this request. Further, all of WVSSAC's publications are available on its website: <https://www.wvssac.org/> See also WVSSAC000001-WVSSAC000009.

SUPPLEMENTAL RESPONSE:

Given that all WVSSAC documents and policies are gender neutral, their communications are gender neutral as well. Therefore, all and none of WVSSAC's documents, policies and communications are responsive. WVSSAC seeks further guidance on what Plaintiff seeks to receive here and will revisit this request. Further, all of WVSSAC's publications are available on its website: <https://www.wvssac.org/> See also WVSSAC000001-WVSSAC000009, WVSSC00223-285.

SECOND SUPPLEMENTAL RESPONSE:

Given that all WVSSAC documents and policies are gender neutral, their communications are gender neutral as well. Therefore, all and none of WVSSAC's documents, policies and communications are responsive. All of WVSSAC's publications are available on its website: <https://www.wvssac.org/> See also the previously provided WVSSAC000001-WVSSAC000009, WVSSC00223-285. See also appended hereto WVSSAC000228 – ATTACHMENT001 – ATTACHMENT005.

THIRD SUPPLEMENTAL RESPONSE:

Given that all WVSSAC documents and policies are gender neutral, their communications are gender neutral as well. Therefore, all and none of WVSSAC's documents, policies and communications are responsive. All of WVSSAC's publications are available on its website: <https://www.wvssac.org/> See also the previously provided WVSSAC000001-WVSSAC000009, WVSSC00223-285. See also the previously provided WVSSAC000228 – ATTACHMENT001 – ATTACHMENT005. See also WVSSAC000370.

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION,
By Counsel.**

/S/ Roberta F. Green

Roberta F. Green (WVSB #6598)
Kimberly M. Bandy (WVSB #10081)
SHUMAN MCCUSKEY SLICER PLLC
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Charleston, WV 25339
(304) 345-1400
(304) 343-1826 FAX
rgreen@shumanlaw.com
kbandy@shumanlaw.com



Thanks

You're welcome

Thu, Apr 8, 12:52 PM

Hi Bernie. Can I get a copy of the SSAC's policy about transgender participation in sports?

I'll try
I'm out of town
Meeting with our builder,
our house burned down
in Jan

I'm so sorry to hear that

Check your email

I did. Thank you



WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION

2875 Staunton Turnpike, Parkersburg, WV 26104-7219



TELEPHONE: 304-485-5494
FAX NUMBER: 304-428-5431

E-MAIL: wvssac@wvssac.org
Web SITE: www.wvssac.org



BULLETIN

TO: Member School Principals and Superintendents

FROM: Bernie Dolan, Executive Director

DATE: May, 2021

SUBJECT: Regional Principals' Meetings

During the May 19, 1993 meeting, the Board of Appeals approved Annual Regional Principals' Meetings. By order of the Board of Appeals, the principal or designated representative must attend, or the school will not be issued C & I Cards. The goal of the meetings is to keep principals informed of new rule changes and other important issues.

A personal invitation is also extended to all superintendents, board of education, and other school staff members. A county well-informed of WVSSAC policies can only enhance and improve communications and understanding of the goals and objectives of this organization. It is suggested that principals check with their county office concerning possible continuing education credit for attending one of these meetings.

Regional Principals' Meetings

July 28	John Marshall HS	1:00 pm
July 29	Huntington HS	1:00 pm
August 2	Woodrow Wilson HS	1:00 pm
August 3	George Washington HS	1:00 pm
August 5	East Fairmont HS	1:00 pm
August 6	Spring Mills HS	1:00 pm
August 12	WVSSAC Office	1:00 pm

Exhibit
0014



REGIONAL PRINCIPALS' MEETING

2021-2022

SSAC

Our Staff

- Bernie Dolan, Executive Director
- Greg Reed, Assistant Executive Director
- Wayne Ryan, Assistant Executive Director
- Cindy Daniel, Assistant Executive Director
- Heather Enoch, Communications Coordinator

- Alice Goodwin, Secretary
- Katelyn Enoch, Secretary
- Stephani Cox, Secretary
- Laura Wallace, Bookkeeper



BERNIE DOLAN
WVSSAC EXECUTIVE DIRECTOR

ARMY WEST VIRGINIA
NATIONAL GUARD 
1-800-GO-GUARD NationalGuard.co

WESTVA110302285



OUR VALUES

- Respect
- Integrity
- Loyalty
- Selfless Service
- Duty
- Honor
- Personal Courage

© 2021 United States Army

WV NATIONAL GUARD

- Up to 100% PAID college tuition
- Montgomery GI Bill pays up to \$558 per month
- \$60,000 student loan repayment program
- Affordable health, dental, life insurance
- Job and skill training
- Drill check



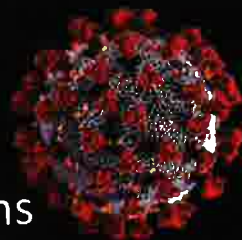
www.wvng.com



WVSSAC Board of Directors

- Greg Moore, President
Principal, South Harrison High School
- Mike Kelley, Vice President
Principal, Herbert Hoover High School
- Lee Loy, Member
Principal, Valley PreK-8
- David Cottrell, Member
Principal, Clay Battelle High School
- Jimmy Frasier, Member
Principal, Ripley High School
- Steve Campbell, Member
WVADA
- Dr. Eddie Campbell, Member
WVASA
- Jim Crawford, Member
WVSBA
- Dr. James Wilson, Member
WV State Board of Education
- Bob Dunlevy, Member
WV State Superintendent Designee

COVID 19 Update



- Fall sports and band will begin with no modifications
- Schedules will not be altered, including post season
- Forfeit vs no contest
- Student athletes who have been vaccinated will NOT have to quarantine if exposed to someone with COVID 19
- Student athletes are encouraged to be vaccinated!
- *Subject to change should we receive new directives from state officials. *

Rules & Regulations Handbook

New Rule Adoptions
Effective 9/2021

New Rules & Regulations

- Practice Days Prior to Scrimmage – 7 to 5
- Practice Days Prior to First Contest – 14 to 12
- Football Progressions – Wayne will address
- Middle School Swim Season – Winter or Spring, 12 Weeks Max
- Middle School Volleyball Play Dates – 16 to 18
- Participation for Home School Students – see next slide
- Residence Transfer for Home School Students – see next slide
- AED and Training Requirement – Cindy will address



Home School Eligibility



- Home School Students May Participate in Extracurricular Activities in their attendance area provided that the student:
 - Is enrolled in at least one virtual class each semester
 - Has been homeschooled for a minimum of one year prior to enrolling
 - Maintains satisfactory academic progress (a stanine or 4 or higher on a national normed assessment)
 - Maintains a “C” average
 - Meets all other eligibility requirements
 - Residence transfer rules apply to homeschool students OR
 - Is enrolled in the equivalent of four or more virtual classes or combination of virtual/in person and meets other eligibility requirements

School Reimbursement



www.fox.com

Emergency
Action Plans
and Concussion
Reporting
(Senate Bill
605)

- Requires an Emergency Action Plan (EAP) to be completed and submitted online to the WVSSAC annually for each sport **before the first day of practice**
- Requires reporting of all athletes suffering or being suspected of suffering a concussion. **Report must be submitted within 7 days.**
- Adds licensed physical therapists (with proper training) to list of approved health care providers in the evaluation of concussions.
- Requires WVSSAC to discipline schools that do not complete/submit the Emergency Action Plans (fines up to \$250 per sport)

Emergency Action Plan Worksheet - Student Response Team

Coach/Advisor Name: _____ Level: _____

Activity	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10
1 911 TEAM	CALL 911	CALL 911	CALL 911	CALL 911	CALL 911	CALL 911	CALL 911	CALL 911	CALL 911	CALL 911
2 CPR/AED TEAM	START CPR	START CPR	START CPR	START CPR	START CPR	START CPR	START CPR	START CPR	START CPR	START CPR
3 AED TEAM	GET THE AED	GET THE AED	GET THE AED	GET THE AED	GET THE AED	GET THE AED	GET THE AED	GET THE AED	GET THE AED	GET THE AED
4 HEAT STROKE TEAM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM	PREPARE THE DAMM
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REQUIRED - Emergency Action Plan

- All schools must complete an Emergency Action Plan annually BEFORE THE FIRST DAY OF PRACTICE. Please work with your athletic director and school administrators to make sure it is completed.
- Fines up to \$250 if not completed by first day of practice.
- EAP is required by law to be posted

International vs Foreign Exchange Students

- Difference in International and Foreign Exchange
- J1 vs F1 Visas



Big Teams/Schedule Star Update



© 2021 Big Teams, Inc.

Arbiter Update

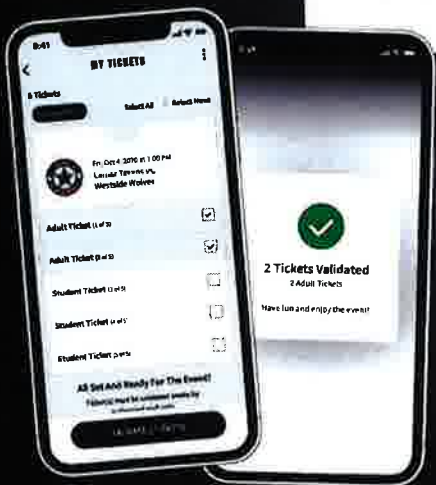
ArbiterSports

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DIGITAL TICKETING

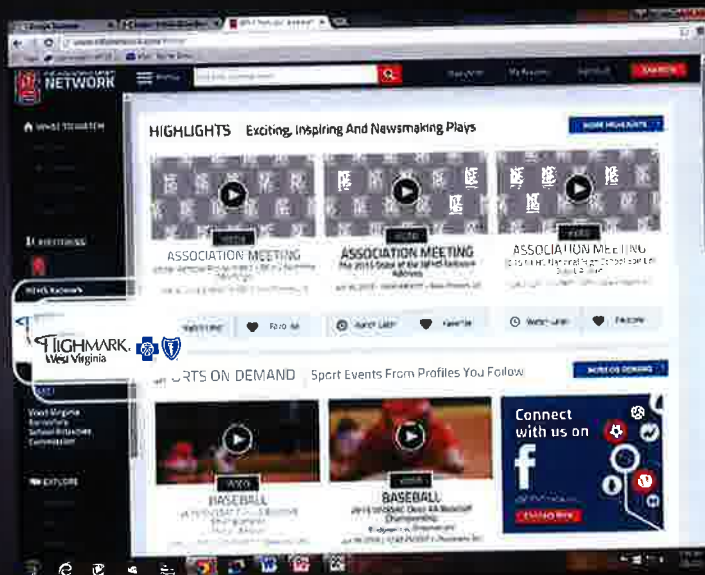
An easy way for fans to buy & share tickets. No hardware or hassle at your gate.



- Our goal is to move toward 100% digital ticketing

WWW.GO.FAN

NFHS Network





Brighter futures and
better tomorrows
start by changing the
game today

 WEST VIRGINIA
GAMECHANGER

Other Important Information



- Catastrophic Insurance – Member schools are covered as long as eligibility and sanctioning forms are completed and correct
- Ejection Appeals – form online
- NFHS Awards – Spirit of Sport, Heart of the Arts – will send info
- Administrator Workshop – September 16, 2021 – 9:00 am – great workshop for administrators responsible for athletics

Interscholastic and Coaches' Packets

- PLEASE make sure that your coaches read the Interscholastic, Coaches' Packet, and Sports Medicine Packet before they begin their seasons!
- Important information is contained in these documents
- Reading the information can alleviate many problems!



WVSSAC ADMINISTRATIVE STAFF

WAYNE RYAN, CAA
ASSISTANT EXECUTIVE DIRECTOR

Physical Exams

- **No participation without completed/signed form.
Student (1), Parent (2), and the physician**
- **Must be dated/signed on or after **May 1, 2021****



WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION
2876 Staunton Turnpike - Parkersburg, WV 26104
ATHLETIC PARTICIPATION/PARENTAL CONSENT/PHYSICIAN'S CERTIFICATE FORM
(Form required each school year on or after May 1st. File in School Administration Office)
ATHLETIC PARTICIPATION / PARENTAL CONSENT

May 2020

PART I

Name _____ School Year: _____ Grade Entering: _____
Home Address: _____ Home Address of Parents: _____
City: _____
Date of Birth: _____ Place of Birth: _____

Last semester I attended _____ (High School) or (Middle School). We have read the condensed eligibility rules of the WVSSAC athletics. If accepted as a team member, we agree to make every effort to keep up school work and abide by the rules and regulations of the school authorities and the WVSSAC.

INDIVIDUAL ELIGIBILITY RULES

- Attention Athlete! To be eligible to represent your school in any interscholastic contest, you ...
- _____ must qualify under the Residency and Transfer Rule (127-2-7)
- _____ must have earned at least 2 units of credit the previous semester. Summer school may be included. (127-2-6)
- _____ must have attained an overall "C" (2.00) average the previous semester. Summer school may be included. (127-2-6)
- _____ must not have reached your 19th (MHS), 15th (MS) birthday before August 1 of the current school year. (127-2-4)
- _____ must be residing with parent(s) as specified by Rule 127-2-7 and 8.
- _____ unless parents have made a bona fide change of residence during school term.
- _____ unless an APS or other Foreign-Exchange student (one year of eligibility only).
- _____ unless the residence requirement was met by the 300 calendar days attendance prior to participation.
- _____ if living with legal guardian(s), must not participate at the Varsity level. (127-2-8)
- _____ must be an amateur as defined by Rule 127-2-11.
- _____ must have submitted to your principal before becoming a member of any school athletic team Participation/Parent Consent/Physician Form and completely read and properly signed, attesting that you have been admitted and intend to be physically fit for athletic competition and that your parents consent to your participation. (127-2-3)
- _____ must not have transferred from one school to another for athletic purposes. (127-2-7)
- _____ must not have received, in recognition of your ability as a HS or MS athlete, any award not presented or approved by your school or the WVSSAC. (127-2-9)
- _____ must not, while a member of a school team in any sport, become a member of any other organized team or as an individual participant in an unsanctioned meet or tournament in the same sport during the school sport season (One exception 127-2-10).
- _____ must follow All Star Participation Rule. (127-3-4)
- _____ must not have been enrolled in more than (8) semesters in grades 9 to 12. Must not have participated in more than three (3) seasons while in grades 9-12. (Rule 127-2-5).

Eligibility to participate in interscholastic athletics is a privilege you earn by meeting not only the above listed minimum standards but also all other standards set by your school and the WVSSAC. If you have any questions regarding your eligibility or are in doubt about the effect any action or inaction might have on your eligibility, check with your principal or athletic director. They are aware of the interpretation and intent of each rule. Meeting the intent and spirit of WVSSAC standards will prevent athletes, teams, and schools from being penalized.

PART II - PARENTAL CONSENT

In accordance with the rules of the WVSSAC, I give my consent and approval to the participation of the student named above for the sport NOT MARKED OUT BELOW:

- | | | | | |
|--------------|----------|----------|----------|------------|
| BASKETBALL | CHOOSE | GOLF | SWIMMING | VOLLEYBALL |
| BASKETBALL | COUNTRY | SOCCER | TENNIS | |
| CHEERLEADING | FOOTBALL | SOFTBALL | TRACK | |

MEDICAL DISQUALIFICATION OF THE STUDENT-ATHLETE / WITHHOLDING A STUDENT-ATHLETE FROM ACTIVITY
The member school's team physician has the final responsibility to determine when a student-athlete is removed or withheld from participation due to an injury, an illness or poisoning. In addition, clearance for that individual to return to activity is solely the responsibility of the member school's team physician or that physician's designated representative.

I understand that participation may include, when necessary, early dismissal from classes and travel to participate in interscholastic athletic contests. I will not hold the school authorities of West Virginia Secondary School Activities Commission responsible in case of accident or injury as a result of this participation. I also understand that participation in any of these sports (listed above) may cause permanent disability or death. Please check appropriate items: Health has student accident insurance available through the school () ; has liability insurance coverage available through the school () ; is insured to my satisfaction () .

I also give my consent and approval for the above named student to receive a physical examination, as required in Part IV, Physician's Certificate, of this form, by an approved health care provider as recommended by the named student's school administration.

I consent to WVSSAC's use of the above named student's name, likeness, and athletically related information in reports of Inter-School Practices or Seminars and Contests, promotional literature of the Association, and other materials and software related to interscholastic athletics.

I have read/reviewed the constitution and Bylaws, and/or other information as available through the school and at WVSSAC.org. (Click on the link)

Date: _____ Student Signature _____ Parent Signature _____



PART III - STUDENT'S MEDICAL HISTORY
(To be completed by parent or guardian prior to examination)

May 2020

Name _____ Birthdate ____/____/____ Grade _____ Age _____

Has the student ever had:
 Yes No 1. Chronic or recurrent illness? (Diabetes, Asthma, Seizures, etc.)
 Yes No 2. Any hospitalizations?
 Yes No 3. Any surgery (except tonsils)?
 Yes No 4. Any injuries that prohibited your participation in sports?
 Yes No 5. Dizziness or frequent headaches?
 Yes No 6. Knee, ankle or neck injuries?
 Yes No 7. Broken bone or dislocation?
 Yes No 8. Head exhaustion/vision stroke?
 Yes No 9. Fainting or passing out?
 Yes No 10. Have any allergies?
 Yes No 11. Concussion? If Yes _____

Yes No 12. Have any problems with heart/blood pressure?
 Yes No 13. Has anyone in your family ever fainted during exercise?
 Yes No 14. Take any medicine? List _____

Yes No 15. Wear glasses _____ contact lenses _____ dental appliances _____?
 Yes No 16. Have any organs missing (eye, kidney, testicle, etc.)?
 Yes No 17. Has it been longer than 10 years since your last tetanus shot?
 Yes No 18. Have you ever been told not to participate in any sport?
 Yes No 19. Do you know of any reason like student should not participate in sports?
 Yes No 20. Have a sudden death history in your family?
 Yes No 21. Have a family history of heart attack before age 60?
 Yes No 22. Develop coughing, wheezing, or unusual shortness of breath when you exercise?
 Yes No 23. (Females Only) Do you have any problems with your menstrual periods?

PLEASE EXPLAIN ANY "YES" ANSWERS OR ANY OTHER ADDITIONAL CONCERNS.

I also give my consent for the physician in attendance and the appropriate medical staff to give treatment of any athletic event for any injury.

SIGNATURE OF PARENT OR GUARDIAN _____ DATE ____/____/____

PART IV - VITAL SIGNS

Height _____ Weight _____ Pulse _____ Blood Pressure _____
 Visual acuity: Uncorrected ____/____ Corrected ____/____ Pupils equal diameter: Y N

PART V - SCREENING PHYSICAL EXAM

This exam is not meant to replace a full physical examination done by your private physician.

Mouth:		Respiratory:		Abdomen:	
Appliances	Y N	Symmetrical breath sounds	Y N	Masses	Y N
Misalign/loose teeth	Y N	Wheezes	Y N	Cysts/enlargely	Y N
Caries needing treatment	Y N	Cardiovascular:		Genitourinary (males only):	Y N
Enlarged lymph nodes	Y N	Murmur	Y N	Inguinal hernia	Y N
Skin - Infectious lesions	Y N	Irregularities	Y N	Bilaterally descended testicles	Y N
Peripheral pulses equal	Y N	Murmur with Valvula	Y N		

Any "YES" under Cardiovascular requires a referral to family doctor or other appropriate healthcare provider.

Musculoskeletal: (note any abnormalities)		Knee/Hip:	Y N	Hematomas:	Y N
Neck:	Y N	Elbow:	Y N	Scalloles:	Y N
Shoulder:	Y N	Wrist:	Y N		


RECOMMENDATIONS BASED ON ABOVE EVALUATION:

After my evaluation, I give my:
 _____ Full Approval
 _____ Full approval, but needs further evaluation by Family Dentist _____; Eye Doctor _____; Family Physician _____; Other _____
 _____ Limited approval with the following restrictions: _____
 _____ Denial of approval for the following reasons: _____


MD/DO/DC/Advanced Registered Nurse Practitioner/Physicians Assistant

Date _____

W



WVSSAC



SUDDEN CARDIAC ARREST AWARENESS

What is Sudden Cardiac Arrest?

- Occurs suddenly and often without warning.
- An electrical malfunction (short-circuit) causes the bottom chambers of the heart (ventricles) to beat dangerously fast (ventricular tachycardia or fibrillation) and disrupts the pumping ability of the heart.
- The heart cannot pump blood to the brain, lungs and other organs of the body.
- The person loses consciousness (passes out) and has no pulse.
- Death occurs within minutes if not treated immediately.

What are the symptoms/warning signs of Sudden Cardiac Arrest?

- SCA should be suspected in any athlete who lies collapsed and is unresponsive.
- Fainting, seizure, or convulsions during physical activity.
- Dizziness or lightheadedness during physical activity.
- Unusual fatigue/weakness.
- Chest pain.
- Shortness of breath.
- Nausea/vomiting.
- Palpitations (heart is beating unusually fast or skipping beats).
- Family History of sudden cardiac arrest at age <50.

ANY of these symptoms/warning signs may necessitate further evaluation from your physician before returning to practice or a game.

What causes Sudden Cardiac Arrest?

- Conditions present at birth (inherited and non-inherited heart abnormalities).
- A blow to the chest (Commotio Cordis).
- An infection/inflammation of the heart, usually caused by a virus (Myocarditis).
- Recreational/Performance-Enhancing drug use.
- Other cardiac & medical conditions of unknown causes (Obesity/Hypertension).

What are ways to screen for Sudden Cardiac Arrest?

- The American Heart Association recommends a pre-participation history and physical when it is required by law in West Virginia.
- Always answer the heart history questions on the Student Health History section of the WVSSAC Physical Form immediately and honestly.
- Additional screening may be necessary at the recommendation of a physician.

What is the treatment for Sudden Cardiac Arrest?

- Act immediately. Time is critical to increase survival rate.
- Activate emergency response.
- Call 911.
- Begin CPR.
- Use Automated External Defibrillator (AED).

Where can one find additional information?

- Contact your primary health care provider.
- American Heart Association (www.heart.org).

DON'T LET AN INJURY LEAD TO AN OPIOID ADDICTION

2 MILLION ATHLETES ARE EXPECTED TO SUFFER A SPORTS INJURY THIS YEAR
WHY OF THESE ATHLETES WILL BE PRESCRIBED OPIOID PAINKILLERS
75% OF HIGH SCHOOL HEROIN USERS STARTED WITH PRESCRIPTION OPIOIDS

HIGH SCHOOL ATHLETES ARE AT RISK OF BECOMING ADDICTED TO PRESCRIPTION DRUGS

- 28.4% used medical opioids at least once over a three-year period.
- 11% of high school athletes have used an opioid medication for nonmedical reasons.
- Nearly 25% of students who chronically use prescription opioids also use heroin.

WHAT ARE OPIOIDS?

Opioids are a powerful and addictive type of prescription pain reliever from similar chemical properties and addictive risks as heroin. While opioids may provide temporary relief, they do nothing to address the underlying injury and can have serious side effects.

These drugs may lead to dependence, tolerance, accidental overdose, coma and death.

The most common prescribed opioid painkillers in West Virginia are:

- Oxycodone (OxyContin)
- Hydrocodone (Lorabid and Vicodin)

HOW TO PROTECT YOUR CHILD

- Talk to your healthcare provider about alternative pain management treatment options (see below).
Prescription prescription opioids have a 50% higher risk of death than persons who use alternative pain treatments.
- If your child is prescribed an opioid painkiller, talk about the dangers of abusing medication, including overdose and medication thefting.
- Monitor your child's intake of prescription medication to ensure proper use following dosage instructions.
- Safely dispose of any unused medication through a prescription drug drop box or a DEA Take Back program.

NON-NARCOTIC PAIN MANAGEMENT ALTERNATIVES

- Physical Therapy
- Chiropractic
- Massage Therapy
- Acupuncture
- Over-the-Counter Medication



FOOTBALL PRACTICE GUIDELINES

1. Check coaches packet
2. Contact definitions – Follow Progressions
3. No consecutive two-a-day practices.
4. Practice session (physical activity) 3 hour limit.
(on field practice, weight room, conditioning)
5. Live Action Contact/maximum 30 minutes a day – 90 minutes a week.

New Rule – Football Progressions

- Days 1-2 Helmets Only, No Contact
- Days 3-4 Helmets and Shoulder Pads, Soft Equipment Contact Only
- Day 5 Full Pads, Soft Equipment Contact Only
- Day 6 Full Pads, Full Contact



www.nfl.com

ATHLETIC TRAINER

- **Professional Service Certificate**
 - Certified Athletic Trainer
- **Athletic Trainer Certificate**
 - WVDE approved
 - LAT, ATC
- **Limited Football Trainer Authorization**
 - WVDE approved
 - May include the following:
 - Nurse, EMT
 - Physical Therapist, Etc.



SSAC
Self allows for
Limited Football Trainer
Authorization from WVDE

WVSSAC0000118

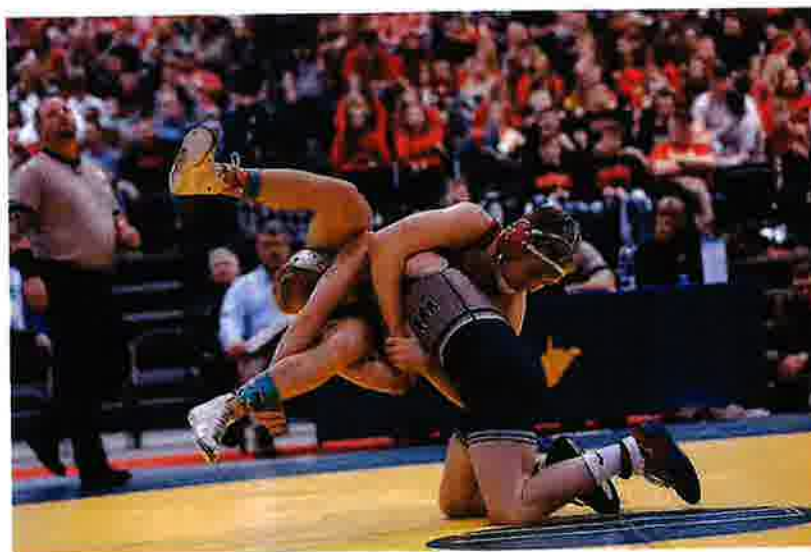
**R e q u i r e d
R e p o r t s / I n f o r m a t i o n**

- **Failure to submit required information by deadline**
 - **Posting of football scores - \$50.00 fine per week**
 - **BY NOON ON MONDAY FOLLOWING GAME DATE**

WISCONSIN

HERPES REPORTING FORM

Fillable form: [Go to Forms on the WVSSAC Website](#)





GOLF CLINIC



High School Administrators

Please make sure your golf coach receives the email containing the links to the 2021 Golf Clinic emailed to all principals and athletic directors

The golf coach needs to respond by email to verifying that they viewed the clinic with their golf Team.

Verification is due August 20, 2021

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W V S S A C S a n c t i o n i n g

INTRASTATE (in WV)

- Any event where awards are given
 - Be sure to define/describe all awards
- Any event with more than four schools.
- Rule allows awards with a value up to \$100.00.

INTERSTATE

- Any event where awards are given
- Any event with four or more schools from bordering states.
- Any event involving schools from three or more State Associations.
- NFHS Sanctioning online
- Any travel of more than 600 miles round trip that involves missing any class time must be approved by the County Board of Education and the WVSSAC.

WVSSAC
APPLICATION TO STATE ASSOCIATION FOR SANCTION OF INTERSTATE ATHLETIC EVENT
 (Suggested for use when NFHS sanction is NOT required)

SECTION 1 (To be completed by host school) Application Date: 2019-12-03

• Sport Girls Basketball Girls Boys Date of Event 2019-12-13 Time of Event 7:30

• Grades 6 7 8 9 10 11 12 Site of Event Summers County High School

• Sponsored by SUMMERS COUNTY HIGH SCHOOL
Member High School/other sponsoring organization Street _____ City _____ State _____ Zip _____

• Name of Event (if applicable) Rogers Oil Classic

• Schools invited from the following states: WV

• Number of participating schools FOUR (List all schools/addresses on reverse)

• Entry Fee Yes Amount \$ _____ No Admission Fee Charged Yes No Amount \$ 5.00

• Host School or Organization: _____
State association approved school or other sponsor City _____ State _____ Zip _____

• Name of Manager/Title Head Coach Phone: 304.880.0001 Email: jj@summers.k12.wv.us

Description of Awards and Other Compensations and Maximum Retail Value (Ribbons/trophies/patches/uniform/walker of entry/travel expenses, etc.) to:

Individual Number/Name/Participation	Prize	Cost
# 1 - <u>Outstanding Player</u>	<u>First, Second, Third, Fourth Place</u>	

Execution constitutes an agreement by the principal to assume oversight responsibility for the event.

Executed by Wayne Ryan, AS Phone: _____ Email: 304.880.0001
Principal of Host School Signatures/Print Name

After completing Section 1, send form to state association of host/sponsor/member school identified.

SECTION 2 ACTION BY STATE ASSOCIATION OF HOST SCHOOL

School Membership State Association Member School School Approved by State Association Non-Member School

Action: Sanction Event Do Not Sanction Event No Jurisdiction

If "No Jurisdiction," explain why: _____

Limitations/Other Comments: _____

Signature of Host Executive: Wayne Ryan, Asst. Executive Director Date Dec 3, 2019 State WV

If event sanctioned, send copies to each state association named in application. If application is not sanctioned, return to applicant.

SECTION 3 ACTION BY STATE ASSOCIATION OF INVITED SCHOOL

School Membership State Association Member School School Approved by State Association Non-Member School

(If more than one school invited, please indicate member status of each school next to the listing on the reverse)

Action: Sanction Event Do Not Sanction Event No Jurisdiction

If "No Jurisdiction," explain why: _____

Limitations/Other Comments: _____

Signature of State Executive: _____ Date _____ State _____

PLEASE LIST ALL INVITED SCHOOLS, INCLUDING ADDRESSES, CONTACT PERSONS AND TELEPHONE NUMBERS:

Note: If school is not a full member of its NFHS member association, please indicate accordingly.
 (Attach additional sheets if necessary)

NAME OF SCHOOL/ADDRESS	CONTACT PERSON	TELEPHONE NUMBER
Mountain View 623 School Street Linra, WV 24983	Sarah Martin	304 661 4572
Peterslowe Middle School 55 College Drive Peterslowe, WV 24953	Chris Booth	304 646 1083
Western Greenbrier Middle School 315 Timberwolf Dr. Lawley, WV 24851	Joey Fitzwater	304 667 2867
Summers Middle School 400 Temple Street Hinton, WV 25951	Suslo Hudson	304 466 6030

Officials for the competition are assigned from an agency that regularly assigns high school officials:
 Yes No

The officials are registered to officiate high school events:
 Yes No

IN ALL INTERSTATE CONTESTS, each participating school shall follow the contest rules of the state association of which it is a member or rules which have been approved by that state association for interstate competition. The rules referred to are contest rules only and not rules applying to age, number of semesters of attendance, residency or academic accomplishments. No school may violate its own state association rules.

Any approval or sanction granted to the applicant does not constitute a representation by either the NFHS or any named state association that it has investigated the accuracy of the information provided by the applicant, or that the NFHS or any named state association will oversee the organization, performance or financial integrity of the event.

Any approval or sanction granted to the applicant may not be used in the marketing or promotion of the event without prior written approval of the NFHS and/or any named state association, as the case may be.

S a n c t i o n F o r m s

Two ways to submit Sanction Forms

Electronically

- Website
- Admin Login
- Forms Management under WVSSAC Forms
- New Forms
- Sanction Form
- Complete and Submit

Paper Form

- Website
- Forms
- Print WVSSAC Sanction Form
- Complete, Fax or mail

A c a d e m i c A c h i e v e m e n t A w a r d s

- Information included in packets
 - Recognized at Super Six
 - Individual/Team and Community Service
 - **Deadline – October 8**
- WVSSAC Scholarships
 - Applications mailed in January
 - **Deadline – March 18**

W V S S A C T o u r n a m e n t s

Hosting of Tournaments

- Deadline is November 1

Hotel/Motel Policy

- Online – Forms / Download Forms

Reimbursement Schedule

- Online – Forms / Download Forms

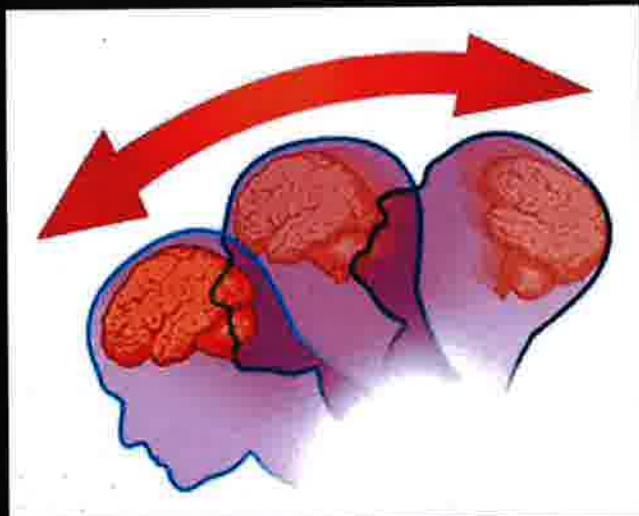
www.wvssa.com

WVSSAC ADMINISTRATIVE STAFF

Cindy Daniel, Ed.D., Assistant Executive Director







Concussion Reporting Form

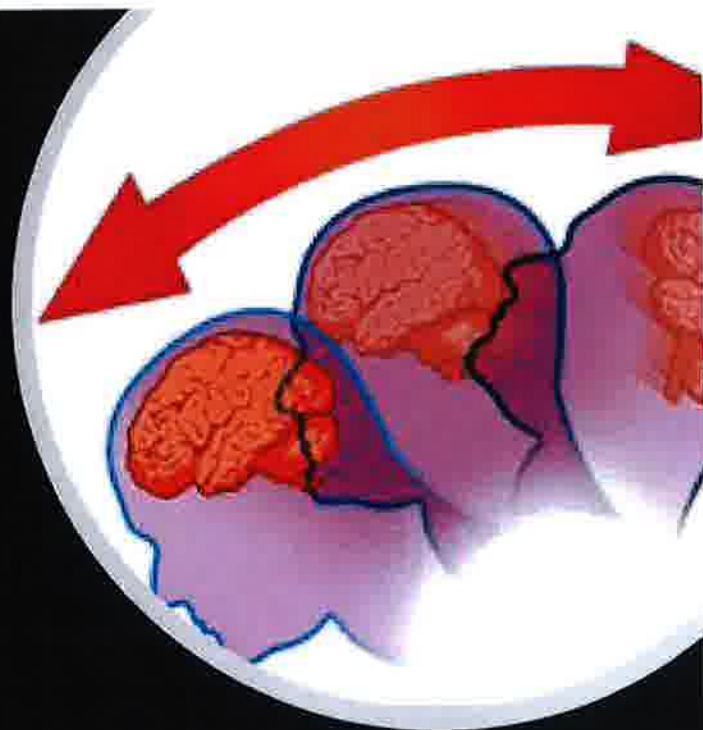
- Fillable Online Form – 2 Parts
- Must submit Part I within 7 days of incident
- Part I – Initial incident report
- Part II – Documentation of completion of protocol progressions
- Located under Forms as well as Sports Medicine tabs on website

CONCUSSION RTP PROTOCOL

RTP shall be delayed until the athlete is asymptomatic and has undergone a progression of tests to determine if they are able to RTP. Each step/test in the progression takes 24 hours and no more than one progression per day may be completed.

If any symptoms occur during the progression, the athlete should rest for 24 hours before attempting the same progression again.

- No activity with complete physical and cognitive rest.
- Light aerobic exercise (less than 70% of maximum heart rate).
- Sport specific exercise (drills specific to the athlete's sport).
- Non-contact training drills (more intense sport drills with no contact from other players).
- Full contact practice (following medical clearance).
- Return to play (normal game play).



WVPS-000022



- Medical Doctor (MD)
- Doctor of Osteopathy (DO)
- Doctor of Chiropractic (DC)
- Advanced Registered Nurse Practitioner (ARNP)
- Physician Assistant (PA-C)
- Licensed/Registered Certified Athletic Trainer (ATC/R, LAT, ATC)
- **Licensed Physical Therapist**

Approved Health Care Providers Who
Can Evaluate and Release to RTP

REQUIRED ONLINE COURSES



- Concussion In Sports (annually)
- Sudden Cardiac Arrest (annually)
- Heat Illness Prevention (one time for new coaches)
- All courses are free and can be accessed on the WVSSAC homepage ()

AED Requirement

- Legislation requires that an AED be available at ALL practices and contest
- Coaches must be trained in AED/CPR



©2014 Philips

Senate Bill 640 – Sudden Cardiac Arrest Prevention Act (WVDE Guidance)

- Requires schools to hold an informational meeting at the start of the year for parents and students to provide information on the warning signs of sudden cardiac arrest for children.
- Requires all coaches to complete the online sudden cardiac arrest course annually.
- Information can be given by downloading the physical exam form.





AED Sale

- AEDs for \$925 through CPR Institute of Indiana
- Order form was sent to all principals and athletic directors
- Approximately 450 AEDs added to schools over last three years
- Contact Cindy if interested in purchasing



Medical Time Out

- Short, pre-game meeting so that everyone knows what emergency personnel, supplies, and equipment are on site and available in case of an emergency.
- Athletic trainer responsible for the meeting. If no athletic trainer is present, head coach of home school is responsible.
- Refer to Sports Medicine Packet for more information.



Coming Next Year

- New Heat Illness Policy/Index
- Passed by SMAC Committee and BOD
- Will require schools to purchase a WGBT

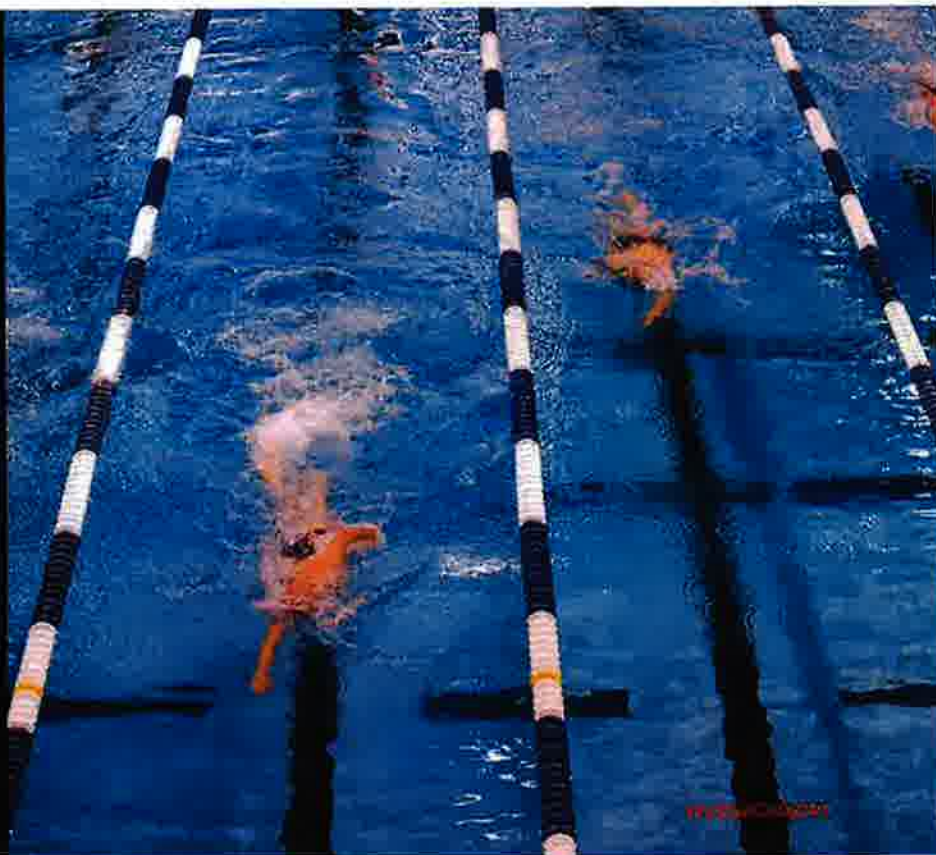


WGBT-100001



ACCOMMODATIONS

- Accommodation must be reasonable.
- Accommodation must be safe for able bodied athletes as well as the athlete with the disability.
- Accommodation cannot create an advantage for the disabled athlete.
- Disabled athlete must play at same skill level as other members of team to earn a spot.





TITLE IX – “3 – PRONG TEST”

- Equal opportunities for both males and females school must show:
- % of male & female athletes are about the same as the % of male and female students enrolled at the school
- History and a continuing practice of expanding athletic opportunities for female students, since they usually have been the ones given fewer opportunities to play
- The school is fully meeting female athletes' interests and abilities

TITLE IX – 50 Year Anniversary

- Equal quality and quantity of equipment and supplies
- Fairness in scheduling games and practices
- Equal financial support for travel and expenses
- Fairness in assigning and paying quality coaches; and
- Equal facilities (locker rooms, fields, and arenas, for example)
- Before 1972 – fewer than 300,000 high school female athletes. Now over 3.4 million



Transgender

- Current law being challenged in court.
- WVSSAC's current position is that gender is identified in WVEIS for athletic participation purposes.



And Last But Not Least...Cheer Update

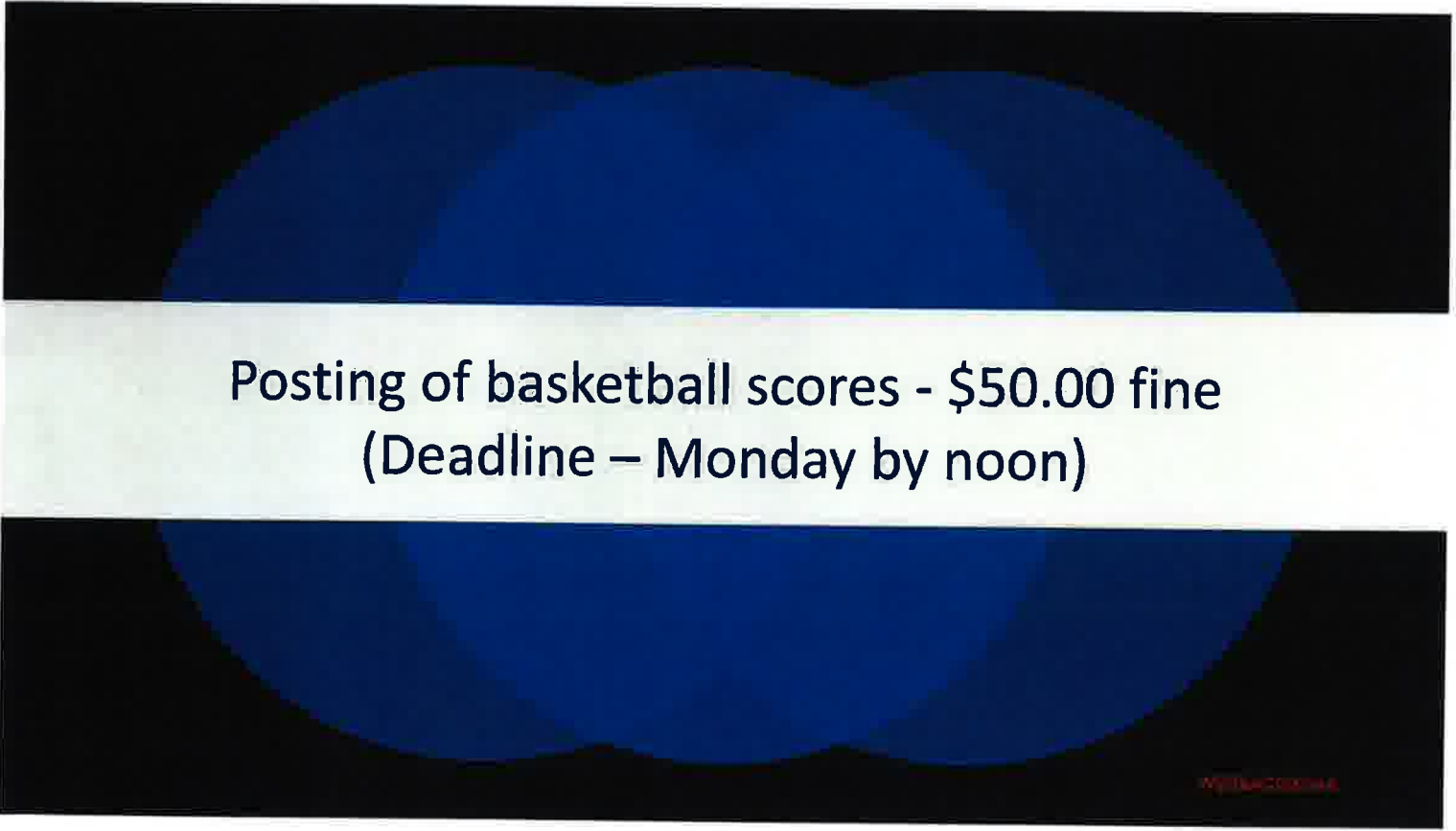
- Beginning with 2021-22 school year, mats are required for all cheer practices and competitions for stunting and tumbling
- A full floor consists of 9 strips of 6'x42' carpeted foam mats



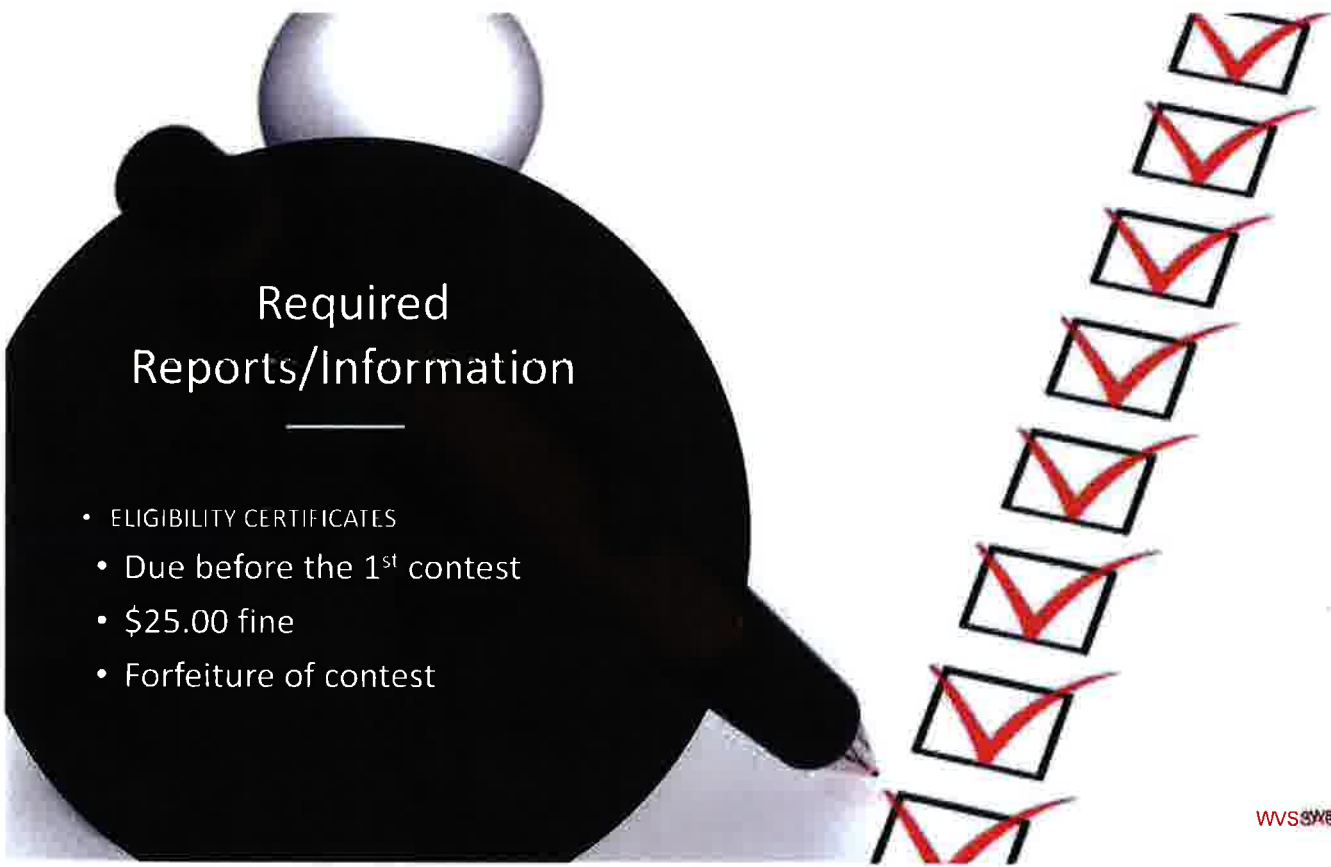
WCCO-TV

WVSSAC ADMINISTRATIVE STAFF

GREG REED
ASSISTANT EXECUTIVE DIRECTOR



Posting of basketball scores - \$50.00 fine
(Deadline – Monday by noon)



Required Reports/Information

- ELIGIBILITY CERTIFICATES
- Due before the 1st contest
- \$25.00 fine
- Forfeiture of contest

Residence Transfer Rule


- Number one rule that is questioned/challenged
- Athletic directors and administrators need to read the rule carefully
- If questions, contact our office before enrolling students
- Divorce or separation





ADREN LOGO

WVSSAC CONTACTS TERMS OF SERVICE SPORTS SCHOLARSHIPS WESTERN HONORABLE MEDIA OPEN BASES CLUBS



BOYS BASKETBALL

Current News & Information

MAKE-UP RULES CLINICS AT THE WVSSAC OFFICE WILL BE HELD AS SCHEDULED ON MONDAY, FEBRUARY 15, 2016

- Softball – 5:00 pm
- Track – 6:00 pm
- Baseball – 7:00 pm

SCHOLARSHIP WINNERS


[2014-2015 Participation Report](#)

[Football Nation](#)

PROCEDURE FOR OBTAINING ANSWERS TO ELIGIBILITY QUESTIONS

The WVSSAC office and staff members do not respond to e-mail messages. To avoid any misunderstanding, confusion or delay, all questions regarding the eligibility of a student/athlete by their parent/s or coach should be directed through the Athletic Director or Principal. The Athletic Director should then gather all information necessary and call or write the WVSSAC. By following this path of


OPTIMIZE GROWTH NEWSLETTER



TWITTER FACEBOOK

Tweets by @WVSSAC

Football Volleyball Soccer Cheer & Athletic Trainers rules clinics tonight at Huntington HS - 6:00pm



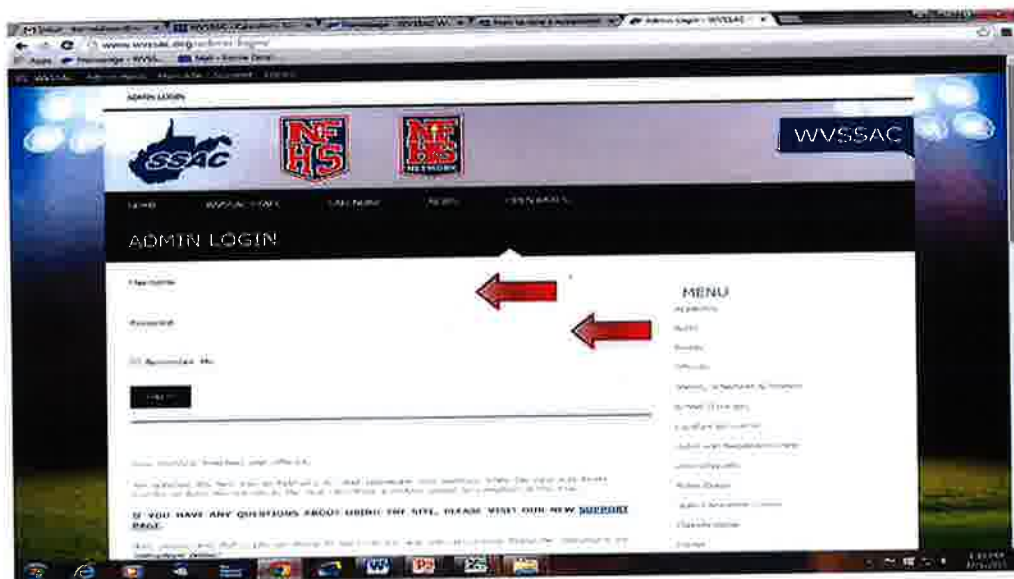
WVSSAC

WVSSAC

WVSSAC 00352



Username and Password



WVSAC 00316



School	
West Virginia Secondary School Activities Commission 2875 Staunton Turnpike : Parkersburg, WV 26104-7219 : PH (304)485-3484 FAX (304)428-5431	
School Management Page	
Submit Eligibility Form Submit Rosters Rosters on File Submit Schedules Schedules on File Eligibility Certificates on File Outlet Post Scores Submit Hand Participation Display Participation Report WVSSAC Forum Management School Personnel Directory Officials List School Email Contact List Coach's Game Reports C & I Verification System Submit Coach's Evaluation of Officials Edit School Information and Password Questions? Email Support! Submit Action Plans	
July 23, 2018	

WVSAC 09993

WEBSITE
UPDATE

- Edit School Information
- Coaches Evaluations – Online
- Submit Rosters
- Submit Schedules
- **Correct Email Addresses!!**
- Eligibility
- Submit Scores

Middle School Co-ops





COACHES` EDUCATION PROGRAM

14 ½ hour course
Online registration

WVSSAC88888888

WHO CAN COACH IN WV?

- Individuals holding a valid WV teaching certificate
- Individual who completes 14 ½ hour course and receives letter of authorization from State Department of Education is eligible



WHAT IS REQUIRED TO COACH?

Must have high school diploma or GED
Background and fingerprint
Form 39 with State Department of
Education (must be done every year)
Non paid assistants must be certified

www.nesinc.com



LEGAL DUTIES OF A COACH

- Properly plan the activity
- Provide proper instruction
- Warn of inherent risks
- Provide a safe physical environment
- Provide adequate and proper equipment
- Match athletes appropriately
- Evaluate athletes for injury or incapacity
- Supervise activity closely
- Provide appropriate emergency assistance
- Protect against physical and psychological harm from others



WVS04800302

WVSSAC

Corporate Sponsors

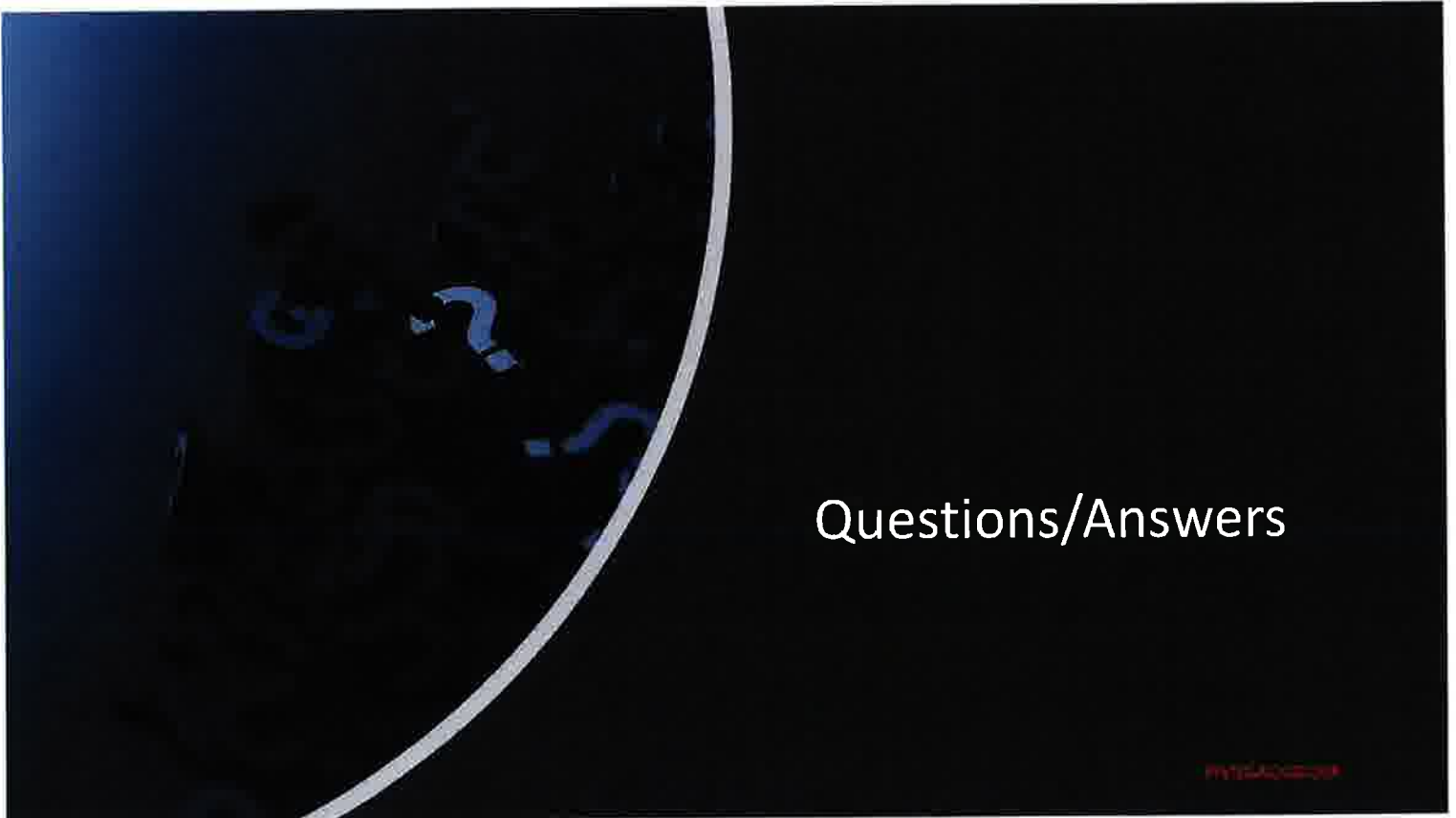


BUILT WITH
CHOCOLATE MILK



WVSSAC2022





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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and)
mother, HEATHER JACKSON,)

Plaintiff,)

vs.)

Civil Action No.
2:21-cv-00316

WEST VIRGINIA STATE BOARD OF)
EDUCATION, HARRISON COUNTY BOARD)
OF EDUCATION, WEST VIRGINIA)
SECONDARY SCHOOL ACTIVITIES)
COMMISSION, W. CLAYTON BURCH in)
his official capacity as State)
Superintendent, DORA STUTLER in)
her official capacity as)
Harrison County Superintendent,)
and THE STATE OF WEST VIRGINIA,)

Defendants.)

and)

LAINY ARMISTEAD,)

Defendant-Intervenor.)

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF MICHELE BLATT
Monday, February 14, 2022
Remotely Testifying from Charleston, West Virginia

Reported By: Hanna Kim, CLR, CSR No. 13083
Job No. 5079505



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his official capacity as State)
Superintendent, DORA STUTLER in)
her official capacity as)
Harrison County Superintendent,)
and THE STATE OF WEST VIRGINIA,)

Defendants.)

and)

LAINY ARMISTEAD,)

Defendant-Intervenor.)

_____)

Virtual videoconference video-recorded
deposition of MICHELE BLATT, taken pursuant to the
stipulations of counsel thereof, taken on behalf
of the Plaintiff, on Monday, February 14, 2022,
remotely testifying from Charleston, West
Virginia, before Hanna Kim, CLR, Certified
Shorthand Reporter, No. 13083.

1 REMOTE VIDEOCONFERENCE APPEARANCES OF COUNSEL:

2
3 For Plaintiff B.P.J.:

4 COOLEY LLP

5 BY: JULIE VEROFF, ESQ.

6 BY: KATHLEEN HARTNETT, ESQ.

7 BY: ANDREW BARR, ESQ.

8 BY: KATELYN KANG, ESQ.

9 BY: ELIZABETH REINHARDT, ESQ.

10 BY: ZOE HELSTROM, ESQ.

11 3 Embarcadero Center, 20th Floor

12 San Francisco, California 94111

13 415.693.2000

14 khartnett@cooley.com

15 -and-

16 AMERICAN CIVIL LIBERTIES UNION OF WEST

17 VIRGINIA FOUNDATION

18 BY: LOREE STARK, ESQ.

19 BY: NICHOLAS WARD, ESQ.

20 BY: JOSH BLOCK, ESQ.

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13 For Defendant Harrison County Board of Education
14 and Superintendent Dora Stutler:

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10 rgreen@shumanlaw.com

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12 For the Defendant-Intervenor Lainey Armistead:

13 ALLIANCE DEFENDING FREEDOM

14 BY: HAL FRAMPTON, ESQ.

15 BY: KATIE KELLY, ESQ.

16 BY: TIMOTHY DUCAR, ESQ.

17 15100 N. 90th Street

18 Scottsdale, Arizona 85260

19 480.444.0020

20
21 Also Present:

22 MITCH REISBORD, Concierge

23 DAVE HALVORSON, Videographer

24

25

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INDEX OF EXAMINATION

WITNESS: MICHELE BLATT

EXAMINATION	PAGE
BY MS. VEROFF:	13
BY MS. GREEN:	129
BY MS. MORGAN:	134

1 the rules.

2 Q. Okay. Very good.

3 And in terms of the 2.0 rule, I recollect
4 you spoke to the 2.0 rule.

5 Do you recollect that testimony? 15:06:54

6 A. Yes, that that was the only reference to
7 sports participation that's in a State Board
8 policy.

9 Q. All right.

10 And in terms of who actually has a -- 15:07:05

11 (Interruption in audio/video.)

12 THE COURT REPORTER: Excuse me. If you
13 would please start over. There was an interruption
14 in audio.

15 BY MS. GREEN: 15:07:17

16 Q. So in terms of who actually has authority
17 to enforce or waive the 2.0 rule, that would be
18 the State Board; wouldn't it?

19 A. No. That would be the authority of the --
20 enforcement of the 2.0 rule lies with the schools 15:07:35
21 and with the counties, mainly with the schools who
22 are reviewing the -- the records of the students.

23 Q. Okay. And very good point. Thank you for
24 clarifying, not SSAC.

25 SSAC doesn't enforce the State Board's 15:07:49

1 rules; correct?

2 MS. VEROFF: Objection as to counsel
3 testifying.

4 BY MS. GREEN:

5 Q. State -- State Board rule, your one rule; 15:07:59
6 is that true?

7 A. Elig- -- eligibility is determined at the
8 school level.

9 Q. All right.

10 And in terms of -- I think during the 15:08:07
11 pandemic, the State Board had waived or changed
12 compliance with the 2.0 rule, and that was done by
13 the State Board; wasn't it?

14 A. Yes.

15 Q. That's not SSAC doing that with your rule, 15:08:20
16 was it?

17 A. No.

18 Q. And I'm not sure whether I asked you or
19 not -- and maybe counsel will all object and tell
20 me I did. 15:08:38

21 But in terms of any sorts of
22 communications Bernie Dolan had with the
23 legislature or didn't have, any sort of e-mails
24 Bernie Dolan sent, any sort of communication, you
25 would defer to Mr. Dolan to speak for himself, 15:08:50

1 would you not?

2 A. Yes.

3 Q. Thank you. Appreciate it.

4 A. Thank you.

5 MS. GREEN: No further questions at this 15:08:58
6 time. Thank you, all.

7 MR. TRYON: Ms. Blatt, my name the David
8 Tryon. I don't see my video coming up yet.
9 But anyways, my name is David Tryon, on behalf of
10 the State of West Virginia. Thank you very much 15:09:12
11 for your time today. We have no questions. Thank
12 you.

13 THE WITNESS: Thank you.

14 MS. GREEN: Good afternoon, Ms. Blatt. My
15 name is Susan Deniker. I represent the Harrison 15:09:27
16 County Board of Education and Superintendent
17 Stutler. Thank you for your time today. I do not
18 have any questions.

19 THE WITNESS: Thank you.

20 MS. MORGAN: So I have a few clarifying 15:09:37
21 questions that I would like to ask Ms. Blatt.

22 EXAMINATION

23 BY MS. MORGAN:

24 Q. You were asked about the 2.0 rule, both by
25 plaintiff's counsel as well as counsel for SSAC. 15:09:48

1 And just want to clarify.

2 That is a -- a rule that was promulgated
3 by the West Virginia Board of Education; correct?

4 A. Yes.

5 Q. And it was -- it is to be implemented, 15:10:01
6 enforced by who?

7 A. By this -- membership schools.

8 Q. Is that similar to what will happen in the
9 future if a rule is promulgated by the Board of
10 Education? 15:10:19

11 A. Yes.

12 MS. VEROFF: Objection as to form.

13 BY MS. MORGAN:

14 Q. Has the State Board of Education ever
15 discussed 3293 at a meeting -- discussed House 15:10:38
16 Bill, that it was codified, 3293, at a board
17 meeting?

18 A. No, they have not.

19 MS. VEROFF: Objection. Asked and
20 answered. 15:10:51

21 BY MS. MORGAN:

22 Q. Have they taken any vote or action?

23 A. No, they have not.

24 Q. Has the department received any complaints
25 about -- 15:11:07

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and)
 mother, HEATHER JACKSON,)
 Plaintiff,)
 vs.) Case No.
 WEST VIRGINIA STATE BOARD OF) 2:21-cv-00316
 EDUCATION, HARRISON COUNTY)
 BOARD OF EDUCATION, WEST)
 VIRGINIA SECONDARY SCHOOL)
 ACTIVITIES COMMISSION, W.)
 CLAYTON BURCH in his official)
 capacity as State)
 Superintendent, DORA STUTLER,)
 in her official capacity as)
 Harrison County)
 Superintendent, and THE STATE)
 OF WEST VIRGINIA,)
 Defendants.)
 And)
 LAINEY ARMISTEAD,)
 Defendant-Intervenor.)

REMOTE VIDEOTAPED DEPOSITION OF
DORA STUTLER
AND
DAVE MAZZA
Tuesday, March 8, 2022
Volume I

Reported by:
ALEXIS KAGAY, CSR No. 13795
Job No. 5079542
PAGES 1 - 240



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 CHARLESTON DIVISION

4 B.P.J. by her next friend and)
5 mother, HEATHER JACKSON,)
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vs.) Case No.
7 WEST VIRGINIA STATE BOARD OF) 2:21-cv-00316
8 EDUCATION, HARRISON COUNTY)
9 BOARD OF EDUCATION, WEST)
VIRGINIA SECONDARY SCHOOL)
10 ACTIVITIES COMMISSION, W.)
11 CLAYTON BURCH in his official)
12 capacity as State)
Superintendent, DORA STUTLER,)
13 in her official capacity as)
14 Harrison County)
Superintendent, and THE STATE)
15 OF WEST VIRGINIA,)
16 Defendants.)
And)
17 LAINEY ARMISTEAD,)
18 Defendant-Intervenor.)

19
20 Videotaped deposition of DORA STUTLER and DAVE
21 MAZZA, Volume I, taken on behalf of the Plaintiff,
22 B.P.J., with all participants appearing remotely
23 beginning at 12:32 p.m. and ending at 7:18 p.m. on
24 Tuesday, March 8, 2022, before ALEXIS KAGAY, Certified
25 Shorthand Reporter No. 13795.

1 APPEARANCES (via Zoom Videoconference):

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4 Commission:

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1 APPEARANCES (Continued) :

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6 BY: RACHEL CSUTOROS

7 BY: TIMOTHY DUCAR

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25 HEATHER HUTCHENS

Page 7

1 APPEARANCES (Continued):

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1 follow any other policies related to gender
2 separation in sports?

3 MS. GREEN: Object to the form.

4 MS. DENIKER: I also object to the form.

5 THE WITNESS: Bridgeport Middle follows the 06:42:53
6 guidelines set by the WVSSAC.

7 BY MS. REINHARDT:

8 Q And what are those guidelines as it relates
9 to gender separation in sports?

10 MS. GREEN: Object to the form. 06:43:06

11 MS. DENIKER: Object to the form.

12 THE WITNESS: Those guidelines come in the
13 form of rostering, where -- for example, my athletic
14 director receives from the track coach, who is the
15 boys track coach, he would roster them on the WVEIS 06:43:23
16 system as a B, goes into the B portal. And if my
17 athletic director receives the information from the
18 girls' coach, it would go on the G side, which is --
19 would be the girl.

20 BY MS. REINHARDT: 06:43:44

21 Q So the athletic director implements a
22 student's gender into WVEIS; is that correct?

23 MS. DENIKER: Objection to the form and also
24 asked and answered.

25 MS. GREEN: I'll object to the form as well. 06:43:56

1 Thank you.

2 MS. DENIKER: Do you need to have -- if
3 you'll give me a standing objection on that. Maybe
4 we should have the court reporter read back the
5 question so that the witness could hear it, if 06:44:09
6 that's okay, Ms. Reinhardt.

7 MS. REINHARDT: That would be great. I'll
8 give you a standing objection.

9 If the court reporter could please read my
10 question back. 06:44:18

11 (Record read.)

12 MS. DENIKER: If you need to hear it again,
13 you can ask for it to be repeated.

14 THE WITNESS: Repeat that again, please, I'm
15 sorry. 06:44:46

16 MS. REINHARDT: If the court reporter could
17 please read that again.

18 And I believe it should be "input." I
19 apologize if I wasn't clear.

20 (Record read.) 06:45:08

21 THE WITNESS: The athletic director puts the
22 information on the boy roster or the girl roster.

23 BY MS. REINHARDT:

24 Q And where -- okay. I think I understand.

25 And are B and G the only options for the -- 06:45:33

Page 216

1 A It's part of the WVSSAC website where you
2 see -- I'm not sure if you've visited that website,
3 but there's an admin login.

4 Q And is -- is the information the athletic
5 director provides not a part of WVEIS? 06:41:28

6 A It is not part of WVEIS.

7 Q And is that information used to create a
8 roster?

9 A That information is used to create a roster.

10 Q So WVEIS is not used to create a roster; is 06:41:43
11 that correct?

12 MS. DENIKER: Object --

13 THE WITNESS: That is correct.

14 MS. DENIKER: -- to the form.

15 BY MS. REINHARDT: 06:41:51

16 Q And if I'm understanding correctly, the
17 administrative director would list whichever gender
18 is completed by a parent or the athlete in the form
19 you noted earlier; is that correct?

20 A That would be correct. 06:42:10

21 Q And does Bridgeport Middle School have any
22 policies as it relates to gender separation in
23 sports?

24 A We don't have any policies.

25 Q Is Bridgeport Middle School required to 06:42:32

1 BY MS. REINHARDT:

2 Q And if a -- if a student is gender
3 nonconforming, does the school have a policy on what
4 would be put as their gender for school sports?

5 A Can you repeat that again, please? 06:47:27

6 Q If a student is gender nonconforming -- and
7 what I mean by that is they neither identify as just
8 a boy or a girl -- does the school have a policy for
9 how they're listed on a sports team's roster?

10 A We do not. 06:47:43

11 Q Does the school have a policy related to what
12 transgender students are listed as for the purposes
13 of sports teams' rosters?

14 A We do not.

15 Q I'm just going to make sure I have -- I've 06:47:59
16 asked all my questions on this topic. One second.

17 Other than school policies, does WVSSAC have
18 any policies that you would follow related to
19 students' genders listed on school sports?

20 MS. GREEN: Object to the form. 06:48:33

21 MS. DENIKER: Object to the form.

22 THE WITNESS: I have never seen any
23 information like that from the SSAC.

24 BY MS. REINHARDT:

25 Q Thank you. And I want to ask if you've ever 06:48:42

1 sports team.

2 Do you recall that testimony?

3 A I do.

4 Q Does the athletic director input any
5 information into WVEIS relating to a student's 07:16:04
6 athletic participation?

7 A It does not. It goes into the WVSSAC portal
8 to put that information in for eligibility.

9 Q And I think you also testified about whether
10 the athletic -- about the information the athletic 07:16:20
11 director uses as a source of information to input
12 information into the WVSSAC portal.

13 Does the athletic director pull information
14 from WVEIS to put into that WVSSAC portal?

15 A It does not. It uses an informational sheet. 07:16:41
16 I want to say I believe it's an WVSSAC sheet that's
17 standard to all the schools. The information is
18 filled out on that sheet. He uploads it into the
19 portal. And if -- for example, if that child is a
20 sixth-grader, that information will stay in there 07:16:59
21 and each year it -- it transfers over.

22 MS. DENIKER: Okay. Thank you, Mr. Mazza. I
23 do not have any further questions.

24 MS. REINHARDT: Mr. Mazza, we don't have any
25 redirect questions. 07:17:10

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

* * * * *

B.P.J., by her next friend and *
Mother, HEATHER JACKSON, *
Plaintiff * Case No.
vs. * 2:21-CV-00316
WEST VIRGINIA STATE BOARD OF *
EDUCATION, HARRISON COUNTY *
BOARD OF EDUCATION, WEST *
VIRGINIA SECONDARY SCHOOL *
ACTIVITIES COMMISSION, W. *
CLAYTON BURCH in his official *
Capacity as State Superintendent, * VIDEOTAPED
DORA STUTLER in her official * VIDEOCONFERENCE
Capacity as Harrison County * DEPOSITION
Superintendent, PATRICK MORRISEY * OF
In his official capacity as * BPJ
Attorney General, and THE STATE * January 21, 2022
OF WEST VIRGINIA, *
Defendants *

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF
BPJ, taken on behalf of the Defendant, State of West
Virginia herein, pursuant to the Rules of Civil
Procedure, taken before me, the undersigned, Nicole
Montagano, a Court Reporter and Notary Public in and for
the State of West Virginia, on Friday, January 21, 2022,
beginning at 10:09 a.m.

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1 Q. Hi, [REDACTED]. My name is Shannon Rogers. I am one
2 of the attorneys that represents the West Virginia
3 Secondary School Activities Commission, which is
4 sometimes referred to as the WVSSAC. And so when I'm
5 saying WVSSAC that's what I'm referring to.

6 Does that make sense?

7 A. Yes.

8 Q. Okay.

9 Had you ever had heard of the WVSSAC before?

10 A. I don't think so.

11 Q. Okay.

12 Do you know if you have ever spoken to anybody
13 who is with the WVSSAC?

14 A. I don't know.

15 Q. You don't know? Okay.

16 Do you know if anybody --- well, strike that.

17 So you don't think you've ever communicated or
18 you just don't remember?

19 A. I don't think I've ever communicated.

20 ATTORNEY ROGERS: Okay.

21 I don't have any other questions. Thank
22 you, [REDACTED].

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EXAMINATION

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

* * * * *

B.P.J., by her next friend and *
Mother, HEATHER JACKSON, *
Plaintiff * Case No.
vs. * 2:21-CV-00316
WEST VIRGINIA STATE BOARD OF *
EDUCATION, HARRISON COUNTY *
BOARD OF EDUCATION, WEST *
VIRGINIA SECONDARY SCHOOL *
ACTIVITIES COMMISSION, W. *
CLAYTON BURCH in his official *
Capacity as State Superintendent, *
DORA STUTLER in her official *
Capacity as Harrison County * VIDEOTAPED DEPOSITION
Superintendent, PATRICK MORRISEY * OF
In his official capacity as * WESLEY SCOTT PEPPER
Attorney General, and THE STATE * January 19, 2022
OF WEST VIRGINIA, *
Defendants *

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VIDEOTAPED DEPOSITION

OF

WESLEY SCOTT PEPPER, taken on behalf of the Defendant,
State of West Virginia, herein, pursuant to the Rules of
Civil Procedure, taken before me, the undersigned,
Nicole Montagano, a Court Reporter and Notary Public in
and for the State of West Virginia, on Wednesday,
January 19, 2022, beginning at 10:07 a.m.

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A P P E A R A N C E S (cont'd)

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A P P E A R A N C E S (cont'd)

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* CONFIDENTIAL EXHIBITS

1 A. A couple of years back my wife was talking about
2 it. Like I said, I can't give you the exact date.

3 Q. And do you recall whether at any time prior to
4 hearing about the House bill from your wife, any time
5 prior to that, you notified WVSSAC of BPJ's interest in
6 cross-country?

7 A. I didn't personally, no.

8 Q. Do you recall whether at any time prior to
9 filing the lawsuit or your family filed the lawsuit you
10 notified WVSSAC of BPJ's interest in running
11 cross-country?

12 A. I did not.

13 Q. All right.

14 And do you recall whether any time prior to
15 today, this moment, you notified WVSSAC of BPJ's
16 interest in cross-country?

17 ATTORNEY HARTNETT: Objection to
18 foundation.

19 THE WITNESS: My wife would have that
20 information. I don't --- I don't know that information.
21 I don't have that information.

22 BY ATTORNEY GREEN:

23 Q. All right.

24 And I was asking whether you personally had it.

1 Have you personally had any communications with WVSSAC?

2 A. No.

3 ATTORNEY GREEN: I don't have any other
4 questions. I appreciate your time.

5 THE WITNESS: Thank you.

6 ATTORNEY GREEN: Thank you.

7 ---

8 EXAMINATION

9 ---

10 BY ATTORNEY DENIKER:

11 Q. Mr. Pepper, my name is Susan Deniker. I am
12 counsel for the Harrison County Board of Education and
13 the Harrison County Board of Education's Superintendant
14 Dora Stutler. Thank you for your time today. We
15 appreciate it. I have a few questions for you. Have
16 you been involved in any meetings with any officials,
17 any employees of Harrison County Board of Education
18 relating to BPJ's gender identity and any accommodation
19 of her gender identity in the school system?

20 A. I have not.

21 Q. Okay.

22 Have you had a conversation with any employee
23 of the Harrison County Board of Education at anytime
24 with regard to your daughter's gender identity?

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

* * * * *

B.P.J., by her next friend and *
Mother, HEATHER JACKSON, *
Plaintiff * Case No.
vs. * 2:21-CV-00316
WEST VIRGINIA STATE BOARD OF *
EDUCATION, HARRISON COUNTY *
BOARD OF EDUCATION, WEST *
VIRGINIA SECONDARY SCHOOL *
ACTIVITIES COMMISSION, W. *
CLAYTON BURCH in his official *
Capacity as State Superintendent, * VIDEOTAPED
DORA STUTLER in her official * VIDEOCONFERENCE
Capacity as Harrison County * DEPOSITION
Superintendent, PATRICK MORRISEY * OF
In his official capacity as * HEATHER JACKSON
Attorney General, and THE STATE * January 20, 2022
OF WEST VIRGINIA, *
Defendants *

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION
OF
HEATHER JACKSON, taken on behalf of the Defendant, State
of West Virginia herein, pursuant to the Rules of Civil
Procedure, taken before me, the undersigned, Nicole
Montagano, a Court Reporter and Notary Public in and for
the State of West Virginia, on Wednesday, January 20,
2022, beginning at 11:13 a.m.

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* CONFIDENTIAL EXHIBITS

1 just --- the State has signed off officially, and so ---
2 oh, there you are. You just popped her into the screen.
3 It took me a minute to find her.

4 Ms. Jackson, my name is Roberta Green. I'm an
5 attorney here on behalf of West Virginia Secondary
6 School Activities Commission, also known as WVSSAC.

7 Do you know the those initials, WVSSAC?

8 A. Yes, I know the WVSSAC initials. Yes.

9 Q. Okay. Great. So if I refer to it then --- it
10 as WVSSAC, you'll know who I mean?

11 A. Yes, yes.

12 Q. That will save us ten words every time I --- so
13 I just have a few questions for you today. If I
14 understood your testimony correctly, you learned of
15 House Bill 3293 when you heard about it on the news.

16 Is that accurate?

17 A. Yes, that's accurate.

18 Q. Do you recollect whether at any time prior to
19 learning of House Bill 3293 you had notified WVSSAC of
20 BPJ's interest in running on the girls cross-country
21 team?

22 A. I did not notify them of her desire.

23 Q. All right.

24 And at any time prior to filing the lawsuit do

1 you recall whether you ever notified WVSSAC of BPJ's
2 interest in running on the girls cross-country team?

3 A. I did not contact the WVSSAC in advance.

4 Q. All right.

5 And do you know whether at any time, like up
6 until today, you have contacted WVSSAC to notify them of
7 BPJ's interest in running on the girls cross-country
8 team?

9 A. I have not.

10 ATTORNEY GREEN: Okay.

11 I don't think I have any other questions.
12 So thank you very much. I appreciate it.

13 ---

14 EXAMINATION

15 ---

16 BY ATTORNEY DENIKER:

17 Q. Good afternoon, Ms. Jackson. My name is Susan
18 Deniker. I introduced myself earlier today, but I
19 represent the Harrison County Board of Education and
20 superintendant Dora Stutler in this litigation. Thank
21 you for your time today. I know it's been a long day
22 and I appreciate you hanging in there with us.

23 I do have some additional questions for you.
24 If I ask you anything that you don't understand today

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants.**

CERTIFICATE OF SERVICE

I hereby certify that I, Roberta F. Green, have this day, the 22nd day of November, 2021, served a true and exact copy of *“WVSSAC’s Responses to Plaintiff’s First Set of Interrogatories”* was served on counsel by electronic means:

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants.**

WVSSAC'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Now comes West Virginia Secondary School Activities Commission (WVSSAC), by counsel, and responds as follows to Plaintiff's First Set of Interrogatories to Defendant West Virginia Secondary School Activities Commission.

Defendant has not completed discovery in this civil action and has not completed its preparation for trial. For these reasons, the Defendant's responses are based upon only such information and documents as are presently available and known to WVSSAC. Further discovery and independent investigation may supply additional facts, add meaning to facts, or may establish entirely new factual contentions, and, therefore, additions to, changes in, and/or variations from the Defendant's present responses may be necessary or may unavoidably result. The following responses are given in good faith but without prejudice to the Defendant's right to produce evidence of subsequently discovered facts or documents.

The Defendant avails itself of all rights under the Federal Rules of Civil Procedure and such other applicable rules and law, and objects to the instructions contained in Plaintiff's discovery requests to the extent such instructions attempt to impose burdens on the Defendant that are outside the scope of the Rules or the law generally. The Defendant is not bound to follow any instructions which may be contrary to the Rules and other law.

Without waiving the foregoing, the Defendant provides the following responses.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all PERSONS who provided information in preparation of YOUR Answer and Motion to Dismiss the First Amended Complaint, and for each such PERSON, state the following:

- (a) Their name, address, and telephone number;
- (b) Their relationship to YOU and/or B.P.J.; and
- (c) A detailed description of such knowledge and/or information

RESPONSE:

Objection; attorney work product, attorney client privilege. Beyond those objections and without waiving same, WVSSAC responds as follows:

- a. Beyond WVSSAC counsel, WVSSAC Executive Director, Bernie Dolan (contact through undersigned counsel).
- b. Executive Director, WVSSAC
- c. Mr. Dolan provided factual information relative to the history, structure and funding of WVSSAC. He further provided information relative to WVSSAC rules, regulations, policies and practices.

INTERROGATORY NO. 2: Identify all financial funding YOU received in 2019 to the present. For each identified funding, please state the following:

- (a) Who provided the funding, and
- (b) What the funding was allocated to.

RESPONSE:

West Virginia's Secondary School Activities Commission (WVSSAC) receives no dues whatsoever from member schools and has not for more than a decade. WVSSAC sustains itself with corporate sponsorships, advertising revenue and gate proceeds from championship meets and tournaments. WVSSAC's corporate sponsorships, which change over time, from 2019 to the present have included West Virginia Dairy Association/Milk Producers, Farmers & Mechanics, U.S. Army, MetroNews, Midstate Automotive, Field Turf, Spalding, and CareSource.

INTERROGATORY NO. 3: Identify all schools that compete in WVSSAC sponsored activities.

RESPONSE:

Member schools compete in WVSSAC sponsored activities. Non-member schools can compete in most WVSSAC sponsored activities as long as they are indeed organized as schools. For example, Calvary Baptist Church School and Teays Valley Christian are non-member schools who participate over time. Additionally, Wood County Christian is currently a member but

participated as a non-member prior to joining. WVSSAC has 289 member schools that appear on the WVSSAC website at <https://www.wvssac.org/school-directory/>

INTERROGATORY NO. 4: Identify all COMMUNICATIONS, if any, YOU have received from students, teachers, parents, schools, coaches, legislators, or other PERSONS CONCERNING B.P.J.

RESPONSE:

Bridgeport Middle School's eligibility list was posted per the Rules on the WVSSC website.

INTERROGATORY NO. 5: Identify all COMMUNICATIONS if any, YOU have received from students, teachers, parents, schools, coaches, legislators, or other PERSONS CONCERNING students who are transgender participating in school sports of any level in West Virginia.

RESPONSE:

WVSSAC received one inquiry two years ago directly from an athlete with a male birth gender interested in volleyball and considering female gender purportedly to be eligible to play volleyball. WVSSAC heard nothing further. More recently, WVSSAC had one inquiry from a transgender athlete with a female birth gender. *See also* more generally response to interrogatory numbered 7.

INTERROGATORY NO. 6: Identify the number of students who are transgender that YOU are aware of who play or have played school sports in West Virginia, and for each student, please specify the sport(s) played by the student and current school level of that student.

RESPONSE:

On information and belief and as reflected in instant pleadings, BPJ (cross country at Bridgeport Middle School). WVSSAC has no knowledge of other transgender participants. However, given that WVSSAC's policies and practices are gender neutral, it would have no reason to know of other transgender athletes unless contacted by the athlete or the school.

INTERROGATORY NO. 7: Identify all PERSONS YOU communicated with CONCERNING H.B. 3293 and the date and content of the COMMUNICATION.

RESPONSE:

In late March 2021, Mr. Dolan received texts from Senator Baldwin, asking him to appear before the Senate Democratic Caucus. Mr. Dolan was asked to appear to 'discuss the transgender athlete bill.' Also referenced at regional principal's meetings at ten locations across West Virginia from July 28 to August 12, 2021.

INTERROGATORY NO. 8: Identify all PERSONS responsible for creating, enforcing, and monitoring YOUR policies for school athletics.

RESPONSE:

The Board of Control is where member schools vote on proposals and create the rules and regulations, which are approved by the State Board of Education and then enforced and monitored by the schools. WVSSAC becomes involved in instances of disputes or appeals.

INTERROGATORY NO. 9: Identify all steps YOU have taken to contemplate, prepare for, monitor, implement, and/or enforce POLICIES and rules CONCERNING the implementation of H.B. 3293.

RESPONSE:

None.

INTERROGATORY NO. 10: Identify all PERSONS responsible for determining student eligibility on sports teams under YOUR POLICIES for school athletics.

RESPONSE:

All of the member schools.

In the instance of disputes, Executive Director Bernie Dolan, Assistant Executive Director Greg Reed, Assistant Executive Director Wayne Ryan, Assistant Executive Director Dr. Cindy Daniels.

INTERROGATORY NO. 11: Identify all YOUR public and private school members, and for each such member state whether they are public or private.

RESPONSE:

WVSSAC has 289 member schools identified here (private schools underlined), which schools also appear on the WVSSAC website at <https://www.wvssac.org/school-directory/>

Andrew Jackson Middle – Kanawha Co. (Cross Lanes, WV); Aurora School – Preston Co. (Aurora, WV); Baileysville Elementary – Wyoming Co. (Brenton, WV); Barboursville Middle – Cabell Co. (Barboursville, WV); Barrackville Middle – Marion Co. (Barrackville, WV); Beckley-Stratton Middle School – Raleigh Co. (Beckley, WV); Belington Middle – Barbour Co. (Belington, WV); Berkeley Springs – Morgan Co. (Berkeley Springs, WV); Blennerhassett Middle School – Wood Co. (Parkersburg, WV); Bluefield – Mercer Co. (Bluefield, WV); Bluefield Middle School – Mercer Co. (Bluefield, WV); Braxton County – Braxton Co. (Sutton, WV); Braxton County Middle – Braxton Co. (Sutton, WV); Bridge Street Middle – Ohio Co. (Wheeling, WV); Bridgeport Middle – Harrison Co. (Bridgeport, WV); Bridgeport Senior High School – Harrison Co. (Bridgeport, WV); Brooke High School – Brooke Co. (Wellsburg, WV); Brooke Middle School – Brooke Co. (Wellsburg, WV); Bruceton School – Preston Co. (Bruceton Mills, WV); Buckhannon-Upshur – Upshur Co. (Buckhannon, WV); Buckhanon-Upshur Middle – Upshur Co. (Buckhannon, WV); Buffalo – Putnam Co. (Buffalo, WV); Buffalo Middle – Wayne Co. (Kenova, WV); Burch Middle School – Mingo Co. (Delbarton, WV); Cabell Midland – Cabell Co. (Ona, WV); Calhoun County Middle/High School – Calhoun Co. (Mt. Zion, WV); Cameron – (Cameron, WV); Capital High School – Kanawha Co. (Charleston, WV); Capon Bridge Middle – Hampshire Co. (Capon Bridge, WV); Cedar Grove Middle School – Kanawha Co. (Cedar Grove, WV); Central Preston Middle School – Preston Co. (Kingwood, WV); Ceredo-Kenova Middle – Wayne Co. (Ceredo, WV); Chapmanville Middle – Logan Co. (Chapmanville, WV); Chapmanville Regional High School – Logan Co. (Chapmanville, WV); Charles Town Middle School – Jefferson Co. (Charles Town, WV); Charleston Catholic – Kanawha Co. (Charleston, WV); Clay County High School – Clay Co. (Clay, WV); Clay County Middle – Clay Co. (Clay, WV); Clay Battelle – Monongalia Co. (Blacksville, WV); Covenant Christian School – Monongalia Co. (Morgantown, WV); Crum Middle – Wayne Co. (Crum, WV); Davis Thomas Elementary Middle – Tucker Co. (Thomas, WV); Doddridge County – Doddridge Co. (West Union, WV); Doddridge County Middle – Doddridge Co. (West Union, WV); Dunbar Middle – Kanawha Co. (Dunbar, WV); Dupont Middle – Kanawha Co. (Belle, WV); Duval Middle School – Lincoln Co. (Griffithsville, WV); East Bank Middle – Kanawha Co. (East Bank, WV); East Fairmont – Marion Co. (Fairmont, WV); East Fairmont Middle School - Marion Co. (Fairmont, WV); East Hardy – Hardy Co. (Baker, WV); East Hardy Early Middle – Hardy Co. (Baker, WV); Eastern Greenbrier Middle School – Greenbrier Co. (Ronceverte, WV); Edison Middle School – Wood Co. (Parkersburg, WV); Elkins – Randolph Co. (Elkins, WV); Elkins Middle – Randolph Co. (Elkins, WV); Elkview Middle – Kanawha Co. (Elkview, WV); Enoch High School; Fairmont Catholic Jr. High – Marion Co. (Fairmont, WV); Fairmont Senior High School – Marion Co. (Fairmont, WV); Fairview Middle – Marion Co. (Fairview, WV); Fayetteville Pre K-8 – Fayette Co. (Fayetteville, WV); Fort Gay Pre K-8 – Wayne Co. (Fort Gay, WV); Frankfort – Mineral Co. (Ridgeley, WV); Frankfort Middle – Mineral Co. (Ridgeley, WV); Geary Middle School – Roane Co. (Left Hand, WV); George Washington

– Kanawha Co. (Charleston, WV); George Washington Middle School – Putnam Co. (Eleanor, WV); Gilbert Middle School – Mingo Co. (Gilbert, WV); Gilmer County – Gilmer Co. (Glenville, WV); Glen Fork Middle – Wyoming Co. (Glen Fork, WV); Glenwood School – Mercer Co. (Princeton, WV); Grafton – Taylor Co. (Grafton, WV); Greater Beckley Christian – Raleigh Co. (Prosperity, WV); Green Bank Middle – Pocahontas Co. (Green Bank, WV); Greenbrier East – Greenbrier Co. (Lewisburg, WV); Greenbrier West – Greenbrier Co. (Charmco, WV); Guyan Valley Middle School – Lincoln Co. (Branchland, WV); Hamilton Middle School – Wood Co. (Parkersburg, WV); Hamlin Middle School – Lincoln Co. (Hamlin, WV); Hampshire – Hampshire Co. (Romney, WV); Hannan Senior/Middle School – Mason Co. (Ashton, WV); Harman – Randolph Co. (Harman, WV); Harpers Ferry Middle School – Jefferson Co. (Harpers Ferry, WV); Harts PK-8 – Lincoln Co. (Harts, WV); Hayes Middle School – Kanawha Co. (St. Albans, WV); Hedgesville Middle – Berkeley Co. (Hedgesville, WV); Hedgesville Senior High School – Berkeley Co. (Hedgesville, WV); Herbert Hoover – Kanawha Co. (Elkview, WV); Herndon Consolidated – Wyoming Co. (Bud, WV); Horace Mann Middle School – Kanawha Co. (Charleston, WV); Huff Consolidated Middle School – Wyoming Co. (Hanover, WV); Hundred – Wetzel Co. (Hundred, WV); Huntington – Cabell Co. (Huntington, WV); Huntington East Middle – Cabell Co. (Huntington, WV); Huntington Middle School – Cabell Co. (Huntington, WV); Hurricane – Putnam Co. (Hurricane, WV); Hurricane Middle – Putnam Co. (Hurricane, WV); Independence Middle School – Raleigh Co. (Sophia, WV); Independence Senior – Raleigh Co. (Coal City, WV); Jackson Middle School – Wood Co. (Vienna, WV); James Monroe – Monroe Co. (Lindsay, WV); Jefferson – Jefferson Co. (Shenandoah Junction, WV); John Adams Middle School – Kanawha Co. (Charleston, WV); John Marshall – Marshall Co. (Glen Dale, WV); Kasson Middle School – Barbour Co. (Moatsville, WV); Kermit Area – Mingo Co. (Kermit, WV); Keyser – Mineral Co. (Keyser, WV); Keyser Primary/Middle – Mineral Co. (Keyser, WV); Lenore K-8 – Mingo Co. (Williamson, WV); Lewis County – Lewis Co. (Weston, WV); Liberty (Harrison) – Harrison Co. (Clarksburg, WV); Liberty – Raleigh Co. (Glen Daniel, WV); Lincoln – Harrison Co. (Shinnston, WV); Lincoln County High School – Lincoln Co. (Hamlin, WV); Lincoln Middle School – Harrison Co. (Shinnston, WV); Logan – Logan Co. (Logan, WV); Logan Middle School – Logan Co. (Logan, WV); Long Drain Middle – Wetzel Co. (Metz, WV); Madison Middle – Boone Co. (Madison, WV); Madonna – Hancock Co. (Weirton, WV); Magnolia High School – Wetzel Co. (New Martinsville, WV); Man High School – Logan Co. (Man, WV); Man Middle School – Logan Co. (Mallory, WV); Mannington Middle – Marion Co. (Mannington, WV); Marlinton Middle – Pocahontas Co. (Buckeye, WV); Martinsburg – Berkeley Co. (Martinsburg, WV); Martinsburg South Middle – Berkeley Co. (Martinsburg, WV); Matewan – Mingo Co. (Matewan, WV); McKinley Middle School – Kanawha Co. (St. Albans, WV); Meadow Bridge High – Fayette Co. (Meadow Bridge, WV); Midland Trail High School – Fayette Co. (Hico, WV); Milton Middle – Cabell Co. (Milton, WV); Mingo Central – Mingo Co. (Delbarton, WV); Monongah Middle – Marion Co. (Monongah, WV); Montcalm – Mercer Co. (Rock, WV); Moorefield – Hardy Co. (Moorefield, WV); Moorefield Middle – Hardy Co. (Moorefield, WV); Morgantown – Monongalia Co. (Morgantown, WV); Moundsville Middle School – Marshall Co. (Moundsville, WV); Mount View High School – McDowell Co. (Welch, WV); Mount View Middle School – McDowell Co. (Welch, WV); Mountain Ridge Middle School – Berkeley Co. (Gerrardstown, WV); Mountain View Middle School – Monroe Co. (Union, WV); Mountaineer (M) Middle – Monongalia Co. (Morgantown, WV); Mountaineer Middle School – Harrison Co. (Clarksburg, WV); Mullens

Middle – Wyoming Co. (Mullens, WV); Musselman – Berkeley Co. (Inwood, WV); Musselman Middle – Berkeley Co. (Bunker Hill, WV); New Martinsville Middle – Wetzel Co. (New Martinsville, WV); Nicholas County – Nicholas Co. (Summersville, WV); Nitro – Kanawha Co. (Nitro, WV); North Marion – Marion Co. (Farmington, WV); North Middle – Berkeley Co. (Martinsburg, WV); Notre Dame – Harrison Co. (Clarksburg, WV); Oak Glen High School – Hancock Co. (New Cumberland, WV); Oak Glen Middle – (New Cumberland, WV); Oak Hill – Fayette Co. (Oak Hill, WV); Oak Hill Middle – Fayette Co. (Oak Hill, WV); Oceana Middle – Wyoming Co. (Oceana, WV); Our Lady of Fatima Parish School – Cabell Co. (Huntington, WV); Paden City High School – Wetzel Co. (Paden City, WV); Park Middle – Raleigh Co. (Beckley, WV); Parkersburg – Wood Co. (Parkersburg, WV); Parkersburg Catholic – Wood Co. (Parkersburg, WV); Parkersburg South – Wood Co. (Parkersburg, WV); Paw Paw – Morgan Co. (Paw Paw, WV); Pendleton County – Pendleton Co. (Franklin, WV); Petersburg – Grant Co. (Petersburg, WV); Peterstown Middle – Monroe Co. (Peterstown, WV); Philip Barbour High School – Barbour Co. (Philippi, WV); Philippi Middle – Barbour Co. (Philippi, WV); Pickens School; Pikeview – Mercer Co. (Princeton, WV); Pikeview Middle School – Mercer Co. (Princeton, WV); Pineville Middle – Wyoming Co. (Pineville, WV); Pleasants County Middle School – Pleasants Co. (Belmont, WV); Poca – Kanawha Co. (Poca, WV); Poca Middle – Kanawha Co. (Poca, WV); Pocahontas County – Pocahontas Co. (Dunmore, WV); Point Pleasant Senior/Middle School – Mason Co. (Point Pleasant, WV); Preston High School – Preston Co. (Kingwood, WV); Princeton Middle School – Mercer Co. (Princeton, WV); Princeton Senior – Mercer Co. (Princeton, WV); Ravenswood – Jackson Co. (Ravenswood, WV); Ravenswood Middle – Jackson Co. (Ravenswood, WV); Richwood – Nicholas Co. (Craigsville, WV); Richwood Middle School – Nicholas Co. (Richwood, WV); Ripley – Jackson Co. (Ripley, WV); Ripley Middle – Jackson Co. (Ripley, WV); Ritchie County – Ritchie Co. (Ellenboro, WV); Ritchie County Middle – Ritchie Co. (Ellenboro, WV); River View – McDowell Co. (Bradshaw, WV); Riverside – Kanawha Co. (Belle, WV); Rivesville Middle – Marion Co. (Rivesville, WV); Road Branch Jr. High – Wyoming Co. (Cyclone, WV); Roane County – Roane Co. (Spencer, WV); Robert C. Byrd – Harrison Co. (Clarksburg, WV); Robert L. Bland Middle – Lewis Co. (Weston, WV); Romney Middle – Hampshire Co. (Romney, WV); Rowlesburg School – Preston Co. (Rowlesburg, WV); Saint Joseph Central – Cabell Co. (Huntington, WV); Saint Joseph School – Berkeley Co. (Martinsburg, WV); Sandy River Middle School – McDowell Co. (Avondale, WV); Scott – Boone Co. (Madison, WV); Shady Spring – Raleigh Co. (Shady Spring, WV); Shady Spring Middle School -Raleigh Co. (Shady Spring, WV); Shepherdstown Middle School – Jefferson Co. (Shepherdstown, WV); Sherman – Boone Co. (Seth, WV); Sherman Junior High School – Boone Co. (Seth, WV); Sherrard Middle School – Marshall Co. (Wheeling, WV); Short Line Middle – Wetzel Co. (Reader, WV); Sissonville – Kanawha Co. (Charleston, WV); Sissonville Middle – Kanawha Co. (Charleston, WV); South Charleston – Kanawha Co. (South Charleston, WV); South Charleston Middle School – Kanawha Co. (South Charleston, WV); South Harrison – Harrison Co. (Lost Creek, WV); South Harrison Middle School – Harrison Co. (Lost Creek, WV); South Middle – Monongalia Co. (Morgantown, WV); South Preston School – Preston Co. (Tunnelton, WV); Southside School – McDowell Co. (War, WV); Spencer Middle – Roane Co. (Spencer, WV); Spring Mills High School – Berkeley Co. (Martinsburg, WV); Spring Mills Middle – Berkeley Co. (Martinsburg, WV); Spring Valley – Wayne Co. (Huntington, WV); St. Albans High School – Kanawha Co. (St. Albans, WV); St. Francis Central Middle School – Monongalia Co. (Morgantown, WV); St. Francis Desales

School – Raleigh Co. (Beckley, WV); St. Mary’s – Pleasants Co. (St. Mary’s, WV); St. Patrick School – Lewis Co. (Weston, WV); Stonewall-Jackson Middle School – Kanawha Co. (Charleston, WV); Summers County High School – Summers Co. (Hinton, WV); Summers Middle School – Summers Co. (Hinton, WV); Summersville Middle School – Nicholas Co. (Summersville, WV); Suncrest Middle – Monongalia Co. (Morgantown, WV); Taylor County Middle – Taylor Co. (Grafton, WV); Terra Alta East Preston – Preston Co. (Terra Alta, WV); Tolsia – Wayne Co. (Fort Gay, WV); Trap Hill Middle – Raleigh Co. (Glen Daniel, WV); Trialephia Middle School – Ohio Co. (Wheeling, WV); Trinity Christian School – Monongalia Co. (Morgantown, WV); Tucker County – Tucker Co. (Hambleton, WV); Tucker Valley Middle – Tucker Co. (Hambleton, WV); Tug Valley – Mingo Co. (Williamson, WV); Tygarts Valley Middle/Senior High – Randolph Co. (Mill Creek, WV); Tyler Consolidated – Tyler Co. (Sistersville, WV); Tyler Consolidated Middle – Tyler Co. (Sistersville, WV); Union – Grant Co. (Mt. Storm, WV); University – Monongalia Co. (Morgantown, WV); Valley (Fayette) – Fayette Co. (Smithers, WV); Valley (Wetzel) – Wetzel Co. (Pine Grove, WV); Valley Pre K-8 – Fayette Co. (Smithers, WV); Van Senior/Middle School – (Van, WV); Vandevender Middle School – Wood Co. (Parkersburg, WV); Vinson Middle School – Wayne Co. (Huntington, WV); Wahama Senior/Middle School – Mason Co. (Mason, WV); Walton Middle – Roane Co. (Walton, WV); Warm Springs Middle – Morgan Co. (Berkeley Springs, WV); Warwood Middle – Ohio Co. (Wheeling, WV); Washington High School – Jefferson Co. (Charles Town, WV); Washington-Irving Middle – Harrison Co. (Clarksburg, WV); Wayne – Wayne Co. (Wayne, WV); Wayne Middle – Wayne Co. (Wayne, WV); Webster County High School – Webster Co. (Upper Glade, WV); Weir – Hancock Co. (Weirton, WV); Weir Middle – Hancock Co. (Weirton, WV); West Fairmont Middle School – Marion Co. (Fairmont, WV); West Preston Middle School – Preston Co. (Arthurdale, WV); Western Greenbrier Middle School – Greenbrier Co. (Crawley, WV); Westside – Wyoming Co. (Clear Fork, WV); Westwood Middle – Monongalia Co. (Morgantown, WV); Wheeling Central Catholic – Ohio Co. (Wheeling, WV); Wheeling Middle – Ohio Co. (Wheeling, WV); Wheeling Park – Ohio Co. (Wheeling, WV); Middle School – Jefferson Co. (Shenandoah Junction, WV); Williamson Pre K-8 – Mingo Co. (Williamson, WV); Williamstown – Wood Co. (Williamstown, WV); Winfield – Putnam Co. (Winfield, WV); Winfield Middle – Putnam Co. (Winfield, WV); Wirt County – Wirt Co. (Elizabeth, WV); Wirt County Middle – Wirt Co. (Elizabeth, WV); Wood County Christian – Wood Co. (Williamstown, WV); Woodrow Wilson – Raleigh Co. (Beckley, WV); WV School for the Blind – Hampshire Co. (Romney, WV); WV School for the Deaf – Hampshire Co. (Romney, WV); Wyoming East – Wyoming Co. (New Richmond, WV)

INTERROGATORY NO. 12: Identify each member of YOUR governing board. For

each member, please state the following:

- (a) Their name, address, and telephone number;
- (b) Their role; and

- (c) A detailed description of how they were selected.

RESPONSE:

WVSSAC has a Board of Control and a Board of Directors. As set out in 127 CSR -1-5, the administration of the WVSSAC shall be vested in a Board of Control. The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of the Commission and shall have charge of all Commission funds, and in order to expedite the regulations of activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted, and working through the Board of Directors, authority to interpret and enforce these regulations.

Five members of the Board of Directors are elected from the Board of Control, while two are appointment, all as set out in 127 CSR 1-6, detailing appointment and voting protocols. *See Mayo v. WVSSAC*, 223 W. Va. 88, 672 S.E.2d 224 (2008). The current Board members (who should be contacted through undersigned counsel) are as follows:

- **Region 1 Member** – Gregory Moore, Principal, **President**
- **Region 2 Member** – David Cottrell, Principal
- **Region 3 Member** – Michael Kelley, Principal, **Vice President**
- **Region 4 Member** – Jimmy Frashier, Principal
- **Region 5 Member** – Craig Lee Loy, Principal

- **Member** – Steve Campbell, Athletic Directors Association
- **Member** – Dr. Eddie Campbell, County Superintendents
- **Member** – Jim Crawford, County Boards of Education
- **Member** – Robert Dunlevy, WV State Superintendent Designee
- **Member** – Dr. James Wilson, WV State Board of Education

Board members should be contacted through undersigned counsel.

INTERROGATORY NO. 13: Identify all employees, contractors, or other personnel affiliated with YOU who maintain records CONCERNING B.P.J. and describe the general nature of those records.

RESPONSE:

On information and belief, member school Bridgeport Middle School's eligibility form.

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION,
By Counsel.**

/S/ Roberta F. Green

Roberta F. Green (WVSB #6598)
Kimberly M. Bandy (WVSB #10081)
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,

v. Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge

WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants.

VERIFICATION

STATE OF WEST VIRGINIA;

COUNTY OF WOOD, to-wit:

Bernie Dolan, being first duly sworn, upon his oath does hereby depose and say that he has read the answers to interrogatories in the foregoing and believes that the facts contained therein, except insofar as they are stated to be upon information and belief, are believed to be true; that the responses set forth herein, subject to inadvertent and undiscovered errors, are based on and therefore necessarily limited by the records and information in existence, presently recollected and thus far discovered in the course of the preparation of these responses; that consequently, he reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, said responses are true to the best of his knowledge, information and belief.

By: Bernie Dolan
Bernie Dolan

Taken, subscribed and sworn to before me this 22 day of November, 2021.

My commission expires: July 3, 2022

Laura Wallace
Notary Public

[SEAL]

