

127CSR1**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, 18-2-25a, and 18-2-25b.

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 §18-2-25, 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.

127CSR1**§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.

127CSR2**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 WVSD, 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 §§12723.2, 1272-3.5, 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 \div 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 \div 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 \div 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 \div 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 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).

- 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.
- 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 WVSSAC 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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127CSR3**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 awards 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 classified 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 WVS-SAC.

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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.).

127CSR3**§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 WVSSAC.

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.

127CSR5**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)

127CSR6**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.

127CSR6**§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	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. 24 May 3	Mar. 23 May 2	Mar. 22 May 1
BASEBALL							
Season Starts	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37 (45-46) Mon-Sat	Mar. 16 May 9-21	Mar. 15 May 8-20	Mar. 13 May 6-18	Mar. 19 May 12-24	Mar. 18 May 11-23	Mar. 17 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 4-8	June 3-5
State							
BASKETBALL BOYS'							
Season Starts	Mon. of Wk. 20	Nov. 15	Nov. 14	Nov. 13	Nov. 18	Nov. 17	Nov. 16
1st Contest May Be Held	Tues. of Wk. 23 (34-35) Fri-Sat	Dec. 7 Feb. 25-Mar. 5	Dec. 6 Feb. 24-Mar. 4	Dec. 5 Feb. 23-Mar. 2	Dec. 10 Feb. 28-Mar. 8	Dec. 9 Feb. 27-Mar. 7	Dec. 8 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. 15-18	Mar. 13-16	Mar. 19-22	Mar. 18-21	Mar. 17-20
State							
BASKETBALL GIRLS'							
Season Starts	Mon. of Wk. 19	Nov. 8	Nov. 7	Nov. 6	Nov. 11	Nov. 10	Nov. 9
1st Contest May Be Held	Tues. of Wk. 22 (33-34) Fri-Sat	Nov. 30 Feb. 18-26	Nov. 29 Feb. 17-25	Nov. 28 Feb. 16-24	Dec. 3 Feb. 21-Mar. 1	Dec. 2 Feb. 20-28	Dec. 1 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							
Season Starts	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
Regional	(18) Sat	Nov. 6	Nov. 5	Nov. 4	Nov. 9	Nov. 8	Nov. 7
State Contest	(23) Sat	Dec. 11	Dec. 10	Dec. 9	Dec. 14	Dec. 13	Dec. 12
Season Ends		Mar. 19	Mar. 18	Mar. 16	Mar. 22	Mar. 21	Mar. 20
CROSS COUNTRY							
Season Starts	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
1st Contest May Be Held	Sat. of Wk. 7 (16) Thurs-Sat	Aug. 21 Oct. 21-23	Aug. 20 Oct. 20-22	Aug. 19 Oct. 19-21	Aug. 24 Oct. 24-26	Aug. 23 Oct. 23-25	Aug. 22 Oct. 22-24
Regional	(17) Sat	Oct. 30	Oct. 29	Oct. 28	Nov. 2	Nov. 1	Oct. 31
State							
FOOTBALL							
Season Starts	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
1st Contest May Be Held	Wk. 8 (19) Fri-Sat	Aug. 23 Nov. 12-13	Aug. 22 Nov. 11-12	Aug. 21 Nov. 10-11	Aug. 26 Nov. 15-16	Aug. 25 Nov. 14-15	Aug. 24 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							
Season Starts	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
1st Contest May Be Held	Tues. of Wk. 5 (13) Mon	Aug. 3 Sept. 27	Aug. 2 Sept. 26	Aug. 1 Sept. 25	Aug. 6 Sept. 30	Aug. 5 Sept. 29	Aug. 4 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							
Season Starts	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
1st Contest May Be Held	Fri. of Wk. 7 (16) Mon-Sat	Aug. 20 Oct. 18-23	Aug. 19 Oct. 17-22	Aug. 18 Oct. 16-21	Aug. 23 Oct. 21-26	Aug. 22 Oct. 20-25	Aug. 21 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							
Season Starts	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37 (44-45) Mon-Sat	Mar. 16 May 2-14	Mar. 15 May 1-13	Mar. 13 Apr. 29-May 11	Mar. 19 May 5-17	Mar. 16 May 4-15	Mar. 17 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							
Season Starts	Mon. of Wk. 17	Oct. 25	Oct. 24	Oct. 23	Oct. 28	Oct. 27	Oct. 26
1st Contest May Be Held	Wed. of Wk. 19 (31) Sat	Nov. 10 Feb. 5	Nov. 9 Feb. 4	Nov. 8 Feb. 3	Nov. 13 Feb. 8	Nov. 12 Feb. 7	Nov. 11 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							
Season Starts	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Feb. 25	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37 (44) Mon-Sat	Mar. 16 May 2-7	Mar. 15 May 1-8	Mar. 13 Apr. 29-May 4	Mar. 13 Apr. 29-May 4	Mar. 18 May 4-9	Mar. 17 May 3-8
Sectional	(45) Thurs-Sat	May 12-14	May 11-13	May 10-12	May 9-11	May 14-16	May 13-15
Regional							
State							
TRACK							
Season Starts	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37 (45) Wed-Sat	Mar. 16 May 11-14	Mar. 15 May 10-13	Mar. 13 May 8-11	Mar. 19 May 14-17	Mar. 18 May 13-16	Mar. 17 May 12-15
Sectional	(46) Fri-Sat	May 20-21	May 19-20	May 17-18	May 23-24	May 22-23	May 21-22
Regional							
State							
VOLLEYBALL							
Season Starts	Mon. of Wk. 6	Aug. 9	Aug. 8	Aug. 7	Aug. 6	Aug. 11	Aug. 10
1st Contest May Be Held	Wed. of Wk. 8 (18) Mon-Thurs	Aug. 25 Nov. 1-4	Aug. 24 Oct. 31-Nov. 3	Aug. 23 Oct. 30-Nov. 2	Aug. 28 Oct. 29-Nov. 1	Aug. 27 Nov. 3-6	Aug. 26 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							
Season Starts	Mon. of Wk. 20	Nov. 15	Nov. 14	Nov. 13	Nov. 18	Nov. 17	Nov. 16
1st Contest May Be Held	Wed. of Wk. 22 (33) Sat	Dec. 1 Feb. 19	Nov. 30 Feb. 18	Nov. 29 Feb. 17	Dec. 4 Feb. 22	Dec. 3 Feb. 21	Dec. 2 Feb. 20
Sectional	(35) Thurs-Sat	Mar. 3-5	Mar. 2-4	Feb. 29-Mar. 2	Mar. 6-8	Mar. 5-7	Mar. 4-6
Regional							
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	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 18	Mar. 17
Season Ends	Sat. of Wk. 45	May 14	May 13	May 11	May 17	May 16	May 15
BASKETBALL BOYS'							
Season Starts	Mon. of Wk. 19	Nov. 8	Nov. 7	Nov. 6	Nov. 11	Nov. 10	Nov. 9
1st Contest May Be Held	Wed. of Wk. 22	Dec. 1	Nov. 30	Nov. 29	Dec. 4	Dec. 3	Dec. 2
Season Ends	Sat. of Wk. 34	Feb. 26	Feb. 25	Feb. 24	Mar. 1	Feb. 28	Feb. 27
BASKETBALL GIRLS'							
Season Starts	Mon. of Wk. 18	Nov. 1	Oct. 31	Oct. 30	Nov. 4	Nov. 3	Nov. 2
1st Contest May Be Held	Wed. of Wk. 21	Nov. 24	Nov. 23	Nov. 22	Nov. 27	Nov. 26	Nov. 25
Season Ends	Sat. of Wk. 33	Feb. 19	Feb. 18	Feb. 17	Feb. 22	Feb. 21	Feb. 20
CHEERLEADING							
Season Starts	Mon. of Wk. 6	Aug. 9	Aug. 8	Aug. 7	Aug. 12	Aug. 11	Aug. 10
Season Ends	Sat. of Wk. 34	Feb. 26	Feb. 25	Feb. 24	Mar. 1	Feb. 28	Feb. 27
CROSS COUNTRY							
Season Starts	Mon. of Wk. 5	Aug. 2	Aug. 1	July 31	Aug. 5	Aug. 4	Aug. 3
1st Contest May Be Held	Wed. of Wk. 7	Aug. 18	Aug. 17	Aug. 16	Aug. 21	Aug. 20	Aug. 19
Season Ends	Tues. of Wk. 16	Oct. 19	Oct. 18	Oct. 17	Oct. 22	Oct. 21	Oct. 20
FOOTBALL							
Season Starts	Mon. of Wk. 6	Aug. 9	Aug. 8	Aug. 7	Aug. 12	Aug. 11	Aug. 10
1st Contest May Be Held	(9) Mon-Sat	Aug. 30-Sept. 4	Aug. 29-Sept. 3	Aug. 28-Sept. 2	Sept. 2-7	Sept. 1-6	Aug. 31-Sept. 5
Season Ends	(17) Sat	Oct. 30	Oct. 29	Oct. 28	Nov. 2	Nov. 1	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	Mon. of Wk. 6	Aug. 9	Aug. 8	Aug. 7	Aug. 12	Aug. 11	Aug. 10
1st Contest May Be Held	Mon. of Wk. 9	Aug. 30	Aug. 29	Aug. 28	Sept. 2	Sept. 1	Aug. 31
Season Ends	Sat. of Wk. 17	Oct. 30	Oct. 29	Oct. 28	Nov. 2	Nov. 1	Oct. 31
SOFTBALL							
Season Starts	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 18	Mar. 17
Season Ends	Sat. of Wk. 45	May 14	May 13	May 11	May 17	May 16	May 15
SWIMMING							
Season Starts	Mon. of Wk. 17	Oct. 25	Oct. 24	Oct. 23	Oct. 28	Oct. 27	Oct. 26
1st Contest May Be Held	Wed. of Wk. 19	Nov. 10	Nov. 9	Nov. 8	Nov. 13	Nov. 12	Nov. 11
Season Ends	Sat. of Wk. 32	Feb. 12	Feb. 11	Feb. 10	Feb. 15	Feb. 14	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	Mon. of Wk. 35	Feb. 28	Feb. 27	Feb. 26	Mar. 3	Mar. 2	Mar. 1
1st Contest May Be Held	Wed. of Wk. 37	Mar. 16	Mar. 15	Mar. 13	Mar. 19	Mar. 18	Mar. 17
Season Ends	Thurs. of Wk. 46	May 19	May 18	May 16	May 22	May 21	May 20
VOLLEYBALL							
Season Starts	Mon. of Wk. 7	Aug. 16	Aug. 15	Aug. 14	Aug. 19	Aug. 18	Aug. 17
1st Contest May Be Held	Wed. of Wk. 9	Sept. 1	Aug. 31	Aug. 30	Sept. 4	Sept. 3	Sept. 2
Season Ends	Sat. of Wk. 17	Oct. 30	Oct. 29	Oct. 28	Nov. 2	Nov. 1	Oct. 31
WRESTLING							
Season Starts	Mon. of Wk. 19	Nov. 8	Nov. 7	Nov. 6	Nov. 11	Nov. 10	Nov. 9
1st Contest May Be Held	Wed. of Wk. 22	Dec. 1	Nov. 30	Nov. 29	Dec. 4	Dec. 3	Dec. 2
Season Ends	Sat. of Wk. 33	Feb. 19	Feb. 18	Feb. 17	Feb. 22	Feb. 21	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	6/18-7/4	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 Marlinsville), 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 (Marlinsburg), 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. Stalnaker (Cairo), Secretary-Treasurer

1927-29

Leslie D. Moore (Spencer), President
E.Q. Swan (Huntington), Vice President
C.M. Stalnaker (Cairo), Secretary-Treasurer

1929-30

E.Q. Swan (Huntington), President
E.G. Kuhn (Farmington), Vice President
C.M. Stalnaker (Beckley), Secretary-Treasurer

1930-31

E.G. Kuhn (Farmington), President
I.E. Ewing (Wheeling), Vice President
C.M. Stalnaker (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. Speicher (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. Speicher (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. Eison (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. Bartrug (Marmet Junior High), Member
Henry Hamilton (Elkins), Member (1969)
Robert H. Kidd, State Department of Education (Charleston), Member
Harry A. Stansbury, State School Boards Assoc. (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 (Herndon), Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Orlan C. Fowler, State School Boards Assoc. (Clarksburg), Member

1972-73

Ray H. Watson (Wirt County), President
 Jackson L. Flanigan (Jefferson), Vice President
 Acie B. Stewart (Herndon), 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 (Herndon), 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 (Herndon), 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. Buttrely, 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 (Herndon), Member
 Robert L. Turner (Big Creek), Ex-Officio Member
 Robert H. Kidd, State Department of Education (Charleston), Member
 Carlton A. Buttrely, 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. Buttrely, 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. Buttrely, 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. Buttrely, State School Boards Assoc. (St. Marys), Member
 Paris Hume (Greenbrier East), Ex-Officio Member

1979-80

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 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
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1980-81

Sam Scolapio, Jr. (Washington Irving), President
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 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
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 Sam Scolapio, Jr. (Washington Irving), Member
 John J. Cole (Musseleman), 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 (Musseleman), Vice President
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 William F. Gainer (Hamilton Junior High), Member
 Vincent Paoletti (John Marshall), Member
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 Jimmy D. Morris, State School Boards Assoc. (Clay), Member
 Jackson L. Flanigan, WV Assoc. of School Adm. (Martinsburg), Member
 James O. Gore (Peterstown), 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 Gillispie (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 Gillispie (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 Gillispie (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 Gillispie (McKinley Junior High), President
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 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 Gillispie (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
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1991-92

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 Gerald Trembush (Moundsville Junior High) Member
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 Frank Aliveto (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
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 Frank Aliveto (Hedgesville), Member
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 Dr. N. Blaine Groves, State Department of Education (Martinsburg), Member
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1993-94

Jack Wiseman (Ripley), President
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 Jimmy Wyatt, (Tyler Consolidated), Member
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1996-97

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 Dr. Charles Wagoner, State Board of Education (Weston), Member
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1997-98

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1998-99

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1999-00

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 William Niday (Parkersburg), Member

2003-04

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 Ronald Spencer, State Board of Education (Smithburg), Member
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 Harold Erwin, Athletic Directors Association (Eleanor), Member
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2005-06

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 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

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2007-08

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 Ronald Spencer, State Board of Education (Smithburg), Member
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 Harold Erwin, Athletic Directors Association (Eleanor), Member
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 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
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 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
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 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

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 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
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2014-15

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2015-16

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2016-17

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 Vacant
 Vacant
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2018-19

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 Dr. James Wilson, WV State Board of Education (Glen Dale), Member
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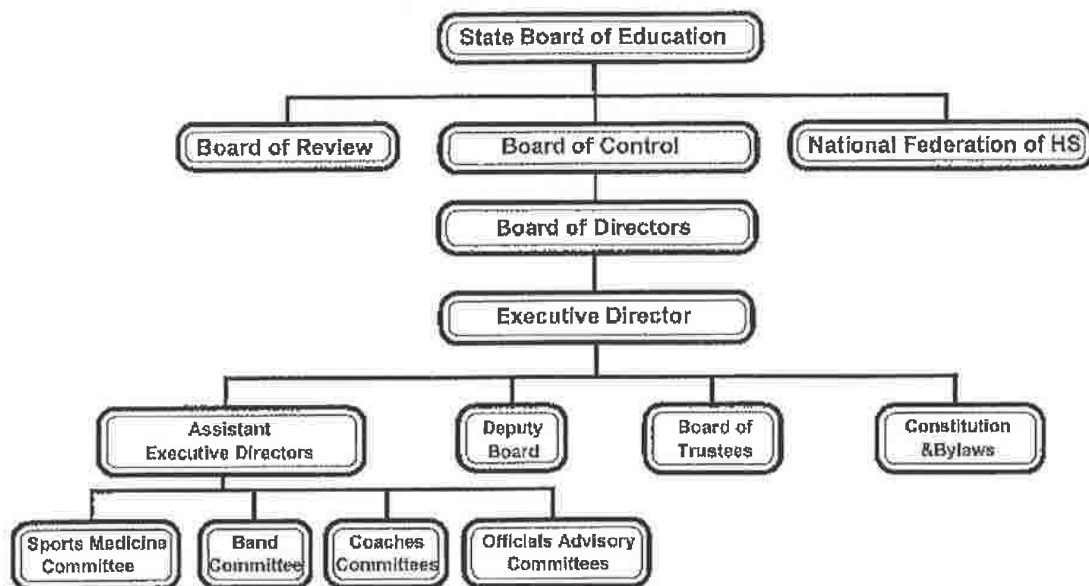
2019-20

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Craig Lee Loy (Valley F), Member
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Gregory Moore (South Harrison), Member
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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

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Gregory Moore (South Harrison), Vice President
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Jimmy Frasher (Ripley), Member
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Eddie Campbell, County Superintendents (Tucker Co.), Member
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Robert Dunlevy, WV State Superintendents Designee (Wheeling), Member

WVSSAC ORGANIZATIONAL CHART



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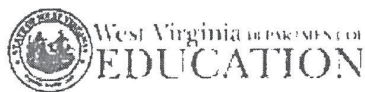
Sarah Stewart

From: Heather Hutchens
Sent: Monday, March 15, 2021 10:53 AM
To: Mary Catherine Tuckwiller; Sarah Stewart; Stephanie Abraham
Subject: RE: Transgender participation in secondary schools bill

It seems like much ado about nothing. I don't think any of it is necessary.

Heather L. Hutchens

General Counsel
Office of the State Auditor



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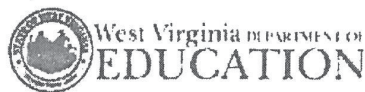
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Sent: Monday, March 15, 2021 10:31 AM
To: Sarah Stewart <sarah.a.stewart@k12.wv.us>; Heather Hutchens <hhutchens@k12.wv.us>; Stephanie Abraham <stephanie.abraham@k12.wv.us>
Subject: RE: Transgender participation in secondary schools bill

At line 65, they convolute gender and sex when the focus throughout the bill seems to be sex – I realize the issue is when someone is transitioning genders but there is no prior reference in the bill to gender or sex – and the question, I suppose, is how will this issue arise?

Also will every student athlete produce a birth certificate now, and then they will call any suspect birth certificates into question, or will they only request from those who assert a transition? It says birth certificate that doesn't appear to be original – a child who is adopted by a step-parent won't have their original birth certificate. I would think for equitable application purposes everyone might need to produce one. Who is making the judgment call on the veracity of the birth certificate and who is evaluating the evidence? SSAC or the high school or the county board? I looked up some similar legislation in other states and it seems to dictate the student must obtain medical exam/confirmation based on these factors:

<http://billstatus.ls.state.ms.us/documents/2021/html/SB/2500-2599/SB2536IN.htm>

Sarah Stewart
Government Affairs Counsel
Superintendent's Office



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From: Melissa White <Melissa.White@wvhouse.gov>
Sent: Monday, March 15, 2021 9:44 AM
To: Sarah Stewart <sarah.a.stewart@k12.wv.us>
Subject: FW: Transgender participation in secondary schools bill

[EXTERNAL SENDER]: Do not click links, open attachments or reply to this email unless you recognize the sender and know the content is safe.

Sarah,

Per our discussion.

Thank you,
Melissa

Melissa J. White
Chief Counsel
Committee on Education
West Virginia House of Delegates
Room 432M
1900 Kanawha Boulevard, East
Charleston, WV 25305

From: Melissa White
Sent: Thursday, March 11, 2021 9:53 AM
To: Bernie Dolan <bernie.dolan@wvssac.org>; Bernie Dolan <bdolan@k12.wv.us>
Subject: Transgender participation in secondary schools bill

Bernie,

Case 2:21-cv-00316 Document 289-41 Filed 04/21/22 Page 5 of 6 PageID #: 13969

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

Sarah Stewart

From: Melissa White <Melissa.White@wvhouse.gov>
Sent: Monday, March 15, 2021 9:44 AM
To: Sarah Stewart
Subject: FW: Transgender participation in secondary schools bill
Attachments: Transgender originating bill.docx

[EXTERNAL SENDER]: Do not click links, open attachments or reply to this email unless you recognize the sender and know the content is safe.

Sarah,

Per our discussion.

Thank you,
Melissa

Melissa J. White
Chief Counsel
Committee on Education
West Virginia House of Delegates
Room 432M
1900 Kanawha Boulevard, East
Charleston, WV 25305

From: Melissa White
Sent: Thursday, March 11, 2021 9:53 AM
To: Bernie Dolan <bernie.dolan@wvssac.org>; Bernie Dolan <bdolan@k12.wv.us>
Subject: Transgender participation in secondary schools bill

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

9. Unless otherwise noted, the agency has reviewed the technical sufficiency of the bill and finds as follows:
- a. All code sections in the body of the bill are in the title and enacting section. Yes
 - b. Bill title complies with Section 30, Article VI of the WV Constitution. Yes
 - c. All cross references and citations to federal and state law are correct. Yes
 - d. The numbering of sections, subsections, subdivisions, paragraphs, subparagraphs, clauses and any consecutive similar designation is correct. Yes
 - e. Dates, numbers, and punctuation are sufficiently plain and clear to ascertain what the law is and to give effect to it. Yes
 - f. Effective date of the bill and internal effective dates are not in conflict. Yes
 - g. No other technical errors were identified for which the agency would recommend a technical veto.
10. Agency Rule Making:
- a. Does the bill require a legislative rule? WVBE Policy
 - b. Does the agency currently have sufficient rule-making authority regarding the subject matter of the bill? n/a
 - c. Are emergency rules mandated? Permitted? Does the bill provide for emergency rule authorization status? If not, does the agency need emergency rule making authorization status? n/a
11. Identify whether the bill creates any new funds or accounts or mandates the agency to transfer or distribute monies from accounts under agency control: None
12. Describe any changes to fees, taxes, rates, or revenues: None
13. Agency comments (This may include whether the agency supports, opposes or is neutral about the bill. If the agency questions the constitutionality of the bill, if the bill conflicts with other provisions of state code or federal law, if the agency substantially disagrees with the public policy of the bill, or the agency will suffer undue hardship to make the bill effective, please explain)
14. Is a Governor's veto recommended? If yes, please explain. The WVDE does not support this bill.
15. Please identify whether any other state agency should also provide a bill review: HEPC
16. Preparer's name and title: Sarah Stewart, Government Affairs Counsel

Date: April 19, 2021



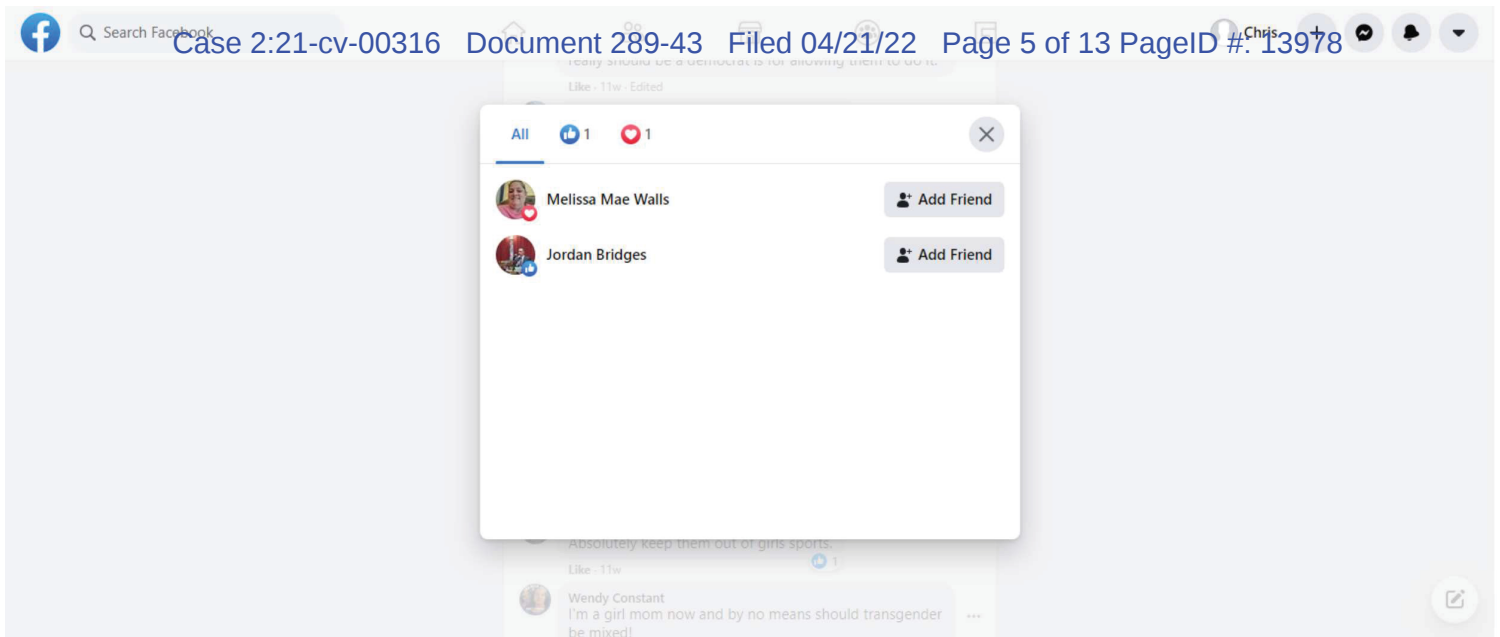
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User:	doj-chayes
Estimated post date	Tue, 16 Mar 2021 12:00:00 GMT
Post author	Jordan Bridges
Post reaction count	265
Post comment count	147

Facebook interface showing a post and its comments. The post is partially obscured by a grey box on the left. The comments are as follows:

- Danny Tomblin**: I'm going to tell my girl to hit them in nuts. (2 likes)
- Melissa Mae Walls**: Danny Tomblin exactly right. Then see how feminine they are. (1 like)
- Tim Casey**: Absolutely! Pass this bill! (1 like)
- Kenny Johnson**: Boys should compete with boys and girls with girls how has been and should stay that way. (3 likes)
- Kevin Moore**: Make me sick thinking about a boy going in the girls bath room please get that bill passed. (2 likes)
- Diana Setser**: Absolutely keep them out of girls sports. (1 like)
- Wendy Constant**: I'm a girl mom now and by no means should transgender be mixed!

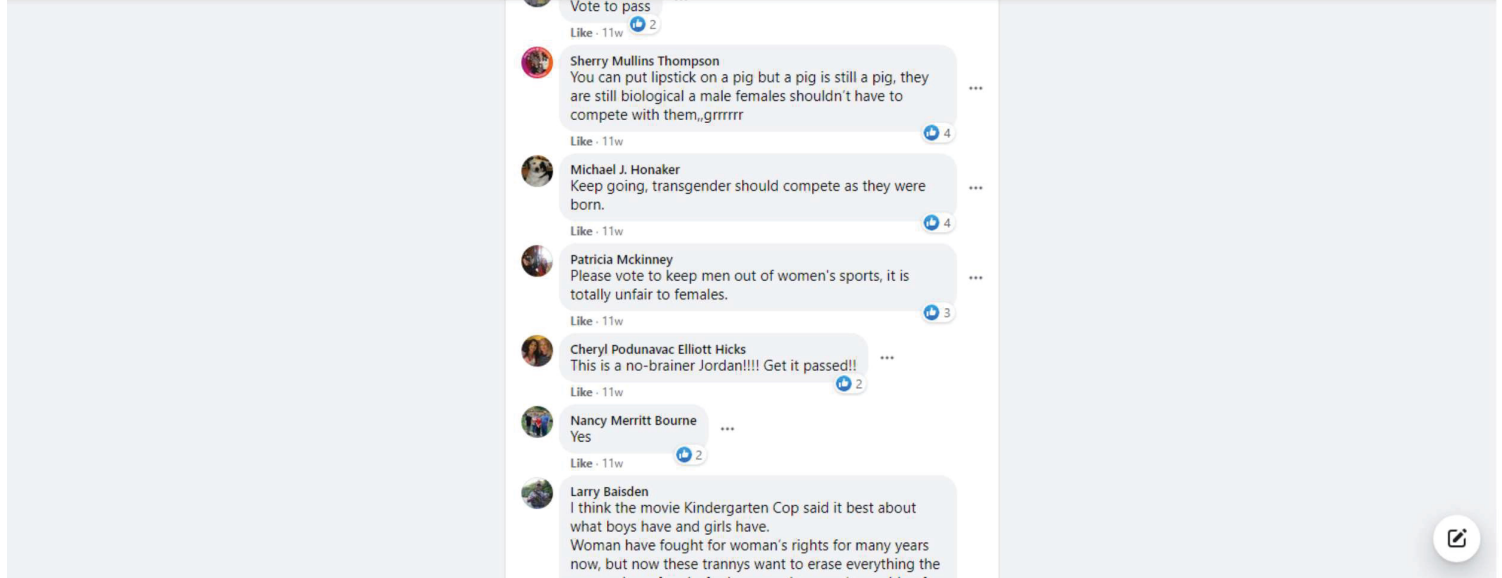


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Post author	Jordan Bridges
Post reaction count	265
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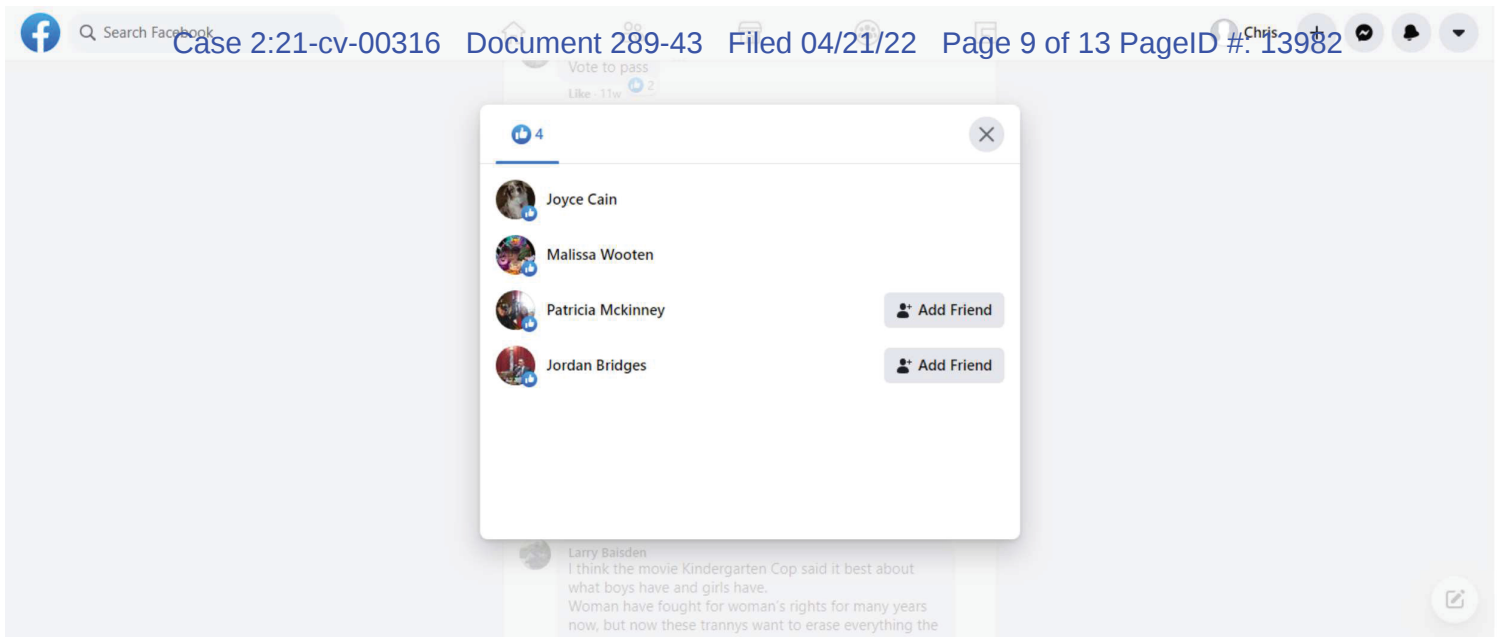


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Post author	Jordan Bridges
Post reaction count	265
Post comment count	147





Document title:	Facebook
Capture URL:	https://www.facebook.com/jordan.bridges.353/posts/3963151450395149
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Post reaction count	265
Post comment count	147





Document title: Facebook

Capture URL: <https://www.facebook.com/jordan.bridges.353/posts/3963151450395149>

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User: doj-chayes

Estimated post date: Tue, 16 Mar 2021 12:00:00 GMT

Post author: Jordan Bridges

Post reaction count: 265

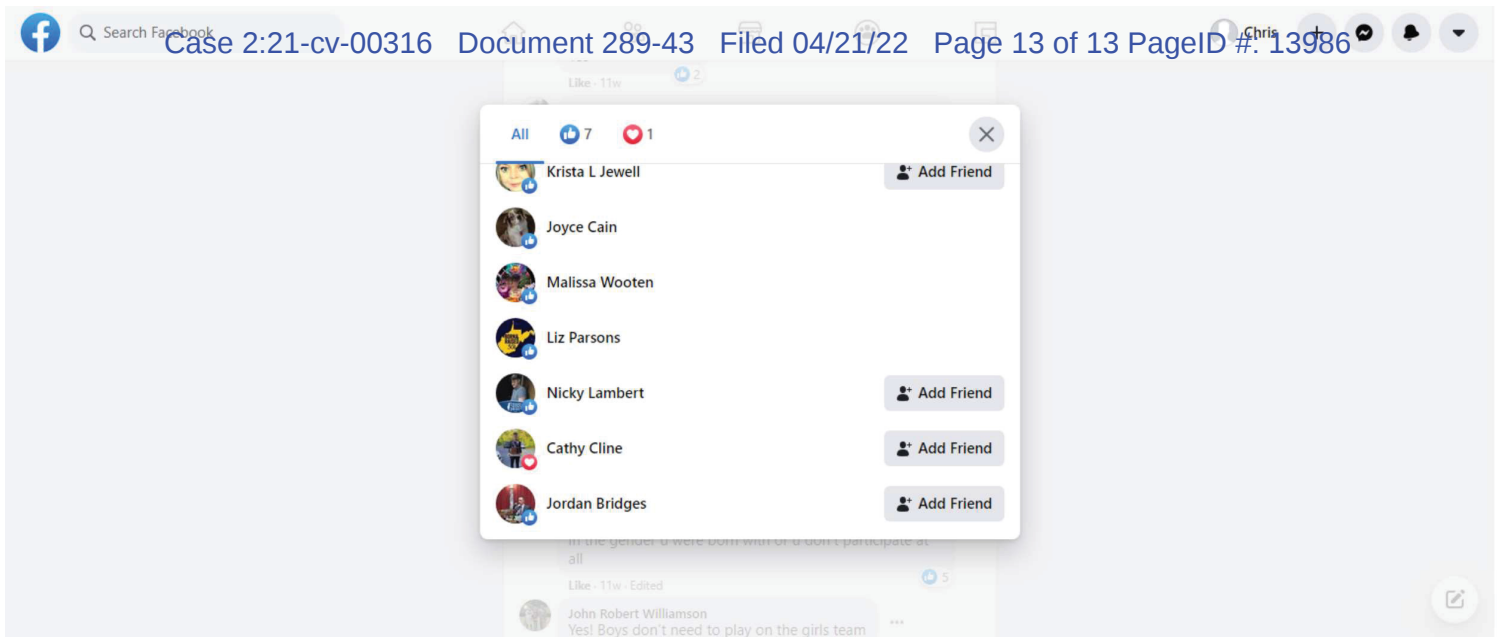
Post comment count: 147

The screenshot shows a Facebook post with four comments. The post is from 'Jordan Bridges' and is about 11 weeks old. The comments are as follows:

- Larry Baisden** (11w): I think the movie Kindergarten Cop said it best about what boys have and girls have. Woman have fought for woman's rights for many years now, but now these trannys want to erase everything the woman have fought for because they aren't capable of making the team they should be playing for. How about this, if they want equal rights then create a sports program just for them. For example: u will have boys basketball, girls basketball, and Tranny basketball. (8 likes)
- Timothy Lorene Light** (11w): Whatever you are born as should be what you participate in. There is only 2 genders. (5 likes)
- Wilma Adkins** (11w): Boys do not belong in a girls restroom n Vice versa if they want to be transgender then let them find transgender sport, if the transgender say male sports r to rough then to bad u don't participate, u only participate in the gender u were born with or u don't participate at all. (5 likes)
- John Robert Williamson** (11w - Edited): Yes! Boys don't need to play on the girls team.



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Capture timestamp (UTC): Fri, 04 Jun 2021 19:19:21 GMT

Estimated post date: Tue, 16 Mar 2021 12:00:00 GMT



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MSNBC @MSNBC

.@SRuhle asks WV Gov. Justice about signing a bill restricting transgender athletes.

Ruhle: "Can you give me one example of a transgender child trying to get an unfair advantage? Just one in your state, you signed a bill about it."

Justice: "No, I can't really tell you one."



7:07 AM · Apr 30, 2021 · Wildmoka

5,212 Retweets 1,961 Quote Tweets 19K Likes

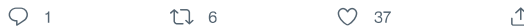


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Cheryl Gregory @clg0519 · Apr 30, 2021 nailed it



Thomas Jr. @ThomasJ11742717 · Apr 30, 2021 Replying to @MSNBC and @SRuhle One thing is normal in the GOP Suppression of people



erik forrest jackson @MrErikJackson · Apr 30, 2021 Replying to @MSNBC and @SRuhle I am LIVING for the incensed flick of the glasses at :49



David Lytle @davitydave · Apr 30, 2021 Can someone gif that please?



Molly @mememoreme · Apr 30, 2021

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Mom, Host of 11th I Stephanie Ruhle on weeknights 11PM E: Business Analyst, I numbers & even ple

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seems like a nerdy guy.

26 43 1,350

Molly @mememoreme · Apr 30, 2021
Also, I wouldn't want him anywhere near my daughter - as a coach or as a governor.

16 18 756

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Berks 🌍🇺🇸🇨🇦 @bshires1010 · Apr 30, 2021
Replying to @MSNBC and @SRuhle
That was great journalism at work. TY

12

RobbieRob @RobertW97616297 · Apr 30, 2021
Replying to @MSNBC and @SRuhle
I was told to or else!

GIF ALT

3

wolfonthehill @wolfonthehill · Apr 30, 2021
Replying to @MSNBC and @SRuhle
This is how questions should be framed. Well-done.

31

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4/19/22, 10:57 AM Case 2:21-cv-00316 Document 289-44 Filed 04/21/22 Page 4 of 4 PageID #: 13990



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NCAA.org



Board of Governors updates transgender participation policy
Policy will take effect immediately, and impacted athletes can regain eligibility later if approved by divisions
Media Center
Posted: 1/19/2022 8:41:00 PM

The NCAA Board of Governors on Wednesday voted in support of a sport-by-sport approach to transgender participation that preserves opportunity for transgender student-athletes while balancing fairness, inclusion and safety for all who compete. The new policy, effective immediately, aligns transgender student-athlete participation for college sports with [recent policy changes](#) from the United States Olympic and Paralympic Committee and International Olympic Committee.

Like the Olympics, the updated NCAA policy calls for transgender participation for each sport to be determined by the policy for the national governing body of that sport, subject to ongoing review and recommendation by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to the Board of Governors. If there is no NGB policy for a sport, that sport's international federation policy would be followed. If there is no international federation policy, previously established IOC policy criteria would be followed.

The Board of Governors urged the divisions to provide flexibility to allow for additional eligibility if a transgender student-athlete loses eligibility based on the policy change provided they meet the newly adopted standards.

4/19/22, 10:56 AM Case 2:21-cv-00316 Document 389-45 Filed 04/21/22 Page 3 of 3 PageID #: 13993

The policy is effective starting with the 2022 winter championships. Transgender student-athletes will need to document sport-specific testosterone levels beginning four weeks before their sport's championship selections. Starting with the 2022-23 academic year, transgender student-athletes will need documented levels at the beginning of their season and a second documentation six months after the first. They will also need documented testosterone levels four weeks before championship selections. Full implementation would begin with the 2023-24 academic year.

"We are steadfast in our support of transgender student-athletes and the fostering of fairness across college sports," said John DeGioia, chair of the board and Georgetown president. "It is important that NCAA member schools, conferences and college athletes compete in an inclusive, fair, safe and respectful environment and can move forward with a clear understanding of the new policy."

"Approximately 80% of U.S. Olympians are either current or former college athletes," said Mark Emmert, NCAA president. "This policy alignment provides consistency and further strengthens the relationship between college sports and the U.S. Olympics."

Additionally, the NCAA's Office of Inclusion and the Sport Science Institute released the [Gender Identity and Student-Athlete Participation Summit Final Report](#). The report assists ongoing membership efforts to support inclusion, fairness, and the mental and physical health of transgender and non-binary student-athletes in collegiate sport.

The Board of Governors met Wednesday in Indianapolis as part of the 2022 NCAA Convention. For more on key topics from the 2022 NCAA Convention, visit [ncaa.org/convention](https://www.ncaa.org/convention).

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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 STATEMENT OF
UNDISPUTED MATERIAL FACTS**

I. B.P.J. Is A Girl Who Is Transgender.

1. B.P.J. is an eleven-year-old girl who is also transgender. (Ex. 2¹ (Declaration of B.P.J.) ¶ 2; Ex. 12 (Deposition Transcript of B.P.J.) at 25:3-5, 25:11-14, 25:23-26:3; Ex. 13 (Deposition Transcript of Heather Jackson, Jan. 19) at 59:5-6; Ex. 15 (Deposition Transcript of Wesley Scott Pepper) at 46:16-20; Dkt. No. 252 (Stipulation of Uncontested Facts Agreed to by Harrison County Board of Education, County Superintendent Dora Stutler, and Plaintiff) (“County Stip.”) ¶ 1; Dkt. No. 270 (Stipulation of Uncontested Facts Agreed to by West Virginia State Board of Education, State Superintendent W. Clayton

¹ “Ex.” refers to an exhibit attached to the April 21, 2022, declaration of Loree Stark submitted in support of Plaintiff B.P.J.’s motion for summary judgment.

- Burch, and Plaintiff) (WVBOE Stip.) ¶ 1; Dkt. No. 158 (WVSSAC’s Answer to Plaintiff’s First Amended Complaint (“WVSSAC Ans.”) ¶¶ 1, 6, 30.) B.P.J. was designated male at birth and has a female gender identity. (Ex. 1-A (Declaration of Heather Jackson) at 1; Ex. 1-B at 2.)
2. B.P.J. is fiercely protected by her mother, Heather Jackson; unconditionally loved by her father, Wesley Pepper; and has the support of her older brothers and grandparents. (Ex. 1 ¶¶ 4, 22–23; Ex. 2 ¶ 5; Ex. 15 at 165:21-166:1, 185:5-16.)
 3. When B.P.J. was in third grade, she socially transitioned at school to living and presenting in accordance with her identity as a girl. (Ex. 1 ¶ 11; Ex. 12 at 39:6-39:24.) “Social transition” means allowing a transgender child to live and be socially recognized in accordance with their gender identity. (Ex. 22 (Declaration and Expert Report of Deanna Adkins, M.D.) ¶ 27.)
 4. B.P.J.’s elementary school and middle school have both acknowledged and respect that B.P.J.’s gender identity is female. (Dkt. No. 252 (County Stip.) ¶ 1.)
 5. When B.P.J. was in elementary school, her school created a gender support plan designed to help “account[]” for and “support[]” B.P.J.’s “authentic gender” at school. (Ex. 1-A at 1; Ex. 2 ¶ 6; Dkt. No. 252 (County Stip.) ¶ 1.)
 6. Under this plan, school staff were informed that B.P.J.’s authentic gender is female, and were instructed to refer to her with her female name and using female pronouns. (Ex. 1-A at 2–3.)
 7. Under the gender support plan, school staff were also informed on how to support B.P.J. if she faced problems from others at school because of her gender. (Ex. 1-A at 2–3.)
 8. B.P.J.’s middle school created a similar plan. (Ex. 1-B.)

9. Like the elementary school plan, B.P.J.’s middle school gender support plan confirmed that B.P.J.’s parents are aware of and supportive of her gender identity and that B.P.J. “is comfortable with others knowing her gender identity and transition,” and provided that “all teachers,” students, and multiple administrators and county staff would be made aware of her gender identity. (Ex. 1-B at 2.)
10. Under the elementary and middle school gender support plans, if anyone has questions about B.P.J.’s identity, teachers and staff should “[b]e open and honest” and respond, “[s]he is [B.P.J.]; and that makes her happy.” (Ex. 1-A at 2; Ex. 1-B at 3.)
11. B.P.J. feels supported by her school given its commitment to treating her as the girl she is. (Ex. 2 ¶ 6; Ex. 12 at 130:3-132:13.)
12. In 2019, B.P.J. was diagnosed with gender dysphoria by Dr. Gerald Montano, a pediatrician at the University of Pittsburgh Medical Center Children’s Hospital of Pittsburgh’s Gender and Sexuality Development Program. (Ex. 1 ¶ 13; Ex. 2 ¶ 7; Ex. 20 (Deposition Transcript of Gerald Montano, D.O.) at 93:17-19; Ex. 5 (State of West Virginia’s Response to Plaintiff’s Second Set of Requests for Admission) No. 5; Ex. 6 (Superintendent Dora Stutler’s Responses and Objections to Plaintiff’s Second Set of Requests for Admission) No. 5; Ex. 7 (Harrison County Board of Education’s Responses and Objections to Plaintiff’s Second Set of Requests for Admission) No. 5.)
13. On June 15, 2020, at the first signs of puberty—known as the “Tanner 2” stage of pubertal development—B.P.J. began receiving puberty delaying (or “blocking”) treatment, in accordance with the Endocrine Society’s clinical guidelines for treating gender dysphoria. (Ex. 1 ¶ 14.)

14. B.P.J. has been on puberty delaying treatment for nearly two years. (Ex. 1 ¶ 14; Ex. 2 ¶ 8; Ex. 20 at 115:22-116:4; Ex. 19 (Deposition Transcript of Kacie Kidd, M.D.) at 89:22-90:18.)
15. “Puberty blocking treatment works by pausing endogenous puberty at whatever stage it is at when the treatment begins.” (Ex. 22 ¶ 30.)
16. When administered to transgender girls at the beginning of the “Tanner 2” stage of sexual maturity, puberty-blocking medication prevents transgender girls from experiencing levels of circulating testosterone above what is typical for non-transgender girls and women. (Ex. 24 (Expert Report and Declaration of Joshua D. Safer, M.D., F.A.C.P., F.A.C.E.) ¶ 50; Ex. 25 (Rebuttal Expert Report and Declaration of Joshua D. Safer, M.D., F.A.C.P., F.A.C.E.) ¶ 17; Ex. 22 ¶ 31.)
17. As a result of receiving puberty-delaying medication at the beginning of the “Tanner 2” stage of pubertal development, B.P.J. has not gone through her endogenous puberty and has not experienced the effects of testosterone that would be typical if she underwent her full endogenous puberty. (Ex. 22 ¶¶ 30–31; Ex. 19 at 119:22-120:15.) Specifically, she has never experienced levels of circulating testosterone above what is typical for non-transgender girls and women. (Ex. 24 ¶ 50; Ex. 25 ¶ 17; Ex. 22 ¶ 31.)
18. If B.P.J. goes on to receive gender-affirming hormone therapy, she will receive the same amount of estrogen during puberty that non-transgender girls generate endogenously and will develop the same changes to bone size, skeletal structure, pelvis shape, fat distribution, and secondary sex characteristics that are typically experienced by non-transgender girls who go through a typically female puberty. (Ex. 25 ¶ 17; Ex. 22 ¶ 43.)

II. B.P.J.'s Wishes To Participate In And Experience The Benefits Of School Sports.

19. B.P.J. has always liked running and loves playing team sports. (Ex. 2 ¶¶ 3, 13; Ex. 12 at 65:2-4, 145:15-18, 67:21-68:6.)
20. While in elementary school, she enjoyed participating in a recreational cheerleading team with other girls. (Ex. 1 ¶¶ 16–18; Ex. 2 ¶¶ 9–11; Ex. 12 at 72:21-72:22.)
21. As someone who comes from a family of runners, B.P.J. also grew up running and watching her older brothers and mother run competitively and as part of a team. (Ex. 1 ¶ 20; Ex. 2 ¶ 13.)
22. School-sponsored athletics offer a range of educational and social benefits for children and young adults, including camaraderie, cooperation, leadership, teamwork, watching out for fellow players, trust, physical fitness, perseverance, sportsmanship, and discipline. (Dkt. No. 78 (State of West Virginia's Answer to Plaintiff's First Amendment Complaint) ("State Ans.") ¶ 38; Dkt. No. 131 (Lainey Armistead's Answer to Plaintiff's First Amended Complaint) ("Armistead Ans.") ¶ 38; Dkt. No. 156 (West Virginia State Board of Education's Answer to Plaintiff's First Amendment Complaint) ("WVBOE Ans.") ¶ 38; Dkt. No. 157 (Harrison County Board of Education's Answer to Plaintiff's First Amendment Complaint) ("County Ans.") ¶ 38; Dkt. No. 158 (WVSSAC Ans.) ¶ 38; Ex. 27 (Expert Report and Declaration of Mary D. Fry, Ph.D.) ¶¶ 18, 37; Ex. 16 (Deposition Transcript of Harrison County Board of Education 30(b)(6) Designees) at 106:22-106:24, 222:9-17; Ex. 8 (West Virginia State Board of Education's Responses to Plaintiff's Second Set of Requests for Admission) Nos. 45–47; Ex. 17 (Deposition Transcript of WVSSAC 30(b)(6) Designee) at 113:8-11; Ex. 21 (Deposition of Lainey Armistead) at 156:17-25; Dkt. No. 95-1 (Declaration of Lainey Armistead) ¶ 27; Ex. 11 (Lainey Armistead's

- Responses and Objections to Plaintiff's Second Set of Requests for Admission) Nos. 44–45.)
23. The benefits from school athletics can contribute to greater success in college and throughout life. (Ex. 27 ¶¶ 18, 37.)
 24. These benefits exist regardless of whether a student wins or loses. (Ex. 5 No. 47; Ex. 6 No. 47; Ex. 8 No. 47; Ex. 9 (State Superintendent W. Clayton Burch's Responses to Plaintiff's Second Set of Requests for Admission) No. 47; Ex. 10 (WVSSAC's Responses to Plaintiff's Second Set of Requests for Admission) No. 47; Ex. 11 No. 47; Ex. 27 ¶ 35.)
 25. These benefits are advanced when all athletes have the opportunity to play the sport they love. (Ex. 27 ¶ 18.)
 26. Encouraging student-athletes to focus on improving their own performance and cooperation with teammates maximizes the benefits of athletics for all participants. (Ex. 27 ¶¶ 28–30, 35.)
 27. Where coaches create an environment in which student-athletes feel safe, valued, and respected, performance is improved and the benefits of sport are maximized. (Ex. 27 ¶¶ 26, 34.)
 28. Excluding students for no other reason than because they are transgender eliminates the benefits of sports for them and diminishes those benefits for all participants. (Ex. 27 ¶¶ 37–41.)
 29. B.P.J. has experienced benefits from participating in cheerleading in the past and from participating in cross-country in the 2021-22 school year. (Ex. 1 ¶¶ 17–18, 28; Ex. 2 ¶¶ 10–11, 16–18.)

30. B.P.J. hopes to continue to experience such benefits from playing on girls' teams in the future. (Ex. 2 ¶ 21.)

III. Prior To H.B. 3293, West Virginia Had A Longstanding Policy Of Sex Separation In School Sport And Did Not Categorically Bar Transgender Students From Participating.

31. Before it passed H.B. 3293, West Virginia had a general, longstanding, and unchallenged policy establishing separate school sports teams for boys and girls. *See* W. Va. Code R. § 127.

32. Almost all sports in West Virginia at the public secondary school level are separated into boys' and girls' teams. (Ex. 17 109:24-110:4.) The exceptions are cheerleading, football, baseball, wrestling, and golf. (Ex. 10 Nos. 29–30; Ex. 17 at 109:24-110:4.)

33. Cheer teams are always designated as “coed” or “mixed,” whereas football, baseball, wrestling, and golf teams are boys' teams that permit girls to play if they so desire because no separate girls' teams exist, and so are considered “mixed . . . to respond to demand.” (Ex. 17 at 104:2-105:6.)

34. In practice, cheer “almost always has boy [and girl] members,” but baseball and football are “very seldom” actually mixed. (Ex. 17 at 104:17-20.)

35. There are no co-ed teams for cross-country or track at Bridgeport Middle School or at any other public secondary school in West Virginia. (Ex. 10 Nos. 30–31.)

36. Under rules established by the West Virginia Secondary School Activities Commission (“WVSSAC”)—which were already in existence when H.B. 3293 was enacted—cisgender boys are prohibited from playing on girls' teams at the public secondary school level. (Ex. 17 at 105:4-105:16; Ex. 39 (WVSSAC000148) at § 127-2-3.8; Ex. 7 Nos. 38–39; Ex. 8 Nos. 38–39; Ex. 10 Nos. 38–39; Ex. 11 Nos. 38–39.)

37. By contrast, girls may choose to play on a boys' team if they wish to do so and no girls' team exists, as is the case with football, baseball, wrestling, and golf. (Ex. 17 104:2-105:6.)
38. West Virginia did not have a law or policy prohibiting girls who are transgender from playing on girls' teams before it passed H.B. 3293.
39. Before H.B. 3293, the WVSSAC Board of Directors had an internal policy that allowed students who are transgender to participate on teams consistent with their gender identity if the transgender student's school allowed them to participate, based on its considerations of whether that specific student's participation would impact "fair competition among high school teams." (Ex. 37 (WVSSAC000008).) Under the internal policy, if another school contested the transgender student's eligibility to play, then the Board of Directors would determine whether the student's participation threatened "competitive equity or the safety of teammates and opposing players." (*Id.*)
40. The WVSSAC received no complaints about this internal policy, and the WVSSAC is not aware of any instances of a transgender student attempting to participate under this policy. (Ex. 17 at 118:23-119:16.)
41. Since 2011, the National College Athletics Association ("NCAA") has allowed women who are transgender to participate on women's teams after completing one year of testosterone suppression. (Ex. 24 ¶ 38.)
42. In 2022, the NCAA announced that it had revised its policy to adopt a "sport-by-sport approach" that "calls for transgender participation for each sport to be determined by the policy for the national governing body of that sport, subject to ongoing review and recommendation by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to the Board of Governors." (Ex. 24 ¶ 39.)

IV. H.B. 3293 Categorically Bans Transgender Girls And Women From Participating On Girls' And Women's Sports Teams.

43. On April 9, 2021, West Virginia passed H.B. 3293. W. Va. Code § 18-2-25d. H.B. 3293 went into effect 90 days later. *Id.*
44. H.B. 3293 categorically bans all girls who are transgender from participating in school sports from middle school through college. W. Va. Code § 18-2-25d.
45. H.B. 3293 requires that all public secondary school or college sports in West Virginia be “expressly designated” as either “males,” “females,” or “co-ed” based solely on a student’s “biological sex.” W. Va. Code §§ 18-2-25d(b), (c).
46. H.B. 3293 defines “[b]iological sex” as “an individual’s physical form as a male or female based solely on the individual’s reproductive biology and genetics at birth.” W. Va. Code § 18-2-25d(b)(1).
47. H.B. 3293 further provides that “[a]thletic teams or sports designated for females, women, or girls shall not be open to students of the male sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.” W. Va. Code § 18-2-25d(c)(2). There is no parallel provision for boys’ teams.
48. The legislative findings for H.B. 3293 reject the notion of allowing students to play on sports teams consistent with their “gender identity,” asserting that “gender identity is separate and distinct from biological sex” and that “[c]lassifications based on gender identity serve no legitimate relationship to the State of West Virginia’s interest in promoting equal athletic opportunities for the female sex.” W. Va. Code § 18-2-25d(a)(4).
49. H.B. 3293’s definition of “biological sex” categorically excludes B.P.J. and any other transgender girl from playing sports at the middle school, high school, and collegiate levels. (Ex. 5 Nos. 24 (admitting “that H.B. 3293 prohibits Plaintiff B.P.J. from participating on

girls' athletic teams at all public secondary schools located in West Virginia"), 36–37; Ex. 6 Nos. 36–37; Ex. 7 Nos. 20–22, 36–37; Ex. 8 Nos. 36–37; Ex. 9 Nos. 20–22, 36–37; Ex. 10 Nos. 36–37; Ex. 11 Nos. 36–37; Dkt. No. 252 (County Stip.) ¶ 2; Dkt. No. 270 (WVBOE Stip.) ¶ 2; Ex. 16 at 100:21-101:4; Ex. 17 at 113:16-20; Ex. 28 (Deposition Transcript of Mary D. Fry, Ph.D.) 180:18-20 (Q. [from Attorney David Tryon] Well, right now the rule is HB-3293, which says that [a] transgender girl must participate on the boys['] team..))

50. H.B. 3293 does not prohibit a cisgender girl at any public secondary school in West Virginia from joining a girls' athletic team. (Ex. 5 Nos. 34–35; Ex. 6 Nos. 34–35; Ex. 7 Nos. 34–35; Ex. 8 Nos. 34–35; Ex. 9 Nos. 34–35; Ex. 10 Nos. 34–35; Ex. 11 Nos. 34–35; Ex. 16 at 100:2-101:4; Ex. 18 (Deposition Transcript of State Board of Education 30(b)(6) Designee) at 124:11-25, 125:3-19.)
51. Melissa White, counsel for the House of Delegates Education Committee, referred to H.B. 3293 as a “[t]ransgender participation in secondary schools bill” (Ex. 40 (WVSBOE 000008).)
52. Melissa White also described the bill as a “[t]ransgender originating bill” (Ex. 40 (WVSBOE000039)) and a “bill regarding transgender participation in sports” (Ex. 40 (WVSBOE000009).)
53. During debates over the bill, when asked how H.B. 3293 would change the status quo in West Virginia, the counsel representing the bill replied that the bill “would affect those that changed their sex after birth” and further explained that H.B. 3293 “would not affect” a man who was assigned a male sex at birth. (Ex. 35 (West Virginia House of Delegates Education Committee Testimony, Mar. 18, 2021) at 9.)

54. A member of the West Virginia House of Delegates and Chairman of the Education Committee, Joe Ellington, described the “issue” that H.B. 3923 was designed to address as “two transgender girls” who “were allowed to compete in state track and field meetings in Connecticut.” (Dkt. No. 1-1 (Declaration of Loree Stark) Ex. D (West Virginia House of Delegates, Mar. 25, 2021) at 3; Dkt. No. 25 (Supplemental Declaration of Katelyn Kang) Ex. C at 37–38.)
55. During the debate in the Senate, one senator, Michael J. Maroney, expressly noted that “the bill” is “about transgenders.” (Dkt. No. 1-1 (Declaration of Loree Stark) Ex. E (West Virginia Senate, Apr. 8, 2021) at 2; Dkt. No. 25 (Supplemental Declaration of Katelyn Kang) Ex. F at 32.)
56. Another senator, Rollan Roberts, shared a constituent letter stating that the “trans movement is an attack upon womanhood.” (Dkt. No. 1-1 (Declaration of Loree Stark) Ex. E (West Virginia Senate, Apr. 8, 2021) at 3; Dkt. No. 25 (Supplemental Declaration of Katelyn Kang) Ex. F at 32.)
57. On March 16, 2021, Delegate Jordan Bridges announced on Facebook that he was co-sponsoring H.B. 3293 and then “liked” comments on his post that advocated for physical violence against girls who are transgender, compared girls who are transgender to pigs, and called girls who are transgender by a pejorative term (“tranny”). (Ex. 42 (Jordan Bridges, “Update: The bill passed out of committee,” Facebook, <https://perma.cc/HA5C-VJ4N> (March 16, 2021)).)
58. The sole justification for H.B. 3293 offered in the legislative text is “promot[ing] equal athletic opportunities for the female sex.” W. Va. Code § 18-2-25d(a)(5). The law discusses

equal athletic opportunities only in terms of the “substantial” displacement of female athletes. *Id.* § 18-2-25d(a)(3)-(4).

59. During the discovery period, the State identified additional rationalizations that it claims are advanced by H.B. 3293: (1) “[t]o [p]rotect [w]omen’s [s]ports,” (2) “[t]o follow Title IX,” and (3) “[t]o protect women’s safety in female athletic sports.” (Ex. 4 (State of West Virginia’s Responses to Plaintiff’s First Set of Interrogatories) No. 6.)
60. During a House committee hearing of the bill, Sarah Stewart from the West Virginia Department of Education testified that her office had never received any calls or complaints about transgender students participating in athletics. (Ex. 35 at 11.)
61. The bill’s sponsors also acknowledged that they were not aware of a single instance of a transgender athlete having ever competed on a secondary school or higher education sports team in West Virginia, let alone any “problem” from such participation. (Dkt. No. 1-1 (Declaration of Loree Stark) Ex. B (West Virginia House of Delegates Education Committee, Mar. 18, 2021) at 1–2, Ex. C (West Virginia House of Delegates Judiciary Committee, Mar. 18, 2021) at 1, Ex. D (West Virginia House of Delegates, Mar. 25, 2021) at 1.)
62. When Governor Justice was asked after signing the bill whether he could give “one example of a transgender child trying to get an unfair advantage,” he responded, “No, I can’t really tell you one.” Ex. 43 (MSNBC on Twitter, <https://twitter.com/MSNBC/status/1388132937707802629> [<https://perma.cc/G8VM-QGYU>] (April 30, 2021).) He further indicated that the issue purportedly addressed by H.B. 3293 was not a priority for him, stating, “I didn’t make it a priority. It wasn’t my bill. . . . This is not like it’s a big priority to me. . . . I think we only have 12 kids maybe in our state that are transgender-type kids. I

mean, for crying out loud . . . I sign hundreds of bills, hundreds of bills. This is not a priority to me.” (*Id.*)

63. Defendants were not aware of any transgender student athletes participating on an athletic team offered by a public secondary school in West Virginia when H.B. 3293 was passed. (Defendants’ Responses to Plaintiff’s Second Set of Requests for Admission Nos. 40–41.)
64. Defendants are not currently aware of a transgender student athlete other than B.P.J. participating on an athletic team offered by Bridgeport Middle School or any other public secondary school in West Virginia. (Ex. 5 Nos. 42–43; Ex. 6 Nos. 42–43; Ex. 7 Nos. 42–43; Ex. 8 Nos. 42–43; Ex. 9 Nos. 42–43; Ex. 10 Nos. 42–43; Ex. 11 Nos. 42–43; Ex. 17 at 119:13-16.)
65. WVSSAC has not received any complaints about transgender students participating in school sports in West Virginia. (Ex. 17 at 120:9-15.)
66. The West Virginia Department of Education’s General Counsel described H.B. 3293 as “much ado about nothing.” (Ex. 40 (WVSBOE000006).)
67. The West Virginia Department of Education did not support H.B. 3293 when it was passed. (Ex. 41 (WVSBOE000038).)
68. The State Board’s 30(b)(6) witness testified that the Board had “not had an issue” and “didn’t see an issue” regarding the participation of transgender girls in school sports, and that the Department of Education, State Board, and State Superintendent have never received any complaints regarding students who are transgender participating in school sports. (Ex. 18 at 67:3-10, 101:15-17, 102:12-13, 113:19-114:16, 125:24-126:2, 135:24-136:19).

69. The West Virginia Department of Education and the State Superintendent still do not support H.B. 3293. (Dkt. No. 270 (WVBOE Stip.) ¶ 5.)
- V. **H.B. 3293’s Exclusive Reliance On “Biological Sex” And Categorical Bar To The Participation Of Transgender Women And Girls Is A Stark Departure From The Inclusive Policies Of Major Sporting Associations.**
70. H.B. 3293 classifies school sports teams “according to biological sex” and defines “biological sex” as “an individual’s physical form as male or female based solely on the individual’s reproductive biology and genetics at birth.” W. Va. Code § 18-2-25d(a)(5), (b)(1).
71. Scientists recognize that a person’s sex encompasses different biological components, including sex chromosomes, certain genes, gonads, exposure to sex hormone, internal and external genitalia, and other secondary sex characteristics, which are not always aligned in the same direction. (Ex. 25 ¶¶ 5–6 (and sources cited therein)); Ex. 23 (Exhibit 4 to Deposition Transcript of Deanna Adkins, M.D. (Hembree WC, et al. Endocrine Treatment of Gender Dysphoria/Gender Incongruent Persons: An Endocrine Society Clinical Practice Guideline. *J Clin Endocrinol Metab* 2017; 102:3869-3903 (“Endocrine Society Guidelines 2017”) at 3875)).)
72. Although the precise biological causes of gender identity are unknown, gender identity itself has biological underpinnings, possibly as a result of variations in prenatal exposure to sex hormones, gene sequences, epigenetics, or a combination of factors. (Ex. 25 ¶ 6 (and sources cited therein); Ex. 23 (Endocrine Society Guidelines 2017 at 3874–75).)
73. H.B. 3293’s requirement that teams be separated “based solely on the individual’s reproductive biology and genetics at birth” is a stark departure from the prior policy in West Virginia and is not the rule used by elite sporting organizations.

74. The NCAA, World Athletics, and the International Olympic Committee (“IOC”) all permit transgender girls and women to compete in women’s sport events after suppressing their levels of testosterone for particular periods of time or below particular thresholds. (Dkt. No. 78 (State Ans.) ¶ 42; Dkt. No. 131 (Armistead Ans.) ¶ 42; Dkt. No. 156 (WVBOE Ans.) ¶ 42; Dkt. No. 157 (County Ans.) ¶ 42; Dkt. No. 158 (WVSSAC Ans.) ¶ 42; Ex. 24 ¶¶ 27–39.)
75. The NCAA’s policy is described above. *See supra* ¶¶ 41–42. The NCAA policy aims to “preserve[] opportunity for transgender-student athletes.” (Ex. 45 (NCAA, *Board of Governors updates transgender participation policy* (Jan. 19, 2022), <https://www.ncaa.org/news/2022/1/19/media-center-board-of-governors-updates-transgender-participation-policy.aspx>).
76. Since 2011, World Athletics, the international governing body for track-and-field athletics, has required that women with elevated levels of circulating testosterone lower their levels of testosterone below a threshold amount in order to compete in elite international women’s sports competitions. (Ex. 24 ¶ 27.)
77. In 2019, World Athletics adopted regulations allowing women who are transgender to participate in elite international women’s sports competitions if their total testosterone level in serum is beneath a particular threshold—5 nmol/L—for at least one year before competition. (Ex. 24 ¶ 29.)
78. The IOC published formal eligibility rules for the participation of transgender women in 2003. Those rules required that transgender women athletes could compete in women’s events only if they had genital surgery, a gonadectomy (*i.e.*, removal of the testes), and legal documentation of female sex. (Ex. 24 ¶ 31.)

79. In 2015, the IOC adopted new policies allowing women who are transgender to participate on women's teams if they demonstrated that their total testosterone level in serum was below 10 nmol/L for at least one year prior to competition. (Ex. 24 ¶ 33.)
80. In 2021, the IOC adopted a new "Framework on Fairness, Inclusion, and Non-Discrimination on the Basis of Gender Identity and Sex Variations," which replaces the 2015 guidance. (Ex. 24 ¶ 34.)
81. Unlike the IOC's 2003 and 2015 policies, the IOC's 2021 framework does not attempt to adopt a single set of eligibility standards for the participation of transgender athletes that would apply universally to every IOC sport. Instead, the 2021 framework provides a set of governing principles for sporting bodies to follow when adopting eligibility rules for their particular sport. (Ex. 24 ¶ 35.)
82. Under the 2021 framework, "[n]o athlete should be precluded from competing or excluded from competition on the exclusive ground of an unverified, alleged or perceived unfair competitive advantage due to their sex variations, physical appearance and/or transgender status." (Ex. 24 ¶ 36.) "Until evidence . . . determines otherwise, athletes should not be deemed to have an unfair or disproportionate competitive advantage due to their sex variations, physical appearance and/or transgender status." (Ex. 24 ¶ 36.)
83. The 2021 framework further provides that "[a]ny restrictions arising from eligibility criteria should be based on robust and peer reviewed research that: (a) demonstrates a consistent, unfair, disproportionate competitive advantage in performance and/or an unpreventable risk to the physical safety of other athletes; (b) is largely based on data collected from a demographic group that is consistent in gender and athletic engagement with the group that the eligibility criteria aim to regulate; and (c) demonstrates that such

disproportionate competitive advantage and/or unpreventable risk exists for the specific sport, discipline and event that the eligibility criteria aim to regulate.” (Ex. 24 ¶ 37.)

84. USA Swimming recently adopted a policy allowing girls and women who are transgender to apply to compete in elite events if they demonstrate that their “prior physical development . . . as mitigated by any medical intervention, does not give the athlete a competitive advantage over the athlete’s cisgender [f]emale competitors” and they “demonstrate[] that the concentration of testosterone in the athlete’s serum has been less than 5 nmol/L . . . continuously for a period of at least thirty-six (36) months before the date of the Application.” (Ex. 29 (Declaration of Gregory A. Brown, P.H.D., F.A.C.S.M.) ¶ 177.)
85. A person’s genetic makeup and internal and external reproductive anatomy are not useful indicators of athletic performance and have not been used in elite competition for decades. (Ex. 24 ¶ 49.)
86. Some people with 46,XY chromosomes may have inactive testosterone receptors (a syndrome called “complete androgen insensitivity syndrome, CAIS”) which means they do not respond to testosterone despite very high levels. (Ex. 24 ¶ 26(b).)
87. Usually, people with CAIS have female gender identity and have external genitalia that are typically female. They do not develop the physical characteristics associated with typical male puberty. (Ex. 24 ¶ 26(b).)
88. It has long been recognized that women with CAIS do not have an athletic advantage over other women simply by virtue of having XY chromosomes. (Ex. 24 ¶ 59.)
89. There is a medical consensus that the largest known biological cause of average differences in athletic performance between non-transgender men as a group and non-transgender

women as a group is circulating testosterone beginning with puberty. (Ex. 24 ¶ 25; Ex. 25 ¶ 8; Ex. 29 ¶ 114 (“While boys exhibit some performance advantage even before puberty, it is both true and well known to common experience that the male advantage increases rapidly, and becomes much larger, as boys undergo puberty and become men.”).)

90. Before puberty, boys and girls typically have the same levels of circulating testosterone, and age-grade competitive sports records show only modest differences in athletic performance between non-transgender boys and non-transgender girls. (Ex. 24 ¶¶ 24–25; Ex. 26 (Exhibit 4 to Deposition Transcript of Joshua D. Safer (Handelsman 2018 (“Age-grade competitive sports records show minimal or no female disadvantage prior to puberty[.]”))); Ex. 26 ¶ 114 (describing differences as “modest”).)
91. There have been no studies purporting to establish that any modest differences in athletic performance between pre-pubertal cisgender boys and pre-pubertal cisgender girls are attributable to innate physiology as opposed to social factors. (Ex. 30 (Deposition Transcript of Gregory A. Brown) at 94:19-23; Ex. 25 ¶ 9.)
92. H.B. 3293 does not provide for any consideration of circulating testosterone levels. W. Va. Code § 18-2-25d.

VI. H.B. 3293 Harms B.P.J.

93. Under H.B. 3293, B.P.J. is forbidden from playing on a girls’ team at Bridgeport Middle School, or on a girls’ athletic team at any public secondary school in West Virginia. (Ex. 5 Nos. 20-24; Ex. 6 Nos. 20-24; Ex. 7 Nos. 20-24; Ex. 8 Nos. 20-24; Ex. 9 Nos. 20-24; Ex. 10 Nos. 20-24; Ex. 11 Nos. 20-24; Dkt. No. 252 (County Stip.) ¶ 2; Dkt. No. 270 (WVBOE Stip.) ¶ 2.)

94. In May 2021, B.P.J.’s mother, Heather Jackson, met with B.P.J.’s new Principal at Bridgeport Middle School, David Mazza, regarding a gender support plan for B.P.J., which specified the ways the school would support B.P.J. as a girl. (Ex. 1 ¶ 23; Ex. 16 at 95:25-96:6).
95. At that same meeting, Ms. Jackson informed Principal Mazza that B.P.J. wanted to participate on the girls’ cross-country team. (Ex. 1 ¶ 24; Ex. 1-B at 5; Ex. 14 (Deposition Transcript of Heather Jackson (Jan. 20, 2022)) at 250:14-252:7; Ex. 16 at 220:2-16.) In response to Ms. Jackson’s statement, Principal Mazza communicated to Ms. Jackson that B.P.J. would not be able to run on the girls’ cross-country team because of H.B. 3293. (Ex. 1 ¶ 24; Ex. 12 at 129:21-130:2, 106:16-21, 107:3-11; Ex. 13 at 21:22-22:16; Ex. 14 at 250:8-251:12; Ex. 16 at 220:19-22; Dkt. No. 157 (County Ans.) ¶¶ 63–65.)
96. B.P.J. “just want[s] the opportunity to participate in school sports like any other girl.” (Ex. 2 ¶ 21.)
97. Forcing B.P.J. to run on the boys’ team would be stigmatizing, isolating, hurtful, and devastating for her. (Ex. 1 ¶¶ 30–31; Ex. 2 ¶¶ 14–16, 21.)
98. According to B.P.J., “[Being a girl] means—it means everything.” (Ex. 12 29:24-30:5.) “I am not a boy. I do not want to run with the boys when there is a girls’ team and I should not have to run with the boys when there is a girls’ team.” (Ex. 2 ¶ 15; *see also* Ex. 12 at 120:24-121:4.)
99. According to B.P.J., “[r]unning with the girls means a lot to me because I am a girl, and I should be treated like a girl, just like all my friends who are girls. If I did not get to participate in cross-country or track, I would have missed out on the opportunity to spend time with my friends and grow with a new team.” (Ex. 2 ¶ 16.) “It is so upsetting and

hurtful that some people want to take that chance away from me and treat me differently from everyone else just because I am transgender.” (Ex. 2 ¶ 21.)

100. According to B.P.J.’s mother, “[i]t is wrong and senseless to try to make [B.P.J.] participate on boys’ teams when there are girls’ teams available. Forcing B.P.J. to compete on the boys’ cross-country or track teams when girls’ teams are available would completely erase who she is, and it would devastate her because she is a girl.” (Ex. 1 ¶ 30.) “Forcing her to run with the boys is a clear sign to her and others that the state refuses to see her and accept her for the girl that she is.” (Ex. 1 ¶ 31.)

101. B.P.J. does not have the option of running on a co-ed team, as there is no co-ed cross-country or track team at Bridgeport Middle School or at any other public secondary school in West Virginia. (Ex. 10 Nos. 30–31.)

102. Preventing B.P.J. from playing sports with other girls will deprive B.P.J. of experiences of competition, friendship, and responsibility that come from participation in school sports. (Ex. 1 ¶¶ 28, 31; Ex. 2 ¶¶ 10–11, 14, 16–18.)

103. It is hurtful and frustrating for B.P.J. to be denied the opportunity to play on girls’ sports teams, and to be treated differently because she is transgender. (Ex. 2 ¶¶ 14, 21.)

104. Allowing Defendants to enforce H.B. 3293 against B.P.J. would send a signal to B.P.J. that her state refuses to see her for the girl that she is. (Ex. 1 ¶ 31.)

VII. B.P.J.’s Lawsuit Challenges Her Exclusion From Girls’ Sports Under H.B. 3293.

105. B.P.J. filed this lawsuit on May 26, 2021, arguing that H.B. 3293 as applied to her violates Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and the Equal Protection Clause of the United States Constitution. (Dkt. No. 1 (Complaint).)

106. B.P.J.'s Title IX claim is pleaded against the State of West Virginia, the State Board of Education, the County Board of Education, and the WVSSAC. (Dkt. No. 64 (First Amended Complaint) at 20.)
107. B.P.J.'s Equal Protection Clause claim is pleaded against State Superintendent W. Clayton Burch, County Superintendent Dora Stutler, and the WVSSAC. (Dkt. No. 64 (First Amended Complaint) at 22; Dkt. No. 127 (Order dismissing without prejudice B.P.J.'s equal protection claim against the Attorney General in his official capacity).)
108. The Harrison County Board of Education is the governing body of Harrison County's public education system. W. Va. Code § 18-5-1. The County Superintendent is responsible for executing educational policies under the direction of the State Board and County Board, including interscholastic athletics. W. Va. Code § 18-4-10.
109. "[A]bsent an injunction, the County Board and County Superintendent would be compelled and required to enforce H.B. 3293 against B.P.J." (Dkt. No. 252 (County Stip.) at ¶¶ 3-4.) The County Board and County Superintendent's role in enforcing the law is "mandatory, not merely optional." (Dkt. No. 73 (Harrison County Board of Education's Memo in Support of Motion to Dismiss First Amended Complaint) at 2, 6; *see also* Ex. 16 at 44:15-45:12, 145:1-145:5.)
110. "Absent an injunction by a court," the State Board and Superintendent Burch "would be compelled and required to follow H.B. 3293" and the State Board "would be compelled and required to promulgate rules implementing H.B. 3293." (Dkt. No. 270 (WVBOE Stip.) ¶¶ 3-4; *see also* Ex. 18 at 118:1-3.)

111. Without an injunction, the WVSSAC “cannot adopt or enforce any policy” allowing girls who are transgender to participate on girls’ sports teams that “conflicts with state law.” (Ex. 10 No. 50.)
112. The State Board is federally funded. (Dkt. No. 156 (WVBOE Ans.) ¶ 90; *see also* Ex. 18 at 39:19-40:3.)
113. The County Board is federally funded. (Dkt. No. 157 (County Ans.) ¶ 90; *see also* (Dkt. No. 252 (County Stip.) ¶ 8); Ex. 7 No. 66.)
114. The State Board has a duty to control, supervise, regulate, and/or enforce rules related to interscholastic athletic events in West Virginia. *See* W. Va. Code § 18-2-25; (Ex. 18 at 35:22-24.)
115. The County Board has a duty to control, supervise, regulate, and/or enforce rules related to interscholastic athletic events in West Virginia. *See* W. Va. Code §§ 18-2-25, 18-5-13; (Ex. 16 at 53:24-54:10.)
116. WVSSAC was given controlling authority over federally funded secondary school athletic programs by the State and County Boards. W. Va. Code § 18-2-25; (Ex. 39 (WVSSAC000133-38) (outlining the WVSSAC’s powers over secondary schools and their athletics)).
117. WVSSAC member schools must follow WVSSAC’s rules and regulations when “conducting interscholastic athletic[s]” (Ex. 39 (WVSSAC0000134)) and when determining whether a student is eligible to play secondary school sports. (Ex. 17 at 73:4-73:8.)

118. WVSSAC's Board of Directors has "the power to decide all cases of eligibility of students and participants in interscholastic athletic[s]." (Ex. 39 (WVSSAC000138); *see also* Ex. 17 at 61:25-62:13.)
119. WVSSAC's athletic handbook provides that it must comply with Title IX. (Ex. 38 (WVSSAC000017).)

VIII. This Court's Preliminary Injunction Allowed B.P.J. To Participate On Her School's Girls' Cross-Country And Track Teams, All Without Incident.

120. After this Court issued its preliminary injunction on July 21, 2021, B.P.J. was permitted to participate on Bridgeport Middle School's girls' cross-country team. (Ex. 5 No. 6; Ex. 6 No. 6; Ex. 7 No. 6; Ex. 8 No. 6; Ex. 9 No. 6; Ex. 10 No. 6; Ex. 11 No. 6.)
121. B.P.J. participated in the Mountain Hollar MS Invitational meet and the Doddridge Invitational meet while she was on the cross-country team. (Ex. 1 ¶ 27.)
122. In the Mountain Hollar Invitational, B.P.J. placed 51 out of 66 participants. (Ex. 1 ¶ 27; Ex. 33 (Mountain Hollar Invitational Stats).)
123. In the Doddridge Invitational meet, B.P.J. placed 123 out of 150 participants. (Ex. 1 ¶ 27; Ex. 34 (Doddridge Invitational Stats, HCBOE_1167-HCBOE_1168).)
124. According to B.P.J.: "My first cross-country season was awesome, and I felt supported by my coaches and the other girls on the team. I made so many new friends and loved competing with and supporting my teammates. We learned about teamwork, having a positive attitude, and how to have fun while being competitive." (Ex. 2 ¶ 18.)
125. In Spring 2022, B.P.J. tried out for, made, and began running on the girls' track team at Bridgeport Middle School. (Ex. 3 (Plaintiff's Second Set of Supplemental Responses and Objections to State of West Virginia's First Set of Interrogatories and Requests for Production) No. 9.)

126. B.P.J. was “ecstatic” to learn she qualified for the track team and “look[s] forward to many more years of running with [her] peers.” (Ex. 2 ¶¶ 20–21.)
127. There were no complaints associated with B.P.J.’s participation on Bridgeport Middle School’s girls’ cross-country team. (Dkt. No. 252 (County Stip.) ¶ 5; Ex. 5 No. 9; Ex. 6 No. 9; Ex. 7 No. 9; Ex. 8 No. 9; Ex. 9 No. 9; Ex. 10 No. 9; Ex. 11 No. 9.)
128. No student was cut from or otherwise not permitted to participate on the cross-country team as a result of B.P.J.’s participation. (Dkt. No. 252 (County Stip.) ¶ 6.)
129. Defendant-Intervenor could not identify “any specific fairness issue” related to B.P.J.’s participation in girls’ cross-country at her middle school. (Ex. 21 at 143:14-20.)
130. Defendant-Intervenor responded, “I don’t know,” when asked whether she “object[ed] to B.P.J. playing on the Bridgeport Middle School girls’ cross-country team.” (Ex. 21 170:13-170:22.)
131. Girls and women who are transgender have competed in a wide range of contact and collision sports in high school and college, including basketball, soccer, volleyball, softball, lacrosse, and women’s tackle football, without any reported injuries to cisgender girls. (Ex. 31 (Declaration of Dr. Chad T. Carlson, M.D., F.A.C.S.M.) at 1; Ex. 32 (Deposition Transcript of Dr. Chad T. Carlson) at 124:6-125:4, 154:12-156:16.)
132. There are significant variations in height, weight, and muscle mass within the population of cisgender girls, and within the population of cisgender boys, such that student athletes all the time play with or compete against students who are bigger, faster, and/or stronger than them, whether they are participating in single sex or co-ed teams. (Ex. 25 at 12 ¶ 27; Ex. 28 at 49:19-50:5, 51:18-22, 52:16-24, 189:13-19.)

133. Any safety considerations attendant to differences in height, weight, and muscle mass are already addressed in West Virginia secondary schools through even-handed rules and the use of proper equipment. (Ex. 16 at 164:3-14, 228:14-22.)
134. Any actual safety concerns attendant to girls who are transgender playing on girls' sports teams "can be addressed through even-handed rules instead of discriminating based on transgender status." (Ex. 25 at ¶ 4(d).)
135. Defendant-Intervenor could not identify any safety concern resulting from B.P.J.'s participation on her middle school girls' cross-country team. (Ex. 21 at 139:25-140:4, "Q: . . . What is the safety concern for middle school cross-country and B.P.J. participating on the girls' team? . . . THE WITNESS: I don't know.")
136. The State does not know of any middle school girl who was physically harmed by B.P.J.'s participation on the Bridgeport Middle School girls' cross-country team. (Ex. 5 No. 10.)

IX. Lainey Armistead Will Graduate West Virginia State University In May 2022.

137. Defendant-Intervenor Lainey Armistead will graduate from West Virginia State University in May 2022. (Ex. 22 at 67:21-25.)

Dated: April 21, 2022

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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

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 21st day of April, 2022, I electronically filed a true and exact copy of the ***Statement of Undisputed Material Facts*** with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark

Loree Stark
West Virginia Bar No. 12936