

August 12, 2024

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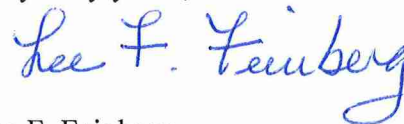
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[jwhayes@k12.wv.us](mailto:jwhayes@k12.wv.us)  
Tim George, Athletic Director  
Spring Valley High School

**Re: Order of August 12, 2024**

Enclosed is a Final Order in the classification cases which I have entered this day.

Very truly yours,



Lee F. Feinberg  
Chairman, Board of Review

Enclosures

## WVSSAC BOARD OF REVIEW

**RE: Frankfort High School  
John Marshall High School  
Oak Hill High School  
Petersburg High School  
Preston High School  
Saint Albans High School  
St. Mary's High School  
Sissonville High School  
Spring Valley High School  
Tyler Consolidated High School  
Wayne High School**

### ORDER

#### EXECUTIVE SUMMARY

This Order arises out of 11 separate appeals from the above-identified schools which were consolidated for decision. The Board of Review (“BOR”) agrees with the appellant schools that the Board of Directors (“BOD”) erred in failing to grant individual waivers to the schools pursuant to Section 127-3-10.7 of the Classification Rule of Series 3 (Provisions Governing Contests). The eleven appellants should be reclassified for the 2024 football season as explained in this decision. In addition, the BOR remands these eleven cases to the Board of Directors for further investigation and deliberations on (i) the entire reclassification model scores, its inconsistencies and lack of transparency and (ii) the proper classification of all schools for all applicable sports for 2024-2027 and football for 2025-2027.

#### FACTS AND PROCEDURAL HISTORY

The facts are straightforward. The SSAC revealed the classification scores and assignment of class members within each of the four classes. Thereafter, the appellant schools claimed lack of competitive balance and inconsistencies in their own scores, requested investigation and

explanation of those scores and sought waivers pursuant to Section 127-3-10.7. All were summarily denied by the BOD without sufficient explanation. The appellants filed their first appeals to the BOR (nine of the eleven appeals were heard in April 2024). The BOR noted the inconsistency issues and the lack of competitive balance, and remanded the cases to the BOD for reconsideration and explanation of why and how the so-called “cut lines” dividing the four classes were established. The Appellant schools were again summarily denied. As to cut lines, the only response was “this was how we always do it.” From these adverse second decisions, the schools have appealed to the BOR for a second time.

### DISCUSSION

Section 127-3-10.7 states:

“The WVSSAC Board of Directors is authorized to grant a waiver to a classification assignment when it determines the rule fails to accomplish the purpose for which it is intended.”

The purpose of the classification Rule is to provide for a competitive balance among and within each of the four classes. By unanimous vote, the BOR holds that for football competitive balance has not been achieved for the eleven appellant schools. In addition, for football the lack of competitive balance causes the BOR substantial concern regarding player safety, particularly for concussions, for the student athletes of undermanned teams. Accordingly, the waivers for each school should have been granted by the BOD.

Within class AAAA, there was an obvious cut line at the 6.5 points differential between the 16<sup>th</sup> and 17<sup>th</sup> listed schools. The 6.5 points between 16<sup>th</sup> and 17<sup>th</sup> was the largest differential among all schools of all classes. In fact, the Executive Director and assistant directors recommended that the cut line for AAAA be after the 16<sup>th</sup> listed team. The BOR agrees with the

Executive Director's recommendation. The nine schools below 16<sup>th</sup> are smaller enrollments, typically have considerably fewer players on their football teams and generally have had inferior records in football to the first 16 listed schools.

The BOR remanded the eleven cases to the BOD for explanation of the cut lines for each class, however, there was no response provided. During one hearing, a member of the BOD opined that this was just the way it was always done. The BOR has opted for competitive balance and player safety, not business as usual.

Appellants Preston High School, John Marshall High School, Oak Hill High School, Spring Valley High School and Saint Albans High School are among the nine AAAA schools who were not placed within a competitively balanced classification and the waiver requests should have been granted because the classification rule failed to accomplish the purpose for which it was intended. These schools should be assigned to class AAA.

Similarly, the other appellant schools should have had their waiver requests granted by the BOD because competitive balance was not achieved and, therefore, the classification rule failed to accomplish the purpose for which it was intended. Sissonville High School, Wayne High School and Frankfort High School should be assigned to class AA and St. Mary's High School, Tyler Consolidated High School and Petersburg High School should be assigned to class A.

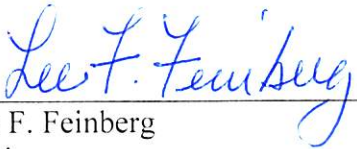
Because the eleven waivers should have been granted, there is an impact on other schools in the classes. For that reason, the BOR has revised the membership of the four classes to follow as nearly as possible the cut lines previously proposed by the Executive Director and assistants but which the BOD rejected. Additionally, these cut lines maintain the WVSSAC tradition of attempting to balance the number of football playing schools in each class except AAAA. That revised classification for 2024 football is attached. The BOR notes that pursuant to Section 127-

3-10.3, a school may choose to compete in any class above its classification if proper notification to the WVSSAC is made.

**REMAND**

The BOR recognizes that Rule 127-3-10 vests the classification process initially in the BOD with assistance from the Executive Director. But the decision is subject to the waiver provisions of Section 127-3-10.7 and to review by the BOR. The BOR believes it is preferable to have the BOD make decisions on the appropriate cut lines. However, the 2024 football season is upon us and the BOR is concerned about the injury risk for which there is ample evidence by making undermanned football programs compete against larger schools. Therefore, the BOR believes the wiser course of action is to grant the waivers (and the resulting revisions to the class membership) for the 2024 football season only and remand the eleven cases to the BOD for further consideration of the requests for waivers and to include further investigation and deliberations on the entire classification model scores and proper classification for all schools for all sports for 2024-2027 and football for 2025-2027.<sup>1</sup>

Entered: August 12, 2024

  
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Lee F. Feinberg  
Chairman  
WVSSAC Board of Review

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<sup>1</sup> This decision is based solely on the competitive balance issue. However, the BOR notes that the scoring methodology on location and economics leads to illogical results and the BOD should investigate those inconsistencies and seek some more logical results.

School	Weights			Total Score	Class
	80	10	10		
	Enrollment Score	Location Score	Economic Score		
Morgantown High School	1.00	0.99	0.47	94.6	AAAA
Musselman High School	0.98	0.86	0.77	94.3	AAAA
Huntington High School	0.96	0.94	0.26	88.7	AAAA
Cabell Midland High School	0.95	0.77	0.39	87.3	AAAA
Spring Mills High School	0.85	0.90	0.74	84.4	AAAA
Parkersburg High School	0.86	0.98	0.40	82.3	AAAA
Martinsburg High School	0.80	0.99	0.58	80.0	AAAA
Wheeling Park High School	0.82	0.93	0.38	78.6	AAAA
Jefferson High School	0.76	0.84	0.89	78.3	AAAA
Hedgesville High School	0.77	0.92	0.70	77.8	AAAA
Washington High School	0.76	0.76	0.85	76.7	AAAA
Parkersburg South High School	0.76	0.97	0.46	74.9	AAAA
University High School	0.75	0.92	0.43	73.7	AAAA
Hurricane High School	0.67	0.82	0.74	69.3	AAAA
George Washington High School	0.66	0.97	0.62	68.3	AAAA
Woodrow Wilson High School	0.69	0.97	0.27	67.8	AAAA
Riverside High School	0.62	0.82	0.35	61.3	AAA
Breston High School	0.61	0.70	0.52	61.2	AAA
John Marshall High School	0.60	0.83	0.45	61.0	AAA
Oak Hill High School	0.60	0.79	0.33	58.8	AAA
Capital High School	0.58	0.94	0.31	58.8	AAA
Buckhannon Upshur High School	0.61	0.47	0.35	57.2	AAA
Spring Valley High School	0.54	0.92	0.42	56.4	AAA
Saint Albans High School	0.50	1.00	0.42	54.4	AAA
South Charleston High School	0.51	0.97	0.38	54.1	AAA
Bridgeport High School	0.45	0.92	0.71	52.4	AAA
Winfield High School	0.43	0.82	0.87	51.4	AAA
Brooke High School	0.46	0.92	0.50	51.0	AAA
Greenbrier East High School	0.55	0.32	0.35	51.0	AAA
Princeton Senior High School	0.53	0.50	0.37	50.9	AAA
Nitro High School	0.44	0.95	0.48	49.3	AAA
Fairmont Senior High School	0.42	0.99	0.50	48.8	AAA
Herbert Hoover High School	0.43	0.83	0.49	47.5	AAA
Shady Spring High School	0.43	0.89	0.33	46.5	AAA
Lincoln County High School	0.46	0.65	0.34	46.4	AAA
Hampshire Senior High School	0.44	0.60	0.44	45.9	AAA
Robert C. Byrd High School	0.40	0.97	0.35	45.0	AAA
Wiley High School	0.43	0.54	0.51	44.8	AAA
East Fairmont High School	0.37	0.94	0.56	44.8	AAA

North Marion High School	0.39	0.87	0.44	44.3	AAA
Lewis County High School	0.40	0.65	0.37	42.0	AAA
Wafford High School	0.36	0.74	0.46	41.0	AAA
Keyser High School	0.36	0.68	0.43	40.0	AAA
Point Pleasant Junior/Senior High School	0.39	0.42	0.39	39.6	AAA
Elkins High School	0.41	0.19	0.41	38.8	AAA
Weir High School	0.31	0.97	0.42	38.7	AAA
Berkeley Springs High School	0.33	0.67	0.57	38.6	AAA
Sissonville High School	0.32	0.86	0.42	38.0	AA
Nicholas County High School	0.38	0.38	0.34	37.5	AA
Wayne High School	0.31	0.80	0.43	37.3	AA
Independence High School	0.32	0.89	0.23	36.9	AA
Frankfort High School	0.26	0.89	0.72	36.7	AA
Pikeview High School	0.33	0.59	0.39	36.3	AA
Lincoln High School	0.29	0.88	0.44	36.1	AA
Chapmanville Regional High School	0.36	0.42	0.23	35.4	AA
Philip Barbour High School Complex	0.32	0.61	0.31	34.8	AA
Oak Glen High School	0.27	0.85	0.44	34.4	AA
Bluefield High School	0.35	0.35	0.30	34.1	AA
Scott High School	0.30	0.61	0.30	33.3	AA
Liberty (Harrison) High School	0.25	0.94	0.34	32.8	AA
Wheeling Central	0.16	1.00	0.95	32.3	AA
Poca High School	0.23	0.91	0.39	31.7	AA
Williamstown High School	0.19	0.98	0.61	31.3	AA
Westside High School	0.30	0.46	0.23	31.1	AA
Liberty (Raleigh) High School	0.25	0.81	0.27	30.7	AA
Roane County High School	0.28	0.40	0.30	29.5	AA
James Monroe High School	0.26	0.43	0.43	29.3	AA
Buffalo High School	0.20	0.69	0.61	29.2	AA
South Harrison High School	0.19	0.86	0.52	29.1	AA
Clay County High School	0.29	0.36	0.22	29.0	AA
Moorefield High School	0.27	0.36	0.37	28.6	AA
Logan High School	0.30	0.26	0.20	28.6	AA
Wyoming County East High School	0.24	0.62	0.25	28.3	AA
Ravenswood High School	0.22	0.62	0.42	28.0	AA
Mingo Central Comprehensive High School	0.34	0.02	0.06	27.6	AA
Braxton County High School	0.27	0.27	0.28	27.5	AA
Midland Trail High School	0.21	0.62	0.37	27.0	AA
Charleston Catholic	0.10	1.00	0.89	27.0	AA
Doddridge County High School	0.18	0.65	0.48	26.0	AA
St. Marys High School	0.16	0.74	0.54	25.5	A
Wetzel County High School	0.21	0.68	0.21	25.3	A
Tyler Consolidated High School	0.20	0.45	0.48	25.1	A.



Ritchie County High School	0.19	0.60	0.34	24.4	A
Petersburg High School	0.22	0.24	0.44	24.3	A
Wirt County High School	0.15	0.73	0.41	23.6	A
Sherman High School	0.17	0.66	0.30	23.6	A
Madonna	0.05	0.97	0.95	23.3	A
Greenbrier West High School	0.21	0.41	0.23	23.2	A
Trinity	0.05	0.96	0.91	22.8	A
Notre Dame	0.03	0.99	1.00	22.6	A
Magnolia High School	0.16	0.53	0.40	22.3	A
Tolsia High School	0.18	0.46	0.28	22.2	A
Wood County Christian	0.04	0.98	0.93	22.0	A
Parkersburg Catholic	0.03	0.96	0.93	21.3	A
Huntington St. Joseph	0.05	0.99	0.67	20.6	A
Wahama High School	0.14	0.51	0.43	20.4	A
Pendleton County Middle/High School	0.14	0.48	0.41	19.9	A
Cameron High School	0.10	0.70	0.50	19.6	A
Man Senior High School	0.18	0.28	0.20	19.2	A
Tucker County High School	0.16	0.21	0.46	19.2	A
Richwood High School	0.17	0.25	0.26	18.9	A
Clay-Battelle High School	0.10	0.71	0.34	18.6	A
East Hardy High School	0.11	0.44	0.41	17.6	A
River View High School	0.21	0.05	0.00	17.3	A
Hannan High School	0.08	0.69	0.38	17.2	A
Webster County High School	0.18	0.06	0.18	17.1	A
Mount View High School	0.17	0.31	0.00	17.1	A
Greater Beckley	0.02	0.94	0.56	16.6	A
Pocahontas County High School	0.16	0.09	0.33	16.6	A
Tug Valley High School	0.18	0.15	0.06	16.4	A
Calhoun Middle/High School	0.14	0.24	0.20	15.6	A
Valley High School (W)	0.07	0.52	0.43	15.2	A
Gilmer County High School	0.13	0.23	0.25	15.1	A
Meadow Bridge High	0.07	0.62	0.33	15.0	A
Montcalm High School	0.10	0.32	0.28	14.0	A
Hundred High School	0.04	0.65	0.41	13.6	A
Tygarts Valley Middle/High School	0.13	0.00	0.34	13.5	A
WV School for the Blind	0.01	0.65	0.62	13.4	A
WV School for the Deaf	0.01	0.65	0.62	13.4	A
Paden City High School	0.05	0.49	0.42	13.4	A
Paw Paw High School	0.02	0.66	0.37	12.2	A
Van Junior/Senior High School	0.05	0.44	0.25	10.7	A
Union Educational Complex	0.03	0.43	0.35	10.3	A
Orman High School	0.01	0.00	0.41	5.2	A
Pickens Elementary/High School	0.00	0.07	0.33	3.9	A