



(click.cfm?adid=EADA0A79EF097EA024050C03EFB45F25)

From the Bench: Attorney in WVSSAC Reclassification Court Case Gives Thoughts on It and Future Moves

By Jeff Toquinto (profile.cfm?user=5071ABBA45C94CE59BC59D2A6E16983C) on September 08, 2024 from Sports Blog (connect.cfm?section=Sports-Blog)

For the most part, reclassification in high school sports in West Virginia appears to be settled. Before delving into a recent topic that several have asked about and yours truly has thought from what the last reclassification piece may be, a few reminders.

Like the previous blog on reclassification, the main (with emphasis on main) issue with the past reclassification decisions made by the Review Board of the WVSSAC – and not the WVSSAC itself – is the timing. It stunk when I wrote about it two weeks ago, it stinks today.

It was never about what schools moved down. Administrators, athletic directors, and coaches should look out for their school regardless of timelines involved – period. That said, here we go for the latest thing and some interesting takes by an attorney that may mean things are not over on a matter that potentially impacts every school in the state.

Followers of high school sports in general, and those who follow football in particular, may be aware the most recent classification move in West Virginia took place August 30. That was well past the period when the WVSSAC Review Board moved down – in two separate moves – 22 schools a classification in football.

It was a little more than a week ago when Judge Timothy L. Sweeney of the Third Judicial Circuit Court in West Virginia, which presides over Ritchie, Doddridge, and Pleasants counties, ruled in a case brought forth by Doddridge County High School and represented by Robert R. “Bob” Kuenzel of Kuenzel Law, PLLC.

Those at DCHS did what they felt was best for their school. And they took the matter to court.

Kuenzel, who had brought cases to court in matters against the WVSSAC before, had only represented the student-athletes in past cases. This time, he represented the Bulldogs and, in particular, the football program.

Doddridge, Class AA before the hearing, was among several schools in the state that saw several of its foes in football go down in classification from ‘AA’ to ‘A’ after crafting a schedule it believed best to advance itself for a chance at the postseason and the possibility of hosting in the postseason.

As for the case itself, it was enlightening listening to Kuenzel, whose firm is based out of Chapmanville, explain the main matter that eventually saw Judge Sweeney grant a preliminary injunction in favor of DCHS (in football only) for this year.



Doddridge's case, said Kuenzel, was a little different than the other 22 schools that moved down. Like many others, Doddridge challenged the reclassification when it was originally announced by the WVSSAC. Those at the West Union school then filed the necessary waivers and challenges along the after the new four-class system was announced in several sports in December of 2023.

In calendar year 2024, the challenges began. Initially, the Review Board of the WVSSAC (again, not the folks doing day-to-day work in Parkersburg) sent 11 schools down a class. Then, a short while later, they sent 11 more.

Doddridge was not in the mix on either occasion. What made Doddridge's case interesting, according to Kuenzel, is that they appear to be the only school whose waiver request was not acted upon.



“(Doddridge County) filed a second waiver and the WVSSAC did not do anything,” said Kuenzel. “We were able to show to Judge Sweeney and prove to Judge Sweeney that Doddridge County’s due process rights were violated. That happened as a result of the WVSSAC granting reclassification to 11 additional schools but failed to reconsider our revised waiver request.

“Their failure to respond was a violation to the due process protections,” he continued. “The code requires they provide a review for these cases.”

Kuenzel, without me knowing, answered the first question I had in the comment above. Did he believe that other schools could take their case to court and move down – even as the season is underway – and compete in a lower class?

His thought was no. The reason? Doddridge’s case included the “failure to respond” that he said was required, thus leading to the injunction. He said it appears Doddridge is the only school initially challenging the reclassification that had this happen.

While that was the issue Kuenzel pointed out, he talked about other issues as well. Perhaps the most troubling is the matrix used to determine classification. He said Doddridge County was able to show the calculations were flawed – and for more than just one school.

I would imagine, and this is just speculation, that if those flows were shown in this case and the WVSSAC, the Review Board of the WVSSAC, or any other entity involved has looked at it, that there are potentially more changes coming in the next school calendar year.

But could there be more classification changes this year? Could Bridgeport and every other school see changes in the schedules of other sports?

One thing that has been brought up is why is the move just for football? The reason that has been floated, and one Kuenzel's Facebook page post pointed out and one he mentioned in our discussion, was safety.

Here is what Kuenzel's Facebook page said regarding the case and safety on the football front:

"We also elicited testimony from the WVSSAC that smaller schools have fewer students participating in sports, such as football, against larger schools that have a greater number of student athletes; thus, creating a risk of harm to athletes of smaller schools because their playing "both sides of the ball" virtually the entire contest whereas larger schools have more athletes to substitute in and out."

It is a valid point. But are there not some safety concerns in other sports where the Class AAAA model has been applied? Does a massive gap in enrollment provide other sports programs a physical advantage?

"I would really have to think about it, but I would definitely not dismiss the thought of looking into it," said Kuenzel when asked if he would represent schools in other sports who believe they should move down in classification.

My questioning is not a random outsider's perspective. Kuenzel confirmed as much.

"I have had a couple of coaches contact me about basketball," he said.

Basketball, he said, may be the one sport in the four-class system where schools with enrollment gaps may be a little more difficult.

"The courts may say you've been doing this four-class thing two or three years now, which could validate the system," said Kuenzel. "On the other hand, there are some schools who are impacted now by the reclassification."

The other sports beyond football and basketball, he said, the possibility exists.

"I think the argument could be made that this potentially opens the door for other schools or sport to look at moving down a class say, for example, in volleyball," said Kuenzel. "I'm not saying they have a definite case or would win if a case was tried, but I know would think about wondering why just football. If it is volleyball or another sport, I guess the argument is possible. It may be worth a look."


In other words, what seems like the end of a reclassification mess in a four-class system for many sports (still too many classes, but a topic for another day), may not have reached an end. It may have just begun a new chapter.

Editor's Note: Top photo shows Robert R. "Bob" Kuenzel of Kuenzel Law, PLLC. Photo courtesy of Kuenzel.

Share

Like

Post

 (<https://www.connect-bridgeport.com/connect.cfm?func=view§ion=Sports-Blog&item=From-the-Bench-Attorney-in-WVSSAC-Reclassification-Court-Case-Gives-Thoughts-on-It-and-Future-Moves56668&printView>)

Leave a Comment [Login \(connect.cfm?section=Login\)](#) or [register \(connect.cfm?section=Sign-Up\)](#)

Leave a Comment

Log in ([connect.cfm?section=Login](#)) or create an account ([connect.cfm?section=Sign-Up](#)) to post a comment.






Sign up/stay connected

Create your profile to start adding photos, posting comments, and more.

SIGN UP
([connect.cfm?section=Sign-Up](#))



[Editorial Board \(connect.cfm?section=Editorial-Board\)](#) [Advertise \(connect.cfm?section=Advertise\)](#)
[Privacy Policy \(connect.cfm?section=Privacy-Policy\)](#) [Contact Us \(connect.cfm?section=Contact-Us\)](#)

 (<http://www.facebook.com/pages/Connect-Bridgeport/329559857080057>) 
(<https://twitter.com/connectBP>)  (<http://instagram.com/#connectbp>) 
(<http://www.youtube.com/user/ConnectBridgeport>)  ([connect.cfm?section=RSS](#))

©2014 Connect Bridgeport.