

# **DRAFT**

# **Report of the Task Force on Middle School Interscholastic Athletics**

(2012 House Concurrent Resolution 155)

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## Foreword

The 2012 General Assembly established the Task Force on Middle School Interscholastic Athletics to study the current oversight of interscholastic athletics at the middle school level. The task force was approved in June 2012 and met in Frankfort on July 16, August 20, September 17, October 15, and November 26 to gather facts and hear testimony on this issue.

The task force co-chairs wish to thank the citizen members of the task force and all the individuals who attended task force meetings and provided testimony.

The task force was directed to report its findings to the Legislative Research Commission by December 7, 2012. This is the report of those findings.

Robert Sherman  
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Legislative Research Commission  
Frankfort, Kentucky  
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## **Summary**

The General Assembly in 2012 adopted House Concurrent Resolution 155, which established the Task Force on Middle School Interscholastic Athletics. The 17-member task force, made up of legislators and citizen members currently or previously involved in school athletic teams, was required to study current practices related to middle school athletics to report its findings to the Legislative Research Commission, the Interim Joint Committee on Education, and the Interim Joint Committee on Health and Welfare by December 7, 2012, and make recommendations to improve interscholastic athletics at the middle school level.

The task force met five times over a 5-month period to gather information on matters relative to middle school interscholastic athletics. Testimony was provided by speakers representing the medical community, insurance industry, and non-profit organizations involved in middle school athletics in Kentucky, Illinois, and Tennessee. Topics discussed included unique health concerns of middle school athletes, athletic risk management, student accident insurance and industry changes, opportunities for student athletes to improve performance, and current management and oversight of middle school athletic programs.





# **Task Force on Middle School Interscholastic Athletics**

## **Background**

The 2012 General Assembly adopted House Concurrent Resolution 155, which created a task force to study the oversight of middle school interscholastic athletics and assess options for the creation of best practice guidelines specific to middle school interscholastic athletics and support to nonprofit organizations to improve middle school athletics.

KRS 156.070 requires the Kentucky Board of Education to manage and control public schools and all programs operated in these schools. The statute allows the board to designate an agency to manage interscholastic athletics, and the board has designated the Kentucky High School Athletics Association (KHSAA) as that agency.

KHSAA is a private, nonprofit organization and operates as an independent entity within Internal Revenue Code 501(c)(3). It is governed by an 18-member Board of Control that comprises local school district representatives and at-large members. The Board of Control developed bylaws and policies, approved through the regulatory review process, that guide all interscholastic athletics at the high school level.

In 1993, the Kentucky Board of Education established the Commission on Interscholastic Athletics to study all aspects of high school interscholastic athletics. Amendments created by the commission revised the KHSAA constitution to state that the KHSAA is composed of the public schools in grades 6-12, rather than the previous range of grades 9-12. The commission recommended that the KHSAA assume jurisdiction over middle school interscholastic athletics, but a cost analysis indicated existing levels of funding were insufficient to implement the recommendation. Currently, middle school interscholastic athletics are under the authority of local school boards of education; however, the KHSAA policies and bylaws are available for use at the middle school level.

Private citizens have established independent organizations, such as the Kentucky Middle School Football Association and the Kentucky Wrestling Association, to provide oversight of specific areas of middle school athletics. Staffed by volunteers, some of these organizations have developed policies and bylaws for member schools and have established playoff and championship series for middle school teams.

## **Work of the Task Force**

The task force looked at five overarching areas relative to interscholastic athletics at the middle school level:

- Unique health concerns
- Athletic risk management
- Student accident insurance and industry changes
- Opportunities to improve performance

- Oversight and management

To gain a better understanding of the issues involved, the task force invited testimony from an orthopedic surgeon who works with young athletes; risk management and insurance professionals; coaches; representatives from independent athletic associations; KHSAA; and representatives from state middle and elementary school associations from Tennessee and Illinois.

The report is presented by topic area, with policy considerations found on pages 10 and 11.

### **Options for Consideration by the Kentucky Board of Education**

In addition to the above topic areas, it should be noted that fundamental to any oversight of an athletic program is what entity will have jurisdiction. While the task force did not specifically approach that question, it does recognize options the Kentucky Board of Education could consider.

The Kentucky Board of Education could designate the Kentucky High School Athletic Association as the managing authority for middle school interscholastic athletics, as the association does with high school athletics.

The board could designate an outside, independent organization as the managing authority for middle school interscholastic athletics.

The board could take no action and leave the managing authority with the local school boards.

Regardless of the direction the Kentucky Board of Education takes, the task force presents the following issues as topics that should be considered for all middle school interscholastic athletics.

### **The Middle School Athlete: Unique Health Concerns**

An orthopedic surgeon trained in sports medicine with experience treating middle school athletes testified to the unique health concerns related to these athletes.

Middle-school age children go through spurts during which their growth plates grow and tendons and ligaments expand. Because their bodies are still developing, young athletes may incur injuries due to improper technique, early specialization, excessive training with inadequate rest, and muscle weakness and imbalance.

The surgeon explained the importance of a pre-participation physical exam to screen athletes for risk factors related to the heart, cognitive function, and bones and joints. One concern is that because these exams are performed on many students in a short period of time, some potential

problems may go undetected. He recommended that medical personnel conducting physical exams be trained on the unique health concerns of young athletes.

Athletes in middle school are susceptible to overuse injuries. The surgeon noted that it is suggested that young athletes should be involved in no more than 16 to 20 hours per week of vigorous physical activity, including game time. Generally accepted recommendations include giving an athlete 1 to 2 days off per week and never allowing an athlete to participate in the same sport more than 5 days per week.

He reported that results of new research indicate that properly hydrated children are no more susceptible to heat-related health problems than adults during exercise. He recommended that coaches follow heat guidelines and allow frequent breaks and rest between efforts.

Little research is available on patients younger than 14 regarding the influence of concussions, and there are no established baseline data to guide return to play; however, there is concern for the role concussions play on the rapid brain development of middle school athletes. It was noted that children under the age of 20 have a higher risk of the potentially fatal Second Impact Syndrome, a condition in which the brain swells rapidly and catastrophically after a person suffers a second concussion before symptoms from an earlier one have subsided.

The surgeon recommended that the standards set for contact sports should be applied to all middle school sports and that the guidelines for high school athletics should be the minimum for middle schools. He also recommended that athletic trainers and athletic health care providers participate in injury-surveillance efforts, including Web-based and other registries that are powerful tools for injury prevention.

### **Athletic Risk Management**

According to the Director of Risk Management with the Kentucky School Boards Association (KSBA), his organization insures about half the school districts in Kentucky. If the school district has jurisdiction over a middle school athletic event or activity, authorized volunteers under the direction of a school employee are covered by the Kentucky School Boards Insurance Trust (KSBIT) general liability policy. The insurance policy does not contain any requirements for a pre-participation physical exam or release forms, but district policies and procedures must be followed in order to be covered by the KSBIT policy. Nonpublic schools participating in athletics are not insured by KSBIT, and KSBIT does not cover participants. KSBA does not have any specific middle school insurance coverage requirements.

Coaches need to be well prepared in student injury management, and proper supervision is needed. Risk management is about maximizing safety and minimizing liability. Most school districts have athletics policies, and the KSBA Policy Service has an athletics handbook that is available to the public. In addition, KSBA offers a course for coaches and school board members that focuses on safety training.

Factors that need to be considered regarding health risks of athletes are the possibility of fights, transportation, adherence to regulations to prevent heat injuries, procedures for emergency response regarding concussions, providing and having automated external defibrillators available, providing sports facilities that are compliant with regulations, and equipment. KSBA recommends that at least one athletic trainer or medical professional be present at athletics practices and competitions and that regular drills be conducted to prepare for possible situations in which an athlete is injured or collapses.

Practices may start too early in the season and may contribute to injuries and deaths. Overlapping of different sports may also be a contributing factor and may warrant an evaluation. He suggested that practices need to build up gradually to get student athletes acclimated to the weather and to the rigors of the game.

### **Student Accident Insurance and Industry Changes**

R.J. Roberts, Inc., provides accident insurance to the KHSAA Catastrophic Program as well as to more than 130 school districts and colleges. The catastrophic program is a medical benefits policy that pays 100 percent of usual and customary charges in excess of other insurance in force and includes a \$20,000 death benefit. This coverage is for students participating in interscholastic competitions governed by KHSAA, including school-supervised practice, tryouts, game-related activities, and related travel. Middle school athletes are not covered under the KHSAA Catastrophic Program unless they participate on a high school team. The catastrophic program is a \$5 million maximum benefit for 10 years with a \$25,000 deductible. The cost for the KHSAA Catastrophic Policy is \$180,000 to \$200,000 for the entire state.

The firm's Vice President noted that districts may have a separate student accident program to cover their athletes, including those at the middle school level. Middle school athletes may also be covered by their parents' personal insurance or by a voluntary plan purchased through the school district. He noted that all student accident insurance rates are increasing because of the increase in the numbers of claims. As a result, fewer schools are purchasing coverage, creating a large coverage gap.

Districts may require individual insurance, but monitoring individual insurance is difficult. He suggested that the best solution would be to create a middle school catastrophic program for all districts, similar to the KHSAA Catastrophic Program.

### **Opportunities To Improve Performance**

#### **Kentucky Basketball Academy**

The Kentucky Basketball Academy provides youth basketball and volleyball leagues and clinics in Kentucky and hosts youth basketball tournaments in Kentucky and the region. The academy offers basketball and volleyball opportunities to individuals from ages 3 and older through

leagues, camps, and tournaments. According to its sports director, the academy is one of the largest such organizations in the state.

The academy's middle school state tournaments are open to public and private school teams in Kentucky at no cost and with no playoff system required. To participate, teams must be official school teams, ensuring that each player has passed the physical examination required by schools to play interscholastic sports. Tournaments are held for boys and girls in grades 6 to 8. While the academy and KHSAA have no partnership, the academy follows KHSAA guidelines. The academy does provide trained security personnel at tournaments but does not provide trained medical personnel.

### **Kentucky Middle School Football Association**

The Kentucky Middle School Football Association is an independent association formed in 2007 as a 501(c)(3) nonprofit organization, staffed by volunteers and one paid employee. It is under the authority of a nine-member governing board with representation from across the state. In 2011, 156 middle schools were members of the association. According to its President, the association provides rules of conduct for middle school football, including age limitation for player eligibility; provides a forum of communication; offers training and educational opportunities for coaches; coordinates a championship playoff structure for football; and sponsors a middle school state cheer championship.

The association's football season generally runs from the second week in July to the first week in November. Membership dues in 2012 were \$250 per team, with no additional playoff fees required. Additional funds are generated through T-shirt sales. Teams are limited to 10 games per year, excluding playoff games. The association has no rule limiting the number of games a team may play per week but prohibits a team from playing two games in one day. To qualify for playoffs, an 8<sup>th</sup>-grade team must play a minimum of eight games in a regular season, and a 7<sup>th</sup>-grade team must play a minimum of five games in a regular season. A copy of the association's 2012 rules was made available to task force members.

The association's President gave the following as reasons why it is advantageous to have an association for each sport instead of one larger organization for all sports: associations for each sport are more cost efficient, annual membership renewal is an incentive for the association to do a good job, and coaches or others responsible for each sport at the school level will know what issues need to be addressed to improve their particular sport.

The association neither provides nor carries insurance, except for specific events it conducts such as playoffs and the East-West Allstar Classic & Combine. Member schools are required to provide insurance. The association has tracked injuries during playoff games for the past 3 years and has seen few sport-related injuries during its competitions that would necessitate any substantial change from current rules. The President said the association continues to revise the rules under which schools participate but does not want middle school athletics to be overregulated.

## **Oversight and Management**

Staff from the Tennessee Middle School Athletics Association, the Executive Director of the Illinois Elementary School Association, and the Commissioner of the Kentucky High School Athletics Association testified about their organizations. For this report, staff organized the presented material by topic.

### **Background and Organization**

The Tennessee Middle School Athletics Association was formed in 1995 with 69 member schools that wanted middle schools to be affiliate members of the Tennessee Secondary School Athletics Association, to have a set of rules for all teams to follow, and to have the benefit of catastrophic insurance that membership would provide. The new middle school association would follow the secondary school association bylaws as closely as possible; any exceptions would be specific to middle schools.

The Tennessee Secondary School Athletics Association Board of Control and Legislative Council oversee the middle school association. An advisory committee for the middle school association has eight representatives, each being either a school principal or a school system administrator. The committee makes recommendations to the board regarding bylaws, regulations, and policies; serves as liaison to area schools; helps provide enrollment information and sets classifications; and helps organize and direct area and sectional tournaments. The middle school association has its own handbook that contains the association's constitution and bylaws. Its bylaws correspond to the secondary school association bylaws with noted exceptions and differences for middle schools.

The Illinois Elementary School Association, founded in 1929, is a governing body separate from the state high school association. The elementary association has a governing board of directors made up of principals or school administrators, and this board is the final authority on matters pertaining to the association. The association has eight full-time office staff and one part-time technology expert.

The Kentucky Board of Education is authorized by statute to manage and control all public schools and all programs operated in those schools, including interscholastic athletics. KHSAA has been designated by the board to manage interscholastic athletics. KHSAA has an 18-member board of control that serves as the board of directors, with 14 being school personnel and 4 appointed by the board of education. School principals are the primary contact persons at the school level.

The board of education has adopted a constitution and bylaws, as recommended by the board of control. Any proposed changes to either must be approved by both the board of control and the board of education. Additional reporting requirements for KHSAA are identified within existing Kentucky administrative regulations.

## **Membership and Activities**

Membership in the Tennessee Middle School Athletics Association is limited to schools that terminate in grade 6, 7, or 8. It has 344 member middle schools. The sports sanctioned by the association are baseball, basketball, cross-country, golf, softball, track and field, wrestling, football, soccer, and tennis.

The Illinois Elementary School Association has 791 member schools. Teams compete against other school teams and are not allowed to compete against club or nonschool teams with a regular season preceding a state tournament series. Middle schools allow students from the 5<sup>th</sup> to the 8<sup>th</sup> grades to participate. Only students in 7<sup>th</sup> or 8<sup>th</sup> grade may compete in middle school state series activities. If there is a lack of participating students in a school, the association allows schools to combine to make a team, but they must agree to play together as a team for a minimum of 2 years. The sanctioned sports and activities are baseball, basketball, cross-country, golf, softball, track and field, wrestling, bowling, cheerleading, chess, music, Scholastic Bowl, and speech.

The Illinois association has several sport-specific limitations on the amount of activity by students, such as limits on innings pitched for baseball pitchers and the number of events for track and field athletes.

KHSAA member schools must be accredited by the Kentucky Department of Education or be approved as a member of the Kentucky Non-Public Schools Commission. Membership for the 2012-2013 school year is 280 high schools.

KHSAA follows advice and recommendations made by the Kentucky Medical Association and the Sports Medicine Advisory Committee of the National Federation of State High School Associations. Recommendations have led to limitations of seasons and restrictions on practice and play.

## **Scheduling**

At the middle school level in Tennessee, not all areas of the state play the same sports during the same seasons. The local school district determines the season when each sport is played, and the athletic association sets the first practice date for each season. All middle school tournaments must be held on consecutive days, with no other regular season games being played during the tournament unless permission is granted by the executive director. Postseason tournaments or bowl games may be played if approved by the state office. The association does not sanction any middle school state tournaments in any sport.

The Illinois association sets specific dates for when practice and games may begin. According to its website, the association sanctions state-level tournaments.

KHSAA has adopted bylaws that define start of practice, start of play, length of seasons, and length of games. Its bylaws limit participation time, allowing ample play time but not so much that participation becomes unhealthy.

## **Eligibility**

Under Tennessee Middle School Athletics Association bylaws, a middle school student who is academically promoted to the next higher grade is eligible to play sports for the school year. Those repeating a grade are ineligible. Students may only participate in either the middle school or high school division, not both at the same time.

An Illinois Elementary School Association bylaw states that a student has to pass all subjects each week to be able to participate in athletics or activities the following week. Passing is determined by the local school district. Ineligibility applies for 1 calendar week before the possibility of becoming eligible again. If a 7<sup>th</sup>-grader is retained, that student cannot participate the next school year; however, he or she can participate when passed to the 8<sup>th</sup> grade. The Illinois association requires that all students have a current physical issued within the past 395 days by a licensed physician prior to tryout, practice, or participation in a competition. The Illinois High School Association does not allow students below the 9<sup>th</sup> grade to participate on high school teams. A sportsmanship bylaw states that any player or coach ejected for unsportsmanlike conduct shall be ineligible for the next interscholastic contest at that level of competition. Any school that receives two ejections in a school year is required to communicate in writing to the Sportsmanship Review Panel on the steps it is taking to address the issue.

According to KHSAA staff, the minimum state academic requirement for sport participation is a passing grade in four courses. More than half the schools have established higher standards than the minimum. KHSAA requires student athletes to have a specific number of credits for each school year. KHSAA bylaws allow students in grades 4-12 to play on a high school team; however, students below grade 9 are prohibited from playing varsity football or soccer, and students below grade 7 may not participate on a varsity wrestling team.

## **Finances**

All expenses associated with the formation and daily operation of the Tennessee Middle School Athletics Association are the responsibility of member schools. The association receives no appropriation from the state and no funds from local tournaments. Member schools pay all expenses with gate money collected, and revenue left over is divided among the schools. The schools are required to submit a financial report to the association. Member schools that contain 8<sup>th</sup> graders may become a middle school association member at no additional fee. All other schools pay \$100 membership dues, \$200 for catastrophic insurance, \$40 per nonfaculty coach to a maximum fee of \$100, and \$5 per football player for the catastrophic insurance assessment. Other services provided with membership include passes to access regular season and postseason events.

The Illinois Elementary School Association is separate from the Illinois High School Association and receives no state funds. Through annual membership dues for schools and a separate entry fee for each sport, the elementary association generates approximately \$389,000 per year. The association's share of receipts from admission fees charged at tournaments is approximately \$546,000 per year. Approximately \$280,000 per year is generated from T-shirt and sweatshirt



sales at state events. Annual revenue from corporate support is approximately \$63,000. The association does not pay for catastrophic insurance; teams are covered through their schools.

KHSAA is a self-supporting nonprofit 501(c)(3) organization that receives no general fund appropriation. It has 13 full-time staff members. Its total budget is approximately \$3.5 million with approximately \$1.5 million generated from boys and girls basketball. The remaining receipts are generated through ticket sales and corporate funding. Nearly \$300,000 in dues is collected from member high schools, but the majority of dues paid is used to fund the catastrophic insurance program for student-athletes and insurance for KHSAA events at all levels.

### **Requirements for Coaches**

All nonfaculty and first-year coaches must complete the free Tennessee middle school or high school online coaches' training session. Middle school nonfaculty coaches have 5 years to complete the American Sports Education Program's Coaches Education Program, which includes tests in coaching principles and sports first aid. Middle school coaches are not required to attend state rules meetings.

In Illinois, certified teachers are automatically eligible to coach under elementary association bylaws. Others who want to coach must complete an online coaching education course prior to the season. The training course provides a general overview of middle school programs with a focus on the association handbook rather than on safety. The association allows high school students and student teachers to assist under the direct supervision of a coach who meets the coaching requirements.

All coaches in KHSAA member schools must be at least 21 years old and must submit to a background check. Coaches must complete training in cardiopulmonary resuscitation, first aid, and concussion recognition. An online training course developed jointly by the Kentucky Medical Association and the KHSAA must be completed by all middle and high school coaches.

### **Title IX Compliance**

The Tennessee Middle School Athletics Association adheres to the Title IX rule ensuring an equal number of sports are offered to boys and girls. It is a local decision as to what sports schools offer to their students.

The Illinois Elementary School Association is not an enforcement agency for purposes of determining a school's compliance with Title IX. The Illinois State Board of Education monitors for compliance with Title IX.

The KHSAA Title IX compliance program was started in the 1999-2000 school year. Two onsite visits have been made to all high school campuses, and a third visit to schools is starting this year. KHSAA has spent approximately \$500,000 implementing and maintaining the Title IX program. Kentucky administrative regulations require emphasis and education for high schools

concerning Title IX. While there is no such education requirement for middle schools, local school districts are subject to Title IX provisions.

### **Policy Considerations**

1. The General Assembly could consider revisions to KRS 156.070 to clarify the responsibility of high school interscholastic athletics from middle and elementary school interscholastic athletics, except to the extent a middle school student participates on a high school team.
2. The Kentucky Board of Education should resume its study of middle school interscholastic athletics to determine if middle school athletics should be managed by the local school or school district, the Kentucky High School Athletics Association, a middle school athletic association similar to KHSAA, or an umbrella agency established to provide direction for nonprofit organizations.
3. The Kentucky Board of Education or its designee should establish a permanent work group within the identified governing agency to provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts.
4. The Kentucky Board of Education or its designee should require any nonprofit organizations sanctioned by the board to manage middle school athletics to provide documentation of financial accountability; Title IX compliance; and completion of mandatory training by all coaches, including paraprofessionals and volunteer coaches.
5. The Kentucky Board of Education or its designee should consider how to require the sponsors of any athletic event conducted by and between school-based teams through a nonprofit or non-sanctioned Kentucky High School Athletics Association event for interscholastic activity to report injuries, meet insurance requirements, determine eligibility of participation, and conduct of athletes and coaches.
6. The Kentucky Board of Education or its designee should require all middle school athletic teams to follow existing Kentucky High School Athletic Association rules related to physical examinations, medical coverage, heat index, and concussions.
7. The Kentucky Board of Education or its designee should work with interested parties to determine limitations on the number of allowable contests during the school year in each middle school sport that could be waived only to allow for a postseason championship event.
8. The Kentucky Board of Education or its designee should explore options to ensure student athletes, coaches, schools, and school boards are provided adequate accident and injury insurance coverage during an athletic event or while athletes are being transported by a school vehicle to and from an athletic event.

9. The Kentucky Board of Education or its designee should require and track injury and incident reporting for all interscholastic sports activities.
10. The Kentucky Board of Education should consider adopting statewide eligibility rules to include age restrictions for all athletes and restrictions for participation on high school teams by athletes enrolled below grade 9. Eligibility rules may differ by sport.
11. The Kentucky Board of Education or its designee should require all middle school coaches, including paraprofessionals and volunteers, to meet existing certification requirements, pass criminal background checks, and complete all training required by the Kentucky High School Athletics Association for high school coaches. The board or its designee should ensure all coaches complete these requirements.



## **Work Cited**

Illinois Elementary School Association. <<http://www.iesa.org>> “Activity Calendar” and “Results & Records.” (accessed Oct. 9, 2012).

