

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics and Revisions in Kentucky High School Athletic Association (KHSAA) Bylaws (Second Reading)

Applicable Statute or Regulation:

KRS 156.070
702 KAR 7:065
KHSAA Bylaws

Action Question:

Should the Kentucky Board of Education approve the amendments to 702 KAR 7:065 and to the KHSAA Bylaws incorporated by reference therein?

History/Background:

Existing Policy. The Kentucky Board of Education (KBE) designated the KHSAA as the entity to manage middle and high school interscholastic athletics on behalf of the KBE in 702 KAR 7:065 (included as attachment “A”).

This regulation also requires that the KHSAA conduct a biennial review of its Constitution and Bylaws at both the high school and middle school level, and such was done during the 2012-2013 school year by the KHSAA Board of Control. The newly formed Middle School Advisory Committee held its first meeting in November 2013 and its second meeting in late January 2014 and has made recommendations within this regulation.

The proposed changes to the high school athletic portion of the regulation that received the requisite 2/3 vote (included as attachment “B” and shown in the revised bylaws included as attachment “C”) reflect items that were presented to the membership of the KHSAA at its September 19, 2013 annual meeting of high schools. Items considered at this annual meeting are submitted both by the Board of Control as part of its annual Constitution and Bylaws review, and by the member high schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the 2013 annual meeting of the member high schools, 205 schools were present; therefore, all proposals required 137 affirmative votes for passage. In accordance with the KHSAA Constitution and Policies and Procedures as well as the requirements of 702 KAR 7:065, any amendment receiving the requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the KBE for further action.

In accordance with these procedures, the following amendments to the KHSAA Bylaws for its high school members were approved by the listed votes. These amendments will be considered by the Local Superintendents Advisory Council at its meeting on March 25, 2014 and have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2014-15 school year unless otherwise noted, and received the requisite vote of the Board of Control.

Proposal	Author	Purpose	Vote	BOC
2013-1	KHSAA Board of Control	Amend Bylaw 3 to revise start date for four-year count. <i>Rationale: To ensure those individuals making eligibility decisions that will impact</i>	196 Yes, 5 No, 0 Abstain, 4 Present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
		<p><i>students are aware of KHSAA rules. As it stands now, middle school administrators make the determination as to whether or not a student may repeat grade eight. Even after the initial promotion from grade eight, parents are receiving permission to hold their child back, which is and should remain a local decision. However, the student-athlete may find himself/herself ineligible not only for the repeating year, but four years later by losing his/her senior year if this administrator is unaware of KHSAA rules. While the original intent was to try and eliminate eighth grade hold backs, what has happened is that those who desire to “game the system” are simply doing so after grade seven. In addition, when the state went to Infinite Campus as a records system, the recording of eighth grade promotion is now optional, and enforcement of the rule is problematic with the turnover in administrators. This rule ensures that high school eligibility decisions are made by high school administrators backed with informed rules.</i></p> <p><i>Impact: Regulatory</i></p>		
2013-2	KHSAA Board of Control	<p>Amend Bylaws 6, 7 and 8 to add into the section of “athletic advantage”, the “following” of a coach to a new school when the coach changes schools.</p> <p><i>Rationale: For several years, situations have occurred wherein coaches have taken new coaching jobs, and then mysteriously (or not so mysteriously), participants for that former school have transferred to the coach’s new school. This section would add to the athletic advantage section of Bylaws 6, 7 and 8, the following of a coach where a coach has previously coached in outside competition, or at another KHSAA school, and the student who has previously represented a member high school chooses to change and attend the coach’s new school.</i></p> <p><i>Impact: Regulatory</i></p>	193 Yes, 8 No, 0 Abstain, 4 Present	Adopted by the Board of Control
2013-3	Designated Representative Philip Haywood, Belfry High School	<p>Amend Bylaw 23 to mandate a pre-contact period for spring football practice for specific athletes.</p> <p><i>Rationale: At its very core, this is a liability issue. For some reason, when spring practice rules were adopted, there was no preparation or acclimation period required,</i></p>	180 Yes, 8 No, 13 Abstain, 4 Present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
		<p><i>even if an athlete had not been playing any other organized activity. This would place a three-day acclimation period on those students who have not been in any supervised activity, school-sponsored team or other specific opportunities. In the vast majority of cases, the students participating in spring football have been playing other sports, sport-activities or participating in supervised weight training, etc. and the acclimation to the rigors of contact may not be essential. But, it doesn't seem practical or prudent to have someone who has been doing nothing to dress out in full gear and go full contact on the first day of spring football.</i></p> <p><i>Impact: Regulatory</i></p>		
2013-4	<p>Designated Representative Philip Haywood, Belfry High School; Designated Representative David Barnes of Caldwell County High School; Designated Representative Alan Donhoff of St. Xavier High School on behalf of the Commissioner's Football Advisory Committee</p>	<p>Amend Bylaw 23 to restructure fall practice for football to move certain activity out of July, and amend the season limitations.</p> <p><i>Rationale: While the member schools have had restrictions, including the heat requirements and two-a-day practice restrictions for many years, the rules of the KHSAA for preseason football do not meet the recommendations of advocacy groups such as the National Athletic Trainers Association and research groups such as the Corey Stringer Institute on a couple of minor but key components. When reviewing the preseason rules, the football coaches feel very strongly that the coaches and member schools, not advocacy groups, should initiate changes on behalf of the students. This series of changes would make consistent the acclimation and acclimatization days regardless of when school starts, give all schools the same number of days of practice, make consistent the start of the season and end of the season, and spell out all components of preseason practice. This type of detail is essential to competitive fairness and while it cannot equalize everything for all programs due to the local control of school calendars, it does ensure equity. It is better that the coaches and schools pass reform and change in a proactive manner. This proposal will make things equitable for all.</i></p> <p><i>NOTE: Due to the number of changes, the entire bylaw is reflected as new, even though many of the provisions are the same</i></p>	171 Yes, 17 No, 13 Abstain, 4 Present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
		<p><i>as what now exists. This is done solely for clarification to the reader.</i></p> <p><i>Impact: Regulatory</i></p>		
2013-5	KHSAA Board of Control	<p>Amend Bylaw 25 to eliminate an outdated provision.</p> <p><i>Rationale: This amendment is strictly technical, and allows for the removal of an outdated waiver provision. With the passage and implementation of amendments to KRS 156.070 by the Kentucky General Assembly, which removed the 64-hour requirement, this waiver provision is no longer necessary.</i></p> <p><i>Impact: Technical, Non-Substantive</i></p>	200 Yes, 1 No, 0 Abstain, 4 Present	Adopted by the Board of Control
2013-6	Designated Representative Gene Heffington, Montgomery County High School; and Phil Rison, Montgomery County High School, NIAAA President	<p>Amend Bylaw 25 to require continued improvement activities by coaches.</p> <p><i>Rationale: In this era of budget cuts and limitations, it is important that the persons directly impacting the students, the coaches, have continual improvement. Mandating this training in the manner prescribed in this proposal allows for each district to determine what level of activity is required, and opens alternative avenues for funding such activities.</i></p> <p><i>Impact: Regulatory</i></p>	167 Yes, 30 No, 4 Abstain, 4 Present	Adopted by the Board of Control
2013-7	KHSAA Board of Control	<p>Amend Bylaw 27 to add a penalty option for violation of KHSAA rules.</p> <p><i>Rationale: For several years, the regulatory authorities, including the members of the General Assembly and the membership of the KHSAA, have been stressing to punish adults when rules violations occur versus penalizing the students. In some cases, however, individuals are found to be in violation of KHSAA rules, are relieved of duty, and then land at another school seemingly unpunished, while the former school is left with the penalties for the violations. This proposal would ensure that adults be held accountable for their penalties, even if they change schools. This does not preclude a coach from being hired at another school, but does compel the member school (and the coach) to appear before the Board of Control to “show cause” as to why the penalty from the former school shouldn’t accompany the coach to the new school.</i></p> <p><i>Impact: Regulatory</i></p>	195 Yes, 6 No, 0 Abstain, 4 Present	Adopted by the Board of Control

The KHSAA Board of Control also has considered a variety of changes to the Board-adopted policies that are included as attachment "D".

Additionally, the KBE has designated the KHSAA to manage interscholastic athletics at the Middle School Level. It was the unanimous recommendation of the Middle School Advisory Committee that restrictions on participation by repeating students and restrictions based on age be adopted statewide. While many of the issues related to middle school governance are managed at the local level, the health and safety and potential mismatching issues created by the lack of a restriction on retained student participation and lack of an age restriction necessitate a uniform rule. Following discussion, the Middle School Advisory Committee unanimously recommended that, beginning with the 2015-2016 school year, the following restrictions be in place:

- 1) Students repeating a grade for any reason would not be eligible during the year the student is repeating. This restriction helps to ensure that the priorities on participation are properly placed, and that participation is by students of approximately the same stage of physical development; and
- 2) An age rule be adopted that restricts participation at certain grade levels by students who are significantly older than their classmates, but does not totally preclude participation by the students as they would be able to participate with students of approximately the same age in a more advanced grade.

Staff Recommendation and Rationale:

Staff recommends approval of amendments to 702 KAR 7:065 and to the KHSAA Bylaws incorporated by reference therein. The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

Groups Consulted and Brief Summary of Responses:

KHSAA Board of Control
KHSAA Annual Meeting Delegate Assembly
Local Superintendents Advisory Council

All affected groups have concurred and approved the revisions.

Impact on Getting to Proficiency:

Athletics contribute to the overall physical health of students and therefore affect their ability to perform academically.

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Recommending Contact Person

Commissioner of Education

Date:

April 2014