

CONSTITUTION of the KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

Specific case situations are contained in this section of the KHSAA Handbook which are interpretations and rulings which have been made in accordance with applicable provisions of the KHSAA Constitution. These interpretations supplement the printed rules but do not in any manner substitute for the actual rule. Many of these rulings have established precedent for the interpretation or enforcement of these provisions, and remain in place until further altered, re-interpreted, or otherwise set aside. Specific inquiries not addressed by published interpretations should be submitted in writing to the Commissioner of the KHSAA, 2280 Executive Drive, Lexington, KY 40505. Interpretive questions or eligibility rulings shall be requested and issued in writing.

ARTICLE I

NAME

The name of this organization shall be the Kentucky High School Athletic Association.

ARTICLE II

OBJECT

The object shall be the development, regulation, and purification of the athletic activities in this state.

ARTICLE III

MEMBERSHIP

This association shall be composed of public schools (grades 6-12) that are accredited by the Kentucky Board of Education and non-public schools that voluntarily comply with accrediting standards of the Kentucky Department of Education. Member schools are required to comply with the provisions of the Kentucky High School Athletic Association Constitution and Bylaws. No school shall become a member or continue to be a member whose detailed financial (athletic or otherwise), scholastic, and attendance records are not matters of public property or record. Grades K-5 shall not be eligible for membership.

Case C-III-1- What is required for a school to be eligible for membership?

A school is eligible for membership if the student body consists of students who are enrolled in grades 9-12 or 10-12, and operates under the auspices of a local school board, diocese or other regional body, or comparable organization, and is recognized by the Kentucky Department of Education as able to present a diploma. In addition, all schools shall agree to abide by the rules of the Association as enumerated on the membership application.

ARTICLE IV

ADMINISTRATION AND LEGISLATION

Section 1. Officers

The officers of the Association shall be a Commissioner and a Board of Control composed of eighteen (18) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female.

Section 2. Representation and Governance

A) DESIGNATED REPRESENTATIVE

Each member school Principal may, in accordance with Bylaw 1, appoint one (1) DESIGNATED REPRESENTATIVE for each member school to represent that school in the Association.

B) BOARD OF CONTROL

1) REPRESENTATION

a) Eight (8) Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each section to serve as SECTIONAL Board of Control members. A SECTION is defined as the combination of two (2) contiguous regions as defined by the KHSAA alignment in basketball. Terms of these SECTIONAL Board of Control members shall be staggered so that two (2) are elected each year.

b) One African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one African-American shall be elected by PRINCIPALS or

DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. One female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one female shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. Terms of the DESIGNATED members shall be staggered so that one is elected each year.

c) One person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1 or D1 schools) member schools of the Association, and one person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-public (not classification A1 or D1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control. The terms of the DESIGNATED representatives required to be from the non-public member schools shall be staggered so that one is elected each even numbered year. Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.

d) Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education. These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education. These appointees shall not be an employee of any member school or its central administration, or the administration of the Kentucky Department of Education. At least one of these appointees shall be an African-American and one shall be a female. Terms of the at-large members shall be staggered so that one is appointed each year.

2) TERM IN OFFICE

a) Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.

b) No member is eligible to serve more than two (2) consecutive four-year terms with no further limits as to lifetime eligibility.

c) SECTIONAL members are not eligible to serve on the Board of Control if the region has been represented for two (2) consecutive four-year terms. If a SECTIONAL representative moves to a different region following his or her election, the region in which the member was employed at the time of election shall be used to determine the status of section for the next election.

3) ELIGIBILITY

a) To be eligible for membership as a SECTIONAL or DESIGNATED representative on the Board of Control, one shall be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA. He or she shall be employed in the section he or she is to represent, and shall remain employed in that section during his or her tenure of office. Serving in a part-time capacity (less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System) or on leave of absence (exclusive of employee earned sick leave) shall terminate the eligibility of the member. He or she shall not be eligible after serving two (2) consecutive four-year terms.

b) If a vacancy occurs with less than one year remaining on the term in office, the Board of Control shall fill the vacancy for the remainder of the term. If a vacancy occurs with one year or more remaining or if a newly elected member of the Board of Control is unable to take office at the start of his or her term, the Commissioner shall ensure the vacancy is filled within sixty (60) days in the same manner as that prescribed for the regular selection of Board members.

4) BALLOTING

a) NOTIFICATION - Notification to the PRINCIPALS or

DESIGNATED REPRESENTATIVES of each school in each section in which a SECTIONAL or DESIGNATED member is to be elected, shall be made by the Commissioner not later than January 1 preceding the July in which a term is to begin.

b) NOMINATIONS - Nominations for membership on the Board of Control, signed by five PRINCIPALS OR DESIGNATED REPRESENTATIVES of the section, shall be in the hands of the Commissioner, for SECTIONAL or DESIGNATED positions that elect during the year not later than midnight, January 31 preceding the July in which a term is to begin.

c) BALLOTS - the Commissioner shall distribute Ballots for election before February 15 preceding the July of the year in which a term is to begin, to be returned on or before March 1 preceding the July in which a term is to begin.

d) TABULATION - Results of the election shall be tabulated by the Commissioner in the presence of a minimum of four witnesses with all ballots opened at the same meeting and time, and published in the "Athlete" Magazine.

5) ATTENDANCE

a) REQUIREMENT - Any elected member of the Board of Control shall attend 70% of the meetings (regular and special) of the Board during the July 1 to June 30 Board year.

b) REPLACEMENT - Any elected member of the Board of Control, unless excused for documented cause such as illness or injury by a majority of the members of the Board, who fails to attend at 70% of the meetings (regular and special) of the Board of Control between July 1 and June 30 during any year shall automatically upon such occurrence be deemed to have resigned from office, and a replacement shall be named in accordance with Section 3 (b) above.

6) OFFICERS

At the regular scheduled meeting of the Board prior to the close of the school year, the members of the Board shall elect from their membership, a President and Vice-President to serve for the following year. They shall not be eligible to serve for more than four one-year terms in succession as an officer.

7) KENTUCKY DEPARTMENT OF EDUCATION LIAISON

The Commissioner of the Kentucky Department of Education shall designate a liaison person to meet with the Board of Control and to participate in all discussions, but to have no vote as a member of the Board of Control.

The KDE liaison shall provide an update on the actions taken by the Board of Control at each meeting of the Kentucky Board of Education, and shall report to the Board of Control any relevant action and appropriate information from the Kentucky Board of Education.

C) ANNUAL MEETING

Each member school of the Association through its PRINCIPAL OR DESIGNATED REPRESENTATIVE shall designate a representative for the ANNUAL MEETING to serve as a DELEGATE and shall submit the name to the Commissioner on or before September 10. The ANNUAL MEETING shall focus on current issues facing the Association and ways to promote athletics such as sports medicine, intramural and interscholastic programming and eligibility rules as well as debate and consideration of proposed changes to the organizations' Constitution and Bylaws. DELEGATES shall serve for a term of one year. If the duly designated DELEGATE does not attend the ANNUAL MEETING, the school shall remain not represented.

D) COMMISSIONER

The Board of Control shall employ a Commissioner for a term of one to four years, and shall determine the salary for the position.

Section 3. Duties of Officers

A) PRESIDENT

The President of the Board of Control shall preside at all its meetings, and at the ANNUAL MEETING of the Association. He or she may call special meetings of the Board of Control when deemed necessary.

B) VICE-PRESIDENT

The Vice-President of the Board of Control shall perform the duties ordinarily pertaining to the office.

C) COMMISSIONER

The Commissioner shall:

- 1) Be the executive officer of the Association, subject to the advice of the Board of Control, and shall act as secretary-treasurer of the organization;
- 2) Employ personnel deemed necessary including those required by statute or decree;
- 3) Prepare and receive reports and keep all records as directed by the Board of Control as outlined in the Constitution, Bylaws, and Tournament Regulations. Provide a quarterly report of eligibility rulings to the Board of Control;
- 4) Interpret the Constitution, Bylaws, and Tournament Regulations;
- 5) Enforce all penalties provided for and fix penalties for violations for which no penalties are prescribed;
- 6) Have the authority to suspend offending schools for the violation of regulations prescribed in the Bylaws and Tournament Regulations (The Board of Control through its own initiative or on appeal from a suspended school may sustain or set aside the action of the Commissioner);
- 7) Make arrangements for and conduct the management of all state tournaments after consulting the Board of Control as to the site and proposed plan of management and have authority to contract with appropriate entities to manage all postseason contests;
- 8) Be responsible for editing and publishing the "Athlete", and shall cause to be published in the "Athlete" the complete record of the minutes of each regular and called meeting of the Board of Control, said minutes to appear in the next issue of the "Athlete" immediately following the meeting of the Board of Control;
- 9) Arrange a series of baseball, basketball, field hockey, football, golf, soccer, softball, swimming, track, volleyball and wrestling rules interpretation clinics before the beginning of the respective seasons;
- 10) Promote sportsmanship among schools, athletes, and the general public; and
- 11) Submit an annual report through the Commissioner of Kentucky Department of Education to the Kentucky Board of Education in compliance with approved KARs relating to finances and programs for the preceding year, and planned programs for the current year. Advise the Kentucky Department of Education legal counsel of all legal action brought against the Association.

D) BOARD OF CONTROL

The Board of Control shall:

- 1) Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution;
- 2) Establish the Office of the Commissioner. Evaluate annually the performance of the Commissioner;
- 3) Establish salaries for staff comparable to duties and responsibilities;
- 4) Establish annually, goals and achievements for the Board of Control and the Association;
- 5) Perform a self-assessment of the Board of Control and the Association;
- 6) Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education;
- 7) Hold a minimum of six regular meetings;
- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum. The complete Board of Control agenda shall be published online (exclusive of specific student appeal information) not less than five (5) business days before the date of the meeting. The minutes of all meetings of the Board of Control shall be published online (exclusive of specific student appeal information) not later than five (5) working days following final approval of the minutes the meeting. The minutes shall be detailed in nature. Unless the vote on an issue related to the Constitution, Bylaws and Tournament Rules was unanimously approved, the minutes shall include a record of how each member of the Board voted on each issue;
- 9) Review all proposed changes to the KHSAA Constitution and Bylaws. Have authority to reject any proposed change determined not to be in the best interest of the Association;
- 10) Have authority to publish an Association magazine;
- 11) Have authority, upon petition and for cause shown, to

reinstate any student or coach who has been barred from competition;

- 12) Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation;
- 13) Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets. The Board of Control shall have the authority to assess receipts of all postseason games, meets, or tournaments in all sports;
- 14) Have authority to amend the playing rules for any sport sponsored by the Association;
- 15) Have authority, as trustees, to purchase or otherwise acquire real property, and to sell, exchange, lease, mortgage, or in any manner dispose of any real property upon such terms and for such considerations as the trustees consider proper.; and
- 16) Appoint the delegate(s) who represents Kentucky at the annual meeting of the National Federation of State High School Associations yearly.

Section 4. Retirement of Executives

All members of the Executive staff shall qualify for membership and shall maintain status as an active member and contributor to the Kentucky Teachers Retirement System, and as such, shall abide by all of the rules of that organization regarding retirement and all other qualifying criteria.

Case C-IV-1 - How are the basketball regions paired for sectional Board of Control representations?

The Sectional Board of Control members represent two contiguous regions. Those pairings are (Basketball Regions 1 and 2 (S. 1), 3 and 4 (S. 2), 5 and 8 (S. 3), 6 and 7 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8))

ARTICLE V

REPRESENTATION AT THE ANNUAL MEETING

In the ANNUAL MEETING of the Association, the DELEGATES shall consist of one representative from each member school of the Association. The Kentucky High School Coaches Association, the Kentucky Association of Secondary School Principals, the Kentucky Association of School Superintendents, the Kentucky High School Athletic Directors Association and any other related group approved by the Board of Control shall also be entitled to designate a member to the ANNUAL MEETING who shall have voice but not vote in the proceedings of the meeting. The DELEGATES shall there transact all business of the ANNUAL MEETING. None but these DELEGATES shall have the right to vote. There shall be no vote by proxy.

Case C-V-1 - Does the delegate to the KHSAA Annual Meeting have to hold Principal Certification or be a certified teacher?

No. There are no criteria for the delegate who votes for the school. The Principal of the school shall annually designate this person, but there are no specific criteria for the delegate.

ARTICLE VI

APPLICATION FOR MEMBERSHIP

The Principal of the school shall make application for membership in the Association to the Commissioner in writing. The principal shall state that he or she has read and is familiar with the Constitution, Bylaws, and Tournament Regulations of the Association. The Kentucky Department of Education shall be the authority as to the school's status as an approved secondary school.

A new school formed from schools under the auspices of the same board of education as a member school may be received into the KHSAA upon receipt of the application and a copy of the operational approval of the Kentucky Board of Education. Schools that originate from sources other than herein described shall remain in a candidacy status for a two-year period and shall be ineligible for postseason championship play during that period.

The deadline for accepting new applications for membership in the Association shall be July 1. The Board of Control of the KHSAA shall consider each application for membership for approval at its July meeting and shall have authority to deny the membership application of a school whose compliance history demonstrates that the school does not regularly and routinely act in the best interests

of the Association or in the case where any requested records are not provided in a timely fashion.

Case C-V-1 - What is the difference between a full member of the Association and a member in candidacy status as referred in Article VI of the Constitution?

A member in candidacy status is considered a full member of the KHSAA and agrees, through submission of its membership application, to abide by all KHSAA rules and regulations just as any other member. and includes full compliance with all eligibility rules in all contests.

As a new member, there are two "exceptions" to the provisions of full membership.

- 1) *If approved by the Commissioner, the school on probationary status is allowed to exhaust any contest contracts that were signed prior to joining the KHSAA. The candidacy school may therefore, if approved, occasionally compete non-member school in a contest during this period provided there was prior written agreement. However, once those contracts are exhausted, the school in candidacy status will not be able to compete against non-member schools located in Kentucky.*
- 2) *The playing season in all sports will end for schools in candidacy status at the end of the regular season in each sport, and the school on candidacy status will not be eligible to compete in postseason play against other KHSAA schools until the end of the two-year period.*

ARTICLE VII

ASSOCIATION REVENUES

Section 1. Annual Dues

Each member school shall pay an annual membership fee to the Commissioner on or before September 1. The Board of Control shall determine the amount of the fee by policy. Although the official year of the Association begins July 1 and ends on June 30, member schools are given a grace period of two months in which to pay their annual dues. Schools failing to pay their dues by September 1 may be dropped from membership and shall be penalized in accordance with KHSAA Board of Control regulations.

Section 2. Postseason Revenue

A) DISTRICT TOURNAMENTS

In all sports that are classified into districts (except football), the participating schools in the district tournament shall divide the net revenues of the tournament after expenses agreed to by the schools and in accordance with established KHSAA Tournament Rules.

B) OTHER TOURNAMENT ROUNDS, ALL FOOTBALL PLAYOFFS

In all other tournament rounds and all rounds of the football playoffs, all revenue after expenses shall be divided among the schools within the classification of the participating team (i.e. basketball region, football district) in a manner to be determined by a majority vote of the schools in the classification (i.e. basketball region, football district).

Case C-VII-1- How are the proceeds of the postseason tournaments in baseball, basketball, football, soccer, softball and volleyball to be divided?

In baseball, basketball, soccer, softball and volleyball, each district or region shall vote on the manner in which the money is to be divided. In football, each district shall vote on the manner in which the proceeds of games involving its schools are to be distributed.

ARTICLE VIII

CONTESTS

Section 1. With Non-Member Kentucky Schools

KHSAA member schools may only compete in contests against schools located in Kentucky that are current members of the KHSAA. Any KHSAA member school, that engages in an athletic contest with a nonmember Kentucky school that is eligible for membership in the Association, may be subject to all penalties contained in Bylaw 33 .

Section 2. With Schools in Other States

All opponents of KHSAA schools in all contests in baseball, basketball, football, soccer, softball and volleyball shall be current members of the state association in the home state of the opponent. All contests played by KHSAA member schools shall be governed

by the rules and regulations established by the Board of Control including Article VIII of the KHSAA Constitution. Approval for any exemptions shall come through the Commissioner. Any KHSAA member school engaging in a contest with a school from another state shall play under the rules of the KHSAA.

Section 3. Contracts

A) OFFICIAL CONTRACT FORMS

Official contracts, supplied by the office of the Commissioner, shall be used for all contests between members of the Association, and the contract shall include statements to the effect that contracting parties are members of the Association.

B) ORAL CONTRACTS

The Association shall not undertake to enforce oral contracts or oral agreements to changes in written contracts.

C) NOTIFICATION AND RETURN OF CONTACT

The recipient of a contract for an athletic contest between two member schools of the KHSAA shall return the contract, either signed or unsigned, to the sender within thirty (30) days after having received it. The contract shall become void if not returned within this time period.

D) CORRESPONDING DATES

All contracts between member schools shall contain a specific date for each contest covered in the contract. A contract in which the words "corresponding date" appears, rather than a specific date, shall not be enforced.

Section 4. Waiving of Rules

School officials of member schools shall not by mutual agreement waive or modify any of the rules of the Association for any contest sanctioned by the Association.

Case C-VIII-1 - What is a contest as defined in Article VIII, of the Constitution and referenced in the Bylaws?

A contest is one of the allowable regular season games/meets/tournaments/matches detailed in KHSAA Bylaw 25. Such does not include pre-season scrimmages, jamborees, exhibitions, etc., but does include each and every competition opportunity allowed within Bylaw 25. (i.e. Baseball, 30 games; Basketball, 23 games, etc.)

Case C-VIII-2 - What is a school as defined in the KHSAA Constitution?

A school is an entity which is recognized by the Kentucky Department of Education (or corresponding Department of Education in another state) as an institution whose primary purpose is the education of high school aged students.

Case C-VIII-3 - May a KHSAA member school play in a scrimmage against a non-member school in Kentucky, an out of state school that does not join that state association, or an outside team such as an alumni group?

Yes. All of the prohibitions against non-member schools, and other requirements apply to contests, not scrimmages. There are no restrictions in place for those two semi-organized pre-season opportunities.

Case C-VIII-4 - May a KHSAA member school play in a contest against an in-state school that is located in Kentucky and is eligible for membership but chooses not to join the KHSAA?

No. Article VIII, Section 1 of the Constitution prohibits a KHSAA member school from participating in a contest with a non-member school that is located in Kentucky.

Case C-VIII-5 - May a KHSAA member school play in a contest against an in-state school that is located in Kentucky and is not eligible for membership?

No. Article VIII, Section 1 of the Constitution prohibits a KHSAA member school from participating in a contest with a non-member school that is located in Kentucky.

Case C-VIII-6 - May a KHSAA member school play in a contests against an in-state independent, alumni, traveling or club team based in Kentucky that is not affiliated with a school?

No. Article VIII, Section 1 of the Constitution prohibits a KHSAA member school from participating in a contest against a non-school team of any type.

Case C-VIII-7 - May a KHSAA member school play in a contest against an out of state school?

Yes, in the sports of baseball, basketball, football, soccer, softball or volleyball, provided that the school is a member of that state's Association or on an approved list of opponents for that members of that state association indicating compliance with all standard eligibility rules. In addition, all aspects of the National Federation sanctioning policy shall be completely followed. KHSAA members scheduling contests against these out of state opponents should be careful to comply with these rules. In the sports of cross country, golf, swimming, tennis, track and field, and wrestling, it is not necessary that the out of state opponents be members of the state association where the school is located. The KHSAA staff can assist in communicating with the other state association if the KHSAA member school needs verification prior to scheduling.

Case C-VIII-8 - May a KHSAA member school play in a contest against an out of state team that is not school-based?

No. Article VIII, Section 2 of the Constitution prohibits a KHSAA member school from participating in a contest against a non-school team from out of state.

Case C-VIII-9 - May a KHSAA member school participate in a contest against a non-US team (foreign) team?

Yes, provided such event is 1) sanctioned within the policies and procedures of the National Federation of State High School Associations sanctioning rules and regulations, 2) in compliance with Bylaw 23, Section 2, and 3) is approved by the KHSAA in compliance with published instructions and procedures.

Case C-VIII-10 - Are KHSAA schools required to use form GE14 for scheduling contests or to make written amendments to contracts in the case of contract postponement/cancellation?

No. However, the association will not arbitrate or attempt to intercede in any dispute regarding a cancelled contest or other logistic dispute if the contest does not involve a properly completed and executed GE14 or its electronic equivalent using an alternative scheduling system. Included in the proper requirements are the proper signatures of the Principal or Designated Representative of the member schools.

In addition, the association will not arbitrate or attempt to intercede in any dispute regarding a cancelled contest or other logistic dispute if scheduling amendments are agreed by the parties, but not executed in writing between the schools. Contract amendments verified by electronic mail exchange that modify prior properly executed contract forms will be reviewed and assistance offered by the Association as necessary.

Case C-VIII-11- What does the expression "corresponding date" mean as it relates to scheduling contests and how does it relate to contract enforcement?

Corresponding date charts are published for all KHSAA sports in an effort to aid athletic administrators in planning future schedules. It should be noted that contracts cannot be enforced by the Association that call for "corresponding dates" rather than specific playing dates.

ARTICLE IX AMENDMENTS

Section 1. Deadline for Filing

On or before May 1 preceding the convening of the Annual Meeting a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution or Bylaws. The Commissioner shall submit the proposed changes approved by the Board of Control to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. Any proposal to be offered by the Board of Control shall be submitted to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. No proposals other than these may be considered at the ANNUAL MEETING.

Section 2. Vote Necessary to Amend

A two-thirds majority of all DELEGATES answering the roll at the