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TASK FORCE ON MIDDLE SCHOOL INTERSCHOLASTIC ATHLETICS

Minutes of the 4th Meeting of the 2012 Interim

October 15, 2012

Call to Order and Roll Call

The 4th meeting of the Task Force on Middle School Interscholastic Athletics was held on Monday, October 15, 2012, at 1:00 PM, in Room 129 of the Capitol Annex. Senator Mike Wilson, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Mike Wilson, Co-Chair; Representative Carl Rollins II, Co-Chair; Senator Joe Bowen, Representatives Tom Burch, Keith Hall, and Joni L. Jenkins; Kevin Brown, Adam Lantman, Barry Lee, Elizabeth Miles, Greg E. Mitchell, Rita Muratalla, Wilson Sears, Dan Seum, Jr., Julian Tackett, Dan Volpe, and Jerry Young.

Legislative Guest: Representative Dennis Horlander.

Guest: Stan Steidel, Athletics Director of Holmes High School, Covington.

LRC Staff: Janet Stevens, Bryce Amburgey, Greg Hager, and Stella Mountain.

Approval of the Minutes from September 17, 2012, Meeting

Upon motion made by Senator Bowen and second by Representative Rollins, the minutes of the September 17, 2012, meeting were approved by voice vote, without objection.

Representative Rollins said that a compilation of recommendations received from members will be handed out and discussed after Mr. Tackett's presentation. The co-chairs will create a draft of the report for consideration at the November meeting.

Presentation: Current Practices Regarding the Oversight and Management of Middle School Athletics

Mr. Tackett said that key points in the Kentucky High School Athletic Association (KHSAA) mission statement are participation, safety, and sportsmanship. KHSAA is to enhance the educational experience of the students. KHSAA was formed almost 100 years ago and has an 18 member Board of Directors, of which 14 are school personnel and 4 are appointed by the Kentucky Board of Education to represent the business and parental communities. Member school principals are the primary contact persons at the school level. Five people are directly charged with enforcement through education.

KHSAA is a self-supporting nonprofit 501(c)3 organization and receives no general fund appropriation. KHSAA receives nearly \$300,000 in dues from its member high schools, of which the majority is used to fund the catastrophic insurance program for student-athletes and insurance for KHSAA events at all levels. The KHSAA dues are among the lowest in the country. The remaining receipts are generated through ticket sales and corporate funding.

KHSAA is audited annually and its finances are transparent. Audits are published on its Web site. KHSAA requires and publishes financial reports from all of its events, including the district and regional tournaments in the team sports. Transparency allows for complete membership understanding and cooperation with undertakings and objectives.

Mr. Tackett mentioned some of the several statutes that apply to KHSAA. KRS 156.070(2) requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics. KRS 158.030 defines a common school as an elementary or secondary school supported in whole or in part by public taxation. This includes middle schools. Non-public schools are allowed to join KHSAA as long as they meet certain criteria, as defined in KRS 156.160(3). KRS 157.350(5) requires that if a school maintains a basketball team for boys, it must also maintain a team for girls. KRS 161.220(4) includes KHSAA as an entity in the Kentucky Teachers' Retirement System. KRS 160.445, enacted only recently, requires a sports safety course for all coaches of interscholastic sports at the high school and middle school level. Completion of the course by high school coaches can be tracked, and tracking for middle schools can be added. KRS 156.070 also defines requirements for coaches for interscholastic sports. According to Mr. Tackett, this statute contains outdated wording related to participation by grade 7 and 8 students and should be revised.

KHSAA is the designated agency of KBE as per 702 KAR 7:065. This regulation primarily covers high schools.

Mr. Tackett explained the KHSAA organizational structure: the General Assembly is the top level, followed by KBE, the KHSAA Board of Control, the Commissioner hired by the Board of Control, and the member schools. He stressed the importance of this structure. The school principal has ultimate responsibility and authority within the program. Schools may designate an individual, known as the Designated Rep, to assist with forms and other paperwork.

Amendments to the KHSAA constitution and bylaws are discussed annually. Proposed changes are discussed and voted on at the Annual Meeting of Schools each fall. All changes to the KHSAA constitution, bylaws, and due process are considered annually

by KBE as part of 702 KAR 7:065. KBE has implemented other reporting requirements for KHSAA within this regulation.

To join KHSAA, schools must be accredited by KDE or be approved as a member of the Kentucky Non-Public Schools Commission. A school has to be a member of KHSAA to be able to play KHSAA member schools. This ensures that all schools play by the same rules. Member schools agree to abide by the rules set out in the membership agreement. Included in the agreement is compliance with all medical and safety recommendations, including heat and humidity testing, wrestling body fat measurements, and other directives that may be implemented from authoritative regulatory agencies.

KHSAA membership is comprised of six different categories of schools. Most schools are district operated general or multi-program schools. Membership this year totals 280 schools.

The KHSAA Title IX compliance program was started in 1999-2000. On-site visits were made to all high school campuses during the first five years. KHSAA has spent approximately \$500,000 implementing and maintaining the program. A "Re-Visit Program" was started in 2004-2005, and a third visit to schools is starting this year.

As required by KRS 156.070, all coaches must be 21 years or older and must submit to a background check. Less than half of all coaches are the typical teacher coach (Level 1); most are paraprofessionals or non-teacher coaches (Level 2). Hiring must be done through approved board policy for hiring of all positions. All coaches must complete the Sports Safety Course, which can be completed online.

KHSAA follows advice and recommendations made by the Committee on Physical Education and Medical Aspects of Sports of the Kentucky Medical Association (KMA) and the Sports Medicine Advisory Committee (SMAC) of the National Federation of State High School Associations. Most recommendations are implemented immediately. Examples of sports medicine programs are wrestling weight management, heat index monitoring, restrictions on consecutive days of multiple contact football practice, and practice and competition limits. KMA and SMAC may identify issues such as "you need to immediately" or "you need to consider." KMA's initial concerns led to the development of limitations of seasons and restrictions on practice and play. The KMA committee developed the Sports Safety Course for coaches cooperatively with KHSAA.

KHSAA Bylaw 25 defines start of practice, start of play, length of seasons, and length of games. It contains minimal exceptions and ensures that student-athletes participate for enjoyment but not too much for it to be unhealthy.

702 KAR 7:065 requires emphasis and education for high schools concerning Title IX. There is no such education requirement for middle schools at this time; however,

districts are subject to Title IX provisions. Some middle school requirements, such as the sports safety course, are already in statute, but no governing body is designated.

Mr. Tackett said that Illinois has had a long-standing, separate organization for elementary and middle schools athletics; Tennessee has had the most recent change in model and governance of middle schools athletics 18 years ago. Illinois and Tennessee are different models. North Carolina is doing a study similar to the Kentucky Middle School Interscholastic Athletics Task Force.

In conclusion, Mr. Tackett said that KHSAA has 13 full-time staff members and relies on institutional control. KHSAA is not trying to “take over” anything but is available to provide information and to provide a service if it is decided that it is needed. Any rule without a penalty, and without someone enforcing the rule, is merely a suggestion.

Senator Wilson said that KHSAA receives \$300,000 from member dues and receives no general fund appropriations. In response to a question from Senator Wilson, Mr. Tackett said KHSAA receives no funding from KDE.

In response to a question from Senator Wilson, Mr. Tackett said that KHSAA employees are participants in the Kentucky Teachers’ Retirement System.

In response to a question from Senator Wilson, Mr. Tackett said that the online safety training course is available to the general public. KHSAA only tracks attendance of coaches at the high school level. It would cost to add tracking of middle school coaches.

In response to a question from Senator Wilson, Mr. Tackett said that the local school district and the Office of Civil Rights have enforcement authority for Title IX. KDE directed KHSAA through an unfunded mandate to help with compliance.

In response to a question from Senator Bowen, Mr. Tackett said that KHSAA's total budget is approximately \$3.5 million. Approximately \$1.5 million is generated from boys and girls basketball.

In response to a question from Senator Bowen, Mr. Tackett said that the early start of the high school football season and practice poses a safety concern. Teams at the high school level play too early and too often. Less than half the states have a full 4 weeks of practice before the first game.

In response to a question from Senator Bowen, Mr. Tackett said that manufacturers are discussing reducing the number of bars on facemasks of football helmets.

Representative Hall introduced Stan Steidel, Athletic Director of Holmes High School, Covington. In response to questions from Representative Hall, Mr. Tackett said that no corrective action has ever been taken against a middle school or elementary school by KHSAA. He said there needs to be some kind of overarching control for middle schools to ensure that everybody is playing by the same rules. What is missing is someone with overall authority. The infrastructure of KHSAA is already in place.

In response to a question from Mr. Lee, Mr. Tackett said that KHSAA dues range from \$800 to \$1,400, depending on the size of the school.

In response to questions from Representative Burch, Mr. Tackett said that injuries occurring at games are not recorded. Recognized national data are available at Ohio State University, but the causes of an injury can be a protected medical record.

Senator Wilson said that when his son was injured at a high school game, an accident report had to be filed.

Mr. Sears said that KHSAA does an outstanding job. In response to questions from Mr. Sears, Mr. Tackett said that the benchmark for the number of games played is what other states allow. Kentucky far exceeds the number of baseball, softball, and basketball games played compared to states surrounding Kentucky. In baseball, a player might not be allowed to pitch because he has exceeded the school pitching limit, but can still pitch in a local league. There is no overarching control. Schools have not been able to restrict play outside high school teams. The number of high school football games is restricted to 10 games. Kentucky is one of few states not to limit students on the number of games played per week.

Mr. Sears asked about the status of the Amateur Athletics Union in Kentucky. Mr. Tackett said that every facility that is being built wants to host events to pay for the facility. The demand for events is from the bottom up; parents who want their children to compete in tournaments are creating participation opportunities.

In response to questions from Mr. Seum, Mr. Tackett said that KHSAA does not rely on grants. The minimum state academic requirement for sport participation is passing in 4 courses. KHSAA requires student athletes to have a specific number of credits for each school year. More than half the schools have tougher standards than the minimum requirement.

Mr. Seum said that there would be a great difference in the amount of funding KHSAA receives and what a middle school association would receive. In response to a question from Mr. Seum, Mr. Tackett said that he would not propose the same funding model for middle schools as that for KHSAA. Catastrophic insurance is a great idea, and

a middle school association could handle the group purchase. To start with, membership dues of \$100 to \$200 per school could be sufficient. The association does not need to get involved in events.

In response to a question from Ms. Miles, Mr. Tackett said that helmets are not checked after every football game; however, it is required that they are recertified periodically.

Discussion of Recommendations to be included in final report

Staff handed out the recommendations received. Representative Rollins said that for some of the recommendations, the language of statutes discussed appears in italics. Task force members took time to read the submitted recommendations.

Recommendations for health concerns were discussed first. Mr. Lee said that many recommendations are to ensure that coaches are CPR certified. He would also recommend that concussion certification is included in the basic training. Mr. Tackett asked Representative Jenkins whether, once fully phased in, the existing KRS 160.445 amendment will require that middle school coaches take the sports safety training which will also include concussion training. Representative Jenkins said it will. Ms. Muratalla said that her district already requires coaches to send proof of CPR, first aid, and safety training certification to the board of education.

Mr. Sears said that the phrase “member schools should provide adequate medical coverage to all sports” is vague. It would be difficult to administer and depends on the sport. He said enforcing the “independent rule” is very difficult; this should be a parental decision, not a school decision.

In response to a question from Senator Wilson, Mr. Tackett said that a physician needs to be present at all football games. The local first responders are to be made aware of the schedule. Data shows that there are more injuries at practices than games. In response to Mr. Sear’s earlier comment, Mr. Tackett cautioned about an independent rule limitation.

Mr. Lantman said that sports physicals are often done quickly. A licensed medical professional conducting the physicals does not ensure that they are thorough. Senator Wilson said that typically it is the parents' responsibility. Mr. Lantman said that if a student is not cleared to play by one physician, that student can go to another physician to get clearance. Mr. Tackett said that the biggest concern he hears related to this is that middle schools do not have to use a standard form. Once the electronic records process has been set in place, some of these concerns will be prevented. Ms. Muratalla said that in her district, 6th grade physicals have been allowed to be used as sports physicals. She would like something about this to be included in the report.

Risk Management was discussed next. Mr. Tackett said that Illinois and Tennessee have game limits. Monitoring is possible.

In response to a question from Representative Rollins, Mr. Tackett said that a player below the 9th grade cannot play varsity level in football and soccer. He mentioned prohibitions found in KRS 156.070(2)(c), in regulations, and in KHSAA bylaws. This would be worth revisiting.

Representative Rollins said that Illinois and Tennessee have a rule that if an athlete plays up, he or she cannot play at the middle school level. Mr. Tackett said this is to protect the participation slot at the middle school level. He said that once the restriction of the statute is removed, this would be controlled by regulation, but the statute states that this cannot be restrictive.

Mr. Lantman said that it is going to be difficult to define limitations of seasons when middle schools are playing different scheduling windows. Mr. Lee agreed that this is an issue. Mr. Tackett proposed to limit the number of games played rather than having season limitations.

Mr. Sears said that some students play too frequently. In Somerset, a 6th grader was playing on the 6th, 7th, and 8th grade teams. Somerset adopted a one-jersey per week rule.

Senator Bowen gave a scenario in which an 8th grader, who does not advance, is physically too developed to play at middle school level but cannot play at the varsity level. In response to a question from Senator Bowen, Mr. Tackett said that there is no waiver to cover such a situation; the law states that this is not allowed.

In response to an earlier comment from Representative Burch, Mr. Tackett said that there would be nothing wrong with starting a survey on injuries, but response rate could be an issue.

The next category discussed was accident and injury insurance. In response to a question from Senator Wilson, Mr. Tackett said a set fee per student is a workable model. KHSAA provides, starting with a \$25,000 deductible, up to a \$5 million maximum coverage. The state board, through its regulations, mandates that the first \$25,000 be covered by the athlete or the school. It works out to approximately \$3 dues per athlete at the high school level to cover this cost. Insurance is an individual school board decision.

In response to a question from Senator Wilson, Ms. Muratalla said that schools in her district do not charge a fee to cover the insurance. Mr. Tackett said that some schools do charge a fee, depending on the decision of the local school board. Mr. Lantman said his district does charge a fee.

In response to a question from Ms. Miles, Mr. Tackett said that students are not allowed to play in high school without insurance. The local school has to monitor compliance.

Mr. Lantman said that the physical forms are for high school students only. According to his insurance company, middle school students are not covered by using the physical form. His school had to include a rider in its policy to be covered. This is something that needs to be addressed. Ms. Muratalla said schools in her district use the KHSAA form, which indicates that insurance is required. Mr. Tackett said the physical form could be revised.

Support for nonprofit organizations was the last point the task force members discussed. Representative Rollins said that nonprofit organizations could play a role in tournaments, with guidance from the KHSAA to ensure uniformity and to enforce the rules.

Mr. Lantman said that compliance is an issue when many schools are not members of a governing body. Each sport needs its own governing body to unify and address issues. Representative Rollins said that an umbrella organization would increase compliance. Mr. Tackett said that there is a difference between having the same rules to ensure equal competition and having rules for things such as safety. Liability is an issue. Senator Wilson said that the umbrella group would fall under the authority of the Board of Education.

Mr. Seum said that there should at least be a championship committee for different sports to provide championships. Representative Rollins said that nonprofit organizations could arrange championships. He said that recommendations can be general. It is not a good idea to put specifics in statute.

Mr. Lee expressed his concern that if there is no umbrella organization, associations could be formed in different regions, all playing by their own rules. He mentioned Jefferson County and Eastern Kentucky as examples. Representative Rollins said that he does not see this as a problem at the middle school level. The umbrella organization would be responsible for enforcing rules such as safety training for coaches, requiring sports physicals for students, and requiring the same number of sports for boys and girls. Local associations could have their own playoffs. Mr. Tackett said that this would allow schools to have different seasons, depending on available facilities.

Mr. Sears asked whether Representative Rollins is suggesting that there should be an umbrella for middle school athletics similar to KHSAA but not governing postseason play. Representative Rollins said he does not see the importance of postseason play at the middle school level. He sees the importance for students to have the opportunity to play

sports if they wish to do so, and for them to learn the basics and improve their skills. Mr. Sears said that much governance is involved with such an umbrella organization. In response to a question from Mr. Sears, Representative Rollins said that such an organization could be part of KHSAA or stand alone; he is not suggesting a particular model at this point. There needs to be an umbrella organization that would oversee the health and safety of the students.

In response to a question from Mr. Sears, Mr. Tackett said that this task force is not to make official decisions; it is to get an overall view of middle school athletics and to make suggestions only. Specifics would come from discussion among stakeholders. Representative Rollins said that statute already allows KHSAA to include middle schools. All this task force can do is to make recommendations.

Representative Hall said that basic guidelines and conformity for many aspects of middle school sports are needed. Such an organization would need financing without using state funds. State tournaments would bring in money. Mr. Sears said that KHSAA is a large organization with a huge budget; he does not see the need for middle schools to develop such a large organization in the near future.

Mr. Seum invited the task force members to the upcoming football championship on November 3 - 4 at Lexington Catholic and Lafayette High Schools. He said a safety net for paraprofessionals is needed, but he does not want costly overregulation that would take away from the fun that students are experiencing through sports.

Mr. Mitchell said that there needs to be a basic structure with overarching regulation as a baseline. He cautioned against having too much regulation. The Middle School Football Association is a nonprofit organization with passionate volunteers. An overlay of administration would need funding. There have not been many incidents and a few issues need to be addressed, but more regulation is not needed. Mr. Lee agreed that not much regulation is needed, but he expressed concern that without an association, basic rules would not be enforced.

Senator Wilson said that the requirements for coaches have been covered extensively in today's discussions and no further discussion was needed.

Representative Rollins made members aware of the recommendations on a separate sheet received today that were not included in the handout discussed in this meeting.

Senator Wilson asked the task force members to send any further recommendations to staff. The co-chairs will present a draft report to be voted on for approval at the final meeting for this task force on November 26. Members will receive an advance copy of the draft report.

Adjournment

The meeting was adjourned at 3:15 PM.