

**KENTUCKY DEPARTMENT OF EDUCATION**  
**STAFF NOTE**

**Action/Discussion Item:**

Recommendations on middle school interscholastic athletics

**Applicable Statute or Regulation:**

KRS 156.070  
702 KAR 7:065

**Action Question:**

Should the Kentucky Board of Education approve the recommendations on middle school athletics from the Kentucky High School Athletics Association (KHSAA) in response to the policy considerations issued by the Task Force on Middle School Interscholastic Athletics?

**History/Background:**

*Existing Policy.* 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.

702 KAR 7:065 has previously designated the KHSAA to manage interscholastic athletics. The practical effect of this designation, in the past, has been to only address the athletic programs at the high school level. This has left the athletic programs at the middle school level largely unregulated and subject to inconsistent application of rules statewide. Additionally, a lack of consistent risk minimization for competing students due to a decentralized approach has existed.

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.

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.

The Task Force report (Attachment A) issued eleven policy considerations. In a separate staff note, the proposed regulatory amendments to 702 KAR 7:065 address some of the policy considerations from the Task Force report. In many cases, however, it is likely that the best course of action to address the other policy considerations is to allow a Middle School Advisory Committee to be formed, and address the majority of the issues. Proposed amendments to the regulation (702 KAR 7:065) can address in whole or part, the primary points of concern highlighted by the Task Force, and implement immediately steps in those areas deemed to be health and safety related, including coaches requirements, medical training and policies, limits on games and competitions, and the requirement for sports physicals. Specifically, KHSAA's proposed responses to each of the policy considerations from the Task Force's report are as follows:

Policy Consideration 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.

*Recommendation:* At this point, KHSAA staff believes that KRS 156.070 as amended in the legislature in 2012 is clear in its mandate regarding the designation of an agent to manage athletics and that it allows for designation of both middle and high school agents.

Policy Consideration 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 athletics association similar to KHSAA, or an umbrella agency established to provide direction for nonprofit organizations.

*Recommendation:* It is clear that many of these policy considerations relate to health, safety and accountability. As such, it is essential that they be put into place as soon as possible. It is also clearly the view of the KHSAA staff that the most qualified entity to handle the transition phase relative to the adoption of rules for middle school athletic play is the Kentucky Board of Education's designated agent for high schools, the Kentucky High School Athletics Association. As such, it will be part of the proposed amendments to 702 KAR 7:065 that the KHSAA be designated to manage interscholastic athletics at the middle school level.

However, such designation is subject to annual renewal per the provisions of 702 KAR 7:065. In addition, the model for governance at the middle school level does not necessarily have to mirror the governance model at the high school level. Such governance can likely include some state control over essential health, safety and accountability measures and some local control with respect to season definitions and eligibility rules and rulings. During this transition phase, the annual reports by the KHSAA relative to middle school athletics along with the reports of the to-be-formed Middle School Advisory Committee should be considered by the Kentucky Board of Education for possible future changes.

Policy Consideration 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.

*Recommendation:* A standing permanent advisory committee should be established and it should be composed of school administrators at the middle school level. In addition, this committee should consider having members representing such groups as PTA and the various state school administrator groups to ensure broad-based policy consideration. This group must offer input opportunities 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 to ensure all viewpoints are considered.

Policy Consideration 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.

*Recommendation:* This concern has been expressed by a variety of school administrators and it is the recommendation of KDE staff that the KHSAA facilitate the development of a system whereby financial and accountability data can be submitted and made publicly available via the KHSAA website to ensure transparency.

Policy Consideration 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 designate conduct of athletes and coaches.

*Recommendation:* This recommendation requires a great deal of study prior to implementation to ensure that logistical and financial considerations are fully revealed before adoption of further policy. It is recommended that this consideration be referred to the to-be-formed Middle School Advisory Committee.

Policy Consideration 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.

*Recommendation:* This is without question a central policy consideration and can be readily implemented by the KHSAA as it is an adjunct to existing policies.

Policy Consideration 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.

*Recommendation:* It is recommended that initially, the development of these policies rest with the local schools, school districts or groups of schools (including associations sponsoring events). However, it is recommended that the KHSAA be the entity that facilitates the requirement that these be developed by districts, and report the status of such regulation and policy development to the Kentucky Board of Education through regular reporting mechanisms.

Policy Consideration 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.

*Recommendation:* This recommendation likely requires additional study prior to implementation to ensure that logistical and financial considerations are fully revealed before adoption of further policy. It is recommended that this consideration be referred to the to-be-formed Middle School Advisory Committee.

Policy Consideration 9. The Kentucky Board of Education or its designee should require and track injury and incident reporting for all interscholastic sports activities.

*Recommendation:* It is recommended that this consideration be referred through the KHSAA to its Sports Medicine Advisory Committee. Previous consideration of recommendations of this type has resulted in concerns about data privacy and accuracy, and a lack of consistent definitions surrounding injuries at the high school and middle school level. The KHSAA and other members of the National Federation of State High Schools regularly access data from the high school RIO database, managed by Dr. Dawn Comstock. Dr. Comstock is recognized as the authority on injuries in athletes in that age level and could assist the members of the Sports Medicine Advisory Committee in continuing to study potential policy concerns and suggestions for new policies or enhancements to existing policies.

Policy Consideration 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.

*Recommendation:* It is recommended at this time that statewide rules regarding eligibility be kept to a minimum, specifically dealing with the issue of students below seventh grade playing at the high school level, and the playing of repeating students. With academic proficiency at the forefront of the goals of all involved in this review, it seems counterproductive to allow repeating students to compete in interscholastic sports, when a need exists for them to focus on educational attainment. It is recommended at this time that further development of any eligibility rules be done at the local level, within schools, school districts, conferences or associations of schools, but that this issue be a continual review item for the to-be-formed Middle School Advisory Committee.

Policy Consideration 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.

*Recommendation:* It is recommended that the KHSAA, as part of its designation, provide a monitoring mechanism for use by middle school administrators to ensure that all provisions of KRS 160.445 are met by all middle school coaches.

**Staff Recommendation and Rationale:**

Staff recommends that the Kentucky Board of Education approve KHSAA's responses to the Task Force on Middle School Interscholastic Athletics' policy considerations. The responses allow for immediate implementation of those areas deemed as health and safety related through regulation 702 KAR 7:065 and further work to occur on other issues by a to-be-formed Middle School Advisory Committee.

**Groups Consulted and Brief Summary of Responses:**

Local Superintendents Advisory Council (LSAC)

The LSAC will consider these recommendations at its January 29 meeting.

**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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**Commissioner of Education**

**Date:**

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