

Education Cabinet

Kentucky Board of Education

Department of Education

(Amendment)

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.

RELATES TO: KRS 156.070(2)

STATUTORY AUTHORITY: KRS 156.070(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(2) requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools, and authorizes the KBE to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures and rules of the agent.

Section 1. The Kentucky High School Athletic Association (KHSAA) shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools, including a private school desiring to associate with KHSAA or [~~and~~] to compete with a common school.

Section 2. To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:

(1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control [~~governing body~~];

- 1 (2) Sponsor an annual meeting of its member high schools;
- 2 (3) Provide for each member high school to have a vote on KHSAA constitution and bylaw
3 changes submitted for consideration;
- 4 (4) Provide for high school regional postseason tournament net revenues to be distributed to the
5 member high schools in that region participating in that sport, utilizing a share approach
6 determined by the high schools within that region playing that sport;
- 7 (5) Provide, following a grandfathering period for prior participants, for students desiring to
8 participate at the high school level (regardless of level of play) to be enrolled in at least grade
9 seven (7);
- 10 (6) [(5)] Require its governing body to annually establish goals and objectives for its
11 commissioner and perform a self-assessment and submit the results annually to the KBE by
12 December [October] 31;
- 13 (7) [(6)] Advise the Department of Education of all legal action brought against the KHSAA[~~by~~
14 ~~October 31~~];
- 15 (8) [(7)] Permit a board of control member to serve a maximum of two (2) consecutive four (4)
16 year terms with no region represented for more than eight (8) consecutive years;
- 17 (9) [(8)] Employ a commissioner and evaluate that person's performance annually by October 31,
18 and establish all staff positions upon recommendation of the commissioner;
- 19 (10) [(9)] Permit the commissioner to employ other personnel necessary to perform the staff
20 responsibilities;
- 21 (11) [(10)] Permit the Board of Control to assess fines on a member high school;

~~(12)~~ [(11)] Utilize a trained independent hearing officer instead of an eligibility committee for an athletic eligibility appeal;

~~(13)~~ [(12)] Establish a philosophical statement of principles to use as a guide in an eligibility case;

~~(14)~~ [(13)] Conduct continual cycles of field audits of the association's entire high school membership such that each high school is audited over a five (5) year period regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports including the highlighting of any potential deficiencies in OCR compliance [~~on a regular (not less than three (3) times annually) basis~~] to the Kentucky Board of Education [~~as requested~~];

~~(15)~~ [(14)] As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);

~~(16)~~ [(15)] Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;

~~(17)~~ [(16)] Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, bylaws, and other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school prior to being made public: and

~~(18)~~ [(17)] Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an

order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility.

Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall:

(1) Implement the following requirements for all participants in middle school athletics and distribute these requirements to all middle schools and publish via the KHSAA website:

(a) Require that any coach (head or assistant, paid or unpaid) desiring to coach interscholastic athletics at the middle school level meet the following requirements:

1) Shall be 21 years of age;

2) Shall not be a violent offender or convicted of a sex crime as defined by KRS 17.165 that is classified as a felony;

3) Shall submit to a criminal record check under KRS 160.380; and

4) Shall have graduated from a public or accredited high school.

(b) Require the adherence to the following items regarding Safety, Sports Medicine and Risk Minimization for all interscholastic athletics at the middle school level:

1. Each student, prior to trying for a place on a middle school athletic team shall provide an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor (if performed within the professional's scope of practice), for each student seeking eligibility to participate in any school athletic activity or sport using the form approved for use at the high school level.

2. All participants at the middle school level shall adhere to all Sports Medicine policies in use at the high school level including:

- 1 a. Heat Index and Heat Illness programs;
- 2 b. Wrestling Weight Management programs; and
- 3 c. Concussion and other head injury policies.
- 4 (c) Create a permanent Middle School Athletics Advisory Committee. This committee shall:
- 5 1. Be autonomous with respect to the Board of Control of the KHSAA;
- 6 2. Be composed of regionally distributed middle school administrators from throughout the state;
- 7 3. Provide an opportunity for nonprofit athletic groups, parents, and others to participate and
- 8 provide input on the sport, athletic event, or athletes involved in interscholastic activities through
- 9 local school districts;
- 10 4. Meet not less than twice annually to review current programs and policies; make
- 11 recommendations for changes in statute, regulation or policy related to middle school
- 12 interscholastic athletics, and assist in the development of model guidelines for school, districts,
- 13 conferences and associations to be used in implementing a middle school athletic program; and
- 14 5. Report regularly to the Commissioner of the KHSAA and issue, in conjunction with the
- 15 Commissioner, a formal written report annually to the Kentucky Board of Education with
- 16 recommendations for changes in statute, regulation or policy;
- 17 (d) Require any organization conducting a school based event at the middle school level to
- 18 submit the following which shall be published on the KHSAA website:
- 19 1. Financial reports of all sanctioned and approved events sponsored by the organization; and
- 20 2. Documentation of financial accountability including verification of federal status and tax
- 21 documents including an annual IRS Form 990;

1 (e) Provide notice to the middle schools related to any program conducted by KHSAA related to
2 educating school administrators about the provisions of Title IX;

3 (f) Provide a mechanism to facilitate the monitoring and tracking capabilities for the middle
4 schools to ensure compliance with the provisions of KRS 160.445, and other requirements for
5 coaches at the middle school level;

6 (g) Require that no student be able to compete in middle school competition that is repeating a
7 grade for any reason;

8 (h) Require each school/school district/conference or association of schools to develop rules and
9 limitations regarding student participation to include:

10 1. A defined age limitation for participating students;

11 2. A policy regarding the participation of students below grade six (6);

12 3. A limitation on practice time prior to the season in any sport or sport activity, such limit not to
13 exceed the practice time adopted for play at the high school level;

14 4. A limitation on the number of scrimmages and regular contests in each sport or sport-activity,
15 such limit not to exceed the allowable number of contests for that sports or sport-activity at the
16 high school level; and

17 5. A limitation on the length of the competitive season in each sport or sport-activity, including
18 any invitational activity following the season, such limit not to exceed the allowable number of
19 contests for that sports or sport-activity at the high school level;

20 (i) Conduct all meetings related to middle school athletics in accordance with KRS 61.805
21 through 61.850;

1 (j) Require that the common schools at the middle school level may only compete in contests
2 against schools that adhere to these provisions;

3 (k) Issue an annual report to the Kentucky Board of Education on the status of interscholastic
4 athletics at the middle school level, including any recommendations for changes in statute,
5 regulation or policy.

6 Section 4[3]. Financial Planning and Review Requirements.

7 (1) KHSAA shall annually submit the following documents to the KBE by October 31:

8 (a) Draft budget for the next two (2) fiscal years, including the current year;

9 (b) End-of-year budget status report for the previous fiscal year;

10 (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the
11 KHSAA governing body;

12 (d) A summary report of operations including summaries of financial, legal, and administrative
13 actions taken and other items ongoing within KHSAA. This report shall also include a summary
14 of items affecting:

15 1. Athletic appeals and their disposition including the name of the individual, grade, school, and
16 the action taken by KHSAA;

17 2. Eligibility rules;

18 3. Duties of school officials;

19 4. Contests and contest limitations;

20 5. Requirements for officials and coaches; and

6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for vote by the member schools at the next legislative opportunity; and

(e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.

(2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, ~~[by December 31]~~, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence, if any.

Section ~~5~~4. The materials incorporated by reference in Section 5 shall apply to middle and high school interscholastic athletics in Kentucky.

Section ~~6~~5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "KHSAA Constitution", 4/2013 ~~[4/2009]~~;

(b) "KHSAA Bylaws", 4/2013 ~~[5/2012]~~;

(c) "KHSAA Due Process Procedure", 4/2013 ~~[5/2012]~~;

(d) "KHSAA Board of Control Policies", 4/2013 ~~[5/2012]~~;

(e) "KHSAA Officials Division Guidebook", 4/2013 ~~[5/2012]~~;

(f) "KHSAA Form BA101- Baseball Pitching Limitation", 4/2009;

(g) "KHSAA Form FB102- Football Financial Report", 9/7/2009;

(h) "KHSAA Form FB103- Football Spring Football Practice", 4/2011;

(i) "KHSAA Form FB109- Football Scrimmage Report", 7/2009;

- 1 (j) “KHSAA Form FB122- Football Contact Practice Log”, 6/2009;
- 2 (k) “KHSAA Form GE1- Membership Renewal”, 3/2012;
- 3 (l) “KHSAA Form GE2- New Membership Application”, 3/2012;
- 4 (m) “KHSAA Form GE3- Participation List”, 4/2009;
- 5 (n) “KHSAA Form GE4- Physician & Parental Permission Form”, 4/2013;
- 6 (o) “KHSAA Form GE6- Domestic Transfer”, 3/2012;
- 7 (p) “KHSAA Form GE7- Non Domestic Eligibility “,3/2012;
- 8 (q) “KHSAA Form GE14- Contract for Athletic Contests”, 4/2009;
- 9 (r) “KHSAA Form GE16- Statutory Waiver of Bylaw 3”, 3/2012;
- 10 (s) “KHSAA Form GE18- Survey for Sports Offerings”, 3/2012;
- 11 (t) “KHSAA Form GE19-Title IX Procedures Verification”, 5/2011;
- 12 (u) “KHSAA Form GE20- Heat Index Record”, 4/2009;
- 13 (v) “KHSAA Form GE26- Financial Aid Report”, 5/2011;
- 14 (w) “KHSAA Form GE35- Waiver - 20 Day Notice”, 5/2011;
- 15 (x) “KHSAA Form GE36- Add. Info for Appeal”, 5/2011;
- 16 (y) “KHSAA Form GE39- Report of Need Based Financial Aid Awarded”, 5/2011;
- 17 (z) “KHSAA Form GE40- Request for a Statutory Waiver of Bylaw 27”, 2/2012;
- 18 (aa) “KHSAA Form GE52- District Tournament Financial Report”, 5/2011;
- 19 (bb) “KHSAA Form GE53- Region Tournament Financial Report”, 3/2012;
- 20 (cc) “KHSAA Form GE69- Waiver – 15 Day Exceptions”, 5/2011;
- 21 (dd) “KHSAA Form SO103- Soccer Section/SubSection Financial Report”, 5/2011;
- 22 (ee) “KHSAA Form T1- Title IX Accom. Of Interests & Abilities”, 5/2011;

(ff) “KHSAA Form T2- Title IX Accom. Of Interests & Abilities”, 5/2011;
(gg) “KHSAA Form T3- Title IX Accom. Of Interests & Abilities”, 5/2011;
(hh) “KHSAA Form T35- Title IX Actual Expenditures Comparison 1 + Booster Club”, 5/2011;
(ii) “KHSAA Form T36- Title IX Actual Expenditures Comparison 2 + Booster Club”, 5/2011;
(jj) “KHSAA Form T4- Title IX Accom. Of Interests & Abilities”, 5/2011;
(kk) “KHSAA Form T41- Title IX Athletics Audit Checklist”, 5/2011;
(ll) “KHSAA Form T50- ~~Title IX~~ Title IX Re-Visit “, 5/2011;
(mm) “KHSAA Form T60- Title IX Corrective Action”, 5/2011;
(nn) “KHSAA Form T61- Title IX Interscholastic Athletics Student Survey”, 5/2011;
(oo) “KHSAA Form T63- Title IX Interscholastic Athletics Survey”, 5/2011;
(pp) “KHSAA Form T70- Title IX Participation Opportunities”, 5/2011;
(qq) “KHSAA Form T71- Title IX Benefits - Summary 1”, 5/2011;
(rr) “KHSAA Form T72- Title IX Benefits - Summary 2”, 5/2011;
(ss) “KHSAA Form T73- Title IX Re-Visit - Publicity Support Group”, 5/2011;
(tt) “KHSAA Form T74- Title IX Re-Visit – Corrective Action Summary Chart”, 5/2011;
(uu) “KHSAA Form WR101- Wrestling Permission Form”, 12/2009;
(vv) “KHSAA Form WR111- Wrestling Skin Condition & Unconscious”, 5/2011; and
(ww) “KHSAA Form WR126- Wrestling Weight Certif. Program Assessor”, 3/2012.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
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Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

(Date)

Terry Holiday, Ph.D.
Commissioner of Education

(Date)
Kentucky Board of Education

David Karem, Chairperson