

## **BYLAW 4. ENROLLMENT**

### **Sec. 1) Maximum Number of Semesters**

- a) A student promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first promotion by the school provided the student is eligible according to this and all other Association bylaws. The eligibility shall conclude with the completion of the spring sports season following the fourth year. No additional eligibility may be granted in a case where the grant would allow a student to compete in all or part of the fifth competitive season in a single sport following the initial promotion by the school from grade eight (8).
- b) The Ruling Officer and the Commissioner through the Due Process Procedure, may grant additional eligibility in the case where it has been documented by the attending physician, Principal and Superintendent that severe illness or injury has prevented the student from receiving necessary education services and the right to an education has therefore been impacted rather than simply the loss of athletic privilege. The grant of eligibility may only be made in the cases in which the student-athlete would remain eligible by all other Association bylaws. This provision shall not include additional eligibility strictly for loss of participation due to sports related injuries. No additional eligibility may be granted in a case where the grant would allow a student to compete in all or part of the fifth competitive season in a single sport following the initial promotion by the school from grade eight (8).

### **Sec 2) Ineligibility for Repeating Students**

A student having been enrolled in the fourth (4th) grade or in any grade through twelfth (12th) shall not be eligible for interscholastic athletics at the high school level (grades 9 through 12) for more than a total of one (1) year in each grade and applicable eligibility shall begin in the first year enrolled in that grade. A student repeating a grade for any reason is ineligible to participate in interscholastic athletics at the high school level (grades 9 through 12) during the second year in that grade. The penalty for violation of this rule shall be the loss of one of the four years of eligibility after being promoted from grade nine (9). Policies regarding the participation of repeating students at the levels of play below high school interscholastic athletics shall be determined by the school council pursuant to KRS 160.345 (2) (i).

### **Sec 3) Eligibility for Participation While Enrolled Below Grade 9**

A pupil in grades 4-8 may play on the high school team if that participation is not in conflict with Section (2) above, and the time so played shall not be counted on the eight (8) semester limit. EXCEPTION: A student below grade nine (9) may not participate on the varsity team in contests in the sports of football or soccer, and a student enrolled below grade seven (7) may not participate on the varsity level in wrestling. The provisions of this restriction shall not apply to non-varsity teams participating in these sports.

### **Sec. 4) Responsible Parties**

Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player under the provisions of this bylaw, or who, through reasonable diligence, should have known of that ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. This provision shall apply not only to coaches, but also to personnel supervising coaches including an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

### **Sec. 5) Requirement for Enrollment**

On Friday of each grading period, a student in grades nine (9) through twelve (12) shall be enrolled as a full-time student in at least four hours of instruction as provided in Kentucky Board of Education regulation 702 KAR 7:125 (of the six hours of instruction required) or the equivalent of four hours of instruction acceptable to graduation at the member school he or she desires to represent in order to be eligible for athletics.

### **Sec. 6) Deadline for Enrollment**

A student shall have enrolled as a bona fide full-time undergraduate student no later than twenty (20) school days after the beginning of the semester to be eligible during that semester.

### **Sec. 7) Enrollment Elsewhere**

A student who is enrolled or connected with any other school than the one he or she represents shall not take part in any contest. In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

### **Case BL-4-1- Why is there a requirement that limits the number of semesters and stipulates a maximum participation requirement?**

*Without a clearly defined limit, avenues remain open for red-shirting, deception, legal maneuvering, and other athletics-driven motivations for a student to remain in school rather than proceeding on into college or into the work force thereby denying the participation of a student who is otherwise "next in line" to play.*

*A maximum participation requirement is in place because it:*

- 1) promotes timely progress toward graduation by discouraging students from delaying or interrupting their high school education;*
- 2) disallows students to enroll for one single semester each school year to increase athletic ability and skill;*
- 3) diminishes risks stemming from unequal competition;*
- 4) places emphasis on the year-long academic mission of the school;*
- 5) promotes harmony and fair competition among member schools by maintaining equality of eligibility affording each student the same number of semesters of athletic eligibility;*
- 6) increases the number of students who will have an opportunity to participate in interscholastic athletics;*
- 7) is conducive to the prevention of red-shirting;*
- 8) helps avoid exploitation by coaches or boosters who otherwise might seek to obtain transfers or to delay a student's normal progress through school; and*
- 9) prevents displacement of younger student-athletes by older students wishing to protract unfairly their high school careers.*

### **Case BL-4-2- Is it permissible for a school district or member school to adopt additional stipulations regarding enrollment and residence that are more stringent than KHSAA rules?**

*Yes. While a school or school district cannot establish a standard that is more lenient than the KHSAA requirements, a school or school district may set other residence requirements. For those requirements which are more stringent than the KHSAA rules, the KHSAA will not be involved in enforcement of those regulations.*

### **Case BL-4-3- How is the determination made regarding eligibility under Bylaw 4 when a student comes in from a non-member school system in Kentucky or when promotion/retention records are not available?**

*Students enrolling at KHSAA member schools after having been enrolled in non-KHSAA school districts (home school, non-member school) are placed into the proper class according to documented procedures within the school district of the KHSAA member school. From that point, the provisions of Bylaw 4 apply and the student will have only one year of eligibility per remaining grade, and shall meet the provisions of all other KHSAA bylaws.*

### **Case BL-4-4- When is a waiver available under Bylaw 4, Sec. 1 and are there legal provisions for gaining additional semesters for those students retained by the parents or due to athletic injury?**

*Unless basic education services are not available to the student-athlete due to illness or injury, each student shall be limited to four consecutive years of opportunity for participation in high school sports. Without this clearly defined limit, other athletics-driven motivations for a student to remain in school rather than proceeding on into college or into the work force exist and thereby deny the participation opportunity of a student who is otherwise "next in line" to play. Additional semesters are available only in tightly crafted exceptions contained in the bylaw. The necessary written verification of the lack of available education services shall come from the attending physician at the time of the injury or illness that resulted in deprivation of educational services.*

*A ruling for additional semesters is not ripe for review until it is*

clear that a student will not be able to complete the academic requirements to graduate. Until that time, any request is speculative and is not to be reviewed. This will normally be at the end of the student's third year following promotion from grade eight, but may be into the fourth year depending upon the individual circumstances.

Holding a student back and allowing the student to practice or play sports is prohibited and goes against the basic principles of fair play. The repeating student at any level is prohibited from practice or play, and beginning with the first promotion from grade eight (8), the four-year count of eligibility has begun. According to OAG82-473 opinion, the promotion and retention of students in all grades are the direct and sole responsibility of the Principal through policy developed by the local board of education. There are no provisions in the bylaws for other types of repeating in order to allow for additional semesters due to sports related injuries.

Kentucky Department of Education regulations place the responsibility for promotion or retention of a student on school personnel and not parents. Verification and documentation as to the retention/promotion decision is solely the responsibility of school personnel and will be based solely on the written record by the school in which the student was enrolled at the time of retention or promotion.

Documentation of the promotion/retention decision may include such things as STI/Infinite Campus records or other written documentation and shall always be available for review until the student graduates.

**Case BL-4-5- What interscholastic athletic participation opportunities are available to students who are repeating a grade?**

Student-athletes may not represent a KHSAA member school as a participant in any sport at any level if they are repeating a grade, whether or not that student played interscholastic sports at any level during the first year in the grade.

For students whose desire is participation below grade nine while being enrolled below grade nine, the determination is left to the discretion of the local school based decision-making body for the school in accordance with adopted SBDM policies.

**Case BL-4-6- What is a feeder school as used when applying the requirement that students must be "connected" to a member school?**

For a school to be considered a "feeder" school, it must be under the same local board of education as the member school, and enroll students below grade nine. A student enrolled at a non-feeder school shall not be enrolled at a feeder school irrespective of past enrollment patterns of that non-feeder school. Applying to a school does not waive this definition as there is a clear line between applying and actually being enrolled. School and school districts may choose to define a more restrictive feeder pattern for its middle schools to high schools which if violated, constitute the student not being "connected".

**Case BL-4-7- What interscholastic athletic participation opportunities are available to students who are enrolled below grade nine (9) to participate for a high school team?**

For all sports except for football, soccer and wrestling, provided that the student is enrolled in a feeder school as described in Case BL-4-6, the student is permitted to participate.

For football and soccer, students enrolled in a feeder school in grades 7-8 may participate in non-varsity level practice and play if permitted within local board of Education and school-based policy. Students in these grades may not participate in any activity designated by either team as "varsity (first team)" in football or soccer. These 7th and 8th grade students may not wear the game uniform (in whole or part), or be involved in pre-game activities or any other contest related activity prior to, during or after a varsity scrimmage or contest in the sports of football or soccer. These 7th and 8th grade students may not participate (practice, scrimmage or play) on non-varsity (freshman, junior varsity, etc.) level teams in football or soccer if any member of the team they are representing or the team

they are competing against is enrolled in any grade above grade ten (10). It is the obligation of the school desiring to allow the seventh or eighth grade student to participate with the non-varsity team to ensure compliance with this provision. Students below grade seven (7) may not participate (practice, scrimmage or play) on any high school level team (freshman, JV, varsity) in football or soccer.

For wrestling, students below grade seven (7) within a feeder school or within the local system may not participate in any activity (practice, scrimmage or game) designated by either team as "varsity (first team)" in wrestling. These students below grade seven (7) may not wear the game uniform (in whole or part), or be involved in pre-game activities or any other contest related activity prior to, during or after a varsity scrimmage or contest in the sport of wrestling. Only those students enrolled in the member school and in the 7th grade or above may be involved in those activities or wear the uniform or other school clothing in the proximity of the team area.

**Case BL-4-8- Is it permissible for a local school board to place restrictions and limits on participation in sports other than football, soccer and wrestling?**

No. KRS 156.070 (2) bans the KHSAA or Kentucky Board of Education from implementing any prohibition on 7th and 8th graders participating in high school sports, and as interpreted, leaves that determination to the Local Board of Education or SBDM Council. However, that same statute and subsequent Attorney General Opinions specifically ban a prohibition against students playing on more than one school-sponsored team at the same time. Specifically exempted from this statute are the sports of football, soccer and wrestling, whose participants may be restricted if they are enrolled below grade nine.

**Case BL-4-9- What is a "full-time student according to regulations promulgated by the Kentucky Board of Education" as listed in Section 3 of Bylaw 4?**

Students are required to be enrolled as full-time students according to the rules and regulations of the Kentucky Department of Education (KDE). The KHSAA expects all of its member schools to comply with all applicable rules from KDE, but the KHSAA does not become involved in enforcement of regulations or policies that are not a part of KHSAA regulations. The stipulation requires that students shall be enrolled as a full-time student (in at least four hours of instruction (240 minutes) out of the six hour instruction day) per day earning credits toward graduation.

**Case BL-4-10- For the purposes of Bylaw 4, when is a student enrolled at a KHSAA member school and how is enrollment verified for a student?**

A student is enrolled at a KHSAA member school when that student sits for class in the new school.

In addition, a student may be considered enrolled at a KHSAA member school when the student registers at the new school, is on the student enrollment listing of a member school, and not on the listing of another school.

In the case of enrollment during periods when classes are not being held (i.e. summer), the student may be considered to be enrolled at the new school when formal application has been made and accepted as verified by the new Principal and the student is officially withdrawn and off the enrollment listing of the former school.

**Case BL-4-11- How do Bylaw 4, Section 5 and Bylaw 5, Section 3 relate to schools with nontraditional (block) schedules?**

A student shall be enrolled as a full-time student (four of six hours) in the member school or defined feeder school within the restrictions of Bylaw 4, and passing in four full credit hours (240 minutes) worth of classes as defined in Bylaw 5. For example, if a student were attempting four full credits of one and one-half hours each, he/she would need to pass three (four and one half hours) worth. As another example, the periods are 80 minutes; he/she would need to pass three. It is imperative when interpreting this rule that the amount of credits attempted and class length is considered when determining the eligibility of a student-athlete as the student

shall pass 240 minutes of class (four full credit hours).

**Case BL-4-12– What are the primary motivating factors in Bylaw 4, Sec. 3 and 4 requiring full-time enrollment at a member school?**

A student enrollment requirement promotes loyalty and school spirit which lends itself to cohesion of the student body; helps promote amateurism by drawing athletes only from each school's normal student population; avoids professionalism and over-emphasis on athletes; discourages "team shopping", which wrongfully skews the relationships among student-athletes and coaches; and secures role models for other students. An attendance requirement also helps ensure that students will adhere to a school's attendance plan that, in turn, prompts students to maintain the academic standard required for participation and promotes graduation in a common time frame.

**Case BL-4-13- Is it permissible for a student to participate for a member school while enrolled in another school that does not offer a particular sport?**

No, a student shall be enrolled as a full-time student and receiving credit through the member school at which participation is desired, or be a student at a "feeder" school in the same school district.

**Case BL-4-14– Is it permissible for a home-schooled student to participate in interscholastic athletics at a KHSAA member school?**

No, unless that student is also enrolled full-time (minimum four hours of instruction) at that local high school or under that local Board of Education. In order to represent a member school, a student shall be a full-time student at a KHSAA member school or at a "feeder" school.

**Case BL-4-15– Are there regulations regarding a home-bound student participating in interscholastic athletics at a KHSAA member school?**

Yes. In order to represent a member school, a student shall be a full-time student at a KHSAA member school or at a feeder school under the same local Board of Education as the member school as defined within Bylaw 4 and its interpretations. In accordance with 704 KAR 7:120, Section 2, part (7), "Eligibility for home/hospital instruction shall cease if the student works or participates in athletic activities." Schools and school districts are reminded that a student who practices or plays

in an athletic scrimmage or contest is no longer able to be in home bound instruction once such participation occurs.

**Case BL-4-16– Is it permissible for a student enrolled in an alternative school to participate in interscholastic athletics at a KHSAA member school?**

No, not unless that student is enrolled full-time (minimum four hours of instruction) at that local high school or under that local Board of Education for which they desire to participate. If the alternative school is a separate entity with its own unique school identification numbers and data, it is considered to be outside the scope of students who can participate for another school.

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