

# KENTUCKY DEPARTMENT OF EDUCATION

## STAFF NOTE

### Review Item:

702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics and Revisions in Kentucky High School Athletics Association Bylaws (First Reading)

### Applicable Statute or Regulation:

KRS 156.070  
702 KAR 7:065  
KHSAA Bylaws

### History/Background:

*Existing Policy.* 702 KAR 7:065 (included as attachment “A”) designates the KHSAA as the entity to manage interscholastic athletics. It is being brought forward for its first reading.

Recommended amendments to this regulation are coming forward from two sources: 1) implementation of policy considerations from the Task Force on Middle School Interscholastic Athletics (see separate staff note for full details of the task force’s recommendations) and 2) the annual KHSAA bylaw/constitution update as a result of action by the KHSAA Board of Control and membership votes.

Those proposed changes to the regulation based upon policy considerations of the Task Force on Middle School Interscholastic Athletics are as follows (changes in regulation appear in underline format):

- Per Policy Consideration #2: Designation of the KHSAA as the entity to manage middle school interscholastic athletics. (Section 1, page 1 of the regulation and various additions of “middle” and “high school” throughout regulation to conform)
- Per Policy Consideration #3: Establishment of a permanent work group to advise the KHSAA and the KBE regarding middle school athletics. (Section 3, page 5 of the regulation)
- Per Policy Consideration #4: Requirement that non-profit organizations sanctioned by the KHSAA to conduct middle school athletics provide documentation of financial accountability, Title IX compliance and mandatory training of coaches. (Section 3, pages 5-6 of the regulation)
- Per Policy Consideration #6: Application of existing KHSAA rules for physical examinations, heat index and concussions for middle school athletics. (Section 3, pages 4-5 of the regulation)
- Per Policy Consideration #7: Creation of a framework for development of a limitation on the number of allowable contests for middle school athletics. (Section 3, pages 6-7 of the regulation)
- Per Policy Consideration #10: Adoption of eligibility rules and eligibility prohibition for students below grade 7. (Section 3 (5) and Section 3 generally, pages 4 and 6 of the regulation)
- Per Policy Consideration #11: Establishment of certification and background check requirements for middle school coaches/paraprofessionals. (Section 3, page 4 of the regulation)

The other proposed changes resulting from KHSAA Board of Control action and membership votes impact the Constitution and Bylaws. Each of these changes received the requisite 2/3 vote (included as attachment “B”) and were presented to the membership of the Association at its September 18th Annual Meeting. Items considered at the Annual Meeting are submitted both by the KHSAA Board of Control as part of its annual Constitution and Bylaws review and by the member schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the 2012 annual meeting of the member schools, 221 schools were present; therefore, all proposals required 148 affirmative votes for passage. In accordance with the KHSAA Constitution and Policies and Procedures as well as the requirements of 702 KAR 7:065, any amendment receiving the requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the Kentucky Board of Education for further action.

In accordance with these procedures, the following amendments to the KHSAA Bylaws were approved by the listed votes. These have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2013-14 school year unless otherwise noted and received the requisite vote of the Board of Control.

| <b>Proposal</b> | <b>Author</b>          | <b>Purpose</b>  | <b>Vote</b>                                  | <b>BOC</b>                      |
|-----------------|------------------------|---|--|---------------------------------|
| 2012-1          | KHSAA Board of Control | Amend Bylaw 5 to clarify and reinforce provisions – Issues have arisen this school year that point to the need to modernize Bylaw 5 and its wording.<br><i>Impact:</i> Technical and Procedural to prevent rules abuse through the calendar process.<br><i>Rationale:</i> To ensure that any existing misinterpretation is clarified within the requirements for Bylaw 5. No special test or recitation may be given to restore eligibility for any reason, and the timing of awarding the credits is essential to a clear understanding..  | 207 yes,<br>0 no,<br>0 abstain<br>14 present | Adopted by the Board of Control |
| 2012-2          | KHSAA Board of Control | Amend Bylaw 7 to complete the separation of Bylaw 7 from its original position as Section 2 of Bylaw 6.<br><i>Impact:</i> Technical and Minimal Impact, will allow for clarification<br><i>Rationale:</i> Bylaw 7, when it was amended a few years ago, was separated into its own rule. At that time, the “athletic advantage” provisions were inadvertently omitted. In addition, the historic interpretation regarding students who sit out the first year is being moved to the Bylaws from the case situations. Last, the CSIET provisions that have been long interpreted have been codified into Sec 2(c). | 205 yes,<br>2 no,<br>0 abstain<br>14 present | Adopted by the Board of Control |

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|--------|------------------------|--|---|---------------------------------|
| 2012-3 | KHSAA Board of Control | <p>Amend Bylaw 11 to state that when ejections occur, the games to be missed are established by the current schedule.</p> <p><i>Impact:</i> Close loophole, issue clarification</p> <p><i>Rationale:</i> Bylaw 11 and its penalties are to deter unsportsmanlike conduct. Unfortunately in some instances, schools were rescheduling games or adding new games to manipulate the suspension period. This is counterproductive to the desired preventative nature of Bylaw 11.</p>  | 195 yes,<br>12 no,<br>0 abstain<br>14 present | Adopted by the Board of Control |
| 2012-4 | KHSAA Board of Control | <p>Amend Bylaw 9 and Bylaw 14 to modernize the language in Bylaw 14 and appropriately state the necessary provisions.</p> <p><i>Impact:</i> Modernize Antiquated Rules</p> <p><i>Rationale:</i> Bylaw 14 contained antiquated language in particular with regard to certification concerning age. With the age provisions now being state law, these provisions need restructuring. In addition, items in the older wording of Bylaw 14 referred to items that now should properly be referred to in Bylaw 33 or in Bylaw 1. This streamlines and makes clear the expectations and intent of the rules.</p>  | 207 yes,<br>0 no,<br>0 abstain<br>14 present  | Adopted by the Board of Control |
| 2012-5 | KHSAA Board of Control | <p>Amend Bylaw 18, 21, 22, 23, 24 and 28 along with Article VIII of the Constitution of the KHSAA to clarify the provisions on contests within the KHSAA membership.</p> <p><i>Impact:</i> Technical and Regulatory</p> <p><i>Rationale:</i> While there is no substantial change in the rules or the rulings, this series of rules has become a hodgepodge of sorts over the years. These revisions will clarify what rules are used, what requirements for sports are in place, the provisions related to contests and contracts, and the provisions related to sanctioning. The vast majority of this proposal is rearranging existing provisions of the rules.</p> | 207 yes,<br>0 no,<br>0 abstain<br>14 present  | Adopted by the Board of Control |
| 2012-6 | KHSAA Board of Control | <p>Amend Bylaw 25 to state that high school coaches cannot hold competition events in the off-season; however, they can attend events that are held.</p> <p><i>Impact:</i> Regulatory</p> <p><i>Rationale:</i> This would place a restriction on the number of competitors that could be together and still have the coach able to attend. This would ensure that restrictions on coaches are placed in the Bylaws instead of the case situations, and ensure that the</p>   | 194 yes,<br>12 no,<br>1 abstain<br>14 present | Adopted by the Board of Control |

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|        |                        | high school coach is able to continue to be in the leverage position when outside coaches attempt to unduly control the high school student team members.   |  |                                 |
| 2012-7 | KHSAA Board of Control | Amend Bylaw 25 to specify a defined period season for all of the adopted Sport Activities.<br><i>Impact:</i> Regulatory<br><i>Rationale:</i> This proposal would add the implementation wording for the sport activities of Archery and Bass Fishing to Bylaw 25 in order to ensure insurance coverage by providing a start and ending date. In addition, revisions are necessary to the Cheer and Bowling provisions following the review by the Board of Control. | 207 yes,<br>0 no,<br>0 abstain<br>14 present | Adopted by the Board of Control |
| 2012-9 | KHSAA Board of Control | Amend Bylaws 29, 30 and 31 to consolidate and clarify. Other Bylaws may need to be renumbered due to the passage of this proposal.<br><i>Impact:</i> Technical<br><i>Rationale:</i> Provisions related to officials were scattered throughout three different Bylaws, and the provisions on scratches were only printed in the Officials Guidebook. This ensures that all are aware of the provisions and requirements.   | 206 yes,<br>0 no,<br>0 abstain<br>15 present | Adopted by the Board of Control |

The staff of the KHSAA certifies that the Board of Control has taken action on these items as documented by the minutes of Board of Control meetings.

The regulation, Bylaws and Constitution will come back in April for action.

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

KHSAA Board of Control  
KHSAA Annual Meeting Delegate Assembly  
Local Superintendents Advisory Council

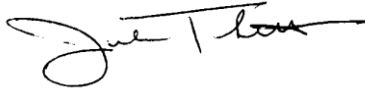
The first two groups have concurred and approved the revisions. The Local Superintendents Advisory Council will review the proposed revisions in January and their feedback will be reported at the February 6 meeting.

**Impact on Getting to Proficiency:**

Athletics contribute to the overall physical health of students and therefore affect their ability to perform academically.

**Contact Person:**

Julian Tackett, Commissioner  
KHSAA  
(859) 299-5472  
jtackett@khsaa.org



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**Recommending Contact Person**

**Date:**

February 2013



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**Commissioner of Education**