



Kentucky High School Athletic Association

2280 Executive Drive ° Lexington, KY 40505 ° www.khsaa.org ° (859)299-5472 (859)293-5999 (fax)

November 19, 2013

Principal John Baumgardner
West Carter High School
PO Box 1479
Olive Hill, KY 41164

Re: Violation of Bylaw 25 (formerly Bylaw 27), Coaching Qualifications

Dear Mr. Baumgardner:

This office received a letter and follow-up phone call from your office at the close of the 2012-2013 school year with the results of your preliminary investigation into the failure to properly monitor the required qualifications for coaches at West Carter High School during the 2012-2013 school year. It was the conclusion of that report that violations of KHSAA rules did in fact occur within the athletic program at West Carter High School resulting in the use of coaches who failed to meet the requirements of KHSAA Bylaw 25 (formerly Bylaw 27). As I stated to you subsequently, I have purposely waited until the school year was underway and most coaching hires had been finalized to complete work on this matter to allow time for appropriate remedy for the 2013-2014 school year before considering any sanctions or penalties for last year's violation.

West Carter High School has reported that it was in violation of Bylaw 25 (formerly Bylaw 27), as it relates to coaches Eric Buckley, Dustin Everman and Missy Hedge.

I want to thank you for your thorough review of this situation; careful and thoughtful consideration of possible penalties for the violation(s); and the continuing and ongoing efforts by the School to discover and find remedy for any other problems discovered during this internal review.

BYLAWS AT ISSUE

The complete text of all of the effected bylaws (and relevant interpretations) are listed below, and attached to this letter:

Bylaw 1 (Responsibility for Eligibility) states that the Principal is ultimately responsible in all matters at the school that concern interscholastic athletic eligibility;

Bylaw 25 (formerly Bylaw 27, Requirement for coaches) states the specific requirements, both pre- and post-hire, to ensure compliance with that Bylaw as well as KRS 160.380, KRS 156.070 (2) and 702 KAR 7:065.

Bylaw 27 (Penalties) specifies the range of penalties when such are imposed for violations.

FINDINGS

The fundamental premise of a member organization such as the KHSAA is self-policing and institutional control. Your immediate response to possible problems, and aggressive remedy proposed demonstrate that you realize the importance of this obligation. As such, this violation is treated as an isolated incident with respect to the application of penalties.

Based on your report, I concur with your findings that the violations of Bylaw 25 (formerly Bylaw 27) did in fact occur. Participation by teams while schools fail to comply with the KHSAA Bylaws is a very serious violation. Participation while in violation jeopardizes coverage under the KHSAA's catastrophic insurance policy for all student-athletes. The member schools, including West Carter, have agreed to abide by the Bylaws of the KHSAA which are indisputable when there is information to prevent this types of occurrence. West Carter High School proposed stern penalties for these violations. This cannot go unnoticed or not be properly acknowledged.

CONCLUSIONS AND PENALTIES

As Commissioner of the KHSAA, I direct that the following be imposed:

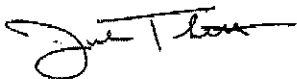
1. A \$500 FINE per each violation is hereby imposed. However, due to the excellent communication, thorough report, and aggressive review, the fines are merged to a single fine of \$200 payable upon receipt of an invoice from KHSAA. This type of sanction, proposed by the school, is an appropriate penalty to ensure that in this specific situation, students are not penalized for the action or lack of action by adults.
2. West Carter shall direct a school wide coaches (all sports) and administrators meeting to educate all coaches on the bylaws and rules of the KHSAA, specifically and particularly, the pre- and post-hire requirements and obligations of the coaches.
3. The athletic program at West Carter High School will be placed on PROBATION through the end of the 2013-2014 school year; and
4. The school shall submit written verification at the beginning of each sports season to verify that the qualifications of the coaches are current and compliant.

With the acceptance and completion of the imposed penalties, this matter shall be considered closed. However, it must be reiterated that any additional violations discovered by the school through exercising due diligence must be reported accordingly. This office remains committed to its assistance for your athletic program and offers it complete resources, including personnel, to assist the school with this matter. Please do not hesitate to contact me if you have any questions.

NOTICE OF APPEAL RIGHTS

West Carter High School may appeal the Commissioner's ruling in accordance with the KHSAA Due Process Procedure. Please note that, under the KHSAA Due Process Procedure, this is considered a "Board Matter", and as such, any appeal would go directly to the KHSAA Board of Control.

Sincerely,



Julian Tackett
Commissioner

JT:mm

xc: KHSAA Executive Staff and Board of Control
Superintendent Ronnie Dotson
Kevin Brown, Kentucky Board of Education

Attachments:

Bylaw 1 (Responsibility for Eligibility)
Bylaw 25 (formerly Bylaw 27, Requirement for Coaches)
Bylaw 27 (Penalties)

**BYLAWS OF THE KENTUCKY HIGH SCHOOL
ATHLETIC ASSOCIATION**

BYLAW 1. RESPONSIBILITY FOR ELIGIBILITY

Sec. 1) PRINCIPAL REQUIREMENT

The Principal of a school shall be held ultimately responsible in all matters in the school that concern eligibility, and inter-school contests.

Sec. 2) DESIGNATION OF DESIGNATED REPRESENTATIVE

- a) The Principal of each member school may annually designate an individual at the school to serve as the Designated Representative for the purpose of conducting the interscholastic program at that school.
- b) The Principal or Designated Representative shall sign all forms requiring authorized signature.
- c) If a member school principal fails to make the designation prior to August 31, the building principal shall automatically be the Designated Representative for the current year.

Case BL-1-1- What role does the Principal play in the management of the Association and the regulation of eligibility in the member school?

The Commissioner and Board of Control expect the member school principal to be ultimately responsible for all aspects of the athletic program, whether it is rules enforcement and reporting or eligibility certification. It is important that each member school through its Principal exercise the principles of institutional control detailed in Bylaw 27 in order for the Association to continue as a fully functioning membership organization.

**BYLAWS OF THE KENTUCKY HIGH SCHOOL
ATHLETIC ASSOCIATION**

**BYLAW 25. REQUIREMENT FOR COACHES AND
OTHERS WORKING WITH HIGH SCHOOL TEAMS**

Sec. 1) DEFINITIONS

a) Level 1 Coaches

An individual seeking a coaching position at the high school level shall be categorized as Level 1 if that individual is a certified teacher and member of the regular school system faculty and meets the following criteria prior to assignment to coaching duties:

- (1) Is employed a minimum of three (3) regular periods for teaching classes, which may include physical education;
- (2) Is employed for supervision of study halls; or
- (3) Is exercising responsibilities in other activity assignments within the school schedule.

b) Level 2 Coaches

An individual seeking a coaching position at the high school level shall be categorized as Level 2 if that individual meets the following criteria prior to assignment to coaching duties and does not meet the qualifications of Level 1:

- (1) Shall be a high school graduate and 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;
- (4) Shall meet one of the following additional qualifications:
 - i. Have graduated from a public or accredited high school and hold a provisional or standard teaching certificate;
 - ii. Have completed sixty-four semester hours of college credit from an accredited college or university as documented by an official transcript;
 - iii. Be a graduate from a public or accredited high school and be in compliance with the local district standards for serving as an approved substitute teacher as approved by the Education Professional Standards Board; or
 - iv. Be a graduate from a public or accredited high school and complete a Level 1 Coaching Certification Program approved by NFHS as well as completing prescribed electives as detailed by the KHSAA Board of Control. Level 2 coaches approved under exception (iv) shall complete the KHSAA Coaching Education program prior to coaching in the first interscholastic contest; and
- (5) Prior to assuming duties, Level 2 coaches shall successfully complete training provided by the local school district. The training shall include information on the physical and emotional development of students of the age with whom the Level 2 coach will be working, the district's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow up training shall be provided annually.

c) Waiver of 64-hour requirement for Coaches at the High School Level

In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading) with a Level 1 or Level 2 individual, the member school may request through the Superintendent that the KHSAA allow for a waiver of this rule in order that the additional time be available to find an applicant meeting the criteria.

d) Head Coach

As referred in this regulation, the head coach at the high school level shall be the head varsity coach designated by the school or Board of Education unless otherwise noted in the bylaw.

Sec. 2) HIRING AND EMPLOYMENT REQUIREMENTS FOR COACHING POSITIONS AT THE HIGH SCHOOL LEVEL

a) Required Level

Level 1 or 2 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading).

b) KHSAA Member School Obligations in Hiring

- (1) The Superintendent shall ensure that all assignments for coaching duties comply with all applicable state and local

policies.

- (2) The hiring process shall ensure that in considering those individuals seeking coaching duties, the most qualified individual shall be assigned. In considering qualifications, the qualifications desired for the position, the references, interviews and experience of those seeking the duties, and the education background shall be considered.

c) Compensation for Coaches at the High School Level

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through that board in accordance with local Board of Education policy.

Sec. 3) POST HIRE REQUIREMENTS AND REQUIREMENTS FOR CONTINUING COACHING DUTIES

a) C.P.R. and AED Training for Coaches at the High School Level

All coaches (head and assistant) at any level in all sanctioned sports and sport activities (including cheerleading) shall provide documentation of successful completion of a C.P.R. course including the use of an Automatic External Defibrillator and the requisite First Aid Training, as approved by a college or University, the American Red Cross, American Heart Association or other bona fide accrediting agency. Initial certification shall use in-person instruction and certification shall be timely and appropriately updated as required by the approving agency.

b) Coaches Education Program for Coaches at the High School Level

(1) A Coaches Education Program has been approved as the coaching education program in Kentucky. The program shall include a course of study to include a KHSAA approved Coaches Education Program, KHSAA rules information and local district policies. The cost of attending the KHSAA Coaches Education Program shall be the responsibility of the individual coach(es). Local school districts or local schools may, upon successful completion of all coaching education requirements including all examinations, reimburse the coaches for the expense of attending the course.

(2) Level 1 individuals assigned to duties as a coach (head or assistant), who are hired as a member of the school system faculty for the first time following the 1995-96 school year shall take and complete all requirements for the Kentucky Coaches Education Program as detailed in Section b(1) above within one year of the initial assignment to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.

(3) Level 2 individuals (subsections i, ii and iii) assigned to duties as a coach (head or assistant) shall take and complete all requirements for the KHSAA Approved Coaches Education Program as detailed in Section b(1) above within one year of the initial assignment to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.

(4) Level 2 individuals (subsection iv) assigned to duties as a coach (head or assistant) shall take and complete all requirements for the KHSAA Approved Coaches Education Program as detailed in Section b(1) above within one year of the initial assignment to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.

c) Sports Safety Training and Medical Symposium Updates for Coaches at all Interscholastic Levels

(1) Each coach (head and assistant, including cheerleading) at all levels (grades 9-12) shall be required to complete a sports safety course and medical symposium update consisting of training on how to prevent common injuries.

(2) All member schools of the KHSAA shall pay the necessary expenses of coaches for the required attendance at the sanctioned sports safety course and sports medicine symposium update.

(3) The course shall meet the following criteria:

- i. The content of the course shall include the elements specified in KRS 160.445 including the risk of concussion

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and head injury;

- ii. The course shall be taught by a Certified Athletic Trainer, Registered Nurse, Physician or Physician's Assistant licensed to practice in Kentucky;
 - iii. The course material and content shall be updated every thirty (30) months; and
 - iv. Each coach having completed the course shall re-certify by taking the course not less than once every two (2) years.
- (4) Successful completion of the course shall constitute a passing score.
 - (5) Each coach of a sport or sport-activity at all interscholastic levels shall have successfully completed the sports safety course and medical symposium update prior to assuming coaching duties.
 - (6) The penalty for noncompliance with this section shall be suspension from coaching duties.
- d) KHSAA Rules Clinic for Coaches at the High School Level
- (1) All coaches (head and assistant) shall annually attend at least one rules interpretation clinic conducted by representatives of the KHSAA in the sport in which they coach and the school desires to enter a team in postseason play, provided these clinics are conducted under the authorization of the Commissioner.
 - (2) The penalty for noncompliance with this section shall be suspension from coaching duties in all contests for a period not to exceed one year or any penalty otherwise included in Bylaw 25.

Case BL-25-1- What is coaching as used in Bylaw 25?

Coaching is defined as any activity by the coach at a time the athletes are participating in skills (either preparatory or specific to that sport) in a setting in which skills are taught, refined, or practiced. Coincident participation by a coach and an athlete in a sport such as a golf outing, where the coach and athlete(s) are not entered as a entry or group, or in an activity such as distance running with many runners but no direct coaching, would not specifically be considered coaching.

Case BL-25-2- What is a Coach as referred in Bylaw 25?

Coaching is the teaching, training, development or execution of specific processes, including any and all skills, tactics, techniques or strategies, by which an individual attempts to improve the individual or a team's ability to perform in sports or sport-activity competition. It is not required that the teaching, training, development or execution be solely specific to the skills and tactics of the sport, but could also include position specific training, overall physical conditioning training or general aspects applicable to all sports. Individuals who perform these functions specifically on behalf of the coach or school, even at outside venues, shall be considered to be coaching.

Any person, paid or unpaid, that performs these functions is considered a coach.

This includes specialized instructors such as hitting and catching coaches, cheer instructors, goalie coaches and other individuals who are providing instruction. All persons meeting these definitions of a coach are subject to the restrictions and requirements of Bylaw 25.

Case BL-25-3- What is a Head Coach as referred in Bylaw 25?

The Head Coach is the head varsity coach for each sport unless stated specifically within the provision of the rule. A persons' designation as "head junior varsity coach" is simply an assistant coach with respect to this rule.

Case BL-25-4- Are Sport Activities coaches required to meet the requirements of Bylaw 25?

Yes, all requirements within Bylaw 25 also apply to Archery, Bass Fishing, Bowling and Cheer coaches.

Case BL-25-5- What restrictions are in place for those individuals that a school chooses to utilize (not as a coach) who do not meet the provisions of a Level 1 coach or a Level 2 coach?

Persons assigned to duties as assistants within the program shall be limited to the following responsibilities upon approval

of such assignment by the proper school authorities and in compliance with all adopted regulations. This shall not preclude any person qualifying as a Level 1 or Level 2 coach from performing these tasks.

- (1) Under the supervision of a Level 1 or 2 coach, persons not meeting the provisions of a Level 1 or 2 coach can assist with the program by:
 - a. Helping develop plans for daily and long range athletic activities;
 - b. Helping guide participants towards a harmonious team spirit;
 - c. Alerting the coaches to the special needs of individual athletes;
 - d. Providing assistance with supervision of athletes during periods of team travel;
 - e. Recommending the purchase of equipment, supplies, and uniforms as appropriate for the health, safety, and welfare of student athletes; and
 - f. Performing other non-coaching duties assigned by the principal, athletic director.
- (2) No person other than those employed as a Level 1 or 2 coach shall be allowed to participate in any supervisory capacity with interscholastic Sport or Sport Activity teams, perform any other "coaching duty" as prescribed by the playing rules within a sport, nor shall any otherwise qualified person exceed his respective duties as set forth in this Bylaw.

Case BL-25-6- Is it permissible for a school to utilize someone as a Level 2 "coach" who does not have 64 credit hours from an accredited college or university as defined in Bylaw 25?

Yes, per KRS 156.070 and provided all requirements contained in Bylaw 25 including the required training by the Board of Control is completed, and the school ensures that preference is given to the hiring or assignment of certified personnel in coaching positions.

In order to be considered a Level 2 Coach without 64 hours, a prospective coach shall meet the following qualifications:

- (1) The prospective coach shall be a high school graduate, at least twenty-one (21) years of age and shall submit to a criminal background check in accordance with KRS 160.380;
- (2) Professional development training approved by the KHSAA shall be used in lieu of postsecondary education (sixty-four) credit hour requirements. Prior to the first contest, a prospective non-64 hour coach shall have completed the following courses via www.nfhslearn.com:
 - a. Engaging Effectively with Parents,
 - b. Teaching and Modeling Behavior,
 - c. Teaching Sports Skills OR a sports specific course, and
 - d. Concussions in Sports.
- (3) A local school board may specify post-hire requirements for personnel employed in coaching positions in addition to those specified in subparagraph 3 of this paragraph.

Case BL-25-7- Is it permissible for a person who is employed in one district, but serves as a full-time teacher in another district, to be employed to coach?

Yes, this person can be hired. However it should be noted that if these schools were not in the same school district under the same Board of Education, this person would be considered a Level 2 coach for the purposes of this bylaw. These provisions also apply to competitive cheer (spirit).

Case BL-25-8- Is it permissible for a coach at a high school level team to coach another level within the school district outside of the Limitation of Seasons for the sport?

Yes. As hiring decisions are to be made at the local level, any provisions preventing a coach from being involved with his/her own players in play outside of the high school team DO NOT APPLY to other levels of play where the coach is hired by the same local Board of Education for interscholastic play. For example, the high school coach (any member of the staff) COULD be hired to coach the middle school basketball team within the same local Board of Education even if a member of that middle school team had played on the high school level

(freshman, JV or varsity).

Schools are cautioned that involving school coaches with non-high school teams, particularly in middle schools which feed more than one high school, should be monitored to ensure that problems related to Bylaw 16 (Recruitment) do not surface due to this coaching.

Case BL-25-9- What restrictions are in place for schools who hire coaches who are retiring as teachers but want to remain in coaching?

Individuals retiring from service to Kentucky schools, either as members of the Kentucky Teachers Retirement System, or the Kentucky Employees Retirement System, should consult the system with regard to re-employment provisions. Certified employees will need to have a KTRS Form E30 approved, which can only be done post-retirement, in order to comply with the regulations of the system. In addition, school representatives should note that a retired coach who is no longer teaching in the district becomes a Level 2 Coach and is required (if not already completed) to successfully complete the Coaching Education program and other Level 2 requirements.

Case BL-25-10- Does retiring, resigning or otherwise being relieved of coaching duties waive any of the requirements for coaching if the coach is later asked to come back into coaching in that sport at that school?

No. A coach resigning, retiring or being otherwise relieved of coaching following a sports season does not relieve himself/herself of the responsibilities such as medical symposium attendance if in fact that are required for the following year.

Case BL-25-11- Does the KHSAA have regulations regarding job postings for the hiring of coaches?

No. Bylaw 25 includes the requirements for those holding positions, but hiring, posting and employment policies are established at the local school district level. Schools shall comply with published rules on all postings within the district, as well as all other KDE hiring regulations.

Case BL-25-12- Are coaches required to be paid a salary and how do member schools hire coaches?

No, there is no salary requirements. Bylaw 25 restrictions apply whether or not the coach is paid, regardless of the level (varsity, JV, freshman). Bylaw 25 states that "any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education, and the entire coaching salary shall be paid through such board in accordance with local Board of Education Policy." The provisions specifically address all Level 1 and Level 2 coaches. These coaches shall be designated, appointed, approved, or hired within the published policies of the Local Board of Education. Coaching salaries (including whether or not coaches are paid) are the jurisdiction of the Board of Education through the budgeting process. There may be some cases, at the discretion of the school and school system, where Level 1 or 2 coaches are appointed at no salary. This is permissible as long as they have been duly designated through the policies of the local school or Board of Education. If a salary is paid, it shall be paid entirely through the local Board of Education.

The KHSAA has no jurisdiction as to whether or not persons that are neither Level 1 nor Level 2 are used within the athletic program. Local Board of Education policies should address persons that do not meet the requirements of a Level 1 or 2 coach, and the terms and conditions of their designation shall be in accordance applicable state law.

Case BL-25-13- Is it permissible for a coach to receive in-service credit for Sports Safety Course, Medical Symposium or Coaching Education Attendance?

This is a local district option. The Kentucky Department of Education no longer has specific approval for certain types of in-service credit. According to the department, the four basic (traditional) days and the additional five days, if part of the approved program of in-service in a district, may count in any manner approved by the local district. Such things as workshops and conferences, particularly on timely topics such as HIV and blood borne pathogen education, are not

only approvable, but also encouraged by the department. The important key is the inclusion in the local district in-service or professional development program.

Case BL-25-14- Who has to take the coaching education course?

If a person has not remained continuously on the faculty at the school or within the school system he/she desires to coach in 1995-96, they shall take the course. This includes Level 1 head and assistant coaches (who were not on the 1995-96 faculty), and Level 2 head and assistant coaches. Whether or not the person was a coach on the staff is irrelevant to this requirement as faculty status is the determinant.

Case BL-25-15- If a coach has completed the Coaching Education course and changes schools or districts, do they have to re-take the course?

No. The coaching certification is a one-time certification and is not required to be repeated if all of the requirements have been completed.

Case BL-25-16- Is a school compelled to pay the required fee for a coach to take the required Coaching Education course?

No, this is a local district option. The payment (or reimbursement) of the fee is not mandatory. Districts who are paying the fee for the coaches may not reimburse the fee to the coaches until all requirements including the applicable tests, are completed.

Case BL-25-17- What is the Sports Safety Course and who is required to take the course?

HB383 of the 2009 Kentucky General Assembly required each coach to complete a Sports Safety Course in order to coach, and to remain current by taking an approved course every two years. The course shall be taught by a Medical Doctor, a Doctor of Osteopathy, Registered Nurse or Certified Athletic Trainer. A coach that has not taken and successfully completed the course will not be able to coach at practice or contests. Coaches must remain current in the requirement to be able to be at practice or competition.

Case BL-25-18 - How does a GED count toward the high school graduation requirement for being a Level 2 coach?

This is a local district decision. The district may choose to recognize the GED in terms of its employment requirements or not to recognize the GED, but in the hiring of coaches, the decision of accepting or not accepting the GED as proof of graduation shall be consistent with the employment of other positions in the district.

**BYLAWS OF THE KENTUCKY HIGH SCHOOL
ATHLETIC ASSOCIATION**

BYLAW 27. IMPOSITION OF PENALTIES

Sec. 1) AUTHORITY TO PENALIZE

- a) If Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual within the defined parameters of this bylaw, the KHSAA Due Process Procedure, and KRS Chapter 13B. These penalties may be by the Commissioner's office, the KHSAA Hearing Officer or the Board of Control dependent upon the specifics of the bylaw, KHSAA Due Process Procedure, or KRS Chapter 13B.
- b) Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

Sec. 2) EXCEPTION TO PENALTY AUTHORITY FOR COURT ORDERED PLAY

A member school, student, coach, or administrator shall not be punished or sanctioned, in any manner, by the KHSAA 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 final KHSAA decision on eligibility.

Sec. 3) RESPONSIBLE PARTIES

Any member 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. 4) PENALTY OPTIONS

For violation of any rule or regulation by any member school or school designated staff, student-athlete, official, or other representative, the penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is called for, disciplinary action, including warning, reprimand, probation, suspension, or payment of a fine may be imposed.

a) FINE

- (1) A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the school and may only be levied against a member school.
- (2) The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook.
- (3) The fine schedule shall also include any amounts paid by the Association or received by the school as a result of postseason competition.
- (4) A fine shall not be levied against any individual within the interscholastic athletic program but may only be levied against the member school and only for selected violations as determined by the Board of Control.

b) FORFEIT

- (1) The forfeit of contests or meets may be included in penalties assessed for violation of Association rules.
- (2) In addition, if a student is declared ineligible, all contests in which he or she has played while ineligible shall be forfeited to the opposing team.

c) WARNING

A warning may be issued which is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that the action shall not be repeated.

d) LETTER OF REPRIMAND

- (1) A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable.
- (2) The action is a matter of record, and warnings that repeat actions of this type may be cause for further penalty.

e) PROBATION

- (1) Probation is a more severe penalty and may be described in the following manner. Normally, an individual or a school on probation is on conditional Association membership, but

may be permitted to engage in a regular schedule, sanctioned events, or district, regional and state championships. This is provided that the individual or school has taken steps to ensure the problem which placed the individual or school on probation has been alleviated and will not re-occur.

- (2) Additionally, a school on probation may be restricted to limits on scrimmages, regular season contests or postseason competition as may be deemed appropriate.

f) SUSPENSION

- (1) An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation.
- (2) This penalty may range from the elimination of individual or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association.
- (3) Individuals or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.

g) REIMBURSEMENT

- (1) A fine may be levied equal to the amount of itemized legal fees expended by the Association in defense of its rules in a court of law in cases where a school or school system is directly or indirectly involved in the legal challenge of an association rule which has passed via the proper Constitutional process and in which case, the Association prevails in court.
- (2) If the Association, its Commissioner, or other persons associated or employed by the Association are named as a party, or if the Association intervenes in any action to enforce a ruling, bylaw or other provision, it shall be presumed that the school where the student attends or the coach or other person is employed or is otherwise associated or connected, is involved in the legal challenge.
- (3) The presumption of involvement may be rebutted by clear and convincing evidence.
- (4) Involvement includes providing testimony, staff, staff legal counsel or funds for counsel, or direct filings by or on behalf of the school or school system.
- (5) If the Association conducts an investigation regarding any player, coach, assistant coach, paraprofessional, booster, supporter or other person associated with a team, program or member school, and the investigation results in any penalty being imposed by the Association, the school may be required to pay all costs of that investigation.
- (6) The costs may include the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.

h) PERMANENT SUSPENSION

Any coach, participant or other school representative may be permanently suspended from involvement in interscholastic athletics in this state if found by competent and conclusive evidence to be guilty of assaulting a sports official.

i) REDISTRIBUTION

If a school is found to have used an ineligible competitor and as an extension to the fine penalty listed above, it may be directed that a portion or all of the net proceeds received from a postseason contest or tournament be returned to the host or redistributed to the other contest or tournament participants.

j) VACATE/STRIKE

If a school is found to have used an ineligible competitor, it may be directed that Individual records and performances be vacated or stricken; Team records and performances including place finishes be vacated or stricken; or Individual or team awards be returned to the Association.

Case BL-27-1- What level of institutional control is the principal of each member school expected to maintain?

There are several principles that go into the concept of maintaining institutional control. Control shall first be defined in common sense terms and is best summarized by the school having in place the proper policies to ensure that violations do not occur, and if they do occur, the Principal exhibiting the leadership and duty to correct the problems and prevent



recurrence. In general violations do not result from a lack of institutional control if there are adequate preventive measures in place that are properly monitored and followed, and if swift action is taken.

However, there are several things that demonstrate a lack of institutional control including the failure to implement proper preventive procedures; failure by members of the designated athletic staff to thoroughly investigate and report violations; failure to adequately disseminate and distribute compliance information; failure to adequately distribute compliance duties to allow for effective control; failing to make clear to all coaches and participants that rules violations will not be tolerated, failing to fully investigate and file reports as requested when potential violations are reported; a head coach failing to create a compliant atmosphere with the assistant coaches.

The KHSAA enforces its rules based on the following premises-KHSAA regulations and information are readily available to the member schools and general public; the Principal or Designated Representative properly distributes information, rules manuals, communication, forms, and other needed materials to the members of the athletics staff; that meaningful education programs are conducted within the schools to ensure compliance; student-athletes are properly informed about rules prior to and during participation. Certainly the compliance history of a school and its cooperative spirit during any investigation or inquiry will factor into any penalty decision regarding violations.

Case BL-27-2- What are the possible penalties under Bylaw 27 for the violations of KHSAA rules?

Through the Due Process Procedure, the Commissioner may impose penalties under Bylaw 27, including each of the ten listed options. When cases are before the Board of Control, the Board has the same penalty options available.

Suspension, either of an individual or a program, is one of those penalties and could involve removal and restriction from contests or a reduction in schedule.

Other penalty options include Fine, Forfeit, Warning, Letter of Reprimand, Probation, Restitution, Permanent Suspension, Redistribution and Vacating/Striking. Each of these is described in detail in Bylaw 27.

Case BL-27-3- What is a contest official as described in the permanent suspension provisions?

A contest official could be one of the game officials (referees), scorers, timers, or other game management personnel working in an official capacity at the contest.

Case BL-27-4- Are penalties from the KHSAA necessary when schools violate rules that are more stringent than KHSAA standards?

No. This is a situation between the member schools and is not a matter for Association review. For example, if a school has a more stringent academic requirement than the KHSAA minimum standard and then inadvertently allows a player to compete who is eligible by KHSAA rules, but not by local rules, KHSAA penalties do not apply. However, the offending school should report these situations to the opponents and take whatever agreed action is necessary.

WEST CARTER HIGH SCHOOL

365 West Carter Drive
Post Office Box 1479
Olive Hill, Kentucky 41164

(606) 286-2481
FAX (606) 286-8026

John Baumgardner
Principal

June 4, 2013

Karen Tackett
Assistant
Principal

Julian Tackett, Commissioner

JUN 06 2013

Sean Stewart
Assistant
Principal

Kentucky High School Athletic Association

2280 Executive Drive

Jeffrey Huffman
Counselor

Lexington, KY 40505

Marquetta Dearfield
Counselor

Dear Commissioner Tackett:

Dawn Edison
Secretary

It has been determined that West Carter High School had some coaches during the past season that had not completed all the requirements necessary to be allowed to coach. We had requested waivers for Eric Buckler and Missy Hedge to coach girls' basketball and they were granted. They however failed to complete the safety course or update their CPR/AED training. This was a miscommunication and an oversight on the part of West Carter High School. It also appears that our tennis coach, Dustin Everman, had some of his credentials lapse during the season. Missy Hedge and Dustin Everman were continuously employed in the district in other roles; Eric Buckler's only involvement with the district has been as an assistant basketball coach. Mr. Buckler's criminal records check was also not up to date. Ms. Hedge has now completed the safety course and will be completing the CPR training Saturday June 8. She will be completing the NFHS courses this summer and will have them complete before the 2013-14 season begins on October 15, 2013. Her role with the team will be clerical only until the CPR training is complete. Mr. Everman will update his sports safety requirements before resuming any coaching duties.

Brian Brown
Athletic Director

Pam Menix
Attendance
Clerk

We greatly regret these occurrences and realize the possible risk our student athletes faced due to these situations. Brian Brown, WCHS Athletic Director and I have made our central office administration aware of this situation. We are offering to pay a \$50.00 per coach fine for a total \$150.00. We are self-reporting these issues and will impose any other penalties your office deems appropriate. I will work with Mr. Brown to create a protocol to ensure any such reoccurrence will not happen. We have noticed one other coach, Tim Johnson, is showing not complete for the sports safety course but he printed a certificate when he completed the course. Please advise us of any action we need to take to correct this.

Anita Gilliam
Records Clerk



Sincerely,

A handwritten signature in black ink that reads "John Baumgardner".

John Baumgardner

Principal West Carter High School

KY High School Athletic Association

2280 Executive Drive
Lexington, KY 40505



INVOICE

Invoice Number: 09043
Invoice Date: Nov 20, 2013
Page: 1

Voice: 859-299-5472
Fax: 859-293-5999

Bill To:

West Carter High School
PO Box 1479
365 West Carter Drive
Olive Hill, KY 41164

Customer ID	Customer PO	Payment Terms	
West Carter H.S.	PR John Baumgardner	Net 30th of Next Month	
Sales Rep	Shipping Method	Ship Date	Due Date
JT	US Mail		12/30/13

Quantity	Item	Description	Unit Price	Amount
1.00		Bylaw 1, Bylaw 25 & Bylaw 27 fine	200.00	200.00

Check/Credit Memo No:

Subtotal	200.00
Sales Tax	
Total Invoice Amount	200.00
Payment/Credit Applied	
TOTAL	\$200.00