

**KENTUCKY DEPARTMENT OF EDUCATION**

**STAFF NOTE**

**Review Item:**

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

**Applicable Statute or Regulation:**

KRS 156.070  
702 KAR 7:065  
KHSAA Bylaws (Incorporated by reference into 702 KAR 7:065)

**History/Background:**

***Existing Policy.*** 702 KAR 7:065 (included as attachment “A”) designates the Kentucky High School Athletic Association (KHSAA) as the entity to manage middle and high school interscholastic athletics.

This regulation also requires that the Association conduct a biennial review of its Constitution and Bylaws at both the high school and middle school levels, and such was done during the 2012-2013 school year by the KHSAA Board of Control.

The proposed changes to the high school regulations that received the requisite 2/3 vote (included as attachment “B”) reflect items that were presented to the membership of the Association at its September 19, 2013 Annual Meeting of high schools. Items considered at this Annual Meeting are submitted both by the Board of Control as part of its annual Constitution and Bylaws review, and by the member high schools, and are reviewed by the Board of Control prior to the development of the final agenda. At the 2013 Annual Meeting of the member high schools, 205 schools were present; therefore, all proposals required 137 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 for its high school members were approved by the listed votes. These amendments will be considered by the Local Superintendents Advisory Council at its meeting on January 28, and have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2014-15 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>
2013-1	KHSAA Board of Control	Amend Bylaw 3 to revise the start date for the four-year count. <i>Rationale: To ensure those individuals making eligibility decisions that will impact students are aware of KHSAA rules. As it stands now, middle school administrators make the determination as to whether or not a student may repeat grade eight. Even after the initial promotion from grade eight, parents are receiving permission to hold their child back, which is and should remain a local decision. However, the student-</i>	196 Yes, 5 No, 0 Abstain, 4 Present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
		<p><i>athlete may find himself/herself ineligible not only for the repeating year, but four years later by losing their senior year if this administrator is unaware of KHSAA rules. While the original intent was to try and eliminate eighth grade hold backs, what has happened is that those who desire to “game the system” are simply doing so after grade seven. In addition, when the state went to Infinite Campus as a records system, the recording of eighth grade promotion is now optional, and enforcement of the rule is problematic with the turnover in administrators. This rule ensures that high school eligibility decisions are made by high school administrators with informed rules backing.</i></p> <p><i>Impact: Regulatory</i></p>		
2013-2	KHSAA Board of Control	<p>Amend Bylaws 6, 7 and 8 to add into the section of “athletic advantage”, the “following” of a coach to a new school when the coach changes schools.</p> <p><i>Rationale: For several years, situations have occurred wherein coaches have taken new coaching jobs, and then mysteriously (or not so mysteriously), participants for that former school have transferred to the coach’s new school. This section would add to the athletic advantage section of Bylaws 6, 7 and 8, the following of a coach where a coach has previously coached in outside competition, or at another KHSAA school, and the student who has previously represented a member high school, chooses to change and attend that school.</i></p> <p><i>Impact: Regulatory</i></p>	193 Yes, 8 No, 0 Abstain, 4 Present	Adopted by the Board of Control
2013-3	Designated Representative Philip Haywood, Belfry High School	<p>Amend Bylaw 23 to mandate a pre-contact period for spring football practice for specific athletes.</p> <p><i>Rationale: At its very core, this is a liability issue. For some reason, when spring practice rules were adopted, there was no preparation or acclimation period required, even if an athlete had not been playing any other organized activity. This would place a three-day acclimation period on those students who have not been in any supervised activity, school sponsored team or other specific opportunities. In the vast majority of cases, the students participating in spring football have been playing other sports, sport-activities or participating in</i></p>	180 Yes, 8 No, 13 Abstain, 4 Present	Adopted by the Board of Control

Proposal	Author	Purpose	Vote	BOC
		<p><i>supervised weight training, etc, and the acclimation to the rigors of contact may not be essential. But it doesn't seem practical or prudent to have someone who has been doing nothing to dress out in full gear and go full contact on the first day of spring football.</i></p> <p><i>Impact: Regulatory</i></p>		
2013-4	<p>Designated Representative Philip Haywood, Belfry High School; Designated Representative David Barnes, Caldwell County High School; and Designated Representative Alan Donhoff, St. Xavier High School on behalf of the Commissioner's Football Advisory Committee</p>	<p>Amend Bylaw 23 to restructure fall practice for football to move certain activity out of July, and amend the season limitations.</p> <p><i>Rationale: While the member schools have had restrictions, including the heat requirements and two-a-day practice restrictions for many years, the rules of the Association for preseason football do not meet the recommendations of advocacy groups, such as the National Athletic Trainers Association, and research groups, such as the Corey Stringer Institute, on a couple of minor but key components. When reviewing the preseason rules, the football coaches feel very strongly that the coaches and member schools, not advocacy groups, should initiate changes on behalf of the students. This series of changes would 1) make consistent the acclimation and acclimatization days regardless of when school starts, give all schools the same number of days of practice, make consistent the start of the season and end of the season, and spell out all components of preseason practice. This type of detail is essential to competitive fairness and while it cannot equalize everything for all programs due to the local control of school calendars, it does ensure equity. The bottom line is that it is better that the coaches and schools pass reform and change rather than be forced to by outside groups such as legislators and sports medicine groups. This proposal will make things equitable for all.</i></p> <p><i>NOTE: Due to the number of changes, the entire bylaw is reflected as new, even though many of the provisions are the same as existing. This is done solely for clarification to the reader.</i></p> <p><i>Impact: Regulatory</i></p>	171 Yes, 17 No, 13 Abstain, 4 Present	Adopted by the Board of Control

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>	<b>Vote</b>	<b>BOC</b>
2013-5	KHSAA Board of Control	Amend Bylaw 25 to eliminate an outdated provision. <i>Rationale: This amendment is strictly technical, and allows for the removal of an outdated waiver provision. With the passage and implementation of amendments to KRS 156.070 by the Kentucky General Assembly, which removed the 64-hour requirement, this waiver provision is no longer necessary.</i> <i>Impact: Technical, Non-Substantive</i>	200 Yes, 1 No, 0 Abstain, 4 Present	Adopted by the Board of Control
2013-6	Designated Representative Gene Heffington, Montgomery County High School; and Phil Rison, Montgomery County High School, NIAAA President	Amend Bylaw 25 to require continued improvement activities by coaches. <i>Rationale: In this era of budget cuts and limitations, it is important that the persons directly impacting the students, the coaches, have continual improvement. Mandating this training in the manner prescribed in this proposal allows for each district to determine what level of activity is required, and opens alternative avenues for funding such activities.</i> <i>Impact: Regulatory</i>	167 Yes, 30 No, 4 Abstain, 4 Present	Adopted by the Board of Control
2013-7	KHSAA Board of Control	Amend Bylaw 27 to add a penalty option for violation of KHSAA rules. <i>Rationale: For several years, the regulatory authorities including the members of the General Assembly and the membership of the KHSAA have been stressing to punish adults when rules violations occur, versus penalizing the students. In some cases, however, individuals are found to be in violation of KHSAA rules, are relieved of duty, and then land at another school seemingly unpunished, while the former school is left with the penalties for the violations. This proposal would ensure that adults would be held accountable for their penalties, even if they change schools. This does not preclude a coach from being hired at another school, but does compel the member school (and the coach) to appear before the Board of Control to “show cause” as to why the penalty from the former school shouldn’t accompany the coach to the new school.</i> <i>Impact: Regulatory</i>	195 Yes, 6 No, 0 Abstain, 4 Present	Adopted by the Board of Control

The KHSAA is also designated to manage interscholastic athletics at the Middle School Level. The newly formed Middle School Advisory Committee held its first meeting in November and its second meeting in late January. Two items are expected to be finalized at the January meeting, the adoption of a standard Middle School Physical Form, and a requested regulation restricting the participation of students who are repeating a grade.

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.

**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 on January 28 and their feedback will be reported at the February 5 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:**

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**Recommending Contact Person**



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**Commissioner of Education**

**Date:**

February 2014