

1 **EDUCATION CABINET**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amended After Comments)**

5 **702 KAR 7:065. Designation of agent to manage middle and high school interscholastic**  
6 **athletics.**

7 RELATES TO: KRS 61.805 - 61.850, 156.070(2), 160.380, 160.445, 20 U.S.C. 1681

8 STATUTORY AUTHORITY: KRS 156.070(1), (2)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky  
10 Board of Education (KBE) to manage and control the common schools, including interscholastic  
11 athletics in the schools. KRS 156.070(2) authorizes the KBE to designate an agency to manage  
12 athletics. This administrative regulation designates an agent for middle and high school athletics;  
13 establishes the financial planning and review processes for the agent; and incorporates by refer-  
14 ence the bylaws, procedures, and rules of the agent.

15

16 Section 1. The Kentucky High School Athletic Association (KHSAA) shall be the Kentucky  
17 Board of Education's agent to manage interscholastic athletics at the middle and high school lev-  
18 el in the common schools, including a private school desiring to associate with KHSAA or to  
19 compete with a common school.

20

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

23 (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high  
24 school Board of Control;

25 (2) Sponsor an annual meeting of its member high schools;

26 (3) Provide for each member high school to have a vote on KHSAA constitution and bylaw  
27 changes submitted for consideration;

28 (4) Provide for high school regional postseason tournament net revenues to be distributed to the  
29 member high schools in that region participating in that sport, utilizing a share approach deter-  
30 mined by the high schools within that region playing that sport;

31 (5) Provide for students desiring to participate at the high school level (regardless of level of  
32 play) to be enrolled in at least grade seven (7) unless the student has participated at the high  
33 school level prior to the 2014 - 2015 school year;

34 (6) Require its governing body to annually establish goals and objectives for its commissioner  
35 and perform a self-assessment and submit the results annually to the KBE by December 31;

36 (7) Advise the Department of Education of all legal action brought against the KHSAA;

37 (8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year  
38 terms with no region represented for more than eight (8) consecutive years;

39 (9) Employ a commissioner and evaluate that person's performance annually by October 31, and  
40 establish all staff positions upon recommendation of the commissioner;

1 (10) Permit the commissioner to employ other personnel necessary to perform the staff respon-  
2 sibilities;

3 (11) Permit the Board of Control to assess fines on a member high school;

4 (12) Utilize a trained independent hearing officer instead of an eligibility committee for a high  
5 school athletic eligibility appeal;

6 (13) Establish a philosophical statement of principles to use as a guide in a high school eligibil-  
7 ity case;

8 (14) Conduct continual cycles of field audits of the association's entire high school membership  
9 which provides that each high school is audited regarding each school's compliance with 20  
10 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of  
11 any potential deficiencies in OCR compliance to the Kentucky Board of Education;

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

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

17 (17) Provide written reports of any investigations into possible violations of statute, administra-  
18 tive regulation, KHSAA Constitution, bylaws, and other rules governing the conduct of high  
19 school interscholastic athletics conducted by KHSAA or their designees to the superintendent  
20 and principal of the involved school district and school prior to being made public; and

21 (18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allow-  
22 ing a student to play in an athletic contest or practice with the team during a time when an order  
23 of a court of competent jurisdiction permits the student to participate or otherwise stays or en-  
24 joins enforcement of a KHSAA final decision on eligibility.

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26 Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic  
27 athletics at the middle school level, beginning with the 2014-2015 school year, the KHSAA shall  
28 implement the following requirements for all participants in middle school athletics and distrib-  
29 ute these requirements to all middle schools and publish via the KHSAA Web site:

30 (1) Require that any coach (head or assistant, paid or unpaid) desiring to coach interscholastic  
31 athletics at the middle school level meet the requirements of KRS 156.070(2)(f)2. and KRS  
32 160.380(4) and (6);

33 (2) Require the adherence to the following items regarding safety, sports medicine, and risk  
34 minimization for all interscholastic athletics at the middle school level:

35 (a) Each student, prior to trying for a place on a middle school athletic team, shall provide an  
36 annual medical examination, in accordance with KRS 156.070(2)(d), and shall use the form ap-  
37 proved for use at the middle school level;

38 (b) All participants at the middle school level shall adhere to all sports medicine policies in use  
39 at the middle school level that may be supplemented by the school, school district, conference, or  
40 association including:

- 41 1. Heat index and heat illness programs;
- 42 2. Wrestling weight management programs; and
- 43 3. Concussion and other head injury policies;

44 (3) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

- 45 (a) Be autonomous with respect to the Board of Control of the KHSAA;

- 1 (b) Be composed of no less than three (3) middle school representatives from each Supreme  
2 Court district as well as no less than three (3) at large representatives from throughout the state;
- 3 (c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and  
4 provide input on the sport, athletic event, or athletes involved in interscholastic activities through  
5 local school districts;
- 6 (d) Meet not less than twice annually to review current programs and policies; make recommen-  
7 dations for improvements to and participation in middle school interscholastic activities, as well  
8 as any changes in statute, administrative regulation, or policy related to middle school interscho-  
9 lastic athletics; and assist in the development of model guidelines for schools, districts, confer-  
10 ences, and associations to be used in implementing a middle school athletic program; and
- 11 (e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in  
12 conjunction with the commissioner, a formal written report annually to the Kentucky Board of  
13 Education with recommendations for changes in statute, administrative regulation, or policy;
- 14 (4) Require any organization conducting a school based event at the middle school level to sub-  
15 mit the following, which shall be published and listed on the KHSAA Web site:
- 16 (a) Annual financial reports of all sanctioned and approved events sponsored by the organiza-  
17 tion; and
- 18 (b) Documentation of financial accountability including verification of federal status and tax  
19 documents including an annual IRS Form 990;
- 20 (5) Provide notice to the middle schools related to any program conducted by KHSAA related to  
21 educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;
- 22 (6) Provide educational materials and a mechanism to facilitate the monitoring and tracking ca-  
23 pabilities for the middle schools to ensure compliance with the provisions of KRS 160.445, and  
24 other requirements for coaches at the middle school level;
- 25 (7) Beginning with the 2015-2016 school year, require any student enrolled initially in grade  
26 five (5) through eight (8) during the 2015-2016 school year or thereafter who is repeating a grade  
27 for any reason, to be ineligible to compete in interscholastic competition involving students en-  
28 rolled in grades six (6) through eight (8) while repeating a grade;
- 29 (8) Beginning with the 2015-2016 school year, require any student who turns:
- 30 (a) Fifteen (15) years of age prior to August 1 of the current school year shall not be eligible for  
31 interscholastic athletics in Kentucky in competition against students exclusively enrolled in  
32 grades eight (8) and below;
- 33 (b) Fourteen (14) years of age prior to August 1 of the current year shall not be eligible for inter-  
34 scholastic athletics in Kentucky in competition against students exclusively enrolled in grades  
35 seven (7) and below; and
- 36 (c) Thirteen (13) years of age prior to August 1 of the current school year shall not be eligible  
37 for interscholastic athletics in Kentucky in competition against students exclusively enrolled in  
38 grades six (6) and below;
- 39 (9) Require each school, school district, conference, or association of schools to develop rules  
40 and limitations regarding student participation at the middle school level to include:
- 41 (a) A defined age limitation for participating students;
- 42 (b) A policy regarding the participation of students below grade six (6);
- 43 (c) A limitation on practice time prior to the season in any sport or sport activity which shall not  
44 exceed the practice time adopted for play at the high school level;
- 45 (d) A limitation on the number of school based scrimmages and regular season, school based  
46 contests in each sport or sport-activity, which shall not include post season contests and shall not

1 exceed the allowable number of contests for that sport or sport-activity at the high school level;  
2 and

3 (e) A limitation on the length of the regular competitive season in each sport or sport-activity,  
4 not including any post season activities, which shall not exceed the length for that sport or sport-  
5 activity at the high school level;

6 (10) Conduct all meetings related to middle school athletics in accordance with KRS 61.805  
7 through 61.850;

8 (11) Require that the common schools at the middle school level may only compete in contests  
9 against schools, including combined elementary or middle school teams, that adhere to these  
10 provisions;

11 (12) Issue an annual report to the Kentucky Board of Education on the status of interscholastic  
12 athletics at the middle school level, including any recommendations for changes in statute, ad-  
13 ministrative regulation, or policy; and

14 (13) Allow a school or school district to join a conference or association that has developed  
15 rules for any particular sport or sport-activity to satisfy the requirements of this administrative  
16 regulation.

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18 Section 4. Financial Planning and Review Requirements. (1) KHSAA shall annually submit the  
19 following documents to the KBE by October 31:

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

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

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

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

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

29 2. Eligibility rules;

30 3. Duties of school officials;

31 4. Contests and contest limitations;

32 5. Requirements for officials and coaches; and

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

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

38 (2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education  
39 following receipt and adoption by the Board of Control, audited financial statements with the  
40 KHSAA Commissioner's letter addressing exceptions or notes contained in management corre-  
41 spondence, if any.

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

44 (a) "KHSAA Constitution", 6/2013;

45 (b) "KHSAA Bylaws", 6/2015 ~~6/2014~~;

46 (c) "KHSAA Due Process Procedure", 6/2015 ~~6/2014~~;

- 1 (d) "KHSAA Board of Control and Officials Division Policies", 6/2015 ~~6/2014~~;
- 2 (e) "KHSAA Form BA101- Baseball Pitching Limitation", 4/2009;
- 3 (f) "KHSAA Form FB102- Football Financial Report", 9/7/2009;
- 4 (g) KHSAA Form GE01, "Application for Renewal of Membership", 6/2015 ~~4/2014~~;
- 5 (h) KHSAA Form GE02, "Application for New Membership", 6/2015 ~~4/2014~~;
- 6 (i) KHSAA Form GE04, "Athletic Participation/Physical Examination Form, Parental and Stu-
- 7 dent Consent and Release for High School Level (grades 9 - 12) Participation", 6/2015 ~~4/2014~~;
- 8 (j) KHSAA Form GE06, "Transfer Form – Citizens of the U.S. or U.S. Territories", 6/2015
- 9 ~~4/2014~~;
- 10 (k) KHSAA Form GE07, "Application for Foreign Exchange Student (Non Domestic) Eligibil-
- 11 ity", 6/2015 ~~4/2014~~;
- 12 (l) KHSAA Form GE08, "Application for Foreign Student, Non-Exchange (Non Domestic) Eli-
- 13 gibility", 6/2015 ~~4/2014~~;
- 14 (m) "KHSAA Form GE14- Contract for Athletic Contests", 4/2014;
- 15 (n) KHSAA Form GE16, "Request for Statutory Waiver of Bylaw 2", 4/2014;
- 16 (o) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;
- 17 (p) KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014;
- 18 (q) "KHSAA Form GE26- Financial Aid Report", 5/2011;
- 19 (r) KHSAA Form GE35, "Request for Waiver of 20 Day Notice", 6/2015 ~~4/2014~~;
- 20 (s) "KHSAA Form GE36- Add. Info for Appeal", 5/2011;
- 21 (t) "KHSAA Form GE52- District Tournament Financial Report", 6/2015 ~~4/2014~~;
- 22 (u) KHSAA Form GE53, "KHSAA Regional Tournament Financial Report", 6/2015 ~~4/2014~~;
- 23 (v) "KHSAA Form GE69- Waiver – 15 Day Exceptions", 5/2011;
- 24 (w) KHSAA Form SO112, "Semi-State Tournament Financial Report", 4/2014;
- 25 (x) KHSAA Form WR111, "Wrestling Skin Condition", 4/2014;
- 26 (y) KHSAA Form WR126, "Minimum Weight Certification Program Assessor Designation
- 27 4/2014; and
- 28 (z) "KHSAA Form MS1- Physician & Parental Permission", 6/2015 ~~9/2013~~.
- 29 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
- 30 the Office of Legal and Legislative Services, Department of Education, First Floor, Capital Plaza
- 31 Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.(13 Ky.R. 835;
- 32 eff. 11-11-1986; Am. 14 Ky.R. 989; eff. 12-11-87; 15 Ky.R. 1153; eff. 1-7-89; 16 Ky.R. 1255;
- 33 eff. 2-3-90; 2459; eff. 7-12-90; 17 Ky.R. 451; 1484; eff. 12-7-90; 18 Ky.R. 1200; eff. 12-8-91;
- 34 19 Ky.R. 514; eff. 10-1-92; 1419; eff. 2-4-93; 20 Ky.R. 2900; 3203; eff. 6-14-94; 22 Ky.R. 1728;
- 35 eff. 5-16-96; 24 Ky.R. 174; 573; eff. 9-4-97; 25 Ky.R. 127; 1046; eff. 11-5-98; 26 Ky.R. 1448;
- 36 eff. 3-10-2000; 27 Ky.R. 1869; 2438; eff. 3-19-2001; 28 Ky.R. 2446; 29 Ky.R. 108; eff. 7-15-
- 37 2002; 30 Ky.R. 2378; 31 Ky.R. 75; eff. 8-6-04; 1895; eff. 8-5-05; 32 Ky.R. 1769; eff. 6-2-06; 33
- 38 Ky.R. 3461; 34 Ky.R. 40; 726; eff. 9-10-07; 35 Ky.R. 2158; 36 Ky.R. 63; eff. 7-13-2009; 37
- 39 Ky.R. 2480; 2834; eff. 6-13-2011; 38 Ky.R. 1801; 1965; eff. 6-11-2012; 40 Ky.R. 133; 594; 807;
- 40 eff. 11-1-2013; 2618; 41 Ky.R. 39; eff. 8-1-2014.)

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