

1 Education and Workforce Development Cabinet

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 702 KAR 7:065. Designation of agent to manage middle and high school interscholastic ath-
6 letics.

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 to manage and control the common schools, including interscholastic athlet-
11 ics in the schools. KRS 156.070(2) authorizes the board to designate an agency to manage athlet-
12 ics. This administrative regulation designates an agent for middle and high school athletics; es-
13 tablishes the financial planning and review processes for the agent; and incorporates by reference
14 the bylaws, procedures, and rules of the agent.

15 Section 1. Definitions. (1) "Contact" means that drills are run at Level 3, thud, or Level 4, live
16 action.

17 (2) "KBE" means Kentucky Board of Education.

18 (3) "KHSAA" means Kentucky High School Athletics Association.

19 (4) "Level 0" or "air" means that players run a drill unopposed and without contact.

20 (5) "Level 1" or "bags" means that a drill is run against a bag or another soft contact surface.

21 (6) "Level 2" or "control" means that a drill is run at the assigned speed until the moment of

1 play) to be enrolled in at least grade seven (7) unless the student has participated at the high
2 school level prior to the 2014 - 2015 school year;

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

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

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

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

10 (10) Permit the commissioner to employ other personnel necessary to perform the staff re-
11 sponsibilities;

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

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

15 (13) Establish a philosophical statement of principles to use as a guide in a high school eligi-
16 bility case;

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

21 (15) As a condition precedent to high school membership, require each member high school
22 and superintendent to annually submit a written certification of compliance with 20 U.S.C. Sec-
23 tion 1681 (Title IX);

- 1 which is advertised or promoted as a school event, whether or not an entry fee is required;
- 2 (d) A school entity pays an entry fee, for the student or team, including payment by booster
3 organizations;
- 4 (e) A school representative accompanies the student-athlete or transports the student-athlete to
5 the contest, event, or tournament;
- 6 (f) A designated or hired member of a school coaching staff, whether paid or unpaid, is pre-
7 sent and offering instruction, advice, evaluation, or refinement of skills or exercising other duties
8 defined as coaching within the sport rules;
- 9 (g) Transportation to or from the contest, event, or tournament utilizes school provided or ap-
10 proved transportation;
- 11 (h) Competitors in the contest, event, or tournament wear apparel identifying them by the
12 name of the school, including the formal name, informal name, or team nickname;
- 13 (i) Competitors in the contest, event, or tournament are provided promotional or other re-
14 sources by the school including school media recognition, signage, and items clearly indicative
15 of school representation;
- 16 (j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local
17 school board or school based decision making body, including financial or other approval con-
18 trol; or
- 19 (k) Competition in a contest, event, or tournament is covered by any school or school system
20 provided or procured insurance policy;
- 21 (2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach inter-
22 scholastic athletics at the middle school level:
- 23 (a) Meet the requirements of KRS 156.070(2)(f)2.;

- 1 (ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact
2 drill; and
- 3 (iii) A contact drill shall be conducted in full equipment;
- 4 b. Middle school football shall practice a minimum of eleven (11) days before engaging an-
5 other group or opponent in full contact, using the following minimum schedule:
- 6 (i) Five (5) days in helmets;
- 7 (ii) Followed by three (3) days in helmets and shoulder pads; and
- 8 (iii) Concluding with three (3) days in full equipment practice; and
- 9 c. Contact drills shall not be conducted more than twenty-one (21) days before the first regu-
10 lar season contest;
- 11 5. The following baseball pitching limitations shall apply to all interscholastic play at the
12 middle school level including scrimmages, regular season and post season games:
- 13 a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls,
14 balls in play, and outs;
- 15 b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in
16 case of injury or game delay, and plays attempted against the batter-runner or any runner at first,
17 second, or third base shall not count against this limit;
- 18 c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be
19 allowed to finish that hitter;
- 20 d. The required calendar rest shall begin on the day following the date on which the game be-
21 gan or a resumed game began regardless of the conclusion time of the game; and
- 22 e. The rest periods shall be based on the following total pitches:
- 23 (i) Maximum pitches – eighty-five (85);

1 (e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in
2 conjunction with the commissioner, a formal written report annually to the KBE with recom-
3 mendations for changes in statute, administrative regulation, or policy;

4 (5) Require any organization conducting a school based event at the middle school level to
5 submit the following, which shall be published and listed on the KHSAA Web site:

6 (a) Annual financial reports of all sanctioned and approved events sponsored by the organiza-
7 tion; and

8 (b) Documentation of financial accountability including verification of federal status and tax
9 documents including an annual IRS Form 990;

10 (6) Provide notice to the middle schools related to any program conducted by KHSAA related
11 to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;

12 (7) Provide educational materials and a mechanism to facilitate the monitoring and tracking
13 capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and
14 other requirements for coaches at the middle school level;

15 (8) Require any student enrolled initially in grade five (5) through eight (8) who is repeating a
16 grade for any reason, to be ineligible, during the school year that the grade is repeated, to com-
17 pete in interscholastic athletics competition at any level;

18 (9) Require that any student who turns:

19 (a) Fifteen (15) years of age prior to August 1 of the current school year shall not be eligible
20 for interscholastic athletics in Kentucky in competition against students exclusively enrolled in
21 grades eight (8) and below;

22 (b) Fourteen (14) years of age prior to August 1 of the current year shall not be eligible for in-
23 terscholastic athletics in Kentucky in competition against students exclusively enrolled in grades

1 rules for any particular sport or sport-activity to satisfy the requirements of this administrative
2 regulation; and

3 (14) The period of June 25 to July 9, inclusive, shall be a dead period for middle school ath-
4 letics. During the dead period:

5 (a) Students shall not receive coaching or training from school personnel, whether salaried or
6 non-salaried;

7 (b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;

8 (c) School funds shall not be expended in support of interscholastic athletics; and

9 (d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports
10 team at a school may be held.

11 Section 5. Financial Planning and Review Requirements. (1) KHSAA shall annually submit
12 the following documents to the KBE by October 31:

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

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

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

17 (d) A summary report of operations including summaries of financial, legal, and administra-
18 tive actions taken and other items ongoing within KHSAA. This report shall also include a sum-
19 mary of items affecting:

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

22 2. Eligibility rules;

23 3. Duties of school officials;

- 1 (g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Re-
- 2 lease for High School Level (grades 9 - 12) Participation", 4/2015;
- 3 (h) KHSAA Form DP02, "Request for Statutory Waiver of Bylaw 2", 6/2018;
- 4 (i) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 6/2018
- 5 [8/2017];
- 6 (j) [(+)] KHSAA Form DP07, "Application for Athletic Eligibility for Students having J-1 or
- 7 F-1 Status", 8/2017;
- 8 (k) [(+)] KHSAA Form DP08, "Application for Non U.S. Student Athletic Eligibility for Stu-
- 9 dents Not having J-1/F-1 Status ", 8/2017;
- 10 (l) KHSAA Form DP16, "Request for Waiver of 20 Day Notice", 6/2018;
- 11 (m) KHSAA Form DP17, "Add. Info for Appeal", 6/2018;
- 12 (n) KHSAA Form DP18 "Waiver – 15 Day Exceptions", 6/2018;
- 13 (o) [(k)] "KHSAA Form GE14- Contract for Athletic Contests", 8/2017;
- 14 (l) ~~KHSAA Form GE16, "Request for Statutory Waiver of Bylaw 2", 6/2016;~~
- 15 (p) [(m)] "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;
- 16 (q) [(n)] KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014;
- 17 (e) ~~KHSAA Form GE35, "Request for Waiver of 20 Day Notice", 4/2014;~~
- 18 (p) ~~"KHSAA Form GE36 Add. Info for Appeal", 6/2016;~~
- 19 (q) ~~"KHSAA Form GE69 Waiver – 15 Day Exceptions", 6/2016;~~
- 20 (r) KHSAA Form PPE/Physical Exam, "PPE- Physical Exam History/Physician Clearance
- 21 Form (Grades 6 - 12)", 4/2015;
- 22 (s) KHSAA Form PPE/Supplemental, "PPE- Physical Exam History Supplemental Form for
- 23 Athletes With Special Needs (Grades 6 - 12)", 4/2015;

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Wayne D. Lewis Jr., Ph.D.
Interim Commissioner of Education

(Date)

Milton C. Seymore,
Chairperson, Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation Number: 702 KAR 7:065

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 156.070 requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools, and authorizes the KBE to designate an agency to manage athletics. This regulation designates the Kentucky High School Athletic Association (KHSAA) as the agent to manage high school and middle school interscholastic athletics, and incorporates by reference the bylaws, procedures and rules governing interscholastic sports.

(b) The necessity of this administrative regulation: This regulation is necessary to designate the agency to provide the day-to-day management activities of interscholastic athletics in Kentucky; to set forth the financial, planning and review processes governing the agent; and to incorporate by reference the bylaws, procedures and rules of the agency.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation designates the agency to manage interscholastic athletics, as authorized by the authorizing statute, and outlines the conditions under which this authority is granted.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It designates the KHSAA as the agent to manage interscholastic athletics in the schools and districts at the high school and middle school levels, and publishes changes in bylaws, procedures and rules for affected schools and districts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: These amendments make changes to the documents incorporated by reference, including the bylaws to remove scrimmage restrictions in the sport of Football, during week zero, while still ensuring adherence to contact and acclimatization requirements. These changes were adopted by the annual KHSAA Delegate Assembly. Additional changes were also made to the bylaws to allow for compliance with recent legislative action as it relates to homeschool students seeking to participate in regular season events, as well as recognizing the creation of charter schools in the Commonwealth.

(b) The necessity of the amendment to this administrative regulation: Pursuant to the KHSAA Constitution, which is incorporated by reference in this regulation, the members are required to have an annual meeting to discuss and recommend any needed changes to the Constitution and Bylaws. While they are not required to make changes to the Constitution and Bylaws, changes must be made through this process. This amendment incorporates changes approved at the annual meeting of the Delegate Assembly. This amendment also is necessary to designate the

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 702 KAR 7:065

Contact Person: Todd Allen

Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts, the Department of Education, and the Kentucky High School Athletic Association.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and 702 KAR 7:065.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There is no additional expense to the school districts or the department as a result of this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? The costs associated to the KHSAA in administrating this program for the first year are minimal.

(d) How much will it cost to administer this program for subsequent years? The costs associated to the KHSAA in administrating this program in subsequent years are minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: