

**FALL 2018 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION ANNUAL MEETING
PROPOSALS SUBMITTED TO THE DELEGATES BY THE BOARD OF CONTROL FOR CONSIDERATION AS REQUIRED BY 702 KAR
7:065 AND THE ANNUAL REVIEW OF ASSOCIATION RULES. ALL PROPOSALS TO BE CONSIDERED SEPTEMBER 19, 2018 FOR
ADOPTION EFFECTIVE WITH THE 2019-2020 SCHOOL YEAR (UNLESS OTHERWISE NOTED)
(233 DELEGATES PRESENT, 156 REQUIRED FOR PASSAGE)**

Items which are underlined represent additions to current bylaw provisions, items struck through represent deletions

**PROPOSAL 2018-01 – BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS
PREVIOUSLY ENROLLED IN MEMBER SCHOOLS**

(PASSED, FINAL VOTE: 200 YES, 12 NO, 0 ABSTAIN, 21 PRESENT)

Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by 702 KAR 7:065

Amend Bylaw 6 to remove the restriction on transfer in sports for which the student has no previous participation record.

Rationale: This change would allow students without previous varsity participation to participate in sports that they have not yet participate. For example, a student who had previously participated in football but transferred and a waiver was not granted could participation in other fall sports such as soccer or golf during that period of ineligibility. Other examples can be given but this would apply the penalty to the previous varsity sports thereby eliminating most options for athletically motivated transfers. This would also lessen both the member school and association exposure to legal liability and truly focus on athletically motivated transfers.

Impact: Regulatory

Bylaw 6. Transfer Rule

Sec. 1) DOMESTIC STUDENT TRANSFER

- a) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school while maintaining permanent residence in the United States or a United States territory following enrollment in grade nine (9) and who then transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in any sport in which the student has participated at the varsity level since enrolling in grade nine for a period of one year from the date of last participation in varsity interscholastic athletics.
- b) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school following enrollment in grade nine (9) who has been previously granted eligibility under the provisions of Bylaw 7 or Bylaw 8 and who then transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in any sport in which the student has participated at the varsity level since enrolling in grade nine for a period of one year from the date of last participation in varsity interscholastic athletics.
- c) The Ruling Officer and Commissioner have discretion (but are not required) to waive the period of ineligibility set forth above if one or more of the following exceptions in Sec. 2 has been met.
- d) A student awaiting a ruling regarding eligibility under the provisions of this bylaw shall not be eligible to compete, including practice, at any level during the periods defined by Bylaw 23.

**PROPOSAL 2018-02 – BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS
PREVIOUSLY ENROLLED IN MEMBER SCHOOLS**

(PASSED, FINAL VOTE: 208 YES, 16 NO, 0 ABSTAIN, 9 PRESENT)

Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by 702 KAR 7:065

Amend Bylaws 6 to create an exception to the one-year period of ineligibility when evidence is submitted with the original request for eligibility that verifies violations of KRS 158.148 (bullying).

Rationale: This would create a specific exception within the transfer rule to allow for a waiver to be granted for documented instances of bullying as detailed in KRS 158.148. The situation would have to be clearly documented with the submission of the eligibility request. This would help deter requests for waiver of the rule due to allegations of bullying in cases where the school had no prior notice or opportunity to address the issue but permit the changing of schools with full varsity eligibility in those cases when evidence is submitted to warrant a discretionary waiver.

Impact: Regulatory

BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS PREVIOUSLY ENROLLED IN MEMBER SCHOOLS

Sec. 2) DISCRETIONARY EXCEPTIONS FOR WAIVER (Evidence supporting the desired exception shall be presented with the original request to the Association by the member school):

k) ANTI-BULLYING EXCEPTION- The period of ineligibility may be waived for a student when it is documented, at the time of the original transfer eligibility submission, that a student is a victim of bullying as defined in KRS 158.148 and in which bullying has been documented to the school district in accordance with the statute and local board of education related regulations, and as a result of this documented harassment, intimidation or bullying, the student is compelled to transfer, provided:

- 1) The school district's and member school's anti-bullying policies and procedures have been substantially followed and complied with and a copy of which policies have been provided to the KHSAA along with the request for eligibility; and
- 2) The school district or member school secures the appropriate releases from the student/student's parents authorizing the member school to provide a complete record of the events and circumstances on which the policies and procedures were initiated, and the member school provides such records at the time of the transfer ruling request submission including:
 - a) A specific, detailed report of the prohibited incident(s);
 - b) An outline of the procedures used to respond to and investigate the reported incident(s);
 - c) A copy of the findings that were a result of the complaint process and investigation;
 - d) A specific, detailed disciplinary procedure for any individual found guilty of harassment, intimidation or bullying;

- e) All reports of notification to parents or guardians of any student involvement in the incident(s); and
 - f) A report of the intervention strategies and remedial action the school has undertaken to assist the student and redress the complaint.
- 3) In concurrence with KRS 158.148, this exception shall not be used for any isolated incidents or alleged incidents of bullying, nor as a means to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process, nor can this exception be used in cases where there has been no contemporaneous reporting of the alleged bullying harassment or intimidation.

PROPOSAL 2018-03 – BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS PREVIOUSLY ENROLLED IN MEMBER SCHOOLS; BYLAW 7. TRANSFER RULE- STUDENTS HAVING J-1/F-1 STATUS AND BYLAW 8. TRANSFER RULE- NON-U.S. STUDENTS NOT HAVING J-1/F-1 STATUS

(PASSED, FINAL VOTE: 222 YES, 4 NO, 0 ABSTAIN, 7 PRESENT)

Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by 702 KAR 7:065

Amend Bylaws 6, 7 and 8 to remove the place participation in practice and non-varsity competition at the discretion of the member school as is the case with the other Bylaws.

Rationale: When Bylaw 14 was amended in 2016, there was no companion change made to Bylaws 6, 7 and 8. As such, school discretion, which was at the heart of the previous change, was taken away for Bylaws 6, 7 and 8. The student is already ineligible at the varsity level due to the rules, and the school should have participation discretion while a ruling is pending.

Impact: Regulatory

BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS PREVIOUSLY ENROLLED IN MEMBER SCHOOLS

Sec. 1) DOMESTIC STUDENT TRANSFER

- a) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school while maintaining permanent residence in the United States or a United States territory following enrollment in grade nine (9) and who then transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in any sport for one year from the date of last participation in varsity interscholastic athletics.
- b) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school following enrollment in grade nine (9) who has been previously granted eligibility under the provisions of Bylaw 7 or Bylaw 8 and who then transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in any sport for one year from the date of last participation in varsity interscholastic athletics.
- c) The Ruling Officer and Commissioner have discretion (but are not required) to waive the period of ineligibility set forth above if one or more of the following exceptions in Sec. 2 has been met.
- ~~d) A student awaiting a ruling regarding eligibility under the provisions of this bylaw shall not be eligible to compete, including practice, at any level during the periods defined by Bylaw 23.~~

BYLAW 7. TRANSFER RULE- STUDENTS HAVING J-1/F-1 STATUS

Sec. 1) FOREIGN EXCHANGE STUDENTS (NONDOMESTIC)

- a) Any student with J-1 or F-1 status (VISA) who initially enrolls into a KHSAA member school and desires participation in sports within the first year of enrollment at a KHSAA member school shall be considered ineligible the varsity (first team) level for the first calendar year following enrollment.
- b) Any student with J-1 or F-1 status (VISA) who initially enrolls into a KHSAA member school and who has been ineligible for an entire calendar year after being enrolled in a high school in Kentucky shall become eligible to represent that school immediately following the conclusion of the one-year period, and remain eligible through graduation while enrolled in that school if compliant with all other KHSAA Bylaws.
- c) Any student with J-1 or F-1 status (VISA) who has not been enrolled for an entire calendar year in a high school in Kentucky and subsequently changes schools shall have transfer eligibility status considered under the provisions of this bylaw.
- d) Any student with J-1 or F-1 status (VISA) who has been enrolled for an entire calendar year in a high school in Kentucky and subsequently changes schools shall have transfer eligibility status considered under the provisions of Bylaw 6.
- ~~e) A student awaiting a ruling regarding eligibility under the provisions of this bylaw shall not be eligible to compete, including practice, at any level during the periods defined by Bylaw 23.~~

BYLAW 8. TRANSFER RULE- NON-U.S. STUDENTS NOT HAVING J-1/F-1 STATUS Sec. 1) FOREIGN STUDENTS (NONDOMESTIC) NOT COMING THROUGH EXCHANGE PROGRAMS

- a) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) and who initially enrolls into a KHSAA member school and desires to participation in sports at the varsity level Kentucky shall be considered ineligible at the varsity (first team) level for the first calendar year following enrollment.
- b) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) and who has been ineligible for an entire calendar year after being enrolled in a high school in Kentucky shall become eligible to represent that school immediately following the conclusion of the one-year period, and remain eligible through graduation while enrolled in that school if compliant with all other KHSAA Bylaws.
- c) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) who has not been enrolled for an entire calendar year in a high school in Kentucky and subsequently changes schools shall have transfer eligibility status considered under the provisions of this bylaw.
- d) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) who has been enrolled for an entire calendar year in a high school in Kentucky and subsequently changes schools shall have transfer eligibility status considered under

the provisions of Bylaw 6.

- e) ~~A student awaiting a ruling regarding eligibility under the provisions of this bylaw shall not be eligible to compete, including practice, at any level during the periods defined by Bylaw 23.~~

PROPOSAL 2018-04 – BYLAW 10. AMATEUR/AWARDS AND BYLAW 27. IMPOSITION OF PENALTIES

(PASSED, FINAL VOTE: 222 YES, 1 NO, 0 ABSTAIN, 10 PRESENT)

Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by 702 KAR 7:065

Amend Bylaws 10 and 27 to place the acceptance of improper benefits as a penalty under Bylaw 10 and the place a penalty for receiving those improper benefits in Bylaw 27.

Rationale: The member schools have followed the basic philosophy as espoused by the Kentucky General Assembly where schools are penalized instead of students, especially uninvolved students, when rules violations occur. However over the course of time, there has been proof that there are in fact cases where the student should suffer a penalty. This proposal would specify that the receiving of improper benefits, as defined in Bylaw 16, would constitute a violation of the bylaws that could in fact effect the eligibility of a student. Placing the restriction in Bylaw 10 (Awards) would allow for the individual to have an administrative appeal of the finding as a Hearing Officer Matter. The penalties in Bylaw 27 are already appealable to the Board of Control as a Board matter.

Impact: Regulatory

BYLAW 10. AMATEUR/AWARDS

Sec. 2) AWARDS AND LIMITATIONS

- a) This bylaw governs all awards received by a student-athlete while enrolled in a member school or awards received prior to enrollment.
- b) Cash or any other award that an individual cannot receive under these rules may not be forwarded in the individual's name to a different agency or individual.
- c) The following are permissible awards:
 - (1) Awards for participation in special events (postseason tournaments) and established regional or national recognition awards (Mr./Miss Basketball, All-State, etc.) may be presented only by the management of the event, awards program, or by a school that has had, or will have, a team or individual participate in the event or sport, subject to the limitations herein;
 - (2) An organization, business firm or other outside agency may recognize a student-athlete's outstanding performance in a particular contest or during a particular time by presenting an award, subject to the limitations herein;
 - (3) Awards presented by a member school conference, or approved agency shall be uniform for all team members receiving the award;
 - (4) Any award received for competition while representing the member high school during the season as defined by Bylaw 23 that does not exceed a value of \$300;
 - (5) Any award presented by the member school or by the Association for participation in KHSAA sponsored postseason events;
 - (6) Any award received by a student-athlete participating in an event while not representing the school at any time that conforms to the regulations of the recognized amateur athletic organization(s) associated with the event. If no limit exists for the amateur organization, the limit shall be \$300; and
 - (7) A scholarship awards to attend an institution of higher education after high school.
- d) The following are impermissible awards:
 - (1) Cash, gift certificates and merchandise items that cannot be properly personalized; ~~and~~
 - (2) Any award or prize of monetary value not approved within the permissible awards; ~~and~~
 - (3) An improper benefit as detailed in Bylaw 16, Sec. 1(b).

BYLAW 27. Imposition of Penalties

f) SUSPENSION

- (1) An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation, including suspension for receipt of improper benefits.
- (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.

J) DISASSOCIATION

- (1) If an individual or entity not under the direct control of a member school is found to have contributed to or been causal to, a violation of KHSAA bylaws, the disassociation of relations in all phases of interscholastic athletics may be imposed on a permanent basis, for the duration of the applicable period or for another specified period of time.
- (2) When a member school is required to disassociate with an individual or entity, such disassociation shall require that the institution:
 - (a) Refrain from accepting any assistance from the individual that would aid in the support of enrolled or non-enrolled student-athletes;
 - (b) Not accept financial assistance for the member school's athletics program from the individual;
 - (c) Ensure that no athletics benefit or privilege be provided to the individual that is not generally available to the public at large; and
 - (d) Take such other actions against the individual that the institution determines to be within its authority to eliminate the involvement of the individual in the member school's athletics program.