

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** 702 KAR 7:065, Amendments to Designation of Agent to Manage Middle and High School Interscholastic Athletics (Second Reading)

**Date:** June 2019

**Action Requested:**  Review  Action/Consent  Action/Discussion

**Assigned To:**  Full Board  Curriculum, Instruction and Assessment

Finance  Operations Management

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the approval of amendments to 702 KAR 7:065, including changes to the bylaws and policies of the Kentucky High School Athletic Association (KHSAA) and the Designation of Agent to Manage Middle and High School Interscholastic Athletics (KHSAA).

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the proposed changes to 702 KAR 7:065.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.070 and 702 KAR 7:065 which incorporates by reference the KHSAA Bylaws and KHSAA Policies and Procedures.

### BACKGROUND:

*Existing Policy:* This is an annual designation and consideration of amendments to the documents incorporated within 702 KAR 7:065. 702 KAR 7:065 (included as attachment "A") designates the 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 level. This requirement was fulfilled during the 2017-2018 school year by the KHSAA Board of Control (BOC) for the high school rules, and by the required meetings of the KHSAA Middle School Advisory Committee for the rules at that level.

*Summary of Issue:* The proposed change to the high school regulations (Bylaws) 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, 2018, annual meeting of high schools. Items considered at this annual meeting are submitted both by the BOC as part of its annual Constitution and Bylaws review, and by the member high schools, and are reviewed by the BOC before the development of the final agenda. At the 2018 annual meeting of the member high schools, 233 high schools were present; therefore, all proposals required 156 affirmative votes for passage. By 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 BOC and a recommendation made to the Kentucky Board of Education (KBE) for further action.

During that annual meeting, significant discussion was held by the membership as to the future of interscholastic athletics. National trends were reviewed, and the school representatives participated in spirited discussions about the balance between adapting to the students of today and meeting their needs and preserving the sound traditions of competition. This meeting will likely continue to shape the future of this 102-year old organization.

By these procedures, the amendments to the KHSAA Bylaws for its high school members that were listed below were approved by the listed votes. These amendments will be considered by the Local Superintendents Advisory Council (LSAC) at its upcoming meeting, and have been considered by the BOC of the KHSAA for implementation during the 2019-2020 school year unless otherwise noted, and received the requisite vote of the BOC. It should be noted that due to the overwhelming feeling of the membership, the provisions of Proposal 2018-03, which removed previous policy restrictions on practice and non-varsity competition during the consideration of a transfer matter, were implemented at the recommendation of the Commissioner and with the concurrence of the BOC in November 2018.

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>	<b>Vote</b>	<b>BOC</b>
2018-01	Proposed by the KHSAA BOC as part of the required annual review of all KHSAA Bylaws (702 KAR 7:065)	Amend Bylaw 6 to remove the restriction on transfer in sports for which the student has no previous participation record.	200 Yes, 12 No, 0 Abstain, 21 Present	Adopted
2018-02	Proposed by the KHSAA BOC as part of the required annual review of all KHSAA Bylaws (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).	208 Yes, 16 No, 0 Abstain, 9 Present	Adopted
2018-03	Proposed by the KHSAA BOC as part of the required annual review of all KHSAA Bylaws (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.	222 Yes, 4 No, 0 Abstain, 7 Present	Adopted
2018-04	Proposed by the KHSAA BOC as part of the required annual review of all KHSAA Bylaws (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.	222 Yes, 1 No, 0 Abstain, 10 Present	Adopted

At its final meeting of the school year in May, the KHSAA BOC approved a change in policy related to the conduct of non-rostered team members (spectators) as interscholastic contests. Following detailed review, the board adopted a policy stating: “Any adult spectator (adult who is not listed on the current roster of coaches for the school) at any KHSAA sanctioned interscholastic event (scrimmage, regular or postseason contest) who is removed by school administrators or by law enforcement for unsportsmanlike conduct (whether or not referred by an official) shall be suspended from attending, at minimum, the next contest at that level of competition and all other contests at any level in the interim.” The board felt strongly that this issue needed addressing immediately to give school officials additional options about fan conduct. The interscholastic level is the learning level of sport and should represent positive conduct expectations for all of those in attendance. Coach and participant conduct had been addressed through past policy and regulation.

The KHSAA also is designated to manage interscholastic athletics at the middle school level. The Middle School Advisory Committee held its final meeting for the 2018-2019 school year in May 2019. The focus of this meeting continues to be the health and safety for middle school athletes.

At that meeting, the committee recommended one amendment to 702 KAR 7:065 to standardize the first allowable playing date for middle school level football. Discussion has been held about standardizing other sports, but the committee has long felt that those issues are more facility-based than safety-based and were not in their jurisdiction at this time. However, football, including the number and type of practices as well as the amount of competition, certainly has been a safety focus of the committee.

During the final meeting in May, the committee recommended that the starting date for competition be standardized to read: “Beginning July 1, 2020, the first regular season interscholastic contest shall not be played prior to the Saturday preceding seven (7) of the National Federation of High Schools Standardized Procedure for Numbering Calendar Weeks.” This would begin middle school contests the week before the allowable date for high school contests, but continue to allow the required minimum number of practices. The middle school season ends, including the postseason, earlier than the high school season.

For the final presentation, KHSAA staff also processed its bylaws and policy documents through electronic grammatical proofing software, and many of the attached noted changes are corrections to long-standing wording that was in need of modernization and revision. KHSAA staff certifies that the BOC has taken action on the recommended items as documented by the minutes of the BOC meetings.

*Budget Impact:* State funds will not be impacted as a result of amendments to 702 KAR 7:065.

## **GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

The following groups were consulted:

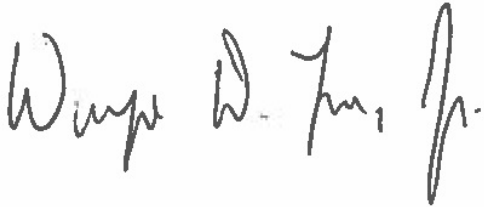
- KHSAA BOC

- KHSAA Annual Meeting Delegate Assembly
- LSAC

All affected groups concurred and approved the revisions. The regulation also will go before LSAC at its May 28 meeting. Comments from the LSAC should be received by the June meeting.

**CONTACT PERSON(S):**

Julian Tackett, KHSAA Commissioner  
KHSAA  
(859) 299-5472  
jtackett@khsaa.org



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**Commissioner of Education**

Category: <input type="checkbox"/> District Innovation <input type="checkbox"/> Strengthening Educators <input type="checkbox"/> Family/Community Involvement
<input checked="" type="checkbox"/> Student/Family Supports <input type="checkbox"/> Student Interventions <input type="checkbox"/> Coursework Completion <input type="checkbox"/> Accountability Reporting