

**FALL 2019 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 18, 2019 FOR
ADOPTION EFFECTIVE WITH THE 2020-2021 SCHOOL YEAR (UNLESS OTHERWISE NOTED)
(229 DELEGATES PRESENT, 153 REQUIRED FOR PASSAGE)**

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

**PROPOSAL 2019-01 – BYLAW 6 – TRANSFER RULE – CITIZENS OF THE US OR US TERRITORIES, SEC. 3 (STRIKE
EXISTING, REPLACE AS FOLLOWS); BYLAW 7 – TRANSFER RULE – FOREIGN EXCHANGE STUDENTS, SEC. 5
(STRIKE EXISTING, REPLACE AS FOLLOWS); BYLAW 8 – TRANSFER RULE – NON-EXCHANGE FOREIGN
STUDENTS, SEC. 3 (STRIKE EXISTING, REPLACE AS FOLLOWS)**

(PASSED, FINAL VOTE: 193 YES, 20 NO, 0 ABSTAIN, 16 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 create a more objective standard for the evaluation of evidence and information and the application of the provisions related to the grant of eligibility in the event of a transferring student when evidence shows that the transfer was for athletic advantage.

Rationale: Currently, through the Due Process Procedure, the staff at the Association may determine as to whether or not a transfer is for athletic advantage or was for athletic reasons even when the objective criteria contained in Sec. 2 of the rule had been met. Currently, this evaluative standard is subjective and based on interpretation of the information presented with the submission of the request for eligibility with Bylaws 6, 7, and 8. Recent legal proceedings have challenged the subjective nature of these decisions and been highly suggestive that, if the Association membership desired the ability to nullify transfer eligibility for athletic advantage, more objective criteria should be developed. This proposal utilizes the prior provisions of Sec. 3 as well as data gathered from other states that have addressed the issue to attempt to create a more finite list while continuing to allow a minimum amount of subjective evaluation of the circumstances. If the membership is not inclined to approve this change, for whatever reason, the membership will likely be asked in the future to remove Sec. 3 due to the potential challenges of applying this subjective standard.

Impact: Regulatory

BYLAW 6 – TRANSFER RULE – CITIZENS OF THE U.S. OR U.S. TERRITORIES, SEC. 3 (STRIKE EXISTING, REPLACE AS FOLLOWS)

Sec. 3) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER FOR THOSE SATISFYING DISCRETIONARY WAIVER PROVISION(S) IN SEC. 2

A waiver of the period of ineligibility is not required for a student satisfying one of the exceptions in Sec. 2 if documentation exists in the record that the transfer is motivated in whole or part by a desire to participate in athletics at the new school. This documentation of actions occurring anytime after enrollment in grade nine (9) includes but is not limited to:

a) A coach employed at the receiving school, paid or volunteer at any level, or another employed individual, paid or volunteer at any level, who is acting in a coaching role including instruction or training of any type and who, before the transfer of the student:

(1) Coached the student at a former school;

(2) Provided sport-specific instruction (paid or unpaid) without the expressed consent of the prior enrolled school;

(3) Coached the student on a nonschool (i.e., AAU, American Legion, club settings, summer program, etc.) team;

(4) Provided general athletic or activities instruction, including weight training and supervised conditioning without expressed permission from the prior enrolled school; or

(5) Provided housing or assistance with housing.

b) The student in question or family, before transferring to the new school:

(1) Received impermissible contacts or improper benefits as defined in Bylaw 16;

(2) Sought to be coached by the coach(es) at the new school;

(3) Expresses dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator about interscholastic athletics;

(4) Sought additional playing time or opportunities or having shown dissatisfaction with the amount of participation or role of participation at former school;

(5) Resided with any athletic coach or any other non-relative who is a member of the school athletic or administrative staff or team member (including parents and boosters); or

(6) Has had all or part of the housing or residence logistics influenced, coordinated or manipulated by a member of the school athletic or administrative staff or team member (including parents and boosters);

c) The change in schools is to nullify or circumvent:

(1) Documented obligations (including financial obligations) to the sending school;

(2) Implementation of Board of Education, School-Based Decision Making or school imposed policy which would have resulted in the student's ineligibility at the sending school by KHSAA Bylaws or Competition Rules; or

(3) A conflict with the philosophy or action of an administrator, teacher, or coach relating to sports.

Sec. 3) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER FOR THOSE SATISFYING DISCRETIONARY WAIVER PROVISION(S) IN SEC. 2

A waiver of the period of ineligibility is not required to be granted for those students satisfying one of the exceptions in Sec. 2:

a) If the satisfying of one of the exceptions is used or manipulated to gain athletic eligibility;

b) If the change in schools is to nullify or circumvent implementation of Board of Education, School-Based Decision Making or school imposed policy which would have resulted in the student's ineligibility at the sending school by KHSAA Bylaws or Competition Rules;

c) If the satisfying of one of the exceptions by the student and the parent(s) does not reasonably precipitate a transfer to the new school; or

d) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school, including but not limited to:

(1) If a student participates on a school team that is coached by a coach associated in that same sport at a high school, and the student then

- transfers to the member school where the coach is employed (paid or volunteer at any level);
- (2) If a student receives instruction (paid or unpaid) from a coach associated in that same sport at a high school without the expressed consent of the enrolled school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);
- (3) If a student participates on a nonschool (i.e., AAU, American Legion, club settings, summer program, etc.) team that is affiliated with or coached by a coach associated in that same sport at a member school and the student then transfers to the member school where a coach is employed (paid or volunteer at any level); or
- (4) If the student resides with any athletic coach or any other member of the school staff or team member (including parents and boosters).
- e) If the change is to nullify or circumvent documented obligations (including financial) obligations to the sending school and the student shall remain ineligible until the earliest of the conclusion of one year from last varsity participation or documentation that the obligations have been satisfied.

BYLAW 7 – TRANSFER RULE – FOREIGN EXCHANGE STUDENTS, SEC. 5 (STRIKE EXISTING, REPLACE AS FOLLOWS):

Sec. 5) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER

A waiver of the period of ineligibility is not required for a student satisfying one of the exceptions in Sec. 2 if documentation exists in the record that the transfer is motivated in whole or part by a desire to participate in athletics at the new school. This documentation of actions occurring anytime after enrollment in grade nine (9) includes but is not limited to:

- a) A coach employed at the receiving school, paid or volunteer at any level, or another employed individual, paid or volunteer at any level, who is acting in a coaching role including instruction or training of any type and who, before the transfer of the student:
 - (1) Coached the student at a former school;
 - (2) Provided sport-specific instruction (paid or unpaid) without the expressed consent of the prior enrolled school;
 - (3) Coached the student on a nonschool (i.e., AAU, American Legion, club settings, summer program, etc.) team;
 - (4) Provided general athletic or activities instruction, including weight training and supervised conditioning without expressed permission from the prior enrolled school; or
 - (5) Provided housing or assistance with housing.
- b) The student in question or family, before transferring to the new school:
 - (1) Received impermissible contacts or improper benefits as defined in Bylaw 16;
 - (2) Sought to be coached by the coach(es) at the new school;
 - (3) Expresses dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator about interscholastic athletics;
 - (4) Sought additional playing time or opportunities or having shown dissatisfaction with the amount of participation or role of participation at former school;
 - (5) Resided with any athletic coach or any other non-relative who is a member of the school athletic or administrative staff or team member (including parents and boosters); or
 - (6) Has had all or part of the housing or residence logistics influenced, coordinated or manipulated by a member of the school athletic or administrative staff or team member (including parents and boosters);
- c) The change in schools is to nullify or circumvent:
 - (1) Documented obligations (including financial obligations) to the sending school;
 - (2) Implementation of Board of Education, School-Based Decision Making or school imposed policy which would have resulted in the student's ineligibility at the sending school by KHSAA Bylaws or Competition Rules; or
 - (3) A conflict with the philosophy or action of an administrator, teacher, or coach relating to sports.

Sec. 5) SPECIFIC RESTRICTIONS RESULTING IN DENIAL OF WAIVER

Satisfying one of the exceptions in this Bylaw shall not be considered valid and a waiver of the period of ineligibility shall not be granted if:

- a) If the satisfying of one of the exceptions is used or manipulated to gain athletic eligibility;
- b) If the change in schools is to nullify or circumvent implementation of Board of Education, School-Based Decision Making or school imposed policy which would have resulted in the student's ineligibility at the sending school by KHSAA Bylaws or Competition Rules;
- c) If the satisfying of one of the exceptions by the student and the parent(s) does not reasonably precipitate a transfer to the new school; or
- d) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school, including but not limited to:
 - (1) If a student participates on a school team that is coached by a coach associated in that same sport at a high school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);
 - (2) If a student receives instruction (paid or unpaid) from a coach associated in that same sport at a high school without the expressed consent of the enrolled school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);
 - (3) If a student participates on a nonschool (i.e., AAU, American Legion, club settings, summer program, etc.) team that is affiliated with or coached by a coach associated in that same sport at a member school and the student then transfers to the member school where a coach

- is employed (paid or volunteer at any level); or
(4) If the student resides with any athletic coach or any other member of the school staff or team member (including parents and boosters).

BYLAW 8 – TRANSFER RULE – NON-EXCHANGE FOREIGN STUDENTS, SEC. 3 (STRIKE EXISTING, REPLACE AS FOLLOWS)

Sec. 3) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER

A waiver of the period of ineligibility is not required for a student satisfying one of the exceptions in Sec. 2 if documentation exists in the record that the transfer is motivated in whole or part by a desire to participate in athletics at the new school. This documentation of actions occurring anytime after enrollment in grade nine (9) includes but is not limited to:

- a) A coach employed at the receiving school, paid or volunteer at any level, or another employed individual, paid or volunteer at any level, who is acting in a coaching role including instruction or training of any type and who, before the transfer of the student:
- (1) Coached the student at a former school;
 - (2) Provided sport-specific instruction (paid or unpaid) without the expressed consent of the prior enrolled school;
 - (3) Coached the student on a nonschool (i.e., AAU, American Legion, club settings, summer program, etc.) team;
 - (4) Provided general athletic or activities instruction, including weight training and supervised conditioning without expressed permission from the prior enrolled school; or
 - (5) Provided housing or assistance with housing.
- b) The student in question or family, before transferring to the new school:
- (1) Received impermissible contacts or improper benefits as defined in Bylaw 16;
 - (2) Sought to be coached by the coach(es) at the new school;
 - (3) Expresses dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator about interscholastic athletics;
 - (4) Sought additional playing time or opportunities or having shown dissatisfaction with the amount of participation or role of participation at former school;
 - (5) Resided with any athletic coach or any other non-relative who is a member of the school athletic or administrative staff or team member (including parents and boosters); or
 - (6) Has had all or part of the housing or residence logistics influenced, coordinated or manipulated by a member of the school athletic or administrative staff or team member (including parents and boosters);
- c) The change in schools is to nullify or circumvent:
- (1) Documented obligations (including financial obligations) to the sending school;
 - (2) Implementation of Board of Education, School-Based Decision Making or school imposed policy which would have resulted in the student's ineligibility at the sending school by KHSAA Bylaws or Competition Rules; or
 - (3) A conflict with the philosophy or action of an administrator, teacher, or coach relating to sports.

Sec. 3) SPECIFIC RESTRICTIONS RESULTING IN DENIAL OF WAIVER

~~Satisfying one of the exceptions established in this Bylaw shall not be considered valid and a waiver of the period of ineligibility shall not be granted if:~~

- ~~a) If the satisfying of one of the exceptions is used or manipulated to gain athletic eligibility;~~
- ~~b) If the change in schools is to nullify or circumvent implementation of Board of Education, School-Based Decision Making or school imposed policy which would have resulted in the student's ineligibility at the sending school by KHSAA Bylaws or Competition Rules;~~
- ~~c) If the satisfying of one of the exceptions by the student and the parent(s) does not reasonably precipitate a transfer to the new school; or~~
- ~~d) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school, including but not limited to:~~
- ~~(1) If a student participates on a school team that is coached by a coach associated in that same sport at a high school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);~~
 - ~~(2) If a student receives instruction (paid or unpaid) from a coach associated in that same sport at a high school without the expressed consent of the enrolled school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);~~
 - ~~(3) If a student participates on a nonschool (i.e., AAU, American Legion, club settings, summer program, etc.) team that is affiliated with or coached by a coach associated in that same sport at a member school and the student then transfers to the member school where a coach is employed (paid or volunteer at any level); or~~
 - ~~(4) If the student resides with any athletic coach or any other member of the school staff or team member (including parents and boosters).~~