

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Waiver of Middle School Athletics Dead Period set forth in 702 KAR 7:065, Section 4(14) for Calendar Year 2020

Date: June 2020

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action to waive 702 KAR 7:065, Section 4(14) for calendar year 2020. This regulatory provision imposes a “dead period” on middle school athletics between June 25 and July 9 of each calendar year. KRS 156.160 grants the Kentucky Board of Education (KBE) the authority to waive its regulations.

COMMISSIONER’S RECOMMENDATION:

The Interim Commissioner recommends waiver of 702 KAR 7:065, Section 4(14) for calendar year 2020 to align with action taken by the Kentucky High School Athletic Association (KHSAA) Board of Control to waive the athletic “dead period” for high school athletics.

APPLICABLE STATUTE OR REGULATION:

702 KAR 7:065; KRS 157.070

BACKGROUND:

Existing Policy:

Under the requirements of 702 KAR 7:065, Section 4(14), the KBE and KHSAA as its designated agent, require June 25 through July 9 of each year to be a “dead period.” During this time, there is absolutely no contact permitted between coaches and student-athletes (including their families). Further, these restrictions also prohibit the use of any school athletic facilities.

Summary of Issue:

All athletic participation opportunities at both the middle school and high school levels have been suspended since March as a result of restrictions set forth by both the Governor, Department of Public Health and KHSAA as a result of the COVID-19 pandemic. As the state begins to lift these restrictions based on guidance from the Centers for Disease Control and Prevention (CDC), the Governor's Office, as well as state and local health departments, youth athletics are scheduled to slowly resume in a staggered series of phases based on the level of contact and whether the activity is indoor or outdoor. This process is set to begin June 15, 2020. As a result, the KHSAA Board of Control voted on May 28, 2020 to temporarily waive the “dead period” for high school athletics to allow contact between coaches and use of athletic facilities as youth sports resume. The KBE is asked to consider a temporary waiver of 702 KAR 7:065,

Section 4(14) to waive the “dead period” for middle school athletics for the 2020 calendar year.

The rationale for the “dead period” restriction is rooted in several policy considerations. Some include the need for a break (physically and mentally) from athletics for a defined period of time every year. In fact, the “dead period” was developed following a nearly year-long task force review in the middle-1990s to address a growing issue where year-round athletics was eroding family opportunities for a break from participation, and outside entities were beginning to sponsor a growing amount of school-based summer competition. Additionally, sometimes overzealous coaches required their players to play scores of games throughout the summer, in addition to a year-round workout regimen. While this may seem to be in the best interest of developing sports talent, such is not the purpose of scholastic athletics.

With these considerations in mind, the need for the traditional "dead period" in light of the nearly three-month long period of cancelled sports as a result of the COVID-19 restrictions, appears unnecessary. During its recent meeting, the KHSAA Board of Control discussed the feeling that it is essential to the physical and mental well-being of students to return to physical activity and athletic competition in a safe and organized fashion as soon as possible. As such, the KHSAA Board of Control voted to waive the “dead period” for high school athletics during the 2020 calendar year.

Accordingly, it is recommended that a waiver of the "dead period" for middle school athletics set forth in Section 4(14) be issued. Doing so will be consistent with other actions taken at the high school level for the 2020 calendar year. It should be noted that this action does not require any school district to conduct any activity. It will be a local school district's decision on whether to do so or not. Further, it still prohibits schools or coaches from making any participation in such permitted activity "mandatory" or required to be on the roster of any team.

Budget Impact:

There is no impact to state funds as a result of approval of this waiver. Waiving the “dead period” permits does not mandate middle school athletic contact between June 25 and July 9, 2020.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The KHSAA Board of Control voted in support of this proposed waiver request at its May 28, 2020 meeting.

CONTACT PERSON(S):

Julian Tackett, Commissioner
Kentucky High School Athletic Association
Email: jtackett@khsaa.org
(859) 299-5472

Todd G. Allen, Interim General Counsel
Office of Legal Services
Email: Todd.Allen@education.ky.gov
(502) 564-4474



Interim Commissioner of Education

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