

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Kentucky High School Athletic Association's (KHSAA) Board of Control's (BOC) Decision to Begin High School Interscholastic Sports

**Date:** August 28, 2020

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

**Held In:** ☒ Full Board ☐ Curriculum, Instruction and Assessment ☐ Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To review information from the Kentucky High School Athletic Association (KHSAA) and the Board of Control's (BOC) decision to begin high school interscholastic sports.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the development of written communication to be issued to the KHSAA's BOC on behalf of the Kentucky Board of Education (KBE) based on the board's discussion today urging additional considerations of alternative options for high contact fall sports.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 702 KAR 7:065 and KHSAA Bylaws

### BACKGROUND:

#### *Existing Policy:*

The KHSAA BOC conducted a virtual meeting on July 28, 2020 which addressed the future of the 2020 fall sports season. With 17 members voting in favor (and one member abstaining), the BOC approved a plan to begin official fall sports practice on August 24, 2020 in cross country, field hockey, soccer, volleyball and football, with the first date of competition set for September 11, 2020 for football and September 7, 2020 for the remaining fall sports. Golf, given it is low touch, was permitted to start before September 24.

A strong recommendation was given by the BOC that all activity be held outdoors where safety equipment and conditions will permit. All approved fall sports were to be restricted to 7.5 hours of practice during the first week, with full practice allowances beginning Monday, August 31.

The BOC approved adjustments to the postseason format in soccer and the schedule in football, moving the start of the soccer postseason to October 12 in order to condense the first three rounds into two weeks. Each round of the football postseason was pushed back a week, with the first-round games now scheduled for November 13-14 and the finals set for December 11-12. Football teams have the option to add an additional regular-season contest November 6-7 for a maximum of nine regular-season games.

With the regular season window shortened for fall sports, the BOC approved a modification to Bylaw 23 (Limitation of Seasons) for 2020-2021, removing the allowance for interscholastic scrimmages while adjusting the number of permissible contests in each of the fall sports as a result of the new starting date: cross country (9), field hockey (16), football (9), soccer (14) and volleyball (24).

To help ensure appropriate social distancing, the BOC established limits on players in uniform in regular season interscholastic competition to match current region and state event limits as such: cross country (10), field hockey (24), soccer (24) and volleyball (15) per contest. A limit was placed on football as well with 60 players being permitted to be in uniform.

The BOC addressed postseason seeding as well, approving a motion that all districts that have voted to seed will be reduced to a one-game seed plan until further notice. If teams play multiple times, the first game played shall be counted as the seeded game. Seed games unable to be played directly related to Covid-19 will be handled per the board's July action and the KHSAA staff was directed to intercede and resolve contest disputes.

On August 20, the BOC held a virtual meeting affirming its July 28 position (i.e., option 1) by a 16-2 vote to begin practice for fall sports on August 24 with competition starting the week of September 7. The board considered two other motions before taking a vote on option 1 during the meeting, both of which would have delayed the start of the fall seasons to varying degrees, but neither motion received enough support for adoption. Option 2 would have had all fall sports start when the districts were to return to in person instruction on September 28 and option 3 would have permitted the low touch sports like cross country and golf to keep their original schedule that was approved on July 28, but the high touch sports like football and soccer would not start until there was a return to in person instruction on September 28. Option 2 was defeated 15-3 and option 3 was defeated 13-5. Option 4 (i.e., move the fall sports to start after the new year between the winter and spring sports) and option 5 (i.e., the fall sports would be moved to be played at the same time as the spring sports) were not voted on.

Thus, fall sports of field Hockey, soccer, volleyball, cross country and football began official practice August 24, with a restriction of 7.5 hours of practice during the first week (as previously approved by the board) and full practice starting Monday, August 31.

#### *KBE/KHSAA Legal Structure:*

Pursuant to KRS 156.070(1), the General Assembly has granted the KBE with "management and control of the common schools and all programs operated in these schools, *including interscholastic athletics*[" (Emphasis added.) Subsection (2) therein further provides that the KBE "may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the [KBE.]" Per regulatory action taken by the KBE, the KHSAA serves as the KBE's designated agent. However, as noted, all rules, regulations and bylaws of KHSAA must be approved by the KBE. As such, the KHSAA has no regulatory authority by legislative grant, but rather KHSAA's authority derives from the KBE.

With a longstanding history in Kentucky, the KHSAA is a quasi-governmental agency and nonprofit member organization that serves both public and private schools. The autonomy with which the KHSAA and its BOC typically act proves beneficial to the KBE by fully managing the day-to-day operations of interscholastic athletics and facilitating the safety protocols and trainings which necessarily accompany that work.

*Summary of Issue:*

The KHSAA guidance documents for game competitions are expected to be completed by the KHSAA during the week of August 24-28. The KHSAA does not direct districts to allow teams to play; rather, they set forth the allowable times for athletic competition. Since the KHSAA BOC's decision on August 20 as outlined herein, districts have been making the decision whether to proceed with fall sports or postpone fall sports competitions until their students return to in-person class.

*Budget Impact:*

There is no fiscal impact to the Kentucky Department of Education's budget.

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

KHSAA Board of Control

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**Interim Commissioner of Education**

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