

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

Kevin C. Brown
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION
300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

August 31, 2020

Kentucky High School Athletic Association
Board of Control
2280 Executive Drive
Lexington, KY 40505

VIA EMAIL: boardofcontrol@khsaa.org

RE: Fall Interscholastic Athletics

Board of Control Members:

As you know, the Kentucky High School Athletic Association (KHSAA) and the Kentucky Board of Education (KBE) have enjoyed a long and productive working relationship for the benefit of student athletes throughout the Commonwealth. KRS 156.070 permits the KBE to designate an agent for the management of interscholastic athletics and stipulates that any designated agent utilize a board of control for review and recommendation of policies to the KBE for the governance of interscholastic athletics.

As the entity responsible for the management and control of the common schools, including interscholastic athletics, the KBE met on Friday, August 28, 2020, to review the recent decision of the KHSAA Board of Control to move forward with competition of all fall sports, including high-contact play. As you know, the Board of Control made this decision despite the fact that an overwhelming number of school districts, which are members of KHSAA, postponed in-person instruction until September 28, 2020, based on recommendations from public health officials, the Interim Commissioner of Education and the Governor.

The KBE's August 28, 2020, meeting was not designed to override the decision of the Board of Control. This was clear by the limited items included on the agenda for the KBE's special meeting. Furthermore, the benefit of athletics to students is not up for debate. The KBE recognizes the physical, social and emotional benefits of school sports. Providing our students with athletic opportunities and competition benefits not only their physical health, but also provides a social outlet, teaches our students the value of teamwork, and creates a place where many students find lifelong friends and mentors.

The August 28, 2020, KBE meeting was called for the KBE, as the principal in charge of interscholastic athletics, to review the decision of its agent and to gather a better understanding of the information considered by the Board of Control when it made the decision to move forward with fall sports. As the KBE and KHSAA have recognized for decades, the health and safety of student athletes must be at the forefront of any decision regarding school sports. The KBE, as well as the Board of Control, has a duty to

understand the risks to student athletes associated with the COVID-19 pandemic and to ensure that reasonable decisions are made to protect those student athletes.

During the August 28, 2020, special meeting, the KBE heard from KHSAA Commissioner Tackett, who provided a timeline of steps taken by KHSAA since March 2020 as result of COVID-19. This included an overview of guidance issued by KSHAA during the COVID-19 state of emergency; the July 10, 2020, Board of Control decisions to waive seasons according to Bylaw 23, impose roster restrictions and postpone practice and competition in certain sports until August 24 and September 7, respectively; and the August 20, 2020, Board of Control decision to move forward with the August 24 and September 7 practice and competition dates, while rejecting other options to further postpone interscholastic athletics. Commissioner Tackett dedicated a portion of his presentation to information provided by medical professionals that have guided decision-making. He indicated there are current indications of possible myocarditis in COVID-19 patients, highlighted an optional decision tree tool to guide return to play for student athletes who test positive for COVID-19, and commented on the problems with conflicting medical information on the topic. Commissioner Tackett noted that student athletes must assume some risk in playing sports.

Dr. Steven Stack, Commissioner for the Kentucky Department for Public Health, also presented to the KBE during its August 28, 2020, special meeting. Dr. Stack presented COVID-19 data, including trend data for Kentucky and other states, as well as other countries. He explained that the most important factor in determining successful return to schools and extracurricular activities is COVID-19 transmission in the communities where students, parents and school staff reside. Dr. Stack noted that approximately 40 of Kentucky's 120 counties currently are classified as "critical" or "accelerated spread" in terms of COVID-19 transmission.

Dr. Stack highlighted recent data indicating children have a higher COVID-19 viral load than adult COVID-19 patients in hospital intensive care units. On the topic of adolescent myocarditis, Dr. Stack presented recent information distributed by the Journal of the American Medical Association (JAMA) and recommendations for monitoring adolescents after recovering from COVID-19. Finally, Dr. Stack noted a study that showed some individuals will have lifelong heart and lung damage as a result of COVID-19. He was clear that there must be a place for in-person instruction and student sports. However, he noted that it makes most sense for the athletic season to be modified consistent with in-person instruction. He acknowledged that we cannot paralyze society for the risk of rare occurrences; however, we cannot be confident at this time that negative COVID-19 health outcomes for kids will be rare occurrences.

Finally, the KBE heard from superintendents Randy Poe (retired), David Raleigh (LaRue County), Alvin Garrison (Covington Independent) and Mike Borchers (Ludlow Independent). Superintendents expressed frustration with the lack of consistency between the decision of the Board of Control and the recommendation of the Interim Commissioner of Education to postpone in-person instruction until September 28, 2020.

At the time the Board of Control made its decision on August 20, 2020, Interim Commissioner Brown already had recommended in-person instruction be delayed until September 28 and an overwhelming majority of districts followed that recommendation. Nonetheless, the Board of Control set aside the Interim Commissioner of Education's recommendation in order to move forward with high-contact fall sports. Superintendents expressed further concern that school districts simply do not have resources to pay for regular COVID-19 testing of athletes.

Following these presentations, KBE members discussed the information they heard and the Board of Control's decision to move forward with fall sports. As a result of these conversations and on behalf of the KBE, I charge the Board of Control to immediately convene to consider action to:

1. Develop guidance for school districts on the responsibility and authority to enforce the protocols set forth in the recent KSHAA guidance document. Specifically, this new guidance should address the consequences for failure to follow KHSAA guidance, including how sports programs will be suspended or penalized for their failure to follow the guidance and ensure the safety of student athletes. Just as the rules of play are uniform and enforceable, so should be the rules for the protection of student athletes in light of COVID-19.
2. Anticipate and clarify how KHSAA guidance is likely to evolve and put forth clear and actionable guidance on how KHSAA will respond to a spike in cases at the school, district, regional and/or statewide level. If that were to happen, what kind of timely and responsible action will KHSAA take to reduce risks to student athletes?
3. Provide immediate guidance to school districts and coaches on spectator attendance at practice and competition. For example, will spectators be permitted to attend events? If so, will the number of spectators be limited? What are the requirements for temperature checks, social distancing and mask wearing for spectators if they are permitted to attend? How should concessions operate, if at all? School districts need clear guidance on these topics if they are to begin fall sports on the timeline approved by the Board of Control.
4. Develop clear guidance to school districts and coaches on how to best provide resources and mental health supports to student athletes who are unable to play due to parent choice, COVID-19 quarantine, program suspension due to COVID-19 or other reasons.
5. Require that the risks of COVID-19 are disclosed to families and students in a manner that is easily understood, along with recommended steps for student "return to sports" following a COVID-19 diagnosis. These disclosures should clearly outline the return-to-play guidance and address medical testing concerns raised by Dr. Stack, e.g., cost and availability of pediatric cardiologists, echocardiograms, electrocardiograms and cardiac MRIs.
6. Take steps, including but not limited to instructing KHSAA to work with KDE and the Department for Public Health, to develop model COVID-19 testing protocols for student-athletes and coaches that could be replicated across the state.
7. Adopt a regular reporting schedule, not less than bi-weekly, for the Board of Control and the KBE/KDE to receive written reports from the KHSAA that summarize COVID-related issues KHSAA is dealing with (by sport, district and school) and how concerns are addressed as they arise.

If you were not able to watch the Aug. 28 KBE meeting live, I encourage you to watch the recording on the [KDE Media Portal](#) for further insights and background into the expectations of the KBE. I look forward to our continued working relationship for the benefit of all Kentucky student athletes.

Sincerely,



Lu S. Young, Ed.D.
Chair, Kentucky Board of Education

Kentucky High School Athletic Association

August 31, 2020

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cc: Kentucky Board of Education Members
Kevin C. Brown, Interim Commissioner of Education
Jennifer Fraker, KBE Executive Director
Julian Tackett, KHSAA Commissioner
Steven Stack, M.D., Kentucky Department for Public Health Commissioner