

SENATE BILL 128: SUPPLEMENTAL SCHOOL YEAR PROGRAM GUIDANCE FOR SPORTS AND SPORT- ACTIVITIES

On March 24, Gov. Andy Beshear signed into law [Senate Bill 128](#), which creates the Supplemental School Year Program ("SSYP"). This emergency legislation allows any K-12 student enrolled during the 2020-2021 school year to use the 2021-2022 school year as a supplemental year to retake or supplement courses the student already has taken.

Students have until May 1 to submit a request to their local board of education, and the local board has until June 1 to decide whether to accept all requests or no requests from students in their district. The local board must submit its implementation plan, along with any requests for regulatory waivers, to the Kentucky Board of Education (KBE) by June 16. Each member school within each local Board of Education approving the SSYP will report to the KHSAA the names of students impacted by this decision based on the approved requests, per the instructions listed in this information. The KHSAA is providing this guidance so districts may provide students, families, and school officials with the relevant information as they make their final decisions.

Member schools should reference the KDE Guidance Document at <https://bit.ly/20Froqn> for specific information on issues connected to students in the program but not under the jurisdiction of the KHSAA.

Fundamental to all of this process is that the students choosing to repeat a grade under the SSYP program during 2021-22 and meeting all established deadlines have the same opportunities to do again as they would have had during their first year of enrollment in that grade in 2020-21, and not additional opportunities that might be otherwise created by the program.

Additionally fundamental is the realization that education is a constitutionally guaranteed right while athletics (and other extra-curricular activities) are a privilege, and as such there could be different answers on similar subjects. Where possible, the KHSAA has tried to stay congruent with the guidance issued relative to education.

In this document, individual eligibility bylaws (primarily Bylaws 2 through 14 listed on the KHSAA website at <https://bit.ly/3s8VWi8>) and their applicability to the SSYP will be referenced, as well as question-answers being incorporated into the document.

Timeline and Process

Students have until May 1 to submit a request to their local board of education to participate in the SSYP program. Any contemplated waivers to the eligibility provisions of the KHSAA for students participating in the SSYP, including KHSAA Bylaws 2 through 14, shall be available only to those enrolled in the approving district on or prior to May 1.

The local board has until June 1 to decide whether to accept all requests or no requests. These student requests – and the district's all-or-none decision -- apply only to students enrolled in the district on May 1, 2021.

Each member school of the KHSAA within each local Board of Education approving the SSYP will report to the KHSAA the names of students impacted by this decision based on the approved requests, per the instructions listed in this information.

It should be noted that the KHSAA does not have the authority under SB 128 to waive statutes or regulations that are adopted to incorporate the provisions of statutes.

Specific language regarding the waiver of regulations (including the KHSAA Bylaws that are incorporated by reference as part of

[702 KAR 7:065](#)

) will be provided through the annual regulatory process for the KHSAA designation as the athletic agent through

[KRS 156.070](#)

SSYP students will not be granted a waiver of the statutory age rule. Specific within the SB128 were provisions that the age limitation (age 19 before August 1) is not to be waived.

The current restriction on age is not only a

[KHSAA bylaw](#)

that is incorporated by reference into

[702 KAR 7:065](#)

, but is also statute with extremely limited reasons for waiver contained in

[KRS 156.070](#)

The KHSAA does not have the authority to waive statutory provisions.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

The provisions in

[702 KAR 7:065](#)

, implemented originally solely due to health and safety concerns, remain in place as written.

Impact of and on [Bylaw 3 \(Maximum Number of Years\)](#)

All students approved to utilize the provisions of the SSYP who are enrolled in grades 9 through 12 during the 2020-21 school year, will have the limit of four years extended to five per the provisions of

[Senate Bill 128](#)

Students below grade 9 during the 2020-21 school year will continue to have four years of eligibility upon enrollment in grade 9 as the SSYP year is not impactful on this rule.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None

Impact of and on [Bylaw 4 \(Enrollment Requirements\)](#)

Sec. 1 and Sec 2, require full-time enrollment.

All students desiring participation at any high school level, including seniors who have earned graduation credit, shall be full-time enrolled in the member school, and may be dual-enrolled (not dual credit) to meet this requirement.

Sec 1, enrolled in or above grade nine (9)-

Students enrolled at or above grade nine, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities, even while repeating the grade.

Sec. 2, enrolled below grade nine (9)-

Students enrolled in grades 7 or 8, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities except for soccer and football, even while repeating the grade.

Students enrolled in grades 7 or 8, even if approved utilize the SSYP, may not participate at the varsity level (practice or play) in soccer or football.

Sec 3, repeating students participating at the high school level

Students enrolled at or above grade nine, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities, even while repeating the grade.

Students enrolled in grades 7 or 8, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities except for soccer and football, even while repeating the grade.

Students who were repeating during the 2020-21 school year and approved to utilize the SSYP shall continue to be considered a repeating student and subject to the appropriate restrictions and allowances.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

Provisions regarding repeating students were repealed during the 2019-20 school year and these provisions are local jurisdiction including actions by each school, school district, conference, or association of schools.

Impact of and on Bylaw 5, Minimum Academic Requirement

Sec. 1, First Day Credit Requirements and Reinstatement of those failing to meet that requirement.

The first-day "credit check", detailed in Sec. 1, is waived for all participants in sports and sport-activities for the 2021-22 school year, with or without SSYP approval within the school district.

The first-day "credit check", detailed in Sec. 1 will be in place for all students beginning with the start of the 2022-23 school year.

Member schools are expected to implement a local policy that would ensure that students are "on track" to graduate at the start of the 2021-22 school year, based on local district requirements.

Sec. 2, Continual progress during the school year.

The requirement of continual progress each week continues to be in place, even for students in the SSYP.

Sec. 3 and Sec. 4 are not impacted by the SSYP.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

Provisions regarding repeating students were repealed during the 2019-20 school year and these provisions are local jurisdiction including actions by each school, school district, conference, or association of schools.

Impact of and on Bylaw 6, Transfer Rule-Citizens of the US and DC and others previously enrolled in member schools

The program is not an exception to Bylaw 6, and acceptance or declination of the SSYP as contemplated in SB128 is not a reason for waiver of the period of ineligibility.

Students desiring to transfer from a school in a district that has not approved the SSYP to a school in a district that has approved the SSYP must meet the standards of the transfer rule as detailed.

Any student who has been ineligible to the provisions of Bylaw 6 during the 2020-21 school year shall have that time counted against any required period of ineligibility per Bylaw 6 and shall not have to have that time period again.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None (unless competing for a high school team)

Impact of and on Bylaw 7, Transfer Rule, Students J-1/F-1 status

Students entering a member school under the provisions of Bylaw 7 and approved as an SSYP student shall have the 2021-22 school year considered as their first year for the purposes of Bylaw 7.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None (unless competing for a high school team)

Impact of and on Bylaw 8, Transfer Rule, Non-US Students Not having J-1/F-1 Status

Students entering a member school under the provisions of Bylaw 8 and approved as an SSYP student shall have the 2021-22 school year considered as their first year for the purposes of Bylaw 8.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None (unless competing for a high school team)

Impact of and on Bylaw 9, Basketball/Football Contestant on Other Teams, Postseason and All-Star Games

Students choosing to utilize the SSYP and approved by the local Board of Education shall be considered enrolled in the first year of the grade in which they are enrolled for the 2021-22 school year, and all such

restrictions (and allowances) of that grade shall apply.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None

Impact of and on [Bylaw 10, Amateur and Awards](#)

None at the high school or middle school level

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None

Impact of and on [Bylaw 11, Financial Aid](#)

None at the high school or middle school level

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None

Impact of and on [Bylaw 12, Physical Examination, Parent Consent and Insurance](#)

None at the high school or middle school level

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None as this is already required and continues

Impact of and on [Bylaw 13, Agreement Regarding Professional Baseball Contracts](#)

None at the high school or middle school level

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None

Impact of and on [Bylaw 14, Other Eligibility Requirements and Regulations](#)

All students in the SSYP, including graduated students, are considered secondary students.

However, pursuant to guidance from the Kentucky Council on Postsecondary Education (CPE), graduated seniors who return and wish to take postsecondary coursework during the 2021-2022 year must pursue dual enrollment (defined within KRS 164.002), rather than dual credit coursework.

Furthermore, and pursuant to guidance from the Kentucky Higher Education Assistance Authority (KHEAA), it should be noted that students who graduate from high school during the 2020-2021 year are no longer considered high school students for scholarship purposes and, therefore, are not eligible for Dual Credit or Work Ready Dual Credit scholarships during the 2021-2022 year, and would therefore not be eligible for interscholastic athletics.

MIDDLE SCHOOL APPLICABILITY FOR THOSE STUDENTS PARTICIPATING IN MIDDLE SCHOOL VS. MIDDLE SCHOOL COMPETITION

None

Records of Students Utilizing the SSYP

All schools must indicate through the online system, which if any students are utilizing the SSYP.

Each member school shall designate, on or before June 16, each student that will be using 2021-2022 as part of the SSYP through the KHSAA online roster system.

These records shall be available solely to the local school individuals with Principal, Designated Representative, Athletic Director, or Superintendent login authority, and shall be considered private records not subject to other public disclosure.

NCAA Implications

Athletes contemplating participating in athletics should be aware that there could be issues relative to initial eligibility for those seeking initial eligibility certification.

At this time, representatives of the NCAA Initial Eligibility Center continue to caution that *"In Division I, if you do not graduate on time (in four years/ eight semesters), the NCAA Eligibility Center will still use your grades and coursework for the first four years/eight semesters for your certification. You will still need to provide proof of graduation (once you graduate) and you may not use any coursework taken after your high school graduation toward your certification."*

For this reason, prospective NCAA athletes should be referred to material such as the "

[Guide for the College-Bound Student-Athlete](#)"

and the "

[NCAA Eligibility Center COVID-19 Response FAQs](#)"

for specific questions.