

# SB 128 - Supplemental School Year Program (SSYP) --Student request to use the 2021-2022 school year as a supplemental year.

Please complete this form to request to repeat the current grade based on SB 128 guidelines.

\* Required

Attention all parent and guardians: Please carefully read the following documents before continuing to complete this form. SB 128 (SSYP) -- Just the Facts

[https://docs.google.com/document/d/1XMjBiDA9sod79puh7g3F2UB9Rw1oyVF\\_QkMViHKZcXc/edit?usp=sharing](https://docs.google.com/document/d/1XMjBiDA9sod79puh7g3F2UB9Rw1oyVF_QkMViHKZcXc/edit?usp=sharing) and KHSAA SSYP Guidance

<https://khsaa.org/senate-bill-128-supplemental-school-year-program-guidance-for-sports-and-sport-activities/> \*

Date

mm/dd/yyyy

Student First Name \*

Your answer

Student Last Name \*

Your answer

2020-2021 Grade Level \*

Choose



School Name \*

Choose



Parent Name(s) (Must list all legal guardian's names.) \*

Your answer

Parent Phone Number(s) \*

Your answer

Parent Email Address \*

Your answer

Reason for the request. \*

Your answer

Timeline: (1) All student request to use the 2021-2022 school year as a supplemental year (SSYP) are due by May 1, 2021. (2) By June 1, 2021, the local board of education must determine whether they shall or shall not accept all SSYP requests. (3) All parents and guardians will be notified of the local board of education's decision after June 1, 2021. Please carefully read the following documents. SB 128 -- Just the Facts [https://docs.google.com/document/d/1XMjBiDA9sod79puh7g3F2UB9Rw1oyVF\\_QkMViHKZcXc/edit?usp=sharing](https://docs.google.com/document/d/1XMjBiDA9sod79puh7g3F2UB9Rw1oyVF_QkMViHKZcXc/edit?usp=sharing) and KHSAA SSYP Guidance <https://khsaa.org/senate-bill-128-supplemental-school-year-program-guidance-for-sports-and-sport-activities/> \*

Date

mm/dd/yyyy

Submit



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

<https://khsaa.org/senate-bill-128-supplemental-school-year-program-guidance-for-sports-and-sport-activities/>

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## **Facts about SB 128**

### **Supplemental School Year Program (SSYP)**

#### **Timeline and Process**

- Any student in Grades K-12 enrolled in the Henderson County School District on May 1, 2021 is eligible to submit an application to the local board of education to participate in SSYP for the 21/22 school year.

#### **Assessment**

- Any student who participates in SSYP for the 21/22 school year will be required to participate in all state assessments administered at the SSYP grade level.

#### **Graduation Rate**

- Any student in Grades 9-11 during the 20/21 school year that participates in SSYP for the 21/22 school year will graduate in 5 years not 4 years.

#### **Graduated Student**

- Graduated student defined--any student who completes all graduation requirements during the 20/21 school year.
- Students who meet all state and local graduation requirements during the 20/21 school year are entitled to receive a high school diploma from the school district. A student cannot opt out of graduating from high school if all state and local graduation requirements are met.
- Once the diploma is issued, the student's final GPA should be calculated and should not be altered at a later date to reflect additional or updated coursework as part of the final GPA or credits toward graduation.
- High school transcripts must contain an accurate account of the student's final academic standing at the time the diploma is issued. SSYP will not change a graduated student's GPA.

- SSYP coursework and grades may be included on the student's transcript for informational purposes.
- KEES questions --- no change in current guidelines or rules.
- If a graduated student chooses SSYP the student must stay enrolled for the entirety of the 21/22 school year.
- Work Ready and Dual Credit Scholarships are not available for graduated students.
- Any course work taken through a post secondary institution for graduated seniors will not be at the reduced dual credit rate but at the rate the institution establishes.

### **Academic**

- Students who are in Grades K-12 that participate in SSYP must retake their exact course load and/or grade level during the 21/22 school year unless that course is unavailable.
- Students who participate in SSYP can retake courses from their 20/21 schedule only.
- Students in Grades K-11 who participate in SSYP will use the final grade acquired during the 21/22 school year to REPLACE the grade acquired in the 20/21 school year.
- SSYP students shall not receive any additional credits or certifications as a result of coursework.
- Work Ready and Dual Credit Scholarships can be used if not previously used and still eligible for students in grades 9-11.
- Attendance - All students participating in SSYP will follow all state and local school attendance guidelines and policies.

### **Special Populations**

- Students with disabilities also are entitled to the additional services described in their individual education programs (IEPs). Participation in SSYP is completely voluntary and cannot be a substitute for the provision of compensatory education.
- Homeless and Foster Care Youth- Homeless and foster care youth have a right to attend their "school of origin," or the school the student attended when they were permanently housed or the school in which the child was last enrolled.
- English Learners - English Learner Program Service Plan (PSP) must be updated to meet the needs of the SSYP.

- Gifted and Talented - Students who participate in SSYP and previously were identified as "exceptional students" must continue to have access to the established gifted and talented program.

#### **Local Board**

- By June 1, 2021, the local board of education must determine whether they shall or shall not accept all SSYP requests.
- If the board approves the SSYP requests for the 21/22 school year--A plan for implementing the supplemental school year will be created and the BOE may adopt policies on grades, schedules, classifications, graduation ceremonies, and other operational issues.
- By June 16, 2021, local board of education shall notify the Kentucky Department of Education and submit the plan along with any requests for waivers from Kentucky Board of Education.

# 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. Students may only accept the SSYP option at the school in which they are enrolled on May 1.

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/2OFroqn> 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.

## Guidance Versioning

April 11-12, Initial Guidance published for the member schools

April 12, Online Seminar to answer questions via KASA

April 13, Online Seminar with Commissioner's Student Advisory Council to answer questions and receive clarifications

April 13, Online Seminar with Commissioner of Education in monthly Superintendent Update to answer questions and receive clarifications.

April 13, Guidance Revised and Appended to reflect a specific combination of circumstances regarding returning seniors, as well as clarifications and information on students participating in spring football practice and the tryout windows in Cheer and Dance for 2021-22.

April 14, Guidance Revised with respect to NCAA Division II grades and credit deadlines for initial eligibility.

## 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

## Impact of and on Bylaw 2 (Age)

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 (taking and passing four hours of approved secondary courses).

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.

If designated in the SSYP program, these SSYP students will not be considered to be a graduate for the purposes or application of Bylaw 14.

*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 NCAA Division II schools, there is NOT the four-year limitation on grades and coursework. The grades and coursework are not time-limited (the four-year Division I limit) but must be obtained during the time between initial ninth-grade enrollment.

For these reasons, prospective NCAA Division I and II 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.

#### **Impact of and on 2020-21 Seniors Choosing to participate in the SSYP**

To participate in interscholastic athletics, students in the SSYP, even if having met the local district options for graduation, must be enrolled as a full-time student in at least four hours of instruction within the district, taking new courses, or repeat/supplemental coursework under the provisions of SB128.

To participate in interscholastic athletics, SSYP students must be enrolled as a full-time student as detailed above, in at least four hours of instruction, both in the current semester (Bylaw 4) and the preceding semester (credit period) (Bylaw 5).

Enrollment status as dual-enrolled or dual-credit shall not be a factor in athletic eligibility.

It should also be noted that like all other students, in order to be eligible according to Bylaw 5, these students must have been enrolled as a full-time student during the previous semester and therefore students desiring spring sport participation may not do so, if they are not full-time enrolled during the previous semester (or trimester if applicable).

#### **Impact of and on 2020-2021 Seniors for the Spring Football Practice and Tryout Windows for 2021-22 Activity Squads**

Provided the student has made a written application in accordance with Board of Education and school system directions, he/she would be eligible to participate in spring football practice as defined in Bylaw 23, or the two-week tryout periods in Cheer and Dance.

If the local Board of Education were to subsequently fail to formally approve the application of the supplemental year for students in your district in accordance with SB128, these students must immediately cease team involvement.

#### **Impact of and on 2021-2022 SSYP students on enrollment and classification numbers**

The second-month enrollment for 2021-2022 will be counted as the enrollment for both 2021-22 and 2020-21 in calculating the four-year average enrollment for when classification numbers are determined for track & field / cross country and football.