

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics

Date: October 2021

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

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

SUMMARY OF ISSUE BEFORE THE BOARD:

To amend 702 KAR 7:065, Designation of Agent to Manage Middle and High School Interscholastic Athletics, to incorporate revisions recommended by the Kentucky High School Athletic Association (KHSAA) Board of Control, including amendments to the KHSAA Bylaws.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the amendments to 702 KAR 7:065 as set forth in the attached regulation, including amendments to documents incorporated by reference.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070; 702 KAR 7:065, and KHSAA Bylaws

BACKGROUND:

Existing Policy:

702 KAR 7:065 (included as attachment "A") designates the KHSAA as the entity to manage middle and high school interscholastic athletics.

This regulation also requires that KHSAA conduct a biennial review of its Constitution and Bylaws at both the high school and middle school level. This requirement was fulfilled during the 2020-2021 school year by the KHSAA Board of Control for the high school rules, and by the required meetings of the KHSAA Middle School Advisory Committee for the rules at that level.

Summary of Issue:

The proposed change to the high school regulations that received the requisite 2/3 vote reflect items that were presented to the membership of the KHSAA at its September 21, 2021, Annual Meeting of high schools. Items considered at this Annual Meeting were submitted by the Board of Control as part of its annual Constitution and Bylaws review. They were further reviewed by the Board of Control before the development of the final agenda. At the 2021 annual meeting of the member high schools, 204 high schools were present; therefore, the proposal required 136 affirmative votes for passage. In accordance with the KHSAA Constitution and Policies and Procedures as well as the requirements of 702 KAR 7:065, any amendment receiving the

requisite vote of the membership is to be considered by the Board of Control and a recommendation made to the Kentucky Board of Education for further action.

During the annual meeting, significant discussion was held by the membership as to the future of interscholastic athletics. National trends were reviewed, and the school representatives participated in spirited discussions about the balance between adapting to the students of today and meeting their needs and preserving the sound traditions of competition. This meeting will likely continue to shape the future of this more than a century old organization.

In accordance with these procedures, the amendments to the KHSAA Bylaws for its high school members that are listed below were approved by the listed vote. These amendments will be considered by the Local Superintendents Advisory Council at its upcoming meetings, and have been considered by the Board of Control (BOC) of the KHSAA for implementation during the 2021-22 school year unless otherwise noted, and received the requisite vote of the Board of Control.

Proposal	Author	Purpose	Vote	BOC
2021-01	Proposed by the KHSAA Board of Control as part of the required annual review of all KHSAA Bylaws (702 KAR 7:065)	Amend the KHSAA Constitution to create a tie-breaking procedure in the event of more than two candidates for a Board of Control election, and clarify the process for a two-way tie in an election with only two candidates.	204 Yes, 0 No, 0 Abstain	Adopted by the Board of Control

The staff of the KHSAA certifies that the Board of Control has acted on the recommended items as documented by the minutes of Board of Control meetings.

Substantive changes to the KHSAA Bylaws were made to incorporate recent action taken by Kentucky General Assembly during the 2021 Regular Session. SB128 (Acts Chapter 108) permitted students to apply to repeat or supplement the 2020-2021 school year and still be eligible to compete in interscholastic athletics. As a result, the Supplemental School Year Program (“SSYP”) was created. This legislation required certain bylaws to be amended to incorporate the necessary changes. Included in these changes:

- Bylaw 3 (Maximum Number of Years) was amended to permit students designated as SSYP to be permitted five (5) consecutive years of eligibility after initial enrollment in the ninth grade. Under normal circumstances only four (4) consecutive years of participation are permitted.
- Bylaw 4 (Enrollment Requirements) was amended to allow students designated as SSYP to participate while repeating a grade for the 2021-2022 school year only.

- Bylaw 5 (Minimum Academic Requirement) was amended to permit students designated as SSYP to be eligible even if they are not on the proper grade level for the 2021-2022 school year only.
- Bylaw 14 (Other Eligibility Requirements and Regulations) was amended to permit student who have graduated from secondary school but are designated as SSYP to be eligible while meeting all other bylaws for the 2021-2022 school year only.

Several changes in the KHSAA Board of Control and Officials Division Policies that were recently consider by the Board and Staff and have been updated accordingly include:

- The policy on severe weather/lightning has been amended to recognize the advancement in lightning detection technology. Facilities that have such equipment may be utilized. However, the sighting of lightning or the hearing of thunder will still take precedence when the lightning detection technology is used but does not indicate the presence of severe weather.
- Policies on postseason media regarding outlets wishing to originate a broadcast have been clarified in circumstances where space is not available to accommodate all such requests. Further, restriction on locker room access have been included.
- Changes were made to the eligibility requirements for coaches to be inducted to the Hall of Fame. Formerly, a currently active coach had to be over 65 years of age. This has been changed to 55 years of age.
- The Officials division policies have been updated to recognize the potential implementation of Lacrosse.
- The addition of a policy statement on the potential continued need to adjust policy and rules in light of the ongoing pandemic may be necessary and prudent at various time based on the current circumstances at the time. The statement also recognizes the responsibility and importance of protecting the health, including mental health, of students and the integral and valuable part that athletics plays in students' lives. The policy recognizes that these adjustments will only be taken when not in conflict with other state or federal laws and regulations.
- The addition of a Sports Medicine Policy for student-athletes seeking to return to activity following a positive diagnosis of COVID-19. In light of recent declarations of emergencies and after consultation with State and Federal Health Organizations as well as the Kentucky Medical Association, a comprehensive set of recommendations on the steps to follow for students, families, schools, and medical providers to consider when a student is seeking to return to physical activity following a positive diagnosis of COVID-19. Further, a defined stepwise protocol has been established and must be completed for students before they can return to full-activity.

Finally, the KHSAA is also designated to manage interscholastic athletics at the middle school level. The Middle School Advisory Committee is scheduled to meet throughout the year. The focus of these meetings continues to be the health and safety for middle school athletes, and further items and requests for amendments will be brought forward to the Kentucky Board of Education at a future date.

Budget Impact:

None

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

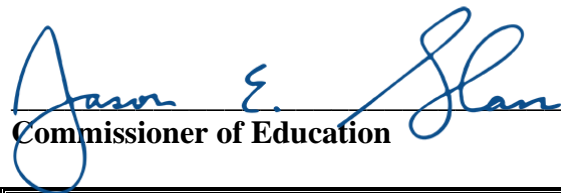
KHSAA Board of Control
KHSAA Annual Meeting Delegate Assembly
Local Superintendents Advisory Council

All consulted groups have concurred and approved the revisions.

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Commissioner of Education

Category:	<input type="checkbox"/> District Innovation	<input type="checkbox"/> Strengthening Educators	<input checked="" type="checkbox"/> Family/Community Involvement
	<input checked="" type="checkbox"/> Student/Family Supports	<input type="checkbox"/> Student Interventions	<input type="checkbox"/> Coursework Completion
			<input type="checkbox"/> Accountability Reporting