

**REFERENDUM SUBMITTED BY THE BOARD OF CONTROL FOR A VOTE OF THE MEMBERSHIP
FOR IMPLEMENTATION 2024-2025 SCHOOL YEAR
A TWO-THIRDS VOTE OF THOSE SUBMITTING A BALLOT WILL BE RECORDED AS PASSING WHEN REPORTED TO THE BOARD
OF CONTROL FOR FURTHER CONSIDERATION
(REPRESENTATIVES PRESENT, REQUIRED FOR PASSAGE)**

Items which are underlined represent additions to current bylaw provisions, items struck through represent deletions

**REFERENDUM 2023-01R – AMEND BYLAW 9 TO REMOVE THE RESTRICTIONS IN BYLAW 9 THAT PROHIBIT ORGANIZED PLAY
AFTER THE FIRST DAY OF SCHOOL AND PRIOR THE FIRST ALLOWABLE DATE FO PRACTICE**

(, FINAL VOTE: YES, NO, ABSTAIN, PRESENT)

Proposed by the KHSAA Board of Control.

Amend Bylaw 9, Basketball/Football Contestant On Other Teams, Postseason And All-Star Games, to remove restrictions on organized play in basketball during the school year and prior to the first legal date for practice.

At its September meeting, the Board of Control gave final approval to the distribution of a referendum of the membership for the purpose of amending Bylaw 9. At the September annual meeting of the membership, there was a discussion of this proposal which was not submitted by any member school or reviewed by the Board prior to the May 1 Constitutional deadline. Following that feedback as well as significant discussion at the regional membership meetings, the determination was made to submit this issue to the schools by referendum.

The use of a referendum is generally restricted to three situations: 1) an immediate need to address health and safety, 2) an urgent need to decide an issue germane to a past, current or pending legislative session, or 3) an issue that has received significant membership input but is not scheduled for a vote at the annual membership meeting. This proposal meets this third criterion.

At its core, this proposal would remove restrictions on basketball players being involved in any form of outside competition, regardless of grade level and past play, beginning with the first date of school and continuing through the day before the first official date of practice (October 15). The in-season restrictions for both basketball and football participants and their involvement in outside competition would remain in place if this proposal were to pass.

Rationale: For the last several years, there have been adjustments and amendments by the membership to Bylaw 9, which restricts only football and basketball players and no other team sport athletes during specific times of the academic school year. Many of these adjustments have been due to continual fluctuation of collegiate recruiting rules. In addition, the pre-season restrictions (as a practical matter) impact only basketball players due to the timing of the start of football practice.

Originally, Bylaw 9 was crafted as a joint effort with parks and recreation officials in an effort to preserve community participation spots in sports where the high school athletes were eliminating those opportunities for the general public. Since that time, with the advent and growth of non-school basketball, member schools have also supported the rule to protect against outside influences. In addition, this rule reduced while not eliminating, the conflicts within schools where athletes might be forced to choose between an in-season fall sport (i.e. football or soccer) and attendance at these types of events, not to mention injury risks associated with such participation.

Various pros and cons to this change have been discussed for the last several weeks, months and years with the membership representatives identifying several items that are problematic to the current rule including:

- While the current rule may potentially help guard against injury, this concern is not applicable or prioritized by the membership in any other sport;
- The landscape of collegiate recruiting is constantly changing, and in fact, recent changes to the NCAA rules further highlight the need for less restrictions to choices for students and their families as they compete for fewer than ever opportunities beyond college;
- While there has been a desire to somewhat “protect” students from outside influences that may be present in non-scholastic competition, this “protection” does not apply to other sports and in fact, places legitimate event promoters in a disadvantageous position;
- The enforceability of the current rule is likely not consistent as it is felt that many more students participate in these activities, in violation of the current rules, without the impacted member school being made aware of such participation in time to prevent issues;
- Concerns with the likely (or unlikely) support of the rule if a court case were to arise given its different treatment of sports;
- The NCAA calendar is adjusted annually, and as such, the current rule could make school planning (and family / athlete planning) extremely difficult for those with an interest in recruiting events;
- The NCAA recruiting rules are almost constantly adjusted in addition to the dates, further creating confusion around the regulations tied to the preseason period in Bylaw 9.

If this proposal fails, the restrictions in place for the late summer/early fall of 2023 will remain in place. Based on the draft NCAA calendar at this time (if such calendar is given final approval by the NCAA):

- For 2024-2025, Boys’ recruiting activities could not be attended by member school basketball players who had both been enrolled in grade nine and played for a team representing that school from August 6 to September 8.
- For 2024-2025, Girls’ recruiting activities could not be attended by member school basketball players who had both been enrolled in grade nine and played for a team representing that school from August 1 to August 31. In addition, at press time, restrictions are currently being proposed within the NCAA for more restricted dates in the month of September which would limit many activities to seniors only.

Ballots on this issue are due back to the KHSAA using the election system prior to October 16, 2023.

Impact: Regulatory

BYLAW 9, BASKETBALL/FOOTBALL CONTESTANT ON OTHER TEAMS, POSTSEASON AND ALL-STAR GAMES

(items underlined are new additions, items ~~struck through~~ are items being removed)

SEC. 1) ORGANIZED COMPETITION

a) For purposes of this bylaw, a contest, activity or play shall be considered organized if:

- (1) preparatory practice(s) are conducted prior to the event or by any method other than simple player selection by the players themselves;
- (2) teams are assigned in advance of the event and made known to participants or others before arrival;
- (3) a team or playing unit involves three (3) or more members of the same high school basketball team or five (5) or more members of the same high school football team; or
- (4) a team is composed of individuals who previously have played or practiced together as a unit;
- (5) score is kept, either among the players, on a flip scoreboard, digital scoreboard, or using any other device;
- (6) play involves a third party acting in the role of a contest official, whether or not the person is a licensed or approved official;
- (7) play at any event where school funds are expended for participation fees, travel or any other expense, including fees paid by booster organizations or any member of the coaching staff;
- (8) play where future competition is predicated by the outcome of other competition at or preceding the event; and
- (9) play at which players wear school team identifying apparel of any type.

SEC. 2) RESTRICTIONS ON BASKETBALL TEAM MEMBERS

a) From the first permitted day of practice through the last scheduled contest, including KHSAA-sanctioned postseason contests, no student who, after enrolling in grade nine (9), has subsequently been a contestant in basketball at any level (grades 9-12) and has eligibility remaining in basketball may participate in:

- (1) organized competition as defined in Sec. 1. unless the event is sanctioned by the Board of Control for the purposes of Olympic Development; or
- (2) any event where basketball skills are taught, practiced, refined or evaluated outside of the high school program and supervised by a third party not affiliated with the student's enrolled school, even if collegiate coaches are permitted to be present and evaluating.

b) During the academic school year and before the first legal date of practice and, during the remainder of the school year following the team's last scheduled game (including postseason), there are no organized basketball competition restrictions for the student-athletes except the applicable coaching and facility restrictions as detailed in Bylaw 23.

SEC. 3) RESTRICTIONS ON FOOTBALL TEAM MEMBERS

a) From the first permitted day of full contact practice through the last scheduled contest, including KHSAA-sanctioned postseason contests, no student who, after enrolling in grade nine (9), has subsequently been a contestant in football at any level (grades 9-12) and has eligibility remaining in football may participate in:

- (1) organized competition as defined in Sec. 1. unless the event is sanctioned by the Board of Control for the purposes of Olympic Development; or
- (2) any event where football skills are taught, practiced, refined or evaluated outside of the high school program and supervised by a third party not affiliated with the student's enrolled school, even if collegiate coaches are permitted to be present and evaluating.

b) Following the team's last scheduled game (including postseason), there are no football competition restrictions during the remainder of the school year for the student-athletes except the applicable coaching, facility and protective equipment restrictions as detailed in Bylaw 23.

SEC. 4) PENALTY

a) Any violation of this bylaw may have any or all penalties detailed in Bylaw 27 applied as part of the final dispensation of the matter, including a period of ineligibility.

b) Appeals or other considerations under this bylaw shall be considered Hearing Officer matters under the KHSAA Due Process Procedure.

SEC. 1) BASKETBALL

a) Restrictions from the first day of school through the day before the first permitted day of practice:

(1) For purposes of this bylaw, a contest, activity or play shall be considered organized if:

- a. basketball skills are practiced or refined outside of the high school program and supervised by a third party not affiliated with the student's enrolled school where collegiate coaches are not permitted to evaluate;
- b. preparatory practice(s) are conducted prior to the event;
- c. teams are assigned in advance of the event and made known to participants or others before arrival;
- d. a team or playing unit involves three (3) or more members of the same high school team; or
- e. a team is composed of individuals who previously have played or practiced together as a unit

(2) During this period, no student who, after enrolling in grade nine (9) has subsequently been a contestant in basketball at any level (grades 9-12) and has eligibility remaining in basketball may participate in organized play as defined in Sec. 1(a)(1) unless the Board of Control sanctions the event.

b) Restrictions from the first permitted day of practice through the last scheduled contest, including KHSAA-sanctioned postseason contests:

(1) During this period, no student who, after enrolling in grade nine (9) has subsequently been a contestant in basketball at any level (grades 9-12) and has eligibility remaining in basketball may:

- a. participate in organized play as defined in Sec. 1(a)(1) unless the event is sanctioned by the Board of Control; or
- b. any event where basketball skills are taught, practiced, refined or evaluated outside of the high school program and supervised by a third party not affiliated with the student's enrolled school, even if collegiate coaches are permitted to be present and evaluating.

c) Restrictions following the last postseason contest

(1) Following the team's last scheduled game (including postseason), there are no basketball play restrictions for the student athletes except the applicable coaching restrictions as detailed in Bylaw 23.

SEC. 2) FOOTBALL

a) Restrictions from First Day of Practice through Last Scheduled Contest

(1) From the first day of practice with the school through the last scheduled contest played in football (including KHSAA-sanctioned postseason contests) by the school, no student who, after enrolling in grade nine (9) has subsequently been a contestant in football at that school, at any level (grades 9-12) and has eligibility remaining in football may participate in:

- a. any manner on any non-school sponsored team in football;
- b. any all-star game in football; or

~~c. any type of organized competition in football or variation of football unless it has been sanctioned by the Board of Control.~~

~~b) Restrictions following the End of Season~~

~~(1) Following the team's last scheduled game (including postseason), there are no restrictions on play in football for the student athletes except the published restrictions on the issuance of equipment detailed in Bylaw 23.~~

~~SEC. 3) PENALTY~~

~~a) Any violation of this bylaw may have any or all penalties detailed in Bylaw 27 applied as part of the final dispensation of the matter, including a period of ineligibility.~~

~~b) Appeals or other considerations under this bylaw shall be considered Hearing Officer matters under the KHSAA Due Process Procedure.~~