

CONSTITUTION OF THE KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION
(effective 2023-24 School Year)

Specific case situations are contained in this section of the KHSAA Handbook which are interpretations and rulings which have been made in accordance with applicable provisions of the KHSAA Constitution. These interpretations supplement the printed rules but do not in any manner substitute for the actual rule. Many of these rulings have established precedent for the interpretation or enforcement of these provisions and remain in place until further altered, re-interpreted, or otherwise set aside. Specific inquiries not addressed by published interpretations should be submitted in writing to the Commissioner of the KHSAA, 2280 Executive Drive, Lexington, KY 40505. Interpretive questions or eligibility rulings shall be requested and issued in writing.

CONTENTS

Article I- Name 1
 Article II- Object 1
 Article III- Management Of Interscholastic Athletics 1
 Sec. 1) Authority 1
 Sec. 2) Reporting Requirements 1
 Sec. 3) Meetings Requirements 1
 Sec. 4) Participation In Retirement Systems 1
 Article IV - Membership 1
 Article V - Administration And Legislation 1
 Sec. 1) Association Officers And Representation 1
 Sec. 2) Board Of Control 1
 a) Representation - SECTIONAL Board of Control Members 1
 b) Representation - DESIGNATED Board of Control Members 2
 c) Representation - APPOINTED Board of Control Members 2
 d) Term in Office 2
 e) Eligibility 2
 f) Balloting 2
 g) Attendance 2
 h) Officers 3
 i) Removal 3
 j) Kentucky Department of Education Liaison 3
 Sec. 3) Duties Of Officers 3
 a) President 3
 b) President-Elect 3
 c) Commissioner 3
 d) Board of Control 3
 Article VI - Representation At The Annual Meeting 4
 Article VII - Application For Membership 4
 Article VIII - Association Revenues 4
 Article IX - Amendments To The Constitution Or Bylaws 4
 Article X - Responsibility Of The Principal 4
 Article XI - Dissolution Of The Association 5
 Case Situations Related to the Constitution 5

ARTICLE I- NAME

The name of this organization shall be the Kentucky High School Athletic Association.

ARTICLE II- OBJECT

The object shall be the development, regulation, and purification of the athletic activities in this state.

ARTICLE III- MANAGEMENT OF INTERSCHOLASTIC ATHLETICS

SEC. 1) AUTHORITY

- a) The Kentucky Board of Education designates the Kentucky High School Athletic Association as the sole organization to manage interscholastic athletics in schools that are members in good standing of the Kentucky High School Athletic Association.
- b) Each local Board of Education is responsible to the Kentucky Board of Education for interscholastic athletics in grades K-5.

SEC. 2) REPORTING REQUIREMENTS

- a) The Kentucky High School Athletic Association shall submit annually the rules, regulations, and bylaws to the Kentucky Board of Education together with any proposed changes hereto.
- b) Appeals from the Kentucky High School Athletic Association Board of Control shall follow the KHSAA Due Process Procedure as approved by the Kentucky Board of Education.

SEC. 3) MEETINGS REQUIREMENTS

- a) The Kentucky High School Athletic Association shall conduct the meetings of the Board of Control of the Kentucky High School Athletic Association in accordance with Roberts Rules of Order as modified for use.
- b) All other matters shall be conducted in accordance with the Kentucky High School Athletic Association Board of Control Handbook and Policy Manual.

SEC. 4) PARTICIPATION IN RETIREMENT SYSTEMS

- a) All members of the Commission and qualifying members of the Executive staff shall qualify for membership and shall maintain status as an active member and contributor to the Kentucky Teachers Retirement System, and as such, shall abide by all of the rules of that organization regarding retirement and all other qualifying criteria.

ARTICLE IV - MEMBERSHIP

This association shall be composed of public schools (grades 6-12) that are accredited by the Kentucky Board of Education and non-public schools that voluntarily comply with accrediting standards of the Kentucky Department of Education. Member schools are required to comply with the provisions of the Kentucky High School Athletic Association Constitution and Bylaws. No school shall become a member or continue to be a member whose detailed financial (athletic or otherwise), scholastic, and attendance records are not matters of public property or record. Grades K-5 shall not be eligible for membership.

ARTICLE V - ADMINISTRATION AND LEGISLATION

SEC. 1) ASSOCIATION OFFICERS AND REPRESENTATION

- a) The officers of the Association shall be a Commissioner and a Board of Control composed of eighteen (18) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female.
- b) Each member school Principal may, in accordance with Bylaw 1, appoint one (1) DESIGNATED REPRESENTATIVE for each member school to represent that school in the Association.

SEC. 2) BOARD OF CONTROL

- a) Representation - SECTIONAL Board of Control Members
 - (1) Eight (8) Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each section to serve as SECTIONAL Board of Control members.
 - (2) A SECTION is defined as the combination of two (2) contiguous regions as defined by the KHSAA alignment in basketball.
 - (3) Terms of these SECTIONAL Board of Control members shall

- be staggered so that two (2) are elected each year.
- b) Representation - DESIGNATED Board of Control Members
- (1) One African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one African-American shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control.
 - (2) One female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one female shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control.
 - (3) Terms of the DESIGNATED African-American and female members shall be staggered so that one is elected each year.
 - (4) One person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1 or D1 schools) member schools of the Association, and one person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-public (not classification A1 or D1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control.
 - (5) The terms of the DESIGNATED representatives required to be from the non-public member schools shall be staggered so that one is elected each even numbered year.
 - (6) Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.
- c) Representation - APPOINTED Board of Control Members
- (1) Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education.
 - (2) These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education.
 - (3) These appointees shall not be an employee of any member school or its central administration or the administration of the Kentucky Department of Education.
 - (4) At least one of these appointees shall be an African-American and one shall be a female.
 - (5) Terms of the at-large members shall be staggered so that one is appointed each year.
- d) Term in Office
- (1) Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.
 - (2) No member is eligible to serve more than two (2) consecutive terms with no further limits as to lifetime eligibility.
 - (3) SECTIONAL members are not eligible to serve on the Board of Control if the region has been represented for two (2) consecutive four-year terms.
 - (4) If a SECTIONAL representative moves to a different region following his or her election, the region in which the member was employed at the time of election shall be used to determine the status of section for the next election.
- e) Eligibility
- (1) To be eligible for membership as a SECTIONAL or DESIGNATED representative on the Board of Control, one shall be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA.
 - (2) Each SECTIONAL member shall be employed in the section he or she is to represent and shall remain employed in that section during his or her tenure of office and each DESIGNATED member shall be employed in the designated group of regions he or she is to represent and shall remain employed in that group of regions during his or her tenure of office.
 - a. In the event a school or group of schools where a sitting Board of Control member is employed is moved into a different basketball region by the Board of Control during an elected member's term in office, that member shall remain eligible to complete the elected term.
- b. No provision of this subsection shall be interpreted to permit a region to exceed the limitations contained in Sec. 2(d)(3).
- (3) Beginning with Board of Control members first elected following the 2018-2019 school year, a member serving in a part-time capacity (less than three hours of the instructional day or other administrative duties) or on leave of absence (exclusive of employee earned sick leave) shall terminate the eligibility of the member.
 - (4) If a vacancy occurs with less than one year remaining on the term in office, the Board of Control shall fill the vacancy for the remainder of the term.
 - (5) If a vacancy occurs with one year or more remaining or if a newly elected member of the Board of Control is unable to take office at the start of his or her term, the Commissioner shall ensure the vacancy is filled within sixty (60) days in the same manner as that prescribed for the regular selection of Board members.
- f) Balloting
- (1) NOTIFICATION - Notification to the PRINCIPALS or DESIGNATED REPRESENTATIVES of each school in each section in which a SECTIONAL or DESIGNATED member is to be elected, shall be made by the Commissioner not later than January 1 preceding the July in which a term is to begin.
 - (2) NOMINATIONS - Nominations for membership on the Board of Control, signed by five PRINCIPALS OR DESIGNATED REPRESENTATIVES of the section, shall be in the hands of the Commissioner, for SECTIONAL or DESIGNATED positions that elect during the year not later than midnight, January 31 preceding the July in which a term is to begin.
 - (3) BALLOTS - the Commissioner shall distribute Ballots for election before February 15 preceding the July of the year in which a term is to begin, to be returned on or before March 1 preceding the July in which a term is to begin.
 - (4) TABULATION - Results of the election shall be tabulated by the Commissioner in the presence of a minimum of four witnesses with all ballots opened at the same meeting.
 - a. In the event of a two-way tie for the position in an election with only two candidates, the Commissioner shall conduct a random draw of the tied names to determine the winner.
 - (5) ABSENCE OF MAJORITY – In the event an election has more than two (2) candidates and no candidate receives a majority of the votes cast, the following procedure shall be utilized:
 - a. In the event of a three-way tie for the position, the Commissioner shall conduct a random draw of the tied names to determine the winner.
 - b. In the event that two candidates have a higher number of votes than all other candidates, the Commissioner shall direct an additional election among the leading two vote-getters, to be conducted using the same procedure as the regular election.
 - c. In the event that one candidate has a higher number of votes without a majority of those cast and two additional candidates are tied, the Commissioner shall conduct a random draw of the tied names to determine the candidate who, along with the leading vote-getter, participates in a run-off election, to be conducted using the same procedure as the regular election.
- g) Attendance
- (1) REQUIREMENT - Any elected member of the Board of Control shall attend 70% of the meetings (regular and special) of the Board during the July 1 to June 30 Board year.
 - (2) REPLACEMENT - Any member of the Board of Control, unless excused in advance for documented cause such as illness or injury by a majority of the members of the Board, who fails to attend 70% of the meetings (regular and special) of the Board of Control between July 1 and June 30 during any year shall automatically upon such occurrence be deemed to have resigned from office, and a replacement shall be elected/

named.

h) Officers

- (1) At the regularly scheduled meeting of the Board prior to the close of the school year, the members of the Board shall elect from their membership, a President, and President-elect to serve for the following year.
- (2) They shall not be eligible to serve for more than four one-year terms in succession as an officer.

i) Removal

- (1) The Board of Control may remove any Director under the following conditions:
 - a. The removal of a Director shall be for cause, which may include, but is not limited to, the following examples:
 - i. Director failing to perform basic responsibilities, or doing so improperly;
 - ii. Director failing to act in accordance with the Board's governing standards;
 - iii. Director failing to comply with the Director's fiduciary obligations;
 - iv. Director's inappropriate and intentional disclosure of confidential information;
 - v. Director's intentional violation of any KHSAA bylaw, rule, regulation, standard or policy;
 - vi. Director causing another to intentionally violate any KHSAA bylaw, rule, regulation, standards or policy.
 - vii. Director intentionally engaging in conduct that is deemed by the Board to be detrimental to the KHSAA; and
 - viii. Director engaging in or having engaged in action which could be considered to constitute criminal misconduct.
 - b. Before a Director is removed for cause, the Board must be satisfied that the acts of the Director proposed for removal are more than mere mistakes, more than negligence.
- (2) Removal shall be by a two-thirds (2/3) vote of all Directors then in office, excluding the Director proposed for removal.
- (3) Removal may occur at any regular or special meeting of the Board, provided that a Statement of the reason(s) shall have been mailed by Certified Mail or other trackable shipping service to the Board of Directors, including the Director proposed for removal, at least thirty (30) days before any final action is taken by the Board of Directors.
- (4) The Statement of Reason(s) shall be accompanied by a notice of the time and the place where the Board of Directors is to take action on the removal.
- (5) The Director proposed for removal shall first be given an opportunity to be heard at the time and place mentioned in the Notice, after which the Board of Control, excluding the Director proposed for removal, shall consider the matter and take a vote.

j) Kentucky Department of Education Liaison

- (1) The Commissioner of the Kentucky Department of Education shall designate a liaison person to meet with the Board of Control and to participate in all discussions, but to have no vote as a member of the Board of Control.
- (2) The KDE liaison shall provide an update on the actions taken by the Board of Control at each meeting of the Kentucky Board of Education, and shall report to the Board of Control any relevant action and appropriate information from the Kentucky Board of Education.

SEC. 3) DUTIES OF OFFICERS

a) President

- (1) The President of the Board of Control shall preside at all its meetings, and at the ANNUAL MEETING of the Association.
- (2) The President may call special meetings of the Board of Control when deemed necessary.

b) President-Elect

- (1) The President-Elect of the Board of Control shall perform the duties ordinarily pertaining to the office.

c) Commissioner

- (1) The Board of Control shall employ a Commissioner for a term of one to four years, and shall determine the salary for the position.
- (2) The Commissioner shall:
 - a. Be the executive officer of the Association, subject to the

advice of the Board of Control, and shall act as secretary-treasurer of the organization;

- b. Employ personnel deemed necessary including those required by statute or decree;
 - c. Prepare and receive reports and keep all records as directed by the Board of Control as outlined in the Constitution, Bylaws, and Tournament Regulations;
 - d. Provide a quarterly report of eligibility rulings to the Board of Control;
 - e. Interpret the Constitution, Bylaws, and Tournament Regulations;
 - f. Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation;
 - g. Enforce all penalties provided for and fix penalties for violations for which no penalties are prescribed;
 - h. Have the authority to suspend offending schools for the violation of regulations prescribed in the Bylaws and Tournament Regulations (The Board of Control through its own initiative or on appeal from a suspended school may sustain or set aside the action of the Commissioner);
 - i. Make arrangements for and conduct the management of all state tournaments after consulting the Board of Control as to the site and proposed plan of management and have authority to contract with appropriate entities to manage all postseason contests;
 - j. Be responsible for editing and publishing the "Athlete", and shall cause to be published in the "Athlete" the complete record of the minutes of each regular and called meeting of the Board of Control, said minutes to appear in the next issue of the "Athlete" immediately following the meeting of the Board of Control;
 - k. Publish the complete Board of Control agenda online (exclusive of specific student appeal information) not less than five (5) business days before the date of the meeting.
 - l. Publish the minutes of all meetings of the Board of Control, which shall be detailed in nature on actions taken, online (exclusive of specific student appeal information) not later than five (5) working days following final approval of the minutes the meeting;
 - m. Unless the vote on an issue related to the Constitution, Bylaws and Tournament Rules was unanimously approved, include a record of how each member of the Board voted on each issue in all published minutes;
 - n. Arrange a series of baseball, basketball, field hockey, football, golf, soccer, softball, swimming, track, volleyball and wrestling rules interpretation clinics before the beginning of the respective seasons;
 - o. Promote sportsmanship among schools, athletes, and the general public;
 - p. Submit an annual report to the Commissioner of Kentucky Department of Education to the Kentucky Board of Education in compliance with approved KARs relating to finances and programs for the preceding year, and planned programs for the current year; and
 - q. Advise the Kentucky Department of Education legal counsel of all legal action brought against the Association.
- d) Board of Control
- (1) The Board of Control shall:
 - a. Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution;
 - b. Establish the Office of the Commissioner;
 - c. Evaluate annually the performance of the Commissioner;
 - d. Approve salaries budget for staff comparable to duties and responsibilities within the adopted budget;
 - e. Approve annually, goals and achievements for the Board of Control and the Association;
 - f. Perform a self-assessment of the Board of Control and the Association;
 - g. Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education;
 - h. Hold a minimum of six regular meetings annually;
 - i. Be empowered to transact its business when a majority

- of its members are present at a meeting which shall constitute a quorum;
- j. Review all proposed changes to the KHSAA Constitution and Bylaws.
 - k. Have authority to reject any proposed change to the KHSAA Constitution and Bylaws determined not to be in the best interest of the Association;
 - l. Have authority, upon petition and for cause shown, to reinstate any student or coach who has been barred from competition for Board matters as defined in the Due Process Procedure;
 - m. Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation for Board matters as defined in the Due Process Procedure;
 - n. Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets;
 - o. Have the authority to assess receipts of all postseason games, meets, or tournaments in all sports;
 - p. Have authority to amend the playing rules for any sport sponsored by the Association; and
 - q. Have authority, as trustees, to purchase or otherwise acquire real property, and to sell, exchange, lease, mortgage, or in any manner dispose of any real property upon such terms and for such considerations as the trustees consider proper.

ARTICLE VI - REPRESENTATION AT THE ANNUAL MEETING

- Sec. 1) ANNUAL MEETING DELEGATES
- a) Each member school of the Association through its PRINCIPAL OR DESIGNATED REPRESENTATIVE shall designate a representative for the ANNUAL MEETING to serve as a DELEGATE and shall submit the name to the Commissioner on or before September 10.
 - b) The ANNUAL MEETING shall focus on current issues facing the Association and ways to promote athletics such as sports medicine, intramural and interscholastic programming and eligibility rules as well as debate and consideration of proposed changes to the organizations' Constitution and Bylaws.
 - c) DELEGATES shall serve for a term of one year.
 - d) If the duly designated DELEGATE does not attend the ANNUAL MEETING, the school shall remain not represented.
- Sec. 2) ANNUAL MEETING VOTING
- a) In the ANNUAL MEETING of the Association, the DELEGATES shall consist of one representative from each member school of the Association.
 - b) The Kentucky High School Coaches Association, the Kentucky Association of Secondary School Principals, the Kentucky Association of School Superintendents, the Kentucky High School Athletic Directors Association and any other related group approved by the Board of Control shall also be entitled to designate a member to attend the ANNUAL MEETING who shall have voice but not vote in the proceedings of the meeting.
 - c) The DELEGATES shall at the ANNUAL MEETING transact all business of the ANNUAL MEETING.
 - d) None but these DELEGATES shall have the right to vote.
 - e) There shall be no vote by proxy.

ARTICLE VII - APPLICATION FOR MEMBERSHIP

- Sec. 1) APPLICATION REQUIREMENT
- a) The Principal of the school shall make application for membership in the Association to the Commissioner in writing.
 - b) The principal shall state that he or she has read and is familiar with the Constitution, Bylaws, and Tournament Regulations of the Association.
 - c) The Kentucky Department of Education shall be the authority as to the school's status as an approved secondary school.
- Sec. 2) DEADLINE
- a) The deadline for accepting new applications for membership in the Association shall be September 1.
 - b) The Board of Control of the KHSAA shall consider each application for membership for approval at its July meeting

and shall have authority to deny the membership application of a school in accordance with the adopted membership criteria.

ARTICLE VIII - ASSOCIATION REVENUES

- Sec. 1) ANNUAL DUES
- a) Each member school shall pay an annual membership fee to the Commissioner on or before September 30.
 - b) The Board of Control shall determine the amount of the fee by policy.
 - c) Although the official year of the Association begins July 1 and ends on June 30, member schools are given a grace period in which to pay their annual dues.
 - d) Schools failing to pay their dues by September 30 may be dropped from membership and shall be penalized in accordance with KHSAA Board of Control regulations.
- Sec. 2) POSTSEASON REVENUE
- a) In all sports that are classified into districts (except football), the participating schools in the district tournament shall divide the net revenues of the tournament after expenses agreed to by the schools and in accordance with established KHSAA Competition Rules.
 - b) In all other tournament rounds and all rounds of the football playoffs, all revenue after expenses shall be divided among the schools within the classification of the participating team (i.e. basketball region, football district) in a manner to be determined by a majority vote of the schools in the classification (i.e. basketball region, football district) and in accordance with established KHSAA Competition Rules.

ARTICLE IX - AMENDMENTS TO THE CONSTITUTION OR BYLAWS

- Sec. 1) DEADLINE FOR FILING FOR ANNUAL MEETING
- a) On or before May 1 preceding the convening of the Annual Meeting a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution or Bylaws
 - b) The Commissioner shall submit the proposed changes approved by the Board of Control to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting.
 - c) Any proposal to be offered by the Board of Control shall be submitted to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting.
 - d) No proposals other than these may be considered at the ANNUAL MEETING.
- Sec. 2) VOTE NECESSARY TO AMEND AT ANNUAL MEETING
- a) A two-thirds majority of all DELEGATES answering the roll at the ANNUAL MEETING shall be necessary to amend the Constitution or Bylaws.
- Sec. 3) REFERENDUM OF THE MEMBERSHIP
- a) The Board of Control may submit any proposed changes to the REPRESENTATIVES of member schools at any time by mail.
 - b) If any proposal receives a two-thirds majority of all votes cast by the REPRESENTATIVES, they shall have the same force and effect as though passed at the ANNUAL MEETING.
 - c) All votes received on a referendum shall be opened and counted at the same meeting.
- Sec. 4) VOTE OF SINGLE SEX SCHOOLS
- a) A member school enrolling only one sex shall not have a vote on any phase of the Association's Constitution or Bylaws not involving or pertaining to the school.
 - b) Schools enrolling only boys shall not vote on matters of the Association's Constitution or Bylaws pertaining only to girls' athletics, and schools enrolling only girls shall not vote on matters of the Association's Constitution or Bylaws pertaining only to boys' athletics.
- Sec. 5) EFFECTIVE DATE
- a) Amendments receiving the requisite vote shall be effective when approved by the Legislative Research Commission in accordance with KRS Chapter 13A.

ARTICLE X - RESPONSIBILITY OF THE PRINCIPAL

- Sec. 1) RESPONSIBILITY DEFINED
- a) Per Bylaw 1, the principal of each school, in all matters pertaining to the a) Per Bylaw 1, the principal of each school,

in all matters pertaining to the athletic relations of his or her school, is responsible to this Association.

b) He or she shall exercise control over all finances, the scheduling of contests, and all other matters involved in the management of his or her school athletic program.

c) Any school whose athletic program (grades 7-12) is managed by a non-school group shall not be eligible to hold membership in the Kentucky High School Athletic Association.

Sec. 2) DUTY TO ENSURE RULES ARE DISTRIBUTED

a) Per Bylaw 1, the principal of each school shall require all participants in interscholastic athletics and their parent(s) or guardian(s) to acknowledge receipt of the eligibility rules as promulgated by the Association, and Kentucky Board of Education regulations prior to certifying their eligibility.

ARTICLE XI - DISSOLUTION OF THE ASSOCIATION

Upon the dissolution of the Association, the Board of Control shall, after paying or making provisions for the payment of all liabilities of the Association, dispose of all assets of the Association exclusively for the benefit of the member schools of the Association that shall at that time qualify as exempt organizations under section 501 c (3) of the Internal Revenue Service Code of 1954 (or the corresponding provision of any future United States Internal Revenue Service Law). Any assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the Association is then located, exclusively for purposes or to the organization or organizations, as the Court shall determine, which are organized and operated exclusively for educational purposes.

CASE SITUATIONS RELATED TO THE CONSTITUTION

Case C-IV-1 - How is a two-way tie broken in an election for the Board of Control?

If an election for a position on the Board of Control has only two candidates and results in a tie for the position, the Commissioner shall conduct a random draw of the tied names to determine the winner.

Case C-V-1 - How are the basketball regions paired for sectional Board of Control representations?

Sectional Board of Control members represent two regions each. Those regional pairings are (Basketball Regions 1 and 2 (S. 1), 3 and 4 (S. 2), 5 and 8 (S. 3), 6 and 7 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8))

Case C-VI-1 - Does the delegate to the KHSAA Annual Meeting have to hold Principal Certification or be a certified teacher?

No. There are no criteria for the delegate who votes for the school. The Principal of the school shall annually designate this person, but there are no specific criteria for the delegate.

**156.070 General powers and duties of state board -- Administrative regulations --
Designation of teams -- Eligibility to play.**

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
 - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.
 - (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.
 - (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or by laws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.
 - (d) 1. The state board or any agency designated by the state board to manage

interscholastic athletics shall allow a member school's team or students to play against students of a nonmember at-home private school, or a team of students from nonmember at-home private schools, if the nonmember at-home private schools and students comply with this subsection.

2. A nonmember at-home private school's team and students shall comply with the rules for student-athletes, including rules concerning:
 - a. Age;
 - b. School semesters;
 - c. Scholarships;
 - d. Physical exams;
 - e. Foreign student eligibility; and
 - f. Amateurs.
 3. A coach of a nonmember at-home private school's team shall comply with the rules concerning certification of member school coaches as required by the state board or any agency designated by the state board to manage interscholastic athletics.
 4. This subsection shall not allow a nonmember at-home private school's team to participate in a sanctioned:
 - a. Conference;
 - b. Conference tournament;
 - c. District tournament;
 - d. Regional tournament; or
 - e. State tournament or event.
 5. This subsection does not allow eligibility for a recognition, award, or championship sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
 6. A nonmember at-home private school's team or students may participate in interscholastic athletics permitted, offered, or sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
- (e) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.
- (f) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be

made, and the student shall be eligible for high school athletics in Kentucky if the student:

1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
 2. Was retained in the primary school program because of an ARC committee recommendation; and
 3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (g) The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations or bylaws that provide that:
1. A member school shall designate all athletic teams, activities, and sports for students in grades six (6) through twelve (12) as one (1) of the following categories:
 - a. "Boys";
 - b. "Coed"; or
 - c. "Girls";
 2. The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport shall be determined by:
 - a. A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or
 - b. An affidavit signed and sworn to by the physician, physician assistant, advanced practice registered nurse, or chiropractor that conducted the annual medical examination required by paragraph (e) of this subsection under penalty of perjury establishing the student's biological sex at the time of birth;
 3.
 - a. An athletic activity or sport designated as "girls" for students in grades six (6) through twelve (12) shall not be open to members of the male sex.
 - b. Nothing in this section shall be construed to restrict the eligibility of any student to participate in an athletic activity or sport designated as "boys" or "coed"; and
 4. Neither the state board, any agency designated by the state board to manage interscholastic athletics, any school district, nor any member school shall entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams, activities, or sports for students of the female sex.
- (h) 1. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations that permit a school district to employ or assign nonteaching or noncertified

personnel or personnel without postsecondary education credit hours to serve in a coaching position. The administrative regulations shall give preference to the hiring or assignment of certified personnel in coaching positions.

2. A person employed in a coaching position shall be a high school graduate and at least twenty-one (21) years of age and shall submit to a criminal background check in accordance with KRS 160.380.
 3. The administrative regulations shall specify post-hire requirements for persons employed in coaching positions.
 4. The regulations shall permit a predetermined number of hours of professional development training approved by the state board or its designated agency to be used in lieu of postsecondary education credit hour requirements.
 5. A local school board may specify post-hire requirements for personnel employed in coaching positions in addition to those specified in subparagraph 3. of this paragraph.
- (i) Unless permitted to be eligible for varsity athletics by any transfer rule, policy, or administrative regulation promulgated by the state board or any agency designated by the state board to manage interscholastic athletics, any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) after enrolling in grade nine (9) and participating in a varsity sport shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer. The state board or any agency designated by the state board to manage interscholastic athletics may adopt rules, policies, and bylaws and promulgate administrative regulations necessary to carry out this paragraph.
 - (j) No member school shall grant a student-athlete the right to use the member school's intellectual property, such as trademarks, school uniforms, and copyrights, in the student's earning of compensation through name, image, and likeness activities. No student-athlete shall use such intellectual property in earning compensation through name, image, and likeness activities. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations to govern and enforce this paragraph.
- (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State Property and Buildings Commission or others, whether public or private, any lands, buildings, structures, installations, and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction throughout the Commonwealth and for incidental use in any other proper public functions. The lease may be for any initial term commencing with the date of the lease and ending with the next ensuing June 30, which is the close of the then-current fiscal biennium of the Commonwealth, with exclusive options in favor of the board to renew the same for successive ensuing bienniums, July 1 in each even year to June 30 in the next ensuing even year; and the rentals may be fixed at the sums in each

biennium, if renewed, sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on, and provide reserves for, any revenue bonds which the State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring the television and related facilities with appurtenances and costs as may be incident to the issuance of the bonds.

- (b) Each option of the Kentucky Board of Education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the chief state school officer, and delivered to the secretary of the Finance and Administration Cabinet as a member of the commission. The option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of the succeeding biennium.
- (c) The Kentucky Board of Education shall not itself operate leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the chief state school officer and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to the reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any lease and to the cost of providing for the operation of the television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises, and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of

this subsection.

- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
- (5) Upon the recommendation of the chief state school officer or his or her designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 93, sec. 1, effective June 29, 2023. -- Amended 2022, Ky. Acts ch 12, sec 8, effective March 9, 2022; and ch. 198, sec. 1, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 167, sec. 3, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 75, sec. 1, effective July 14, 2018. -- Amended 2012 Ky. Acts ch. 72, sec. 2, effective April 11, 2012. -- Amended 2010 Ky. Acts ch. 85, sec. 26, effective July 15, 2010; and ch. 146, sec. 1, effective April 13, 2010. -- Amended 2007 Ky. Acts ch. 112, sec. 1, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 277, sec. 2, effective July 15, 2002; and ch. 301, sec. 1, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 147, sec. 1, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 108, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 45, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 230, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 405, sec. 1, effective April 10, 1992. -- Amended 1990 Ky. Acts ch. 182, sec. 1, effective March 30, 1990; ch. 470, sec. 50, effective July 1, 1990; and Ky. Acts ch. 476, Pt. II, sec. 47, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 361, sec. 8, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 381, sec. 4, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 60, sec. 1, effective June 17, 1978; and ch. 155, secs. 41, 82, and 89, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 327, sec. 2. -- Amended 1970 Ky. Acts ch. 204, sec. 7. -- Amended 1964 Ky. Acts ch. 5, sec 1. -- Amended 1962 Ky. Acts ch. 13, sec. 3. -- Amended 1958 Ky. Acts ch. 47, sec. 2. -- Amended 1952 Ky. Acts ch. 41, sec 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4377-1, 4377-12, 4527-63, 4618-80.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 198, sec. 3, provides that the Act, which contains this statute and KRS 164.2813, may be cited as the Fairness in Women's Sports Act.

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amended at ARRS Committee)

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.

RELATES TO: KRS 61.805 - 61.850, 156.070(2), 158.162, 160.380, 160.445, 20 U.S.C. 1681

STATUTORY AUTHORITY: KRS 156.070(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools, including interscholastic athletics in the schools. KRS 156.070(2) authorizes the board to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures, and rules of the agent.

Section 1. Definitions.

- (1) "Contact Drill" means that drills are run at Level 3, Level 4, or Level 5.
- (2) "KBE" means Kentucky Board of Education.
- (3) "KHSAA" means Kentucky High School Athletics Association.
- (4) "Level 0" or "air" means that players run a drill unopposed without contact.
- (5) "Level 1" or "bags" means that a drill is run with a bag or against another soft contact surface.
- (6) "Level 2" or "control" means that:
 - (a) A drill is run at an assigned speed until the moment of contact;
 - (b) One (1) player is predetermined the winner by the coach;
 - (c) Contact remains above the waist; and
 - (d) Players stay on their feet.
- (7) "Level 3" or "Control to Ground" means that:
 - (a) A drill is run at an assigned non-competitive speed or with players pre-engaged;
 - (b) There is a pre-determined winner; and
 - (c) Players are allowed to take their opponent to the ground in a controlled manner.
- (8) "Level 4" or "thud" means that:
 - (a) A drill is run at a competitive speed through the moment of contact;
 - (b) There is no predetermined winner;
 - (c) Contact is above the waist;
 - (d) Players stay on their feet; and
 - (e) A quick whistle ends the drill.
- (9) "Level 5" or "live" means that a drill is run at a competitive speed in game-like conditions.
- (10) "Non-Contact Drill" means that drills are run at Level 0, Level 1, or Level 2.
- (11) "OCR" means the United States Department of Education, Office for Civil Rights.

Section 2. The KHSAA shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools and private schools desiring to associate with KHSAA or to compete with a common school.

Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:

- (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;

- (2) Sponsor an annual meeting of its member high schools;
- (3) Provide for each member high school to have a vote on the KHSAA Constitution and bylaw changes submitted for consideration;
- (4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;
- (5) Provide for students desiring to participate at the high school level (regardless of the level of play) to be enrolled in at least grade seven (7);
- (6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;
- (7) Advise the Department of Education of all legal action brought against the KHSAA;
- (8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;
- (9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;
- (10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;
- (11) Permit the Board of Control to assess fines on a member high school;
- (12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;
- (13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;
- (14) Conduct continual cycles of field audits of the association's entire high school membership, which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;
- (15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);
- (16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;
- (17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, or other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school before being made public;
- (18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility;
- (19) Require any student enrolled initially in grade seven (7) through twelve (12) who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in an interscholastic athletics competition at any level; and
- (20) Produce a public report or reports of member schools' compliance with submitting the required member school application and the required training aspects of KRS 158.162 and KRS 160.445 regarding emergency and cardiac action plans related to interscholastic athletics.

Section 4. To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall implement the

following requirements for all participants in middle school interscholastic athletics, distribute these requirements to all middle schools, and publish via the KHSAA Web site:

(1) Require that these provisions apply to all middle school interscholastic athletics. The following indicates that a team is representative of a school and classified as middle school athletics:

- (a) The contest, event, or tournament is sponsored by a school or combined group of schools;
- (b) Competitors wear a school-issued uniform;
- (c) The contest, event, or tournament is sponsored by an outside entity as a school entry event, which is advertised or promoted as a school event, whether or not an entry fee is required;
- (d) A school entity pays an entry fee, for the student or team, including payment by booster organizations;
- (e) A school representative accompanies the student-athlete or transports the student-athlete to the contest, event, or tournament;
- (f) A designated or hired member of a school coaching staff, whether paid or unpaid, is present and offering instruction, advice, evaluation, or refinement of skills or exercising other duties defined as coaching within the sport rules;
- (g) Transportation to or from the contest, event, or tournament utilizes school provided or approved transportation;
- (h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of the school, including the formal name, informal name, or team nickname;
- (i) Competitors in the contest, event, or tournament are provided promotional or other resources by the school including school media recognition, signage, and items indicative of school representation;
- (j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school board or school-based decision-making body, including financial or other approval control; or
- (k) Competition in a contest, event, or tournament is covered by any school or school system provided or procured insurance policy;

(2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach interscholastic athletics at the middle school level:

- (a) Meet the requirements of KRS 156.070(2)(h)2;
- (b) Meet the requirements of KRS 160.380(5) and (6); and
- (c) Provide to the school documentation of successful completion of a C.P.R. course including the use of an automatic external defibrillator and the first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, the American Heart Association, or other bona fide accrediting agency that is approved by the KHSAA based upon industry standards. The certification shall be updated as required by the approving agency;

(3) Require adherence to the following items regarding safety, sports medicine, and risk minimization for all interscholastic athletics at the middle school level:

- (a) Each student, before trying for a place on a middle school athletic team, shall provide an annual medical examination, in accordance with KRS 156.070(2)(e), and shall use the KHSAA form PPE01, with PPE02 being optional for the health care provider;
- (b) All participants at the middle school level shall adhere to all sports medicine and risk minimization policies in use at the high school level that may be supplemented by the school, school district, conference, or association including:
 - 1. Heat index and heat illness programs;
 - 2. Wrestling weight management programs;

3. Concussion and other head injury policies including policies for minimizing impact exposure and concussion risks;
 4. The following football equipment drill work and practice activity limitations:
 - a. Football contact and non-contact practice shall use the appropriate clothing and equipment for the level of drill, including:
 - (i) A drill conducted in helmets-only shall be a Level 0, or Level 1;
 - (ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and
 - (iii) A contact drill shall be conducted in full equipment;
 - b. Middle school football shall practice a minimum of eleven (11) days before engaging another group or opponent in full contact, using the following minimum schedule:
 - (i) Five (5) days in helmets;
 - (ii) Followed by three (3) days in helmets and shoulder pads; and
 - (iii) Concluding with three (3) days in full equipment practice; and
 - c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular-season contest;
 - d. The first regular season interscholastic contest shall not be played before the Saturday preceding week seven (7) of the National Federation of High Schools Standardized Procedure for Numbering Calendar Weeks; and
 - e. All middle schools shall maintain protective helmets in accordance with manufacturer's warranty guidelines for recertification;
 5. The following baseball pitching limitations shall apply to all interscholastic play at the middle school level including scrimmages, regular season, and post season games:
 - a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls, balls in play, and outs;
 - b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in case of injury or game delay, and plays attempted against the batter-runner or any runner at first, second, or third base shall not count against this limit;
 - c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be allowed to finish that hitter;
 - d. The required calendar rest shall begin on the day following the date on which the game began, or a resumed game began regardless of the conclusion time of the game; and
 - e. The rest periods shall be based on the following total pitches:
 - (i) Maximum pitches - eighty-five (85);
 - (ii) Fifty-six (56) pitches or more - three (3) calendar days rest;
 - (iii) Thirty-six (36) to fifty-five (55) pitches - two (2) calendar days rest;
 - (iv) Twenty (20) to thirty-five (35) pitches - one (1) calendar day rest; and
 - (v) One (1) to nineteen (19) pitches - no mandated rest;
 6. Students seeking to play or practice, including scrimmages, regular season, and post season games, in the sport of fastpitch softball, shall be required to wear face protection, commercially manufactured for softball facial protection and worn as intended by the manufacturer, when playing the positions of first base, third base, and pitcher; and
 7. Teams participating in middle school athletics as defined by subsection (1) of this section shall use KHSAA licensed officials in the sports of baseball, basketball, field hockey, football, soccer, softball, and volleyball;
- (4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

- (a) Report regularly, not less than annually to the Board of Control of the KHSAA with the Board of Control obligated to make a recommendation to the Kentucky Board of Education with respect to annually proposed regulatory changes;
 - (b) Be composed of no less than three (3) middle school representatives from each Supreme Court district as well as no less than three (3) at large representatives from throughout the state;
 - (c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts;
 - (d) Meet not less than twice annually to review current programs and policies, make recommendations for improvements to and participation in middle school interscholastic activities, as well as any changes in statute, administrative regulation, or policy related to middle school interscholastic athletics, and assist in the development of model guidelines for schools, districts, conferences, and associations to be used in implementing a middle school athletic program; and
 - (e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in conjunction with the commissioner, a formal written report annually to the KBE with recommendations for changes in statute, administrative regulation, or policy;
- (5) Require any organization conducting a school-based event at the middle school level to submit the following, which shall be published and listed on the KHSAA Web site:
- (a) Annual financial reports of all sanctioned and approved events sponsored by the organization; and
 - (b) Documentation of financial accountability including verification of federal status and tax documents including an annual IRS Form 990;
- (6) Provide notice to the middle schools related to any program conducted by KHSAA related to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;
- (7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and other requirements for coaches at the middle school level;
- (8) Require that any student who turns:
- (a) Fifteen (15) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades eight (8) and below;
 - (b) Fourteen (14) years of age before August 1 of the current year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades seven (7) and below; and
 - (c) Thirteen (13) years of age before August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades six (6) and below;
- (9) Require each school, school district, conference, or association of schools to develop rules and limitations regarding student participation at the middle school level to include:
- (a) A defined age limitation for participating students;
 - (b) A policy regarding the participation of students below grade six (6);
 - (c) A limitation on practice time before the season in any sport or sport activity which shall not exceed the practice time adopted for play at the high school level;
 - (d) A limitation on the number of school-based scrimmages and regular season, school based contests in each sport or sport-activity, which shall not include post season contests and shall not exceed the allowable number of contests for that sport or sport-activity at the high school level; and

- (e) A limitation on the length of the regular competitive season in each sport or sport-activity, not including any post season activities, which shall not exceed the length for that sport or sport-activity at the high school level;
- (10) Conduct all meetings related to middle school athletics in accordance with KRS 61.805 through 61.850;
- (11) Issue an annual report to the KBE on the status of interscholastic athletics at the middle school level, including any recommendations for changes in statute, administrative regulation, or policy;
- (12) Allow a school or school district to join a conference or association that has developed rules for any particular sport or sport-activity to satisfy the requirements of this administrative regulation; and
- (13) The period of June 25 to July 9, inclusive, shall be a dead period for middle school athletics. During the dead period:
 - (a) Students shall not receive coaching or training from school personnel, whether salaried or non-salaried;
 - (b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;
 - (c) School funds shall not be expended in support of interscholastic athletics; and
 - (d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team at a school may be held.

Section 5. Financial Planning and Review Requirements.

- (1) KHSAA shall annually submit the following documents to the KBE by October 31:
 - (a) Draft budget for the next two (2) fiscal years, including the current year;
 - (b) End-of-year budget status report for the previous fiscal year;
 - (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;
 - (d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:
 - 1. Athletic appeals and their disposition, including the name of the individual, grade, school, and the action taken by KHSAA;
 - 2. Eligibility rules;
 - 3. Duties of school officials;
 - 4. Contests and contest limitations;
 - 5. Requirements for officials and coaches; and
 - 6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for a vote by the member schools at the next legislative opportunity; and
 - (e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.
- (2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence if any.

Section 6. Forms. The forms incorporated by reference in this administrative regulation shall be filed:

- (1) Using the paper form; or
- (2) Using the electronic forms found on the Kentucky High School Athletic Association Web site at www.khsaa.org.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "KHSAA Constitution", 7/2021;
- (b) "KHSAA Bylaws", 7/2023;
- (c) "KHSAA Due Process Procedure", 7/2023;
- (d) "KHSAA Board of Control Adopted Policies", 9/2023;
- (e) KHSAA Form BA101- Baseball Pitching Limitation", 6/2016;
- (f) KHSAA Form GE01, "Application for Membership", 7/2023;
- (g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9 - 12) Participation", 5/2023;
- (h) KHSAA Form DP02, "Request for Statutory Waiver of Bylaw 2", 6/2018;
- (i) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 7/2023;
- (j) KHSAA Form DP07, "Application for Athletic Eligibility for Non-Domestic Students", 07/2023;
- (k) KHSAA Form DP16, "Request for Waiver of 20 Day Notice", 6/2018;
- (l) KHSAA Form DP17, "Add. Info for Appeal", 6/2018;
- (m) KHSAA Form DP18 "Waiver – 15 Day Exceptions", 6/2018;
- (n) "KHSAA Form GE14- Contract for Athletic Contests", 7/2020; and
- (o) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;
- (p) KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Department of Education, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(13 Ky.R. 835; eff. 11-11-1986; 14 Ky.R. 989; eff. 12-11-1987; 15 Ky.R. 1153; eff. 1-7-1989; 16 Ky.R. 1255; eff. 2-3-1990; 2459; eff. 7-12-1990; 17 Ky.R. 451; 1484; eff. 12-7-1990; 18 Ky.R. 1200; eff. 12-8-1991; 19 Ky.R. 514; eff. 10-1-1992; 1419; eff. 2-4-1993; 20 Ky.R. 2900; 3203; eff. 6-14-1994; 22 Ky.R. 1728; eff. 5-16-1996; 24 Ky.R. 174; 573; eff. 9-4-1997; 25 Ky.R. 127; 1046; eff. 11-5-1998; 26 Ky.R. 1448; eff. 3-10-2000; 27 Ky.R. 1869; 2438; eff. 3-19-2001; 28 Ky.R. 2446; 29 Ky.R. 108; eff. 7-15-2002; 30 Ky.R. 2378; 31 Ky.R. 75; eff. 8-6-2004; 1895; eff. 8-5-2005; 32 Ky.R. 1769; eff. 6-2-2006; 33 Ky.R. 3461; 34 Ky.R. 40; 726; eff. 9-10-2007; 35 Ky.R. 2158; 36 Ky.R. 63; eff. 7-13-2009; 37 Ky.R. 2480; 2834; eff. 6-13-2011; 38 Ky.R. 1801; 1965; eff. 6-11-2012; 40 Ky.R. 133; 594; 807; eff. 11-1-2013; 2618; 41 Ky.R. 39; eff. 8-1-2014; 42 Ky.R. 101; 669; eff. 9-14-2015; 43 Ky.R. 102, 418, 542; eff. 10-10-2016; 44 Ky.R. 666, 925; eff. 11-13-2017; 45 Ky.R. 770, 1190; eff. 11-19-2018; 46 Ky.R. 254, 916, eff. 254, 916; eff. 10-4-2019; 47 Ky.R. 567, 1213; eff. 3-2-2021; 48 Ky.R. 1653, 2210; eff. 5-3-2022; 50 Ky.R. 173, 1067; eff. 12-11-2023.)

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Department of Education, as required by KRS 156.070(5).

FILED WITH LRC: October 10, 2023

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

Department of the Treasury

District Director

Internal Revenue Service

Date: APR 21 1972

In reply refer to:

L-178 1442:22:LER

CIN:EO:72: 7 1 6



► Kentucky High School Athletic
Association
P.O. Box 1173, 763 Rose Street
Lexington, KY 40501

Gentlemen:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(2).

You are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes under sections 2055, 2106, and 2522 of the Code.

If your purposes, character, or method of operation is changed, you must let us know so we can consider the effect of the change on your exempt status. Also, you must inform us of all changes in your name or address.

If your gross receipts each year are normally more than \$5,000, you are required to file Form 990, Return of Organization Exempt From Income Tax, by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, for failure to file a return on time.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Please keep this determination letter in your permanent records.

Sincerely yours,

Paul A. Schuster
District Director