

## Summary of Bylaw 6 Issues Identified During 2-Year Review

- None of these represents a formal proposal, but sets drafting standards for a proposal to be presented in final form at the July meeting, which, if approved, would go before the Delegate Assembly in September with applicability as soon as the regulation could be promulgated.
- This checklist is for items to be used by the staff in the final development of any proposal for presentation to the Board as the second reading in July.

## Data Student Transfer Data Compilation

- While HJR did not pass the 2024 Senate, the Commissioner and staff are to continue the review of the past two to three years' worth of transfers for review.
- Critical in the review is the identification of the
  - Schools Involved
  - Student's Name (solely to eliminate possible duplicate data entry)
  - Enrollment Date
  - Resident Information
  - School Information for the District of the residence is provided
  - Sports played
  - Last Participation Dates
  - Grade in school at the time
  - Derive the grade in school of the last participation
- Data compilation should be planned to eventually be publicly reviewable with basic searching tools if feasible and possible

## Transfer Ruling Process

- The transition to digital forms processing can not happen fast enough
- Consider the viability of removing parent involvement in submission and requiring Designated Representative certification as to information supplied by the parent
- If the Designated Rep is requesting a waiver of the rule, then their due diligence is paramount in the process
- Staff is to be very public with the fact that conversation is no evidence and will not be considered until something is submitted in writing
- Deadlines for submission of material must be in writing and applied
  - Current deadlines for submission of sending school information must be shortened, with Bylaw 27 penalties applied for non-compliance
  - If deadlines are not met, the submission is to be considered solely on the receiving school's submission
- Cases previously determined by the sending schools and not sent to the KHSAA would still need to be submitted through the electronic system, but require no affirmative action, only acceptance.
  - Staff would have no role in determining the validity of these factors that are currently not submitted to the KHSAA.
  - These matters could, as they are now, be reviewed if evidence is presented to clearly state that the certification is false.

## Rule Construction (Bylaw 6)

- Section 1: Considerations (When Rule Applies)
  - Request presentation of an alternative to require a specific percentage of contest participation in order for the period of ineligibility to apply (defining a deminimus standard).
    - Discussed examples include 15 to 20 % of applicable Bylaw 23 contests
    - Need detailed examples and numbers before second reading approval, including special circumstances (i.e., don't count pinch runner, don't count kickoff, etc.) as detailed in other states.
    - Purpose: Discourage and hopefully eliminate "locking in of kids" by simply putting them in the first game and allowing for certain aspects of choice to be present prior to significant participation.
- Section 1: (Penalty Period)
  - Request development of an alternative penalty for the rule, including looking at a participation continuum.
    - Perhaps looking at wording if a student participates past the deminimus standard, but not past another point in the continuum, the ineligibility period may apply only to the current season.
    - As an example, perhaps a student exceeds the developed deminimus threshold but not half of the season and then transfers, they would be able to play the entire season the next year at the school
- Section 1 (BASE)
  - The language should clarify that for any waiver provision, the facts that resulted in the waiver must not change, or the student is immediately ineligible and a new ruling is to be requested.
- Section 2 Considerations (exceptions/allowances to the Section 1 provisions)
  - No prevailing sentiment among the membership to allow for a "free one-time" transfer, and such is not to be presented as part of the final proposal.
  - Review the Bona fide change of address provisions
    - Consider alignment with requirements for public school enrollment (i.e., DPP guidance)
    - Consider applicability and comparison with other states around the current requirements regarding the former residence
    - If the status of former residence is an issue, then the burden must be on the sending school to "contest" through written evidence, the submission of the receiving school.
  - Consideration of the movement of the Strict Application provision from the Due Process Procedure to the list of reasons why the period of ineligibility would not apply.
  - Consider the development of a waiver for a change in financial conditions (either direction) based on specific enumerated reasons that must be documented with specific parameters

- Consider the development of a waiver related to mental health and the necessary documentation by appropriate professionals, such as that required in Bylaws 2 and 3
  - Consider the development of a waiver to allow a student whose residence has not changed but has been attending an out-of-district school to return to the specific “resides” school (or schools in metropolitan areas that have defined them).
  - Consideration of grade level of provisions applying, consider pros and cons of starting the “lock-in” for eligibility purposes with participation in grade 10.
    - Consideration of this provision should be guided by the study of recent transfers that is ongoing
- Section 3 Considerations
  - Review Athletic Advantage provisions and ensure up-to-date language
  - Include in the coaching provisions that clearly, even off-season workouts are included if not acknowledged in writing by the student’s current high school coach.
    - Workouts, etc., are in fact included now as this is “coaching” but explicitly stating that fact is critical.
  - Revise Section 3 to include applicability even in the case of a Strict Application determination
  - **ALTERNATIVE TO AMENDING SECTION 3-** Eliminate Section 3 of the rule and make the rule simply an objective “do they meet a waiver provision,” as the burden of proof is high in this issue, and schools have historically been unwilling to document.

#### Education

- Education of the membership will be critical
- Once a proposal(s) is(are) developed, staff and board members will be able to jointly meet with the regional school meetings and discuss the docket to ensure that the Annual Meeting runs smoothly

### **Summary of Bylaw 7 Issues Identified During 2-Year Review**

- None of these represents a formal proposal, but sets drafting standards for a proposal to be presented in final form at the July meeting, which, if approved, would go before the Delegate Assembly in September with applicability as soon as the regulation could be promulgated.
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### **Rule Considerations**

- A proposal should be developed (and perhaps integrated with Bylaw 6) to state:
  - A student on an F-1 VISA who has the first year of ineligibility waived shall be ineligible for the following year if they remain in Kentucky and enroll at any other member school with any subsequent school change governed by Bylaw 6.
  - A student on an F-1 VISA who has the first year of ineligibility waived shall be ineligible for the following year if they remain at that member school.