

**BOARD OF CONTROL
REGULAR MEETING
MAY 22-23, 2006
LEXINGTON, KY**

AGENDA MATERIAL



Kentucky High School Athletic Association

2280 Executive Drive ° Lexington, KY 40505 ° www.khsaa.org ° (859)299-5472 (859)293-5999 (fax)

MEMO

TO: KHSAA Board of Control
FROM: Commissioner Brigid L. DeVries *B.L.D.*
DATE: May 17, 2006
RE: Additional Information

Enclosed please find additional material for the May 22-23, 2006 Board meeting.

Included are the following:

- Revised agenda
- Ballots & cover memo from GRREC Executive Director, Liz Storey
- Budget material
- Title IX deficiencies
- 2005-2006 Membership Application Form
- More details on football realignment will be sent to you by e-mail on Friday, May 19th

DON'T FORGET ABOUT THE DINNER ON MONDAY NIGHT AT 6:30 P.M. AT MALONE'S STEAK HOUSE ON TATES CREEK ROAD IN LEXINGTON. WE WILL HONOR OUTGOING BOARD OF CONTROL MEMBERS SALLY HAEBERLE, STAN HARDIN, JIM SEXTON & JERRY TAYLOR.



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MEMO

TO: KHSAA Board of Control

FROM: Commissioner Brigid L. DeVries *B/LD*

DATE: May 12, 2006

RE: May 22-23 Regular Board Meeting

The school year is winding down and spring sports are in full swing. New Board members Alan Donhoff, Jerry Keepers and Dave Weedman, will once again be invited to attend and observe their second meeting.

Following are a few details regarding the meeting:

- Monday evening we have a room reserved at Sal's (Malone's Steak House on Tates Creek Road) at 6:30 p.m. Dinner will be provided and we will recognize our outgoing Board members, Sally Haeberle, Stan Hardin, Jim Sexton and Jerry Taylor at that time. **Please contact Darlene as soon as possible if you are bringing a guest.**
- As you review the agenda, if there are any specific questions you wish to discuss with staff, please feel free to contact any of us prior to the meeting or either day of the meeting.
- Hall of Fame Material is in a separate notebook.
- More details on football realignment will be forthcoming by e-mail as the Harrodsburg/Mercer situation becomes clearer.
- There will be a second mailing early next week.

Please note the following items to put on your calendar if you are available:

- Slow Pitch Softball – May 20th at Rivershores Complex, Hebron
- Tennis – May 25-27th at UK Tennis Courts in Lexington, and Berea
- Track & Field – June 3-4th at Paul Dunbar High School in Lexington
- Fast Pitch Softball – June 9-10th at Skyview Park, Jeffersontown
- Baseball – June 14-17th at Applebee's Park in Lexington
- Hall of Fame Golf Scramble – Thursday, June 22nd at The Marriott Griffin-Gate Golf Course

See you bright and early Monday morning for a full two days of fun-filled activity!

Room reservations have been made for the following individuals at the Hilton Garden Inn as listed below. If you need to change your arrival or departure date, please contact Darlene Koszenski at the KHSAA office as soon as possible.

<i>Board Member</i>	<i>Sunday, May 21</i>	<i>Monday, May 22</i>	<i>Attend BOC</i>
<i>Michael Barren</i>	NO	NO	YES
<i>Chuck Broughton</i>	YES	YES	YES
<i>Lonnie Burgett</i>	YES	YES	YES
<i>Gary Dearborn</i>	YES	YES	YES
<i>Paul Dotson</i>	YES	YES	YES
<i>Paula Goodin</i>	YES	YES	YES
<i>Sally Haeberle</i>	YES	YES	YES
<i>Stan Hardin</i>	YES	YES	YES
<i>Ozz Jackson</i>	YES	YES	YES
<i>L.V. McGinty</i>	YES	YES	YES
<i>Steve Parker</i>	NO	NO	YES
<i>Jeff Perkins</i>	NO	NO	YES
<i>Jeff Schlosser</i>	NO	YES	YES
<i>Bob Schneider</i>	YES	YES	YES
<i>Jim Sexton</i>	YES	YES	YES
<i>Robert Stewart</i>	NO	YES	YES
<i>Jerry Taylor</i>	YES	YES	YES
<i>Donna Wear</i>	YES	YES	YES

MAY 22-23, 2006
BOARD OF CONTROL MEETING
LEXINGTON, KENTUCKY

MONDAY, MAY 22, 2006

COMMITTEE MEETINGS -ALL BOARD MEMBERS ARE ENCOURAGED AND INVITED TO ATTEND.

8:30 a.m. ET, **Title IX Education & Compliance Committee**-Paula Goodin, Chairperson, Michael Barren, Lonnie Burgett, Gary Dearborn, Paul Dotson, Sally Haeberle, Stan Hardin, Ozz Jackson, L.V. McGinty, Steve Parker, Donna Wear (agenda items listed in Board agenda)

9:00 a.m. ET, **Team Sports Committee** - Gary Dearborn, Chairperson; Michael Barren, Chuck Broughton; Lonnie Burgett, Paul Dotson, Sally Haeberle; Stan Hardin; Ozz Jackson; L.V. McGinty; Steve Parker; Jeff Schlosser; Bob Schneider; Jim Sexton; Bob Stewart; Donna Wear (agenda items listed in Board agenda)

9:30 a.m. ET, **Individual Sports Committee** - Donna Wear, Chairperson; Chuck Broughton, Lonnie Burgett, Stan Hardin, Ozz Jackson, L.V. McGinty, Steve Parker, Jeff Perkins, Bob Schneider, Robert Stewart (agenda items listed in Board agenda)

9:45 a.m. ET, **Member School Services Committee** - Jeff Perkins, Chairperson; Michael Barren, Chuck Broughton, Gary Dearborn, Paul Dotson, Ozz Jackson, Steve Parker, Jeff Schlosser, Bob Schneider, Robert Stewart, Jerry Taylor, Donna Wear

10:30 a.m. ET, **Football Committee**- Bob Schneider, Chairperson; Michael Barren, Chuck Broughton; Gary Dearborn; Paul Dotson; Paula Goodin, Sally Haeberle; Stan Hardin; Ozz Jackson; L.V. McGinty; Jeff Perkins; Jeff Schlosser, Jim Sexton; Robert Stewart (agenda items listed in Board agenda)

LUNCH

1:00 p.m. ET, **Constitution and Bylaws Committee**-Paul Dotson, Chairperson; Chuck Broughton; Lonnie Burgett; Gary Dearborn; Paula Goodin; Sally Haeberle; Steve Parker; Jeff Perkins; Jeff Schlosser; Bob Schneider; Jim Sexton; Robert Stewart; Jerry Taylor; Donna Wear (agenda items listed in Board agenda)

2:30 p.m. ET, **Audit/Finance Committee**- Lonnie Burgett, Chairperson; Gary Dearborn; Paul Dotson; Paula Goodin; Sally Haeberle; Ozz Jackson; L. V. McGinty; Jeff Perkins; Jim Sexton; Bob Stewart; Jerry Taylor; (agenda items listed in Board agenda)

4:00 p.m. ET, **Hall of Fame Selection Committee**- All Board Members, All KHSAA Executive Staff Members, Ken Tippett, Dawahare Rep (agenda items listed in Board agenda)

PLEASE NOTE THAT THERE WILL BE A DINNER HONORING OUTGOING BOARD OF CONTROL MEMBERS (SALLY HAEBERLE, STAN HARDIN, JIM SEXTON & JERRY TAYLOR) AT 6:30 P.M. AT MALONE'S STEAK HOUSE IN LEXINGTON ON MONDAY NIGHT.

NOTE: PICTURES FOR ALL KHSAA PUBLICATIONS TO BE USED DURING THE 2006-2007 SCHOOL YEAR WILL BE TAKEN ON TUESDAY MORNING JUST PRIOR TO LUNCH. PLEASE BRING YOUR KHSAA BLAZER IN ORDER TO BE UNIFORM IN ATTIRE.

TUESDAY, MAY 23, 2006

8:30 a.m. ET, **Executive Committee**- All Board Members (agenda items listed in Board agenda)

FULL BOARD OF CONTROL MEETING - 10:30 a.m.

A. Action Items (Action must be approved/adopted with motion)

- 1) Call to Order, President Jerry Taylor
- 2) Pledge of Allegiance - Roland Williams
- 3) Reflection - Jeff Schlosser
- 4) Approve Minutes of the April 13, 2006 Regular Board of Control Meeting
- 5) Executive Session (if necessary) to Review Current Investigations and Current and Potential Legal Cases

6) Consideration of the following appeals in compliance with the KHSAA Due Process Procedure:

Case #	Bylaw	H. O Recommend	Recuse
#1040	6	ELIGIBLE	
#1041	6	ELIGIBLE	
#1042	6	INELIGIBLE	
		APPEALS TO BOC	
#928	33	WOLFE COUNTY BOE	
	10	LEX-CATH FOLLOW UP PROCEDURES IN PLACE	

- 7) Committee Report from **Title IX Committee**
 - Review of Project Status and Policies
- 8) Committee Report from the **Team Sports Committee**
 - Discussion, Slow Pitch Softball
 - Discussion, Increasing Penalty for Unsportsmanlike Conduct
- 9) Committee Report from the **Individual Sports Committee**
 - Confirmation of Below Grade Seven Participation, Cross Country & Track
- 10) Committee Report from the **Member Services Committee**
 - Appearance by Christian Fellowship
 - Appearance by Eminence
 - Appearance by KY Dept. of Fish & Wildlife Resources Regarding Archery
- 11) Committee Report from the **Football Committee**
 - Class System Alignment Drafts (*)
 - Semi-Final Format and Pairings (*)
 - Cross Bracketing (*)
- 12) Committee Report from the **Constitution and Bylaws Committee**
 - Appeals Summary
 - Review Association Membership Criteria
 - Member School Compliance and Application (*)
 - Review Task Force Proposals and Action (*)
 - Discuss Proposals From Board and Staff for Annual Meeting (*)
- 13) Committee Report from **Audit And Finance Committee**
 - Corporate Report and Discussion, Internal and External Sponsors
 - Periodic Board Budget Report
 - Purchase of Optical Mark Reader From Equipment Reserve
 - Review of Museum Roof Project
 - 2006-2007 Salary Schedule
 - Discuss Preliminary Draft Budget
- 14) Committee Report from the **Executive Committee**
 - Discussion of Bills, April 1, 2006 through April 30, 2006
 - Approve Policy Statement on Prioritizing School Calls
 - Approve Policy Statement for Anonymous Correspondence
 - Approve Required Administrator Meeting
 - Appearance by Millersburg Military Institute (**)
 - Approve 2006-2007 Meeting Schedule (*)
 - Draft Budget Approval after Audit/Finance
 - 6th & 7th Region Officials Follow Up (O)
 - Insurance Policy Discussion
 - Museum Board Update
 - Draft Status of 2007 Budget Designations
 - Novelty Shop, etc.
- 15) Election of Officers, 2006-2007 School Year

B. Reports

- 1) Report of Transfers, April 1 to April 30, 2005
- 2) Report of Disqualifications and Penalties, July 1, 2005-April 30, 2006
- 3) Report on NFHS Legal Meeting (DeVries) (O)
- 4) Report on KHSADA Conference (Williams) (O)
- 5) American Sport Education program Agreement
- 6) Case #995 Residence Follow Up

-C. Miscellaneous

- 1) Confirm location and date for July Board Meeting (July 9-11, 2006, Kentucky Dam Village)
- 2) Miscellaneous Board and Staff items
- 3) State Track Meet Site

(O) - Oral

(*) - Additional Materials to be Distributed

(**) - No Handout

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ACTION ITEMS

MINUTES OF THE BOARD MEETING

APRIL 13, 2006

President Jerry Taylor convened the regular meeting of the Board of Control on Thursday, April 13, 2006 at 2:40 p.m. All Board members were present except Jeff Perkins. Also present were Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher, Julian Tackett and Roland Williams, Director of Promotions and Media Relations Butch Cope, Fundraising Consultant Ken Tippet and Office Manager Darlene Koszenski. KHSAA legal counsel Ted Martin, Michael Dailey, Kentucky Department of Education liaison; Mike Fields, reporter; Jerry Keepers, new Board member; Dave Weedman, new Board member; and Alan Donhoff, new Board member, were also present.

Michael Barren provided a moment of reflection.

Ken Tippet led the pledge of allegiance.

President Taylor asked the record to show that seventeen Board members were present, and that ten votes were needed to pass any eligibility motions.

L.V. McGinty made a motion, seconded by Donna Wear, to go into Executive Session to discuss the status of various legal cases. The motion passed unanimously. Sally Haeberle made a motion, seconded by Ozz Jackson, to come out of Executive Session. The motion passed unanimously. No action was taken during Executive Session.

The Board of Control then considered the following appeals in compliance with the KHSAA Due Process Procedure:

Case #	Bylaw	H.O. Recommend	Board Motion	Board Second	Vote Y/N/R	Status
#1034	6	ELIGIBLE	Overturn (Dotson)	Burgett	12-5	Ineligible-A
#1036	6	ELIGIBLE	Uphold (Barren)	Jackson	13-3-1 (Dearborn)	Eligible
#1032	6	INELIGIBLE	Uphold (Dearborn)	Dotson	16-0-1 (Barren)	Ineligible
#1033	6	INELIGIBLE	Uphold (McGinty)	Haeberle	17-0	Ineligible
#1038	6	INELIGIBLE	Uphold (Dotson)	Broughton	17-0	Ineligible
#1037	6	EXCEPTIONS	Uphold (McGinty)	Parker	16-01 (Haeberle)	Ineligible
#1039	6	EXCEPTIONS	Overturn (Jackson)	Dearborn	16-1	Eligible-B
#1019	33	UPHOLD PENALTY	Overturn (Sexton)	Taylor	12-5	Penalty Removed-C

A-Findings of Fact-Case #1034

1. The KHSAA Board incorporates by reference the Findings of Fact as contained in the Hearing Officer's Recommended Order. The KHSAA Board reaches different Conclusions of Law, however, from those same Findings of Fact.
2. Bylaw 6, Section 1 ("Bylaw 6") states: "The KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring student would be better served through a transfer."

Conclusions of Law

Based on the whole record, the Board concludes that the application of the period of ineligibility contained in Bylaw 6 should not be waived for the following reasons:

1. The student's transfer is subject to Bylaw 6 because he participated in varsity sports at the sending school after enrolling in grade nine and then transferred to the receiving school.
2. As concluded by the Hearing Officer, the student's transfer does not satisfy any enumerated exception to Bylaw 6.
3. The Due Process Procedure provides for a discretionary waiver if strict application of the applicable Bylaw is unfair *and* the circumstances creating the ineligibility are clearly beyond the control of all the parties involved. The evidence provided does not support a conclusion that the strict application of Bylaw 6 is unfair to the student and the circumstances resulting in his transfer were clearly beyond the control of all the parties involved. The claimed reason for the transfer was that the sending school was not going to offer band and that the receiving school offered band. As clearly stated in Bylaw 6, an argument that the educational needs of the transferring student would be better served through a transfer is insufficient to justify a waiver. If waivers were granted on this basis, then students could request waivers anytime the new school offered a program or course not offered by the former school. A waiver under these circumstances would set an undesirable precedent and have an adverse impact on future enforcement of Bylaw 6.
4. Although the primary purposes of Bylaw 6 are to prevent and deter recruiting and athletically motivated transfers, lack of evidence of these dangers is not a ground to waive the application of Bylaw 6. The KHSAA member schools have adopted and the Kentucky courts have approved an objective standard to govern transfers in Kentucky. See Kentucky High School Athletic Ass'n v. Hopkins Co. Bd of Educ., 552 S.W.2d 685, 687 (Ky. App. 1977) (upholding application of Bylaw 6 to a transfer despite finding that there was no recruiting and the transfer was not athletically motivated). An objective standard is necessary because the inherent administrative and other difficulties make it often impossible to make a subjective determination in the numerous transfers processed each year. Indeed, around 1,000 transfers are processed by the Commissioner each year. If transfers were only precluded when there was evidence of recruiting or athletic-motivation, then Bylaw 6 would be subject to abuse and students would be transferring anytime and anywhere. While the member schools of the KHSAA are not preventing a transfer for subjective personal reasons, they through their support of Bylaw 6 have decided that the student should sit out one year of interscholastic athletics. Thus, although there is no evidence that the student transferred due to recruiting or was otherwise athletically motivated, Bylaw 6 still applies to his transfer.

B-Findings of Fact-Case #1039

1. The KHSAA Board incorporates by reference the Findings of Fact in the Hearing Officer's recommended order.

Conclusions of Law

Based on the entire record, the KHSAA Board concludes as follows:

1. The student's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because he participated in varsity sports at the sending school and transferred to the receiving school.
2. The KHSAA Board concludes that a discretionary waiver of the period of ineligibility should be granted in this case.

C-Findings of Fact-Case #1019

After considering the record, the KHSAA Board voted 12-5 to OVERTURN its previous ruling in part. As before, the KHSAA Board concludes that the KHSAA Commissioner had the discretionary authority to impose the penalties. Based upon the representations on behalf of South Oldham, the KHSAA Board now revises its Final Order in that South Oldham does not have to forfeit the football games in which the student participated or pay the \$1,000 fine.

Paul Dotson made a motion that all bills of the Association for the period January 1, 2006 through March 31, 2006 be approved. Stan Hardin seconded the motion, which passed unanimously.

Mike Barren made a motion, seconded by Jim Sexton, to approve the minutes of the January, February, and March Board of Control meetings. The motion passed 16-0 with one Board member out of the room (Lonnie Burgett).

Sally Haeberle made a motion, seconded by Gary Dearborn, to go into Executive Session to discuss the Commissioner's evaluation and contract renewal. The motion passed unanimously. Lonnie Burgett made a motion, seconded by Sally Haeberle, to come out of Executive Session. The motion passed unanimously. No action was taken during Executive Session.

Donna Wear made a motion, seconded by Gary Dearborn, to renew Commissioner's DeVries' contract for four more years, based on her evaluation, with her salary to be determined at a later date. The motion passed unanimously.

Let the record show that Lonnie Burgett left the meeting at 3:25 p.m.

L.V. McGinty, **Officials Committee** Chairperson, made the following motions:

1. Approve the 2006-2007 varsity contest officiating fee schedule. The motion was seconded by Stan Hardin, and passed unanimously.
2. In the case that a post-season assignment calls for level 2 or 3 officials to be used, those officials must be re-licensed before June 30th of the licensing year. The motion was seconded by Bob Stewart, and passed 14-2.

Mr. McGinty requested that the record show a discussion was held on the procedure to evaluate and assign officials to post-season basketball tournaments, and noted for the record, that it was an informative session for Board of Control members who were not familiar with the procedures involved.

Steve Parker, **Museum Development Committee** Chairperson, asked that the record show a museum fundraising update was presented, with no action taken.

Bob Schneider, **Football Committee** Chairperson, asked Board members to poll their schools before the May Board Meeting regarding re-alignment preferences. Jerry Taylor made a motion, seconded by Chuck Broughton, for Mr. Tackett to present a more detailed breakdown of the 5 and 6 class options at the May meeting. The motion passed unanimously.

President Taylor, **Executive Committee** Chairperson, asked the record to show that the following motions were voted on:

1. Bob Stewart made a motion, seconded by Jeff Schlosser, to approve the Tri-State Roofing Contract, as well as a warranty extension of five years for an addition \$1,000. The motion

was contingent on verification of adherence to state purchasing guidelines. The motion passed 15-0, with one Board member out of the room.

2. Stan Hardin made a motion, seconded by Donna Wear, to approve the Orkin termite control contract. The motion passed 15-0 with one Board member out of the room.

Mr. Taylor then asked the record to show that:

1. Christian Fellowship's request to withdraw from basketball participation was tabled until the May meeting, where they will be invited to present their reasons for withdrawal.
2. The Constitution and Bylaws Committee will meet at the May meeting to discuss proposals for the October, 2006 Annual Meeting.
3. Clarification of the insurance policy will be discussed at the May meeting.
4. The telephone and anonymous letter policies from other states was reviewed.
5. The response from the transfer follow up from the exception letter was reviewed.
6. The basketball re-alignment request from district 52 will be reviewed in January, 2007.
7. Assistant Commissioner Julian Tackett presented a brief legislative update.
8. The recent Brentwood Academy decision from the 6th Circuit was distributed to Board members for review and discussion at the May meeting.
9. Mr. Dearborn asked that the Slow Pitch Softball proposal be added to the May agenda.
10. Commissioner DeVries asked Board members rising from their second to third year to confirm their availability for attending the NFHS Summer Meeting in Orlando, Florida. President Jerry Taylor, Vice President Gary Dearborn, Chuck Broughton, Stan Hardin, Ozz Jackson, L.V. McGinty and Jim Sexton are tentatively scheduled to attend.

Mr. Taylor then called the Board's attention to miscellaneous items listed for their information only. 1) Review the date for the regular Board meeting on May 22-23, 2006; 2) Review dates for the regular Board of Control meeting on July 9-11, 2006 at Kentucky Dam Village; 3) Miscellaneous Board and staff items.

Mr. Cope informed the Board of the date change for the 2007 Dawahares/KHSAA Hall of Fame Banquet. The banquet is tentatively set for Saturday, April 28, 2007 at the Lexington Convention Center. The following day, the 2007 First Corbin Financial Sportsmanship Banquet is also tentatively scheduled for Sunday, April 29, 2007 at the Hyatt Regency, Lexington.

There being no further business to come before the Board, Chuck Broughton made a motion, seconded by Sally Haeberle, to adjourn the meeting. The meeting adjourned at 4:15 p.m.

CONSTITUTION COMMITTEE

Return-Path: <liz.storey@grrec.ky.gov>
Content-class: urn:content-classes:message
Subject: Items for 5/23 Meeting
Date: Tue, 16 May 2006 10:45:15 -0400
Thread-Topic: Items for 5/23 Meeting
Thread-Index: AcZ4Jory2PNoASA9QlyjRLVoD/ZiZAAR5hSw
From: "Storey, Liz \(\GRREC\)" <liz.storey@grrec.ky.gov>
To: <bdevries@khsaa.org>
Return-Path: liz.storey@grrec.ky.gov

Hello Brigid,

Attached are three items from the board of directors of the Green River Regional Educational Cooperative (GRREC). We request that these three items be placed on the agenda for the May 23 meeting of the Board of Controls of the KHSAA. Thanks in advance for your assistance with this request and please let me know if you need additional information.

Liz Storey, Executive Director

Green River Regional Educational Cooperative
1906 College Heights Blvd., #21031
Western KY University
Bowling Green, KY 42101-1031
Phone: (270) 745-2451
Fax: (270) 745-5199

2006 KHSAA BYLAW REFERENDUM

Please vote in favor or opposition to these proposed changes.

PROPOSAL 1 - Financial Aid

This proposal would codify previous interpretations and restrictions regarding financial aid in KHSAA member schools to attempt to have all schools on the same level with regards to selection, acceptance and continuance of enrollment by the student body. This proposal codified previous interpretations and attempts to eliminate perceptions about advantages gained by schools awarding financial aid. NOTE: The current Bylaw 7 would become a section under Bylaw 9.

- ☐ < I support PROPOSAL 1 as presented as a proposed change to the KHSAA Bylaws as written. (YES)
- ☐ < I am opposed to PROPOSAL 1 as presented as a proposed change to the KHSAA Bylaws as written. (NO)

PROPOSAL 2- Apply Bylaw 6 Ineligibility Period to Students who play for a high school prior to enrollment in grade 9, and who then transfer.

This proposal is designed to lessen the "Open Season" on rising 9th graders. In many areas, when students have participated at the high school level while being enrolled below grade nine, there can be a climate for nearly college level "recruiting" of the kids before and upon 8th grade graduation. This change would clarify that if students participate at any level at a KHSAA member school while enrolled below grade nine, they shall enroll in that member school or lose one year of eligibility at all levels in all sports and a second year at the varsity level. This change is basically a return the transfer rule to its pre-1982 form when Bylaw 6 applied any time a student had represented a member school. The proposal rule is more stringent in that it applies to all levels of play and applies longer than a one-year penalty.

- ☐ < I support PROPOSAL 2 as presented as a proposed change to the KHSAA Bylaws as written. (YES)
- ☐ < I support PROPOSAL 2 as presented as a proposed change to the KHSAA Bylaws EXCEPT I vote to amend the penalty provisions for those students who transfer to one year at all levels of play (removing the second year of ineligibility at the varsity level from the proposal)
- ☐ < I am opposed to PROPOSAL as presented as a proposed change to the KHSAA Bylaws as written. (NO)

PROPOSAL 3- Defining an feeder pattern and athletic territory for all KHSAA member schools.

This proposal would define athletic territories for KHSAA member schools. Students within the athletic territory of the school would be permitted to attend the member school without athletic eligibility restrictions provided the student is otherwise eligible. Students outside the territory would face a loss of eligibility at all levels of play for the first year at the school and at the varsity level for the second year. This proposal would codify an affiliated school / feeder pattern determination as a means of restricting eligibility and attempting to make equivalent the "drawing areas" for non-public schools and the school district boundaries of public schools.

- ☐ < I support PROPOSAL 3 as presented as a proposed change to the KHSAA Bylaws as written. (YES)
- ☐ < I support PROPOSAL 3 as presented as a proposed change to the KHSAA Bylaws EXCEPT I vote to amend the penalty provisions for those students who enroll out of the feeder pattern or without having attended an affiliated school to one year at all levels of play (removing the second year of ineligibility at the varsity level from the proposal)
- ☐ < I am opposed to PROPOSAL 3 as presented as a proposed change to the KHSAA Bylaws as written. (NO)

DO NOT SIGN THIS BALLOT – SIGN ONLY THE BACK OF THE ENCLOSED RETURN ENVELOPE

OFFICIAL REFERENDUM-As the Principal or Designated of my school, I hereby vote for the choice marked above.
INSTRUCTIONS: Please make no other marks than one choice per issue. All ballots must be signed by the Principal or Designated Representative, and postmarked on or before April 5, 2006. Please mail this ballot in the enclosed response envelope.

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2006 KHSAA BYLAW REFERENDUM

Please vote in favor or opposition to these proposed changes.

PROPOSAL 1 - Financial Aid

This proposal would codify previous interpretations and restrictions regarding financial aid in KHSAA member schools to attempt to have all schools on the same level with regards to selection, acceptance and continuance of enrollment by the student body. This proposal codified previous interpretations and attempts to eliminate perceptions about advantages gained by schools awarding financial aid. NOTE: The current Bylaw 7 would become a section under Bylaw 9.

- ☐ < I support PROPOSAL 1 as presented as a proposed change to the KHSAA Bylaws as written. (YES)
- ☐ < I am opposed to PROPOSAL 1 as presented as a proposed change to the KHSAA Bylaws as written. (NO)

PROPOSAL 2- Apply Bylaw 6 Ineligibility Period to Students who play for a high school prior to enrollment in grade 9, and who then transfer.

This proposal is designed to lessen the "Open Season" on rising 9th graders. In many areas, when students have participated at the high school level while being enrolled below grade nine, there can be a climate for nearly college level "recruiting" of the kids before and upon 8th grade graduation. This change would clarify that if students participate at any level at a KHSAA member school while enrolled below grade nine, they shall enroll in that member school or lose one year of eligibility at all levels in all sports and a second year at the varsity level. This change is basically a return the transfer rule to its pre-1982 form when Bylaw 6 applied any time a student had represented a member school. The proposal rule is more stringent in that it applies to all levels of play and applies longer than a one-year penalty.

- ☐ < I support PROPOSAL 2 as presented as a proposed change to the KHSAA Bylaws as written. (YES)
- ☐ < I am opposed to PROPOSAL 2 as presented as a proposed change to the KHSAA Bylaws as written. (NO)

PROPOSAL 3- Defining an feeder pattern and athletic territory for all KHSAA member schools.

This proposal would define athletic territories for KHSAA member schools. Students within the athletic territory of the school would be permitted to attend the member school without athletic eligibility restrictions provided the student is otherwise eligible. Students outside the territory would face a loss of eligibility at all levels of play for the first year at the school and at the varsity level for the second year. This proposal would codify an affiliated school / feeder pattern determination as a means of restricting eligibility and attempting to make equivalent the "drawing areas" for non-public schools and the school district boundaries of public schools.

- ☐ < I support PROPOSAL 3 as presented as a proposed change to the KHSAA Bylaws as written. (YES)
- ☐ < I am opposed to PROPOSAL 3 as presented as a proposed change to the KHSAA Bylaws as written. (NO)

DO NOT SIGN THIS BALLOT – SIGN ONLY THE BACK OF THE ENCLOSED RETURN ENVELOPE

OFFICIAL REFERENDUM-As the Principal or Designated of my school, I hereby vote for the choice marked above.
INSTRUCTIONS: Please make no other marks than one choice per issue. All ballots must be signed by the Principal or Designated Representative, and postmarked on or before April 5, 2006. Please mail this ballot in the enclosed response envelope.

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PROPOSAL 1- FINANCIAL AID PROPOSAL - May 16, 2006

Rationale - This proposal would codify previous interpretations and restrictions regarding financial aid in KHSAA member schools to attempt to have all schools on the same level with regards to selection, acceptance and continuance of enrollment by the student body. This proposal codified previous interpretations and attempts to eliminate perceptions about advantages gained by schools awarding financial aid. NOTE: The current Bylaw 7 would become a section under Bylaw 9.

Bylaw 7. Financial Aid (new)

Sec. 1) Definitions for this bylaw

- a) Tuition- means the amount of necessary fees, costs and other charges to attend a member school as determined by that member school's published scale of charges. The tuition at the member school shall be the same for all students in like situation irrespective of participation in athletics and shall not include room and board expenses.
- b) Classification of Schools - means the classification of the member schools as defined by the Kentucky Department of Education. The six current classifications are: (1) A1- District operated general program or multi-program schools; (2) D1- Kentucky Department of Education operated schools (Blind and Deaf); (3) F1- Federal Dependent Schools; (4) J1- Roman Catholic schools; (5) M1- Other Religious schools and (6) R1-Private non-church related schools.
- c) Public Schools- means the member schools receiving funding from the Kentucky Department of Education or comparable federal sources. Public schools shall include the member schools which are classified as A1, D1 or F1.
- d) Non-Public Schools - means the member schools not receiving funding from the Kentucky Department of Education or comparable federal sources. Those schools shall include the member school which are classified as J1, M1 and R1.
- e) Non-Public School Zone - means the zone to which each non-public school is assigned. The four current non-public school zones are Covington, Lexington, Louisville and Owensboro. These non-public school zones shall be comprised of the counties contained in the geographic alignment related to the archdiocese of the same name.
- f) Non-Public School Governing Board- means the entity having oversight over the member school. For purposes of this bylaw, the "governing board" of a non-public school shall be determined by the school type. For J1 schools, the "governing board" shall be the archdiocese and geographic references shall be the counties included in the non-public school zone of the school. For the R1 and M1 schools, the "governing board" shall be as defined by the governance structure of the institution.
- g) Immediate Family- means the student and the student's father, mother, brother, sister, step-father, step-mother, step-brother, step-sister, husband, wife, aunt, uncle, grandparent.
- h) Financial Aid- means any and all aid given to a student which reduces tuition, including, but not limited to, awards, reductions and waivers.
- i) Need-Based Aid- means the amount of financial aid that an independent financial analysis of the student's financial aid application demonstrates that the student needs to pay tuition to attend a member school, provided such analysis is performed by an agency approved by the Board of Control.
- j) Merit Aid- means financial aid awards given by the member school based solely on academic/test performance which are available to the entire student body through a competitive application process and that the selection of the recipient(s) is based on published objective criteria which may not include athletic achievement or ability.
- k) Merit Aid Test - means the academic assessment or placement test approved by the Board of Control prior to its administration.
- l) Merit Aid Test Date - means be the date submitted by each member school for the administration of the merit aid test.
- m) Financial Records- means the records related to any financial aid analysis of the student including but not limited to, immediate family's records of the method and sources for all tuition payments.

Sec. 2) Non-Permissible Financial Aid

A student shall be ineligible to participate in interscholastic athletics if the student:

- i) Receives financial aid beyond the limits defined in Section 1(i) except for merit aid allowed under this bylaw, and waivers of tuition for non-domestic students ruled eligible under Bylaw 6, Section 2 (Foreign Exchange);

PROPOSAL 1- FINANCIAL AID PROPOSAL - May 16, 2006

- ii) Receives merit aid based on an unapproved merit aid test;
- iii) Receives merit aid based on a merit aid test not administered on an approved merit aid test date;
- iv) Receives merit aid greater than twenty-five percent (25%) of the tuition at the member school;
- v) Receives merit aid from a member school that has already given merit aid to the greater of five (5) percent of its student body or five students;
- vi) Receives financial aid that is not available to the entire student body by published objective criteria;
- vii) Receives financial aid from a funding source that is not under the custody and control of the member school and/or its governing board;
- viii) Receives any financial aid other than the permitted need-based aid or merit aid detailed above from a member school, any other entity governed by that member school's governing board or any representatives of the member school;
- ix) Receives any financial aid that is indirectly or directly related to athletic achievement or ability;
- x) Has any part of the financial obligation to the member school paid directly or indirectly by individuals outside of the student's immediate family;
- xi) Does not agree to complete disclosure of financial records as defined in this bylaw upon request of the KHSAA and its officials, employees and agents.

Sec. 3) Financial Aid Restrictions and Reporting

All member schools shall annually report detailed financial aid information to the KHSAA including, but not limited to:

- i) Tuition schedule and/or other fees applicable to the student body at the member school;
- ii) The merit aid test being utilized by the school and the merit aid test date; and
- iii) A detailed listing of the amount of financial aid awarded by the member school including but not limited to:
 - 1) The need-based aid each student-athlete is eligible to receive based on the report of the approved independent agency;
 - 2) The merit aid given to each student and the qualifying score used to make the determination;
 - 3) The amount of need-based aid awarded to each student; and
 - 4) A specific listing of the sports in which each student participates.

NOTE:

The parenthetical Case Situation would remain which identifies the six approved agencies, which would not be codified into the rules to allow for review by the Board, but would be printed in the interpretations.

CS - Which independent agencies have been approved by the Board of Control to perform the need-based aid analysis?

The Board of Control has approved the following agencies to perform the need-based aid analysis - Financial Aid Independent Review (Rosemount, MN), Family Financial Needs Assessment (Hernando, MS), Private School Aid Service (Lakewood, OH), School and Student Service for Financial Aid (Princeton, NJ) Tuition Aid Data Services (St. Paul, MN), and FACTS Grant in Aid Agency (Lincoln, NE).

The use of any unapproved agency renders the student ineligible under Bylaw 7. A member school may petition the Board of Control to approve independent agencies.

CS - What merit aid tests have been approved by the Board of Control to determine the amount of merit aid a student may receive?

The Board of Control has approved the following merit aid tests to determine the amount of merit aid a student may receive - High School Placement Test (Scholastic Testing Service, Inc, Bensenville, IL and Earth City, MO.)

The use of any unapproved merit aid test renders the student ineligible under Bylaw 7. A member school may petition the Board of Control to approve other merit aid tests.

CS - For purposes of Section 2(a)(v), how does the member school determine which students are counted against the limit?

Determinations of which students count against the limit in Section 2(a)(v) are based chronologically on the date of the award of merit aid.

PROPOSAL 1- FINANCIAL AID PROPOSAL - May 16, 2006

CS - Is there a procedure to be followed by a member school who has submitted a Merit Aid Test Date and is unable to administer the test due to weather or other circumstances beyond the control of school authorities?

Yes, the school can, in writing, request that the Commissioner approve an additional testing date in the event that such circumstances arise that prevent test administration on the previously scheduled date.

Effective Date and Implementation Issues: Could be effective immediately. Would require sampling of non-public schools to determine all testing instruments. Reporting requirements could be implemented effective with 2006-2007.

PROPOSAL 2- BELOW GRADE NINE PROPOSAL - May 16, 2006

Rationale – This proposal is designed to lessen the “Open Season” on rising 9th graders. In many areas, when students have participated at the high school level while being enrolled below grade nine, there can be a climate for nearly college level “recruiting” of the kids before and upon 8th grade graduation. This change would clarify that if students participate at any level at a KHSAA member school while enrolled below grade nine, they shall enroll in that member school or lose one year of eligibility at all levels in all sports and a second year at the varsity level. This change is basically a return the transfer rule to its pre-1982 form when Bylaw 6 applied any time a student had represented a member school. The proposal rule is more stringent in that it applies to all levels of play and applies longer than a one-year penalty.

Bylaw 6. Transfer Rule

Sec. 1) Domestic Students

Any student who has been enrolled in grades nine [9] through twelve [12] and has participated in any varsity game in any sport at any school following enrollment in grade nine [9] and who then transfers schools shall be ineligible for interscholastic athletics at any level in any sport for one year from the date of enrollment in the new school. Any student who has participated in a contest at any level in any sport representing a member school while being enrolled in grades seven [7] or eight [8] and who then enrolls at a different member school (grade nine or above) shall be ineligible for interscholastic athletics at any level in any sport for the first year of enrollment, and ineligible to participate in interscholastic athletics at the varsity level in any sport during the second year of enrollment at the member school. The second year provisions (ineligibility at the varsity level only) shall be waived in the event that the student desires to participate in a sport for which that school only offers a varsity level.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school. The KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring students would be better served through a transfer.

f) **NON ATHLETIC PARTICIPATION FOR AN ENTIRE SCHOOL YEAR** - In the event that the transferring student did not participate in an interscholastic contest at any level in any sport while enrolled in grades nine through twelve at the sending school during the entire academic school year immediately preceding the change in schools.

THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-e and g-h in the 2005-2006 Handbook). The minor change in (f) is necessary due to potential conflict with the newly adopted provision.

Case BL-6-14- What does the word “sport” as used in Bylaw 6 represent with respect to athletic participation?

Sport has been defined as those sports which the KHSAA sanctions AND sponsors a championship.

“Sport” includes baseball, basketball, cross country, football, golf, soccer, softball (fast and slow pitch), swimming, tennis, track, volleyball and wrestling. Students whose only participation in interscholastic athletics involves participation in sports or activities other than those listed are not subject to the provisions of Bylaw 6.

Effective Date and Implementation Issues: Could be effective immediately. Would require minor revision to participation list report to ensure compliance monitoring. Would have to address the issue of schools arbitrarily inserting students into contests to “lock them in” to particular schools. In addition, would have to work with all school constituencies to ensure education or parents to this rule as it could impact decisions to allow them to play on a high school team while enrolled below grade nine.

PROPOSAL 3- ATHLETIC TERRITORY/FEEDER PATTERN PROPOSAL - May 16, 2006

Rationale – This proposal would define athletic territories for all KHSAA member schools. Students within the athletic territory of the school would be permitted to attend the member school without athletic eligibility restrictions provided the student is otherwise eligible. Students outside the territory would face a loss of eligibility at all levels of play for the first year at the school and at the varsity level for the second year. This proposal would codify an affiliated school / feeder pattern determination as a means of restricting eligibility and attempting to make equivalent the "drawing areas" for non-public schools and the school district boundaries of public schools.

Bylaw 4. Enrollment

Sec. 1) Athletic Territory and Feeder Pattern Requirement

a) Purpose of this Bylaw – this Bylaw defines a feeder pattern and establishes an athletic territory for each member school of the KHSAA. Each member school shall have a feeder pattern defined by this Bylaw. This feeder pattern, including a list of applicable affiliated feeder schools, shall be reported to the KHSAA on an annual basis in the manner requested by the Commissioner.

b) Definitions for this Bylaw

- i) Classification of Schools – means the classification of the member schools as defined by the Kentucky Department of Education. The six current classifications are: [1] A1 – District operated general program or multi-program schools; [2] D1 – Kentucky Department of Education operated schools [Blind and Deaf]; [3] F1 – Federal Dependent Schools; [4] J1 – Roman Catholic schools; [5] M1 – Other Religious schools; and [6] R1 – Private non-church related schools.
- ii) Public Schools – means the schools receiving funding from the Kentucky Department of Education or comparable federal sources. Public schools shall include the members schools which are classified as A1, D1 or F1.
- iii) Non-Public Schools – means the schools not receiving funding from the Kentucky Department of Education or comparable federal sources. Non-public schools shall include the member schools which are classified as J1, M1 and R1.
- iv) Bonafide Residence – means the primary residence of the student and his/her custodial parents.
- v) Non-Public School Zone – means the zone assigned to each non-public school. The four current non-public school zones are Covington, Lexington, Louisville and Owensboro. These non-public school zones shall include the counties contained in the geographic alignment related to the archdiocese of the same name.
- vi) Public School Governing Board – means the entity having oversight over the public member school. For purposes of this Bylaw, the "governing board" of a public school shall be the local board of education.
- vii) Non-Public School Governing Board – means the entity having oversight over the non-public member school. For purposes of this Bylaw, the "governing board" of a non-public school shall be determined by the school type. For J1 schools, the "governing board" shall be the archdiocese and geographic references shall be the counties included in the non-public school zone of the school. For R1 and M1 schools, the "governing board" shall be as defined by the governance structure of the institution.
- viii) Affiliated School – means the junior high/middle school[s] that is governed by the same governing board as the member school and that enrolls students in any format to include grades seven [7] and/or eight [8].
- ix) Terminal Public School – means a public school that is located in Kentucky which terminates after grade seven [7] or eight [8] and is neither an affiliated school to any member school nor meets the requirements of a non-resident student agreement per KRS 157.350[4].
- x) Terminal Non-Public School – means either a non-public school that is located in Kentucky which terminates after grade seven [7] or eight [8] and is not an affiliated school to any member school or a non-public school that is located in Kentucky which terminates after grade seven [7] or eight [8] and is not an affiliated school to any member school within the same county.
- xi) Public School Feeder Pattern – means all affiliated school[s] for a public member school as defined by the public school governing board. The public school governing board may include any or all of the affiliated schools under its jurisdiction in the public school feeder pattern.

PROPOSAL 3- ATHLETIC TERRITORY/FEEDER PATTERN PROPOSAL - May 16, 2006

xii) Non-Public School Feeder Pattern - means all affiliated schools for a non-public member school as defined by the non-public school governing board. The public school governing board may include any or all of the affiliated schools under its jurisdiction in the public school feeder pattern.

xiii) Public Feeder School - means any affiliated school within the public school feeder pattern for a particular public member school.

xiv) Non-Public Feeder School - means any affiliated school within the non-public school feeder pattern for a particular non-public member school.

c) Athletic Territory Establishment

i) Public School Athletic Territory

For a public member school, the public school athletic territory means any and all students who attended a school in the reported public school feeder pattern during grades seven (7) and eight (8). This public school territory may be expanded by the public school governing board to include any or all of the students that meet the requirements of an approved non-resident student agreement per KRS 157.350(4) and who attended an affiliated school in the applicable district during grades seven (7) and eight (8). This public school territory may be expanded by the public school governing board to include any student who attended and is promoted from grade eight (8) by a terminal public school or a terminal non-public school located in the county of the public member school. This public school territory may be expanded by the public school governing board to include any student whose residence lies within the member school district boundaries and who is promoted from grade eight (8) by a terminal public school or a terminal non-public school.

ii) Non-Public School Athletic Territory

1) For a non-public member school with an average enrollment of 300 or less students enrolled in grades nine (9) through twelve (12) during the past two years, the non-public school athletic territory means any and all students who attended a school in the reported non-public school feeder pattern under the auspices of the non-public school governing board and who attended those affiliated schools in both grades seven (7) and eight (8). This non-public school territory may be expanded by the member school to include any or all of the students whose permanent residence lies within a 20-mile radius drawn from the main entrance of the non-public school. This non-public school territory may be expanded by the non-public school governing board to include any student who attended and is promoted from grade eight (8) by a terminal public school or a terminal non-public school located in the county of the non-public member school. This non-public school territory may be expanded by the public school governing board to include any student whose residence lies within the non-public school zone and who is promoted from grade eight (8) by a terminal public school or a terminal non-public school.

2) For a non-public member schools with an average enrollment of greater than 300 students enrolled in grades nine (9) through twelve (12) during the past two years, the non-public school athletic territory means any and all students who attended a school in the reported non-public school feeder pattern under the auspices of the non-public school governing board and who attended those affiliated schools in both grades seven (7) and eight (8). This non-public school territory may be expanded by the non-public school governing board to include any student who attended and is promoted from grade eight (8) by a terminal public school or a terminal non-public school located in the county of the non-public member school. This non-public school territory may be expanded by the public school governing board to include any student whose residence lies within the non-public school zone and who is promoted from grade eight (8) by a terminal public school or a terminal non-public school.

d) Eligibility Establishment and Compliance

i) Below Grade Nine (9) Students - a student below grade nine (9) shall be eligible to participate in interscholastic athletics at a member school if the student attends a feeder school as defined in this regulation for the member school and the student's participation is not in conflict with other restrictions.

ii) Students Grades Nine (9) Through Twelve (12) - a student enrolled in any grade nine (9) through twelve (12) at a member school shall be ineligible to participate in interscholastic athletics at any level in any sport for one year from date of enrollment at the member school and ineligible to

PROPOSAL 3- ATHLETIC TERRITORY/FEEDER PATTERN PROPOSAL - May 16, 2006

participate in interscholastic athletics at the varsity level in any sport during the second year of enrollment at the member school if the student is outside of the member school's athletic territory. The second year provisions (ineligibility at the varsity level only) shall be waived in the event that the student desires to participate in a sport for which that school only offers a varsity level.

- ii) The Commissioner shall have discretion (but is not required) to waive the period of ineligibility contained in this Bylaw under the exceptions contained in Bylaw 6, Section 1 but subject to the limitations contained therein.
- iii) D1 and F1 schools - this Bylaw shall not apply to students enrolled at D1 or F1 schools.
- iv) Member School Petition Process - a member school may petition the Board of Control to expand/reduce/define/clarify the member school's feeder pattern and/or athletic territory.
- v) Compliance Responsibility - each member school shall be responsible for verifying that all student-athletes at the member school are in compliance with this Bylaw and shall maintain supporting documentation subject to disclosure to the KHSAA upon request.

REMAINDER OF BYLAW 4 REMAINS AS PRINTED WITH SECTIONS RENUMBERED

CS - What is the governing Board of a non-public school?

For the purposes of Bylaw 4, the governing board is the Diocesan Superintendent's office for any member schools who are classified as J1 by the Kentucky Department of Education, and the governing board designated by the member school for the schools who are classified as R1 or M1.

Effective Date and Implementation Issues: Could be effective immediately with exception of currently participating students.

C + B L

CONSTITUTION AND BYLAWS COMMITTEE REVIEW ITEMS

Constitution

Article IV, D, 7 – Number of Board meetings (page 2)

It is the staff recommendation that this requirement be reviewed in light of proposals that may be on the horizon, can this be a minimum of four (4) regular Board meetings?

Article IV, D, 9 – Board rejection of proposals (page 2)

It is staff recommendation that this ability be clearly spelled out as to whether it can be done in advance of the voting, after the voting, or both. Board should be mindful that this provision was inserted in the Constitution as part of the 1994 Blue Ribbon Commission and Management Review Findings.

Article IX, Section 1, Deadline for amendments (page 3)

It is staff recommendation that the deadline date of September 10 be amended to read May 31. This will ensure that proposals have an adequate time to be discussed by the membership and the various constituencies.

Article IX, Section 1, Deadline for amendments (page 4)

It is staff recommendation that discussion be held about the wisdom of leaving the last sentence in the section, which allows for proposals from the floor. In light of issues over the last five years where the need for more preparation seems to be important, this allowance appears to contradict that thinking.

Bylaws

Bylaw 3 (7)

It is staff recommendation that the reference to KRS 156.070 (2) be inserted into the bylaw rather than left in the interpretations.

Bylaw 4, Section 3 (page 7)

It is staff recommendation that the reference in Section 3 that states "according to regulations promulgated by the Kentucky Board of Education" be changed to "in at least four hours of instruction as defined by the Kentucky Board of Education regulations (of the six hours of instruction required) or the equivalent of four hours of instruction acceptable to graduation". This wording, which already appears in Bylaw 5, will clarify a potential loophole in the rules.

Bylaw 10, Section 2 (page 10)

It is staff recommendation that Section 2, part a, be amended to remove the sentence "Such shall include influencing a student to remain at a school". While it may have seemed good originally to have this sentence in the rules, discussion has proven that nothing should be disallowed when a school attempts to maintain an already enrolled student who is attending that school.

Bylaw 25, Section 2 (page 13)

It is staff recommendation that subsection 4 be amended to be similar to the basketball revision of 2005. If the rule were amended to restrict baseball teams to two tournaments, but they only counted one game each, there would be no difference whatsoever in terms of number of games allowed currently and under this provision. However, schools would not be left to try and count some tournaments in one manner, and some in another, increasing the likelihood of over-scheduling. Based on discussion, softball may also be interested in this proposal.

Bylaw 25, Section 15 (page 15)

It is staff recommendation that subsection 2 be amended to add to the end of the first sentence, "which must conform to the NFHS stunt limitations". This insurance driven proposal is another means of feeling reasonably certain that these guidelines are adhered to, and this is how the current rule is being interpreted.

C + B L

Bylaw 29 (page 17)

It is staff recommendation that section 1 be amended to add the requirement of a licensed official at swimming meets. Such is being done now by directive, but this would give bylaw support.

Case Study Revisions Proposed

Offseason coaching- any coach who coaches a high school team would be prohibited from being re-hired as a coach if he / she coached players from that team in outside competition during the school year either after the season (i.e. fall and winter sports) or before the season (spring sports). If a coach resigns/retires and becomes involved in coaching students who represented that school, he would be ineligible to be rehired as a coach at grades 9-12 in that school in that sport.

Due Process Procedure (These would not take school vote, but are required to go through the same regulatory approval process)

Provision 4 (page 47)

Staff recommends discussion of the fifteen [15] day deadline for filing of appeals to perhaps shorten that timeline to ten [10] days.

Provision 5 (page 47)

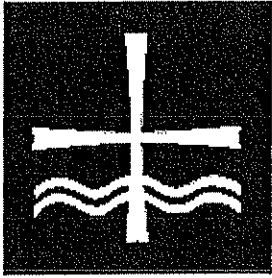
Staff recommends discussion of the fifteen [15] day deadline materials being in prior to a meeting to perhaps shorten that timeline to ten [10] days. This could perhaps ensure a hearing on the student's case at the next Board of Control meeting. Even though the deadlines in KHSAA Due Process are more expedited than standard Chapter 13B hearings, the timing of the final dispensation by the Board has been an issue of concern.

Provision 10 (page 48)

Staff recommends discussion of the fifteen [15] day deadline for filing exceptions being changed to perhaps shorten that timeline to ten [10] days. This could perhaps ensure a hearing on the student's case at the next Board of Control meeting. Even though the deadlines in KHSAA Due Process are more expedited than standard Chapter 13B hearings, the timing of the final dispensation by the Board has been an issue of concern.

Provision 11 (page 48)

Staff recommends discussion of the fifteen [15] day deadline materials being in prior to a meeting (same as Provision 5) to perhaps shorten that timeline to ten [10] days. This could perhaps ensure a hearing on the student's case at the next Board of Control meeting. Even though the deadlines in KHSAA Due Process are more expedited than standard Chapter 13B hearings, the timing of the final dispensation by the Board has been an issue of concern.



ARCHDIOCESE OF LOUISVILLE

Office of Lifelong Formation and Education

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May 18, 2006

Brigid DeVries
Kentucky High School Athletic Association
2280 Executive Drive
Lexington, KY 40505

Dear Brigid,

The members of the Kentucky Non-Public Schools Commission (KyNPSC) are continuing to meet to discuss possible paths to resolve the issues addressed by the Public/Non-Public School Task Force. We are encouraged that progress is being made at various levels within the KHSAA to address the concerns as well, particularly with regard to football classification and other championship formats that may address many of the concerns expressed by member schools. We would similarly encourage the Board of Control to let the various committees continue their work in hope that an extreme change in the bylaws may be unnecessary.

To the extent that some additional action may be needed, we remain interested in working with our public school colleagues to draft proposals we could jointly endorse at the fall delegate assembly. We welcome your input and guidance on how to initiate such a process.

We would also like to invite you, members of your staff, and members of the Board of Control to meet with representatives of non-public schools to discuss some of our ideas on how to move this process forward. I will be in touch with you in the next week or so to discuss scheduling such an opportunity.

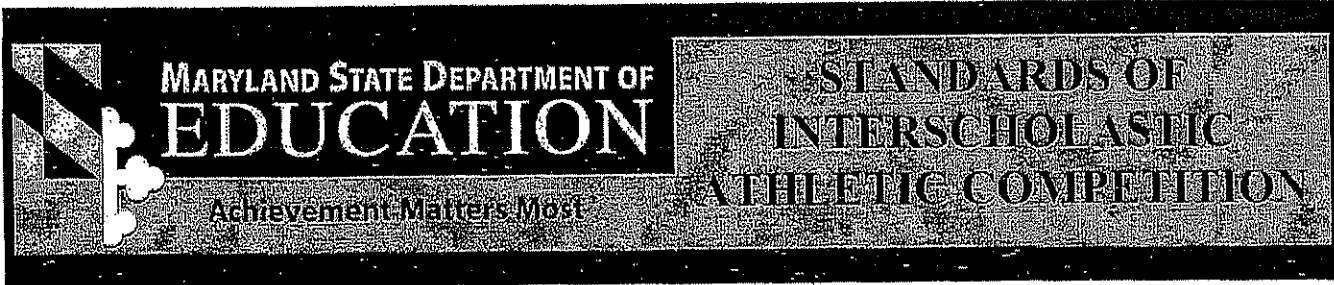
Sincerely,

Leisa Speer

Cc: KHSAA Board of Control Members
Public/Non-Public School Task Force Members
Kentucky State Board of Education Members
Commissioner Gene Wilhoit

COURT CASES VS APPEALS COMPARISON (JULY 1, 2002 - APRIL 30, 2006)

Fiscal Year	7/02-6/03	7/03-6/04	7/04-6/05	7/05-4/06
Total Transfers	797	760	761	878
Total Appeals	85	109	111	88
Bylaw 6	76	102	97	81
Bylaw 6(2)	1	3	3	3
Bylaw 4	7	2	8	2
Bylaw 5			3	
Bylaw 7	1			
Bylaw 9 & 33				4
Bylaw 10		2		
Total Court Cases	10	15	17	6
Bylaw 4	2		2	
Bylaw 5			1	
Bylaw 6	8	15	13	6
Bylaw 6(2)			1	
Total BOC Overturns	16	18	20	14
BOC Overturns to Court	5	6*	8**	2
*Includes one carry-over case from 2002-2003				
**Includes three carry-over cases from 2003-2004				



APPROVED STANDARDS OF COMPETITION FOR HIGH SCHOOLS TO PRACTICE OR PLAY AGAINST MEMBER SCHOOLS OF THE MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION (MPSSAA) PURSUANT TO COMAR 13A.06.03.04

1. **Introduction:** The Maryland State Superintendent of Schools seeks to maintain the integrity of Maryland Public Schools athletic programs when MPSSAA member public schools practice or play against nonmember high school teams. Accordingly, the Maryland State Superintendent of Schools has established Standards of Competition to achieve the following purposes: ensure athlete safety, minimize risks, deter exploitation of students, ensure that competing school teams are appropriately supervised by a responsible entity, maintain athletics as an integral part of the total educational program, promote competitive fairness, foster student leadership, encourage academic progress and minimize administrative burdens on MPSSAA member schools.
2. **High schools considered to meet the Standards of Competition:**
 - (a) Members of a state interscholastic athletic association recognized by the National Federation of State High School Associations (NFHS);
 - (b) High schools that have been approved to play members of a state interscholastic athletic association recognized by the NFHS;
 - (c) High schools that are members of an athletic conference that formally adopts these Standards of Competition as part of its Constitution and Bylaws and has enforcement authority; and
 - (d) Individual high schools that verify compliance with these Standards of Competition.
3. **Compliance:** To verify compliance with the Standards of Competition, the administrative head of the school, responsible for the daily administration, must sign and submit this verification application for annual approval. This verification shall be submitted to the Maryland State Superintendent of Schools prior to the first practice or athletic competition against an MPSSAA member high school team.
4. **Timeline:** This verification applies to all practices and athletic contests with MPSSAA member high schools beginning with the 2005-2006 school year. If, however, a high school team has an executed contract to participate in an athletic contest against an MPSSAA member school in a two or three team competition or has an approved MPSSAA sanction when required, this verification will not apply to that specific event.
5. **Approved schools:** Those schools that meet the Standards of Competition will be listed as MSDE athletically approved schools eligible to practice or play against MPSSAA member schools.

Standards of Competition

PURSUANT TO COMAR 13A.06.03.04D(6), INDIVIDUAL HIGH SCHOOLS THAT PRACTICE OR PLAY AGAINST MPSSAA MEMBER HIGH SCHOOLS SHALL ADHERE TO THE FOLLOWING:

1. The athletes of the high school team are registered and attending a nonpublic school pursuant to COMAR 13A.09.09; are registered and attending an institution operated by a bona fide church organization pursuant to Md. Code Ann. Educ. 2-206(e)(4); or are home instructed pursuant to the requirements of COMAR 13A.10.01 and represent a nonpublic school or church organization as described herein, and pursuant to the requirements of the school.
2. The athletes of the high school team remain affiliated with the school for the duration of the academic school year in which they participate in interscholastic athletics and are not permitted to represent more than one school in interscholastic athletics unless they change their primary residence.
3. The administrative head of the school who is responsible for the day to day administration of the school shall:
 - (a) Assure/Document that each school team member has received the written permission of the parent/legal guardian to practice and play in interscholastic athletics;
 - (b) Assure/Document that each high school team member has been examined by a licensed physician, a certified physician assistant under supervision of a licensed physician, or a certified nurse practitioner as being physically fit to participate in any try out, practice, or contest;
 - (c) Assure/Document that all team members enrolled and attending a school meet academic eligibility standards of the school;
 - (d) Assure/Document that each home school team member is registered in a bona fide home instruction program, as defined in COMAR 13A.10.01;
 - (e) Assure/Document that during the period of participation, each home school team member demonstrates educational progress in all subjects taken in the home education program as required by COMAR 13A.10.01.
4. The high school team does not permit students, who have reached the age of 19 years old or older as of August 31, to practice or play.
5. The high school team does not permit high school graduates to practice or play.
6. The high school team has a defined sports season within the season parameters of the interscholastic sport in which they will practice or play against a MPSSAA member school team.
7. The high school team permits equal opportunity for participation in athletic programs.

Standards of Competition

8. High school team members maintain amateur status as defined in COMAR 13A.06.03.10.
9. High school team members may participate in interscholastic athletic contests in a maximum of four seasons in one sport within the 9th through 12th grades.
10. High school team members who are registered in and represent a nongraded school or are home instructed pursuant to the requirements of COMAR 13A.10.01, shall not have participated in interscholastic athletic contests for more than a maximum of four seasons in any one sport between the ages of 13 and 19.
11. The high school represented by the high school team assumes responsibility for the coaches and athletes on the high school team.
12. The head coach or primary coach of the high school team is an employee of the represented school for at least the sport he/she is coaching.
13. Competition against MPSSAA member high school teams is conducted using certified officials, when required by the MPSSAA.
14. Competition against MPSSAA member high school teams is conducted using NFHS Rules of the game when applicable.
15. If a MPSSAA member school student is ineligible for academic and/or disciplinary reasons and subsequently becomes home schooled, he/she may not participate in interscholastic athletics for the remaining academic school year.
16. Foreign-exchange athletes who practice and play on high school teams meet the criteria established by the Council on Standards for International Educational Travel (CSIET) and comply with these Standards of Competition.
17. Policies pertaining to wrestling in COMAR 13A.06.03.04E(1) and (2) are followed:
 - (1) Students shall have their minimum weight class in which they can wrestle certified by a qualified physician before the student's first match.
 - (2) Students may not wrestle below the minimum weight class established for them at the time of certification.
18. Send completed verification forms to:

Maryland State Department of Education
Athletic Compliance Services – 6th Floor
200 West Baltimore St.
Baltimore, MD 21201



PROFESSIONAL CODE OF ETHICS FOR KENTUCKY CERTIFIED SCHOOL PERSONNEL

KRS 161.028 requires that the Education Professional Standards Board develop a professional code of ethics. The Professional Code of Ethics for Kentucky Certified School Personnel, codified in 16 KAR 1:020, establishes the ethical standards for Kentucky certified school personnel and establishes that violation of the code may be grounds for revocation or suspension of Kentucky teacher/administrator certification.

1. Shall strive toward excellence, recognize the importance of the pursuit of truth, nurture democratic citizenship, and safeguard the freedom to learn and to teach.
2. Shall believe in the worth and dignity of each human being, and in educational opportunities for all.
3. Shall strive to uphold the responsibilities of the education profession, including the following obligations to students, to parents, and to the education profession:

1. Shall provide students with professional education services in a nondiscriminatory manner and in consonance with accepted best practice known to the educator.
2. Shall respect the constitutional rights of all students.
3. Shall take reasonable measures to protect the health, safety, and emotional well-being of students.
4. Shall not use professional relationships or authority with students for personal advantage.
5. Shall keep in confidence information about students which has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
6. Shall not knowingly make false or malicious statements about students or colleagues.
7. Shall refrain from subjecting students to embarrassment or disparagement.
8. Shall not engage in any sexually related behavior with a student with or without consent, but shall maintain a professional approach with students. Sexually related behavior shall include such behaviors as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape; threats of physical harm; and sexual assault.

1. Shall make reasonable effort to communicate to parents information which should be revealed in the interest of the student.
2. Shall endeavor to understand community cultures and diverse home environments of students.
3. Shall not knowingly distort or misrepresent facts concerning educational issues.
4. Shall distinguish between personal views and the views of the employing educational agency.
5. Shall not interfere in the exercise of political and citizenship rights and responsibilities of others.
6. Shall not use institutional privileges for private gain, for the promotion of political candidates, or for partisan political activities.
7. Shall not accept gratuities, gifts, or favors that might impair or appear to impair professional judgment, and shall not offer any of these to obtain special advantage.

1. Shall exemplify behaviors which maintain the dignity and integrity of the profession.
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
3. Shall keep in confidence information acquired about colleagues in the course of employment, unless disclosure serves professional purposes or is required by law.
4. Shall not use coercive means or give special treatment in order to influence professional decisions.
5. Shall apply for, accept, offer, or assign a position or responsibility only on the basis of professional preparation and legal qualifications.
6. Shall not knowingly falsify or misrepresent records of relating to the educator's own qualifications or those of other professionals.



EPSB

**Education Professional
Standards Board**

100 Airport Road, 3rd Floor
Frankfort, KY 40601

Phone: (502) 564-4606

Toll-free: (888) 598-7667

Fax: (502) 564-7080

www.kyepsb.net

POLICY ON MEMBERSHIP IN THE ASSOCIATION

Article III and VI of the KHSAA Constitution detail the Board's duty to develop standards for membership in the KHSAA and to deny membership applications for determined cause. The following policies detail that duty.

Operational Procedures

1. Membership Forms are distributed to current members on or about May 1 for the following year along with the bill for membership dues. Membership applications are distributed as requested from other prospective KHSAA member schools;
2. Membership applications are due back into the KHSAA by July 1. Previous schools should generally be given until their opening day of school to join without penalty; or
3. At the July Board of Control meeting, the Commissioner reports to the Board of Control on recommendations for approval of the membership list for the coming school year. The Board is compelled to take action on those recommendations.

Basic Membership Criteria

The KHSAA shall generally be open to all schools in Kentucky who meet the following baseline criteria.

1. The school shall have the 12th grade as a terminating grade. Schools enrolling exclusively students in grades K-5 are not eligible;
2. The school shall be registered with the Kentucky Department of Education, and have been issued identifying codes and classifications within the policies of that agency;
3. The school shall be accredited by the Kentucky Department of Education. Absent such classification or standard, the school shall fit into one of the following membership categories as categorized by the Kentucky Department of Education – A1 (District operated general or multi-program school), D1 (State Department of Education operated school), F1 (Federal Dependent school), J1 – Roman Catholic School, M1 – Other religious school or R1 – Private, non church school; or
4. Schools forming from the auspices of existing KHSAA members shall be immediately eligible for championship play. Those schools forming from new entities shall serve a two-year probationary period unless otherwise determined by the Board of Control.

Reasons for Denial of Membership by the Board of Control

Membership may be denied by the Board of Control on an annual basis and/or for a specified period of time for the following reasons:

1. If the detailed financial (athletic or otherwise), scholastic, and attendance records of the school are not matters of public property or record;
2. If the school enrolls exclusively students in grades K-5;
3. If the school does not regularly and routinely act in the best interests of the Association or if there exists a documented pattern of continual violations and a general lack of institutional control as defined in Bylaw 33;
4. If any requested records are not provided in a timely fashion or any Association directive issued in compliance with the published and approved Handbook is not followed;
5. If the school has a delinquency in the payment of membership dues or assessed fines;
6. School personnel fail to adhere in a timely manner to other penalties, game forfeiture payments and other stipulated provisions; or
7. Management of an athletic program in contradiction to state and/or Federal law. In particular, membership may be denied if a school fails to submit the proper materials in a timely manner as requested by the Commissioner to fully comply with 702 KAR 7:065, Section 2 (13) as it relates to monitoring compliance with 20 USC Section 1681 (Title IX).



KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION
APPLICATION FOR RENEWAL OF MEMBERSHIP
2006-2007 ACADEMIC SCHOOL YEAR

KHSAA Form GE01
Rev. 4/06

_____, High School, located in _____, Kentucky,
(Name of school) (City)

By signing this application on behalf of this school, I acknowledge that the local Board of Education and/or Site Based Decision Making Body has given the undersigned Principal authorization to apply for renewal of membership in the Kentucky High School Athletic Association ("KHSAA") for the 2006-2007 Academic School Year.

I further acknowledge that this school is a voluntary member of the KHSAA and is in compliance with all KHSAA Bylaws.

I further acknowledge that I have read, understood and agree to abide by the KHSAA Constitution, Bylaws, Tournament Rules and Due Process Procedure as now enacted or later amended.

I further acknowledge that this school will abide by any and all of the rulings of the Commissioner, Assistant Commissioners, Hearing Officer and Board of Control.

I further acknowledge that this school will self-report all violations of any KHSAA Bylaw, rule or regulation, and any ruling by the KHSAA and its Commissioner, Assistant Commissioners, Hearing Officer and Board of Control.

I further acknowledge that, to the fullest extent of law, this school knowingly, intelligently and with sufficient awareness of the relevant circumstances and likely consequences hereby waives any and all state and federal constitutional rights with respect to any action taken by the KHSAA and its Commissioner, Assistant Commissioners, Hearing Officer and Board of Control.

I further acknowledge that, under KHSAA Bylaw 33 and the KHSAA's interpretations thereof, the KHSAA may impose penalties including, but not limited to, forfeit, warning, reprimand, probation, suspension, restitution and payment of a fine, against this school for violation of any KHSAA Bylaw, rule or regulation.

I further acknowledge that this school will comply with the principles of institutional control as defined by KHSAA Bylaw 33 and the KHSAA's interpretations thereof.

I further acknowledge that the KHSAA may impose restitutionary penalties including, but not limited to, forfeit, warning, reprimand, probation, suspension and payment of a fine, against this school if an ineligible student-athlete participates under a subsequently-vacated court order, even if that court order requires this school to allow the student-athlete to participate.

I further acknowledge that the KHSAA may toll a period of ineligibility after the anticipated expiration date in an amount of time equal to the time the student-athlete participated while ineligible.

I further acknowledge that the venue for any legal action brought on behalf of this school against the KHSAA and/or any of its officials including, but not limited to, its Commissioner, Assistant Commissioners, Hearing Officer and Board of Control members shall be in Fayette County, Kentucky.

I have read and understood the provisions of page one of the membership application.

Principal Name

Principal Signature

(Date)



KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION
APPLICATION FOR RENEWAL OF MEMBERSHIP
2006-2007 ACADEMIC SCHOOL YEAR

KHSAA Form GE01
Rev. 4/06

I further acknowledge that this school will comply in a timely manner with any and all requests by the KHSAA and its officials for information and reports.

I further acknowledge that all records of the school, both financial and otherwise, are open and available for inspection by the KHSAA and its officials.

I further acknowledge that this school has distributed KHSAA Form GE04 in its entirety, including the applicable student eligibility rules and the Physician consent and Parental permission forms to each prospective student-athlete, and that this school properly maintains on file the written permission of the parents of each student-athlete and the required physical examination form until the student graduates from the school

I further acknowledge that this school has ensured that each student-athlete has insurance coverage up to the KHSAA Catastrophic deductible prior to allowing them to practice or play.

I further acknowledge that this school has maintained compliance with KHSAA Bylaw 25 as it relates to the loss of school time for regular season athletic contests, and does not schedule regular season contests that directly conflict with the academic school day.

I further acknowledge that this school has properly monitored the playing of scrimmage and regular season contests, and has not violated the provisions contained in Bylaw 25, Limitation of Seasons in any KHSAA sport, and will self-report any violations of these limitations.

In compliance with KHSAA Bylaw 5, I acknowledge that this school will perform its weekly grade check on (check one):

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday

of each week for the subsequent seven day period, and will ensure that students ineligible on that date are not allowed to participate in practice or play until the next opportunity to check grades.

In compliance with KHSAA Bylaw 10, I acknowledge that this school's records are available for inspection and that this school has the financial aid need analysis for its student-athletes performed by the following agency (check one):

- ☐ FACTS Grant in Aid Assessment (Lincoln, NE)
- ☐ Financial Aid Independent Review (Rosemount, MN)
- ☐ Family Financial Needs Assessment (Hernando, MS)
- ☐ Private School Aid Service (Lakewood, OH)
- ☐ School and Student Service for Financial Aid (Princeton, NJ)
- ☐ Tuition Aid Data Services (St. Paul, MN)
- ☐ N/A (School does not award financial aid)

In Witness Whereof, the undersigned has caused this application to be submitted on behalf of this school.

Principal Name

Principal Signature

(Date)