

**BOARD OF CONTROL  
REGULAR MEETING  
SEPTEMBER 14-15, 2006  
LEXINGTON, KY**

**AGENDA MATERIAL**



**BOARD OF CONTROL MEETING**  
**KHSAA Office, Lexington, KY**  
**September 14-15, 2006 (All times E.T.)**

**THURSDAY, SEPTEMBER 14, 2006**

**COMMITTEE MEETINGS – ALL BOARD MEMBERS ENCOURAGED AND INVITED TO ATTEND ALL COMMITTEE MEETINGS.**

- 8:30 a.m. ET, **Title IX Committee** – Paula Goodin, Chairperson; Michael Barren, Lonnie Burgett, Gary Dearborn, Alan Donhoff, Ozz Jackson, L.V. McGinty, Steve Parker, Jeff Schlosser, Donna Wear, Dave Weedman, Lea Wise Prewitt (agenda items listed in Board agenda)
- 9:00 a.m. ET, **Member Schools & Services Committee** – Jeff Perkins, Chairperson; Michael Barren, Chuck Broughton, Gary Dearborn, Ozz Jackson, Jerry Keepers, Steve Parker, Jeff Schlosser, Bob Schneider, Robert Stewart, Donna Wear
- 9:30 a.m. ET, **Football Committee** – Bob Schneider, Chairperson; Michael Barren, Chuck Broughton, Gary Dearborn, Alan Donhoff, Paul Dotson, Paula Goodin, Ozz Jackson, L.V. McGinty, Jeff Perkins, Jeff Schlosser, Robert Stewart, Dave Weedman, Lea Wise Prewitt (agenda items listed in Board agenda)
- 10:30 a.m. ET, **Constitution & Bylaws Committee** – Donna Wear, Chairperson; Chuck Broughton, Lonnie Burgett, Gary Dearborn, Alan Donhoff, Paula Goodin, Steve Parker, Jeff Perkins, Jeff Schlosser, Bob Schneider, Robert Stewart, Dave Weedman, Lea Wise Prewitt (agenda items listed in Board agenda)

**LUNCH BREAK**

- 1:00 p.m. ET, **Officials Policy Committee** – L.V. McGinty, Chairperson; Michael Barren, Chuck Broughton, Lonnie Burgett, Gary Dearborn, Paula Goodin, Stan Hardin, Jeff Perkins, Bob Schneider, Robert Stewart, Jerry Taylor, Donna Wear (agenda items listed in Board agenda)
- 1:45 p.m. ET, **Executive Committee** – **All Board Members** (agenda items listed in Board agenda) **(Unfinished business to be completed at 8:30 a.m. on Friday morning)**

**FRIDAY, SEPTEMBER 15, 2006**

**8:30 a.m. ET, FULL BOARD OF CONTROL MEETING**

*(W refers to Written Items, O-refers to Oral Action/Discussion)*

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

- 1) Call to Order, President Gary Dearborn (\*)
- 2) Reflection – Lonnie Burgett
- 3) Pledge of Allegiance – Julian Tackett
- 4) Minutes of July, 2006 Regular Meeting and August, 2006 Special Meeting
- 5) Commissioner's Report of Current Issues, including possible Executive Session to Review Kentucky Department of Education Hearing Officer Rulings, 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 |
|--------|-------|-----------------|--------|
| #1055  | 6     | ELIGIBLE        |        |
| #1056  | 6     | ELIGIBLE        |        |
| #1057  | 6     | ELIGIBLE        |        |
| #1058  | 6     | ELIGIBLE        | LB     |
| #1059  | 6     | ELIGIBLE        | JK     |
| #1060  | 6     | ELIGIBLE        |        |
| #1062  | 6     | ELIGIBLE        |        |

|       |   |                                |    |
|-------|---|--------------------------------|----|
| #1063 | 6 | ELIGIBLE                       |    |
| #1071 | 4 | ELIGIBLE                       |    |
| #1061 | 6 | INELIGIBLE                     | LB |
| #1065 | 6 | INELIGIBLE <i>-re-consider</i> | LB |

- 7) Committee Report from the **Member Schools & Services Committee** and Necessary Action (\*\*)  
  - a) Community Christian (Paducah) Appear Regarding Post-Season Baseball Participation
  - b) Discussion of Insurance Policy Benefit Period (O/D)
  - c) Possible Insurance Survey of Schools (O/D)
- 8) Committee Report from the **Title IX Committee** and Necessary Action (\*\*)  
  - a) Review of 2006-2007 Revisits (W/D)
  - b) Status Report – KHSAA Reports to KY Board of Education (O/D)
- 9) Committee Report from the **Football Committee** and Necessary Action (\*\*)  
  - a) Alignment Review and Feedback (W/O/D)
  - b) Review Letter Regarding Start of Season (W/D)
  - c) Season Length and State Playoff Dates (O/D)
  - d) Rotation of Playoff Pairings (W/A)
- 10) Committee Report from the **Officials Policy Committee** and Necessary Action (\*\*)  
  - a) Discuss Fee Schedule in Scheduled Sports (Baseball and Fast Pitch Softball) (W/A)
  - b) Copy of Fee Schedule From Officials Brochure
- 11) Committee Report from the **Constitution and Bylaws Committee** and Necessary Action (\*\*)  
  - a) KHSAA Bylaw Interpretation Discussion (Richard Hamlin; Superintendent Lu Young, Jessamine County Schools)
  - b) Report of Proposals Received from Membership
  - c) Second Reading of Proposals
    - i) Bylaw 17 – Reports and Obligations (W/A)
    - ii) Bylaw 27 – Hiring of Coaches (W/A)
  - d) Annual Meeting Procedures (W/A)
- 12) Committee Report from the **Executive Committee** and Necessary Action (\*\*\*)  
  - a) Discussion and approval of bills presented, June 24, 2006 through August 31, 2006 (W/A)
  - b) Consideration of Budget Report, FY06 & FY07 to Date (W/A)
  - c) Corporate Sales Review – Internal (\*\*) (W/A)
  - d) Corporate Sales Review – External (\*\*) (W/A)
  - e) Distribute and Review Policy Manual Sections (\*\*)

## B. Reports and Miscellaneous Items

(W refers to Written Items, O-refers to Oral Action/Discussion)

- 1) Report on Transfers, July 1 – August 31, 2006 (W)
- 2) School Fines & Penalties – July 1 – August 31, 2006 (W)
- 3) Interim House of Representatives Education Sub-Committee Report
- 4) Kentucky Association of School Administrators Report (W)
- 5) Distribute Football Ticket and Hotel Information (\*\*)
- 6) Current Issues (Financial Aid Survey)
- 7) Confirm date for Special Board Meeting to consider August and September appeals on October 20, 2006
- 8) Confirm date for next Regular Board of Control Meeting (November 15-16, 2006, Lexington, KY)
- 9) Kentucky Board of Education Meeting at KHSAA on October 4-5, 2006
- 10) Miscellaneous Board and Staff items

Items marked (\*) have no attachments

Items marked (\*\*) may have additional material distributed prior to the meeting

**2006-2007 DRAFT Meeting Tickler - KHSAA Board of Control - Revised 8/31/2006**

**July 9-11, Sunday- Monday (Kentucky Dam Village, Gilbertsville) (FULL MEETING)**

New and Re-newed Member Orientation - July 10, a.m.

Reflections - President Gary Dearborn

Pledge -

Appointment of Standing and AdHoc Committees

**Executive Committee**

Discussion of Association bills

Establish Specific Goals per 702 KAR 7:065 for Commissioner and review method for evaluating those goals

**Constitution and Bylaws Committee**

*Approve for inclusion on Annual Meeting Agenda, Decide if Board to propose or seek outside author*

Constitution - Rejection of Proposals (discussion)

Discussion of Conceptual Proposal 3 - Feeder Pattern

Adoption vs. Territory definition

*Give first reading to KHSAA/Board proposals*

*Give second reading to KHSAA/Board proposals*

Constitution - Review number of meetings

Constitution -Deadline for Amendments (June 30)

Constitution - Consideration of Amendments from the floor

Bylaw 4 - Revise definition of "full-time" to match the definition in Bylaw 5

Bylaw 10 - Remove provisions restricting recruiting of enrolled students

Bylaw 25 - Counting of Games Revision, Baseball/Softball

Bylaw 25 - Revise cheer limit to clearly contain NFHS stunt limitations

Bylaw 29 - Revise to require official at swimming meets (consider codifying Track with more than 4 teams)

*Other items of discussion*

Due Process Procedure Deadlines

**Membership Services Committee**

Discussion of policy limitation revisions and limitations, KHSAA catastrophe insurance

List of Archery Schools

Discuss and Review, procedure for adding sports

Review applications for membership for 2006-2007

**Football Committee**

Discussion of Draft number of classes and alignment of teams

Discussion of long-term rotation of playoff games

**Reports (not action items)**

Basketball Radio Network settlement Report

**August 21, 8:30 a.m. - Monday (KHSAA, Lexington) (SPECIAL MEETING)**

Reflection -

Pledge -

Appeals

**Executive Committee**

Ray Steinert - Phoenix Proposal

**Constitution and Bylaws Committee**

*Already on agenda, no further action needed*

Constitution - Review number of meetings

Constitution -Deadline for Amendments and clarify amendments from the floor

Bylaw 4 - Revise definition of "full-time" to match the definition in Bylaw 5

Bylaw 10 - Remove provisions restricting recruiting of enrolled students

Bylaw 25 - Counting of Games Revision, Baseball

Bylaw 25 - Revise cheer limit to clearly contain NFHS stunt limitations

Bylaw 29 - Revise to require official at swimming meets (consider codifying Track with more than 4 teams)

*Review items submitted by member schools (no action necessary unless rejected)*

Bylaw 25 - Revision in Spring Football Practice

Bylaw 25 - Revision in Track Limitation of Seasons

*Give first reading to KHSAA/Board proposals*

*Give second reading to KHSAA/Board proposals*

Bylaw 4 - Feeder Pattern Proposal

Bylaw 9 - Add summer play restrictions (must be eligible)

Bylaw 25 - Counting of Games Revision, Fast Pitch Softball

*Other items of discussion*

Due Process Procedure Deadlines

**Football Committee**

Consider feedback from schools and possible adoption of 2007 Football Alignment

**Reports**

Louis Stout Program

Ken Trivette acknowledgement letter

NFHS summer meeting report

Revised Committee Listing following Dotson replacement

**September 14-15, - Thursday - Friday (KHSAA, Lexington) (FULL MEETING)**

Reflection -

Pledge -

**Executive Committee**

End of Year Progress Report, In-office evaluation system

Discussion of Association bills

Consideration of Budget Report, FY06 and FY07 to date

Corporate Sales Review - Internal

Corporate Sales Review - External

Distribute and review Policy Manual Sections

**Football Committee**

Consider feedback from schools and possible adoption of 2007 Football Alignment if not done in August

**Title IX Committee**

Review of 2006-2007 Revisits

Status Report - KHSAA Reports to KY Board of Education

**Officials Policy Committee**

Discuss Fee Schedule in Scheduled Sports

**Reports (not action items)**

Insurance Overview

Distribute Football Ticket and Hotel Information

**October 19-20, 8:30 a.m. - Thursday/Friday (KHSAA, Lexington) (SPECIAL MEETING)**

19, KHSAA Annual Meeting of Schools

Reflection -

Pledge -

Appeals

Distribute Basketball Ticket Order/Hotel Forms

Collect Football Ticket Order and Hotel Forms

**Executive Committee**

Review Annual Meeting Proposals and Make recommendations to KDE per Constitution and Bylaws Committee

**Constitution and Bylaws Committee**

Review Action and Recommendations from Annual Meeting

**November 15-16 -Wednesday - Thursday (KHSAA, Lexington) (FULL MEETING)**

Reflection -

Pledge -

Collect Basketball Ticket Order and Hotel Forms

**Executive Committee**

Discussion of Association bills

Corporate Partner mid-year sales report (Internal Sales)

Butler County High School A.D.

**Audit / Finance Committee**

Consideration of Audit Report from Miller, Mayer, Sullivan

Consideration of Budget Report, FY07 to date

**Title IX Committee**

Review status of appeals from cancelled games due to non compliance

**Reports (not action items)**

**December 7, 8:30 a.m. - Thursday (KHSAA, Lexington) (SPECIAL MEETING)**

Reflection -

Pledge -  
Appeals

**January 10-11-Wednesday-Thursday (KHSAA,  
Lexington) (FULL MEETING)**

Reflection -  
Pledge -

**Executive Committee**

Discussion of Association bills  
Corporate Partner mid-year sales report (Internal Sales)

**Audit-Finance**

Mid Year Review of Budget Status, Board format report

**Reports (not action items)**

**February 19, 8:30 a.m.- Monday (KHSAA, Lexington)  
(SPECIAL MEETING)**

Reflection -  
Pledge -  
Appeals

**March 16, - Friday (Holiday Inn/University Plaza,  
Bowling Green) (SPECIAL MEETING)**

Reflection -  
Pledge -  
Appeals

NO BUSINESS MEETING

**April 19,- Thursday (KHSAA, Lexington) (FULL  
MEETING)**

Reflection -  
Pledge -

**Officials Committee**

Review Composite Post Season Fees for Officials for 2006-  
2007

**Hall of Fame Screening Committee**

**Executive**

Discussion of Association bills  
Report on KBE Meeting

**May 17-18 - Monday - Tuesday (KHSAA, Lexington)  
(FULL MEETING)**

Reflection -  
Pledge -

Selection of Officers for 2006-2007

**Hall of Fame Selection Committee**

**Executive Committee**

Discussion of Association bills  
Board of Control Meeting Schedule, 2007-2008  
Draft Budget Approval after Audit/Finance  
Final Insurance Policy Acceptance  
Internal & External Fundraising Review

**Audit/Finance Committee**

Salary Schedule  
Preliminary Draft Budget

**Constitution and Bylaws Committee**

**Reports and Discussion**

Disqualifications and Penalties

**2006-2007 Appeals Dates for Student Appeals to  
Hearing Officer**

|                   |             |            |
|-------------------|-------------|------------|
| July 7            | October 9   | February 5 |
| August 1 & 2      | November 6  | March 5    |
| August 14 & 15    | December 4  | April 16   |
| September 5 & 6   | December 11 | May 7      |
| September 11 & 12 | January 4   | June 4     |
| October 2         |             |            |

**2006-2007 KHSAA Board Of Control Standing and Ad hoc Committees**

President Gary Dearborn  
Vice President Donna Wear  
Commissioner Brigid L. DeVries

**Executive Committee**

All Board Members

**Audit/Finance Committee**

Lonnie Burgett, Chairperson  
Gary Dearborn  
Paula Goodin  
Ozz Jackson  
Jerry Keepers  
L. V. McGinty  
Marvin Moore  
Jeff Perkins  
Bob Stewart  
Dave Weedman  
Lea Wise Prewitt

**Basketball Committee**

Chuck Broughton, Chairperson  
Michael Barren  
Lonnie Burgett  
Gary Dearborn  
Alan Donhoff  
Paula Goodin  
Ozz Jackson  
Jerry Keepers  
L.V. McGinty  
Marvin Moore  
Donna Wear  
Dave Weedman  
Lea Wise Prewitt

**Constitution and Bylaws Committee**

Donna Wear, Chairperson  
Chuck Broughton  
Lonnie Burgett  
Gary Dearborn  
Alan Donhoff  
Paula Goodin  
Marvin Moore  
Steve Parker  
Jeff Perkins  
Jeff Schlosser  
Bob Schneider  
Robert Stewart  
Dave Weedman  
Lea Wise Prewitt

**Football Committee**

Bob Schneider, Chairperson  
Michael Barren  
Chuck Broughton  
Gary Dearborn  
Alan Donhoff  
Paula Goodin  
Ozz Jackson  
L.V. McGinty  
Marvin Moore  
Jeff Perkins  
Jeff Schlosser  
Robert Stewart  
Dave Weedman  
Lea Wise Prewitt

**Hall of Fame Screening Committee**

Ozz Jackson  
L.V. McGinty  
Marvin Moore  
Bob Schneider  
Donna Wear  
Larry Boucher  
Roland Williams  
Media Rep (print)  
Media Rep (radio)  
Media Rep (television)  
Dawahare Rep

**Hall-of Fame Selection Committee**

All Board Members  
All KHSAA Executive Staff Members  
Dawahare Rep

**Individual Sports Committee**

Robert Stewart, Chairperson  
Michael Barren  
Chuck Broughton  
Alan Donhoff  
Ozz Jackson  
Jerry Keepers  
L.V. McGinty  
Steve Parker  
Jeff Perkins  
Jeff Schlosser  
Bob Schneider  
Robert Stewart

**Member Schools and Services Committee**

Jeff Perkins, Chairperson  
Michael Barren  
Chuck Broughton  
Gary Dearborn  
Ozz Jackson  
Jerry Keepers  
Steve Parker  
Jeff Schlosser  
Bob Schneider  
Robert Stewart  
Donna Wear

**Museum/Hall of Fame Development Committee**

Steve Parker, Chairperson  
Lonnie Burgett  
Alan Donhoff  
Paula Goodin  
Jerry Keepers  
Marvin Moore  
Jeff Perkins  
Jeff Schlosser  
Bob Schneider  
Dave Weedman  
Lea Wise Prewitt

**Officials Policy Committee**

L.V. McGinty, Chairperson  
Michael Barren  
Chuck Broughton  
Lonnie Burgett  
Gary Dearborn  
Alan Donhoff  
Paula Goodin  
Jerry Keepers  
Steve Parker  
Jeff Perkins  
Bob Schneider  
Robert Stewart  
Donna Wear

**Team Sports Committee**

Ozz Jackson, Chairperson  
Michael Barren  
Chuck Broughton  
Lonnie Burgett  
Jerry Keepers  
L.V. McGinty  
Marvin Moore  
Steve Parker  
Jeff Schlosser  
Bob Schneider  
Bob Stewart  
Donna Wear  
Dave Weedman  
Lea Wise Prewitt

**Title IX Education and Compliance Committee**

Paula Goodin, Chairperson  
Michael Barren  
Lonnie Burgett  
Gary Dearborn  
Alan Donhoff  
Ozz Jackson  
L.V. McGinty  
Marvin Moore  
Steve Parker  
Jeff Schlosser  
Donna Wear  
Dave Weedman  
Lea Wise Prewitt

# ACTION ITEMS

## MINUTES OF THE BOARD MEETING

JULY 10-11, 2006

President Gary Dearborn convened the regular meeting of the Board of Control on Tuesday, July 11, 2006 at 9:30 a.m. All Board members were present except Paul Dotson, Paula Goodin, Jeff Schlosser and Bob Schneider. Also present were Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher, Julian Tackett and Roland Williams, Director of Promotions and Media Relations Butch Cope and Office Manager Darlene Koszenski. KHSAA legal counsel, Ted Martin and C. Ray Hall, *Courier-Journal* reporter, were also present.

Gary Dearborn provided a moment of reflection, followed by the Pledge of Allegiance led by Commissioner DeVries.

President Dearborn asked the record to show that fourteen out of seventeen Board members were present, and that nine votes were needed to pass any eligibility motions.

Ozz Jackson made a motion, seconded by Steve Parker, to accept Paul Dotson's letter of resignation from the Board of Control. Commissioner DeVries was asked to write him a thank you letter for his years of service. The motion passed unanimously. Commissioner DeVries will begin the process of filling the vacancy through the regular election process outlined in the Constitution.

Donna Wear made a motion, seconded by Chuck Broughton, to approve the minutes of the May 22-23, 2006 regular meeting. The motion passed 13-0 with one abstention (Lea Prewitt).

Jeff Perkins made a motion, seconded by Steve Parker, to go into Executive Session to discuss pending litigation. The motion passed unanimously. Lonnie Burgett made a motion, seconded by L.V. McGinty to come out of Executive Session. The motion passed unanimously. No action was taken during the 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 | Status         |
|--------|-------|----------------------------------------|--------------------|--------------|------|----------------|
| #1035  | 6     | Eligible                               | Overturn (Burgett) | Parker       | 10-4 | Ineligible-A   |
| #1040  | 6     | Eligible (Remand for more information) | Uphold (McGinty)   | Parker       | 14-0 | Eligible       |
| #1044  | 6     | Eligible                               | Uphold (Perkins)   | Burgett      | 14-0 | Eligible       |
| #1045  | 6     | Ineligible                             | Uphold (Parker)    | Wear         | 13-1 | Ineligible     |
| #1046  | 6     | Ineligible                             | Uphold (McGinty)   | Broughton    | 14-0 | Ineligible     |
| #1047  | 6     | Ineligible                             | Overturn (Jackson) | Donhoff      | 14-0 | Eligible-B     |
| #1048  | 4     | Ineligible                             | Uphold (McGinty)   | Broughton    | 14-0 | Ineligible     |
| #1043  | 6     | Ineligible (Exceptions)                | Uphold (Burgett)   | Parker       | 14-0 | Ineligible     |
|        | 33    | Wolfe County written appeal            | Uphold (McGinty)   | Parker       | 13-1 | Penalty Upheld |

### A-Findings of Fact-Case #1035

The Board incorporates by reference the Findings of Fact as contained in the Hearing Officer's Recommended Order. The Board reaches Different Conclusions of Law, however, from those same Findings of Fact.

### 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 the student's transfer were clearly beyond the control of all the parties involved. The only ground on which the Hearing Officer recommended a waiver of Bylaw 6 is that "the student is an undersized football player who competed in just one game for six minutes." These are not the type of circumstances that justify a waiver under the Due Process Procedure. A waiver under these circumstances would set an undesirable precedent and have an adverse impact on future enforcement of Bylaw 6.
4. Further, the record shows that the transfer was at least partially motivated by athletic reasons. The student's father testified he was concerned about the alleged treatment of the athletes by the sending school's football coaching staff. In a letter dated April 13, 2006, the student's father also complained that the football program has had a "severe lack of coaches, high turnover of players and coaches, as well as a shortage of equipment and facilities." In this same letter, the student's father stated that "[t]here is very little leadership, player development, or foundation being built" at the sending school. One of the primary purposes of Bylaw 6 is to prevent and deter transfers for athletic reasons. As such, Bylaw 6 provides that a waiver of the period of ineligibility will not be granted if the transfer is motivated in whole or part by athletics. Because this student's transfer was motivated in part by athletics, a waiver is inappropriate.

#### B-Findings of Fact-Case #1047

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 because he participated in varsity sports at the sending school and transferred to the receiving school.
2. The student is entitled to a waiver of Bylaw 6 under the exception contained at Bylaw 6(f).

Bob Stewart made a motion, seconded by Jeff Perkins, to approve all Association bills from May 1, 2006 through June 23, 2006. The motion passed unanimously.

Donna Wear made a motion, seconded by Lonnie Burgett, to accept the goals for Commissioner DeVries' along with a method for review of those goals. The motion passed unanimously.

Jeff Perkins made a motion, seconded by L.V. McGinty, to approve pursuing investigative assistance on a contractual basis. The motion passed unanimously.

President Dearborn then directed the Board's attention to the items under the "Reports" section of the agenda.

1. The transfers from May 1, 2006 through June 30, 2006 were reviewed.
2. Monday, August 21, 2006 was confirmed as the date for the next special BOC meeting to consider appeals, and have the Constitution & Bylaws and Football Committees meet.
3. Thursday and Friday, September 14-15, 2006 were confirmed as the dates for the next regular BOC meeting.
4. The Basketball Radio Network Settlement Report was reviewed.
5. The year end Fines and Penalties Report was reviewed.
6. Lea Wise Prewitt was congratulated on being appointed by the Kentucky Board of Education as the newest State-at-Large member of the KHSAA BOC.
7. Ray Steiner with Phoenix Presentation will present a museum update at the August meeting.
8. Various correspondence was reviewed:
  - a. Eminence re: Basketball Participation
  - b. Holy Cross (Covington) re: Slow Pitch Softball
  - c. Scott Smalley re: Sportmanship & Penalties for Rough Play

President Dearborn then asked the Board to make the following motions:

1. Donna Wear made a motion, seconded by Ozz Jackson, to approve the 2006-2007 event ticket prices. The motion passed unanimously.
2. Ozz Jackson made a motion, seconded by Bob Stewart, to accept the Baseball Semi-State Report. The motion passed unanimously.
3. Lonnie Burgett made a motion, seconded by Donna Wear, to approve the status report of staff action regarding Christian Fellowship from the May meeting regarding district basketball play. The motion passed unanimously.
4. After a lengthy discussion, Dave Weedman made a motion, seconded by Jerry Keepers, to accept Lexington Catholic High School's Policies & Procedures Manual with additional changes to be made, including Steve Parker's suggestions at the May meeting, and Commissioner DeVries' suggestions from her June 9, 2006 letter. The motion passed unanimously. Commissioner DeVries will write them a letter to have the revised manual ready for re-review at the August 21, 2006 BOC meeting.
5. Lonnie Burgett made a motion, seconded by Chuck Broughton, to approve the 2006-2007 budget. The motion passed 13-0 with one abstention (Lea Prewitt).

Ozz Jackson made a motion, seconded by Mike Barren, to approve the **Member Services Committee** report presented by Chairperson Jeff Perkins. The motion passed unanimously. The following items were discussed, with no action taken:

1. Catastrophic insurance policy limitation revisions.
2. Award levels for state play.
3. Current status of archery participation.
4. Procedure for adding sports.
5. Applications for membership for 2006-2007, along with written correspondence from Ken Trivette regarding baseline membership qualifications.

Donna Wear, Chairperson, **Constitution & Bylaws Committee**, asked the Board to approve the following motions:

1. Approve second reading to KHSAA/Board proposal regarding Bylaw 4 – Revise definition of "full-time" to match the definition of Bylaw 5. The motion was seconded by Lonnie Burgett, and passed unanimously.

2. Approve second reading to KHSAA/Board proposal regarding Bylaw 10 – Remove Provisions Restricting Recruiting of Enrolled Students. The motion was seconded by Chuck Broughton, and passed unanimously.
3. Approve second reading to KHSAA/Board proposal regarding Bylaw 25 – Counting of Games Revision to Baseball. The motion was seconded by Jerry Keepers, and passed unanimously.
4. Approve second reading to KHSAA/Board proposal regarding Revision of Cheer Limit to Clearly Contain NFHS Stunt Limitations. The motion was seconded by Lonnie Burgett, and passed unanimously.
5. Approve second reading to KHSAA/Board proposal regarding Bylaw 29 – Revise to Require Officials at Swimming. The motion was seconded by Jeff Perkins, and passed unanimously.
6. Approve second reading to KHSAA/Board proposal regarding the Constitution – Revise Minimum Number of Yearly Meetings from Six to Four. The motion was seconded by Lonnie Burgett, and passed unanimously.
7. Approve second reading to KHSAA/Board proposal regarding the Constitution – Deadline for Amendments (May 1) and clarification of Amendments from the Floor. The motion was seconded by Chuck Broughton, and passed unanimously.
8. Move Proposal 3 to include the penalty of one year of ineligibility forward as a Board authored proposal for the October, 2006 Delegate Assembly. The motion was seconded by Chuck Broughton, and passed unanimously.
9. Approve first reading to KHSAA/Board proposal regarding Bylaw 25 – Counting of Games Revision to Softball. The motion was seconded by Ozz Jackson, and passed unanimously.
10. Draft a proposal for the August meeting to prohibit participation by ineligible athletes during non-KHSAA jurisdictional time at team exclusive activities. The motion was seconded by Dave Weedman, and passed 13-1. Staff was asked to present the positive and negative impact of enforcing this rule.

Ms. Wear then asked the record to show that the following items were discussed with no action taken:

1. First reading on spring practice revision. (Board determined they will not author this proposal).
2. First reading on track limit of seasons. (Board determined they will not author this proposal).
3. Classification of varsity vs. non-varsity
4. Applicability of non-KHSAA Rules to Bylaw 33.
5. Applicability of fines to selected offenses of KHSAA rules.

Mike Barren, substituting for **Football Committee** Chairperson Bob Schneider, asked the record to show that:

1. Long-term rotation of playoff games was discussed, with no action to be taken until adoption of the alignment.

Mr. Barren then asked the Board to approve the following motion:

1. Submit a draft of the 6 Class Football Alignment to member school Principals and Athletic Directors, which would also allow playing up to any level. The motion as seconded by L.V. McGinty, and passed unanimously.

President Dearborn then referred to the Miscellaneous Items. The NFHS Summer Meeting report update will be presented at the August BOC meeting.

The July, 2007 Summer Board of Control be held at Kentucky Dam Village, possibly on a Thursday and Friday.

Sites for the 2007 Swimming and Track State Finals will be discussed at the August meeting.

Members of Board of Control Class of 2009 will be eligible to attend the 2007 NFHS Summer Meeting.

The Board requested that Bylaw 4 again be communicated to non-high school personnel, to minimize any confusion or problems once the student is enrolled in high school.

Lonnie Burgett made a motion, seconded by Ozz Jackson, to approve the 2006-2007 school membership applications. The motion passed unanimously.

A Board of Control Orientation was held on Monday morning. All Board members were present except Paula Goodin, L.V. McGinty, Jeff Schlosser and Bob Schneider. An agenda, detailing the topics discussed, was directed to be attached to these minutes as part of the official record.

There being no further business to come before the Board, Ozz Jackson made a motion to adjourn. The motion was seconded by Mike Barren, and passed unanimously. The meeting adjourned at 1:10 p.m.



## MINUTES OF THE BOARD MEETING

AUGUST 21, 2006

President Gary Dearborn convened the special meeting of the Board of Control on Monday, August 21, 2006 at 1:50 p.m. All Board members were present except Lonnie Burgett and L.V. McGinty. 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. Ted Martin, KHSAA Legal Counsel was also present.

Donna Wear provided a moment of reflection.

Johnny Ginn led the Pledge of Allegiance.

President Dearborn asked for a motion to amend the agenda, and present the Committee Reports first. A motion was made by Dave Weedman, seconded by Jeff Perkins, and passed unanimously.

President Dearborn stated for the record that fifteen out of seventeen Board members were present, and that nine votes were needed to pass any eligibility motions.

Donna Wear, **Constitution and Bylaws Committee** Chairperson, asked the Board to approve the following motions:

1. First reading on clarification of Bylaw 17 – Reports & Obligations: the motion was seconded by Jeff Perkins, and passed unanimously.
2. First reading on clarification of Bylaw 27 – Hiring of Coaches: the motion was seconded by Bob Stewart, and passed unanimously.
3. Second reading on Bylaw 4 – Feeder Pattern Proposal: the motion was seconded by Chuck Broughton, and passed 13-2.
4. Second reading on Bylaw 9 – Add Summer Play Restrictions: the motion was seconded by Chuck Broughton, and passed 12-3.
5. Second reading on Bylaw 25 – Counting of Games Restriction, Fast Pitch Softball: the motion was seconded by Ozz Jackson, and passed unanimously.

Steve Parker, **Museum/Hall of Fame Development Committee** Chairperson, asked the Board to approve the following motions:

1. Approve the revised expenses for the Entrance Phase of the Museum to be funded by prior Board designations for that purpose. A motion was made by Ozz Jackson, seconded by Bob Schneider, and passed unanimously.
2. Authorize staff to solicit proposals for additional screens and audio visual equipment. The motion was seconded by Bob Stewart, and passed unanimously.

Bob Schneider, **Football Committee** Chairperson, asked the Board to approve the following motions:

1. Review the new football alignment in two years, versus four years. The motion was seconded by Ozz Jackson, and passed unanimously.
2. Approve the six class football system as presented. The motion was seconded by Jeff Schlosser, and passed unanimously.
3. Deny enrollment requests for class adjustments, except for Clinton County. The motion was seconded by Bob Stewart, and passed unanimously.
4. Allow six schools to play up due to geographical considerations; deny five others due to those schools leaving a district with less than four teams or requesting for reasons that are not supported geographically. The motion was seconded by Jeff Perkins, and passed unanimously.

5. Adopt the scheduling grid with regard to district games as presented, effective for the 2007-2008 season for all KHSAA football schools. The motion was seconded by Mike Barren, and passed unanimously.
6. Adopt the revised alignment of teams based on the input of the member schools and Board discussion. The motion was seconded by Jeff Schlosser, and passed unanimously.

Mr. Schneider then asked the record to show that:

1. The following media personnel were also present during the Football Committee meeting: Jeff McMurray, Associated Press; Melinda Roeder, WTVQ-36; Mike Fields, Lexington Herald-Leader; C. Ray Hall, Courier-Journal.
2. Bullitt Central representatives addressed the Board regarding their enrollment concerns over the placement of Bullitt Central in the six class alignment (Mark Rogers, Bob Buege and D. Karen Hayden).
3. Twenty schools have four districts; twenty three schools have five districts; and five schools have six districts.
4. The State Football Final Dates will be reviewed at the September meeting.
5. Considerable discussion was held by the Committee regarding the length of the football season. Various regulatory entities have expressed concerns about the mid-August start. Mr. Tackett advised the Board that there are several possible solutions to the early start, including movement of the state finals a week later into December. The season could also be shortened to 10 weeks to play 10 games, but this would require an annual meeting proposal. Ms. DeVries noted that the early season start was not just a football concern and all fall sports should be addressed. Staff is to inform schools not to sign any contracts before October 1, 2006 for the 2007-2008 football season, including the issues that were discussed on the early season start.

Mike Barren made a motion, seconded by Donna Wear, to go into Executive Session to discuss pending litigation. The motion passed unanimously. Ozz Jackson made a motion, seconded by Bob Schneider, to come out of Executive Session. The motion passed unanimously. No action was taken during Executive Session.

Principal Sally Stevens was present to discuss Lexington Catholic's revised Policies and Procedures. Alan Donhoff made a motion, seconded by Steve Parker, to approve Lexington Catholic High School as a full member of the KHSAA for the 2006-2007 school year and accept the submitted material as compliant with the Commissioner's directives. The motion passed 14-0 with one recusal (Mike Barren).

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       |
|--------|-------|--------------------------|--------------------|--------------|-------------------------|--------------|
| #1051  | 6     | ELIGIBLE                 | Jackson (Uphold)   | Schlosser    | 15-0                    | Eligible     |
| #1052  | 6     | ELIGIBLE                 | Jackson (Uphold)   | Parker       | 15-0                    | Eligible     |
| #1054  | 6     | ELIGIBLE                 | Jackson (Uphold)   | Schlosser    | 15-0                    | Eligible     |
| #1050  | 6     | INELIGIBLE               | Schlosser (Uphold) | Perkins      | 10-5                    | Ineligible   |
| #1049  | 6     | ELIGIBLE<br>(EXCEPTIONS) | Stewart (Overturn) | Weedman      | 14-1                    | Ineligible-A |
| #1053  | 6     | ELIGIBLE<br>(EXCEPTIONS) | Perkins (Overturn) | Weedman      | 11-3-1<br>(R-Schneider) | Ineligible-B |

#### **A-Findings of Fact-Case #1049**

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.

### **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 they participated in varsity sports at the sending school after enrolling in grade nine and then transferred to the receiving school.
2. Contrary to the Hearing Officer's conclusions of law, the student's transfer does not satisfy enumerated exceptions (b) and (c) to Bylaw 6. Since the parents divorced and their mother was granted full custody fifteen years ago, there has been no court ordered change of custody. During this time, the student participated in varsity sports at the sending school in their 9<sup>th</sup> grade year while living with their mother, receiving school part of their 10<sup>th</sup> grade year while living with their father and has now moved back to their mother's residence and requested eligibility for their 11<sup>th</sup> grade year at the receiving school. Neither of their parents have changed residences during this time period. Thus, the student clearly does not satisfy the terms of exceptions (b) and (c). Further, an exception under these circumstances would set a dangerous precedent because, absent a change of residence by both the student and the custodial parent, there is a real uncertainty regarding the motivation for the student's change in residence. There would be nothing to prevent students from repeatedly switching schools for athletic reasons by moving back and forth between their parents. Finally, whether or not the sending school required a court ordered change of custody for the student to attend the school has no bearing on whether they met an exception to Bylaw 6 upon their return to the receiving school.

### **B-Findings of Fact-Case #1053**

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 they 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 their transfer were clearly beyond the control of all the parties involved. Indeed, the evidence shows that the transfer was a personal decision by the student for subjective reasons. 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 this student transferred due to recruiting or was otherwise athletically motivated, Bylaw 6 still applies to their transfer.

Alan Donhoff made a motion, seconded by Jeff Schlosser, to have Community Christian (Paducah) appear before the Board at the September meeting to present their request to withdraw from Baseball. The motion passed 14-0 with one recusal.

The Member Services Committee will meet in September.

The July, 2007 meeting has been scheduled at Kentucky Dam Village for Thursday-Friday, rather than a Monday-Tuesday. The next regular meeting is scheduled for Thursday & Friday, September 14-15, 2006 at the KHSAA office.

There being no further business to come before the Board, Donna Wear made a motion to adjourn. The motion was seconded by Ozz Jackson, and passed unanimously. The meeting adjourned at 3:30 p.m.

# **MEMBERSHIP SERVICES COMMITTEE**



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

September 7, 2006

Principal Jerald Ellington  
Community Christian Academy  
3230 Buckner Lane  
Paducah, KY 42001

Dear Mr. Ellington:

Thank you for your letter on behalf of Community Christian Academy regarding your participation in post-season baseball. The Board of Control has asked that you attend the Board meeting and present your rationale in person at the September 14, 2006 Member Services Committee Meeting, scheduled at 9:00 a.m. ET.

I look forward to seeing you next week at the Board of Control meeting.

Sincerely,

A handwritten signature in cursive script, reading "Brigid L. DeVries", is positioned above the printed name and title.

Brigid L. DeVries  
Commissioner

BD:dk

xc:

KHSAA Executive Staff Members  
KHSAA Board of Control Members



Kentucky High School Athletic Association  
2280 Executive Drive • Lexington, KY 40505 www.khsaa.org • (859)299-5472 (859)293-5999 (fax)

July 24, 2006

Principal Jerald Ellington  
Community Christian Academy  
3230 Buckner Lane  
Paducah, KY 42001

Dear Mr. Ellington:

Thank you for your letter on behalf of Community Christian Academy regarding your participation in baseball for the 2006-07 school year. I am sorry to hear that you have to withdraw from post-season tournament play in varsity baseball for the next year.

I will share this information with KHSAA Staff and the Board of Control. Hopefully, you can resume participation in the sport of baseball in the future.

Thank you for your letter.

Sincerely,

A handwritten signature in cursive script, which appears to read "Brigid L. DeVries", is written over a horizontal line.

Brigid L. DeVries  
Commissioner

BD:dk

xc: Athletic Director Rhet McMullen, Community Christian Academy  
Baseball Coach Matt Smith, Community Christian Academy  
KHSAA Executive Staff Members  
KHSAA Board of Control Members



The Warriors

Ephesians 6:10

Administration and Elementary School 270•575•0025  
3230 Buckner Lane • Paducah, KY 42001 • Fax 270•443•2230  
www.ccapaducah.org

Middle and High School 270•554•165  
110 Lebanon Church Road • Paducah, KY 42003 • Fax 270•554•6968

Commissioner Brigid L. DeVries  
Kentucky High School Athletic Association  
2280 Executive Drive  
Lexington, Ky. 40505

JUL 24 2006

July 21, 2006

Dear Commissioner DeVries:

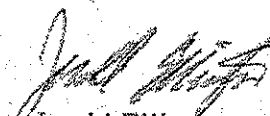
Community Christian Academy of Paducah is withdrawing from KHSAA varsity baseball competition and will not participate in post season tournament play for the 2006-07 school year.

At this time, we are unable to effectively compete against the teams of our region. We need some time to build our number of participants and tradition in the program.

We are requesting a waiver for the 2006-07 school year to play other faith-based schools in our area that aren't members of the KHSAA.

Your favorable attention to this request is appreciated.

Sincerely,

  
Jerald Ellington



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

September 8, 2006

Interim Athletic Director Deborah Lewis  
Christian Fellowship School  
1343 US Highway 68 East  
Benton, KY 42025

Dear Ms. Lewis:

This is to confirm receipt of your letter informing me that Christian Fellowship School will not be fielding junior varsity or varsity boys' or girls' basketball teams for the 2006-2007 season.

Your letter will be reviewed by the Board of Control at the September 14-15, 2006 meeting.

Sincerely,

A handwritten signature in cursive script, reading "Brigid L. DeVries", is positioned above the printed name.

Brigid L. DeVries  
Commissioner

BD:dk

xc: Principal Bill Rowley, Christian Fellowship School  
KHSAA Executive Staff Members  
KHSAA Board of Control Members

# *Christian Fellowship School*

1343 U.S. Highway 68 East • Benton, Kentucky 42025

Phone: (270) 527-8377 • Fax: (270) 527-2872 • e-mail: [cfs@christianfellowship.org](mailto:cfs@christianfellowship.org)

September 1, 2006

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

Copy to:

Mr. Bill Cowan, Calloway County High School  
Mr. Steve Woodward, Marshall County High School  
Mr. Dave Carr, Murray High School

Dear Ms. DeVries,

We regret to inform you that we will not be fielding JV or varsity boys or girls basketball teams this 2006-2007 season at Christian Fellowship School. We did not have enough high school students sign up to participate. This decision was determined this morning after a meeting with our students and parents. In light of the scheduling challenges for the other schools on our schedule, and we have notified all schools this morning, including the 3 other schools in our district.

I am sorry that Christian Fellowship School will be unable to comply with the Board of Control recommendations for seeding/play for the 2006-07 District 4 basketball season that were made at the May 06 meeting.

Sincerely,



Deborah Lewis  
Interim athletic director  
Christian Fellowship School

RATE CHANGE AS COMPARED TO '05-'06

|          |             |            |
|----------|-------------|------------|
| Lifetime | \$5 Million | \$17,150 ↑ |
| 10-year  | \$5 Million | \$12,250 ↓ |
| 10-year  | \$2 Million | \$24,500 ↓ |
| 10-year  | \$1 Million | \$36,750 ↓ |

~~Bobbi~~

From: Scott\_Lunsford@kandkinsurance.com  
Sent: Monday, April 24, 2006 2:09 PM  
To: Bobbi  
Subject: Re: KHSAA GL and Excess Renewals

Bobbi:

To the best of my knowledge, below is a breakdown of the State Association's Liability and Excess Liability providers:

K&K (with Great American) - 24

Kentucky  
Indiana  
Michigan  
Illinois  
North Carolina  
Georgia  
Wisconsin  
Arkansas  
Florida  
Missouri  
Kansas  
Mississippi  
Wyoming  
Montana  
Nebraska  
Rhode Island  
Minnesota  
Nevada  
South Dakota  
Utah  
New York  
California  
Washington  
Alaska

American Specialty - 2

Ohio  
Virginia

AIG - 5

Tennessee  
Alabama  
Oklahoma  
New Mexico ?  
Colorado ?

Bollinger - 2

Oregon  
New Jersey

The following States do not buy Liability Insurance based on immunity laws in their respective States - 4 South Carolina Iowa North Dakota West Virginia

Pennsylvania is written by Philadelphia.

Not known - 13

Idaho, Hawaii, Texas, Arizona, Louisiana, Maryland, Delaware, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Washington DC

Several of the Not Known's may be covered by Bollinger or AIG. Both of these underwriting companies are based in New England area. They may also be States that make no liability

**SB20CC  
PROPOSED PLAN OF INSURANCE**

|                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name Of Policyholder:</b>                                                                                                                                                                      | Student Insurance Trust                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Policy Number:</b>                                                                                                                                                                             | SB20CC – 50078                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Policy Date:</b>                                                                                                                                                                               | July 1, 2006 to July 1, 2007                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Sponsoring Organization:</b>                                                                                                                                                                   | Kentucky High School Athletic Association<br>2280 Executive Drive<br>Lexington, KY 40505                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Sponsoring Organization Account Number:</b>                                                                                                                                                    | SB20CC – P - 50581                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Sponsoring Organization Term of Coverage:</b>                                                                                                                                                  | July 1, 2006 to July 1, 2007                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Participating School:</b>                                                                                                                                                                      | All member High Schools of the above Sponsoring Organization.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Annual Premium:</b>                                                                                                                                                                            | <p><u><b>Option 1</b></u><br/>\$200,900.00 Annually based on 49,000 Participants at \$4.10 per Person payable in 4 installments of \$50,225.00 due 7/1/2006, 8/1/2006, 9/1/2006 and 10/1/2006.</p> <p><u><b>Option 2</b></u><br/>\$171,500.00 Annually based on 49,000 Participants at \$3.50 per Person payable in 4 installments of \$42,875.00 due 7/1/2006, 8/1/2006, 9/1/2006 and 10/1/2006.</p> <p><u><b>Option 3</b></u><br/>\$159,250.00 Annually based on 49,000 Participants at \$3.25 per Person payable in 4 installments of \$39,812.50 due 7/1/2006, 8/1/2006, 9/1/2006 and 10/1/2006.</p> <p><u><b>Option 4</b></u><br/>\$147,000.00 Annually based on 49,000 Participants at \$3.00 per Person payable in 4 installments of \$36,750.00 due 7/1/2006, 8/1/2006, 9/1/2006 and 10/1/2006.</p> |
| <b>Eligibility:</b>                                                                                                                                                                               | All student athletes, student managers, student trainers, student cheerleaders and students participating in interscholastic competition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Covered Event:</b>                                                                                                                                                                             | Participation in interscholastic competition, governed by the regulations of the state high school athletic/activities authority, including school-supervised practice, tryouts, pre and post game related activities including award banquets and covered travel as defined under the policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Aggregate Limit of Indemnity:</b><br>This is the maximum amount for which We are liable for an Insured Person for all benefits under this plan due to any one Accident.                        | Options 1 & 2: \$5,000,000.00<br>Option 3: \$2,000,000.00<br>Option 4: \$1,000,000.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Covered Accident Deductible:</b><br>*Eligible medical expenses payable under any other insurance policy or service contract will be used to satisfy or reduce the Covered Accident Deductible. | \$25,000.00*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

### Medical, Dental, Rehabilitative and Custodial Care Expense Benefits:

|                                                                                                                                                                 |                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Benefit Percentage                                                                                                                                              | 100%                                                                                  |
| Deductible Establishment Period                                                                                                                                 | 24 Months                                                                             |
| Maximum Benefit Period                                                                                                                                          | Option 1: Lifetime<br>Options 2, 3 & 4: 10 Years from accident date                   |
| Maximum Benefit Amount                                                                                                                                          | Options 1 & 2: \$5,000,000.00<br>Option 3: \$2,000,000.00<br>Option 4: \$1,000,000.00 |
| Maximum for Medically Necessary Hospital Inpatient Services and Supplies                                                                                        | Included in Medical Maximum                                                           |
| Maximum for confinement in an Extended Care Facility Per Calendar Year                                                                                          | \$365,000.00                                                                          |
| Daily Room And Board Limit For Private Or Semi-Private Room                                                                                                     | Average Semi-Private Rate Of Hospital In Which Confined Usual And Customary Charges   |
| Intensive Care                                                                                                                                                  |                                                                                       |
| Combined Home Health Care and Custodial Care Maximum Benefit per Calendar Year                                                                                  | \$250,000.00                                                                          |
| Custodial Care Maximum Benefit per Calendar Year subject to the Combined Home Health Care and Custodial Care Maximum Benefit per Calendar Year                  | \$100,000.00                                                                          |
| Home Health Care Maximum Benefit Per Calendar Year subject to the Combined Home Health Care and Custodial Care Maximum Benefit per Calendar Year                | \$250,000.00                                                                          |
| Treatment Of Mental Or Nervous Disorders                                                                                                                        |                                                                                       |
| Doctor Fees –                                                                                                                                                   |                                                                                       |
| Amount Per Visit                                                                                                                                                | \$90.00                                                                               |
| Visits Per Day                                                                                                                                                  | 1                                                                                     |
| Number of Visits Per Calendar Year                                                                                                                              | 50                                                                                    |
| Inpatient Hospital                                                                                                                                              | Up To 45 Days                                                                         |
| Maximum Chiropractic Benefit                                                                                                                                    |                                                                                       |
| Maximum Amount Per Calendar Year                                                                                                                                | \$1,000.00                                                                            |
| Maximum Visits Per Calendar Year                                                                                                                                | N/A                                                                                   |
| Maximum Physical Therapy Benefit                                                                                                                                |                                                                                       |
| Physical Therapy includes, but is not limited to, heat Treatment, diathermy, microtherm, ultrasonic, adjustment, manipulation, massage therapy and acupuncture. |                                                                                       |
| Maximum Amount per Calendar Year                                                                                                                                | \$25,000.00                                                                           |
| Maximum Visits per Calendar Year                                                                                                                                | N/A                                                                                   |

### Catastrophic Cash Benefit:

| <u>Loss</u>                                                                                                                                                                                   | <u>Percent of Maximum Benefit Amount</u>                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Traumatic Brain Deficit (as defined in the policy)                                                                                                                                            | Traumatic Brain Deficit coverage is not available under this plan. |
| Paralysis to include only the following conditions, starting within 60 days of the Injury and continuing for at least one (1) year and having a medical diagnosis that the loss is permanent: |                                                                    |
| Quadriplegia is total Paralysis of four limbs                                                                                                                                                 | 100%                                                               |
| Paraplegia is total Paralysis of both lower limbs                                                                                                                                             | 100%                                                               |
| Hemiplegia is total Paralysis of an upper and lower limb                                                                                                                                      | 100%                                                               |
| Maximum Benefit Amount                                                                                                                                                                        | \$10,000.00                                                        |

**Loss of Life Due To Heart or Circulatory**

**Malfunctions Benefit:**

Loss Establishment Period  
Maximum Benefit Amount

90 Days  
\$10,000.00

**Accidental Death, Dismemberment and Loss of Sight Benefit:**

Principal Sum  
Loss Establishment Period  
Loss of life  
Loss of both hands  
Loss of both feet  
Loss of entire sight of both eyes  
Loss of one hand and one foot  
Loss of one hand and entire sight of one eye  
Loss of one foot and entire sight of one eye  
Loss of one hand  
Loss of one foot  
Loss of entire sight of one eye  
Loss of thumb and index finger of the same hand  
Loss of speech and hearing (both ears)  
Loss of speech or hearing (both ears)

\$10,000.00  
180 Days  
Principal Sum  
Principal Sum  
Principal Sum  
Principal Sum  
Principal Sum  
Principal Sum  
Principal Sum  
One-Half Principal Sum  
One-Half Principal Sum  
One-Half Principal Sum  
One-Fourth Principal Sum  
Principal Sum  
One-Half Principal Sum

**Excess Coverage:**

FULL

040706/lrb

**DISCLAIMER:**

This is a general reference only to the coverage(s) the insurance policy or policies would provide and is not intended to describe all of the various details pertaining to the insurance. Coverages presented may differ from those requested in your application. Actual coverages are detailed only in the policy of insurance and are subject to all terms, provisions, conditions, and exclusions as contained therein. Please consult the actual policy for a complete description.

This quotation does not rely upon broker/applicant specifications submitted. All exposures not addressed in this quotation should be responded to by the broker or the applicant with respect to the placement of those coverages with another insurance company. A specimen copy of the policy is available upon request for review prior to the binding of coverage.

This is not a binder. Coverage can only be bound by American Specialty Insurance Services and then only in writing, after written acceptance of this quotation by you.

This quotation will remain in effect until July 1, 2006 unless accepted in writing prior to then or unless modified in writing by American Specialty Insurance Services.

**ACCEPTANCE**

I acknowledge that I have read and understand all the terms and conditions of this Proposal for Kentucky High School Athletic Association, and by my signature below accept all such terms, provisions, and conditions as documented therein and represent that I have authority to accept such Program on behalf of Kentucky High School Athletic Association.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

SPECIAL STATE REQUIRED NOTICES:

**Notice to Residents of Kentucky:**

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

I acknowledge that I understand that any person who knowingly and with intent to defraud any insurance company commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties. I hereby confirm that I have read and understand the above notice.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## AMERICAN SPECIALTY SERVICE AND COMPENSATION DISCLOSURE

In order to provide a clear understanding of our services and potential sources of compensation, we are pleased to provide the following information.

American Specialty is dedicated to providing specialized insurance and risk management services for the sports and entertainment industry. We work with clients and/or their designated brokers or agents. When we work with an insured's designated broker or agent, we enter into a formal Broker/Agent Agreement that outlines our respective responsibilities.

The services we provide are outlined below. Such services are negotiated with each individual client and/or such client's designated broker or agent.

**Insurance Services** - As an Underwriting Manager, we work for certain insurers and provide underwriting, policy service, claims management, and risk management services as authorized by such insurers. For these services, we receive a commission from the insurers and may participate in underwriting profit. When we act in a brokerage capacity, we provide services to clients on behalf of insurers, and place business with select insurers and receive a commission from these insurers.

**Claims Management Services** - We act as Third Party Administrator for certain insurers as per agreed guidelines and receive compensation from such insurers for services rendered. For self-insured retention or self-funded retention programs, our services and compensation are outlined in a Claims Services Agreement which we execute with clients. Any other claims services we provide, such as on-site claims management or claims audits for insurers or clients are negotiated on an individual basis and memorialized in individual agreements.

**Risk Management Services** - We provide specialized risk management services. Our services and compensation are outlined in individual agreements with our clients. We do not receive any compensation from insurers with respect to these services.

**Crisis Management Services** - We provide specialized crisis management services to assist our clients in assessing, developing, and testing their crisis plans. We also offer crisis phone services which provide our clients with the outsourced capability to manage communication demands in the aftermath of a crisis. Our services and compensation are outlined in individual agreements with our clients. We do not receive any compensation from insurers with respect to these services.

**Premium Finance** - In the event that we arrange the financing of your insurance premium, we may also receive a fee from the premium finance company.

American Specialty and other parties also owned in whole or in part by Brown & Brown, Inc. (such as retail agents/brokers, excess and surplus lines brokers, wholesale brokers and reinsurance intermediaries), may receive compensation for their role in providing insurance products or services to American Specialty or our clients. This compensation may include payments which are not client-specific, such as payments based upon the performance and/or amount of business placed with an insurer. Whether such payments will be made by a particular insurer, or, if made, what the amount of any such payments will be is generally not known until after the close of each underwriting year. Additionally, we and our affiliated companies may earn investment income on monies held in premium and/or claims accounts.

# **CONSTITUTION COMMITTEE**



## FALL 2006 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION ANNUAL MEETING

### PROPOSALS SUBMITTED FOR CONSIDERATION BY THE BOARD OF CONTROL AS REQUIRED BY 702 KAR 7:065 AND THE ANNUAL REVIEW OF ASSOCIATION RULES BY THE BOARD OF CONTROL

#### PROPOSAL 1

##### Proposed by the KHSAA Board of Control.

*Rationale - This change though editorial in nature, would clarify that a student must be a full time student at the member school for which they desire to participate, in order to participate. This also clearly states that the Association's rules are designed and intended to only control what is under the jurisdiction of the KHSAA and not necessarily all other rules from other agencies.*

##### Bylaw 4. Enrollment

###### Sec. 3] Deadline for Enrollment

On Friday of each grading period, a student in grades nine (9) through twelve (12) must be enrolled as a full-time student in at least four hours of instruction as defined by Kentucky Board of Education regulations (of the six hours of instruction required) or the equivalent of four hours of instruction acceptable to graduation according to regulations promulgated by the Kentucky Board of Education at the member school he/she desires to represent in order to be eligible for athletics.

A student must have enrolled as a bona fide full-time undergraduate student no later than twenty (20) school days after the beginning of the semester to be eligible during that semester.

#### PROPOSAL 2

##### Proposed by the KHSAA Board of Control

*Rationale - This proposal was submitted by Superintendent representatives of the Educational Cooperatives as a proposed solution to the territory and feeder pattern issues considered by the Task Force during 2005-2006. The 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. 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. 5] 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. 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) Bona fide 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.

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 non-public school governing board may include any or all of the affiliated schools under its jurisdiction in the non-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 non-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 non-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 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 if that student is not within the athletic territory of the member school. This period of ineligibility applies to any student enrolling at a public school who does not meet the definitions of being in a public school athletic territory, and to any student enrolling at a non-public school who does not meet the definitions of being in the non-public school athletic territory.

iii) 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.

iv) D1 and F1 schools - this Bylaw shall not apply to students enrolled at D1 or F1 schools.

v) 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.

vi) 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.

**PROPOSAL 3**

**Proposed by Jim McKee, Designated Representative, Scott County High School; Paula Goodin, Principal, Pineville High School; Charles Adams, Designated Representative, Fleming County High School; Barry Noble, Designated Representative, Rockcastle County High School and Ken Roark from Middlesboro High School.**

*Rationale - These schools have no problem with the membership making a concerted effort to attempt to eliminate red-shirting. Events of a few years ago still leave a bad memory in some people's mind as student athletes received additional time due to athletic injuries. For that reason, our Bylaw 4 is a strong deterrent. But beginning the four-year count at the first promotion from grade eight has not had the desired effect and has led to inconsistencies. There are stories, most likely true, or mid-year demotions,*

*pressure being exerted on Principals at the middle school level, and a tremendous communication gap between the KHSAA and the middle schools in the Commonwealth. While this may have been a good proposal on paper, the inability to have effective communication linkage with the middle schools of the state, and the inability to obtain verifiable and defensible promotion/retention records from out of state schools has without question, led to inconsistency. Schools that have adhered to the rule have done so to be in voluntary compliance, even in many cases when student-athletes were totally unaware of the long term consequences. This change would not give anyone additional eligibility. It would simply restore the starting point for counting to the initial 9<sup>th</sup> grade entry, which is the level at which the KHSAA has jurisdiction in the first place.*

**Bylaw 4. Enrollment**

Sec. 1) Maximum Number of Semesters

a) Students entering grade nine (9) promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first entry in grade nine (9) such promotion by the school provided the student is eligible according to this and all other Association bylaws. Such eligibility shall conclude with the completion of the spring sports season following the fourth year.

**PROPOSAL 4**

**Proposed by Dale Butler, Principal, Breckinridge County High School.**

*Rationale - Many non-public middle school students do not currently have the option to play up for a high school because their school is not located in a county where a high school under the same governing body is located. Yet, there are instances where over 98% of the graduates of a non-public middle school enroll at a specific public high school. Under these circumstances, if the public high school and the non-public middle school agree that it is in the best interests of their current and future student-athletes that the non-public middle school students have the option to play up for the high school's freshman, junior varsity, or varsity teams, the non-public middle school student-athletes should be allowed to participate as long as they are in compliance with all other KHSAA By-Laws. There are only currently two identified situations in the Commonwealth to which this proposal would potentially apply: St. Romuald Interparochial School in Hardinsburg and St. Paul School in Grayson County, which send over 98% of their graduates to Breckinridge County High and Grayson County High respectively.*

**Bylaw 4. Enrollment**

Sec. 4) Enrollment Elsewhere

No student who is enrolled or connected with any other school than the one he/she represents shall take part in any contest. A student enrolled in grades K-8 in a non-public school that does not have a member school located in that same county for which it serves as a feeder (under the same governing body), is connected to the high school within which district boundaries the student's custodial family resides, providing the student's non-public middle school has sent at least 98% of its graduates to the connected high school over the preceding five-year period, excluding instances of bona fide change in residence. In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

**PROPOSAL 5**

**Proposed by James Sexton, Principal, Eastern High School**

*Rationale - This proposal would restrict play in any organized outside competition by a member of a school team sport team during the sports season and in that sport for which the student represents the high school. The students need to choose whether they desire to play for school teams or community teams during the school season as defined in Bylaw 25. By doing this, and eliminating the dead period, we allow unlimited play in the summer, and no play other than school play during the defined sports season. The decisions regarding Dead periods, and restrictions away from the coaches and school facilities, etc. are best left to the local schools and not a central governing authority. The change also prevents the circumvention of certain health and safety rules, such as the baseball pitching limitations, by making sure that the athletes are adhering to those restrictions during the season. This proposal received widespread approval in 2005, but with the confusion of amendments, etc., the author decided to bring it back again this year.*

## **Bylaw 8. Contestant On Other Teams, Post Season and All-Star Games**

Any student who after enrolling in grade nine (9) has been a contestant representing a KHSAA member school in a team sport [baseball, basketball, football, soccer, softball or volleyball] in football or basketball at any level [grades 9-12] and has eligibility remaining in that sport may not participate on any non-school sponsored team or in any all-star game in that sport or any variation of that sport from the first day of practice through the last day of competition as defined in Bylaw 25 school through the last scheduled contest played in that sport [including KHSAA sanctioned post season] by that school unless it has been sanctioned by the Board of Control. During the school year prior to the first date of practice, and following the team's last scheduled game [including post season], there are no restrictions on play in that specific sport for the student-athletes.

## **Bylaw 26. Summer Sports and Sports/Activities**

### **Sec. 1) School Team Play in Summer**

Member schools may participate in sanctioned play during the summer to complete spring seasons in baseball, softball, tennis and track and may begin sanctioned regular season play and practice as defined by Bylaw 25 prior to the opening of school in cheerleading, cross country, football, golf, soccer and volleyball. Only participants eligible during the spring semester may compete on the school teams. All KHSAA eligibility rules apply, and full control of the summer program shall remain with the participating high school and the principal of that school.

### **Sec. 2) Summer Dead Period**

Students may not receive coaching or training from school personnel [either salaried or non salaried] and school facilities, uniforms, nicknames, transportation or equipment shall not be used each year in any KHSAA sanctioned sport or cheerleading squad during the period beginning with June 25, and going through July 9. School funds may not be expended in support of interscholastic athletics in any KHSAA sanctioned sport during this period. These restrictions shall not apply to postseason wrap-up activities, celebrations and recognition events relating to a spring sports team at a school which participated in KHSAA state championship play in that particular sport during that particular year.

## **PROPOSAL 6**

### **Proposed by the KHSAA Board of Control**

*Rationale - This proposal would add to the restrictions of Bylaw 9, stipulations restricting the use of ineligible participants at any point that school funds are used or expended, competition is school based in any manner.*

## **Bylaw 9. Other Eligibility Requirements and Regulations**

### **Sec. 1) Graduates and College Students**

Any student who has graduated from a secondary school, or who has ever played on a college team, is thereafter ineligible to play on a high school team.

### **Sec. 2) Participation by Practice of Ineligible Students**

Unless ineligible due to the provisions of Bylaw 11 (Sportsmanship, having been ejected from a contest), any student who is not eligible for competition during a team's next contest/meet/match/game shall not practice with the team during the defined Limitation of Seasons [Bylaw 25] for that sport. No student who is ineligible according to any KHSAA Bylaw may represent a member school in practice or competition outside of the defined periods in Bylaw 25. For purposes of this bylaw, "representing a member school" shall include, but not be limited to events where:

- 1) participation is in the school uniform (old or current), or
- 2) school funds are used to pay entry or travel fees [including booster funds], or
- 3) team members [or individuals] are coached by a member of the coaching staff in school based competition in that coach's sport, or
- 4) the school likeness or nickname is used, or
- 5) participation by any or all team members is required in whole or in part, explicitly or implicitly.

### **Sec. 3) Conduct - Student or Other Representative Under Penalty**

Any student, contest official or other official school representative who is under penalty or discipline or whose conduct is such as to reflect discredit upon the school or the KHSAA is not eligible.

## **PROPOSAL 7**

### **Proposed by the KHSAA Board of Control.**

*Rationale - This change would clearly state that the prohibition on "recruiting" students applies to those students not already enrolled*

*at the member 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 10. Recruitment**

### **Sec. 1) Foreword**

Pupils [both domestic and foreign] at any grade level shall not be recruited to a member school of the KHSAA for the purpose of participating in athletics, including recruitment under the guise of academics.

### **Sec. 2) Definition**

a) Recruiting is defined as an act, on behalf of or for the benefit of, a school, which attempts to influence a student to transfer to a member school for the purpose of participating in athletics. Such also includes influencing a student to remain at a school. A school official utilizing an intermediary, such as, but not limited to a peer, another school employee, a student, a parent or a citizen, for the purpose of recruiting a student athlete shall be in noncompliance.

## **PROPOSAL 8**

**Proposed by Rob Mullen, President, Trinity (Louisville) High School. Co-Sponsored by: Elaine Salvo, President, Assumption High School; Tom Seither, Principal, Bishop Brossart High School; Tim Greener, Louisville, Christian Academy; Michael Clines, Principal, Covington Catholic High School; Tim Keogh, Principal, DeSales High School; Sr. Maryann Tarquinio, Principal, Holy Cross (Louisville) High School; Sally Stephens, Principal, Lexington Catholic High School; Tim Williams, Head of School, Louisville Collegiate; Julie Crone, Principal, Mercy Academy; Bob Noll, Principal, Newport Central Catholic High School; Sr. Elaine Marie Winter, Principal, Notre Dame Academy; Harold Staples, Principal, Owensboro Catholic High School; Rick Folden, Athletic Director, Portland Christian School; Barbara Wine, Principal, Presentation Academy; Randy Douglas, Principal, Rose Hill Christian; Beverly McAuliffe, Principal, Sacred Heart Academy; Timothy O'Rourke, Principal, Sayre School; Alexandra Thurstone, Head of School, St. Francis High School; Rosann Whiting, Principal, St. Mary High School; Nelson Nunn, Principal, St. Xavier High School; Bill Hagan, Principal, Trinity (Whitesville) High School; Pam McQueen, Principal, Villa Madonna Academy; Linda Van Outen, Head of School, Walden School**

*Rationale - While current KHSAA procedures provide for a sophisticated due process hearing process, there is no corresponding compliance / investigative procedure, to permit the Association to respond in a timely, effective and consistent manner to allegations of violations or reports of rules infractions, and to make determinations that will have the confidence of their member institutions, other stakeholders and the general public. Specifically, current procedures provide that investigations are to be triggered by a request for a ruling, or by routine, periodic reports and/or audits conducted by the Association. No current procedure clearly empowers KHSAA to proceed with random compliance checks, or to conduct investigations of specific alleged violations based on information received, nor are Commissioners specifically authorized to initiate complaints/investigations on their own [based on information brought to their attention].*

*Perhaps most importantly, the Association currently does not have specific investigative procedures or staff specifically tasked to conduct meaningful investigations, preserve the Association's discretion and flexibility to police its membership, and require that member institutions, regulated student athletes and their parents, and other stakeholders, respond to investigations in a timely and cooperative manner [or, in the alternative, face appropriate sanctions.]*

*As a result of all of the above, there is a real question as to whether complaints and concerns are being investigated in a prompt and effective manner. Rumor, misinformation and suspicion have filled the void caused by the absence of an effective compliance process, and conclusions are being drawn from anecdotal information that is exaggerated or inaccurate, to the detriment of relationships within the organization and the organization's credibility with its membership and the general public.*

## **Bylaw 16. Protests, Reporting of Violations**

Any person wishing to report a violation of the KHSAA Constitution, Bylaws or Tournament rules must do so as provided by the Due Process Procedure, as amended, and as incorporated by reference

herein—as provided by the Due Process Procedure, as amended, and as incorporated by reference herein in writing. If such evidence is presented to warrant an investigation, the Commissioner shall ensure that such investigation is performed. The Commissioner's office shall notify the principal or superintendent of the protested school, telling him/her the exact nature of the charges made. If a Compliance Officer is assigned an investigator is appointed to gather evidence in connection with the inquiry or complaint protest, he/she shall provide a copy of the report of the investigation to the Commissioner, and a copy of any investigative report shall be made a part of the official school records with the Association and shall be made available to the principal or superintendent of the schools involved upon request consistent with the Due Process Procedure. If the investigation results in a probable cause determination, and the inquiry or complaint is not resolved by conciliation, the matter may proceed to a hearing under the Due Process Procedure.

Protests against the decision of contest officials made during the course of game or meet will not be considered.

#### **Changes to KHSAA Due Process Procedure**

This Proposal would amend the current Due Process Procedure, by adopting the following additional provisions:

The KHSAA hereby adopts the following compliance procedures, to be supplemented by further provisions in the areas as herein identified:

1. Staffing—An Assistant Commissioner shall be tasked as the Association's contact person for compliance activities, and is hereby given the additional title: "Director of Compliance". There is further hereby created a KHSAA "Compliance Division", to be made up of the following staff positions:

- a. Director of Compliance—[an Assistant Commissioner]
- b. Compliance Officer—[2 positions]
- c. Compliance Assistant—[a staff position combining the responsibilities of i) records maintenance/retention and ii) intake and initial complaint-processing.

2. Responsibilities—

- a. The Compliance Division shall maintain existing responsibilities and lines of communication, including processing of eligibility inquiries, "requests for ruling", and similar requests under current procedures.
- b. The KHSAA shall implement and maintain a state-wide, toll-free (800) number, to field questions, provide technical assistance to members and stakeholders, and to receive inquiries/complaints of non-compliance or rules violations.
- c. The Compliance Division shall implement and maintain approved investigatory procedures, to include at least the following components:

1. Intake Officer [Compliance Officer or Compliance Assistant] interviews the caller or complaining individual(s), and attempts to obtain all information known by/available to the contact. (Note: Inquiries/complaints may be anonymously submitted, but the caller may be told that this method of reporting is likely to be an impediment to a full investigation).

2. Compliance staff shall preliminarily determine whether the inquiry/complaint warrants an investigation, based on nature of the allegations and existence of supporting evidence, consistent with criteria to be developed by KHSAA. (Staff will provide information and a recommendation to the Compliance Director, who will then make a final decision as to whether to proceed with a full investigation).

3. Inquiry or complaint information shall be written up on an "Inquiry Form" or equivalent document, be docketed with an identification number, and be assigned to a Compliance Officer for investigation. At the time the inquiry is assigned, the Inquiry Form shall be served on the individual or entity being investigated, by Certified Mail or personal service (depending on the nature of the proceeding, with specific procedures to be developed by KHSAA). The Compliance Officer shall then have 90 days to conduct an investigation (unless the matter is designated for an "expedited" investigation/review by order of the Commissioner, under procedures to be developed by KHSAA). The investigation shall consist of personal interviews and/or review of relevant documents, and the KHSAA shall also have the discretion to conduct an "on-site" investigation, under procedures and time-lines to be developed by the Association.

4. Upon completion of the investigation, the Compliance Officer shall make a recommendation to the Compliance Director, who shall then report a finding of either: a) "no probable cause" to believe that an infraction or violation of KHSAA rules/

procedures has occurred, or a finding of b) "probable cause" to believe that an infraction or rules violation has occurred.

a. If a "no probable cause" finding is made, the matter shall be dismissed, and all interested parties will be informed of the determination. (Note: Final procedures may call for the Board to sign off on the "no probable cause" determinations, depending on procedures to be developed by the Association.)

b. If a "probable cause" determination is made, the KHSAA shall attempt to resolve the matter through "conference, conciliation and persuasion" ("conciliation"). If the matter is resolved through conciliation, the agreement of the parties shall be reduced to writing, and will thereafter be adopted as a final Order of the KHSAA.

5. If a "probable cause" determination is made, and the matter is not resolved within 30 days through the process of conciliation, the matter shall be scheduled for a hearing, consistent with existing procedures.

6. The KHSAA will develop and maintain procedures to insure that investigations are conducted in a confidential manner, consistent with administrative procedure and Kentucky Open Records requirements.

d. Provision shall also be made (whether by amendment of the By-Laws or otherwise) for a Commissioner-initiated charge, which could be an appropriate vehicle for commencing an investigation of reported or suspected rules violations that come to the attention of KHSAA by means other than inquiries from stakeholders or the public. The procedure for investigation of Commissioner-initiated charges should mirror, insofar as practical, the investigative procedures set out above.

e. The Compliance Division will submit to the Board of Control an annual report summarizing inquiries and complaints in order to assist the Board of Control in determining if current KHSAA rules are sufficient, and to recommend adjustments to the bylaws as needed and appropriate.

3. Funding—

The three (3) "new" staff positions of the Compliance Division of the KHSAA (2 Compliance Officers and a Compliance Assistant) shall be hired with the financial support of the Association's member institutions. Any member contributions to the staff funding obligation shall be assessed on an appropriate proportionate basis between public and non-public member institutions.

### **PROPOSAL 9**

#### **Proposed by the KHSAA Board of Control**

*Rationale* – This change would ensure that programs such as the Heat and Humidity Program, Title IX reporting and other Board initiated directives are fully complied with by member schools as condition precedent to membership. In general it would result in very minimal change to the day to day operations of the school or the Association, but gives Bylaw support to many Board directives such as Title IX, Heat and Humidity, Wrestling Weight Management and other important programs that may be composed.

#### **Bylaw 17. Supplying Information and General Compliance**

A superintendent, principal, student, and/or Designated Representative shall, when requested, supply the Commissioner with such information as that person may be asked for related to the athletic program at a member school, bearing on the eligibility of contestants at the school. A failure to comply within a reasonable time may forfeit the schools membership in the Association, or the school may be penalized in accordance with approved Association penalty codes. Each member school shall annually certify that they will comply with any and all of the rulings of the Commissioner, Assistant Commissioners, Hearing Officer and Board of Control as they relate to the athletic program at a member school. Such compliance shall include but not limited to student eligibility matters, Board policy directives related to health and safety of student athletes, and other programs as may be instituted by the convened Board of Control.

### **PROPOSAL 10**

#### **Proposed by the KHSAA Board of Control.**

*Rationale* – This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990's. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The maximum number of games played would continue to be 36, and could be accomplished by playing four games in each of two tournaments, and then 28

other games. It is hoped that this wording, restoring the counting to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.

#### **Bylaw 25. Limitation of Seasons**

##### **Sec. 2) Sports Specific Limitations - Baseball - Boys**

4) A maximum of thirty-six (36) ~~thirty (30)~~ games may be played prior to the beginning of KHSAA state championship tournament competition (district). Doubleheaders shall be counted as two (2) games each against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.

#### **PROPOSAL 11**

**Proposed by Jim McKee, Designated Representative, Scott County High School; Greg Scholl, Designated Representative, Southwestern High School**

*Rationale - With the movement of the State Basketball Tournaments beginning in 2008, spring football practice will be held during an even more volatile weather time and perhaps, leave schools more vulnerable to injury of the participants. In addition, the current schedule often finds schools with coaching vacancies, and/or helmets that have not been returned from reconditioners in time for the start of practice. And admittedly, schools who have successful basketball programs have had an advantage under the current rules and this rule should promote equity among programs, not further division. This change would codify that among six available weeks, all schools shall select two weeks that work the best within the school calendar of that particular school, and that those ten days must conclude at least one week prior to the postseason beginning in spring sports. This will minimize choices that need to be made by students and ensure that they have a chance to participate in multiple sports. In addition, the change would place within the body of the rule, many of the Board of Control restrictions on spring practice to ensure that they are consistently applied.*

##### **Sec. 5) Sports Specific Limitations - Football - Boys**

8) Each football school may conduct ten (10) practice periods of not more than two (2) hours in length and not more than one practice per day over ten (10) days during the period beginning with the Monday of National Federation week 38 and concluding with the Friday of National Federation week 45 ~~three calendar school weeks following the school's elimination from post-season play in basketball~~. All equipment authorized by the football playing rules may be used during this period. There can be no inter-school competition during this period, and all participants must be eligible according to all KHSAA eligibility rules. Each school shall select a three school calendar week window from which its ten (10) practices are to be selected, and shall confirm within one week the completion of its tenth practice, the exact days during which practice was conducted. All activity conducted, whether or not it involves football gear or contact, shall count toward the limitations. No student below grade nine may participate and no seniors may participate. Intrasquad games may be held but must be counted as one of the ten practice sessions. There can be no school or coach imposed penalty for any player who chooses not to participate. There may be no required participation by any person on a spring sports eligibility list or any other person not appearing on a spring sports eligibility list.

#### **PROPOSAL 12**

**Proposed by the KHSAA Board of Control.**

*Rationale - This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990's. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The maximum number of games played would continue to be 36, and could be accomplished by playing four games in each of two tournaments, and then 28 other games. It is hoped that this wording, restoring the counting*

*to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.*

#### **Bylaw 25. Limitation of Seasons**

##### **Sec. 8) Sports Specific Limitations - Softball - Girls (Fast Pitch)**

4) A maximum of thirty-six (36) ~~thirty (30)~~ games may be played prior to the beginning of KHSAA state championship tournament competition (district). Doubleheaders shall be counted as two games against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.

##### **Sec. 9) Sports Specific Limitations - Softball - Girls (Slow Pitch)**

4) A maximum of thirty-six (36) ~~thirty (30)~~ regular season games may be played. Doubleheaders shall be counted as two games against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.

#### **PROPOSAL 13**

**Proposed by Gale Travis, Designated Representative, Madisonville North Hopkins High School.**

*Rationale - Several years ago, the KHSAA Annual Meeting adopted a Limitation of Seasons that included Indoor Track. In the time since then, many schools have added indoor track and yet do not have a facility near the school to participate in indoor competition. In many cases, these teams have not been able to find participation opportunities. This would basically unify the seasons, and allow for scheduling flexibility while not increasing the number of competition opportunities available. This proposal comes from the Track and Cross Country Advisory Committee.*

##### **Sec. 12) Sports Specific Limitations - Indoor and Outdoor Track - Boys and Girls**

- 1) Following the opening day of school, there shall be no organized practice prior to December 1.
- 2) There shall be no more than two (2) outdoor practice meets held by each team and such shall be held on or before the Monday of NFHS calendar week 38 prior to the first regular season outdoor meet of that year.
- 3) The first meet (indoor or outdoor) shall not take place before the Monday of NFHS Calendar Week 28. outdoor meet shall not take place before the Monday following the conclusion of the second state basketball tournament of that year.
- 4) The first indoor meet shall not take place prior to January 1. The last indoor meet must be held on or before the second Saturday in March. All indoor meets must be properly sanctioned.
- 5) The indoor season shall consist of a maximum of four (4) meets (not including the Mason-Dixon games). No indoor meet shall count against the limit of outdoor meets.
- 46) The track season shall consist of a maximum of nineteen (19) meets. All meets, regardless of format or of being indoor or outdoor meets, shall count against the limit of meets. The track season shall consist of The outdoor season shall consist of a maximum of fifteen (15) meets. No outdoor meet shall count against the limit of indoor meets.
- 57) The opportunity to participate in regular season outdoor contests season ends at all levels of play (grades 9-12) on the day prior to the first day for varsity level competition in KHSAA sanctioned post-season events, with the exception that the varsity team may practice and play through its elimination from KHSAA sanctioned tournament play. Following elimination, there shall be no further practice or play during the remainder of the

### PROPOSAL 14

#### Proposed by the KHSAA Board of Control.

*Rationale - This change will clarify the original intent of the Limitation, which was to restrict the cheerleading insurance coverage only to competitions and practices that adhere to the NFHS Stunt Limitations.*

#### Bylaw 25. Limitation of Seasons

##### Sec. 15) Specific Limitations - Other Sport Activities - Cheerleading (Spirit)

- 1) The first organized practice shall not take place prior to July 15.
- 2) Cheerleaders are limited to a maximum of three competitions during the school year, not including in-game competitions, that each are sponsored by an organization that adheres to and enforces the Stunt Limitations of the National Federation Spirit Guide. This does not include in-game competitions. The KAPOs Sweet Sixteen® and KAPOs At-Large Competitions held in conjunction with the KHSAA district, region and state basketball tournaments shall not count toward the three-competition limit. Any preliminary competitions that progress to a district, region, state and/or national level will be considered as one competition.
- 3) The opportunity to cheer or enter cheerleading contests ends at all levels (grades 9-12) for that academic year on or before April 1. After April 1, schools are permitted to designate a single two-week tryout period following which there shall be no further practice or competition until the end of the academic school year.

### PROPOSAL 15

#### Proposed by the KHSAA Board of Control

*Rationale - This change would clarify the role of the KHSAA in schools making decisions about coach hirings. The KHSAA can set baseline qualifications for coaches in conjunction with the Kentucky Department of Education, and should certainly set requirements once hired, for working with the program. However, the KHSAA role in the hiring process should probably defer to the local control of the school and school system within applicable law. The previous provisions pre-date KEPA and the School Based Decision Making policies and regulations. To eliminate conflict and to keep the Association out of issues in which it should not be involved, this rule should be revised. The KHSAA should not be issuing directives to Superintendents regarding the hiring of coaches when such is solely the purview of the school Superintendent.*

#### Bylaw 27. Requirement for Coaches and Others Working With High School Teams

##### Sec. 1) Definitions

###### a) Level 1 Coaches

- i) The local school district superintendent shall categorize an individual seeking a coaching position shall be categorized as Level 1 if such individual meets the following criteria prior to assignment to coaching duties:
- ii) A certified teacher and member of the regular school system faculty, employed a minimum of three (3) regular periods for teaching classes, including physical education; for supervision of study halls; and/or exercising responsibilities in other activity assignments within the school schedule.

##### Sec. 2) Hiring and Employment Requirements

###### a) Required Level

Level 1 or 2 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading).

###### b) Member School Obligations in Hiring

- i) The Superintendent shall ensure that all assignments for coaching duties comply with all applicable state and local policies.
- ii) The hiring process shall ensure that in considering those individuals seeking coaching duties, the most qualified individual shall be assigned. In considering qualifications, the qualifications desired for the position, the references, interviews and experience of those seeking the duties, and the education background shall be considered.

###### c) Compensation

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.

###### a) Level 4

Level 1 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading). All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified teaching counterparts hired as Level 1 coaches.

###### b) Level 2

i) In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading), the Superintendent of the local school district may declare the need for assignment of a Level 2 coach. The Superintendent shall provide a list of qualified candidates to the Principal, who will consult the School Based Council prior to making selection, and the superintendent will complete the final assignment process.

ii) Before assigning Level 2 individuals to coaching duties (head and assistant), the Superintendent shall declare, after reasonable notice of a relevant position that no qualified Level 1 individual has applied for the position. Coaching positions shall be filled by the best qualified person available, giving preference to the factors of academic preparation and teacher certification, prior teaching experience or related educational work, and personal attributes compatible with the demands of the position.

iii) All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired as Level 1 coaches.

iv) In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading) with a Level 1 or Level 2 individual, the member school may request through the Superintendent that the KHSAA allow for a one-time waiver of this rule in order that the additional time be available to find an applicant meeting the criteria.

##### Sec. 2) Duties and Responsibilities

###### a) Jurisdiction

All Level 1 and 2 individuals assigned duties as coaches (head and assistant) at all levels (grades 9-12) are under the jurisdiction of the member school principal, and shall act in accordance with his/her directives. The member school principal shall correctly implement site Based Decision Making policies relative to this area.

###### b) Compensation

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.

### PROPOSAL 16

#### Proposed by the KHSAA Board of Control.

*Rationale - This change would ensure that in a sport which emphasizes risk minimization and liability prevention as much as swimming, that a properly licensed and trained official would be at each contest.*

#### Bylaw 29. Officials Division of the Association

##### Sec. 1) Officials Who Must License

Any person who officiates in baseball, basketball, football, soccer, softball (slow and fast pitch), swimming, volleyball and wrestling in grades 9 through 12 between member schools of the Association must be licensed by the Commissioner and must carry an official card indicating such licensure. All officials in baseball, basketball, football and softball are required to join a local officials association as described in the KHSAA Officials' Guidebook.

### PROPOSAL 17

#### Proposed by Phil Rison, Designated Representative, Montgomery County High School.

*Rationale - This school does not agree with any fines to coaches. We believe it is wrong to assess a fine to a coach, who is most probably underpaid in the first place. In the case of Bylaw 11, the coach is already required to sit out a game for an ejection for unsportsmanlike conduct and to me the assessment of a fine is double jeopardy. Neither I nor my school have issues with fine being assessed for schools who do not meet timelines, perform procedural duties, or for the Association seeking restitutionary damages for rules violations where the school dues and other funds are used for investigation or legal defense of the rules promulgated by the schools and otherwise detailed in this schedule. But I have*

an issue with coaches being assessed a fine and an issue with fines being used for basic rules compliance. For that reason, this amendment also strengthens and reiterates the Commissioner, Hearing Officer and Board of Control's ability to suspend offenders from scrimmage and game competition, which in reality, is the most effective punishment in interscholastic athletics. Competition is what both athletes and coaches work toward, suspension from that is an effective rules deterrent, and eliminates the perception that some individuals will simply "buy their way" out of violations. If passed, it is hoped that the Board of Control will look long and hard at revising the fine schedule to adhere to this philosophy.

### **Bylaw 33. Imposition of Penalties**

When Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual by the Commissioner's office, the KHSAA Hearing Officer and/or the Board of Control. Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

For violation of any rule or regulation by any member school or school designated staff, student-athlete, official, or other representative, such penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is called for, such disciplinary action, including warning, reprimand, probation, suspension, and/or payment of a fine may be imposed by the Commissioner's office or Board of Control.

- 1) **FINE** - A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the school and may only be levied against a member school. The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook. The fine schedule shall also include any amounts paid by the Association and/or received by the school as a result of postseason competition. A fine may not be levied against any individual within the interscholastic athletic program but may only be levied against the member school and only for selected violations as determined by the Board of Control.
- 2) **FORFEIT** - The forfeit of contests/meets may be included in penalties assessed for violation of Association rules.
- 3) **WARNING** - A warning is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that such action must not be repeated.
- 4) **LETTER OF REPRIMAND** - A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable. The action is a matter of record, and warnings that repeat actions of this type will be cause for further penalty.
- 5) **PROBATION** - Probation is a more severe penalty and may be described in the following manner: Normally, an individual or a school on probation is on conditional Association membership, but may engage in their/its regular schedule, sanctioned events, and district, regional and state championships. This is provided that the individual and/or school has taken steps to insure the problem which placed the individual, sport or school on probation has taken steps to alleviate the problem which caused the probation. Additionally, a school on probation may be restricted to limits on contests/scrimmages as may be deemed appropriate.
- 6) **SUSPENSION** - An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation. This penalty may range from the elimination of individual and/or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association. Individuals and/or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.
- 7) **RESTITUTION** - A fine may be levied equal to the amount of itemized legal fees expended by the Association in defense of its rules in a court of law in cases where a school or school system is directly or indirectly involved in the legal challenge of an association rule which has passed via the proper Constitutional process and in which case, the Association prevails in court. If the Association, its Commissioner, or other persons associated or employed by the Association are named as a party, or if the Association intervenes in any action to enforce a ruling, bylaw or other provision, it shall be presumed that the school where the student attends or the coach or such other person is employed or is otherwise associated or connected, is involved in the legal challenge. The presumption of involvement may be rebutted by clear and convincing evidence. Such involvement includes but is

not limited to, providing testimony, staff, staff legal counsel and/or funds for such counsel, or direct filings by or on behalf of the school or school system.

If the Association conducts an investigation regarding any player, coach, assistant coach, paraprofessional, booster, supporter or other person associated with a team, program or member school, and the investigation results in any penalty being imposed by the Association, the school may be required to pay all costs of such investigation. Such costs may include, but are not limited to, the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.

- 8) **PERMANENT SUSPENSION** - Any coach, participant or other school representative may be permanently suspended from involvement in interscholastic athletics in this state if found by competent and conclusive evidence to be guilty of assaulting a sports official.
- 9) **REDISTRIBUTION** - If a school is found to have used an ineligible competitor and as an extension to the fine penalty listed above, the Commissioner may direct that a portion or all of the net proceeds received from a postseason contest or tournament be returned to the host and/or redistributed to the other contest or tournament participants.
- 10) **VACATE / STRIKE** - If a school is found to have used an ineligible competitor, the Commissioner may direct that 1) Individual records and performances be vacated or stricken; 2) Team records and performances including place finishes be vacated or stricken; and/or 3) Individual or team awards be returned to the Association.

### **PROPOSAL 18**

#### **Proposed by the KHSAA Board of Control**

*Rationale - This revision would state that the full Board of Control would only be required to conduct four regular meetings per year. In this manner, smaller groups of Board members may meet for committees, etc. and not force the expense of a full Board meeting more than is necessary to fulfill the Board's functions.*

### **ARTICLE IV**

#### **ADMINISTRATION AND LEGISLATION**

#### **Section 3. Duties of Officers**

##### **D) BOARD OF CONTROL**

The Board of Control shall:

- 7) Hold a minimum of four ~~four~~ ~~six~~ ~~six~~ regular meetings.

### **PROPOSAL 19**

#### **Proposed by the KHSAA Board of Control**

*Rationale - This revision would move the deadline date for proposals back to May 1 of the year that the change is to be considered. In this manner, changes can be discussed and debated among all KHSAA constituencies, impact analysis can be performed and reviewed, and input can be gathered from all KHSAA Constituencies. This will ensure that changes to the foundation documents of the Association, the Constitution and the Bylaws, are well thought out, discussed and that those approved truly represent the best interests of the membership.*

### **ARTICLE IX**

#### **AMENDMENTS**

#### **Section 1. Deadline for Filing**

On or before May 1 preceding the convening of the Annual Meeting September 18 of each year, a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution and/or Bylaws. 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. 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. ~~No Except by two-thirds vote of the DELEGATES answering the roll;~~ no proposals other than these may be considered at the ANNUAL MEETING.

### **PROPOSAL 20**

#### **Proposed by Arthur Ballard, Designated Representative, Estill County High School.**

*Rationale - This proposal ensures open communication of the business of the Board of Control with the member schools and accountability for the Board's action. The posting of this information could be done in a secure portion of the KHSAA web site available*

## ARTICLE IV

### ADMINISTRATION AND LEGISLATION

#### Section 3. Duties of Officers

##### D) BOARD OF CONTROL

The Board of Control shall:

- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum. The complete Board of Control agenda shall be published online (exclusive of specific student appeal information) not less than five (5) business days before the date of the meeting. The minutes of all meetings of the Board of Control shall be published online (exclusive of specific student appeal information) not later than five (5) working days following the meeting. The minutes shall be detailed in nature. Unless the vote on an issue related to the Constitution, Bylaws and Tournament Rules was unanimously approved, the minutes shall include a record of how each member of the Board voted on each issue. The recorded vote shall not be required on matters related to the KHSAA Due Process Procedure and student eligibility.

#### PROPOSAL 21

##### Proposed by Ron Madrick, Designated Representative, Holmes High School

*Rationale - There is a need for representation of all regions every year. While the current Board has made all efforts to be truly representative, the current system leaves long amounts of time between an official representative being able to be elected from every region. With the passage of this proposal, every region would be represented, and in addition, the number of designated representatives (females and African Americans) would be doubled, thereby complying with the Court Decree of 1971. The other represented groups placed on the Board of Control were placed by regulatory authorities and those authorities, not the body of delegates, should decide if additional representation is needed for those groups. While there are added expenses, there are other ways to address the cost issue including the timing and frequency of meetings, and other containment measures. This proposal would also reduce the number of required Board meetings to four and the remainder of the meetings could effectively be held via committee system and small representative groups.*

##### B) BOARD OF CONTROL

###### 1) REPRESENTATION

- a) Sixteen (16) Eight (8) Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each region section to serve as REGIONAL SECTIONAL Board of Control members. A REGION is defined SECTION is defined as the combination of two (2) contiguous regions as defined by the KHSAA alignment in basketball. (Basketball Regions 1 and 2 (S. 1), 3 and 4 (S. 2), 5 and 6 (S. 3), 7 and 8 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8)) Terms of these REGIONAL SECTIONAL Board of Control members shall be staggered so that four (4) two (2) are elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- b) Two One African Americans shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and two one African Americans shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. Two One females shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and two one females shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. Terms of the DESIGNATED members shall be staggered so that one African American and one female are is elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- c) Two One persons shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1, D1 or F1 schools) member schools of the Association, and Two One persons shall be elected by the PRINCIPALS or

DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-public (not classification A1, D1 or F1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control. Initially, one non-public school representative shall serve a three-year term, and one shall serve a five-year term. Terms of the DESIGNATED members shall be staggered so that one of the DESIGNATED representatives required to be from the non-public member schools is elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation. Following initial election, 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. Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.

- d) Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education. These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education. These appointees shall not be an employee of any member school or its central administration, or the administration of the Kentucky Department of Education. At least one of these appointees shall be an African-American and one shall be a female. Terms of the at-large members shall be staggered so that one is appointed each year.

###### 2) TERM IN OFFICE

- a) 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.
- b) No member is eligible to serve more than two (2) consecutive complete four-year terms with no further limits as to lifetime eligibility.
- c) 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. If a SECTIONAL representative moves to a different region following his/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.

###### 3) ELIGIBILITY

- a) To be eligible for membership as a REGIONAL SECTIONAL or DESIGNATED representative on the Board of Control, one must 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. He/she must be employed in the region (regions in the case of DESIGNATED REPRESENTATIVES) section he/she is to represent, and must remain employed in that region (regions in the case of DESIGNATED REPRESENTATIVES) section during his/her tenure of office. Serving in a part-time capacity (less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System) or on leave of absence (exclusive of employee earned sick leave) will terminate the eligibility of the member. He/she shall not be eligible after serving two (2) consecutive four-year terms.
- b) 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. 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/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.

**FALL 2006 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION ANNUAL MEETING**  
**PROPOSALS SUBMITTED FOR CONSIDERATION BY THE BOARD OF CONTROL AS REQUIRED BY 702 KAR 7:065**  
**AND THE ANNUAL REVIEW OF ASSOCIATION RULES BY THE BOARD OF CONTROL**

**DRAFT**

## **PROPOSAL**

### **Proposed by the KHSAA Board of Control.**

*Rationale - This change though editorial in nature, would clarify that a student must be a full time student at the member school for which they desire to participate, in order to participate. This also clearly statss that the Association's rules are designed and intended to only control what is under the jurisdiction of the KHSAA and not necessarily all other rules from other agencies.*

### **Bylaw 4. Enrollment**

#### **Sec. 3) Deadline for Enrollment**

On Friday of each grading period, a student in grades nine (9) through twelve (12) must be enrolled as a full-time student in at least four hours of instruction as defined by Kentucky Board of Education regulations (of the six hours of instruction required) or the equivalent of four hours of instruction acceptable to graduation ~~according to regulations promulgated by the Kentucky Board of Education~~ at the member school he/she desires to represent in order to be eligible for athletics.

A student must have enrolled as a bona fide full-time undergraduate student no later than twenty (20) school days after the beginning of the semester to be eligible during that semester.

DRAFT

## PROPOSAL

### Proposed by the KHSAA Board of Control

*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. 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. This proposal was submitted by Superintendent representatives of the Educational Cooperatives as a proposed solution to the territory and feeder pattern issues considered by the Task Force during 2005-2006.*

### Bylaw 4. Enrollment

#### Sec. 5) 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.

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 non-public school governing board may include any or all of the affiliated schools under its jurisdiction in the non-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 non-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 non-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 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 if that student is not within the athletic territory of the member school. This period of ineligibility applies to any student enrolling at a public school who does not meet the definitions of being in a public school athletic territory, and to any student enrolling at a non-public school who does not meet the definitions of being in the non-public school athletic territory.
- iii) 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.
- iv) D1 and F1 schools - this Bylaw shall not apply to students enrolled at D1 or F1 schools.
- v) 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.
- vi) 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.

DRAFT

## PROPOSAL

Proposed by Jim McKee, Designated Representative, Scott County High School; Paula Goodin, Principal, Pineville High School; Charles Adams, Designated Representative, Fleming County High School; Barry Noble, Designated Representative, Rockcastle County High School and Ken Toark from Middlesboro High School.

*Rationale - These schools have no problem with the membership making a concerted effort to attempt to eliminate red-shirting. Events of a few years ago still leave a bad memory in some people's mind as student athletes received additional time due to athletic injuries. For that reason, our Bylaw 4 is a strong deterrent. But beginning the four-year count at the first promotion from grade eight has not had the desired effect and has led to inconsistencies. There are stories, most likely true, of mid-year demotions, pressure being exerted on Principals at the middle school level, and a tremendous communication gap between the KHSAA and the middle schools in the Commonwealth. While this may have been a good proposal on paper, the inability to have effective communication linkage with the middle schools of the state, and the inability to obtain verifiable and defensible promotion/retention records from out of state schools has without question, led to inconsistency. Schools that have adhered to the rule have done so to be in voluntary compliance, even in many cases when student-athletes were totally unaware of the long term consequences. This change would not give anyone additional eligibility. It would simply restore the starting point for counting to the initial 9<sup>th</sup> grade entry, which is the level at which the KHSAA has jurisdiction in the first place.*

### Bylaw 4. Enrollment

Sec. 1) Maximum Number of Semesters

- a) ~~Students entering grade nine (9) promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first entry in grade nine (9) such promotion by the school provided the student is eligible according to this and all other Association bylaws. Such eligibility shall conclude with the completion of the spring sports season following the fourth year.~~

DRAFT

## PROPOSAL

Proposed by Dale Butler, Principal, Breckinridge County High School.

*Rationale - Many non-public middle school students do not currently have the option to play up for a high school because their school is not located in a county where a high school under the same governing body is located. Yet, there are instances where over 98% of the graduates of a non-public middle school enroll at a specific public high school. Under these circumstances, if the public high school and the non-public middle school agree that it is in the best interests of their current and future student-athletes that the non-public middle school students have the option to play up for the high school's freshman, junior varsity, or varsity teams, the non-public middle school student-athletes should be allowed to participate as long as they are in compliance with all other KHSAA By-Laws. There are only currently two identified situations in the Commonwealth to which this proposal would potentially apply: St. Romuald Interparochial School in Hardinsburg and St. Paul School in Grayson County, which send over 98% of their graduates to Breckinridge County High and Grayson County High respectively.*

### Bylaw 4. Enrollment

#### Sec. 4) Enrollment Elsewhere

No student who is enrolled or connected with any other school than the one he/she represents shall take part in any contest. A student enrolled in grades K-8 in a non-public school that does not have a member school located in that same county for which it serves as a feeder (under the same governing body), is connected to the high school within which district boundaries the student's custodial family resides, providing the student's non-public middle school has sent at least 98% of its graduates to the connected high school over the preceding five-year period, excluding instances of bona fide change in residence. In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

DRAFT

## PROPOSAL

### Proposed by James Sexton, Principal, Eastern High School

*Rationale - This proposal would restrict play in any organized outside competition by a member of a school team sport team during the sports season and in that sport for which the student represents the high school. The students need to choose whether they desire to play for school teams or community teams during the school season as defined in Bylaw 25. By doing this, and eliminating the dead period, we allow unlimited play in the summer, and no play other than school play during the defined sports season. The decisions regarding Dead periods, and restrictions away from the coaches and school facilities, etc. are best left to the local schools and not a central governing authority. The change also prevents the circumvention of certain health and safety rules, such as the baseball pitching limitations, by making sure that the athletes are adhering to those restrictions during the season. This proposal received widespread approval in 2005, but with the confusion of amendments, etc., the author decided to bring it back again this year.*

### Bylaw 8. Contestant On Other Teams, Post Season and All-Star Games

Any student who after enrolling in grade nine (9) has been a contestant representing a KHSAA member school in a team sport (baseball, basketball, football, soccer, softball or volleyball) in football or basketball at any level (grades 9-12) and has eligibility remaining in that sport may not participate on any non-school sponsored team or in any all-star game in that sport or any variation of that sport from the first day of practice through the last day of competition as defined in Bylaw 25 school through the last scheduled contest played in that sport (including KHSAA sanctioned post season) by that school unless it has been sanctioned by the Board of Control. During the school year prior to the first date of practice, and following the team's last scheduled game (including post season), there are no restrictions on play in that specific sport for the student-athletes.

### Bylaw 26. Summer Sports and Sports/Activities

#### Sec. 4} School Team Play in Summer

Member schools may participate in sanctioned play during the summer to complete spring seasons in baseball, softball, tennis and track and may begin sanctioned regular season play and practice as defined by Bylaw 25 prior to the opening of school in cheerleading, cross country, football, golf, soccer and volleyball. Only participants eligible during the spring semester may compete on the school teams. All KHSAA eligibility rules apply, and full control of the summer program shall remain with the participating high school and the principal of that school.

#### Sec. 2} Summer Dead Period

~~Students may not receive coaching or training from school personnel (either salaried or non-salaried) and school facilities, uniforms, nicknames, transportation or equipment shall not be used each year in any KHSAA sanctioned sport or cheerleading squad during the period beginning with June 25, and going through July 9. School funds may not be expended in support of interscholastic athletics in any KHSAA sanctioned sport during this period. These restrictions shall not apply to postseason wrap-up activities, celebrations and recognition events relating to a spring sports team at a school which participated in KHSAA state championship play in that particular sport during that particular year.~~

DRAFT

## PROPOSAL

### Proposed by the KHSAA Board of Control

*Rationale - This proposal would add to the restrictions of Bylaw 9, stipulations restricting the use of ineligible participants at any point that school funds are used or expended, competition is school based in any manner.*

### Bylaw 9. Other Eligibility Requirements and Regulations

#### Sec. 1] Graduates and College Students

Any student who has graduated from a secondary school, or who has ever played on a college team, is thereafter ineligible to play on a high school team.

#### Sec. 2] Participation by Practice of Ineligible Students

Unless ineligible due to the provisions of Bylaw 11 (Sportsmanship, having been ejected from a contest), any student who is not eligible for competition during a team's next contest/meet/match/game, shall not practice with the team during the defined Limitation of Seasons (Bylaw 25) for that sport. No student who is ineligible according to any KHSAA Bylaw may represent a member school in practice or competition outside of the defined periods in Bylaw 25. For purposes of this bylaw, "representing a member school" shall include, but not be limited to events where:

- 1) participation is in the school uniform (old or current), or
- 2) school funds are used to pay entry or travel fees (including booster funds), or
- 3) team members (or individuals) are coached by a member of the coaching staff in school based competition in that coach's sport, or
- 4) the school likeness or nickname is used, or
- 5) participation by any or all team members is required in whole or in part, explicitly or implicitly.

#### Sec. 3] Conduct - Student or Other Representative Under Penalty

Any student, contest official or other official school representative who is under penalty or discipline or whose conduct is such as to reflect discredit upon the school or the KHSAA is not eligible.

DRAFT

## **PROPOSAL**

### **Proposed by the KHSAA Board of Control.**

*Rationale – This change would clearly state that the prohibition on "recruiting" students applies to those students not already enrolled at the member 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 10. Recruitment**

#### **Sec. 1] Foreword**

Pupils (both domestic and foreign) at any grade level shall not be recruited to a member school of the KHSAA for the purpose of participating in athletics, including recruitment under the guise of academics.

#### **Sec. 2] Definition**

a) Recruiting is defined as an act, on behalf of or for the benefit of, a school, which attempts to influence a student to transfer to a member school for the purpose of participating in athletics. ~~Such also includes influencing a student to remain at a school.~~ A school official utilizing an intermediary, such as, but not limited to a peer, another school employee, a student, a parent or a citizen, for the purpose of recruiting a student athlete shall be in noncompliance.

**DRAFT**

## PROPOSAL

Proposed by Rob Mullen, President, Trinity (Louisville) High School. Co-Sponsored by Elaine Salvo, President, Assumption High School; Tom Seither, Principal, Bishop Brossart High School; Tim Greener, Louisville, Christian Academy; Michael Clines, Principal, Covington Catholic High School; Tim Keogh, Principal, DeSales High School; Sr. Maryann Tarquinio, Principal, Holy Cross (Louisville) High School; Sally Stephens, Principal, Lexington Catholic High School; Tim Williams, Head of School, Louisville Collegiate; Julie Crone, Principal, Mercy Academy; Bob Noll, Principal, Newport Central Catholic High School; Sr. Elaine Marie Winter, Principal, Notre Dame Academy; Harold Staples, Principal, Owensboro Catholic High School; Rick Folden, Athletic Director, Portland Christian School; Barbara Wine, Principal, Presentation Academy; Randy Douglas, Principal, Rose Hill Christian; Beverly McAuliffe, Principal, Sacred Heart Academy; Timothy O'Rourke, Principal, Sayre School; Alexandra Thurstone, Head of School, St. Francis High School; Rosann Whiting, Principal, St. Mary High School; Nelson Nunn, Principal, St. Xavier High School; Bill Hagan, Principal, Trinity (Whitesville) High School; Pam McQueen, Principal, Villa Madonna Academy; Linda Van Outen, Head of School, Walden School

*Rationale - While current KHSAA procedures provide for a sophisticated due process hearing process, there is no corresponding compliance / investigative procedure, to permit the Association to respond in a timely, effective and consistent manner to allegations of violations or reports of rules infractions, and to make determinations that will have the confidence of their member institutions, other stakeholders and the general public. Specifically, current procedures provide that investigations are to be triggered by a request for a ruling, or by routine, periodic reports and/or audits conducted by the Association. No current procedure clearly empowers KHSAA to proceed with random compliance checks, or to conduct investigations of specific alleged violations based on information received, nor are Commissioners specifically authorized to initiate complaints/investigations on their own (based on information brought to their attention).*

*Perhaps most importantly, the Association currently does not have specific investigative procedures or staff specifically tasked to conduct meaningful investigations, preserve the Association's discretion and flexibility to police its membership, and require that member institutions, regulated student athletes and their parents, and other stakeholders, respond to investigations in a timely and cooperative manner (or, in the alternative, face appropriate sanctions.)*

*As a result of all of the above, there is a real question as to whether complaints and concerns are being investigated in a prompt and effective manner. Rumor, misinformation and suspicion have filled the void caused by the absence of an effective compliance process, and conclusions are being drawn from anecdotal information that is exaggerated or inaccurate, to the detriment of relationships within the organization and the organization's credibility with its membership and the general public.*

### Bylaw 16. Protests, Reporting of Violations

Any person wishing to report a violation of the KHSAA Constitution, Bylaws or Tournament rules must do so as provided by the Due Process Procedure, as amended, and as incorporated by reference herein-as provided by the Due Process Procedure, as amended, and as incorporated by reference herein in writing. If such evidence is presented to warrant an investigation, the Commissioner shall ensure that such investigation is performed. The Commissioner's office shall notify the principal or superintendent of the protested school, telling him/her the exact nature of the charges made. If a Compliance Officer is assigned an investigator is appointed to gather evidence in connection with the inquiry or complaint protest, he/she shall provide a copy of the report of the investigation to the Commissioner, and a copy of any investigative report shall be made a part of the official school records with the Association and shall be made available to the principal or superintendent of the schools involved upon request consistent with the Due Process Procedure. If the investigation results in a probable cause determination, and the inquiry or complaint is not resolved by conciliation, the matter may proceed to a hearing under the Due Process Procedure.

Protests against the decision of contest officials made during the course of game or meet will not be considered.

### Changes to KHSAA Due Process Procedure

This Proposal would amend the current Due Process Procedure, by adopting the following additional provisions:

The KHSAA hereby adopts the following compliance procedures, to be supplemented by further provisions in the areas as herein identified:

1. Staffing—An Assistant Commissioner shall be tasked as the Association's contact person for compliance activities, and is hereby given the additional title: "Director of Compliance". There is further hereby created a KHSAA "Compliance Division", to be made up of the following staff positions:
  - a. Director of Compliance— (an Assistant Commissioner)
  - b. Compliance Officer— [2 positions]
  - c. Compliance Assistant— [a staff position combining the responsibilities of i) records maintenance/retention and ii) intake and initial complaint-processing.]
2. Responsibilities—
  - a. The Compliance Division shall maintain existing responsibilities and lines of communication, including processing of eligibility inquiries, "requests for ruling", and similar requests under current procedures.
  - b. The KHSAA shall implement and maintain a state-wide, toll-free [800] number, to field questions, provide technical assistance to members and stakeholders, and to receive inquiries/complaints of non-compliance or rules violations.
  - c. The Compliance Division shall implement and maintain approved investigatory procedures, to include at least the following components:
    1. Intake Officer [Compliance Officer or Compliance Assistant] interviews the caller or complaining individual[s], and attempts to obtain all information known by/available to the contact. [Note: inquiries/complaints may be anonymously submitted, but the caller may be told that this method of reporting is likely to be an impediment to a full investigation].
    2. Compliance staff shall preliminarily determine whether the inquiry/complaint warrants an investigation, based on nature of the allegations and existence of supporting evidence, consistent with criteria to be developed by KHSAA. [Staff will provide information and a recommendation to the Compliance Director, who will then make a final decision as to whether to proceed with a full investigation].
    3. Inquiry or complaint information shall be written up on an "Inquiry Form" or equivalent document, be docketed with an identification number, and be assigned to a Compliance Officer for investigation. At the time the inquiry is assigned, the Inquiry Form shall be served on the individual or entity being investigated, by Certified Mail or personal service [depending on the nature of the proceeding, with specific procedures to be developed by KHSAA]. The Compliance Officer shall then have 90 days to conduct an investigation [unless the matter is designated for an "expedited" investigation/review by order of the Commissioner, under procedures to be developed by KHSAA]. The investigation shall consist of personal interviews and/or review of relevant documents, and the KHSAA shall also have the discretion to conduct an "on-site" investigation, under procedures and time-lines to be developed by the Association.
    4. Upon completion of the investigation, the Compliance Officer shall make a recommendation to the Compliance Director, who shall then report a finding of either: a) "no probable cause" to believe that an infraction or violation of KHSAA rules/procedures has occurred, or a finding of b) "probable cause" to believe that an infraction or rules violation has occurred.
      - a. If a "no probable cause" finding is made, the matter shall be dismissed, and all interested parties will be informed of the determination. [Note: Final procedures may call for the Board to sign off on the "no probable cause" determinations, depending on procedures to be developed by the Association.]
      - b. If a "probable cause" determination is made, the KHSAA shall attempt to resolve the matter through "conference, conciliation and persuasion" ["conciliation"]. If the matter is resolved through conciliation, the agreement of the parties shall be reduced to writing, and will thereafter be adopted as a final Order of the KHSAA.
    5. If a "probable cause" determination is made, and the matter is not resolved within 30 days through the process of conciliation, the matter shall be scheduled for a hearing, consistent with existing procedures.

6. The KHSAA will develop and maintain procedures to insure that investigations are conducted in a confidential manner, consistent with administrative procedure and Kentucky Open Records requirements.

d. Provision shall also be made (whether by amendment of the By-Laws or otherwise) for a Commissioner-initiated charge, which could be an appropriate vehicle for commencing an investigation of reported or suspected rules violations that come to the attention of KHSAA by means other than inquiries from stakeholders or the public. The procedure for investigation of Commissioner-initiated charges should mirror, insofar as practical, the investigative procedures set out above.

e. The Compliance Division will submit to the Board of Control an annual report summarizing inquiries and complaints in order to assist the Board of Control in determining if current KHSAA rules are sufficient, and to recommend adjustments to the bylaws as needed and appropriate.

### 3. Funding-

The three (3) "new" staff positions of the Compliance Division of the KHSAA (2 Compliance Officers and a Compliance Assistant) shall be hired with the financial support of the Association's member institutions. Any member contributions to the staff funding obligation shall be assessed on an appropriate proportionate basis between public and non-public member institutions.

DRAFT

## **PROPOSAL**

### **Proposed by the KHSAA Board of Control**

*Rationale – This change would ensure that programs such as the Heat and Humidity Program, Title IX reporting and other Board initiated directives are fully complied with by member schools as condition precedent to membership. In general it would result in very minimal change to the day to day operations of the school or the Association, but gives Bylaw support to many Board directives such as Title IX, Heat and Humidity, Wrestling Weight Management and other important programs that may be composed.*

### **Bylaw 17. Supplying Information and General Compliance**

A superintendent, principal, student, and/or Designated Representative shall, when requested, supply the Commissioner with such information as that person may be asked for related to the athletic program at a member school, bearing on the eligibility of contestants at the school. A failure to comply within a reasonable time may forfeit the schools membership in the Association, or the school may be penalized in accordance with approved Association penalty codes. Each member school shall annually certify that they will comply with any and all of the rulings of the Commissioner, Assistant Commissioners, Hearing Officer and Board of Control as they relate to the athletic program at a member school. Such compliance shall include but not limited to student eligibility matters, Board policy directives related to health and safety of student athletes, and other programs as may be instituted by the convened Board of Control.

DRAFT

## PROPOSAL

### Proposed by the KHSAA Board of Control.

*Rationale - This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990's. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The maximum number of games played would continue to be 36, and could be accomplished by playing four games in each of two tournaments, and then 28 other games. It is hoped that this wording, restoring the counting to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.*

### Bylaw 25. Limitation of Seasons

#### Sec. 2) Sports Specific Limitations - Baseball - Boys

- 4) A maximum of thirty (30) games may be played prior to the beginning of KHSAA state championship tournament competition (district). Doubleheaders shall be counted as two (2) games each against the limit of thirty (30) games. Any two tournaments played during the regular season may be counted as one game per tournament against the limit of thirty (30) provided that neither tournament necessitates the team playing more than four (4) games. Any game played over the limit of four in any one tournament shall be counted against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.

DRAFT

## PROPOSAL

**Proposed by Jim McKee, Designated Representative,  
Scott County High School; Greg Scholl, Designated  
Representative, Southwestern High School**

*Rationale - With the movement of the State Basketball Tournaments beginning in 2008, spring football practice will be held during an even more volatile weather time and perhaps, leave schools more vulnerable to injury of the participants. In addition, the current schedule often finds schools with coaching vacancies, and/or helmets that have not been returned from reconditioners in time for the start of practice. And admittedly, schools who have successful basketball programs have had an advantage under the current rules and this rule should promote equity among programs, not further division. This change would codify that among six available weeks, all schools shall select two weeks that work the best within the school calendar of that particular school, and that those ten days must conclude at least one week prior to the postseason beginning in spring sports. This will minimize choices that need to be made by students and ensure that they have a chance to participate in multiple sports. In addition, the change would place within the body of the rule, many of the Board of Control restrictions on spring practice to ensure that they are consistently applied.*

### Sec. 5] Sports Specific Limitations - **Football - Boys**

8) Each football school may conduct ten (10) practice periods of not more than two (2) hours in length and not more than one practice per day over ten (10) days during the period beginning with the Monday of National Federation week 38 and concluding with the Friday of National Federation week 45 three calendar school weeks following the school's elimination from post-season play in basketball. All equipment authorized by the football playing rules may be used during this period. There can be no inter-school competition during this period, and all participants must be eligible according to all KHSAA eligibility rules. Each school shall select a three school calendar week window from which its ten (10) practices are to be selected, and shall confirm within one week the completion of its tenth practice, the exact days during which practice was conducted. All activity conducted, whether or not it involves football gear or contact, shall count toward the limitations. No student below grade nine may participate and no seniors may participate. Intrasquad games may be held but must be counted as one of the ten practice sessions. There can be no school or coach imposed penalty for any player who chooses not to participate. There may be no required participation by any person on a spring sports eligibility list or any other person not appearing on a spring sports eligibility list.

DRAFT

## PROPOSAL

### Proposed by the KHSAA Board of Control.

*Rationale - This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990's. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The maximum number of games played would continue to be 36, and could be accomplished by playing four games in each of two tournaments, and then 28 other games. It is hoped that this wording, restoring the counting to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.*

#### **Bylaw 25. Limitation of Seasons**

##### **Sec. 8) Sports Specific Limitations - Softball - Girls (Fast Pitch)**

4) A maximum of thirty (30) games may be played. Doubleheaders shall be counted as two games against the limit of thirty (30) games. Any two tournaments played during the regular season may be counted as one game per tournament against the limit of thirty (30) provided that neither tournament necessitates the team playing more than four (4) games. Any game played over the limit of four in any one tournament shall be counted against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.

##### **Sec. 9) Sports Specific Limitations - Softball - Girls (Slow Pitch)**

4) A maximum of thirty (30) games may be played. Doubleheaders shall be counted as two games against the limit of thirty (30) games. Any two tournaments played during the regular season may be counted as one game per tournament against the limit of thirty (30) provided that neither tournament necessitates the team playing more than four (4) games. Any game played over the limit of four in any one tournament shall be counted against the limit of thirty (30) games. A maximum of three (3) tournaments may be included in any manner other than counting each game played against the limit of thirty (30) games. Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of thirty (30) games. All other formats of tournaments are eligible to be counted as two games against the limit of thirty (30) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of thirty (30) games.

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## PROPOSAL

**Proposed by Gale Travis, Designated Representative,  
Madisonville North Hopkins High School.**

*Rationale - Several years ago, the KHSAA Annual Meeting adopted a Limitation of Seasons that included Indoor Track. In the time since then, many schools have added indoor track and yet do not have a facility near the school to participate in indoor competition. In many cases, these teams have not been able to find participation opportunities. This would basically unify the seasons, and allow for scheduling flexibility while not increasing the number of competition opportunities available. This proposal comes from the Track and Cross Country Advisory Committee.*

### **Sec. 12] Sports Specific Limitations - Indoor and Outdoor Track - Boys and Girls**

- 1] Following the opening day of school, there shall be no organized practice prior to December 1.
- 2] There shall be no more than two (2) outdoor practice meets held by each team and such shall be held on or before the Monday of NFHS calendar week 38 prior to the first regular season outdoor meet of that year.
- 3] The first meet (indoor or outdoor) shall not take place before the Monday of NFHS Calendar Week 28. ~~outdoor meet shall not take place before the Monday following the conclusion of the second state basketball tournament of that year.~~
- 4] ~~The first indoor meet shall not take place prior to January 1. The last indoor meet must be held on or before the second Saturday in March. All indoor meets must be properly sanctioned.~~
- 5] ~~The indoor season shall consist of a maximum of four (4) meets (not including the Mason-Dixon games). No indoor meet shall count against the limit of outdoor meets.~~
- 46] The track season shall consist of a maximum of nineteen (19) meets. All meets, regardless of format or of being indoor or outdoor meets, shall count against the limit of meets. The track season shall consist of ~~The outdoor season shall consist of a maximum of fifteen (15) meets. No outdoor meet shall count against the limit of indoor meets.~~
- 57] The opportunity to participate in regular season outdoor contests season ends at all levels of play (grades 9-12) on the day prior to the first day for varsity level competition in KHSAA sanctioned post-season events, with the exception that the varsity team may practice and play through its elimination from KHSAA sanctioned tournament play. Following elimination, there shall be no further practice or play during the remainder of the academic school year.

DRAFT

## PROPOSAL

### Proposed by the KHSAA Board of Control.

*Rationale - This change will clarify the original intent of the Limitation, which was to restrict the cheerleading insurance coverage only to competitions and practices that adhere to the NFHS Stunt Limitations.*

#### Bylaw 25. Limitation of Seasons

##### Sec. 15] Specific Limitations - Other Sport Activities - **Cheerleading (Spirit)**

- 1) The first organized practice shall not take place prior to July 15.
- 2) Cheerleaders are limited to a maximum of three competitions during the school year, not including in-game competitions, that each are sponsored by an organization that adheres to and enforces the Stunt Limitations of the National Federation Spirit Guide. This does not include in-game competitions. The KAPOW Sweet Sixteen® and KAPOW At-Large Competitions held in conjunction with the KHSAA district, region and state basketball tournaments shall not count toward the three-competition limit. Any preliminary competitions that progress to a district, region, state and/or national level will be considered as one competition.
- 3) The opportunity to cheer or enter cheerleading contests ends at all levels [grades 9-12] for that academic year on or before April 1. After April 1, schools are permitted to designate a single two-week tryout period following which there shall be no further practice or competition until the end of the academic school year.

DRAFT

## PROPOSAL

### Proposed by the KHSAA Board of Control

*Rationale - This change would clarify the role of the KHSAA in schools making decisions about coach hirings. The KHSAA can set baseline qualifications for coaches in conjunction with the Kentucky Department of Education, and should certainly set requirements once hired, for working with the program. However, the KHSAA role in the hiring process should probably defer to the local control of the school and school system within applicable law. The previous provisions pre-date KERA and the School Based Decision Making policies and regulations. To eliminate conflict and to keep the Association out of issues in which it should not be involved, this rule should be revised. The KHSAA should not be issuing directives to Superintendents regarding the hiring of coaches when such is solely the purview of the school Superintendent.*

### Bylaw 27. Requirement for Coaches and Others Working With High School Teams

#### Sec. 1) Definitions

##### a) Level 1 Coaches

- i) ~~The local school district superintendent shall categorize an individual seeking a coaching position shall be categorized as Level 1 if such individual meets the following criteria prior to assignment to coaching duties:~~
- ii) ~~A certified teacher and member of the regular school system faculty, employed a minimum of three (3) regular periods for teaching classes, including physical education; for supervision of study halls; and/or exercising responsibilities in other activity assignments within the school schedule.~~

#### Sec. 2) Hiring and Employment Requirements

##### a) Required Level

Level 1 or 2 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading).

##### b) Member School Obligations in Hiring

- i) The Superintendent shall ensure that all assignments for coaching duties comply with all applicable state and local policies.
- ii) The hiring process shall ensure that in considering those individuals seeking coaching duties, the most qualified individual shall be assigned. In considering qualifications, the qualifications desired for the position, the references, interviews and experience of those seeking the duties, and the education background shall be considered.

##### c) Compensation

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.

##### a) Level 4

~~Level 4 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading). All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired as Level 4 coaches.~~

##### b) Level 2

- i) ~~In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading), the Superintendent of the local school district may declare the need for assignment of a Level 2 coach. The Superintendent shall provide a list of qualified candidates to the Principal, who will consult the School Based Council prior to making selection, and the superintendent will complete the final assignment process.~~
- ii) ~~Before assigning Level 2 individuals to coaching duties (head and assistant), the Superintendent shall declare, after reasonable notice of a relevant position that no qualified Level 4 individual has applied for the position. Coaching positions shall be filled by the best qualified person available, giving preference to the factors of academic preparation and teacher certification, prior teaching experience or related educational work, and personal attributes compatible with the demands of the position;~~
- iii) ~~All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired as Level 4 coaches.~~
- iv) ~~In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading) with a Level 4 or Level 2 individual,~~

~~the member school may request through the Superintendent that the KHSAA allow for a one-time waiver of this rule in order that the additional time be available to find an applicant meeting the criteria.~~

#### Sec. 3) Duties and Responsibilities

##### a) Jurisdiction

~~All Level 1 and 2 individuals assigned duties as coaches (head and assistant) at all levels (grades 9-12) are under the jurisdiction of the member school principal, and shall act in accordance with his/her directives. The member school principal shall correctly implement site Based Decision Making policies relative to this area.~~

##### b) Compensation

~~Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.~~

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## PROPOSAL

### Proposed by the KHSAA Board of Control.

*Rationale - This change would ensure that in a sport which emphasizes risk minimization and liability prevention as much as swimming, that a properly licensed and trained official would be at each contest.*

### **Jylaw 29. Officials Division of the Association**

#### Sec. 1] Officials Who Must License:

Any person who officiates in baseball, basketball, football, soccer, softball (slow and fast pitch), swimming, volleyball and wrestling in grades 9 through 12 between member schools of the Association must be licensed by the Commissioner and must carry an official card indicating such licensure. All officials in baseball, basketball, football and softball are required to join a local officials association as described in the KHSAA Officials' Guidebook.

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## PROPOSAL

### Proposed by Phil Rison, Designated Representative, Montgomery County High School.

*Rationale - This school does not agree with any fines to coaches. We believe it is wrong to assess a fine to a coach, who is most probably underpaid in the first place. In the case of Bylaw 11, the coach is already required to sit out a game for an ejection for unsportsmanlike conduct and to me the assessment of a fine is double jeopardy. Neither I nor my school have issues with fines being assessed for schools who do not meet timelines, perform procedural duties, or for the Association seeking restitutionary damages for rules violations where the school dues and other funds are used for investigation or legal defense of the rules promulgated by the schools and otherwise detailed in this schedule. But I have an issue with coaches being assessed a fine and an issue with fines being used for basic rules compliance. For that reason, this amendment also strengthens and reiterates the Commissioner, Hearing Officer and Board of Control's ability to suspend offenders from scrimmage and game competition, which in reality, is the most effective punishment in interscholastic athletics. Competition is what both athletes and coaches work toward, suspension from that is an effective rules deterrent, and eliminates the perception that some individuals will simply "buy their way" out of violations. If passed, it is hoped that the Board of Control will look long and hard at revising the fine schedule to adhere to this philosophy.*

### Bylaw 33. Imposition of Penalties

When Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual by the Commissioner's office, the KHSAA Hearing Officer and/or the Board of Control. Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

For violation of any rule or regulation by any member school or school designated staff, student-athlete, official, or other representative, such penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is called for, such disciplinary action, including warning, reprimand, probation, suspension, and/or payment of a fine may be imposed by the Commissioner's office or Board of Control.

1) FINE - A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the school and may only be levied against a member school. The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook. The fine schedule shall also include any amounts paid by the Association and/or received by the school as a result of postseason competition. A fine may not be levied against any individual within the interscholastic athletic program but may only be levied against the member school and only for selected violations as determined by the Board of Control.

2) FORFEIT - The forfeit of contests/meets may be included in penalties assessed for violation of Association rules.

3) WARNING - A warning is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that such action must not be repeated.

4) LETTER OF REPRIMAND - A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable. The action is a matter of record, and warnings that repeat actions of this type will be cause for further penalty.

5) PROBATION - Probation is a more severe penalty and may be described in the following manner. Normally, an individual or a school on probation is on conditional Association membership, but may engage in their/its regular schedule, sanctioned events, and district, regional and state championships. This is provided that the individual and/or school has taken steps to insure the problem which placed the individual, sport or school on probation has taken steps to alleviate the problem which caused the probation. Additionally, a school on probation may be restricted to limits on contests/scrimmages as may be deemed appropriate.

6) SUSPENSION - An individual participant, coach, specific sport or school may be suspended from competition or from scrimmage participation. This penalty may range from the elimination of individual and/or team[s] participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association. Individuals and/or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.

7) RESTITUTION - A fine may be levied equal to the amount of itemized legal fees expended by the Association in defense of its rules in a court of law in cases where a school or school system is directly or indirectly involved in the legal challenge of an association rule which has passed via the proper Constitutional process and in which case, the Association prevails in court. If the Association, its Commissioner, or other persons associated or employed by the Association are named as a party, or if the Association intervenes in any action to enforce a ruling, bylaw or other provision, it shall be presumed that the school where the student attends or the coach or such other person is employed or is otherwise associated or connected, is involved in the legal challenge. The presumption of involvement may be rebutted by clear and convincing evidence. Such involvement includes but is not limited to, providing testimony, staff, staff legal counsel and/or funds for such counsel, or direct filings by or on behalf of the school or school system.

If the Association conducts an investigation regarding any player, coach, assistant coach, paraprofessional, booster, supporter or other person associated with a team, program or member school, and the investigation results in any penalty being imposed by the Association, the school may be required to pay all costs of such investigation. Such costs may include, but are not limited to, the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.

8) PERMANENT SUSPENSION - Any coach, participant or other school representative may be permanently suspended from involvement in interscholastic athletics in this state if found by competent and conclusive evidence to be guilty of assaulting a sports official.

9) REDISTRIBUTION - If a school is found to have used an ineligible competitor and as an extension to the fine penalty listed above, the Commissioner may direct that a portion or all of the net proceeds received from a postseason contest or tournament be returned to the host and/or redistributed to the other contest or tournament participants.

10) VACATE / STRIKE - If a school is found to have used an ineligible competitor, the Commissioner may direct that 1) Individual records and performances be vacated or stricken; 2) Team records and performances including place finishes be vacated or stricken; and/or 3) Individual or team awards be returned to the Association.

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## **PROPOSAL**

### **Proposed by the KHSAA Board of Control**

*Rationale - This revision would state that the full Board of Control would only be required to conduct four regular meetings per year. In this manner, smaller groups of Board members may meet for committees, etc. and not force the expense of a full Board meeting more than is necessary to fulfill the Board's functions.*

## **ARTICLE IV**

### **ADMINISTRATION AND LEGISLATION**

#### **Section 3. Duties of Officers**

##### **D) BOARD OF CONTROL**

The Board of Control shall:

- 7) Hold a minimum of four (4) ~~six (6)~~ regular meetings.

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## **PROPOSAL**

### **Proposed by the KHSAA Board of Control**

*Rationale – This revision would move the deadline date for proposals back to May 1 of the year that the change is to be considered. In this manner, changes can be discussed and debated among all KHSAA constituencies, impact analysis can be performed and reviewed, and input can be gathered from all KHSAA Constituencies. This will ensure that changes to the foundation documents of the Association, the Constitution and the Bylaws, are well thought out, discussed and that those approved truly represent the best interests of the membership.*

## **ARTICLE IX**

### **AMENDMENTS**

#### **Section 1. Deadline for Filing**

On or before May 1 preceding the convening of the Annual Meeting ~~September 4<sup>th</sup>~~ of each year, a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution and/or Bylaws. 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. 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. ~~No Except by two-thirds vote of the DELEGATES answering the roll, no proposals other than these may be considered at the ANNUAL MEETING.~~

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## **PROPOSAL**

**Proposed by Arthur Ballard, Designated Representative,  
Estill County High School.**

*Rationale - This proposal ensures open communication of the business of the Board of Control with the member schools and accountability for the Board's action.*

## **ARTICLE IV**

### **ADMINISTRATION AND LEGISLATION**

#### **Section 3. Duties of Officers**

##### **D) BOARD OF CONTROL**

The Board of Control shall:

- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum. The Board of Control agenda shall be published online not less than five (5) business days before the date of the meeting. The minutes of all meetings of the Board of Control shall be published online not later than five (5) working days following the meeting. The minutes shall be detailed in nature including a summary of how each member of the Board voted on each issue.

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## PROPOSAL

### Proposed by Ron Madrick, Designated Representative, Holmes High School

*Rationale - There is a need for representation of all regions every year. While the current Board has made all efforts to be truly representative, the current system leaves long amounts of time between an official representative being able to be elected from every region. With the passage of this proposal, every region would be represented, and in addition, the number of designated representatives (females and African Americans) would be doubled, thereby complying with the Court Decree of 1971. The other represented groups placed on the Board of Control were placed by regulatory authorities and those authorities, not the body of delegates, should decide if additional representation is needed for those groups. While there are added expenses, there are other ways to address the cost issue including the timing and frequency of meetings, and other containment measures. This proposal would also reduce the number of required Board meetings to four and the remainder of the meetings could effectively be held via committee system and small representative groups.*

#### B) BOARD OF CONTROL

##### 1) REPRESENTATION

- a) Sixteen [16] ~~Eight (8)~~ Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each region section to serve as REGIONAL SECTIONAL Board of Control members. A REGION is defined SECTION is defined as the combination of two (2) contiguous regions as defined by the KHSAA alignment in basketball. (Basketball Regions 1 and 2 (S. 1), 3 and 4 (S. 2), 5 and 6 (S. 3), 7 and 8 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8)) Terms of these REGIONAL SECTIONAL Board of Control members shall be staggered so that four (4) ~~two (2)~~ are elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- b) Two One African-Americans shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and two one African-Americans shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. Two One females shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and two one females shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. Terms of the DESIGNATED members shall be staggered so that one African American and one female are ~~is~~ elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation.
- c) Two One persons shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1, D1 or F1 schools) member schools of the Association, and Two One persons shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-public (not classification A1, D1 or F1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control. Initially, one non-public school representative shall serve a three-year term, and one shall serve a five-year term. Terms of the DESIGNATED members shall be staggered so that one of the DESIGNATED representatives required to be from the non-public member schools is elected each year. Initial terms for the newly elected members not currently serving on the Board of Control shall be drawn by lot to develop the proper rotation. Following initial election, 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. Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.
- d) Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education. These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education. These appointees shall not be an employee of any member school or its central administration, or the administration of

the Kentucky Department of Education. At least one of these appointees shall be an African-American and one shall be a female. Terms of the at-large members shall be staggered so that one is appointed each year.

##### 2) TERM IN OFFICE

- a) 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.
- b) No member is eligible to serve more than two (2) consecutive complete four-year terms with no further limits as to lifetime eligibility.
- c) ~~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. If a SECTIONAL representative moves to a different region following his/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.~~

##### 3) ELIGIBILITY

- a) To be eligible for membership as a REGIONAL SECTIONAL or DESIGNATED representative on the Board of Control, one must 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. He/she must be employed in the region (regions in the case of DESIGNATED REPRESENTATIVES) section he/she is to represent, and must remain employed in that region (regions in the case of DESIGNATED REPRESENTATIVES) section during his/her tenure of office. Serving in a part-time capacity (less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System) or on leave of absence (exclusive of employee earned sick leave) will terminate the eligibility of the member. ~~He/she shall not be eligible after serving two (2) consecutive four-year terms.~~
- b) If a vacancy occurs with less than one year remaining of the term in office, the Board of Control shall fill the vacancy for the remainder of the term. 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/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.

DRAFT



# JESSAMINE COUNTY SCHOOLS

871 Wilmore Road • Nicholasville, KY 40356 • (859) 885-4179  
FAX • Superintendent's Office (859) 887-4811 FAX • Business Office (859) 885-4204  
FAX • Personnel/Health/Food Service Offices (859) 885-5709  
<http://www.jessamine.k12.ky.us>

February 17, 2006

Mr. Richard Hamlin  
122 Vincewood Dr.  
Nicholasville, KY 40356

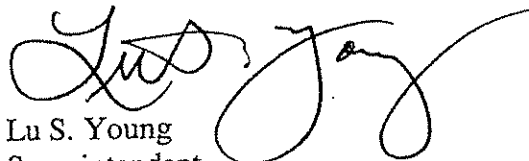
Dear Mr. Hamlin,

I received a copy of the February 14, 2006 letter to you from Michael Dailey, Director of the Division of Educator Quality and Diversity, Office of Leadership and School Improvement. The letter was in response to your concern about a student and his athletic participation and residency in Jessamine County. As noted, Mr. Dailey has determined that the student in question is permitted to participate in athletics in Jessamine County based on KHSAA bylaws. Mr. Larry Boucher of the KHSAA has given me the same response.

That leaves the issue of student residency. Based on your earlier communication with me, we have already conducted and concluded an investigation into the residency of the student. The student in question is permitted to attend Jessamine County Schools based on Board policy and procedures.

I hope you will stay in touch with me in the future if you have concerns about other issues.

Sincerely,



Lu S. Young  
Superintendent

cc: Michael Dailey  
Stu Silberman  
Virginia Simpson  
Janet Granada  
Karl Smith



EDUCATION CABINET  
DEPARTMENT OF EDUCATION

Ernie Fletcher  
Governor

Capital Plaza Tower  
500 Mero Street  
Frankfort, Kentucky 40601  
Phone (502) 564-4770  
[www.education.ky.gov](http://www.education.ky.gov)

Gene Wilhoi  
Commissioner of Education

February 14, 2006

Mr. Richard Hamlin  
122 Vincewood Drive  
Nicholasville, Kentucky 40356

Dear Mr. Hamlin:

Thank you for bringing this matter to our attention. The Kentucky High School Athletics Association (KHSAA), specifically in their bylaws, governs the determination of athletic eligibility. Student residential determinations are monitored by local school districts. As you mentioned in your letter, if the parent or guardian of a student desires to have their children attend a school in a district where they have not established a residence, an agreement to that effect between the attending and residential districts as outlined in KRS 157.350 (4) is necessary.

While a parent may file a petition with the Court for educational guardianship by someone in the other district, the student must reside with that guardian in order to be able to attend school outside the district of the parents' residence. (The guardianship also should address who signs in the event of a medical emergency.) Athletic eligibility, however, is governed by Bylaw 6, which generally does not recognize educational guardianships. See Section 1. You may view the Bylaw on-line at [www.khsaa.org](http://www.khsaa.org), KHSAA Handbook.

I have shared this information with KHSAA staff and our legal office. According to the information obtained, the young man in question has not established athletic eligibility in the Fayette County School System. His participation in athletics in Jessamine County is permitted based on current KHSAA bylaws. The issue of student residency is not investigated by KHSAA unless the student had established eligibility in his residential district. The attending and residential districts will be contacted so they may act on the findings you cited.

Thank you again for expressing your concerns regarding the fair and equitable practices in our athletics program. We appreciate the opportunity to serve and support our education community.

Sincerely,

Michael Dailey, Director  
Division of Educator Quality and Diversity  
Office of Leadership and School Improvement

MD:vb

C: Stu Silberman  
Lu S. Young

*Kentucky*

Return-Path: <rmhaml@alltel.net>  
 From: "Richard & Marilyn Hamlin" <rmhaml@alltel.net>  
 To: <lboucher@khsaa.org>  
 Subject: RE: information  
 Date: Fri, 31 Mar 2006 19:11:53 -0500  
 Importance: Normal

Larry, thank you for your response, I had hoped that the information that I had sent, including the DVD tape, e-mail from the superintendent of the Fayette County Schools per 157.350 and Kentucky Medicaid information would have been of sufficient assistance. If [REDACTED] mother has custody of him and lives in Lexington, I don't understand how he can be legally enrolled in the Jessamine County Schools. Bylaw 6. Transfer Rule, (c) states that the KHSAA does not recognize guardianship. Have you requested from the Jessamine County superintendent if this is the way that [REDACTED] is enrolled in the Jessamine County Schools? I would think that you should have access to this information. Has the superintendent advised you that [REDACTED] is living at [REDACTED] in Nicholasville? If so, this is where [REDACTED] is supposed to live. There is no relation between the two. Since the car is registered to [REDACTED] with a Lexington address, is this the address where both live?

Larry, in my letter of March 6, 2006, to Commissioner DeVries, I asked to be placed on the agenda of the Kentucky High School Athletic Association Board of Control. According to Ken Cox, this was possible. Please advise me when I may address this body.

Thank you,

Richard Hamlin

-----Original Message-----

**From:** Larry Boucher [mailto:lboucher@khsaa.org]  
**Sent:** Friday, March 31, 2006 10:53 AM  
**To:** Richard & Marilyn Hamlin  
**Subject:** re: information

I have spoken to Supereminent Lu Young about this student.... [REDACTED] Superintendent Young assures me that this student is legally and procedurally properly enrolled in the Jessamine County School System. I am informed that he is on whatever appropriate forms he must be on to assure his proper enrollment.

As a matter of practice, we take the word of Superintendents regarding issues such as these. If you are questioning the truthfulness of testimony in this issue it seems to me this matter could best be left between the Fayette County and Jessamine County Superintendents as to the authenticity of such documents. I would suspect those documents could be produced for you should you request them?

I will investigate further the issue of the car, which on the surface would be a violation of KHSAA Bylaw 10 (Recruitment) in that an incentive is being offered to an athlete that is not being offered to all students. I have no idea if there is some existing relationship in this case that might legitimize the use of this car, but I ma going to inquire.

On Thursday, March 23, 2006 11:25 AM, Richard & Marilyn Hamlin wrote:

Earlier I forwarded information to your attention dated March 6, 2006, pertaining to a young man, [REDACTED]s, who lives in Lexington, and who plays basketball and baseball for East Jessamine High School.

Part of that information included a vehicle, a 1992 Toyota Camry, license # 185-MJD that [REDACTED] drives daily from Lexington and is provided by one of the assistant coaches, [REDACTED]. If it will be of any assistance, the East Jessamine student parking permit number assigned to that vehicle is, 0340.

I know that it takes time for these things to be investigated. However, If possible, I would like to be kept in the loop pertaining to this situation.

Thank you,

*Richard Hamlin*

**BYLAWS of the  
KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION**

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**Proposal - Proposed by the KHSAA Board of Control**

**Rationale** - This change would ensure that programs such as the Heat and Humidity Program, Title IX reporting and other Board initiated directives are fully complied with by member schools as condition precedent to membership. In general it would result in very minimal change to the day to day operations of the school or the Association, but gives Bylaw support to many Board directives such as Title IX, Heat and Humidity, Wrestling Weight Management and other important programs that may be composed.

**Bylaw 17. Supplying Information and General Compliance**

A superintendent, principal, student, and/or Designated Representative shall, when requested, supply the Commissioner with such information as that person may be asked for related to the athletic program at a member school, bearing on the eligibility of contestants at the school. A failure to comply within a reasonable time may forfeit the schools membership in the Association, or the school may be penalized in accordance with approved Association penalty codes. Each member school shall annually certify that they will comply with any and all of the rulings of the Commissioner, Assistant Commissioners, Hearing Officer and Board of Control as they relate to the athletic program at a member school. Such compliance shall include but not limited to student eligibility matters, Board policy directives related to health and safety of student athletes, and other programs as may be instituted by the convened Board of Control.

# BYLAWS of the KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

## **Proposal - Proposed by the KHSAA Board of Control**

**Rationale** - This change would clarify the role of the KHSAA in schools making decisions about coach hirings. The KHSAA can set baseline qualifications for coaches in conjunction with the Kentucky Department of Education, and should certainly set requirements once hired, for working with the program. However, the KHSAA role in the hiring process should probably defer to the local control of the school and school system within applicable law. The previous provisions pre-date KERA and the School Based Decision Making policies and regulations. To eliminate conflict and to keep the Association out of issues in which it should not be involved, this rule should be revised. The KHSAA should not be issuing directives to Superintendents regarding the hiring of coaches when such is solely the purview of the school Superintendent.

## **Bylaw 27. Requirement for Coaches and Others Working With High School Teams**

### **Sec. 1) Definitions**

#### **a) Level 1 Coaches**

- i) ~~The local school district superintendent shall categorize.~~ An individual seeking a coaching position shall be categorized as Level 1 if such individual meets the following criteria prior to assignment to coaching duties:
  - ii) A certified teacher and member of the regular school system faculty, employed a minimum of three (3) regular periods for teaching classes, including physical education; for supervision of study halls; and/or exercising responsibilities in other activity assignments within the school schedule.

#### **b) Level 2 Coaches**

- i) An individual seeking a coaching position shall be categorized as Level 2 if such individual meets the following criteria prior to assignment to coaching duties by the local school district superintendent and does not meet the qualifications of Level 1:
  - 1) Shall be 21 years of age.
  - 2) Shall not be a violent offender or convicted of a sex crime as defined by KRS 17.165 that is classified as a felony.
  - 3) Shall submit to a criminal record check under KRS 160.380.
  - 4) Shall have graduated from a public or accredited high school and hold a provisional or standard teaching certificate or having completed sixty-four semester hours of college credit from an accredited college or university as documented by an official transcript or be a graduate from a public or accredited high school and be in compliance with the local district standards for serving as an approved substitute teacher as approved by the Education Professional Standards Board.
  - 5) Prior to assuming duties, Level 2 coaches shall successfully complete training provided by the local school district. The training shall include, but not be limited to, information on the physical and emotional development of students of the age with whom the Level II coach will be working, the district's and school's discipline policies, procedures for dealing with discipline problems, and safety and first aid training. Follow up training

shall be provided annually.

#### **c) Head Coach**

As referred in this regulation, the head coach shall be the head varsity coach designated by the school and/or Board of Education unless otherwise noted in the bylaw.

### **Sec. 2) Hiring and Employment Requirements**

#### **a) Required Level**

Level 1 or 2 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading).

#### **b) Member School Obligations in Hiring**

- i) The Superintendent shall ensure that all assignments for coaching duties comply with all applicable state and local policies.
- ii) The hiring process shall ensure that in considering those individuals seeking coaching duties, the most qualified individual shall be assigned. In considering qualifications, the qualifications desired for the position, the references, interviews and experience of those seeking the duties, and the education background shall be considered.

#### **c) Compensation**

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.

#### **a) Level 1**

~~Level 1 individuals (head and assistant) may be assigned as the head or assistant coach in any sport or sport activity (including cheerleading). All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired as Level 1 coaches.~~

#### **b) Level 2**

~~i) In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading), the Superintendent of the local school district may declare the need for assignment of a Level 2 coach. The Superintendent shall provide a list of qualified candidates to the Principal, who will consult the School Based Council prior to making selection, and the superintendent will complete the final assignment process.~~

~~ii) Before assigning Level 2 individuals to coaching duties (head and assistant), the Superintendent shall declare, after reasonable notice of a relevant position that no qualified Level 1 individual has applied for the position. Coaching positions shall be filled by the best qualified person available, giving preference to the factors of academic preparation and teacher certification, prior teaching experience or related educational work, and personal attributes compatible with the demands of the position;~~

~~iii) All Level 2 individuals assigned to coaching duties (head and assistant) shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching~~

## BYLAWS of the KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

counterparts hired as Level 1 coaches.

- iv) In the event that the member school is unable to staff head or assistant coaching positions in any sport or sport activity (including cheerleading) with a Level 1 or Level 2 individual, the member school may request through the Superintendent that the KHSAA allow for a one-time waiver of this rule in order that the additional time be available to find an applicant meeting the criteria.

### Sec. 33) Duties and Responsibilities

#### a) Jurisdiction

All Level 1 and 2 individuals assigned duties as coaches (head and assistant) at all levels (grades 9-12) are under the jurisdiction of the member school principal, and shall act in accordance with his/her directives. The member school principal shall correctly implement site Based Decision Making policies relative to this area.

#### b) Compensation

Any person assigned to coaching duties at any level (grades 9-12) shall be duly employed through the respective board of education and the entire coaching salary shall be paid through such board in accordance with local Board of Education policy.

### Sec. 34) Post Hire Requirements and Requirements for Continuing Coaching Duties

#### a) C.P.R.

All coaches (head and assistant) at any level in all sanctioned sports and sport activities (including cheerleading) shall provide documentation of successful completion of a C.P.R. course, as approved by a college or University, the American Red Cross, American Heart Association or other bona fide accrediting agency, and such shall be timely and appropriately updated as required by the approving agency.

#### b) Kentucky Coaches Education Program

i) The Kentucky Coaches Education Program has been approved as the coaching education program in Kentucky. Such program shall include an eight-hour course of study to include a KHSAA approved Coaches Education Program, KHSAA rules information and local district policies. All course requirements for certification in the coaching education program, including completion of the exam to be graded and registered with the Kentucky Coaches Education Program, shall be completed prior to the start of the competitive season. The cost of attending the KHSAA Kentucky Coaches Education Program will be the responsibility of the individual coach(es). Local school districts or local schools may, upon successful completion of all coaching education requirements including all examinations, reimburse the coaches for the expense of attending the course.

ii) Level 1 individuals assigned to duties as a coach (head and/or assistant), who are hired as a member of the school system faculty for the first time following the 1995-96 school year shall take and complete all requirements for the Kentucky Coaches Education Program as detailed in Section b(1) above within one year of the initial assignment

to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.

iii) Level 2 individuals assigned to duties as a coach (head and/or assistant) shall take and complete all requirements for the Kentucky Coaches Education Program as detailed in Section b(1) above within one year of the initial assignment to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.

#### c) Medical Symposium

i) All persons employed as head coaches in all sanctioned sports and sport activities (including cheerleading) shall attend every two years, a Sports Medicine Symposium sanctioned by the KHSAA, approved and conducted by the Kentucky Medical Association.

ii) All member schools of the KHSAA shall pay the necessary expenses of coaches for the required attendance at the sanctioned Sports Medicine Symposium.

iii) The penalty for noncompliance with this section may be 1) Suspension from coaching duties in all contests for a period not to exceed one year; 2) Suspension from coaching duties in KHSAA sanctioned postseason play for a period not to exceed one year; or 3) any penalty otherwise included in Bylaw 33.

#### d) KHSAA Rules Clinic

i) All head varsity coaches shall annually attend at least one rules interpretation clinic conducted by representatives of the KHSAA in the sport in which they coach and the school desires to enter a team in postseason play, provided such clinics are conducted under the authorization of the Commissioner.

ii) The penalty for noncompliance with this section may be 1) Suspension from coaching duties in all contests for a period not to exceed one year; 2) Suspension from coaching duties in KHSAA sanctioned postseason play for a period not to exceed one year; or 3) any penalty otherwise included in Bylaw 33.

**DRAFT**

## **Rules of Order – 2005 KHSAA Annual Business Meeting**

### **1) Basic Assembly Procedures and Provisions**

- a) The meeting shall be conducted in accordance with Robert's Rules of Order, as amended and adopted by the delegates. The Association operates as a "Convention" as detailed in Robert's Rules of Order, with the exception being that each of the members are solely representing the member school from which they were designated, and they represent no other school. Therefore, in determining certain parliamentary rules of order, there is no constituency for the delegate.
- b) The President of the Board of Control shall serve as the Presiding Officer for the Annual Meeting.
- c) The Presiding Officer will designate a parliamentarian who, along with legal counsel, shall assist the Presiding Officer on matters of procedure.
- d) The Presiding Officer will designate KHSAA staff to confirm the count of delegates, and announce the vote necessary to amend the Constitution and/or Bylaws.

### **2) Identification of Speakers**

- a) All speakers should rise and address the chair.
- b) All speakers shall identify the name of the individual and the school/organization being represented.

### **3) Who May Speak**

- a) Any delegate may rise to address the meeting after being recognized by the chair.
- b) Any KHSAA executive staff member, Board of Control member and KHSAA legal counsel may rise to address the meeting after being recognized by the chair. KHSAA executive staff, Board of Control members and legal counsel are members of the Annual Meeting with voice but without vote on all issues unless serving as the duly appointed delegate, in which case said individual shall have voting privileges.
- c) Other individuals who are not delegates may address the meeting on an issue only if requested by a delegate, and if such delegate properly yields the floor.

### **4) Consideration of Proposals**

- a) Prior to consideration by the body, the primary author of a proposal may voluntarily amend the proposal in whole or part, or may withdraw the proposal entirely.
- b) Once called for consideration, all proposals need a motion and second from a voting representative in order to be adopted. Motion should state the following or similar language -  
- "John Doe, Anywhere High School, I move

*the adoption of the proposal as submitted", or "move the adoption of the proposal as amended."*

- c) As this is an annual meeting, a *Motion to Lay on the Table* is not in order.
- d) A proposal failing to receive a motion and/or a second within the specified time by the Chair, dies for lack of such.

### **5) Conduct of Voting**

- a) At the beginning of the business session, the Presiding Officer shall ensure that an accurate count of members is available.
- b) The total number answering the roll shall establish the number present and voting.
- c) Any member arriving after the start of the business session may participate in discussion, but may not vote on a matter before the assembly.
- d) The Presiding Officer shall announce at the beginning of consideration of any proposal the requisite number for approval.
- e) A proposal must receive a two-thirds affirmative vote of those delegates answering the roll in order to be adopted.
- f) The vote of any member abstaining is considered to have voted with the prevailing side, however, that vote may not be used in calculating the necessary majority needed for passage and shall not be part of any recorded vote.
- g) Any member abstaining, absent or leaving the meeting is considered to have cast a vote and such will be recorded as an abstention. For the permanent record, any amount not being attributable to the affirmative or negative vote shall be recorded as "present".

### **6) Special Orders of the Day**

- a) The agenda mailed previously creates the items to be considered on the Orders of the Day.
- b) Any member may move for consideration of an additional item. The motion should state the following or similar language -- "*John Doe, Anywhere High School, I move to suspend the rules and amend the agenda for the consideration of a special order concerning (Constitution article, or Bylaw number)*".
- c) The motion for a special order of the day is not debatable, and cannot be reconsidered.
- d) The motion to suspend the rules would require a two-thirds vote.
- e) Such motion to suspend the orders must occur after the conclusion of the published Orders of the Day.

## ***Voting Procedures - KHSAA Annual Business Meeting***

1. Location and Preliminary Procedures.
  - a. All voting delegates should be seated in the center section of the hall, while all non-voting delegates shall be seated in the outer areas of the hall.
  - b. Delegates will be issued a redemption card and a school labeled paddle at morning session upon registration.
2. Use of the Ballot and Floor Voting Procedures
  - a. During the prescribed time on the agenda, prior to the start of the voting session, each delegate will return his/her ballot redemption card in exchange for an electronic scan ballot (s).
  - b. The scanned ballots are all identical, with no identifying mark or code. Staff will ensure through registration, that only valid voting delegates are issued ballots.
  - c. At time of receipt of ballot, delegate will also receive #2 pencil to use in the completion of the ballot.
  - d. Voting on the proposed amendments to the Bylaws and Constitution will be done by ballot, with a maximum of twelve issues voted per ballot. Each delegate has received 3 ballots for the Fall 2005 meeting. Issues 1-12 will be on the first ballot, the remainder of the bylaw issues will be on the second ballot, and issues dealing with the Constitution will be on the third ballot.
  - e. In completing a ballot, each delegate is to completely mark the box indicating the choice for each of the ballot issues. This voting can be done at the conclusion of each issue, or all issues on the ballot can be voted at once following consideration of the last issue.
  - f. Delegates are to make all marks dark, and to completely blacken the box indicating the choice on the issue.
- g. There will be no record, electronic or otherwise, of a school's vote on a specific issue on the ballot.
- h. Requests for amendments, procedural motions, and motions regarding Special Orders of the Day shall be taken by standing vote using the school labeled paddles or by voice vote.
- i. As this is a Convention, and each delegate represents only one school, there are no provisions for a roll call vote. To allow a roll call vote in this type of assembly would serve the sole purpose of identifying the specific vote of each member and is therefore out of order in accordance with Robert's Rules of Order.
3. Submission of Ballots
  - a. Ballots will be collected following the 12<sup>th</sup>, 24<sup>th</sup>, 36<sup>th</sup>, etc. issue discussion.
  - b. Upon completion of each ballot, the delegate will hold the ballot up, and KHSAA staff will relay the ballot to the scan machine.
  - c. No ballot may be submitted early.
  - d. The Bylaws issues and Constitution issues will be voted upon separately.
4. Results of Balloting
  - a. Following the completion of the tabulation of each ballot, the results of the ballot and all issues contained on the ballot will be announced.
  - b. Delegates may choose to wait for the final count on issues, or may choose to receive the results via the mail or web site distribution.
5. Emergency Procedures
  - a. If electronic problems develop, the school-labeled paddles shall be used for voting.
  - b. In this case, KHSAA staff, Board of Control representatives, and other designated delegates will assist in the hand tabulation of the ballots.

**DRAFT**

KHSAA SCHOOL FINES PENALTIES 2005-06 SCHOOL YEAR TO DATE

| School Name                | Bylaw | Date   | Explanation                                                                                 |
|----------------------------|-------|--------|---------------------------------------------------------------------------------------------|
| Allen County - Scottsville | 24    | Oct-00 | Nicholas Gallouras                                                                          |
| Apollo                     | 25    | Aug-06 | SO team on probation 2006-2007 season                                                       |
| Breathitt County           | 5     | Jul-06 | Grant Donna Holbrook 1 year waiver due to cancer                                            |
| Campbellsville             | 27    | Aug-06 | Medical symposium fine - \$125 Coach David Pettit                                           |
| Casey County               | 27    | Aug-06 | Grant waiver - VB Coach Angela McQueary                                                     |
| Clinton County             | 27    | Aug-06 | Grant waiver for VB Coach Pam Ostertag & BBK Coach Jacky Gibbons                            |
| Conner                     | 11    | Aug-06 | DQ SO Coach Jeff Timmers - \$50 fine                                                        |
| Dixie Heights              | 27    | Jul-06 | Waiver not granted - Michael O'Toole - under 21 years old                                   |
| Dixie Heights              | 27    | Aug-06 | Grant waiver - GSO Nikki Haaser                                                             |
| Eastern                    | 11    | Aug-06 | DQ SO Coach Matt Gillum - \$50 fine                                                         |
| John Hardin                | 27    | Aug-06 | Grant waiver - BSO Coach Gary Long                                                          |
| Letcher County Central     | 27    | Jul-06 | Grant GF coach Brett Richards 1 year waiver with stipulations (professional golf coach)     |
| Male                       | 26    | Jul-06 | SO camp violate BL26 - no penalty - request new policies & procedures                       |
| Male                       | 27    | Aug-06 | Medical symposium fine - \$125 - Coach Bob Redman                                           |
| Mason County               | 27    | Aug-06 | Grant waiver - FB Coach Tony Jackson                                                        |
| Muhlenberg South           | 27    | Jul-06 | Medical symposium fine - \$300 - Coaches Jerry Hancock, Terry Nofsinger & Denise Baker      |
| North Bullitt              | 27    | Aug-06 | Medical symposium fine - \$125 - Coach Brett Newton                                         |
| North Oldham               | 27    | Aug-06 | Grant waiver for FB Coaches Mark Bennett & Wilson Johnson                                   |
| Ohio County                | 27    | Jul-06 | Grant waiver for FB Coaches Mark Martin & Billy Garner                                      |
| Ohio County                | 27    | Jul-06 | Grant waiver for VB Coach Kevin Davis & GSO Coach Dewayne Henderson                         |
| Owensboro Catholic         | 5     | Aug-06 | Grant waiver to Johanna Day-home schooled                                                   |
| Pineville                  | 27    | Aug-06 | Medical symposium fine - \$250 - Coaches Rheagan Redmond & Liz Gilley                       |
| Pulaski County             | 11    | Aug-06 | DQ SO Coach Erik Johnson - \$50 fine                                                        |
| Reidland                   | 9     | Aug-06 | Ineligible SB player - forfeit 9 games                                                      |
| Seneca                     | 26    | Jul-06 | SB program-loss of one scrimmage for 2006-07 season                                         |
| South Floyd                | 27    | Aug-06 | Medical symposium fine - \$250 - Coach Keith Smallwood & AD Barry Hall                      |
| Spencer County             | 27    | Aug-06 | Grant waiver for VB Coach Angela Spence                                                     |
| Spencer County             | 27    | Aug-06 | Grant waiver for FB Coach Anthony Johnson                                                   |
| Spencer County             | 27    | Aug-06 | Grant waiver for GGF Coach Karen Ball                                                       |
| St. Francis                | 27    | Jul-06 | Medical symposium fine - \$250 - Coaches Yvette Smith & J.B. Clay                           |
| Trinity (Louisville)       | 11    | Aug-06 | DQ SO Coach Todd Abell - \$50 fine                                                          |
| University Heights         | 27    | Jul-06 | Grant 1 year waiver for SO coach Michael Parker                                             |
| Wolfe County               | 27    | Aug-06 | Medical symposium fine - \$350 - Coaches Chad Rudd, Kenny Bell, Robert Creech & Greg Potter |

School Law Year-in Review 2006  
presented by  
V. Wayne Young, Executive Director and General Counsel  
Kentucky Association of School Administrators  
July 2006

**I. Participation in Athletics: Angstadt v. Midd-West School District**

- A. Bressler v. Maryland Public Secondary Schools Athletic Association
- B. Jones v. West Virginia State Board of Education
- C. Reid v. Kenowa Hills Public Schools

**II. Employee Free Speech Issues: Cioffi v. Averill Park Central School District  
Garcetti v. Ceballos**

- A. Jackson v. Birmingham Board of Education
- B. Lee v. York County School Division
- C. Cole v. Maine School Administrative District No. 1
- D. Mayer v. Monroe County Community School

**III. Student Free Speech Issues: Frederick v. Morse**

- A. Pinard v. Clatskaine School District 6J
- B. Harper v. Poway Unified School District
- C. Nixon v. Northern Local School District Board of Education
- D. Morrison v. Board of Education of Boyd County
- E. Governor Wentworth Regional School District v. Hendrickson
- F. Layschock v. Hermitage School District

**IV. Search and Seizure: Phaneuf v. Fraikin**

- A. Shuman v. Penn Manor School District

**V. Students with Disabilities: Valentine v. Miami Township**

- A. Schaffer v. Weast
- B. Arlington Central School District Board of Education v. Murphy

## **VI. Miscellaneous Topics**

- A. Meeker v. Edmundson**
- B. School District of Pontiac v. Spellings**
- C. Rumsfeld v. Forum for Academic and Institutional Rights**
- D. Keisinger v. Mexico Academy and Central School**
- E. Skoros v. City of New York**

# **Participation In Athletics**



## Bressler v. Maryland Public Secondary Schools Athletic Association, No. 05-783 (D. Md. Sept. 7, 2005)

A federal district court in Maryland has dismissed a lawsuit brought by a private school coach and home-schooled students against the Maryland Public Secondary Schools Athletic Association (MPSSAA) over restrictions on home-schoolers participating in interscholastic athletics. In an unpublished opinion, the court granted MPSSAA's motion for summary judgment on the grounds that the plaintiffs' claims were "entirely without merit" in light of MPSSAA's adoption of rule changes that address the plaintiffs' constitutional concerns about fairness to home-schoolers "who are genuinely pursuing their education and who wish to participate in interscholastic athletic competition." In July 2005, MPSSAA adopted an 18-point guideline, called the Standards of Interscholastic Athletic Competition (SIAC), which sets out the conditions that non-member schools and athletes must meet in order to compete against MPSSAA member schools. The SIAC provides that such students must be recognized by their county as being home-schooled, and it must be verified that each student is in good academic standing as well as registered in a certified home-schooling program. Under the prior MPSSAA regulations, public school teams could only compete against other high school teams whose athletes were enrolled at the school and were of high school age.

**Bressler v. Maryland Public Secondary Schools Athletic Association**, No. 05-783 (D. Md. Sept. 7, 2005)  
[Link to full opinion]

**Washington Post**  
[Link to full story]

**Gazette.Net**  
By Adam Rubenstein  
[Link to full story]

[Editor's Note: For background on the lawsuit, access the link below.]  
[NSBA School Law pages on Bressler v. MPSSAA]



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## Jones v. West Virginia State Board of Education, No. 31785 (W.V. July 6. 2005)

The West Virginia Supreme Court has ruled that the West Virginia Secondary Schools Activities Commission's (WVSSAC) rule barring home-schooled children from participating in interscholastic athletics does not violate those children's rights under the state constitution's equal protection clause. The court also ruled the state had neither breached its statutory duty by failing to make interscholastic athletics available to home-schooled children, nor breached its duty to promulgate reasonable rules and regulations by adopting a total ban rather than creating rules that would address any legitimate concerns while allowing home-schoolers to participate. The legal dispute began when Aaron Jones, a home-schooled student, expressed the desire to participate on his local public middle school's wrestling team. School officials advised Aaron's parents that they needed to obtain WVSSAC's approval. The WVSSAC advised the parents that its rules limit participation in interscholastic athletic activities to students who are enrolled full time in a WVSSAC member school. The parents sued. The trial court ruled that state and local school officials had: (1) violated a state statute by failing to make an educational resource available to Aaron; (2) violated Aaron's equal protection rights under the state constitution by imposing the blanket prohibition; and (3) breached their duty to promulgate reasonable rules and regulations by adopting the total ban instead of a more selective rule. The trial court issued an order prohibiting state and local officials from enforcing the blanket rule. The state supreme court reversed. Addressing the school officials' breach of their statutory duty, the court found that the plain language of the statute directs school officials to provide educational resources to the person or persons providing instruction. However, the statute does not address providing resources such as interscholastic sports to home-schooled students, and the court was not "at liberty to judicially add such a provision." Regarding the equal protection claim, the court first noted that "[p]articipation in nonacademic extracurricular activities, including interscholastic athletics, does not rise to the level of a fundamental or constitutional right" under the state constitution. Therefore, the WVSSAC rule "need only be rationally related to a legitimate purpose" in order to pass constitutional muster. The court found two of the justifications asserted by school officials "particularly persuasive." First, the rule serves the goal of promoting academics over athletics by requiring all student-athletes to meet the state's uniform academic standards and preventing a parent from withdrawing an academically struggling student-athlete from school in order to maintain the student's eligibility. Second, the rule protects the economic interests of local school districts because the districts only receive funding for those students enrolled, and having to provide services to home-schoolers would strain their limited financial resources. Lastly, the court rejected the lower court's conclusion that school officials breached their duty to promulgate reasonable rules and regulations by adopting the outright ban. Based on the state legislature's delegation of authority to the WVSSAC to promulgate rules and regulations governing interscholastic athletics, the WVSSAC's eligibility requirements did not exceed its legal authority.

## Reid v. Kenowa Hills Public Schools, No. 239473 (Mich. Ct. App. March 2, 2004)

The Michigan Court of Appeals has ruled that homeschooled children are not entitled to participate in extracurricular athletics at their local public schools. Parents of homeschooled children had sued defendants Kenowa Hills Public Schools, Ypsilanti Public School District, Cargo Community Schools, and the Michigan High School Athletic Association (MHSAA) for refusing to allow their children to participate in interscholastic athletics. The parents argued that they decided to homeschool their children "in order to fulfill their God-given responsibility to raise their children to know, love, and serve God and their fellow man," and also to integrate religion into the curriculum while minimizing the influence of other world views that they feel threaten to undermine their religious beliefs. But the parents endeavored to enter their children into extracurricular interscholastic athletic programs in the school districts where they reside. The districts informed the parents that, under MHSAA eligibility rules, their children could not participate unless they are enrolled in the public schools for at least 20 hours a week. The parents sued, alleging violation of their children's statutory and constitutional rights to free exercise of religion and equal protection, but the trial court granted the school district's motion for summary judgment. On appeal, the Michigan Court of Appeals held that extracurricular athletic programs are "non-core" classes and that participation in such is a privilege, not a right. The court found no nexus "between the plaintiffs' right of freedom of religion and the MHSAA's enrollment requirement." As to the equal protection challenge, the court held that the enrollment requirements fulfill a legitimate governmental purpose of eliminating recruiting or the use of "ringers" in high school athletics.

Reid v. Kenowa Hills Public Schools, No. 239473 (Mich. Ct. App. March 2, 2004)

### Full opinion



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# KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION REPORT OF NEED BASED FINANCIAL AID AWARDED

KHSAA Form GE39  
Rev. 9/01

**This information is being provided in compliance with a report required by the Kentucky High School Athletic Association in accordance with Bylaw 17 of the KHSAA that stipulates the submission of reports when requested. This information shall not be considered a public record as it contains confidential student records and shall only be released to the appropriate authorities in compliance with the KHSAA Due Process Procedure as detailed in the KHSAA Handbook and in compliance with KRS Chapter 13B.**

School \_\_\_\_\_  
Authorized Signature \_\_\_\_\_  
Position in School \_\_\_\_\_  
Date \_\_\_\_\_  
Page \_\_\_\_\_ of \_\_\_\_\_

- Please use the following as a guideline for completing the forms –
- 1) List any student for which any type of financial aid was awarded. Included are grants, loans, tuition waivers or reductions, or other types of gifts awarded based on need determination.
  - 2) For each student-athlete receiving assistance, the name, class in school and other data must be reported as requested.
  - 3) Name of student – List the name of the student
    - a) Class in School – List 9, 10, 11 or 12, unless aid is being given to a student below grade nine, in which case an explanation should be attached.
    - b) Normal tuition – List the amount of tuition that would normally be charged to a person who was not on need based aid, but fit this student's basic profile (grade, residence, etc.)
    - c) Amount of Aid Determination – List the amount of need based aid that is allowable to this student based on the assessment by the outside agency.
    - d) Name of Need Determination Agency – List the Agency used for making the determination.  
Use FFNA for Family Financial Needs Assessment (Hernando, MS),  
Use PSAS for Private School Aid Service (Lakewood, OH),  
Use SSSFA for School and Student Service for Financial Aid (Princeton, NJ),  
Use TADS for Tuition Aid Data Services (St. Paul, MN), or  
Use OTHER if another method is used. If OTHER is used, a detailed and comprehensive description of the program must be included as an attachment including the date such agency was approved by the Board of Control.
  - e) Amount of Aid Awarded to Student – List the actual amount of aid that was awarded this student based on need determination.
  - f) Source of Aid Awarded – List the source of the funds used to award the need based aid.

|    | Name of Student | Class in School | Normal Tuition for Students in this Grade | Amount of Aid Determined to be Awarded | Name of Need Determination Agency | Amount of Aid Awarded to Student | Source of Aid Awarded |
|----|-----------------|-----------------|-------------------------------------------|----------------------------------------|-----------------------------------|----------------------------------|-----------------------|
| 1  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 2  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 3  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 4  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 5  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 6  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 7  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 8  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 9  |                 |                 |                                           |                                        |                                   |                                  |                       |
| 10 |                 |                 |                                           |                                        |                                   |                                  |                       |
| 11 |                 |                 |                                           |                                        |                                   |                                  |                       |
| 12 |                 |                 |                                           |                                        |                                   |                                  |                       |
| 13 |                 |                 |                                           |                                        |                                   |                                  |                       |
| 14 |                 |                 |                                           |                                        |                                   |                                  |                       |
| 15 |                 |                 |                                           |                                        |                                   |                                  |                       |

Excerpts from relevant KHSAA Constitution and Bylaws provisions.

Are member schools required to submit financial aid information to the Association? All KHSAA member schools (public and private) shall annually submit to the KHSAA office a financial aid report with information about awards programs, source of funds, awarding of funds and benefits to athletes to ensure compliance with Sec. 2 (c) of Bylaw 10 as currently adopted which states "Influencing a student ... or financial aid for which other members of the student body are not generally eligible ..." Also included in this report should be certification as to the compliance with the other provisions of Bylaw 10, Sec. 2 (c) with respect to benefits (housing, employment, etc.) provided to student-athletes." Such reporting ensures compliance not only with Bylaw 10, but also with the provisions of the KHSAA Constitution and Bylaws that require the submission of reports.

Are there any regulations or policies regarding the awarding of financial aid to student-athletes? Awards given for financial aid (need based) for which the student body is generally eligible and are therefore permissible, must be determined by a neutral evaluation of the student and/or family financial record by one of for agencies – Family Financial Needs Assessment (Hernando, MS), Private School Aid Service (Lakewood, OH), School and Student Service for Financial Aid (Princeton, NJ) or Tuition Aid Data Services (St. Paul, MN). In addition, the Board of Control may approve other agencies to process parental and/or student data for the purpose of financial analysis. The use of any other agency not approved would render the aid invalid with respect to the ability to award the funds and remain in compliance with Sec. 2 (c) of Bylaw 10."



## Financial Aid Report – KHSAA Member Schools

**Return on or before May 1 of each school year**

KHSAA Form GE26  
Rev. 9/06

This survey is a required submission by all KHSAA member schools and must be completed on an annual basis. Please utilize the following instructions when completing this form.

1. All questions should be answered in their entirety.
2. Provide attachments if necessary.
3. The results may be mailed, faxed or electronically submitted by completing the Word file (attachment) and attaching it to an email addressed to [jtackett@khsaa.org](mailto:jtackett@khsaa.org).
4. No specific information about any specific student is to be provided.
5. Do not compute percentages or use percentages as an answer for any numerical response. Use only fixed numbers.
6. Contact the Commissioner's office should you have questions about the form completion.

|      | <b>BASIC INFORMATION AND DEMOGRAPHIC INFORMATION FOR THE ENTIRE GENERAL STUDENT BODY</b>                                                                                                                                                                  | <b>RESPONSE</b> |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| A-1  | Name of School                                                                                                                                                                                                                                            |                 |
| A-2  | Street Address                                                                                                                                                                                                                                            |                 |
| A-3  | Specific Public School Boundary of the Physical Plant of this School. (be specific as to which public school NOT the public school District or Board of Education. i.e., Lexington Sayre is physically located in the Lafayette (Fayette County) district |                 |
| A-4  | Grade 9 through 12 enrollment (entire student body) as of this date                                                                                                                                                                                       |                 |
| A-5  | Does this school charge tuition to all students?                                                                                                                                                                                                          |                 |
| A-6  | Does this school charge tuition to students not living within the defined geographic attendance area?                                                                                                                                                     |                 |
| A-7  | Tuition for students to attend this school if they meet all residency requirements, i.e. live in Diocese, live in county, etc.                                                                                                                            |                 |
| A-8  | Tuition for students to attend this school if they meet geographic constraints and requirements, but do not necessarily meet other requirements (i.e. not a parishioner in diocese, etc.)                                                                 |                 |
| A-9  | What is the maximum amount of financial aid available to a student applying for need based aid, either as a fixed amount or percentage.                                                                                                                   |                 |
| A-10 | Of the number of students in the general student body listed in A-4, how many receive need-based financial aid?                                                                                                                                           |                 |
| A-11 | Of the number of students in the general student body listed in A-4 above, how many receive other types of financial aid for which total reparation is required of the parents? (i.e. loans, grants which require repayment, etc.)                        |                 |
| A-12 | Of the number of students in the general student body listed in A-4 above, how many receive other types of financial aid for which NO reparation is required of the parents? (i.e. scholarships, grants which require no repayment, etc.)                 |                 |
| A-13 | Of the number of students in the general student body listed in A-4 above, how many do not live in the public school boundary as described in A-3?                                                                                                        |                 |
| A-14 | Of the number of students in the general student body listed in A-4 above, how many do not live in the county where this school is located?                                                                                                               |                 |
| A-15 | For the Roman Catholic schools only, of the number of students in the general student body listed in A-4 above, how many do not live in the diocese?                                                                                                      |                 |
| A-16 | Of the number of students in the general student body listed in A-4 above, how many do not live in the Commonwealth of Kentucky?                                                                                                                          |                 |
| A-17 | What is the total amount of financial aid distributed to students for this current school year.                                                                                                                                                           |                 |
|      | <b>FINANCIAL AID (Basic Information on the athletes in the student body)</b>                                                                                                                                                                              | <b>RESPONSE</b> |
| B-1  | Of the number of students in the general student body listed in A-4, how many are athletes (all playing levels, grades 9-12)?                                                                                                                             |                 |



**Special Survey for KHSAA Non Public Schools**  
**Return on or before May 5, 2004**

KHSAA Form GE26  
Rev. 4/04

|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| B-2  | Of the student-athletes listed in B-1, how many transferred into your school after having represented another school at the varsity level?                                                                                                                                                                                                                                                                                                                                                   |                 |
| B-3  | Of the student-athletes listed in B-1, how many receive need-based financial aid?                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
| B-4  | Of the student-athletes listed in B-1 above, how many receive other types of financial aid for which total reparation is required of the parents? (i.e. loans, grants which require repayment, etc.)                                                                                                                                                                                                                                                                                         |                 |
| B-5  | As it relates to the students listed in B-4, please describe the aid available, and detail how students are eligible to be considered. Attach/mail additional information if necessary.                                                                                                                                                                                                                                                                                                      |                 |
| B-6  | Of the student-athletes listed in B-1 above, how many receive other types of financial aid for which NO reparation is required of the parents? (i.e. scholarships, grants which require no repayment, etc.)                                                                                                                                                                                                                                                                                  |                 |
| B-7  | As it relates to the students listed in B-6, please describe the aid available, and detail how students are eligible to be considered.                                                                                                                                                                                                                                                                                                                                                       |                 |
| B-8  | Of the student-athletes listed in B-1 above, how many do not live in the public school boundary as described in A-3?                                                                                                                                                                                                                                                                                                                                                                         |                 |
| B-9  | Of the student-athletes listed in B-1 above, how many do not live in the county where this school is located?                                                                                                                                                                                                                                                                                                                                                                                |                 |
| B-10 | For the Roman Catholic schools only, of the student-athletes listed in B-1 above, how many do not live in the diocese?                                                                                                                                                                                                                                                                                                                                                                       |                 |
| B-11 | Of the student-athletes listed in B-1 above, how many do not live in the Commonwealth of Kentucky?                                                                                                                                                                                                                                                                                                                                                                                           |                 |
|      | <b>FINANCIAL AID (Need Based and Non-Need Based Financial Aid Additional Information)</b>                                                                                                                                                                                                                                                                                                                                                                                                    | <b>RESPONSE</b> |
| C-1  | Bylaw 10 requires the use of one of these agencies to determine the need index of a student entering your school for the purpose of participating in athletics. Those agencies are<br>Financial Aid Independent Review (Rosemount, MN),<br>Family Financial Needs Assessment (Hernando, MS),<br>Private School Aid Service (Lakewood, OH), School and Student Service for Financial Aid (Princeton, NJ) or<br>Tuition Aid Data Services (St. Paul, MN)<br>Which agency does your school use? |                 |
| C-2  | Please attach/mail a copy of your school policies which detail the options to parents whose need based aid is less than the amount due to the school for tuition and fees.                                                                                                                                                                                                                                                                                                                   |                 |
|      | <b>SOURCES OF FINANCIAL AID</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>RESPONSE</b> |
| D-1  | Please attach/mail a list of activities conducted in efforts to fund financial aid awards.                                                                                                                                                                                                                                                                                                                                                                                                   | Attached        |
| D-2  | Please attach/mail a copy of your school policies which detail the options to parents whose need based aid is less than the amount due to the school for tuition and fees.                                                                                                                                                                                                                                                                                                                   |                 |



**Financial Aid Report – KHSAA Member Schools**  
**Return on or before May 1 of each school year**

KHSAA Form GE26  
Rev. 9/06

|     | GENERAL INFORMATION                                                                                                                         | RESPONSE |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------|----------|
| E-1 | Is there any other information or program you would like to describe, or other input you would like to include when submitting this survey? |          |

School \_\_\_\_\_

Date \_\_\_\_\_

Principal \_\_\_\_\_

Athletic Director \_\_\_\_\_



## 2005-06 Financial Aid Information

Illinois High School Association  
2715 McGraw Drive, P.O. Box 2715 Bloomington, Illinois  
61702-2715

Phone: (309) 663-6377 FAX: (309) 663-7479  
E-mail: [general@ihsa.org](mailto:general@ihsa.org) Web: <http://www.ihsa.org>

Submit to the IHSA Office Not Later than May 1, 2006

Under the provisions of Article 1.250 of the IHSA Constitution, I am submitting the following Financial Aid Information for our school:

1. A copy of the criteria developed by our school for need based and non-need based financial aid.

\_\_\_\_\_ I certify that the information submitted to the IHSA during the 2004-05 school term has not changed for the 2005-06 school term. I understand that I am not required to provide the information requested in items 3-5 this school term, but I must complete items 1, 2, 6, 7 and 8.

2. A completed copy of **Enrollment Verification Form**.

3. We use an outside service to determine financial need. \_\_\_\_\_ Yes \_\_\_\_\_ No

Name of the Program: \_\_\_\_\_

4. We have an in-school program designed to determine financial need and do not use an outside service.  
\_\_\_\_\_ Yes \_\_\_\_\_ No

Enclosed is a written description of our internal process which includes the following:

- The application form and a description of any methods to verify that information.
- The criteria used for determining aid.
- The committee/person who determines aid. (If a committee, who serves on the committee?)
- Include copies of any forms, letters and documents utilized with your plan.

5. The following outside agencies provide financial aid or scholarships for students at our school:

Name of Company/Agency  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a copy of the financial aid criteria used by *each* outside agency.

I certify that the criteria for each outside agency is in compliance with Article 1.250 of the IHSA Constitution and the established criteria. \_\_\_\_\_ Yes \_\_\_\_\_ No

6. A copy of the Financial Aid and Scholarship Policies are on file at my school. \_\_\_\_\_ Yes \_\_\_\_\_ No

7. We **award** **do not award** need based Financial Aid or non-need based Scholarships related to athletic interest or performance.

8. I certify that the principal/president controls and manages all need and non-need based Financial Aid and Scholarships. \_\_\_\_\_ Yes \_\_\_\_\_ No

Signed: \_\_\_\_\_, Principal/Official Representative

\_\_\_\_\_ High School

\_\_\_\_\_ Address

\_\_\_\_\_, IL \_\_\_\_\_ Zip Code



## 2005-06 Enrollment Verification Form

Illinois High School Association  
2715 McGraw Drive, P.O. Box 2715 Bloomington, Illinois  
61702-2715

Phone: (309) 663-6377 FAX: (309) 663-7479  
E-mail: [general@ihsa.org](mailto:general@ihsa.org) Web: <http://www.ihsa.org>

## 2005-06 Enrollment Verification Form

Town/School: \_\_\_\_\_  
No. of Freshmen: \_\_\_\_\_

No. of Freshmen: \_\_\_\_\_

**No. of Sophomores:** \_\_\_\_\_

**No. of Juniors:** \_\_\_\_\_

No. of Seniors: \_\_\_\_\_

**Total Number of Students Attending Your High School:** \_\_\_\_\_

[illegible]



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

August 29, 2006

Dear Commissioner DeVries:

After considerable deliberation, I have decided to retire from my position as Assistant Commissioner of the Kentucky High School Athletic Association effective January 1, 2007.

It has given me great pleasure to be associated with the Kentucky High School Athletic Association during the past four years. My experience working for KHSAA has been both challenging and rewarding. I have had an opportunity to work with many dedicated professionals who strive to improve athletic programs throughout the Commonwealth of Kentucky and with a Commissioner who has a positive vision for our Association. I consider myself truly fortunate to have worked with such professional individuals.

During the past four years, I have spent a considerable amount of money, time, and energy to travel to a job that I have found to be very gratifying. I have finally determined that I am no longer able to continue my daily commute from Bardstown to the Lexington office.

Thank you so much for the opportunity to work for such a dedicated organization. I wish the KHSAA staff and Board of Control continued success in all of its future endeavors.

Sincerely,  
  
Roland E. Williams, CAA  
Assistant Commissioner

CC: KHSAA Board of Control Members



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

September 12, 2006

Mr. Phil Rison  
Montgomery County High School  
724 Woodford Drive  
Mount Sterling, KY 40353

Dear Mr. Rison:

This letter is in response to your recent request regarding Montgomery County High School Girls' Basketball Coach John High. Your request is that the KHSAA consider reinstating 51 wins that were stricken from his record during his tenure at Whitesburg High School. Thank you for sending the "Agreement with Respect to the Employment of John High and Release" for review. This information is helpful and will be provided for the Board of Control, along with your request for reinstatement of the records, at its next regularly scheduled meeting on November 16-17, 2006. Should you have any additional information for the Board of Control to review, feel free to submit it at your convenience.

Thank you for your patience.

Sincerely,

A handwritten signature in cursive script, reading "Brigid L. DeVries", is positioned below the word "Sincerely,".

Brigid L. DeVries  
Commissioner

BD:dk

xc: KHSAA Executive Staff  
KHSAA Board of Control