

FEDERAL COURT DECREE AND REGIONAL POLICY BOARDS

POLICY- AMENDED FEDERAL CONSENT DECREE OF 1971 (AMENDED 1987, 2008)

1. As provided by KRS 156.070, the State Board of Education, under its general powers and duties, has the management and control of the common schools. It is the judgment of the court that this responsibility and control cannot be avoided or relegated to the Kentucky High School Athletic Association and that the Board is accountable to see that the Kentucky High School Athletic Association, acting in a ministerial capacity, shall observe the requirements of the law in fostering and encouraging the participation in athletics of all who desire to so participate irrespective of race or color. Such participants shall be given a full and equal opportunity to have positions and places of responsibility in the high school athletic program in all its phases.
2. The Kentucky High School Athletic Association shall continue under its rules and by-laws in the structure of its present organization subject to the directives of this decree.
3. The constitution and by-laws of the Kentucky High School Athletic Association shall be changed and modified as follows:
 - (a) The members of the Board of Control shall be elected for a period of four years as now provided. There shall be 12 members of the Board of Control, at least two of which shall be black, and at least two of which shall be female.
 - (b) The Commission shall be composed of a Commissioner and four or five Assistant Commissioners, at least one of which shall be black and at least one of which shall be female.
 - (c) The Delegate Assembly shall not be limited in its membership to principals of accredited secondary schools of good standing in the Kentucky High School Athletic Association, but shall be composed of administrators, principals or faculty members of schools or school systems. While it is not practical to require a percentage of blacks to be named as Delegates, the districts shall bear in mind that a reasonable proportion of the Delegate Assembly shall be blacks.
 - (d) Where the use of registered officials is required, the officials for each athletic contest in football, basketball and baseball shall be selected and shall be given to the schools involved at a reasonable time before the contest. Any head coach who objects to the selection of a certain official or officials to serve in contests in which his team will participate shall have a right to file a written protest with the Commission if filed a reasonable time before the contest. What is a reasonable time to be determined by the Commission. The Commission shall have a right to make any changes as it deems appropriate and in the best interest of the sport. It is recognized that to make out such a schedule is a very involved and tedious task and the Commission shall have authority to employ any assistance as it feels proper, subject, of course, to its supervision.
4. The Association shall establish a list of qualified officials to officiate in all high school sports and shall require that only such officials may officiate in interscholastic athletic competition. It may classify officials as Level 1, Level 2 and Level 3 and in so doing may adopt the standards now employed by the Association.
5. Pursuant to paragraph 5 of the original Decree herein filed Kentucky High School Athletic Association was required to take affirmative action to recruit black officials in the sports of basketball, football and baseball and was further required to report to the court within 60 days from the date of the original Decree concerning such action. An affidavit has been filed in the record herein on November 15, 1971, showing the results of such action. Kentucky High School Athletic Association shall make available to all persons so recruited academic and practical training, including participation as officials in practice, junior varsity and similar contests. The objective shall be to cause such persons to become fully qualified to participate as officials in varsity contests as soon as practicable.
6. The Second Amended Answer of defendants, Kentucky High School Athletic Association and Ted Sanford, pleading the amendment of Article IV, Section 2(a) of the Constitution of Kentucky High School Athletic Association be and it is hereby ordered filed and entered of record herein.
7. Plaintiffs herein represent of record all blacks constituting a class so numerous to make it impracticable to bring them before this court. The questions of law and fact affecting the rights of those plaintiffs

raised herein by pleadings and proof are common to all blacks and are typical of the claim of the class of blacks. Therefore plaintiffs herein represent of record as a class all blacks as a whole.

The Court is fully aware that at this date the high school football season is well advanced and it is not practicable to undertake to invoke the changes directed by this decree to apply to the high school football contests. The football season may proceed to its ultimate conclusion under the plan now in effect as provided by the Kentucky High School Athletic Association Constitution, Bylaws and tournament Rules 1970-71. In all other respects this decree is effective as of the date it is signed by the Court.

POLICY- REGIONAL POLICY BOARDS

SEC. 1) FORMATION OF POLICY BOARDS

- a) Each region (as defined by the boundaries of the basketball alignment) shall have an organization, which will hereinafter be referred to as a Regional Policy Board ("RPB") for the governance of policies related to grade 9-12 competition (freshmen, junior varsity and varsity).
- b) With the permission of the Commissioner, adjoining regions may form a joint Regional Policy Board.
- c) These RPB entities are formed in compliance with, and to ensure adherence to, the Federal Court Decree of 1971, as amended in 1987 and 2007.
- d) Questions and clarifications should be sought from the Supervisor of Officials Licensing.
- e) In these policies, varsity shall mean the highest level of school competition and those eligible to compete for KHSAA state championship play.

SEC. 2) COMPOSITION, DUES AND OFFICERS

- a) Composition
 - (1) Each RPB shall consist of equal representation from each basketball district within the region unless the decision is made to have one member per school. It is recommended that there be one member per member school.
 - (2) By 2/3 majority vote of all schools (principals or designated representatives per Bylaw 1) in the region, the membership composition may be changed to include one representative from each school.
 - (3) Voting representatives of each RPB shall be certified employees of an accredited member school, or member school system, within his/her district or be officially listed by the school as the designated representative in accordance with Bylaw 1.
 - (4) Members shall be elected by the principal or Designated Representative per Bylaw 1 from each member school within the District, or if one member is to be selected per school, shall be so designated by the principal or designated representative of the school.
 - (5) If the RPB is composed of equal representation per district instead of one representative per school, members shall serve for a term of four (4) years on a staggered basis with the first such terms selected by lot.
 - (6) All employed Assigning Secretaries shall be able to attend meetings of the Regional Policy Boards with voice but without voting privileges.
 - (7) The annual term for RPB Members shall run from July 1st to June 30th each year.
- b) Dues and Fees
 - (1) The RPB shall elect a Chairman and Vice-Chairman.
 - (2) The officers shall hold the position for two (2) years per term and eligible to be re-elected.
 - (3) Necessary elections shall take place during the month of May and all schools shall be notified no later than April 15th of the candidates seeking office.
- c) Officers
 - (1) The RPB shall elect a Chairman and Vice-Chairman.
 - (2) The officers shall hold the position for two (2) years per term and eligible to be re-elected.
 - (3) Necessary elections shall take place during the month of May and all schools shall be notified no later than April 15th of the candidates seeking office.
 - (4) Ballots must be returned to the RPB Chairman who shall coordinate the election process.
 - (5) Votes shall be counted at the regularly scheduled May meeting.

- (6) The members may elect or appoint an individual to serve as Executive Director, Secretary, Treasurer or Secretary-Treasurer to help ensure the maintenance of records and accurate accounting of finances. These positions may be held by members or non-members at the discretion of the voting members, but shall have no vote in any matters if not currently serving as a voting member.

SEC. 3) MEETINGS

a) Meeting Frequency and Notice

- (1) Each RPB shall meet at least once during the month of September (or in August or October as the school calendar permits).
- (2) Each RPB shall meet at least once during the month of January (or in December or February as the school calendar permits).
- (3) Each RPB shall meet at least once during the month of May (or in April or June as the school calendar permits)
- (4) The Chairman shall ensure that the KHSAA Commissioner is notified no later than the first day of the month in which any meeting is held as to the time and place of the meeting.
- (5) The Chairman may also call as many other meetings as deemed necessary to fulfill duties and the KHSAA shall be notified of the time and place.

b) General Provisions

- (1) All meetings are conducted in compliance with the Kentucky Open Meetings Act, including any interviews for the selection of new assigning secretaries. Business conducted and communication done electronically must be done in a manner that maintains the integrity of the Open Meetings Act.
- (2) A majority of the RPB Members must be present to conduct official business.
- (3) Minutes of the RPB Meetings, with a record of RPB Members and others in attendance, shall be forwarded to the KHSAA within thirty (30) days of the meeting.
- (4) Notification of scheduled RPB Meetings shall be sent to each principal and Athletic Director of each KHSAA member school within the Regional Policy Board's respective region at the same time it is sent to KHSAA.
- (5) All meetings shall be conducted in accordance with Robert's Rules of order, unless otherwise stipulated by the KHSAA.

SEC. 4) RESPONSIBILITIES

a) Local Officials Associations

- (1) The RPB shall consider for approval the establishment of regional officials' association for the purpose of ensuring for the assignment of independent contractors to serve as officials to officiate grade 9-12 competition (freshmen, junior varsity and varsity) in baseball, basketball, field hockey, football, soccer, softball (fastpitch), volleyball and wrestling.
- (2) Only one regional officials' association may be approved for each sport by the RPB.

b) Officiating Fees

- (1) The RPB shall review the travel needs of the officials within the region(s) and recommend any additional fee (regional "add-on") to be added to the state approved compensation scale for varsity officials to adequately compensate the officials. Such additional fee may not be based on perceived merit or ability of the officials, but on the geographic travel concerns.
- (2) The RPB shall ensure that when the state approved compensation scale is adjusted for a specific sport, that no downward adjustment is made to the regional "add-on" for that sport, unless made in conjunction with a comprehensive review in all sports.
- (3) The RPB shall assist the KHSAA with monitoring of payment to officials to ensure that no official is compensated for a varsity contest at a rate below the state approved compensation scale.
- (4) The RPB shall establish contest fees for nonvarsity contests in grades 9-12.
- (5) Except for the travel needs (add-on) as detailed above, the RPB shall reject any request for varsity travel or non-varsity fee compensation increase unless it is in conjunction with the one every four-year review by the KHSAA Board of Control for that specific sport.

c) Varsity Assigning Secretary Selection comprises the following steps:

- (1) Assigning Secretary selection shall annually be completed and executed by the KHSAA Commissioner with assistance from the Commissioner's Designee after receiving a recommendation(s)

from the RPB. The recommendation of the RPB shall not be considered binding on any party;

- (2) When an Assigning Secretary is being selected, the RPB should publicly solicit applicants for the position through the use of a variety of communication avenues such as internal discussion and recommendations of the RPB, media advertisement (including the KHSAA website, www.khsaa.org), communication with the local officials' association, or communication with the member schools. The position announcement shall also be published by the KHSAA if requested by the RPB;
 - (3) It is recommended that local officials' organization's opinions be sought as to the person recommended for selection;
 - (4) It is recommended that the member schools of the region be consulted as to the person recommended for selection;
 - (5) The RPB, with assistance from the KHSAA, shall screen, including a background and criminal records check, all applicants desired to be recommended for hiring;
 - (6) The RPB shall interview prospective candidates and shall submit the names and background information for a minimum of two and maximum of three finalists to the Commissioner's office. Notification of the dates and times of the interviews shall be noticed to the KHSAA, and the KHSAA sport contact or Commissioner's Designee may attend and participate in the interviews;
 - (7) The Commissioner's office will then return to the RPB the names of the finalists not eligible for consideration for the position;
 - (8) The RPB shall make a decision as to a recommendation for the hiring of the assigning secretary and shall submit that recommended candidate's name to the KHSAA;
 - (9) The final hiring is subject to the sole discretion of the Commissioner and Commissioner's Designee;
 - (10) The KHSAA will then enter into a written agreement with the Assigning Secretary not to exceed one year;
 - (11) The RPB shall not hire any person for the position of assigning secretary whose name is not on the original list of candidates sent to the Commissioner's office;
 - (12) The KHSAA through its Commissioner or Commissioner's Designee may, of its own volition, terminate the contract of any assigner per these policies and the contract stipulations; and
 - (13) The RPB may request through the Commissioner or Commissioner's Designee, the termination of the contract of any assigner per these policies and the contract stipulations
- d) Non-Varsity Assigning Secretary and Other Assigning Assistance Selection comprises the following steps:
- (1) The RPB shall adopt a policy as to the assignment of non-varsity contests for grades 9-12.
 - (2) The RPB shall determine if the non-varsity contests in grades 9-12 are to be assigned by the Varsity Assigning Secretary, assigned by an additional individual, or acquired locally by the member schools provided that the officials are properly licensed;
 - (3) In the event that an additional individual is to be used for non-varsity assigning, the procedures outlined in Section (c) above shall prevail; and
 - (4) All individuals compensated in any manner to assist with the assignment, evaluation or training of contest officials shall be subject to approval by the RPB, including any relevant compensation.
- e) Varsity Assigning Secretary Compensation
- (1) The RPB shall establish annual payment fees for Kentucky High School Athletic Association member schools to have officials assigned by regional varsity assigning secretaries. Such factors as supplies, materials, administrative needs, travel, etc. should be considered in establishing this fee.
 - (2) The RPB chairperson shall work in conjunction with adjacent region's RPB chairperson(s) in the event that an assigning secretary is assigning contests outside of the home region of the assigning secretary. The fee for the assignment of contests outside the region shall not be the jurisdiction of the home region, but this collaboration will ensure that the games are assigned, and the assigning secretary is fairly compensated. In the event that an RPB has determined a "flat rate" for the assignment of games rather than a per-school rate, this would include the payment of fees for the assignment of contests for schools outside regional service areas.

- (3) The RPB shall consider for approval, the amount of annual payment fees for licensed officials in local associations to be paid to the Assigning secretary for game assignment and evaluation duties.
- (4) The RPB shall ensure that all state and federal income tax and other regulatory laws are fully complied with in the event of the hiring of a non-varsity assigning secretary.
- (5) Compensation for all individuals involved in assigning as designated by the RPB shall be distributed according to the procedure adopted by the RPB and reported to the KHSAA by the RPB Chair. It is the strong recommendation of the Commissioner that the RPB designate a person to collect the fees from the schools and officials, and remit that amount to the KHSAA for distribution to the Assigning Secretary to ensure documentation and compliance with all applicable tax regulations. Documentation and compliance with all applicable tax regulations are the responsibility of the Assigner and RPB.
- f) Non-Varsity Assigning Secretary Compensation
 - (1) The RPB shall establish annual payment fees for Kentucky High School Athletic Association member schools to have officials assigned by regional non-varsity assigning secretaries for grades 9-12 to include such factors as supplies, materials, administrative needs, travel, etc. should be considered in establishing this salary.
 - (2) The RPB shall ensure that all state and federal income tax and other regulatory laws are fully complied with in the event of the hiring of a non-varsity assigning secretary for grades 9-12.
 - (3) Compensation for all individuals involved in assigning as designated by the RPB shall be distributed according to the procedure adopted by the RPB and reported by the RPB Chair. It is the strong recommendation of the Commissioner that the RPB designate a person to collect the fees from the schools and officials, and remit that amount to the KHSAA for distribution to the Assigning Secretary to ensure documentation and compliance with all applicable tax regulations. Documentation and compliance with all applicable tax regulations are the responsibility of the Assigner and RPB.
- g) Deadlines and Policies for Member Schools
 - (1) The RPB shall adopt policies that ensure the timely submission of game schedules to regional assigning secretaries.
 - (2) The RPB shall adopt penalties or standards that address noncompliance with schedule deadlines. The RPB shall ensure that each member school's schedule of games is forwarded to the respective assigning secretary by the deadlines listed in the Assigning Secretary policies. Member schools failing to meet these deadlines shall pay a fine which is payable to the Assigning Secretary due to the workload adjustments. Exceptions to these deadlines may not be granted unless approved by a majority of the RPB. Member schools failing to adhere to the provisions of this regulation may suffer disciplinary action, including probation, suspension or additional fines imposed by the Commissioner's Office or Board of Control.
 - (3) If any fee or other penalty is assessed for other compliance issues by the member schools (game changes, additions, deletions, differing number of officials, etc.), then such policies shall be considered for approval or declination of approval by the RPB.
 - (4) The RPB shall assist member schools in developing policies for the assignment of officials for athletic contests in which there are no regional assigning secretaries.
- h) Deadlines and Policies for Local Officials Association
 - (1) The RPB shall consider for approval (or declination), any portion of the membership fee paid by the local officials association to an individual.
 - (2) The RPB shall consider for approval (or declination), any person assisting with recruitment, training and development within a local officials association. If any such individual is compensated, the RPB shall ensure that all state and federal income tax and other regulatory laws are fully complied with in the event of the hiring of an individual for such purpose.
- i) Recruitment, Training, Development
 - (1) The RPB shall recommend policies to the KHSAA which will facilitate the recruiting, training and retention of sports officials as well as foster the relationship among assigning secretaries, officials and high school athletics.
- (2) The RPB shall assist the KHSAA in identifying other areas where recruitment, training and retention of sports officials can be improved.
- j) Evaluation and Retention of Assigning Secretaries
 - (1) The RPB shall annually review the job performance of each assigning secretary under the Regional Policy Board's jurisdiction and recommend retention or posting of the position to the KHSAA. Assigning secretaries shall be presented this review. Criteria for this evaluation may be developed by each RPB and other requirements may be found in the KHSAA listing of assigning secretary responsibilities. Copies of the evaluations shall be submitted to the KHSAA.
 - (2) The RPB shall request approval from the KHSAA for the hiring or re-hiring of any assigning secretary in time for contract preparation and scheduling obligations.
- k) Evaluation of Officials for the Purpose of Postseason Rankings/Ratings
 - (1) The RPB shall ensure that coaches' ratings are gathered and compiled by assigning secretaries in all sports.
 - (2) Recommendations for postseason assignments should include coach evaluations combined with the rating of the assigning secretary.
 - (3) The collection of data shall be through the ArbiterSports platform to ensure that only those coaches that actually utilize the services of an official are able to evaluate that official.
 - (4) The local RPB shall determine the weight of coaches ratings and assigner ratings for a total evaluation of 100 points.
 - (5) The RPB approved system shall provide a minimum of fifty (50) percent of the final rating to the Assigning Secretary.
 - (6) The final results of any system shall be a guideline but not the final determinant in postseason assignments by the Commission.
 - (7) Assigning Secretaries in each sport shall annually evaluate all varsity officials in contest type environments within their local officials association.
- l) Scratches of Officials
 - (1) In accordance with the Federal Court Decree, the RPB shall ensure that all schools in the region are afforded the privilege of scratching a limited number of officials (scratches) that it does not desire to have as contractors on the athletic contests of that school and such privilege shall be solely within that region.
 - (2) Scratching of officials shall be done on an annual basis, and only in the preseason.
 - (3) The RPB shall determine the number of allowed scratches per school, subject to approval of the Commissioner, with a school that chooses to scratch an official being permitted no less than two (2) nor more than three (3) scratches.
 - (4) Scratches properly submitted in a timely fashion shall be honored by the Assigning Secretary.
 - (5) No RPB may summarily deny scratch privileges to a school for any reason.
 - (6) A member school of the KHSAA shall not take any action to prevent an athletic official from officiating a contest, including the use of a scratch because of the official's race, sex, religion or national origin, nor may a member school participate in a contest where such preventative action has been taken.
- m) Miscellaneous Officiating Regulations
 - (1) The RPB shall ensure that no fee is approved for softball umpires that creates a difference of greater than \$10 when compared to the fee paid to baseball umpires.
 - (2) The RPB shall ensure that any limitation on the length of softball contests also applies to baseball.
 - (3) When considering the fee for softball and baseball contests to be paid by member schools to umpires, the RPB may adopt a per-inning fee (i.e. all 7 inning games will be paid one rate, all 5 inning games one rate) provided the total 7-inning fee is not less than the state adopted fee schedule amount.
- n) Other Actions:
 - (1) The KHSAA shall have a right to penalize a RPB for noncompliance of KHSAA regulations and requirements.
 - (2) Such penalties may include fines levied against the Regional Policy Board, the decertification of regional officials associations and limiting or eliminating the use of officials from the affected regions for a defined period of time.