

## **KENTUCKY DEPARTMENT OF EDUCATION (KDE)**

### **STAFF NOTE: REVIEW ITEM**

**Topic:** 2024-2025 Annual Report from the Kentucky High School Athletic Association

**Date:** February 2026

**Action Requested:** Review Action/Consent Action/Discussion

**Held In:** Full Board State Schools United We Learn

#### **SUMMARY OF PRESENTATION:**

This report to the Kentucky Board of Education is intended to summarize the activities of the Kentucky High School Athletic Association in fulfilling its obligations under 702 KAR 7:065 in managing interscholastic athletics at the high and middle school levels.

702 KAR 7:065, as adopted for the 2024-2025 school year, designates the KHSAA as the entity to manage interscholastic athletics at the middle and high school levels. As the designee, the regulation requires the KHSAA to submit several reports annually. By this regulation, the KHSAA regularly submits through its liaison designated by the Kentucky Department of Education, all reporting requirements mandated by this regulation throughout the year with specific emphasis on the items contained herein.

Section 3 of 702 KAR 7:065 lists several requirements for the KHSAA to remain eligible to maintain the designation as the agent to manage high school interscholastic athletics.

Specific to the reporting requirements in Section (2):

- (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;
- (2) Sponsor an annual meeting of its member high schools;
- (3) Provide for each member high school to have a vote on the KHSAA Constitution and bylaw changes submitted for consideration;
- (4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;
- (5) Provide for students desiring to participate at the high school level (regardless of the level of play) to be enrolled in at least grade 7;
- (6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;
- (7) Advise the Department of Education of all legal action brought against the KHSAA;
- (8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;
- (9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;
- (10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;
- (11) Permit the Board of Control to assess fines on a member high school;

(12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;

(13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;

(14) Conduct continual cycles of field audits of the association's entire high school membership, which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;

(15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);

(16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;

(17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, or other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school before being made public;

(18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility;

(19) Require any student enrolled initially in grade 7-12 who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in an interscholastic athletics competition at any level; and

(20) Produce a public report or reports of member schools' compliance with submitting the required member school application and the required training aspects of KRS 158.162 and KRS 160.445 regarding emergency and cardiac action plans related to interscholastic athletics.

- Provisions (1) through (5), (8), (10) through (13), (16) through (19) are contained in the Constitution, Bylaws, Due Process Procedure and Policies of the Association and regularly reviewed to determine if changes are necessary;
- Provisions (6) and (9) were executed by the Board of Control during a structured evaluation in the spring of 2025, with subsequent review and goal setting at a separate meeting in June. The data was reviewed with the KHSAA Commissioner on those occasions as a guide for next steps and operational guidance. The KHSAA Commissioner received exemplary ratings in all categories (good or excellent in all measures) during the evaluation cycle;
- Provision (7) is a part of the operational procedure by KHSAA General Counsel Chad Collins;
- Provisions (14) and (15) are ongoing as the Association just completed its twenty-fifth year of an education program in cooperation with the Kentucky Board of Education to assist the schools and school districts in their understanding of Title IX.
  - The KHSAA is about to complete its fourth complete cycle of on-site visits to the member schools. The results of these visits are published online for public review.
  - The KHSAA conducted two Title IX Workshops in the fall of 2024 to assist in educating the membership as well as providing resources for middle schools.
  - Title IX is also a key component in the nine regional meetings held for athletic administrators throughout the state at the start of the school year. In addition, the Title IX audit field staff is routinely available at the Annual Meeting of the membership in the fall to assist schools with those issues.

- The Association continues to receive annual self-evaluations and audits from its membership where participation, enrollment and expenditure data is collected and reports produced from which schools can submit next steps and improvement plans. The annual submission of these reports has been converted to an online process which has made the system more efficient for the membership and allowed for data collection and comparison in the coming years. The results of these annual reports are published online for public review.
- The KHSAA Audit Staff continues to provide outreach assistance and instructional efforts for local school district groups such as Local Gender Equity Review Committees, Athletic Booster Clubs, local School Boards and Professional Educator's Associations.
- Provision (20) is a major focus in the new KHSAA360 (ArbiterSports Data system) which was initiated at the start of the 2024-25 system.
  - Continual efforts have been made to transition all legacy data regarding these requirements into the new system and ensuring comprehensive recording by the membership.
  - For the future, this optional reporting portal for these requirements will be transitioned to mandatory reporting by schools in order to more fully comply with this provision.
  - The Association routinely, through its General Counsel, responds to requests about this data. This protocol ensures that the fine line between the protection of personnel data and actions and public accountability is properly drawn and executed.
  - In the past few years, many of the member high schools have received requests under the provisions of the Open Records Act and the KHSAA data system is being developed and refined to ensure the smooth execution of that process as well as continual monitoring by the member schools.

Section 4 of 702 KAR 7:065 lists several requirements for the KHSAA to remain eligible to maintain the designation as the agent to manage middle school interscholastic athletics.

- These provisions are comprehensively listed in the regulation with no supplemental details or documents adopted in reference to this section.
- The legislative intent of the original development of this section revolved around aspects around health and safety including coaching requirements and season length restrictions, while leaving championship and even most regular season competition to local jurisdiction.
- At various past meetings of the Middle School Advisory Committee, discussions have been held about a membership-based system, but consensus has not been reached on such next steps.
- The KHSAA, without financial support from middle schools, provide routine staff support to inquiring middle schools, high schools and school districts around this requirement.
- One particular challenge with this regulation has been the near-constant turnover of middle school athletic administrators, which has led to challenges in the continued work of the Middle School Advisory Committee. Most schools and school districts who have opined on the issue seem to prefer that most aspects around the management of middle school seasons remain at the local level.

Section 5 details Financial Planning and Review Requirements for the Association.

- Provisions of parts (1) are complied with by regular and routine reports to both the KHSAA Board of Control and the KDE/KBE liaisons to the KHSAA.

- The KHSAA continues to utilize the Kentucky School Boards Association (KSBA) agenda system which allows for transparency of each of these reports as they are presented to the Board of Control at its six annual meetings, while provided necessary protection of student records as required by state and federal law.
  - Recommended changes in any association regulations are reflected in the consideration of changes to the Association rules that are contained in the request for approval of amendments to 702 KAR 7:065 and documents incorporated by reference.
- Provisions of part (2) are complied with by the Associations engagement with a third-party audit firm.
- As a private, not for profit 501(c)3 entity, the Association prioritizes annual preparation of its IRS Form 990. This is performed by the audit firm of Hicks and Associates and once published and accepted, published on the Association website.
- In addition, upon completion of any certified audit by the firm, a copy of the audit will be provided to the Kentucky Board of Education when approved by the Board of Control.
- It is worthy of note that the Association provided comprehensive financial data for a three-year period to the Kentucky Auditor of Public Accounts during their review during 2024-2025 published as “A Special Report on the Kentucky Department of Education, the Kentucky School for the Blind, the Kentucky School for the Deaf, and the Department Operated Area Technology Centers”.
  - No financial issues were recommended for resolution in that final report, and the staff of the APA was very helpful in providing other guidance throughout that process.

#### *2024-2025 Supplemental Note*

A Special Report on the Kentucky Department of Education, the Kentucky School for the Blind, the Kentucky School for the Deaf, and the Department Operated Area Technology Centers

- Observations, Findings, & Recommendations
- 16.1 Finding: KHSAA has no system for tracking Title IX and related complaints
  - 16.1.a Recommendation: KHSAA should develop a tracking system or database for complaints received.
  - 16.1.b Recommendation: KHSAA should include the complaint information gathered in the tracking system or database in the KHSAA Staff Annual Report, as presented to KBE.
  - 16.1.c Recommendation: KHSAA should ensure that all Title IX complaints are investigated, resolved, or properly referred.
- 16.2 Observation: KHSAA no longer provides annual reports to KBE.
  - 16.2.a Recommendation: KHSAA should resume providing an annual report to KBE to document actions taken to comply with 702 KAR 7:065.
  - 16.2.b Recommendation: KHSAA should expand the report to include additional key information not required by regulation, such as accomplishments, important updates, complaints, referrals, etc.
- 16.3 Observation: Continued lack of statewide requirements puts students in danger.
- 16.3.a Recommendation: KHSAA, in collaboration with the General Assembly, should enact additional legislation in the 2026 Regular Session to prevent and/or mitigate abuse of minors by all coaches, regardless of their employment status.
- 16.3.b Recommendation: KHSAA should consider methods to centrally track investigations and charges of abuse of minors by all district employees and volunteers in school systems across the Commonwealth, and how to make such information

accessible only to those parties who need access, while maintaining transparency for students and privacy for district employees.

Provision 16.1 is under final development during 2025-26 as this recommendation was not received until after July 1. More details and sample reporting can be included with the 2025-26 report.

- The Association has selected a means of recording and tracking violation reports related to Title IX. None were received for 2024-25 directly related to Title IX.
- The Association will utilize an online platform, currently selected as Freshworks.com, which will allow for the tracking and reporting when such reports are received.
- In reviewing this recommendation, the determination has been made by the KHSAA Commissioner to track more than reports of Title IX violations, but to also utilize that system for other reported violations.
- The Association will continually provide updates through the staff liaison to the Association from KDE and KBE and ensure public reporting as well as compliance with state and federal privacy laws.
- The Association is also working internally to be sure its staff is aware of the appropriate referral authorities for reports that may be tangentially related to athletics, but not within the jurisdiction.

Provision 16.2 is being accomplished by this report, and will be expanded to include current relevant issues about which KDE and KBE should be informed.

- While many of the issues are accomplished by this report, it can and will be expanded to include current relevant issues about which KDE and KBE should be informed

Provision 16.3 is ongoing as routine meetings in the interim between legislative sessions have been held and continue to be held, with emphasis on education related issues.

- The Association continues to collaborate with all education groups to work with members of the General Assembly on identified legislative initiatives while also educating those members on the current role and limitations of the association and balancing that with future desires of the General Assembly.

#### Current Ongoing Issues

The Association continues to study its restrictions on transfer by students who have already participated in varsity athletics after enrolling in grade 9. This issue is extremely divisive among those around competitive athletics.

- The inevitable impact of the near chaos at the collegiate level with its transfer portal and unlimited transfer opportunities places considerable pressure on both the association and its member schools.
- In many schools, there is division on the applicability of the current transfer restrictions. Many of the Designated Representatives (normally the Athletic Directors) who are influenced strongly by their coaching staffs, seem to be in complete support of a transfer restriction for students who leave their schools, and yet not supportive of those same rules for students coming into their schools.
- During 2024-25 and continuing on into 2025-26, many senior school administrators (Superintendents in particular) have become more involved with efforts to gain eligibility for students, regardless of the transfer situation, for those students entering their schools.
- This situation is somewhat exacerbated by the implementation of all provisions around HB563 which have created a near “open enrollment” situation statewide. The issues are complicated in that students who have not yet played have considerably more options for enrollment than those who play varsity early in their grade 9-12 enrollment.

As the issues continue to be studied, more change is likely.

Member high schools, per the regulation and adopted schedule, pay a flat amount for membership dues which is used to provide student catastrophic insurance for participating students, specific insurance coverage as needed for schools hosting postseason KHSAA events, and ensure daily operations of the Association. All other expenditures incurred for this program are the responsibility of the KHSAA, without a general fund or other appropriation from the General Assembly or Department of Education.

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**Commissioner of Education**

**GOALS/PRIORITIES: Indicate all applicable options.**

<input type="checkbox"/> Foster Educational Innovation Through Vibrant Learning Experiences
<input type="checkbox"/> Advance Educational Excellence Through Continuous Professional Improvement
<input checked="" type="checkbox"/> Cultivate Collaborative Partnerships
<input checked="" type="checkbox"/> Legislation
<input type="checkbox"/> Commissioner's Management