

## FALL 2005 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 James Sexton, Principal, Eastern High School. Endorsed for Adoption by the KHSAA Board of Control**

*Rationale – Opportunities for resident Kentucky school children to participate in KHSAA athletic competitions are reduced by non-resident student-athlete participation and certainly are reduced by not limiting the “drawing” area or territory of a school. This amendment may eliminate allegations of recruitment of out of state and out of district students by KHSAA member schools. In selected areas, the perception is that some schools allow non-territory residents to participate simply due to athletic prowess. This or similar definitions serve to place all schools on a more level playing field as it relates to athletic participation and success. This rule also attempts to “level the playing field” in terms of the available student-athletes for all schools. In this manner, schools with highly defined district lines, and those that draw from multiple areas are treated in the same manner.*

#### **Bylaw 4. Enrollment**

##### Sec. 1) Territory Requirement

Territory – For a public school with Board of Education specified boundaries, the “territory” of the school is the geographic boundaries and bus routes (school day, not special or activity busses) of the area served by that school as established by the local board of education including non-resident student agreements between districts pursuant to KRS 157.350(4). For a public school or multiple schools within a public school district that do not have clearly defined boundaries, the “territory” of the school is the geographic boundaries of the entire school district. For a non-public school, the “territory” of the school is the area within a twenty (20) mile radius of the school not to exceed the boundaries of the state.

Bonafide residence - A “bonafide residence” as used in this regulation is the primary residence of the student and his/her custodial parents.

Students below grade nine (9) may participate on the high school team if such pupils have a bonafide residence in the territory of the member school and such participation is not in conflict with restrictions contained elsewhere in this or other bylaws.

A student enrolled in grades nine (9) through twelve(12) is ineligible to participate in interscholastic athletics at any level (grades 9-12) for the first year at a KHSAA member school if the bonafide residence of the student and his/her custodial parents is outside of that school’s territory.

This provision shall not apply to students enrolled at D1 (Kentucky Board of Education managed) schools.

##### Sec. 2) Maximum Number of Semesters

a) Students promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first 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.

b) The Commissioner or Board of Control through the Due Process Procedure, may grant additional eligibility in the case where it has been documented by the attending physician, Principal and Superintendent that severe illness or injury has prevented the student from receiving necessary education services and the right to an education has therefore been impacted rather than simply the loss of athletic privilege. Such grant of eligibility may only be made in the cases in which the student-athlete would remain eligible by all other Association bylaws. Nothing about this provision shall include additional eligibility strictly for loss of participation due to sports related injuries.

c) No student having been enrolled in the fourth (4th) grade or in any grade through twelfth (12th) shall be eligible for

interscholastic athletics at the high school level (grades 9 through 12) for more than a total of one (1) year in each grade and applicable eligibility shall begin in the first year enrolled in that grade. Students repeating a grade for any reason are ineligible to participate in interscholastic athletics at the high school level (grades 9 through 12) during the second year in that grade. The penalty for violation of this rule shall be the loss of one of the four years of eligibility after being promoted from grade nine (9). Policies regarding the participation of repeating students at the levels of play below high school interscholastic athletics shall be determined by the school council pursuant to KRS 160.345 (2) (i).

d) Pupils in grades 1-8 may play on the high school team if such participation is not in conflict with Section 1 and 2(c) above, and the time so played shall not be counted on the eight (8) semester limit. EXCEPTION: Students below grade nine (9) may not participate on the varsity team in contests in the sports of football or soccer, and students enrolled below grade seven (7) may not participate on the varsity level in wrestling. The provisions of this restriction shall not apply to non-varsity teams participating in these sports.

##### Sec. 3) Responsible Parties

Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player under the provisions of this bylaw, or who, through reasonable diligence, should have known of such ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. Such shall apply not only to coaches, but also to personnel supervising coaches; such as, but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

##### Sec. 3) Sec. 4) 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 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.

##### Sec. 4) Sec. 5) 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. In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

#### **Bylaw 6. Transfer Rule**

##### Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new school.

Sec. 2) The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school. The KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring students would be better served through a transfer.

a) BONA FIDE CHANGE IN RESIDENCE - If there has been a bona fide change in residence by the parents and student that precedes a student’s change of schools.

For purposes of this bylaw, a bonafide change of residence means the moving of the permanent residence of the entire family of the student and his/her custodial parents from out of one school territory district or defined school attendance area and into the school territory of the member school at which eligibility is requested another school district or defined school attendance area prior to a change in enrollment of the student. A student who becomes emancipated does not have a bona fide change of residence by virtue of his/her emancipation and change of residence for purposes of this bylaw.

## PROPOSAL 2

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

*Rationale – Many non-public primary through middle schools in Kentucky are located in counties where a high school under that same Board of Education does not exist. Those students should be able to represent the high school in the general area of the residence of the parents and not be restricted to eligibility only in those non-public schools great distances from their homes. If the high school that the student is to represent is responsible for the student once participation becomes an issue and opportunity, this should present a feasible and fair opportunity. This would help in the case of many K-8 schools where there is not a high school, and would help all member schools have the same basic pool of potential competitors. These students could only play if they lived in the district of the local high school at which participation was desired, or in a district where non-resident student agreements existed between districts pursuant to KRS 157.350(4).*

#### Bylaw 4. Enrollment

##### Sec. 1.) Maximum Number of Semesters

- a) Students promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first 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.
- b) The Commissioner or Board of Control through the Due Process Procedure, may grant additional eligibility in the case where it has been documented by the attending physician, Principal and Superintendent that severe illness or injury has prevented the student from receiving necessary education services and the right to an education has therefore been impacted rather than simply the loss of athletic privilege. Such grant of eligibility may only be made in the cases in which the student-athlete would remain eligible by all other Association bylaws. Nothing about this provision shall include additional eligibility strictly for loss of participation due to sports related injuries.
- c) No student having been enrolled in the fourth (4th) grade or in any grade through twelfth (12th) shall be eligible for interscholastic athletics at the high school level (grades 9 through 12) for more than a total of one (1) year in each grade and applicable eligibility shall begin in the first year enrolled in that grade. Students repeating a grade for any reason are ineligible to participate in interscholastic athletics at the high school level (grades 9 through 12) during the second year in that grade. The penalty for violation of this rule shall be the loss of one of the four years of eligibility after being promoted from grade nine (9). Policies regarding the participation of repeating students at the levels of play below high school interscholastic athletics shall be determined by the school council pursuant to KRS 160.345 (2) (j).
- d) Pupils in grades 1-8 may play on the high school team if such participation is not in conflict with Section (c) above, and the time so played shall not be counted on the eight (8) semester limit. EXCEPTION: Students below grade nine (9) may not participate on the varsity team in contests in the sports of football or soccer, and students enrolled below grade seven (7) may not participate on the varsity level in wrestling. The provisions of this restriction shall not apply to non-varsity teams participating in these sports.

##### Sec. 2) Responsible Parties

Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player under the provisions of this bylaw, or who, through reasonable diligence, should have known of such ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. Such shall apply not only to coaches, but also to personnel supervising coaches; such as, but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

##### 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 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.

##### 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 Board of Education), is connected to the high school within which district boundaries the student's custodial family resides, or another public school in the county where the residence is located in a school district with a non-resident student agreements between districts pursuant to KRS 157.350(4). In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

## PROPOSAL 3

### Proposed by James Sexton, Principal, Eastern High School; Mark Swift, Designated Representative, Ashland Blazer High School

*Rationale – Opportunities for resident Kentucky school children to participate in KHSAA athletic competitions are reduced by non-resident student-athlete participation. This amendment may eliminate allegations of recruitment of out of state students by KHSAA member schools. In selected areas, the perception is that some schools allow non-residents to participate simply due to athletic prowess. This would also ensure that these are truly Kentucky state championships, teams composed of only Kentucky residents. This also solves problems with disparity between enrollment and attendance requirements that may vary among KHSAA member school systems as it relates to out of state students.*

#### Bylaw 4. Enrollment

##### Sec. 1.) Residence Requirement

Pupils in grades one (1) through twelve (12) may play on the high school team if such pupils have a bonafide residence in the Commonwealth of Kentucky and such participation is not in conflict with restrictions contained elsewhere in this or other bylaws. A bonafide residence is defined as the student and his/her custodial parents residing in a Kentucky school district's defined attendance area. A student is ineligible to participate in interscholastic athletics at any level (grades 9-12) if the student or his/her parents maintain a permanent residence outside the Commonwealth of Kentucky and do not attend a member school of the KHSAA while adhering to a valid tuition exchange/reciprocal agreement with the Kentucky public school district to ensure compliance with state regulations. This provision shall not apply to students enrolled at D1 (Kentucky Board of Education managed) or F1 (Federally managed) schools. This provision shall also not apply to students enrolling in a KHSAA member school who have continually attended since initial enrollment in grade four (4), a school under the same local Board of Education as the KHSAA member school.

##### Sec. 1) Sec. 2) Maximum Number of Semesters

- a) Students promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility

from the date of first 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.

- b) The Commissioner or Board of Control through the Due Process Procedure, may grant additional eligibility in the case where it has been documented by the attending physician, Principal and Superintendent that severe illness or injury has prevented the student from receiving necessary education services and the right to an education has therefore been impacted rather than simply the loss of athletic privilege. Such grant of eligibility may only be made in the cases in which the student-athlete would remain eligible by all other Association bylaws. Nothing about this provision shall include additional eligibility strictly for loss of participation due to sports related injuries.
- c) No student having been enrolled in the fourth [4th] grade or in any grade through twelfth [12th] shall be eligible for interscholastic athletics at the high school level [grades 9 through 12] for more than a total of one [1] year in each grade and applicable eligibility shall begin in the first year enrolled in that grade. Students repeating a grade for any reason are ineligible to participate in interscholastic athletics at the high school level [grades 9 through 12] during the second year in that grade. The penalty for violation of this rule shall be the loss of one of the four years of eligibility after being promoted from grade nine [9]. Policies regarding the participation of repeating students at the levels of play below high school interscholastic athletics shall be determined by the school council pursuant to KRS 160.345 [2] (j).
- d) Pupils in grades 1-8 may play on the high school team if such participation is not in conflict with Section [c] above, and the time so played shall not be counted on the eight [8]

semester limit. EXCEPTION: Students below grade nine [9] may not participate on the varsity team in contests in the sports of football or soccer, and students enrolled below grade seven [7] may not participate on the varsity level in wrestling. The provisions of this restriction shall not apply to non-varsity teams participating in these sports.

Sec. 2) Sec. 3] Responsible Parties

Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player under the provisions of this bylaw, or who, through reasonable diligence, should have known of such ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. Such shall apply not only to coaches, but also to personnel supervising coaches; such as, but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

Sec. 3) Sec. 4] 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 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.

Sec. 4) Sec. 5] 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. In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

***COMPILERS NOTE:***

*The following proposals [4 through 9] relate to KHSAA Bylaw 6. Below is a complete, unaltered copy of the current rule for 2005-2006, for use in comparison to revisions that are being proposed.*

**Bylaw 6. Transfer Rule**

**Sec. 1) Domestic Students**

Any student who has been enrolled in grades nine [9] through twelve [12] and has participated in any varsity game in any sport at any school following enrollment in grade nine [9] who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new school.

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

- a) BONA FIDE CHANGE IN RESIDENCE - If there has been a bona fide change in residence by the parents and student that precedes a student's change of schools.  
For purposes of this bylaw, a bonafide change of residence means the moving permanent residence of the entire family of the student and his/her parents from one school district or defined school attendance area into another school district or defined school attendance area prior to a change in enrollment of the student. A student who becomes emancipated does not have a bona fide change of residence by virtue of his/her emancipation and change of residence for purposes of this bylaw.
- b) DIVORCE - The KHSAA will not recognize a legal separation as grounds for waiver of the provisions of this bylaw. The Commissioner may waive the provisions of this bylaw in the event of a dissolution of marriage [i.e. a final and legally binding divorce decree from a court of competent jurisdiction] of the parents and a change in the residence of the student pursuant to a court order granting custody of the child to one of the parents with whom the student shall reside. In the event joint custody is awarded to both parents, for purposes of this bylaw, the student shall be deemed to reside at his or her previous residence if one parent retains this residence. If neither parent retains the former residence, the parents shall designate one of their new residences [mother or father] for the purpose of this bylaw, such designation to be reviewed and approved by the Commissioner.
- c) GUARDIANSHIP/CHANGE OF CUSTODY - The KHSAA shall not recognize guardianship or similar arrangements made, for purposes of this bylaw. The Commissioner shall have authority to waive the provisions of this bylaw where it is shown that custody of the student has been taken from one or both parents and given to a third person by a court of competent jurisdiction and under circumstances indicating: [1] the parent[s] is/are unfit or [2] the court finds that the health and welfare of the student would be better served by the change in custody.
- d) DEATH - In the event the death of one or both of the student's custodial parents creates such circumstances that the transfer to another secondary school is deemed appropriate.
- e) BOARDING SCHOOLS - The Commissioner may waive the period of ineligibility on a one-time basis for students entering a boarding school on a full time basis as a boarding school student.
- f) NON ATHLETIC PARTICIPATION FOR AN ENTIRE SCHOOL YEAR - In the event that the transferring student did not participate in an interscholastic contest at any level in any sport while enrolled at the sending school during the entire academic school year immediately preceding the change in schools.

- g) REASSIGNMENT BY BOARD OF EDUCATION - Through a properly documented reassignment of the Board of Education to another school in the district. To meet this exception for a reassignment, reasons for the assignment may include, but are not limited to, the closing or opening of a school due to consolidation, merger, opening of a new school, or another type or opening or closing or assignment through KRS 158.6455 or other applicable adopted regulation. Such assignment may be to the public school district should a private, parochial or independent school close.
- h) TRANSFER FROM NON-MEMBER SCHOOL - Any student transferring from a non-member school located in Kentucky whose athletic participation has been limited primarily to other non-member schools may have the period of ineligibility waived.

Satisfying of one of the exceptions (a through h) will not be considered valid and a waiver of the period of ineligibility shall not be granted—

- 1) If the change in schools is to nullify or circumvent the actions of representatives or rules of the previous school or if the student left the sending school under penalty which would have resulted in their ineligibility at the sending school;
- 2) If the satisfying of one of the exceptions occurs after the enrollment at the new school;
- 3) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school;
- 4) If the satisfying of one of the exceptions is used or manipulated for the purpose of gaining athletic eligibility;
- 5) If the satisfying of one of the exceptions by the student and the parent(s) does not reasonably precipitate a transfer to the new school.

The Commissioner may, as he/she deems necessary, appoint or hire a committee or investigator to conduct any inquiry or investigation concerning any issues arising under this bylaw or any other bylaw.

If any member school files a written objection to the factual validity of the certification before the conclusion of the period of time to which the period of ineligibility would normally apply, along with the specific, detailed basis for such, then a complete investigation shall be conducted by the KHSAA and a ruling shall be issued through the Commissioner's office.

No student enrolled in grades 4-12 who has participated in a first team game shall be eligible to represent a second member school during that school year unless that student would qualify for a waiver of the period of ineligibility in accordance with provisions (a) through (f) above.

#### PROPOSAL 4

**Proposed by Becky Bushong, Designated Representative, Henry Clay High School**

*Rationale - This proposal would hopefully lessen the "Open Season" on rising 9<sup>th</sup> graders. In many areas, when students have played varsity while being enrolled below grade nine and have had some success, there is nearly a college level "recruiting" season on them upon 8<sup>th</sup> grade graduation. This change would clarify that if they play at any level at a KHSAA member school while enrolled below grade nine, they will stay in that or face a year of ineligibility.*

#### Bylaw 6. Transfer Rule

##### Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new school. Any student who has participated in a contest at any level in any sport representing a member school while being enrolled below grade nine (9) who then enrolls at a different member school (grade nine or above) shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new member school.

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

*THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-h in the 2005-2006 Handbook)*

#### PROPOSAL 5

**Proposed by James Sexton, Principal, Eastern High School - Endorsed for Adoption by the KHSAA Board of Control**

*Rationale - This proposal would hopefully lessen the "Open Season" on rising 9<sup>th</sup> graders. In many areas, when students have played varsity while being enrolled below grade nine and have had some success, there is nearly a college level "recruiting" season on them upon 8<sup>th</sup> grade graduation. This is not only by member schools outside of the feeder pattern, but by the parents and sometimes, student-athletes themselves. This change would clarify that if they play at the varsity level*

*while enrolled below grade nine, they will stay in that feeder pattern or face a year of ineligibility.*

#### Bylaw 6. Transfer Rule

##### Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new school. Any student who has participated in any varsity contest in any sport representing a member school while being enrolled below grade nine (9) who then enrolls at a different member school (grade 9 or above) shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new member school.

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

*THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-h in the 2005-2006 Handbook)*

#### PROPOSAL 6

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

*Rationale - This proposal would allow for the member school Principals to concur that even though the basic exceptions have not been met, the student athlete should be declared eligibility, returning the control of the process to the member school Principals to do what is best for the students at that school.*

#### Bylaw 6. Transfer Rule

##### Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new school.

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

argument that the educational needs of the transferring students would be better served through a transfer.

*THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-h in the 2005-2006 Handbook), BUT ADDS A NINTH EXCEPTION (LETTERED I*

- i) CONSENT BY THE PRINCIPALS OF THE SENDING AND RECEIVING SCHOOLS – The Principals of the sending and receiving school may consent in writing to the waiving of the period of ineligibility.

### PROPOSAL 7

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

*Rationale – This change would likely lead to a dramatic reduction in litigation for the Association. Many of today's appeal cases involve younger athletes who made school choices (or such choices were made by parents), and the enrollment simply didn't work out. Allowing these students to play non-varsity would ensure that the participation opportunity is not lost for those students, but that such participation would not affect the one level of play that is recognized and managed by the Association, the varsity level. In addition, this is consistent with School Based Council's traditional authority to determine eligibility at the non-varsity level in extracurricular activities.*

#### Bylaw 6. Transfer Rule

##### Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level for one year from the date of enrollment in the new school.

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

*THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-h in the 2005-2006 Handbook)*

### PROPOSAL 8

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

*Rationale – This clarification would specify that a student would be under "suspension" not "penalty" for a waiver to be denied. Many of the appeal cases heard today involved athletes who have been enrolled in school systems where "demerits" accumulate, some even throughout the year, and eventually the students are asked not to re-enroll. This is not a case where the authors of these provisions intended students ineligible, the original proposal's intentions was to not let students escape punishment by transferring (such as suspension, etc.) This would also ensure that schools throughout the state could be treated on a level playing field. This change would also remove the word "discipline" from Bylaw 7 and replace it with "suspension".*

#### Bylaw 6. Transfer Rule

##### Sec. 1) Domestic Students

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment in the new school.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether

a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school. The KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring students would be better served through a transfer.

*THIS PROPOSAL MAKES NO OTHER CHANGES IN THE DOCUMENTED EXCEPTIONS FOR A WAIVER OF THE PERIOD OF INELIGIBILITY (LETTERED a-h in the 2005-2006 Handbook)*

Satisfying of one of the exceptions (a through h) will not be considered valid and a waiver of the period of ineligibility shall not be granted—

- 1) If the change in schools is to nullify or circumvent the actions of representatives or ~~rules of the previous school~~ or if the student left the sending school under legal penalty within the definitions contained in the Kentucky Revised Statutes and/or Kentucky Administrative Regulations which would have resulted in their ineligibility at the sending school;
- 2) If the satisfying of one of the exceptions occurs after the enrollment at the new school;
- 3) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school;
- 4) If the satisfying of one of the exceptions is used or manipulated for the purpose of gaining athletic eligibility;
- 5) If the satisfying of one of the exceptions by the student and the parent(s) does not reasonably precipitate a transfer to the new school.

The Commissioner may, as he/she deems necessary, appoint or hire a committee or investigator to conduct any inquiry or investigation concerning any issues arising under this bylaw or any other bylaw.

If any member school files a written objection to the factual validity of the certification before the conclusion of the period of time to which the period of ineligibility would normally apply, along with the specific, detailed basis for such, then a complete investigation shall be conducted by the KHSAA and a ruling shall be issued through the Commissioner's office.

No student enrolled in grades 4-12 who has participated in a first team game shall be eligible to represent a second member school during that school year unless that student would qualify for a waiver of the period of ineligibility in accordance with provisions (a) through (f) above.

#### Bylaw 7. Conduct - Student or Other Representative Under Penalty

Any student, contest official or other official school representative who is under legal penalty within the definitions contained in the Kentucky Revised Statutes and/or Kentucky Administrative Regulations ~~penalty or discipline~~ or whose conduct is such to reflect discredit upon the school or the KHSAA is not eligible.

### PROPOSAL 9

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

*Rationale – The sentiment of the membership appears to be that they are not objectionable to foreign exchange students being in the schools, but are quite opposed to these students creating an athletic advantage for one school over another. This change would simply state that those students who are not U.S. residents or come through an exchange program could not participate at the varsity level.*

#### Bylaw 6. Transfer Rule

##### Sec. 2) Non-Domestic Students

a) Foreign exchange students attending school in Kentucky shall be considered ineligible at the varsity level for the first calendar year following enrollment.

~~if placed in a KHSAA member school under the auspices of approved student exchange programs or in other circumstances approved by the Board of Control within Board policy, these students may be declared eligible and not be subject to the initial one year period of ineligibility.~~

- ii) ~~In order to be considered for a waiver, the following conditions must exist~~
- 1) ~~The student shall be in compliance with all U.S. Immigration and Naturalization Service regulations;~~
  - 2) ~~The student shall be in the first and only year as an exchange student;~~
  - 3) ~~The student shall not be a graduate of a the 12th or terminating grade or its' equivalent in either the U.S. or his/her home country;~~
  - 4) ~~The student shall be in possession of a complete transcript of records that has been translated into English prior to the request for eligibility;~~
  - 5) ~~The student shall be in possession of a J-1 student education visa issued by the U.S. Immigration and Naturalization Service;~~
  - 6) ~~The student's placement must not have been a "direct placement" into a KHSAA member school;~~
  - 7) ~~The student's host family shall not pay any tuition or fee normal to the attendance at the KHSAA member school, all such fees shall be paid by the student's family;~~
  - 8) ~~All travel fees shall be paid by the student's family; and~~
  - 9) ~~The student's host family shall not include members of the coaching staff at the KHSAA member school at which participation is desired.~~
- iii) ~~To be considered for approval by the Board of Control, a foreign exchange program shall assign students to schools by a method that ensures that no student, school or interested party may influence the assignment for athletic or other purposes.~~
- iv) ~~The student, the principal or designated representative of the member school, and a representative of the placement agency shall sign and attest to certification that the athlete complies with the eligibility rules of the KHSAA and shall not be eligible under any circumstances for more than one year of athletic participation if the first year period of ineligibility is waived.~~
- b) ~~Any student having made election to apply for the waiver of the first year of ineligibility and having been granted a waiver of the normal period of ineligibility under subsection (a) above shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in grades 9-12 in Kentucky.~~
- c) ~~Any student desiring to participate in athletics who does not meet the criteria listed in Bylaw 6, Sec. 2 may seek a waiver of the one year ineligibility period through the KHSAA Due Process Procedure.~~

### PROPOSAL 10

#### Proposed by James Sexton, Principal, Eastern High School. Endorsed for Adoption by the KHSAA Board of Control

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

#### Bylaw 7. Financial Aid (new)

##### Sec. 1) Definitions

- a) Tuition - The amount of necessary tuition and fees to attend a member school as determined by the published scale of charges by the school. The tuition shall be the same for all students in like situation (boundary limits, grade level) irrespective of participation in athletics.
- b) Feeder school - The school where students who reside in the student's residential address and attend the student's non-high school level institution (i.e. middle school / junior high) are patterned to attend, or the district resides school for those districts with multiple schools under the same Board of Education.
- c) Need-Based Aid - The amount of aid determined to be needed by an independent financial analysis of the financial aid application, provided such analysis is performed by one of the Board of Control approved agencies.
- d) Maximum Need-Based Aid - The maximum need-based aid shall be seventy-five (75) percent of the tuition and fees

determined applicable to a particular student in his/her enrollment.

- e) Financial Aid - Shall include awards made to the student, the student's account, or waivers of otherwise applicable charges.
- f) Merit Awards - Merit awards (academic awards, etc.) are those based solely on academic / test performance or those which are available to the entire student body through a competitive application process and the selection of the recipient(s) is based on published objective criteria which may not include athletic achievement or ability.

##### Sec. 2) Non-Permissible Financial Aid

- A student is ineligible to participate in interscholastic athletics if she/she:
- i) Accepts need-based aid beyond the limits defined in Section 2 (c).
  - ii) Receives merit award aid when enrolling in a KHSAA member school from a school outside the defined and documented feeder pattern of the new school.
  - iii) Receives need-based or merit award aid while enrolled in a KHSAA school that is not available to the entire student body by published objective criteria.
  - iv) Accepts any other financial aid other than the permitted need-based or merit award aid detailed above.

### PROPOSAL 11

#### Proposed by Jeff Edwards, Designated Representative, Jeffersontown High School

*Rationale - This proposal would restrict play in any organized outside competition by any member of a football or basketball team during the school year. The students need to choose whether they desire to play for school teams or community teams during the school year. The removal of the restriction from the spring has produced an undesirable effect on the sport and the student-athletes. Most out of school coaches are not properly trained (coaching education, medical issues, etc.); transportation and insurance are issues; inherent conflicts exist with spring sports; and the spring is not a major evaluation period for college prospects as most activity is restricted. The allowance of one event would cause little disruption, and would allow for the normal collegiate recruitment process to be observed or the student to be involved in a local area all-star contest. Students could attempt a one day collegiate showcase during the permissible periods for recruitment (i.e. October for females, April for males), but otherwise, would not be playing in outside of school competition until the end of the school year. This restriction would not apply to seniors without eligibility remaining as they are already controlled by the prevailing NCAA regulations at the time.*

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

A student who, after enrolling in grade nine (9), has been a contestant in football or basketball at any level (grades 9-12) and has eligibility remaining in that sport may participate in a single allowable all-star game, or a single event where there is no tournament style progression or planned play in multiple contest-like games, from the first day of school through the first day of practice, or from the last day of play through the end of the academic school year. This single allowable event would be recorded and monitored by the Principal of the student's enrolled school, and such would be reported to the Association if requested. Other than this single event/game allowance, Any student who, after enrolling in grade nine (9), has been a contestant 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 school through the end of the academic school year 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. Following the team's last scheduled game (including post-season), there are no restrictions on play in that specific sport for the student-athletes.

## PROPOSAL 12

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

*Rationale – This proposal would restrict play in any organized outside competition by any member of a team sport. The students need to choose whether they desire to play for school teams or community teams during the school year. By doing this, and eliminating the dead period, we allow unlimited play in the summer, and no play other than school play during the school 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 in any team sports (baseball, basketball, football, soccer, softball or volleyball) 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 any of those sports that sport or any variation of those sports that sport from the first day of school through the end of the academic school year 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. Following the team's last scheduled game (including post season), there are no restrictions on play in that specific sport for the student athlete.

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

##### **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 13

### Proposed by the KHSAA Board of Control

*Rationale – This change would remove outdated restrictions on the forfeiture of postseason games. This provision pre-dates Bylaw 33 which details the penalties possible for violations, and allowing it to remain in the rules leads to potential rules conflict upon enforcement. In addition, Sections 4 and 5 are better left to the membership to deal with through the use of the standard game contract.*

#### **Bylaw 24. Forfeits**

##### **Sec. 1) Use of an Ineligible Player**

~~When a student is declared ineligible, all contests in which he/she has played while ineligible shall be forfeited to the opposing team except that this may not apply to state championship competition.~~

##### **Sec. 2) Failure to Play a Scheduled Contest**

~~When a school fails to carry out its contract to play a regularly scheduled contest, the contest shall be forfeited to the offended school.~~

##### **Sec. 3) Failure to Follow Terms of Contract**

~~Provisions may be made for a forfeit fee to be paid by the school that fails to follow the terms of a contract. The Commissioner shall suspend from the Association a school that fails to pay during the same season a stipulated forfeit fee, and the suspension shall remain in effect until the Board of Control removes it.~~

##### **Sec. 4) When No Forfeit Fee is Stipulated**

~~A school failing to engage in a contest agreed upon, without giving at least one week notice to the other school, and securing an honorable release, may be suspended from membership.~~

##### **Sec. 5) Canceled Contests**

~~When a contest is canceled for any reason, the Board of Control shall determine if either school is liable in cases where the two schools cannot reach a satisfactory agreement.~~

## PROPOSAL 14

### Proposed by the KHSAA Board of Control

*Rationale – This proposal would remove from the interpretations and place into the body of the bylaws, the provisions and penalties for a school that exceeds the limit of games. This sets an absolute time frame for the reporting, self or otherwise, of a violation of the limit, and directs the Commissioner as to a direction for proceed with penalties. This also prevents mid postseason forfeiture by late reports while clarifying issues from the past which may have inadvertently allowed schools to manipulate the published interpretations and penalties. This would moot much of Case Situation BL25-3 as it would place the legislative portion into the body of the bylaw.*

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

##### **Sec. 1) General Provisions Concerning All Sports**

###### **[4] Specific Penalties for Violations - Too Many Contests**

Any school violating provisions of this Bylaw by playing too many contests may not be eligible for state championship competition or may be otherwise penalized. For the determination to be made that the limit has been exceeded, it must be reported in writing and received by the KHSAA prior to 12:01 a.m. (midnight) ET on the first day of the postseason tournament series as defined by the KHSAA Memorandum Calendar. If detected and verified, the team exceeding the limit would be ineligible for postseason play and may be further penalized in accordance with Bylaw 33. If the report is made after that point, the team shall be penalized in accordance with Bylaw 33 but shall remain eligible for tournament play during the current season.

## PROPOSAL 15

### Proposed by Designated Representatives Mike Wlosinki, Lafayette High School

*Rationale – Due to the inclement weather during the month of February and early March, this proposal would allow for baseball and softball to hold a small period of organized practice in the fall in which much of the early season's activities and evaluations can be completed. The proposal acknowledges the importance of respecting Fall sports participation as well as keeping a non-competitive environment during the off-season. The participants in the other spring sports by the nature of the sports already are allowed off-season preparedness training such as indoor track or private tennis instruction. This would be a great risk minimization proposal as well as it ensures that the athletes are ready for the season and full competition irrespective of the weather conditions of late winter and early spring.*

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

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

[6] Between the first and last days of September, schools are permitted to designate a ten-day tryout/practice period following which there shall be no further practice or competition until the first official day of practice in February. During this practice period, all equipment authorized by the baseball / softball playing rules may be used. There can be no inter-school competition during this period, and all participants must be eligible according to all KHSAA eligibility rules. There can be no school or coach imposed penalty for any player who chooses not to participate and there may be no required participating by any person on a fall sports eligibility list or any other person not appearing on a fall sports eligibility list.

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

[6] Between the first and last days of September, schools are permitted to designate a ten-day tryout/practice period following which there shall be no further practice or competition until the first official day of practice in February. During this practice period, all equipment authorized by the baseball / softball playing rules may be used. There can be no inter-school competition during this period, and all participants must be eligible according to all KHSAA eligibility rules. There can be no school or coach imposed penalty for any player who chooses not to participate and there may be no required participating by

any person on a fall sports eligibility list or any other person not appearing on a fall sports eligibility list.

### PROPOSAL 16

#### Proposed by Ronnie Fields, Designated Representative, Anderson County High School

*Rationale - Every day, we hear stories of problems with "outside" coaches or street coaches. And at the same time, the membership rules continue to be tighter and tighter on our own coaches. Would we not rather these individuals [our competitors] be coached by the individuals we have selected, trained and currently supervise? And if out of season activity is a problem within a school [i.e. a spring sports coach is keeping a fall sport athlete from playing a fall sport], then the local school should address that problem, not a potentially unenforceable and unwieldy rule that the state office is expected to interpret and enforce.*

#### Bylaw 25. Limitation of Seasons

Sec. 1) General Provisions Concerning All Sports

(6) Involvement of Members of the Coaching Staff Out of Season

Members of the high school coaching staff (paid or unpaid) shall ~~not~~ be prohibited from sport specific coaching observation and evaluation (but not coaching) of any player who has played for a grade nine (9) through grade twelve (12) team (freshman, junior varsity, varsity) in outside practice or competition with a non-school sponsored team from the first day of school through the last day of school. The coaching activities, within the school or school system, of any member of the high school coaching staff (paid or unpaid) and his/her involvement with any player who has played for a grade nine (9) through twelve (12) team (Freshman, junior varsity, varsity) as an individual or team member shall be governed by the member school at which the coach is employed, provided such activity play is under the direct control of the same local board of education as the coach is employed and provided such play is not in conflict with other KHSAA bylaws. Any play outside of the defined limitation of seasons for each sport is considered totally under the care, custody and control of the local school, and no KHSAA provided insurance shall be in force or implied to be in force.

### PROPOSAL 17

#### 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 absolute maximum played in any form of counting would reduce from 30 to 29 with the passage of this proposal. The reduction from 24 to 23 on the limit has no practical effect as no KHSAA member school has played more than 29 games in the past two seasons, but this reduction would lessen the likelihood of further review of KHSAA schedule limits by outside, which were the reason for the change in the first place. 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. 3) Sports Specific Limitations - **Basketball - Boys and Girls**

- (1) Following the opening day of school, there shall be no organized basketball practice prior to October 15.
- (2) Prior to the opening game of regular season play, a basketball team may have only two (2) scrimmages or practice games with players other than members of the squad.
- (3) The first basketball game shall not take place prior to the Monday following Thanksgiving.
- (4) No member school shall play more than twenty-three (23) ~~twenty-four (24)~~ basketball games during the regular season. A maximum of two (2) tournaments may be included in any manner other than counting each game

played against the limit of twenty-three (23) ~~twenty-four (24)~~ games. Any two tournaments played during the regular season may be counted as one game per tournament against the limit of twenty-three (23) provided that neither tournament necessitates the team playing more than four (4) 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 twenty-four (24) games. All other formats of tournaments are eligible to be counted as two games against the limit of twenty-four (24) 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 twenty-four. Any game played over the limit of four in any one tournament shall be counted against the limit of twenty-three (23) ~~twenty-four (24)~~ games.

(5) The opportunity to play regular season contests ends at all levels of play (grades 9-12) on the Saturday preceding the first KHSAA Tournament (District, Region or State), 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.

(6) The Board of Control may waive provision(s) (2) and/or (4) of this Bylaw to allow member schools to participate in Hall of Fame Classic contests. Rules on participation in the Classic shall be made by the Board of Control and published in the Athlete Magazine as a part of the official record of the Association.

### PROPOSAL 18

#### Proposed by the KHSAA Board of Control

*Rationale - This change would codify the ability of the Commissioner and/or Board of Control to impose penalties against those schools that use ineligible competitors and advance in postseason play. These penalties have been applied in the past by Commissioner(s) under the provisions of the Due Process Procedure, but the Board feels that by placing them into the body of the bylaw, an additional element of deterrence will occur. Redistribution would allow the offending school to be penalized in a financial manner that did not directly impact the Association, eliminating the perception of enforcement being a business decision, and vacating/striking appears to be a practical requirement whenever an ineligible was used.*

#### 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.

- a) **Fine** - A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the 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.
- b) **Forfeit** - The forfeit of contests/meets may be included in penalties assessed for violation of Association rules.
- c) **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.
- d) **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.

- e) **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.
- f) **Suspension** - An individual, sport or school may be suspended. 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.
- g) **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.
- h) **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.
- i) **Redistribution** - In the case that the 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.
- j) **Vacate/Strike** - In the case that the 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 19

#### Proposed by the Board of Control

*Rationale - This proposal would remove an obsolete provision of the Bylaws as it applies to no members of the Association. In addition, play by the Kentucky School for the Blind continues to be permitted in accordance with Board policy and removal of this provision ensures equal treatment of all member schools.*

#### ~~Bylaw 35. Bylaws Not Applying to Certain Schools~~

~~Bylaw 4, Bylaw 6, and Bylaw 8 shall not apply to schools maintained by institutions created by law that receive children by commitment of court. The Kentucky School for the Blind, in competition with similar schools in other states, may compete under the eligibility rules of the North Central Association of Schools for the Blind.~~

### PROPOSAL 20

**Proposed by Designated Representative John Proctor, Meade County, Co-sponsored by Brian Carter, Designated Representative, Allen County Scottsville; Ronnie Fields, Designated Representative, Anderson County; Mark Swift, Designated Representative, Ashland Blazer; Jim Jury, Principal, Ballard; Dudley Hilton, Designated Representative, Bell County; Steve Case, Designated Representative, Bryan Station; Bill Cowan, Designated Representative, Calloway County; Geoff Bailey, Designated Representative, Christian County; Sam Harp, Designated Representative, Danville; Rodney Massey, Designated Representative, Deming; Glenn Baete, Principal, Doss; Beverly Keepers, Principal, Dupont Manual; Tracy Spickard, Designated Representative, Franklin County; Tim Schlosser, Principal, Franklin Simpson; Sam Royse, Designated Representative, Glasgow; Todd Tolbert, Designated Representative, Greenwood; Sheila Smith, Principal, Harlan; Robert Barr, Principal, Harrison County; Becky Bushong, Designated Representative, Henry Clay; Brian Shumate, Principal, Iroquois; Marsha Dohn, Principal, Jeffersonton; Mike Wlosinski, Designated Representative, Lafayette; David Dawson, Designated Representative, Larue County; Chad Molley, Designated Representative, Lloyd Memorial; David Wilson, Designated Representative, Male; Jeff Isaacs, Designated Representative, Paris; David Johnson, Principal, Pleasure Ridge Park; Jim McKee, Designated Representative, Scott County; Mary Greenlee, Principal, Seneca; Jerry Keepers, Principal, Southern; Joe Ruddell, Designated Representative, Tates Creek; Ann Osborn, Designated Representative, Todd County Central; Gregory Sheeley, Principal, Valley; Eric Wilson, Designated Representative, Warren Central; Kami Howard, Designated Representative, Warren East; Al Crout, Principal, West Jessamine; Louis Hughley, Principal, Western; Mike Campbell, Designated Representative, Whitley County; Joe Carr, Designated Representative, Woodford County**

*Rationale - With passage of this proposal, member schools of the KHSAA shall be divided into two divisions at the end of the regular season for district, region and state competition. Division 1 shall be public, Division 2 shall be private (non-public). Non-public schools have a geographical advantage in that they can talk to any student about their school. Students can attend from any area of the United States while public schools can only discuss athletics with students in their respective districts. Some non-public schools are single sex and therefore have no Title IX guidelines to follow. This plays a major role in the amount of money which can be spent on athletics. Non-public schools which have same gender students have skewed numbers when class participation is based on student enrollment. Example, Trinity (Louisville) with approximately 1500 males compared to 700 males at a male/female 4A high school. Non-public schools are allowed to give financial aid (scholarships) to students. Non-public schools will be able to maintain KHSAA membership. Non-public schools can continue to compete with public schools during the regular season. Non-public schools can have post-season competition. Public and non-public schools could crown state championships which will allow even more student-athletes to feel the pride of being name state champions. Having two divisions would not adversely impact travel arrangements of cost since public schools already travel great distances for the football playoffs and other postseason competition as they always have. Non-public schools could continue to recruit students, as they have to do for survival. However, public schools will no longer have to face those "recruited" student-athletes in the state playoff competition.*

### Section 3. Duties of Officers

#### D) BOARD OF CONTROL

The Board of Control shall:

- 1) Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution.
- 2) Establish the Office of the Commissioner. Evaluate annually the performance of the Commissioner.
- 3) Establish salaries for staff comparable to duties and responsibilities.
- 4) Establish annually, goals and achievements for the Board of Control and the Association.
- 5) Perform a self-assessment of the Board of Control and the Association.
- 6) Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education.
- 7) Hold a minimum of six regular meetings.
- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum.
- 9) Review all proposed changes to the KHSAA Constitution and Bylaws. Have authority to reject any proposed change determined not to be in the best interest of the Association.
- 10) Have authority to publish an Association magazine.
- 11) Have authority, upon petition and for cause shown, to reinstate any student or coach who has been barred from competition.

- 12) Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation.
- 13) Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets. The Board of Control shall have the authority to assess receipts of all postseason games, meets, or tournaments in all sports.
- 14) Have authority to amend the playing rules for any sport sponsored by the Association.
- 15) Have authority, as trustees, to purchase or otherwise acquire real property, and to sell, exchange, lease, mortgage, or in any manner dispose of any real property upon such terms and for such considerations as the trustees consider proper.
- 16) Appoint the delegate[s] who represents Kentucky at the annual meeting of the National Federation of State High School Associations yearly.
- 17) Divide the member schools of the Association into two divisions at the end of the regular season for all KHSAA sanctioned postseason competition. Division One shall be public schools (A1 and D1 schools), and Division Two shall be non public schools (F1, R1, M1, J1 schools).