

**FALL 2021 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION ANNUAL MEETING
PROPOSALS SUBMITTED TO THE DELEGATES BY THE BOARD OF CONTROL FOR CONSIDERATION AS REQUIRED BY 702 KAR
7:065 AND THE ANNUAL REVIEW OF ASSOCIATION RULES. ALL PROPOSALS TO BE CONSIDERED SEPTEMBER 21, 2021 FOR
ADOPTION EFFECTIVE WITH THE 2022-2023 SCHOOL YEAR (UNLESS OTHERWISE NOTED)
(204 DELEGATES PRESENT, 146 REQUIRED FOR PASSAGE)**

Items which are underlined represent additions to current bylaw provisions, items struck through represent deletions

**PROPOSAL 2021-01 – CONSTITUTION – AMEND THE CONSTITUTION TO CREATE A DEFINITIVE POLICY IN THE EVENT OF AN
ELECTION WITH MULTIPLE CANDIDATES FOR THE BOARD OF CONTROL**

(PASSED, FINAL VOTE: 204 YES, 0 NO, 0 ABSTAIN, 0 PRESENT)

**Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by
702 KAR 7:065**

Amend the Constitution to create a tie-breaking procedure in the event of more than two candidates for a Board of Control election, and clarify the process for a two-way tie in an election with only two candidates.

Rationale: The membership is blessed with outstanding servant leaders who volunteer to seek Board of Control positions. And the elections have always produced quality individuals for the position. However recent elections resulted in situations where elections did not result in a result that was clearly contemplated in the Constitution. All candidates were cooperative with the results being determined in the manner in which they were, but clarifying the procedure is in the best interest of the Commissioner's office and the membership.

Impact: Regulatory

CONSTITUTION, ARTICLE V - ADMINISTRATION AND LEGISLATION

Sec. 2) BOARD OF CONTROL

f) Balloting

- (1) NOTIFICATION - Notification to the PRINCIPALS or DESIGNATED REPRESENTATIVES of each school in each section in which a SECTIONAL or DESIGNATED member is to be elected, shall be made by the Commissioner not later than January 1 preceding the July in which a term is to begin.
- (2) NOMINATIONS - Nominations for membership on the Board of Control, signed by five PRINCIPALS OR DESIGNATED REPRESENTATIVES of the section, shall be in the hands of the Commissioner, for SECTIONAL or DESIGNATED positions that elect during the year not later than midnight, January 31 preceding the July in which a term is to begin.
- (3) BALLOTS - the Commissioner shall distribute Ballots for election before February 15 preceding the July of the year in which a term is to begin, to be returned on or before March 1 preceding the July in which a term is to begin.
- (4) TABULATION - Results of the election shall be tabulated by the Commissioner in the presence of a minimum of four witnesses with all ballots opened at the same meeting.
 - a. In the event of a two-way tie for the position in an election with only two candidates, the Commissioner shall conduct a random draw of the tied names to determine the winner.
- (5) ABSENCE OF MAJORITY – In the event an election has more than two (2) candidates and no candidate receives a majority of the votes cast, the following procedure shall be utilized:
 - a. In the event of a three-way tie for the position, the Commissioner shall conduct a random draw of the tied names to determine the winner.
 - b. In the event that two candidates have a higher number of votes than all other candidates, the Commissioner shall direct an additional election among the leading two vote-getters, to be conducted using the same procedure as the regular election.
 - c. In the event that one candidate has a higher number of votes without a majority of those cast and two additional candidates are tied, the Commissioner shall conduct a random draw of the tied names to determine the candidate who, along with the leading vote-getter, participates in a run-off election, to be conducted using the same procedure as the regular election.

**PROPOSAL 2021-02 – AMEND BYLAW 6 TO ALIGN WITH KRS 157.350 (4)(C) AND CREATE AN EXCEPTION TO THE PERIOD OF
INELIGIBILITY FOR THE HIRING OF STAFF**

(DIED FOR LACK OF MOTION, FINAL VOTE: ___ YES, ___ NO, ___ ABSTAIN, ___ PRESENT)

**Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by
702 KAR 7:065**

Amend Bylaw 6 to align with statutory provisions regarding funding and to assist school systems in recruitment and retention of staff.

Rationale: Historically, the transfer rule once contained an exception for the movement of a child with a parent. Past cases have allowed with certain staff position (i.e. coaches, principals), but not with other levels. This proposal would align the Bylaw 6 exceptions with the provisions of 157.350 and allow for the student to change schools and retain eligibility if they would otherwise be exempt from out of district funding restrictions. This threshold is contained in most regulations for student movement with parents within the state, but in many cases, does not necessarily align with those areas in the 48 counties that touch another state. In many cases, with staff shortages and demands on hiring, out of state faculty and staff who want to maintain their permanent residence in another state are not accepting positions because of the potential eligibility impact, even if no athletic advantage was being gained. The draft contemplates the possibility of it being used for athletic advantage and attempts to shield against that possibility while realizing that any open door will have someone enter who isn't desired.

Impact: Regulatory

BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS PREVIOUSLY ENROLLED IN MEMBER SCHOOLS

Sec. 1) DOMESTIC STUDENT TRANSFER

- a) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school while maintaining permanent residence in the United States or a United States territory following enrollment in grade nine (9) and who then transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in that sport for a period of one year from the date of last participation.
- b) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school following enrollment in grade nine (9) who has been previously granted eligibility under the provisions of Bylaw 7 or Bylaw 8 and who then transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in that sport for a period of one year from the date of last participation.
- c) The Ruling Officer and Commissioner have discretion (but are not required) to waive the period of ineligibility set forth above if one or more of the following exceptions in Sec. 2 has been met.

Sec. 2) DISCRETIONARY EXCEPTIONS FOR WAIVER (Evidence supporting the desired exception shall be presented with the original request to the Association by the member school)

- I) TRANSFER DUE TO EMPLOYMENT OF CUSTODIAL FAMILY TO SCHOOL OR SCHOOL DISTRICT- The period of ineligibility may be waived for a nonresident pupil (as defined in KR 157.360 (4)(c)) who attends a school within a district in which a parent of the pupil is newly employed in a full-time position in the district or newly employed in a paid head or assistant coaching position. All tuition fees required of a nonresident pupil may be waived for a pupil who meets the requirements of this exception in accordance with KRS 157.350 (4)(c).

Sec. 3) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER FOR THOSE SATISFYING DISCRETIONARY WAIVER PROVISION(S) IN SEC. 2

A waiver of the period of ineligibility is not required to be granted for those students satisfying one of the exceptions in Sec. 2:

- (5) If the student or student's family has had contact with a member of the coaching staff at the receiving school resulting in any exchange other than referral to school or school system administration in the case of exception in Sec. 2(I) or if conversation can be documented indicating that participation in athletics was the motivating factor in meeting exception in Sec.2(I).

PROPOSAL 2021-03 – AMEND BYLAW 9 TO REMOVE BASKETBALL PRE-SEASON RESTRICTIONS ON STUDENTS IN GRADE NINE AND ABOVE WHO HAVE ALREADY REPRESENTED A SCHOOL

(FAILED, FINAL VOTE: 50 YES, 145 NO, 0 ABSTAIN, 9 PRESENT)

Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by 702 KAR 7:065

Amend Bylaw 9 to remove the restrictions on basketball players who have previously both been in grade 9 and then subsequently entered a contest for a high school.

Rationale: This bylaw and its restrictions date back decades. Originally, it was crafted as a joint effort with parks and recreation officials in an effort to preserve community participation spots in sports where the high school athletes were eliminating those opportunities for the general public. Since that time, with the advent and growth of nonschool basketball, member schools used the rule to protect against outside influences. In addition, this rule reduced while not eliminating, the conflicts within schools where athletes might be forced to choose between an in-season fall sport (i.e. football or soccer) and attendance at these types of events, not to mention injury risks associated with such participation. While there has been much discussion about the provisions and various suggestions from the Commissioner and staff, the Board has been hesitant to approve any proposed change for those reasons and others and did not feel the change was in the best interest of the Association. Recruiting has changed, but the data remains the same regarding the percentage of students who actually advance from high school to college. At its review during 2021-22, the Board felt it important to approve the submission of this proposal and determine the wishes of the schools. There is contemplation of extending these restrictions to other sports but it is worthy to note that the practical impact of the current rule is to isolate basketball with a rules different than any other team sport.

It is also worthy to note the reasons for the bylaw in the first place, as stated in the current Bylaw and interpretations.

Case BL-9-1- Why are there restrictions on basketball and football participants that prevent them from playing in outside competition during the school year, prior to the end of their competitive seasons?

A restriction on nonschool athletic participation in these sports attempts to protect students who choose to participate on their school's athletic teams from exploitation by those who seek to capitalize on their skill and/or reputation. In addition, the restriction:

- (1) Avoids inherent risks to participation in nonschool athletic programs that may have inadequate administrative oversight;*
- (2) Discourages outside entities from pressuring student-athletes to miss classes while competing on nonschool teams or in nonschool events;*
- (3) Equalizes competition by reducing any unfair advantage students who participate in nonschool athletics may have over those who do not participate in outside events, and*
- (4) Reduces distractions from academic preparation and other school responsibilities.*
- (5) A nonschool athletic participation restriction in these sports also provides some control over the trend towards year-round competitive sports seasons and operates to reduce, or even eliminate, conflicts which may arise due to: time conflicts of practices, games, playoffs, differing coaching philosophies of the school coaching staff and the nonschool coaching staff, and team loyalty.*

Impact: Regulatory

BYLAW 9. BASKETBALL/FOOTBALL CONTESTANT ON OTHER TEAMS, POSTSEASON AND ALL-STAR GAMES

Sec. 1) BASKETBALL

a) Restrictions from the First Day of Practice as defined in Bylaw 23 through the Last Postseason Contest

(1) No student who, after enrolling in grade nine (9) has subsequently been a contestant in basketball at that school at any level (grades 9-12) and has eligibility remaining in basketball, may not participate in:

a. any manner on any nonschool sponsored team in basketball;

b. any all-star game in basketball;

c. any type of organized competition in basketball or variation of basketball unless it has been sanctioned by the Board of Control.

a) Restrictions from First Day of School through Day Before the First Day of Practice

~~(1) From the first day of school through the day before the first legal day of practice, no student, who after enrolling in grade nine (9) has subsequently been a contestant in basketball at that school at any level (grades 9-12) and has eligibility remaining in basketball, may not participate in:~~

~~a. any manner on any nonschool sponsored team in basketball;~~

~~b. any all-star game in basketball;~~

~~c. any type of organized competition in basketball or variation of basketball except competition that meets the camp restrictions as detailed below in subsection (2);~~

~~d. sports-specific instruction by a member of a member school coaching staff or another individual with a direct connection to a member school without the documented authorization of the student's enrolled school principal or designated representative, or~~

~~e. any other event not sanctioned by the Board of Control.~~

~~(2) Permissible competition by males during this period shall include:~~

~~a. only those camps that are held on the campus of an NCAA or NAIA member institution or conducted by a single NCAA or NAIA member institution within a 100-mile radius of the NCAA or NAIA member institution's campus, when the only available coaches in attendance for evaluation are the employed coaches of that institution; and~~

~~b. attendance at a one-day exposure event during the period beginning with the first date of the NCAA men's recruiting period (contact and evaluation periods) and through October 14 and only for events solely funded by the student and his family that cannot extend over multiple days.~~

~~(3) Permissible competition by females during this period shall include:~~

~~a. permitted evaluations held at nonscholastic women's basketball events during contact periods designated for permissible evaluation by NCAA coaches.~~

~~b. attendance at a one-day exposure event during the period beginning with the first date of the NCAA women's recruiting period (contact and evaluation periods) and through October 14 and only for events solely funded by the student and her family that cannot extend over multiple days.~~

b) Restrictions from First Day of School through the Last Scheduled Contest

~~(1) From the first day of school through the last scheduled contest played in basketball (including KHSAA-sanctioned postseason contests) by the school, no student who, after enrolling in grade nine (9) has been a contestant in basketball at that school at any level (grades 9-12) and has eligibility remaining in basketball, may participate in any manner on any nonschool sponsored team in basketball; in any all-star game in basketball; or any type of organized competition in basketball or variation of basketball unless it has been sanctioned by the Board of Control.~~

b) e) Restrictions following the last postseason contest End of Season

~~(1) Following the team's last scheduled game (including postseason), there are no restrictions on play in basketball for the student-athletes except the applicable coaching restrictions as detailed in Bylaw 23.~~

~~(1) Following the team's last scheduled game (including postseason), there are no restrictions on play in basketball for the student-athletes except the published restrictions in Bylaw 23.~~

Sec. 2) FOOTBALL

a) Restrictions from the First Day of Practice as defined in Bylaw 23 through the Last Postseason Contest

(1) No student who, after enrolling in grade nine (9) has subsequently been a contestant in football at that school, at any level (grades 9-12) and has eligibility remaining in football may participate in:

a. any manner on any nonschool sponsored team in football;

b. any all-star game in football; or

c. any type of organized competition in football or variation of football unless it has been sanctioned by the Board of Control.

a) Restrictions from First Day of Practice through Last Scheduled Contest

~~(1) From the first day of practice with the school through the last scheduled contest played in football (including KHSAA-sanctioned postseason contests) by the school, no student who, after enrolling in grade nine (9) has subsequently been a contestant in football at that school, at any level (grades 9-12) and has eligibility remaining in football may participate in:~~

~~a. any manner on any nonschool sponsored team in football;~~

~~b. any all-star game in football; or~~

~~c. any type of organized competition in football or variation of football unless it has been sanctioned by the Board of Control.~~

b) Restrictions following the last postseason contest End of Season

~~(1) Following the team's last scheduled game (including postseason), there are no restrictions on play in football for the student-athletes~~

except the published restrictions on the issuance of equipment detailed in Bylaw 23.

PROPOSAL 2021-04 – AMEND BYLAW 10 TO CLARIFY AND DISTINGUISH RESTRICTIONS AND ALLOWANCES REGARDING NAME, IMAGE AND LIKENESS AT THE INTERSCHOLASTIC LEVEL FROM SIMILAR RESTRICTIONS AND ALLOWANCES AT OTHER LEVELS OF PLAY

(FAILED, FINAL VOTE: 17 YES, 175 NO, 0 ABSTAIN, 12 PRESENT)

Proposed by the KHSAA Board of Control as part of its annual review of the Bylaws of the Association as required by 702 KAR 7:065

Amend Bylaw 10 to clarify the amateurism definition to align with recent changes at the collegiate level regarding name, image and likeness (NIL).

Rationale: This bylaw and its restrictions, like Bylaw 9, date back decades. Clearly defined is the fact that high school athletics is for amateurs. As with most rules, they must evolve to remain relevant. This proposal protects the integrity of the interscholastic program but removes specific restrictions on the use of Name, Image and Likeness provided the awards are not done while representing the team, school, school system or the KHSAA and comply with NCAA NIL restrictions.

The changes in the proposal can be categorized into three different groups.

- 1) There are some historically needed language cleanups to be sure what is permitted is clearly delineated and what is not permitted is clearly spelled out as well.
- 2) The revision in cash value for items from \$300 to \$500 to recognize the ever-changing pricing dynamic when students attend camps and showcases (at their own expense) and are given shoes or jerseys. In many cases, there are inadvertent violations occurring simply due to recent price and value changes and prior limitations might not have been current. In addition, the role of the national governing bodies (NGB) setting amateurism limitations is essential as they are diligent in ensuring that students don't somehow become professionalized and want to play.
- 3) Relatively Minor changes in Sec. 2(c)6 to permit athletes to participate in the NCAA NIL program without jeopardizing their interscholastic eligibility provided they are not connected to the high school team in the promotional items or the usage of the name, image and likeness. This change allows for the student-athlete to participate in these programs without having to forego interscholastic opportunities.

It is also worthy to note the reasons for the bylaw in the first place, as stated in the current Bylaw and interpretations.

Case BL-10-1- Why is there an amateurism definition and restriction on awards received?

- (1) Amateur competition is a bedrock principle of school-based athletics and the KHSAA. Maintaining amateurism is crucial to preserving an academic environment in which acquiring a education is the first priority. In the interscholastic model of sports, the young men and women competing on the field or court are students first, athletes second.*
- (2) The KHSAA membership has adopted amateurism rules to ensure the students' priority remains on obtaining a quality educational experience and that all of student-athletes are competing equitably.*
- (3) All student-athletes, including international students, are required to adhere to NCAA amateurism requirements to remain eligible for intercollegiate competition.*
- (4) Regardless of the rules at other levels, this amateurism requirement is a foundational premise for conducting competition.*

Impact: Regulatory

BYLAW 10. AMATEUR/AWARDS

Sec. 1) AMATEURISM AND STATUS

- a) To remain eligible, a student who represents a member school in an interscholastic sport shall be an amateur (and maintain amateur status) in that sport.
- b) An amateur athlete is one who engages in athletic competition solely for the physical, mental, social, and pleasure benefits derived from said participation and not material gain.
- c) An athlete forfeits amateur status and athletic eligibility in a sport by:
 - (1) Competing for money (cash) or other monetary compensation (allowable travel, meals and lodging expenses may be accepted) including any cash or cash equivalent item (i.e., an item that is negotiable for cash or other services, benefits or merchandise) for athletic participation;
 - (2) Receiving any award or prize of monetary value not approved within the permissible awards;
 - (3) Accepting gift certificates and merchandise items that cannot be properly personalized;
 - (4) Receiving money or other gifts of monetary value not specifically approved by Sec. 2 of this rule;
 - (5) Receiving money, compensation, endorsements or other gifts of monetary value while displaying any affiliation with the student's school team, school or the KHSAA and for which are not explicitly approved by Sec. 2 (c) of this bylaw;
 - ~~(5) Capitalizing on athletic fame by the use of a specific athlete(s) likeness to promote a specific business or organizational entity including expressly or implicitly endorsing commercial products or services;~~
 - (6) Failing to return player equipment or uniforms issued by a school team when the season for that sport concluded, or when the student's continued participation on such team ~~has ended~~ ~~concluded~~;
 - (7) Signing a professional playing contract in that sport; or
 - (8) Accepting more than a nominal standard fee or salary for instructing, supervising or officiating in an organized youth sports program or

recreation, playground, or camp activities. "Organized youth sports program" includes both school and nonschool programs.

(9) Accepting an award that exceeds the limitations in Sec. 2(d).

Sec. 2) AWARDS AND LIMITATIONS

- a) This bylaw governs all awards received by a student-athlete while enrolled in a member school or awards received before enrollment.
- b) Cash or any other award that an individual cannot receive under these rules may not be forwarded in the individual's name to a different agency or individual.
- c) The following are permissible awards:
 - (1) Awards for participation in special events (postseason tournaments) and established regional or national recognition awards (Mr./Miss Basketball, All-State, etc.) ~~may be presented only~~ by the management of the event, awards program, or by a school that has had, or will have, a team or individual participating in the event or sport, subject to the limitations in Sec. 1 and Sec. 2(d) herein;
 - (2) Awards given by an organization, business firm or other outside agency to symbolically recognize a student-athlete's outstanding performance in a particular contest or during a specific time subject to the limitations in Sec. 1 and Sec. 2(d);
 - ~~(2) An organization, business firm or other outside agency may recognize a student-athlete's outstanding performance in a particular contest or during a particular time by presenting an award, subject to the limitations herein;~~
 - (3) Awards presented by a member school conference, or approved agency that are shall be uniform for all team members receiving the award;
 - ~~(4) Any award received for competition while representing the member high school during the season as defined by Bylaw 23 that does not exceed a value of \$300;~~
 - (4) Awards presented by the member school or by the Association for participation in KHSAA sponsored postseason events;
 - (5) A scholarship award to attend an institution of higher education after high school paid directly to the institution;
 - ~~(6) Any award received by a student-athlete participating in an event while not representing the school at any time that conforms to the regulations of the recognized amateur athletic organization(s) associated with the event. If no limit exists for the amateur organization, the limit shall be \$300; and~~
 - (6) Awards and compensation given that are permitted by the regulations of the NCAA NIL program as specified within the rules of that organization provided the student-athlete retains amateur status per Sec. 1 above and there is no KHSAA member team, school or Association affiliation.
- d) The following are impermissible awards:
 - (1) Cash, gift certificates and merchandise items that cannot be appropriately personalized;
 - (2) Any award or prize of monetary value not approved within the permissible awards as defined in Sec. 2(c);
 - (3) An improper benefit as detailed in Bylaw 16, Sec. 1(b);
 - (4) Any award received for competition while representing the member high school during the regular season (before postseason play) or not given by the member school for the KHSAA sanctioned postseason as defined by Bylaw 23 that:
 - a. exceeds a value that conforms to the regulations of the recognized amateur athletic organization(s) or NGB (National Governing Body) associated with the sport;
 - b. exceeds a value of \$500 if no such amateur organization exists for that sport in Sec. 2(d)(4)(a);
 - c. involves participation in an NFHS sanctioned event wherein awards exceed the restrictions in the NFHS sanctioning standards; or
 - d. is not approved by the member school or school system in advance;
 - (5) Any award received for competition while not representing the member high school but in that sport that:
 - a. exceeds a value that conforms to the regulations of the recognized amateur athletic organization(s) or NGB (National Governing Body) associated with the sport;
 - b. exceeds a value of \$500 if no such amateur organization exists for that sport in Sec. 2(d)(5)(a); or
 - c. exceeds the limitations of Sec. 2(c)(6) above.
 - (6) A scholarship award to attend an institution of higher education after high school not paid directly to the institution.
 - ~~(5) Any otherwise permissible award that exceeds the limitations of Sec. 2(c).~~
- e) Nothing about this bylaw is intended to restrict the ability of any student to participate in a commercial endorsement or be paid for employment provided there is no member school team, member school or member school system, or KHSAA affiliation and this participation is not in conflict with any additional provision of this Bylaw.