

CONSTITUTION OF THE KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

Specific case situations are contained in this section of the KHSAA Handbook which are interpretations and rulings which have been made in accordance with applicable provisions of the KHSAA Constitution. These interpretations supplement the printed rules but do not in any manner substitute for the actual rule. Many of these rulings have established precedent for the interpretation or enforcement of these provisions and remain in place until further altered, re-interpreted, or otherwise set aside. Specific inquiries not addressed by published interpretations should be submitted in writing to the Commissioner of the KHSAA, 2280 Executive Drive, Lexington, KY 40505. Interpretive questions or eligibility rulings shall be requested and issued in writing.

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ARTICLE I- NAME

The name of this organization shall be the Kentucky High School Athletic Association.

ARTICLE II- OBJECT

The object shall be the development, regulation, and purification of the athletic activities in this state.

ARTICLE III- MANAGEMENT OF INTERSCHOLASTIC ATHLETICS

SEC. 1) AUTHORITY

- The Kentucky Board of Education designates the Kentucky High School Athletic Association as the sole organization to manage interscholastic athletics in schools that are members in good standing of the Kentucky High School Athletic Association.
- Each local Board of Education is responsible to the Kentucky Board of Education for interscholastic athletics in grades K-5.

SEC. 2) REPORTING REQUIREMENTS

- The Kentucky High School Athletic Association shall submit annually the rules, regulations, and bylaws to the Kentucky Board of Education together with any proposed changes hereto.
- Appeals from the Kentucky High School Athletic Association Board of Control shall follow the KHSAA Due Process Procedure as approved by the Kentucky Board of Education.

SEC. 3) MEETINGS REQUIREMENTS

- The Kentucky High School Athletic Association shall conduct the meetings of the Board of Control of the Kentucky High School Athletic Association in accordance with Roberts Rules of Order as modified for use.
- All other matters shall be conducted in accordance with the Kentucky High School Athletic Association Board of Control Handbook and Policy Manual.

SEC. 4) PARTICIPATION IN RETIREMENT SYSTEMS

- All members of the Commission and qualifying members of the Executive staff shall qualify for membership and shall maintain status as an active member and contributor to the Kentucky Teachers Retirement System, and as such, shall abide by all of the rules of that organization regarding retirement and all other qualifying criteria.

ARTICLE IV - MEMBERSHIP

This association shall be composed of public schools (grades 6-12) that are accredited by the Kentucky Board of Education and non-public schools that voluntarily comply with accrediting standards of the Kentucky Department of Education.

Member schools are required to comply with the provisions of the Kentucky High School Athletic Association Constitution and Bylaws.

No school shall become a member or continue to be a member whose detailed financial (athletic or otherwise), scholastic, and attendance records are not matters of public property or record. Grades K-5 shall not be eligible for membership.

ARTICLE V - ADMINISTRATION AND LEGISLATION

SEC. 1) ASSOCIATION OFFICERS AND REPRESENTATION

- The officers of the Association shall be a Commissioner and a Board of Control composed of eighteen (18) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female.
- Each member school Principal may, in accordance with Bylaw 1, appoint one (1) DESIGNATED REPRESENTATIVE for each member school to represent that school in the Association.

SEC. 2) BOARD OF CONTROL

- Representation - SECTIONAL Board of Control Members
 - Eight (8) Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each section to serve as SECTIONAL Board of Control members.
 - A SECTION is defined as the combination of two (2) contiguous regions as defined by the KHSAA alignment in basketball.
 - Terms of these SECTIONAL Board of Control members shall be staggered so that two (2) are elected each year.
- Representation - DESIGNATED Board of Control Members

- (1) One African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one African-American shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control.
- (2) One female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one female shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control.
- (3) Terms of the DESIGNATED African-American and female members shall be staggered so that one is elected each year.
- (4) One person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1 or D1 schools) member schools of the Association, and one person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-public (not classification A1 or D1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control.
- (5) The terms of the DESIGNATED representatives required to be from the non-public member schools shall be staggered so that one is elected each even numbered year.
- (6) Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.
- c) Representation - APPOINTED Board of Control Members
 - (1) Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education.
 - (2) These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education.
 - (3) These appointees shall not be an employee of any member school or its central administration or the administration of the Kentucky Department of Education.
 - (4) At least one of these appointees shall be an African-American and one shall be a female.
 - (5) Terms of the at-large members shall be staggered so that one is appointed each year.
- d) Term in Office
 - (1) Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.
 - (2) No member is eligible to serve more than two (2) consecutive terms with no further limits as to lifetime eligibility.
 - (3) SECTIONAL members are not eligible to serve on the Board of Control if the region has been represented for two (2) consecutive four-year terms.
 - (4) If a SECTIONAL representative moves to a different region following his or her election, the region in which the member was employed at the time of election shall be used to determine the status of section for the next election.
- e) Eligibility
 - (1) To be eligible for membership as a SECTIONAL or (1) To be eligible for membership as a SECTIONAL or DESIGNATED representative on the Board of Control, one shall be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA.
 - (2) An individual shall be eligible if that person is a certified teacher and meets the following criteria:
 - a. Is employed a minimum of three (3) regular periods for teaching classes, which may include physical education;
 - b. Is employed for the supervision of study halls; or
 - c. Is exercising responsibilities in other activity assignments within the school schedule for at least three (3) regular periods at a member school or school district.
 - (3) Each SECTIONAL member shall be employed in the section he or she is to represent and shall remain employed in that section during his or her tenure of office and each DESIGNATED member shall be employed in the designated group of regions he or she is to represent and shall remain employed in that group of regions during his or her tenure of office.
- 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 following the traditional holiday break for schools preceding the July in which a term is to begin.
 - (2) NOMINATIONS - Nominations for membership on the Board of Control, submitted by five PRINCIPALS OR DESIGNATED REPRESENTATIVES of different schools in the section, shall be in the hands of the Commissioner, for SECTIONAL or DESIGNATED positions that elect during the year not later than midnight, two weeks following the submission of nomination opportunity to the schools preceding the July in which a term is to begin.
 - (3) BALLOTS - the Commissioner shall distribute Ballots for any election in which more than one candidate receives the requisite number of nominations
 - a. Member schools shall be given at least one full week to respond and submit ballots.
 - b. Ballots shall not be required if only one (1) candidate receives the requisite number of nominations.
 - (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.
- g) Attendance
 - (1) REQUIREMENT - Any elected member of the Board of Control shall attend 70% of the meetings (regular and special) of the Board during the July 1 to June 30 Board year.
 - (2) REPLACEMENT - Any member of the Board of Control, unless excused in advance for documented cause such as illness or injury by a majority of the members of the Board, who fails to attend 70% of the meetings (regular and special) of the Board of Control between July 1 and June 30 during any year

shall automatically upon such occurrence be deemed to have resigned from office, and a replacement shall be elected/named.

h) Officers

- (1) At the regularly scheduled meeting of the Board prior to the close of the school year, the members of the Board shall elect from their membership, a President, and President-elect to serve for the following year.
- (2) They shall not be eligible to serve for more than four one-year terms in succession as an officer.

i) Removal

- (1) The Board of Control may remove any Director under the following conditions:
 - a. The removal of a Director shall be for cause, which may include, but is not limited to, the following examples:
 - i. Director failing to perform basic responsibilities, or doing so improperly;
 - ii. Director failing to act in accordance with the Board's governing standards;
 - iii. Director failing to comply with the Director's fiduciary obligations;
 - iv. Director's inappropriate and intentional disclosure of confidential information;
 - v. Director's intentional violation of any KHSAA bylaw, rule, regulation, standard or policy;
 - vi. Director causing another to intentionally violate any KHSAA bylaw, rule, regulation, standards or policy.
 - vii. Director intentionally engaging in conduct that is deemed by the Board to be detrimental to the KHSAA; and
 - viii. Director engaging in or having engaged in action which could be considered to constitute criminal misconduct.
 - b. Before a Director is removed for cause, the Board must be satisfied that the acts of the Director proposed for removal are more than mere mistakes, more than negligence.
- (2) Removal shall be by a two-thirds (2/3) vote of all Directors then in office, excluding the Director proposed for removal.
- (3) Removal may occur at any regular or special meeting of the Board, provided that a Statement of the reason(s) shall have been mailed by Certified Mail or other trackable shipping service to the Board of Directors, including the Director proposed for removal, at least thirty (30) days before any final action is taken by the Board of Directors.
- (4) The Statement of Reason(s) shall be accompanied by a notice of the time and the place where the Board of Directors is to take action on the removal.
- (5) The Director proposed for removal shall first be given an opportunity to be heard at the time and place mentioned in the Notice, after which the Board of Control, excluding the Director proposed for removal, shall consider the matter and take a vote.

j) Kentucky Department of Education Liaison

- (1) The Commissioner of the Kentucky Department of Education shall designate a liaison person to meet with the Board of Control and to participate in all discussions, but to have no vote as a member of the Board of Control.
- (2) The KDE liaison shall provide an update on the actions taken by the Board of Control at each meeting of the Kentucky Board of Education, and shall report to the Board of Control any relevant action and appropriate information from the Kentucky Board of Education.

SEC. 3) DUTIES OF OFFICERS

a) President

- (1) The President of the Board of Control shall preside at all its meetings, and at the ANNUAL MEETING of the Association.
- (2) The President may call special meetings of the Board of Control when deemed necessary.

b) President-Elect

- (1) The President-Elect of the Board of Control shall perform the duties ordinarily pertaining to the office.

c) Commissioner

- (1) The Board of Control shall employ a Commissioner for a term of one to four years, and shall determine the salary for the position.

(2) The Commissioner shall:

- a. Be the executive officer of the Association, subject to the advice of the Board of Control, and shall act as secretary-treasurer of the organization;
- b. Employ all personnel deemed necessary including those required by statute or decree;
- c. Prepare and receive reports and keep all records as directed by the Board of Control as outlined in the Constitution, Bylaws, and Tournament Regulations;
- d. Provide a quarterly report of eligibility rulings to the Board of Control;
- e. Interpret the Constitution, Bylaws, and Tournament Regulations;
- f. 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;
- g. Enforce all penalties provided for and fix penalties for violations for which no penalties are prescribed;
- h. Have the authority to suspend offending schools for the violation of regulations prescribed in the Bylaws and Tournament Regulations, and the Board of Control through its own initiative or on appeal from a suspended school may sustain or set aside the action of the Commissioner;
- i. Make arrangements for and conduct the management of all state tournaments after consulting the Board of Control as to the site and proposed plan of management and have authority to contract with appropriate entities to manage all postseason contests;
- j. Be responsible for editing and publishing the "Athlete", and shall cause to be published in the "Athlete" the complete record of the minutes of each regular and called meeting of the Board of Control, said minutes to appear in the next issue of the "Athlete" immediately following the meeting of the Board of Control;
- k. Publish the complete Board of Control agenda online (exclusive of specific student appeal information) not less than five (5) business days before the date of the meeting.
- l. Publish the minutes of all meetings of the Board of Control, which shall be detailed in nature on actions taken, online (exclusive of specific student appeal information) not later than five (5) working days following final approval of the minutes the meeting;
- m. Unless the vote on an issue related to the Constitution, Bylaws and Tournament Rules was unanimously approved, include a record of how each member of the Board voted on each issue in all published minutes;
- n. Arrange a series of baseball, basketball, field hockey, football, golf, soccer, softball, swimming, track, volleyball and wrestling rules interpretation clinics before the beginning of the respective seasons;
- o. Promote sportsmanship among schools, athletes, and the general public;
- p. Submit an annual report to the Commissioner of Kentucky Department of Education to the Kentucky Board of Education in compliance with approved KARs relating to finances and programs for the preceding year, and planned programs for the current year; and
- q. Advise the Kentucky Department of Education legal counsel of all legal action brought against the Association.

d) Board of Control

(1) The Board of Control shall:

- a. Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution;
- b. Establish the Office of the Commissioner;
- c. Evaluate annually the performance of the Commissioner;
- d. Approve salaries budget for staff comparable to duties and responsibilities within the adopted budget;
- e. Approve annually, goals and achievements for the Board of Control and the Association;
- f. Perform a self-assessment of the Board of Control and the Association;
- g. Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education;

- h. Hold a minimum of six regular meetings annually;
- i. Be empowered to transact its business when a majority of its members are present at a meeting which shall constitute a quorum;
- j. Review all proposed changes to the KHSAA Constitution and Bylaws.
- k. Have authority to reject any proposed change to the KHSAA Constitution and Bylaws determined not to be in the best interest of the Association;
- l. Have authority, upon petition and for cause shown, to reinstate any student or coach who has been barred from competition for Board matters as defined in the Due Process Procedure;
- m. 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 for Board matters as defined in the Due Process Procedure;
- n. Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets;
- o. Have the authority to assess receipts of all postseason games, meets, or tournaments in all sports;
- p. Have authority to amend the playing rules for any sport sponsored by the Association; and
- q. 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.

ARTICLE VI - REPRESENTATION AT THE ANNUAL MEETING

SEC. 1) ANNUAL MEETING DELEGATES

- a) Each member school of the Association through its PRINCIPAL OR DESIGNATED REPRESENTATIVE shall designate a representative for the ANNUAL MEETING to serve as a DELEGATE and shall submit the name to the Commissioner on or before September 10.
- b) The ANNUAL MEETING shall focus on current issues facing the Association and ways to promote athletics such as sports medicine, intramural and interscholastic programming and eligibility rules as well as debate and consideration of proposed changes to the organizations' Constitution and Bylaws.
- c) DELEGATES shall serve for a term of one year.
- d) If the duly designated DELEGATE does not attend the ANNUAL MEETING, the school shall remain not represented.

SEC. 2) ANNUAL MEETING VOTING

- a) In the ANNUAL MEETING of the Association, the DELEGATES shall consist of one representative from each member school of the Association.
- b) The Kentucky High School Coaches Association, the Kentucky Association of Secondary School Principals, the Kentucky Association of School Superintendents, the Kentucky High School Athletic Directors Association and any other related group approved by the Board of Control shall also be entitled to designate a member to attend the ANNUAL MEETING who shall have voice but not vote in the proceedings of the meeting.
- c) The DELEGATES shall at the ANNUAL MEETING transact all business of the ANNUAL MEETING.
- d) None but these DELEGATES shall have the right to vote.
- e) There shall be no vote by proxy.

ARTICLE VII - APPLICATION FOR MEMBERSHIP

SEC. 1) APPLICATION REQUIREMENT

- a) The Principal of the school shall make application for membership in the Association to the Commissioner in writing.
- b) The principal shall state that he or she has read and is familiar with the Constitution, Bylaws, and Tournament Regulations of the Association.
- c) The Kentucky Department of Education shall be the authority as to the school's status as an approved secondary school.

SEC. 2) DEADLINE

- a) The deadline for accepting new applications for membership in the Association shall be September 1.

- b) The Board of Control of the KHSAA shall consider each application for membership for approval at its July meeting and shall have authority to deny the membership application of a school in accordance with the adopted membership criteria.

ARTICLE VIII - ASSOCIATION REVENUES

SEC. 1) ANNUAL DUES

- a) Each member school shall pay an annual membership fee to the Commissioner on or before September 30.
- b) The Board of Control shall determine the amount of the fee by policy.
- c) Although the official year of the Association begins July 1 and ends on June 30, member schools are given a grace period in which to pay their annual dues.
- d) Schools failing to pay their dues by September 30 may be dropped from membership and shall be penalized in accordance with KHSAA Board of Control regulations.

SEC. 2) POSTSEASON REVENUE

- a) In all sports that are classified into districts (except football), the participating schools in the district tournament shall divide the net revenues of the tournament after expenses agreed to by the schools and in accordance with established KHSAA Competition Rules.
- b) In all other tournament rounds and all rounds of the football playoffs, all revenue after expenses shall be divided among the schools within the classification of the participating team (i.e. basketball region, football district) in a manner to be determined by a majority vote of the schools in the classification (i.e. basketball region, football district) and in accordance with established KHSAA Competition Rules.

ARTICLE IX - AMENDMENTS TO THE CONSTITUTION OR BYLAWS

SEC. 1) DEADLINE FOR FILING FOR ANNUAL MEETING

- a) On or before May 1 preceding the convening of the Annual Meeting a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution or Bylaws
- b) The Commissioner shall submit the proposed changes approved by the Board of Control to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting.
- c) Any proposal to be offered by the Board of Control shall be submitted to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting.
- d) No proposals other than these may be considered at the ANNUAL MEETING.

SEC. 2) DEADLINE FOR FILING FOR ANNUAL MEETING

- a) A two-thirds majority of all DELEGATES answering the roll at the ANNUAL MEETING shall be necessary to amend the Constitution or Bylaws.

SEC. 3) REFERENDUM OF THE MEMBERSHIP

- a) The Board of Control may submit any proposed changes to the REPRESENTATIVES of member schools at any time by mail.
- b) If any proposal receives a two-thirds majority of all votes cast by the REPRESENTATIVES, they shall have the same force and effect as though passed at the ANNUAL MEETING.
- c) All votes received on a referendum shall be opened and counted at the same meeting.

SEC. 4) VOTE OF SINGLE SEX SCHOOLS

- a) A member school enrolling only one sex shall not have a vote on any phase of the Association's Constitution or Bylaws not involving or pertaining to the school.
- b) Schools enrolling only boys shall not vote on matters of the Association's Constitution or Bylaws pertaining only to girls' athletics, and schools enrolling only girls shall not vote on matters of the Association's Constitution or Bylaws pertaining only to boys' athletics.

SEC. 5) EFFECTIVE DATE

- a) Amendments receiving the requisite vote shall be effective when approved by the Legislative Research Commission in accordance with KRS Chapter 13A.

ARTICLE X - RESPONSIBILITY OF THE PRINCIPAL

SEC. 1) RESPONSIBILITY DEFINED

- a) Per Bylaw 1, the principal of each school, in all matters pertaining to the a) Per Bylaw 1, the principal of each school, in all matters pertaining to the athletic relations of his or her school, is responsible to this Association.
 - b) He or she shall exercise control over all finances, the scheduling of contests, and all other matters involved in the management of his or her school athletic program.
 - c) Any school whose athletic program (grades 7-12) is managed by a non-school group shall not be eligible to hold membership in the Kentucky High School Athletic Association.
- SEC. 2) DUTY TO ENSURE RULES ARE DISTRIBUTED
- a) Per Bylaw 1, the principal of each school shall require all participants in interscholastic athletics and their parent(s) or guardian(s) to acknowledge receipt of the eligibility rules as promulgated by the Association, and Kentucky Board of Education regulations prior to certifying their eligibility.

ARTICLE XI - DISSOLUTION OF THE ASSOCIATION

Upon the dissolution of the Association, the Board of Control shall, after paying or making provisions for the payment of all liabilities of the Association, dispose of all assets of the Association exclusively for the benefit of the member schools of the Association that shall at that time qualify as exempt organizations under section 501 c (3) of the Internal Revenue Service Code of 1954 (or the corresponding provision of any future United States Internal Revenue Service Law).

Any assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the Association is then located, exclusively for purposes or to the organization or organizations, as the Court shall determine, which are organized and operated exclusively for educational purposes.

CASE SITUATIONS RELATED TO THE CONSTITUTION

Case C-IV-1 - How is a two-way tie broken in an election for the Board of Control?

If an election for a position on the Board of Control has only two candidates and results in a tie for the position, the Commissioner shall conduct a random draw of the tied names to determine the winner.

Case C-V-1 - How are the basketball regions paired for sectional Board of Control representations?

Sectional Board of Control members represent two regions each. Those regional pairings are (Basketball Regions 1 and 2 (S. 1), 3 and 4 (S. 2), 5 and 8 (S. 3), 6 and 7 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8))

Case C-VI-1 - Does the delegate to the KHSAA Annual Meeting have to hold Principal Certification or be a certified teacher?

No. There are no criteria for the delegate who votes for the school. The Principal of the school shall annually designate this person, but there are no specific criteria for the delegate.