

MEMBERSHIP AND INSTITUTIONAL CONTROL

POLICY- HIGH SCHOOL MEMBERSHIP AND COMPLIANCE EXPECTATIONS

Articles III and VI of the KHSAA Constitution detail the Board of Control's duty to develop standards for membership in the KHSAA and authorize the denial of membership applications for sufficient cause, and the following policies detail that duty.

SEC. 1) OPERATIONAL PROCEDURES

- a) Membership Forms shall be distributed to current members on or about May 1 for the following year, along with the bill for membership dues.
- b) Membership applications shall also be distributed as requested from other prospective KHSAA member schools.
- c) Membership applications shall be due to the KHSAA by July 1. Previous member schools are generally given until their opening day of school to join without penalty.
- d) At the July Board of Control meeting, the Commissioner reports to the Board of Control on recommendations for approval of the membership list for the coming school year. The Board shall act on those recommendations.
- e) The deadline for the payment of membership dues is September 1.

SEC. 2) BASIC MEMBERSHIP CRITERIA

- a) Under 702 KAR 7:065, Section 1, the KHSAA has been designated as the Kentucky Board of Education's agent to manage interscholastic athletics at the high school level in the common schools, including a private school desiring to associate with the KHSAA and compete with a common school.
- b) Any school desiring to associate with the KHSAA shall complete, sign and submit this application to the KHSAA together with the applicable dues, which the KHSAA Board of Control shall consider.
- c) The following are the criteria for membership in the KHSAA:
 - (1) The school shall have the 12th grade as the terminating grade and not enroll students in only grades K-5;
 - (2) The school shall be:
 - a. A public school under the auspices of the Kentucky Department of Education fitting into one of the following membership categories:
 - A1 (District operated general or multi-program school),
 - A5 (District-operated alternative education program with no definable attendance boundaries designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. This designation should only be used for offsite alternative education programs, and the students may not be A1 enrolled at any other school);
 - B1 Laboratory or training school operated by college or university);
 - D1 (State Department of Education operated school),
 - F1 (Federal Dependent school); or
 - b. A non-public school (private, parochial or church-affiliated school fitting into one of the following:
 - J1 - Roman Catholic School,
 - M1 - Other religious school or
 - R1 - Private, non-church school)Each of these shall be certified by the Kentucky Board of Education consistent with KRS 156.160(3) (see KDE website for Certification Process for Non-Public Schools at <https://education.ky.gov/federal/fed/Pages/Non-Public-Schools.aspx>), be a current member of the Kentucky Non-Public School Commission, and be accredited by one of the listed approved accrediting agencies;
 - (3) The school shall agree, through this application and other monitoring methods, to adhere to and abide by the KHSAA Constitution, Bylaws, Competition Rules and all other policies and directives of the KHSAA Commissioner or Board of Control;
 - (4) The school shall pay the membership dues and all assessed fines by the imposed deadline;
 - (5) The principal or designated representative (per Bylaw 1) shall be required to attend an annual in-person update (not including the KHSAA Annual Meeting of the Membership) concerning the rules, regulations and policies of the Association to provide feedback on Association ongoing activities and to clarify ongoing issues or concerns related to athletics.

SEC. 3) REASONS TO DENY OR REVOKE MEMBERSHIP

- a) The following is a list of reasons that the KHSAA Board of Control may either deny an application, suspend or revoke membership in the KHSAA:
 - (1) Failure to satisfy any of the Basic Membership Criteria enumerated above;
 - (2) Failure to adhere to and abide by any of the Agreements enumerated below; or
 - (3) A documented pattern of continual violations and a general lack of institutional control as defined in KHSAA Bylaw 27.

SEC. 4) SCHOOL MEMBERSHIP DUES

- a) Schools desiring to become a member of the Association shall pay a fee in accordance with their prior year's second-month enrollment on the following schedule:
 - (1) Schools enrolling less than 100 students and offering only individual sports or sport-activities shall pay \$500;
 - (2) Schools enrolling 1-400 students in grades 9-12 shall pay \$1000;
 - (3) Schools enrolling 401-610 students in grades 9-12 shall pay \$1500;
 - (4) Schools enrolling 611-899 students in grades 9-12 shall pay \$2000; and
 - (5) Schools enrolling more than 899 students in grades 9-12 shall pay \$2500.
- b) The annual membership dues billing shall include any money in arrears by the member school for items other than membership dues.

SEC. 5) ELIGIBILITY FOR CHAMPIONSHIP PLAY

- a) All full members of the Association shall be eligible to enter championship play sponsored by the KHSAA provided there are no other restricting reasons such as sanction under the provisions of Bylaw 27;
- b) A new school formed by the local board of education from existing KHSAA member schools:
 - (1) Shall be immediately eligible for championship participation upon acceptance of the application for new membership upon approval of the Board of Control, provided it meets all of the criteria for membership, including having a full graduating class; and
 - (2) Shall be assigned a member of the staff for not less than two years to serve as a mentor to guide the school in the rules and regulations of the Association and to report to the Board of Control before a decision to renew membership;
- c) Any other school applying for new membership:
 - (1) shall be ineligible for championship play during a candidacy period from the date of acceptance of the application through the end of the second approved year of membership and provided that at the end of this period, it meets all of the criteria for membership including having a full graduation class;
 - (2) If approved by the Commissioner, the school on candidacy status is allowed to exhaust any contest contracts that were signed before joining the KHSAA;
 - (3) The candidacy school may, therefore, if approved, compete against those non-member schools in contests during this period;
 - (4) However, once those contracts are exhausted, the school in candidacy status will not be able to compete against non-member schools located in Kentucky;
 - (5) The playing season in all sports will end for schools in candidacy status at the end of the regular season in each sport;
 - (6) Shall not be eligible to compete in postseason play against other KHSAA schools until the end of the candidacy period; and
 - (7) Shall be assigned a staff member for not less than four years to serve as a mentor to guide the school in the rules and regulations of the Association and to report to the Board of Control before deciding to renew membership.

SEC. 6) COMPLIANCE AND EXPECTATIONS FOR MEMBERSHIP

- a) Each school desiring to join the KHSAA shall agree to comply with certain specific requirements of the Board of Control. By signing this application on behalf of this school, the Principal or Designated Representative acknowledges that:
 - (1) The local Board of Education or School-Based Decision-Making Body has given the undersigned Principal authorization to apply for renewal of membership in the KHSAA for the above referenced Academic School Year;
 - (2) The school is a voluntary member of the KHSAA and complies

with the KHSAA Constitution, Bylaws, Competition Rules and all other policies and directives of the KHSAA Commissioner or Board of Control;

- (3) Under the KHSAA Constitution, the Board of Control is the final authority in determining Competition Rules (including assignment of schools to district, region, or class);
- (4) The Principal/Designated Representative has read, understood and agree to abide by the KHSAA Constitution, Bylaws, Competition Rules, Due Process Procedure and all other policies of the KHSAA Commissioner or Board of Control as now enacted or later amended;
- (5) The school will abide by all of the rulings and directives of the KHSAA Commissioner, Assistant Commissioners, Hearing Officer or Board of Control and at all times act in the best interests of the KHSAA;
- (6) The school will self-report all violations of the KHSAA Constitution, Bylaws, Competition Rules, Due Process Procedure or all other policies and directives of the KHSAA Commissioner and Board of Control, and any ruling by the KHSAA and its Commissioner, Assistant Commissioners, Hearing Officer or Board of Control;
- (7) The management of the athletic program is not in contradiction to state or federal law, including the submission of the proper materials on time as requested by the Commissioner to fully comply with 702 KAR 7:065, Section 3(15) as it relates to monitoring compliance with 20 USC Section 1681 (Title IX);
- (8) The KHSAA may impose penalties as detailed in the Bylaws of the KHSAA against this school for violation of the KHSAA Constitution, Bylaws, Competition Rules, Due Process Procedure or all other policies and directives of the KHSAA Commissioner or Board of Control, and agree to timely adhere to and abide by all penalties assessed against this school under the Bylaws of the KHSAA or any other rule, regulation or policy;
- (9) The school will comply with the principles of institutional control as defined within the Bylaws of the KHSAA and the KHSAA's published interpretations thereof;
- (10) The school will comply on time with all requests by the KHSAA and its officials for information, records and reports;
- (11) Any information submitted via the KHSAA online system using the secure login of an authorized school administrator shall be deemed to have been approved and signed off by the principal;
- (12) All records of the school, including financial, academic and attendance, are open and available for inspection by the KHSAA and its officials;
- (13) This school has the financial aid need analysis for its student-athletes performed by an approved agency as listed in the KHSAA Handbook;
- (14) This school releases to the KHSAA and its official representatives permission to release the demographic information related to the athletic program (including motion picture and still photographic images), all participation statistics (including height, weight and year in school, participation history and other performance-based statistics) and additional information as may be requested, and agrees that the students from this school may be photographed or otherwise digitally or electronically captured during KHSAA sanctioned or sponsored school-based competition and such product used in the course of regular KHSAA business including commercial and internet-based video and still images. All material, including images and recordings, may be used without permission or compensation, specifically related to the KHSAA and its events without such use constituting a violation of rights under the Family Educational Rights and Privacy Act;
- (15) The school has distributed KHSAA Form GE04 in its entirety, including the applicable student eligibility rules and the Physician consent and Parental permission forms to each prospective student-athlete, and this school properly maintains on file the written permission of the parents of each student-athlete and the required physician consent form until after the student graduates from the school;
- (16) The school has ensured that each student-athlete has insurance coverage up to the KHSAA Catastrophic deductible before allowing them to practice (including try out) or play; and
- (17) The school has maintained compliance with the Limitation of Seasons as published in the Bylaws of the KHSAA as it relates

to the loss of school time for regular season athletic contests as well as properly monitoring the playing of scrimmage and regular season contests, and has not violated these provisions in any KHSAA sport, and this school will self-report any violations of these limitations.

- (18) The school will take responsibility for and pay, reimburse the host site or the KHSAA, or repair any damage to postseason facilities, venues, or sites by the school's teams, students, or fans;
- (19) Under KRS 160.445(4)(b), this school verifies the existence of a venue-specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan is to reviewed and rehearsed by simulation each athletic season shall:
 - a. Include a delineation of the roles of staff and emergency personnel, methods of communication, available emergency equipment, and access to and plan for emergency transport;
 - b. If one is available, identify the location of a portable automated external defibrillator and the procedures for its use during an emergency; and
 - c. Be in writing, reviewed by the principal of the school, distributed to all appropriate personnel, posted conspicuously at all venues, and reviewed annually and rehearsed by simulation before the beginning of each athletic season by all licensed athletic trainers, first responders, school nurses, athletic directors; interscholastic coaches and volunteer coaches of each athletic team active during that athletic season;
 - d. Be available for inspection by the KHSAA as requested.
- (20) Under KRS 158.162, this school verifies that it has an adopted emergency plan which shall include:
 - a. Procedures to be followed in case of a medical emergency, fire, severe weather, earthquake, or a building lockdown as defined in KRS 158.164; A written cardiac emergency response plan; and a diagram of the facility that clearly identifies the location of each automated external defibrillator;
 - b. Such emergency plan shall be provided to appropriate first responders and all school staff;
 - c. Such emergency plan shall be reviewed following the end of each school year by the school nurse, school council, the principal, and first responders and revised as needed;
 - d. The principal shall discuss the emergency plan with all school staff before the first instructional day of each school year and document the time and date of any discussion;
 - e. The cardiac emergency response plan shall be rehearsed by simulation prior to the beginning of each athletic season by all licensed athletic trainers, school nurses, and athletic directors; and all interscholastic coaches and volunteer coaches of each athletic team active during that athletic season; and
 - f. The emergency plan shall be excluded from the application of KRS 61.870 to 61.884.
- (21) Under KRS 158.162 (e) verifies that it agrees to:
 - a. Maintain a portable automated external defibrillator in a public, readily accessible, well-marked location in every middle and high school building and, as funds become available, at school-sanctioned middle and high school athletic practices and competitions and;
 - b. Adopt procedures for the use of the portable automated external defibrillator during an emergency;
 - c. Adopt policies for compliance with KRS 311.665 to 311.669 on training, maintenance, notification, and communication with the local emergency medical services system;
 - d. Ensure that a minimum of three (3) employees in the school and all interscholastic athletic coaches be trained on the use of a portable automated external defibrillator per KRS 311.667; and
 - e. Ensure that all interscholastic athletic coaches maintain a cardiopulmonary resuscitation certification recognized by a national accrediting body on heart health; and report each year to the Kentucky Department of Education by November 1:
 - i. The number and location of each portable automated external defibrillator in every school building;
 - ii. The name, school, and training date of each school district employee and interscholastic athletic coach in the district trained in the use of a portable automated external defibrillator; and
 - iii. The progress made towards having a portable automated

external defibrillator at all school-sanctioned athletic practices and competitions.

(22) The school shall send administrative representatives to one meeting per year (aka Regional Meetings) if the Association conducts such meetings.

(23) The school will actively promote sportsmanship by managing contests and scrimmages, including activity handling situations that arise with individuals such as fans who are not in the direct jurisdiction of contest officials.

POLICY- PENALTIES - BOARD OF CONTROL APPROVED FINE SCHEDULE

In accordance with 702 KAR 7:065 and Bylaw 27, a monetary fine may be assessed against a member school or licensed official. In addition, other penalties such as suspension of an individual or athletic program may be imposed for the same or similar violations of the particular bylaw, rule or tournament regulation.

SEC. 1) MAXIMUM FINE OF \$50 PER OCCURRENCE FOR:

- a) Failure to notify game officials of change in game site or time in a timely manner; or
- b) Late licensing by a contest official desiring a license.

SEC. 2) MAXIMUM FINE OF \$100 PER OCCURRENCE FOR:

- a) Failure to provide proper game administration personnel at contest site;
- b) Use of non-licensed officials in a contest;
- c) Late submission of tournament results, financial report or remittance of tournament proceeds by tournament manager;
- e) Failure of a tournament/contest manager to report a tournament bracket in a timely manner or failing to report results as requested;
- f) Late submission of the names of the school's athletic personnel, utilizing the official KHSAA online process, no later than the Friday of NFHS week 4 on the standardized calendar; or
- g) Late submission from schools of game statistics in specific sports.

SEC. 3) MAXIMUM FINE OF \$250 PER OCCURRENCE FOR:

- a) Filming or video recording of a scrimmage or contest by representatives of nonparticipating schools without approval of competing teams or tournament manager;
- b) Failure to complete the required KHSAA rules clinic for coaches or officials during the prescribed schedule. Payment of this fine does not prevent further penalties already prescribed for failure to complete the clinic from being imposed;
- c) Playing non-sanctioned contest against out of state schools; playing a non-member school or a school not permitted by the bylaws in a contest;
- d) Late submission of tournament information from schools including season statistics, team pictures and entry of required rosters;
- e) Late submission of any requested reports, or other required documents or late submission of any required form or report not otherwise detailed within this schedule;
- f) Late submission of the DP06 form by the sending school to the receiving school that delays the consideration of a ruling for the student;
- g) Late submission of the Annual Financial Aid Report Form from member schools;
- h) Failure to attend a regional meeting of the member schools, if such meetings are conducted, including make-up meetings;
- i) Ejection of a player or coach for unsportsmanlike conduct;
- j) Late membership dues payment by school;
- k) Late submission of the annual GE01 membership application; or
- l) Violation of KHSAA Bylaw 24, Summer Sports and Sport-Activities.

SEC. 4) MAXIMUM FINE OF \$500 PER OCCURRENCE FOR:

- a) Failure of a member school to adhere to Bylaw 22 with respect to school representatives accompanying athletes to competition;
- b) Withdrawal from championship play in any sport after the draw for bracket positions, entry deadline or deadline for seeded district games has passed;
- c) Withdrawal from championship competition in competitive cheer after the deadline for declaration of divisions and after the results of the declarations have been made public;
- d) Ejection of player for fight/unsportsmanlike conduct in games when athlete's eligibility in that sport has been exhausted;
- e) A coach or an administrator publicly criticizing a game official or coaches criticizing specific contest officials by name, position or local association to media representatives (including social media);

f) Late reporting of participation list or Annual Title IX report;

g) A member of a school coaching or athletic staff making public media comments (including by social media) that criticize officials by name, position or contest assignment;

h) A licensed official making public media comments (including by social media) that criticize a member of a school coaching or athletic staff by name, position or assignment;

i) Failure of the sending school to return to the receiving school the necessary forms to effect a ruling for a transferring student within fifteen (15) calendar days of receipt; or

j) Unsportsmanlike conduct by a member of the game management staffs at a school, including the game supervisor, any person acting in an official role in managing the contests, or any other event worker who acts in this manner.

SEC. 5) MAXIMUM FINE OF \$1000 PER OCCURRENCE FOR::

- a) Use of an ineligible player when the facts were present to prevent such usage;
- b) Participation in practice or contests by coaches not currently certified in the required KMA/KHSAA Sports Safety Course. Payment of this fine does not prevent further penalties already prescribed for failure to complete the course from being imposed;
- c) Failure to properly certify athletes with respect to age;
- d) Removal of team from field or court prior to completion of game;
- e) Team members leaving bench, sideline or dugout and coming into playing area during an altercation/fight or for any other reason related to unsporting conduct that are not specifically allowable by playing rule;
- f) Team involved in an altercation/fight before, during or after scrimmage or contest (from time of arrival to time of departure);
- g) Violation of sports season (Bylaw 23) by any sport or sport-activity team or squad;
- i) Each violation of KHSAA rules when a specific fine is not explicitly addressed by this schedule;
- j) Use of athlete without proper physical examination or parental permission;
- k) Failure to adhere to the adopted policies regarding development and rehearsal of heat illness and emergency action and cardiac emergency plans after initial imposition of penalty for this violation; or
- l) Failure to submit the seasonal verification of emergency and cardiac action plan rehearsals by simulation.

SEC. 6) MAXIMUM FINE OF \$1500 PER OCCURRENCE FOR::

- a) Violation of the required provisions regarding prime date scheduling of girls' basketball games;
- b) Excessive celebration or unsportsmanlike conduct by fans identifiable to a specific team entering the playing area following a contest; or
- c) Ejection of a coach or non-player when no contests remain during that sport season and the coach is not, at the time of ejection and suspension, on the roster of any other team as a coach.

SEC. 7) ADDITIONAL FINES AND PENALTIES

- a) A fine may be levied against specific documented receipts or reimbursed expenses when violations are discovered;
- b) In the case of restitution, the full amount of document fees may be assessed as a fine;
- c) A fine may be levied against a member school either directly or by assessing tournament receipts, for the use of coaches at any level in grades 9-12 competition that do not meet the requirements of Bylaw 25; or
- d) The complete itemized amount of repair necessary for damage to a postseason venue repair for any damage to postseason facilities, venues, or sites by the school's teams, students, or fans.

POLICY- INSTITUTIONAL CONTROL - OBLIGATION - SELF REPORTING OF VIOLATIONS

SEC. 1) INSTITUTIONAL CONTROL

a) The member school principal is ultimately responsible for all aspects of the athletic program, whether it is rules enforcement and reporting or eligibility certification. It is important that each member school through its principal exercise the principles of institutional control in order for the Association to continue as a fully functioning membership organization and in order for the school to remain a member.

b) There are several principles that go into the concept of maintaining

institutional control. Control shall first be defined in common sense terms and is best summarized by the school having in place the proper policies to ensure that violations do not occur, and if they do occur, the principal exhibiting the leadership and duty to correct the problems and prevent recurrence. In general, violations do not result from a lack of institutional control if there are adequate preventive measures in place that are properly monitored and followed, and if swift action is taken.

- c) However, there are several things that demonstrate a lack of institutional control including the failure to implement proper preventive procedures; failure by members of the designated athletic staff to thoroughly review and report violations; failure to adequately disseminate and distribute compliance information; failure to adequately distribute compliance duties to allow for effective control; failing to make clear to all coaches and participants that rules violations will not be tolerated; failing to fully review and file reports as requested when potential violations are reported; or a head coach failing to create a compliant atmosphere with the assistant coaches.
- d) The KHSAA enforces its rules based on the following premises: KHSAA regulations and information are readily available to the member schools and general public; the principal or designated representative properly distributes information, rules manuals, communication, forms, and other needed materials to the members of the athletics staff; that meaningful education programs are conducted within the schools to ensure compliance; student-athletes are properly informed about rules prior to and during participation. Certainly, the compliance history of a school and its cooperative spirit during any administrative review or inquiry will factor into any penalty decision regarding violations.

SEC. 2) APPLICABLE CONTROL AND SELF-REPORTING

- a) Per KHSAA Bylaw 1, all member schools are expected to exercise institutional control within his/her school and to maintain institutional control of all phases of interscholastic athletic activities within a member school, including the activities of its student-athletes, athletic and school administration, coaching staff (paid and unpaid, head and assistant) booster clubs, parent groups, and all related entities.
- b) Exercising that control requires the submission of "self-reports" when violations are determined and full cooperation with any ongoing review of a matter related to the conduct of the interscholastic athletic program.
- c) Any self-report must be submitted on school letterhead via email attachment or provided online form and should include the following:
 - (1) Identify and list the bylaws and/or policies that have been violated;
 - (2) Provide a description of the circumstances leading to the reported violation;
 - (3) Provide the name of the student and/or coach (if applicable);
 - (4) List the contests in which the student participated (if applicable); and
 - (5) State any corrective actions taken by the school to deter this situation from happening again in the school's athletic program.
- d) The Commissioner reserves the right to conduct an administrative review related to this matter or other matters with respect to potential, additional compliance issues which may be identified as a result of this communication. The association's position is to support the member school in a mentoring fashion where possible.
- e) Sanctions will be issued in accordance with Bylaw 27 when any violations are confirmed. Sanctions include what is recommended by the member school as an action, or may include any other penalties deemed appropriate by the Commissioner that is contained within Bylaw 27.

POLICY- INFRACTIONS/PENALTY STRUCTURE

SEC. 1) PROCEDURES FOR HANDLING PENALTIES

- a) The Commissioner and Board of Control ("Board") each have a role in administering penalties for KHSAA Constitution or Bylaws violations.
- b) Unless specifically covered in any bylaw, the standard penalties are listed in Bylaw 27.
- c) All matters considered by the Commissioner or the Board shall be conducted in compliance with the Due Process Procedure and

any findings are appealable by aggrieved parties as defined in that procedure.

SEC. 2) MATTERS TO BE DETERMINED BY THE COMMISSIONER

- a) Reports of violations should be submitted in writing and signed to the Commissioner in order to properly permit all parties access to any subsequent appeal necessary under KRS Chapter 13B.
- b) If such evidence is presented in compliance with the Bylaws of the KHSAA as to warrant an administrative review, the Commissioner shall direct an appropriate review of the allegation(s).
- c) At the conclusion of an administrative review, penalties in accordance with Bylaw 27 may be levied by the Commissioner at his/her discretion.
- d) The Commissioner, per the Constitution, shall enforce all penalties provided for, and fix penalties for violations for which no penalties are prescribed.
- e) Penalties levied by the Commissioner shall be summarized for a report at a subsequent Board of Control meeting.
- f) Penalties levied by the Commissioner under Bylaw 27 in Board matters or for other actions not related to Hearing Officer Matters may be appealed to the Board of Control per the KHSAA Due Process Procedure.