**Policies and Interpretations - Senate Bill 128: Supplemental School Year Program Guidance for Sports and Sport-Activities**

**Guidance Versioning**
- April 11-12, Initial Guidance published for the member schools
- April 12, Online Seminar to answer questions via KASA
- April 13, Online Seminar with Commissioner’s Student Advisory Council to answer questions and receive clarifications
- April 13, Online Seminar with Commissioner of Education in monthly Superintendent Update to answer questions and receive clarifications
- April 13, Guidance Revised and Appended to reflect a specific combination of circumstances regarding returning seniors and clarifications and information on students participating in spring football practice and the tryout windows in Cheer and Dance for 2021-22
- April 14, Guidance Revised concerning NCAA Division II grades and credit deadlines for initial eligibility
- April 15, Several elements combined emphasize eighth-grade students (no changes to the guidance)
- April 18, Additional emphasis section around future year seniors added
- May 10, Essential Elements Revised per consultation with NCAA relative to 2020-21 first-time seniors. For NCAA Information (all divisions), see the post at https://bit.ly/3o1YRJ0
- May 19, NCAA Announces Additional Flexibility for High School Seniors in 20-21 Utilizing the SSYP Under SB128
- June 1, Specific Interpretations Detailed Regarding Situations at the request of membership
- June 5, List of Schools Published with SB128 Decision at https://bit.ly/3pMU6M6
- June 10, Informational Posts consolidated into this master post for clarity

**Background**
- On March 24, Gov. Andy Beshear signed into law Senate Bill 128, which creates the Supplemental School Year Program ("SSYP"). This emergency legislation allows any K-12 student enrolled during the 2020-2021 school year to use the 2021-2022 school year as a supplemental year to retake or supplement courses the student already has taken.
- Students have until May 1 to submit a request to their local board of education, and the local board has until June 1 to decide whether to accept all requests or no requests from students in their district. Students may only accept the SSYP option at the school in which they are enrolled on May 1.
- The local board must submit its implementation plan and any requests for regulatory waivers to the Kentucky Board of Education (KBE) by June 16: Each member school within each local Board of Education approving the SSYP will report to the KHSAA the names of students impacted by this decision based on the approved requests, per the instructions listed in this information. The KHSAA provides this guidance so districts may provide students, families, and school officials with the relevant information as they make their final decisions.
- Member schools should reference the KDE Guidance Document at https://bit.ly/20F90m for specific information on issues connected to students in the program but not under the jurisdiction of the KHSAA.

**Timeframe and Process**
- Students have until May 1 to submit a request to their local board of education to participate in the SSYP. Any contemplated waivers to the eligibility provisions of the KHSAA for students participating in the SSYP, including KHSAA Bylaws 2 through 14, shall be available only to those enrolled in the approving district on or before May 1.
- The local board has until June 1 to decide whether to accept all requests or no requests. These student requests – and the district’s all-or-none decision — apply only to students enrolled in the district on May 1, 2021.
- Each member school of the KHSAA within each local Board of Education approving the SSYP will report to the KHSAA the names of students impacted by this decision based on the approved requests, per the instructions listed in this information.
- It should be noted that the KHSAA does not have the authority under SB 128 to waive statutes or regulations that are adopted to incorporate the provisions of statutes.
- Specific language regarding the waiver of regulations (including the KHSAA Bylaws incorporated by reference as part of 702 KAR 7:065) will be provided through the annual regulatory process for the KHSAA designation as the athletic agent through KRS 156.070.

**Impact of and On Bylaw 2 (Age)**
- SSYP students will not be granted a waiver of the statutory age rule. Specific within the SB128 were provisions that the age limitation (age 19 before August 1) is not waived.
- The current restriction on age is not only a KHSAA bylaw that is incorporated by reference into 702 KAR 7:065, but is also statute with minimal reasons for waiver contained in KRS 156.070.
- The KHSAA does not have the authority to waive statutory provisions.

**Middle School Applicability for Those Students Participating in Middle School vs. Middle School Competition**
- The provisions in 702 KAR 7:065, implemented originally solely due to health and safety concerns, remain in place as written.

**Impact of and On Bylaw 3 (Maximum Number of Years)**
- All students approved to utilize the provisions of the SSYP who are enrolled in grades 9 through 12 during the 2020-21 school year, will have the limit of four years extended to five per the provisions of Senate Bill 128.
- Students below grade 9 during the 2020-21 school year will continue to have four years of eligibility upon enrollment in grade 9 as the SSYP year is not impactful on this rule.

**Middle School Applicability for Those Students Participating in Middle School vs. Middle School Competition**
- None

**Impact of and On Bylaw 4 (Enrollment Requirements)**
- Sec. 1 and Sec. 2, require full-time enrollment.
- All students desiring participation at any high school level, including seniors who have earned graduation credit, shall be full-time enrolled in the member school (taking and passing four hours of approved secondary courses).
- Sec. 1, enrolled in or above grade nine (9)- Students enrolled at or above grade nine, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities, even while repeating the grade.
- Sec. 2, enrolled below grade nine (9)- Students enrolled in grades 7 or 8, if approved to utilize the SSYP, may participate at the varsity level (practice or play) in all sports and sport-activities except for soccer and football, even while repeating the grade.
- Students enrolled in grades 7 or 8, if approved to utilize the SSYP, may not participate at the varsity level (practice or play) in soccer or football.
- Sec. 3, repeating students participating at the high school level- Students enrolled at or above grade nine, if approved to utilize...
IMPACT OF AND ON BYLAW 7, TRANSFER RULE, STUDENTS

Students desiring to transfer from a school in a district that other preferences between grades eight (8) and below may participate in non-varsity high school sports for the duration of the 2021-22 school year and approved to utilize the SSYP, may participate in interscholastic athletics, students in the SSYP, may participate at the varsity level (practice or play)

To participate in interscholastic athletics, SSYP students must be enrolled as a full-time student in at least four hours of instruction, including new courses, or repair/ supplemental coursework under the provisions of SB18

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Enrollment status as dual-rolled or dual-credit shall not be a factor in athletic eligibility.

It should also be noted that like all other students, in order to be eligible according to Bylaw 5, these students must have been enrolled as a full-time student in the previous semester and be considered to be in good academic standing during the previous semester (or trimester if applicable).

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The execution of these provisions are met by the study of General Underscored who inquire or apply for the SSYP option should be made after the legislated January 31 deadline in athletic eligibility.

students who have earned credits to graduate to continue on the preceding semester (credit period) (Bylaw 5).

The program is not an exception to Bylaw 6, and acceptance as a student who turns fifteen (15) years of age before August 1

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Further updates and communication will also be sent directly to registered students by the NCAA.

Additionally, due to their large number of student applicants for admission, the compliance staff at the University of Kentucky and the University of Louisville will also assist the NCAA in information dissemination.

Parents and students should be directed to the above two links as well as the link at https://bit.ly/3uw11nt

Direct inquiries by parents and others can be made by calling the NCAA Regulation Service Public line at 317-917-6008.

**FURTHER COMMUNICATION**

While we are attempting to provide this information quickly, there may be further questions that can only be answered by NCAA representatives.

This information should be shared with Superintendents (who should share with Board of Education members), Principals, Athletic Directors, Counselors, students, and families.

We will distribute any formal communication that is forthcoming from the NCAA and its institutions.

We realize the timing of these clarifications is critical as many Boards of Education begin meeting early next week to finalize their determinations.

**NCAA ADDITIONAL FLEXIBILITY FOR HIGH SCHOOL SENIORS IN 20-21 UTILIZING THE SSYP UNDER SB128**

On May 18, the NCAA announced additional flexibility for those students who were first-time high school seniors during the 2020-21 school year who avail themselves of the provisions of SB128 through an approved SSYP program. This flexibility applies solely to students initially enrolled in college during the 21-22 school year or the 22-23 school year. While the KHSAA is not responsible for this information and cannot interpret its provisions, we wanted to provide it as soon as it became available.

The following are the relevant links to the information:

- Specific NCAA flexibility for Kentucky Students under SB128 utilizing the SSYP provisions in an approved district are located at: https://bit.ly/25X2xjz
- For students initially enrolling full-time in college during the 2021-22 and 2022-23 academic years, additional flexibility has been provided due to COVID-19 at https://bit.ly/3w5FRP

**INTERPRETATIONS RELATED TO SSYP STUDENTS AND KHSAA BYLAWS**

What if a student requests SSYP provisions in writing in student’s enrolled district and such request is received prior to May 1. School Board subsequently approves all applications within the district. No other change in student’s situation or factors.

Ruling - Student receives bylaw waivers for 2021-22 as detailed above as a qualified SSYP, and per statute, now has five consecutive years of eligibility from first enrollment in grade nine.

What if a student requests SSYP provisions in writing in student’s enrolled district and such request is received prior to May 1. School Board subsequently approves all applications within the district. The student subsequently changes schools to a school in a district that has approved the SSYP option for all applying students.

Ruling - Student is subject to all requirements contained in the published exceptions for Bylaw 6, 7 or 8, and if determined eligible, receives bylaw waivers for 2021-22 as detailed above, and per statute, now has five consecutive years of eligibility from first enrollment in grade nine. Local school boards should consider this possibility in developing local policy and be prepared to address.

What if a student requests SSYP provisions in writing in student’s enrolled district and such request is received prior to May 1. School Board subsequently approves all applications within the district. The student subsequently changes schools to a school in a district that did not approve the SSYP option for all applying students.

Ruling - Student is subject to all requirements contained in the published exceptions for Bylaw 6, 7 or 8, and if determined eligible, may participate. However, the student does not automatically receive the bylaw waivers for 2021-22 as detailed above (with the exception of the first day credit check waiver in Sec. 1 of Bylaw 5 for 2021-22 only), and per regulation, has four consecutive years of eligibility from first enrollment in grade nine.

What if a student does not request SSYP provisions in writing in student’s enrolled district prior to May 1, including a student not enrolled in Kentucky. Student now enroll in a Kentucky school. School Board approves all applications within the district. No other change in student’s situation or factors.

Ruling - Student does not receive the bylaw waivers for 2021-22 as detailed above (with the exception of the first day credit check waiver in Sec. 1 of Bylaw 5 for 2021-22 only), and per regulation, has four consecutive years of eligibility from first enrollment in grade nine. Additional steps may be required including an application for waiver of Bylaw 6, 7 or 8 for those students previously participating at the varsity after enrollment in grade 9.

What if a student requests SSYP provisions in writing in student’s enrolled district and such request is received prior to May 1. School Board subsequently approves all applications within the district. Student subsequently rescinds his/her request before the first day of classes for the 21-22 school year.

Ruling - Student does not receive the bylaw waivers for 2021-22 as detailed above (with the exception of the first day credit check waiver in Sec. 1 of Bylaw 5 for 2021-22 only), and per regulation, has four consecutive years of eligibility from first enrollment in grade nine.

Is there a deadline for a student who has properly requested prior to May 1 to participate in SSYP to rescind that decision?

Each local school board should consider this possibility in developing its local policy. Absent specific provisions, the student could withdraw the request prior to the first day of classes for 21-22 in accordance with state regulation and statutes regarding enrollment.

What are the schools years impacted by and having a future impact from, SB128 within KHSAA competition?

This law and the related regulatory amendments will specifically have impact within the KHSAA on all students enrolled in grades 7-12 who participate in grades 9-12 competition at a KHSAA member school.

What are the schools years impacted by and having a future impact from, SB128 within interscholastic competition involving exclusively participants that are below grade 9?

Competition by students enrolled in grades 5-8 and participating in contests exclusively between students exclusively representing grades 6-8 are governed per state regulation by the local school, school district, conference, or association.