

**EDUCATION CABINET  
KENTUCKY BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION  
(AMENDMENT)**

**702 KAR 7:065. DESIGNATION OF AGENT TO  
MANAGE HIGH SCHOOL INTERSCHOLASTIC  
ATHLETICS.**

*(This information contains the draft regulation submitted for regulatory approval by the Kentucky Board of Education following its August 2017 meeting. At press time, the final version of the regulation remains under consideration)*

Education and Workforce Development Cabinet  
Kentucky Board of Education  
Department of Education  
(Amendment)

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics.

RELATES TO: KRS 61.805 - 61.850, 156.070(2), 160.380, 160.445, 20 U.S.C. 1681

STATUTORY AUTHORITY: KRS 156.070(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools, including interscholastic athletics in the schools. KRS 156.070(2) authorizes the board to designate an agency to manage athletics. This administrative regulation designates an agent for middle and high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures, and rules of the agent.

Section 1. Definitions. (1) "Contact" means that drills are run at Level 3, thud, or Level 4, live action.

(2) "KBE" means Kentucky Board of Education.

(3) "KHSAA" means Kentucky High School Athletics Association.

(4) "Level 0" or "air" means that players run a drill unopposed and without contact.

(5) "Level 1" or "bags" means that a drill is run against a bag or another soft contact surface.

(6) "Level 2" or "control" means that a drill is run at the assigned speed until the moment of contact; one (1) player is predetermined the winner by the coach; contact remains above the waist; and players stay on their feet.

(7) "Level 3" or "thud" means that a drill is run at the assigned speed through the moment of contact; there is not a predetermined winner; contact remains above the waist; players stay on their feet; and a quick whistle ends the drill.

(8) "Level 4" or "live action" means that a drill is run in game-like conditions and is the only time that players are taken to the ground.

(9) "Non-contact" means that drills are run at Level 0, air; Level 1, bags; or Level 2, control.

(10) "OCR" means Office for Civil Rights.

Section 2. The KHSAA shall be the Kentucky Board of Education's agent to manage interscholastic athletics at the middle and high school level in the common schools, including a private school desiring to associate with KHSAA or to compete with a common school.

Section 3. To remain eligible to maintain the designation as the agent to manage interscholastic high school athletics, the KHSAA shall:

(1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its high school Board of Control;

(2) Sponsor an annual meeting of its member high schools;

(3) Provide for each member high school to have a vote on KHSAA constitution and bylaw changes submitted for consideration;

(4) Provide for high school regional postseason tournament net revenues to be distributed to the member high schools in that region participating in that sport, utilizing a share approach determined by the high schools within that region playing that sport;

(5) Provide for students desiring to participate at the high school level (regardless of level of play) to be enrolled in at least grade seven (7) unless the student has participated at the high school level prior to the 2014 - 2015 school year;

(6) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by December 31;

(7) Advise the Department of Education of all legal action brought against the KHSAA;

(8) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;

(9) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;

(10) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;

(11) Permit the Board of Control to assess fines on a member high school;

(12) Utilize a trained independent hearing officer instead of an eligibility committee for a high school athletic eligibility appeal;

(13) Establish a philosophical statement of principles to use as a guide in a high school eligibility case;

(14) Conduct continual cycles of field audits of the association's entire high school membership which provides that each high school is audited regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any potential deficiencies in OCR compliance to the Kentucky Board of Education;

(15) As a condition precedent to high school membership, require each member high school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);

(16) Conduct all meetings related to high school athletics in accordance with KRS 61.805 through 61.850;

(17) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, KHSAA Bylaws, and other rules governing the conduct of high school interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school prior to being made public;

(18) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility; and

(19) Require any student enrolled initially in grade seven (7) through twelve (12) who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in interscholastic athletics competition at any level.

Section 4. To remain eligible to maintain the designation as the agent to manage interscholastic athletics at the middle school level, the KHSAA shall implement the following requirements for all participants in middle school interscholastic athletics, distribute these requirements to all middle schools, and publish via the KHSAA website:

(1) Require that these provisions apply to all middle school interscholastic athletics. The following indicates that a team is representative of a school and classified as middle school athletics:

(a) The contest, event, or tournament is sponsored by a school or combined group of schools;

(b) Competitors wear a school issued uniform;

(c) The contest, event, or tournament is sponsored by an outside entity as a school entry event, which is advertised or promoted as a school event, whether or not an entry fee is required;

(d) A school entity pays an entry fee, for the student or team, including payment by booster organizations;

(e) A school representative accompanies the student-athlete or transports the student-athlete to the contest, event, or tournament;

(f) A designated or hired member of a school coaching staff, whether paid or unpaid, is present and offering instruction, advice, evaluation, or refinement of skills or exercising other duties defined as coaching within the sport rules;

(g) Transportation to or from the contest, event, or tournament utilizes school provided or approved transportation;

(h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of the school, including the formal

- name, informal name, or team nickname;
- (i) Competitors in the contest, event, or tournament are provided promotional or other resources by the school including school media recognition, signage, and items clearly indicative of school representation;
  - (j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school board or school based decision making body, including financial or other approval control; or
  - (k) Competition in a contest, event, or tournament is covered by any school or school system provided or procured insurance policy;
- (2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach interscholastic athletics at the middle school level:
    - (a) Meet the requirements of KRS 156.070(2)(f)2.;
    - (b) Meet the requirements of KRS 160.380(4) and (6); and
    - (c) Provide to the school documentation of successful completion of a C.P.R. course including the use of an automatic external defibrillator and the first aid training, conducted by an instructor or program approved by a college or university, the American Red Cross, the American Heart Association, or other bona fide accrediting agency that is approved by the KHSAA based upon industry standards. Initial certification shall use in-person instruction and certification shall be updated as required by the approving agency;
  - (3) Require the adherence to the following items regarding safety, sports medicine, and risk minimization for all interscholastic athletics at the middle school level:
    - (a) Each student, prior to trying for a place on a middle school athletic team, shall provide an annual medical examination, in accordance with KRS 156.070(2)(d), and shall use the KHSAA form PPE;
    - (b) All participants at the middle school level shall adhere to all sports medicine and risk minimization policies in use at the high school level that may be supplemented by the school, school district, conference, or association including:
      1. Heat index and heat illness programs;
      2. Wrestling weight management programs;
      3. Concussion and other head injury policies including policies for minimizing impact exposure and concussion risks;
      4. The following football drill work and practice activity limitations:
        - a. Football contact and non-contact practice shall use the appropriate clothing and equipment for the level of drill, including:
          - (i) A drill conducted in helmets-only shall be a Level 0, air, or Level 1, bags;
          - (ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and
          - (iii) A contact drill shall be conducted in full equipment;
        - b. Middle school football shall practice a minimum of eleven (11) days before engaging another group or opponent in full contact, using the following minimum schedule:
          - (i) Five (5) days in helmets;
          - (ii) Followed by three (3) days in helmets and shoulder pads; and
          - (iii) Concluding with three (3) days in full equipment practice; and
        - c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular season contest;
      5. The following baseball pitching limitations shall apply to all interscholastic play at the middle school level including scrimmages, regular season and post season games:
        - a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls, balls in play, and outs;
        - b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in case of injury or game delay, and plays attempted against the batter-runner or any runner at first, second, or third base shall not count against this limit;
        - c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be allowed to finish that hitter;
        - d. The required calendar rest shall begin on the day following the date on which the game began or a resumed game began regardless of the conclusion time of the game; and
        - e. The rest periods shall be based on the following total pitches:
          - (i) Maximum pitches – eighty-five (85);
          - (ii) Fifty-six (56) pitches or more – three (3) calendar days rest;
          - (iii) Thirty-six (36) to fifty-five (55) – two (2) calendar days rest;
          - (iv) Twenty (20) to thirty-five (35) – one (1) calendar day rest; and
          - (v) One (1) to nineteen (19) – no mandated rest;
- (4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:
  - (a) Be autonomous with respect to the Board of Control of the KHSAA;
  - (b) Be composed of no less than three (3) middle school representatives from each Supreme Court district as well as no less than three (3) at large representatives from throughout the state;
  - (c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and provide input on the sport, athletic event, or athletes involved in interscholastic activities through local school districts;
  - (d) Meet not less than twice annually to review current programs and policies; make recommendations for improvements to and participation in middle school interscholastic activities, as well as any changes in statute, administrative regulation, or policy related to middle school interscholastic athletics; and assist in the development of model guidelines for schools, districts, conferences, and associations to be used in implementing a middle school athletic program; and
  - (e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in conjunction with the commissioner, a formal written report annually to the KBE with recommendations for changes in statute, administrative regulation, or policy;
- (5) Require any organization conducting a school-based event at the middle school level to submit the following, which shall be published and listed on the KHSAA website:
  - (a) Annual financial reports of all sanctioned and approved events sponsored by the organization; and
  - (b) Documentation of financial accountability including verification of federal status and tax documents including an annual IRS Form 990;
- (6) Provide notice to the middle schools related to any program conducted by KHSAA related to educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;
- (7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capabilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and other requirements for coaches at the middle school level;
- (8) Require any student enrolled initially in grade five (5) through eight (8) who is repeating a grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete in interscholastic athletics competition at any level;
- (9) Require that any student who turns:
  - (a) Fifteen (15) years of age prior to August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades eight (8) and below;
  - (b) Fourteen (14) years of age prior to August 1 of the current year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades seven (7) and below; and
  - (c) Thirteen (13) years of age prior to August 1 of the current school year shall not be eligible for interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades six (6) and below;
- (10) Require each school, school district, conference, or association of schools to develop rules and limitations regarding student participation at the middle school level to include:
  - (a) A defined age limitation for participating students;
  - (b) A policy regarding the participation of students below grade six (6);
  - (c) A limitation on practice time prior to the season in any sport or sport activity which shall not exceed the practice time adopted for

- play at the high school level;
- (d) A limitation on the number of school based scrimmages and regular season, school based contests in each sport or sport-activity, which shall not include post season contests and shall not exceed the allowable number of contests for that sport or sport-activity at the high school level; and
- (e) A limitation on the length of the regular competitive season in each sport or sport-activity, not including any post season activities, which shall not exceed the length for that sport or sport-activity at the high school level;
- (11) Conduct all meetings related to middle school athletics in accordance with KRS 61.805 through 61.850;
- (12) Issue an annual report to the KBE on the status of interscholastic athletics at the middle school level, including any recommendations for changes in statute, administrative regulation, or policy;
- (13) Allow a school or school district to join a conference or association that has developed rules for any particular sport or sport-activity to satisfy the requirements of this administrative regulation; and
- (14) The period of June 25 to July 9, inclusive, shall be a dead period for middle school athletics. During the dead period:
  - (a) Students shall not receive coaching or training from school personnel, whether salaried or non-salaried;
  - (b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;
  - (c) School funds shall not be expended in support of interscholastic athletics; and
  - (d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team at a school may be held.

Section 5. Financial Planning and Review Requirements. (1) KHSAA shall annually submit the following documents to the KBE by October 31:

- (a) Draft budget for the next two (2) fiscal years, including the current year;
- (b) End-of-year budget status report for the previous fiscal year;
- (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;
- (d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:
  1. Athletic appeals and their disposition, including the name of the individual, grade, school, and the action taken by KHSAA;
  2. Eligibility rules;
  3. Duties of school officials;
  4. Contests and contest limitations;
  5. Requirements for officials and coaches; and
  6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for vote by the member schools at the next legislative opportunity; and
- (e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.
- (2) The KHSAA shall annually submit at the next meeting of the Kentucky Board of Education following receipt and adoption by the Board of Control, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence, if any.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "KHSAA Constitution", 6/2017;
- (b) "KHSAA Bylaws", 6/2017;
- (c) "KHSAA Due Process Procedure", 6/2017;
- (d) "KHSAA Board of Control and Officials Division Policies", 6/2017;
- (e) KHSAA Form BA101- Baseball Pitching Limitation", 6/2016;
- (f) KHSAA Form GE01, "Application for Membership", 5/2017;
- (g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9 - 12) Participation", 4/2015;
- (h) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 8/2017;
- (i) KHSAA Form DP07, "Application for Athletic Eligibility for Students having J-1 or F-1 Status", 8/2017;

- (j) KHSAA Form DP08, "Application for Non U.S. Student Athletic Eligibility for Students Not having J-1/F-1 Status", 8/2017;
  - (k) "KHSAA Form GE14- Contract for Athletic Contests", 8/2017;
  - (l) KHSAA Form GE16, "Request for Statutory Waiver of Bylaw 2", 6/2016;
  - (m) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;
  - (n) KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014;
  - (o) KHSAA Form GE35, "Request for Waiver of 20 Day Notice", 4/2014;
  - (p) "KHSAA Form GE36- Add. Info for Appeal", 6/2016;
  - (q) "KHSAA Form GE69- Waiver – 15 Day Exceptions", 6/2016;
  - (r) KHSAA Form PPE/Physical Exam, "PPE- Physical Exam History/ Physician Clearance Form (Grades 6 - 12)", 4/2015;
  - (s) KHSAA Form PPE/Supplemental, "PPE- Physical Exam History Supplemental Form for Athletes With Special Needs (Grades 6 - 12)", 4/2015;
- and
- (t) "KHSAA Form MS01- Athletic Participation Parental and Student Consent and Release for Middle School (grades 5-8) Participation", 4/2015.
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