

## POLICY STATEMENT- ADDITIONAL STUDENT ELIGIBILITY FOR ISSUES RELATED TO COVID-19

### Sec. 1) BACKGROUND

During the 2019-2020 school year, the Commonwealth, the United States, and the world-at-large countered a global pandemic, COVID-19, a situation that altered the conduct of the last several months of the 2019-2020 school year. As such, sports and sport-activity programs were terminated in the Commonwealth on March 13, 2020, and unable to resume due to the termination of in-person learning in all schools. The Kentucky High School Athletic Association (KHSAA) has been deeply saddened that our high school students lost the opportunity to participate for the remainder of the 2019-2020 school year. As we move toward the return of school and participation in education-based athletics, we anticipate many unique and challenging situations that may impact eligibility.

- a) A key component of the KHSAA Due Process Procedure is found in the standard for a "waiver" within the procedure (hardship). Such hardship must be not only a unique circumstance beyond the control of the student or family, but it must also be different from those that exist for the majority or even a small minority of students.
- b) For eligibility purposes, the KHSAA has deemed that COVID-19 is not, in and of itself, a hardship as every student has been impacted by COVID-19, however not every student has a direct, causal relationship between the eligibility rule and their inability to meet such rule as a result of COVID-19.
- c) Every single student in the Commonwealth was impacted by COVID-19.
- d) Of particular emphasis is the potential required for additional eligibility due to the loss of a competitive season, considering that even permitting that for a single student (much less additional) would:
  - (1) Ignore the impact on all students at a younger level by eliminating or diluting that student's participation opportunity;
  - (2) Ignore the cost to school districts who would likely not receive the full additional funding for that student, including additional ADA for these students (especially those that met graduation requirements)
  - (3) Ignore the fact that, with an extreme budget shortfall for the Commonwealth during this pandemic, there would likely be no change in SEEK funding to cover these additional students, or money allocated to improve, renovate, or build more facility space;
  - (4) Ignore additional costs such as additional certified teachers and classified staff (cooks, bus drivers, custodians, etc.) at a time when finances to schools will not be there to create or fund those added positions;
  - (5) Ignore the fact that in the case of wholesale or multiple grants of additional eligibility, create situations with more students in a facility, both athletic and academic, than the facility was safely permitted and built to accommodate;
  - (6) Ignore the fact that all students missed out on the face-to-face instruction they would have received from their teachers, and are therefore equally impacted;
  - (7) Ignore the potential additional sport or sport-activity participation for students already fully qualified to graduate;
  - (8) Ignore the limited class selection and availability opportunity for most students who have already met graduation requirements;
  - (9) Ignore the likelihood that the vast majority of those students, particularly in grade 12 during 2019-2020, have already finalized the "next steps" in their lives, with applications and enrollments scheduled for higher education or other workplace arrangements in place.
  - (10) Ignore the fact that this would undoubtedly lead to requests from students other than the 2020 seniors, as once the grant is made for a senior, undoubtedly the other students in younger grades, equally impacted, would be requested.
  - (11) Ignore the potentially undesirable precedent in education that would likely be used for additional requests in other situations without the same impact;
  - (12) Appear to prioritize participation in sports and sport-activities over basic education at a time when the Commonwealth and its schools committed immeasurable resources to ensure that basic education services continued to be provided;
  - (13) Ignore the fact that any grant would also potentially have constitutional questions regarding equal protection of students in similar situations and on similar teams were unable to be treated equally due to the statutory provision involving the age restriction;
  - (14) Ignores the long-represented philosophy that without a clearly defined limit on both age and length of eligibility, avenues remain open for redshirting, deception, legal maneuvering, and other athletics-driven motivations for a student to remain in school rather than proceeding on into college or the workforce thereby denying the participation of a student who is otherwise "next in line" to play.
  - (15) Ignores the long-represented philosophy in interscholastic athletics that the mere lack of these motivations does not in and of itself constitute justification for a waiver.
  - (16) Ignores the fact that a maximum participation requirement is in place because it:
    - a. promotes timely progress toward graduation by discouraging students from delaying or interrupting their high school education;
    - b. disallows students to enroll for one single semester each school year to increase athletic ability and skill;
    - c. diminishes risks stemming from the unequal competition;
    - d. emphasizes the year-long academic mission of the school;
    - e. promotes harmony and fair competition among member schools by maintaining equality of eligibility affording each student the same number of semesters of athletic eligibility;
    - f. increases the number of students who will have an opportunity to participate in interscholastic athletics;
    - g. helps avoid exploitation by coaches or boosters who otherwise might seek to delay a student's normal progress through school; and
    - h. prevents displacement of younger student-athletes by older students wishing to protract unfairly their high school careers; and
  - (17) Ignore the myriad of other statutory and regulatory provisions including full-time enrollment, the maximum number of years/semesters, requirement to be enrolled full-time during the previous semester, and other regulatory requirements that create a fair balance between academics and non-school activities previously adopted by statute, regulation, and action of its member schools, that are contained in various Kentucky Revised Statutes, Kentucky Administrative Regulations, KHSAA Bylaws, and KHSAA Policies.
- e) For these and a myriad of other reasons, additional eligibility for 2019-2020 KHSAA sports and sport-activities will not be granted in matters where COVID-19 is the sole request.