

## MINUTES OF THE ANNUAL MEETING

JANUARY 21, 1998

The 81st Annual Meeting of the Kentucky High School Athletic Association was held on Wednesday, January 21, 1998, at the Hyatt Regency Lexington. KHSAA Board of Control President Ken Cox called the meeting to order at 1:00 p.m. He then introduced the KHSAA Staff, Board members who were present and Kentucky Department of Education liaison Kevin Mason, and welcomed all delegates and guests. Mr. Cox went over the procedure for the presentation of the proposals.

Ms. DeVries announced that 223 Delegates had registered. Mr. Cox announced that in order for a proposal to pass, 149 affirmative votes were needed. Mr. Ken Tippett was designated as the Parliamentarian.

The next order of business was the presentation of proposals.

Betsy Glover, North Hardin High School, made a motion to adopt **Proposal I**. Karen Vanover, Lafayette High School, seconded the motion.

### PROPOSAL I

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to move KHSAA Bylaw 29 - Delegate to National Federation Meeting) from the Bylaws to the Constitution of the Association.*

**RATIONALE** - This provision is of an organizational nature and more properly placed in the Constitution of the Association.

d. BOARD OF CONTROL - The Board of Control shall:

16. The delegate(s) who represents Kentucky at the annual meeting of the National Federation of State High School Associations shall be appointed yearly by the Board of Control.

**The motion passed 223-0.**

Monroe Jones, Powell County High School, made a motion to adopt **Proposal II**. Betsy Glover, North Hardin High School, seconded the motion.

### PROPOSAL II

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to the KHSAA Constitution to eliminate the now defunct Kentucky Girls Sports Association from the list of voting delegates and to allow for proper representation of auxiliary groups at the KHSAA Annual Meeting.*

**RATIONALE** - With all schools now having a vote at the Annual Meeting, the assembly is a truly representative body. This would continue to allow the representatives of this group to address the body with concerns and opinions about the issues being debated. The two primary affected groups have been consulted about this proposal and are in concurrence as long as speaking rights are maintained at the meeting. This also clarifies past problems with not allowing the ancillary groups to vote on referendums, but affording them voting privileges at the Annual Meeting.

## ARTICLE IV

### ADMINISTRATION AND LEGISLATION

#### Section 2. Representation and Governance

c. ANNUAL MEETING - Each member school of the KHSAA ~~and other affiliate organizations designated for representation according to Article V~~ shall designate a representative for the ANNUAL MEETING to serve as a DELEGATE and shall submit the name to the Commissioner on or before November 15. 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. DELEGATES shall serve for a term of one year beginning January 1 immediately following their designation by the school. Each DELEGATE must be an employee holding a valid Kentucky Teaching Certificate issued by the Department of Education and be an employee of an accredited member school or system which is in good standing with the KHSAA and the school involved must be a school in the district which the delegate is to represent. If the duly elected DELEGATE does not attend the ANNUAL MEETING, the school shall remain not represented.

#### **ARTICLE V**

##### **REPRESENTATION AT THE ANNUAL MEETING**

In the ANNUAL MEETING of the Association, the DELEGATES shall consist of one representative from each member school or system of the Association. The Kentucky Coaches Association, the Kentucky Association of Secondary School Principals, the Kentucky Association of School Superintendents, the Kentucky Girls Sports Association, and 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 voting member to the ANNUAL MEETING who shall have voice but not vote in the proceedings of the meeting. The DELEGATES shall there transact all business of the ANNUAL MEETING. None but these DELEGATES shall have the right to vote. There shall be no vote by proxy.

**The motion passed 222-0.**

Ron Wigglesworth, Bourbon County High School, made a motion to adopt **Proposal III**. Phil Burkeen, Warren East High School, seconded the motion.

#### **PROPOSAL III**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to the KHSAA Constitution to establish the effective date of all amendments that have been approved by referendum or the Annual Meeting.*

**RATIONALE** - In order for an amendment to the KHSAA Bylaws to be in effect, it must be approved by a vote of the schools, recommended for approval and given approval by the Board of Control at a regular meeting, approved as an amendment to 702 KAR 7:065 at two separate meetings of the Kentucky Board of Education, and given final approval by the Legislative Research Commission. This process can take from six to nine months depending upon the timing. Passage of this amendment would ensure the proper time for consideration by all parties involved, and would also ensure that the Association had an opportunity to adequately educate the membership about the change prior to implementation. The emergency provisions would allow the Board of Control and Kentucky Board of Education to agree that the change was so vitally important to the operation of the Association that its immediate implementation is necessary.

#### **ARTICLE IX AMENDMENTS**

##### Section 5. Effective Date

Unless an emergency situation is declared by the Board of Control and approved by the Kentucky Board of Education, all amendments to the Bylaws of the Kentucky High School Athletic Association shall be effective on the second July 1 following the school year in which the amendment is passed by the Annual Meeting or by referendum. Amendments to the KHSAA Constitution shall be effective on July 1 following passage and approval by the requisite vote of the membership.

**The motion passed 223-0.**

Frank Watson, Paul Dunbar High School, made a motion to adopt **Proposal IV**. Tom Brown, Boyle County High School, seconded the motion.

#### **PROPOSAL IV**

*Proposed by KHSAA Board Appointed Representative Jon Akers of Paul Dunbar High School - An amendment to KHSAA Bylaw 3 to declare that there are to be no waivers of this fundamental bylaw of the Association.*

**RATIONALE** - While there are circumstances beyond the control of student athletes, there is a fundamental unfairness when students are allowed to participate over the age limit. If the sole focus were on the student's hardship, the same rationale would apply to allow 20 or even 21-year old students to participate in interscholastic athletics. It should also be noted that the nature of the rule is such that there must be a positive and unequivocal cut-off date in order to avoid uncertainty. Thus, while a student born on July 31st is only one day older than a student born on August 1st, the August 1st deadline must be enforced. Bylaw 3 is intended to treat all students fairly and equally. The bylaw encourages athletes to complete four years of high school in a timely manner. In this regard, the bylaw provides a degree of protection by preventing over-age students from competing against others who may be less mature. The bylaw also reduces the opportunity to hold back students for athletic purposes (i.e., redshirting). The rule is consistent with the philosophy that a student's primary purpose in attending high school is to obtain an education with participation in athletics being secondary. While the bylaw tends to create equal competition with established age limitations, it also decreases the opportunity for one team to have several "older" students competing against younger opponents with younger athletes. There are great maturity differences between students ages 14, 15 and 16, as compared with 19-year old students. Thus, the bylaw tends to reduce the opportunity for mismatches in competition. The bylaw also reduces the opportunity of an older student who would normally be out of school to take the position of a younger student who is progressing through school at a normal rate. It should also be noted that, while one purpose of the rule is to prevent injury to younger students, the fact that a 19-year-old student may not be of a significantly different size than other younger teammates is not dispositive. Maturity has many facets and is demonstrated in many ways--both objectively and subjectively. Simply put, maturity cannot be measured in terms of height and weight. Further, it places an impossible burden upon the KHSAA to determine whether a student's size would create a risk of injury or present an unfair competitive advantage by merely considering written documents and representations by interested parties. As the United States Court of Appeals for the Sixth Circuit has held, it would be unreasonable to call upon coaches, physicians or athletic associations to make these nearly impossible determinations.

#### **Bylaw 3. Age**

A student who becomes nineteen (19) years old before August 1 shall be ineligible for interscholastic athletic competition. A student who becomes nineteen (19) on or after August 1 shall remain eligible for the entire school year. The Board of Control and the Commissioner may not adopt administrative procedures which allow for waiver of this rule under any condition.

**The motion passed 214-0.**

Gary Kidwell, Lewis County High School, made a motion to adopt **Proposal V**. Betsy Glover, North Hardin High School, seconded the motion.

#### **PROPOSAL V**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to KHSAA Bylaws 4, 6, and 11 to remove the references to the words "evident injustice" from these regulations.*

**RATIONALE** - The KHSAA Due Process Procedure clearly defines what bylaws may be waived and sets out the circumstances for such waiver and should not be in potential conflict with restrictive wording in the bylaws. This amendment is of a "housekeeping" nature, and is vital to consistency in the Due Process Procedure.

#### **Bylaw 4. Enrollment**

Sec. 3. Deadline for Enrollment

A student must have enrolled as a bona fide undergraduate student in the high school he/she represents no later than twenty (20) school days after the beginning of the semester to be eligible during that semester. ~~This requirement may be waived by the Commissioner in any case where it would work evident injustice.~~

#### Sec. 4. Enrollment Elsewhere

No student who is enrolled or connected with any other school than the one he/she represents shall take part in any contest.

#### **Bylaw 6. Transfer Rule**

##### Sec. 1. Domestic Students

Unless there has been a bona fide change in residence by the parents and student, any student who has been enrolled in grades 9 through 12 and has participated in any varsity game in any sport at any school following enrollment in grade nine (9) who transfers schools shall be ineligible for interscholastic athletics for one year from the date of enrollment.

A student whose change in residence by the student and the parent(s) reasonably precipitates a change from one secondary school to another shall be deemed to have a bona fide change in residence. A student who becomes emancipated does not have a bona fide change of residence unless there is proof that the change of residence was compelled by circumstances beyond his/her control.

The Commissioner may only waive the period of ineligibility in the event of any of the following circumstances:

(a) In the event the death of one or both of the student's custodial parents creates such circumstances that the transfer to another secondary school is deemed appropriate. ~~will relieve evident injustice.~~

#### **Bylaw 11. Permanent Ineligibility**

A student is ineligible for athletics in this state if he/she transfers from another state if he/she was or would have become ineligible in the state from which he/she transfers. ~~The Commissioner may waive the period of ineligibility if just cause is shown as to its application working evident injustice against the student athlete.~~

**The motion passed 217-0.**

Jeff Isaacs, Paris High School, made a motion to adopt **Proposal VI**. Steve Riddle, Berea High School, seconded the motion.

#### **PROPOSAL VI**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to the KHSAA Bylaw 8 to clarify the restrictions contained in Bylaw 8.*

**RATIONALE** - One portion of Bylaw 8 places restrictions on students in grade nine through twelve who have played on any level (varsity, junior varsity, freshman, etc.) and another section places restrictions only on those who participate at the varsity level. This amendment would simplify the language contained in the rule and eliminate the inconsistency. In addition, the section regarding reinstatement by the Commissioner has been removed as it is a part of the Due Process Procedure

#### **Bylaw 8. Contestant On Other Teams, Post Season and All-Star Games (replace entire bylaw)**

Any student who has been a contestant in football or basketball at any level after enrolling in grade nine (9) and has eligibility remaining in that sport may not participate on any non-school sponsored team or in any all-star, preseason or postseason game in that sport or any variation of that sport unless it has been sanctioned by the Board of Control. The academic year begins on the first day of school and ends for enforcement of these provisions on the earlier of the last day of school or May 31.

**Motion passed 199-17.**

Andy Ballash, Russell High School, made a motion to adopt **Proposal VII**. Jeff Isaacs, Paris High School, seconded the motion.

#### **PROPOSAL VII**

*Proposed by KHSAA Annual Meeting Delegate Andy Ballash of Russell High School - An amendment to KHSAA Bylaw 8 to declare that its provisions also shall apply to participants in baseball, softball and soccer.*

**RATIONALE** - It is important in this day of expanding outside opportunity that the schools maintain control over the programs to ensure that athletes do not jeopardize eligibility and subject themselves to burn-out and overuse injuries by participating "year round" in their particular sport. This provision restricting football and basketball players has proven to be healthy for maintaining the integrity of the high school athletic program and allowing for diverse participation in other activities by the student-athletes.

#### **Bylaw 8. Contestant On Other Teams, Post Season and All-Star Games**

##### Sec. 1. Out of school Competition

Any student who is a contestant in baseball, basketball, football, soccer or softball on any non-school sponsored team in that sport at any time during an athletic season after enrolling in grade nine (9) shall be ineligible to represent any secondary school in that sport for the remainder of that season or for the upcoming season.

##### Sec. 2. Preseason, Postseason and All Star Contests

A student-athlete who has been a first team player in baseball, basketball, football, soccer or softball after enrolling in grade nine (9) and has eligibility remaining in these sports shall not take part in an all-star, preseason or postseason game in that sport unless it has been sanctioned by the Board of Control. The penalty shall be loss of eligibility for one year. The academic year ends for enforcement of these provisions on the earlier of the last day of school or May 31.

*EDITORS NOTE - If Proposal VII receives the votes necessary to pass, this proposal will be considered by simply adding the sports of baseball, soccer and softball to that proposal following its consideration.*

**The motion failed 67-141.**

Betsy Glover, North Hardin High School, made a motion to adopt **Proposal VIII**. E.E. McGhee, Grayson County High School, seconded the motion.

#### **PROPOSAL VIII**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to KHSAA Bylaw 10, Recruitment, to more clearly make enforcement of violations applicable to the appropriate parties within the school.*

**RATIONALE** - Some persons who are not coaches have been found to have attempted to recruit players. The old restrictive wording could be used against the association in the case of strict enforcement. In addition, the penalty specifications should be left to the wording in Bylaw 30 and the Due Process Procedure in order to minimize potential conflicts.

#### **Bylaw 10. Recruitment**

##### Sec. 1. Foreword

Pupils (both domestic and foreign) at any grade level shall not be recruited to a member school of the KHSAA for the purpose of participating in athletics, including recruitment under the guise of academics.

##### Sec. 2. Definition

(a) Recruiting is defined as an on behalf of or for the benefit of a school, of attempting to influence a student to transfer to a member school for the purpose of participating in athletics. Such also includes influencing a student to remain at a school. A school official utilizing an intermediary, such as, but not limited to a peer, another school employee, a student, a parent or a citizen, for the purpose of recruiting a student athlete shall be in noncompliance.

(B) An athletic coach or any other member of the school staff shall not influence a student even if the student, his parents or any intermediary from another school makes the initial contact. In this situation, a coach or staff member (paid or unpaid) should immediately refer the person(s) to the school principal.

(c) Influencing a student shall include, but shall not be limited to the promise or instilling the expectation of an athletic advantage, playing time, employment of the student or his/her parents or relatives, housing for the student or his/her parents, scholarships or other financial aid for which

other members of the student body are not generally eligible, or any other material or athletic reward.

### Sec. 3. Penalty

(a) Any representative of a member school knowingly allowing the recruitment of a student for the purpose of participating in athletics or who should have known of such recruitment, shall be guilty of willful neglect of duty, misconduct, and/or breach of contract. Such shall apply not only to coaches, but also to personnel supervising coaches, such as, but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent or a school board member.

(a) ~~(b)~~ This regulation shall also apply to students or their parents and can result in the student being declared ineligible for up to one year and/or the athletic program of the offending school being suspended for an appropriate period of time, both to be decided and administered by the KHSAA (KHSAA) or the Kentucky Board of Education, as appropriate.

**Motion passed 214-0.**

Donnie Robinson, Monticello High School, made a motion to adopt **Proposal IX**. Karen Vanover, Lafayette High School, seconded the motion.

### **PROPOSAL IX**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to KHSAA Bylaw 28 clarifying the need for sports physicals.*

**RATIONALE** - Many persons play a role in the athletic program, but the persons who should be required to have a doctor's permission to play should be limited to the persons trying out as a participant. In addition, this amendment clarifies an earlier interpretation with regard to the administration of the sports physical and insurance requirements.

#### **Bylaw 28. Physician's Certificate and Parent's Consent**

The Superintendent or Principal shall have each student who is trying for a place as a participant on an athletic team or cheerleading squad present a physician's certificate to the effect that he/she is physically fit to participate without undue risk. While the exam and its components may be performed by a variety of health care providers, the form must be signed by a medical doctor or doctor of osteopathy. The parent's consent for the child's participation and acknowledgment of receipt of the eligibility rules as promulgated by the Association and Kentucky Board of Education regulations in writing shall also be required.

Any student, prior to participation or trying for a place on an athletic team or cheerleading squad shall have in place medical insurance with coverage limits up to the deductible of the KHSAA Catastrophic Insurance program and such insurance shall remain in force throughout participation. It is the responsibility of each member school to ensure and certify that each student has insurance coverage throughout the school year.

**The motion passed 212-0.**

Stan Steidel, Dayton High School, made a motion to adopt **Proposal X**. Phyllis Jenkins, Spencer County High School, seconded the motion.

### **PROPOSAL X**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to KHSAA Bylaw 30 further clarifying penalty options.*

**RATIONALE** - The penalty options available to the Commissioner need to be expanded to include options for periods of ineligibility to allow for proper punishments in accordance with certain bylaws. The current wording restricts the options for violations of such critical bylaws as Bylaw 10, Recruitment, particularly if offenses are committed by paraprofessionals.

#### **Bylaw 30. Imposition of Penalties**

When Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual by the Commissioner's office and/or the Board of Control.

For violation of any rule or regulation by any member school, official, or representative, such penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is

called for, such disciplinary action, including warning, reprimand, probation, suspension, and/or payment of a fine may be imposed by the Commissioner's office or Board of Control.

Probation - Probation is a more severe penalty and may be described in the following manner. Normally, an individual or a school on probation is on conditional Association membership, but may engage in their/its regular schedule, sanctioned events, and district, regional and state championships. This is provided that the individual and/or school has taken steps to insure the problem which placed the individual, sport or school on probation has taken steps to alleviate the problem which caused the probation. Additionally, an individual or school on probation may be restricted to additional limits on contests/scrimmages as may be deemed appropriate by the Commissioner and/or the Board of Control.

Suspension - An individual, sport or school may be suspended. This penalty may range from the elimination of individual or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the individual or school from the Association. Individuals or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.

**The motion passed 213-0.**

Alan Donhoff, St. Xavier High School, made a motion to adopt **Proposal XI**. Bruce Lynch, Trinity (Louisville) High School, seconded the motion.

#### **PROPOSAL XI**

*Proposed by the KHSAA Board of Control following the annual review of the Constitution and Bylaws of the KHSAA and in response to input from the membership - An amendment to repeal Bylaw 36 - Vote of Single Sex Schools from the Bylaws.*

**RATIONALE** - This provision is viewed as out of date and contradictory to the philosophy of the organization to give all members a vote in all matters related to the organization. Approval of this change would eliminate this bylaw.

~~Bylaw 36. Vote of Single Sex Schools~~

~~No member school enrolling only one sex shall have a vote on any phase of the Association's work not involving or pertaining to the school. Schools enrolling only boys shall not vote on matters pertaining only to girls athletics, and schools enrolling only girls shall not vote on matters pertaining only to boys athletics.~~

**The motion passed 196-8.**

Gary Dearborn, Harrison County High School, made a motion to consider a special order concerning Bylaw 3, Age. Ron Madrick, Holmes High School seconded the motion. The motion to bring this proposal to the floor passed with 161 affirmative votes.

#### **PROPOSAL XII**

*Proposed from the floor by Gary Dearborn, Harrison County High School - An amendment to Bylaw 3 - Age, to change the effective date of the age restriction from August 1 to July 15.*

**RATIONALE** - This provision would make the age cutoff the same as the first practice date for students in all fall sports.

#### **Bylaw 3. Age**

A student who becomes nineteen (19) years old before July 15 August 1 shall be ineligible for interscholastic athletic competition. A student who becomes nineteen (19) on or after July 15 August 1 shall remain eligible for the entire school year.

*EDITORS NOTE - Currently pending in the legislature is an act which would establish the current (August 1) KHSAA Bylaw 3 as statute. If such action fails in the legislature, it was the desire of the membership that a referendum be submitted to the schools by the Board of Control in the spring of 1998 to adopt this proposal. It was the vote of the Board of Control on January 22, 1998 to distribute this item by referendum if legislative action does not pass.*

**The motion failed 53-128.**

Jim Watkins, KHSADA, made a motion to consider a special order concerning Bylaw 34, Sec. 2, Summer Dead Period. E.E. McGhee, Grayson County High School, seconded the motion. The motion to bring this proposal to the floor passed with 176 affirmative votes.

### PROPOSAL XIII

*Proposed from the floor by Jim Watkins, Kentucky High School Athletic Directors Association- An amendment to Bylaw 34 - Summer Sports and Sports Activities to change the effective date of the dead period for the expenditure of school funds and school support for athletics in the summer.*

**RATIONALE** - This provision changes the fixed dates of June 25 to July 9 to a series of corresponding dates to better allow for planning, and a complete two week dead period beginning on Sunday and ending on Saturday.

#### **Bylaw 34. Summer Sports and Sports/Activities**

##### Sec. 1. School Team Play in Summer

Member schools may participate in sanctioned play during the summer to complete spring seasons in baseball, softball, tennis and track and may begin sanctioned regular season play prior to the opening of school in cheerleading, cross country, football, golf, soccer and volleyball. Only participants eligible during the spring semester may compete on the school teams. All KHSAA eligibility rules apply, and full control of the summer program shall remain with the participating high school and the principal of that school.

##### Sec. 2. Summer Dead Period

Beginning June 21, 1999 ~~June 25, 1997~~, students may not receive coaching or training from school personnel (either salaried or non salaried) and school facilities, uniforms, nicknames, transportation or equipment shall not be used each year in any KHSAA sanctioned sport during the period beginning with the first day of National Federation Corresponding Week 51 ~~June 25~~, and going through the last day of National Federation Corresponding Week 52 ~~July 9~~. School funds may not be expended in support of interscholastic athletics in any KHSAA sanctioned sport during this period.

**The motion passed 175-15.**

Alvis Johnson, Harrodsburg High School, made a motion, seconded by E.E. McGhee, to accept the **Commissioner's Annual Report**. The motion passed 205-1.

There being no further business to come before the Delegate Assembly, President Cox called for adjournment. The meeting adjourned at 1:45 p.m.