

## MINUTES OF THE ANNUAL MEETING

JANUARY 15, 2004

The 87<sup>th</sup> Annual Meeting of the Kentucky High School Athletic Association was held on Thursday, January 15, 2004 at the Hyatt Regency Hotel in Lexington. KHSAA Board of Control President Paul Dotson called the meeting to order at 1:45 p.m. Mr. Larry Boucher, Assistant Commissioner, introduced KHSAA Staff members, Board members, and welcomed delegates and guests. Mr. Dotson designated Mr. Ken Tippett as the Parliamentarian. Mr. Tippett explained the Parliamentary Procedure to the delegates.

Commissioner Brigid DeVries, presented the Annual Report. She then asked Assistant Commissioner Roland Williams to call the roll for any delegates who had not registered. There were none. The total number of registered delegates was 245, with 38 schools not sending a representative. Mr. Tippett announced that in order for a proposal to pass, 164 affirmative votes were needed (2/3 of the registered delegates).

The next order of business was the presentation of proposals:

A motion was made by Tim Asmshoff, Fern Creek High School, seconded by Barry Binkley, Dayton High School, to accept Proposal 1 as submitted.

### PROPOSAL 1

**PASSED, 204 Yes, 36 No, 2 abstain**

**Proposed by the Ron Madrick, Athletic Director, Holmes High School**

*– Rationale – Passage of this proposal would allow the membership to consider a move in the date of the Annual Meeting, and if it is the desire of the membership, allow for implementation of items voted on in the meeting prior to the following school year.*

### ARTICLE IV

#### ADMINISTRATION AND LEGISLATION

#### Section 2. Representation and Governance

##### ANNUAL MEETING

Each member school of the Association through its PRINCIPAL OR DESIGNATED REPRESENTATIVE shall designate a representative for the ANNUAL MEETING to serve as a DELEGATE and shall submit the name to the Commissioner on or before September 10. 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. If the duly designated DELEGATE does not attend the ANNUAL MEETING, the school shall remain not represented.

### ARTICLE IX

#### AMENDMENTS

#### Section 1. Deadline for Filing

On or before September 10 of each year, a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution and/or Bylaws. The Commissioner shall submit the proposed changes approved by the Board of Control to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. Any proposal to be offered by the Board of Control shall be submitted to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. Except by two-thirds vote of the DELEGATES answering the roll, no proposals other than these may be considered at the ANNUAL MEETING.

#### Section 5. Effective Date

Amendments receiving the requisite vote shall be effective when approved by the Legislative Research Commission in accordance with applicable State Regulations.

A motion was made by Joe Rogers, Eastern High School, and seconded by Scott Greenwald, Seneca High School to accept Proposal 2 as submitted.

### PROPOSAL 2

**FAILED, 84 Yes, 156 No, 2 abstain**

**Proposed by Jim Sexton, Principal, Eastern High School**

*Rationale – The Constitution should not prohibit a member from seeking multiple terms. The constituency and the election process will determine if any member needs to be replaced.*

### ARTICLE IV

#### ADMINISTRATION AND LEGISLATION

#### Section 1. Officers

The officers of the Association shall be a Commissioner and a Board of Control composed of sixteen (16) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female. Beginning in 2003-2004,

the officers of the Association shall be a Commissioner and a Board of Control composed of eighteen (18) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female.

## **Section 2. Representation and Governance**

### **DESIGNATED REPRESENTATIVE**

Each member school Principal may, in accordance with Bylaw 1, appoint one (1) DESIGNATED REPRESENTATIVE for each member school to represent that school in the Association.

### **BOARD OF CONTROL**

#### **2. TERM IN OFFICE**

Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.

#### **3. ELIGIBILITY**

To be eligible for membership as a SECTIONAL or DESIGNATED representative on the Board of Control, one must be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA. He/she must be employed in the section he/she is to represent, and must remain employed in that section during his/her tenure of office. Serving in a part-time capacity (less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System) or on leave of absence (exclusive of employee earned sick leave) will terminate the eligibility of the member. If a vacancy occurs with less than one year remaining on the term in office, the Board of Control shall fill the vacancy for the remainder of the term. If a vacancy occurs with one year or more remaining or if a newly elected member of the Board of Control is unable to take office at the start of his/her term, the Commissioner shall ensure the vacancy is filled within sixty (60) days in the same manner as that prescribed for the regular selection of Board members.

A motion was made by Ron Madrick, Holmes High School, seconded by Ed Bentley, Bullitt East High School, to accept Proposal 3 as submitted.

## **PROPOSAL 3**

**FAILED, 137 Yes, 103 No, 2 abstain**

**Proposed by Ron Madrick, Athletic Director, Holmes High School**

*Rationale – There is a need for representation of all regions every year, While the current Board has made all efforts to be truly representative, the current system leaves long amounts of time between an official representative being able to be elected from every region. With the passage of this proposal, every region would be represented, and in addition, the number of designated representatives (females and African Americans) would be doubled, thereby complying with the Court Decree of 1971. While there are added expenses, there are other ways to address the cost issue including the timing and frequency of meetings, and other containment measures..*

## **ARTICLE IV**

### **ADMINISTRATION AND LEGISLATION**

#### **Section 1. Officers**

The officers of the Association shall be a Commissioner and a Board of Control composed of sixteen (16) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female. Beginning in 2004-2005, the officers of the Association shall be a Commissioner and a Board of Control composed of thirty- (30) member0, at least five (5) of whom shall be African-American, and at least five (5) of whom shall be female.

#### **Section 2. Representation and Governance**

##### **DESIGNATED REPRESENTATIVE**

Each member school Principal may, in accordance with Bylaw 1, appoint one (1) DESIGNATED REPRESENTATIVE for each member school to represent that school in the Association.

##### **BOARD OF CONTROL**

#### **1. REPRESENTATION**

Sixteen (16) Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each region to serve as REGIONAL Board of Control members. A REGION is defined by the KHSAA alignment in basketball. Terms of these SECTIONAL Board of Control members shall be staggered so that four(4) are elected each year.

One African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions one (1) through four (4), one African-American shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions five (5) through eight (8), one African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions nine(9) through twelve (12) and one African-American shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions thirteen(13) through sixteen (16) to serve as DESIGNATED members of the Board of Control.

One Female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions one (1) through four (4) , one Female shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions five (5) through eight (8), one Female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions nine(9) through twelve (12) and one Female shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions thirteen(13) through sixteen (16) to serve as DESIGNATED members of the Board of Control.

Terms of the DESIGNATED members shall be staggered so that one African-American and one female are elected each year.

Beginning in 2003-2004, one person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1 or D1 schools) member schools of the Association, and one person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-public (not classification A1 or D1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control. Initially, one non-public school representative shall serve a two-year term, and one shall serve a four-year term. The terms of the DESIGNATED representatives required to be from the non-public member schools shall be staggered so that one is elected each even numbered year. Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.

Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education. These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education. These appointees shall not be an employee of any member school or its central administration, or the administration of the Kentucky Department of Education. At least one of these appointees shall be an African-American and one shall be a female. Terms of the at-large members shall be staggered so that one is appointed each year.

#### **2. TERM IN OFFICE**

Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.

No member is eligible to serve more than two (2) consecutive complete four-year terms with no further limits as to lifetime eligibility.

### 3. ELIGIBILITY

To be eligible for membership as a REGIONAL or DESIGNATED representative on the Board of Control, one must be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA. He/she must be employed in the region he/she is to represent, and must remain employed in that region during his/her tenure of office. Serving in a part-time capacity (less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System) or on leave of absence (exclusive of employee earned sick leave) will terminate the eligibility of the member. He/she shall not be eligible after serving two (2) consecutive four-year terms. If a vacancy occurs with less than one year remaining on the term in office, the Board of Control shall fill the vacancy for the remainder of the term. If a vacancy occurs with one year or more remaining or if a newly elected member of the Board of Control is unable to take office at the start of his/her term, the Commissioner shall ensure the vacancy is filled within sixty (60) days in the same manner as that prescribed for the regular selection of Board members.

### 4. BALLOTING

NOTIFICATION - Notification to the PRINCIPALS or DESIGNATED REPRESENTATIVES of each school in each region in which a REGIONAL or DESIGNATED member is to be elected, must be made by the Commissioner not later than January 1 preceding the July in which a term is to begin.

NOMINATIONS - Nominations for membership on the Board of Control, signed by five PRINCIPALS OR DESIGNATED REPRESENTATIVES of the region, shall be in the hands of the Commissioner, for REGIONAL or DESIGNATED positions that elect during the year not later than midnight, January 31 preceding the July in which a term is to begin.

BALLOTS - the Commissioner shall distribute Ballots for election before February 15 preceding the July of the year in which a term is to begin, to be returned on or before March 1 preceding the July in which a term is to begin.

TABULATION - Results of the election shall be tabulated by the Commissioner in the presence of a minimum of four witnesses with all ballots opened at the same meeting and time, and published in the "Athlete" Magazine.

A motion was made by Ron Madrick, Holmes High School, seconded by Allen Campbell, North Hardin High School, to accept Proposal 4 as submitted.

### PROPOSAL 4

**FAILED, 142 Yes, 99 No, 1 abstain**

**Proposed by Ron Madrick, Athletic Director, Holmes High School and Mark Swift, Athletic Director, Ashland Blazer High School**

*Rationale – Opportunities for resident Kentucky school children to participate in KHSAA athletic competitions are reduced by non-resident student-athlete participation. This amendment may eliminate allegations of recruitment of out of state students by KHSAA member schools. In selected areas, the perception is that some schools allow non-residents to participate simply due to athletic prowess. This would also ensure that these are truly Kentucky state championships, teams composed of only Kentucky residents. This also solves problems with disparity between enrollment and attendance requirements that may vary among KHSAA member school systems as it relates to out of state students.*

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

##### **Sec. 1 – Residence Requirement**

Pupils in grades one (1) through twelve (12) may play on the high school team if such pupils have a bonafide residence in the Commonwealth of Kentucky and such participation is not in conflict with restrictions contained elsewhere in this or other bylaws. A bonafide residence is defined as the student and his/her custodial parents residing in a Kentucky school district's defined attendance area. A student is ineligible to participate in interscholastic athletics at any level (grades 9-12) if the student or his/her parents maintain a permanent residence outside the Commonwealth of Kentucky and do not attend a member school of the KHSAA while adhering to a valid tuition exchange/reciprocal agreement with the Kentucky public school district to ensure compliance with state regulations. This provision shall not apply to students enrolled at D1 (Kentucky Board of Education managed) or F1 (Federally managed) schools. This provision shall also not apply to students enrolling in a KHSAA member school who have continually attended since initial enrollment in grade four (4), a school under the same local Board of Education as the KHSAA member school.

##### **Sec. 2. Maximum Number of Semesters**

##### **Sec. 3. Responsible Parties**

##### **Sec. 4. Deadline for Enrollment**

##### **Sec. 5. Enrollment Elsewhere**

A motion was made by Bill Cowan, Calloway County High School, seconded by B.F. Behrendt, Reidland High School, to accept Proposal 5 as submitted.

### PROPOSAL 5

**FAILED, 133 Yes, 108 No, 1 abstain**

**Proposed by Bill Cowan, Athletic Director, Calloway County High School**

*Rationale – This clarification would ensure that a student cannot change schools from a school where a student does not meet the academic requirements to be eligible, and then gain eligibility at a second school due to a lesser requirement. This is particularly problematic for students who transfer from out of state schools to Kentucky if a student doesn't like the academic credit conversion at the new school. The academic standard and eligibility ruling should be determined by the requirements in the school where the student is enrolled on his/her first day of school. In summary, if a student is not eligible on his/her first day of school, then the student could not leave and seek a school with a lesser requirement and regain eligibility.*

#### **Bylaw 5. Minimum Academic Requirement**

##### **Sec. 1) Proper Grade Level Requirement for Students in All School Districts**

On the first day of each school year, a student must be at his/her proper grade level and academically eligible at the enrolled school. To be considered to be at the proper grade level, a student must have been enrolled during the previous grading period, and must be on schedule to graduate according to this rule on the first day of school. For the verification of this provision, all course work, including summer and correspondence work, must be complete by the first day of the school year for the student body.

#### **COMPILERS NOTE:**

*The following proposals [5 through 12] relate to KHSAA Bylaw 6. Below is a complete, unaltered copy of the current rule, for use in comparison to revisions that are being proposed.*

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

##### **Sec. 1) Domestic Students**

Any student who has been enrolled in grades nine (9) through twelve (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 in the new school.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

a) **BONA FIDE CHANGE IN RESIDENCE** - If there has been a bona fide change in residence by the parents and student that precedes a student's change of schools.

For purposes of this bylaw, a bonafide change of residence means the moving of the student and his/her parents from one school district or defined school attendance area into another school district or defined school attendance area prior to a change in enrollment of the student. A student who becomes emancipated does not have a bona fide change of residence by virtue of his/her emancipation and change of residence for purposes of this bylaw.

i) A change of residence may not be considered bona fide -

1) If the change in schools is to nullify or circumvent the actions of representatives or rules of the previous school or if the student left the sending school under penalty which would have resulted in their ineligibility at the sending school;

2) If the change in residence occurs after the enrollment at the new school;

3) If the change is motivated in whole or part by a desire to participate in athletics at the new school;

4) If the change in residence is used or manipulated for the purpose of gaining athletic eligibility;

5) If the change in residence by the student and the parent(s) does not reasonably precipitate a transfer to the new school.

b) **DIVORCE** - The KHSAA will not recognize a legal separation as grounds for waiver of the provisions of this bylaw. The Commissioner may waive the provisions of this bylaw in the event of a dissolution of marriage (i.e. a final and legally binding divorce decree from a court of competent jurisdiction) of the parents and a change in the residence of the student pursuant to a court order granting custody of the child to one of the parents with whom the student shall reside. In the event joint custody is awarded to both parents, for purposes of this bylaw, the student shall be deemed to reside at his or her previous residence if one parent retains this residence. If neither parent retains the former residence, the parents shall designate one of their new residences (mother or father) for the purpose of this bylaw, such designation to be reviewed and approved by the Commissioner.

c) **GUARDIANSHIP/CHANGE OF CUSTODY** - The KHSAA shall not recognize guardianship or similar arrangements made, for purposes of this bylaw. The Commissioner shall have authority to waive the provisions of this bylaw where it is shown that custody of the student has been taken from one or both parents and given to a third person by a court of competent jurisdiction and under circumstances indicating: [1] the parent(s) is/are unfit or [2] the court finds that the health and welfare of the student would be better served by the change in custody.

d) **DEATH** - 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.

e) **BOARDING SCHOOLS** - The Commissioner may waive the period of ineligibility on a one-time basis for students entering a boarding school on a full time basis as a boarding school student.

f) **ACADEMIC CONCERNS** - Any student who transfers to another school because his/her former school is determined to be "in crisis" or in the lowest category as determined by the Kentucky Board of Education under KRS 158.6455 or other applicable adopted regulations may seek a waiver of this bylaw. Unless such determination is made, the KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring students would be better served through a transfer.

g) **REASSIGNMENT BY BOARD OF EDUCATION** - Through a properly documented reassignment of the Board of Education to another school in the district. To meet this exception for a reassignment, reasons for the assignment may include, but are not limited to, the closing or opening of a school due to consolidation, merger, opening of a new school, or another type or opening or closing or assignment through KRS 158.6455 or other applicable adopted regulation. Such assignment may be to the public school district should a private, parochial or independent school close.

h) **TRANSFER FROM NON-MEMBER SCHOOL** - Any student transferring from a non-member school whose athletic participation has been limited primarily to other non-member schools may have the period of ineligibility waived.

The Commissioner may, as he/she deems necessary, appoint or hire a committee or investigator to conduct any inquiry or investigation concerning any issues arising under this bylaw or any other bylaw.

If any member school files a written objection to the factual validity of the certification before the conclusion of the period of time to which the period of ineligibility would normally apply, along with the specific, detailed basis for such, then a complete investigation shall be conducted by the KHSAA and a ruling shall be issued through the Commissioner's office.

No student enrolled in grades 4-12 who has participated in a first team game shall be eligible to represent a second member school during that school year unless that student would qualify for a waiver of the period of ineligibility in accordance with provisions [a] through [f] above.

##### **Sec. 2) Non-Domestic Students**

a) Foreign exchange students attending school in Kentucky shall be considered ineligible for the first calendar year following enrollment.

i) If placed in a KHSAA member school under the auspices of approved student exchange programs or in other circumstances approved by the Board of Control within Board policy, these students may be declared eligible and not be subject to the initial one-year period of ineligibility.

ii) In order to be considered for a waiver, the student shall be in compliance with all U.S. Immigration and Naturalization Service regulations; shall be in the first and only year as an exchange student; shall not be a graduate of a the 12th or terminating grade or its' equivalent in either the U.S. or his/her home country; shall be in possession of a complete transcript of records that has been translated into English prior to the request for eligibility; and shall be in possession of a J-1 student education visa issued by the U.S. Immigration and Naturalization Service.

iii) In addition, the student's host family shall not include members of the coaching staff at the KHSAA member school at which participation is desired.

- iv) To be considered for approval by the Board of Control, a foreign exchange program shall assign students to schools by a method that ensures that no student, school or interested party may influence the assignment for athletic or other purposes.
- v) The student, the principal or designated representative of the member school, and a representative of the placement agency shall sign and attest to certification that the athlete complies with the eligibility rules of the KHSAA and shall not be eligible under any circumstances for more than one year of athletic participation if the first year period of ineligibility is waived.
- b) Any student having made election to apply for the waiver of the first year of ineligibility and having been granted a waiver of the normal period of ineligibility under subsection (a) above shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in grades 9 -12 in Kentucky.
- c) Any student desiring to participate in athletics who does not meet the criteria listed in Bylaw 6, Sec. 2 may seek a waiver of the one-year ineligibility period through the KHSAA Due Process Procedure.

**Sec. 3) 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.

A motion was made by Joe Rogers, Eastern High School, seconded by William Raleigh, Valley High School, to accept Proposal 6 as submitted.

**PROPOSAL 6**

**FAILED, 136 Yes, 100 No, 6 abstain**

**Proposed by Jim Sexton, Principal, Eastern High School**

*Rationale – This clarification would specify that a student would be under legal penalty for a waiver to be denied. Many of the appeal cases heard today involved athletes who have been enrolled in school systems where “demerits” accumulate, some even throughout the year, and eventually the students are asked not to re-enroll. This is not a case where the authors of these provisions intended students ineligible, the original proposal’s intentions was to not let students escape punishment by transferring (such as suspension, etc.) This would also ensure that schools throughout the state could be treated on a level playing field. This change would also put similar verbiage into Bylaw 7.*

**Bylaw 6. Transfer Rule**

**Sec. 4) Domestic Students**

Any student who has been enrolled in grades nine (9) through twelve (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 in the new school.

The Commissioner has discretion [but is not required] to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

- a) **BONA FIDE CHANGE IN RESIDENCE** - If there has been a bona fide change in residence by the parents and student that precedes a student’s change of schools.

For purposes of this bylaw, a bonafide change of residence means the moving of the student and his/her parents from one school district or defined school attendance area into another school district or defined school attendance area prior to a change in enrollment of the student. A student who becomes emancipated does not have a bona fide change of residence by virtue of his/her emancipation and change of residence for purposes of this bylaw.

- i) A change of residence may not be considered bona fide –

- 1) If the change in schools is to nullify or circumvent the actions of representatives or if the student left the sending school under legal penalty within the definitions contained in Kentucky Revised Statutes and/or Kentucky Administrative Regulations which would have resulted in their ineligibility at the sending school;
- 2) If the change in residence occurs after the enrollment at the new school;
- 3) If the change is motivated in whole or part by a desire to participate in athletics at the new school;
- 4) If the change in residence is used or manipulated for the purpose of gaining athletic eligibility;
- 5) If the change in residence by the student and the parent(s) does not reasonably precipitate a transfer to the new school.

**Bylaw 7. Conduct - Student or Other Representative Under Penalty**

**Any student, contest official or other official school representative who is under, legal penalty within the definitions contained in Kentucky Revised Statutes and/or the Kentucky Administrative Regulations, or whose conduct is such as to reflect discredit upon the school or the KHSAA is not eligible.**

A motion was made by Jerry Taylor, Hart High School, seconded by Jeff Isaacs, Paris High School, to accept Proposal 7 as submitted.

**PROPOSAL 7**

**PASSED, 222 Yes, 18 No, 2 abstain**

**Proposed by the KHSAA Board of Control**

*Rationale – This technical clarification allows the provisions which nullify a bonafide change of residence determination to be applied to other exceptions within the rule as applicable. In this manner, it is clear that athletic advantage transfers will not be allowed an exception within the rule.*

**Bylaw 6. Transfer Rule**

**Sec. 5) Domestic Students**

Any student who has been enrolled in grades nine (9) through twelve (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 in the new school.

The Commissioner has discretion [but is not required] to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

a) BONA FIDE CHANGE IN RESIDENCE - If there has been a bona fide change in residence by the parents and student that precedes a student's change of schools.

For purposes of this bylaw, a bonafide change of residence means the moving of the student and his/her parents from one school district or defined school attendance area into another school district or defined school attendance area prior to a change in enrollment of the student. A student who becomes emancipated does not have a bona fide change of residence by virtue of his/her emancipation and change of residence for purposes of this bylaw.

b) DIVORCE - [no change]

c) GUARDIANSHIP/CHANGE OF CUSTODY [no change]

d) DEATH - [no change]

e) BOARDING SCHOOLS [no change] -

f) ACADEMIC CONCERNS - [no change]

g) REASSIGNMENT BY BOARD OF EDUCATION - [no change]

h) TRANSFER FROM NON-MEMBER SCHOOL- [no change]

i) Satisfying of one of the exceptions [a-h] will not be considered valid and a waiver of the period of ineligibility shall not be granted-

1) If the change in schools is to nullify or circumvent the actions of representatives or rules of the previous school or if the student left the sending school under penalty which would have resulted in their ineligibility at the sending school;

2) If the change in residence or other satisfying of one of the exceptions occurs after the enrollment at the new school;

3) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school;

4) If the satisfying of one of the exceptions is used or manipulated for the purpose of gaining athletic eligibility;

5) If the satisfying of one of the exceptions by the student and the parent[s] does not reasonably precipitate a transfer to the new school.

A motion was made by B.F. Behrendt, Reidland High School, seconded by Mark Henry, Doss High School, to accept Proposal 8 as submitted. A motion to amend Proposal 8 was made by Mike Gandolfo, St. Francis High School, and seconded by Tim Williams, Louisville-Collegiate High School. Parliamentarian Ken Tippet announced that the amendment was out of order, because it must address all sports, and not be sports specific.

## PROPOSAL 8

**FAILED, 138 Yes, 103 No, 1 abstain**

**Proposed by B.F. Behrendt, Athletic Director, Reidland High School**

*Rationale - This change would specify that the period of ineligibility is from the date of last participation rather than date of enrollment. Many cases today involve students who play early in their careers, don't play for a long period, and then attempt to resume play in their junior or senior year at another school only to find that they must sit a year from the date of enrollment. The administrators have both manual and electronic means of tracking participation and this would be a much fairer rule to those who have had more than a year out of participation.*

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

#### **Sec. 6] Domestic Students**

Any student who has been enrolled in grades nine [9] through twelve [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 the KHSAA final championship game in the sport for which the student last had documented participation in varsity athletics at the sending school.

The Commissioner has discretion [but is not required] to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

A motion was made by Bill Cowan, Calloway County High School, seconded by Tom Woofter, Pendleton County High School, to accept Proposal 9 as submitted.

## PROPOSAL 9

**PASSED, 229 Yes, 12 No, 1 abstain**

**Proposed by the Board of Control**

*Rationale - This technical clarification stipulates that out of state students do not have a "free pass" to play sports in Kentucky and must meet the same transfer restrictions. This change would codify an existing interpretation stating that the exemption (h) was intended for those students who transferred from small non-member schools in Kentucky who were not members of the KHSAA.*

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

#### **Sec. 7] Domestic Students**

Any student who has been enrolled in grades nine [9] through twelve [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 in the new school.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

h) TRANSFER FROM NON-MEMBER SCHOOL - Any student transferring from a non-member school located in Kentucky whose athletic participation has been limited primarily to other non-member schools may have the period of ineligibility waived.

The first page ballots with proposals 1-9 were collected.

A motion was made by Phil Burkeen, Warren East High School, seconded by Bill Drage, Union County High School, to accept Proposal 10 as submitted.

#### **PROPOSAL 10**

**PASSED, 231 Yes, 8 No, 1 abstain**

**Proposed by the KHSAA Board of Control**

*Rationale - This technical clarification is necessary due to the re-titling of various levels of assistance within the Kentucky Revised Statutes and Kentucky Administrative Regulations.*

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

Sec. 8) Domestic Students

Any student who has been enrolled in grades nine [9] through twelve [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 in the new school.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

f) ACADEMIC CONCERNS - Any student who transfers to another school because his/her former school is determined to meet the conditions to be in the lowest category as determined by the Kentucky Board of Education under KRS 158.6455 and for the time specified in Section 6 of 703 KAR 5:120. or other applicable adopted regulations may seek a waiver of this bylaw. Unless such determination is made, the KHSAA shall not recognize as grounds for a waiver of the period of ineligibility an argument that the educational needs of the transferring students would be better served through a transfer.

A motion was made by Rick Folden, Portland Christian High School, seconded by Mike Gandolfo, St. Francis High School, to accept Proposal 11 as submitted.

#### **PROPOSAL 11**

**FAILED, 48 Yes, 189 No, 3 abstain**

**Proposed by Jim Sexton, Principal, Eastern High School**

*Rationale - This change would likely lead to a dramatic reduction in litigation for the Association. Many of today's appeal cases involve younger athletes who made school choices (or such choices were made by parents), and the enrollment simply didn't work out. Allowing these students to play non-varsity would ensure that the participation opportunity is not lost for those students, but that such participation would not affect the one level of play that is recognized and managed by the Association, the varsity level. In addition, this is consistent with School Based Council's traditional authority to determine eligibility at the non-varsity level in extracurricular activities.*

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

Sec. 9) Domestic Students

Any student who has been enrolled in grades nine [9] through twelve [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 at the varsity [first team level] for one year from the date of enrollment in the new school.

The Commissioner has discretion (but is not required) to waive the period of ineligibility set forth above if one of the following exceptions has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

A motion was made by Scott Greenwald, Seneca High School, and seconded by Tim Amshoff, Fern Creek High School to accept Proposal 12 as submitted.

#### **PROPOSAL 12**

**FAILED, 96 Yes, 143 No, 1 abstain**

**Proposed by Jim Sexton, Principal, Eastern High School**

*Rationale - The sentiment of the membership appears to be that they are not objectionable to foreign exchange students being in the schools, but are quite opposed to these students creating an athletic advantage*

for one school over another. This change would simply state that those students who are not U.S. residents or come through an exchange program could participate at the non-varsity level, but not participate at the varsity level.

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

##### **Sec. 10] Non-Domestic Students**

- a) Foreign exchange students attending school in Kentucky shall be considered ineligible at all levels of play for the first calendar year following enrollment.
  - i) If placed in a KHSAA member school under the auspices of approved student exchange programs or in other circumstances approved by the Board of Control within Board policy, these students may be declared eligible for non-varsity play (non first-team limited eligibility) and not be subject to the initial one-year period of ineligibility but shall not be eligible to compete in varsity (first team) play.
  - ii) In order to be considered for a waiver, the student shall be in compliance with all U.S. Immigration and Naturalization Service regulations; shall be in the first and only year as an exchange student; shall not be a graduate of a the 12th or terminating grade or its' equivalent in either the U.S. or his/her home country; shall be in possession of a complete transcript of records that has been translated into English prior to the request for eligibility; and shall be in possession of a J-1 student education visa issued by the U.S. Immigration and Naturalization Service.
  - iii) In addition, the student's host family shall not include members of the coaching staff at the KHSAA member school at which non-varsity participation is desired during the first year.
  - iv) To be considered for approval by the Board of Control, a foreign exchange program shall assign students to schools by a method that ensures that no student, school or interested party may influence the assignment for athletic or other purposes.
  - v) The student, the principal or designated representative of the member school, and a representative of the placement agency shall sign and attest to certification that the athlete complies with the eligibility rules of the KHSAA and shall not be eligible under any circumstances for varsity athletic participation in any sport during the first year.
- b) Any student having made election to apply for the waiver of the first year of ineligibility and having been granted a waiver of the normal period of ineligibility under subsection (a) above and allowed to play non-varsity shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in grades 9 -12 in Kentucky.
- c) Any student desiring to participate in athletics who does not meet the criteria listed in Bylaw 6, Sec. 2 and has not been placed through an approved agency may seek a waiver of the one-year ineligibility period through the KHSAA Due Process Procedure.

A motion was made by Susan Montgomery, Brian Station High School, seconded by Deron McDonald, Franklin County High School, to accept Proposal 13 as submitted.

#### **PROPOSAL 13**

**FAILED, 127 Yes, 111 No, 2 abstain**

**Proposed by Jerry Mezur, Athletic Director, Henderson County High School; Frank Watson, Athletic Director, Paul Dunbar High School; Joe Ruddell, Athletic Director, Tates Creek High School and Mark Swift, Athletic Director, Ashland Blazer High School**

*Rationale – The KHSAA was founded by a group of schools who did not offer financial aid, and who were interested in codifying the playing rules to allow for a “level playing field”. In that spirit, this proposal would disallow any school from entering KHSAA state championship competition (any and all rounds) if they award financial aid, and would clarify that any tuition payments must be made by the family of the student-athlete.*

*The awarding of financial aid by a member school to a student-athlete further reduces the competitive balance within the Association. If a student's enrollment in a tuition situation forces them to seek funds to help with the tuition, that should be the sole responsibility of the student and the family. Even if a parent secures a loan for payment of tuition (loan must be secured from an accredited company whose business includes loan programs), it must remain an obligation of the parents, guardians or other family members to repay the principal and interest in full with no exceptions.*

*It is understood that any loan program, grant program, educational foundation, tuition waiver, or similar program (to include booster or parent group sponsored loan programs) that is established and/or administered in whole or in part, by a school, school representative, or other school related entity shall be considered financial aid.*

*Schools should also remove any student from athletic eligibility whose tuition account with the school is sixty (60) or more days overdue.*

#### **Bylaw 7. Conduct / Student Financial Assistance (Financial Aid)**

##### **Sec. 1 – Student Conduct, Other Representatives Under Penalty**

Any student, contest official or other official school representative who is under penalty or discipline or whose conduct is such as to reflect discredit upon the school or the KHSAA is not eligible.

##### **Sec. 2 – Tuition and Financial Aid for Student-Athletes**

A student is ineligible for interscholastic competition in the case that full applicable tuition is not paid by the student's immediate family or if such payment cannot be properly documented. This shall apply to both in-state students (Kentucky residents) and out of state students.

All records pertaining to tuition and financial aid as directly related to student-athletes on the eligibility list of the member school shall be open to the KHSAA upon request of the Association. Each school is responsible for securing the necessary authorization to allow KHSAA to review or audit such records.

#### **Bylaw 22. Specific Sport Regulations**



Sec. 11) Girls Basketball

The Board of Control shall sanction and sponsor a girls' basketball playoff to determine a state champion.

Sec. 12) Comparable NCAA Opportunities

a) If a member school sponsors or intends to sponsor an athletic activity that is similar to a sport for which NCAA members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which the scholarships are offered. The athletic activities that are similar to sports for which NCAA members offer scholarships are: Girls fast pitch softball as compared to slow pitch.

b) To qualify as having "sponsored" a sport, a school must be able to demonstrate the following

- i) If similar versions of a particular sport exist and there are differences in the scholarship opportunities at the NCAA level in that sport, a survey must be taken of the student population at reasonable times and places to determine the level of interest in the sport[s].
- ii) If said survey reveals sufficient interest to field the normal squad required for play in the particular sport and if any version of the sport is to be played, the school shall make facilities, staff and other allowances to properly field a team in the version of the sport for which the NCAA members offer scholarships.

Sec. 13) Type of Ball to be Used

The molded ball is the official basketball and shall be used in all regular season and tournament games.

Sec. 14) Eligibility to Enter KHSAA Postseason Play

A KHSAA member school shall forfeit eligibility to participate in KHSAA sponsored postseason play if a student athlete in that particular sport has received financial aid as defined in Bylaw 7.

A motion was made by B.F. Behrendt, Reidland High School, seconded by Bill Cowan, Calloway County High School, to accept Proposal 14 as submitted.

**PROPOSAL 14**

**PASSED, 239 Yes, 0 No, 1 abstain**

**Proposed by the KHSAA Board of Control**

*Rationale – With the fluctuation in the state soccer dates, the sports of cross country, soccer and volleyball move to different corresponding weeks in different years. This scheduling problem causes scheduling difficulties for administrators, particularly those which play out of state teams, and should be consistent to allow for flexibility. Through the use of corresponding date charts, administrators can handle the occasional front end fluctuation created by this changes, and can handle it easier than the problems created by a change in starting dates.*

**Bylaw 25. Limitation of Seasons**

Sec. 4) Sports Specific Limitations - **Cross Country - Boys and Girls**

3) The first meet of the season shall not take place prior to the Monday of Corresponding Week 7.

Sec. 7) Sports Specific Limitations - **Soccer - Boys and Girls**

3) The first match shall not take place prior to the Monday of Corresponding Week 7.

Sec. 14) Sports Specific Limitations - **Volleyball - Girls**

(3) The first match shall not take place prior to the Monday of Corresponding Week 6.

A motion was made by Kenneth O'Quinn, East Ridge High School, seconded by Danny Upchurch, Wayne County High School, to accept Proposal 15 as submitted.

**PROPOSAL 15**

**PASSED, 226 Yes, 1 No, 13 abstain**

**Proposed by the KHSAA Board of Control**

*Rationale – The Wrestling starting date needs to be adjusted due to the change in tournament format two seasons ago. The wrestling season traditionally started on the Friday of State Football playoffs week, and starting on that date allows for maximum scheduling flexibility to eliminate weekday travel for schools and teams.*

**Bylaw 25. Limitation of Seasons**

Sec. 15) Sports Specific Limitations - **Wrestling - Boys**

(3) The first match shall not take place prior to the Monday of Corresponding Week 22.

A motion was made by Tom Woofter, Pendleton County High School, seconded by Joe Carr, Woodford County High School, to accept Proposal 16 as submitted.

**PROPOSAL 16**

**PASSED, 196 Yes, 42 No, 2 abstain**

**Proposed by Frank Watson, Athletic Director, Paul Dunbar High School**

*Rationale – This clarification would specify that a school may complete all activities from the spring sports championships sponsored by the KHSAA, even if those celebratory and wrap-up activities extend into the dead period. The original intent of the dead period was to make sure that schools were not playing and practicing all year, and was never intended to eliminate normal celebratory activities which occur at this time due to the lateness of KHSAA State Championships.*

**Bylaw 26. Summer Sports and Sports/Activities****Sec. 2) Summer Dead Period**

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 or cheerleading squad during the period beginning with June 25, and going through July 9. School funds may not be expended in support of interscholastic athletics in any KHSAA sanctioned sport during this period. These restrictions shall not apply to postseason wrap-up activities, celebrations and recognition events relating to a spring sports team at a school which participated in KHSAA state championship play in that particular sport during that particular year.

A motion was made by Rick Roberts, Hopkinsville High School, seconded by Brent Lynch, Pleasure Ridge Park High School, to accept Proposal 17 as submitted.

**PROPOSAL 17****PASSED, 228 Yes, 11 No, 1 abstain****Proposed by the KHSAA Board of Control**

*Rationale – This is a technical clarification and specifies that if clinics are conducted by the Association or its designees, attendance is required for coaches. This makes the wording for officials and coaches similar. This clarifies the attendance requirements in Cross Country and Golf and makes those sports treated as the other offerings of the KHSAA.*

**Bylaw 27. Requirement for Coaches and Others Working With High School Teams****Sec. 3) Post-Hire Requirements and Requirements for Continuing Coaching Duties****d) KHSAA Rules Clinic**

- i) All head varsity coaches shall annually attend at least one rules interpretation clinic conducted by representatives of the KHSAA in the sport in which they coach and the school desires to enter a team in postseason play, provided such clinics are conducted under the authorization of the Commissioner.
- ii) The penalty for noncompliance with this section may be 1) Suspension from coaching duties in all contests for a period not to exceed one year; 2) Suspension from coaching duties in KHSAA sanctioned postseason play for a period not to exceed one year; or 3) any penalty otherwise included in Bylaw 33.

A motion was made by Phil Rison, Montgomery County High School, seconded by Gary Fritz, Madison Central High School, to accept Proposal 18 as submitted.

**PROPOSAL 18****PASSED, 210 Yes, 29 No, 1 abstain****Proposed by Phil Rison, Athletic Director, Montgomery County High School**

*Rationale – This two part change would leave intact the current requirement for a baseline coaching education course to be taken by Kentucky coaches. This change would make two important clarifications – 1) remove the mandated use of any particular course to allow for flexibility in determining the proper provider as well as allowing for the controlling of costs; and 2) place the burden for this continuing education requirement on the coach, rather than the school. Nothing about this change would prohibit a school for reimbursing (in whole or in part) its coaches for the completion of the course, but it would remove the compulsory reimbursement. The Kentucky Coaches Education Program is a continuing education program, which enhances the ability of teacher, and non-teacher coaches to understand the complex nature of developing proper coaching techniques in working with students and parents.*

**Bylaw 27. Requirement for Coaches and Others Working With High School Teams****Sec. 4) Post-Hire Requirements and Requirements for Continuing Coaching Duties****b) Kentucky Coaches Education Program**

- i) The Kentucky Coaches Education Program has been approved as the coaching education program in Kentucky. Such program shall include an eight-hour course of study to include a KHSAA approved Coaches Education Program, KHSAA rules information and local district policies. All course requirements for certification in the coaching education program, including completion of the exam to be graded and registered with the Kentucky Coaches Education Program, shall be completed prior to the start of the competitive season. The cost of attending the KHSAA Kentucky Coaches Education Program will be the responsibility of the individual coach(es). Local school districts or local schools may, upon successful completion of all coaching education requirements including all examinations, reimburse the coaches for the expense of attending the course.
- ii) Level 1 individuals assigned to duties as a coach (head and/or assistant), who are hired as a member of the school system faculty for the first time following the 1995-96 school year shall take and complete all requirements for the Kentucky Coaches Education Program as detailed in Section b[1] above within one year of the initial assignment to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.
- iii) Level 2 individuals assigned to duties as a coach (head and/or assistant) shall take and complete all requirements for the Kentucky Coaches Education Program as detailed in Section b[1] above within one year of the initial assignment to coaching duties or prior to the legal start of practice for the next competitive season in any particular sport to which the individual is assigned, whichever occurs first.

Since there was no other business to come before the delegate assembly, a motion to adjourn was made by Kathy Johnston, Bourbon County High School, seconded by Tim Amshoff, Fern Creek High school, and passed unanimously. The meeting adjourned at 3:30 p.m. January 15, 2004.

President Paul Dotson Paul Dotson Date \_\_\_\_\_

Commissioner Brigid L. DeVries Brigid L. DeVries Date \_\_\_\_\_