1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **702 KAR 7:065. Designation of agent to manage high school interscholastic athletics.**

6 RELATES TO: KRS 156.070 (2)

7 STATUTORY AUTHORITY: KRS 156.070 (2)

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

14 Section 1. The Kentucky High School Athletic Association (KHSAA) shall be the Kentucky
15 Board of Education's agent to manage interscholastic athletics at the high school level in the
16 common schools, including a private school desiring to associate with KHSAA and to compete
17 with a common school.

18 Section 2. To remain eligible to maintain the designation as the agent to manage interscholastic
19 athletics, the KHSAA shall:

20 (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its
21 governing body;

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

2 (3) Provide for each member school to have a vote on constitution and bylaw changes submitted

3 for consideration;

4 (4) Provide for regional postseason tournament net revenues to be distributed to the member

5 schools in that region participating in that sport, utilizing a share approach determined by the

6 schools within that region playing that sport;

7 (5) Require its governing body to annually establish goals and objectives for its Commissioner

8 and perform a self-assessment and submit the results annually to the KBE by October 31.

9 (6) Advise the Department of Education of all legal action brought against the KHSAA by

10 October 31;

11 (7) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year

12 terms with no region represented for more than eight (8) consecutive years;

13 (8) Employ a commissioner and evaluate that person's performance annually by October 31, and

14 establish all staff positions upon recommendation of the commissioner;

15 (9) Permit the commissioner to employ other personnel necessary to perform the staff

16 responsibilities;

17 (10) Permit the Board of Control to assess fines on a member school;

18 (11) Utilize a trained independent hearing officer instead of an eligibility committee for an

19 appeal;

20 (12) Establish a philosophical statement of principles to use as a guide in an eligibility case;

21 (13) Conduct field audits of the Association’s entire membership over a five-year period

22 regarding each school’s compliance with 20 USC Section 1681 (Title IX).and submit summary

23 reports including the highlighting of any deficiencies in compliance on a regular (not less than

1 three times annually) basis to the Kentucky Board of Education as requested; as a condition
2 precedent to membership, require each member school and superintendent to annually submit a
3 written certification of compliance with 20 USC Section 1681 (Title IX). ;
4 (14) Conduct all meetings in accordance with KRS 61.805 through 61.850; and
5 (15) Provide written reports of any investigations into possible violations of statute,
6 administrative regulation, KHSAA Constitution, bylaws, and other rules governing the conduct
7 of interscholastic athletics conducted by KHSAA or their designees to the superintendent and
8 principal of the involved school district and school prior to being made public.
9 Section 3. Financial Planning and Review Requirements..
10 (1) KHSAA shall annually submit the following documents to the KBE by October 31:
11 (a) Draft budget for the next two (2) fiscal years, including the current year;
12 (b) End of Year budget status report for the previous fiscal year;
13 (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the
14 KHSAA governing body;
15 (d) A summary report of operations including financial, legal and administrative summaries of
16 actions taken and other items ongoing within KHSAA. This report shall also include a summary
17 of items affecting:
18 1. Athletic appeals and their disposition including the name of the individual, grade, school, and
19 the action taken by KHSAA;
20 2. Eligibility rules;
21 3. Duties of school officials;
22 4. Contests and contest limitations;
23 5. Requirements for officials and coaches; and

1 6. Results of a biennial review of its bylaws that results in a recommendation for a change,
2 directing any proposals for change in association rules to be considered for vote by the member
3 schools at the next legislative opportunity; and
4 (e) A review of all items which have been submitted to the membership for approval through the
5 processes established in the KHSAA Constitution and the result of the voting on those issues;
6 (2) The KHSAA shall annually submit by December 31, audited financial statements with the
7 KHSAA Commissioner's letter addressing exceptions or notes contained in Management
8 Correspondence, if any.
9 Section 4. The bylaws, tournament rules, and due process procedures of the KHSAA Handbook,
10 Fall 2008 [~~Fall 2007~~] shall apply to high school interscholastic athletics in Kentucky.
11 Section 5. Incorporation by Reference. (1) "Kentucky High School Athletic Association
12 Handbook, Fall 2008 [~~Fall 2007~~]", Kentucky High School Athletic Association, is incorporated
13 by reference.
14 (2) This document may be inspected, copied, or obtained, subject to applicable copyright law at
15 the Office of Legal and Legislative Services, Department of Education, First Floor, Capital Plaza
16 Tower, Frankfort, Monday through Friday, 8 a.m. through 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

_____ _____

(Date) Jon E. Draud, Ed.D.
Commissioner of Education

_____ _____

(Date) Joseph Brothers, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on March 24, at 2p.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until March 31, 2008. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Kevin M. Noland, Deputy Commissioner, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502/564-4474, fax 502/564-9321.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation Number: 702 KAR 7:065

Contact Person: Kevin M. Noland

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 156.070 requires the Kentucky Board of Education (KBE) to manage and control the common schools, including interscholastic athletics in the schools, and authorizes the KBE to designate an agency to manage athletics. This regulation designates the Kentucky High School Athletic Association (KHSAA) as the agent to manage high school interscholastic athletics, and incorporates by reference the bylaws, procedures and rules governing interscholastic sports.

(b) The necessity of this administrative regulation: This regulation is necessary to designate the agency to provide the day-to-day management activities of interscholastic athletics in Kentucky; to set forth the financial, planning and review processes governing the agent; and to incorporate by reference the bylaws, procedures and rules of the agent.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation designates the agency to manage interscholastic athletics, as authorized by the authorizing statute, and outlines the conditions under which this authority is granted.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It designates the KHSAA as the agent to manage interscholastic athletics in the schools and districts, and publishes changes in bylaws, procedures and rules for affected schools and districts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: These amendments make changes to the document incorporated by reference, in the KHSAA Constitution and in KHSAA Bylaws 4, 6, 14, 25, 26 and 32 as adopted by the KHSAA Delegate Assembly.

(b) The necessity of the amendment to this administrative regulation: Pursuant to the KHSAA Constitution, which is incorporated by reference in this regulation, the members are required to have an annual meeting to discuss and recommend any needed changes to the Constitution and Bylaws. While they are not required to make changes to the Constitution and Bylaws, changes must be made through this process. This amendment incorporates changes approved at the annual meeting of the Delegate Assembly.

(c) How the amendment conforms to the content of the authorizing statutes: The statute authorizes the KBE to designate an agency to manage high school interscholastic athletics. The regulation designates the KHSAA as that agent, and incorporates by reference the KHSAA Handbook, which consists of the KHSAA Constitution, Bylaws, and Due Process to provide rules and guidance to the member schools and districts governing sporting events. The

amendments in the Bylaws are made annually, according to the process outlined in the Constitution, and reflect input member schools and districts on changes that need to be made to provide a more sound structure of governance.

(d) How the amendment will assist in the effective administration of the statutes: See (c) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 174 School Districts

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: There will be little impact because of the nature of the changes to the regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KHSAA is funded through membership fees and dues, as well as from gate receipts from sporting events.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 702 KAR 7:065 Contact Person: Kevin Noland

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes
If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? school districts

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No additional expense to school districts

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? The proposed amendment will require no additional cost

(d) How much will it cost to administer this program for subsequent years? The proposed amendment will require no additional cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-):
Expenditures (+/-):
Other Explanation:

Summary Page – Incorporation by Reference

702 KAR 7:065, Designation of agent to manage high school interscholastic athletics

(1) The following documents are incorporated by reference:

(a) The "Kentucky High School Athletic Association Handbook," dated Fall 2008 [~~Fall 2007~~].

(2) These documents are the Constitution, Bylaws and Due Process provisions governing member schools of the KHSAA.

(3) The documents incorporated by reference consist of 20 pages.

(4) The following summarizes the changes made and references are to the proposal number used when considered by the member schools.

##	Approved Proposal and Purpose
2007-1	A technical amendment to Bylaw 4 to re-state its intent on limitations. This amendment affects only the marked sections and does not effect any other proposed change to Bylaw 4.
2007-2	An amendment to Bylaw 6 to codify an exception related to military transfers and clarify the section related to divorce of the parents of a student-athlete in joint custody situations.
2007-3	A technical amendment to Bylaw 14 which removes specified penalties and instead, refers the situation to Bylaw 33 as per other rules.
2007-5	A proposal to change the method of counting games in soccer. The net effect (maximum games) under this proposal would not differ from current wording.
2007-6	One of three proposals (2007-6, 2007-7 and 2007-8) worked out in conjunction with members of the Kentucky Basketball and Football Coaches Associations to attempt to minimize the conflict over student-athlete participation in those sports. This first of the three would attempt to lock in the start of both football and basketball seasons and minimize the schools effected by overlapping of the two sports, and shorten the maximum allowable time span (not games) for football season by one week.
2007-7	A proposal to revise the starting date for football practice to balance the scheduling issues of alternative calendars and the need to keep contract practice starting as late as possible.
2007-8	A proposal to restrict school-team based play in football and basketball during the summer months to separate periods to minimize athlete and family schedule conflicts.
2007-9	A proposal to amend Bylaw 32 (Selection of Officials) and remove the Federal Court Decree provisions related to the Selection of Officials from the Bylaws while leaving the information printed in other portions of the Handbook.
2007-10	A proposal to rescind restrictions on individual sports participating in out of state events due to the impossible nature of monitoring opponents.

##	Approved Proposal and Purpose
2007-11	A proposal to amend the Constitution to establish a meeting attendance threshold for elected Board of Control members.
2006 Ref 2	A proposal to make a technical amendment to Bylaw 6. An amendment approved for 2007-2008 specified that beginning in 2008-2009, athletes in grades 7 and above who had participated at any level for a member school would have been subject to the transfer rule restrictions and penalties if transferring to another school. Through implementation discussions, the Board of Control approved a technical revision to apply this restriction only to those students who played varsity level sports, and to phase the rule in beginning with the 2009-2010 school year.