FILED WITH LRC
TIME: 9 am
JUN 14 2019
Emily B Caudill
REGULATIONS COMPILER

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Kentucky Department of Education

4 (Amendment)

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

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

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

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board

9 of Education to manage and control the common schools, including interscholastic athletics in the

10 schools. KRS 156.070(2) authorizes the board to designate an agency to manage athletics. This

11 administrative regulation designates an agent for middle and high school athletics; establishes the

12 financial planning and review processes for the agent; and incorporates by reference the bylaws,

13 procedures, and rules of the agent.

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

15 action.

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

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

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

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

20 (6) "Level 2" or "control" means that a drill is run at the assigned speed until the moment of contact;

21 one (1) player is predetermined the winner by the coach; contact remains above the waist, and

1 players stay on their feet.

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

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

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

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

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

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

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

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

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

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

22 (5) Provide for students desiring to participate at the high school level (regardless of the level of
23 play) to be enrolled in at least grade seven (7) unless the student has participated at the high school

1 level before the 2014 - 2015 school year;

2 (6) Require its governing body to annually establish goals and objectives for its commissioner and

3 perform a self-assessment and submit the results annually to the KBE by December 31;

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

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

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

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

8 establish all staff positions upon recommendation of the commissioner;

9 (10) Permit the commissioner to employ other personnel necessary to perform the staff responsi-

10 bilities;

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

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

13 school athletic eligibility appeal;

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

15 case;

16 (14) Conduct continual cycles of field audits of the association's entire high school membership,

17 which provides that each high school is audited regarding each school's compliance with 20 U.S.C.

18 Section 1681 (Title IX) and submit annual summary reports, including the highlighting of any

19 potential deficiencies in OCR compliance to the Kentucky Board of Education;

20 (15) As a condition precedent to high school membership, require each member high school and

21 superintendent to annually submit a written certification of compliance with 20 U.S.C. Section

22 1681 (Title IX);

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

1 61.850;

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

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

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

13 Section 4. To remain eligible to maintain the designation as the agent to manage interscholastic
14 athletics at the middle school level, the KHSAA shall implement the following requirements for
15 all participants in middle school interscholastic athletics, distribute these requirements to all mid-
16 dle schools, and publish via the KHSAA Web site:

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

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

20 (b) Competitors wear a school-issued uniform;

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

1 (d) A school entity pays an entry fee, for the student or team, including payment by booster organ-
2 izations;
3 (e) A school representative accompanies the student-athlete or transports the student-athlete to the
4 contest, event, or tournament;
5 (f) A designated or hired member of a school coaching staff, whether paid or unpaid, is present
6 and offering instruction, advice, evaluation, or refinement of skills or exercising other duties de-
7 fined as coaching within the sport rules;
8 (g) Transportation to or from the contest, event, or tournament utilizes school provided or approved
9 transportation;
10 (h) Competitors in the contest, event, or tournament wear apparel identifying them by the name of
11 the school, including the formal name, informal name, or team nickname;
12 (i) Competitors in the contest, event, or tournament are provided promotional or other resources
13 by the school including school media recognition, signage, and items indicative of school repre-
14 sentation;
15 (j) Competition in a contest, event, or tournament has, in any form, jurisdiction of the local school
16 board or school-based decision-making body, including financial or other approval control; or
17 (k) Competition in a contest, event, or tournament is covered by any school or school system pro-
18 vided or procured insurance policy;
19 (2) Require that any head or assistant coach, whether paid or unpaid, desiring to coach intersche-
20 lastic athletics at the middle school level:
21 (a) Meet the requirements of KRS 156.070(2)(f)2.;
22 (b) Meet the requirements of KRS 160.380(4) and (6); and
23 (c) Provide to the school documentation of successful completion of a C.P.R. course including the

1 use of an automatic external defibrillator and the first aid training, conducted by an instructor or
2 program approved by a college or university, the American Red Cross, the American Heart
3 Association, or other bona fide accrediting agency that is approved by the KHSAA based upon
4 industry standards. The initial certification shall use in-person instruction and certification shall be
5 updated as required by the approving agency;
6 (3) Require adherence to the following items regarding safety, sports medicine, and risk minimi-
7 zation for all interscholastic athletics at the middle school level:
8 (a) Each student, before trying for a place on a middle school athletic team, shall provide an annual
9 medical examination, in accordance with KRS 156.070(2)(d), and shall use the KHSAA form PPE;
10 (b) All participants at the middle school level shall adhere to all sports medicine and risk minimi-
11 zation policies in use at the high school level that may be supplemented by the school, school
12 district, conference, or association including:
13 1. Heat index and heat illness programs;
14 2. Wrestling weight management programs;
15 3. Concussion and other head injury policies including policies for minimizing impact exposure
16 and concussion risks;
17 4. The following football drill work and practice activity limitations:
18 a. Football contact and non-contact practice shall use the appropriate clothing and equipment for
19 the level of drill, including:
20 (i) A drill conducted in helmets-only shall be a Level 0, air, or Level 1, bags;
21 (ii) A drill conducted in shells (shorts, shoulder pads, and helmets) shall be a non-contact drill; and
22 (iii) A contact drill shall be conducted in full equipment;
23 b. Middle school football shall practice a minimum of eleven (11) days before engaging another

1 group or opponent in full contact, using the following minimum schedule:

2 (i) Five (5) days in helmets;

3 (ii) Followed by three (3) days in helmets and shoulder pads; and

4 (iii) Concluding with three (3) days in full equipment practice; and

5 c. Contact drills shall not be conducted more than twenty-one (21) days before the first regular-

6 season contest;

7 d. Beginning July 1, 2020, the first regular season interscholastic contest shall not be played before

8 the Saturday preceding seven (7) of the National Federation of High Schools Standardized Proce-

9 dure for Numbering Calendar Weeks;

10 5. The following baseball pitching limitations shall apply to all interscholastic play at the middle

11 school level including scrimmages, regular season, and post season games:

12 a. The pitch count shall be based on pitches thrown for strikes (including foul balls), balls, balls in

13 play, and outs;

14 b. Warm-up pitches allowed before each inning, warm-up pitches allowed by the umpire in case

15 of injury or game delay, and plays attempted against the batter-runner or any runner at first, second,

16 or third base shall not count against this limit;

17 c. A pitcher at any level who reaches the pitch count limit in the middle of an at-bat shall be

18 allowed to finish that hitter;

19 d. The required calendar rest shall begin on the day following the date on which the game began,

20 or a resumed game began regardless of the conclusion time of the game; and

21 e. The rest periods shall be based on the following total pitches:

22 (i) Maximum pitches - eighty-five (85);

23 (ii) Fifty-six (56) pitches or more - three (3) calendar days rest;

1 (iii) Thirty-six (36) to fifty-five (55) pitches - two (2) calendar days rest;

2 (iv) Twenty (20) to thirty-five (35) pitches - one (1) calendar day rest; and

3 (v) One (1) to nineteen (19) pitches - no mandated rest;

4 6. Students seeking to play or practice, including scrimmages, regular season, and post season

5 games, in the sport of fastpitch softball, shall be required to wear face protection, commercially

6 manufactured for softball facial protection and worn as intended by the manufacturer, when play-

7 ing the positions of first base, third base, and pitcher; and

8 7. Teams participating in middle school athletics as defined by subsection (1) of this section shall

9 use KHSAA licensed officials in the sports of baseball, basketball, field hockey, football, soccer,

10 softball, and volleyball;

11 (4) Create a permanent Middle School Athletics Advisory Committee. This committee shall:

12 (a) Be autonomous with respect to the Board of Control of the KHSAA;

13 (b) Be composed of no less than three (3) middle school representatives from each Supreme Court

14 district as well as no less than three (3) at large representatives from throughout the state;

15 (c) Provide an opportunity for nonprofit athletic groups, parents, and others to participate and pro-

16 vide input on the sport, athletic event, or athletes involved in interscholastic activities through local

17 school districts;

18 (d) Meet not less than twice annually to review current programs and policies, make

19 recommendations for improvements to and participation in middle school interscholastic activities,

20 as well as any changes in statute, administrative regulation, or policy related to middle school

21 interscholastic athletics, and assist in the development of model guidelines for schools, districts,

22 conferences, and associations to be used in implementing a middle school athletic program; and

23 (e) Report regularly, not less than annually, to the commissioner of the KHSAA and issue, in

1 conjunction with the commissioner, a formal written report annually to the KBE with recommen-
2 dations for changes in statute, administrative regulation, or policy;
3 (5) Require any organization conducting a school-based event at the middle school level to submit
4 the following, which shall be published and listed on the KHSAA Web site:
5 (a) Annual financial reports of all sanctioned and approved events sponsored by the organization;
6 and
7 (b) Documentation of financial accountability including verification of federal status and tax doc-
8 uments including an annual IRS Form 990;
9 (6) Provide notice to the middle schools related to any program conducted by KHSAA related to
10 educating school administrators about the provisions of 20 U.S.C. 1681, Title IX;
11 (7) Provide educational materials and a mechanism to facilitate the monitoring and tracking capa-
12 bilities for the middle schools to ensure compliance with the provisions of KRS 160.445 and other
13 requirements for coaches at the middle school level;
14 (8) Require any student enrolled initially in grade five (5) through eight (8) who is repeating a
15 grade for any reason, to be ineligible, during the school year that the grade is repeated, to compete
16 in interscholastic athletics competition at any level;
17 (9) Require that any student who turns:
18 (a) Fifteen (15) years of age before August 1 of the current school year shall not be eligible for
19 interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades
20 eight (8) and below;
21 (b) Fourteen (14) years of age before August 1 of the current year shall not be eligible for inter-
22 scholastic athletics in Kentucky in competition against students exclusively enrolled in grades
23 seven (7) and below; and

1 (c) Thirteen (13) years of age before August 1 of the current school year shall not be eligible for
2 interscholastic athletics in Kentucky in competition against students exclusively enrolled in grades
3 six (6) and below;
4 (10) Require each school, school district, conference, or association of schools to develop rules
5 and limitations regarding student participation at the middle school level to include:
6 (a) A defined age limitation for participating students;
7 (b) A policy regarding the participation of students below grade six (6);
8 (c) A limitation on practice time before the season in any sport or sport activity which shall not
9 exceed the practice time adopted for play at the high school level;
10 (d) A limitation on the number of school-based scrimmages and regular season, school based con-
11 tests in each sport or sport-activity, which shall not include post season contests and shall not
12 exceed the allowable number of contests for that sport or sport-activity at the high school level;
13 and
14 (e) A limitation on the length of the regular competitive season in each sport or sport-activity, not
15 including any post season activities, which shall not exceed the length for that sport or sport-ac-
16 tivity at the high school level;
17 (11) Conduct all meetings related to middle school athletics in accordance with KRS 61.805
18 through 61.850;
19 (12) Issue an annual report to the KBE on the status of interscholastic athletics at the middle school
20 level, including any recommendations for changes in statute, administrative regulation, or policy;
21 (13) Allow a school or school district to join a conference or association that has developed rules
22 for any particular sport or sport-activity to satisfy the requirements of this administrative regula-
23 tion; and

1 (14) The period of June 25 to July 9, inclusive, shall be a dead period for middle school athletics.
2 During the dead period:
3 (a) Students shall not receive coaching or training from school personnel, whether salaried or non-
4 salaried;
5 (b) School facilities, uniforms, nicknames, transportation, or equipment shall not be used;
6 (c) School funds shall not be expended in support of interscholastic athletics; and
7 (d) A postseason wrap-up activity, celebration, or recognition event relating to a spring sports team
8 at a school may be held.
9 Section 5. Financial Planning and Review Requirements. (1) KHSAA shall annually submit the
10 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 summaries of financial, legal, and administrative
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, direct-
2 ing any proposals for change in association rules to be considered for a vote by the member schools
3 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 at the next meeting of the Kentucky Board of Education
7 following receipt and adoption by the Board of Control, audited financial statements with the
8 KHSAA Commissioner's letter addressing exceptions or notes contained in management
9 correspondence if any.
10 Section 6. Forms. The forms incorporated by reference in this administrative regulation shall be
11 filed:
12 (1) Using the paper form; or
13 (2) Using the electronic forms found on the Kentucky High School Athletic Association website
14 at www.khsaa.org.
15 Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:
16 (a) "KHSAA Constitution", 6/2017;
17 (b) "KHSAA Bylaws", 6/2019 [~~6/2018~~];
18 (c) "KHSAA Due Process Procedure", 6/2017;
19 (d) "KHSAA Board of Control and Officials Division Policies", 6/2019 [~~6/2018~~];
20 (e) KHSAA Form BA101- Baseball Pitching Limitation", 6/2016;
21 (f) KHSAA Form GE01, "Application for Membership", 5/2017;
22 (g) KHSAA Form GE04, "Athletic Participation Form, Parental and Student Consent and Release
23 for High School Level (grades 9 - 12) Participation", 7/2019 [~~4/2015~~];

1 (h) KHSAA Form DP02, "Request for Statutory Waiver of Bylaw 2", 6/2018;

2 (i) KHSAA Form DP06, "Application for Athletic Eligibility for Domestic Students", 6/2019

3 [~~6/2018~~];

4 (j) KHSAA Form DP07, "Application for Athletic Eligibility for Students having J-1 or F-1 Sta-

5 tus", 7/2019 [~~8/2017~~];

6 (k) KHSAA Form DP08, "Application for Non U.S. Student Athletic Eligibility for Students Not

7 having J-1/F-1 Status ", 7/2019 [~~8/2017~~];

8 (l) KHSAA Form DP16, "Request for Waiver of 20 Day Notice", 6/2018;

9 (m) KHSAA Form DP17, "Add. Info for Appeal", 6/2018;

10 (n) KHSAA Form DP18 "Waiver – 15 Day Exceptions", 6/2018;

11 (o) "KHSAA Form GE14- Contract for Athletic Contests", 8/2017;

12 (p) "KHSAA Form GE19-Title IX Procedures Verification", 5/2011;

13 (q) KHSAA Form GE20, "Heat Index Measurement and Record", 4/2014;

14 (r) KHSAA Form PPE/Physical Exam, "PPE- Physical Exam History/Physician Clearance Form

15 (Grades 6 - 12)", 7/2019 [~~4/2015~~];

16 (s) KHSAA Form PPE/Supplemental, "PPE- Physical Exam History Supplemental Form for Ath-

17 letes With Special Needs (Grades 6 - 12)", 7/2019 [~~4/2015~~]; and

18 (t) "KHSAA Form MS01- Athletic Participation Parental and Student Consent and Release for

19 Middle School (grades 5-8) Participation", 4/2015.

20 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the

21 Office of Legal, Legislative and Communication Services, Department of Education, 5th Floor,

22 300 Sower Blvd, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 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(5).

6/13/2019
(Date)

Wayne D. Lewis Jr., Ph.D.
Commissioner of Education

6/13/19
(Date)

Hal Heiner / TA
Hal Heiner, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on July 29, 2019 at 10:00 a.m. in the State Board Room, 5th Floor, 300 Sower Blvd, 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 through July 31, 2019.

CONTACT PERSON: Deanna Durrett, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 702 KAR 7:065
Contact Person: Deanna Durrett deanna.durrett@education.ky.gov
Phone number: 502-564-4474

(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 and middle 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 agency.

(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 at the high school and middle school levels, 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 documents incorporated by reference, including the bylaws to make the transfer rule sport specific (in terms of the period of ineligibility), add bullying as set forth in KRS 158.148 as an exception to the transfer rule, to allow schools the local decision capability on whether to allow practice or participation while a decision is under review, and specify the consequences of receiving improper benefits such as housing. These changes were adopted by the annual 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. This amendment also is necessary to designate the

KHSAA as the agent to manage interscholastic athletics at the high school and middle school level.

(c) How the amendment conforms to the content of the authorizing statutes: The statute authorizes the KBE to designate an agency to manage interscholastic athletics in the common schools. The regulation designates the KHSAA as that agent at both the high school and middle school levels, and incorporates by reference the KHSAA Handbook, which consists of the KHSAA Constitution, Bylaws, Due Process Procedure, and Board of Control Policies 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 given by member schools and districts on changes that need to be made to provide a sounder 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: 173 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. There are requirements that continue to be placed on schools and coaching personnel, however the training required to meet these requirements will be provided at no costs to the schools or the coaching personnel.

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

(a) Initially: Minimal

(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 dues, as well as from gate receipts and sponsorships related to the various state championships.

(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 Number: 702 KAR 7:065
Contact Person: Deanna Durrett deanna.durrett@education.ky.gov
Phone number: 502-564-4474

(1) 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, the Department of Education, and the Kentucky High School Athletic Association.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and 702 KAR 7:065.

(3) 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. There is no additional expense to the school districts or the department as a result of this administrative regulation.

(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 costs associated to the KHSAA in administrating this program for the first year are minimal.

(d) How much will it cost to administer this program for subsequent years? The costs associated to the KHSAA in administrating this program in subsequent years are minimal.

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 OF MATERIAL INCORPORATED BY REFERENCE
702 KAR 7:065
EDUCATION CABINET
KENTUCKY BOARD OF EDUCATION
DEPARTMENT OF EDUCATION
JUNE 2019

REVISIONS:

KHSAA Bylaws, 26 pages

Substantive changes to the KHSAA Bylaws were made to incorporate recent action taken by KHSAA member schools at their Annual Meeting. Included in these changes:

- Proposal 2018-1, Bylaw 6, a revision to restrict the period of ineligibility required when transferring schools to only apply to those sports in which the student previously participated in at the varsity level after enrolling in the ninth grade.

- Proposal 2018-2, Bylaw 6, a revision to create an additional exception to the transfer rule to allow a waiver to the required period of ineligibility when evidence is submitted that the change in school was the result of bullying as set forth in KRS 158.148.

- Proposal 2018-3, Bylaws 6,7, and 8, a revision to remove restrictions on practice and sub-varsity play during the period of ineligibility as a result of transferring schools.

- Proposal 2018-4, Bylaws 10 and 27, a revision that includes a penalty for someone who accepts improper benefits in return for enrolling in a member school.

Other non-substantive changes were made in the form of technical revisions to correct drafting and formatting errors.

KHSAA Board of Control and Officials Division Policies, 48 pages:

Several changes were made to conform to decisions of Board of Control on matters of policy over the past year. Included in these changes are:

- Recognizing the addition of E-Sports as a Sport-Activity;

- Allow for an interim survey for potential sport interest outside of the triennial survey of member schools;

- Clarify site selection of state events are set by the Commissioner with non-binding input form the member schools;

- Update Regional Policy Board Policies to account for how the Assigning Secretaries may be compensated, ensure the rating of officials and schools are allowed to scratch officials consistent with the Federal Court Decree;

- Update the Heat Index and Sports Medicine policies to account for the use of wet bulb globe as permitted the previous school year;

- Amend the Media policies in regards to the KHSAA Radio Network and the lack of any reserved coverage of volleyball, softball, and baseball;

- Recognize the addition of archery as a girls' championship in addition to the boys';

- Create a Spectator Ejection policy that requires any spectator required by home game management to miss a minimum of one additional game/contest following the ejection;

- Allow for the KHSAA Hall of Fame to have a "Presenting Sponsor";

- Update the Officials' policies to: clarify officials "licensed", recognize on-line licensing and renewal; eliminate requirements required to work the postseason (advanced camp, minimum score on Part 2 Exam);

- Recognize the new creation of the Triple Threat Program that recognizes those student athletes that participate in multiple sports and sport-activities throughout the year.

Further technical revisions to reformat or correct drafting errors have also been made.

KHSAA Form GE04 – Athletic Participation Form, Parental and Student Consent and Release for High School Level (grades 9-12) Participation, pages:

Only minor non-substantive format changes were made to this form.

KHSAA Form DP06- Application for Athletic Eligibility for Domestic Students, 9 pages:

Changes were made to this form to account for the recent changes made to Bylaw 6 including having sport by sport eligibility and a new exceptions based on bullying. Further changes were made to correct minor grammatical and formatting errors.

KHSAA Form DP07 – Application for Athletic Eligibility for Students having J-1 or F-1 Status, 3 pages:

> Changes were made to this form to update the published CSIET Programs that have approved J-1 and F-1 exchange programs. Additionally, changes were made to account for recent changes in the bylaw to allow for practice and play at the sub-varsity level at the member school's discretion. Finally, changes were also made to correct minor grammatical and formatting errors.

KHSAA Form DP08 – Application for Athletic Eligibility for Students not having J-1 or F-1 Status, 3 pages:

> Changes were made to this form to account for recent changes in the bylaw to allow for practice and play at the sub-varsity level at the member school's discretion. Further changes were made to correct minor grammatical and formatting errors.

KHSAA Form PPE/Physical Exam – PPE – Physical Exam History / Physician Clearance Form (Grades 6-12), 4 pages:

> These changes adopt the use of the updated physical form of the American Academy of Family Physicians and Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine. This form is required to be completed in addition to a pre-participation exam conducted prior to any participation by a student-athlete.

KHSAA Form PPE/Supplemental – PPE Physical Exam History Supplemental Form for Athletes with Special Needs, 1 page:

> These changes adopt the use of the updated physical form of the American Academy of Family Physicians and Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine as it relates to special needs students.