



Kentucky High School Athletic Association

Research Report No. 372

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Kentucky High School Athletic Association

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Kentucky High School Athletic Association

Abstract

The Kentucky High School Athletic Association (KHSAA) is an independent, nonprofit agency designated by the Kentucky Board of Education to manage high school interscholastic sports. The association, which has 279 member schools, is typical of other state activity associations in its bylaws, governance, number of staff, and major sources of revenue. Each year, the association makes more than 750 decisions on the eligibility of students who transfer schools. More than 70 percent of US students who transfer to KHSAA member schools are ruled eligible to play sports. Once KHSAA receives the transfer forms, it makes its initial eligibility decision in a week or less in most cases. The process for appealing the initial eligibility decision was revised in 2009 to reduce the time it takes, but the eligibility determination process could still be improved. Providing more information earlier to parents of student athletes could help, as could ending the current eligibility procedures based on mailing of paper forms. An electronic process would also facilitate gathering detailed information on eligibility cases needed for oversight by the association. The former KHSAA practice of sanctioning schools and school staff in certain court injunction cases is prohibited by state regulation as of July 2009. The association hired an in-house counsel in 2009. It is too soon to tell whether this will reduce expenditures for contracted legal services, which has been a concern.

Foreword

At its November 2008 meeting, the Program Review and Investigations Committee directed staff to conduct a study of the eligibility process for student athletes, governance, and finances of the Kentucky High School Athletic Association.

Numerous individuals and organizations provided valuable assistance. Program Review staff thank current and former staff of the Kentucky High School Athletic Association for providing documents, granting access to files, and answering numerous questions, particularly Commissioner Brigid DeVries, Assistant Commissioner Julian Tackett, and Office Manager Darlene Koszenski. Program Review staff thank current and former members of the KHSAA Board of Control for taking the time to do interviews. High school athletic directors took the time to be interviewed by Program Review staff and responded to all other requests for assistance. Staff thank the parents of students who appealed eligibility decisions for agreeing to interviews and providing insight into the process. Staff at the Kentucky Department of Education provided requested assistance and documents; data provided by Donald Aviles was especially helpful. Among Legislative Research Commission colleagues, Dave Nicholas, Administrative Regulation Review Subcommittee staff administrator, and staff of the Office of Education Accountability, particularly Albert Alexander, were especially helpful.

Robert Sherman
Director

Legislative Research Commission
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Summary

The Kentucky High School Athletic Association (KHSAA) is a private, nonprofit organization designated by the Kentucky Board of Education to manage interscholastic high school sports in the state. In almost all states, an organization that is not formally part of state government manages high school athletics. Practices vary as to whether the organization manages activities other than sports and whether middle schools are covered.

KHSAA's responsibilities include determining the eligibility of student athletes, licensing and training sports officials, enforcing regulations, and organizing state sports championships. The sports sanctioned by the association are basketball, cross country, golf, soccer, swimming, tennis, and track for both boys and girls; fast pitch softball and volleyball for girls; and baseball, football, and wrestling for boys.

KHSAA Has Responded to Some Concerns That Led to This Study

One eligibility-related concern was the situation that could arise when KHSAA ruled that a student was ineligible to play sports, but a court later ruled that the student could play immediately. KHSAA's policy was that it could penalize schools for allowing such students to play, despite the court order. At the urging of the Legislative Research Commission's Administrative Regulation Review Subcommittee, KHSAA and the Kentucky Board of Education changed this policy in May 2009. The revised state regulation governing KHSAA prohibits the association from punishing or sanctioning a school, student, coach, or administrator for allowing a student to play or practice under a court injunction.

A second eligibility-related concern was the length of time taken to determine the eligibility of student athletes. At the time this study was initiated, KHSAA's eligibility process began with a ruling by the commissioner, whose decision could be appealed to a hearing officer, who made a recommendation to the association's Board of Control, which made the final decision. Because the Board of Control meets monthly or every other month, an eligibility appeal that went through all the steps could easily take several weeks. As of July 2009, KHSAA's eligibility process begins with a decision by a ruling officer of the association. Appealed cases go to a hearing officer for a recommendation, and the KHSAA commissioner makes the final decision. The Board of Control no longer has a formal role in making eligibility decisions.

Another concern was whether KHSAA's expenses for contracted legal services were appropriate. KHSAA hired an in-house counsel in 2009. In theory, this should reduce the association's legal expenses. However, it is unknown how the regulatory change that prohibits KHSAA from penalizing schools that appeal eligibility decisions to the court system will affect the number of appeals.

Membership and Governance

Any Kentucky high school accredited by the Kentucky Department of Education is eligible to join KHSAA. The association's 279 member schools consist of 232 public, 45 nonpublic, and 2 federally managed schools. Annual membership dues range from \$800 to \$1,400, depending on the size of the school.

Among other subjects, provisions in the association's constitution cover composition and governance of the association, including duties of the Board of Control and officers of the association; requirements for membership in the association; management of dues and revenues; and procedures for amending bylaws.

Thirty-three bylaws govern contests between teams representing member schools. Topics covered by the bylaws include eligibility; duties of school officials; rules and regulations governing contests; requirements and regulations for coaches, schools, and officials; and imposition of penalties. The requirements of some bylaws may be waived under some circumstances.

Each school may designate a voting delegate at the annual meeting of the delegate assembly, which must approve any proposed changes to the KHSAA constitution or bylaws.

The Board of Control is the governing body of KHSAA. The board has 18 members, called directors, who serve 4-year terms. Member schools elect 14 of the directors. Eight of the 14 are elected by member schools from the 16 basketball regions of the state, with each director representing two regions. The remaining six elected directors are specific designations required by federal decree: two African Americans, two females, and two nonpublic school representatives. The Kentucky Board of Education appoints four at-large members. The board elects a president and vice president.

The association has 15 staff members, including a commissioner and four assistant commissioners.

The size of the board and method of selection of board members are consistent with practices in other states. The size of KHSAA's staff is also typical of other states' activity associations.

The Kentucky Board of Education monitors KHSAA. The association's designation as the interscholastic sports agency is subject to renewal annually by the board.

Revenue and Expenses

Total annual revenue for KHSAA in fiscal year 2009 was just over \$4 million, a 20 percent increase since FY 2004. More than 70 percent of KHSAA's revenue in FY 2009 came from sports playoff ticket receipts, primarily from the boys basketball tournament. Other revenue sources included school dues (7.6 percent of revenue), officials fees (5 percent), and corporate partners (13.1 percent).

KHSAA's total expenses in FY 2009 were \$3.86 million, of which 31 percent was related to provision of sports playoffs. Other expenses included personnel (24.2 percent of expenses); other administration (25.6 percent); insurance, which includes the cost of catastrophic insurance for student athletes (6.6 percent); and expenses related to corporate partners (4.9 percent).

Among the "other administration" expenses is payment for contracted legal representation. From FY 2002 to FY 2009, KHSAA paid just over \$2 million for legal representation, which was 7.3 percent of total expenses over this period. KHSAA hired its own legal counsel in 2009. It is unknown how this will affect expenses for legal services. In FY 2009, \$210,000 was budgeted for contracted legal representation; the amount in the draft budget for FY 2010 is \$70,000.

Eligibility Bylaws

KHSAA has 13 bylaws governing athletic eligibility. Bylaw 1 makes the principal responsible for the conduct of each school's athletic program. Bylaw 2 requires student athletes to have on file a physician's certificate, parental consent form, and proof of adequate insurance. According to Bylaw 3, students who turn 19 prior to August 1 are ineligible for high school athletics. Bylaws 4 and 5 establish enrollment and academic requirements for students. Bylaws 6 and 7 are discussed below. Bylaw 8 defines the circumstances under which football and basketball players may participate in those sports on teams not sponsored by KHSAA member schools. Bylaw 9 prohibits students who have graduated from high school or played for a college team from playing at the secondary school level; prohibits players who have been declared ineligible from practicing with the team; and makes ineligible any student, school official, or contest official who is under penalty or discipline or whose conduct is unbecoming to KHSAA. Bylaw 10 prohibits recruitment of any student to a KHSAA member school for athletic purposes. Bylaw 11 covers the authority of KHSAA officers regarding sportsmanship. Bylaw 12 requires that students participating in sports at KHSAA member schools be amateurs. Bylaw 13 covers permissible financial aid for student athletes, which cannot be related to athletic achievement. Merit-based financial aid cannot exceed 25 percent of the cost of tuition.

KHSAA's bylaws governing eligibility are generally consistent with such bylaws of the activity associations in other states.

The vast majority of decisions regarding student eligibility made by KHSAA involve Bylaws 6 and 7. Any student who transfers to a KHSAA member school after being enrolled elsewhere in grade 9 or higher is subject to the provisions of either Bylaw 6 (domestic students) or Bylaw 7 (foreign students). Both bylaws state that transfer students are ineligible for athletic competition at any level and in any sport for 1 calendar year from the date they enroll at the new school.

Most state associations, including KHSAA, grant waivers to transfer rules under specific circumstances. For example, Kentucky and 25 other states allow an exception for students who are reassigned to a new school by the state's education department. There are at least 12 exceptions included in other states' bylaws that KHSAA does not specifically list in its bylaws.

Recommendation 2.1**The Kentucky High School Athletic Association should consider expanding the exceptions to Bylaw 6 based on a review of specific exceptions allowed by other states.**

The formal process for determining the eligibility of domestic transfer students under Bylaw 6 begins with administrative staff at the student's new school, called the receiving school, completing part of the KHSAA transfer form. The form is mailed to the student's previous school, called the sending school, which has 7 days to verify whether the student participated in varsity high school sports prior to enrollment at the receiving school. The form is mailed back to the receiving school. If the sending school has verified that the student has not previously participated in varsity high school sports and there are no other eligibility issues, the student is immediately eligible to participate at the receiving school.

If the sending school verified that the student previously participated in varsity sports, the receiving school must complete more sections of the transfer form, which includes information relevant to the decision as to whether the student qualifies for a waiver of the transfer rule. The form is returned to the sending school, which completes sections of the form dealing with enrollment and participation at the sending school. The form is returned to the receiving school, which submits the form and additional documentation relevant to KHSAA's eligibility decision to the association.

In practice, the receiving school's athletic director usually knows whether the new student previously participated in varsity sports, so staff at the receiving school complete all its sections of the form before mailing it to the sending school. Staff at the sending school completes all its sections of the form and returns it to the receiving school.

Once KHSAA receives the form and any related documents, the association has up to 30 days to rule on the student's eligibility. Until a ruling is made, the student may not practice, scrimmage or play in contests. Whether the yearlong ineligibility period is waived depends primarily on whether the student's circumstances at the time of enrollment in the new school meet any of the nine exceptions contained in Bylaw 6. These include a bona fide change in residence by the parents, a change in custody by court decree, and the student's not having participated in varsity athletic contests for the entire school year prior to the transfer.

Other factors that are considered include whether the transfer was made primarily to circumvent rules, penalties, or ineligibility at the previous school; whether the circumstances of the waiver exception occurred after enrollment at the new school or were manipulated for the purpose of gaining eligibility; or whether the transfer was motivated by a wish to play at the new school.

Appeal Process for Bylaw 6 and Bylaw 7

As of July 13, 2009, assistant commissioners, called ruling officers in the eligibility process, make the initial ruling on eligibility cases. Parties wishing to appeal the ruling officer's initial decision still file a written request with the Commissioner's Office. KHSAA staff process the appeal by scheduling an administrative hearing with one of KHSAA's two hearing officers. Notice is given in writing to all parties no less than 20 days in advance of the date set for the

hearing. After taking the aggrieved party's testimony, the hearing officer has 30 calendar days in which to present the commissioner with findings of fact and a recommendation. Each party then has 15 days to file exceptions, which include updated or new information or disagreements with the findings of fact. The parties may sign a waiver if they have no exceptions. The commissioner's ruling is the final ruling of the association, but cases may be appealed to the courts.

Because the current process was initiated so recently, Program Review staff's analysis of eligibility cases primarily covers decisions made under the previous process.

Analysis of the Eligibility Decision Process for Domestic Transfer Students (Bylaw 6)

During each of the past 3 school years, KHSAA received more than 550 requests for eligibility rulings for domestic students and approximately 200 requests for foreign students. Typically, nearly half of all requests for the year were received in July and August.

Program Review staff analyzed the 1,607 domestic student transfer cases over the past 3 years for which there was sufficient information in the case files to determine the time between all stages in the process.

The first stage of the eligibility process is the time between when officials at the receiving and sending schools sign the transfer form. In 66 percent of cases, this took 1 week or less, with 39 percent taking no more than 2 business days. The second stage represents the period between the date of the sending school's signature and when KHSAA receives the transfer form. Forty-eight percent of cases made it from the sending school to KHSAA in less than 1 week. The association received just over one-half of the forms within 2 weeks, 70 percent within 3 weeks, and 80 percent by the end of 4 weeks.

Over the past 3 years, nearly 50 percent of all transfer cases represented either foreign exchange students being placed in a Kentucky school (28 percent) or students moving to Kentucky from out of state (20 percent). More than 90 percent of transfer students who sought eligibility rulings to play varsity sports immediately at a Kentucky school were transferring to public high schools.

It is possible that the length of time before KHSAA receives the request for an eligibility ruling could be shortened if parents were informed earlier in the process about KHSAA's transfer rule, the circumstances under which the rule can be waived, and what documents the association needs to help justify waiving the transfer rule under each circumstance.

Recommendation 2.2

The Kentucky High School Athletic Association should consider creating a document that provides a concise explanation of the association's transfer rule, that details the various circumstances under which the transfer rule can be waived, and that describes the supporting documentation that the association would need to justify waiving the rule under each circumstance. The document should encourage any student wishing to participate in sports to contact the athletic director at the student's new school immediately. This document should be made available by the school to the student's parents at the time the student is enrolled in the new school.

The third stage represents the period between the transfer form arriving at KHSAA and the issuance of an initial ruling on eligibility to play. The Commissioner's Office took less than 1 week to issue a ruling in 73 percent of the cases, with nearly 55 percent being ruled on within 2 business days.

Once the Commissioner's Office issues the initial ruling, parties involved in the case have 30 days to appeal the decision. For the cases analyzed, 42 percent of students ruled ineligible by the Commissioner's Office under Bylaw 6 appealed the decision to the Board of Control. On average, appealed cases took 33 days to have a final ruling made by the Board of Control.

Analysis of Eligibility Rulings for Domestic Transfer Students (Bylaw 6)

Over the past 3 years, there were 1,798 domestic transfer cases under Bylaw 6 for which an eligibility decision was made. The Commissioner's Office ruled 1,185 students eligible (66 percent) and 613 ineligible (34 percent). Of those initially deemed ineligible, 250 appealed to the Board of Control. The hearing officers recommended that 118 (47 percent) of the students who appealed should be considered eligible. The Board of Control ruled that 99 (40 percent) were eligible. Overall, 71 percent of domestic transfer students who requested eligibility under Bylaw 6 were ruled eligible by KHSAA.

Program Review staff analyzed the 1,798 domestic transfer cases to determine if there were patterns to the decisions based on the time period the decision was made, the sports students played, and the type and region of schools. The percentage of students initially ruled eligible by the Commissioner's Office increased over the past 3 years. The Commissioner's Office ruled 57 percent of cases eligible during the 2006-2007 school year, which increased to 73 percent eligible in 2008-2009. The trend was opposite for the hearing officers and the Board of Control, possibly because some of the students they would have made eligible had already been ruled eligible by the Commissioner's Office. During the 2006-2007 school year, hearing officers recommended that 53 percent of appealed cases should be considered eligible; this decreased to 40 percent in 2008-2009. The Board of Control, which ruled 46 percent of students who appealed eligible in 2006-2007, ruled that 31 percent were eligible in 2008-2009.

Over the 3-year period, the Commissioner's Office ruled that 60 percent of students seeking waivers to play at a private school and 65 percent of students transferring to a public school were eligible. Of the 250 students who appealed the initial decision, the hearing officer recommended that 33 percent of students transferring to a private school should be considered eligible and that

48 percent of those transferring to a public school should be eligible. The Board of Control ruled that 19 percent of students seeking a waiver to play at a private school were eligible and that 42 percent of those transferring to a public school were eligible to play.

Eligibility cases were analyzed based on the location of the school to which the student was transferring within each of the 16 basketball regions of the state. In four regions, more than 80 percent of transferring students were eligible. In two regions, both of which included schools in Jefferson County, fewer than 60 percent of students were ruled eligible.

The Board of Control's oversight role includes reviewing any patterns among eligibility decisions. To do this, however, timely and specific information is required regarding students who are the subject of eligibility rulings. For the groupings analyzed in this report, Program Review staff coded each eligibility case, usually based on information gathered from paper files. This takes too much time to be feasible for the board or for existing KHSAA staff to undertake.

A potential solution is to move as quickly as is feasible toward an eligibility process in which member schools submit needed information electronically rather than by paper forms as in the current system. This could allow eligibility cases to be automatically coded by the criteria selected by the Board of Control and KHSAA staff so that information relevant to oversight of eligibility cases could be comprehensive and timely.

Recommendation 2.3

The Kentucky High School Athletic Association should consider creating an electronic system for processing the forms and other information required to determine the eligibility of student athletes.

Chapter 1

Kentucky High School Athletic Association

The Kentucky High School Athletic Association (KHSAA) is a private, nonprofit organization designated by the Kentucky Board of Education to manage interscholastic high school sports.

The Kentucky High School Athletic Association (KHSAA) is a private, nonprofit organization designated by the Kentucky Board of Education to manage interscholastic high school sports for the state (KRS 156.070(2)). The association's mission is to establish, promote and deliver the highest quality interscholastic athletic programs and activities in an efficient and progressive manner that emphasizes participation, safety, sportsmanship and integrity to enhance the educational experience of the student-athlete (Kentucky. 2009-2010 i).

In almost all states, an organization that is not formally part of state government manages high school athletics. Practices vary as to whether the organization manages activities other than sports and whether middle schools are covered.

KHSAA's responsibilities include determining student athletes' eligibility, licensing and training sports officials, enforcing regulations, organizing state sports championships, and monitoring compliance with Title IX.

KHSAA's responsibilities include determining student athletes' eligibility, licensing and training sports officials, enforcing regulations, organizing state sports championships, and publishing championship records (Kentucky. 2008-2009 Annual 5). The association also monitors compliance with Title IX, a federal law that prohibits sexual discrimination by any school accepting federal funding.

KHSAA sanctions basketball, cross country, golf, soccer, swimming, tennis, and track for both boys and girls; fast pitch softball and volleyball for girls; and baseball, football, and wrestling for boys.

Background and Major Conclusions

The major concerns that led the Program Review and Investigations Committee to initiate this study involved the association's handling of student athletes' eligibility, the association's expenses for legal representation, and the governance of KHSAA.

The major concerns that led the Program Review and Investigations Committee to initiate this study involved the association's handling of student athletes' eligibility, the association's expenses for legal representation, and the governance of KHSAA. Recent actions by the association are relevant to the first two concerns.

KHSAA's previous policy was that schools could be penalized for following a court order that allowed a student to play sports after the association had declared the student ineligible.

One eligibility-related concern of legislators was that KHSAA could penalize a school for following a court order that allowed a student to play sports after the association had declared the student ineligible. According to KHSAA's *2008-2009 Handbook*:

Case BL-33-4. If a student is found to be ineligible after exhausting the Due Process Procedure, but the student was allowed to play under a court injunction or other order that is determined improper, can a school be penalized? Yes. The courts have held that KHSAA is a voluntary organization and its members agree to abide by the rules. Even if the student was eligible due to injunctive relief, schools are not obligated to allow that student to participate, thereby breaking the rules that the members themselves pass (42-43).

This position was not unique to Kentucky. For example, Georgia, Indiana, and New York have similar provisions (Georgia 14; Indiana 60; New York 100).

Although it was not the only instance in which KHSAA had imposed penalties, the *Mitchell v. KHSAA* court case is illustrative of the court injunction and penalty issue. The association imposed penalties despite the court's ultimate finding that the student athlete was eligible. The association fined the school \$1,500, required the school to forfeit the 13 games in which the plaintiff had participated, placed the school on 3 years' probation, and suspended the school's coach for two practices and two regular season games in the succeeding season (Spears).

In June 2009, 702 KAR 7:065, the governing regulation for KHSAA, was changed to prohibit the association from punishing or sanctioning schools for allowing a student to play under a court order.

At its May 12, 2009, meeting, the Administrative Regulation Review Subcommittee deferred approving regulations that would incorporate by reference KHSAA's bylaws, pending reconsideration of the policy that allowed for penalties against schools that followed court orders on student eligibility. The Kentucky Board of Education agreed to change the provision on May 14. The Administrative Regulation Review Subcommittee approved the KHSAA regulations at its June 9, 2009, meeting. Under the revised 702 KAR 7:065 Sec. 2(17), KHSAA

shall...not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility.

The 2007 Interscholastic Commission on Athletics recommended the appeals process now used by KHSAA in which the commissioner makes the final decision and the Board of Control has no formal role.

A second eligibility-related concern was the length of time taken to rule on the eligibility of student athletes. Among the questions addressed by the Commission on Interscholastic Athletics, appointed by the Kentucky Board of Education in 2007, was whether eligibility decisions were made promptly (Commission. *Report of 1*). At the time, KHSAA's eligibility process began with a ruling by the Commissioner's Office, whose decision could be appealed to a hearing officer, who made a recommendation to the Board of Control, which made the final decision. The commission recommended a revised three-step process in which the KHSAA commissioner made the final decision and the Board of Control did not have a formal role in decision making. This is the process the association began using in July 2009.

Another question addressed by the 2007 Commission on Interscholastic Athletics was whether KHSAA's expenses for legal services were "appropriate and reasonable" (Commission. *Report of 1*). Legislators who suggested that Program Review study the association echoed the concern that KHSAA may be spending too much for contracted legal services. In 2009, KHSAA hired an in-house counsel. In theory, this should reduce the association's legal expenses. However, it is unknown how the regulatory change that prohibits KHSAA from penalizing schools that appeal eligibility decisions to the court system will affect the number of appeals and the amount of legal work needed.

This report has six major conclusions.

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1. KHSAA has responded to three concerns that helped lead to this study. The first concern involved KHSAA's policy that sanctions were possible for schools that followed court orders allowing participation in varsity sports by students who had been declared ineligible by the association. By administrative regulation as of July 2009, schools, administrators, coaches, and students shall not be punished or sanctioned for allowing a student athlete to play or practice with the team during a time when the student is allowed to participate by court order. A second concern was the timeliness of the association's appeal process for eligibility decisions. The process was changed in July 2009 with the goal of reducing the time that a final decision will take. A third concern was whether KHSAA's cost for contracted legal representation was appropriate. The association hired an in-house counsel in 2009. It is unknown how much this will affect legal expenses.

2. KHSAA's student eligibility bylaws, governance, number of staff, and major sources of revenue are typical of those of other state activity associations.
3. Each year, KHSAA makes more than 550 athletic eligibility decisions for US students and approximately 200 decisions for foreign students who transfer to schools that are members of the association. Over the past 3 years, more than 90 percent of transferring students from the US who sought to play sports at KHSAA member schools transferred to public schools.
4. In nearly half of the cases over the past 3 years of US transfer students requesting a waiver to participate in sports at KHSAA member schools, the association did not receive the required forms within 2 weeks of the student's new school initiating the transfer process. Thirty percent of the forms were not received by KHSAA within 3 weeks; 20 percent were not received within 4 weeks.
5. Once KHSAA received the transfer forms for US students, the association took 1 week or less to make an eligibility ruling in 73 percent of cases over the past 3 years.
6. Over the past 3 years, 71 percent of US students who transferred to KHSAA member schools and who sought to play varsity sports were ruled eligible to do so. Of the 613 students who were initially ruled ineligible during this period, 250 appealed the decision to the KHSAA Board of Control. The board ruled that 40 percent of them were eligible to play varsity sports.

Membership and Governance of the Association

Any Kentucky high school accredited by the Kentucky Department of Education is eligible to join KHSAA.

Any Kentucky high school accredited by the Kentucky Department of Education is eligible to join KHSAA. The association has 279 members: 232 public, 45 nonpublic, and two federally run schools (Kentucky. *2008-2009 Annual 5*).

Schools seeking membership or to renew membership must complete an application. KHSAA's governing body, the Board of Control, decides whether to approve a school's admittance.

KHSAA annual membership dues are scaled according to school enrollment. The four assessment levels are

- \$800 for schools with 1 to 400 students,
- \$1,000 for schools with 401 to 610 students,
- \$1,200 for schools with 611 to 899 students, and
- \$1,400 for schools with 900 or more students (Kentucky. *2009-2010* 113).

The association consists of three main components: a delegate assembly, made up of one designated representative from each member school; an 18-member Board of Control; and association staff. The Kentucky Board of Education has oversight authority of KHSAA, and the association must report to the board annually.

Constitution and Bylaws

KHSAA's constitution designates the composition and governance of the association. It also covers the duties of the commissioner, membership of the Board of Control, school membership requirements, management of dues and revenues, procedures for amending bylaws, and other administrative responsibilities.

KHSAA is governed by 33 bylaws. Bylaws 1 to 13 relate specifically to eligibility.

Member schools and student athletes must adhere to the 33 bylaws that govern the association. Some bylaws allow for waivers under certain circumstances. Topics covered by the bylaws include eligibility; duties of school officials; rules and regulations governing contests; requirements and regulations for coaches, schools, and officials; and imposition of penalties. Bylaws 1 to Bylaw 13 relate specifically to eligibility and are discussed in Chapter 2 of this report. Appendix B summarizes all 33 bylaws.

Changes to the constitution or bylaws must be voted on by the member school delegates at the annual meeting or through a referendum of delegates by mail. If done at the annual meeting, which is the usual procedure, a two-thirds vote of those present is necessary to approve a change. If done through referendum, two-thirds of those voting must approve. Any delegate, member school representative, or Board of Control member can submit a proposal to change or amend the constitution. All proposals must be submitted by May 1 for consideration at the annual meeting. A final draft of each proposal is sent to member school officials and posted on the KHSAA Web site.

The Board of Control reviews each proposal after the annual meeting, regardless of whether it received a two-thirds vote. The board then recommends that the Kentucky Board of Education

either adopt, reject, or amend the proposal. It can also send the proposal back to the membership for reconsideration.¹

The Kentucky Board of Education reviews each proposal, which includes input from the Local Superintendents Advisory Council (KRS 156.007). If the Board of Education affirms the changes, the Kentucky Department of Education files an intent to amend the appropriate regulation. This step is necessary because the constitution and bylaws are incorporated by reference in 702 KAR 7:065. Proposed changes are forwarded to the General Assembly’s Administrative Regulation Review Subcommittee (Kentucky. *Policies*. “Board” 6).

The association codifies and prints its constitution and bylaws yearly in its handbook. Sample case situations are included to assist school officials with questions and interpretations.

Delegate Representatives

Each KHSAA member school designates a voting delegate to represent the school at the annual delegate assembly. Changes to the constitution or bylaws must be voted on by the member school delegates at the annual meeting or through a referendum of delegates by mail.

Each KHSAA member school designates a voting delegate to represent the school at the annual meeting. Most delegates are athletic directors. Annual meetings—usually held in September—are a regulatory requirement (702 KAR 7:065 Section 2). In addition to voting on proposed changes to the constitution or bylaws, delegates participate in training provided by the association.

Board of Control

The Board of Control is the authorized governing body of KHSAA. It has 18 members, who serve 4-year terms.

The Board of Control is the authorized governing body of KHSAA (702 KAR 7:065). The board has 18 members, called directors, who serve 4-year terms. Member schools elect 14 of the directors. Eight are elected from the 16 basketball regions of the state, with each director representing 2 regions. The remaining six directors elected by member schools are specific designations required by a federal consent decree: two African Americans, two females, and two nonpublic school representatives. One of each group serves from regions 1 to 8 and the other from regions 9 to 16 (*Alston v. KHSAA*). Four at-large members are appointed by the Kentucky Board of Education. One of the four must be African-American and one must be female. Directors’ terms are staggered to keep an annual or semiannual rotation of new directors. Directors may

¹ The Board of Control forwards proposals for changing the bylaws to the Kentucky Board of Education. However, constitutional changes are not subject to review by the Kentucky Board of Education (Kentucky. *Policies*. “Board” 6).

serve two consecutive 4-year terms on the board. The board elects a president and vice president.

The size of KHSAA's Board of Control is not atypical among states. For 18 state associations, including Kentucky's, board membership ranges from 15 to 18. Twenty-six state associations have boards with 18 or fewer members.

The size of equivalent boards for other state associations varies significantly. The smallest boards have six members. There are at least six state associations with governing bodies of more than 40 members, four of which delegate management authority to a smaller committee, however. The size of KHSAA's board is not atypical. Among 18 associations, including Kentucky's, board membership ranges from 15 to 18. Twenty-six state associations have boards with 18 or fewer members.

State associations also vary in the method of selecting board members and the board's composition. KHSAA is typical of other associations in having members selected by regions and by appointment of the state department of education. Requiring that some members of the board be females or members of racial or ethnic minority groups is standard practice among the state associations. The requirement that some board members be from nonpublic schools is common.

A practice used in some states, but not by KHSAA, is to designate that some members come from specific professional backgrounds. For example, Florida's association's board of directors must include two district school superintendents. One member of Iowa's association's Board of Control is appointed by the state association of school boards.

Current KHSAA Board of Control members are superintendents, principals, assistant principals, athletic directors, a coach, and other education administrators.

KHSAA Board of Control members must hold a valid Kentucky teaching certificate. Current members are superintendents, principals, assistant principals, athletic directors, a coach, and other education administrators. No one interviewed for this study questioned the idea of having board members from diverse backgrounds. The importance of having different perspectives when making decisions was mentioned frequently.

Duties of the Board of Control include general supervision of the association and reviewing and making recommendations regarding proposed changes to the bylaws and constitution.

The KHSAA Constitution and 702 KAR 7:065 list the duties for the Board of Control, which include the general supervision of the association and reviewing and making recommendations regarding proposed changes to bylaws and the constitution. The board has authority to

- reinstate students or coaches who have been barred from competition;
- assess fines and impose penalties within limits of penalty code;
- establish and adopt regulations for tournaments and meets in all sports;

- assess receipts of postseason games, meets, or tournaments in all sports;
- change rules for any sport the association sponsors; and
- acquire or dispose of real property.

A prior duty of the board was making final association decisions on student eligibility appeals. As of July 13, 2009, the commissioner makes the final appeal decisions. The board will maintain an oversight role on appeal cases. Members will receive bimonthly summaries of appeal cases from staff and conduct annual procedural reviews of the process.

KHSAA staff convenes a 2-day retreat during the summer to acquaint new board members with their duties and association rules. Current and former board members interviewed by Program Review staff spoke favorably about the training but noted that training should not be increased due to time constraints of board members, who are volunteers.

Staff

KHSAA employs 15 staff: a commissioner, four assistant commissioners, a general counsel, a sports information director, an office manager, a computer technician, a physical plant manager, and five administrative support specialists, plus one intern.

KHSAA is directed by 702 KAR 7:065 to employ a commissioner, and the commissioner is authorized to hire other personnel. The association has 15 staff: a commissioner, four assistant commissioners, a general counsel, a sports information director, an office manager, a computer technician, a physical plant manager, and five administrative support specialists, plus one intern. Those positions requiring a college degree (the commissioner, assistant commissioners, the general counsel, and the information director) receive pension benefits through the Kentucky Teachers' Retirement System. Most other personnel are members of the Kentucky Employees Retirement System.

KHSAA staff work in support of the Board of Control and member schools and handle the day-to-day operations of the agency.

Association staff work to support the Board of Control and member schools and handle day-to-day operations of the association. The commissioner's duties are listed in the constitution and policy manual and include

- acting as executive officer and secretary-treasurer of the association, at the direction of the Board of Control;
- interpreting the constitution, bylaws, and tournament regulations of the association;
- enforcing prescribed penalties and fixing penalties for violations without prescribed penalties;
- conducting management of all state high school tournaments;
- providing rules clinics for individual sports;
- promoting sportsmanship;

- submitting an annual report to the Kentucky Board of Education detailing finances and programs for the preceding year, and planned programs for the current year;
- overseeing Title IX Education Program responsibilities; and
- helping to identify corporate sponsors for the association.

The commissioner has authority to suspend schools for violations of bylaws or regulations and the authority to manage all postseason contests.

The commissioner has authority to suspend schools for violating bylaws or regulations and the authority to manage all postseason contests (Kentucky. *Policies*. “Executive” 1-3).

Each assistant commissioner is responsible for specific sports. This involves serving as rules interpreter, coordinating rules clinics for coaches and officials, planning postseason play, and managing any related concerns. The assistant commissioners are also involved in determining eligibility of student athletes. Staff also conduct informational and educational programs yearly for school administrators to update them on changes to rules or bylaws and other developments affecting school sports activities.

KHSAA hired a general counsel in 2009 to coordinate the handling of all association legal matters.

KHSAA’s in-house counsel coordinates the handling of all legal matters, represents the Board of Control, attends appeal hearings, reviews changes to the bylaws and constitution, works on risk minimization measures for member schools and the association, and manages other duties assigned by the commissioner (Kentucky. *Policies*. “Executive” 16). The attorney is responsible for informing the Kentucky Department of Education of any legal action taken against the association.

The association’s scope of duties is broad. Table 1.1 indicates the frequency with which selected activities are typically performed by KHSAA each year.

Table 1.1
Selected Duties of KHSAA Performed Annually

| Duty | Number |
|--|-----------------------|
| Sports rules clinics for coaches and referees | 80 |
| Regional informational meetings for school administrators, professional education associations, and medical associations | 6-8 |
| Championships in 12 sanctioned sports | 32 |
| Committee and organizational meetings such as advisory committees for regional realignments and reclassifications, policy boards regarding assigning of officials, and task forces | 40 |
| Sports officials licensed, trained, and assigned | 4,000 |
| Eligibility case rulings | 750-800 |
| Participant disqualification rulings | 700 |
| School reviews of Title IX compliance regulations (including 35-40 on-site school visits) | 280 |
| Telephone responses to questions from member schools | 20,000 |
| Email responses to questions from member schools | 35,000 |
| Web page views per month | 1 million-1.5 million |

Sources: Compiled by Program Review staff from information provided by KHSAA.

KHSAA staff maintain and reference a detailed policies and procedures manual. The manual covers topics ranging from proper uses of association credit cards to a code of ethics and conflicts of interest procedures.

KHSAA staff also maintain a detailed policies and procedures manual, which covers topics ranging from proper uses of association credit cards to a code of ethics and conflicts of interest procedures. One subject area explains the association's stance on communication with parents of student athletes. This was an area of concern mentioned to Program Review staff in some interviews. KHSAA prioritizes calls from member school representatives over calls from parents. The rationale is that the association exists to serve its member schools. KHSAA refers some calls from parents and students to school personnel, who in turn contact KHSAA if necessary (Kentucky. *Policies*. "Board" 33).

Based on information from associations' websites, Program Review staff were able to determine the number of staff for 40 other state activity associations. The number of staff per association ranged from 3 (Delaware) to 27 (Florida). The average number of staff was 13.6; the median was 13.5. Twelve of the 40 states had 13 to 14 staff. KHSAA has 15 staff and an intern. Unlike KHSAA, other state associations typically do not include their physical plant manager or interns in listings of staff, so for comparison KHSAA was considered to have 14 staff. This is similar to the typical number of staff for other states.

Oversight by the Kentucky Board of Education

KHSAA must report annually to the Board of Education with the draft budget for the current and next two fiscal years, the year-end budget status, revisions to the strategic plan, and a summary of operations.

The association reports annually to the Board of Education with the following documents:

- the draft budget for the current and next two fiscal years;
- the year-end budget status;
- revisions to the strategic plan recommended by the Board of Control; and
- a summary of operations, including administrative actions, athletic appeals, duties of school officials, recommended changes to bylaws, and proposals from the delegate assembly (702 KAR 7:065 Sec. 3).

The Kentucky Board of Education's Management Committee, which deals with school operations, finances, and athletics, is assigned to monitor items related to KHSAA. The board designates a staff member of the Kentucky Department of Education to attend Board of Control meetings and report to the Board of Education. The Kentucky Board of Education's chair stated that he is in regular contact with the KHSAA Commissioner for updates on association activities and issues. The association also sends an activities log to the board and appears before the board six times per year. From time to time, the Kentucky Board of Education orders studies of the association's operations.

The Kentucky Board of Education convened commissions in 1993 and 2007 to review the functions of KHSAA. Many findings of these commissions have been adopted by the association. Examples of the commissions' recommendations implemented by KHSAA are having the Board of Control annually set and assess achievement goals, allowing eight consecutive semesters of eligibility beginning with grade 9, permitting anyone to report a violation, having the Board of Control review implementation of the appeal process annually, increasing initial parental education and communication with the goal of reducing athletic appeals, and periodically changing the accounting firms that perform audits of the association (Commission. *Report on 4-7*; Commission. *Report of 3-4*).

Court Cases

KHSAA has been the defendant in lawsuits in which plaintiffs have sought judicial redress for issues ranging from unsatisfactory eligibility rulings to injuries sustained during a sporting event or practice.

KHSAA has been the defendant in lawsuits in which the plaintiffs have sought judicial redress for issues ranging from unsatisfactory eligibility rulings to injuries sustained during a sporting event or practice. KHSAA provided Program Review staff with legal case note summaries for the years 1998-1999 to 2007-2008. Table 1.2 depicts the cases to which the association was a party, distinguishing between annual caseload and new cases. In every year except one, the association had 5 to 10 new court cases.

Table 1.2
KHSAA Court Cases
1998-1999 to 2007-2008

| Year | Caseload | New Cases |
|-----------|----------|-----------|
| 1998-1999 | 11 | 7 |
| 1999-2000 | 16 | 10 |
| 2000-2001 | 12 | 7 |
| 2001-2002 | 7 | 0 |
| 2002-2003 | 10 | 6 |
| 2003-2004 | 16 | 8 |
| 2004-2005 | 16 | 7 |
| 2005-2006 | 9 | 5 |
| 2006-2007 | 9 | 5 |
| 2007-2008 | 11 | 6 |

Note: The cases were reported for the 1-year periods August 1 to July 31. There were 66 separate cases; some cases occurred over more than 1 year.

Source: Compiled by Program Review staff based on information provided by KHSAA.

Of the 66 cases brought against the association over the past 10 years, 17 had definitive conclusions, 13 had a court or party action with no further action expected, and the remaining cases had some type of action still pending. In the 17 cases with a definitive conclusion, the association prevailed in 13, and in the 13 cases with no further action expected, the association prevailed eight times.

Because student athletes typically have a year of eligibility that they are trying to reinstate, if the court case takes longer than the period for which the student is seeking to play, the case will be dismissed as moot. As defined by *Black's Law Dictionary*, a case becomes moot "when a determination is sought on a matter which,

when rendered, cannot have any practical effect on the existing controversy” (Black 909).

Of 66 court cases over the past 10 years, 53 were related to the eligibility of student athletes. KHSAA court cases were filed in 30 Circuit Courts.

Table 1.3 shows the number of cases by issue or bylaw. Of the 66 cases, 53 were related to eligibility of student athletes. The remaining cases covered personal injury, recruitment, defamation, discrimination, and suspension of a referee. These cases’ plaintiffs included coaches, a referee, a fan, and students.

Table 1.3
KHSAA Court Cases by Bylaw or Issue
1998-1999 to 2007-2008

| Issue | Cases | |
|--------------------------|--------------------------------|----|
| Eligibility: 53 cases | Age (Bylaw 3) | 3 |
| | Enrollment (Bylaw 4) | 10 |
| | Academic requirement (Bylaw 5) | 1 |
| | Transfer rule (Bylaw 6) | 39 |
| Other: 13 cases | Recruitment (Bylaw 10) | 1 |
| | Defamation | 2 |
| | Discrimination | 2 |
| | Official/Referee suspension | 1 |
| | Personal injury | 7 |
| Total | 66 | |

Note: The cases were reported for the 1-year periods August 1 to July 31.
 Source: Compiled by Program Review staff based on information provided by KHSAA.

Court cases were geographically diverse with cases filed in 30 Circuit Courts. Seven cases were brought in federal court. One personal injury case was handled by the Board of Claims, which hears negligence claims against the Commonwealth under KRS Chapter 44. Fourteen cases were appealed to the Kentucky Court of Appeals and five to the Kentucky Supreme Court.

Revenue and Expenses

To give some idea of how revenue and expenses have changed for KHSAA over recent years, numbers are shown for fiscal years 2004 and 2009. For both years, more than 70 percent of revenue came from sports playoff ticket receipts, primarily the boys basketball tournament. The costs of providing sports playoffs constituted more than 30 percent of expenses both years.

Revenue

Total revenue in fiscal year 2009 was more than \$4 million, a 20 percent increase since FY 2004. Seventy percent of revenue in FY 2009 came from sports playoff ticket sales. Boys basketball playoff ticket receipts alone accounted for 44 percent of total revenue.

As shown in Table 1.4, from FY 2004 to FY 2009, total annual revenue increased by nearly 20 percent to more than \$4 million, an average annual increase of nearly 4 percent. More than \$2.8 million of KHSAA's FY 2009 revenue (70 percent) came from sports playoff ticket receipts. Forty-four percent of total revenue that year came from boys basketball playoff ticket sales. Compared to FY 2004, sports receipts were up by more than 12 percent but represented a smaller share of total revenue.

Table 1.4
Revenue by Category
Fiscal Year 2004 and Fiscal Year 2009

| Category | Revenue | | % Change | % of Revenue | |
|---------------------------|-------------|-------------|----------|--------------|---------|
| | FY 2004 | FY 2009 | | FY 2004 | FY 2009 |
| Basketball-Boys | \$1,559,870 | \$1,801,515 | 15.5% | 46.1% | 44.4% |
| Basketball-Girls | 298,085 | 332,484 | 11.5 | 8.8 | 8.2 |
| Football | 288,457 | 240,585 | -16.6 | 8.5 | 5.9 |
| All Other Sports | 385,863 | 478,687 | 24.1 | 11.4 | 11.8 |
| Subtotal: Sports Playoffs | \$2,532,275 | \$2,853,271 | 12.7% | 74.8% | 70.4% |
| School Dues | 307,200 | 309,800 | 0.8 | 9.1 | 7.6 |
| Officials | 178,300 | 203,180 | 14.0 | 5.3 | 5.0 |
| Corporate Partners | 233,948 | 529,735 | 126.4 | 6.9 | 13.1 |
| Other* | 134,423 | 159,389 | 18.6 | 4.0 | 3.9 |
| Total | \$3,386,146 | \$4,055,375 | 19.8% | 100.0% | 100.0% |

Note: Percentages may not add to 100.0 due to rounding.

*Other revenue for FY 2009 includes fines, fees, and restitution by schools and officials (\$36,240); KHSAA Dawahares Hall of Fame (\$30,158); advance officials clinic revenue (\$20,880); sportsmanship banquet support (\$12,600); sportsmanship scholarships (\$12,400); interest (\$10,515); sales of publications (\$9,739); and merchandising and licensing (\$5,014).

Source: Compiled by Program Review staff from information provided by KHSAA.

In FY 2009, the association received more than \$300,000 in dues from member schools (7.6 percent of revenue) and more than \$200,000 from officials fees (5 percent of revenue). From FY 2004 to FY 2009, revenue from KHSAA's corporate partners more than doubled to more than \$500,000.

In FY 2009, the association received more than \$300,000 in membership dues (7.6 percent of revenue) and more than \$200,000 from officials fees (5 percent of revenue). Each category comprised a smaller percentage of total revenue than in FY 2004. From FY 2004 to FY 2009, revenue from KHSAA's corporate partners more than doubled to more than \$500,000.

Sources of revenue vary among state activities associations.² Program Review staff surveyed other state activities associations on the share of their revenue from three common sources. KHSAA's numbers were consistent with averages for other states.

² In many states, the organization equivalent to KHSAA governs athletics and other student activities such as band, chess, and debating.

Among the 39 states that responded to this question, the averages were 63 percent of revenue from sports receipts, 11.2 percent from dues and fees from schools, and 12.1 percent from corporate sponsors. For FY 2009, KHSAA received 70.4 percent of its revenue from sports receipts, 7.6 percent from school dues, and 13.1 percent from corporate partners.

Expenses

Total expenses in FY 2009 were \$3.86 million, an increase of 16.5 percent since FY 2004. Thirty-one percent of expenses in FY 2009 were related to provision of sports playoffs.

Table 1.5 shows expenses by category for FY 2004 and FY 2009. From FY 2004 to FY 2009, total expenses increased by 16.5 percent to \$3.86 million, an average annual increase of 3.3 percent. In FY 2009, 31 percent of expenses, \$1.2 million, was related to provision of sports playoffs. Expenses for the boys basketball tournament were nearly \$500,000, down slightly since FY 2004. Overall, expenses for sports playoffs went up by 14.5 percent over this period, less than the overall percentage increase in expenses.

**Table 1.5
 Expenses by Category
 Fiscal Year 2004 and Fiscal Year 2009**

| Category | Expenses | | % Change | Expenses | |
|------------------------------|-------------|-------------|----------|----------|---------|
| | FY 2004 | FY 2009 | | FY 2004 | FY 2009 |
| Basketball-Boys | \$504,927 | \$497,639 | -1.4% | 15.3% | 12.9% |
| Basketball-Girls | 150,557 | 155,276 | 3.1 | 4.5 | 4.0 |
| Football | 89,089 | 142,601 | 60.1 | 2.7 | 3.7 |
| Other Sports | 304,840 | 406,543 | 33.4 | 9.2 | 10.5 |
| Subtotal: Sports Playoffs | \$1,049,413 | \$1,202,059 | 14.5% | 31.7% | 31.2% |
| Personnel | 657,446 | 932,195 | 41.8 | 19.9 | 24.2 |
| Other Administration | 1,106,667 | 985,207 | -11.0 | 33.4 | 25.6 |
| Insurance | 202,651 | 254,297 | 25.5 | 6.1 | 6.6 |
| Physical Plant and Equipment | 141,989 | 201,500 | 41.9 | 4.3 | 5.2 |
| Corporate | 74,983 | 190,000 | 153.4 | 2.3 | 4.9 |
| Hall of Fame | 51,564 | 44,122 | -14.4 | 1.6 | 1.1 |
| Other | 25,786 | 46,386 | 79.9 | 0.8 | 1.2 |
| Total | \$3,310,499 | \$3,855,766 | 16.5% | 100.0% | 100.0% |

Note: Percentages may not add to 100.0 due to rounding.

Source: Compiled by Program Review staff from information provided by KHSAA.

Personnel costs increased from 20 percent of total expenses in FY 2004 to 24 percent in FY 2009. Other administrative costs decreased over this period, primarily because KHSAA's building was paid off. More than 6 percent of expenses in both years were for insurance. The association paid \$168,000 for catastrophic insurance for student athletes in FY 2009.

Personnel costs increased from 20 percent of expenses in FY 2004 to 24 percent in FY 2009. Other administrative costs decreased over this period, primarily because KHSAA's building was paid off and there were no annual debt service costs as of FY 2008.

More than 6 percent of expenses in both years was for insurance. In FY 2009, the association paid \$168,000 for catastrophic insurance coverage for student athletes.

Expenses related to KHSAA's corporate partners increased by more than 150 percent over this period. However, net revenue from corporate partners (revenue minus cost) increased from \$158,965 in FY 2004 to \$339,735 in FY 2009.

Net revenue from sports receipts totaled \$1.65 million in FY 2009, of which \$1.3 million (79 percent) came from boys basketball. The remaining net revenue was generated primarily by girls basketball (10.7 percent of net revenue), football (5.9 percent), soccer (2.8 percent), and wrestling (2 percent). For all sports except two, revenue was greater than expenses in FY 2009.

Payment for Legal Representation. The "Other Administration" category in Table 1.5 includes payments for contracted legal representation. Such payments were a specific concern noted by legislators who suggested that the Program Review and Investigations Committee study KHSAA and were an issue for the Commission on Interscholastic Athletics in 2007. Table 1.6 shows the annual payment amount and as a percentage of total expenses over the past 8 fiscal years.

Table 1.6
Payments for Contracted Legal Representation
Fiscal Year 2002 to Fiscal Year 2009

| Fiscal Year | Payment | % of Total Expenses |
|--------------------|--------------------|----------------------------|
| 2002 | \$229,272 | 8.1% |
| 2003 | 138,502 | 4.9 |
| 2004 | 299,514 | 9.0 |
| 2005 | 396,841 | 11.4 |
| 2006 | 334,155 | 8.5 |
| 2007 | 213,269 | 5.6 |
| 2008 | 233,758 | 6.1 |
| 2009 | 197,686 | 5.1 |
| Total | \$2,042,997 | 7.3% |

Source: Compiled by Program Review staff from information provided by KHSAA.

Over the period from FY 2002 to FY 2009, KHSAA paid more than \$2 million for contracted legal representation, which represents 7.3 percent of total expenses. The annual payment ranged from \$138,502 to \$396,841.

Over the period from FY 2002 to FY 2009, KHSAA paid more than \$2 million for contracted legal representation, which represents 7.3 percent of total expenses. The annual payment varied significantly, from a low of \$138,502 in FY 2003 (4.9 percent of expenses) to a high of \$396,841 in FY 2005 (11.4 percent of expenses). Contracted legal work was done by Greenebaum, Doll, and McDonald, PLLC, except for protection of intellectual property, which was handled by King and Schickli, PLLC.

KHSAA hired its own legal counsel in 2009. It is unknown how this will affect expenses for legal services.

KHSAA hired its own legal counsel in 2009. It is unknown how this will affect expenses for legal services. In FY 2009, \$210,000 was budgeted for contracted legal representation; the draft budget for FY 2010 allots \$70,000.

Chapter 2

Eligibility of High School Athletes

KHSAA has 13 bylaws governing athletic eligibility. Bylaw 6 and Bylaw 7 cover the eligibility of domestic and foreign transfer students.

The Kentucky High School Athletic Association has 13 bylaws governing athletic eligibility (Kentucky, 2009-2010 7-12). Each bylaw is described below followed by a discussion of how Kentucky's rules compare to those of other states. The chapter concludes with analyses of KHSAA eligibility cases over a 3-year period.

KHSAA Eligibility Bylaws

Bylaw 6 and Bylaw 7 cover the eligibility of domestic and foreign transfer students to play sports. Because the vast majority of eligibility cases involve these bylaws, they are discussed in detail later in this chapter. The other eligibility bylaws are described below.

Bylaw 1 makes the school's principal responsible for the general conduct of each school's athletic program and for all matters related to student eligibility. The principal may designate someone to run the day-to-day operations of the program, but the principal is ultimately responsible for any infractions of KHSAA rules and regulations.

Bylaw 2 requires that all student athletes have on file a signed physician's certificate, a parental consent form, and proof of adequate insurance. An approved medical professional must certify that the student is physically fit to participate without undue risk. The parental consent form gives permission for the student's participation and also acknowledges the parent's receipt of KHSAA rules and regulations. The mandatory health insurance requirement, a directive of the Kentucky Board of Education, is that student athletes have medical insurance up to the catastrophic insurance deductible—currently \$25,000—prior to trying out, practicing, or participating for a member school.

Bylaw 3 is a statutory provision that says a student who turns 19 years of age prior to August 1 is ineligible for high school athletics in Kentucky and a student who turns 19 on or after August 1 is eligible for that school year only (KRS 156.070(2)(e)).

Bylaw 4 promotes timely progress toward graduation by requiring student athletes to be enrolled full time in at least 4 hours of

instruction. The bylaw limits a student's participation in sports to 4 consecutive years from the date of promotion from grade 8 to grade 9. The bylaw states that athletes must be enrolled as bona fide full-time students no later than 20 school days after the beginning of the semester in which they want to play.

Bylaw 5 sets academic standards that student athletes must meet to be eligible. On the first day of each school year, an athlete must have been enrolled as a full-time student during the previous grading period and must be on track to graduate with his or her class. The student's progress is measured as a percentage of credits required for graduation. Twenty percent of the graduation credits are required for sophomores, 45 percent for juniors, and 70 percent for seniors. There is a one-time reinstatement for students who fail to meet the requisite percentage. In addition to the credit requirement, Kentucky student athletes must also maintain passing grades weekly in at least 4 credit hours to remain eligible for the subsequent week's activities.

Bylaw 8 prohibits any student who has participated in football or basketball after enrolling in grade 9, and who still has eligibility remaining in that sport, from participating on any team not sponsored by a member school or in any all-star game in that sport from the first day of school through the last scheduled contest. Play is allowed if KHSAA sanctions the contest or if the game occurs after the school's last scheduled contests, including post-season.

Bylaw 9 covers three eligibility issues. First, any student who has graduated from high school or played sports for a college team is ineligible to play at the secondary school level. Second, any student ineligible for a team's next contest, except under Bylaw 11, may not practice with the team. Third, students, school officials, or contest officials are ineligible if they are under penalty or disciplinary action, or if their conduct is unbecoming of KHSAA.

Bylaw 10 prohibits recruitment of any student to a KHSAA member school for athletic purposes. The bylaw specifically prohibits recruiting athletes under the guise of academics. Recruiting is defined as "an act, on behalf of or for the benefit of, a school, which attempts to influence a student to transfer to a member school for the purpose of participating in athletics." The bylaw further condemns recruiting practices such as promising increased playing time; employment of the student, the student's parents or family; and providing financial aid not normally available to other students. Any member school representative who

knows of and allows recruiting is guilty of “willful neglect of duty, misconduct, or breach of contract” (10).

Bylaw 11 highlights the importance and obligation of those associated with KHSAA member schools to practice the highest level of sportsmanship. The Board of Control and the commissioner have authority to suspend any offending party, including coaches, students, or the school itself if competent evidence exists of poor sportsmanship. Any party ejected from a contest under this bylaw must be reinstated by the Commissioner’s Office before returning to contest participation. If a disqualification is deemed serious enough, an offender can be permanently disqualified. Bylaw 11 also prohibits use of any illegal sports equipment that may give a competitive advantage.

Bylaw 12 stipulates that a student participating in sports at a KHSAA member school must be an amateur, which is defined as “one who engages in athletic competition solely for the physical, mental, social and pleasure benefits derived from said participation” (10). Student athletes can lose their amateur status by competing for money, receiving a prize not approved by the association, or signing a professional contract to play a sport. The bylaw explains categories of acceptable and unacceptable awards. Generally, cash awards are not acceptable and the total value of awards cannot exceed \$300.

Bylaw 13 describes student financial aid that is not permitted for a student to be eligible for interscholastic athletics. Financial aid is “any and all aid given to a student which reduces tuition, including awards, reductions and waivers” (11). In practice, this bylaw is to prevent athletic recruitment based on financial assistance. Financial aid cannot expand beyond tuition to room and board expenses. Tuition costs must be the same for all similarly situated students regardless of whether they participate in sports. Merit aid—financial aid based solely on academic performance—is allowed but cannot exceed 25 percent of tuition cost. Need-based financial aid is also allowed under certain conditions. For example, the association must approve the entity performing financial need analysis. Ultimately, financial aid must not be related to athletic achievement or ability, it must be available to the entire student body, and member schools must meet annual detailed financial aid reporting requirements.

Eligibility Rules of Other States' Associations

Each state's activity association has rules that govern student athletes' eligibility. All states discourage recruitment and require students to retain an amateur status. Almost all states require students to have a physical examination on file; most require a parental consent form.

Each state's activity association has rules that govern student athletes' eligibility. All states have bylaws that discourage recruitment and that require students to retain their amateur status. All states have a bylaw that designates a school administrator as the person responsible for ensuring that the member school is compliant with rules and regulations. For Kentucky and the vast majority of states, this person is the school principal.

Forty-seven state associations, including Kentucky's, explicitly state that student athletes must have a physical examination before participating in athletics, and 30 states require parental consent. Of the 36 states that responded to an email questionnaire from Program Review staff, 22 required student athletes to have catastrophic insurance prior to participating in sports, as does KHSAA. All states have some age limit for participation in sports, which varies from 19 to 20 years of age.

All state associations have minimum academic standards. Kentucky and most other states use a percentage of the credits needed to graduate as the basis for measuring academic achievement. KHSAA requires member schools to monitor athletes' grades weekly.

All state associations have minimum academic requirements for student athletes, but these vary greatly. Kentucky follows most states by using some percentage of the credits needed to graduate as the basis for measuring academic achievement. Ten states require student athletes to have a 2.0 overall grade point average in order to participate in sports. Three states leave the setting of academic standards to each school or school district. KHSAA is one of only four state associations that require weekly monitoring of student athletes' grades; most associations require that grades be checked only once per semester.

All state associations have rules governing the eligibility of transfer students, and all have exceptions for waiving those rules. For the most part, KHSAA's enumerated exceptions follow the majority of those accepted by other state associations.

Each association has rules governing the eligibility of transfer students, and all have exceptions for waiving those rules. Most states make an exception for a bona fide move, although not all states provide a definition of what constitutes a bona fide move.

Table 2.1 shows the exceptions KHSAA allows for waiving the period of ineligibility of transfer students compared with those allowed by other states. Nearly every state's bylaws or constitution provides that its governing body or executive officer can make discretionary waivers to the transfer rules. Most states have exceptions to accommodate child custody issues, whether they stem from divorce, separation, guardianship, death of parent(s), or a situation in which a student is a ward of the state. KHSAA notes in Bylaw 6 that it will not recognize a legal separation as grounds for a waiver. In addition, KHSAA allows for a one-time transfer waiver only for a change of custody; a rule also found in three other states.

Table 2.1
State Activities Associations' Exceptions to Transfer
Rules for Which a Waiver Is Permissible

| Exception | KHSAA | Other States With Specific Waiver |
|--|--------------|--|
| Parents legally divorce | ■ | 36 |
| Student becomes a ward of the state | ■ | 33 |
| Parents legally separate | | 32 |
| Student's legal custodial guardian changes by court order | ■ | 30 |
| Custodial parent changed by court order | ■ | 28 |
| Department of Education redistricting | ■ | 25 |
| Death of custodial parent(s) | ■ | 21 |
| Student moves to other parent's house with joint custody | ■ | 20 |
| Athletic program terminated or school closes | | 17 |
| Student transfers from nonmember school | ■ | 16 |
| Student is emancipated | | 14 |
| Student gets married | | 12 |
| Previous school did not offer grade levels sufficient to graduate | | 10 |
| Transfer occurred during grade 9 | | 10 |
| No athletic participation the year before enrolling in new school | ■ | 8 |
| Special needs student requiring services not offered at old school | | 7 |
| Student returning from correctional institution | | 5 |
| Student becomes homeless | | 4 |
| Sending and receiving schools agree that transfer is not for athletic purposes | | 3 |
| Move associated with parents' military reassignment | ■ | 3 |
| Student participating in substance abuse program | | 3 |
| Student returns from military service | ■ | 3 |
| Student participating in mental health program | | 1 |

Source: Compiled by Program Review staff from state associations' handbooks and KHSAA staff.

Twenty-six states, including Kentucky, allow a waiver when the transfer is due to the department of education's redistricting. Many associations also allow exceptions when a school closes, its athletic program is terminated, or the school can no longer meet the needs of a student.

There are several exceptions allowed by other states that KHSAA does not explicitly mention in its bylaws. For example, 14 states allow emancipated students to transfer without eligibility loss, and 12 states allow newly married students to transfer. Other circumstances include students returning to school from a

correctional institution or after participating in a mental health or substance abuse program.

Recommendation 2.1

Recommendation 2.1

The Kentucky High School Athletic Association should consider expanding the exceptions to Bylaw 6 based on a review of specific exceptions allowed by other states.

Fifteen states, including Kentucky, allow a waiver for students who transfer to a member school from a nonmember school. Kentucky and six other states allow a waiver if the transfer student has not participated in athletics for 1 year prior to the transfer.

Determining Athletic Eligibility for Transfer Students

Any student who transfers to a KHSAA member school after being enrolled elsewhere in grade 9 or higher is ineligible for athletic competition at any level and in any sport for 1 calendar year from the date the student enrolls at the new school, unless the student meets one of the enumerated exceptions listed in Bylaw 6 or Bylaw 7.

Any student who transfers to a KHSAA member school after being enrolled elsewhere in grade 9 or higher is subject to the provisions of either Bylaw 6 or Bylaw 7, depending on whether the student is a domestic or foreign student. Both bylaws state that transfer students are ineligible for athletic competition at any level and in any sport for 1 calendar year from the date they enroll at the new school, unless the student meets one of the enumerated exceptions listed in Bylaw 6 or Bylaw 7. This section details the process used to determine whether a student meets one of those exceptions.

Initial Eligibility Rulings for Bylaw 6 Cases

Determining whether a domestic transfer student meets one of the exceptions begins with the receiving school completing KHSAA's Domestic Student Transfer Form, which is then mailed to the school from which the student transferred, called the sending school. If the sending school verifies that the student did not participate in varsity sports, KHSAA need not rule on the case and the student is deemed eligible.

Determining whether a domestic transfer student meets one of the exceptions under Bylaw 6 begins by staff at the student's new school, called the receiving school, completing KHSAA's Domestic Student Transfer Form. This form, found in Appendix E, is available on the association's website and provides detailed instructions to both the receiving school and the school from which the student came, called the sending school.

The receiving school first completes the top of page 2 by listing the student's name, age, enrollment date, and current grade level and documenting the student's enrollment history. The transfer form is then mailed to the sending school, which has 7 working days to verify whether the student participated in varsity sports prior to enrollment in the receiving school. The form is then signed, dated, and mailed back to the receiving school.

If the student did play varsity sports, the sending and receiving schools must complete the entire form and submit it to KHSAA for a ruling on that student's eligibility.

If the sending school verifies that the student did not participate in varsity sports and the receiving school deems the student eligible under all other bylaws, KHSAA need not rule on the case, and the student is immediately eligible to participate in sports. However, if the sending school indicates that the student participated in varsity sports, the receiving school must complete all necessary information on pages 4 to 6 and mail the form back to the sending school. Information on these pages includes the sports in which the student wants to participate, the name and address of the person with whom the student currently resides, the date they moved to that address, the name and relationship of the individual who has legal custody of the student, and an indication of the exception through which the receiving school is seeking a waiver. The remaining information is supplemental material needed for each of the various waivers.

Once the sending school gets the updated form, it must complete pages 7 to 9 and mail the form back to the receiving school. Information on these pages includes the date and grade level at which the student first enrolled at the sending school; the date of the student's withdrawal; the grade level in which the student participated in varsity-level sports and in what sport(s) the student participated; and the name, relation, and address of the student's legal custodian while the student was enrolled at the sending school. The remaining pages consist of supplemental material needed for each of the various waivers.

Finally, the receiving school gathers any additional documentation, such as custody orders or home sale verification, that might aid the Commissioner's Office and submits the entire packet to KHSAA for an initial eligibility ruling.

According to staff interviews with athletic directors, the process described above rarely goes through all these steps. In practice, the receiving school's athletic director knows whether the new student previously participated in varsity sports by asking the student or from contacting the sending school. Therefore, if the student played varsity sports, the receiving school completes the top of page 2 and the necessary parts of pages 4 to 6 before mailing the form to the sending school. When the sending school receives the form, it completes the bottom of page 2 and pages 7 to 9 before mailing the form back to the receiving school. Once the transfer form makes it back to the receiving school, supporting documentation is collected and sent with the form to KHSAA for a ruling.

Once KHSAA receives the transfer form, the Commissioner's Office has 30 days in which to rule on the case. Until then, the student may not participate, scrimmage, or play in contests.

Schools have found ways to speed up the process, but KHSAA's requirement that documents be mailed back and forth between schools potentially adds several days to the process.

Recommendation 2.3, which is at the end of this chapter, recommends that KHSAA consider creating an electronic system for processing transfer forms.

Once KHSAA receives the transfer packet, the Commissioner's Office has 30 days in which to rule on the case. Until a ruling is made, the student may not practice, scrimmage, or play in contests.

KHSAA's decision to rule a domestic transfer student eligible or ineligible is based on whether the facts of the case at the time of enrollment in the new school meet one of the exceptions in Bylaw 6. If the student's circumstances meet one of the exceptions, the Commissioner's Office will rule the student eligible. If the facts do not meet any of the exceptions, the student is ruled ineligible.

Whether the Commissioner's Office waives the yearlong ineligibility period depends in part on whether the student's circumstances at the time of enrollment in the new school meet one or more of the following exceptions:

1. a bona fide change in residence by the parents and student preceding the student's change of schools, which means the moving of the permanent residence of the entire family of the student and the student's 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" (Kentucky. 2009-2010 8);
2. a dissolution of parents' marriage by court decree and a change in the student's residence pursuant to a court order granting custody to one of the parents with whom the student shall reside (joint custody is also recognized for waiver consideration);
3. a court-ordered change of custody due to unfit parenting or for the health and welfare of the student;
4. a transfer precipitated by the death of one or both of the custodial parents;
5. a one-time waiver for students entering boarding school full time;
6. no athletic contest participation for the entire school year (of grades 9-12) prior to transfer;
7. a transfer due to properly documented board of education school reassignment;
8. a transfer from a nonmember school to a member school and athletic participation at the previous school was primarily with other nonmember schools; and
9. a transfer due to order of the United States military service.

The Commissioner's Office will rule the student ineligible if insufficient evidence exists to support a waiver under one or more of these exceptions. The office may also consider factors such as

whether the transfer was made primarily to circumvent rules, penalties, or ineligibility at the previous school; and whether the exception circumstances occur after enrollment at the new school or were manipulated for the purpose of gaining eligibility.

Initial Eligibility Rulings for Bylaw 7 Cases

Foreign students are considered ineligible for 1 year unless they meet certain requirements spelled out in Bylaw 7.

The eligibility process for foreign students begins with the receiving school completing KHSAA's Application for Foreign Student Eligibility Form and submitting it to the association.

The Commissioner's Office can waive the 1-year period of ineligibility if the foreign student was placed in a KHSAA school under the auspices of an approved student exchange program and meets all the following criteria:

1. the student must be compliant with all US Immigration and Naturalization Service regulations;
2. the student must be in the first and only year as an exchange student;
3. the student cannot have graduated from grade 12 or its equivalent in his or her home country;
4. the student's placement in a member school cannot be a direct placement; and
5. any fees of the member school, as well as travel fees, must be paid by the student's family, not the host family; and
6. neither coaches at the school the student attends nor foreign exchange officials can act as the student's host family.

The Commissioner's Office can rule a foreign student immediately eligible if the student meets all of these conditions. Any student not meeting these requirements must seek eligibility through KHSAA's due process procedures and shall remain ineligible until the final ruling.

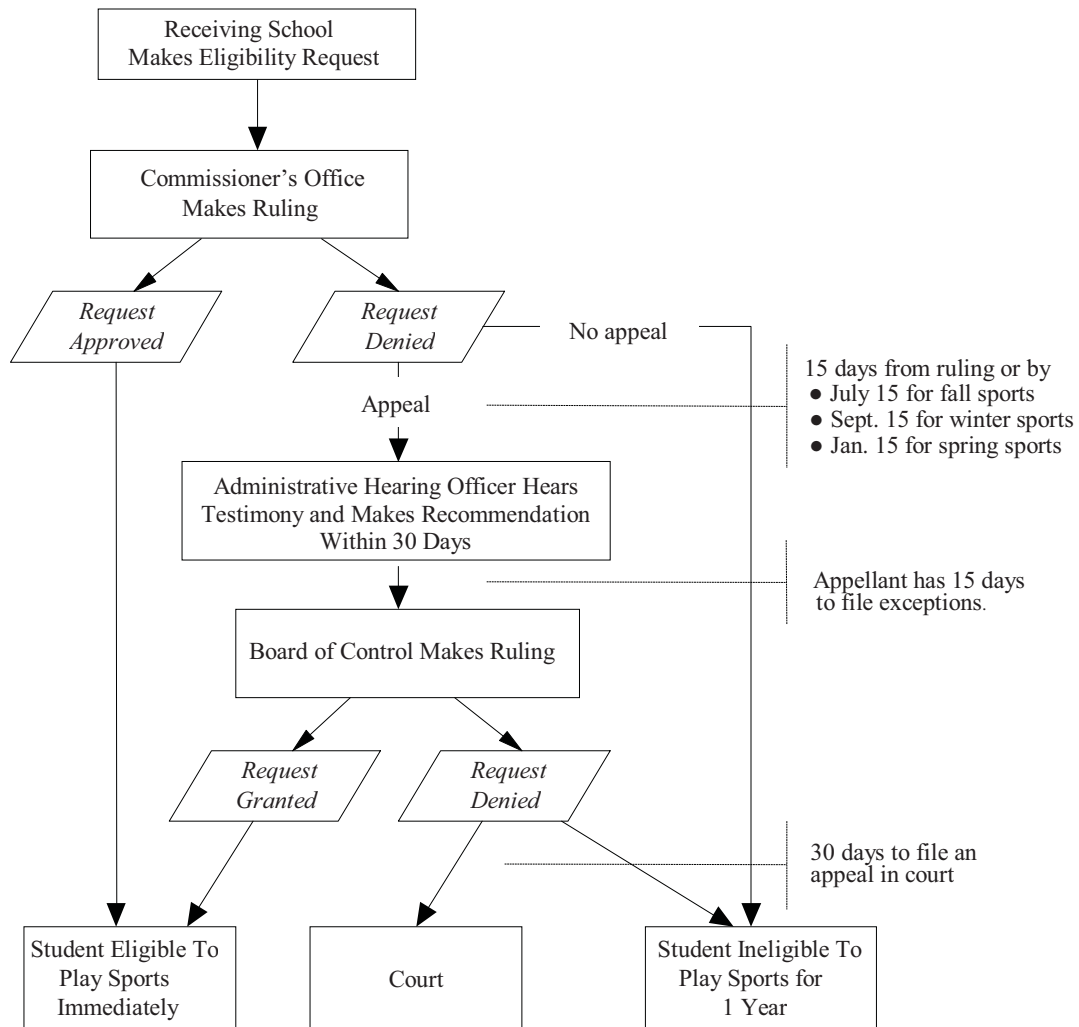
Appeal Process for Bylaw 6 and Bylaw 7

Students who are initially ruled ineligible may appeal. KHSAA's appeal process underwent significant change during the course of this study.

KHSAA's appeal process underwent a significant change during the course of this study. Since most of the transfer cases that Program Review staff analyzed were processed under the previous system, both appeal procedures are described below.

Previous Appeal Process. Prior to July 13, 2009, any aggrieved party who disagreed with KHSAA's initial ruling could appeal to an independent hearing officer under KRS Chapter 13B. The process is shown in Figure 2.A. This appeal had to be made in writing to KHSAA through the Commissioner's Office.

Figure 2.A
Due Process Procedure Prior to July 13, 2009



Source: Created by Program Review staff from information in the Kentucky High School Athletic Association's 2008-2009 Handbook.

Under the previous appeal process, an aggrieved party could file a written appeal through the Commissioner's Office. KHSAA staff then scheduled an administrative hearing. After listening to testimony and reviewing the case file, the hearing officer had 30 calendar days in which to file a recommendation to uphold or overturn the initial ruling.

Once KHSAA received the appeal, staff arranged an administrative hearing with one of the association's two hearing officers to be held at KHSAA's office in Lexington. Notice was given in writing to all parties no less than 20 days in advance of the hearing date.

After listening to testimony and reviewing the case file, the hearing officer had 30 calendar days in which to present the Commissioner's Office with findings of fact and to make a recommendation to uphold or overturn the initial ruling. Each involved party then had 15 days in which to file exceptions, which included new or updated information that the parties wished to be considered.

The Board of Control received the hearing officer's recommendation and considered the case at its next scheduled meeting. The Board of Control's ruling was the association's final decision. Any party wishing to appeal further could seek judicial review through the appropriate Circuit Court within 30 days.

The hearing officer's findings and recommendation and any filed exceptions were then sent to the Board of Control, and the matter was scheduled to be heard at the board's next meeting. The Board of Control's final ruling had to be based solely on the hearing officer's report and exceptions filed regarding that report; no new information was admissible. The Board of Control could either uphold or overturn the hearing officer's recommendation, or remand the matter back to the hearing officer for further consideration. The Board of Control's ruling was the association's final decision.

A party wishing to appeal further could seek judicial review in the appropriate Circuit Court within 30 days of the Board of Control's final ruling.

The current appeal process began July 13, 2009. KHSAA's assistant commissioners make the initial ruling on eligibility cases. Parties wishing to appeal the decision still file a written request with the Commissioner's Office. KHSAA staff then schedule an administrative hearing with one of KHSAA's hearing officers. The hearing officer has 30 days after the hearing to make a recommendation to the KHSAA commissioner to uphold or overturn the initial ruling.

Current Appeal Process. The current appeal process as of July 13, 2009, is shown in Figure 2.B. Assistant commissioners, who are "ruling officers" in the new process, make the initial ruling on eligibility cases. In an attempt to improve consistency of decisions, each ruling officer is responsible for ruling on cases involving specific bylaws.

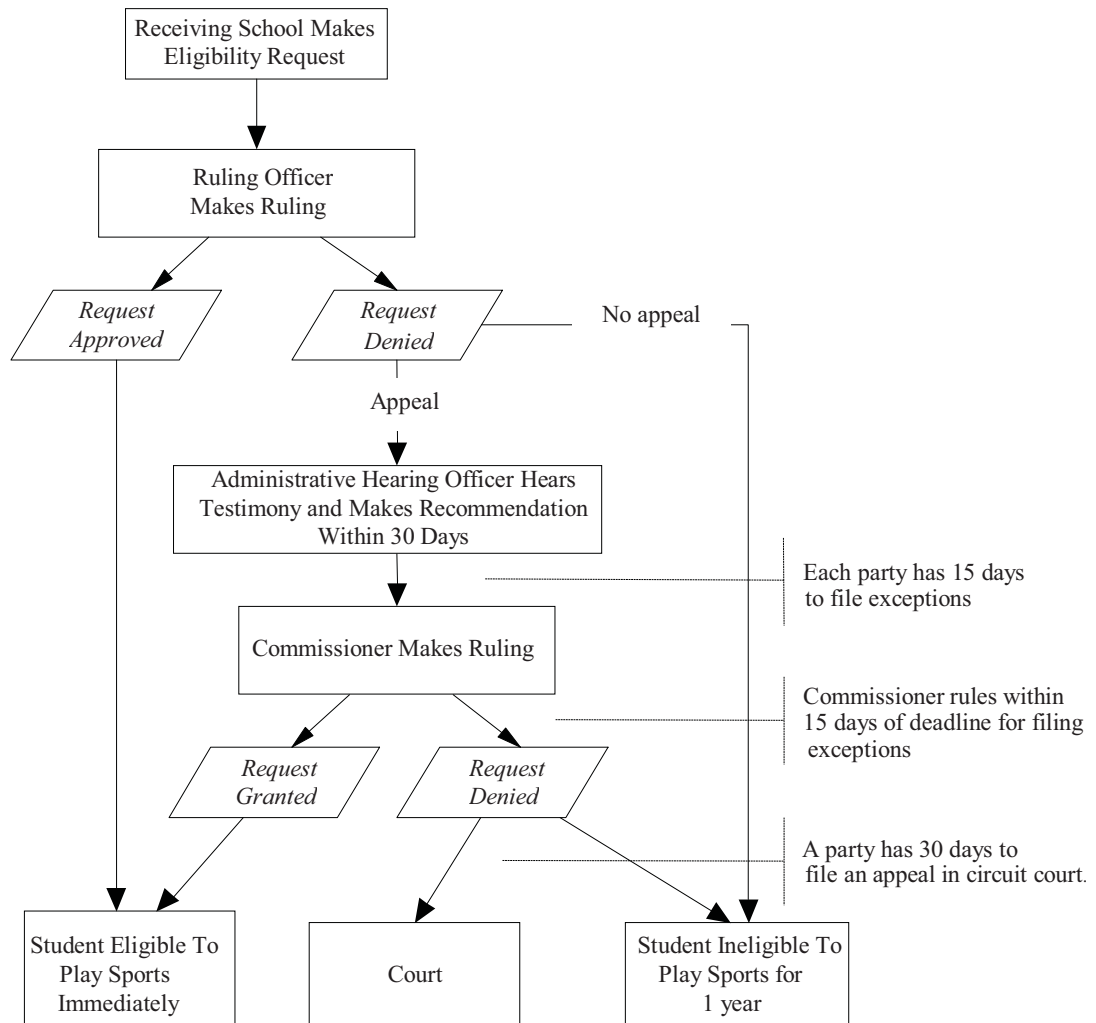
Parties wishing to appeal the ruling officer's initial decision still must file a written request with the Commissioner's Office. KHSAA staff process the appeal by scheduling an administrative hearing with one of KHSAA's two hearing officers. Notice is given in writing to all parties no less than 20 days in advance of the date set for the hearing.

After taking the aggrieved party's testimony, the hearing officer has 30 calendar days in which to present the commissioner with findings of fact and to make a recommendation. Each party then has 15 days to file exceptions. Under the new process, parties may sign a waiver if they have no exceptions to file, which shortens the process.

The commissioner makes KHSAA's final ruling. Any party wishing to appeal further can seek judicial review through the appropriate Circuit Court within 30 days.

At this point, the current system differs significantly from the previous process. The case now moves from the hearing officer directly to the commissioner for a final ruling, not to the Board of Control. Also new to the process is that the commissioner may now grant a motion for new evidence to be introduced and considered before making a final decision (Kentucky. 2009-2010 47). Within 15 days of this motion, the commissioner will issue a final ruling. A party wishing to appeal further can seek judicial review in the appropriate Circuit Court within 30 days of the Board of Control's final ruling.

Figure 2.B
Current Due Process Procedure



Source: Created by Program Review staff from information in the Kentucky High School Athletic Association's 2008-2009 Handbook.

In addition to the Board of Control no longer having a direct role in the eligibility process, there have been other changes to the appeal process. KHSAA is currently establishing regional investigative committees, which comprise member school representatives from each region who assist locally in the fact-finding process on eligibility cases. These committees have no decision-making authority and are used solely to help gather information.

At the time of this report, the Commissioner had ruled on 21 appealed transfer cases under the new process. Preliminary indications are that the new process reduced the time for appeal by half.

At the time of this report, the Commissioner had ruled on 21 appealed transfer cases under the new process. Preliminary indications are that the new process effectively reduced the time for appeals by half—an average of 16.9 days under the new process versus an average of 33 days under the previous process.

Analysis of Transfer Cases

Program Review staff collected information from every transfer case submitted to KHSAA from August 2006 to August 2009.

Program Review staff collected information from every transfer case submitted to KHSAA over 3 years and 1 month—from August 2006 to August 2009. As shown in Table 2.2, this consisted of 2,492 cases, averaging 766 cases per year, and included 1,804 domestic student transfers and 688 foreign exchange students.

Table 2.2
Transfer Cases Received by KHSAA Per School Year
(August 2006 to August 2009)

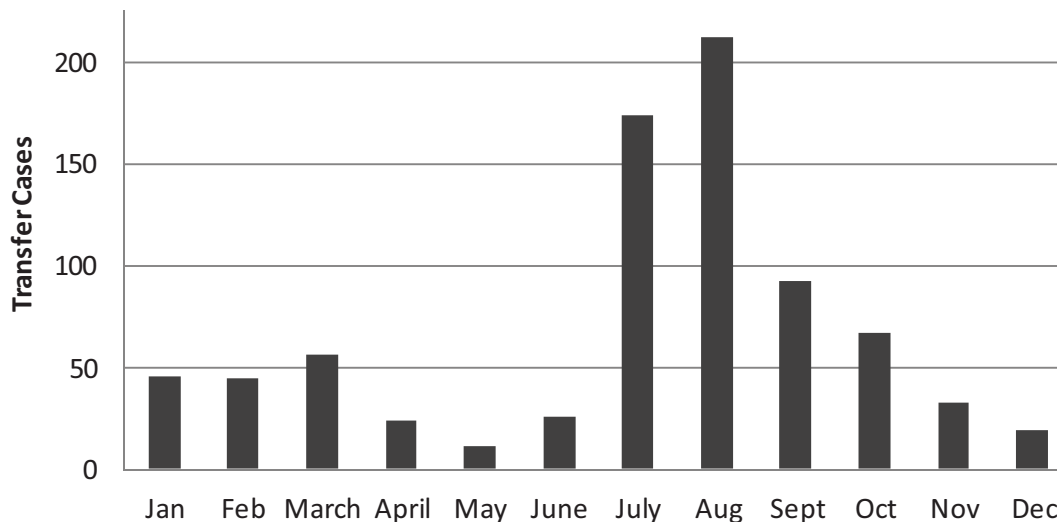
| School Year | Domestic Students (Bylaw 6) | Foreign Students (Bylaw 7) | Total |
|--------------------|------------------------------------|-----------------------------------|--------------|
| 2006-2007 | 568 | 221 | 789 |
| 2007-2008 | 560 | 194 | 754 |
| 2008-2009 | 557 | 199 | 756 |
| Aug. 2009 | 119 | 74 | 193 |
| Total | 1,804 | 688 | 2,492 |

Source: Compiled by Program Review staff from KHSAA records.

The number of transfer cases received by KHSAA varied by month, with nearly 50 percent of the cases for the year received in July and August.

Figure 2.C indicates the average number of transfer cases received by KHSAA by month over the period. Forty-eight percent of all cases arrived in July and August. On average, more than 200 cases were received in August. Numbers tapered off through the remainder of the fall semester, averaging only 19 cases by December. The volume increased as the spring semester started in January and remained steady, at about 50 cases per month, until decreasing just before summer break.

Figure 2.C
Average Number of Transfer Cases Received by KHSAA Per Month
(August 2006 to August 2009)



Source: Compiled by Program Review staff from KHSAA records.

More than 90 percent of transfer students who sought eligibility rulings to attend a Kentucky school transferred to a public high school. Students seeking an eligibility waiver to attend a private institution represented less than 8 percent of all cases.

Table 2.3 shows transfer cases by type of sending and receiving school from August 2006 to August 2009. More than 90 percent of transfer students who sought eligibility rulings to attend a Kentucky school transferred to public high schools. Students seeking an eligibility waiver to attend a private institution represented less than 8 percent of all cases. Ninety-two percent of all students transferring from a public school in Kentucky were seeking a waiver to play sports at another Kentucky public high school. Nearly 50 percent of all transfer cases represent either foreign exchange students being placed in a Kentucky school (28 percent) or students moving to Kentucky from out of state (20 percent).

Table 2.3
Transfer Cases by Type of Sending and Receiving School
(August 2006 to August 2009)

| Sending School | Receiving School | | | Total |
|--------------------|------------------|------------|--------------|--------------|
| | Federal | Private | Public | |
| Foreign | 0 | 45 | 643 | 688 |
| Federal | 1 | 2 | 23 | 26 |
| Home school | 0 | 1 | 3 | 4 |
| Out of state | 46 | 37 | 425 | 508 |
| Private (Kentucky) | 0 | 29 | 189 | 218 |
| Public (Kentucky) | 0 | 80 | 953 | 1,033 |
| Unknown | 0 | 3 | 12 | 15 |
| Total | 47 | 197 | 2,248 | 2,492 |

Source: Compiled by Program Review staff from KHSAA records.

Length of the Decision Process for Domestic Transfer Cases

Signature dates and time stamps on the transfer form indicated the time it took each case to move between stages in the process.

Signature dates and time stamps on the transfer form indicated the time it took each case to move between stages in the process. Of the 1,804 domestic transfer cases over the past 3 years, 1,607 had enough information to determine the time between all stages.

Seventy-five percent of all cases made it through the entire process within one month. Nineteen percent took more than 6 weeks.

Table 2.4 and Figure 2.D indicate the status of each case within different time periods since that case was initiated. The table shows that by the end of the first week 518 of the 1,607 cases were still awaiting the sending school’s signature, 743 cases had been signed by the sending school but had not yet been mailed to KHSAA, and the Commissioner’s Office had received 181 cases but had not yet made a ruling. By the end of the first week after the case was initiated by the receiving school, KHSAA had made its initial ruling on 165 cases (10.3 percent). Seventy-five percent of all cases made it through the entire process within 1 month. Nineteen percent took more than 6 weeks.

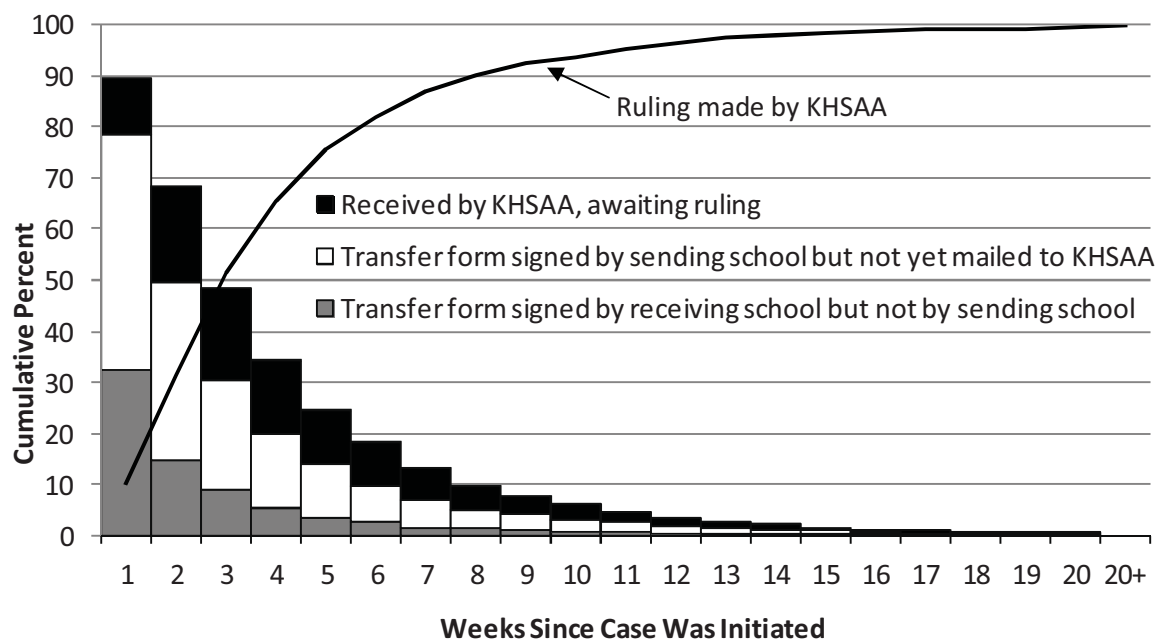
In Figure 2.D, the black line indicates the cumulative percentage of cases on which the commissioner has already ruled. The bars indicate the percentages of cases that are still in each stage of the eligibility process. For example, in the column for Week 1, the Commissioner’s Office has ruled on 10 percent of the cases. Ninety percent of the cases have not been decided, with 32 percent awaiting the sending school’s signature, 46 percent waiting to be mailed to KHSAA, and 11 percent having arrived at the association but awaiting a ruling.

Table 2.4
Status of Domestic Transfer Cases by Number of Weeks After the Process Was Initiated
(August 2006 to August 2009)

| Elapsed Weeks | Cases Per Time Period | | | | |
|---------------|---|---|------------------------------------|----------------------|--------|
| | Transfer Form Signed by Receiving School, but Not by Sending School | Transfer Form Signed by Sending School, but Not Mailed to KHSAA | Received by KHSAA, Awaiting Ruling | Ruling Made by KHSAA | |
| 1 | 518 | 743 | 181 | 165 | 10.3% |
| 2 | 238 | 560 | 302 | 507 | 31.5 |
| 3 | 140 | 348 | 291 | 828 | 51.5 |
| 4 | 85 | 234 | 233 | 1,055 | 65.7 |
| 5 | 54 | 169 | 170 | 1,214 | 75.5 |
| 6 | 40 | 118 | 133 | 1,316 | 81.9 |
| 7 | 26 | 84 | 100 | 1,397 | 86.9 |
| 8 | 21 | 60 | 76 | 1,450 | 90.2 |
| 9 | 16 | 49 | 56 | 1,486 | 92.5 |
| 10 | 9 | 40 | 51 | 1,507 | 93.8 |
| 11 | 8 | 31 | 36 | 1,532 | 95.3 |
| 12 | 3 | 25 | 27 | 1,552 | 96.6 |
| 12+ | 8 | 71 | 86 | 1,607 | 100.0% |

Source: Compiled by Program Review staff from KHSAA records.

Figure 2.D
Status of Domestic Transfer Cases by Number of Weeks After the Process Was Initiated



Source: Compiled by Program Review staff from KHSAA records.

The first stage in the process is the time between the receiving and sending schools' signatures. Sixty-six percent of cases completed the first stage in the process in 1 week or less, with 39 percent taking no more than 2 business days.

Using the same signature dates and time stamps data, Table 2.5 shows the time each stage took. The first stage represents the time between the receiving and sending schools' signatures. It took 1 week or less for 66 percent of cases to complete this step; 39 percent took 2 business days or less. For the 5 percent of cases that took longer than 1 month, the delay typically could be explained and the student's participation in sports was not affected. In many cases, the receiving school completed its portion of the transfer form when the student first arrived at the beginning of the spring semester. If the student was requesting eligibility to participate in a fall sport, the receiving school did not mail the form to the sending school until the end of the spring semester.

Table 2.5
Elapsed Time for Cases in Different Stages of the Initial Eligibility Determination Process
(August 2006 to August 2009)

| Elapsed Time | Cases Per Time Period | | | | | |
|------------------|---|--------------|--|--------------|--|--------------|
| | From Date Form Is Signed by Receiving School to Date Form Is Signed by Sending School | | From Date Form Is Signed by Sending School to Date Received by KHSAA | | From Date Form Is Received by KHSAA to Date Ruling Is Made | |
| | Cases | Cumulative % | Cases | Cumulative % | Cases | Cumulative % |
| 1 day | 435 | 27% | 78 | 5% | 633 | 39% |
| 2 days | 197 | 39 | 178 | 16 | 240 | 54 |
| 3 days | 182 | 51 | 164 | 26 | 116 | 62 |
| 4 days | 136 | 59 | 181 | 37 | 101 | 68 |
| 5 days | 115 | 66 | 173 | 48 | 82 | 73 |
| Subtotal: 1 Week | 1065 | 66% | 774 | 48% | 1172 | 73% |
| 2 Weeks | 292 | 84 | 458 | 77 | 201 | 85 |
| 3 Weeks | 106 | 91 | 155 | 86 | 107 | 92 |
| 4 Weeks | 55 | 94 | 78 | 91 | 44 | 95 |
| 5 Weeks | 31 | 96 | 42 | 94 | 22 | 96 |
| 6 Weeks | 16 | 97 | 31 | 96 | 21 | 98 |
| 7 Weeks | 14 | 98 | 20 | 97 | 14 | 98 |
| 8 Weeks | 5 | 99 | 7 | 97 | 3 | 99 |
| 9 Weeks | 6 | 99 | 11 | 98 | 8 | 99 |
| 10 Weeks | 8 | 99 | 11 | 99 | 2 | 99 |
| 11 Weeks | 6 | 100 | 8 | 99 | 2 | 99 |
| 12 Weeks | 0 | 100 | 0 | 99 | 2 | 99 |
| 13+ Weeks | 3 | 100% | 12 | 100% | 9 | 100% |
| Total | 1,607 | | 1,607 | | 1,607 | |

Source: Compiled by Program Review staff from KHSAA records.

Stage two is the period between the sending school's signature and when KHSAA receives the transfer form. This stage takes longer than the others.

The second stage represents the period between the sending school's signature and when KHSAA receives the transfer form. Forty-eight percent of cases made it from the sending school to KHSAA in 1 week or less, with two-thirds of the cases completing this stage by the end of the second week. This stage takes longer than the others because it includes the time when receiving schools are collecting supporting documentation that the Commissioner's Office will need to make an informed ruling.

It is possible that stage two could be speeded up if parents were informed earlier in the process about KHSAA's transfer rules and exceptions to them.

It is possible that this second stage could be speeded up if parents were informed earlier in the process about KHSAA's transfer rule, the circumstances under which the rule can be waived, and what documents the association needs to help justify waiving the transfer rule under each circumstance. This information is spelled out on the transfer form, but staff interviews with athletic directors indicate that there is no guarantee that parents or students will have met with the athletic director and seen the form immediately after enrollment.

Recommendation 2.2

Recommendation 2.2

The Kentucky High School Athletic Association should consider creating a document that provides a concise explanation of the association's transfer rule, that details the various circumstances under which the transfer rule can be waived, and that describes the supporting documentation that the association would need to justify waiving the rule under each circumstance. The document should also encourage any student wishing to participate in sports to contact the athletic director at the student's new school immediately. This document should be made available by the school to the student's parents at the time the student is enrolled in the new school.

Over the past 3 years, once the transfer forms made it to KHSAA, the initial ruling took 1 week or less in 73 percent of the cases, with nearly 55 percent being ruled on within 2 business days.

The third stage represents the period between the transfer form arriving at KHSAA and the issuance of an initial ruling. The Commissioner's Office took 1 week or less to rule on 73 percent of the cases, with nearly 55 percent being ruled on within 2 business days. In the 5 percent of cases that took longer than 1 month, it was typical for KHSAA to be waiting on confirmation of a home sale or a custody document from the courts.

Once the Commissioner's Office makes the initial ruling, parties involved in the case have 30 days to appeal the decision.

Most appeal cases took between 29 and 34 business days to be heard by the hearing officer and for the Board of Control to issue a final decision; 16.5 percent took less than 29 days.

Of the cases Program Review staff analyzed, the initial eligibility decision was appealed in 259 cases. The time between when the appeal was initiated and when the Board of Control made its final ruling could be determined for 212 of these cases, which on average took 33 business days. Most cases (64.6 percent) took 29 to 34 days; 16.5 percent took less than 29 days. All the remaining cases were completed by the end of 2 months, except two cases that took 61 days.

Eligibility and Sport Seasons

A student's ability to play sports the same year the student transfers ultimately depends on what KHSAA's eligibility ruling is, but it also depends on when KHSAA makes its ruling. A student may be declared eligible too late in the season to play a particular sport.

A student's ability to play sports the same year the student transfers ultimately depends on KHSAA's eligibility ruling. However, it also depends on when KHSAA makes its initial ruling; or if the case is appealed, when the association makes its final decision. Depending on the sport a student wishes to play, it is possible that the association could declare a student eligible too late in the season for the student to participate.

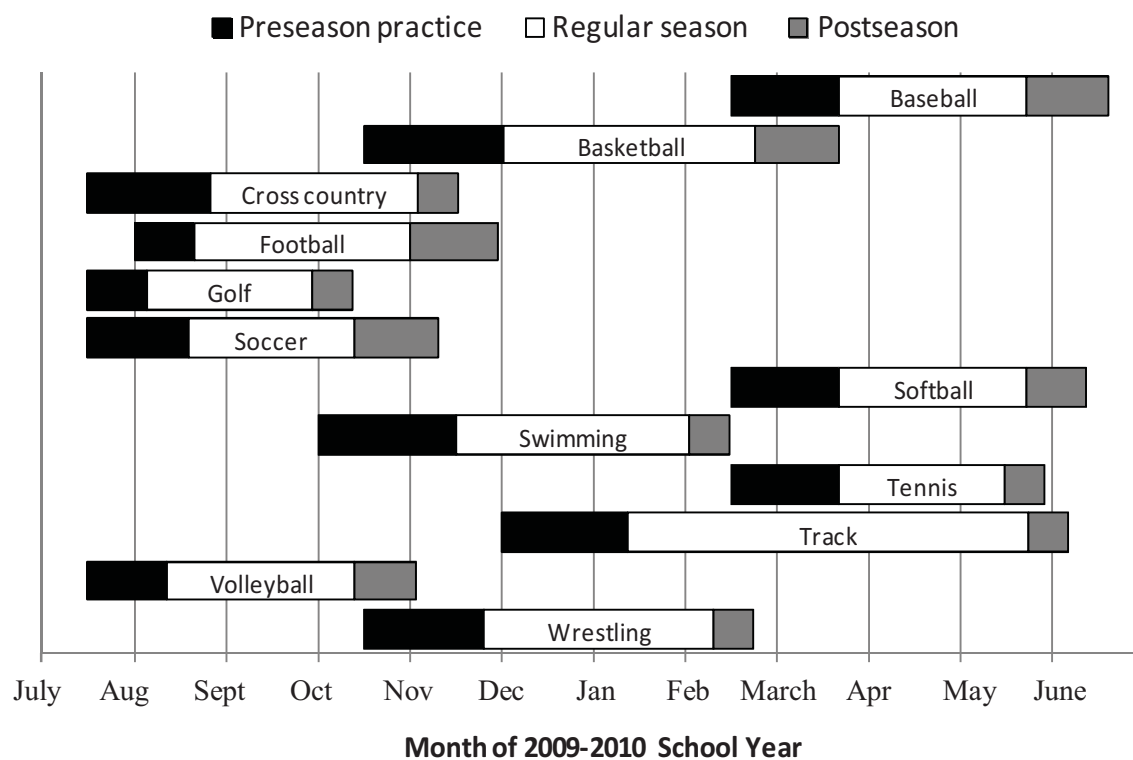
Figure 2.E shows the preseason practice, regular season, and postseason periods for KHSAA-sanctioned sports. A timely eligibility decision is important for students who transfer in January if they wish to play basketball, softball, or tennis. Students transferring at the beginning of the school year need a timely eligibility decision if they wish to participate in cross country, football, golf, soccer, or volleyball. These fall sports begin practice before the first day of school and regular season play within the first month of school.

Over the past 3 years, the eligibility process began in July or August for nearly one-half of students who transferred schools. Five sports begin practice and the regular season in these months.

Nearly one-half of KHSAA's domestic transfer cases over the past 3 years were initiated in July and August. More than 500 of these students requested to play fall sports.

In making eligibility decisions, KHSAA takes into account the schedules of the sports in which students wish to participate. For example, in eligibility cases initiated in July and August, the cases of students seeking eligibility for fall sports have higher priority. For transfer cases initiated in July and August over the past 3 years, the Commissioner's Office made an initial decision in 75 percent of the cases within 20 working days. Normally, it would take an extra week to process 75 percent of cases.

Figure 2.E
2009-2010 Seasons for Sports Sanctioned by KHSAA



Source: Compiled by Program Review staff from the Kentucky High School Athletic Association's *2009-2010 Handbook*.

Ongoing and new practices by KHSAA reduce the risk that students will not be able to participate in sports because a decision was not made early enough. The problem of hundreds of students applying for eligibility waivers near the starting dates for several sport seasons remains, however.

A student whose transfer case was initiated in July or August and who appealed the commissioner's initial decision risked missing part or all of a fall sports season. Under the previous appeal process, it took an additional 33 days on average for the Board of Control to issue its final ruling. The new appeal process is quicker, but it still takes an additional 17 days on average before the commissioner issues a final ruling.

Another recent change made by KHSAA may help reduce the time from when the initial decision is made to when an appeal is filed. In the past, KHSAA sent the letter stating the initial eligibility ruling to the principals of the sending and receiving schools. As of November 2009, the association also mails a copy of the letter to the current address of the student. If there was a problem with delays in initial appeals because parents were not getting information about decisions as quickly as possible, this should not be an issue now.

A hypothetical example based on analysis of past cases illustrates the continued need to reduce the time taken for eligibility decisions. If the receiving school initiated the request for an eligibility ruling on July 1, 2009, in 75 percent of cases the initial ruling would have been made by July 29. By this date, practice had already started for five sports. If a student who was initially ruled ineligible appealed immediately, the commissioner would have issued a final ruling by August 21 based on the average decision time under the new appeal process. This is a notable improvement over the previous appeal process, but by August 21 the regular season had started for all five fall sports.

Implementation of Recommendation 2.2 could reduce the time for cases to reach KHSAA. However, short of drastic changes to eligibility rules or sport seasons, there is no obvious quick fix to the problem of hundreds of students applying for eligibility waivers near the starting dates for several sport seasons.

Analysis of Eligibility Rulings for Domestic Students (Bylaw 6)

Staff analyzed the ruling on 1,798 domestic transfer cases to determine if there was any pattern to the decisions.

Over the past 3 years, there were 1,798 domestic transfer cases for which an eligibility decision was made.¹ Staff analyzed rulings to determine if there was any pattern to the decisions based on type of school, sports played by transferring students, and region.

The Commissioner's Office initially ruled 66 percent of transfer cases eligible. Forty-two percent of those initially deemed ineligible appealed to the Board of Control. The hearing officer recommended 118 of them as eligible, and the board ultimately determined that 99 of those students' circumstances warranted a waiver.

Table 2.6 shows rulings by the Commissioner's Office, the hearing officers, and the Board of Control over the past 3 years. The Commissioner's Office handled 1,798 cases, ruling 1,185 students eligible (66 percent) and 613 ineligible (34 percent).

Forty-two percent of those initially deemed ineligible appealed to the Board of Control.² Typically the hearing officers and the Board of Control had more information on which to base decisions than was considered for the initial eligibility ruling.

Over the 3-year period, the Board of Control ruled that 19 fewer students were eligible than the hearing officers recommended. The hearing officers recommended that 118 (47 percent) of the students who appealed should be considered eligible. The board determined that 99 (40 percent) of those students' circumstances warranted a waiver. Overall, KHSAA ruled that 71 percent of students who sought a waiver under Bylaw 6 were eligible.

¹ Six of the 1,804 cases were still pending at the time these data were collected.

² Nine appeal cases were withdrawn before a final ruling was made, leaving 250 appeal cases.

Table 2.6
Rulings on Domestic Transfer Cases by the Commissioner's Office,
Hearing Officers, and Board of Control
(August 2006 to August 2009)

| | Initial Ruling | | Hearing Officer's Recommendation | | Board of Control's Ruling | | Overall % |
|------------|----------------|------|----------------------------------|------|---------------------------|------|-----------|
| | Cases | % | Cases | % | Cases | % | |
| Eligible | 1185 | 66% | 118 | 47% | 99 | 40% | 71% |
| Ineligible | 613 | 34 | 132 | 53 | 151 | 60 | 29 |
| Total | 1,798 | 100% | 250 | 100% | 250 | 100% | 100% |

Source: Compiled by Program Review staff from KHSAA records.

The percentage of students initially ruled eligible by the Commissioner's Office increased over the past 3 years. The opposite trend held for the hearing officers and the Board of Control.

The percentage of domestic students initially ruled eligible by the Commissioner's Office has increased over the past 3 years. The Commissioner's Office ruled 57 percent of cases eligible during the 2006-2007 school year, 64 percent eligible the following school year, and 73 percent eligible in 2008-2009. The opposite trend holds for the hearing officers and the Board of Control. During the 2006-2007 school year, hearing officers recommended that 53 percent of appealed cases should be considered eligible; they recommended that 40 percent should be eligible in 2008-2009. The Board of Control, which ruled 46 percent of students who appealed eligible in 2006-2007, ruled that 31 percent were eligible in 2008-2009. This pattern may result from the fact that as the Commissioner's Office initially rules more students eligible, the hearing officer and the Board of Control are dealing with cases that are more difficult.

Over the past 3 years, all students transferring to a federal school were ruled eligible. Sixty-three percent of students seeking waivers to play at a private school and 71 percent of students transferring to a public school were ruled eligible.

Eligibility by Type of School. Table 2.7 shows the percentage of domestic students ruled eligible by type of school to which they transferred. The Commissioner's Office ruled all students transferring to a federal school eligible. The Commissioner's Office was relatively consistent with regard to its ruling with students transferring to private versus public schools, ruling eligible 60 percent of students seeking waivers to play at a private school and 65 percent of students transferring to a public school. Of the 250 cases that appealed the initial decision, the hearing officers recommended that 33 percent attending private schools should be considered eligible and that 48 percent of those at public schools should be eligible. The Board of Control ruled that 19 percent of students seeking a waiver to play at a private school who appealed were eligible and that 42 percent of those transferring to a public school who appealed were eligible to play. Overall, 71 percent of domestic transfer students who applied for a waiver to attend a public school were deemed eligible, 63 percent

of those transferring to a private school were ruled eligible, and all students transferring to a federally run school were eligible.

Table 2.7
Eligibility Rulings for Domestic Transfers by Type of Receiving School
(August 2006 to August 2009)

| Type of School | Commissioner's Office | | Appeals | | | Overall % Eligible |
|----------------|-----------------------|------------|---------|----------------------------|-----------------------------|--------------------|
| | Cases | % Eligible | Cases | Hearing Officer % Eligible | Board of Control % Eligible | |
| Federal | 47 | 100% | 0 | | | 100% |
| Private | 152 | 60 | 27 | 33% | 19% | 63 |
| Public | 1,599 | 65 | 225 | 48 | 42 | 71 |
| All Schools | 1,798 | 66% | 250 | 47% | 40% | 72% |

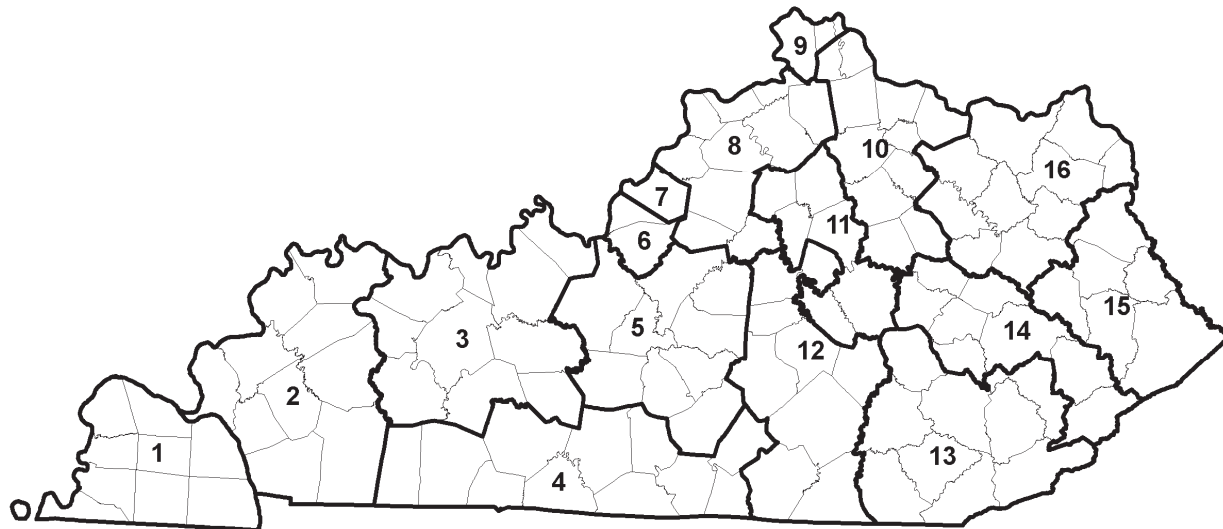
Source: Compiled by Program Review staff from KHSAA records.

In 4 of 16 regions of the state, the overall percentage of students ruled eligible was at least 80 percent. In two regions, the overall percentage of eligible students was less than 60 percent.

Eligibility by Region. Bylaw 6 eligibility cases were analyzed for each of the 16 basketball regions depicted in Figure 2.F. As shown in Table 2.8, the overall percentage of students ruled eligible was at least 80 percent in four regions. For example, the Commissioner's Office ruled on 180 cases from Region 5, which includes portions of Adair, Green, Hardin, LaRue, Marion, Nelson, Taylor, and Washington Counties. Eighty-three percent of students were ruled eligible. Of the 31 cases initially ruled ineligible, 13 appealed. The hearing officers recommended that six of those cases should be considered eligible and seven ineligible. The Board of Control ruled that four students were eligible. By the end of the appeal process, 86 percent of students who requested a transfer waiver to play varsity sports at a school in Region 5 were determined to be eligible.

In two regions, the overall percentage of students eligible was less than 60 percent. For example, the Commissioner's Office ruled on 110 transfer cases of students transferring to schools in Region 6, which includes portions of Jefferson and Bullitt Counties. Fifty-eight of those students were ruled eligible. Of the 52 students who were initially found to be ineligible, 23 appealed to the Board of Control. The hearing officers recommended that three of these students should be considered eligible. The Board of Control's final ruling found that 1 of the 23 who appealed warranted a waiver. The other region for which the overall percentage of students ruled eligible was less than 60 percent was Region 7, which also covers Jefferson County.

Figure 2.F
KHSAA Basketball Regions



Source: Created by Program Review staff from information provided by KHSAA.

Table 2.8
Eligibility Rulings for Domestic Transfers by Region
(August 2006 to August 2009)

| Region | Commissioner's Office | | Appeals | | | Overall % Eligible |
|-------------|-----------------------|------------|---------|----------------------------|-----------------------------|--------------------|
| | Cases | % Eligible | Cases | Hearing Officer % Eligible | Board of Control % Eligible | |
| 1 | 106 | 68% | 14 | 29% | 29% | 72% |
| 2 | 94 | 67 | 12 | 58 | 42 | 72 |
| 3 | 74 | 65 | 6 | 50 | 33 | 68 |
| 4 | 121 | 80 | 12 | 50 | 50 | 85 |
| 5 | 180 | 83 | 13 | 46 | 31 | 86 |
| 6 | 110 | 53 | 23 | 13 | 4 | 54 |
| 7 | 157 | 53 | 19 | 37 | 16 | 55 |
| 8 | 105 | 75 | 6 | 83 | 83 | 80 |
| 9 | 93 | 66 | 12 | 58 | 50 | 72 |
| 10 | 79 | 62 | 10 | 50 | 50 | 68 |
| 11 | 192 | 65 | 37 | 59 | 49 | 74 |
| 12 | 106 | 75 | 15 | 80 | 67 | 84 |
| 13 | 114 | 51 | 23 | 36 | 43 | 60 |
| 14 | 84 | 55 | 19 | 47 | 42 | 64 |
| 15 | 92 | 64 | 17 | 41 | 35 | 71 |
| 16 | 91 | 64 | 12 | 50 | 50 | 70 |
| All Regions | 1,798 | 66% | 250 | 47% | 40% | 72% |

Source: Compiled by Program Review staff from KHSAA records.

Eligibility by Sport. Table 2.9 shows rulings by the sport the student requested eligibility to play at the new school. Because students can choose more than one sport, total requests in the table are greater than the number of students. For example, a student who requested eligibility for volleyball and track would be counted for both sports.

There was less variation in the percentage of students ruled eligible by sport than by region. Depending on the sport, the percentage ranged from 65 percent to 76 percent.

There was less variation in the percentage of students ruled eligible by sport than by region. Overall, the percentage of students ruled eligible ranged from 65 percent (golf) to 76 percent (football, track, volleyball, and wrestling).

Table 2.9
Eligibility Rulings for Domestic Transfers by Sport
(August 2006 to August 2009)

| Sport | Commissioner's Office | | Appeals | | | Overall % Eligible |
|---------------|-----------------------|------------|----------|----------------------------|-----------------------------|--------------------|
| | Requests | % Eligible | Requests | Hearing Officer % Eligible | Board of Control % Eligible | |
| Baseball | 332 | 63% | 62 | 34% | 34% | 69% |
| Basketball | 703 | 64 | 130 | 43 | 37 | 71 |
| Cross Country | 152 | 59 | 27 | 59 | 48 | 68 |
| Football | 594 | 70 | 79 | 46 | 43 | 76 |
| Golf | 85 | 59 | 14 | 43 | 36 | 65 |
| Soccer | 268 | 69 | 36 | 47 | 42 | 75 |
| Fast Pitch | 142 | 62 | 17 | 47 | 35 | 66 |
| Swimming | 71 | 63 | 11 | 64 | 64 | 73 |
| Tennis | 101 | 61 | 20 | 45 | 35 | 68 |
| Track | 381 | 70 | 42 | 60 | 52 | 76 |
| Volleyball | 116 | 73 | 9 | 56 | 33 | 76 |
| Wrestling | 74 | 73 | 6 | 50 | 33 | 76 |
| All Sports | 3,019 | 66% | 453 | 47% | 40% | 72% |

Source: Compiled by Program Review staff from KHSAA records.

Patterns found among types of schools, regions, and sports may differ in other years, but it is possible that rules for determining eligibility for transfer students may have the unintended consequence of affecting groups of students disproportionately. Part of the Board of Control's oversight role should include investigating such patterns. This requires timely and specific information regarding student eligibility rulings.

Conclusion. It should be noted that these patterns among types of schools, regions, and sports may differ in time periods not analyzed for this report. For cases considered by the hearing officers and the Board of Control, the number of cases is very low in some instances. For example, there were only six cases for region 3 (Table 2.8) and six cases for wrestling (Table 2.9). For each example, one more student declared eligible would have increased the percentage from 33 percent to 50 percent.

It is possible, however, that rules for determining eligibility of transfer students may have the unintended consequence of affecting groups of students disproportionately. Part of the oversight role of the Board of Control could include investigating any such patterns. To do this, however, timely and specific information is required regarding students who are the subject of eligibility rulings. For the groupings analyzed in this report, Program Review staff coded each eligibility case, usually based on information gathered from paper files. This takes too much time to be feasible for the board or for existing KHSAA staff.

An eligibility process in which member schools submit needed information electronically could help facilitate this. Another possible benefit would be to reduce the time it takes for schools to submit requests for eligibility rulings to KHSAA.

A potential solution is to move as quickly as is feasible toward an eligibility process in which member schools submit needed information electronically rather than by paper forms as in the current system. An electronic system could also be set up so that eligibility cases are automatically coded based on criteria that might be of interest to the board in evaluating eligibility decisions in a comprehensive and timely manner. Another possible benefit would be to reduce the time it takes for schools to submit needed information to KHSAA, which is currently the slowest part of the eligibility process.

Recommendation 2.3

Recommendation 2.3

The Kentucky High School Athletic Association should consider creating an electronic system for processing the forms and other information required to determine the eligibility of student athletes.

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Appendix A

How This Study Was Conducted

At its November 2008 meeting, the Program Review and Investigations Committee directed staff to conduct a study of the Kentucky High School Athletic Association. To complete this study, staff reviewed relevant state statutes and regulations; reviewed policies and procedures, the constitution, and bylaws of KHSAA; and reviewed documents from state activity associations in other states.

Program Review staff interviewed staff and current and former board members of KHSAA, officials from the Kentucky Board of Education and the Kentucky Department of Education, athletic directors of public and private high schools, and parents.

Staff attended a meeting of the Local Superintendents Advisory Committee, eligibility hearings conducted by KHSAA hearing officers, meetings of the KHSAA Board of Control, and the KHSAA Annual Meeting of Delegates.

Staff analyzed KHSAA financial data and compiled and analyzed data on KHSAA eligibility cases.

Appendix B

Summary of Kentucky High School Athletic Association Bylaws

| Bylaw | Topic | Summary |
|-------|--|---|
| 1 | School-level responsibility | The principal of a member school has ultimate responsibility for eligibility issues and interscholastic contests. The principal may designate someone at the school to handle day-to-day operations of the interscholastic program. |
| 2 | Requirements for physical examination, parental consent, and insurance | A student athlete must submit a signed physical examination certification form and a parental consent form to participate in sports. The parental consent form includes an acknowledgment that parents received information on KHSAA's eligibility rules. A student athlete must have adequate health insurance coverage. |
| 3 | Age | A student is ineligible to play high school sports if he or she becomes 19 years old before Aug. 1. This rule is also codified in KRS 156.070(2)(e). |
| 4 | Enrollment | A student has 4 years of high school eligibility after promotion to grade 9. The student must enroll no later than 20 days from the beginning of a semester to be eligible in that semester. |
| 5 | Academic requirement | The student must be in proper grade level, meet yearly requirements as to graduation schedule, and must be passing 4 hours of instruction per week to be eligible for contests in the subsequent week. |
| 6 | Transfer rule-domestic students | A student is ineligible for sports for 1 year if he or she transfers to a new high school and has participated in varsity sports at the previous high school. There are 9 exceptions used for waiving this rule. |
| 7 | Transfer rule-foreign exchange students | Foreign exchange students to Kentucky are considered ineligible for sports for the first calendar year of enrollment. |
| 8 | Contestant on other teams | A student who is eligible and has been a contestant in football or basketball during the school year cannot participate in that sport for a nonschool team for the remainder of the school year. |
| 9 | Other eligibility requirements | An ineligible player may not practice with teams. A student is ineligible if the student has graduated high school or ever played on a college team. Students or officials may be ineligible because of imposed penalties, disciplinary action, or inappropriate conduct. |

| Bylaw | Topic | Summary |
|--------------|-----------------------------------|---|
| 10 | Recruitment | No student shall be recruited to play sports at any member school. The bylaw defines recruitment and lists parties that may be held responsible for recruiting violations. |
| 11 | Practice of sportsmanship | All member school officials and student athletes must maintain good sportsmanship practices. Anyone ejected from a sports contest for a sportsmanship violation must be reinstated by the commissioner or an assistant commissioner before resuming interscholastic contests. |
| 12 | Amateur requirement; awards | Students participating on behalf of member schools must be amateurs. Awards may not be cash or cash equivalent, nor have a value of more than \$300. |
| 13 | Financial aid | The bylaw includes multiple definitions, examples of impermissible financial aid, and restrictions and reporting requirements for financial aid. A student receiving merit financial aid totaling more than 25 percent of tuition cost is ineligible. |
| 14 | Certification of eligibility | A member school must certify the eligibility of all sports contestants. The bylaw explains how verification of eligibility is to be obtained and other duties relating to eligibility certification and penalties. |
| 15 | Requests for rulings | Member schools must submit requests to the KHSAA Commissioner in writing. |
| 16 | Reporting of violations; protests | Any person reporting a violation to KHSAA must do so in writing. Protests made against officials' decisions during the course of a game are not considered. |
| 17 | Supplying information | A member school, including students, must supply athletic program information at the request of the Commissioner. Each member school must annually certify that it will abide by rulings of KHSAA. |
| 18 | Countersigning contracts | A school official (superintendent, principal, or designated representative) must countersign all interscholastic contest contracts. |
| 19 | Submission of reports | To continue membership, member schools must submit participation lists and other required reports at the end of the school year. |
| 20 | Faculty to accompany teams | A school faculty member must accompany a sports team to all contests. |
| 21 | Rules governing contests | National Federation of State High School Association Rules govern contests involving member schools for all sports for which official rules are issued. |
| 22 | Specific sports regulations | The regulation concerning girls' basketball state championship is sanctioned by the Board of Control. Schools must sponsor athletic opportunities in a sport for which NCAA offers a scholarship when possible (this is also codified in KRS 156.070(2)(a)). |
| 23 | Sanctions | KHSAA rules govern in-state contests of member schools. For interstate contests, member schools will be governed by the National Federation of State High School Associations' restrictions and sanctioning policy. |

| Bylaw | Topic | Summary |
|--------------|------------------------------------|---|
| 24 | Forfeits | All contests in which an ineligible player participated are forfeited to the other team. This includes forfeiture of a game for failure to play a scheduled contest and forfeiture of a fee for failure to follow contract terms. |
| 25 | Limitation of seasons | The bylaw covers restrictions of sports seasons, including penalties for too many contests or scrimmages. |
| 26 | Summer sports | The bylaw provides specifications for completing seasons of certain sports in summer and the requirements of suspended sports activity for a period in summer. |
| 27 | Requirement for coaches | The bylaw includes definitions of coaches, and hiring, employment, compensation, and training requirements for coaches. |
| 28 | Distribution of tournament profits | At least 75 percent of net profits from regular season tournaments are to be divided among participating schools. |
| 29 | Officials division | Officials who must be licensed by KHSAA are specified. Other requirements for officials are listed. |
| 30 | Coaches cannot officiate | Coaches are not to officiate at contests unless all competitors give written permission. |
| 31 | Use of licensed officials | Baseball, basketball, football, soccer, softball, volleyball or wrestling may only use officials licensed by KHSAA. |
| 32 | Professional baseball contracts | A KHSAA member school student may not sign a professional baseball contract until the day after graduation. |
| 33 | Imposition of penalties | Penalties for violations of rules are defined. Penalties may include fines, forfeitures, warnings, letters of reprimand, probation, suspensions, restitution, redistribution, and vacating or striking records. |

Source: Compiled by Program Review staff from Kentucky. 2009-2010.

Appendix C

Statutory Authority for the Kentucky High School Athletic Association

KRS 156.070 General powers and duties of state board.

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
 - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.
 - (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.
 - (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or bylaws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.

- (d) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced registered nurse practitioner, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any high school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.
- (e) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be made, and the student shall be eligible for high school athletics in Kentucky if the student:
1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
 2. Was retained in the primary school program because of an ARC committee recommendation; and
 3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (f) If the state board or any agency designated by the state board to manage interscholastic athletics promulgates administrative regulations that permit a school district to employ or assign nonteaching personnel to serve in a coaching position, those administrative regulations shall apply to all sports and sports activities, including basketball and football. The administrative regulations shall give preference to the hiring or assignment of certified personnel over nonteaching personnel in coaching positions.

Appendix D

Regulatory Requirements of the Kentucky High School Athletic Association

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

RELATES TO: KRS 156.070(2)

STATUTORY AUTHORITY: KRS 156.070(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(2) 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 administrative regulation designates an agent for high school athletics; establishes the financial planning and review processes for the agent; and incorporates by reference the bylaws, procedures and rules of the agent.

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

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

- (1) Accept four (4) at-large members appointed by the Kentucky Board of Education to its governing body;
- (2) Sponsor an annual meeting of its member schools;
- (3) Provide for each member school to have a vote on constitution and bylaw changes submitted for consideration;
- (4) Provide for regional postseason tournament net revenues to be distributed to the member schools in that region participating in that sport, utilizing a share approach determined by the schools within that region playing that sport;
- (5) Require its governing body to annually establish goals and objectives for its commissioner and perform a self-assessment and submit the results annually to the KBE by October 31;
- (6) Advise the Department of Education of all legal action brought against the KHSAA by October 31;
- (7) Permit a board of control member to serve a maximum of two (2) consecutive four (4) year terms with no region represented for more than eight (8) consecutive years;
- (8) Employ a commissioner and evaluate that person's performance annually by October 31, and establish all staff positions upon recommendation of the commissioner;
- (9) Permit the commissioner to employ other personnel necessary to perform the staff responsibilities;
- (10) Permit the Board of Control to assess fines on a member school;
- (11) Utilize a trained independent hearing officer instead of an eligibility committee for an appeal;
- (12) Establish a philosophical statement of principles to use as a guide in an eligibility case;

- (13) Conduct field audits of the association's entire membership over a five (5) year period regarding each school's compliance with 20 U.S.C. Section 1681 (Title IX) and submit summary reports including the highlighting of any deficiencies in compliance on a regular (not less than three (3) times annually) basis to the Kentucky Board of Education as requested;
- (14) As a condition precedent to membership, require each member school and superintendent to annually submit a written certification of compliance with 20 U.S.C. Section 1681 (Title IX);
- (15) Conduct all meetings in accordance with KRS 61.805 through 61.850;
- (16) Provide written reports of any investigations into possible violations of statute, administrative regulation, KHSAA Constitution, bylaws, and other rules governing the conduct of interscholastic athletics conducted by KHSAA or their designees to the superintendent and principal of the involved school district and school prior to being made public; and
- (17) Not punish or sanction, in any manner, a school, student, coach, or administrator for allowing a student to play in an athletic contest or practice with the team during a time when an order of a court of competent jurisdiction permits the student to participate or otherwise stays or enjoins enforcement of a KHSAA final decision on eligibility.

Section 3. Financial Planning and Review Requirements.

- (1) KHSAA shall annually submit the following documents to the KBE by October 31:
 - (a) Draft budget for the next two (2) fiscal years, including the current year;
 - (b) End-of-year budget status report for the previous fiscal year;
 - (c) Revisions to the KHSAA Strategic Plan as a result of an annual review of the plan by the KHSAA governing body;
 - (d) A summary report of operations including summaries of financial, legal, and administrative actions taken and other items ongoing within KHSAA. This report shall also include a summary of items affecting:
 1. Athletic appeals and their disposition including the name of the individual, grade, school, and the action taken by KHSAA;
 2. Eligibility rules;
 3. Duties of school officials;
 4. Contests and contest limitations;
 5. Requirements for officials and coaches; and
 6. Results of a biennial review of its bylaws that results in a recommendation for a change, directing any proposals for change in association rules to be considered for vote by the member schools at the next legislative opportunity; and
 - (e) A review of all items which have been submitted to the membership for approval through the processes established in the KHSAA Constitution and the result of the voting on those issues.
- (2) The KHSAA shall annually submit by December 31, audited financial statements with the KHSAA Commissioner's letter addressing exceptions or notes contained in management correspondence, if any.

Section 4. The bylaws, tournament rules, and due process procedures, Board of Control policies, membership renewal application, new member application, of the KHSAA Handbook, Fall 2009, September 10, 2007, shall apply to high school interscholastic athletics in Kentucky.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:


- (a) "KHSAA Constitution," 4/2009;
- (b) "KHSAA Bylaws," 4/2009;
- (c) "KHSAA Due Process Procedure," 4/2009;
- (d) "KHSAA Board of Control Policies," 4/2009;
- (e) "KHSAA Officials Division Guidebook," 4/2009;
- (f) "KHSAA Form BA101- Baseball Pitching Limitation," 4/3/2009;
- (g) "KHSAA Form BA106- Baseball Tournament Financial Report - District," 2/1/1998;
- (h) "KHSAA Form BA107- Baseball Tournament Financial Report - Regional," 4/1/1998;
- (i) "KHSAA Form BA108- Baseball Tournament Financial Report - Semi State," 4/7/2009;
- (j) "KHSAA Form BK105- Basketball Tournament Financial Report - District," 1/6/2009;
- (k) "KHSAA Form BK106- Basketball Tournament Financial Report - Regional," 1/6/2009;
- (l) "KHSAA Form FB102- Football Financial Report," 9/7/2009;
- (m) "KHSAA Form FB103- Football Spring Football Practice," 2/5/2009;
- (n) "KHSAA Form FB109- Football Scrimmage Report," 7/8/2009;
- (o) "KHSAA Form FB122- Football Contact Practice Log," 6/6/2009;
- (p) "KHSAA Form GE1- Membership Renewal," 7/9/2009;
- (q) "KHSAA Form GE2- New Membership Application," 4/9/2009;
- (r) "KHSAA Form GE3- Participation List," 4/9/2009;
- (s) "KHSAA Form GE4- Physician & Parental Permission Form," 4/9/2009;
- (t) "KHSAA Form GE6- Domestic Transfer," 6/8/2009;
- (u) "KHSAA Form GE7- Non Domestic Eligibility," 4/9/2009;
- (v) "KHSAA Form GE14- Contract for Athletic Contests," 4/9/2009;
- (w) "KHSAA Form GE15- Certification of Eligibility," 4/9/2009;
- (x) "KHSAA Form GE16- Statutory Waiver of Bylaw 3," 7/7/2009;
- (y) "KHSAA Form GE18- Survey for Sports Offerings," 4/8/2009;
- (z) "KHSAA Form GE19- 09-10 Title IX Procedures Verification," 4/9/2009;
- (aa) "KHSAA Form GE20- Heat Index Record," 4/9/2009;
- (bb) "KHSAA Form GE26- Financial Aid Report," 4/9/2009;
- (cc) "KHSAA Form GE35- Waiver - 20 Day Notice," 6/7/2009;
- (dd) "KHSAA Form GE36- Add. Info for Appeal," 6/7/2009;
- (ee) "KHSAA Form GE39- Report of Need Based Financial Aid Awarded," 9/1/2009;
- (ff) "KHSAA Form SB106- Softball Financial Report - District," 5/6/2009;
- (gg) "KHSAA Form SB108- Softball Financial Report - Region," 4/6/2009;
- (hh) "KHSAA Form SB111- Softball Transportation & Declaration Form," 4/6/2009;
- (ii) "KHSAA Form SO101- Soccer Financial Report - District," 4/9/2009;
- (jj) "KHSAA Form SO102- Soccer Financial Report - Region," 4/9/2009;

- (kk) “KHSAA Form SO103- Soccer Financial Report - Sub-Sectional ,” 4/9/2009;
 - (ll) “KHSAA Form SO104- Soccer Financial Report - Sectional,” 4/9/2009;
 - (mm) “KHSAA Form SO111- Soccer Hard Cast / Face Mask / Concussion,” 7/6/2009;
 - (nn) “KHSAA Form SW105- Swimming Financial Report - Region,” 1/6/2009;
 - (oo) “KHSAA Form SW119- Swimming Transportation & Declaration Form,” 1/6/2009;
 - (pp) “KHSAA Form T1- Title IX Accom. Of Interests & Abilities,” 4/9/2009;
 - (qq) “KHSAA Form T2- Title IX Accom. Of Interests & Abilities,” 4/9/2009;
 - (rr) “KHSAA Form T3- Title IX Accom. Of Interests & Abilities,” 10/8/2009;
 - (ss) “KHSAA Form T35- Title IX Actual Expenditures Comparison 1 + Booster Club,” 4/9/2009;
 - (tt) “KHSAA Form T36- Title IX Actual Expenditures Comparison 2 + Booster Club,” 4/9/2009;
 - (uu) “KHSAA Form T4- Title IX Accom. Of Interests & Abilities,” 4/9/2009;
 - (vv) “KHSAA Form T41- Title IX Athletics Audit Checklist,” 4/9/2009;
 - (ww) “KHSAA Form T50- Title IX Title IX Re-Visit ,” 4/1/2000;
 - (xx) “KHSAA Form T60- Title IX Corrective Action,” 4/1/2000;
 - (yy) “KHSAA Form T61- Title IX Interscholastic Athletics Student Survey,” 4/9/2009;
 - (zz) “KHSAA Form T63- Title IX Interscholastic Athletics Survey,” 4/9/2009;
 - (aaa) “KHSAA Form T70- Title IX Participation Opportunities,” 4/9/2009;
 - (bbb) “KHSAA Form T71- Title IX Benefits - Summary 1,” 4/9/2009;
 - (ccc) “KHSAA Form T72- Title IX Benefits - Summary 2,” 4/9/2009;
 - (ddd) “KHSAA Form T73- Title IX Re-Visit - Publicity Support Group,” 4/9/2009;
 - (eee) “KHSAA Form VB101- Volleyball Financial Report,” 8/6/2009;
 - (fff) “KHSAA Form WR101- Wrestling Permission Form,” 12/5/2009;
 - (ggg) “KHSAA Form WR111- Wrestling Skin Condition & Unconscious,” 9/8/2009;
 - (hhh) “KHSAA Form WR119- Wrestling Declaration Form,” 1/1/1999;
 - (iii) “KHSAA Form WR126- Wrestling Weight Certif. Program Assessor,” 9/6/2009; and
 - (jjj) “Kentucky High School Athletic Association Handbook,” 5/2009.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal and Legislative Services, Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (13 Ky.R. 835; eff. 11-11-86; Am. 14 Ky.R. 989; eff. 12-11-87; 15 Ky.R. 1153; eff. 1-7-89; 16 Ky.R. 1255; eff. 2-3-90; 2459; eff. 7-12-90; 17 Ky.R. 451; 1484; eff. 12-7-90; 18 Ky.R. 1200; eff. 12-8-91; 19 Ky.R. 514; eff. 10-1-92; 1419; eff. 2-4-93; 20 Ky.R. 2900; 3203; eff. 6-14-94; 22 Ky.R. 1728; eff. 5-16-96; 24 Ky.R. 174; 573; eff. 9-4-97; 25 Ky.R. 127; 1046; eff. 11-5-98; 26 Ky.R. 1448; eff. 3-10-2000; 27 Ky.R. 1869; 2438; eff. 3-19-2001; 28 Ky.R. 2446; 29 Ky.R. 108; eff. 7-15-2002; 30 Ky.R. 2378; 31 Ky.R. 75; eff. 8-6-04; 1895; eff. 8-5-05; 32 Ky.R. 1769; eff. 6-2-06; 33 Ky.R. 3461; 34 Ky.R. 40; 726; eff. 9-10-07; 35 Ky.R. 2158; 36 Ky.R. 63; eff. 7-13-2009.)

Appendix E

KHSAA Domestic Student Transfer Form

Note: The layout of the form was revised slightly to fit on the pages of this appendix.

| | |
|--|---|
|  | <p>KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION DOMESTIC STUDENT TRANSFER FORM – 2009-2010</p> <p><i>THIS FORM MAY NOT BE FAXED TO THE KHSAA. STUDENT IS NOT ELIGIBLE UNTIL RULING ISSUED BY COMMISSIONER. INCOMPLETE OR ILLEGIBLE FORMS WILL BE RETURNED WITHOUT PROCESSING.</i></p> |
| <p>GENERAL INSTRUCTIONS FOR COMPLETION OF THE KHSAA TRANSFER FORM. TO BE COMPLETED ON ALL STUDENTS WHO DID NOT INITIALLY ENROLL AT THE KHSAA MEMBER SCHOOL IN GRADE NINE (9)</p> | |
| <ol style="list-style-type: none"> 1. The Receiving School is the KHSAA member school in which the student is enrolled and for which he/she is requesting eligibility. 2. The Sending School is normally the most recent school in which this student was enrolled and participated in interscholastic athletics. For students who have attended multiple schools, this is the last school at which the student participated in varsity athletics after enrolling in grade nine (9). 3. Upon receipt, the form will be reviewed by the Commissioner's Office and a ruling will be issued. 4. For processing, allow a minimum of three (3) working days to ensure time for verification of the data and be mindful that in accordance with the Due Process Procedure, the Commissioner's Office has thirty (30) days to rule, and additional time if investigation is necessary. 5. Only the Principal and/or Designated Representative of a member school may inquire as to the processing status of the form. Member schools will be given information as to the proper procedure for such verification. 6. The waiver of Bylaw 6 does not in and of itself declare the student eligible. It is the responsibility of the member school to verify that the student is eligible according to all other bylaws. | |
| <p>SPECIFIC INSTRUCTIONS FOR THE RECEIVING SCHOOL</p> | |
| <ol style="list-style-type: none"> 1. This form is for use with domestic students enrolling in a KHSAA member school and is to be processed between school administrators and may not involve parental intervention in its delivery. 2. Complete this form for <u>any</u> student transferring into a school who has not been continually enrolled in the receiving school since ninth grade <u>or</u> if the student is below grade nine (9) and has already participated in sports during the current school year. 3. Students may not practice, scrimmage (inter or intra-school) or play in contests until being ruled eligible by the Commissioner's office if a ruling is required. Member school(s) will be penalized for such participation. 4. Verification as to a student not having participated in varsity athletics at his/her former school SHALL be in writing (using page two of this form) and kept on file until the student graduates. No ruling is necessary if the Sending School response indicates that the student athlete has not participated in varsity athletics. 5. The Receiving School may need to verify with multiple schools as to the participation history if the student has attended more than one high school after enrolling in grade nine. 6. The Receiving School shall complete page two of this form if there is doubt about the student's participation at the varsity level. This shall then be sent to the Sending School to verify and determine if the completion of pages four through nine are required. 7. If the Sending School verifies that there has been no varsity participation, and the student is deemed eligible by the Receiving School according to all other bylaws, the form (page two of this form), should be placed with the student's permanent record and no other action is necessary to allow the student to participate. 8. If the Sending School verifies that the student has participated in varsity athletics, then the Receiving School shall complete all requested and required information on pages four through six of the form and send the form in its entirety (pages two, and four through six) to the Sending School. 9. The Receiving School should maintain a copy in case of problems with mail or other delivery. 10. After signing the form, the Receiving School should collect any additional necessary documentation (custody orders, home sale verification), and should check the form to be sure all requested and required information has been properly completed. 11. Once verified, the Receiving School shall submit all pages (pages four through nine) to the KHSAA for an eligibility ruling. | |
| <p>SPECIFIC INSTRUCTIONS FOR THE SENDING SCHOOL</p> | |
| <ol style="list-style-type: none"> 1. This form is for use with domestic students enrolling in a KHSAA member school AND IS to be processed between school administrators and may not involve parental intervention in its delivery. 2. If a Sending School receives only page two of the form, the Sending School shall verify whether or not the student has participated at the varsity level after enrolling in grade nine, sign the form, and return it to the receiving school. 3. If a Sending School receives the entire form (pages four through six), then the Sending School shall review the information on pages four through six of the form submitted by the Receiving School, and then complete all requested and required information on page seven through nine of the form. The Sending School representative shall then sign the appropriate lines on the form and send the form in its entirety back to the Receiving School. 4. If desired, the Sending School should maintain a copy in case of problems with mail or other delivery. 5. KHSAA member schools will be penalized in accordance with Bylaw 33 for failing to return the transfer form to the Receiving School within seven (7) working days of receipt. 6. Non-KHSAA members will be referred to the appropriate State High School Association for assistance if there is delay in the processing of this form. 7. Member schools are reminded that the Sending School has no authority in making the eligibility determination, but must simply report the facts according to the permanent record and other verified data on the form. | |

| USE THIS FORM TO DETERMINE IF THE STUDENT HAS PREVIOUSLY PARTICIPATED AT THE VARSITY LEVEL. IF SUCH PARTICIPATION IS VERIFIED, ALL PAGES MUST BE COMPLETED AND EXCHANGED BETWEEN THE SCHOOLS. | | | | | |
|--|--|--------|--|----|--|
| This information is to be completed by the Receiving School (KHSAA school desiring eligibility for the student.) NOTE: If the responses to 1 and 2 are both NO, then no ruling will be necessary by the KHSAA in this case, this form is to be placed on file at the Receiving school until the student graduates and is not to be sent to the KHSAA. | | | | | |
| Information Needed | | | These lines are to be completed by the Receiving School | | |
| Student Name | | | | | |
| Date of Enrollment at Receiving School | | | | | |
| Name of Receiving School | | | | | |
| Current Grade in school | | | | | |
| Student's Enrollment History (list school(s) attended) each year) | Grade | School | Varsity Play (Yes/No)? | | |
| | 9 | | | | |
| | 10 | | | | |
| | 11 | | | | |
| 12 | | | | | |
| Birth Date | | | Age (as of this date) | | |
| Print Name of Person Signing this Form and Position at the school | | | | | |
| Date | Signature | | Daytime Phone | | |
| NOTE: THIS FORM IS NOW TO BE SENT TO THE SENDING SCHOOL AFTER COMPLETION OF THE ABOVE SECTION TO DETERMINE IF ADDITIONAL INFORMATION IS NECESSARY. | | | | | |
| This information is to be completed by the Sending School (last school where student attended and participated in varsity interscholastic athletics) NOTE: If the responses to 1 and 2 are both No, then no ruling will be necessary by the KHSAA in this case, this form is to be placed on file at the Receiving school until the student graduates and is not to be sent to the KHSAA. | | | | | |
| Information Needed | | | These lines are to be completed by the Sending School | | |
| Name of Sending School (last school at which student played varsity athletics) | | | | | |
| Complete Address of Sending School | | | | | |
| Phone Number of Sending School | | | | | |
| 1 | Has this student participated in VARSITY athletics representing this school after enrolling in grade 9? (check response) | YES | | NO | |
| 2 | Has this student participated in VARSITY athletics representing this school during the current school year? (check response) | YES | | NO | |
| Print Name of Person Signing this Form | | | Position in School | | |
| Date | Signature | | Daytime Phone | | |
| NOTE: THIS FORM IS NOW TO BE SENT BACK TO THE RECEIVING SCHOOL | | | | | |
| NOTE: IF THE RESPONSE TO 1 AND 2 ARE BOTH NO, NO RULING WILL BE NECESSARY BY THE KHSAA IN THIS CASE AND THE FORM IS TO BE PLACED ON FILE AT THE RECEIVING SCHOOL UNTIL THE STUDENT GRADUATES. IF THIS IS THE CASE, DO NOT SEND THIS FORM TO THE KHSAA. IF THE ANSWER TO 1 OR 2 IS YES, THEN COMPLETE THE REMAINDER OF THE FORM (PAGES 3 AND 4) AND FOLLOW THE SUBMISSION INSTRUCTIONS ON PAGE 1 | | | | | |
| The complete text of Bylaw 6, Transfer Rule, is contained on page three of this form, and in the KHSAA Handbook as well as interpretations that have established enforcement precedents. Rulings are issued based solely on the issue of Bylaw 6, Transfer Rule. No verbal statement in addition or in contradiction to these materials shall apply. | | | | | |

Below is the 2008-2009 KHSAA Bylaw 6, Transfer Rule. School Officials Completing Pages 4 through 7 of this form are to answer all questions with specific reference to the wording of the rule as adopted.

Bylaw 6. Transfer Rule - Domestic Students – Reprinted from 2008-2009 KHSAA Handbook

Sec. 1) Domestic Student Transfer

Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school following enrollment in grade nine (9) and who then transfers schools shall be ineligible for interscholastic athletics at any level in any sport 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 or more of the following exceptions in Section 2 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.

Sec. 2) Discretionary Exceptions for Waiver

a) **BONA FIDE CHANGE IN RESIDENCE** - The period of ineligibility may be waived 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 bona fide change of residence means the moving of the permanent residence of the entire family of the student and the student's 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 or her emancipation and change of residence for purposes of this bylaw.

b) **DIVORCE** - The KHSAA shall not recognize a legal separation as grounds for waiver of the provisions of this bylaw. The period of ineligibility may be waived 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 initially be eligible where either parent resides.

The eligibility of a student may be restored one-time if, after establishing eligibility and complying with the initial court order granting joint custody, a student relocates to permanently reside with the other custodial parent. The grant of eligibility shall only apply to the member school in which the residence of the custodial parent is located. After this one time move by the student to the other custodial parent all subsequent moves between parents shall require a period of ineligibility of one year.

c) **CHANGE OF CUSTODY** - The KHSAA shall not recognize guardianship or similar arrangements made, for purposes of this bylaw. The period of ineligibility may be waived if it is shown that custody of the student has been taken from one or both parents and given to the other parent or a third person by a court of competent jurisdiction and under circumstances indicating: (1) the parent(s) 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** - The period of ineligibility may be waived in the event the death of one or both of the student's custodial parents creates the circumstances that the transfer to another secondary school is deemed appropriate.

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

f) **NON ATHLETIC PARTICIPATION FOR AN ENTIRE SCHOOL YEAR** - The period of ineligibility may be waived in the event that the transferring student did not participate in an interscholastic contest at any level in any sport while enrolled in grades nine through twelve at the sending school during the entire academic school year immediately preceding the change in schools.

g) **REASSIGNMENT BY BOARD OF EDUCATION** - The period of ineligibility may be waived if the student has changed schools through a properly documented reassignment of the Board of Education to another school. To meet this exception for a reassignment, reasons for the assignment may include 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. That assignment may be to the public school district should a private, parochial or independent school close.

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

i) **MILITARY ASSIGNMENT** - The period of ineligibility may be waived for a student transferring in a situation where documentation is presented to verify that the change in education and living arrangements is directly related to an order from any branch of the United States military service, including the reserve components.

Sec. 3) Specific Restrictions Resulting in Denial of Waiver

Satisfying of one of the exceptions (a through i) shall not be considered valid and a waiver of the period of ineligibility shall not be granted—

a) 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;

b) If the satisfying of one of the exceptions occurs after the enrollment at the new school;

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

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

e) 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.

Sec. 4) Other Transferring Student Restrictions and Procedures

a) The Commissioner may appoint or hire a committee or investigator to conduct any inquiry or investigation concerning any issues arising under this bylaw or any other bylaw.

b) 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 the objection, then a complete investigation shall be conducted by the KHSAA and a ruling shall be issued through the Commissioner's office.

c) A student enrolled in grades 4-12 who has participated in a first team game shall not 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 (i) above.

d) A student is ineligible for athletics in this state if he or she transfers from another state if the student was or would have become ineligible in the state from which he or she transfers.

| TRANSFER FORM – RECEIVING SCHOOL SUPPLEMENTAL INFORMATION TO BE COMPLETED IF THE STUDENT HAS PARTICIPATED IN VARSITY ATHLETICS AFTER ENROLLING IN GRADE NINE, OR IF THE STUDENT HAS PARTICIPATED IN VARSITY ATHLETICS DURING THE CURRENT SCHOOL YEAR AND THEREAFTER CHANGES SCHOOLS DURING THE SAME SCHOOL YEAR. THE FOLLOWING INFORMATION IS TO BE COMPLETED BY THE RECEIVING SCHOOL and all information on these pages should then be forwarded to the SENDING SCHOOL in order to allow that school to complete their portion of the form. | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|---|--|--|----|-----|--|----|--|--|----|--|
| Student Name | | | | | | | | | | | | | | | | |
| 3 | Sport(s) in which student desires to participate (Check applicable) BA-Baseball, BK-Basketball, XC-Cross Country, FB-Football, GF-Golf, SO-Soccer, FP-Fast Pitch, SW-Swimming, TN-Tennis, TR-Track, VB-Volleyball, WR-Wrestling | | | | | BA | | | BK | | | XC | | | FB | |
| | | | | | | GF | | | SO | | | FP | | | SW | |
| | | | | | | TN | | | TR | | | VB | | | WR | |
| 4 | Street Address of this student and family while attending the Receiving School (use 911 address, do not use PO Box) | | | | | | | | | | | | | | | |
| 5 | Name of the person with whom the student currently resides at the address as listed in response 5. If this individual(s) is different than the response to number 6 below, please explain. Attach additional response if necessary. | | | | | | | | | | | | | | | |
| 6 | Name and relationship of the individual(s) who has legal custody (care and support) of this student (Mother, Father, Other). Response should include the name of the individual and the relationship to the student | | | | | | | | | | | | | | | |
| 7 | Date the student and family moved into the address listed in Question 4? | | | | | | | | | | | | | | | |
| 8 | Phone number (day and night) of student and family according to school records. | | | | | | | | | | | | | | | |
| 9 | The Receiving School requests a waiver of the one-year period of eligibility due to exception (check one) | | | | | | | | | | | | | | | |
| | a) Bona fide Change in Residence | | | | | f) Non athletic participation for an entire school year | | | | | | | | | | |
| | b) Divorce | | | | | g) Reassignment by Board of Education | | | | | | | | | | |
| | c) Change of Custody | | | | | h) Transfer from Non-Member school | | | | | | | | | | |
| | d) Death of One or More Custodial Parents | | | | | i) Military Assignment | | | | | | | | | | |
| | e) Boarding School | | | | | OTHER (INCLUDE LETTER DETAILING CIRCUMSTANCES) | | | | | | | | | | |
| 10 | COMMENTS. Please record any notes concerning school change (<i>attach additional letter if necessary or if more space is needed</i>) | | | | | | | | | | | | | | | |
| <p>Complete lines 11-17 if you are applying for a waiver of the Bylaw according to subsection (a), Bona fide Change in Residence. If applying for this exception, additional written documentation is required to accompany this form to verify the circumstances surrounding the bona fide change which may include sales documents, contracts or rental agreements. Carefully read the definition of a bona fide change in address, along with each question and request for information.</p> <p>a) BONA FIDE CHANGE IN RESIDENCE - The period of ineligibility may be waived 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 bona fide change in residence means the moving of the permanent residence of the entire family 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 in residence by virtue of his/her emancipation and change in residence for purposes of this bylaw.</p> | | | | | | | | | | | | | | | | |
| 11 | Who owns/leases/rents the Receiving School residence listed in the Question 4? (parents, relative, etc) | | | | | | | | | | | | | | | |
| 12 | Status of CURRENT residence listed in Question 4? | | | | | | | | | | | | | | | |
| | Property is owned by student's custodial family | | | | | | | | | | | | | | | |
| | Property sale is pending (ENCLOSE COPY OF CONTRACT OR SALE PENDING VERIFICATION) | | | | | | | | | | | | | | | |
| | Property is lease/rental property with a minimum of at least a 12-month lease agreement (PROVIDE COPY OF LEASE) | | | | | | | | | | | | | | | |
| | Other arrangement (detail on line below) | | | | | | | | | | | | | | | |
| 13 | Does any member of the school system staff, including but not limited to coaching or athletic staff members, have any ownership interest in the property listed in Question 4? | | | | | | | | | YES | | NO | | | | |

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| 14 | What specific public/independent school district includes the address listed in Question 4 above (list specific public school not school system, in the case of multiple schools, list the "resides" or assigned school). | | | |
| 15 | Status of former residence listed in Question 32? RECEIVING SCHOOL MAY NEED TO WAIT TO COMPLETE THIS INFORMATION UNTIL SENDING SCHOOL PORTION IS COMPLETE | | | |
| | House has been sold and closing has been completed. | | | |
| | House has been listed on with a realtor (ENCLOSE COPY OF LISTING AGREEMENT) | | | |
| | House has been listed, sale is pending (ENCLOSE COPY OF CONTRACT OR SALE PENDING VERIFICATION) | | | |
| | House is still owned/maintained by custodial family | | | |
| | Rental/Lease agreement has expired and property is leased/rented to another party outside of the custodial family (ADDITIONAL DOCUMENTATION MAY BE REQUIRED) | | | |
| | Other arrangement (detail on line below) | | | |
| | | | | |
| 16 | If the Status in line 15 IS STILL OWNED/MAINTAINED, is the residence occupied by a member of the student's family? IF YES, DESCRIBE IN LINE 10 OR IN ATTACHED LETTER | YES | | NO |
| 17 | For purposes of this bylaw, a bona fide change in residence means the permanent moving of the student and his/her custodial parents from one school district 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 in residence by virtue of his/her emancipation and change in residence for purposes of this bylaw. According to this definition , does this member school claim that this student and his/her custodial family had a bona fide change in residence? | YES | | NO |
| <p>Complete line 18 if you are applying for a waiver of the period of ineligibility according to subsection (b) Divorce. If applying for this exception, additional written documentation is required to accompany this form to document that the action preceded the first date of enrollment for the student. Carefully read this exception, along with the request for information.</p> <p>b) DIVORCE - The KHSAA will not recognize a legal separation as grounds for waiver of the provisions of this bylaw. The period of ineligibility may be waived 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 initially be eligible where either parent resides. After initially establishing eligibility with one parent, all subsequent transfers will require a period of ineligibility of one year. 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. If a student subsequently decides to return and reside with the other parent in a different school district following this initial designation, the student shall be ineligible for one year.</p> | | | | |
| 18 | Subsequent to the student's last date of participation in varsity athletics, has there been dissolution of marriage followed by a court order granting custody of the student to the parent with whom the student resides? IF ANSWER IS YES, ENCLOSE A COPY OF THE DATED CUSTODY ORDER | YES | | NO |
| <p>Complete line 19 if you are applying for a waiver of the period of ineligibility according to subsection (c) Change of Custody. If applying for this exception, additional written documentation is required to accompany this form to document that the action preceded the first date of enrollment for the student. Carefully read this exception, along with the request for information.</p> <p>c) CHANGE OF CUSTODY - The KHSAA shall not recognize guardianship or similar arrangements made, for purposes of this bylaw. The period of ineligibility may be waived where it is shown that custody of the student has been taken from one or both parents and given to the other parent or 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.</p> | | | | |
| 19 | Is this student a ward of the state or court and changing schools due to that order or due to a change in the original parental custody order? IF ANSWER IS YES, ENCLOSE A COPY OF THE DATED COURT ORDER OR STATE AGENCY ORDER IF A WARD OF THE STATE | YES | | NO |
| <p>Complete line 20 if you are applying for a waiver of the period of ineligibility according to subsection (d) Death. If applying for this exception, additional written documentation is required to accompany this form to document that the action preceded the first date of enrollment for the student. Carefully read this exception, along with the request for information.</p> <p>d) DEATH - The period of ineligibility may be waived 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.</p> | | | | |
| 20 | Is this transfer due to the death of one or more of the student's custodial parents? IF ANSWER IS YES, GIVE DETAILS IN COMMENT BOX 10 | YES | | NO |

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| <p>Complete line 21 if you are applying for a waiver of the period of ineligibility according to subsection (e) Boarding School. Carefully read this exception, along with the request for information. e) BOARDING SCHOOLS - The period of ineligibility may be waived on a one-time basis for students entering a boarding school on a full time basis as a boarding school student.</p> | | | | | |
| 21 | Is this student entering or coming from a Boarding school where attendance was required by order of the courts or by recommendation of the Principal of the school attended immediately prior to attendance at the Boarding school? IF ANSWER IS YES, PROVIDE COPY OF LETTER FROM COURT/PRINCIPAL | YES | | NO | |
| <p>Complete line 22 if you are applying for a waiver of the period of ineligibility according to subsection (f) Non-athletic participation for an entire school year. Carefully read this exception, along with the request for information. f) NON ATHLETIC PARTICIPATION FOR AN ENTIRE SCHOOL YEAR - The period of ineligibility may be waived in the event that the transferring student did not participate in an interscholastic contest at any level in any sport while enrolled in grades nine through twelve at the sending school during the entire academic school year immediately preceding the change in schools.</p> | | | | | |
| 22 | Is this student transferring schools after having a complete school year (first semester through second semester) without participation in interscholastic athletics at any level (grades 9-12)? | YES | | NO | |
| <p>Complete line 23 if you are applying for a waiver of the period of ineligibility according to subsection (g) Assignment by Local Board of Education. Carefully read this exception, along with the request for information. g) REASSIGNMENT BY BOARD OF EDUCATION - The period of ineligibility may be waived if the student has changed schools 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.</p> | | | | | |
| 23 | Is this student transferring from a member school in Kentucky due to action of the local Board of Education? IF ANSWER IS YES, GIVE DETAILS IN COMMENT BOX 22 AND ATTACH A LETTER FROM BOARD PERSONNEL | YES | | NO | |
| <p>Complete line 24 if you are applying for a waiver of the period of ineligibility according to subsection (h) Transfer from Non-Member. Carefully read this exception, along with the request for information. h) TRANSFER FROM NON-MEMBER SCHOOL – The period of ineligibility may be waived for a student transferring from a non-member school located in Kentucky whose athletic participation has been limited primarily to other non-member schools.</p> | | | | | |
| 24 | Is this student transferring from a non-member school in Kentucky whose sole participation has been against other non-member schools? | YES | | NO | |
| <p>Complete line 25 if you are applying for a waiver of the period of ineligibility according to subsection (i) Military Assignment. Carefully read this exception, along with the request for information. i) MILITARY ASSIGNMENT - The period of ineligibility may be waived for a student transferring in a situation where documentation is presented to verify that the change in education and living arrangements is directly related to an order from any branch of the United States military service, including the reserve components.</p> | | | | | |
| 25 | Is this student transferring to a member school directly related to an order from any branch of the United State Military Service, including the reserve components? IF ANSWER IS YES, PLEASE PROVIDE OF COPY OF ORDERS RELATED TO CUSTODIAL PARENTS? | YES | | NO | |

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| <p>If you are requesting a waiver based upon one of the nine listed exceptions, please be sure to include the requested documentation in support of this exception.</p> | | | | | |
| <p>RECEIVING SCHOOL VERIFICATION AND SIGNATURES - As Principal or Designated Representative of the RECEIVING SCHOOL, I certify that the above information is correct to the best of my knowledge and based on all available facts. NOTE: The Principal's signature does not represent a recommendation or the final ruling in the case. Disagreements as to material facts in the case or verification of evidence shall be resolved by the Commissioner's Office.</p> | | | | | |
| Print Name of Person Signing this Form | | | | Position in School Must be Principal or Designated Rep. | |
| Date | | Signature | | Daytime Phone including area code | |

| TRANSFER FORM – SENDING SCHOOL SUPPLEMENTAL INFORMATION | | | | | | | | | |
|--|--|-----|--|----|--|----|--|----|--|
| TO BE COMPLETED IF THE STUDENT HAS PARTICIPATED AT THE VARSITY LEVEL AFTER ENROLLING IN GRADE NINE, OR IF A STUDENT HAS PLAYED VARSITY DURING THE CURRENT SCHOOL YEAR AND THEREAFTER CHANGES SCHOOLS. THE FOLLOWING INFORMATION IS TO BE COMPLETED BY THE SENDING SCHOOL AND THEN RETURNED TO THE RECEIVING SCHOOL ALONG WITH ANY ADDITIONAL CORRESPONDENCE NECESSARY TO SUPPLEMENT THE RECORD SO THAT THE RECEIVING SCHOOL CAN SUBMIT THE FORM TO THE KHSAA IN ITS ENTIRETY. | | | | | | | | | |
| Student Name | | | | | | | | | |
| 26 | Date of first entry into Sending school | | | | | | | | |
| 27 | Grade level of first entry into Sending school (check one) | 9 | | 10 | | 11 | | 12 | |
| 28 | Date of Withdrawal from Sending School | | | | | | | | |
| 29 | Indicate grade levels in which this student participated at the varsity level. | 9 | | 10 | | 11 | | 12 | |
| 30 | Date of Last Varsity Participation in Any Sport, and the sport in which participated. | | | | | | | | |
| 31 | Sport(s) in which student desires to participate (Check applicable) BA-Baseball, BK-Basketball, XC-Cross Country, FB-Football, GF-Golf, SO-Soccer, FP-Fast Pitch, SW-Swimming, TN- Tennis, TR-Track, VB-Volleyball, WR-Wrestling | BA | | BK | | XC | | FB | |
| | | GF | | SO | | FP | | SW | |
| | | TN | | TR | | VB | | WR | |
| 32 | According to permanent records at the SENDING SCHOOL, Name of Custodial Parent (NOTE: Guardianship is NOT custody). | | | | | | | | |
| 33 | Role of person with legal custody (person listed in 32, residential custodian charged with care and support) of this student (Mother, Father, Other) | | | | | | | | |
| 34 | Street Address of this student and family while attending the sending school (use 911 address, do not use PO Box) | | | | | | | | |
| 35 | Phone number (day and night) of student and family at this address according to school records. | | | | | | | | |
| <p>Complete lines 36-41 if the representatives of the RECEIVING SCHOOL have checked box (a) on page 4, indicating that a waiver is being sought according to subsection (a), Bona fide Change in Residence. If applying for this exception, additional written documentation may be required of the sending school. Carefully read the definition of a bona fide change in address, along with each question and request for information.</p> <p>a) BONA FIDE CHANGE IN RESIDENCE - The period of ineligibility may be waived if there has been a bona fide change in residence by the parents and student that precedes a student's change in schools. For purposes of this bylaw, a bona fide change in residence means the moving of the permanent residence of the entire family 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 in residence by virtue of his/her emancipation and change in residence for purposes of this bylaw.</p> | | | | | | | | | |
| 36 | Who owns/owned, leases/leased, rents/rented the residence listed in the Question 34? (parents, etc) | | | | | | | | |
| 37 | Does any member of the school system staff, including but not limited to coaching or athletic staff members, have any ownership interest in the property listed in Question 34? | YES | | NO | | | | | |
| 38 | What specific public/independent school district includes the address listed in Question 34 above (list specific public school not school system, in the case of multiple schools, list the "resides" or assigned school). | | | | | | | | |
| 39 | Status of former residence listed in Question 34? | | | | | | | | |
| | House has been sold and closing has been completed. | | | | | | | | |
| | House has been listed on with a realtor (ENCLOSE COPY OF LISTING AGREEMENT) | | | | | | | | |
| | House has been listed, sale is pending (ENCLOSE COPY OF CONTRACT OR SALE PENDING VERIFICATION) | | | | | | | | |
| | House is still owned/maintained by custodial family | | | | | | | | |
| | Rental/Lease agreement has expired and property is leased/rented to another party outside of the custodial family (ADDITIONAL DOCUMENTATION MAY BE REQUIRED) | | | | | | | | |
| | Other arrangement (detail on line below) | | | | | | | | |
| 40 | If the Status in line 34 IS STILL OWNED/MAINTAINED, is the residence occupied by a member of the student's family? | YES | | NO | | | | | |
| 41 | For purposes of this bylaw, a bona fide change in residence means the permanent moving of the student and his/her custodial parents from one school district 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 in residence by virtue of his/her emancipation and change in residence for purposes of this bylaw. According to this definition , does this member school claim that this student and his/her custodial family had a bona fide change in residence? | YES | | NO | | | | | |

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| <p>Complete line 42 if the representatives of the RECEIVING SCHOOL have checked box (b) on page 4, indicating that a waiver is being sought according to subsection (b) Divorce. Carefully read this exception, along with the request for information.</p> <p>b) DIVORCE - The KHSAA will not recognize a legal separation as grounds for waiver of the provisions of this bylaw. The period of ineligibility may be waived 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 initially be eligible where either parent resides. After initially establishing eligibility with one parent, all subsequent transfers will require a period of ineligibility of one year. 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. If a student subsequently decides to return and reside with the other parent in a different school district following this initial designation, the student shall be ineligible for one year.</p> | | | | |
| 42 | Subsequent to the student's last date of participation in varsity athletics at the Sending School, has there been dissolution of marriage followed by a court order granting custody of the student to the parent with whom the student resides? | YES | | NO |
| <p>Complete line 43 if the representatives of the RECEIVING SCHOOL have checked box (c) on page 4, indicating that a waiver is being sought according to subsection (c) Change of Custody. Carefully read this exception, along with the request for information.</p> <p>b) DIVORCE - The KHSAA will not recognize a legal separation as grounds for waiver of the provisions of this bylaw. The period of ineligibility may be waived 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 initially be eligible where either parent resides. After initially establishing eligibility with one parent, all subsequent transfers will require a period of ineligibility of one year. 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. If a student subsequently decides to return and reside with the other parent in a different school district following this initial designation, the student shall be ineligible for one year.</p> | | | | |
| 43 | Is this student a ward of the state or court and changing schools due to that order or due to a change in the original parental custody order? (check response, give details on line 46) | YES | | NO |
| <p>Complete line 44 if the representatives of the RECEIVING SCHOOL have checked box (d) on page 4, indicating that a waiver is being sought according to subsection (d) Death. Carefully read this exception, along with the request for information.</p> <p>d) DEATH - The period of ineligibility may be waived 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.</p> | | | | |
| 44 | Is this transfer due to the death of one or more of the student's custodial parents? | YES | | NO |
| <p>Complete line 45 if the representatives of the RECEIVING SCHOOL have checked box (e) on page 4, indicating that a waiver is being sought according to subsection (e) Boarding School. Carefully read this exception, along with the request for information.</p> <p>e) BOARDING SCHOOLS - The period of ineligibility may be waived on a one-time basis for students entering a boarding school on a full time basis as a boarding school student.</p> | | | | |
| 45 | Is this student entering or coming from a Boarding school where attendance was required by order of the courts or by recommendation of the Principal of the school attended immediately prior to attendance at the Boarding school? | YES | | NO |
| <p>Complete line 46 if the representatives of the RECEIVING SCHOOL have checked box (f) on page 4, indicating that a waiver is being sought according to subsection (f) Non-athletic participation for an entire school year. Carefully read this exception, along with the request for information.</p> <p>f) NON ATHLETIC PARTICIPATION FOR AN ENTIRE SCHOOL YEAR - The period of ineligibility may be waived in the event that the transferring student did not participate in an interscholastic contest at any level in any sport while enrolled in grades nine through twelve at the sending school during the entire academic school year immediately preceding the change in schools.</p> | | | | |
| 46 | Is this student transferring schools after having a complete school year (first semester through second semester) without participation in interscholastic athletics at any level? | YES | | NO |
| <p>Complete line 47 if the representatives of the RECEIVING SCHOOL have checked box (g) on page 4, indicating that a waiver is being sought according to subsection (h) Reassignment by Board of Education. Carefully read this exception, along with the request for information.</p> <p>g) REASSIGNMENT BY BOARD OF EDUCATION - The period of ineligibility may be waived if the student has changed schools 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.</p> | | | | |

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| <p>Complete line 48 if the representatives of the RECEIVING SCHOOL have checked box (h) on page 4, indicating that a waiver is being sought according to subsection (g) Transfer from Non-Member. Carefully read this exception, along with the request for information.</p> <p>h) TRANSFER FROM NON-MEMBER SCHOOL – The period of ineligibility may be waived for a student transferring from a non-member school located in Kentucky whose athletic participation has been limited primarily to other non-member schools.</p> | | | | |
| 48 | Is this student transferring from a non-member school in Kentucky whose sole participation has been against other non-member schools? | YES | | NO |
| 49 | <p>COMMENTS. Please record any notes concerning school change (<i>attach additional letter if necessary or if more space is needed</i>)</p> | | | |
| <p>SENDING SCHOOL VERIFICATION AND SIGNATURES - As Principal or Designated Representative of the SENDING school, I certify that the above information is correct to the best of my knowledge and based on all available facts. NOTE: The Principal's signature does not represent a recommendation or the final ruling in the case. Disagreements as to material facts in the case or verification of evidence shall be resolved by the Commissioner's Office.</p> | | | | |
| Print | Name of Person Signing this Form | Position in School | | |
| Date | Signature | Daytime Phone including area code | | |

