

Bylaw 4. Enrollment

Sec. 1) Maximum Number of Semesters

- a) Students promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first such promotion by the school provided the student is eligible according to this and all other Association bylaws. Such eligibility shall conclude with the completion of the spring sports season following the fourth year.
- b) The Commissioner or Board of Control through the Due Process Procedure, may grant additional eligibility in the case where it has been documented by the attending physician, Principal and Superintendent that severe illness or injury has prevented the student from receiving necessary education services and the right to an education has therefore been impacted rather than simply the loss of athletic privilege. Such grant of eligibility may only be made in the cases in which the student-athlete would remain eligible by all other Association bylaws. Nothing about this provision shall include additional eligibility strictly for loss of participation due to sports related injuries.
- c) No student having been enrolled in the fourth (4th) grade or in any grade through twelfth (12th) shall be eligible for interscholastic athletics at the high school level (grades 9 through 12) for more than a total of one (1) year in each grade and applicable eligibility shall begin in the first year enrolled in that grade. Students repeating a grade for any reason are ineligible to participate in interscholastic athletics at the high school level (grades 9 through 12) during the second year in that grade. The penalty for violation of this rule shall be the loss of one of the four years of eligibility after being promoted from grade nine (9). Policies regarding the participation of repeating students at the levels of play below high school interscholastic athletics shall be determined by the school council pursuant to KRS 160.345 (2) (i).
- d) Pupils in grades 1-8 may play on the high school team if such participation is not in conflict with Section (c) above, and the time so played shall not be counted on the eight (8) semester limit. EXCEPTION: Students below grade nine (9) may not participate on the varsity team in contests in the sports of football or soccer, and students enrolled below grade seven (7) may not participate on the varsity level in wrestling. The provisions of this restriction shall not apply to non-varsity teams participating in these sports.

Sec. 2) Responsible Parties

Any public elementary or secondary school or school employee or official who knowingly allows participation of an ineligible player under the provisions of this bylaw, or who, through reasonable diligence, should have known of such ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. Such shall apply not only to coaches, but also to personnel supervising coaches; such as, but not limited to an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

Sec. 3) Deadline for Enrollment

On Friday of each grading period, a student in grades nine (9) through twelve (12) must be enrolled as a full-time student according to regulations promulgated by the Kentucky Board of Education at the member school he/she desires to represent in order to be eligible for athletics.

A student must have enrolled as a bona fide full-time undergraduate student no later than twenty (20) school days after the beginning of the semester to be eligible during that semester.

Sec. 4) Enrollment Elsewhere

No student who is enrolled or connected with any other school than the one he/she represents shall take part in any contest. In the case of an all-boys high school, girl cheerleaders from affiliated neighboring girls school may be accepted.

(Case situations related to this bylaw appear on pages 19 through 43 of this Handbook)

Case BL-4-1- Is there a basic philosophy and reason for Bylaw 4 and a limit on semesters?

A maximum participation requirement:

- 1) promotes timely progress toward graduation by discouraging students from delaying or interrupting their high school education;
- 2) disallows students to enroll for one single semester each school year to increase athletic ability and skill;
- 3) diminishes risks stemming from unequal competition;
- 4) places emphasis on the year-long academic mission of the school;
- 5) promotes harmony and fair competition among member schools by maintaining equality of eligibility affording each student the same number of semesters of athletic eligibility;
- 6) increases the number of students who will have an opportunity to participate in interscholastic athletics.
- 7) is conducive to the prevention of red-shirting;
- 8) helps avoid exploitation by coaches or boosters who otherwise might seek to obtain transfers or to delay a student's normal progress through school; and
- 9) prevents displacement of younger student-athletes by older students wishing to protract unfairly their high school careers.

Without a clearly defined limit, avenues remain open for red-shirting, deception, legal maneuvering, and other athletics-driven motivations for a student to remain in school rather than proceeding on into college or into the work force thereby denying the participation of a student who is otherwise "next in line" to play.

Case BL-4-2- When is a waiver available under Bylaw 4?

Unless basic education services are not available to the student-athlete due to illness or injury, each student shall be limited to four consecutive years of opportunity for participation in high school sports. Without this clearly defined limit, other athletic-driven motivations for a student to remain in school rather than proceeding on into college or into the work force exist and thereby deny the participation opportunity of a student who is otherwise "next in line" to play.

Case BL-4-3- May students have more than four years (eight (8) semesters) of eligibility in order to participate in interscholastic competition after being promoted from grade eight(8)?

No, a student is eligible only for the first four consecutive years (eight (8) semesters) after initial promotion from grade eight (8), even if they do not participate in athletics during one or more of those years.

Case BL-4-4- Are there legal provisions for red-shirting of athletes or for gaining additional semesters due to injury or for those students retained in grades 4-8 for any reason by the parents?

No. "Red-shirting" or holding a student back and allowing the student to practice or play sports is strictly prohibited and goes against the basic principles of fair play. In addition, the repeating student at any level is prohibited from practice or play, and beginning with the first promotion from grade eight (8), the four-year count of eligibility has begun. According to OAGB2-473 opinion, the promotion and retention of students in all grades are the direct and sole responsibility of the Principal through policy developed by the local board of education. There are no provisions in the bylaws for medical red-shirting or other types or repeating in order to allow for additional semesters due to sports related injuries. The KHSAA Board of Control reaffirmed in July of 1999 that athletics is indeed a privilege and not a right, and in fact, waivers shall only be granted in the case where the right to basic education services is impacted due to illness or injury rather than simply the loss of athletic privilege.

Case BL-4-5 - May a student who is repeating a grade (below grade nine) play interscholastic sports for the middle school / junior high school?

That determination is left to the discretion of the local site based decision-making body for the school in accordance with adopted SBDM policies. It has been determined and reaffirmed by the Department of Education that the Association's jurisdiction is presently limited to the member high schools of the Association and not the related middle or junior high schools. However, those students who are repeating a grade at any level are prevented in all situations from representing a KHSAA member school in a scrimmage or contest at any level (grades 9-12) during the year being repeated whether or not that student played interscholastic sports at any level during the first year in the grade.

Case BL-4-6- What restrictions are in place for students below grade nine (9) to participate on the high school level?

Can students below grade nine (9) participate for a high school team? Provided that the elementary school, middle school or junior high school where the student is enrolled is under the direct administrative supervision of the same board of education as the member school the student desires to represent, the student may participate without limitation in all sports except for football, soccer and wrestling. If the local Board of Education has an adopted and enforced defined feeder pattern for its middle/junior high school students, participation at the high school level is restricted to the schools within that pattern (feeder school).

Can a local school board place restrictions and limits on participation in sports other than football, soccer and wrestling? KRS 156.070 (2) bans the KHSAA or Kentucky Board of Education from implementing any prohibition on 7th and 8th graders participating in high school sports, and as interpreted, leaves that determination to the Local Board of Education and/or SBDM Council. However, that same statute and subsequent Attorney General Opinions specifically ban a prohibition against students playing on more than one school-sponsored team at the same time. Specifically exempted from this statute are the sports of football, soccer and wrestling, whose participants may be restricted if they are enrolled below grade nine. Students enrolled below grade nine (9) may not participate at the varsity level in football or soccer, and students below grade seven (7) may not participate in wrestling at the varsity level. Further definitions concerning "varsity level" in football, soccer and wrestling are contained in these interpretations.

Is there a special academic rule for those students below grade nine (9)? Yes, Bylaw 5, Section 4 contains specific language relative to the participation of students below grade nine (9).

Can a repeating student represent a KHSAA member school under any conditions in interscholastic athletics? Student-athletes may not represent a member school as a participant at any level if they are repeating a grade.

What restrictions are in place in football and soccer for students below grade nine (9)? Students below grade nine (9) within a feeder school and/or within the local system may not participate in any activity (practice, scrimmage or game) designated by either team as "varsity (first team)" in football or soccer. Students below grade nine (9) may not participate (practice, scrimmage or play) on non-varsity (freshman, junior varsity, etc.) level teams in football or soccer if any member of the team they are representing or the team they are competing against is enrolled in any grade above grade ten (10). It is the obligation of the school desiring to allow the grade school (below grade nine) student to participate to ensure compliance with this provision.

What restrictions are in place in wrestling for students below grade [7]? Students below grade [7] within a feeder school and/or within the local system may not participate in any activity [practice, scrimmage, or game] designated by either team as "varsity" [first team] in wrestling. Students below grade seven [7] may not participate [practice, scrimmage or compete] on non-varsity [freshman, junior varsity, etc.] level teams in wrestling if any competition would involve matches against students enrolled in any grade above grade ten [10]. It is the obligation of the school desiring to allow the grade school [below grade seven] student to participate to ensure compliance with this provision.

Can a student below grade nine [9] dress with the team in football or soccer, or in wrestling below grade seven [7]? No. The provisions of this legislation were in place to protect these students from unnecessary exposure to potential injury, and such exposure is just as likely to occur in practice as it is in games. In addition, neither students enrolled in feeder schools [under the same local Board of Education] nor enrolled in other schools may wear the game uniform [in whole or part], or be involved in pre-game activities prior to, during or after a varsity scrimmage or contest in the sports of football or soccer. Only those students duly enrolled in the member school and in the 9th grade or above [7th grade and above for wrestling] may be involved in those activities or wear the uniform or other school clothing in the proximity of the team area.

Case BL-4-7- How is enrollment eligibility verified for a student?

The student is considered enrolled at the school that is receiving the state funding for that student. [i.e. the ADA appropriation or SEEK funding] In the case of a school that does not receive state funding, enrollment shall be verified by documented proof of full-time attendance at the school.

Case BL-4-8- Under what conditions may the twenty-day requirement contained in Bylaw 4 be waived?

When it can be shown clearly that the student was prevented from enrolling during the twenty-day period because of circumstances beyond his/her control.

Case BL-4-9- How do Bylaw 4, Section 3 and Bylaw 5, Section 3 relate to schools with nontraditional [block] schedules?

A student must be enrolled as a full-time student [four of six hours] in the member school or defined feeder school within the restrictions of Bylaw 4, and passing in four full credit hours [240 minutes] worth of classes as defined in Bylaw 5. For example, if a student were attempting four full credits of one and one-half hours each, he/she would need to pass three [four and one half hours] worth. As another example, the periods are 80 minutes; he/she would need to pass three. It is imperative when interpreting this rule that the amount of credits attempted and class length is considered when determining the eligibility of a student-athlete as the student must pass 240 minutes of class [four full credit hours].

Case BL-4-10 - What are the primary motivating factors in Bylaw 4, Sec. 3 and 4 requiring full-time enrollment?

A student enrollment requirement promotes loyalty and school spirit which lends itself to cohesion of the student body; helps promote amateurism by drawing athletes only from each school's normal student population; avoids professionalism and over-emphasis on athletes; discourages "team shopping", which wrongfully skews the relationships among student-athletes and coaches; and secures role models for other students. An attendance requirement also helps ensure that students will adhere to a school's attendance plan that, in turn, prompts students to maintain the academic standard

required for participation and promotes graduation in a common time frame.

- Case BL-4-11- May a student participate for a member school while enrolled in another school that does not offer a particular sport?

No, a student must be enrolled as a full-time student and receiving credit through the member school at which participation is desired, or be a student at a "feeder" school in the same school district as defined within Bylaw 4 and its interpretations.

Case BL-4-12- May a student enrolled at a private or parochial school below grade nine represent a public member school in competition in grades 9-12?

No, a student must be enrolled as a full-time student and receiving credit through the member school at which participation is desired, or be a student at a "feeder" school in the same school district as defined within Bylaw 4 and its interpretations.

Case BL-4-13- May a student enrolled at a private or parochial school below grade nine represent a public school in competition in grades below grade nine?

That decision would be left to the local Board of Education of the public school district and/or its related Site Based Decision Making organizations.

Case BL-4-14 - May a home-schooled student participate in interscholastic athletics at a KHSAA member school?

Unless that student is enrolled full-time [minimum four hours of instruction] at that local high school or under that local Board of Education, he/she may not participate. In order to represent a member school, a student must be a full-time student at a KHSAA member school or at a feeder school under the same local Board of Education as the member school.

Case BL-4-15 - Are there rules regarding a home-bound student participating in interscholastic athletics at a KHSAA member school?

Yes. In order to represent a member school, a student must be a full-time student at a KHSAA member school or at a feeder school under the same local Board of Education as the member school as defined within Bylaw 4 and its interpretations. In accordance with 704 KAR 7:120, Section 2, part (6), "Eligibility for home/hospital instruction shall cease if the student works or participates in athletic activities." Schools and school districts are reminded that a student who practices and/or plays in an athletic scrimmage or contest is no longer able to be in home bound instruction once such participation occurs.

Case BL-4-16 - May a student enrolled in an alternative, A6 or other type program school participate in interscholastic athletics at a KHSAA member school?

No, not unless that student is enrolled full-time [minimum four hours of instruction] at that local high school or under that local Board of Education for which they desire to participate. The A6 and other alternative-type schools are separate entities with their own unique school identification numbers and data, and as such, are considered to be outside the scope of students who can participate for another school. In order to represent a member school, a student must be a full-time student at a KHSAA member school or at a feeder school under the same local Board of Education as the member school as defined within Bylaw 4 and its interpretations.

Case BL-4-17 - Can students be counted present for participation / attendance at KHSAA postseason events?

This issue is not one over which the Association or its Board of Control has jurisdiction. Primarily, these issues surround pupil attendance [both competitors and non-competitors] at KHSAA sanctioned State Championship competition during days that school is in session for the local district. The following clarification was received from the Kentucky Department of Education and was distributed to the membership to consolidate all prior answers and allow for consideration of any necessary Local Board of Education policies. If further revisions are received, they will be distributed to the membership.

Per Kentucky Board of Education pupil attendance regulation, 702 KAR 7:125, to be counted in attendance at school, the student must be physically present, or one of the narrow exceptions must apply [for example, on home-bound instruction, or participating in a co-curricular activity, such as a field trip to a museum that is approvable under local school board policy].

If the student is attending or participating in an extra-curricular activity, such as a state championship level athletic activity, state regulations do not permit the student to be counted as in attendance at school and the student is not counted within ADA [average daily attendance] for state funding [SEEK] purposes.

When the student is participating in or attending an athletic event, the local school board [not school council] attendance policy controls whether it is counted as an excused or unexcused absence. For example, the local board policy might choose to record an excused absence for those students participating on a high school athletic team that is playing in a state championship and not record an excused absence for attendance by a non-participant. It is also possible that the Board policy to allow an excused absence for attendance by non-participants with verification. The impact of excused versus unexcused absence is that with an excused absence the student has a right to have the opportunity to make up the missed school work, but has no such right with an unexcused absence.

If the school's team is involved in a very popular event, such as the state high school basketball tournament, and a significant portion of the student body will be attending the tournament and thus missing school, the local board has discretion as to whether to close school that day(s) in anticipation of low school attendance, and amend the school calendar to make up the instructional time.

In addition, legislative action during the 2004 session concerning attendance appears to have no impact on prior KHSAA determinations and rulings in this area. As passed by the 2004 session [SB80], the amendment to KRS 159.035 states "A principal shall give a student an excused absence of up to ten [10] school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one [1] of the core curriculum subjects of English, science, mathematics, social studies, foreign language and the arts.

A) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.

B) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.

The current interpretation of "B" has been clarified in that the current wording does not include athletic extracurricular activities as "educational enhancement".

If further clarification is needed relative to local policies which may be in place, please have the appropriate district personnel contact the Kentucky Department of Education.

Case BL-4-18 - Do parents have options relative to holding a student back in grade eight?

No, Kentucky Department of Education regulations place the responsibility for promotion or retention of a student on school personnel and not parents. Once "promoted" from the eighth grade, a student's four consecutive calendar year [8 semesters] athletic eligibility period begins.