

## BYLAW 4. ENROLLMENT

### Sec. 1) Maximum Number of Semesters

- a) A student promoted from grade eight (8) to grade nine (9) shall have four (4) consecutive calendar years of eligibility from the date of first promotion by the school provided the student is eligible according to this and all other Association bylaws. The eligibility shall conclude with the completion of the spring sports season following the fourth year. No additional eligibility may be granted in a case where the grant would allow a student to compete in all or part of the fifth competitive season in a single sport following the initial promotion by the school from grade eight (8).
- b) The Ruling Officer and the Commissioner 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. The grant of eligibility may only be made in the cases in which the student-athlete would remain eligible by all other Association bylaws. This provision shall not include additional eligibility strictly for loss of participation due to sports related injuries. No additional eligibility may be granted in a case where the grant would allow a student to compete in all or part of the fifth competitive season in a single sport following the initial promotion by the school from grade eight (8).

### Sec 2) Ineligibility for Repeating Students

A student having been enrolled in the fourth (4th) grade or in any grade through twelfth (12th) shall not 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. A student repeating a grade for any reason is 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).

### Sec 3) Eligibility for Participation While Enrolled Below Grade 9

A pupil in grades 4-8 may play on the high school team if that participation is not in conflict with Section (2) above, and the time so played shall not be counted on the eight (8) semester limit. EXCEPTION: A student below grade nine (9) may not participate on the varsity team in contests in the sports of football or soccer, and a student 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. 4) 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 that ineligibility, shall be considered in noncompliance with state accreditation standards or guilty of willful neglect of duty or breach of contract. This provision shall apply not only to coaches, but also to personnel supervising coaches including an athletic director, an assistant principal, a principal, an assistant superintendent, a superintendent, or a school board member.

### Sec. 5) Requirement for Enrollment

On Friday of each grading period, a student in grades nine (9) through twelve (12) shall be enrolled as a full-time student in at least four hours of instruction as provided in Kentucky Board of Education regulation 702 KAR 7:125 (of the six hours of instruction required) or the equivalent of four hours of instruction acceptable to graduation at the member school he or she desires to represent in order to be eligible for athletics.

### Sec. 6) Deadline for Enrollment

A student shall 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. 7) Enrollment Elsewhere

A student who is enrolled or connected with any other school than the one he or she represents shall not 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 BL-4-1- Why is there a requirement that limits the number of semesters and stipulates a maximum participation requirement?**

*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.*

*A maximum participation requirement is in place because it:*

- 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.*

### **Case BL-4-2- May a school district or member school adopt additional stipulations regarding enrollment and residence that are more stringent than KHSAA rules?**

*Yes. While a school or school district cannot establish a standard that is more lenient than the KHSAA requirements, a school or school district may set other residence requirements. School and school districts may choose to address issues including but not limited to a strictly defined feeder pattern for its middle schools to high schools, permanent residence location requirements and other issues which are deemed by that school or school district to be needed. For those requirements which are more stringent than the KHSAA rules, the KHSAA will not be involved in enforcement of those regulations.*

### **Case BL-4-3- How is the determination made regarding eligibility under Bylaw 4 when a student comes in from a non-member school system in Kentucky or when promotion/retention records are not available?**

*Students enrolling at KHSAA member schools after having been enrolled in non-KHSAA school districts (home school, non-member school) are placed into the proper class according to documented procedures within the school district of the KHSAA member school. From that point, the provisions of Bylaw 4 apply and the student will have only one year of eligibility per remaining grade, and shall meet the provisions of all other KHSAA bylaws.*

### **Case BL-4-4- When is a waiver available under Bylaw 4, Sec. 1?**

*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 athletics-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-4-5- 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.

The four consecutive years of eligibility in Bylaw 4, Section 1 begin upon the earlier of "promotion" from the eighth grade or enrollment in grade nine. For example, if a student enrolls in the ninth grade after completing the seventh grade, the four consecutive years of eligibility begin upon date of enrollment in the ninth grade

**Case BL-4-6- Are there legal provisions for gaining additional semesters for those students retained by the parents or due to athletic injury?**

Yes, but only in tightly crafted exceptions contained in the bylaw. 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 OAG82-473 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 other types of repeating in order to allow for additional semesters due to sports related injuries. 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.

Verification and documentation as to the retention/promotion decision is solely the responsibility of school personnel and will be based solely on the written record. Documentation of the promotion/retention decision may include such things as STI/ Infinite Campus records or other written documentation and shall always be available for review until the student graduates. 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-4-7- May a repeating student represent a KHSAA member school under any conditions in interscholastic athletics?**

No. Student-athletes may not represent a member school as a participant at any level if they are repeating a grade.

**Case BL-4-8- 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 school 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-4-9- May 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 the middle/junior high school students under the Board, participation at the high school level is restricted to the schools within that pattern (feeder school).

**Case BL-4-10- May a local school board place restrictions and limits on participation in sports other than football, soccer and wrestling?**

No. 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 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.

**Case BL-4-11- What restrictions are in place in football and soccer for students below grade nine (9)?**

Students in grades seven (7) or eight (8) within a feeder school 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. These 7th and 8th grade students may not wear the game uniform (in whole or part), or be involved in pre-game activities or any other contest related activity prior to, during or after a varsity scrimmage or contest in the sports of football or soccer. Only those students 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. Students in grades seven (7) or eight (8) 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 seventh or eighth grade student to participate with the non-varsity team to ensure compliance with this provision. Students below grade seven (7) may not participate (practice, scrimmage or play) on any high school level team (freshman, JV, varsity) in football or soccer. The original provisions of this legislation by the Kentucky General Assembly were in place to protect these students from unnecessary exposure to potential injury due to maturation differences, in both practices and games.

**Case BL-4-12- What restrictions are in place in wrestling for students below grade (7)?**

Students below grade seven (7) within a feeder school 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. These students below grade seven (7) may not wear the game uniform (in whole or part), or be involved in pre-game activities or any other contest related activity prior to, during or after a varsity scrimmage or contest in the sport of wrestling. Only those students enrolled in the member school and in the 7th grade or above may be involved in those activities or wear the uniform or other school clothing in the proximity of the team area. The original provisions of this legislation by the Kentucky General Assembly were in place to protect these students from unnecessary exposure to potential injury due to maturation differences, in both practices and games.

**Case BL-4-13- What does the expression "full-time student according to regulations promulgated by the Kentucky Board of Education" mean in Section 3 of Bylaw 4?**

The KHSAA requires students to be enrolled as full-time students according to the rules and regulations of the Kentucky

Department of Education (KDE). The KHSAA expects all of its member schools to comply with all applicable rules from KDE, but the KHSAA does not become involved in enforcement of regulations or policies that are not a part of the KHSAA Handbook or other duties directly charged to the KHSAA through relevant regulations. The stipulation concerning KDE rules stipulates that students shall be enrolled as a full-time student (in at least four hours of instruction) per day, with full-time student being defined through the accepted Kentucky Department of Education regulations.

**Case BL-4-14- For the purposes of Bylaw 4, when is a student enrolled at a KHSAA member school and how is enrollment verified for a student?**

A student is enrolled at a KHSAA member school when that student sits for class in the new school.

The student may be 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-4-15- How do Bylaw 4, Section 5 and Bylaw 5, Section 3 relate to schools with nontraditional (block) schedules?**

A student shall 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 shall pass 240 minutes of class (four full credit hours).

**Case BL-4-16- What are the primary motivating factors in Bylaw 4, Sec. 3 and 4 requiring full-time enrollment at a member school?**

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-4-17- 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-4-18- May a student participate for a member school while enrolled in another school that does not offer a particular sport?**

No, a student shall 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. Specific guidance as to the feeder pattern definitions can be found in Case Situations related to Bylaw 10.

**Case BL-4-19- May a student enrolled at a private or parochial school below grade nine represent a member school in competition in grades 9-12?**

Yes, if that student is enrolled as a full-time student at a "feeder" school as defined within Case Situation 10-3 (9). This provision requires a student to be enrolled in a school under the same local Board of Education as the member school at which

participation is desired, and participation opportunities are further restricted if that local Board of Education has a defined feeder pattern for the schools under its jurisdiction. If the student is enrolled at a school that is not under the same local Board of Education, participation at the high school level is not possible.

**Case BL-4-20- May a student enrolled at a private or parochial school below grade nine represent a school in competition exclusively for students below grade nine?**

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

**Case BL-4-21- 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 shall 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-4-22- 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 shall 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 or plays in an athletic scrimmage or contest is no longer able to be in home bound instruction once such participation occurs.

**Case BL-4-23- 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 shall 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.