

Building a Better Board

Board Preparation 101

- State association board members are leaders. A state association board is an integral guiding force for the state association.
- A state association board makes policy.
- Board members have authority as a body, unless authorized to act on behalf of the body.
- State association board members avoid micro-management. A state association board employs a director or commissioner to carry out the day to day operation of the state association.
- Board members should be positive and professional in board meetings.
- Board members should be supportive of association staff and schedule conferences with staff outside of board meetings on an individual's issues.
- State association board's actions are guided by the association's constitution, bylaws and policies.
- Board members are knowledgeable about current issues that impact their schools and the state association.
- Board members are receptive to on-going training through attendance and participation in state and national workshops, seminars, etc.
- A state association board is student centered. Board members should have the courage to keep "the main thing" the main thing.

"...The main thing is the one overriding point or purpose toward which all of your energy and attention should be directed."

Leadership Courage by David Cottrell and Eric Harvey

Dr. Gloria Griffin, Superintendent
Millwood Public Schools
Oklahoma City, OK
Oklahoma Secondary Schools Activities Association Board Member-at-Large

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CURRENT STRATEGIC PLAN ADOPTED BY THE BOARD OF CONTROL

The Board of Control has adopted a strategic plan in effect through the 2010-2011 school year. These declared values are considered when making Association decisions. The values are the basis for the Association philosophy and are the building blocks for the future.

- 1) The opportunity for participation for all student athletes.
- 2) Strong leadership at all levels within the association.
- 3) Education and the role of athletics in that process.
- 4) Sportsmanship and citizenship.
- 5) Quality of the total program.
- 6) Integrity of the membership.
- 7) Professionalism and efficiency within the organization.
- 8) Fairness and consistency as it relates to the enforcement of rules.
- 9) Accountability of the student athlete.
- 10) Preservation of the heritage of interscholastic athletics.

Following the development of these values, the Board of Control adopted the following goals to drive the Association operations through the 2010-2011 school year.

- 1) Continue current successful strategies that maintain and ensure financial stability.
- 2) Operate as a support base developing plans to educate the member schools and affected constituencies of the policy, procedures, and activities of the Association.
- 3) Ensure adequate staffing of KHSAA administration and continued Professional Development.
- 4) Continue to monitor and audit compliance guidelines of member schools through the regulations set forth by the Association and other entities.
- 5) Formulate and monitor strategies to enhance and promote the programs of the Association, the preservation of its history and the traditions of interscholastic athletics.
- 6) Emphasize and promote good sportsmanship/citizenship and conduct at KHSAA interscholastic sponsored events and other activities involving coaches, officials, athletes and spectators.
- 7) Evaluate the composition and operations of the Board of Control and communication systems to ensure inclusion of the membership.

With these goals and objectives in mind, the Board of Control has, in consultation with the Commissioner, developed the following as goals for the Commissioner.

- 1) Continue to maintain fiscal responsibility through sound financial practices to include retiring the debt on the KHSAA office building.
- 2) Continue to address current educational and athletics trends that impact the KHSAA membership such as gender equity, school funding and size, public and non-public school issues and contest safety.
- 3) Conduct outreach programs by scheduling required regional meetings for principals and other school personnel regarding the regulations, operations and programs sponsored by the Association.
- 4) Continue to enhance and implement electronic communications systems for the benefit of the KHSAA membership and other educational partners.
 - a) use website, e-mail and scoreboard to communicate and distribute information to member school personnel.
 - b) communicate special program information such as Board meeting agendas, tournament information and other Association activities.
- 5) Continue development of the KHSAA Museum and Dawahares/KHSAA Hall of Fame.
 - a) Maintain quality programs to maximize attendance and work to continually improve the overall production and experience for the Hall of Fame inductees and those in attendance at the banquet.
 - b) Host regional seminars throughout the state to service the constituency.



NFHS BOARD OF DIRECTORS

GOALS

2010-2011

- A. Continue the development of the NFHS standards and programs.
 - 1. Continue to promote the coaches education and the officials education programs.
 - 2. Promote participation in high school sports and fine arts activities.
 - 3. Promote "building community."

- B. Continue to support the work of the State Associations.
 - 1. Increase candidate pool for NFHS committee service.
 - 2. Provide officials' education on a cost effective basis including development of a base course on-line for all officials at a minimum cost to the official.
 - 3. Implement mentor system for new state executives.
 - 4. Provide upgraded comprehensive on-line examination program for all states.
 - 5. Changes Activities Week to a "Week" for each category spaced throughout the calendar year.

- C. Continue to position the NFHS as the leader in student health, fitness and well being.
 - 1. Develop and distribute an educational DVD on skin infection and MRSA.
 - 2. Effectively communicate the results from injury surveillance data.

- D. Continue to promote the positive values of sportsmanship, ethical behaviors, and integrity learned through participation in sports and fine arts activities.
 - 1. Create two new public service announcements for use by state associations.
 - 2. Support updated research on the values of participation.

Recommended NFHS Staff Initiatives Approved by the Board of Directors

- 1. Seek funding to continue NFHS Student Leadership Conference.
- 2. Build out the NFHS Coach Education levels I and II.
- 3. Increase awareness by NFHS staff and membership of state association issues.
- 4. Strengthen the partnership with NIAAA.
- 5. Publish and distribute the 4th Edition of the Sports Medicine handbook.
- 6. Promote membership in the NFHS professional organizations.

KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

BOARD OF CONTROL MANUAL

BOARD OF CONTROL BACKGROUND AND MISSION STATEMENT

PREFACE

This is a section of the KHSAA Manual of Policies and Procedures, a constantly evolving series of information concerning the operation of the Association. This section is not intended to represent all aspects of being a Board member for the association, but to merely serve as an outline. This particular section is designed to assist in the orientation of Board of Control members as well as providing pertinent information related to the general operation of the Kentucky High School Athletic Association. Members of the Association's Board of Control have been chosen as a leader in the field of education, and the job is an important, responsible one. However, despite occasional temptation and constituent pressure, care should be taken to remember that the day to day operations of the Association rest with the Commissioner and his/her staff.

The function of the Board of Control is to establish and review major policy and plans of the Kentucky High School Athletic Association. Board of Control members have specific legal and fiscal responsibilities to the members of the Association, and to the Association as a whole. As a Board of Control member, you will be working with your officers, your fellow Board of Control members, your Association Commissioner, and staff, and the membership. This section of the manual is designed to inform and assist you.

This Kentucky High School Athletic Association Strategic Plan, adopted for 2007-2011, was prepared under the auspices of the Board of Control of the Association. The KHSAA is a private non-profit organization and operates within Internal Revenue Service code 501 (c) 3 as an independent entity. The Association gets its authority to manage interscholastic athletics from the Kentucky Board of Education through 702 KAR 7:065, an enabling and restricting regulation which affects the makeup of the organization.

MISSION STATEMENT OF THE ASSOCIATION

The KHSAA shall establish and deliver the highest quality interscholastic athletic programs and activities in an efficient manner which emphasizes sportsmanship and integrity and enhances the education of the student-athlete.

VALUES, MISSIONS AND GOALS

The Board of Control values must be the basis for the Association philosophy and are the building blocks for the future.

The ten values which are the basis and building blocks for the future are:

The opportunity for participation for all student athletes.

Strong leadership at all levels within the association.

Education and the role of athletics in that process.

Sportsmanship and citizenship.

Quality of the total program.

Integrity of the membership.

Professionalism and efficiency within the organization.

Fairness and consistency as it relates to the enforcement of rules.

Accountability of the student athlete.

10. Preservation of the heritage of interscholastic athletics.

STRATEGIC PLANNING PROCESS

The Board of Control shall ensure that a Strategic Plan is in place for the Association, driven by goals and objectives set forth by the Board and staff in consultation and shall periodically review such plan for its progress.

ROLE IN REPRESENTING THE MEMBERSHIP

As a Board of Control member, Board members are representative of the member schools. The following are some suggestions to consider while serving as a member of the Board of Control.

The Kentucky High School Athletic Association has a Constitution, Bylaws, Tournament Regulations, and other documents stating its purpose, objectives, and methods of operation. These documents chart the Association's operation, and spell out in detail what the Association can and cannot do. The Board of Control will be asked from time to time to help to interpret some of these policies during discussion at a formal Board of Control meeting. But until a policy or regulation is changed through formal procedures, the Association and all its entities must adhere to it.

Board members are responsible for considering the needs of the membership at large regardless of the constituency which placed individuals on this Board. Effectiveness will be measured by your ability to judge and plan on the basis of overall consideration.

It is the Board member's responsibility to determine what the member schools need and want, and to bring those needs to the attention of the full Board of Control. Members should also suggest ways in which these needs can be fulfilled.

Board members are closer than most member schools to the operation of the Association. When statements are made about the Association, member school representatives will tend to believe you, to accept your statements as official policy. For this reason, Board of Control members should carefully consider what is said and done as they will usually be interpreted as representing the Association.

Well informed, constructive criticism is essential to the operation of a healthy Board of Control and staff. If a Board member is critical of an Association policy or an issue under consideration by the Board of Control, know when and how to present views.

Discuss Board of Control responsibilities with the Commissioner as needed. The staff is continually working with the problems of the Association and can offer you valuable suggestions and advice as much of the staff is in contact with member schools throughout the state each day.

The President will advise Board members on issues that need priority attention, and concentration should be focused on these areas. Each member's input and professional opinion will also be valuable.

Members of the Board of Control can be held individually or collectively liable if someone decides to challenge the legality of Association's actions. Therefore each member must be prudent in exercising his/her role.

Make all efforts constructive. Strive to build a stronger organization which reflects current and future needs of the member schools. It is of the utmost importance that Board members fully acknowledge the administrative and fiduciary role played in the Association's future. Each member must strive to be fully informed on all of the issues about which a decision is to be made.

Board of Control members guide the organization. To do this effectively, each member must address the major problems facing the Association, and not be concerned with insignificant administrative details better assigned to others.

WORKING WITH THE ASSOCIATION STAFF

GENERAL PHILOSOPHY

The Board of Control should expect from the Commissioner a complete overview of the work which the Association is presumed to cover, and at any time the Board of Control is considering matters of policy, the Commissioner should be able to present to the Board of Control the general background and practice of the Association in the past. The Commissioner should have thought through the problem and be ready to make recommendations in keeping with previous policies or to suggest changes in policies for the Board of Control's approval.

RELEASE OF INFORMATION

The Commissioner's office should be the only party authorized to issue public statements or releases of information to the press, and should be the source of reference in disclosing general decisions to outside parties. If a Board of Control member is asked for a ruling, he/she would have the right to comment, but should not give any opinion as a final ruling. Instead, the person inquiring should be referred to the Commissioner. In this way, the Association can maintain consistent rulings on rules and policies. The Board of Control and Commissioner need to work together in the area of public relations. Board and Staff should have full confidence in each other, with an understanding on the Association policies, and rules and regulations. It is important for the Board of Control and the Commissioner to have a consistent message at all times when dealing with the public.

CONCLUSION

A term on the Board of Control should be significant for the organization and for everyone's personal growth. The goals set for KHSAA Staff and for the Board determine the direction the Association will take for the future. Keeping the Association mission and goals in mind is paramount to success as planning takes place for the year ahead. Reflecting on the information in this manual can be a guide as to the responsibilities of the Board of Control.

RELATIONSHIP TO THE KENTUCKY BOARD OF EDUCATION (KBE)

BACKGROUND

The KHSAA is a designated agency of the Kentucky Board of Education per Kentucky Administrative Regulation 702 KAR 7:065, and as such, the State Board and KHSAA Board must work together to have a professional, harmonious relationship. This designation and relevant regulations have evolved since the late 1970s when the State Board was given the authority to designate an outside agency to manage athletics.

(TO BE UPDATED FOLLOWING 2009 FINAL ADOPTION DOCUMENTATION)

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 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 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-year period regarding each school's compliance with 20 USC Section 1681 (Title IX) and submit summary reports including the

highlighting of any deficiencies in compliance on a regular (not less than three times annually) basis to the Kentucky Board of Education as requested; as a condition precedent to membership, require each member school and superintendent to annually submit a written certification of compliance with 20 USC Section 1681 (Title IX). ;

(14) Conduct all meetings in accordance with KRS 61.805 through 61.850; and

(15) 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.

Section 3. Financial Planning and Review Requirements.

(1) KHSAA shall annually submit the following documents to the (KBE) by October 31st:

(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 financial, legal and administrative summaries of 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/case number, 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 of the KHSAA Handbook, Fall 2007 shall apply to high school interscholastic athletics in Kentucky.

Section 5. Incorporation by Reference.

(1) "Kentucky High School Athletic Association Handbook, Fall 2007", Kentucky High School Athletic Association, is incorporated by reference.

(2) This document 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, Monday through Friday, 8 a.m. through 4:30 p.m.

GOVERNANCE OF THE ASSOCIATION

GENERAL BACKGROUND

The Association is regulated by its Constitution, Bylaws and Tournament Rules. These publications along with the directory of membership, Officials' Guidebook, and other important Association policies are printed annually in the KHSAA Handbook, which is referred to in this document.

AMENDMENTS TO THE CONSTITUTION, BYLAWS AND TOURNAMENT RULES

The Constitution, Bylaws and Tournament Rules of the Association have varying procedures for amendments.

CONSTITUTION

The Constitution may only be amended by a vote at the Annual Meeting of the membership or by referendum of the membership as described in Constitution Article IX. The Board of Control may propose amendments to the Constitution but these must be finalized in time for the May 1 deadline for receipt. Amendments to the Constitution are not subject to review by the Kentucky Board of Education.

BYLAWS

The Bylaws of the Association may be amended by a vote at the Annual Meeting of the membership or by referendum of the membership as described in Constitution Article IX. The Board of Control may propose amendments to the Bylaws but these must be finalized in time for the May 1 deadline for receipt. Amendments to the Bylaws are subject to review by the Kentucky Board of Education and such implementation will be at the point in time that they have received full regulatory approval.

PROCEDURE FOR AMENDMENTS TO CONSTITUTION, BYLAWS AND TOURNAMENT RULES

Annually, the Board of Control shall accept through the Commissioner's office, requests for amendments to the Constitution and Bylaws of the KHSAA. Amendments which have adhered to the deadlines in the Constitution, and recommended by the Association and Kentucky Department of Education Legal Counsel as not contrary to law, regulation or judicial order shall be placed on the agenda for the Annual Meeting. Items failing to meet this deadline may be considered by the Board for distribution as a Referendum as described in the KHSAA Constitution.

Each amendment to the Bylaws of the Association, once approved by the requisite vote of the schools, must be considered by the Board of Control. The Board of Control must recommend final approval by the Kentucky Board of Education in accordance with 702 KAR 7:065; recommend against approval; or submit the proposal with no recommendation. It is the documented request of the Kentucky Board of Education that no proposal be submitted without recommendation.

TOURNAMENT RULES

The Board of Control has the full authority to amend any provision contained in the Tournament Rules at any time or this document may be amended by adoption by reference by the Kentucky Board of Education as described above.

Annually, the changes in the Tournament Rules and Regulations are submitted to the Kentucky Board of Education for adoption by reference in accordance with 702 KAR 7:065.

DUTIES OF THE BOARD OF CONTROL

- 1) Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution.
- 2) Establish the Office of the Commissioner. Evaluate annually the performance of the Commissioner.

- 3) Establish salaries for staff comparable to duties and responsibilities.
- 4) Establish annually, goals and achievements for the Board of Control and the Association.
- 5) Perform a self-assessment of the Board of Control and the Association.
- 6) Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education.
- 7) Hold a minimum of six regular meetings.
- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum.
- 9) Review all proposed changes to the KHSAA Constitution and Bylaws. Have authority to reject any proposed change determined not to be in the best interest of the Association.
- 10) Have authority to publish an Association magazine.
- 11) Have authority, upon petition and for cause shown, to reinstate any student or coach who has been barred from competition.
- 12) Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation.
- 13) Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets. The Board of Control shall have the authority to assess receipts of all postseason games, meets, or tournaments in all sports.
- 14) Have authority to amend the playing rules for any sport sponsored by the Association.
- 15) Have authority, as trustees, to purchase or otherwise acquire real property, and to sell, exchange, lease, mortgage, or in any manner dispose of any real property upon such terms and for such considerations as the trustees consider proper.
- 16) The Board of Control shall appoint the delegate(s) who represent Kentucky at the annual meeting of the National Federation of State High School Associations yearly. Those members include the President, Vice-President and other members rising from their second (2nd) to third (3rd) year of their term.

RESPONSIBILITIES OF THE COMMISSIONER

- 1) Be the executive officer of the Association, subject to the advice of the Board of Control, and shall act as secretary-treasurer of the organization. Employ personnel deemed necessary including those required by statute or decree.
- 2) Prepare and receive reports and keep all records as directed by the Board of Control as outlined in the Constitution, Bylaws, and Tournament Regulations. Provide a quarterly report of eligibility rulings to the Board of Control.
- 3) Interpret the Constitution, Bylaws, and Tournament Regulations.
- 4) Enforce all penalties provided for and assess penalties for violations for which no penalties are prescribed.
- 5) Have the authority to suspend offending schools for the violation of regulations prescribed in the Bylaws and Tournament Regulations (The Board of Control through its own initiative or on appeal from a suspended school may sustain or set aside the action of the Commissioner).
- 6) Make arrangements for and conduct the management of all state tournaments after consulting the Board of Control as to the site and proposed plan of management. Have authority to contract with appropriate entities to manage all postseason contests.

- 7) Be responsible for editing and publishing the "Athlete", and shall cause to be published in the "Athlete" the complete record of the minutes of each regular and called meeting of the Board of Control, said minutes to appear in the next issue of the "Athlete" immediately following the meeting of the Board of Control.
- 8) Arrange a series of baseball, basketball, cheer, cross country, field hockey, football, golf, soccer, softball, swimming, tennis, track, volleyball and wrestling rules interpretation clinics before the beginning of the respective seasons.
- 9) Promote sportsmanship among schools, athletes, and the general public.
- 10) 10. Submit an annual report through the Commissioner of Kentucky Department of Education to the Kentucky Board of Education in compliance with approved KARs relating to finances and programs for the preceding year, and planned programs for the current year.
- 11) 11. Advise the Kentucky Department of Education legal counsel of all legal action brought against the Association.

OFFICERS OF THE BOARD OF CONTROL

At the regular scheduled meeting of the Board prior to the close of the school year, the members of the Board shall elect from their membership, a President and Vice-President to serve for the following year. They shall not be eligible to serve for more than two one-year terms in succession as an officer.

VALIDATION OF CANDIDACY

The President shall direct the Commissioner's office to be responsible for validating the candidacy of all potential Board of Control members (Sectional and Designated), and to validate the ballot for any election prior to distribution. Candidates shall provide documentation from the employed school system that the time commitments for serving on the Board of Control are understood by all superiors.

COMMITTEE APPOINTMENTS

GENERAL PROCEDURE AND STANDING COMMITTEES

The President of the Board of Control shall be responsible for appointing individuals to KHSAA committees for which the Board of Control is responsible. He/she shall also be responsible for appointing the chairperson for each of these committees. The standing committees of the Association historically have been Executive, Audit and Finance, Hall of Fame Screening, Hall of Fame Selection, Constitution and Bylaws, Basketball, Football, Team Sports, Individual Sports, Officials Review and Compliance with Title IX. This committee list is under review during the 2010-2011 school year as part of the Strategic Planning process. Most committee appointments will be made during the summer meeting except that special committees or replacements for committee individuals may be appointed at other meetings. In addition, the President is empowered to convene Ad Hoc Committees for the purpose of studying issues pertinent to the Association's current operations and the needs of the membership.

EXECUTIVE

The President shall appoint a committee to decide issues relative to the administrative offices, the employment and evaluation of the Commissioner, and approval of the salary and benefit packages given to each employee. This committee also shall decide issues related to the Dawahares/KHSAA Hall of Fame including the event management information, event format, and the adoption of policies for induction.

AUDIT AND FINANCE

The President shall appoint a committee to decide issues relative to the administrative budget of the association, consult with the association auditing firm, and other issues related to the financial operations of the association.

BASKETBALL (TO BE CONSOLIDATED INTO TEAM SPORTS)

The President shall appoint a committee to decide issues relative to the conducting of championships in the sport of basketball including but not limited to, district alignment, tournament format and rules and regulations, and dates and times for tournaments.

REGULATION ADOPTION AND LEGISLATIVE (FORMERLY CONSTITUTION AND BYLAWS)

The President shall appoint a committee to annually review the KHSAA Constitution and Bylaws for possible changes to be submitted to the schools and/or the annual meeting. In addition, this committee shall review all changes submitted by the membership for inclusion at the annual meeting and review the adoption process for amendments to 702 KAR 7:065.

FOOTBALL (TO BE CONSOLIDATED INTO TEAM SPORTS)

The President shall appoint a committee to decide issues relative to the conducting of championships in the sport of football including but not limited to, district alignment, playoff format, rules and regulations, and dates and times for playoffs.

HALL OF FAME SCREENING

Board of Control members in the third year of their term in office shall serve on the Hall of Fame screening committee. In addition, other appointees are mandated by Board of Control Hall of Fame Policy.

HALL OF FAME SELECTION

All sitting members of the Board of Control shall serve on the Hall of Fame Selection Committee in addition to any other members so designated by Association policy.

INDIVIDUAL SPORTS COMMITTEE

The President shall appoint a committee to decide issues relative to the conducting of championships in individual sports including but not limited to, alignment of teams, playoff/meet/match format and rules and regulations, and dates and times for post season play. This committee shall consider issues relative to cross country, golf, swimming, tennis, track and wrestling.

MUSEUM/HALL OF FAME DEVELOPMENT COMMITTEE

The President shall appoint a committee to decide issues relative to the development of the auxiliary space at the Association office which was originally designed to house the high school sports museum and decide such issues as the display location for the Dawahares / KHSAA Hall of Fame materials.

OFFICIALS POLICY

The President shall appoint a committee to decide issues relative to any issues related to the 1971 Federal Court Decree and Amendments and the Assignment of Officials. This committee shall evaluate requests for changes in the pay structure for officials in sports where a standard fee is set and for the selection of post season officials.

TEAM SPORTS COMMITTEE

The President shall appoint a committee to decide issues relative to the conducting of championships in team sports other than football and basketball including but not limited to, alignment of teams, playoff/meet/match format and rules and regulations, and dates and times for post season play. This committee shall consider issues relative to baseball, fast pitch softball, soccer, slow pitch softball and volleyball.

TITLE IX COMPLIANCE EDUCATION COMMITTEE

The President shall appoint a committee to decide issues relative to the conducting of seminars and audits and the publication of materials relative to the Association's directed effort to educate its membership about the provisions of Title IX.

OTHER COMMITTEES

The President may, at his/her discretion, appoint an Ad Hoc or special committee if it is felt that this appointment would be in the best interests of the Association.

BOARD OF CONTROL MEETING PROCEDURES

AGENDA INFORMATION

Approximately seven to ten days prior to a scheduled Board of Control meeting, the Commissioner will send each Board of Control member a meeting agenda and available support information for each agenda item.

Agenda items may be submitted by any member school, members of the Board of Control, the Commissioner, or the Association staff. They shall be submitted at least two weeks in advance of a regularly scheduled meeting. Items received following completion of the agenda may be added with the approval of the President prior to the beginning of the meeting and with proper notification.

The Commissioner shall ensure that a meeting folder/book of each meeting is maintained on permanent file at the Association including all items distributed in open session, and the final approved minutes of the meeting.

COMMITTEE MEETINGS

The President of the Board shall appoint the committee chair and members of the of the standing committees. It is the duty of the Committee chairperson to ensure that an accurate record is made of each committee. Actions taken in committee will require a simple majority vote based on the number of members of the Committee as a whole.

BUDGET

The draft budget of the Association for the upcoming fiscal year is presented to the Board of Control at the May meeting for approval to operate until the July meeting. The final proposed annual budget of the KHSAA is presented to the Board of Control at the July meeting of the Board of Control for approval.

Each meeting, the Board of Control members will receive an accounting of all monies spent since the previous meeting, and an updated budget document to better inform as to the entire financial picture of the Association. The report of items expended is an action item for Board of Control approval at each meeting. A budget status report shall be an action item for approval at the January, May and July meetings.

The Board of Control will normally establish the salaries of the Administrative staff and other personnel during the May meeting of the Board of Control.

RECORDING OF MEETINGS

It is the duty of the Commissioner to ensure that an accurate record is made of each meeting of the Board of Control. This may be done via electronic recording. Such recording may be by audio or video. If electronic recording is utilized, microphones shall be placed throughout the meeting area and are recording continually. Board of Control members and Staff members are encouraged to conduct each meeting professionally at all times. Votes on all motions are recorded in the Minutes along with the names of the individuals making and seconding the motions, and other options considered.

RECORD VOTES

A record shall be taken in all issues as stipulated by the Constitution.

RULES OF ORDER FOR MEETINGS

Robert's Rules of Order as modified are used for practical and efficient administration of Board meetings. Most items are handled by appropriate motion procedures and consensus action is also frequently used. Rulings as to actual procedures have been left to the discretion of the President.

All members of the Board of Control are entitled to one vote including the President, and all members shall have the right to vote and make motions. This policy was established due to the fact that each sectional and designated member is elected to represent a specific portion of the Association, and if the President or other member were not afforded a vote, his/her electorate would be void in the voting procedures.

Actions by the Board of Control (except for those related to eligibility appeals) are determined by simple majority rule of the seated Board of Control as a whole. Votes on all motions are recorded in the Minutes. Any member abstaining is considered to have voted with the prevailing side, however that vote may not be used in calculating the necessary majority needed for passage.

Proxy votes are not allowed.

CONSIDERATION OF PENALTIES AND INFRACTIONS REPORTS

For actions related to student eligibility, affirmative votes will be required from a majority of the seated board members to pass any motion. For matters related to student eligibility, a case must be completely disposed of by the passage of a motion with this minimum of affirmative votes, and no defeated motion shall carry by default.

Unless a Board member is acting within the scope of Bylaw 1, he/she may not participate in the presentation of material on any appeal case involving his/her member school, up to and including a denovo matter.

It is the role of the Board of Control to consider the written report in compliance with the Due Process Procedure. The Board must consider the proper procedures required to ensure Due Process and the effect of the decision on the Association.

Board of Control members must disclose in advance of consideration, any conflict of interest, implied or actual, in consideration of any infractions case. In addition, full disclosure is required of any ex-parte communication with parties involved or affected by the decision (including media comments and conversation) if such conversation/communication could be perceived as having an effect on any Board member's consideration of the matter.

Board members shall recuse (abstain from voting and remove him/herself from any part of the matter) in any case:

- 1) In which ex parte communication has served to influence or affect the member's consideration of the matter, or which would effect the consideration of others;
- 2) Which is a matter involving his her school (if employed by a single school);
- 3) Which is in any school in the school district (if employed in the central office of a district);
- 4) Which is in any school at which the member is a member of the Board of Education, Site Based Decision Making Body or any comparable group;
- 5) Which is in any school at which a sitting Board member has an enrolled child or other direct employed family member, or
- 6) Which involves other conflicts which may serve to jeopardize the Association's ability to defend an unbiased decision making process upon further judicial appeal.
- 7) The Board may by majority vote, exercise the collective option of recusing an individual member if at any time it becomes apparent that one of these conditions exists, and was not previously recognized by the member.

MEETINGS OF THE BOARD OF CONTROL

The Board of Control has regularly scheduled meetings each year. Most Board meetings are held in Lexington unless scheduled in conjunction with a state event. They are as follows:

JULY/AUGUST MEETING

This meeting is the primary organizational meeting for the Board of Control for the year. Board of Control members usually arrive on the night before the meeting.

The meeting in July is an informal meeting and gives the families of Board of Control members an opportunity to get to know one another.

SEPTEMBER/OCTOBER MEETING

This meeting is usually scheduled in Lexington. A sample agenda is as follows:

Committee meetings in the morning, full Board of Control meeting may also be called for the afternoon.

Board of Control members usually arrive on the night before and depart at the conclusion of the meeting.

NOVEMBER/DECEMBER MEETING

This meeting is usually held in Lexington. A sample agenda is as follows:

Committee meetings, which may continue into the afternoon, or the full Board of Control may convene in the afternoon.

Board of Control members usually arrive on the night before and depart at the conclusion of the meeting.

JANUARY/FEBRUARY MEETING

This meeting is usually held in Lexington. A sample agenda is as follows:

Committee meetings, which may continue into the afternoon, or the full Board of Control may convene in the afternoon.

Board of Control members usually arrive on the night before and depart at the conclusion of the meeting.

BASKETBALL TOURNAMENTS

Various committee meetings may be held during the boys' and girls' basketball tournaments. Board of Control members and their families may arrive for the boys' basketball tournament on Tuesday evening and depart Sunday morning. The same optional travel schedule is in effect for the girls' tournament.

APRIL MEETING

This meeting is usually held in Lexington. A sample agenda is as follows:

Committee meetings, which may continue into the afternoon, or the full Board of Control may convene in the afternoon.

Board of Control members usually arrive on the night before and depart at the conclusion of the meeting.

MAY/JUNE MEETING

This meeting is usually held in Lexington and serves as a wrap-up meeting. A sample agenda is as follows:

Committee meetings, which may continue into the afternoon, or the full Board of Control may convene in the afternoon.

Day one night – Reception or other activity honoring those members who are completing their service to the Board of Control.

SPECIAL MEETINGS

If accordance with accepted rules of practice, the President of the Board of Control may call a special meeting of the Board or any committee of the Board should the affairs of the Association warrant such action. Such a meeting call will routinely be made with advance notice and Board members should remember that only items on the Special Meeting Call can be considered for action.

OPEN MEETING PROVISIONS

The KHSAA voluntarily maintains its meetings in accordance with KRS 61.805 to KRS 61.850, Open Meetings of Public Agencies. While the Association does not necessarily feel it is legally required to comply with these provisions, it is important that this voluntary compliance occur to ensure the integrity of the proceedings. Any meeting of the KHSAA Board of Control or committee of the Board shall be an open meeting (public) with minutes recorded.

The KHSAA staff and legal counsel will respond to inquiries and will provide relevant Attorney General opinions upon request.

EXCEPTIONS TO OPEN MEETINGS (KRS 61.810)

Relevant exceptions listed in KRS 61.810 to open meetings requirements--

All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

- (a) Deliberations for decisions of the Kentucky Parole Board;
- (b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;
- (c) Discussions of proposed or pending litigation against or on behalf of the public agency;
- (d) Grand and petit jury sessions;
- (e) Collective bargaining negotiations between public employers and their employees or their representatives;
- (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
- (g) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
- (h) State and local cabinet meetings and executive cabinet meetings;
- (i) Committees of the General Assembly other than standing committees;
- (j) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;
- (k) Meetings which federal or state law specifically require to be conducted in privacy; and
- (l) Meetings which the Constitution provides shall be held in secret.

REQUIREMENTS FOR CONDUCTING CLOSED SESSIONS

Except for exceptions related to KRS 61.810 (b), KRS 61.810 (c) and KRS 61.810 (d) (but only as this relates to students), the following requirements shall be met as a condition for conducting closed sessions as authorized by KRS 61.810.

Notice shall be given in the regular open meeting of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of KRS 61.810 authorizing the closed session. (KRS 61.815 (a))

Closed sessions may be held only after a motion is made, and carried by a majority vote in open, public session. (KRS 61.815 (b))

No final action may be taken at a closed session. (KRS 61.815 (c))

No matters may be discussed in the closed session other than those publicly announced prior to convening the closed session. (KRS 61.815 (d))

SCHEDULE OF REGULAR MEETINGS TO BE MADE AVAILABLE

All meetings shall be held at specified times and places which are convenient and a schedule shall be made available by ordinance, order, resolution, bylaws or whatever other means may be required for the conduct of business. The schedule of regular meetings shall be made available to the public. (KRS 61.820) The agenda shall be published on the KHSAA website with notice sent to all schools by electronic mail.

SPECIAL AND EMERGENCY MEETINGS

Unless an emergency is declared, special meetings shall be held in accordance with the following provisions:

The presiding officer or a majority of the members of the public agency may call a special meeting. (KRS 61.823 (2))

The public agency shall provide a written notice of the special meeting. The notice shall consist of the date, time and place of the special meeting and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice. (KRS 61.823 (3))

As soon as possible, written notice shall be delivered personally, transmitted by facsimile, or mailed to every member of the organization as well as each media organization that has filed a written request which includes a mailing address. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the meeting. The Association may periodically, but no more than once a year, inform media organizations that they need to have a new written request for notices of special meetings or no longer will they receive notice. (KRS 61.823 (4a))

As soon as possible, written notice shall be posted in a conspicuous place in the building where the meeting will take place and in the headquarters, and shall be posted at least twenty-four (24) hours before the special meeting. (KRS 61.823 (4b))

EXCEPTIONS TO NOTICE OF SPECIAL MEETINGS

In the case of an emergency which prevents compliance with the notice provisions of KRS 61.823 (3) and KRS 61.823 (4), a special meeting may be called by the presiding officer or a majority vote of the members. The Association shall make a reasonable effort, under emergency circumstances, to notify members of the media who have filed requests, and the public as to the time and place of the meeting. At the beginning of the meeting the person chairing shall briefly describe for the record the emergency circumstances which prevented compliance with the notice provisions of KRS 61.823 (3) and KRS 61.823 (4). Discussions and action at the emergency meeting shall be limited to the emergency for which the meeting was called. (KRS 61.823 (5))

MINUTES TO BE RECORDED AND OPEN TO PUBLIC

The minutes of action taken at every meeting, setting forth an accurate record of votes and actions at such meetings, shall be promptly recorded and such records shall be open to inspection at reasonable times no later than immediately following the next meeting. (KRS 61.835) Upon approval by the Board of Control at a subsequent meeting, the minutes will be published on the KHSAA website and sent to the membership by electronic mail.

CONDITIONS FOR ATTENDANCE

No condition other than those required for the maintenance of order shall apply to the attendance of any member of the public at any meeting. No person may be required to identify himself in order to attend the meeting. All meetings shall be held under conditions which insofar as is feasible, allow effective public observation of the public meeting. In addition, news media coverage shall be permitted, including but not limited to, recording and broadcasting. (KRS 61.840)

ENFORCEMENT BY ADMINISTRATIVE PROCEDURES

Any complaint against noncompliance with these provisions shall be handled in compliance with KAR 61.846 as requested

ELIGIBILITY APPEALS PROCEDURES (AS OF JULY 31, 2008)

INVESTIGATIONS

INITIAL INQUIRY

- a. Taped conference or conference call with principals of sending and receiving school, or other documented explanation of procedures.
- b. Letter to principals requesting internal review of the matter and position statement.
 1. evidence to support position
 2. affidavits
 3. names, addresses and phone numbers of all witnesses
 4. Place burden of investigation on principals
- c. Visit schools for personal investigation of principals and witnesses or arrange interviews of witnesses.

COMPILATION OF RECORDS AND RELEVANT INFORMATION.

Specific Areas of Inquiry - Evidence of:

- a. student seeking superior athletic advantage
- b. conflict in philosophy or action of coach, teacher or administrator
- c. student seeking team consistent with student's athletic abilities
- d. student seeking to nullify punitive action of previous school
- e. recruitment
- f. student seeking means to circumvent eligibility rules of another state athletic association
- g. bona fide change of residence
- h. change in residence resulting from divorce and custody change
- i. death of parent where transfer relieves evident injustice
- j. enrollment in boarding school

HEARING PROCEDURES

All KHSAA eligibility hearings and hearings conducted under the KHSAA Due Process Procedure shall be conducted in accordance with KRS Chapter 13B.

EVIDENTIAL ISSUES

- 1 All relevant evidence is admissible. NOTE: While hearsay evidence is admissible, a decision may not be based solely on hearsay evidence.
2. A decision on issues of fact must be supported by substantial evidence in record considered as a whole.
3. Substantial evidence is relevant evidence that a reasonable person might accept as adequate to support a conclusion; it is something less than the weight of evidence. The possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence.

KHSAA OPEN RECORDS

The KHSAA voluntarily maintains records in accordance with KRS 61.870 to KRS 61.884, Open Records. While the Association does not feel it is legally required to comply with these provisions, it is important that this voluntary compliance occur to ensure the integrity of the proceedings.

The KHSAA staff and legal counsel will respond to inquiries and provide relevant Attorney General opinions upon request.

BACKGROUND

All public records shall be open for inspection. No person shall remove original copies of public records from the offices without the written permission of the Commissioner (KRS 61.872 (1))

Any person shall have the right to inspect public records during the regular office hours of the office. Written application may require written application describing the records to be inspected. (KRS 61.872 (2))

If the Commissioner does not have custody of the record, such person shall so notify the applicant and shall furnish the name and location of the custodian of the record if such is known. (KRS 61.872 (3))

If the public record is in use, in storage, or not otherwise available, the Commissioner shall notify the applicant and shall designate a place, time and date for inspection not to exceed three (3) days from receipt of the application, unless there is an explained reason for the delay. (KRS 61.872(4))

If the application places an unreasonable burden due to volume, or if the Commissioner has reason to believe that repeated requests are intended to disrupt essential functions, the Commissioner may refuse inspection, but this should be done with clear and convincing evidence. (KRS 61.872(5))

FEE CHARGED FOR ABSTRACT, MEMORANDA, COPIES

Upon inspection, the applicant shall have the right to make abstracts of the written records, and to obtain copies. When copies are requested, the Commissioner may require a written request and advance payment of the prescribed fee. If the applicant desires copies of public records other than written records, the Commissioner shall permit such to be duplicated, but not in a manner so as to damage the records. (KRS 61.874 (1))

The KHSAA may prescribe a reasonable fee for making copies not to exceed the actual cost thereof not including cost of staff. (KRS 61.874 (2))

PROTECTION OF RECORDS

The KHSAA shall take steps to ensure compliance and the protection of records free from damage and disorganization, to provide assistance upon request; and to ensure efficient and timely action in response to applications for inspection of records.

Such steps shall include making known the principal office address and regular hours; fees to be charged for copies; and procedures to be followed to request public records. (KRS 61.876)

EXCEPTIONS TO PUBLIC RECORDS

The following shall be exempted from public records inspection except by order of the court.

Public records containing information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. (KRS 61.878 (a))

The contents of appraisals, engineering or feasibility estimates or other evaluations made in the acquisition of real property. (KRS 61.878 (d))

Records of law enforcement agencies or other agencies involved in administration which are compiled in the process of detecting and investigating violations. (KRS 61.878 (f))

Preliminary drafts, notes, correspondence with private individuals other than correspondence which is intended to give final notice of action. (KRS 61.878 (g))

Preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended. (KRS 61.878 (h))

All public records for which disclosure is prohibited by other statutes (student records, etc.) (KRS 61.878 (ii))

No exemption shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. (KRS 61.878 (2))

If any public record contains material which is not excepted under this section, the KHSAA shall separate the excepted and make the non-excepted material available. (KRS 61.878 (4))

The provisions of this section in no way prohibit or limit the exchange of public records between agencies when the exchange serves a legitimate governmental need or function. (KRS 61.878 (5))

ACCESS TO PERSON'S RECORDS

Any person shall have access to any public record relating to him/her in which they are mentioned by name, upon presentation of identification, subject to the provisions of KRS 61.878. (KRS 61.884)

ENFORCEMENT BY ADMINISTRATIVE PROCEDURES

Any complaint against noncompliance with these provisions shall be handled in compliance with KAR 61.880 and 61.882 as requested.

KHSAA BOARD CONFLICT OF INTEREST STATEMENT

The Board of Control of the Kentucky High School Athletic Association requires that each person elected to membership on the Board of Control be without interest which might jeopardize the performance of duties which are in the best interest of the KHSAA and interscholastic athletic programs in general.

Conflicts of interest would include but are not limited to, direct financial or close personal interests in a company or product which could be affected by a decision of a committee on which a Board member is serving. Compensation in the form of fees or salaries is prohibited if the source of such payments is affected directly or indirectly by your work with the Association.

The Kentucky High School Athletic Association is not critical of such interests. It merely requests that Board members disqualify themselves from direct service to the Association if they have such interests. If there are questions regarding this policy, please feel free to contact the KHSAA Commissioner.

GENERAL INFORMATION

PROPERTY

The Kentucky High School Athletic Association owns the office building, and lot, 2280 Executive Drive in Lexington. The construction on the building was completed in February, 1992. The value of the land and all assets of the Association are included in the annual inventory presented to the auditing firm and Board of Control.

DISSOLUTION OF THE ASSOCIATION

Upon the dissolution of the Association, the Board of Control shall, after paying or making provisions for the payment of all liabilities of the Association, dispose of all assets of the Association exclusively for the benefit of the member schools of the Association that shall at that time qualify as exempt organizations under section 501 c (3) of the Internal Revenue Service Code of 1954 (or the corresponding provision of any future United States Internal Revenue Service Law). Any of such assets not so disposed of, shall be disposed of by the Circuit Court of the county in which the principal office of the Association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for educational purposes.

INVENTORY

The Commissioner provides the auditing firm with a copy of the general inventory of holdings and financial investments of the Association on an annual basis. During a Fall meeting of the Board of Control when the Association audit is presented, such inventory shall be available to the Board of Control

CORPORATE PARTNERSHIP

The Association actively seeks Corporate Partnership of its activities to help with the funding of the Association's operations. All new contracts for Event Title Corporate Partnership are to be approved by the Board of Control.

LEGAL MATTERS

The Board of Control has a legal firm to be utilized as the need arises. The firm is on a modified retainer fee schedule. Representatives of the firm are available to Board of Control members for advice on matters pertaining to the Association. Requests for service should be submitted through the Commissioner's office to allow for adequate monitoring of the expenses incurred. A representative of the firm will be present at all Board of Control meetings when requested by the Commissioner.

MANAGEMENT REVIEW

In 1992-93, a Management Review of the daily operations of the KHSAA was conducted by representatives of the State Department of Education. This review recommended several changes to the daily operations of the Association, and continual refinement of the Associations' Policies and Procedures.

DUE PROCESS PROCEDURE

The Board of Control of the Kentucky High School Athletic Association adopted a Due Process Procedure for appealing decisions of the Commissioner or Board of Control effective July 1, 1976. On July 13, 2009 the Legislative Research Committee approved a additional modifications to the Due Process Procedure with Chapter 13B. (See Due Process Procedure in Handbook for appeals procedure) This process may be modified by the Legislative Research Commission.

BOARD OF CONTROL ATTENDANCE AT CHAMPIONSHIP EVENTS

Board of Control members are welcome at any state tournament in any sport. Tickets and hotel rooms are available upon request with reimbursement according to the approved schedule. We ask you to help in the presentation of awards at any of our tournaments you can attend.

ELECTION OF OFFICERS

The President and Vice-President of the Board of Control are elected at the April meeting of the Board of Control. The new President is elected at the April/May meeting, and will assume office on July 1. If two or more candidates are nominate for President or Vice-President, the election will be held by secret ballot.

STATE DEPARTMENT LIAISON

The Commissioner of the Kentucky Department of Education shall designate a liaison person to meet with the Board of Control and to participate in all discussions, but to have no vote as a member of the Board of Control.

The KDE liaison shall provide an update on the actions taken by the Board of Control at each Kentucky Board of Education meeting, and shall report to the Board of Control any relevant action and appropriate information from the Kentucky Board of Education.

BREAKING TIE VOTES

Votes on matters before the Board of Control which remain tied for three ballots, shall be decided by the draw from a hat, or coin toss.

KHSAA BLAZERS

Newly elected Board of Control members will be furnished a KHSAA blazer. The blazer may be worn at all Board of Control business meetings; when serving as a representative of the KHSAA at any meetings; at the Annual Meeting; and for other occasions to be determined by the Board of Control and/or requested by the Commissioner.

BOARD OF CONTROL ADOPTED POLICIES

The Board of Control has established many regulations and policies during its regular meetings. The following are the primary policies that affect daily operations at the Association. Reference numbers are directly related to the section and number of the KHSAA policy that is Section VI of the KHSAA Policies and Procedures Manual.

POLICIES ON MEMBERSHIP IN THE ASSOCIATION

Articles III and VI of the KHSAA Constitution detail the Board of Control's duty to develop standards for membership in the KHSAA and authorize the denial of membership applications for sufficient cause. The following policies detail that duty.

OPERATIONAL PROCEDURES

Membership Forms are distributed to current members on or about May 1 for the following year along with the bill for membership dues.

Membership applications are also distributed as requested from other prospective KHSAA member schools.

Membership applications are due to the KHSAA by July 1. Previous member schools are generally be given until their opening day of school to join without penalty.

At the July Board of Control meeting, the Commissioner reports to the Board of Control on recommendations for approval of the membership list for the coming school year. The Board is compelled to take action on those recommendations.

BASIC MEMBERSHIP CRITERIA

Pursuant to 702 KAR 7:065, Section 1, the KHSAA has been designated as 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 the KHSAA and compete with a common school. Any school desiring to associate with the KHSAA shall complete, sign and submit this application to the KHSAA together with the applicable due, which shall be considered by the KHSAA Board of Control. The following are the basic criteria for membership in the KHSAA:

1. The school shall have the 12th grade as the terminating grade, and not enroll students in only grades K-5;
2. The school shall be registered with the Kentucky Department of Education, and have been issued identifying codes and classifications within the policies of that agency;
3. The school shall be accredited by the Kentucky Department of Education if such accreditation is provided; otherwise, the school shall fit into one of the following categories as defined by the Kentucky Department of Education – A1 (District operated general or multi-program school), D1 (State Department of Education operated school), F1 (Federal Dependent school), J1 – Roman Catholic School, M1 – Other religious school or R1 – Private, non church school;
4. School personnel shall agree, through this application and other monitoring methods, to adhere to and abide by the KHSAA Constitution, Bylaws, Tournament Rules and all other policies and directives of the KHSAA Commissioner and/or Board of Control;
5. A new school formed by the local board of education from existing KHSAA member schools shall be immediately eligible for championship play upon acceptance of the application for new membership; whereas, any other school applying for new membership shall be ineligible for championship play during a two-year probationary period from the date of acceptance of the application, unless otherwise determined by the KHSAA Board of Control;

6. The school shall pay the membership dues and any and all assessed fines by the imposed deadline; and
7. The Principal or an administrator holding Principal certification shall annually attend a KHSAA administrator's meeting.

REASONS TO DENY OR REVOKE MEMBERSHIP

The following is a list of reasons that the KHSAA Board of Control may either deny an application, suspend or revoke membership in the KHSAA:

1. Failure to satisfy any of the Basic Membership Criteria enumerated above;
2. Failure to adhere to and abide by any of the Attestments enumerated below; or
3. A documented pattern of continual violations and a general lack of institutional control as defined in KHSAA Bylaw 33.

COMPLIANCE

Each school desiring to join the KHSAA shall attest to compliance with certain specific requirements of the Board of Control. By signing an application on behalf of this school, the Principal shall acknowledge that the local Board of Education and/or School Based Decision Making Body has given the Principal authorization to apply for renewal of membership in the KHSAA.

The Principal shall acknowledge that the school is a voluntary member of the KHSAA and is in compliance with the KHSAA Constitution, Bylaws, Tournament Rules and all other policies and directives of the KHSAA Commissioner and/or Board of Control.

The Principal shall further acknowledge that the Principals has read, understood and agree to abide by the KHSAA Constitution, Bylaws, Tournament Rules, Due Process Procedure and all other policies and directives of the KHSAA Commissioner and/or Board of Control as now enacted or later amended.

The Principal shall further acknowledge that this school will abide by any and all of the rulings of the KHSAA Commissioner, Assistant Commissioners, Hearing Officer and Board of Control, and at all times act in the best interests of the KHSAA.

The Principal shall further acknowledge that this school will self-report any and all violations of the KHSAA Constitution, Bylaws, Tournament Rules, Due Process Procedure and/or all other policies and directives of the KHSAA Commissioner and/or Board of Control, and any ruling by the KHSAA and its Commissioner, Assistant Commissioners, Hearing Officer and/or Board of Control.

The Principal shall further acknowledge that, to the fullest extent of law, this school knowingly, intelligently and with sufficient awareness of the relevant circumstances and likely consequences hereby waives any and all state and federal constitutional rights with respect to any action taken by the KHSAA and its Commissioner, Assistant Commissioners, Hearing Officer and Board of Control relating to interscholastic athletics in Kentucky.

The Principal shall further acknowledge that the management of the athletic program is not in contradiction to state and/or Federal law, including but not limited to the the submission of the proper materials in a timely manner as requested by the Commissioner to fully comply with 702 KAR 7:065, Section 2(13) as it relates to monitoring compliance with 20 USC Section 1681 (Title IX).

The Principal shall further acknowledge that the KHSAA may impose penalties including, but not limited to, forfeit, warning, reprimand, probation, suspension, restitution and payment of a fine, against this school for violation of the KHSAA Constitution, Bylaws, Tournament Rules, Due Process Procedure and/or all other policies and directives of the KHSAA Commissioner and/or Board of Control, and agree to timely adhere to and abide by any and all penalties assessed against this school under Bylaw 33 or any other Bylaw, rule, regulation or policy.

The Principal shall further acknowledge that this school will comply with the principles of institutional control as defined by KHSAA Bylaw 33 and the KHSAA's interpretations thereof.

The Principal shall further acknowledge that the KHSAA may toll a period of ineligibility after the anticipated expiration date in an amount of time equal to the time the student participated while ineligible.

The Principal shall further acknowledge that the venue for any legal action brought by or on behalf of this school against the KHSAA and/or any of its officials including, but not limited to, its Commissioner, Assistant Commissioners, Hearing Officer and Board of Control members shall be in Fayette County, Kentucky.

The Principal shall further acknowledge that this school will comply in a timely manner with any and all requests by the KHSAA and its officials for information, records and reports.

The Principal shall further acknowledge that all records of the school including, but not limited to, financial, scholastic and attendance, are open and available for inspection by the KHSAA and its officials.

The Principal shall further acknowledge that this school has distributed KHSAA Form GE04 in its entirety, including the applicable student eligibility rules and the Physician consent and Parental permission forms to each prospective student-athlete, and that this school properly maintains on file the written permission of the parents of each student-athlete and the required physical examination form until the student graduates from the school

The Principal shall further acknowledge that this school has ensured that each student-athlete has insurance coverage up to the KHSAA Catastrophic deductible prior to allowing them to practice or play.

The Principal shall further acknowledge that this school has maintained compliance with KHSAA Bylaw 25 as it relates to the loss of school time for regular season athletic contests, and does not schedule regular season contests that directly conflict with the academic school day.

The Principal shall further acknowledge that this school has properly monitored the playing of scrimmage and regular season contests, and has not violated the provisions contained in Bylaw 25, Limitation of Seasons in any KHSAA sport, and will self-report any violations of these limitations.

The Principal shall select on the membership application, a date to check grades on a weekly basis in compliance with Bylaw 5.

The Principal shall further acknowledge that in compliance with KHSAA Bylaw 10, this school's records are available for inspection and that this school has the financial aid need analysis for its student-athletes performed by one of the following agencies -- FACTS Grant in Aid Assessment, Financial Aid Independent Review (Rosemount, MN), Family Financial Needs Assessment (Hernando, MS), Private School Aid Service (Lakewood, OH), School and Student Service for Financial Aid (Princeton, NJ), and/or Tuition Aid Data Services (St. Paul, MN)

SCHOOL MEMBERSHIP DUES

Schools desiring to become a member of the Association shall pay a fee in accordance with their enrollment on the following schedule adopted in April, 1992-

Schools enrolling 1-400 students in grades 9-12 shall pay \$800;

Schools enrolling 401-610 students in grades 9-12 shall pay \$1000;

Schools enrolling 611-899 students in grades 9-12 shall pay \$1200; and,

Schools enrolling more than 899 students in grades 9-12 shall pay \$1400.

SPORTS SANCTIONING/SPONSORSHIP POLICY

REQUIREMENTS FOR SANCTIONING A SPORT

The KHSAA Board of Control sanctions (approved for practice and play and provides the Catastrophe Insurance for) all events for which the KHSAA sponsors a state high school championship and all events in which the KHSAA provides rules interpretation clinics but does not sponsor state high school championships. Under this definition, the sports of baseball, basketball, cross country, field hockey, football, golf, soccer, softball (fast and slow pitch), swimming, tennis, indoor and outdoor track, volleyball and wrestling are insured. In addition, the catastrophic insurance shall cover competitive cheer competitions during which the competition is conducted within the stunt limitations of the National Federation Spirit Guide.

Such sanctioning shall allow students to participate in these sports as long as they are compliant with all applicable KHSAA bylaws regarding student eligibility.

METHOD OF DETERMINING INTEREST IN NEW SPORTS

The KHSAA is to survey its membership every three (3) years thereafter to measure desire for a new offering or elimination of an existing offering. The KHSAA Limitation of Seasons shall not address a specific sport unless and until it meets the desired participation threshold to allow for the maximum opportunity to expose the sport to growth.

SCHOOLS NECESSARY TO START NEW SPORT

Unless otherwise approved by the Board of Control, in order for the KHSAA to sponsor a state playoff in a new sport, there must be at least 20% of the member schools desiring to participate by showing a favorable response on the interest survey.

SCHOOLS NECESSARY TO CONTINUE EXISTING SPORT

In order for the KHSAA to continue a playoff system for a sport and unless there is prevailing action by the Board of Control, there must be at least 15% of the member schools desiring to participate by showing a favorable response on the interest survey.

STUDENT CATASTROPHE INSURANCE
CATASTROPHIC INSURANCE COVERAGE

At its discretion, the Board of Control may fund the payment of the premium for a Catastrophe Insurance program for student athletes who are members of sanctioned sports teams and cheerleading squads. Cheerleaders are included in the catastrophic insurance coverage as long as they comply with stunt limitations as enumerated by the National Federation Spirit Committee and KHSAA Bylaw 25.

For the 2007-2008 school year, the Kentucky High School Athletic Association will again maintain, at no additional cost to the member schools, catastrophic insurance coverage for all participants in interscholastic athletics while traveling to or from, practicing for, or participating in, an athletic contest sanctioned by the KHSAA during the period governed and defined by Bylaw 25.

The policy is carried through Mutual of Omaha and is administered by a Kentucky based broker. The policy is only in effect during the defined Limitation of Seasons (Bylaw 25) and only during permissible activity. The policy carries a \$25,000 deductible for regular season contests, and is considered "excess" insurance, which does not take force until all other existing sources of insurance by the participants' family and school have been exhausted. The policy has a medical maximum payout of \$5,000,000 with a 10-year benefit period.

For 2010-2011, this coverage to cover -

Those students participating in all events during the time defined by Bylaw 25 for which the KHSAA sponsors a state high school championship,

Competitive cheer competitions during which the competition is conducted within the limitations of the National Federation Spirit Guide, and

The preseason activity under the direct supervision of the high school coaches in football on or after July 15, provided that activity is on campus, non-contact, non-interscholastic and no equipment is worn with the exception of a helmet.

This would specify that student-athletes are insured while representing a member school during the prescribed Limitation of Seasons in the sports of Baseball, Basketball, Field Hockey, Football, Golf, Soccer, Softball, Swimming, Tennis, Track / Decathlon / Heptathlon / Pentathlon/Cross Country, Volleyball, Wrestling and the sport activity of Competitive Cheer.

INSURANCE COVERAGE BELOW THE CATASTROPHE DEDUCTIBLE

According to Bylaw 2, a school must ensure that all of its student athletes are insured up to the deductible amount of the KHSAA Catastrophe policy before participation. The Board of Control and staff continue to study alternative methods of reducing insurance costs for the KHSAA and the cost of member schools providing this coverage for students.

KHSAA TICKET PRICES AND POLICIES

BASKETBALL (BOYS AND GIRLS)

BOARD OF CONTROL/STAFF

Each current Board of Control member and currently employed KHSAA staff member will receive two (2) complimentary tickets to each tournament. Each person must sign a statement upon receipt of the tickets that they are for personal use. The Board of Control and staff also have the option of purchasing two seats adjacent to the complimentary tickets, and additional seats in a more desirable location in the arena. Any tickets other than the complimentary tickets must be purchased for full face value.

COMPLIMENTARY TICKETS

The Board of Control authorizes the Commissioner to issue a maximum of 400 complimentary sets of tickets to the Boys' and Girls' Tournaments, to be distributed in a manner decided by the Commissioner.

Included in this allotment would be the tickets listed above for the Board of Control and staff and other complimentary tickets deemed in the best interest of the Association. Specifically approved are a maximum of forty (40) tickets to be used in exchange sponsorships with automobile dealers in exchange for furnishing the association automobiles (eight (8) per automobile), and two (2) tickets upon request for any former member of the Board of Control. The Commissioner shall designate a section of seating to accommodate not more than two (2) seats per former Board of Control member.

PRIORITY SALES FOR SCHOOLS

Priority location tickets will be sold to member school principals (limit 4), and member school superintendents (limit 2), for full face value for the entire tournament. These seats shall be located in the most desirable sections of the lower/side arena if requested by the published deadline. All requests for priority seats received after the published deadline will lose seating priority.

FOOTBALL

COMPLIMENTARY TICKETS

The Board of Control authorizes the Commissioner to issue a maximum of 400 passes to all championship games to be distributed in a manner decided by the Commissioner in the best interests of the Association. Included in this allotment would be Board of Control members and staff members and any corporate exchange agreements. The Commissioner shall designate a section of seating to accommodate not more than two (2) seats per former Board of Control member.

BASEBALL

COMPLIMENTARY TICKETS

The Board of Control authorizes the Commissioner to issue a maximum of 400 passes to all championship games to be distributed in a manner decided by the Commissioner in the best interests of the Association. Included in this allotment would be Board of Control members and staff members and any corporate exchange agreements. The Commissioner shall designate a section of seating to accommodate not more than two (2) seats per former Board of Control member.

TICKET PRICES AND POLICIES ON OTHER SPORTS

Ticket prices in all sports are reviewed by staff and the Board of Control. The Board of Control authorizes the Commissioner to enter into special agreements to sell reduced price admission in an effort to promote the tournament. All other tickets shall be sold at the full face value based on the published prices.

CHEERLEADING INFORMATION

National Federation Policy Statement Concerning Cheerleaders

Included in the statement of philosophy adopted by the NFHS Spirit Committee is the following: "Cheerleaders shall serve as a support group for the interscholastic athletic program within the schools, and, as such, play a very important role in the administration of athletics contests. Each squad should strive to boost school spirit, promote good sportsmanship, develop positive crowd involvement, and help student participants and spectators achieve the most worthwhile educational objectives of the interscholastic program."

The philosophy statement also noted that cheerleading activities should center on leading or directing the cheers of fans and that performing is a secondary role of cheerleading.

The NFHS Spirit Committee noted that risk minimization is very important, and that responsibility for safety rests with each high school and the cheerleading coach/supervisor. The committee said that each school's coach/advisor should modify the above recommendations to reflect the age, training, experience and athletic ability of the student in his/her school.

SUMMARY OF BYLAW APPLICABILITY TO CHEERLEADERS

Bylaws 2, 25, 26, 27 and 33 are KHSAA requirements and regulations for cheer participants and teams. Other rules for eligibility for cheer participants are to be determined at the school level.

KHSAA Eligibility Bylaw 2 specifically within its text requires a physical exam prior to participation by cheerleaders. This is essential for the KHSAA to maintain its current Catastrophic Insurance Coverage for Cheerleaders.

KHSAA Eligibility Bylaws 3 (Age), 4 (Enrollment), 5 (Academic), 6 (Transfer), 7 (Financial Aid), 8 (Out of Season Play), 9 (General Eligibility) and 10 (Recruitment) do not apply to cheerleaders or any other sport or activity for which the KHSAA does not sponsor a championship.

KHSAA Bylaw 25 (Limitation of Seasons) applies to cheerleading coaches explicitly within the rule. This provision is necessary to maintain the current Catastrophic Insurance Coverage for Cheerleaders.

KHSAA Bylaw 26 (Summer Dead Period) and Bylaw 27 (Requirement for Coaches) apply to cheerleaders and cheerleading coaches explicitly within the rule.

KHSAA Bylaw 33 specifically applies to cheerleading in certain penalty provisions, including the penalty for performing a stunt not allowed by National Federation Rules.

TITLE IX APPLICABILITY TO CHEERLEADING

Federal regulations state that cheerleading is not considered a sport for the purposes of counting sports participation for Title IX purposes. Further, the KHSAA defines "sport" in its bylaws as those athletic events for which the Association conducts a state championship or licenses officials.

KHSAA VIDEOTAPING REGULATIONS

MEDIA

At all levels of competition during postseason play, the rights to such contests are owned exclusively by the KHSAA. In general, the management of those rights is delegated to the manager at the host KHSAA member school for the district, regional and sectional (semi-state) competition. At all levels of competition, including district, regional, sectional, and state competition in KHSAA sponsored tournaments and meets, managers are encouraged to make allowances for members of the television media to tape the contests at no charge to the media outlet, as long as the taping is for the sole purpose of newscast highlights.

Cable companies and other outlets desiring to tape the contest for delayed rebroadcast must receive the permission of the event manager, and the manager has the right to set and collect any fee which he or she may deem appropriate as an offset to any perceived lost ticket revenue. At the state level, all negotiations for rights to a delayed broadcast, as well as any live telecast, shall be initiated with the Association Director of Promotions and Media Relations, and must be approved by the Commissioner of the KHSAA. All telecasts and cablecasts at levels of KHSAA competition other than the state final competition, shall be governed by the local manager.

PARTICIPATING TEAMS

At the discretion of the event manager, and if space is available, participating teams in KHSAA events shall be allowed space, for the purpose of recording the game. If space is deemed to be available, the tournament manager has the right to designate a specific area for the purpose of taping, and allow taping only in that area. It shall be solely the determination of the event manager as to space availability. The manager of all state final championships is the Association Commissioner.

If the tournament manager deems that space is available, each participating school choosing to tape or film is required to sign a waiver indicating that the Association will be held blameless for any and all liability to those parties involved in the taping, and that the school will make no copies of the tape or film.

FANS AND THE GENERAL PUBLIC

The Association shall allow for the taping of KHSAA sponsored competition by persons whose equipment is totally self-contained, is for personal use, will not be duplicated and the equipment can be operated from the confines of the seat that the person occupies. However, at the discretion of the event manager, taping may be prohibited if attendance figures or ticket sales indicate that the allowance of taping would impose on the comfort and view of other paying patrons. No support equipment, i.e., electric power supplies, tripods, etc. shall be allowed. The determination as to space availability and other technical requests shall be solely to the discretion of the event manager. If space is deemed to be available, the tournament manager has the right to designate a specific area for the purpose of taping, and allow taping only in that area. All requests for videotape and film space at levels below the state championships shall be directed to the event manager, and his or her decision as to space availability shall be final.

ASSOCIATION TAPING PRIVILEGES

The Kentucky High School Athletic Association reserves the right to tape any of its state championship rounds, and to make the tapes available in a reasonable amount of time and at a reasonable rate. The Association list of events to tape is including but not limited to, Soccer Championship (boys' and girls'), Volleyball Championship, Football Championship Games (all four classes), State Boys' Basketball Tournament (championship game), State Girls' Basketball Tournament (championship game), State Baseball (championship game), State Fast Pitch Softball (championship game) and the State Wrestling Championships (final rounds in each class).

OFFICIALS DIVISION POLICY

CANCELLATION OR POSTPONEMENT OF CONTESTS

It is the duty of the home school to properly notify the contest officials in case of cancellation or postponement of the athletic contest. Failure to properly notify the officials prior to leaving home will cost the school a contest fee per official as established by the Board of Control.

If a contest is postponed after the start of the contest due to inclement weather, the officials originally assigned to the contest should make every effort to be available for the completion date. The member schools will not be liable for an additional contest fee for the officials to work the re-scheduled contest, but will be liable for an additional travel expense (mileage) fee. Each local officials' association is to implement a policy for the remuneration of officials working a re-scheduled contest who were not originally assigned to the contest.

If a contest is canceled while the officials are en route, the home school is responsible for the payment of a travel expense (mileage) fee to the crew of officials, plus a fee of 1/5 of the scheduled contest fee to each official.

If a contest is canceled and the officials notified prior to departure, there is no financial liability on the part of the school.

AMENDED FEDERAL CONSENT DECREES OF 1971 (1987)

1. As provided by KRS 156.070, the State Board of Education, under its general powers and duties, has the management and control of the common schools. It is the judgment of the court that this responsibility and control cannot be avoided or relegated to the Kentucky High School Athletic Association and that the Board is accountable to see that the Kentucky High School Athletic Association, acting in a ministerial capacity, shall observe the requirements of the law in fostering and encouraging the participation in athletics of all who desire to so participate irrespective of race or color. Such participants shall be given a full and equal opportunity to have positions and places of responsibility in the high school athletic program in all its phases.

2. The Kentucky High School Athletic Association shall continue under its rules and by-laws in the structure of its present organization subject to the directives of this decree.

3. The constitution and by-laws of the Kentucky High School Athletic Association shall be changed and modified as follows:

(a) The members of the Board of Control shall be elected for a period of four years as now provided. There shall be 18 members of the Board of Control, at least two of which shall be black, and at least two of which shall be female.

(b) The Commission shall be composed of a Commissioner and four to five Assistant Commissioners, at least one of which shall be black and one of which shall be female.

(c) The Delegate Assembly shall not be limited in its membership to Principals of accredited secondary schools of good standing in the Kentucky High School Athletic Association, but shall be composed of Administrators, Principals or faculty members of schools or school systems. While it is not practical to require a percentage of blacks to be named as Delegates, the districts shall bear in mind that a reasonable proportion of the Delegate Assembly should be blacks.

(d) Where the use of registered officials is required, such officials for each athletic contest in football, basketball and baseball shall be selected and shall be given to the schools involved at a reasonable time before the contest. Any head coach who objects to the selection of a certain official or officials to serve in contests in which his team will participate shall have a right to file a written protest with the Commission if filed a reasonable time before the contest. What is a reasonable time to be determined by the Commission. The Commission shall have a right to make such changes as it deems appropriate and in the best interest of the sport. It is recognized that to

make out such a schedule is a very involved and tedious task and the Commission shall have authority to employ such assistance as it feels proper, subject, of course, to its supervision.

4. The Association shall establish a list of qualified officials to officiate in all high school sports and shall require that only such officials may officiate in interscholastic athletic competition. It may classify officials as Level 1, Level 2 and Level 3 and in so doing may adopt the standards now employed by the Association.

5. Pursuant to paragraph 5 of the original Decree herein filed Kentucky High School Athletic Association was required to take affirmative action to recruit black officials in the sports of basketball, football and baseball and was further required to report to the court within 60 days from the date of the original Decree concerning such action. An affidavit has been filed in the record herein on November 15, 1971, showing the results of such action. Kentucky High School Athletic Association shall make available to all persons so recruited academic and practical training, including participation as officials in practice, junior varsity and similar contests. The objective shall be to cause such persons to become fully qualified to participate as officials in varsity contests as soon as practicable.

6. The Second Amended Answer of defendants, Kentucky High School Athletic Association and Ted Sanford, pleading the amendment of Article IV, Section 2(a) of the Constitution of Kentucky High School Athletic Association be and it is hereby ordered filed and entered of record herein.

7. Plaintiffs herein represent of record all blacks constituting a class so numerous to make it impracticable to bring them before this court. The questions of law and fact affecting the rights of such plaintiffs raised herein by pleadings and proof are common to all blacks and are typical of the claim of the class of blacks. Therefore plaintiffs herein represent of record as a class all blacks as a whole.

The Court is fully aware that at this date the high school football season is well advanced and it is not practicable to undertake to invoke the changes directed by this decree to apply to the high school football contests. The football season may proceed to its ultimate conclusion under the plan now in effect as provided by the Kentucky High School Athletic Association Constitution, Bylaws and tournament Rules 1970-71. In all other respects this decree is effective as of the date it is signed by the Court.

CONFLICT OF INTEREST STATEMENT FOR ASSIGNING SECRETARIES

For the purpose of definition, an Assigning Secretary shall be an individual designated by the KHSAA in consultation with a local policy board to issue game assignments for KHSAA member schools from a pool of licensed officials.

An Assigning Secretary—

- 1) Shall not serve as a voting member of a local policy board or officials' association;
- 2) Shall not officiate interscholastic competition in the sport and on the level at which he/she is making game assignments unless approved in writing by the Commissioner;
- 3) Shall be required to attend annually a meeting of all assigning secretaries in the sport which he/she assigns games, provided such a meeting is held in the sport;
- 4) Shall be required to annually attend the required rules clinic for officials and coaches in the sport in which he/she assigns games, provided such clinics are held;
- 5) Shall have his/her entire salary paid for the assignment of games (provided a salary is to be paid) by the local policy board and/or officials' association or a combination thereof.
- 6) Shall be directly responsible to the KHSAA Assistant Commissioner with duties covering the sport in which game assignments are being made and to the person designated as the Supervisor of Officials.
- 7) Shall adhere to all applicable regulations contained in the Officials Guidebook.

OTHER BOARD OF CONTROL ADOPTED POLICIES

Many decisions are made that are only recorded in the minutes of the Board of Control meetings. The following represent some of those items that all KHSAA constituencies should be aware of:

POLICY ON ANONYMOUS CALLS AND LETTERS

Bylaw 16 requires all material submitted regarding the KHSAA for protests and reporting of violations to be in writing. If such reports are anonymous, the letters shall be forwarded by the Commissioner's office to the school administrator of the school in question, with no further action taken by the KHSAA unless that administrator reports a violation or further substantiated and signed information is received. Anonymous callers shall be informed that the KHSAA staff has no authority to act on anonymous calls.

POLICY ON ACCEPTING CALLS FROM MEMBER SCHOOLS AND THE GENERAL PUBLIC.

The KHSAA staff prioritizes calls from the member school representatives. The KHSAA staff receives hundreds of phone calls and electronic mail messages each week from member schools. Because the KHSAA exists to serve the member schools, responding to their inquiries is the top priority. The large volume of calls from parents and students has dramatically effected our ability to serve the member schools. School administrators will remain the first and preferred contact resource for parents and students. The KHSAA will refer calls from parents and/or students to the appropriate school personnel, and ask that the administrator contact the KHSAA if there is a need for a specific answer or rules clarification.

SEVERE WEATHER POLICY

The Referee or head official must delay or cancel a competition at the first site of lightning or sound of thunder at the site and the site should be cleared of all persons immediately by event administration. If it is anticipated that the storm will pass, the competition may be resumed following a three (3) minute warm-up period, no sooner than thirty (30) minutes after the last sight of lightning or the last sound of thunder.

If the severe weather is of great length or intensity, the Referee or lead contest official has the responsibility and authority to cancel the competition. Officials are encouraged to learn the weather forecast prior to game time. Safety of the public and participants is the most important factor in any decision of this type.

If a contest is postponed after the start due to inclement weather, the officials originally assigned to the contest should make every effort to be available for the completion date. The member schools will not be liable for an additional fee for the officials to work the rescheduled game but will be liable for any additional travel expense (mileage) fee. Each local officials association is to implement a policy for the remuneration of officials working a rescheduled contest who were not originally assigned to the contest.

If a contest is cancelled while the officials are en route, the home school is responsible for the payment of a mileage fee to the official or crew of officials, plus a fee of 1/5 of the scheduled contest fee to each official.

If a contest is cancelled and the officials are notified prior to departure, there is no financial liability on the part of the school.

RECOMMENDED SECURITY PRACTICES FOR CONTESTS

While many schools have adequate measures in place regarding safety and security at athletic contests, all members are reminded of the importance of this provision. The National Federation and the Kentucky High School Athletic Association have made a strong effort in reminding all state associations and member schools of the importance of member schools understanding of the necessity for adequate security.

Crowd control has become a major emphasis across the nation and though many schools have provisions in place, it is important to take every precaution to protect the athletes, fans and general public at contests.

While acknowledging the expense of security, it is noted that this should be an integral part of your athletic planning process.

STATEMENT ON ETHNIC AND CULTURAL DIVERSITY & SEXUAL HARASSMENT

The KHSAA recognizes the cultural diversity of its member school athletes, coaches, fans and spectators. The Board of Control encourages each of its member schools to educate its participants and all parties involved in the sports program as to the need for a united approach to solving problems. Prejudice on the basis of sex, creed or ethnic origin cannot be tolerated. The KHSAA encourages each of its schools to unite in this effort. The KHSAA has no tolerance for sexual harassment or discrimination based on gender. If such acts are discovered during the course of normal operations, all information will be forwarded to the proper authorities.

RETAINING LEGAL FIRM(S)

The Board of Control through the Commissioner may retain firms for legal assistance. It is not necessary that the same firm be retained for court appearances and defense as is retained for administrative purposes.

LEGAL ASSISTANCE

The Commissioner shall have the authority to engage the Association's legal firm(s) in defense of Association rules and for consultation. This may or may not include attendance at Board of Control meetings and eligibility hearings. Any case proceeding past the Kentucky Court of Appeals would require Board of Control approval to proceed.

FUND RAISING POLICY

The Association, through the Board of Control, may approve fund raising projects not included in the operating budget of the Association. Any new fund raising project shall be projected to receive no revenue for the first year to eliminate any budgetary dependence on the item.

All fund raising projects shall be presented to the Board in a general meeting, and shall require a minimum of two readings at two different sessions for approval. No policy shall be permitted to be approved which is contrary to KHSAA rules, or which would require the eligibility rules of the Association to be waived, or which would place a student-athlete's health, safety, or eligibility in jeopardy.

PARTICIPATION IN BOYS AND GIRLS BASKETBALL

Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same program for girls. (KRS 157.350 (2))

LIMITATION OF SEASONS

The official Limitation of Seasons policy was adopted at the April, 1982 meeting, and is now Bylaw 25.

DEADLINE FOR MEMBERSHIP

The deadline for a school to apply for membership to the KHSAA is September 1st of each year. (October, 1983 meeting)

NINTH GRADE REGULATIONS

Student eligibility rules apply to all students enrolled in grades nine through twelve no matter where enrolled. (November, 1983 meeting)

DEADLINE FOR ENTERING CHAMPIONSHIPS

The deadline to enter a team in sports competition is August 1 for fall sports; November 1 for winter sports; and the March 1 for spring sports.

ALL-STAR GAME RULINGS

Seniors shall be considered to be under the jurisdiction of the appropriate collegiate governing body (NCAA, NAIA or NJCAA) following the completion of athletic eligibility in football and basketball as it pertains to All Star Games in those sports, and not subject to penalty for participation during school year. (Bylaw 8 interpretation, October, 1985 meeting.)

DISTRICT TOURNAMENT REQUESTS

The member schools in a district SHALL establish a rotation plan for hosting the tournament. The schools by majority shall decide what playing facilities can hold the attendance of the last five years of the tournament based on the fan followings of the schools and other logistical needs such as accessibility, parking, etc. Though it is not necessary that all schools be allowed to play the tournament in their gym, the hosting of the tournament and serving as manager it is to be played at the sites able to accommodate the tournament, with each school having the opportunity to host/manage the tournament including the concessions, parking and ancillary revenue that comes with hosting. If there is a disagreement, the Board of Control shall serve as the final resolution and the staff will assist in those determinations.

CORPORATE PARTNERSHIPS/SPONSORSHIPS

The Association actively seeks Corporate Partnership/Sponsorship for its activities to help with the funding of the Association's operations. All new contracts for Corporate Partners are to be approved by the Board of Control.

HEAT/HUMIDITY MEASUREMENT AND COMPLIANCE PROGRAM

All KHSAA member schools in all sports shall comply with the recommended Heat and Humidity Illness and Injury Prevention Program including all reporting mechanisms and shall submit these reports (in compliance with Bylaw 15) in a timely manner. (May, 2005 meeting)

REQUIRED ATTENDANCE BY PRINCIPALS AT MEETINGS

The Commissioner shall ensure that each member school Principal attends on an annual basis, at least one meeting to ensure an understanding of KHSAA Rules, Regulations, Policies and Procedures. This meeting (in compliance with Bylaw 1) shall be attended by the Principal. In the absence of the Principal, the Superintendent may designate an individual holding a Principal's Certification to attend the meeting and be compliant with the requirement. KHSAA staff shall ensure that all Effective Leadership and Professional Development Credit is sought for attendees at these meetings. Schools failing to send a representative may be suspended from membership in the Association or otherwise penalized in accordance with KHSAA Bylaw 33. (May, 2006 following consideration by Current Issues Review Committee)



PARLIAMENTARY PROCEDURE

In all business meetings of the Association, Robert's Rules of Order will be followed.

There must be at least 10 members (quorum) of the Board of Control present to conduct the business of the Association.

An item requiring a vote shall first have a motion and then a second to the motion before discussion of the item.

In most issues of business, a simple majority of those members present is needed to approve a motion.

In special meetings, only those items on the agenda can have official action.

There is no provision for proxy voting.

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BOARD OF CONTROL ORIENTATION
(Updated to comply with revised Due Process Procedure)

I. Administrative Procedure

A. Mandatory - KHSAA must conduct proceedings in accordance with KRS Chapter 13B and its Due Process Procedure

1. A detailed description of the Due Process Procedure is enclosed in the Board of Control Orientation packet

B. Basic Process

1. Initial Ruling - the Commissioner makes an initial ruling based on the applicable form
 - a. Responsibility of receiving school to make sure all information is completed prior to sending it in to the KHSAA
 - b. Limit parent involvement - discourage parents from contacting the Commissioner
 - c. Misconception - only KHSAA can waive the rules; not the schools themselves
 - d. Submit to KHSAA in writing
 - (1) No oral/e-mail/fax requests for rulings or interpretations
 - (a) The KHSAA receives hundreds of requests for rulings each year. To facilitate a prompt ruling on a request, the KHSAA will not issue interpretations via e-mail. If an interpretation is requested, the request must be in writing to the Commission.
 - (2) Public record
 - (a) An e-mail may be considered a public record subject to the Kentucky Open Records Act.¹
 - i) Caution - because it may be a public record, Board of Control members should exercise caution when responding to and sending e-mails relating to a KHSAA matter

¹ This discussion does not concede that the Kentucky High School Athletic Association ("KHSAA") is subject to either the Kentucky Open Records Act or Kentucky Open Meetings Act.

- (3) Formal communications - potential violations should be communicated in writing to the KHSAA's office
 - e. Timing
 - (1) Objective to rule within 30 days unless further investigation is necessary
 - (2) If information absent, the Commissioner will send it back
- 2. The Hearing
 - a. Who - aggrieved student, parent, coach, administrator may appeal the Commissioner's ruling
 - b. Content - detail the factual basis for the appeal
 - c. Appeal - goes to the KHSAA hearing officer who will hold a hearing
 - (1) Board of Control - an appeal under Bylaw 1, 3, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 goes directly to the Board of Control
 - d. Attendance - aggrieved or affected parties should attend because failure to attend can result in a default judgment and preclude the later presentation of additional evidence or review
- 3. Recommended Order - Hearing Officer issues a recommended order
- 4. Exceptions - if a party is dissatisfied with a recommendation, they can file exceptions
- 5. Final Order
 - a. Commissioner (Agency Head) issues a Final Order
 - b. Official record – Commissioner must base the decision on the official written record
 - c. Additional evidence - only if facts incapable of being known at time of hearing or a significant change in facts since the hearing
 - d. Options –Commissioner has three options when considering the Hearing Officer's Recommended Order
 - (1) Accept and adopt - the Commissioner may accept and adopt the Hearing Officer's Recommended Order as its Final Order

- (2) Reject or modify - the Commissioner may reject or modify in whole or in part the Hearing Officer's Recommended Order
 - (a) Findings of fact and conclusions of law - the Commissioner must include separate statements of findings of fact and conclusions of law if the Final Order differs from the Recommended Order
 - i) Adopt by reference - if the Commissioner only disagrees with the conclusions of law in the Recommended Order, the Commissioner may adopt the findings of fact in the Recommended Order and issue different conclusions of law
- (3) Remand - the Commissioner may remand the matter, in whole or in part, to the Hearing Officer for further proceedings as appropriate

II. Recusal

A. What is it?

- 1. Recusal is the process by which an individual disqualifies herself or himself from participation in a proceeding
 - a. Participation - cannot discuss, debate or vote on a proceeding
 - b. On the record – an individual must recuse herself or himself on the record before the proceeding begins
- 2. The Board of Control member or Commissioner has engaged in improper *ex parte* contacts
 - a. See attached memorandum
- 3. The Board of Control member or Commissioner has a personal bias toward any party to a proceeding which would cause a prejudgment on the outcome of the proceeding
- 4. The Board of Control member or Commissioner has a pecuniary interest in the outcome of the proceeding
- 5. Any other circumstance which would cause the Board of Control member or Commissioner -to not be able to accord a fair and impartial hearing to a party in a proceeding

III. Kentucky Open Records and Open Meetings Acts

- A. Kentucky law – the public has a statutory right of access to public records and meetings under certain circumstances
 - 1. Caveat – KHSAA does not concede that it is subject to the Kentucky Open Records and Open Meetings Acts
- B. See attached handout: *Your Duty Under the Law*

IV. Record Management

- A. Purpose - records management ensures that adequate records are created to document institutional function and meet administrative, legal and other operational needs, and that records are retained and disposed of based on analysis of their function and value
- B. Confidential and private information
- C. Circulation system
- D. Retention policy
 - 1. Eligibility files: 4+1
 - 2. Historical significance, Vital Statistics and Research relevance

APPEALS TIMELINE – PROCEDURE AS OF JULY, 2009

Initial transfer form received by the KHSAA:

- Transfer form is date stamped in top right-hand corner the day the transfer is received (by regular mail, or next day delivery, NO hand-deliveries or faxes accepted at this time, however, procedures will be revised to allow for limited hand delivery and electronic submissions)
- Transfer is logged into KHSAA computer system for tracking.
- Each days transfers (GE06) are given to Mr. Bilberry in a batch, and placed in a separate “IN” box
- Mr. Bilberry makes ruling and signs the cover sheet
- Darlene Koszenski date stamps the cover sheet the day she processes the transfer and mails the letter

Initial transfer ruling letter: *(Form letter with scanned signature of Assistant Commissioner Darren Bilberry)*

- Additional information then entered into computer file in daily/weekly batches
- School transfer file merged with word document
- Transfers printed (sending school and receiving school addresses fit in window envelope)
- Transfer letter sent by regular mail to principal of receiving school and principal of and sending school
- Original transfer with copy of transfer letter filed in receiving school folder (most recent transfers in front of folder)
- Confidential material is filed in a separate location with a cross-reference number in the school file

Appeal request:

- Written letter requesting an appeal before the Hearing Officer is received by regular mail, fax, next-day delivery or hand delivered to the KHSAA office
- If the written request seeks an appeal on unknown or speculative factors, a letter is sent to the appealing party requesting a detailed basis for the appeal, including the language from the last paragraph of Section 4 of the Due Process Procedure. (Otherwise, neither the KHSAA nor other parties will know the factual basis for the appeal and the issues involved or be able to prepare evidence and argument)
- Darlene Koszenski date stamps appeal letter in the top right-hand corner the day it is received
- Darlene Koszenski pulls the transfer form and original ruling out of the school file and places it in a “Pending Appeal” folder

Up to the week of appeal: *(Form letter stamped with Commissioner Julian Tackett signature)*

- Prepare appeals agenda (times based on geographic location of appellant; schedule same schools in adjacent time slots)
- Prepare 3 sets of envelopes for all aggrieved parties
- Label colored folders for each appeal case (different color folder each month)
- Send by certified mail, return receipt requested, initial appeal letters to:

- Appealing party (usually parents or attorney; sometimes receiving school principal or athletic director) Include:
 - 4-page appeal letter
 - Due Process Procedure
 - Directions to KHSAA office
 - 20-day waiver notice
 - Additional information requested sheet
- Principal of receiving school-Include:
 - 4-page appeal letter
 - Due Process Procedure
 - Directions to KHSAA office
 - Appeal request:
 - 20-day waiver notice
- Principal of sending school-Include:
 - 4-page appeal letter
 - Due Process Procedure
 - Directions to KHSAA office
 - Appeal request:
 - 20-day waiver notice
- Parents (if original appeal request is from an attorney) Include:
 - 4-page appeal letter
 - Due Process Procedure
 - Directions to KHSAA office
 - Appeal request:
 - 20-day waiver notice
- Chad Collins, Legal Counsel for the KHSAA
 - 4-page appeal letter
 - Appeal request:
- Kevin Brown, Kentucky Department of Education
 - 4-page appeal letter
- KHSAA copy in appeal folder

Five days before the hearing date:

- Give appeal agenda to:
 - Gary Lawson
 - Chad Collins
 - Advise him of any cases where an attorney will be representing the appellant, so he can be present
 - Copy any information in case files where an attorney will be present and fax to Greenebaum, or if file is large, they will send a runner to pick up the information
- Send by regular mail copies of all case folders to Judge Adams or Judge Karem, (including an agenda and any additional information that has been received by fax or mail)
- E-mail Principals and Athletic Directors at all schools involved, reminding them of the importance of attending the upcoming appeal hearing involving a student at their school. (Attach appeals agenda with student name, time and schools involved)

10-14 days after the appeal hearing: [*Finding of Fact Letter signed by Judge Edmund "Pete" Karem or Judge John Adams; Certificate of Service letter signed by Darlene Koszenski*]

- Receive Finding of Fact letters by regular mail from Judge Karem or Adams
- Darlene Koszenski proof reads the Finding of Fact letters for any errors
- Prepare Certificate of Service as last page of Findings of Fact letter
- Update date of next BOC regular or special meeting, allowing 15 days for exceptions to be filed and an additional 10 days before the next BOC meeting
- Sign, date, copy and mail Finding of Fact letters, using second set of pre-printed envelopes. Send by regular mail the same day the certificate is dated to:
 - All aggrieved parties
 - Judge Adams or Judge Karem

1-15 days after the Finding of Fact letters have been mailed:

- Date stamp any Exception letters filed and place in case folder

10-14 days before the Board of Control meeting:

- Copy material in case folders
- Separate by category (Eligible, Ineligible, Exceptions Filed)
- Prepare BOC agenda
- Mail Board packets to all Board of Control members, Chad Collins, Kevin Brown, KDE liaison (Michael Dailey)

After the Board of Control meeting: [*Form letter with scanned signature of Board of Control President Kelley Crain*]

- Send by certified mail Board of Control Finding letters (upheld) to all aggrieved parties within 1-2 days of the Board meeting (use 3rd set of pre-printed envelopes)
- Send by certified mail, within 3-7 days after the Board of Control meeting (overtures) to:
 - All aggrieved parties
 - Commissioner Julian Tackett
 - All Board of Control members
 - Judge Adams or Judge Karem
- File appeal case folders alphabetically by student's last name
- Type BOC minutes with appeal case decisions, to be included in the next issue of the *Athlete* magazine

Legal action:

- Court notice sent to KHSAA and/or Chad Collins by regular mail, next-day air, fax, or hand-delivered to the KHSAA
- Darlene Koszenski pulls colored case file folder and either copies contents or sends complete original folder to Chad Collins
- Chad Collins requests videotape of the appeal hearing of the case involved

- Chad Collins sends a Greenebaum, Doll & McDonald runner to the KHSAA office to pickup case folder and videotape
- Start a manila legal file case folder and file any additional correspondence
- Go to court

Miscellaneous Forms

- Subpoena
- Re-schedule letter
- Remand to Hearing Officer letter
- BOC request follow-up letter
- Exceptions not filed in a timely manner letter
- Response after Final Order letter

Your Duty Under the Law

**The Kentucky Open Records
and Open Meetings Acts**

**Office of the Attorney General
Jack Conway, Attorney General**

July 2008

Your Duty Under the Law explains the procedural and substantive provisions of the Open Meetings Act, KRS 61.800 to 61.850, and the Open Records Act, KRS 61.870 to 61.884, and contains basic information about the Acts. Pursuant to KRS 15.257(1), the Office of the Attorney General distributes this written information to assist the public officials of Kentucky in complying with the Open Meetings and Open Records Acts.

The Office of the Attorney General welcomes suggestions for improvements to this work, as well as ideas for future publications. Comments may be sent to the Attorney General's Office, 700 Capital Avenue, Frankfort, Kentucky 40601, or to our website, <http://ag.ky.gov>.

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The Open Records and Open Meetings Acts:

Your duty under the law

Kentucky's laws on open records and open meetings affect every public official and every public agency. It is important that you be prepared to deal with the numerous legal questions that arise under those laws. This brochure provides an analysis of the Open Records and Open Meetings Acts, and is designed to assist you in answering these questions. It contains a description of the general requirements of the laws, the procedures you must follow in implementing them, the exceptions you may invoke in appropriate circumstances, and the role of the Attorney General in interpretation and enforcement. Please note that the italicized and bulleted text reflects the courts' and the Attorney General's interpretation of the Acts. Because the Attorney General's Office acts as an impartial tribunal in open records and open meetings appeals, we cannot advise public agencies and public officials how to deal with specific situations. The following information should, however, prove useful to you in complying with Kentucky's laws on open records and open meetings.

The Open Records Act

In 1976, the General Assembly enacted the Open Records Act, KRS 61.870 to KRS 61.884, which establishes a right of access to public records. The General Assembly recognized that the free and open examination of public records is in the public interest. The General Assembly has also recognized that there is an essential relationship between proper records retention and management and records access. All public records, whether they are stored in a computer or on paper, must be open for inspection unless the records are exempted by one or more of the fourteen exemptions found in the Act. All public agencies are required to make nonexempt public records available to any requester, and to provide suitable facilities for exercise of the right of inspection. A public agency may not consider the requester's identity or purpose in seeking access to public records.

What are public records?

The Open Records Act applies to public records maintained by state and local government agencies. The agencies covered by the Act include:

- state and local government officers, departments, and legislative bodies;
- county and city governing bodies, school district boards, special district boards, and municipal corporations;
- state or local government agencies created by statute or other executive and legislative acts;
- bodies created by state or local authority in any branch of government;
- bodies that receive at least 25% of their funds from state or local authority;
- an entity where the majority of its governing body is appointed by a public agency;
- agencies created and controlled by public agencies; and
- interagency bodies of two or more public agencies.

Subject to fourteen exemptions, records that are prepared, owned, used, possessed, or retained by a public agency are public records, and must be made available upon request.

- *The term “public records” includes all such records even if they are not subject to inspection under an exemption and therefore not “open records.”*
- *The term “public record” includes emails, databases, and other records electronically generated and/or stored.*
- *The term “public record” includes public agency records that are not maintained on the agency’s premises.*

What are the general requirements of the Open Records Act?

Suitable facilities. Each public agency must make suitable facilities available for persons who wish to exercise the right to inspect nonexempt public records.

Time for inspection. Each public agency must permit inspection of nonexempt public records during the regular office hours of the agency. Agencies must, upon request, mail copies to a person whose residence or principal place of business is outside the county in which the records are located. The person must first precisely describe the public records, and the records must be readily available within the public agency. The agency may require advance payment of copying fees and the cost of mailing.

Official custodian. Each public agency must appoint an official custodian of the agency’s records. The official custodian is the chief administrative officer or any other officer or employee of the agency who is responsible for the

maintenance, care, and keeping of the agency's records, regardless of whether the records are in his actual personal custody and control.

Rules and regulations. Each public agency must adopt rules and regulations which conform to the Open Records Act. The rules and regulations must be displayed by the agency in a prominent location which is accessible to the public. The rules and regulations must include:

- the principal office of the public agency and its regular office hours;
- the title and address of the official custodian of record;
- the fees charged for copies;
- the procedures to be followed in requesting public records.

The uniform rules and regulations drafted by the Finance and Administration Cabinet, which are found at 200 KAR 1:020, may be adapted for each agency's use. (See, Sample open records rules and regulations at page 23.)

Compiling information/creating documents/specially tailoring format. A public agency is not required to compile information or to create a document that does not already exist in response to an open records request. If a public agency is asked to produce a record in a format other than the format it already maintains the record in, or to tailor the format to meet a request, the agency may, but is not required to, provide the requested format. The agency may then recover staff costs as well as any actual costs it incurs.

- *A requester must be permitted to conduct on-site inspection of records if he or she expresses a desire to do so, even if the public agency prefers to honor his or her request by delivery of copies through the mail.*
- *Public agencies must permit on-site inspection during regular office hours and no other restriction on hours of access can be imposed.*
- *Public agencies may require a requester to conduct an on-site inspection, before receiving copies, if the requester resides or has his or her principal place of business in the county where the records are located and/or if he or she fails to precisely describe the records.*
- *The absence of the public agency's official records custodian does not extend the agency's response time; the agency should designate an acting custodian to insure a timely response.*
- *Masking exempt information contained in an otherwise nonexempt public record is not equivalent to records creation; the agency must discharge this statutory duty and bear associated costs.*
- *A request for information ("How much are the city's employees paid?") need not be honored; a request for existing public records containing the*

information sought ("Please produce copies of the city's payroll records.") must be honored unless the requested records are exempt.

What is the procedure for inspecting a public record?

Request to inspect records. The request should be made to the official custodian of the public agency's records. The custodian may require that the request be in writing, signed by the requester and with his name printed legibly on it, describing the records to be inspected. The request may be hand-delivered, mailed, or sent via facsimile to the agency.

Response to request. The public agency must respond to the request in writing and within three days, excluding Saturdays, Sundays, and legal holidays. If the request is denied, the response must include a statement of the specific exception which authorizes the agency to withhold the record, and a brief explanation of how the exception applies to the record withheld. The response must be issued by the official custodian or under his authority.

Application to wrong agency. If the public agency which receives the request does not have custody or control of the record requested, the agency must notify the requester and furnish the name and location of the official custodian of the appropriate agency's public records.

Record not available. If the record requested is in active use, in storage, or not otherwise available, the public agency must notify the requester in writing and indicate a place, time, and date for inspection not to exceed three days from receipt of the request. If the record cannot be retrieved within three days, the agency must notify the requester in writing and provide a detailed explanation of the cause for the delay. The agency must also state the earliest date on which the record will be available.

Overly burdensome request. The public agency may refuse to permit inspection, or mail copies, if the request places an unreasonable burden on the agency in producing records or if the custodian believes that repeated requests are intended to disrupt the agency's essential functions. Refusal for either of these reasons must be supported by clear and convincing evidence.

Copies of records. A requester has the right to obtain copies of all nonexempt public records upon payment of a reasonable fee, including postage where appropriate. The agency may require prepayment for copies of records. Nonexempt public records must be made available for copying in either standard electronic or standard paper format, depending on the requester's wishes, if the agency maintains the records in both formats. If the agency

maintains the records in paper format only, it must make the records available in paper format. Agencies are not required to convert paper format records to electronic format.

The agency may prescribe a reasonable fee for making copies of nonexempt public records. The fee must not exceed the agency's actual costs of copying the record, including the cost of the medium on which it is copied and the cost of mechanically reproducing it, but not including staff costs. In general, ten cents per copy has been deemed a reasonable fee for records in paper format. The Open Records Act authorizes public agencies to impose a higher copying fee for requests made for a commercial purpose. "Commercial purpose" is defined as any use by which the user expects a profit but excludes newspaper or periodical publications, radio or television broadcasts, or use by attorneys representing parties in litigation.

Online access. A public agency may provide online access to public records in electronic format. The agency may require that the requester enter into a contract, license, or other agreement with the agency, and may charge fees. The fees cannot exceed the cost of physical connection to the system and the reasonable cost of computer time access charges.

- *Public agencies may use a preprinted request form but cannot require use of the form or demand more information on the form than the statute allows (requester's name printed legibly, signature, description of records).*
- *Public agencies are not required to honor emailed open records request but should develop a standard response notifying the requester to submit his or her request by U.S. Mail, fax, or in person and immediately issue the standard response by U.S. Mail.*
- *A public agency's three day response time begins to run the day after the request is received.*
- *Denials based on an unreasonable burden to the agency or a belief that requests are intended to disrupt its essential functions must be supported by clear and convincing evidence; for example, the number of records requested, the estimated amount of time and expense to the agency to fulfill the request, the duplicative nature of the requests.*
- *An agency may impose copying fees greater than ten cents per page only if a specific statute authorizes the agency to do so or the agency can prove that its actual copying costs, not including staff costs, are greater than ten cents per page.*
- *No fee can be imposed for inspecting public records.*

What records are exempt from public inspection?

The Open Records Act permits a public agency to withhold certain records from a requester unless the requester obtains a court order directing their release. The exemptions are located at KRS 61.878(1) and include:

- (a) records containing information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (b) records confidentially disclosed to an agency and compiled and maintained for scientific research;
- (c) records confidentially disclosed to an agency or required by the agency to be disclosed to it which are generally recognized as confidential or proprietary and which if disclosed would permit an unfair commercial advantage to competitors, including records which are compiled and maintained in conjunction with an application for or the administration of a loan or grant; the application for or the administration of assessments, incentives, inducements, or tax credits; or the regulation of a commercial enterprise;
- (d) records that relate to the prospective location of a business or industry which has not previously disclosed that it is interested in locating, relocating, or expanding in Kentucky;
- (e) records developed by an agency in conjunction with the regulation or supervision of financial institutions which reveal the agency's internal examining or audit criteria;
- (f) real estate appraisals, engineering or feasibility estimates, and evaluations made by or for a public agency, in the course of acquiring property, until all of the property has been acquired;
- (g) test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;
- (h) records of law enforcement agencies or agencies involved in administrative adjudication if disclosure of the records

would harm the agency by premature release (such records may be inspected after enforcement action is completed or a decision is made to take no action, unless they were compiled and maintained by a county or Commonwealth's attorney or unless another exception applies);

- (i) and (j) preliminary documents, including drafts, notes, correspondence with private individuals, recommendations, and memoranda in which opinions are expressed or policies formulated; and
 - (k) and (l) public records that are prohibited from disclosure by state or federal law;
 - (m) records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, as defined in the exemption, and limited to eight precisely described categories of records;
 - (n) records having historic, literary, artistic, or commemorative value that are accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency if nondisclosure is requested in writing by the donor or depositor.
- *The exemptions are "a shield and not a shackle" and an agency may elect to release records that are otherwise exempt except for records made confidential by federal or state law; an agency should also exercise caution before releasing records protected by the privacy exemption.*
 - *A public agency employee is entitled to inspect any record that "relates" to him or her, even if the record is otherwise exempt, unless the requested record is part of an ongoing criminal or administrative investigation by the agency, the requested record is an examination, or the requested record is a record made confidential by federal or state law.*
 - *Public agencies are encouraged to share otherwise exempt public records with other public agencies if the sharing of the records serves a "legitimate governmental need."*
 - *A public agency cannot withhold a public record which contains both exempt and nonexempt information, but must mask the exempt portion of the record and release the nonexempt portion of the record.*

- *Although Commonwealth's and county attorneys' litigation records are permanently exempt from public inspection, Commonwealth's and county attorneys are not relieved of their duty to respond to an open records request for those records, and cannot deny access to other nonexempt records of their offices (for example, contracts, payroll records, time sheets, travel vouchers).*

What is the role of the Attorney General?

If a public agency denies a request for public records, the requester may file an appeal with the Attorney General for review of the agency's actions. The appeal consists of a letter describing the circumstances of the denial, a copy of the written request, and a copy of the agency's written denial, if the agency issued a denial. Unless the requester is an inmate confined in a jail or correctional facility, and he or she is aggrieved by a denial issued by the Corrections Cabinet, the requester may bypass the Attorney General's Office and file an appeal in circuit court.

The Attorney General may request additional documentation from the agency, and may also request a copy of the disputed records. The Attorney General will not, however, disclose the records.

The Attorney General will review the appeal and issue a decision stating whether the agency violated the Open Records Act. The burden of proof rests with the agency to sustain its action. On the day he issues his decision, the Attorney General will mail a copy to the agency and a copy to the person who requested the disputed records. The decision will be issued in twenty days, excluding Saturdays, Sundays, and legal holidays. In unusual circumstances, this deadline may be extended an additional thirty days, excluding Saturdays, Sundays, and legal holidays.

Both the requester and the agency may appeal the Attorney General's decision to the circuit court of the county where the agency has its principal place of business or where the record is maintained. The Attorney General should be notified of any circuit court action, but may not be named as a party in the action.

If an appeal is not filed within thirty days, the Attorney General's decision has the force and effect of law, and can be enforced in circuit court. If the requester prevails against an agency in circuit court, he may be awarded costs, including reasonable attorney fees, if the court finds that the records were willfully withheld. The court may also award the requester up to \$25 for each day that he was denied the right to inspect the records. The Open Records Act contains criminal penalties for public officials who willfully conceal or destroy

records with the intent to violate the act. Officials who fail to produce records after entry of final judgment directing that records be produced may be found guilty of contempt.

- *The Attorney General will not consider an appeal that does not include a copy of the written request and the written denial, if the agency issued a denial.*
- *Upon receipt of an open records appeal, the Attorney General will issue notification of the appeal, and a copy of the appeal, to the public agency against which the appeal was filed, and the agency may respond in writing to the Attorney General; the agency must send a copy of its response to the individual who filed the appeal.*
- *Because the Open Records Act provides for judicial review of the issues raised in an appeal, the Attorney General will not reconsider an open records decision.*
- *The Attorney General will not consider an appeal if the requested documents are released to the requester after his or her appeal is filed but before an open records decision is rendered.*
- *The Attorney General will consider an appeal based on the allegation that the public agency "subverted the intent of the Act short of denial of inspection;" this includes appeals based on the imposition of excessive copying fees.*
- *Since 1992, open records decisions have been designated ORDs rather than OAGs because they are legally binding on the parties if not appealed.*
- *The designation "Not to be Published" that appears in ORDs issued from 1992 to 1999 does not mean that the ORD cannot be cited as precedent or made public; such ORDs carry the same weight as ORDs designated "To be Published."*
- *Because the public agency has the burden of proof to support its actions, the courts have directed that the agency "provide particular and detailed information in response to a request for documents," and not just a "brief explanation;" the agency should also take the opportunity to try to meet its burden of proof in preparing its supplemental response to the notification of appeal.*
- *The Attorney General's role in open records appeals is to issue a decision stating whether the public agency violated the Open Records Act; the Attorney General cannot enforce his decision by imposing penalties.*
- *A public agency that is dissatisfied with an ORD must appeal the decision within thirty days; if the public agency fails to appeal the decision, the decision has the force and effect of law, the agency is legally bound by the decision, and the circuit court must enforce it.*

The Open Meetings Act

In 1974, the General Assembly enacted the Open Meetings Act, KRS 61.800 to KRS 61.850, which establishes a right of access to public meetings. The General Assembly recognized that the formation of public policy is public business, and should not be conducted in secret. The Act requires that all meetings of a quorum of the members of a public agency where public business is discussed or action is taken must be public meetings. Public meetings must be open to the public at all times unless the subject of the meeting falls within one or more of the twelve exceptions found in the statute. Members of the public may attend any public meeting and cannot be required to identify themselves in order to attend.

What is a public meeting?

The Open Meetings Act applies to all meetings held by state and local government agencies. The agencies covered by the act include:

- state and local government boards, commissions, and authorities;
- state and local legislative boards, commissions, and committees;
- county and city governing bodies, councils, school district boards, special district boards, and municipal corporations;
- state and local government agencies, including policy making boards of educational institutions, that are created by state or local statute or other legislative act;
- bodies created by state or local statute or legislative act in the legislative or executive branch of government;
- an entity where the majority of its governing body is appointed by a public agency;
- agencies, including committees, advisory committees, and ad hoc committees, which are established, created, and controlled by a public agency; and
- interagency bodies of two or more public agencies.

Subject to thirteen exemptions, all gatherings of a quorum of the members of a public agency at which public business is discussed or action taken are public meetings and must be open to the public, regardless of where they are held, and whether they are regular or special or informational or casual gatherings held in anticipation of a regular or special meeting. An agency's meetings may be conducted by videoteleconference, which is defined as a meeting occurring in two or more locations where individuals can see and hear

each other by means of video and audio equipment, subject to specific legal requirements.

- *The courts have stated that the Open Meetings Act must be “interpreted most favorably to the public” since “failure to comply with the strict letter of the law in conducting meetings violates the public good.”*
- *The Open Meetings Act applies to meetings of a quorum of the members of a public agency at which public business is discussed **or** action is taken; a discussion of public business by a quorum of the agency’s members triggers the requirements of the Act even if no action is taken.*
- *The definition of “public agency” under the Open Meetings Act is narrower than the definition of “public agency” under the Open Records Act and does not include “state and local government officers” and bodies which receive “at least 25% of their funds from state or local authority funds;” this means, for example, that the mayor of a city is a public agency for open records purposes but not for open meetings purposes.*
- *A committee of a public agency, even if its function is purely advisory, is a public agency for open meetings purposes and a quorum of its members is calculated on the basis of the committee’s membership and not the membership of the public agency that created it (the city commission, consisting of five members, creates a budget committee, consisting of three members – a quorum of the commission exists if three members are present and a quorum of the committee exists if two members are present); the committee must comply with all requirements of the Act.*
- *A work session and a retreat are public meetings under the Open Meetings Act, but a quorum of the members of a public agency may attend a conference sponsored by another entity without triggering the requirements of the Act as long as the members do not discuss the public business of the agency they serve while at the conference.*
- *“Public business” is not defined by statute but has been defined by the courts as “the discussion of the various alternatives to a given issue about which the [agency] has the option to take action.”*
- *A quorum of the members of a public agency can attend a social gathering, sporting event, church service, etc. without triggering the requirements of the Open Meetings Act but cannot discuss the public business of the agency they serve while at these gatherings.*
- *Public agencies cannot conduct their meetings by telephone; an absent member may listen to the meeting by speakerphone but cannot be counted toward the quorum and cannot vote or otherwise participate.*

What are the general requirements of the Open Meetings Act?

Time and place of meetings. All meetings must be held at specified times and places which are convenient to the public. Public agencies should provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by other means. This schedule of regular meetings must be made available to the public.

Minutes of meetings. Public agencies must keep minutes of action taken at every meeting which set forth an accurate record of votes and actions taken. These minutes must be open for inspection by the public no later than the conclusion of the agency's next public meeting.

Public attendance at meetings. To the extent possible, meeting room conditions should allow for effective public observation of the meetings. No person attending the meeting can be required to identify himself in order to attend a meeting. The agency cannot place conditions on attendance of the public at a meeting other than the conditions required to maintain order. Since the General Assembly has not established procedural rules for the conduct of meetings and citizen participation, each agency must adopt its own rules of procedure, but those rules cannot conflict with the Open Meetings Act.

News media coverage. Public agencies must permit news media coverage, including recording and broadcasting.

Requirements for holding special meetings. All meetings which are not regular scheduled meetings are special meetings, and are subject to the following requirements:

Who may call a special meeting. The presiding officer or a majority of the members of the public agency may call a special meeting.

Notice requirements and content. The public agency must provide written notice of the special meeting consisting of the date, time, and place of the special meeting and the agenda. Discussion and actions at the meeting must be limited to the items on the agenda.

As soon as possible, written notice must be personally delivered, transmitted by facsimile, or mailed to every member of the agency and each media organization which files a written request to receive notice of special meetings. Notice should be received at least twenty-four hours before the special meeting.

Written notice of special meetings may be transmitted by electronic mail to public agency members and media organizations that have filed a written request with the public agency indicating a preference to receive email notification. The written request must include the electronic mail address of the agency member or media organization.

As soon as possible, written notice must also be posted in a conspicuous place in the building where the special meeting will take place, and in a conspicuous place in the building where the agency has its headquarters. Notice should be posted at least twenty-four hours before the special meeting.

In the case of an emergency which prevents the public agency from complying with these requirements, the agency must make a reasonable effort to notify the members of the agency, media organizations which have filed a written request to be notified, and the public, of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting must describe for the record the emergency which prevented compliance with the notice provisions, and these comments should appear in the minutes. Discussions and actions at the emergency meeting must be limited to the emergency for which the meeting was called.

- *The courts have stated that the Open Meetings Act does not require agencies to conduct business "only in the most convenient locations at the most convenient times"; the Act is "designed to prevent governmental bodies from conducting [their] business at such inconvenient times or locations as to effectively render public knowledge or participation impossible, not to require agencies to seek out the most convenient time or location."*
- *Agencies are not required to take minutes in closed sessions.*
- *If the public agency directs that a tape recording of its meeting be made, and the tape is created with agency equipment at agency expense, the tape of the meeting is a public record upon creation and must be made available for inspection within three business days of an open records request.*
- *The right of the public to attend a public meeting under the Open Meetings Act does not include the right to participate in the meeting and address the members of the agency; it is a statutory right "to observe with their eyes and ears what transpires at those meetings."*
- *A member of the public, as well as the media, must be permitted to record a meeting.*
- *The notice of a special meeting must include the agenda, containing specific agenda topics ("new business," "old business," "open to floor," etc. are not acceptable), in addition to the date, time, and place of the meeting. Because an agenda is not statutorily required for **regular***

meetings, discussions at a regular meeting are not restricted to agenda topics if an agenda is prepared.

- *Although the public agency can deliver notice of a special meeting by email, or post notice of the special meeting on the agency website, emailed or web notice of the meeting does not satisfy the statutory requirement and must be in addition to, rather than in lieu of, delivery of the notice by U.S. Mail, facsimile, or in person and posting of the notice in a conspicuous place.*
- *The public agency is not obligated to provide notice to “interested” individuals who have requested notice of special meetings, only to the parties identified in the statute.*
- *The Attorney General has never found that conditions were sufficiently grave to justify a public agency’s decision to call an emergency meeting.*

What subjects may be discussed in a closed session?

The Open Meetings Act permits a public agency to discuss certain subjects in a closed or executive meeting if notice is given in the regular meeting of the general nature of the business to be discussed, the reason for the closed session, and the specific exemption authorizing the closed session. A closed session may be held only after a motion is made and carried in open session, and no final action may be taken in closed session. The exemptions to the Open Meetings Act are found at KRS 61.810(1) and include:

- (a) deliberations of the Kentucky Parole Board;
- (b) deliberations on the future acquisition or sale of real property by a public agency when publicity would be likely to affect the value of the property;
- (c) discussions of proposed or pending litigation involving a public agency;
- (d) grand or petit jury sessions;
- (e) collective bargaining negotiations between public employers and their employees;
- (f) discussions or hearings that might lead to the appointment, dismissal, or discipline of an individual employee, member, or student. However, general personnel matters may not be discussed in private;
- (g) discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
- (h) state and local cabinet meetings and executive cabinet meetings;

- (i) committees of the General Assembly other than standing committees;
- (j) deliberations of judicial or quasi-judicial bodies involving individual adjudications or appointments. This does not include meetings of planning commissions, zoning commissions, or boards of adjustment; and
- (k) and (l) meetings which federal or state law or the Constitution require to be conducted privately;
- (m) portions of meetings devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m).

The Open Meetings Act prohibits any series of less than quorum meetings, where the members attending one or more of the meetings collectively constitute at least a quorum of the members of the agency, if the meetings are held to avoid the requirements of the Act. This prohibition does not preclude discussions between individual members if the purpose of the discussion is to educate the members on specific issues.

- *The courts have stated that public agencies must give "specific and complete notification in the open meeting of any and all topics which are to be discussed during the closed meeting;" the Attorney General has stated that "notification must include both a statement of the exception authorizing the closed session and a description of the business to be discussed couched in sufficiently specific terms to enable the public to assess the propriety of the agency's actions."*
- *The courts have stated that the exemption for proposed or pending litigation applies to "matters inherent to litigation, such as preparation, strategy, or tactics, but not just when an attorney is present."*
- *Before going into closed session to discuss a personnel issue under KRS 61.810(1)(f), an agency must state whether the discussion will relate to either the appointment of, the dismissal of, or the discipline of an individual employee, member, or student, but the agency is not required to identify the individual by name.*
- *The prohibition on a series of less than quorum meetings conducted for the purpose of avoiding the requirements of the Open Meetings Act was added in 1992, prompting the courts to declare that the Act "prohibits a quorum from discussing public business in private or meeting in numbers less than a quorum for the express purpose of avoiding the open meetings requirement of the Act."*
- *The Act does not prohibit all discussions between public officials outside of a public meeting (for example, at a social event, at church, or during a casual encounter), but does prohibit a quorum of the members of the*

agency from privately discussing the agency's business or privately meeting in groups consisting of less than a quorum to discuss the agency's business in order to defeat the requirements of the Act This includes telephone discussions.

What is the role of the Attorney General?

If a person believes that a public agency has violated the Open Meetings Act, he may file a written complaint with the presiding officer of the agency. The complaint must state the circumstances of the violation, and what the agency should do to correct it.

Within three business days of receipt of the complaint, the public agency must decide whether to correct the violation and notify the complaining party of its decision in writing. If the agency believes that no violation has occurred and rejects the proposed remedy, it must issue a written response which cites the statute authorizing its actions, and briefly explain how the statute applies.

The complaining party may appeal to the Attorney General for review of the agency's action within sixty days of receipt of the agency's response. The appeal must include a copy of the written complaint and a copy of the agency's response, if the agency issued a denial. The Attorney General will review the appeal and issue a decision stating whether the agency violated the Open Meetings Act within ten business days. Both the complaining party and the agency will receive a copy of the decision. Both may appeal the Attorney General's decision to the circuit court of the county where the public agency has its principal place of business or where the violation occurred. If an appeal is not filed within thirty days, the Attorney General's decision has the force and effect of law and can be enforced in circuit court.

If the complaining party prevails against an agency in circuit court, he may be awarded costs, including attorney fees, if the court finds that the violation was willful. The court may also award the complaining party up to \$100 for each violation.

- *A complainant must appeal a public agency's denial of, or failure to respond to, his or her open meetings complaint within sixty days, and if he or she does not do so the appeal is time-barred; there is no similar statutory limitation on bringing an open records appeal.*
- *Upon receipt of an open meetings appeal, the Attorney General will issue notification of the appeal, and a copy of the appeal, to the public agency against which the appeal was filed, and the agency may respond in writing to the Attorney General; the agency must send a copy of its response to the individual who filed the appeal.*
- *The Attorney General will not consider an appeal that does not include a copy of the written complaint and a copy of the written denial, if the agency issued a denial.*

- *Because the Open Meetings Act provides for judicial review of the issues raised in an appeal, the Attorney General will not reconsider an open meetings decision.*
- *Since 1992, open meetings decisions have been designated OMDs rather than OAGs because they are legally binding on the parties if not appealed.*
- *The designation "Not to be Published" that appears in OMDs issued from 1992 to 1999 does not mean that the OMD cannot be cited as precedent or made public; such OMDs carry the same weight as OMDs designated "To be Published."*
- *The Attorney General's role in an open meetings appeal is to issue a decision stating whether the public agency violated the Open Meetings Act; the Attorney General cannot comment on, or direct the implementation of, proposed remedial measures. Nor can he enforce his decision by imposing penalties.*
- *A public agency that is dissatisfied with an OMD must appeal the decision within thirty days; if the agency fails to appeal the decision, the decision has the force and effect of law, the agency is legally bound by it, and the circuit court must enforce it.*

Sample Forms

Sample open records response

Jane Q. Citizen
100 Maple Avenue
Anytown, Kentucky

Dear Ms. Citizen:

This will acknowledge receipt of your request for public records. You requested access to and copies of:

1. All contracts that the city has with Home Wrecker Service;
2. All invoices that the city has received from Home Wrecker Service;
3. All complaints received by the city that relate to Home Wrecker Service's performance of duties under its contract with the city.

Contracts and invoices are available for inspection in my office Monday through Friday from 8:00 a.m. to 4:30 p.m. You may wish to contact me in advance to schedule an appointment and facilitate prompt access to these records.

Alternatively, we will send you copies of these records by mail at a cost of 10¢ per page. The cost to you, including postage, which is payable in advance, will be \$2.46 (15 pp. at 10¢ per page, plus 96¢ postage). Please contact me if you would prefer to receive copies by mail.

One complaint has been filed against Home Wrecker Service. The city is currently investigating that complaint and considering an enforcement action. Release of the complaint at this time might harm the city by revealing the identity of the complainant, who has requested anonymity. Therefore, pursuant to KRS 61.878(1)(h), we must deny that portion of your request.

Sincerely,

John Q. Public
City Clerk

Sample open meetings response

John Q. Citizen
Commonwealth Avenue
Anytown, Kentucky

Dear Mr. Citizen:

In your recent letter to the city you stated that the city council, at its meeting held on September 6, 2005, went into an executive or closed session to discuss general personnel matters.

While the city recognizes that it cannot discuss general personnel matters in a closed or executive session, the city is permitted, pursuant to KRS 61.810(1)(f), to go into a closed session to discuss matters that might lead to the appointment of an individual employee.

The office of director of the streets and parks department is currently vacant and two persons have applied for the position. The matters discussed by the council during the closed session on June 30, 1994, involved the council's evaluations of the two applicants for that office and such matters may be discussed at a closed session.

Sincerely,

Jane Q. Public
Mayor

Sample open records rules and regulations

NOTICE

ADMINISTRATIVE REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE

(Name of State Administrative Agency)

(Office, Bureau, Division, etc.)

Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to _____ (name), _____ (title), official custodian of the public records of the _____ (state administrative agency) whose address is _____ or to _____ (name), _____ (title), official custodian of the public records of the _____, (office, bureau, division, etc.) whose address is _____, from ____ a.m. to ____ p.m., Monday through Friday, each week, except holidays. Application forms for the inspection of the public records of this agency will be furnished on request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing not later than three (3) working days after receipt of an application for inspection of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten (10) cents a page; copies of nonwritten records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record.

This the _____ day of _____, 19____.

(Agency Head or Designated Representative)

Open meetings and open records publications and decisions on-line and related publications:

An annotated *Open Records and Open Meetings Outline*, containing a summary of the Open Records and Open Meetings Acts and how the Acts have been interpreted by the courts and the Attorney General, may be accessed on our website at <http://ag.ky.gov/civil/bkOR3.html>, and is also available upon request. This outline provides information regarding the application of the Acts to particular situations.

Open Meetings Decisions and Open Records Decisions (OMDs and ORDs) issued by the Attorney General from 1993 to the present may also be accessed on our website at <http://ag.ky.gov/civil.openrec.htm>. If you know the OMD or ORD number you wish to review, you may “Find all decisions for a particular year” (for example, 04-ORD-216 may be accessed by selecting the year 2004 and scrolling through the decisions for that year until 04-ORD-216 is located). If you wish to review OMDs or ORDs relating to a specific subject, you may “Search for an ORD or OMD” by word search or query (for example, “work sessions,” “accident reports,” “timely access,” or “adequate notice”). You may also access a particular ORD or OMD by typing the ORD or OMD citation in the search query box.

These additional resources will further enhance the public official’s understanding of his or her duties under the Open Meetings and Open Records Acts as well as related records management duties:

1. “Kentucky Open Meetings Open Records Laws: Statutes and Q&A”
<http://www.lrc.ky.gov/Lrcpubs/OpenMtgsRecords.pdf>
2. Local Records Retention Schedules
<http://www.kdla.ky.gov/recmanagement/localschedule.htm>
3. State Records Retention Schedules
<http://www.kdla.ky.gov/recmanagement/stateschedule.htm>
4. “Managing Government Records: An Introduction to Kentucky’s Public Records Management Law”
<http://www.kdla.ky.gov/resources/managinggovrecords.htm>
5. Full text of the Open Meetings and Records Acts
<http://www.lrc.ky.gov/KRS/061-00/CHAPTER.HTM>

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STAFF PRIMARY SPORT ASSIGNMENTS (includes all aspects unless otherwise denoted)	PRIMARY	SECONDARY
FALL		
CROSS COUNTRY (F)	Angela Passafiume	Butch Cope
FOOTBALL REGULAR SEASON/CLINIC/RULES INTERPS	Julian Tackett	Butch Cope
FOOTBALL POST SEASON – TEAMS AND SITES	Julian Tackett	Butch Cope
FOOTBALL POST SEASON – OFFICIALS – STATE	Julian Tackett	Butch Cope
FOOTBALL POST SEASON – OFFICIALS ASSIGNMENTS ROUND 1 THROUGH 4	Angela Passafiume	Julian Tackett
GOLF	Darren Bilberry	Angela Passafiume
SOCCER	Mike Barren	Darren Bilberry
VOLLEYBALL	Butch Cope	Mike Barren
WINTER		
BASKETBALL REGULAR SEASON/CLINIC/RULES INTERPS	Angela Passafiume	Julian Tackett
BASKETBALL POST SEASON DISTRICT/REGION	Angela Passafiume	Butch Cope
BASKETBALL POST SEASON – BOYS STATE	TBA – To be Divided	
BASKETBALL – POSTSEASON – GIRLS STATE	TBA – To be Divided	
BOWLING **	Angela Passafiume	Butch Cope
SWIMMING	Darren Bilberry	Butch Cope
WRESTLING	Mike Barren	Angela Passafiume
SPRING		
BASEBALL	Butch Cope	Angela Passafiume
SOFTBALL	Darren Bilberry	Mike Barren
TENNIS	Mike Barren	Butch Cope
TRACK AND FIELD	Angela Passafiume	Darren Bilberry

SUPPORT STAFF ASSIGNMENTS	Assigned to
Marsha Day	Butch Cope
Cheryl Goodwin	Julian Tackett
Fay Isaacs	Angela Passafiume
Darlene Koszenski	Chad Collins
Marilyn Mitchell	Mike Barren
Phyllis Sallee	Darren Bilberry
N/A	Rob Catron
N/A	Elden May

EDUCATION COOPERATIVES TENTATIVE	Assigned to
OVEC (Shelbyville)	Darren Bilberry
GRREC (Bowling Green)	Julian Tackett
CKEC (Lexington)	Butch Cope
KVEC (Hazard)	Michael Barren
KEDC (Ashland)	Darren Bilberry
NKCES (Cold Spring)	Angela Passafiume
WKEC (Murray)	Butch Cope
SESC (EKU)	Angela Passafiume

OTHER MAJOR DUTY ASSIGNMENTS	Assigned to	Backup
OFFICIALS LICENSING	Angela/Fay	Mike/Marilyn
DISQUALIFICATION OF PLAYERS/COACHES	Angela/Fay	Mike/Marilyn
TITLE IX ANNUAL REPORTS	Cheryl	Marilyn
TITLE IX REVISIT PROGRAM	Cheryl	Marilyn
INTERSTATE SANCTIONS	Mike/Marilyn	Cheryl
COACHING EDUCATION Instructor Coordination	Mike/Marilyn	Darren
ADVANCE TICKET SALES Football, Basketball	Butch/Marsha/Julian	
BYLAW 3 RULINGS	Darren/Darlene	Mike/Phyllis
BYLAW 4 RULINGS	Butch/Darlene	Mike/Phyllis
BYLAW 5 RULINGS	Angela/Darlene	Butch/Phyllis
BYLAW 6 RULINGS	Darren/Darlene	Mike/Phyllis
BYLAW 7 RULINGS	Mike/Darlene	Darren/Phyllis
BYLAW 8 RULINGS	Angela/Darlene	Mike/Marilyn
BYLAW 12 RULINGS	Butch/Darlene	Angela/Phyllis
BYLAW 13 RULINGS	Angela/Darlene	Butch/Phyllis
BYLAW 27 RULINGS AND INTERPRETATIONS	Angela/Darlene	Butch
BYLAW 27 Coaching Education Attendance and Medical Symposium Attendance	Mike/Marilyn	Darren
DUE PROCESS QUESTIONS	Chad	Darren
ACCOUNTS PAYABLE	Marsha	Darlene
ACCOUNTS RECEIVABLE	Darlene	Marsha
GENERAL LEDGER	Cheryl	Marilyn
TROPHIES	Mike / Marilyn	Butch / Marsha

2007 - 2011

KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

STRATEGIC PLAN



SPORTSMANSHIP

PARTICIPATION

www.khsaa.org



TEAMWORK

INTEGRITY



KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

2007-2011 STRATEGIC PLAN GOALS AND OBJECTIVES

KHSAA BOARD OF CONTROL

Michael Barren, 2009, Wilmore
Lonnie Burgett, 2009, Mayfield
Chuck Broughton, 2007, Owensboro
Gary Dearborn, 2007, Cynthiana
Alan Donhoff, 2010, Louisville
Paula Goodin, 2007, Pineville
Arthur "Ozz" Jackson, 2008, Whitesburg
Jerry Keepers, 2010, Louisville
L.V. McGinty, 2008, Paducah
Marvin Moore, 2008, Morehead
Steve Parker, 2009, Lexington
Jeff Perkins, 2009, Somerset
Lea Wise Prewitt, 2010, Mt. Sterling
Jeffrey Schlosser, 2011, Cincinnati
Bob Schneider, 2008, Newport
Bob Stewart, 2010, Louisville
Donna Wear, 2008, Paducah
Dave Weedman, 2010, Buckner

KHSAA EXECUTIVE STAFF

Brigid L. DeVries, Commissioner
Larry Boucher, Assistant Commissioner
Julian Tackett, Assistant Commissioner
Roland Williams, Assistant Commissioner
Butch Cope, Director of Promotions and Media Relations
Ken Tippet, Fund Raising Consultant

Approved, December, 2006

2280 Executive Drive
Lexington, KY 40505
(859)299-5472
(859)293-5999 (FAX)

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BACKGROUND

This Kentucky High School Athletic Association Strategic Plan, adopted for 2007-2011, was prepared under the auspices of the Board of Control of the Association. The KHSAA is a private non-profit organization and operates within Internal Revenue Service code 501 (c) 3 as an independent entity. The Association gets its authority to manage interscholastic athletics from the Kentucky Board of Education through 702 KAR 7:065, an enabling and restricting regulation which affects the makeup of the organization.

In 1992-93, the State Board for Elementary and Secondary Education (now known as the Kentucky Board of Education) directed Kentucky Department of Education staff to conduct a Management Review of the association and its operations. After weeks of analysis, sixty-seven (67) recommendations were delivered to the State Board.

In 1993-94, a Task Force commissioned by the Kentucky Board of Education recommended changes in many of the associations' rules, regulations and the governance structure. As a result, the Board of Control was revised to contain 16 members, including four at-large, "non-school" members who are appointed by the Kentucky Board of Education. The limit of games was changed in many sports, and the Association has appointed committees to study the governance of middle school athletics and additional rules concerning cheerleading. These are only a few of the changes which could plot the Association's course for the next several years.

In 2002, the General Assembly of the Commonwealth of Kentucky enacted a piece of legislation, expanding the Board of Control to 18 members, to include two representatives elected specifically from the non-public members of the Association. During the 2002-2003 school year, the Association made an advance payment on its long term debt which reduced the overall length of the original bond issue by more than two years. The building debt was retired early, in December 2006.

Introduction

In 1917 the principals of a few schools organized the Kentucky High School Athletic Association to regulate, develop and purify high school athletics. Since then each high school accredited by the Kentucky Department of Education has been eligible to join through application by the Principal and the approval of the local Superintendent. In 2007-2008 there were 281 members. The Association is a self-managing entity, through which the schools work cooperatively for the betterment of the program. The rules and regulations are made by the local board appointed representative selected by school personnel.

The general control is lodged with a Board of Directors, generally referred to as the Board of Control, who are elected by the member schools. The Association is operated under the direction of the Kentucky Board of Education and the State Commissioner of Education. The KHSAA Board of Control selects a Commissioner for the Association and the Commissioner hires the assistants necessary to administer the many functions of the association. The duties and authority of the Commissioner are defined by the Constitution and Bylaws. These are as binding on the Commissioner and staff as they are on the member schools.

The Association has many responsibilities, a few of the most important are to:

- (1) enforce the eligibility regulations pertaining to participants;
- (2) license, train and assign officials;
- (3) publish "The Kentucky High School Athlete" containing records of state championships in all sports, as well as reports and information for school administrators, coaches and officials;
- (4) enforce the regulations pertaining to member schools;
- (5) establish and administer plans for determining state champions in football, wrestling and baseball for boys; basketball, cross country, soccer, swimming, golf, tennis, track for both boys and girls; also volleyball and fast and slow pitch softball for girls.
- (6) Monitor Title IX compliance

Authority

The KHSAA is the designated agency of the Kentucky Board of Education as per Kentucky Administrative Regulation 702 KAR 7:065. This designation and subsequent regulations have developed since the late 1970s when it was determined that the ultimate jurisdiction for all scholastic related programs was under the authority of the Kentucky Board of Education.

702 KAR 7:065. Designation Of Agent To Manage High School Interscholastic Athletics.

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)(a) Conduct field audits of the association's entire membership over a five (5) year period regarding each school's compliance with 20 USC 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; and
- (b) As a condition precedent to membership, require each member school and superintendent to annually submit a written certification of compliance with 20 USC Section 1681 (Title IX);
- (14) Conduct all meetings in accordance with KRS 61.805 through 61.850; and
- (15) 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.

Section 3. Financial Planning and Review Requirements.

- (1) KHSAA shall annually submit the following documents to the KBE:
 - (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 financial, legal and administrative summaries of 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 of the KHSAA Handbook, Fall 2006, shall apply to high school interscholastic athletics in Kentucky.

Section 5. Incorporation by Reference.

- (1) "Kentucky High School Athletic Association Handbook, Fall 2002, as amended", Kentucky High School Athletic Association, is incorporated by reference.
- (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, 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.)

STRATEGIC PLANNING PROCESS

To prepare the original plan, the members of the Board of Control and the Commissioner developed the six main goals for the Association. After consideration, the goals were adopted by the Board of Control.

VALUES, MISSIONS AND GOALS

The visionary process which the Board has undertaken over the last few years has taken the form of nine values, a mission statement and motto, and six goals for the Board and the Association. Values must be the basis for the Association philosophy and are the building blocks for the future.

The ten values are:

1. The opportunity for participation for all student athletes.
2. Strong leadership at all levels within the association.
3. Education and the role of athletics in that process.
4. Sportsmanship and citizenship.
5. Quality of the total program.
6. Integrity of the membership.
7. Professionalism and efficiency within the organization.
8. Fairness and consistency as it relates to the enforcement of rules.
9. Accountability of the student athlete.
- 10 Preservation of the heritage of interscholastic athletics.

The mission statement reflects the perspective which the Board and staff uses to guide future actions and is as follows:

The KHSAA shall establish and deliver the highest quality interscholastic athletic programs and activities in an efficient manner which emphasizes sportsmanship and integrity and enhances the education of the student-athlete.

The six goals for the Association are:

- Goal 1.0- Continue current successful strategies that maintain and ensure financial stability.
- Goal 2.0- Operate as a support base developing plans to educate the member schools and affected constituencies of the policy, procedures, and activities of the Association.
- Goal 3.0 - Ensure adequate staffing of KHSAA administration and continued Professional Development.
- Goal 4.0 - Continue to monitor and audit compliance guidelines of member schools through the regulations set forth by the Association and other entities.
- Goal 5.0 - Formulate and monitor strategies to enhance and promote the programs of the Association, the preservation of its history and the traditions of interscholastic athletics.
- Goal 6.0 - Emphasize and promote good sportsmanship/citizenship and conduct at KHSAA interscholastic sponsored events and other activities involving coaches, officials, athletes and spectators.
- Goal 7.0 – Evaluate the composition and operations of the Board of Control and communication systems to ensure inclusion of the membership.

PLAN STRUCTURE

In addition to the goals outlined above, there are two principal elements in the parts of the strategic plan:

Strategies - These are areas of emphasis for the Association's efforts, which are the areas of greatest importance for overcoming any weaknesses and capitalizing on strengths. The strategies reflect an awareness of the association's current situation and an appreciation for the need for improvement for the future.

Tactics - Tactics are specific activities suggested which support each of the strategies. For each of the tactics, implementations have been identified which allow for the fulfillment of the objective.

The strategies for the Association are linked by a desire to do what is best for all of the student-athletes in the state.

GOAL 1.0- Continue current successful strategies that maintain and ensure financial stability for the KHSAA.

Strategy 1.1- Pursue an aggressive fund raising and promotional strategy seeking additional ancillary revenue for the Association while protecting existing programs.

The KHSAA will continue to pursue new and unique approaches regarding corporate involvement to supplement financial operations. It is imperative that all possible steps be taken to protect the revenue and limit the expenses that are generated by current operations.

Tactic 1.1.1- Through corporate, novelty and other royalty producing programs as well as other sources, increase the revenue line items of the KHSAA budget.

Implementation 1.1.1.1 - Strengthen the marketing position for KHSAA events through promotions and the involvement of host communities.

Implementation 1.1.1.2 - Expand the current novelty and licensing program, including development of a unique identity for each sport.

Implementation 1.1.1.3 - Continue the program to sell officiating supplies and equipment to KHSAA licensed officials.

Implementation 1.1.1.4 – Utilize the Sweet Sixteen® and Sweet 16® trademarks to include other sports such as football, soccer, volleyball, baseball and softball.

Implementation 1.1.1.5 – Aggressively pursue trademark enforcement including all publications and materials.

Tactic 1.1.2- Seek corporate sponsorship dollars through marketing initiatives.

Implementation 1.1.2.1 - Utilize professional marketing and promotional firms to increase revenues for all championship events and sell corporate partnership packages. Expand current agreements to include ability to seek sponsorship dollars to offset itemized expense items, and in particular the events that have the largest impact on revenue such as football.

Implementation 1.1.2.2 - Continue making strong efforts to maintain sponsorship dollars with long-term commitments including title sponsorship of KHSAA events.

Implementation 1.1.2.3 - Maintain and expand contracts regarding athletic equipment and supplies for KHSAA sponsored championships and distribute this information to member schools in a timely manner.

Implementation 1.1.2.4 – Maximize all aspects of external and internal fund raising to maximize net revenue.

Strategy 1.2 - Continue the practice of fiscal restraint and management controls over the current business operations of the Association.

The KHSAA continually reviews its operating budget, making essential expense cuts and operational revisions. Staff will continue to use outside professional advice to complement internal expertise as standard operating procedure.

Tactic 1.2.1- Maintain expense controls through current pattern of budget review on a quarterly basis.

Implementation 1.2.1.1 - Analyze the budget and utilize professional agencies for financial advice using a variety of formats and comparative statements.

Implementation 1.2.1.2 - Ensure that staff and Board of Control members are educated as to the budget for particular activities and the need to comply with these budgetary limits.

Tactic 1.2.2- Maintain physical plant facility and equipment in optimum condition to maintain a high efficiency level.

Implementation 1.2.2.1 – Assign maintenance responsibilities for specific equipment.

Implementation 1.2.2.2 - Maintain equipment including the use of service contracts to ensure longest possible useful life.

Implementation 1.2.2.3 - Conduct analysis to justify equipment purchases to make certain the needs exist.

Implementation 1.2.2.4 – Set aside prior year carry forward dollars, when possible.

Implementation 1.2.2.5 - Review physical plant and building needs on a quarterly basis and reports from the physical plant director at appropriate staff meetings.

Implementation 1.2.2.6 - Begin planned replacement schedule for capital improvement such as heating and air conditioning, etc.

Strategy 1.3- Exercise control and optimize usage of Association funds.

The member schools expect the staff and Board of Control to be financially prudent with Association funds. All decisions related to Association funds must be carefully analyzed for possible or impact on the financial stability of the Association.

Tactic 1.3.1- Annually review the schedule of school dues versus KHSAA financial needs to predict the need for any future changes in the fee structure, including the continued review of a rebate plan when the long term debt of the KHSAA headquarters is retired.

Implementation 1.3.1.1 - Review dues structure annually following the receipt of the Association audit. Give schools as much notice as feasible should changes be made in this structure.

Implementation 1.3.1.2 - Annually inform the member schools of the financial status of the Association through publications and presentations.

Tactic 1.3.2- Illustrate and promote services provided to all members, including schools and officials.

Implementation 1.3.2.1 - Offer services to member schools which will maintain a high level of support and participation in the development of Association rules, regulations and policies that ensure financial stability. The services provided should be determined by a routine needs assessment surveys of the membership.

Implementation 1.3.2.2 – Review services provided to members and additional requests versus financial resources to maintain balance.

Implementation 1.3.2.3 - Illustrate and review the services provided to the membership on a regular basis.

Implementation 1.3.2.4 - Maintain and upgrade services for officials including recruitment, training, clinics and seminars, postseason assignments and insurance.

Strategy 1.4- Analyze event structures and financial management practices

The KHSAA must continually analyze the financial impact of each tournament format and operation. Constant analysis and review will ensure that tradition does not inhibit progress as it relates to the financial stability of the organization.

Tactic 1.4.1- Continually evaluate optimum time frames for all KHSAA events.

Implementation 1.4.1.1 - Conduct all KHSAA championships to maximize exposure for the event while minimizing conflicts with other events. Special sensitivity should be given to the impact on the regular season schedule by the movement of any championship dates.

Implementation 1.4.1.2 - Maintain advance tournament sites, dates and times for all postseason play to lessen conflicts with public and private facilities and events where feasible.

Implementation 1.4.1.3 - Continue to afford special attention to the potential conflict between the state basketball tournaments and NCAA basketball tournament games, and the conflict with other events that may impact other high revenue events such as the football championships, in order to protect Association revenue lines.

Implementation 1.4.1.4 - Study sports programs and the impact of outside influences such as event conflicts, weather and sports seasons.

Tactic 1.4.2- Structure event formats in all sports as necessary to ensure the balance between competitive fairness and financial stability.

Implementation 1.4.2.1 - Study all sports programs in relation to school enrollment classifications where applicable (cross country, football, track and field).

Implementation 1.4.2.2 - Study alternative alignments for all sports programs on a regular basis with regular opportunity for school input when more than one school is impacted.

Implementation 1.4.2.3 - Use the sports advisory committees for research and suggested information concerning event formats.

Implementation 1.4.2.4 - Maintain a strong geographic basis for the alignment of teams, emphasizing limited travel and time missed from school, as well as localize competition.

Implementation 1.4.2.5 – Carefully consider any tournament format change to ensure financial impact, particularly if the impact is negative to the Association or the member schools, is evaluated prior to finalizing any changes.

Tactic 1.4.3- Complete review and compilation of sports management manual and policies in all sports.

Implementation 1.4.3.1 - Develop criteria to ensure optimum revenue at all events and at all levels of these events.

Implementation 1.4.3.2 - Consider all factors including maintenance and other "hidden" charges as the primary criteria for site selection, particularly in levels of play where Association revenue is involved.

Implementation 1.4.3.3 - Utilize revised site selection policies for postseason tournaments, including desired dates of play.

Implementation 1.4.3.4 – Develop consistent site selection criteria for postseason play in all sports in an effort to ensure that schools continually update and improve facilities.

Tactic 1.4.4- Develop and refine consistent event expense policies and procedures.

Implementation 1.4.4.1 - Continually review the expense reimbursement policy of the Association for team sports (soccer, football, volleyball, basketball, baseball and softball).

Implementation 1.4.4.2 - Review feasibility of expense reimbursement for schools participating in individual sports (cross country, golf, swimming, wrestling, tennis and track).

Implementation 1.4.4.3 - Develop guidelines for compensation of event managers and other support personnel.

Tactic 1.4.5- Market all revenue line items including tickets to events, Hall of Fame fund raising, advertising, novelties and publication sales.

Implementation 1.4.5.1 - Sell event tickets to all attendees while keeping complimentary tickets to a minimum.

Implementation 1.4.5.2 – Continue to develop additional pre-event ticket sales programs.

Utilize creative resources to target potential new attendance groups.

GOAL 2.0- Operate as a support base developing plans to educate the member schools and affected constituencies of the policies, procedures, and activities of the Association.

Strategy 2.1 - Conduct a thorough review of each proposed regulation change to the KHSAA Constitution and Bylaws prior to final consideration by the Board of Control.

A thorough analysis of all possible impacts should be done prior to any change in KHSAA regulations. The Board of Control must have as its final objective, the recommendation of any changes necessary for the well being of the student-athlete.

Tactic 2.1.1 – Work with related professional organizations to complete a regular rules review prior to making Bylaw changes. Conduct focused review sessions to ensure consideration of all issues.

Implementation 2.1.1.1 - Include all affected groups in discussions and considerations.

Implementation 2.1.1.2 - Consider input from participants, parents and school administrators regarding the impact of changes.

Implementation 2.1.1.3 - Select advisory committee members with varied interests and involvements. Continue to broaden the geographic, ethnic and gender based representation on all KHSAA committees.

Tactic 2.1.2 - Utilize all available resources and consult related organizations when considering changes to KHSAA rules including a thorough review of possible ramifications.

Implementation 2.1.2.1 - Utilize KHSAA input on National Federation committees and utilize other National Federation resources when studying the impact of additional or revised regulations.

Implementation 2.1.2.2- Consider changes in the utilization of school resources in any regulation change discussion.

Tactic 2.1.3 – Follow a consistent procedure for recommended changes to KHSAA rules.

Implementation 2.1.3.1 - Draft any necessary language regarding changes to KHSAA regulations. Following the deadline for submission for change.

Implementation 2.1.3.2 - Ensure adequate opportunity for input of member schools via discussion at the Annual Meeting, or in another alternative forum.

Implementation 2.1.3.3 - Ensure Board of Control consideration and discussion of any change in KHSAA regulations approved by the member schools.

Implementation 2.1.3.4 -Determine a Board of Control recommendation for implementation of the proposal to the Kentucky Board of Education.

Implementation 2.1.3.5 - Draft changes necessary to be made by Kentucky Board of Education in conjunction with Kentucky Department of Education legal counsel to reduce contradictory regulations.

Tactic 2.1.4 – Maintain open communication lines with the Kentucky Board of Education, the Kentucky Department of Education and the General Assembly to ensure consistency between the regulations of the Association and the initiatives and desires of each entity.

Implementation 2.1.4.1 – Regularly attend and participate in the meetings of the Kentucky Board of Education.

Implementation 2.1.4.2 – Regularly consult with representatives of the Kentucky Department of Education in order to stay current with the initiatives and programs of the Department.

Implementation 2.1.4.3 – Attend and participate as requested in meetings of the Local Superintendents Advisory Committee (LSAC), Kentucky School Boards Association (KSBA), Kentucky Association of Secondary Schools Principals (KASSP), Kentucky Association of School Administrators (KASA), Kentucky High School Athletic Directors Association (KHSADA) and each of the local Education cooperatives.

Implementation 2.1.4.4 - Work in a pro-active manner with members of the General Assembly prior to and during any legislative session to ensure that all views and impact of an issue are considered.

Strategy 2.2- Expand communication with KHSAA member schools, licensed officials, student-athletes, the general public and all other effected constituencies.

The KHSAA must use its communication capabilities to educate its target audiences and to ensure the distribution of appropriate information.

Tactic 2.2.1- Utilize "The Athlete" magazine to report Board action, KHSAA news, officials' items of interest and current calendar of events.

Implementation 2.2.1.1 - Establish deadlines for timely and regular distribution.

Implementation 2.2.1.2 – Continue quarterly production of the Athlete to allow for cost efficiency.

Implementation 2.2.1.3 - Include a section dedicated to officials on a regular basis.

Tactic 2.2.2 - Expand usage of communication resources such as Commissioner's Notes and other publications and the KHSAA Web Site to summarize current KHSAA information for member schools, student-athletes, parents, and other related constituents.

Implementation 2.2.2.1 - Develop a video on the mission, function and operation of the KHSAA.

Implementation 2.2.2.2 - Include any changes in the Annual Meeting informational seminars and regional meetings with schools and require information distribution to student-athletes.

Implementation 2.2.2.3 - Establish deadlines for timely and regular distribution and update of information and adequately monitor adherence to these deadlines.

Implementation 2.2.2.4 - Utilize releases and "Athlete" to publicize results of investigations and any penalties levied against member schools and officials.

Implementation 2.2.2.5 - Utilize the Association Web Site for the distribution of timely information to the member schools, officials, media and other constituents.

Implementation 2.2.2.6 – Develop a DVD/CD for use by school personnel, parents, students and coaches regarding KHSAA rules and regulations.

Implementation 2.2.2.7 - Continue to develop on line registration for officials

Tactic 2.2.3- Continue to develop periodic public service announcements segments for use in television, radio and print campaigns.

Implementation 2.2.3.1 - Include public service announcements on KHSAA bylaws throughout the year as well as during "peak" publicity times.

Implementation - 2.2.3.2 - Focus on the segments of the KHSAA bylaws that govern student-athletes and include a positive message regarding value based activities.

Implementation - 2.2.3.3 - Establish statewide broadcasting network for distribution of public service announcements.

Implementation - 2.2.3.4 – Utilize KHSAA radio and television partners as well as all broadcast avenues for distribution -- radio, TV, cable, etc.

Implementation 2.2.3.5 – Continue to utilize announcements through "Hold Time" positive and informative telephone waiting messages.

Tactic 2.2.4- Continue to refine procedures for the use of KHSAA forms including a "forms directory". Consider cooperation with outside organizations to produce the directory.

Implementation - 2.2.4.1 - Include instructions and timetable for completion of individual forms and specify a contact person at the Association.

Implementation 2.2.4.2 - Compilation of a forms manual to include the most up-to-date versions and distribute via the website to all member schools.

Implementation 2.2.4.3 – Prepare all forms in a consistent manner so that they can easily be placed on the KHSAA web site.

Implementation 2.2.4.4 - Establish a regular review of all forms to verify that all KHSAA decisions are accurate, and expand forms needs where required.

Strategy 2.3- Conduct Required Regional Administrators Workshops and on-site seminars with KHSAA athletic directors and membership constituencies on a regular basis.

The required "Regional Meeting" concept used successfully by the KHSAA and other states is vital to communication with the membership. This is a good way to educate the constituents as to the role of the KHSAA and its operations.

Tactic 2.3.1- Conduct a series of meetings on KHSAA rules, policies and procedures.

Implementation 2.3.1.1 - Emphasize current bylaw interpretations and changes approved by the Annual Meeting or through referendum and distribute these as part of the final agenda.

Implementation 2.3.1.2 - Review changes made by Board of Control as part of annual review of KHSAA operations required by 702 KAR 7:065.

Implementation 2.3.1.3 - Inform school personnel of the schedule and forms changes for the coming school year.

Implementation 2.3.1.4 - Continue to conduct annual regional meetings.

Tactic 2.3.2- Expand sports rules clinic formats as necessary to educate coaches, athletic directors and officials on Association rules and policies in addition to sports playing rules.

Implementation 2.3.2.1 - Include current issues such as sportsmanship, Hall of Fame, ethics, integrity, safety and communicable disease issues in meetings with coaches, athletic directors and officials.

Implementation 2.3.2.2 - Include relevant bylaws and Association policies in the meeting format.

Implementation 2.3.2.3 – Continue to stress sports medicine issues and liability considerations.

Tactic 2.3.3 - Maintain and develop auxiliary training programs.

Implementation 2.3.3.1- Assist with the implementation of National Federation Interscholastic Coaching Education Program to include assistance with training of instructors.

Implementation 2.3.3.2 - Assist the Kentucky Medical Association in the planning and evaluation of the biennially required medical symposium.

Implementation 2.3.3.3 – Review sports-specific educational opportunities to distribute current and updated safety information for events such as pole vault and wrestling weight control.

Strategy 2.4- Utilize the KHSAA Annual Meeting for education and training purposes for KHSAA members.

The KHSAA has its member voting delegates at one site one time per year. This forum must be used for the education of its delegates as to the expectations of the Association.

Tactic 2.4.1- Educate delegates on meeting procedures and ensure compliance with these procedures.

Implementation 2.4.1.1 - Develop additional communication guidelines to ensure efficient meeting operations.

Implementation 2.4.1.2 - Compile meeting results and communicate unresolved issues to the delegates.

Implementation 2.4.1.3 - Annually evaluate the format of the meeting for potential revision and improvement.

Implementation 2.4.1.4 - Conduct the business meeting in accordance with adopted policies and procedures.

Tactic 2.4.2- Include seminar topics on current issues as they relate to the KHSAA.

Implementation 2.4.2.1 - Conduct seminars on specific KHSAA Bylaws and/or Tournament Rules.

Implementation 2.4.2.2 - Provide information on KHSAA current operations.

Implementation 2.4.2.3 - Conduct seminars on the operation and management of postseason events including security, safety and health concerns.

Implementation 2.4.2.4 - Conduct seminars on legal issues such as Title IX and the American with Disabilities Act as they relate to high school athletics.

Implementation 2.4.2.5 – Develop materials for school personnel to use to educate their coaches and parents regarding KHSAA rules and regulations.

Implementation 2.4.2.6 – Conduct mandatory meetings on current issues for school principals or designated with Administrative certification and A.D.

Implementation 2.4.2.7 - Include middle school personnel in the distribution materials regarding KHSAA Regulations that could impact middle school students.

Tactic 2.4.3- Conduct round table discussion groups on KHSAA regulations and proposed changes to those regulations.

Implementation 2.4.3.1 - Facilitate question and answer sessions with staff and membership on current topics.

Implementation 2.4.3.2 - Conduct targeted discussion groups on the most common bylaw violations and frequently asked questions.

Goal 3.0 – Ensure adequate staffing of KHSAA administration and continued Professional Development.

Strategy 3.1 – The staff shall participate fully in the National Federation process and shall ensure Kentucky's representation where feasible and practical.

An important part of the Association is its work with the National Federation. Through committees, periodic meetings and professional development opportunities, the staff can acquire information to better serve the member schools and other KHSAA constituencies.

Tactic 3.1.1- Participate in the NFHS Rules Committee Process at every level.

Implementation 3.1.1.1 - Assist in the identification of committee members when the Association's rotated position on committees arrives, emphasizing staff involvement where possible.

Implementation 3.1.1.2 - Utilize Association and NFHS resources to ensure consistent application of all provisions of the playing rules of the Association.

Implementation 3.1.1.3 – Participate, when asked, on selected NFHS panels and committees.

Tactic 3.1.2- Participate in all National Federation Conferences and Workshops when the Association is afforded such an opportunity.

Implementation 3.1.2.1 – Send appropriate Executive staff members to the NFHS Summer Workshop meeting, NFHS Fall Section meeting, NFHS Winter meeting and NFHS Legal Conference for applicable professional growth and development and for the benefit of the members of the Association, subject to feasibility analysis.

Implementation 3.1.2.2 – Send Executive staff members to the NFHS Athletic Directors Conference for the applicable professional growth and information retrieval and exchange opportunities, such subject to feasibility analysis.

Implementation 3.1.2.3 – Send appropriate Executive and professional staff members to other NFHS functions such as the Student Leadership Conference, for the applicable professional growth and information retrieval and exchange opportunities, such subject to feasibility analysis.

Strategy 3.2 – The Commissioner shall continually provide the opportunity for professional development through training and other initiatives that allow for personal and professional growth.

The strength of the Association's operations rests on the capabilities and in terms of knowledge and ability to assist the membership.

Tactic 3.2.1- Educate staff on technology to improve efficiency and maintain highest possible performance standards.

Implementation 3.2.1.1 - Schedule staff education through seminars and internal training conducted by other state agencies, outside businesses, videotape or interactive programs.

Implementation 3.2.1.2 - Conduct periodic training programs in-house or using outside sources based on the needs of new employees or those in need of "refresher" courses.

Implementation 3.2.1.3 - Training will be ongoing as technology is upgraded including updates to multi-media and other training materials.

Implementation 3.2.1.4 – Utilize a "bottom-up" methodology where applicable for training utilizing support staff expertise to ensure that all executive staff members can fully utilize all technology.

Tactic 3.2.2- Cross train selected job functions within the Association's operations to ensure no loss of service to the schools and other constituencies due to the absence or other obligations of staff members.

Implementation 3.2.2.1 – Cross train staff on essential office operations to allow for smooth transitions between assigned employees when vacancies occur or during vacation time.

Implementation 3.2.2.2 – Ensure that all key tasks related to the safety and security of the headquarters facility, its occupants, and its contents, are documented, and distributed to employees.

Implementation 3.2.2.3 – Assign a backup person for Executive staff members for major job assignments.

Tactic 3.2.3- Annually review Association benefit packages offered to employees along with other employment policies.

Implementation 3.2.3.1 – Review and study feasibility of cafeteria style benefit plans to enable the employees to fully develop their talents.

Implementation 3.2.3.2 – Study the feasibility of providing for an Employee Education Plan to assist personnel willing to continue their education and better fulfill their job responsibilities.

Implementation 3.2.3.3 – Refine and further enhance the evaluation plan for employees to ensure complete individual growth and Association improvement.

Strategy 3.3 – Increase staffing levels when appropriate to meet the ever increasing service demands by the membership.

Implementation 3.3.1 Hire an additional Assistant Commissioner.

Implementation 3.3.2 Hire part time or full time compliance officer.

GOAL 4.0 – Continue to monitor and audit compliance guidelines of member schools through regulations set forth by the Association and other entities.

Strategy 4.1 – The KHSAA shall monitor the compliance of its membership with Association rules and ensure consistent application.

Monitoring compliance with KHSAA rules is paramount, not only from an enforcement perspective, but so that compliant members feel that the rules are consistently applied.

Tactic 4.1.1 - The KHSAA shall annually assess compliance with Association rules to ensure consistent application and identify areas for revision.

Implementation 4.1.1.1 – Develop an annual audit tool to assess and monitor compliance with KHSAA bylaws, policies and procedures. Require submission of materials on a regular basis with documentation verified as to its being received by the Association.

Implementation 4.1.1.2 – Explore internal electronic mechanisms for tracking compliance issues, actions and rulings related to Association rules.

Implementation 4.1.1.3 – Continue to recognize schools in a positive way who can document compliance with Association rules through publications such as the Commissioner's Notes.

Implementation 4.1.1.4 – Continue to refine form(s) on an Annual basis signed by the Principal verifying compliance as a condition of membership in the Association.

Implementation 4.1.1.5 – Maintain and expand the list of forms to be completed by the membership on a regular basis.

Implementation 4.1.1.6 – Continue to make all forms available through the KHSAA web site.

Tactic 4.1.2- Continue to emphasize standardization of penalties wherever possible violations to ensure consistent and fair treatment.

Implementation 4.1.2.1 - Insist that school administrative personnel inform players, parents and coaches regarding Association rules and regulations.

Implementation 4.1.2.2 - Impose consistent penalties for non compliance or failure to adhere to Association deadlines.

Implementation 4.1.2.3 - Eliminate verbal decisions and make certain written rulings take precedence over verbal statements.

Implementation 4.1.2.4 – Gear penalties towards school personnel responsible for rules violations where possible and not the student athletes.

Strategy 4.2 - The KHSAA shall produce informational and educational materials, workshops and seminars for use by the memberships related to compliance with the provisions of 20 USC Section 1681 (Title IX).

By directive, the KHSAA is to assist the Kentucky Department of Education and other interested agencies and groups to educate the member schools on the Title IX regulations and assist in monitoring compliance.

Tactic 4.2.1 –The KHSAA shall produce and update on a routine basis, Title IX Compliance Material and Require Submission of required forms on an annual basis.

Implementation 4.2.1.1 – Include in the manual a checklist and forms to be used by the school representatives in verifying compliance.

Implementation 4.2.1.2 – Provide recent interpretations of Title IX for use by the membership as distributed by the Office of Civil Rights, National Federation of State Association, Kentucky Department of Education and other groups.

Implementation 4.2.1.3 – Catalogue and enforce all applicable copyrights to Title IX and other documents.

Tactic 4.2.2 – Use KHSAA Annual Meeting and other available workshops and public relations mechanisms to educate the member school on the provisions of Title IX.

Implementation 4.2.2.1 – Include Title IX as an annual workshop topic at the Annual Meeting.

Implementation 4.2.2.2 – Conduct Regional Title IX workshops utilizing the services of agencies such as Kentucky School Boards Association, Kentucky Department of Education and others whenever possible.

Implementation 4.2.2.3 – Utilize KHSAA public relations activities such as coach's radio shows, news releases and news access to highlight legislation regarding Title IX, as well as the accomplishments of female participants.

Tactic 4.2.3 – Select a percentage of the association membership per year to be included in random audits of Title IX Compliance.

Implementation 4.2.3.1 – Provide a checklist of requested material to Superintendent, Principal and Athletic Director within each school on an annual basis.

Implementation 4.2.3.2 – Maintain a permanent Title IX folder for each school to be available for inspection upon request.

Implementation 4.2.3.3 –Specify necessary attendance at any meeting held during a Title IX audit visit.

Implementation 4.2.3.4 – Continue to identify the Title IX coordinator for each school and/or school district and include them in the Title IX audit process.

Tactic 4.2.4 – Review information gathered on Title IX visits and issue a summary report for schools with specific concerns addressed along with any remedies.

Implementation 4.2.4.1 – Review corrective action plan and recommend revisions if necessary.

Implementation 4.2.4.2 – Continue monitoring the corrective action plan timetable of each school for implementation.

Implementation 4.2.4.3 – Recognize and highlight schools or programs that are viewed as compliant with Title IX by the audit staff.

Implementation 4.2.4.4 – Continue reporting Title IX deficiencies to the Kentucky Board of Education.

GOAL 5.0 – Formulate and monitor strategies to enhance and promote the programs of the Association, the preservation of its history and the traditions of interscholastic athletics.

Strategy 5.1- Pursue fund raising and promotional strategies to continue development of the Museum area.

With the completion of the initial phase of development of the Hall of Fame exhibit, the Association must continue to work towards completion of an area to honor past Association participants while maintaining vital information for current operations.

Tactic 5.1.1 - The Board of Control must maintain an active role in the oversight and development of the Museum project.

Implementation 5.1.1.1 - The Board of Control should continue the use of a Standing Committee to oversee the development of the KHSAA museum, and work as an oversight entity with the Building Fund Raising and Hall of Fame and Museum Development Committee.

Implementation 5.1.1.2 - The Board of Control shall ensure that regular reports are made in public Board of Control meetings as to the status of the project and any financial impact.

Tactic 5.1.2- Continue the active work within the Foundation to continue the development the KHSAA museum utilizing any mechanism available such as developing a network of state banks and businesses, and the designation of trust funds with the Association as the beneficiary.

Implementation 5.1.2.1 - Maintain the Foundation as a separate educational and professional business entity and maintain operations and funds outside of the KHSAA General Fund.

Implementation 5.1.2.2 - Maintain Foundation Board of Directors and ensure cross-demographic representation.

Implementation 5.1.2.3 - Criteria for selection and appointment to this foundation must include the proven ability to raise funds and influential access to various constituencies.

Implementation 5.1.2.4 - The Foundation efforts should be divided among conceptual development, implementation and fund raising.

Implementation 5.1.2.5 - Proposals should be solicited from companies experienced in the conceptual development of similar project to aid the committee in decisions relative to implementation.

Tactic 5.1.3 - The Board through its Committees shall develop a formal fund raising plan in conjunction with the Foundation to finance any development of the KHSAA museum area.

Implementation 5.1.3.1 - The Board should consider the development of grant proposals to seek federal and other funds for the project by ensuring the recognition of previously underrepresented populations and entities.

Implementation 5.1.3.2 - The Board should ensure that no funds are expended or recommended to be expended for which treasuries do not already exist and that at no time, should general fund dollars be spent on this project.

Tactic 5.1.4- Through brick sales, facility rental, additional corporate fund-raising, and other sources, increase the building fund revenue line items of the KHSAA budget.

Implementation 5.1.4.1 - Continue Court of Support brick sales efforts local organizations and marketing firms with commissions paid on sales. Review current commission sales agreement to determine if it is competitive with the market place.

Implementation 5.1.4.2 - Continue rental of the museum space with funds targeted for museum development.

Strategy 5.2- Continue to promotion of the Hall of Fame banquet and related program activities.

The Association and its Board of Control shall continue to annually evaluate activities surrounding the Hall of Fame including the golf outing as well as the induction banquet.

Tactic 5.2.1 - The Association Staff must maintain an active role in the oversight and execution of the Hall of Fame activities.

Implementation 5.2.1.1 – Annually meet with hotel, audio visual and banquet staff to ensure success of banquet and revise plans if necessary.

Implementation 5.2.1.2 - Association full-time staff must take the lead role in ensuring that Hall of Fame activities are conducted in an appropriate manner and that the Association is fully accountable for the success of the programs.

Implementation 5.2.1.3 - Create a silent auction component as part of the Hall of Fame banquet activities.

Implementation 5.2.1.4 – Actively promote ticket sales to the induction banquet to ensure the proper recognition for the individuals who have been selected.

Implementation 5.2.1.5 - Ensure that the Hall of Fame banquet is a self-supporting event, minimizing the dependency on the Dawahares endowment.

Tactic 5.2.2 – Continue to solicit worthy Hall of Fame Induction candidates.

Implementation 5.2.2.1 – Include information on induction and selection process in Rules Clinics handouts.

Implementation 5.2.2.2 – Ensure that the general public and all other avenues of communication are used to solicit nominees, particularly as it relates to previously under-represented demographic populations.

Implementation 5.2.2.3 – Ensure that contact information on all former inductees is maintained to afford them a lifetime benefit to the induction.

Implementation 5.2.2.4 – Communicate with coaches association and other constituents to seek nominations as well as participation and support.

Tactic 5.2.3 – Continue to work to promote and expand the Hall of Fame induction banquet and golf outing.

Implementation 5.2.3.1 – Annually meet with golf course and support personnel to secure site, promotion and direction of golf outing.

Implementation 5.2.3.2 – Expand the list of invited players in the golf outing to include mass media, officials, school representatives and prior inductees to expand and ensure success of the golf outing.

Implementation 5.2.3.3 - Ensure that the Hall of Fame Golf Outing and other related programs are self-supporting without impact on the General Fund of the Association.

Implementation 5.2.3.4 – Expand hole Sponsorships for the HOF Golf Tournament as a means of generating revenue.

Strategy 5.3 – Ensure that the past traditions and history of the Association are preserved and maintained for use by future generations and for promoting current and future activities.

It is imperative that the Association preserve its proud history, records and traditions to better understand the history and evolution of high school sports in the Commonwealth.

Tactic 5.3.1- Maintain the archives and records of the Association in accordance with Association policy.

Implementation 5.3.1.1 – Assess the inventory of the Association archives at Eastern Kentucky University and ensure their availability through all reasonable methods.

Implementation 5.3.1.2 – Regularly consult with lead archivist and other representatives to maintain the currency of the inventory.

Implementation 5.3.1.3 – Study alternative methods for the storage of videotapes and past films of Association events including the championship games.

Tactic 5.3.2- Maintain other Association records in-house in a consistent and workable manner.

Implementation 5.3.2.1 – Preserve and protect Association records to make certain that no useful record is destroyed or damaged.

Implementation 5.3.2.2 – Study alternative methods for the storage of other materials for such projects as Title IX, school archive information, and other annual records.

Implementation 5.3.2.3 – Consult with legal counsel and Kentucky Department of Education representatives to ensure that Association records are kept as needed, but are also maintained in a manner not to jeopardize the Association's legal position.

GOAL 6.0 - Emphasize and promote good sportsmanship/citizenship and conduct at KHSAA interscholastic sponsored events and other activities involving coaches, officials, athletes and spectators.

Strategy 6.1 – Utilize public relations, media and Internet partners to promote KHSAA events, athletic participants and the Association.

Regardless of how long an event has been in existence, it is critical that the KHSAA continue to market and promote its activities to maintain the current level of support or increase that level of support in the face of extreme competition for the entertainment dollar.

Tactic 6.1.1 – Use KHSAA existing partnership with a third party marketing agency as well as other public relations and marketing options to test market a television and/or radio show to promote current activities and high school sports in general.

Implementation 6.1.1.1 – Highlight all sanctioned sports and officials through consistent promotions.

Implementation 6.1.1.2 – Promote the Student Athlete-of-the-week, Team-of-the week, and School-of-the-week concepts while ensuring equal treatment for all KHSAA constituencies.

Tactic 6.1.2- Pursue an aggressive strategy to promote the positive benefits of athletic participation on the lives of young people, and the need for constant emphasis on sportsmanship.

Implementation 6.1.2.1 - Expand usage of "Commissioner's Notes" and communiqués to inform and educate the member schools and the general public about the KHSAA programs.

Implementation 6.1.2.2 - Develop new or utilize existing programs that illustrate the benefits of athletic participation to the general public such as the National Federation Activities Weeks Promotion Material.

Implementation 6.1.2.3 - Support educational seminars on the positive benefits of athletics and its influence on the lives of young people. Emphasis should be placed on all facets of the interscholastic program that promote and enhance gender equity and increased opportunities for participation and involvement by females and previously underrepresented populations.

Implementation 6.1.1.3 – Continue to develop recognition award programs such as boys and girls coach of the year awards in all sports.

Strategy 6.2 – Maintain and continue to expand programs for the development of the "student" in the student athlete experience.

Implementation 6.0.1.1 - Continue to promote sportsmanship by creating activities at KHSAA events.

Implementation 6.0.1.2 - Continue to create innovative activities that reward those who exhibit good sportsmanship.

Implementation 6.0.1.3 - Create items such as signs and or banners for display at schools and event venues that encourage appropriate behavior by spectators and participants.

Implementation 6.0.1.4 - Continue to promote good sportsmanship by reading the "Sportsmanship Card" at all KHSAA sporting events.

Tactic 6.2.1 - Continue to Expand and Publicize the KHSAA Academic All-State Program

Implementation 6.2.1.1 - Ensure that all schools are aware of the program and fully recognize worthy recipients.

Implementation 6.2.1.2 – Secure long-term partnership contract to ensure the continuance of the Academic All-State program.

Tactic 6.2.2 - Continue to Expand and Publicize the KHSAA Sportsmanship/Citizenship Scholarship Program

Implementation 6.2.2.1 - Ensure that all schools are aware of the program through all KHSAA resources and fully recognize worthy recipients.

Implementation 6.2.2.2 – Secure a long-term partnership contract to ensure the continuance of the Sportsmanship Banquet and Scholarship Program.

Implementation 6.2.2.3 – Recognize member schools and athletes for maintaining a high level of sportsmanship.

Tactic 6.2.3 - Continue to Expand and Publicize Other KHSAA student recognition programs.

Implementation 6.2.3.1 - Continue to develop and publicize the KHSAA HYPE Conference

Implementation 6.2.3.2 – Promote other KHSAA awards programs such as Sportsmanship Recognition Scholarship, Game Guy and other Academic Scholarships to improve participation and ensure that all Association entities are represented.

Implementation 6.2.3.3-Secure long-term partnership contract to ensure the continuance of the HYPE Student Leadership Conference.

Goal 7.0 – Evaluate the composition and operations of the Board of Control and communication systems to ensure inclusion of the membership.

Strategy 7.1 –To ensure that the Board is optimally representing all groups, Board of Control members shall establish a formal and routine communication system for ensuring that all effected constituencies are involved in understanding the Board's role within the.

Communication is the hallmark of a good organization. And an efficiently functioning Board of Control is vital to the success of the Association. The designated members of the Board of Control, as well as those elected from specific regions must ensure that the business of managing interscholastic athletics is communicated to all effected groups. In addition, the at-large representatives need to ensure that members of the Kentucky Board of Education are updated not only by the office staff, but by those individuals directly appointed to represent the Kentucky Board of Education.

Tactic 7.1.1- The Board shall review its current composition and ensure that it is representing all needed constituencies.

Implementation 7.1.1.1 – In a comprehensive manner, the Board shall review proposals and other items for consideration that call for potential Board of Control expansion in order to identify the desired outcomes and rationale for change.

Implementation 7.1.1.2 – The Board shall review the current election procedures for the Board of Control along with its current makeup, and determine any possible revisions to its composition based on the identified desired outcomes.

Implementation 7.1.1.3 – Along with Association staff, members of the Board of Control shall meet with representatives of the Kentucky Department of Education to attempt to use the existing at-large member framework to help in underrepresented areas.

Implementation 7.1.1.4 – Prior to adoption of any changes to the Board composition, the Board shall conduct a cost analysis and review of the fiscal impact of any change and its impact on the Association.

Implementation 7.1.1.5 – Prior to adoption of any changes to the Board composition, the Board shall ensure that any adopted changes to help underrepresented areas does not disproportionately add to the representation of any area.

Implementation 7.1.1.6 – Prior to adoption of any changes to the Board composition, the Board shall work with legal counsel to ensure that all proposed changes adhere to the Federal Court Order of 1971 as amended in 1987.

Tactic 7.1.2- Communicate with school representatives and other effected groups as to the activities of the Board of Control and of upcoming action items. Ensure that all constituent groups are adequately represented.

Implementation 7.1.2.1 – Using email, fax and other phone communication, the regional representatives must ensure that items that are on the current agenda are known to the schools, including references to web site postings and other information.

Implementation 7.1.2.2 – Regularly and routinely notify schools following the meetings as to specific concerns of the effected schools and how they were dispensed with in the meeting..

Implementation 7.1.2.3 – Emphasize that the section representatives are to routinely meet and communicate with the member schools of the region in which the Board member is not employed.

Implementation 7.1.2.4 – Make special emphasis among the designated representatives, to routinely address special concerns necessary to those groups, and actively communicate such concerns both to the Board and to the Commissioner's office.

Tactic 7.1.3- Ensure that the membership is aware of the unique functions of the Board of Control and the role that the Board member is serving.

Implementation 7.1.3.1 – Reiterate the legal obligations of the Board members as they relate to student eligibility appeals and emphasize the need to minimize ex-parte communication.

Implementation 7.1.3.2 – Ensure that the schools are aware of the need for the Board to regularly and consistently exercise its fiduciary responsibilities in managing the finances of the Association.

Implementation 7.1.3.3– Reinforce the Board of Control's responsibility in making decisions in the best interest of the Association and not a particular school.

Implementation 7.1.3.4– Reinforce the stance that the Board does not desire to reject any change proposed by the membership, but must accept the responsibility to do such if it is in the best interest of the Association, per the Constitution.

Strategy 7.2 – The Board of Control shall review its operational procedures to ensure that it functions in an efficient and progressive manner.

The Board shall review its meeting schedule, basic operations and procedures to ensure that the meeting and workload of the members doesn't preclude qualified candidates from seeking the positions, while at the same time, keeps the needs of the student-athletes foremost in the mind of the Board of Control.

Tactic 7.2.1- Evaluate the Board of Control role in the Due Process Procedure.

Implementation 7.2.1.1 – Annually review with counsel, Kentucky Department of Education, and other state agencies, the adopted Due Process Procedure and continue to refine deadlines and operations.

Implementation 7.2.1.2 – Evaluate current operations within the Due Process Procedure to ensure that the process of reviewing student eligibility cases is done in the most efficient and expedient manner.

Implementation 7.2.1.3 – Evaluate the current procedure and determine if a procedure whereby all eligibility cases are heard by 100% of the seated Board of Control is the most effective and efficient.

Tactic 7.2.2- Review the meeting schedule of the Board of Control and its committee system to ensure efficient operations.

Implementation 7.2.2.1 – The Board shall regularly schedule its meetings so that an optimal number of members can attend.

Implementation 7.2.2.2 – The Board shall determine if a more effective means of committee operations is possible and feasible, to minimize the amount of time that Board members are taken away from administrative and obligated responsibilities at their school or employer.

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