

Board of Control Minutes - November 2003

President Paul Dotson convened the regular meeting of the Board of Control on Wednesday, November 19, 2003 at 8:30 a.m. All Board members were present except Cynthia Elliott and Robert Stewart. Also present were Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher, Julian Tackett and Roland Williams, Director of Promotions and Media Relations Butch Cope, Fundraising Consultant Ken Tippet and Office Manager Darlene Koszenski. KHSAA legal counsel, Ted Martin and new Board member, Mike Deaton, were also present.

Lonnie Burgett was called on for the invocation.

President Dotson requested that the record show that sixteen out of eighteen Board members were present, and that ten votes were needed to pass any eligibility motions.

He then welcomed Mike Deaton, new Board member, who was elected to finish out Ken Hurt's term. Mr. Hurt will be retiring at the end of November.

Eddie Saylor made a motion, seconded by Gary Dearborn, to amend the agenda and vote on item "F" of the Executive Committee (Site of the 2004 state golf tournaments) immediately following the appeal cases. The motion passed unanimously.

The Board of Control then considered the following appeals in compliance with the KHSAA Due Process Procedure:

Case #	Bylaw	H.O.	Recommend
			Motion/Second/Vote/Status
761	6		ELIGIBLE (REMAND TO H.O.)
			Uphold/(McGinty)/Parker/15-1/Eligible**
758	6		ELIGIBLE
			Uphold/(McGinty)/Perkins/15-3/Eligible***
775	6		ELIGIBLE
			Uphold/(Dearborn)/McGinty/17-0-1/Eligible
785	6		ELIGIBLE
			Uphold/(Elliott)/Saylor/16-2/Eligible****
791	6		ELIGIBLE
			Uphold/(Dearborn)/Haeberle/15-3/Eligible
773	6		INELIGIBLE
			Uphold/(Dearborn)/Parker/17-1/Ineligible
774	6		INELIGIBLE
			Uphold/(Saylor)/Stewart/17-0-1/Ineligible
776	6		INELIGIBLE
			Uphold/(Parker)/Stewart/18-0/Ineligible
777	6		INELIGIBLE
			Uphold/(Saylor)/Haeberle/18-0/Ineligible
778	6		INELIGIBLE
			Uphold (Burgett)/Parker/11-7/Ineligible
779	6		INELIGIBLE
			Uphold/(Taylor)/Burgett/17-0-1/Ineligible
780	6		INELIGIBLE
			Overturn/(Sexton)/Dearborn/10-8/Eligible-A

781	6(2)	INELIGIBLE
		Uphold/(Perkins)/McGinty/18-0/Ineligible
783	6	INELIGIBLE
		Uphold/(Perkins)/Dearborn/18-0/Ineligible
784	6	INELIGIBLE
		Uphold/(McGinty)/Burgett/17-0-1/Ineligible
788	6	INELIGIBLE
		Uphold/(Haeberle)/Hurt/15-3/Ineligible
789	6	INELIGIBLE
		Uphold/(Perkins)/McGinty/18-0/Ineligible
782	6	INELIGIBLE (EXCEPTIONS)
		Overturn/(Sexton)/McGinty/11-6-1/Eligible-B
786	6	INELIGIBLE (EXCEPTIONS)
		Uphold/(Saylor)/Burgett/17-1/Ineligible
787	6	INELIGIBLE (EXCEPTIONS)
		Uphold/(McGinty)/Burgett/18-0/Ineligible
790	6	INELIGIBLE (EXCEPTIONS)
		Uphold/(Parker)/Broughton/18-0/Ineligible
**Let the record show that Cynthia Elliott and Robert Stewart joined the meeting.		
***For the record, Jerry Taylor was opposed.		
****The Finding of Fact letter should name Scott High School, NOT Scott County High School.		

A-Findings of Fact in Case #780

1. The KHSAA Board incorporates by reference the Findings of Fact in the Hearing Officer's recommended order.

Conclusions of Law

Based on the whole record, the KHSAA Board concludes as follows:

1. Student's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because they participated in varsity sports at sending High School and transferred to receiving High School.
2. Student's transfer does not meet a specific, enumerated exception to Bylaw 6.
3. Student's transfer does merit a waiver of Bylaw 6 under the discretionary Due Process Procedure waiver provision because strict application of Bylaw 6 is unfair to them and the compelling circumstances creating the ineligibility are clearly beyond the control of the student and family.

B-Findings of Fact in Case #782

1. The KHSAA Board incorporates by reference the Findings of Fact in the Hearing Officer's recommended order.

Conclusions of Law

Based on the whole record, the KHSAA Board concludes as follows:

1. Student's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because they participated in varsity sports at sending school and transferred to receiving County High School.

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2. Student's transfer does not meet a specific, enumerated exception to Bylaw 6.

3. Based on the evidence submitted and based solely on this unique factual situation, student's transfer does merit a waiver of Bylaw 6 under the discretionary Due Process Procedure waiver provision because strict application of Bylaw 6 is unfair to them and the compelling circumstances creating the ineligibility are *clearly* beyond the control of the student and family. These facts include: (a) Student is returning to the only school in the Commonwealth that they had previously attended and it is their home school district; (b) Student is transferring from a school outside of Kentucky and in a noncontiguous state; (c) Student's parents have joint custody and this is a move from one parent to another; and (d) there is no evidence that the transfer was due to recruiting or for athletic reasons.

Let the record show that Cynthia Elliott left the meeting, and Sally Haeberle stepped out of the room.

Ken Hurt made a motion, seconded by Donna Wear, to award the 2004 State Golf Tournament to Bowling Green/Warren County. They will be providing approximately \$18,000 to the KHSAA. The motion passed 16-0.

Eddie Saylor made a motion, seconded by Jeff Perkins, to recess the full Board of Control meeting and convene the various committee meetings. The motion passed unanimously.

Let the record show that Robert Schneider left the meeting.

The full Board of Control re-convened at 4:35 p.m.

Sally Haeberle made a motion, seconded by Donna Wear, to approve the minutes of the September 18, 2003 regular meeting and the minutes of the October 20, 2003 special meeting. The motion passed unanimously.

Eddie Saylor made a motion that all bills of the Association for the period September 1, 2003 through October 31, 2003 be approved. Lonnie Burgett seconded the motion, which passed unanimously.

President Dotson, **Executive Committee** Chairperson, asked the record to show that:

1. The Boys' Sweet 16® Title Partnership was discussed.
2. Work continues on the Basketball realignment study.
3. A Coaching Education Program and Status report was given.
4. Butch Cope and Ken Tippett presented a report on the status of Corporate Sponsor solicitation.

President Dotson, Executive Committee Chairperson, then asked the record to show that the following motions were voted on:

1. Lonnie Burgett made a motion, seconded by Eddie

Saylor, to approve the commissioned audit report by Miller, Mayer, Sullivan & Stevens with the following notations:

- a. Authorize transfer from General fund carry over to Accrued Sick Leave Fund to fully fund the Accrued Sick Leave for current staff;
- b. Authorize transfer from Museum Fund to General Fund carry over to correct accrued balance;
- c. Enter appropriate ledge entries in accounting system to correct designation of pre-payment necessitated by early principal payment; and
- d. Direct staff to fully cooperate with audit firm on all aspects of KHSAA operations necessary for the KHSAA to fully comply with the recently enacted accounting rules affecting the Association. The motion passed unanimously.

2. Sally Haeberle made a motion, seconded by Steve Parker, to award Insight Cable T.V. a one year contract to cover the boys' and girls' basketball championship games on delayed television. The motion passed unanimously.

L.V. McGinty, Official's Review and Policy Committee Chairperson, asked the record to show that a possible official's fee increase was discussed. The ideal review schedule would be a 4-5 year rotation, with 3-4 sports being reviewed each year. Soccer, Football and Basketball would be the first sports looked at, since they have had the longest time without any increase. The committee will meet again in January, when staff will have a sample rotation plan for review.

Jim Sexton, Chairperson, **Constitution & Bylaws Committee**, asked the record to show that the proposals included in the Board packet were discussed. No action was taken.

Gary Dearborn, **Team Sports Committee**, asked the record to show the following motions were voted on:

1. Gary Dearborn made a motion, seconded by Sally Haeberle, to adopt the 2-year alignment as proposed. The motion passed unanimously.
2. Gary Dearborn made a motion, seconded by Stan Hardin, to award Frankfort the 2004 Volleyball State Championship, pending Larry Boucher's mutual agreement. The motion passed unanimously.

He then asked the record to show that the following items will be considered at the January meeting.

1. District changes and revisions in Baseball and Fast Pitch Softball regarding Jefferson County.
2. Kentucky Country Day Football alignment request.
3. Lawrence County Basketball alignment request.

President Dotson then called the Board's attention to miscellaneous items listed for their information only. 1) Set the date for Special Board Meeting in December to consider November appeals; 2) Re-

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view dates for the next regular Board of Control Meeting, January in conjunction with the annual meeting in Lexington; 3) Miscellaneous Board and staff items.

It was decided a special called meeting was necessary, and has been moved from December 11th to December 18th.

The January Board of Control meeting will begin at 8:00 a.m. on Friday, January 16, 2004.

A motion was made by L.V. McGinty, seconded by

Stan Hardin, to not proceed with the LSAC request to amend the Due Process Procedure. The motion passed unanimously.

There being no further business to come before the Board, Gary Dearborn made a motion to adjourn. The motion was seconded by Stan Hardin, and passed unanimously. The meeting adjourned at 5:30 p.m.

Brijid L. DeVries
Paul Nelson

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