

# NOVEMBER

# BOARD OF CONTROL MINUTES

The Board of Control of the Kentucky High School Athletic Association met at the Association Office in Lexington, Kentucky, on Wednesday, November 18, 1998. The meeting was called to order at 8:30 a.m. by President Stan Steidel. All Board members were present with the exception of Betsy Glover. Also present were Commissioner Louis Stout, Exec. Asst. Brigid DeVries, Assistant Commissioners Larry Boucher and Julian Tackett, SID Butch Cope and Ken Tippett. Mr. Kevin Mason was present representing the Kentucky Department of Education.

The first item on the Agenda called for a DeNovo Hearing in the matter of David "Hondo" Hearne, Wolfe County High School. Ms. Ann Sheadel, Division of Administrative Hearings, Office of the Attorney General, conducted the Hearing. At 2:30 p.m., Bill Beasley made a motion for Closed Session. The motion passed. At 3:30 p.m., Eddie Saylor made a motion to return to Open Session. No action was taken during Closed Session. The meeting was recessed at 4:15 p.m. until Thursday, November 19, at 8:30 a.m.

President Steidel reconvened the Regular Meeting of the Board of Control at 8:30 a.m. on Thursday, November 19. All Board members were present with the exception of Betsy Glover and Wendell Thomas. Also present were Commissioner Louis Stout, Exec. Asst. Brigid DeVries, Assistant Commissioners Larry Boucher and Julian Tackett, SID Butch Cope, Ken Tippett and Anne Wesley Mays. Mr. Kevin Mason was present representing the Kentucky Department of Education.

The meeting was recessed to conduct Committee meetings.

Following the Committee meetings, Mr. Steidel called the meeting back to order.

Kathy Johnston made a motion to approve the minutes of the September 25, 1998, meeting and the minutes of the October-19, 1998, special meeting. Cookie Henson seconded the motion which passed unanimously.

Frank Cardwell made a motion that all bills of the Association for the period September 1 - October 31, 1998, be approved. James Sexton seconded the motion which passed unanimously.

Frank Cardwell made a motion, seconded by Gary Kidwell, that the Hearing Officer's Recommendations be accepted on the following appeals heard September 21st and 22nd.

No.	Bylaw Student	School
#355A 6-1	Amanda J. Clark	Evangel Christian
Findings - Eligible		
#355B 6-1	Emily Leah Clark	Evangel Christian
Findings - Eligible		
#356 6-1	Todd Bryan Howard, II	Bryan Station HS
Findings - Eligible		
#359 6-1	Jessica Lee Smith	Daviess County HS
Findings - Eligible		
#360 6-1	Lawrence Board, Jr.	Lexington Catholic HS
Findings - Eligible		
#369 6-1	Raymond Britt	Valley HS
Findings - Eligible		

Bob Rogers made a motion, seconded by Tom Bryant, to overturn the Hearing Officer's Recommendation on the following appeal heard September 22nd. The motion passed 8-6.

No.	Bylaw Student	School
#371 6-2	Fernando Alvarez Devesa	Holy Cross HS
Findings - Ineligible		

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The Board issued the following findings of fact: The circumstances in this case do not warrant a waiver of KHSAA Due Process Procedure 3, Foreign Students Not Coming Through NASSP Approved Programs nor Bylaw 6, Sec. 2, Non-Domestic Students. As a Conclusion of Law, the Board of Control found that to allow this student to participate in interscholastic athletics would establish an undesirable precedent and would depreciate the value of Bylaw 6, Sec. 2.

Roland Williams made a motion, seconded by Bob Rogers, that the Hearing Officer's Recommendations be accepted on the following appeals heard September 21st and 22nd. The motion passed unanimously.

No.	Bylaw	Student	School	Findings
#361	6-1	Michael W. McCarthy	South Oldham HS	Ineligible
#364	4	Brandon Buck	East Jessamine HS	Ineligible
#366	6-1	David Michael Hudson	Lexington Christian	Ineligible
#372	4	Jude Elliott Granier	Mayfield HS	Ineligible
#373	6-1	Toure' Carter	Fern Creek HS	Ineligible

Bob Rogers made a motion, seconded by Bill Beasley, that the Hearing Officer's Recommendation be accepted on the following appeal heard September 22nd. The motion passed unanimously. (Kathy Johnston abstained from voting.)

No.	Bylaw	Student	School	Findings
#365	6-1	Chris Milam	Bourbon County HS	Ineligible

Kathy Johnston made a motion, seconded by Frank Cardwell, that the Hearing Officer's Recommendation be accepted on the following appeal heard September 22nd. The motion passed unanimously. (James Sexton abstained from voting.)

No.	Bylaw	Student	School	Findings
#367	6-1	Robert Byars	Butler HS	Ineligible

Bob Rogers made a motion, seconded by Ken Cox, that the Hearing Officer's Recommendation be accepted on the following appeal heard September 21st. The motion passed 12-2.

No.	Bylaw	Student	School	Findings
#357	6-1	Patrick Kirby	Model HS	Ineligible

Bob Rogers made a motion, seconded by Bill Beasley, that the Hearing Officer's Recommendation be accepted on the following appeal heard September 21st. The motion passed unanimously.

No.	Bylaw	Student	School	Findings
#362	6-1	Allison Bell	Scott HS	Ineligible

Kathy Johnston made a motion, seconded by Cookie Henson, that the Hearing Officer's Recommendation be accepted on the following appeal heard September 22nd. The motion passed 11-0 with 3 abstentions.

No.	Bylaw	Student	School	Findings
#368	6-1	Willie Thornton Nickell	Morgan County HS	Ineligible

Bob Rogers made a motion, seconded by Kathy Johnston, that the Hearing Officer's Recommendation be accepted on the following appeal heard September 22nd. The motion passed unanimously.

No.	Bylaw	Student	School	Findings
#370	6-1	Richard Klinker	St. Patrick HS	Ineligible

Bob Rogers made a motion, seconded by Kathy Johnston, that Case #352, in the matter of Matthew Muench, Newport HS, be remanded back to the Commissioner for further information as re-

quested. The motion passed unanimously.

The next item on the Agenda were the Committee Reports:

**Football Committee** - Frank Cardwell, Chairperson, made a motion that the Draft Alignment for 1999-2000 be accepted as presented with changes recommended by staff per member school input. Ken Cox seconded the motion. Mr. Saylor stated that he was not in favor of voting on all Classes at once. He would like for each Class to be voted on individually. Mr. Beasley then made a motion to amend Mr. Cardwell's motion to set aside Class AA. Cookie Henson seconded the amendment which passed 11-3. The motion to accept the Draft Alignment for Class A, AAA, AAAA then passed unanimously. Mr. Cardwell then made a motion, seconded by Roland Williams, to accept Class AA as drafted. The motion passed 11-3.

**Fall & Winter Sports Committee** - Kathy Johnston, Chairperson, reported that a draft of the Volleyball realignment is to be sent to the member schools for input and a recommendation from the Volleyball Committee prior to the next Board meeting. Kathy Johnston then made a motion that the Board accept the proposal from Georgetown College to host the State Soccer Tournaments in 1999, 2000 and 2001. The motion passed unanimously. Ms. Johnston asked members to note an article from The Kentucky Standard regarding exemplary sportsmanship at the Soccer Sectional hosted by Bardstown HS.

**Constitution & Bylaws Committee** - Bob Rogers, Chairperson advised the Board of the proposals which the Committee recommends be submitted to the Delegate Assembly. They are as follows: 1) Clarify the eligibility provisions of the Board of Control; 2) Add a new Bylaw to the student eligibility section dealing with practice by ineligible students; 3) Amend Bylaw 17 to include the use of illegal equipment which gains a competitive advantage in the definitions of Unsportsmanlike Conduct; 4) Amend Bylaw 25 to standardize the ending of season dates for those "individual" sports sanctioned by the Association; 5) Amend Bylaw 25 to increase the number of allowable competitive spirit competitions; 6) Amend Bylaw 25 to increase the number of tournaments in baseball and softball which can be counted in a shortened manner (other than game by game) from two to three; 7) Amend Bylaw 27 to allow for course work at licensed colleges or universities to be included in the 64 hour course requirement for non faculty coaches; 8) Amendment to repeal Bylaw 39. 9) Revisions to the KHSAA Dead Period. Kathy Johnston seconded the motion which passed unanimously.

Virginia Bessette, a newly hired Administration Secretary at the KHSAA office, was then introduced to the Board members.

**Ad Hoc Hall of Fame Committee** - Bill Beasley, Chairperson, recommended the Board's acceptance of a Hall of Fame Nomination and Selection draft to be used as a working document and will be presented for approval at the January meeting. Kathy Johnston seconded the motion which passed.

**Executive Committee** - Stan Steidel, Chairperson, recommended to the Board that eligibility hearings be considered for review during December, February and April. He specifically recommended that the Board meet in Special Session on Friday, December 4th at 10:00 at the Executive Inn in Louisville. Roland Williams seconded the motion which passed. Mr. Steidel advised the Board that a proposal to consider reimbursement for tournament teams and officials be presented at the January meeting. Recommendations for Regional Officials' assignments for the boys' and girls' basketball tournaments will be announced at the January meeting.

The Board recessed for lunch.

Wendell Thomas arrived at the meeting.

Exec. Asst. DeVries reviewed the wording in KHSAA Publications on Gender Equity and Title IX. She pointed out recommended changes to be made in the Title IX guidelines which will be sent to the schools in January. Following a brief discussion, Roland Williams made a motion, seconded by Frank Cardwell, that the Board accept the changes as presented.

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Ms. DeVries then reviewed the status of Competitive Cheerleading and past actions. She shared results of the January 1998 KHSAA survey, results of a National Federation survey and a letter from the U.S. Dept. of Education, Office of Civil Rights, to Susan True, National Federation. She made reference to the marked paragraph in the letter regarding cheerleading not considered a sport by the OCR.

Frank Cardwell made a motion, seconded by Roland Williams, that the following Baseball Sectional Sites be approved as recommended. The motion passed. The sites are Henderson County, Pleasure Ridge Park, Harrison County and Boyd County.

Mr. Tackett went over the response to the Auditor's concerns in the KHSAA Management Letter.

In the Management Letter included with the audit report, four items were addressed by the auditing firms as areas of focus or exceptions -a) Internal control over segregation of duties. Little adjustment can be made in this area due to the size of the association staff. Auditors recommend continuance of current association practice of having an active Audit and Finance Committee to oversee this particular aspect of association operations; b) Accounting for donated assets. The auditors recommended that staff continue with its procedure for accounting for donated assets by determining the best estimate as to its value. Items received throughout the year should be recorded at the time of receipt, while the Association automobiles have been recorded at close of year; c) Contributions. Monitoring of pledges receivable and donations for the building and museum fund. With the finalizing of the structure for the KHSAA Foundation which will support the Museum and its development, the auditors continue to recommend expansion of current practices to include reminder files and automated follow-up for pledges receivable and timely records of donations made; d) Possible Year 2000 Computer Problems. Auditors reminded Association staff that with the potential of problems that lie with the changing of year on most computers from 1999 to 2000, the Association should take proactive steps to ensure that this does not jeopardize association operations. Staff is nearly finished with a complete update of all computer hardware, and is in the process of revising any computer software packages for which the year 2000 may present problems. It is felt by current staff that most of the applications used internally can be converted to "off the shelf" products. However, the staff will seek from the Board of Control at its November meeting an additional budget authorization of \$6,500 to complete the hardware purchases necessary to comply with this recommendation. In addressing the four items, the Board and staff continue to refine its policies and controls directing staff to make any operational changes necessary regarding any of these items. It was also recommended to transfer \$6,385 from the carry forward unrestricted to the Accrued Sick Leave Fund for the 1997-98 accrual per the auditor's letter.

Kathy Johnston made a motion to accept the report. Wendell Thomas seconded the motion which passed.

Mr. Stout distributed copies of the Scope of Agreement prepared by the Host Management Group relative to the KHSAA Museum Fund Raising for review and approval at the January meeting.

Mr. Tackett confirmed dates for the State Wrestling Meet to be held in Frankfort on February 19-20, 1999. Ms. DeVries confirmed that the State Swimming Meet will be held in Lexington on February 26-27 at the University of Kentucky.

The Board then took action on the DeNovo Hearing which was heard on Thursday, November 18. Frank Cardwell made a motion that David "Hondo" Hearne's eligibility be re-established. Bill Beasley seconded the motion which passed by a roll call vote of 10-5.

The following reports were filed with no action taken: Transfer Rulings from September 1 to October 31; Budget Status from July 1 to October 31; Annual Meeting and Board of Control Meeting schedule for January 13-15, 1999; future Board meeting dates; status report on Field Hockey; Fast Pitch/Slow Pitch Committee Meeting on December 10 to recommend an alignment. Ms. DeVries gave a report on the attendance by Mr. Boucher, Mr. Stout and herself at the National Fed-

eration Section II Meeting in Pittsburgh. She noted items of discussion were a) Fund Raising Project "Best of State" and other National Federation programs; b) Concerns of the states regarding continued involvement by State School Boards of Education; c) Relocation of the National Federation Headquarters from Kansas City to Indianapolis next summer.

Other items of discussion included a) Requirements for track clinic attendance from every other year to every year; b) the consideration of requiring Assigning Secretaries to be an official in their sport for insurance purposes; c) question regarding the minimum number of games required for basketball officials before being able to work the State Basketball Tournaments. Ms. Mays reported boys' basketball ticket sales to date are \$353,431.00 with girls' ticket sales being \$54,251.00

In the matter of Jeremy Cook, Pineville HS, Case #385, heard by the Hearing Officer on Thursday, October 22, 1998, Commissioner Stout requested that the case be remanded back to him for further investigation. Eddie Saylor made a motion, seconded by Ken Cox, to grant the Commissioner's request. The motion passed unanimously.

In the matter of Jermaine Stepp, Lyon County HS, Case #388, heard by the Hearing Officer on Thursday, October 22, 1998, Commissioner Stout requested that the case be remanded back to him for further investigation. Eddie Saylor made a motion, seconded by Ken Cox, to grant the Commissioner's request. The motion passed unanimously.

Mr. Stout advised the Board that he will make a decision on District 39 Basketball Tournament site and would keep the members apprised of the status.

Mr. Steidel expressed his concern with comments of "recruiting" in appeals hearings as well as illegal practice by student athletes, and the fact that these comments are recorded on video tape.

There being no further business, the meeting was adjourned at 2:10 p.m.

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