



Kentucky High School Athletic Association



2002 - September Board of Control Meeting Minutes

President Eddie Saylor convened the regular meeting of the Board of Control on Thursday, September 26, 2002 at 3:30 p.m. All Board members were present except Cynthia Elliott, Betsy Glover, Sally Haeberle and L.V. McGinty. 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 Tippett and Office Manager Darlene Koszenski. Ted Martin, Counsel for KHSAA was also present.

Lonnie Burgett was called on for the invocation.

Eddie Saylor introduced Robert Stewart and welcomed him to the Board of Control.

Paul Dotson made a motion, seconded by Chuck Broughton, to approve the minutes of the July 16, 2002 regular meeting. The motion passed unanimously.

Kathy Johnston made a motion, seconded by Gary Dearborn, to approve the minutes of the August 26, 2002 special meeting. The motion passed unanimously.

Lonnie Burgett made a motion, seconded by Kathy Johnston, that all bills of the Association for the period July 1, 2002 through August 31, 2002 be approved. The motion passed unanimously.

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be eligible). Gary Dearborn made a motion, seconded by Paul Dotson, to reverse the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No., Bylaw, Student School, Findings #662, 4, Tyrone Hurt Western, Ineligible

After considering the written record, the KHSAA Board voted unanimously to REJECT the Hearing Officer's recommended order and issued a revised order based on the following Findings of Fact and Conclusions of Law. Therefore, Tyrone is immediately and permanently INELIGIBLE to participate in interscholastic athletics at Western High School. In accordance with the KHSAA Due Process Procedure, the KHSAA Board makes the following Find-

ings of Fact and Conclusions.

Findings of Fact

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

Conclusions of Law

1. Tyrone is permanently ineligible under Bylaw 4, Section 1 ("Bylaw 4") because he has exhausted his eight (8) semesters of eligibility as defined in Bylaw 4 and is in his fifth year of high school.

2. Tyrone is not entitled to a waiver of the application of Bylaw 4 because the record does not show that his right to basic education services was impacted due to illness or injury, which is the standard for waivers under Bylaw 4. A waiver would be contrary to past case situation rulings, have a depreciative value on future enforcement of Bylaw 4, and set an undesirable precedent.

Kathy Johnston made a motion, seconded by Jerry Taylor, to uphold the Hearing Officer's recommendation on the following appeal. The motion failed 3-9. After discussion, Lonnie Burgett made a motion, seconded by Paul Dotson to reverse the Hearing Officer's recommendation. The motion passed 9-3:

No., Bylaw, Student School, Findings #663, 6, Megan Davis Christian Academy-Louisville (South Oldham), Ineligible

After considering the record, the KHSAA Board voted 9-3 to REJECT the Hearing Officer's recommended order and issued a revised order based on the following Findings of Fact and Conclusions of Law. Therefore, Megan is immediately INELIGIBLE to participate in interscholastic athletics at Christian Academy (Louisville) High School for one year following her enrollment. In accordance with the KHSAA Due Process Procedure, the KHSAA Board makes the following Findings of Fact and Conclusions.

Findings of Fact

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

Conclusions of Law

1. Megan's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because she participated in varsity sports at South Oldham

High School and transferred to Christian Academy (Louisville) High School.

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

3. Megan's transfer does not merit a waiver of Bylaw 6 under the discretionary Due Process Procedure waiver provision because strict application of Bylaw 6 is not unfair to her and the circumstances creating the ineligibility are not *clearly* beyond the control of all the parties involved. There is insufficient evidence to support a waiver. Further, a waiver would be contrary to past case situation rulings, have a depreciative value on future enforcement of Bylaw 6, and set an undesirable precedent.

Jerry Taylor made a motion, seconded by Eddie Saylor to uphold the Hearing Officer's recommendation on the following appeal. The motion failed 2-10. After discussion, Jeff Perkins made a motion, seconded by Steve Parker to reverse the Hearing Officer's recommendation. The motion passed 10-2:
No., Bylaw, Student School, Findings #664, 6, Stefany Click Boyd County (Rose Hill Christian), Ineligible

After considering the record, the KHSAA Board voted 10-2 to REJECT the Hearing Officer's recommended order and issued a revised order based on the following Findings of Fact and Conclusions of Law. Therefore, Stefany is immediately INELIGIBLE to participate in interscholastic athletics at Boyd County High School for one year following her enrollment. In accordance with the KHSAA Due Process Procedure, the KHSAA Board makes the following Findings of Fact and Conclusions.

Findings of Fact

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

Conclusions of Law

1. Stefany's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because she participated in varsity sports at Rose Hill Christian High School and transferred to Boyd County High School.

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

3. Stefany's transfer does not merit a

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waiver of Bylaw 6 under the discretionary Due Process Procedure waiver provision because strict application of Bylaw 6 is not unfair to her and the circumstances creating the ineligibility are not *clearly* beyond the control of all the parties involved. There is insufficient evidence to support a waiver. Further, a waiver would be contrary to past case situation rulings, have a depreciative value on future enforcement of Bylaw 6, and set an undesirable precedent.

Bob Stewart made a motion, seconded by Jerry Taylor, to remand Case #668 back to the Hearing Officer for a time line and further clarification of the student's residence(s). The motion passed 8-3 with one (Jim Sexton) recusal:

No., Bylaw, Student
School, Findings
#668, 6, Monzell Rushin
Eastern (Moore), Eligible

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be ineligible). Paul Dotson made a motion, seconded by Steve Parker, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed 11-0 with one (Ken Hurt) recusal:

No., Bylaw, Student
School, Findings
#661, 6 & 7, Lee Speaks
Garrard County (Lincoln County),
Ineligible

Kathy Johnston made a motion, seconded by Lonnie Burgett, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No., Bylaw, Student
School, Findings
#665, 6, Alexander Smith
Christian Academy-Louisville
(Highview Baptist), Ineligible

Kathy Johnston made a motion, seconded by Chuck Broughton, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No., Bylaw, Student
School, Findings
#667, 6, Glen Riggs
Marion County (Nelson County),
Ineligible

Lonnie Burgett made a motion, seconded by Jeff Perkins, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No., Bylaw, Student
School, Findings
#669, 6, Cara Carter Cox
Dupont Manual (Louisville Collegiate),
Ineligible

President Saylor, **Executive Committee** Chairperson, asked the Board to approve the following motions:

1. Approve the iHigh settlement of \$37,782 and iHigh and Ken Tippett contracts for 2002-2003. A motion was made by Paul Dotson, seconded by Jerry Taylor, and passed unanimously.

2. Deny Hopkins County Central and any future school requests for an early start for Baseball and Softball for the 2003 season. A motion was made by Kathy Johnston, seconded by Bob Stewart, and passed unanimously.

3. Raise the ticket price from \$5 to \$6 in the team sports of Soccer, Softball, Baseball and Volleyball for the 2002-2003 season, with the Volleyball increase effective in 2003, since printed material quoting the \$5 price has already been mailed. A motion was made by Jeff Perkins, seconded by Jerry Taylor, and passed 10-2.

4. Approve the 2001-2002 audit as presented by Rick Campbell and authorize the following transfers: \$12,838 to cover sick leave; \$38 to balance museum expenses; and \$175,000 for building loan prepayment. A motion was made by Lonnie Burgett, seconded by Kathy Johnston, and passed unanimously.

Mr. Saylor, Executive Committee Chairperson, then asked the record to show that:

1. An iHigh/Host report and current fundraising report was presented by Sheila Vaughn and Tim Campbell.
2. A DORNA and Radio Network report was presented by Butch Cope.
3. Legal expenses and case status were discussed.

4. Roland Williams presented an update on the status of the Coaching Education Program.

5. Larry Boucher discussed a letter sent to schools regarding use of unlicensed officials and stricter fines.

Paul Dotson, **Football Committee** Chairperson, asked the record to show that no action was taken on the length of the alignment. He then asked the Board to approve the following motions:

1. Approve the Class A football alignment with the following change: Move Somerset to Region 4, District 7. The motion was seconded by Lonnie Burgett, and passed unanimously.

2. Approve the Class AA football alignment as presented. The motion was seconded by Bob Stewart, and passed unanimously.

3. Accept the Class AAA football alignment as presented. The motion was seconded by Chuck Broughton, and passed unanimously.

4. Accept the Class AAAA football alignment with the following changes: Move Southern from Region 2, District 4 to Region 3, District 5; Move Atherton from Region 3, District 5 to Region 2, District 4. The motion was seconded by Jeff Perkins, and passed unanimously.

5. Inform districts that have already met for scheduling purposes to allow new teams coming into their district the opportunity to be involved in the scheduling process with other district teams. The motion was seconded by Steve Parker, and passed unanimously.

Gary Dearborn, **Team Sports Committee** Chairperson, asked the Board to approve the following motion:

1. Honor Trigg County's request to move from District 8 to District 5 in Baseball. The motion was seconded by Lonnie Burgett, and passed unanimously.

Jim Sexton, **Constitution and Bylaws Committee** Chairperson, asked the Board to approve the following motions:

1. Accept the terminology changes regarding "board rep/designated rep" wording in the handbook. The motion was seconded by Jeff Perkins, and passed unanimously.

2. Seek an Attorney General's opinion on exact procedures for the nomination and voting process for new private school Board members. Determine if it is constitutional for only private schools to nomi-

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nate and vote for their own Board member. The motion was seconded by Jerry Taylor, and passed unanimously.

3. Study the foreign student exchange process. The motion was seconded by Chuck Broughton, and passed unanimously.

4. Take no action regarding Cheerleading. The motion was seconded by Kathy Johnston, and passed unanimously.

Mr. Saylor then called the Board's attention to miscellaneous items listed for their information only. 1) Set date for Special Board Meeting in October to consider September appeals; 2) Review dates for the next regular Board of Control Meeting, November 19-20, 2002 in Lexington, KY; 3) Miscellaneous Board and staff items.

It was decided that a Special Board Meeting to consider September appeals was necessary, and will be held on Monday, October 28th at 8:30 a.m. at the

KHSAA office.

There being no further business to come before the Board, Gary Dearborn made a motion to adjourn. The motion was seconded by Kathy Johnston, and passed unanimously. The meeting adjourned at 5:00 p.m.

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softball officials.

There was a discussion on how to count games during the regular season. The committee expressed a preference to establish a total number of games regardless of the number of tournaments a team may have played. It may be easier to say that the team can participate in a total of 36 games rather than "x" numbers of tournaments.

The committee discussed the possibility of experimenting with the NFHS designated player rule experimentation. Some coaches had played with the designated player environment, but there was no persuasion of the committee for this year.

The committee discussed the illegality of certain bats. There is still some confusion as to how umpires are to rule on certain bats that may now have the ASA Certification Mark, but still be illegal. Mr. Boucher and Mr. Williams will provide all softball supervisors with all information on bats that are legal and illegal before the season starts. The ASA & NFHS illegal bat information has been posted on the KHSAA website. Coaches and committee members were asked to inform the schools in their geographic area about the information prior to the schools purchase of bats. Legal and illegal information can be obtained or sought through the KHSAA website.

There being no further discussion the committee adjourned at 12:50 p.m.

Eddie Taylor
Brigitte DeVries

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