

**MAY
BOARD OF
CONTROL**

President Saylor convened the meeting of the Board of Control on Wednesday, May 17, 2000 at 11:15 a.m. All Board members were present except Lois Adams-Rodgers. Also present were Commissioner Louis Stout, Executive Assistant Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher and Julian Tackett, Fundraising Consultant Ken Tippett and Office Manager Darlene Koszenski. Guests included Kyna Koch, representing the Department of Education and Paul Dotson, newly elected board member. Mr. Saylor and the Board extended birthday greetings to Commissioner Stout and Gary Dearborn.

Roland Williams was called on for the invocation.

Dale Stewart made a motion, seconded by Betsy Glover, to approve the minutes of the March 24, 2000, regular meeting. The motion passed unanimously.

Cookie Henson made a motion that all bills of the Association for the period March 1, 2000 through April 30, 2000 be approved. Betsy Glover seconded the motion, which 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). Betsy Glover made a motion, seconded by Bill Beasley, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed 10-3 with two (Wendell Thomas and Jim Sexton) recusals:

No. #497 - Bylaw 6

Student-Louis Panther, III Ballard HS
(Kentucky Country Day) Ruling - Eligible

Ken Cox made a motion, seconded by Kathy Johnston to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed 11-2 with two (Wendell Thomas and Jim Sexton) recusals:

No. #500 - Bylaw 6

Student-Cory Miller Central HS (Trinity HS)
Ruling-Eligible

Cookie Henson made a motion, seconded by Bill Beasley, to set aside the Hearing Officer's Recommendation on the following appeal. The motion passed 11-1 with one (Wendell Thomas) recusal and two members abstaining:

No. #503 - Bylaw 6

Student-Andrea Terry Holy Rosary
(Mercy Academy) Ruling-Ineligible
Findings of Fact

1. Andrea Terry, transferred from Mercy Academy to Holy Rosary on 1-21-00.
2. Mr. Terry, as concluded by the Hearing Officer and concurred by the Board of Control, accepted the transportation responsibility for his daughter prior to her enrollment in high school and was aware of such transportation problems when he chose the location for his new office space.
3. The change in status of Mr. Terry's office space in and of itself is not compelling as to justify a change in schools and a waiver of the period of ineligibility.

4. The Board of Control finds that Mr. Terry's observations about recruiting are not relevant to this case.
Conclusions

The Hearing Officer's conclusion was clearly erroneous in the application of the findings of fact to this case. The Board, in reaching its conclusion determined that:

1. The references to the body of law concerning this appeal are accurate and applicable.
2. As required by the Due Process Procedure, the appellate has not proven that strict application of the rule was unfair to the student nor has the appellate proven that the situation and circumstances creating ineligibility were beyond the control of the parents and student.
3. The Board felt that a waiver of the rule in this case would certainly have a depreciative impact on application of the transfer rule and its restrictions for students transferring between private schools and would establish an undesirable precedent.

For these reasons, and based on these conclusions, the Board of Control, by a vote of 11-1, with two (2) abstentions and one (1) recusal, does hereby reverse the ruling of the Hearing Officer in the case of Andrea Terry of Holy Rosary High School and declares her ineligible until having been enrolled at Holy Rosary for one year. The decision of the Board of Control is the final decision of the KHSAA with respect to this matter. Judicial review of this determination may be sought in accordance with KRS Chapter 13B.

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be ineligible). Bob Rogers made a motion, seconded by Kathy Johnston, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed unanimously:

No. #501 - Bylaw 6

Sarah Mihaljevic Bethlehem HS
(Spencer County HS) Ruling-Ineligible

Ken Cox made a motion, seconded by Roland Williams, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed unanimously:

No. #502 - Bylaw 5

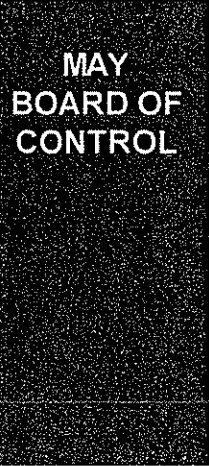
Tabatha Beach Pikeville High School
Ruling-Ineligible

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which exceptions were filed). Cookie Henson made a motion, seconded by Gary Dearborn, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed unanimously:

No. #496 - Bylaw 6

Jonathan & Gary Hall Berea HS
(Madison Southern) Ruling-Ineligible

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Bob Rogers made a motion, seconded by Gary Kidwell, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed unanimously:

No. #498 - Bylaw 6

**Amanda Blau St. Henry District
(Boone County HS) Ruling-Eligible**

Findings of Fact

The Hearing Officer of the KHSAA previously issued a recommended order concerning this student of February 28, 2000 and recommended that the student be eligible to represent St. Henry in interscholastic athletics. The Board of Control received and considered exceptions to the Hearing Officer's findings from Jeffrey S. Walther, counsel for Patricia Oliverio, Amanda Blau's coach at her former school, Boone County. In particular, the Board considered the mental health exception that was referred to on page 7 of Mr. Walther's letter, but noted for the record that the Hearing Officer was empowered to draw such conclusion if he felt that the circumstances surrounding the transfer were clearly beyond the control of the student and family.

The Board of Control received and considered a reply to those exceptions which were filed by Gerald Dusing, counsel for the Boone County schools regarding Amanda Blau, and considered each of the statements made by Mr. Dusing. The Board of Control received and considered a reply to those exceptions, which were filed by Paul Blau, father of Amanda Blau, and considered the contents of each of these statements. The Board noted that much of the additional documentation submitted by Mr. Blau was not relevant to this decision, but rather was a matter of local school jurisdiction.

Conclusion of Law

The Board of Control had concerns about the applicability of the aggrieved party provisions of the Due Process Procedure to this case as normally, it was viewed that the coach at the sending school would not be an aggrieved party absent consent from the sending school Principal and/or Administration. However, as the conclusion was partly based on the conduct of the program under her supervision, the Board chose to allow the appeal.

The Board concludes that the eligibility hearing of Amanda Blau was conducted properly in accordance with KRS Chapter 13B, and does not as a normal practice allow the Board to substitute the judgment of the Board for that of the Hearing Officer. The Board concludes that all parties had an opportunity for input into the original decision, and that its retained Hearing Officer has reached a conclusion in accordance with the Due Process Procedure.

For these reasons and based on these findings, the Hearing Officer's ruling is hereby affirmed by a unanimous vote, and Amanda Blau remains eligible to represent St. Henry District School. The decision of the Board of Control is the final decision of the KHSAA with respect to this matter. Judicial review of this determination may be sought in accordance with KRS Chapter 13B.

Kathy Johnston made a motion, seconded by Cookie Henson, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed 11-4:

No. #499 - Bylaw 6

**James David Langford Pulaski County
(Somerset HS) Ruling-Ineligible**

President Saylor, Executive Committee Chairperson, made the following motions for the Board's approval:

1. Commissioner Stout to write a memo to Superintendents, Principals and Athletic Directors clarifying the definition of "organized practice", particularly relating to tryouts. The motion was seconded by Roland Williams and passed unanimously.
2. Place Calvary Christian in the following districts for the 2000-2001 school year: Baseball (D34), Basketball (D34), Soccer (BD26, GD17), Softball (D34), Volleyball D11) for the 2000-2001 school year. The motion was seconded by Dale Stewart and passed unanimously.
3. Mail the draft 2000-2001 football alignment to schools for consideration at the July meeting. The motion was seconded by Bob Rogers and passed unanimously.
4. Write a formal letter to the Kentucky Department of Education requesting funding for Title IX Audits. This motion was made by Bill Beasley, seconded by Cookie Henson and passed unanimously.

Mr. Saylor then asked the record to show that:

1. A Title IX update was given by Ms. DeVries. 20% of the schools (57) will have been visited by June 30, 2000, as requested by the Kentucky Board of Education.
2. The dead period dates were reviewed.
3. The Executive Committee shared their positive performance evaluation with Commissioner Stout.

Kathy Johnston, Chairperson, Individual Sports Committee, made the following motion for the Board's approval:

1. Send out the 2000-2001 track and cross country alignment as approved to the schools. The motion was seconded by Roland Williams and passed unanimously.

Ms. Johnston then asked the record to show that:

1. Staff will develop criteria for pole vault clinics and present a suggested format in July.
2. Wrestling format was discussed.
3. In the near future, consider classifying schools rather than sports.

Team Sports Committee Chairperson, Roland Williams, made the following motion for the Board's approval:

1. Continue with a double elimination format in district tournament play with a single elimination format for the regional volleyball tournaments. The motion was seconded by Betsy Glover and passed unanimously.

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CONTROL**

Mr. Williams then asked the record to show that:

1. Staff will discuss adding additional districts in volleyball, especially in Region 1 and 8. The alignment will be re-evaluated at the July Board meeting.
2. Letter will be sent to Assigning Secretaries in Fast Pitch Softball, stating that softball and baseball time limits must be the same in junior varsity games.
3. Playoffs in girls' soccer from now on will be the same as boys - district, regional, sub-sectional and sectional.

Bob Rogers, Chairperson, **Audit/Finance Committee**, made the following motions for the Board's approval:

1. Give Host/USA until the end of May to finalize the school ticket project or don't proceed for the 2000-2001 school year. The motion was seconded by Betsy Glover and passed unanimously.
2. Authorize Commissioner Stout to proceed with the signing of the Dawahare's contract. The motion was seconded by Ken Cox and passed unanimously.
3. Award the trophy contract to Conference Trophy and Medal Company, the lowest and best proposal. The motion was seconded by Bill Beasley and passed unanimously.
4. Adopt the 2000-2001 salary schedule - adjustment in the Sports Information Director position, 3% increase for others, including the Executive Assistant increment. The motion was seconded by Gary Kidwell and passed unanimously.
5. Approve the updated FY200 budget and the draft FY2001 budget. The motion was seconded by Bill Beasley and passed unanimously. This motion includes automatic contract renewals.
6. Designate the following funds out of the expected FY2000 year end surplus: \$30K-Title IX; \$50K Legal fees; \$50K building prepayment; \$15K Plant maintenance; and establish any carry forward designations necessary. The motion was seconded by Roland Williams and passed unanimously.

Gary Kidwell, Chairperson, **Football Committee**, made the following motions for the Board's approval:

1. If a tie occurs when figuring the football alignments, use the 3 year (grades 10-12) figures as a tie breaker. The motion was seconded by Jerry Taylor and passed unanimously.
2. Send the draft 2000-2001 football alignment to the schools based on a geographical area breakdown. The motion was seconded by Cynthia Elliott and passed 13-2. Jim Sexton and Jerry Taylor were opposed, primarily to the 4A drafts.
3. Award Louisville the 2000 and 2001 football championship contract, with 2001 contingent upon the success of this year's event. The motion was seconded by Jim Sexton and passed unanimously.

Mr. Kidwell then asked the record to show that all 216 football schools included 8-man football in the draft alignment after consideration of the Owen County request.



Ryan Cochran of St. Mary hits his second shot during last year's Boys' State Golf Championship held at Gibson Bay Country Club. Cochran finished fourth.

Basketball Committee Chairperson, Eddie Saylor made the following motion for the Board's approval:

1. Deny Nelson County's district rotation request (District 19). The motion was seconded by Dale Stewart and passed 14-0. Roland Williams did not vote.

Museum Development Committee Chairperson, Bill Beasley asked the record to show that they have directed Commissioner Stout to look into alternative uses of the museum space.

Ad Hoc Evaluation Committee Chairperson, Wendell Thomas asked the record to show that the final draft of the evaluation form will be sent to board members before July and will be voted on at the July meeting.

Ad Hoc Officials Assignment Committee Chairperson, Ken Cox made the following motions for the Board's approval:

1. Send the 3-person officiating survey to Principals. The motion was seconded by Gary Kidwell and passed unanimously.
2. Continue 3-person officiating during post-season in 2000-2001 and re-state that all regular season is determined at the school level. The motion was seconded by Roland Williams and passed unanimously.

Mr. Cox then asked the record to show that the basketball evaluation instrument would be discussed at the July meeting.

The floor was then opened for nominations to elect a new President for 2000-2001. Ken Cox made a motion to nominate Roland Williams for President. The motion was seconded by Wendell Thomas. Bill Beasley then made a motion to close the nominations. The motion was seconded by Betsy

Glover, and the nominations were closed. The motion passed unanimously.

The floor was then opened for nominations to elect a new Vice President for 2000-2001. Eddie Saylor made a motion to nominate Kathy Johnston. The motion was seconded by Cookie Henson. Betsy Glover then made a motion to close the nominations. The motion was seconded by Bill Beasley, and the nominations were closed. The motion passed unanimously.

Kathy Johnston made a motion to approve the 2000-2001 Board of Control meeting dates. The motion was seconded by Cynthia Elliott and passed unanimously. Cynthia Elliott and Bill Beasley made a request to travel east for some meetings in the near future.

Mr. Saylor called the Board's attention to miscellaneous items listed for their information only. 1) Set date for Special Board Meeting in June to consider May appeals; 2) Review dates for next regular Board of Control Meeting, July 19-21, 2000; 3) Miscellaneous Board and staff items.

It was decided that no Special Board Meeting to consider May appeals was necessary.

Ken Cox made a motion to hold the July 19-21, 2000 board meeting in Lexington at the KHSAA office. The motion was seconded by Jerry Taylor and passed 11-1, with 3 members not voting. Julian Tackett will check on an eastern location for the September meeting.

Ken Tippet stated that the First Southern Sportsmanship Recognition Banquet will be held Sunday, May 21st at the Hyatt. He also mentioned the Hall of Fame Golf Scramble will be held on July 19th.

Roland Williams and Kathy Johnston expressed appreciation for the support and confidence of the Board of Control for electing them President and Vice President respectively. Ms. Johnston will be the first woman to hold the position of Vice President.

Staff and board members then gave their farewells to outgoing board members Gary Kidwell and Bill Beasley, and welcomed new board member, Paul Dotson.

There being no further business to come before the Board, Bill Beasley made a motion to adjourn. The motion was seconded by Kathy Johnston, and passed unanimously. The meeting adjourned at 1:30 p.m.

**NEXT REGULARLY-SCHEDULED
BOARD OF CONTROL MEETING**

**SEPT. 27-28
KHSAA OFFICE
LEXINGTON**

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