

Board of Control Minutes - May Meeting

President Roland Williams convened the regular meeting of the Board of Control on Wednesday, May 16, 2001 at 8:30 a.m. All Board members were present except Jim Sexton. Also present were Commissioner Louis Stout, Executive Assistant Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher and Julian Tackett, Sports Information Director Butch Cope, Fundraising Consultant Ken Tippett and Office Manager Darlene Koszenski. Guests included new board members, Lonnie Burgett and Ken Hurt; KHSAA staff member, Phyllis Sallee; and Kentucky Department of Education liaison, Debbie Hendricks.

Bob Rogers was called on for the invocation.

Eddie Saylor made a motion, seconded by Kathy Johnston, to approve the minutes of the March 23, 2001 regular meeting. The motion passed unanimously.

Gary Dearborn made a motion, seconded by Paul Dotson, to approve the minutes of the April 18, 2001 special meeting. The motion passed unanimously.

Sally Haeberle made a motion that all bills of the Association for the period March 1, 2001 through April 30, 2001 be approved. L.V. McGinty seconded the motion, which passed unanimously, following discussion of items on which the Board sought clarification. Gary Dearborn asked if a chart of accounts could be included with the July board packet, to help Board members know ahead of time about the coding of account expenses.

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be eligible). Bob Rogers made a motion, seconded by Paul Dotson, to REVERSE the Hearing Officer's recommendation on the following appeal. The motion passed 13-1 with one (Ken Cox) recusal:

No., Bylaw, Student, School, Findings
#591 6
Joseph Harden,
Henry Clay (Lexington Catholic)
Ineligible

Findings of Fact

Upon consideration, the Board has determined the following Findings of Fact:
1. The Board adopts as findings the basic education history of the student prior to his enrollment at Lexington Catholic;

2. The Board notes the findings by the Hearing Officer that a motivating factor for the student's first transfer (Scott County to Lexington Catholic) was a good athletic program;

3. The Board notes the findings by the Hearing Officer that one of the primary factors for seeking analysis of his son's potential learning disability was his "passion" for basketball;

4. The Board notes the findings by the Hearing Officer that Lexington Catholic (the sending school) has at least six students with ADHD and at least one of them participates on the basketball team;

5. The Board adopts as a finding the Hearing Officer's finding that the student has had no bona fide change of address;

6. The Board finds that the decision of the Hearing Officer is clearly erroneous as it is contrary to any enumerated exception to Bylaw 6 and past case rulings;

7. The Board finds that the Hearing Officer's recommended waiver of Bylaw 6 under the KHSAA Due Process Procedure was clearly erroneous as strict application of Bylaw 6 is not unfair to the student and the circumstances creating the ineligibility were clearly within the control of the parties involved;

8. The Board finds that to issue a waiver in this case would clearly have a depreciative value on future enforcement of the rule and would set an undesirable precedent;

9. The Board finds that application of the provisions of Bylaw 6, Transfer Rule, does not violate the student's rights under Section 504 of the Rehabilitation Act of 1973, and that inclusion in an individual education plan does not summarily waive eligibility rules and regulations for the student;

10. The Board finds that participation in interscholastic athletic programs is a privilege and not a right subject to other applicable laws as erroneously concluded by the Hearing Officer.

Conclusion

Upon consideration of these findings, the Board of Control issues the following Conclusions of Law and Ruling:

1. The Hearing Officer's conclusion and recommendation is clearly erroneous as detailed in the above Findings of Fact;

2. In consideration of the Findings of Fact as described above, the Hearing Officer's conclusion and recommendation is hereby vacated and the recommended ruling is reversed. Therefore Joseph Harden is declared immediately INELI-

GIBLE to participate in interscholastic athletics at Henry Clay High School.

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

No. Bylaw Student
School Findings
#594 6 Angela Stamper,
Perry County Central (Cordia)
Ineligible

Ken Cox made a motion, seconded by Betsy Glover, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No. Bylaw Student
School Findings
#595 6 Jessica Lucas,
Perry County Central (Cordia)
Ineligible

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which exceptions were filed). Bob Rogers made a motion, seconded by Eddie Saylor, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No. Bylaw Student
School Findings
#575 6 Sean Brown,
Harrodsburg (Mercer County)
Ineligible

Gary Dearborn made a motion, seconded by Paul Dotson, to uphold the Hearing Officer's recommendation on the following appeal. It was noted that the student can re-file a new transfer form, indicating a bona fide change of address, and the Commissioner may make a new ruling. The motion passed 13-1 with one (Wendell Thomas) recusal:

No. Bylaw Student
School Findings
#592 6 Lacy Nally,
Fern Creek (North Bullitt)
Ineligible

Paul Dotson made a motion, seconded by Ken Cox, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed 14-1:

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No. Bylaw Student
School Findings
#593 6 Charles Brooks,
Prestonsburg (Betsy Layne)
Ineligible

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

1. Executive Assistant Commissioner Brigid DeVries gave an update on Title IX audit visits. All 58 visits have been completed and approximately 250 2000-2001 submission form packets have been received. The reports are currently being reviewed, with responses sent to schools expected by June 15th. Seventy five reports have been reviewed at this time. The State Board requested an updated recap on deficiencies found, and Debbie Hendricks and Kyna Koch will be working closely with Ms. DeVries to clarify what the State Board wants included in the report.
2. Assistant Commissioner Julian Tackett informed the Board that a definition of "recusal" was included in the board packet material on page 14 of the "Background & Mission Statement" section.
3. No action will be taken regarding Bylaw 27 and the language of HB191 will be implemented immediately.
4. Commissioner Stout's appraisal and evaluation results were to be discussed during a closed, Executive session.
5. Staff salary schedule recommendations will be decided during the Audit & Finance Committee report.

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

1. Paul Dotson made a motion, seconded by Eddie Saylor, to approve the August 1st start date of Football practice, because the referendum regarding Bylaw 25 passed by a 2/3 vote of 138-69. The motion passed 14-0 with one (Betsy Glover) abstention. Gary Dearborn asked if Football could be moved up a week to allow 10 games to be played in 11 weeks, rather than 10 games in 10 weeks; and if Basketball could be moved back a week, because the season was too long. This proposal was referred to the Advisory Committee and the Board of Control Football Committee.
2. Bob Rogers made a motion, seconded by Roland Williams, to award the girls' state basketball tournament to Bowling Green for the 2003 through 2006 tourna-

ment years. It was noted that all other parts of the proposal were guaranteed by the presenter, irrespective of the sponsorship decision and staff was directed to ensure that all provisions and possible conflicts with existing agreements were clarified and adhered to, prior to signing an annually reviewable and renewable agreement with Houchens Industries to re-title the girls' state basketball tournament to the "Houchens Industries/KHSAA Girls' Sweet 16® State Basketball Tournament" for those tournament years in exchange for advertising, financial and sponsorship considerations. The motion passed unanimously.

3. Dale Stewart made a motion, seconded by Sally Haeberle, to change the voting procedure for the 2002 Delegate Assembly/Annual Meeting to a Scantron format. All debates and discussions on submitted proposals would be held first, and then Scantron forms would be used by delegates to vote on all proposals at once. Staff would collect the forms, scan them and announce results in a short period of time. There is a one time cost of \$750 to order the forms. After some discussion, the motion passed 13-2.

Eddie Saylor, Chairperson, Ad Hoc Committee on Member School Status, asked the record to show that survey results have been received. A report with recommended solutions will be sent to Board members before the July meeting.

Bob Rogers, Chairperson, Audit & Finance Committee, noted that a thorough budget report was given and everyone was pleased with the status of KHSAA finances after ten months. He then asked the Board to second and approve the following motions:

1. Award the catastrophic insurance coverage to K & K for 2001-2002. The motion was seconded by Eddie Saylor, and passed unanimously.
2. Award the general liability insurance coverage to American Specialty Insurance for 2001-2002. The motion was seconded by Dale Stewart, and passed unanimously.
3. Award the director's and officer's insurance coverage to American Specialty Insurance for 2001-2002. The motion was seconded by Paul Dotson, and passed unanimously.
4. Recommend a 3.5% salary schedule increase for staff. The motion was seconded by Roland Williams, and passed unanimously.

5. Allow ex-board members two complimentary basketball tickets for state tournaments, instead of one, thereby increasing the number of tickets which may be given by the Commissioner. Set minimum limit of time served on the Board, with procedures to be discussed at the July meeting. The motion was seconded by Paul Dotson, and passed unanimously.

6. Based on projected 2000-2001 year-end surplus, set aside \$100K for the following designated categories: \$30K-Title IX expenses; \$50K-Building prepayment; \$10K-Equipment purchases; \$10K-legal reserve and amend the reserve policies as presented. The motion was seconded by Eddie Saylor, and passed unanimously.

Roland Williams, Chairperson, Basketball Committee, asked the record to show that:

1. John Hardin High School will be added to District 17, as approved at the January meeting.
2. Re-alignment requests will be handled on an individual basis, after a request has been made from schools in a particular district or region.
3. The official's evaluation process was reviewed.

Kathy Johnston, Chairperson, Individual Sports Committee, noted that the Kentucky Medical Association is providing four teams of medical professionals to train people regarding weight assessment for wrestlers. The testing will be held from October 15th through December 15th. She then asked the Board to approve the following motions:

1. A motion was made by Cookie Henson, and seconded by L.V. McGinty, to move Hopkinsville and Christian County to Region 2 in girls' golf. The motion passed unanimously.
2. A motion was made by Cookie Henson, and seconded by Betsy Glover, to eliminate districts in wrestling and move to an eight region, geographically corresponding format, with four wrestlers from each region advancing to the state tournament. More participation will cause the state tournament to be increased from two days, to three, beginning in 2002. The motion passed unanimously.

Gary Dearborn, Chairperson, Team Sports Committee, asked staff to compile a list to be reviewed at the July meeting, of outside entities allowed to present awards at state final events, and when they could be presented. He then asked

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the Board to approve the following motion:

1. Based on survey results of 22 in favor/6 opposed, Paul Dotson made a motion, seconded by L.V. McGinty, to align baseball in regions 11-12 to more closely match the basketball alignment. The motion passed unanimously.

Sally Haeberle made a motion, seconded by Gary Dearborn, to go into Executive session. The motion passed unanimously. Ken Cox made a motion, seconded by Dale Stewart, to return to open session. The motion passed unanimously. No action was taken in Executive session.

The next item on the agenda was election of officers, effective July 1, 2001. Roland Williams made a motion, seconded by Eddie Saylor, to elect Kathy Johnston as President of the KHSAA Board of Control. Nominations were then closed by a motion from Paul Dotson, seconded by Sally Haeberle. Kathy Johnston was elected President unanimously. It was noted that she will be the first woman to hold the position. Ken Cox made a motion, seconded by Gary Dearborn, to elect Eddie Saylor as Vice President of the KHSAA Board of Control. The motion passed unanimously.

The next item on the agenda was confirmation of Board of Control meeting dates for 2001-2002. Meeting tickler was attached with final dates.

Assistant Commissioner Julian Tackett updated the Board on NFHS for-

eign exchange student policy and summit.

Executive Assistant Commissioner Brigid DeVries updated the Board on the NFHS legal meeting. Based on the Supreme Court ruling involving Brentwood Academy in Tennessee, KHSAA is considered a state actor on constitutional questions. Seminars were held on the following topics: Amateur Rules, Lobby Efforts, Do's and Don'ts at Press Conferences, Minimizing Event Risks, and Title IX (presented by Ms. DeVries).

Mr. Williams then 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 the next regular Board of Control Meeting, July 24-26th in Owensboro, KY; 3) Miscellaneous Board and staff items.

It was decided that a Special Board Meeting to consider May appeals was not necessary.

Ms. Koszinski informed the Board that Phyllis Sallee, Administrative Assistant to Ms. DeVries, was selected as "Employee of The Year" by the Central Kentucky Association of Educational Office Professionals. She also noted that the mileage reimbursement rate has been changed from .30¢ to .32¢ effective immediately, to correspond to the Kentucky Department of Education rate.

Ken Tippett invited Board members to attend the Sportsmanship Banquet at the Hyatt on Sunday, May 20th at 5:00 p.m. He

also invited members to attend the Hall of Fame Golf Scramble on Monday, June 18th.

Commissioner Stout introduced Debbie Hendricks as the new liaison for the Kentucky Department of Education. She will be replacing Kyna Koch.

Assistant Commissioner Julian Tackett informed the Board that NFHS eligibility ruling report and enrollment figure report were in the board packet. He also noted that the KHSAA will need to collect data from private schools directly, because the state is not requiring that information any longer.

Farnham Dudgeon Civic Center in Frankfort has agreed to host the state wrestling tournament rent free for the next three years, including the new, three day format, in exchange for promotional considerations.

Eddie Saylor requested the Board review the Host/High contract before it is renewed in 2002.

Kathy Johnston mentioned that the Athletic Directors awarded the Dawahares Family the "Outstanding Service Award" at their conference recently.

There being no further business to come before the Board, Ken Cox made a motion to adjourn. The motion was seconded by Betsy Glover and passed unanimously. The meeting adjourned at 12:15 p.m.