



Kentucky High School Athletic Association

THE ATHLETE

October-November

2002 - August Board of Control Meeting Minutes

President Eddie Saylor convened the special meeting of the Board of Control on Monday, August 26, 2002 at 8:30 a.m. All Board members were present except Lonnie Burgett, Betsy Glover and Sally Haerberle. 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.

Gary Dearborn was called on for the invocation.

President Saylor welcomed new Assistant Commissioner Roland Williams to the staff of the KHSAA.

President Saylor noted that twelve of fifteen Board members were present, and that nine affirmative votes were needed to carry a motion.

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 L.V. McGinty, to reverse the Hearing Officer's Recommendation on the following appeal. The motion passed 9-3:

No., Bylaw, Student
School, Findings
#653, 4, Joshua Lee
LaRue County, Ineligible

After considering the written record, the KHSAA Board voted 9-3 to REVERSE the Hearing Officer's recommended order. Thus, Joshua is immediately and permanently INELIGIBLE to participate in interscholastic athletics at LaRue County High School. 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. Joshua 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. Joshua 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. The evidence in the record does not link his physical condition to any documented academic deficiency. 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.

Cynthia Elliott made a motion to uphold the Hearing Officer's Recommendation on the following appeal. The motion died for lack of a second. Gary Dearborn made a motion, seconded by Jim Sexton to reverse the Hearing Officer's recommendation on the following appeal. The motion passed 11-1:

No., Bylaw, Student
School, Findings
#654, 4, James Eason
Conner, Ineligible

After considering the written record, the KHSAA Board voted 11-1 to REVERSE the Hearing Officer's recommended order. Thus, James is immediately and permanently INELIGIBLE to participate in interscholastic athletics at Conner High School. 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. James 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. James 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.

L.V. McGinty made a motion, seconded by Kathy Johnston, to uphold the Hearing Officer's Recommendation on the following appeal. The motion failed 5-6 with one (Paul Dotson) recusal. Cynthia Elliott made a motion, seconded by Jim Sexton to reverse the Hearing Officer's recommendation on the following appeal. The motion failed 7-4 with one (Paul Dotson) recusal. Ken Hurt made a motion, seconded by L.V. McGinty to reconsider. The motion passed unanimously. Let the record show Mr. Sexton left the meeting for a phone call. Cynthia Elliott made a motion, seconded by Steve Parker to reverse the Hearing Officer's recommendation on the following appeal. The motion passed 9-1 with one (Paul Dotson) recusal:

No., Bylaw, Student
School, Findings
#656, 6, Benjamin Grigsby
Greenup County (Pike County Central),
Ineligible

After considering the record, the KHSAA Board voted 9-1, with one recusal, to REVERSE the Hearing Officer's recommended order. Thus, Grigsby is immediately INELIGIBLE to participate in interscholastic athletics at Greenup County High School for one year following his 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. Grigsby's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because he participated in varsity sports at Pike County Central High School and transferred to Greenup County High School.
2. Grigsby's transfer does not meet a specific, enumerated exception to Bylaw 6.
3. Grigsby'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 him and the circumstances creating the ineligibility are not clearly beyond the control of all the parties involved. There is insufficient evidence in the record

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to document any safety and welfare issues which would support a waiver and there is no other evidence in the record sufficient 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.

Let the record show Mr. Sexton returned to the meeting.

Kathy Johnston 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
#657, 6, Jaclyn Dennison
Beth Haven (Fairdale), Eligible

Gary Dearborn made a motion, seconded by Jeff Perkins, to reverse the Hearing Officer's Recommendation on the following appeal. The motion passed 11-1:

No., Bylaw, Student,
School, Findings
#659, 6, Morgan Zellers
Ballard (Kentucky Country Day),
Ineligible

After considering the record, the KHSAA Board voted 11-1 to REVERSE the Hearing Officer's recommended order. Thus, Morgan is immediately INELIGIBLE to participate in interscholastic athletics at Ballard High School for one year following his 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. Morgan's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because he participated in varsity sports at Kentucky Country Day High School and transferred to Ballard High School.
2. Morgan's transfer does not meet a specific, enumerated exception to Bylaw 6.
3. Morgan'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 him and the circumstances creating the ineligibility are not clearly beyond the control of all the parties involved. The financial information in the record is insufficient and incomplete with respect to the business and personal financial records to justify a waiver on the ground that the financial situation necessitated a change in schools. There is no other evidence in the record sufficient 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.

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 Jerry Taylor, to uphold the Hearing Officer's Recommendation on the following appeal. Let the record show L.V. McGinty left the meeting for a phone call. The motion passed 10-1:

No., Bylaw, Student,
School, Findings
#658, 6, Melissa Loveridge
Murray (Marshall County), Ineligible

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be ineligible and exceptions were filed). Gary Dearborn made a motion, seconded by Jeff Perkins, to uphold the Hearing Officer's Recommendation after notation and consideration of the exceptions filed on the following appeal. The motion passed unanimously:

No., Bylaw, Student,
School, Findings
#655, 6, Bronnie Baise
Glasgow (Metcalfe County), Ineligible

Jeff Perkins made a motion, seconded by Paul Dotson, to uphold the Hearing Officer's Recommendation after notation and consideration of the exceptions filed on the following appeal. The motion passed unanimously:

No., Bylaw, Student
School, Findings
#660, 6, Mandi Perkins,
Wayne County (Monticello), Ineligible

Let the record show Mr. McGinty returned to the meeting.

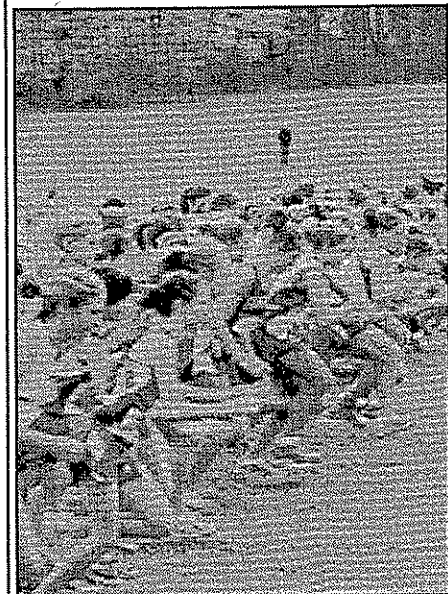
For the next regularly scheduled Board meeting, members requested the Committee meetings and Board meeting be held on Thursday, September 26, 2002, with a two hour Basketball re-alignment meeting held on Friday morning from 8:00 a.m. to 10:00 a.m.

They also requested Judge Pete Karem be present to discuss appeal hearing procedures.

The Board requested KHSAA staff notify schools involved in an appeal by e-mail reminding them of the date and time to appear. Mr. Tackett will work with Ms. Koszenski to get the notification procedure in place for the September hearings.

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 10:15 a.m.

Eddie Taylor
Brij L. DeVries



Runners sprint off the starting line during the 2002 Girls' Class AA State Cross Country Championship.