



February Board Minutes

President Eddie Saylor convened the special meeting of the Board of Control on Monday, February 24, 2003 at 9:35 a.m. All Board members were present except Cynthia Elliott, Ken Hurt 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.

Lonnie Burgett was called on for the invocation.

Mr. Saylor asked the record to show that thirteen Board members were present.

The first item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be eligible). Paul Dotson made a motion, seconded by Betsy Glover, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed 11-2: No., Bylaw, Student School, Findings #702, 6, Torian Robertson Frankfort (Paul Dunbar), Eligible

Gary Dearborn made a motion, seconded by Sally Haeberle, to reverse the Hearing Officer's recommendation on the following appeal. The motion failed 5-8. Kathy Johnston made a motion, seconded by Jeff Perkins, to uphold the Hearing Officer's recommendation on the following appeal. The motion failed 8-5. Gary Dearborn then made a motion, seconded by Steve Parker, to remand case #703 back to the Hearing Officer for further information. The motion failed 8-5. Gary Dearborn made a motion, seconded by Betsy Glover, to reverse the Hearing Officer's recommendation on the following appeal. The motion passed 9-4: No., Bylaw, Student School, Findings #703, 6, Richard Drane Central Hardin (Atherton), Ineligible 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. Richard's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because he par-

ticipated in varsity sports at Atherton High School and transferred to Central Hardin High School.

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

3. Richard'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 record shows that Richard could have moved to Nashville, Tennessee with his father and step-mother. The record further shows that Richard made a voluntary decision to stay in Kentucky and move in with his half-sister who lived in the school district for Central Hardin High School. 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 that Gary Dearborn left the meeting.

Kathy Johnston made a motion, seconded by Lonnie Burgett, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed 11-0 with one (Betsy Glover) recusal: No., Bylaw, Student School, Findings #706, 6, Christina Gomez Hancock County (Frederick Fraize), Eligible

The next item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be eligible or ineligible and exceptions were filed). Paul Dotson made a motion, seconded by Jerry Taylor, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No., Bylaw, Student School, Findings #704, 6, Walter Zac Miller Monticello (Cowan, IN), Ineligible

Let the record show that Gary Dearborn returned to the meeting.

L.V. McGinty made a motion, seconded by Robert Stewart, to uphold the Hearing

Officer's recommendation on the following appeal. The motion passed 12-1:

No., Bylaw, Student School, Findings #705, 6, Robert Broughton Elizabethtown (Fort Knox), Ineligible

Gary Dearborn, Team Sports Committee Chairperson, made a motion to send the draft Volleyball alignment to the schools with the recommended changes, and final approval will be sought at the March Board of Control meeting. The motion was seconded by Paul Dotson, and passed unanimously.

Mr. Dearborn then asked the record to show that the seeding issue had been discussed, with no action taken at this meeting, and further discussion to be held in March.

Eddie Saylor, Executive Committee Chairperson, asked the record to show that:

- 1. Senate Bill 54 and Senate Bill 113 were reviewed.
2. Basketball tournament information was discussed.
3. Foreign exchange student correspondence was reviewed.
4. An Ad Hoc Committee was formed to establish Goals and Objectives for the 2003-2006 KHSAA Strategic Plan in conjunction with the staff. Committee members from the Board are Gary Dearborn, Steve Parker and Kathy Johnston will Chair the Committee.

Mr. Saylor, Executive Committee Chairperson, then asked the Board to approve the following motion:

Table the proposed referendum regarding composition of the Board, term limits, residence requirements for athletic eligibility, and foreign exchange student policy until more data can be gathered and presented at the March meeting. The motion was made by Paul Dotson, seconded by Sally Haeberle, and passed 9-4.

Mr. Saylor then called the Board's attention to miscellaneous items listed for their information only. 1) Review dates for the next regular Board of Control Meeting, March 27-28, 2003 in Bowling Green, KY in conjunction with the Girls' State Basketball Championships; 2) Miscellaneous Board and staff items.

The Board requested that the KHSADA Legislative Committee be invited to attend

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the May meeting.

Mr. Tippet reminded the Board that the Hall of Fame Screening Committee will meet on March 20, 2003 at 8:00 a.m. and that all 3<sup>rd</sup> year Board Members are on the Committee.

Mr. Dearborn asked staff to revise the New Board Member orientation packet for new Board members use in July.

There being no further business to come before the Board, Kathy Johnston made a motion to adjourn. The motion

was seconded by Sally Haeberle and passed unanimously. The meeting adjourned at 11:50 a.m.

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