

BOARD OF CONTROL MINUTES - JULY 2003

President Paul Dotson convened the regular meeting of the Board of Control on Tuesday, July 15, 2003 at 10:30 a.m. All Board members were present except Betsy Glover, Jeff Perkins and Jim Sexton. 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 Tippet and Office Manager Darlene Koszenski. KHSAA legal counsel, Peggy Miller, was also present.

Lonnie Burgett was called on for the invocation.

President Dotson requested that the record show that fifteen out of eighteen Board members were present, and that ten votes were needed to pass any eligibility motions.

Robert Stewart made a motion, seconded by Sally Haeberle, to approve the minutes of the May 22, 2003 regular meeting. The motion passed unanimously.

Sally Haeberle made a motion that all bills of the Association for the period May 1, 2003 through June 30, 2003 be approved. Cynthia Elliott seconded the motion, which passed unanimously.

Peggy Miller, Legal Counsel for the KHSAA, gave a legal update on pending court cases.

The Board of Control then considered the following appeals in compliance with the KHSAA Due Process Procedure:

Case #, Bylaw, H. O. Recommend, Board Motion, Board Second, Vote, Status

718, 6, Eligible, Accept (Saylor), Stewart, 14-1, Eligible

732, 4, Eligible, Overturn (Dearborn), Hardin 4-11, Incomplete

732, 4, Eligible, Accept (Burgett), Elliott 11-4, Eligible

737, 6, Eligible, Accept (Saylor), Haeberle 4-11, Incomplete

737, 6, Eligible, Overturn (Dearborn), Parker 11-4, Ineligible (A)

739, 6, Eligible, Accept (Taylor), Burgett 14-1, Eligible

733, 6, Ineligible, Accept (McGinty), Burgett 15-0, Ineligible

734, 6, Ineligible, Accept (Saylor), Dearborn 15-0, Ineligible

735, 6, Ineligible, Accept (Haeberle), Broughton 14-1, Ineligible

736, 6, Ineligible, Accept (Dearborn), Burgett 15-0, Ineligible

738, 6, Ineligible, Accept (Dearborn), Burgett 15-0, Ineligible

(A) - Findings of Fact related to Case 737

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

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a. Student's mother, who works at the High School, was able to retain her job notwithstanding that travel was made more difficult by inclement weather; and that student and parents were aware when they enrolled in the High School that they would incur transportation difficulties in bad weather.

Conclusions of Law

1. Student's transfer is subject to Bylaw 6, Section 1 ("Bylaw 6") because they participated in varsity sports at the sending High School and transferred to the receiving High School.

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

3. Student'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 and circumstances creating the ineligibility are not clearly beyond the control of all the parties involved. 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.

Internal and External Fundraising updates were given by Ken Tippett and Sheila Vaughn respectively.

Eddie Saylor made a motion, seconded by Jerry Taylor, to go into Executive Session to discuss personnel issues. The motion passed unanimously. Gary Dearborn made a motion, seconded by Sally Haeberle, to return to open session. The motion passed unanimously. No action was taken during the closed session.

Let the record show that Cynthia Elliott, L.V. McGinty and Robert Stewart left the meeting at 12:30 p.m.

Lonnie Burgett made a motion, seconded by Eddie Saylor, that staff members entering their twentieth (20th) year of service to the Association (not including Previous Years of Service Credit) can be advanced one step in the appropriate grade line of the salary schedule and all Assistant Commissioners will receive the same salary for the 2003-2004 fiscal year. The motion passed unanimously.

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

1. Work continues on the Basketball Realignment Study using Available Data.

2. Commissioner DeVries will reply to Paul Whalen's "Elective Credit" letter.

3. Sports Committees, Composition, Compensation and Meetings were discussed.

4. Three-person officiating in Basketball was discussed, and the Board requested information be included in the Commissioner's Notes regarding the fact it is not required for regular season competition and that schools determine usage during the regu-

lar season.

5. The timeline for compilation of the Handbook and approval of changes through the regulatory process was reviewed from the article published in the May/June issue of the Commissioner's Notes.

6. Director of Promotions and Media Relations Butch Cope presented a status report on the KHSAA HYPE Youth Conference.

7. The Board authorized Commissioner DeVries to pursue corporate partners for the middle school ticket program in other sports in addition to Basketball.

8. Assistant Commissioner Julian Tackett reviewed the procedure for hiring outside investigators for eligibility cases.

9. End of Year Progress Report, Commissioner and the Office Evaluation System was deferred until the September meeting.

10. The Foreign Exchange Program Information gathered by Commissioner DeVries was reviewed. Details were in the Board packet, including a revised foreign exchange transfer form.

11. A format for Board of Control minutes was discussed, and will be implemented in July, 2003.

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

1. Sally Haeberle made a motion, seconded by Eddie Saylor, to approve the 284 membership applications for the 2003-2004 school year. The motion passed unanimously.

2. Sally Haeberle made a motion, seconded by Ken Hurt, to appoint the 2003-2004 Standing Committees as presented, with the replacement of Cynthia Elliott for Betsy Glover to Chair the Title IX Audit Committee. The motion passed unanimously.

3. Sally Haeberle made a motion, seconded by Chuck Broughton, to adopt the low bids on the Directors & Officers and General Liability Insurance. The motion passed unanimously.

4. Eddie Saylor made a motion, seconded by Sally Haeberle, to adopt Option #3 regarding insurance coverage: "The KHSAA shall sanction all sports for which the Association sponsors a state championship; all sports and sports activities that have an adopted limitation of seasons and are conducted in compliance with NFHS rules; and all sports for which the KHSAA licenses officials and are conducted in compliance with NFHS rules." The motion passed unanimously.

5. Lonnie Burgett made a motion, seconded by Sally Haeberle, to approve the final 2003-2004 budget and authorized Miller, Mayer & Sullivan to conduct the fiscal year audit for the Association for 2002-2003. The motion passed unanimously.

6. Sally Haeberle made a motion, seconded by Gary

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Dearborn, to allow Insight Communications to broadcast on a tape delayed basis the 2003 Football Championships, based on the terms of their proposal. The motion passed unanimously.

7. Ken Hurt made a motion, seconded by Sally Haeberle, to adopt the 2003-2007 KHSAA Strategic Plan. The motion passed unanimously.

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

1. Confirm Farnham Dudgeon Arena in Frankfort as the site for the 2003 Volleyball State Championship. The motion was seconded by Eddie Saylor, and passed unanimously.

2. Approve the 2003-04 Fast Pitch Softball alignment revisions as proposed by staff for District 44 and 45. The motion was seconded by Sally Haeberle, and passed unanimously.

Gary Dearborn, Chairperson, **Team Sports Committee**, then asked the record to show that semi-state Baseball specifications and sites were discussed, with no action taken.

Steve Parker substituting for Chairperson Jim Sexton, **Constitution & Bylaws Committee**, asked the record to indicate the following:

1. The Committee failed to endorse the KHSADA proposal for increasing the size of the Board from 18 members to 30.

2. There be a discussion at the September meeting on a proposal to restrict Foreign Exchange Students in sports to the junior varsity level if the one year waiting period is waived.

Mr. Parker then asked for Jim Sexton's name to be removed from the Out-of-State-Student proposal, per his request.

President Dotson then called the Board's attention to miscellaneous items listed for their information only. 1) Set the date for Special Board Meeting in August to consider June and July appeals; 2) Review dates for the next regular Board of Control Meeting, September 18-19th in Lexington; 3) Miscellaneous Board and staff items.

It was decided a special called meeting was necessary, and is scheduled for August 25th at 8:30 a.m.

Commissioner DeVries and Staff reported on attending the 2003 Annual National Federation Legal Seminar.

Gary Dearborn and Staff reported on attending the 2003 Annual National Federation Summer Meeting Conference.

Butch Cope reported on attending the 2003 National Federation Student Leadership Conference.

Butch Cope and Julian Tackett presented a report on the 2002-2003 KU Radio Network.

Gary Dearborn made a motion, seconded by Sally

Haeberle, to devise a "Special Recognition Award" for Association individuals who should be recognized but are not able to qualify for the Hall of Fame. The motion passed unanimously.

Eddie Saylor made a motion, seconded by Sally Haeberle, to induct the original eight Dawahare brothers and sisters into the 2004 Hall of Fame as a family unit. The motion passed unanimously.

Commissioner DeVries invited Board members to attend the New Administrator's Workshop on August 8th.

Mr. Tackett clarified for the record that Stan Hardin has been elected for a 3 year versus 2 year term (2003-2006); and Bob Schneider has been elected for a 5 year versus 4 year term (2003-2008) on the Board of Control. This clarification was necessary due to state law.

Betsy Glover has resigned from the Board, and Donna Wear, Principal at Lone Oak High School was selected to fill the position as female representative for Regions 1-8 through the end of Ms. Glover's position (June 2004).

There being no further business to come before the Board, Lonnie Burgett made a motion to adjourn. The motion was seconded by Ken Hurt, and passed unanimously. The meeting adjourned at 3:05 p.m.

Paul Dotson
Brigit L. DeVries



Jim Perrin, Christian County Athletic Director, long time softball coach and member of the state advisory committee, throws out a ceremonial first pitch prior to last year's State Championship game.