

Board of Control Meeting Minutes - May 2005

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President Jim Sexton convened the regular meeting of the Board of Control on Tuesday, May 17, 2005 at 8:50 a.m. All Board members were present except Chuck Broughton and Sally Haeberle. 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. KHSAA legal counsel Phil Scott, KHSAA Hearing Officer John Adams and Michael Barren, new Board of Control member, were also present.

Commissioner Brigid DeVries led the pledge of allegiance.

Lonnie Burgett provided a moment of reflection.

President Sexton requested the record to show that sixteen Board members were

present and that ten votes were necessary for any eligibility motions to pass.

Donna Wear made a motion, seconded by Robert Stewart, to approve the minutes of the March 25, 2005 special meeting. The motion passed unanimously.

Ozz Jackson made a motion, seconded by Lonnie Burgett, to approve the minutes of the April 11, 2005 regular meeting. The motion passed unanimously.

Jim Sexton made a motion, seconded by Paul Dotson, to go into Executive Session. The motion passed unanimously. Phil Scott then updated the Board on the status of various legal cases. Bob Schneider made a motion, seconded by Jeff Perkins, to come out of Executive Session. The motion passed unanimously. No action was taken during Executive Session.

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
Y/N/R, Status
936, 6, ELIGIBLE
Uphold (Perkins), Schneider, 14-2
Eligible
940, 6, ELIGIBLE
Overturn (McGinty), Dearborn, 14-2
Ineligible-A
937, 6, INELIGIBLE
Uphold (Dotson), Deaton, 11-5
Ineligible
939, 4, INELIGIBLE
Uphold (Stewart), Burgett, 16-0
Ineligible
941, 6, INELIGIBLE
Uphold (Perkins), Burgett, 15-1
Ineligible
942, 6, INELIGIBLE
Uphold (Dearborn), Burgett, 16-0

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Ineligible

938, 6, EXCEPTIONS

Uphold (Perkins), Deaton, 16-0

Ineligible

A-Findings of Fact-Case #940

1. The KHSAA Board adopts the Findings of Fact in the Hearing Officer's Recommended Order, except reaches a different conclusion from those facts.

Conclusions of Law

Based on the record, the Board concludes that the application of Bylaw 6, Section 1 ("Bylaw 6") should not be waived for the following reasons:

1. The student's transfer is subject to Bylaw 6 because he participated in varsity sports at the sending school after enrolling in grade nine and then transferred to the receiving school.

2. As concluded by the Hearing Officer, the student's transfer does not meet a specific, enumerated exception to Bylaw 6. The student did not file any exceptions to this conclusion by the Hearing Officer.

3. There was no bona fide change in residence.

4. The only other ground for a waiver of Bylaw 6 is set forth in the KHSAA Due Process Procedure. Under this provision, the Board has limited discretion to waive Bylaw 6 if strict application of Bylaw 6 is unfair to the student and the circumstances creating the ineligibility were clearly beyond the control of all involved parties. Contrary to the Hearing Officer's conclusion, the evidence does not support a finding that the strict application of Bylaw 6 is unfair to the student and that the transfer was for reasons beyond the control of all involved parties.

Paula Goodin, **Title IX Committee** Chairperson, asked the record to show that the Title IX Project status and policies were reviewed. No action was taken.

L.V. McGinty, **Official's Review Committee** Chairperson, asked that the record indicate that post season officials pay wording has been changed. He then made a motion to increase post season official mileage from .20¢ per mile to .30¢ per mile, effective July 1, 2005. The motion was seconded by Bob Stewart, and passed unanimously.

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

1. Commissioner's office write a letter to Jefferson County District 27 schools to clarify the seeding plan in existence. The

letter is to include what the ramifications are if the existing plan is not followed, and a new form, to be signed by the principal, indicating that they understand everything, is to be enclosed with the letter, and the response returned to the KHSAA office by May 30, 2005. A motion was made by Paul Dotson, seconded by Stan Hardin, and passed unanimously.

2. Mr. Dearborn made a motion that the Slow Pitch Softball State Championship be phased out over the next two years, with the last KHSAA sponsored championship in 2006-07. The 14 of 20 schools that play slow pitch only must play 10 regular season fast pitch games and 10 regular season slow pitch games in order to continue to play slow pitch softball to comply with KRS156.070 and HB490. The motion was seconded by L.V. McGinty, and passed unanimously.

Jerry Taylor, **Football Committee** Chairperson, asked the record to show that the following items were discussed:

1. The semi-final format survey results were reviewed, and based on those results, no action was taken.

2. An update on the 2006 state championship timetable was given by Mr. Tackett.

3. Semi-final site alternatives were discussed.

Paul Dotson, **Constitution and Bylaws Committee** Chairperson, asked the Board to approve the following motions:

1. Adopt the policy submitted by the KHSAA Executive Staff as it relates to membership criteria and the eight areas in which schools may be denied membership on an annual basis and/or a specified period of time. Item #8 to be tweaked to include Title IX deficiencies. The motion as seconded by Ozz Jackson, and passed unanimously.

2. Submit a proposal to the Delegate Assembly endorsed by the Board of Control to eliminate the contradiction in Bylaw 24 and 25 as it relates to excessive games. These changes would also be reflected in Case Bylaw 25-3. A motion was made by Mike Deaton, seconded by Donna Wear, and passed unanimously.

3. Submit a proposal to the Delegate Assembly endorsed by the Board of Control to clarify Bylaw 24 regarding forfeits, including contracts and penalties. Section 1 would be clarified to reflect the removal of the following wording: "Except that this may not apply to state championship competition". In addition, Sections 4 and 5 would be totally removed. A motion was made by

Lonnie Burgett, seconded by Robert Stewart, and passed unanimously.

4. Submit a proposal to the Delegate Assembly endorsed by the Board of Control to revise the counting of basketball games. The motion was seconded by Ozz Jackson, and passed unanimously.

5. Submit a proposal to the Delegate Assembly endorsed by the Board of Control to amend Bylaw 33 as it relates to the imposition of penalties. The proposal adds redistribution of net proceeds from a post season contest, and a reference to vacating or striking performance as penalty options. The motion was seconded by Lonnie Burgett, and passed unanimously.

Let the record show that Jeff Perkins left the meeting at 10:30 a.m.

Lonnie Burgett, **Audit and Finance Committee** Chairperson, asked the Board to approve the following motions:

1. Transfer funds to cover Phase II of the Museum development as recommended in April. In addition, staff is to make other designated allocations to the Legal Reserve and Physical Plant Reserves. The motion was seconded by Paul Dotson, and passed unanimously.

2. Approve the extension of the Houchens Title Sponsorship of the Girls' Sweet 16®, as well as award Bowling Green the site of the event for the same time period. The contract is for two more years, with three additional years (one year extensions) to be reviewed on an annual basis, making their contract valid through 2011 in Bowling Green. The motion was seconded by Jerry Taylor, and passed unanimously.

3. Approve the extension of the Rawlings contract with three additional years to be reviewed on an annual basis, making their contract valid through 2011. The motion was seconded by L.V. McGinty, and passed unanimously.

4. Increase the support staff mileage reimbursement from .20¢ to .30¢ effective immediately. The motion was seconded by Ozz Jackson, and passed unanimously.

Mr. Burgett asked the record to show that Sheila Vaughn, with iHigh gave a corporate fundraising report. No action was taken. He also reported that staff provided extensive information regarding KHSAA legal expenses and the cost and terms of catastrophic insurance, with no action taken.

Paul Dotson made a motion, seconded by Donna Wear, to go into Executive Session to discuss personnel issues. The mo-

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tion passed unanimously. L.V. McGinty made a motion, seconded by Mike Deaton, to come out of Executive Session. The motion passed unanimously. No action was taken during Executive Session.

Mr. Burgett then asked the Board to approve the following motions:

1. Approve a \$500 yearly increase for Plant Manager, John Ginn and add \$1,500 to Step 6 of the Assistant Commissioner Salary Schedule. The motion was seconded by Ozz Jackson, and passed unanimously.
2. Secure donated transportation for the Director of Promotions and Media Relations, as approved in prior meetings, and in accordance with Association policy. The motion was seconded by Donna Wear, and passed unanimously.
3. Review all cells of the salary schedule every four years, as stated in the schedule. The motion was seconded by Gary Dearborn, and passed unanimously.
4. Establish the Commissioner's salary at \$100,000 for 2005-2006. The motion was seconded by Jerry Taylor, and passed unanimously.
5. Following these revisions, approve a 4.75% salary increase for all cells in the salary schedule. Mr. Burgett noted that the KHSAA did not receive the 1.0% January 1, 2005 increase that teachers received. The motion was seconded by Ozz Jackson, and passed unanimously.
6. Approve staff to expend Title IX reserve funds for the production of materials related to the program without affecting the current year operations; approve the Commissioner's request to continue to allow for solicitation of a paid internship position, and permit staff to solicit a sponsor-

ship/endowment pledge to fund that position. The motion was seconded by Ozz Jackson, and passed unanimously.

President Sexton, **Executive Committee** Chairperson, asked the Board to approve the following motions:

1. Approve all Association bills from April 1-April 30, 2005. The motion was seconded by Paul Dotson, and passed unanimously.
2. Make attendance by the head coach at Swimming Rules Clinics mandatory. The motion was seconded by Mike Deaton, and passed unanimously.
3. Accept the 2009-2011 Basketball scheduling dates as presented. The motion was seconded by Lonnie Burgett, and passed unanimously.
4. Defer review and approval of the Personnel and Board Meeting sections of the KHSAA Policy Manual until the July meeting. The motion was seconded by Jerry Taylor, and passed unanimously.
5. Approve the 2005-06 Board of Control meeting dates. The motion was seconded by Gary Dearborn, and passed unanimously.
6. A motion was made by Lonnie Burgett, to approve the draft budget for 2005-06 to permit operations through July and final approval. The motion was seconded by Paul Dotson, and passed unanimously.

The next item on the agenda was election of 2005-2006 officers. Gary Dearborn made a motion, seconded by Paul Dotson, to elect Jerry Taylor as President. The motion passed unanimously.

Ozz Jackson made a motion, seconded by Stan Hardin, to elect Gary Dearborn as Vice President. The motion passed unanimously.

President Sexton then called the Board's attention to miscellaneous items listed for their information only. 1) Review date for the next Regular Board Meeting on July 10-12, 2005 at Green Turtle Bay in Grand Rivers, Kentucky; 2) Miscellaneous Board and staff items.

Ms. DeVries presented a report on the recent NFHS Legal Meeting.

Mr. Williams gave a report on the KHSADA conference.

Ken Tippett reminded everyone about the Dawahares/KHSAA Hall of Fame Golf Outing on Monday, June 20, 2005 at Marriott Griffin Gate.

Mr. Tackett reviewed the insurance information and enrollment numbers provided under the Report section of the Board packet.

Lonnie Burgett made a motion to make the KMA Heat and Humidity Index Form a required submission to the KHSAA, rather than a recommended submission. The motion was seconded by Donna Wear, and passed unanimously.

Board and staff members welcomed incoming Board member Michael Barren, Athletic Director at Paul Dunbar High School. His term begins July 1, 2005.

Board and staff members expressed their appreciation to outgoing Board member Mike Deaton, Principal at Pulaski County High School. His term ends June 30, 2005.

There being no further business to come before the Board, Jim Sexton made a motion to adjourn. The motion was seconded by Lonnie Burgett, and passed unanimously. The meeting adjourned at 11:40 a.m.

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