

MINUTES OF THE BOARD MEETING

APRIL 19, 2007

President Gary Dearborn convened the regular meeting of the Board of Control on Thursday, April 19, 2007 at 1:30 p.m. All Board members were present except Lonnie Burgett, Jeff Perkins, Jeff Schlosser and Bob Stewart. Also present were Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher, Julian Tackett and Darren Bilberry, Director of Promotions and Media Relations Butch Cope, Fundraising Consultant Ken Tippett and Office Manager Darlene Koszenski. KHSAA legal counsel Ted Martin and Michael Dailey, Kentucky Department of Education liaison, were also present.

Jerry Keepers provided a moment of reflection.

Butch Cope led the pledge of allegiance.

President Dearborn asked the record to show that fourteen Board members were present, and that ten votes were needed to pass any eligibility motions.

Donna Wear made a motion, seconded by Bob Schneider, to go into Executive Session to discuss the status of various legal cases. The motion passed unanimously. Chuck Broughton made a motion, seconded by Ozz Jackson, to come out of Executive Session. The motion passed unanimously. No action was taken during Executive Session.

Dr. Randy Deere, Dr. Bill Meadors and Dr. Thad Crews, with the Western Kentucky University, presented a plan for a new academic program for Educational Professional Standards Board. It would allow administrators to become Rank I if approved by EPSB. The Board took the matter under advisement, and will review it again at the May 14-15, 2007 meeting.

Ted Martin presented an overview of the Henderson County High School and Elizabethtown High School situations before personnel from the schools presented their statements. Elizabethtown representatives included: Attorney Tom Kerrick, Athletic Director Doug Barnes, Principal Nathan Huggins and Mr. Gary French. Henderson County representatives included: Principal Bruce Swanson and Board Attorney Elizabeth Bird. Each of these individuals provided information for the Board, with no action requested or taken. Commissioner DeVries is to follow up on any additional requested information.

Elizabethtown Superintendent Dr. John Millay updated the Board on the status of their Policies & Procedures.

Let the record show that Bob Schneider left the meeting at 4:15 p.m.

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
#1132	6	ELIGIBLE	Overturn (McGinty)	Broughton	12-0-1 (Donhoff)	Ineligible-A
#1135	6	ELIGIBLE	Uphold (McGinty)	Donhoff	12-0-1 (Moore)	Eligible
#1137	6	ELIGIBLE	Uphold (Jackson)	Weedman	13-0	Eligible
#1138	6	ELIGIBLE	Uphold (Jackson)	McGinty	12-0-1 (Moore)	Eligible

#1133	6	INELIGIBLE	Uphold (Broughton)	McGinty	11-0-2 (Jackson) (Moore)	Ineligible
#1134	6	INELIGIBLE	Uphold (McGinty)	Wear	12-1	Ineligible
#1131	6	INELIGIBLE (EXCEPTIONS)	Uphold (Broughton)	Keepers	13-0	Ineligible
#1136	6	INELIGIBLE (EXCEPTIONS)	Uphold (Jackson)	Moore	13-0	Ineligible

A-Findings of Fact, Case #1132

1. The KHSAA Board incorporates by reference the Findings of Fact as contained in the Hearing Officer's Recommended Order.

Conclusions of Law

Based on the whole record, the Board concludes that the application of the period of ineligibility contained in 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 did not satisfy the Bona Fide Change of Residence exception at Bylaw 6(a). Indeed, he did not move with either of his parents.
3. Contrary to the Hearing Officer's conclusion, the student did not satisfy the Guardianship /Change of Custody exception at Bylaw 6(c). To obtain a waiver under this exception, a student must show that custody "has been taken from one or both parents and given to a third person by a court of competent jurisdiction and under circumstances indicating: (1) the parent(s) is/are unfit or (2) the court finds that the health and welfare of the student would be better served by the change of custody." Here, custody was not "taken" from the student's parents. Rather, at his mother's request, M.A. was granted "joint custody" with the student's parents, and the Agreed Order was the result of a voluntary agreement between the student's parents and M.A. Thus, this student does not satisfy the exception at Bylaw 6(c).

Further, Bylaw 6 states that "determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school." Bylaw 6 also states that satisfying one of the exceptions to Bylaw 6 will not be considered valid "if the satisfying of one of the exceptions occurs after the enrollment at the new school." Here, the Agreed Order was not entered until February 20, 2007, well after the student's enrollment at the receiving school on January 2, 2007. Thus, even if the Agreed Order may have satisfied the exception at Bylaw 6(c), a waiver is inappropriate because it was not entered until after the date of enrollment at the receiving school.

Michael Barren made a motion, seconded by Dave Weedman, to approve the minutes of the January 10-11, 2007 meeting. The motion passed unanimously.

Donna Wear made a motion, seconded by Marvin Moore, to approve the minutes of the February 19, 2007 meeting. The motion passed unanimously.

Chuck Broughton made a motion, seconded by Jerry Keepers, to approve the minutes of the March 16, 2007 meeting. The motion passed unanimously.

The Board requested that Henderson County High School and Elizabethtown High School personnel present written polices for the Board to review in May. They may also be required to appear at the July Board meeting when the Association membership renewals are considered.

L.V. McGinty, **Officials Committee** Chairperson, asked the record to show that:

1. Officials' regular season fees were reviewed for the "2007-08 Officials Guidebook".
2. Officials' fees in the sports of Football and Soccer will be reviewed at the September Board of Control meeting.

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

1. Approve Association bills for the period of January 1, 2007 through March 31, 2007. The motion was made by Ozz Jackson, seconded by Alan Donoff, and passed unanimously.
2. Award Jack Fisher Park in Owensboro the State Fast Pitch Tournament for 2008 and 2009, with an option to extend the contract for an additional three years. The motion was made by Michael Barren, seconded by Chuck Broughton, and passed unanimously.

Mr. Dearborn then asked the record to show that Marvin Moore requested a discussion on additional KHSAA staffing be conducted during the May Audit & Finance Committee meeting.

Mr. Dearborn called the Board's attention to miscellaneous items listed for their information only. 1) Review the date for the regular Board meeting on May 14-15, 2007; 2) Review dates for the regular Board of Control meeting on July 12-13, 2007 at Kentucky Dam Village; 3) Miscellaneous Board and staff items.

There being no further business to come before the Board, L.V. McGinty made a motion, seconded by Chuck Broughton, to adjourn the meeting. The meeting adjourned at 5:25 p.m.

President Gary Dearborn Gary Dearborn Date 5-20-07

Commissioner Brigid L. DeVries Brigid L. DeVries Date May 20, 2007