

JULY BOARD MEETING MINUTES

The Board of Control of the Kentucky High School Athletic Association met at Lake Barkley State Resort Park, Cadiz, Kentucky, on Thursday evening, July 18, 1996. The meeting was called to order at 7:30 p.m. by outgoing President Ozz Jackson. All Board members were present. Also present were Commissioner Louis Stout, Executive Assistant Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher and Julian Tackett, Sid Butch Cope and Ken Tippett. Ernie Tocague was present representing the State Department of Education.

The Invocation was given by Darrell Treece.

After brief remarks, Mr. Jackson turned the gavel over to incoming President Bob Rogers.

Mr. Rogers then welcomed Mr. Eddie Saylor (13-14), Mr. Gary Kidwell (15-16) and Mr. Roland Williams (1-8) to the Board of Control. He also noted that Ms. Betsy Glover (1-8) had been re-elected to another four-year term, and that Mr. Bill Beasley was re-appointed by the Kentucky Board of Education for another term as an at-large member.

Mr. Rogers then discussed his recommendations regarding the structure of the standing committees of the Association. It was his recommendation that the All Sports Committee be replaced by two committees, a Fall/Winter and Spring Sports Committee; and that an Ad Hoc Committee of the Board of Control be established for review of the Museum project. Following a brief discussion, Betsy Glover moved, seconded by Wendell Thomas that the standing committees be revised to reflect the recommendation of the President. The motion passed unanimously.

Mr. Rogers then announced the appointment of the 1996-97 Standing Committees.

Audit/Finance Committee

Stan Steidel - Chairperson, Bill Beasley, Frank Cardwell, Eddie Saylor, Bob Rogers, Wendell Thomas, Darrell Treece.

Constitution/Bylaws Committee

Teresa Isaac - Chairperson, Bill Beasley, Kathy Johnston, Gary Kidwell, Bob Rogers, Stan Steidel, Darrell Treece.

*Football Committee

Tasso Harris - Chairperson, Ken Cox, Frank Cardwell, Betsy Glover, Stan Steidel, Wendell Thomas, Roland Williams.

*Basketball Committee

Ken Cox - Chairperson, Tom Bryant, Frank Cardwell, Betsy Glover, Cookie Henson, Bob Rogers, Eddie Saylor.

*Fall/Winter Sports Committee

(CC, CH GF, SO, SW, VB, WR)

Kathy Johnston - Chairperson, Tom Bryant, Tasso Harris, Cookie Henson, Gary Kidwell, Eddie Saylor, Roland Williams.

Spring Sports Committee

(BA, FPSB, SPSB, TN, TR)

Darrell Treece - Chairperson, Tom Bryant, Tasso Harris, Cookie Henson, Teresa Isaac, Gary Kidwell, Roland Williams.

Museum Committee

Bill Beasley - Chairperson, Ken Cox, Betsy Glover, Teresa Isaac, Kathy Johnston, Wendell Thomas.

Executive Committee

All Board Members

Hall of Fame Committee

All Board Members

KHSAA Executive Staff

Dawahare Representative

*Chairpersons are asked to invite the president of the coaches' association or chairperson of the statewide committee for the particular sport being discussed to serve as ex-officio committee members.

Mr. Rogers then declared the Board in a working session to discuss Association bylaws, policies and procedures. The working session was recessed at 10:00 p.m.

FRIDAY, JULY 19, 1996

Following a morning session of committee meetings, and then a lunch break, President Rogers called the Board meeting to order at 1:30 p.m. All Board members were present with the exception of Stan Steidel. The KHSAA staff was present, along with Mr. Tacogue and Danny Reeves, KHSAA Legal Counsel. The only agenda item for the afternoon was a DeNovo Eligibility Hearing for Brian Glass, Anderson County. Brian was declared ineligible to participate in interscholastic athletics in accordance with Bylaw 4, Sec. 1, Maximum Number of Semesters. Those present on behalf of Brian, were Mr. Brent Caldwell, his attorney; Anderson County Football Coach Hatchell; Brian Glass and his father, David Glass.

Following presentations by each of the persons represented, Tasso Harris moved for Executive Session. Bill Beasley seconded the motion, which passed unanimously. Following Executive Session, Tasso Harris made a motion to return the Board to Open Session. Motion was seconded by Bill Beasley. No action was taken during Executive Session. President Rogers called for a recess until 8:00 a.m., Saturday.

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President Rogers called the Board meeting to order at 8:00 a.m. All Board members were present with the exception of Frank Cardwell. The KHSAA staff was present, along with Mr. Tacogue. Mr. Rogers noted that eight (8) affirmative votes were needed to pass a motion.

Wendell Thomas made a motion, seconded by Betsy Glover, that the Minutes of the May 10, 1996, meeting be approved. The motion passed unanimously.

The Board then briefly discussed catastrophic insurance coverage for students during the off-season. Tasso Harris made a motion, seconded by Darrell Treece, that the Commissioner's Office obtain information from the Catastrophic Insurance Agent regarding coverage as per the Limitation of Seasons, and then follow this with a certified letter to all schools advising them of this information. The motion passed unanimously.

COMMITTEE REPORTS

Constitution Committee - Chairperson Teresa Isaac recommended the following items be approved by the Board:

Bylaw 4, Enrollment: Change Q/A 8 to Q/A 1 to clarify Due Process Procedure. Bill Beasley seconded Ms. Isaac's motion. Motion passed.

Bylaw 27, Requirement for Coaches - Ms. Isaac recommended that the Commissioner appoint an Ad Hoc Committee to study Bylaw 27. Betsy Glover seconded this motion which passed. Bylaw 25, Limitation of Seasons, 10. Tennis & 11. Track - Ms. Isaac requested documentation to consider a change to the Saturday ending date for regular season contests. She recommended that no change be made but asked the Commissioner to express the Board's concern in his Commissioner's Notes. Bill Beasley seconded the motion which passed.

Bylaw 6, Transfer Rule - Recommend no change.

Coaches Certification - Recommend no action.

Spring Sports Committee - Chairperson Darrell Treece recommended that a referendum to sanction Indoor Track be sent to all schools by September 15 for return by the September Board meeting. The proposal is as follows: Maximum of four (4) indoor meets; Mason Dixon Games do not count; Meets count against the total track limitation of fifteen (15) meets; Indoor meets must be sanctioned by the KHSAA.

Betsy Glover seconded the motion, which passed.

Mr. Treece advised the Board that Paducah and Louisville were interested in hosting the State Baseball Tournament.

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Basketball Committee - Chairperson Ken Cox advised the Board that the committee had no recommendation for re-alignment, but that 3-team districts will be studied. He also noted that the membership roster for the Sweet 16 Committee is complete and that Bob Rogers will be serving as the Board representative.

Fall & Winter Sports Committee - Chairperson Kathy Johnston recommended that Woodford County remain the site for the 1996 State Soccer Tournament. Tasso Harris seconded the motion which passed. The Committee also recommended that requests to host fall and winter sports tournaments be due in April for voting by the Board in May; and that requests to host springs sports be due by September. Roland Williams seconded the motion, which passed.

Betsy Glover moved that all bills of the Association for the period beginning May 1, 1996 and ending June 30, 1996, be approved. Cookie Henson seconded the motion which passed.

Betsy Glover made a motion, seconded by Stan Steidel to accept the FY96 Budget Update as presented. The motion passed unanimously.

Stan Steidel then moved to approve the FY97 Budget as presented. Tom Bryant seconded the motion. Mr. Tackett pointed out that in February 1999, the Board can re-negotiate the long term debt. The motion passed unanimously.

Following discussion of the revised Board of Control meeting schedule for 1996-97, Gary Kidwell made a motion to accept the schedule as presented. Kathy Johnston seconded the motion, which passed unanimously. The next scheduled meeting of the Board of Control will be held in Lexington at the KHSAA Office on September 26-28, 1996.

The following reports were given, but no action was taken: 1) Eligibility rulings made by the Commissioner from April 1 to June 30; 2) Appeals heard by the Kentucky Board of Education; and 3) Needs Assessment Questionnaire received from the member schools. The Commissioner's Office will send the complete report to the Board members soon to be discussed by the Executive Committee at the September Board meeting. Following a brief discussion of the issues addressed by the schools, and the State of the Association, the Board went on record to congratulate the KHSAA Staff on a job well done.

President Rogers advised the Board that the Hearing Officer's recommendations on Appeals No. 125, 126 and 127 would not be voted on until a later date.

Ken Cox made a motion, seconded by Bill Beasley to accept the Hearing Officer's Report on the following appeals:

Name(School)	Bylaw	Recomm.
Monika Lehmkuhl(Scott)	6-1	Eligible
Katherine Lannon(Assumption)	6-1	Eligible
Sarah Ruth Cardin(Oneida Baptist)	6-1	Eligible
Micah Lance West(Franklin-Simpson)	6-1	Eligible
Robert Maddox(Bardstown)	6-1	Eligible
Michael Clemens(Bullitt East)	6-1	Eligible
Vurl Fugate(Breathitt Co.)	6-1	Eligible
Jason Bagan(Mercer Co.)	6-1	Eligible
Jess Shepherd(Lex. Catholic)	6-1	Eligible

The motion passed 14-1. Roland Williams abstained from voting on the appeal of Robert Maddox, Bardstown High School.

Ken Cox made a motion, seconded by Bill Beasley to accept the Hearing Officer's Report on the following appeal:

Name(School)	Bylaw	Recomm.
Jessica Detrick(Christian Acad.)	6-1	Ineligible

Following discussion and an amendment to the motion to ask the Hearing Officer to remove paragraph two of Conclusions of Law, the motion passed 9-6.

Bill Beasley made a motion to overturn the Hearing Officer's Report on the appeal of Josh Gregory, Wayne

County High School, thereby declaring him ineligible; and issued the following findings of fact:

1)By receiving home bound instruction, Josh Gregory did, in fact, continue in school;

2)The Hearing Officer made a clearly erroneous conclusion of law and order that his recommendation be set aside;

3)That while Josh Gregory's injury was an impairment to his athletic participation, he compensated for any impairment in academic participation through homebound instruction;

4)That under previously adopted and accepted definition, there was no evident injustice against this student-athlete.

We make the following conclusion of law:

Josh Gregory of Wayne County High School has exhausted his eight (8) semesters of eligibility.

Teresa Isaac seconded the motion to set aside the Hearing Officer's decision which passed 14-1.

Betsy Glover made a motion to overturn the Hearing Officer's Report on the appeal of Jan Weiland, Highview Baptist, thereby declaring her ineligible and issued the following findings of fact:

1)The Hearing Officer's conclusion of law is clearly erroneous as it relates to this case;

2)The provisions of attending school as a foreign exchange student clearly prohibit a second year by that student;

3)The bylaws of this Association, enforced as written, represent no evident injustice against this student-athlete.

As a conclusion of law we find:

To allow this situation and precedent to be established would be to the detriment of the Association's foreign exchange rule;

Bill Beasley seconded the motion to set aside the Hearing Officer's decision which passed unanimously.

Darrell Treece made a motion, seconded by Teresa Isaac to accept the Hearing Officer's Report on the following appeals:

Name(School)	Bylaw	Recomm.
Casey Campbell(Perry Central)	6-1	Ineligible
Melissa Lynn Hayden(Metcalf Co.)	6-1	Ineligible
Ray Lyon(Betsy Layne)	4	Ineligible
Daniel Breeden(Home Schooled)	4	Ineligible
Corey Jennings(Frederick Fraize)	3	Ineligible

The motion passed unanimously.

In the matter of Jonathon Leicht, Clay County, an exception to the Hearing Officer's Report was filed by the attorney for Clay County Schools. Bill Beasley made a motion, seconded by Tom Bryant to accept the Hearing Officer's Report. The motion passed 14-0. Cookie Henson refrained from voting.

Tasso Harris made a motion, seconded by Roland Williams, that the Board go into Executive Session to discuss a legal matter. The motion passed. There being no action taken in Executive Session, the Board voted to return to Open Session.

In response to the DeNovo Hearing, Ken Cox made a motion to deny eligibility to Brian Glass and issued the following findings of fact :

1) Brian Glass has been enrolled in high school for eight semesters;

2) Brian Glass had sufficient credits to graduate with his class in 1996, but of his own volition, chose not to graduate;

3) Brian Glass and his family believe through their testimony that by completing another year of high school, Brian could receive financial assistance to attend college based on his athletic talent.

4) While Brian Glass's athletic participation opportunities have not been impaired as to his opportunity to advance and graduate with his class.

5) Brian Glass did in fact participate in athletics during his senior year (1995-96), participating in varsity baseball.

We make the following conclusions of law:

1) Each case heard by the Board of Control must be weighed and considered individually. Of primary concern in cases involving Bylaw 4 and the eight semester rule is the

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question of whether or not the athletic and academic participation was impaired, or simply the athletic participation being impaired.

2) Bylaw 4, Enrollment, provides that students are limited to a maximum of eight (8) semesters of eligibility from 9th to 12th grade, whether or not they participate in athletics.

3) The philosophy of the KHSAA is that a student should make every reasonable effort to graduate in four years. If by reason of injury or illness, a student/athlete is forced to miss a semester or more of school, an additional semester of athletic eligibility may be recommended in extraordinary circumstances. However, this association has consistently ruled that no additional semester of eligibility should be granted where the student/athlete has sufficient credits to graduate but fails to do so. There are no documented rules which allow for a student to regain a semester of eligibility lost due to injury, nor is there any rule which would allow a student more than eight (8) semesters of athletic eligibility even if he is permitted to spend a fifth year in high school for academic reasons.

4) There is no evidence that Brian's injury has caused him to be unable to graduate with his class. Therefore, an exception in this case would discriminate against those students who have sought and been denied a "medical red shirt" where they have sufficient credits to graduate. The motion passed by a roll call vote of 14-0. Mr. Steidel was absent for the hearing.

Mr. Tippet then introduced Mr. Danny Maxberry, Principal of Marshall County High School and a member of the Middle School Committee to go over the Draft Bylaws for Middle Schools. Following some discussion, the Board took no action.

There being no further business, the meeting was adjourned at 12:30 p.m.

NEXT KHSAA BOARD OF CONTROL MEETING
Sept. 26-28, 1996, KHSAA Office, Lexington

MINUTES OF A CALLED BOARD MEETING JULY 31, 1996

President Bob Rogers called a special meeting of the KHSAA Board of Control at the KHSAA Office in Lexington on Wednesday, July 31, 1996, at 1:30 p.m. Members present were Vice President Ken Cox, presiding, Betsy Glover, Cookie Henson, Kathy Johnston, Gary Kidwell, Eddie Saylor, Stan Steidel, Wendell Thomas and Roland Williams. Also present were Commissioner Louis Stout, Ken Tippet and Anne Wesley Mays.

The purpose of the called meeting was to consider three appeals submitted by the KHSAA Hearing Officer.

Kathy Johnston made a motion, seconded by Gary Kidwell to accept the Hearing Officer's Report on the following appeal:

Name(School)	Bylaw	Recomm.
Amy Maier(Notre Dame)	4	Eligible

The motion passed unanimously.

Eddie Saylor made a motion, seconded by Kathy Johnston to accept the Hearing Officer's Report on the following appeal:

Name(School)	Bylaw	Recomm.
Bethany Collins(Buckhorn)	6-1	Eligible

The motion passed unanimously.

Betsy Glover made a motion, seconded by Wendell Thomas to accept the Hearing Officer's Report on the following appeal:

Name(School)	Bylaw	Recomm.
Dustain Vance(Barren Co.)	6-1	Eligible

The motion passed unanimously.

The Board discussed further the details of the Vance appeal and their concern regarding conduct by school personnel. Wendell Thomas made a motion, seconded by Betsy Glover, that the Commissioner send a letter to all Boards of Education with the following message: "This Board goes on record that we will not tolerate abusive behavior by coaches, and that schools will receive one warning, and one warning only, that we should not have to allow an athletic transfer due to the behavior of a coach". The motion passed.

There being no further business to come before the Board, the meeting was adjourned.

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