

DECEMBER BOARD MEETING MINUTES

The Board of Control of the Kentucky High School Athletic Association met at the Executive Inn, Louisville, Kentucky on Friday, December 6, 1996. The meeting was called to order by President Bob Rogers at 8:00 a.m. with all Board members present except Bill Beasley and Teresa Isaac. Also present were Commissioner Louis Stout, Exec. Asst. Commissioner Brigid DeVries, Asst. Commissioners Larry Boucher and Julian Tackett, SID Butch Cope, Ken Tippett, Anne Wesley Mays and Ernie Tacogue, State Dept. of Education. The invocation was given by Roland Williams.

Kathy Johnston made a motion, seconded by Roland Williams, that the minutes of the September 27, 1996 meeting of the Board be approved. The motion passed unanimously.

Gary Kidwell made a motion to approve the payment of bills from September 1 through October 31, 1996. Wendell Thomas seconded the motion which passed unanimously.

Frank Cardwell made a motion, seconded by Ken Cox, that the Hearing Officer's Report be accepted on Appeals #152-183 (with the exception of #164, 167, 168 and 182) heard on September 17-19 and October 16-17. The motion to accept the following Appeals passed 13-1.

No.	BylawStudent	School	Findings
#152	6	Stacey Bohannon Male	Eligible
#153	6	Andrew Paschal Ballard	Eligible
#154	6	David Riley Nelson Co	Eligible
#156	6	Josh Horn Beechwood	Eligible
#159	6	Micah Cunningham Reidland	Eligible
#160	6	Eric Pauly Campbell Co	Eligible
#162	6	Travis Brown Doss	Eligible
#163	6	Chase Hoover Bryan Station	Eligible
#165	6	Tiffany & Bianna Smith Perry Co Central	Eligible
#166	6	Matt Eisenmenger Conner	Eligible
#174	6	Lindsey Elizabeth Clark University Heights	Eligible
#175	6	Joshua A. Patterson Reidland	Eligible
#176	6	Kristy Fennel Reidland	Eligible
#183	6	Brandie Plyler Doss	Eligible

Teresa Isaac arrived at the meeting.

After a motion failed to overturn the Hearing Officer's Report on #164 heard on 9/19/96, Frank Cardwell made a motion, seconded by Cookie Henson, that the findings on this case be accepted. The motion passed 9-6.

No.	BylawStudent	School	Findings
#164	6(2)	George Papadakis Trigg Co	Eligible

After a motion failed to overturn the Hearing Officer's Report on #167 heard on 9/19/96, Betsy Glover made a motion, seconded by Ken Cox, that the findings on this case be accepted. The motion passed 9-5.

No.	BylawStudent	School	Findings
#167	6(2)	David Allatore Nelson Co	Eligible

After a motion failed to overturn the Hearing Officer's Report on #168 and #182 heard on 9/19/96 and 10/17/96 respectively, Kathy Johnston made a motion, seconded by Cookie Henson, that the findings on these cases be accepted. The motion passed 8-5.

No.	BylawStudent	School	Findings
#168	6(2)	Quentin Ducos Somerset	Eligible
#182	6(2)	N. Haubenreisser/S Rinck Betsy Layne	Eligible

The Board expressed concern about the Hearing Officer's use of the term "athletic ability" and requested him to use the term "athletic advantage". Mr. Tackett stated this request would be related to him.

Tasso Harris made a motion, seconded by Roland Will-

iams, to accept the Hearing Officer's Report on Appeals #147-181 (with the exception of #148, 149, 169 and 171) heard on September 17-19 and October 16-17. The motion to accept the following Appeals passed unanimously.

No.	BylawStudent	School	Findings
#147	6	David Tasman St. Francis	Ineligible
#150	6	Ben Alderdice, Jr. Pulaski Co	Ineligible
#155	6	Matthew Anderson Paul Dunbar	Ineligible
#158	6	Billy Mitchell Prestonsburg	Ineligible
#161	6	William Frantz Christian Academy	Ineligible
#170	6	Latosha Negrete Paul Blazer	Ineligible
#177	6	Adam Joshua Bailey Paintsville	Ineligible
#178	5	Atu Bard (Gilmore) Bethehem	Ineligible
#180	4	Rodney Moore Christian Co	Ineligible
#181	6	Brandon Long Estill Co	Ineligible

Cookie Henson made a motion, seconded by Darrell Treece, that the Hearing Officer's Report be accepted on Appeals #148 & 149 heard September 15. The motion passed unanimously. (Kathy Johnston abstained from voting.)

No.	BylawStudent	School	Findings
#148	6	Jonathan Graves Bourbon Co	Ineligible
#149	6	Travis Barker Bourbon Co	Ineligible

Stan Steidel made a motion, seconded by Tasso Harris, that the Hearing Officer's Report be accepted on Appeal #169 heard October 16. The motion passed unanimously. (Teresa Isaac abstained from voting.)

No.	BylawStudent	School	Findings
#169	6	Tyler Spencer Bryan Station	Ineligible

Commissioner Stout requested that appeal #171 not be considered at this time but remanded back to the Hearing Officer for further review. Teresa Isaac made a motion to remand Appeal #171 back to Commissioner Stout for further information. Roland Williams seconded the motion which passed unanimously. (Frank Cardwell abstained from voting.)

Stan Steidel made a motion, seconded by Tom Bryant, that the Hearing Officer's Report be accepted on Appeal #157 heard September 18. The motion passed unanimously.

No.	BylawStudent	School	Findings
#157	3	Phillip L. Mosley, Jr. Cordia	Ineligible

Tasso Harris made a motion, seconded by Stan Steidel, that the Hearing Officer's Report be accepted on Appeal #172 heard October 16. The motion passed unanimously.

No.	BylawStudent	School	Findings
#172	6	Eric Keith Combs Knott Co Cent.	Ineligible

Kathy Johnston made a motion, seconded by Tasso Harris, that the Hearing Officer's Report be accepted on Appeal #173 heard October 16. The motion passed unanimously.

No.	BylawStudent	School	Findings
#173	6	Amanda Alvey Henderson Co	Ineligible

Darrell Treece made a motion, seconded by Kathy Johnston, that the Hearing Officer's Report be accepted on Appeal #179 heard October 17. The motion passed unanimously.

No.	BylawStudent	School	Findings
#179	6	Jason Perkins Mercer Co	Ineligible

President Rogers called on Mr. Harris, Chairman of the Football Committee, for their report. Mr. Harris distributed minutes of their meeting held previously. Mr. Harris made a motion that the Board accept the Class A (0-575) alignment proposed by the committee. Roland Williams seconded the motion which passed 12-2. Mr. Harris then made a motion that the Board accept the Class AA (576-860) & Class AAA

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(861-1225) alignments. Cookie Henson seconded the motion which passed unanimously. Mr. Harris made a motion that the Board accept the Class AAAA (1226 and up) alignment. Wendell Thomas seconded the motion which passed unanimously.

Mr. Harris then made a motion that a request from Reitz HS, Evansville, IN to invite Union County and Apollo to participate in a 1997 bowl game on August 23rd be approved. He pointed out that these schools and any other school playing in an approved bowl game may not schedule games on both August 22/23 and 29/30. Wendell Thomas seconded the motion which passed unanimously.

Mr. Harris made a motion that the Board offer a proposal to the 1997 Delegate Assembly which would amend Bylaw 25, Limitation of Seasons, Sec. 9 Football, part (3) to allow schools to play the first football game eleven (11) weekends prior to the first round of the playoffs, thus allowing schools eleven weeks to play ten games. Gary Kidwell seconded the motion which passed unanimously.

The President called for the Constitution & Bylaws Committee Report. Ms. Isaac, Committee Chair, advised the Board of the ten proposals which will be submitted to the Delegate Assembly. They are as follows: 1) Principal James Sexton, Eastern HS - amendment to Article IV, Sec. 1; 2) Board of Control - amendment to Bylaw 6, Sec. 2; 3) Ath Dir Jim Perrin, Christian Co HS - amendment to Bylaw 25, Sec.6 and Sec. 12. (Note: the Board does not support this amendment); 4) Ath Dir Sam Harp, Danville HS - amendment to Bylaw 25, Sec. 9.; 5) Board of Control - amendment to Bylaw 25, Sec. 9; 6) Principal Fred Carter, Bowling Green HS - amendment to Bylaw 25, Sec. 19; 7 & 8) Board of Control - amendment to Bylaw 27 to revise the requirements to hold a coaching position in Kentucky; 9) Board of Control - amendment to Bylaw 30; 10) Ath Dir Sam Harp, Danville HS - amendment to Bylaw 34. The Board voted to allow all proposals to be submitted to the Delegates; however the Board's support of Proposal either 7 or 8 will be considered on Saturday morning following the recess. The Board then discussed at length the Annual Meeting and the time schedule thereof and the rules for voting.

Tasso Harris left the meeting.

Roland Williams moved for Executive Session. Cookie Henson seconded the motion which passed. Following Executive Session, Ken Cox made a motion to return to Open Session. Roland Williams seconded the motion which passed. No action was taken in Executive Session.

Mr. Rogers recessed the meeting until Saturday, December 7, at 8:00 a.m.

DECEMBER 7, 1996

President Rogers reconvened the Board of Control meeting at 8:05 a.m. with all Board members present except Tom Bryant, Frank Cardwell, Gary Kidwell and Teresa Isaac. Also present were Commissioner Louis Stout, Exec. Asst. Commissioner Brigid DeVries, Asst. Commissioners Larry Boucher and Julian Tackett, SID Butch Cope, Ken Tippett, Mary Darnell and Ernie Tacogue, State Dept. of Education. The Invocation was given by Roland Williams.

The President called on Kathy Johnston for the Fall & Winter Sports Committee Report.

1) Ms. Johnston made a motion that the Board waive Bylaws 25 & 27 for Soccer and Volleyball in order that schools could participate in the Bluegrass State Games without counting these games against their maximum limit. Eddie Saylor seconded the motion, which passed unanimously.

2) Ms. Johnston made a motion that the Board approve a change to the overtime procedure for Soccer games. It was the committee's recommendation that there be two five minute periods, followed by penalty kicks. Eddie Saylor seconded the motion, which passed unanimously.

Darrell Treece, Chairman of the Spring Sports Committee then gave their report. Following a discussion of the sites for the softball tournaments in 1997, Mr. Treece made a mo-

tion to host the Fast Pitch Softball Tournament in Daviess County and the Slow Pitch Softball Tournament in Frankfort. Roland Williams seconded the motion which passed unanimously. Other items discussed with no action taken were fast pitch/slow pitch softball survey results; track alignment; Region 9, 10, and 16 baseball alignment.

Following a discussion of a request for an increase in post season tournament mileage for officials, no action was taken. Mr. Rogers deferred consideration of this item until the May meeting.

Mr. Tippett distributed a progress report on Middle School Implementation, i.e. proposed bylaws, finances, personnel, services and a draft timetable. Since the State Board of Education requires two readings, Mr. Rogers recommended that the Board consider the final draft in January.

Following discussions of contracts with Musco Lighting, Stephens and CHA Health as Corporate Sponsors, Ken Cox made a motion, seconded by Tasso Harris that all contracts be accepted as presented. The motion passed unanimously.

In regard to Classified Staff's participation in the Kentucky Retirement Systems Standard Unused Sick Leave Program, Bill Beasley made a motion, seconded by Wendell Thomas that the above resolution be approved and that the Commissioner be empowered to sign the contract as submitted. The motion passed unanimously.

Betsy Glover left the meeting.

Following a lengthy discussion on the Board of Control's two proposals to be submitted to the Delegate Assembly to amend Bylaw 27 to revise the requirements to hold a coaching position in Kentucky, Tasso Harris made a motion, seconded by Roland Williams to submit both proposals for vote by the Delegates. The motion passed unanimously.

Regarding the Board's proposal to amend Bylaw 6, Sec. 2, Tasso Harris made a motion, seconded by Stan Steidel, to delete Sec. 2(B). The motion passed unanimously.

After a discussion of the Sweet 16 Basketball Committee Meeting, Bill Beasley made a motion, seconded by Roland Williams, to offer upper arena tickets for \$32.00/set to participants in athletics/cheerleading at the discretion of and within policies developed by the Commissioner. The motion passed unanimously.

Stan Steidel left the meeting.

Other items of discussion were the transfer of funds from The Retirement Trust Fund to The General Fund and the Hall of Fame Induction Ceremony.

Ken Tippett then went over the Sportsmanship Recognition Program. Roland Williams made a motion, seconded by Kathy Johnston to approve the criteria as presented. The motion passed unanimously.

Tasso Harris left the meeting.

Mr. Tackett gave the following basketball ticket sales report as of November 30:

1997 - Boys Receipts	\$369,258.00
1997 - Girls Receipts	\$55,392.00
1996 - Boys Receipts	\$383,208.00
1996 - Girls Receipts	\$56,160.00

After relating the circumstances of a transfer student, Larry Cummings, from California to Iroquois HS, the Board heard Commissioner Stout's decision to restore eligibility for the 1996-97 school year.

Cookie Henson made a motion, seconded by Bill Beasley, to accept late membership dues from a new member school, Piarist School in Martin, Kentucky.

There being no further business to come before the Board, Bill Beasley moved for adjournment. Kathy Johnston seconded. The meeting adjourned at 10:30 a.m.

SPECIAL CALLED MEETING DECEMBER 19, 1996

The Kentucky High School Athletic Association Board of Control met in Special Session at 1:00 p.m. at the KHSAA Office Building in Lexington on Thursday, December 19, 1996. All Board members were present with the exception of Tom Bryant, Frank Cardwell, Tasso Harris, Kathy Johnston and Wendell Thomas. Also present were Commissioner Louis

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Stout, Exec. Asst. Comm. Brigid DeVries, Asst. Comms. Larry Boucher and Julian Tackett, S.I.D. Butch Cope, Ken Tippett, Anne Wesley Mays, KHSAA Attorney Danny Reeves and Ernie Tacogue, Kentucky Department of Education.

President Bob Rogers called the meeting to order for the purpose of considering the Hearing Officer's Report on Appeals heard November 18-19, 1996. He advised the Board that no DeNovo Hearings were granted to any of the appellants.

Bill Beasley made a motion, seconded by Betsy Glover, to accept the Hearing Officer's Report on Appeal #189. The motion to accept the report passed 8-3.

No.	Bylaw	Student	School	Findings
#189	6	Autumn Haynes	Hazard	Ineligible

Stan Steidel made a motion, seconded by Darrell Treece, to accept the Hearing Officer's Report on Appeal #190. The motion to accept the report passed unanimously.

No.	Bylaw	Student	School	Findings
#190	6	Kelly Young	Adair County	Ineligible

Roland Williams made a motion, seconded by Ken Cox, to accept the Hearing Officer's Report on Appeal #191. The motion to accept the report passed unanimously.

No.	Bylaw	Student	School	Findings
#191	6	Brooke Jennings	Berea	Ineligible

Teresa Isaac made a motion, seconded by Betsy Glover, to remand Appeal #192 in the matter of Dewayne Whitfield back to the Hearing Officer for a re-hearing due to the fact the parent was not notified of the November 18 hearing. The motion passed unanimously.

Darrell Treece made a motion, seconded by Stan Steidel, to reject the Hearing Officer's Findings of Fact on Appeal #194. Following deliberations, it was by a 9-2 vote that the recommendation of the Hearing Officer in the case of Jomo K. Dopwell be rejected. In support of its decision, the Board found that the Hearing Officer's Conclusion of Law that the appeal was not timely filed is clearly erroneous as it relates to this case. The Board further found clear and compelling justification for hearing this appeal outside the time period set forth in the KHSAA's Due Process Procedures. Regarding this issue, the Board found that, assuming the aggrieved parties were advised of this decision concerning Dopwell on September 10, 1996, as found by the Hearing Officer, it is not reasonable to expect an appeal to be filed within five days of receiving this information. Further, this appeal is justified by the confusion created by the action of the local court which attempted to alter KHSAA rules concerning foreign exchange students without input from the KHSAA or its commissioner. This appeal is also justified by virtue of the fact

that the schools did not receive direct notice from the KHSAA of Commissioner Stout's decision or the basis for such decision and no mechanism exists for such mass notification. The Board found notification through newspaper articles to be insufficient for purposes of the November 15, 1996, deadline which the Hearing Officer would impose.

Stan Steidel then made a motion, seconded by Roland Williams, that Jomo Dopwell be declared ineligible at Graves County. Further by a vote of 9-2, the Board makes the following findings concerning Dopwell's continued eligibility at Graves County High School.

Contrary to the Hearing Officer's conclusion, it would not be unfair to Dopwell to reverse Commissioner Stout's decision at this time. Based upon evidence presented to the Hearing Officer that Dopwell intended to attend Graves County during the 1996-97 school year for academic and social reasons, he would not be unfairly treated by a correct application of Bylaw 6 at this date. Dopwell has received the benefit of participating in interscholastic athletics to the present date. Had the bylaw been applied correctly, when waiver was originally sought in June 1996, he would not have received this benefit which has not been given to other students similarly situated. Therefore, he cannot claim to be treated unfairly if the bylaw is correctly applied at the present time.

The Board agrees with the Hearing Officer that the Commissioner did make a mistake in ruling Jomo Dopwell eligible for a second year and agrees that it is the intent of the bylaws that a foreign exchange student should not be given a waiver of the period of ineligibility required by Bylaw 6 unless it is clearly understood that the student will be here for only one year and that foreign exchange students who become domestic students by court order or otherwise will have to sit out one year as is the case with domestic students.

The Board further finds that they would act in total disregard of the bylaws of the Association if they recognize a mistake has been made and refuse to correct it.

As a Conclusion of Law, the Board of Control finds that to allow this situation and precedent to be established would be to the detriment of the Association's foreign exchange rule and order that the Hearing Officer's decision be set aside, and that Jomo Dopwell be declared ineligible to participate in interscholastic athletics at Graves County High School effective upon receipt of this ruling by the principal of Graves County High School.

Bill Beasley made a motion, seconded by Stan Steidel, to accept the Hearing Officer's Report on Appeal #197. The motion to accept the report passed unanimously.

No.	Bylaw	Student	School	Findings
#197	6	Brandon Parker	Hart County	Ineligible

There being no further business to come before the Board, the meeting adjourned at 2:05 p.m.

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