

MINUTES OF THE BOARD MEETING

DECEMBER 7, 2002

President Eddie Saylor convened the special meeting of the Board of Control on Saturday, December 7, 2002 at 9:00 a.m. All Board members were present except Lonnie Burgett, Betsy Glover, Ken Hurt and Robert Stewart.

Also present were Commissioner Brigid DeVries, Assistant Commissioners Larry Boucher and Roland Williams; and Fund Raising Consultant Ken Tippett.

Gary Dearborn was called on for the invocation.

Mr. Saylor asked the record to show that twelve Board members were present, and that nine affirmative votes were necessary to either uphold or overturn the Hearing Officer's recommended order.

The first item on the agenda was consideration of the Hearing Officer's Recommendations (Cases in which the student was recommended to be eligible or ineligible and exceptions were filed). Paul Dotson made a motion, seconded by Sally Haerberle, to exclude the information contained in the agenda for the December 7, 2002 special Board meeting because Marshall County High School had notice of the hearing but failed to attend or notify the Commissioner's office prior to the hearing that it could not attend the hearing. This Board should not consider any of the information contained in the agenda for the December 7, 2002 special Board meeting, which includes the November 7, 2002 letter from Billy Hodge, the November 12, 2002 letter from Don Bock, Marshall County High School's Exception to Hearing Officer's Recommended Order and Joshua Knight's Response to Exception to Hearing Officer's Recommended Order. The motion passed unanimously. Gary Dearborn then made a motion, seconded by Steve Parker, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously

No.	Bylaw	Student	School	Findings
#692	6	Joshua Knight	Christian Fellowship (Marshall County)	Eligible

Jerry Taylor made a motion, seconded by Paul Dotson, to deny the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No.	Bylaw	Student	School	Findings
#685	6	Jon Dugan	Nelson County (Bardstown)	Eligible

Findings of Fact

On July 8, 2002, John Dugan ("Dugan") transferred from Bardstown High School ("Bardstown") to Nelson County High School ("Nelson County"). Dugan attended Nelson County during the 2000-2001 school year, which was his freshman year. He did not participate in varsity athletics at Nelson County. Dugan's father was an assistant coach on the boys' football and basketball teams at Nelson County from 1989 through the 2000-2001 school year. During the summer of 2001, Dugan's father was hired at Bardstown to be the Head Boys' Basketball Coach and a Physical Education Teacher. Dugan transferred to Bardstown because his father was hired there. During the 2001-2002 school year, Dugan participated on the varsity football team at Bardstown; however, he only participated in a few plays during blowout games. During the summer of 2002, Dugan's father was hired at Nelson County in an administrative position. He is not currently involved in coaching at Nelson County and will not coach for at least one year. Due to his father becoming employed with Nelson County in a position not related to athletics, Dugan transferred back to Nelson County. The Head Boys' Football Coach and Principal at Bardstown submitted letters in the record which supported Dugan's eligibility.

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Conclusions of Law

Dugan does not meet any enumerated exception to Bylaw 6. Thus, this Board may only grant him a waiver if strict application of Bylaw 6 is unfair to him and the circumstances creating the ineligibility are clearly beyond the control of all the parties involved. The Board concludes that preventing Dugan from participating in varsity athletics when transferring back to Nelson County with his father meets this standard. Dugan's father is taking a position in Nelson County unrelated to athletics. Further, Dugan's participation in varsity football games at Bardstown was extremely limited. Lastly, Bardstown fully supported the transfer back to Nelson County. For these reasons, the Board rejects the Hearing Officer's recommended order and grants Dugan a waiver of Bylaw 6. Dugan is immediately eligible to participate in varsity athletics at Nelson County.

Cynthia Elliott made a motion, seconded by L.V. McGinty, to uphold the Hearing Officer's recommendation on the following appeal. The motion passed unanimously:

No.	Bylaw	Student	School	Findings
#687	6	Chris Bradley	Waggener (Ballard)	Ineligible

Mr. Saylor then called the Board's attention to miscellaneous items listed for their information only. 1) Review dates for the next regular Board of Control Meeting, January 9-10, 2003 in Lexington, KY in conjunction with the Delegate Assembly 2) Miscellaneous Board and staff items.

There being no further business to come before the Board, Cynthia Elliott made a motion to adjourn. The motion was seconded by Chuck Broughton, and passed unanimously. The meeting adjourned at 10:05 a.m.

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