

# OHSAA BOARD OF DIRECTORS MINUTES (January 15, 2009)

The Ohio High School Athletic Association Board of Directors held a regularly scheduled meeting in the Board Room of the OHSAA office building on January 15, 2009. President Mike Richards called the meeting to order at 9:00 a.m.

The meeting was opened with a prayer led by Tom Farbizo and was followed by the Pledge of Allegiance led by Jeff Jordan.

**Board Members Present:** Mike Richards, president; Keith Bell, vice president; Teresa Alberts; Gene Klaus; Bill Koppel; Rocco Nero; Steve Stirn; Jay Wolfe, and Jeff Jordan (ex-officio) and Tom Farbizo (ex-officio). **Board Member Excused:** Rock VanFossen.

**Administrative Staff Present:** Dan Ross, commissioner; Bob Goldring and Deborah B. Moore, associate commissioners; Steve Neil, Roxanne Price; Jerry Snodgrass, and Henry Zaborniak Jr., assistant commissioners, and Tim Stried, director of information services.

**Others Attending:** Steve Craig, OHSAA legal counsel; Todd Boehm, OHSAA comptroller; Frank Gamble, Ohio High School Baseball Coaches Association; Art Daniels, Ohio High School Basketball Coaches Association; Jay Niswonger, Dick Kerschbaum, Bob Brigati and Mike Mauk, Ohio High School Football Coaches Association; Casey Milligan, Ohio High School Golf Coaches Association; Mike Huff, Ohio High School Fast Pitch Softball Coaches Association; Mike Griggs, Ohio High School Swimming Coaches Association; Ed Lidderdale, Ohio Association of Track and Cross Country Coaches; Carol Russo, Scott Taylor, Tracey Kornau and Alyse Consiglio, Ohio High School Volleyball Coaches Association; Troy Roth, Ohio High School Wrestling Coaches Association; Ron Knight, former OHSAA Board of Directors member; Ken Baker, Ohio Association of Secondary School Administrators; Scott Ebright, Ohio School Boards Association; Ray Marcano; James Gunther; Brent Love and Chris Love; and R. Brent Minney, Thomas Holmes, Geoff Geers, Connie Griffin, Doug Schmidt, John Lewis, Jerry Withers and the student with whom they are affiliated.

## I. ADOPTION OF AGENDA

Motion by Gene Klaus, second by Teresa Alberts to **adopt** the agenda as amended for the January 15, 2009, Board of Directors meeting.

Motion passed 8-0.

## II. APPROVAL OF MINUTES

Motion by Jay Wolfe, second by Bill Koppel to **approve** the minutes from the December 4, 2008, Board of Directors meeting.

Motion passed 8-0.

## III. FINANCIAL INFORMATION

### A. Financial Report

Comptroller Todd Boehm provided the financial report for December. He noted that tournament reimbursement checks were mailed to member schools that qualified for them at the end of December. The financial report is summarized as follows:

Balance — November 30, 2008	\$281,624.02
Receipts — December 2008	<u>1,236,468.58</u>
	\$1,518,092.60
Disbursements — December 2008	<u>927,494.41</u>
	\$590,598.19
Accounted for as follows:	
Checking Account Balance per 5/3 Bank (12/31/08)	\$1,039,105.00
	\$1,039,105.00
Less Outstanding Checks	<u>448,506.81</u>
Balance — December 31, 2008	\$590,598.19
Available Funds — December 31, 2008	
Bank Balance	\$590,598.19
Savings	7,623.04
Minus Reserve Fund	<u>(598,221.23)</u>
Working Capital	\$0
Reserve fund	\$598,221.23
Building fund	\$197,953.14

Motion by Rocco Nero, second by Steve Stirn to **accept** the financial report as presented.

Motion passed 8-0.

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### IV. INFORMATION ITEMS

#### A. Board of Directors and District Athletic Board Elections in April 2009

Commissioner Ross reviewed the positions that will be up for election on the OHSAA Board of Directors and District Athletic Boards. Board of Directors (two-year terms, August 1, 2009-July 31, 2011) positions vacant will be: **Central District**, Class AAA (Mike Rotonda or Jay Wolfe); **Northwest District**, Class AA (Steve Keller or Tim Meister), and **Southwest District**, Class A (Andy Bixler or Dave Gray). District Athletic Board (six-year terms, August 1, 2009-July 31, 2015) positions vacant will be: **Central**, Class A (Max Ness, incumbent); **East**, Class A (Ron Hurst, incumbent); **Northwest**, Class AAA (Bill Axe, incumbent); **Southeast**, Class AA (Mark Knapp, incumbent), and **Southwest**, Class AA (George Rise, incumbent). Later this winter, information on running for the District Athletic Board positions will be sent directly to superintendents, principals and athletic administrators in the districts and classes in which there are openings. Ballots will then be mailed in late April.

#### B. Minutes of the Soccer Advisory Committee Meeting of December 8, 2008

The Board was provided with the minutes of the Soccer Advisory Committee meeting of December 8, 2008, and Assistant Commissioner Snodgrass reviewed the highlights. He said the majority of the meeting was utilized to clarify various rules and regulations to hopefully reduce the number of infractions in the future.

#### C. Starting Times for 2009 State Ice Hockey Tournament

Assistant Commissioner Neil informed the Board that the starting times for the 2009 OHSAA State Ice Hockey Tournament have been established. The tournament will be held March 14 and 15 at Nationwide Arena in Columbus, with the semifinals on Saturday (Brooklyn district winner vs. Kent district winner and Columbus district winner vs. Sylvania district winner) beginning at 1:00 p.m. and 4:00 p.m., respectively, and the finals on Sunday beginning at 11:00 a.m.

#### D. Updates on OHSAA Legal Issues/Infractions

The Board was presented with a list of schools that have recently violated OHSAA bylaws or sports regulations along with the penalties that were imposed by the OHSAA staff. **Grove City Central Crossing High School's** varsity softball coach violated Sports Regulation 6, Open Gymnasium or Facilities, when he permitted a parent to conduct organized open fields. The OHSAA acknowledged that the action taken by the school on the situation was appropriate. **Huber Heights Wayne High School's** boys varsity bowling team had a student-athlete violate Bylaw 4-10-2, Amateur, when he accepted a cash prize in a non-inter-scholastic competition. The OHSAA ruled the student ineligible until the money was repaid, and he was declared ineligible for the school's first four regular season bowling competitions. **Dayton Chaminade-Julienne High School's** girls varsity basketball team had a student-athlete violate Bylaw 4-7-2, Transfers (bona-fide legal change of residence from one public school district to another public school district), and, in accordance with Bylaw 11-2-1, Forfeiture, the school must forfeit a victorious contest in which the ineligible student participated. **Greenfield Middle School's** boys basketball team had student-athletes violate Bylaw 10-3-4, Non-Interscholastic Competition, when more students than were permitted participated on a team outside of the June 1 to July 31 time period. In accordance with Bylaw 10-4-1, Penalty, the students were suspended from competition for two contests. **Orrville High School's** boys basketball team had a student-athlete violate Bylaw 4-4-1, Scholarship, and, in accordance with Bylaw 11-2-1, Forfeiture, the school must forfeit a victorious varsity and junior varsity contest in which the ineligible student participated. **Bradford Junior/Senior High's** junior high football team had a student-athlete violate Bylaw 4-3-1, Enrollment and Attendance, and in accordance with Bylaw 11-2-1, Forfeiture, the school must forfeit all victorious football contests in which the ineligible student participated. **Riverside Stebbins High School's** girls varsity bowling team had a student-athlete violate Bylaw 10-3-1, Non-Interscholastic Competition. In accordance with Bylaw 11-2-1, Forfeiture, the school must forfeit any victorious contests in which the ineligible student participated after the violation occurred, and the OHSAA declared the student ineligible for the school's next two bowling competitions. **Columbiana Crestview High School's** boys freshman basketball team invited **Youngstown Boardman Center Middle School's** boys eighth grade basketball team to participate in a scrimmage, which is a violation of Sports Regulation 33.3. The OHSAA reprimanded Crestview High School and the school was fined \$150, and Boardman Center Middle School was reprimanded. **Sandusky Perkins High School's** varsity bowling team had two student-athletes violate Bylaw 4-4-1, Scholarship, and, in accordance with Bylaw 11-2-1, Forfeiture, the school must forfeit four contests in which the ineligible students participated. **Cheshire River Valley High School's** girls junior varsity basketball team practiced and/or scrimmaged against **Cheshire River Valley Middle School's** girls eighth grade basketball team, which is a violation of Sports Regulation 33.3. The OHSAA reprimanded River Valley High School and the school was fined \$150, and River Valley Middle School was reprimanded.

### V. OLD BUSINESS

#### A. 2009 Regional and State Track and Field Tournament Sites and Dates

Assistant Commissioner Neil reviewed the sites and dates for the 2009 regional and state track and field tournaments. Regional sites are Youngstown Austintown-Fitch, Amherst, Pickerington North and Dayton Welcome Stadium in Division I; Ravenna, Lexington, Byesville and Dayton Welcome Stadium in Division II, and Navarre, Tiffin, Lancaster Fairfield Union and Troy in Division III. Divisions I and III will hold regionals on Wednesday and Friday, May 27 and 29, at 4:00 p.m. each day, and Division II regionals will be on Thursday and Saturday, May 28 and 30, at 4:00 and 11:30, respectively. The state tournaments will be held June 5 and 6 at Jesse Owens Memorial Stadium at The Ohio State University in Columbus, with the events order being Division III, Division II and Division I.

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Motion by Keith Bell, second by Gene Klaus to **approve** the sites and dates as presented.

Motion passed 8-0.

### B. Proposal to Split the Division I Football Tournaments into Two Divisions

In October, an OHSAA subcommittee recommended to the Board of Directors that Division I be divided in half in the sport of football, with the top four teams from each region qualifying for the OHSAA tournaments. As part of the proposal, Divisions II through VI would continue to have the same approximate number of schools assigned to their respective divisions along with eight tournament qualifiers from each region. The proposal would result in a seventh division being added in football.

Motion by Rocco Nero, second by Keith Bell to **deny** the proposal.

Motion passed 8-0.

It was noted that the subcommittee attempted to address the large variance in enrollment that occurs in Division I, where the smallest school in the division currently has 528 boys and the largest has 1,246. The proposed change would have meant that the two divisions would have been comprised of schools with more similar enrollments.

It was also noted the Board's decision to deny the proposal was aided by the results of a survey the OHSAA office conducted with the Division I schools and feedback from the executive directors of the Ohio High School Football Coaches Association, which both indicated they were opposed to a change.

## VI. NEW BUSINESS

### A. Fall Sports Proposals

Proposals for changes in fall sports were presented to the Board in the sports of football and volleyball. Proposals in the sport of soccer will be made at the February 12 Board of Directors meeting. Action on the proposals will take place at the April 2 Board of Directors Meeting.

#### 1. Football

The Ohio High School Football Coaches Association proposed that members of the school's interscholastic coaching staff be permitted to coach interscholastic squad members a maximum of 10 days between June 1 and July 31. The current OHSAA regulation allows seven days of coaching in the sport of football. The coaches association was represented by Jay Niswonger and Mike Mauk.

#### 2. Volleyball

The Ohio High School Volleyball Coaches Association proposed that players who play in any subvarsity competition on the same day and against the same opponent be permitted to play in five games per day. The current OHSAA regulation allows four games per day. The coaches association also requested that a Foundation Day be permitted in the sport of volleyball, following many of the same parameters that were in place last fall for the same event in the sport of basketball. The coaches association was represented by Carol Russo, Scott Taylor, Tracey Kornau and Alyse Consiglio.

### B. Contribution to the Naismith Memorial Basketball Hall of Fame for Meritorious Service (Southeast and Southwest Districts)

The OHSAA makes two annual \$300 contributions to the Naismith Memorial Basketball Hall of Fame in the names of the nominees for their contributions to athletics in Ohio. Two of the six OHSAA District Athletic Boards make nominations to the Board of Directors on a rotating basis. The nomination from the Southeast District is Dan Brisker, and the nomination from the Southwest District is Bob Huelsman.

### C. Media Issues

Proposals to approve a contract extension with SportsTime Ohio and to revise the OHSAA Tournament Broadcast Rights Fees were tabled.

### D. Review of Proposed Amendments to the OHSAA Constitution and Bylaws for the 2009-10 School Year

The Board was provided with a draft of proposed referendum issues that reflect changes to the OHSAA Constitution and Bylaws. Associate Commissioner Moore reviewed the proposals. If placed up for referendum by the Board, OHSAA member schools will vote on the referendum issues between May 1 and 15, 2009.

1.) **Constitution 3-1-1, Membership** — Clarifies how enrollment is determined for new schools by noting that it will be based upon the actual number of boys and girls in grades 9, 10 and 11 enrolled in that high school based on the October EMIS count from the preceding school year.

2.) **Constitution 5-3-1, Qualified for Board of Directors Membership** — Changes the rotation of Board of Directors members so that four members will be replaced in one year and five the next, rather than the current format in which three will be replaced in one year and six the next.

3.) **Constitution 5-4-1, Selection of Members to the Board of Directors** — Clarifies that when District Athletic Boards select the Class A, AA and AAA positions to serve on the Board of Directors, the deadline for such selections shall be no later than the May meeting of the Board of Directors.

4.) **Constitution 5-6-1, Powers and Duties of the Board of Directors** — Clarifies the powers and duties of the Board and adds the following: "The Board of Directors may declare a position vacant on a District Athletic Board when an elected member fails to attend three consecutive meetings and/or fulfill the requirements of the position."

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- 5.) **Constitution 7-4-1, Elections** — Clarifies to whom district athletic board ballots shall be sent and notes that this is based on the classification the voting member's school will hold during the subsequent school year.
- 6.) **Constitution 7-6-2, Vacancies** — Changes the notion of holding special elections each time a district athletic board vacancy occurs to the idea that the Board of Directors shall appoint an interim representative who meets all of the requirements of the position and who will serve until the newly elected representative, elected during the next regularly scheduled election, takes office.
- 7.) **Constitution 8-1-10, Amendments to the Constitution and Bylaws** — Clarifies that changes approved by the membership shall become effective August 1 unless the Board of Directors establishes another date, which will be indicated on the ballot.
- 8.) **Bylaw 1-2-1, Sponsorship** — With many member schools participating in contests that are developed and administered by non-school organizations, the bylaw has been modified to note that it is permissible to participate in these contests.
- 9.) **Bylaw 2-1-1, Classification** — Clarifies that when enrollments are calculated and classifications are determined, one-third or as near to one-third of the member schools will be assigned to each classification within each athletic district.
- 10.) **Bylaw 4-3-4, Semesters** — Adds a note that semesters of enrollment will count for a student who does not attend school due to enrollment in a post-secondary institution that is not a part of the Postsecondary Enrollment Option Part B (dual credit for both high school and postsecondary school).
- 11.) **Bylaw 4-3-5, Graduate** — Clarifies that students are considered graduates when they have completed work required for and are declared a graduate by the Board of Education or a similar board in another state/country.
- 12.) **Bylaw 4-4-8, Make-Up Work** — Adds the notion of “other educational options” in the language that “Tutoring, examinations or other educational options to complete the preceding grading period requirements is permissible provided the inability to complete the required work on time is due to illness or accident . . .” Also clarifies that an “incomplete” is not a passing grade and cannot be used to restore eligibility until it has been changed to a passing grade.
- 13.) **Bylaw 4-7-2, Transfers** — Clarifies what a transfer student is by saying that “A student is considered to have transferred whenever enrollment is changed from one school to another school, or whenever the student participates in a practice, scrimmage or contest with a school sponsored squad of a school in which the student has not been enrolled.” Also clarifies how eligibility is established.
- 14.) **Bylaw 4-7-2, Exception 1, Transfers** — Adds to the regulation that a student whose parents or legal guardian have made a bona-fide legal change of residence from one public school district to another is ineligible until ruled eligible by the OHSAA office upon submission of an accurately completed *Affidavit of Bona Fide Residence* and accompanying guidelines.
- The change also clarifies that parents making a bona fide legal change of residence in the state of Ohio for the first time may enroll the student in any school that accepts that student, and that that student shall be eligible insofar as transfer is concerned in accordance with this bylaw.
- 15.) **Bylaw 4-7-2, Exception 2, Transfers** — Reaffirms that a change of custody must result in a change of school district in order for the student to be approved for eligibility at the district of residence of the new custodian or any non-public school. Also reinforces the interpretation that the student must live with that new custodian for a minimum of one year.
- 16.) **Bylaw 4-7-2, Exception 6, Transfer Into Residential Public High School**  
Adds a second note that “Use of this exception requires the submission of the Exception 6 Form (to the OHSAA office) to document the transfer as set forth in the exception.” This requirement also reinforces the concept that this exception is available one time.
- 17.) **Bylaw 4-7-3, Transfer During the Season After Participation in a Contest** — Clarifies that the transfer student in question must have participated in an interscholastic “contest” in a sport at another school before the transfer has occurred (practices or training do not constitute participation in a contest).
- 18.) **Bylaw 4-7-6, Intradistrict Transfer - Public, and Bylaw 4-7-7, Intradistrict Transfer - Non-Public** — Clarifies that the transfer “and the request for approval” takes place prior to the beginning of the school year. Also clarifies that the student must be ruled eligible by the OHSAA office “prior to the beginning of the school year.”

### E. Policies and Procedures

#### 1. Compliance with Sarbanes-Oxley

Commissioner Ross informed the Board that, to ensure accountability and to promote effective oversight of the Association, the OHSAA is incorporating provisions of the Sarbanes-Oxley Act, even though the Association is not required to do so as a non-profit organization. He said the OHSAA already discloses its

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IRS 990 Form, is in the process of completing a Disaster Recovery Plan and has developed a Whistle-Blower Protection Plan that he would like the Board to approve. The Whistle-Blower Protection Plan is as follows: “The Ohio High School Athletic Association expects all of its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal Laws, Association policies and administrative guidelines. The Association encourages staff to report possible violations of these Association expectations to their immediate supervisors.

“It is the responsibility of an employee who is aware of conduct on the part of any Association member or employee that possibly violates Federal or State laws, or Association policy, to call this conduct to the attention of his/her immediate supervisor. If the employee’s immediate supervisor is not responsive or if the employee whose behavior is in question, the employee may report to the Commissioner/Designee. If the reported conduct relates to the Commissioner/Designee, the report may be filed directly with the President of the Board of Directors.

“After such a report is made, the immediate supervisor will ask that employee’s report be put in writing. Any employee making such a report shall be protected from discipline, retaliation or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State or local laws that the Association has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

“The Commissioner/Designee shall develop administrative guidelines necessary for implementation of this policy, including the development of forms upon which such reports may be made.”

### 2. Classification Appeal Procedure

Board member Jeff Jordan reported that an appeal procedure has been developed for those schools who desire to contest their enrollment figures that are provided by the Ohio Department of Education (ODE) to the OHSAA and used for classification and tournament divisional assignments. Mr. Jordan asked that the procedure be approved.

In order for schools to dispute the figures, the proposed procedures for schools is as follows: 1.) Submit to the OHSAA a copy of the original report submitted to the ODE and a detailed explanation of how the school determined that ODE made an error in pulling the data. (Note: The school will not be able to assert that it reported the data incorrectly at that time since it did not question the numbers at any of the previous opportunities to do so prior to the close of reporting.); 2.) The report must be submitted no later than 10 business days after the posting of the enrollment numbers to the OHSAA web site (Note: the OHSAA will send an e-mail to schools informing them when it plans to post the numbers). After 10 business days following the posting, no further inquiries will be accepted. The report must be postmarked by the deadline date if mailed or received by fax or electronic mail by the deadline date; 3.) The report must be submitted by the principal and/or superintendent of the school district, and no reports will be accepted unless authorized and signed by either the principal or superintendent. Requests for review also may not be submitted directly to the ODE.

### F. Compliance of IRS Form for OHSAA Pension Plan

Commissioner Ross asked the Board to approve the submission of an IRS form that indicates that the OHSAA has amended its employee pension plan to meet all IRS required revisions. Dr. Ross noted that the form must be submitted every five years.

Motion by Steve Stirn, second by Bill Koppel to **approve** new business items VI. A., VI. B., VI. C., VI. D., VI. E. and VI. F.

Motion passed 8-0.

## VII. ADDITIONAL NEW BUSINESS

### A. Request to Begin Preseason Football Practice Early

The Board was provided with a letter from the athletic administrator/head football coach at Arlington High School who made a request on the behalf of the schools in Hancock County that they be permitted to begin preseason football practice on August 4, 2009, rather than the current start date of August 6, since the schools in the county begin August 18 with a teacher work day and August 19 with classes. The Board of Directors **tabled** the request.

## VIII. APPEALS

### A. Bylaw 4-7-2, Exception 2, Transfers (Change of Legal Custody), Mr. Ray Marcano, re: His Son, Grade 11, Kettering Fairmont High School (Southwest District)

An 11th-grade student has transferred from Dayton Belmont High School to Kettering Fairmont High School and has been ruled ineligible by the OHSAA in accordance with Bylaw 4-7-2, Transfers, because he does not meet Exception 2 to the Bylaw. The student’s father, Ray Marcano, appealed the ineligibility so that his son can participate in interscholastic athletics at Kettering Fairmont.

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Motion by Bill Koppel, second by Jay Wolfe to **deny** the appeal.

Motion passed 8-0.

B. Bylaw 4-7-2, Exception 2, Transfers (Change of Legal Custody), Mr. James Gunther III, re: His Son, Grade 11, Youngstown Ursuline High School (Northeast District)

An 11th-grade student has transferred from Youngstown Chaney High School to Youngstown Ursuline High School and has been ruled ineligible by the OHSAA in accordance with Bylaw 4-7-2, Transfers, because he does not meet Exception 2 to the Bylaw. The student's father, James Gunther III, appealed the ineligibility so that his son can participate in interscholastic athletics at Ursuline.

Motion by Keith Bell, second by Gene Klaus to **deny** the appeal.

Motion passed 8-0.

C. Bylaw 4-9-1, Recruiting, Brent and Chris Love, re: Their Son, Grade 12, Wellston High School (Southeast District)

A 12th-grade student has transferred from Oak Hill High School to Wellston High School and has been ruled ineligible by the OHSAA in accordance with Bylaw 4-9-1, Recruiting. The student's parents, Brent and Chris Love, appealed the ineligibility so that their son can participate in interscholastic athletics at Wellston.

Motion by Steve Stirn, second by Rocco Nero to **deny** the appeal.

Motion passed 8-0.

D. Bylaw 4-8-1, Foreign Exchange Student Eligibility, Mr. Geoff Geers, Coordinator, AISE Foreign Exchange Program, and Mr. Doug Schmidt, Principal, Malvern High School, re: A 12th-Grade Student (East District)

A 12th-grade student has been placed at Malvern High School and was ruled ineligible by the OHSAA in accordance with Bylaw 4-8-1, Foreign Exchange Student Eligibility, because he does not meet the standards of the bylaw. Attorneys R. Brent Minney and Thomas Holmes and Geoff Geers, coordinator of the AISE Foreign Exchange Program, appealed the ineligibility so that the student can participate in interscholastic athletics at Malvern immediately. The student; Connie Griffin, the school district's superintendent; Doug Schmidt, principal at Malvern High School; and John Lewis and Jerry Withers, the host families for the student, also attended the appeal.

Motion by Gene Klaus, second by Bill Koppel to **approve** the appeal.

Motion passed 5-2 (In favor: Gene Klaus, Bill Koppel, Rocco Nero, Steve Stirn and Mike Richards; Opposed: Jay Wolfe and Keith Bell. Teresa Alberts abstained.)

## IX. DISCUSSION ITEMS

A. Commissioner Ross provided an overview of the various OHSAA subcommittees that met the previous day. The Board unanimously approved a motion to **adjourn** the meeting at 1:15 p.m.

Bob Goldring, recorder.

## FUTURE MEETINGS

**(All meetings on Thursdays in the OHSAA Board Room at 9:00 a.m. unless otherwise stated.)**

**2009:** February 12, April 2, May 7, June 11, August 6, September 10, October 8 and December 10.