



**SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
SDHSAA OFFICE BUILDING**

November 5, 2014

10:30 a.m.

Pierre, South Dakota

The Board of Directors held a regular meeting on November 5, 2014, at the SDHSAA Office Building in Pierre, South Dakota with members present as follows:

Rick Weber	Todd Trask	Linda Whitney	Jason Uttermark
Sandy Klatt	Dan Whalen	Roger Bordeaux	Steve Morford

Staff members present included Wayne Carney, Jo Auch, James Weaver, and John Krogstrand.

The meeting was called to order by Chairperson Rick Weber at 10:30 a.m. followed by the Pledge of Allegiance.

**Approval of the Agenda**

It was moved by Jason Uttermark, seconded by Todd Trask, to approve the agenda as presented.

The motion passed 8-0.

**Approval of Minutes from the August 28 , 2014 Regular Meeting**

It was moved by Linda Whitney, seconded by Sandy Klatt, to approve the minutes from the August 28, 2014, Regular Meeting of the Board of Directors and the Special Meeting held on September 23, 2014.

The motion passed 8-0.

**Approval of the Financial Reports as Submitted**

Following a review of all financial reports, it was moved by Steve Morford, seconded by Roger Bordeaux, to approve the following financial reports as submitted:

- A. Income statements for August and September of 2014
- B. Balance sheets for August and September of 2014
- C. Cash flow chart
- D. Financial report from Reinke Gray Wealth Management
- E. Finance Committee Report

The motion passed 8-0.

**Consent Agenda**

Chairman Weber asked if there were any items on the consent agenda that any Board member wished to move to the regular agenda.

Hearing no requests, it was moved by Todd Trask, seconded by Linda Whitney, to approve the agenda items as presented.

- A. Approved the vouchers paid as follows:  
August of 2014--\$100,440.97

September of 2014--\$123,389.00

- B. Approved the following penalty for Rapid City Central High School for allowing an ineligible athlete in the sport of volleyball:
- 1) The volleyball program at RC Central shall be placed on probation for a period of one year, November 5, 2014, to November 6, 2015.
  - 2) RC Central shall forfeit all varsity volleyball contests in which the ineligible athlete was allowed to participate. This has already taken place.
  - 3) The administration at RC Central High School shall contact the SDHSAA office following notification to all schools that the forfeitures have been made. The forfeitures will be recorded as wins for the schools affected and the power points will be adjusted accordingly. This has already taken place.
  - 4) A letter of reprimand shall be sent to the administration at RC Central High School requesting detailed steps to be taken to assure such eligibility oversights do not happen in the future.
- C. Approved the following penalty for Sioux Falls Washington High School, for playing an ineligible athlete in the sport of football:
- 1) The football program at SF Washington High School shall be placed on probation for a period of one year, November 5, 2014, to November 6, 2015.
  - 2) SF Washington shall forfeit any sophomore football contests in which the ineligible athlete was allowed to participate.
  - 3) A letter of reprimand shall be sent to the administration at SF Washington High School requesting detailed steps to be taken to assure such eligibility oversights do not happen in the future.
- D. Approved the following penalty for Hot Springs High School for allowing an ineligible athlete to participate in the sport of volleyball:
- 1) The volleyball program at Hot Springs shall be placed on probation for a period of one year, November 5, 2014, to November 6, 2015.
  - 2) Hot Springs shall forfeit all varsity volleyball contests in which the ineligible athlete was allowed to participate. This has already taken place.
  - 3) The administration at Hot Springs High School shall contact the SDHSAA office following notification to all schools that the forfeitures have been made. The forfeitures will be recorded as wins for the schools affected and the power points will be adjusted accordingly. This has already taken place.
  - 4) A letter of reprimand shall be sent to the administration at Hot Springs High School requesting detailed steps to be taken to assure such eligibility oversights do not happen in the future.
- E. Approved the following nominees for the SDHSAA Distinguished Service Award:
- | <u>Name</u>         | <u>School</u> | <u>Position</u> |
|---------------------|---------------|-----------------|
| Neil "Cody" Russell | Crow Creek    | Administrator   |
| Arlo Provost        | Little Wound  | Administrator   |

The motion passed 8-0.

### **Superintendent's Report**

On Monday, September 15, 2014, SDHSAA staff met with members of the SD School Superintendents Association (SDSSA) Executive Board to discuss ways to better serve member schools and to enhance the relationship between the two organizations. Chairman Weber led the Board through the items that were discussed during the September 15<sup>th</sup> meeting relaying the fourteen points from the SDSSA as well as the SDHSAA response to each.

Superintendent's Jeff Danielson from West Central and Bob Sittig from Baltic, representing the SDSSA, were present to answer any questions from the Board of Directors relative to the report.

Following discussion, it was moved by Sandy Klatt, seconded by Jason Uttermark, to accept the report.

The motion passed 8-0.

Board Members Steve Morford and Jason Uttermark expressed interest in having the SD Principals Association included in future discussions.

### **Consider constitutional changes for 2015-2016**

As per the SDHSAA Constitution, Article X, page 12, the constitution may be amended in two ways:

**SECTION 1. METHOD OF PROPOSING.** Amendments to this Constitution or any set of Bylaws hereinafter included may be proposed by the Board of Directors, or by member schools through presentation of a petition signed by the administrators of thirty or more member schools. Proposed amendments must be submitted in writing to the Executive Director thirty days or more prior to the Annual Meeting or Special Meeting in order to be considered at that meeting.

Areas of possible concern discussed were the timeline relative to Level Three appeals to the Board of Directors and the non-school team/individual participation rule. The appeal process currently in place specifically states that any appeal from the decision of the Appeal Committee will be heard at the next regularly scheduled meeting of the Board of Directors. It was suggested that the Board consider the following: The Board of Directors will hear appeals during their next ~~regularly~~ scheduled meeting. This would allow the Board the flexibility to conduct a teleconference call should they deem it necessary. Steve Morford cautioned against such a change due to the increased number of appeals that may be filed that are unfounded.

The second issue that was discussed during the teleconference meeting was Chapter II, Part I, Section 7 of the Bylaws:

**SECTION 7. NON-SCHOOL TEAM/INDIVIDUAL PARTICIPATION.** A student who is a member of a high school team may not participate in that particular sport during the "in-season" time period on an independent or non-high school team or as a member of any "All-Star" team, or completely unattached on an individual basis.

NOTE: The penalty for violation of this Bylaw is loss of eligibility for the remainder of that sports season.

Assistant Executive Directors Auch, Weaver, and Krogstrand will be taking this to their respective advisory committees for further discussion and input. The research that was done on this language dates back to the 1982-83 Constitution and Bylaws. Discussion should include a definition/determination as to which events are considered competitive in nature vs. which events are considered non-competitive in nature. As Assistant Executive Directors Auch, Weaver, and Krogstrand conduct their advisory committee meetings they will report back to the Board during SDHSAA Board meetings on their findings and suggested language changes.

### **Financial Statement Forms for Class "A" Basketball and Volleyball**

During the 2012 SDIAAAA Spring Conference, the Class A athletic/activities directors voted 40-8 to eliminate district tournaments in basketball and volleyball effective the 2013-2014 school year. Districts 1 and 2 would comprise region 1, districts 3 and 4 would comprise region 2 and so on for the sixteen districts.

Under the current formula, the SDHSAA receives 30% of the gross receipts for all district tournaments and 40% for all region tournaments. When the Board of Directors voted 8-0 to eliminate basketball district tournaments and 7-0 to eliminate volleyball district tournaments, the funding formula was not addressed. Following the 2013-2014 Class A region volleyball and basketball tournaments it was noted that the member schools were submitting 40% of all gross gate receipts for all post-season volleyball and basketball contests to the Association as per the wording of the formula.

During the 2014 SDIAAA Meeting, it was proposed by the Basketball Advisory Committee that the first two rounds of the Class A region tournaments remit 30% to the Association and 40% for the region final. The AD's present voted in favor of the proposal by a 29-14 count. Since this decision is one only the Board can make, it was not forwarded on as a SDIAAA proposal in April.

Following discussion, it was moved by Roger Bordeaux, seconded by Linda Whitney, to approve the 30% of the gross ticket sales to the Association for the first two rounds of the Class A region tournaments in volleyball and basketball and then 40% of the gross ticket sales to the Association for the region final.

The motion passed 8-0.

### **Adoption of Exemption Form**

The SDHSAA was contacted by Mr. Jeff Mattner, Regional Director for the Association of Christian Schools International (ACSI) on June 23, 2014, relative to the newly adopted SDHSAA Transgender Policy. Mr. Mattner was inquiring as to an exemption provided to private religious schools under USCA Title 20 Section 1681(a)(3).

During the NFHS Summer Meeting in Boston, the question was asked during the Executive Directors Roundtable if other states had heard from ACSI following the adoption of a transgender policy in their respective state(s). Mr. Roger Dearing, Executive Director of the Florida High School Activities Association shared with the group that they too had been in contact with ACSI relative to the requested exemption for religious based schools.

Following legal review and Board discussion, it was moved by Dan Whalen, seconded by Todd Trask, to adopt the following exemption language:

**SDHSAA Exemption.** This policy shall not apply to a private school member of the Association which, because of its strongly held religious beliefs, would be entitled to the exemption provided to educational institutions of religious organizations by USCA Title 20, Section 1681(a)(3). Any school claiming this exemption shall notify the Executive Director, or his/her designee, of such claim in writing on the proper form provided by the Association. The school shall make the claim of exemption at its own risk of litigation and shall hold the Association harmless from any and all actions that may be taken against the Association by a student of the school, or his/her parent(s) or legal guardian(s), who sues the Association over his/her school's right to claim an exemption.

Following discussion, the motion passed 8-0.

**NOTE:** The Exemption Form can be found on the SDHSAA webpage, Forms, Athletic, Transgender Exemption Form. See also Appendix A, page 7, at the end of these minutes.

### **Staff reports:**

A. Staff reviewed the following fall state tournaments and events:

1) Golf, soccer, tennis, cross country, competitive cheer & dance, chorus & orchestra

B. Assistant Executive Director Weaver reported on the NFHS Speech/Music Conference

- C. Language relative to disruption of outdoor games/contests due to weather
- D. Classification appeal process
- E. Football scheduling timeline
- F. Department of Education Committee – Anyone Can Save a Life Program
- G. Athletic Advisory Committee Reports—Track & Cross Country, Tennis, Native American Advisory Council.

No further action was taken.

Chairman Weber declared the Board in recess at 1:03 p.m.

Chairman Weber declared the Board back in session at 1:30 p.m.

### **Appeal Hearing—File 14-01**

On October 14, 2014, a Code of Ethics Committee Hearing was held at the SDHSAA Office in Pierre, South Dakota. The Committee met to hear a formal complaint filed by the athletic administration from RC Stevens High School against officials Scott Jacobson and Scott Petrik. Mr. Jacobson and Mr. Petrik presented evidence to the Board of Directors related to an incident that took place the evening of Friday, September 12, 2014 following a football contest between RC Stevens High School and Sturgis High School played at O'Hara Stadium in Rapid City.

Following many questions and much discussion, Chairman Weber declared the Board in executive session at 3:17 p.m. to deliberate.

Chairman Weber declared the Board out of executive session at 3:53 p.m.

It was moved by Todd Trask, seconded by Roger Bordeaux, to reverse the decision of the Ethics Committee related to Scott Jacobson, based on evidence that was not available to the Ethics Committee during the hearing on October 14, 2014.

On a roll call vote, the motion passed 8-0.

It was moved by Linda Whitney, seconded by Sandy Klatt, to reverse the decision of the Ethics Committee related to Scott Petrik, based on evidence that was not available to the Ethics Committee during the hearing on October 14, 2014.

On a roll call vote, the motion passed 8-0.

### **Other business that the Board of Directors and/or membership might wish to consider**

Each year the Board has a discussion relative to upcoming legislative issues that may affect the SDHSAA and its member schools. In order to have a discussion relative to legislative issues, Executive Director Carney contacted Secretary of Education Dr. Melody Schopp, State Senator Corey Brown of Gettysburg, SBSB Executive Director Dr. Wade Pogany, and SDHSAA Legal Counsel Lindsey Riter-Rapp, to ask for their assistance in identifying any issues that may arise or are currently identified, during the 2015 legislative session.

Senator Brown, Dr. Schopp, Dr. Pogany, and Ms. Riter-Rapp have all responded that they are not aware of any potential legislation affecting the association at this time.

**Board Sharing**

- A. Site Selection Committee Report. Board members Weber, Whitney, and Bordeaux, along with Site Selection Committee Members Darren Paulson and Gene Brownell, reported on the first meeting of the Committee. The next Committee Meeting is scheduled for Monday, December 1, 2014.
- B. SDPB message from Board members. South Dakota Public Broadcasting will be producing a new series of public address announcements for use during SDHSAA broadcasts and webcasts built around responses from members of the SDHSAA Board of Directors. Board members will be contacted by members of SDPB for interviews within the next couple of weeks.

**Executive Session—Personnel SDCL 1-25-2.4**

It was moved by Linda Whitney, seconded by Todd Trask, to move into executive session at 4:20 p.m.

The motion passed 8-0.

Chairman Weber declared the Board out of executive session at 5:30 p.m.

No action was taken.

**Adjournment**

There being no further business to come before the Board, it was moved by Sandy Klatt, seconded by Todd Trask, to adjourn at 5:37 p.m.

The motion passed 8-0.

Respectfully submitted,

Wayne Carney  
Executive Director

## Appendix A

November 2014

To: SDHSAA Member Schools (Private Schools)  
From: Wayne Carney, Executive Director  
Subject: Exemption from SDHSAA Transgender Policy

At its November 2014 meeting, the SDHSAA Board of Directors modified language which allows member schools to be exempt from the SDHSAA Transgender Policy due to strongly held religious principles. Specifically, the adopted language is as follows:

**SDHSAA Exemption.** This policy shall not apply to a private school member of the Association which, because of its strongly held religious beliefs, would be entitled to the exemption provided to educational institutions of religious organizations by USCA Title 20, Section 1681(a)(3). Any school claiming this exemption shall notify the Executive Director, or his/her designee, of such claim in writing on the proper form provided by the Association. The school shall make the claim of exemption at its own risk of litigation and shall hold the Association harmless from any and all actions that may be taken against the Association by a student of the school, or his/her parent(s) or legal guardian(s), who sues the Association over his/her school's right to claim an exemption.

By executing this form and agreeing to this limited indemnity, the school does not waive or limit in any way its Constitutional and statutory rights and its religious freedoms as to the SDHSAA and as to any third party, including students enrolled in the school.

**NOTE:** It will be necessary to declare this exemption each year.

### SDHSAA Member School Information

Name: \_\_\_\_\_

Superintendent's Name: \_\_\_\_\_

Superintendent's Signature: \_\_\_\_\_

School Year: 20\_\_\_\_ - \_\_\_\_

Date Completed: \_\_\_\_\_

*This completed form should be submitted to the SDHSAA Office via email ([wayne.carney@sdhsaa.com](mailto:wayne.carney@sdhsaa.com)) or fax (605-224-9262) no later than 5:00 PM on Friday of week 10 of the NFHS calendar.*