

BOARD OF TRUSTEES MEETING
March 23, 2017

Those in attendance: Dean Oborn, Terry Bawden, Marilyn Richards, Scott Carlson, Belinda Johnson, Craig Seegmiller, Dale Whitlock, Jeff Schena, Greg Miller, Jerre Holmes, David Brotherson, Kodey Hughes, Mike Savage, Amber Shill, John Robison, Bryan Durst, Jennifer Graviet, Stan Young, Rick Nielsen, John Penrod, Garrett Muse, Rob Cuff, Kim Monkres, Ryan Bishop, Josh Taylor and Jeff Cluff. Excused: Kristen Betts, Heather Bennett, Michelle Kaufusi, Blaik Baird, Kelly Preece, Kim Pickett, Lori Maughan, and George Henrie. Not in Attendance: Alan Mouritsen. Minutes: Jeanne Widerburg.

1. Welcome and Chairperson Business: Vice-Chairman Whitlock welcomed members and excused Chair Kristen Betts. He also excused Heather Bennett, Michelle Kaufusi, Blaik Baird, Kelly Preece, Kim Pickett, Lori Maughan and George Henrie. Mr. Wade Woolstenhulme was representing Mr. Henrie at the meeting. Mr. Cory Anderson was representing Lori Maughan. Mr. Anderson is the newly elected representative of Region 19 beginning in July 2017. He welcomed Mr. John Robison who is representing Davis School District and replacing Tamara Lowe. Quorum was declared.

A. Pledge of Allegiance: Mr. Hughes shared a trumpet rendition of the National Anthem as the members observed the American Flag. He received a round of applause for his moving performance.

B. Reverence Thought: Mr. Oborn talked about his 17 years as a biology teacher and coach. He defined evolution for his students as a change through time. The Board of Trustees is going through change. He has been involved in education for close to 50 years. He remembered when Roy High School won the state football championship with Jim McMahon. Weber High School won the football championship in 1999 while he was principal. There is a difference with high school activities in a school and in the lives of young people. He went to a lighting store and the manager was a former student and was the safety on the 1999 football championship team. The first thing he said, "Do you remember that championship game?" Mr. Oborn has wonderful memories. That is why the members serve on the Board of Trustees because of the difference it makes in students' lives. The UHSAA has evolved. With the changes that are coming, the BOT can make it work for the sake of students. He then offered a prayer.

C. Minutes:

- (1) January 26 meeting (summary on UHSAA website)
- (2) February 14 meeting (summary on UHSAA website)
- (3) February 28 meeting (summary on UHSAA website)

MOTION: Mr. Muse motioned to approve the minutes of the three meetings listed above. Mr. Bawden second. Motion carried.

D. Staff:

(1) Mr. Bishop has accepted a position at Wasatch High School an assistant principal. Their family will be moving to Heber. He has appreciated his interaction with the members of the Board and the opportunities he has had at the Association. He thanked them for the valuable lessons he has learned. He is excited for the new opportunity and getting back into a school and working with students. Mr. Whitlock stated Mr. Bishop would be missed and his

service has been appreciated and he has been a valuable employee. Mr. Bishop received a round of applause from the Board members.

(2) Ms. Monkres took this position because she believed in the UHSAA. She stated it was a tough decision, but she will be moving back to Washington County working as an assistant principal Pine View Middle School. She is looking forward to the challenge in a new world. She has enjoyed working with the Board and has appreciated all they do in making tough decisions and the time and help given to staff. She has enjoyed associating with members to hear about the schools and communities. She has really appreciated the relationships she has built through the Association. Mr. Whitlock said Ms. Monkres packs a lot of punch and emotion. She is really driven and will be missed. Ms. Monkres received a round of applause from the Board members.

Mr. Cuff acknowledged and recognized all the good things both staff members have done. The Association has evolved just in the last three years. Their responsibilities have improved and grown. He appreciates them, but understands they need to do what is best for them and their families. He wished them the best and thanked them for their service and dedication.

The positions have been posted on the UHSAA Website. Applications will close on April 17. There will be a committee for screening and interviews including the remaining full time staff members.

2. Executive Committee Meeting Report (March 15): Mr. Penrod reported the meeting.

- Calendar date reminders
- Endowment game financial report
- Winter activities and ejection report
- Sportsmanship
- 2017-2018 Calendar was discussed and sites will be finalized in April meeting
- UIAAA Conference, April 5-8
- Battle of the Fans
- Dare to Lead Student Leadership Conference – August 5 at Jordan HS
- Unified Sports (track and soccer)
- NFHS courses at nfhslearn.com
- 4A/5A Baseball Tournament – Monday games played on Saturday prior and other games have been moved up by one day
- Pole Vault – each classification to determine if pole vault will be scored
- Limited Team Membership rule was discussed
- Contest Limitations rule was discussed
- House Bill 413, and State School Board Rule R277-409
- Transfer Rule discussion
- 1A Girls Basketball start date was moved to November 17
- 2A Baseball schools can go independent with Memo of Understanding to play either in the fall or spring.
- Education-based activities articles
- A unanimous motion was made to have Mr. Van Wagoner look at HB 413 and identify legalities that were broken to be presented to the BOT for funding purposes.

Mr. Penrod voiced his personal thoughts about the legislation. He said there is the staff, Executive Committee, Board of Trustees and ADEC for advisory providing four parts to the Association. The EC and ADEC were called upon for support with the State School Board.

With House Bill 413 it fell upon the BOT and he feels the EC and ADEC were not kept informed and that splintered the groups of the Association. He hopes that can be mended and all groups work together to strengthen the Association and become one unit again. He is concerned about filling the positions of the staff as he feels this group has worked together and is the best he has ever worked with. The members applauded.

3. USBE Report: Ms. Graviet feels it so apparent that members are concerned about students. Being new to the State Board she has learned that some of the issues are because of perception. Some feel this is a contentious group and she does not agree. She asked members to reach out to State School Members. The vote to repeal R277-409 was 7 to 8 so it was close. Board members have told her that if the UHSAA deals with student data, privacy, FERPA, etc., they would be willing to repeal. Members thanked Ms. Graviet for attending the BOT meetings.

4. Winter Activities Report:

A. Luncheon Details: Mr. Cuff said this was one of the best days of the year because we would be honoring Super Fans, Circle of Fame, Heart of the Arts, and Spirit of Sport recipients. The staff will be introducing the recipients. The recipients received their plaques and awards at state tournaments. He encouraged members to take the opportunity to welcome and meet them during the luncheon.

B. NFHS Coach Education Courses (refer to NFHSlearn.com) (p. 101): Mr. Cuff said this is a great resource for administrators, coaches, athletes and parents. Some schools use the course at their parent night. Good information.

C. Winter Results (pp. 102-103): Mr. Cuff congratulated all who participated at the winter state tournaments.

D. Basketball Endowment Games Report: Mr. Cuff reported we were missing revenue from two schools, but it looks like the total will be around \$14,000. The endowment is collected and then transferred to the UHSAA Foundation. The Foundation has been helping to cover catastrophic premiums for schools.

MOTION: Mr. Seegmiller motioned to transfer basketball endowment funds from UHSAA to the UHSAA Foundation. Ms. Johnson second. Motion carried.

E. Basketball: Mr. Bishop said the basketball tournaments were great. The staff had to split up to cover all the weeks. Utah State hosted the 3A boys and girls for the first time in many years and it went well especially with Ridgeline participating through the championship game.

F. Wrestling:

(1) Duals: This was the 2nd year of the Wrestling Dual Tournament. It was discussed with the Executive Committee whether to continue the event because there is not a strong consensus. It might return to a high school to host an optional dual tournament not sponsored by UHSAA. The EC will vote at their next meeting. Mr. Taylor thanked Alta and Jordan for hosting the duals.

(2) Divisionals: The 4A/5A divisionals were held at the Legacy Event Center with the help of US Wrestling taking on upfront costs. There were concerns not having a host school and not knowing who was in charge. The divisionals will be returning to a host school.

(3) Individual Tournament: Mr. Taylor said it was a great tournament. The stands are full before the doors open because of the number of participants.

G. Drill Team: Ms. Monkres reported this was the 2nd year of the new format. It was a long three days, but it was great. There was plenty of seating on the 4A/5A final day. She does not know why folks continue to sleep over. No rule violations happened and the coaches did a good job.

H. Swimming: Ms. Monkres said the swim community is amazing. The coaches and swim tournament workers were great. BYU does a great job hosting the event. BYU is renovating the swimming pool, but it should be completed for the 2018 meet. There will be fewer seats (200-250).

I. Ejection Report (pp. 104-105): Mr. Cluff reviewed the summary and said the schools are doing a good job. He has been working with officials to allow students to be kids and let them react and then try to correct. He feels everyone is working hard to improve sportsmanship and we are seeing progress.

5. Calendar:

A. 2016-2017 (pp. 106-107 and UHSAA website): Mr. Taylor said the calendar is set and he thanked host sites.

B. 2017-2018 (pp. 108-100 and UHSAA website): With six classifications the calendar has expanded. He pointed out that 4A is sometimes with 5A and 6A and other times with 2A and 3A depending on sites. This is a tentative calendar, but it is up to date as possible.

6. Staff Items:

A. State Solo and Ensemble Festival: Ms. Monkres reported the festival will be on Saturday, April 29, at Northridge and Orem High School.

B. Sportsmanship Award Criteria: Ms. Monkres stated there aren't many changes, but an emphasis on the Battle of the Fans. They will meet in June for the next year. She said she has replacement stars if schools need to spruce up their banners.

C. Battle of the Fans: Ms. Monkres said there was a great participation. It was difficult to choose winners and recognized the time and efforts of those creating the videos. It is a piece of art. The championship banner was presented to Pleasant Grove at the University of Utah at their basketball game. She thanked members for doing the live school visits.

D. Student Leadership Conference: The conference will be held on April 5 at Jordan High School. They are looking to do a service project in place of the bowl-a-thon.

E. Special Olympics Utah – Unified Sports: Mr. Taylor said the coed Unified Soccer season is underway. Track participants participate at the interscholastic meets. A few more teams have added so the staff is excited to continue to grow Unified Sports. Special Olympics Utah provides subsidies to schools to help get the programs up and running. The soccer championships will be at Hillcrest HS on May 6.

F. Technology: Mr. Taylor said they are working on coaches tracking and data base for certification and violations.

G. Limited Team Membership Rule (p.111): Mr. Cuff said there are some concerns with the rule and was discussed in the last Executive Committee Meeting. In particular, a soccer national tournament, but it could affect other sports. Utah soccer season is in the spring where as many other states have boys' soccer is in the fall. As a result, it is difficult for national tournaments to schedule around all states' seasons. A few soccer athletes qualified for a national progressive tournament which could qualify them for the finals. Some schools were willing to delay tryouts for the athletes, but some were not. The staff and EC has tried to help those students by allowing them not to join the school team until after they have completed their club games to avoid violation of being on two teams. A parent presented to the Executive Committee requesting a change in the limited team membership rule. The staff and EC are reaching out to determine how national tournaments pertain to each individual sport. The parent suggested if an athlete is participating in a national progressive tournament, the athletes should be allowed an exception to the limited team membership rule. This will be discussed in regions and brought back for discussion with the Executive Committee in April. A recommendation would come to the BOT on May 4.

Ms. Monkres stated softball runs into an issue with a state tournament that qualifies them for the national championship. Mr. Muse said it was discussed in their region meeting and they were trying to determine what is best for the athletes. It creates some obvious issues because they may need to practice with the club to prepare for that game or they leave and return wanting their spot back. But they recognize it takes away an opportunity for the student if an exception isn't made. Mr. Penrod said his region is concerned to open the door for all sports. The request was made for a specific national championship. Will others want an exception? Ms. Monkres felt it very important to involve the coaches' associations to talk about/define "national tournaments" that would be appropriate to make an exception. Mr. Young said the flip side is the impact on the students on the high school team that don't participate in club.

H. Contest Limitations Rules (p. 112): Mr. Cuff reported the contest limitations rule was discussed in the EC meeting. A few years ago, 1A and 2A received a reduction in their contest limitations because of the economic crunch and gasoline prices. A request has been made that all classification levels have the same contest limitations. Mr. Cuff reminded members that the contest limitation is only the maximum and not the mandate. This might need to be a district discussion because it will affect district budgets and class time.

Mr. Young said all the discussion in which he has been involved is in support of equalizing the contest limitations. Some of the factors to cut limitations no longer exist. In the interest of fairness, it is being supported. Mr. Schena said the school board discussions have been more about the cost. Increasing games would be cost prohibitive. Mr. Whitlock pointed out again that schools are not mandated to play the increased games.

I. Layton Christian Academy (LCA) Request (pp. 115-116): Layton Christian's request was referred by the BOT back to the Executive Committee and they discussed it at their last meeting. The EC recommended that the window has closed on realignment and any change could create a domino effect. Mr. Woolstenhulme said Layton Christian would be assigned to his region and they discussed it and agreed it was nothing against the school, but the timing was too late. Mr. Young said that was the strong opinion of the EC. He said his personal view was that Mr. Miller and LCA were forthright with the request wanting to prevent friction. He felt that if the request was made during the realignment process it most likely would have been approved. Mr. Penrod said timing was difficult because regions had already set their schedules.

Mr. Miller said he was dumbfounded because LCA was trying to avoid the friction that happens when a private school is successful. LCA is not asking for a move that gives them competitive advantage rather disadvantage. They are trying to solve or at least address the issue. After winning the championship, it became more obvious and they were trying to avoid the criticisms or complaints. Mr. Holmes stated he was appreciative of what LCA was trying to do and understands they wanted to wait and measure their own success. He doesn't want to provide a stronger wedge with the EC by not accepting their recommendation. Mr. Young asked if they had considered independent status. Mr. Miller said no. Ms. Shill thanked LCA, but felt we needed to follow policy.

MOTION: Mr. Miller motioned to allow Layton Christian Academy to move up a classification in all sports except football for 2017-2018. Mr. Seegmiller second. Mr. Penrod stated this would be breaking the rules of the realignment that a change cannot be made except for a catastrophic situation. Motion failed.

J. Lacrosse Survey (pp. 115-116): Mr. Craig Morris from the Executive Committee introduced Brae Burbidge and Renee Tribe. They were present if members had questions. Mr. Cuff said the lacrosse survey was finished as was given to the Executive Committee last meeting. The EC discussed it and made a motion to sanction lacrosse in 2019. The motion failed 9-6 as a recommendation to the BOT. Some BOT members have requested discussion today and followed by a decision on May 4 so there would be time to discuss in school board meetings. Mr. Whitlock said it appears that this is more a 5A, 6A issue. Mr. Morris said there are a few schools in other classifications with a total of about 40+ schools. Ms. Richards asked for a clarification who received the survey. Mr. Cuff said it went to principals and AD's and a determination made by the school. Ms. Richards said there is a large lacrosse community and it is time to discuss. Mr. Morris said the more competitive teams are in 4A and 5A currently. He said they would like to have lacrosse in the spring to match the national season. Members discussed their concern to have soccer in the same season as football in the small classification. Mr. Whitlock reminded members if the sport is sanctioned, schools are not required to participate. Mr. Muse said this could be a domino effect because sports seasons could be changed. Ms. Johnson said principals in Region 6 are concerned for availability of field space. Mr. Penrod said EC was not against the sport, but they don't have the fields. Mr. Carlson has talked to students and families of lacrosse and they are excited of the possibility of sanctioning so they can officially become part of the high school for school support of their sport. They want to grow the sport and sanctioning will help it to grow. From the schools perspective, there might not be space for equal opportunity. Schools will have transportation costs that the club has not had because of parent transportation. Fee waiver costs are never recovered.

Mr. Morris said the survey results unfortunately spin around schools where programs are established and ready to go and others have concerns about the pressure to add the sport. Mr. Taylor agreed the results didn't have much change from the first survey. ADEC didn't take a stance because there is about a 50/50 split. Mr. Brotherson said if the soccer season is changed, it is an issue for the smaller classifications. Ms. Shill said they have large programs in their community and it would be one of the highest activity sports. The lacrosse athletes wear uniforms with their high school name with no control from the principal. We are an Association about students participating and there are large numbers participating in lacrosse. Ms. Richards said in the early 90's when soccer was developing the same problems existed, but it was dealt with. Lacrosse is here to stay. Mr. Whitlock said the cost is the bigger issue. The item was tabled to May 4.

K. External Appeals Panel: Mr. Cuff discussed the establishment of the 3-person external appeals panel. He would request the BOT to allow staff to determine nominations to be submitted to the State School Board for selection. There are three categories: (1) judge or attorney (not contracted with school, district); (2) retired educator, principal or superintendent; (3) retired AD or coach. Nominations need to be to the State School Board by mid-April so they can act on them at their May 4 meeting. Mr. Cuff said he would be willing to take name suggestions from BOT members. Ms. Richards was interested how the State School Board would react to individuals already affiliated with the Association – enough distance? Ms. Graviet said the rule stated the Association was to choose the nominees.

MOTION: Mr. Holmes motioned to allow the staff the ability to move forward on nominations for the external appeals panel. Mr. Brotherson second. Motion carried.

L. Transfer Rule: Mr. Cuff said there will be a Constitution/By-Laws Committee meeting on March 31. The majority of the meeting is to discuss the transfer rule. There was a sample transfer rule provided in the meeting packet. A recommendation from the EC will be provided at the May 4 meeting. The transfer rule will be in effect July 1.

7. **Legislative Report:** Mr. Spatafore reported that HB 413 passed the legislature and was signed by Governor Herbert. It becomes law on May 9. The committee that met with the legislature came up with the language. A few legislators opposed. The language was not objectionable, but any legislation itself was objectionable to members of the Association. This is where we are.

8. **Legal Report:** Mr. Van Wagoner said the Executive Committee requested him to provide the BOT with options for litigation with regards to the bill. By virtue of the signing of this bill, the Association has lost at least a portion of its sovereignty. It cannot determine the construction of the BOT. There is the issue of the words, public body and agency. Arguments have been made to the effect that it does not mean anything. He is concerned that using those words was intentional because there were other ways to write the bill. The Association was included in the definition of agency and public body. One could argue that is only for the purpose of this piece of legislation, but the legislation is titled: A public school's membership in certain associations. It could be construed adversely as saying it is an agency. He suggested a letter from the sponsor stating that was not his intention or consider declaratory action to the effect that you cannot make the Association an agency. The loss of sovereignty and/or the taking from the Association its right to govern itself and making it an agency, is something that is of value to the Association and has been taken by legislation. The reality is that you cannot take something of value from a private person without paying just compensation (taking clause). Mr. Craig Parry concurs with Mr. Van Wagoner. This is to prevent legislature from showing favoritism to one person or entity over others or disadvantaging one entity over others. It says Association, but he is unaware of any other association that fits in the category. We know that it started out as a bill to govern the Utah High School Activities Association. It is special legislation designed from the outset to effect the Association. It was done in a backhanded way, it was done against the schools, but it effects the UHSAA. The point of all of it would be to challenge the bill in its entirety on the basis that it was intended to effect only the UHSAA. The likelihood on prevailing would depend on determining (not done yet) whether there are other association that ought to be effected the way we are and if there are other association that are effected that they do what we do. The declaratory judgment action with regard to whether we are an agency. He would not take the chance that we can argue we are not an agency. What is the value losing the ability to organize the BOT they way we want. We have lost a portion of sovereignty. Mr. Carlson said that during the bill discussion, it was asked if would effect any association other than the UHSAA. The

sponsor said, "No, it does not." At the time, he would argue that statement was false and would effect all associations. Adjustments were made and now specifically states athletic associations. It was asked if the legislation locks us into six classifications.

Mr. Penrod said the EC sent it to the BOT with regards to the cost of legal research and litigation. Mr. Cuff said it was a budget item so it would need to be approved by the BOT. Mr. Van Wagoner said he would do a great deal of work on his retainer. He felt Craig Parry would be willing to help for a minimal amount or free. Mr. Van Wagoner reported the Association is currently involved with litigation that is expensive. The EC was 100% in favor of litigation research.

MOTION: Mr. Seegmiller motioned to have Mr. Van Wagoner explore the options of litigation using the retainer fee for payment and discuss with Mr. Parry his willingness for help. Mr. Young second. Motion carried.

Mr. Van Wagoner said a report would be given to the EC (April 26) and the BOT by May 4. He thought any litigation should begin prior to May 9.

Mr. Cuff asked if the staff should move forward with what is in law. We need to establish things to comply. Mr. Van Wagoner felt they should move forward because the litigation would not be for awhile. On page 122, Mr. Cuff provided members a "To Do List" which included items regarding compliance with the legislation and the State School Board. Mr. Cuff has reached out to Whitney Phillips regarding FERPA. Work is progressing to set Professional Standards that will be similar to Rule 277-515 for non licensed teachers and coaches and volunteers. The transfer rule will continue in discussion. There will be much decided on May 4. He asked members to plan accordingly.

9. Board of Trustees Terms:

A. Steps in Reducing the Board for May meeting (p. 125): Mr. Cuff said it has been suggested that the formal reduction of the BOT take place on May 4. January election winners will be asked to join at that meeting. Mr. Cuff reviewed the Terms of Office as they would have been for 2017-2018 before the reduction. The reduced board will be composed of:

- 6 District Board Members
- 3 District Superintendents
- 3 District Principals
- 1 Charter School
- 1 Private School
- 1 State School Board Member

Mr. Cuff said they need to first establish the initial BOT and then establish going forward how members will be selected. It has been suggested that the 15 positions would not have duplicate representation. Mr. Cuff proposed staggered terms for the 15-member board. If the initial board uses existing members who have won terms, the first elections would not need to be held until January 2018 for school year 2018-2019. Twenty School Board Members need to be reduced to 6. The Superintendents' Association will nominate their representatives. No school district shall have more than 1 school board member, superintendent, or principal. The EC felt the classifications should alternate representation each succeeding term. Mr. Muse said there is a lot of change with realignment. It was discussed that the term should fit the position. Mr. Cuff gave the example if he were a 2A board member and because of realignment did not have a 2A school in the district that would become a vacancy. How would the positioned be filled? Mr.

Brotherson asked if there is a vacancy in the middle of the term, could they be appointed. Mr. Cuff said the current policy allows for a district to appoint a member for the balance of the term. Mr. Cuff asked if they agreed if the initial board should be established by those who have currently won their election. Ms. Shill feels the current BOT members should determine the six school board members.

10. Realignment Committee: Decision was tabled until the next meeting after voting BOT members are determined. Advisory committee will be discussed at that time to include everyone not remaining on the BOT.

MOTION: Mr. Carlson motioned to adjourn the meeting. Mr. Penrod second. Motion carried.

Meeting adjourned at 12:06. Members then attended the awards luncheon.

Next meeting: Thursday, May 4 at 9:00 a.m.