

MINUTES

North Dakota High School Activities Association

Board of Directors

October 22, 2008 – Bismarck, ND

The Board of Directors of the North Dakota High School Activities Association met on October 22, 2008 at the Bismarck Ramkota Inn. President Lyson called the meeting to order at 9:00 a.m. with all members present.

Following additions, motion by Eastgate to approve the agenda. Second by Sanstead and carried.

The Executive Secretary informed the Board of the change in preparations for the Board meeting as per the open meeting law that is currently being questioned. The way preparation was made for this meeting was very cumbersome and has changed the original plan to go wireless to save paper. NDHSAA Attorney Gary Thune will be appearing before the Board to help with the many questions concerning procedure prior to and during Board meetings.

The minutes of the September 23, 2008 regular meeting and the October 1, 2008 special meeting were reviewed. Motion by Sanstead to approve the minutes. Second by Knodle. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes

Motion carried, unanimously.

The Board reviewed the financial report as presented by the Executive Secretary. Motion by Jacobson to approve the report. Second by Moe. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes

Motion carried, unanimously.

Applications for cooperative sponsorship program dissolutions were reviewed:

a. Milnor and Lisbon in cross country and wrestling, 2008-2009. Motion by Knodle to approve the dissolution. Second by Ranum. A roll call vote was taken.

Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes,
Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes

Motion carried, unanimously.

b. Midway and Larimore in baseball, 2008-2009. Motion by Maus to approve the dissolution. Second by Ranum. A roll call vote was taken.

Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes,
Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes

Motion carried, unanimously.

The following cooperative sponsorship applications were reviewed:

a. South Heart, Belfield and New England for girls golf, 7-12, 2008-2009 (late fee). Motion by Eastgate to approve. Second by Looyesen. A roll call vote was taken.

Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes,
Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes

b. Thompson and Grand Forks Red River/Grand Forks Central for gymnastics, 9-12, 2008-2009

(no late fee). Motion by Sanstead to approve. Second by Looysen. A roll call vote was taken:
Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looysen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes

Motion carried, unanimously.

c. Kidder County (Steele) and Kidder County (Tappen) in drama and speech, 7-12, 2008-2009 (no late fee). Motion by Looysen to approve. Second by Swiontek. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looysen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes

Motion carried, unanimously.

Staff member Bubach presented a fine arts report to the Board with the following recommendations:

1. Request a language change for consideration regarding sanctioning of events when universities are involved. The recommended change is Page 2, Sanctioning of Contests.

Request to strike language requiring universities to sanction fine arts contests. The rationale is two-fold:

a. NFHS does not require fine arts sanctioning nor have a practice/precedent requiring such

b. There are no indicators North Dakota universities are abusing the privilege of hosting the events through solicitation, recruitment, etc.

2. Also, P 40, Rule #3, Play Judge Qualifications: Request to suspend the rule requiring play judges to have either a theater minor and/or 5 years of judging experience. There will be a review of the requirement through advisory later this year. Request was made because 4 Regions have indicated difficulty in hiring judges and that prior rule enforcement is in question.

3. Drama Judges Page 40 – requirements suspend until it can be taken to advisory. Recent history indicates this has not been consistently applied.

Motion by Looysen to accept the changes and instruct to bring back a recommendation from the review. Second by Jacobson. A roll call vote was taken.

Looysen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes,
Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes

Lorell Jungling presented a report from his attendance at various National Federation Board of Directors meetings.

a. Authenticating mark on uniforms has been gaining a momentum. This will be heard from the NF president after his visit to the sections. There was talk of placing a NF logo on the uniform which would indicate the uniform is legal as per National Federation rules. There is a concern this would drive up the cost of uniforms but would provide insurance to schools that they are purchasing a legal uniform.

b. Club sports have become a concern throughout the country.

c. The National Federation Student Leadership Conference held in Indianapolis was a great experience. Jungling thanked the Board for sending him to the conference with the six North Dakota Distinguished Student finalists. The conference funding the trip for these students is made possible because of a corporate sponsorship by T-Mobil.

- d. A preliminary agenda for the National Federation Convention was reviewed.

Staff member Schell presented a technology update.

- a. The office is currently updating all computers to office 2007. If a document received from the office cannot be opened, the office should be contacted to change it to a 2003 document.
- b. Memory sticks may be used to present additional Board material on the day of the Board meeting.
- c. On-line testing will soon be opened for the winter seasons. There has been confusion between on-line testing and MVP accounts which are separate areas of the web. The rules clinic presentations have clarified this issue.
- d. The website has been moving forward and is now open for each school to update the statistics information.
- e. The flyer program is now available for tournament use. Currently the flyer is not listing the administration from schools other than the host school if there is a coop. That will be addressed along with the picture not printing properly and should be fixed this week.
- f. For continuity purposes, member schools are currently being contacted for direction in how to list the various names of coops between the same schools.

Swiontek requested documents for upcoming Board meetings be sent as a word document to allow the recipient to add to the agenda, etc. Moe asked if the people list search on the MVP portion of the website could be improved to be sorted by alphabet. Schell indicated this was in the process of being done.

The Board held audience with a delegation from Dickinson Trinity. Prin. Rocklyn Cofer, Ath. Dir. Rick Gordon and football coach Randy Gordon were present to request moving their football program to the A division because of enrollment numbers and geographic situation. Without a reassignment to the A division, Coach Gordon requested an explanation of how the AAA division is 12 teams forcing some of the larger schools to move into the AA division. Prin. Cofer also spoke to the Board. President Lyson explained the process that was taken by the Football Committee. The Executive Secretary shared the history of the process and how the determination came about. President Lyson thanked them for sharing with the Board. No further action was taken.

Moe presented the Football Committee's final plan to the Board for approval. President Lyson indicated reports from 9-man schools indicated difficulty in scheduling. The Board discussed the proposal of a one-day Dakota Bowl and how it would fit into the schedules of UND and NDSU as well as how it works into the television contract. Motion by Maus to accept the committee recommendations. Second by Schatz. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

Cal Fleischer representing AIG Retirement, formerly AIG Valic addressed the Board on the NDHSAA pension plan of which there has been some legal changes. The update for options available by law needs to be addressed and decided. Two issues (1) the pension plan which was introduced to new staff 8 years ago has been changed. Mr. Fleischer will review the options available with the staff. Motion by Knodle to accept the resolution and designate AIG Retirement as the exclusive provider for voluntary TSAs. Second by Jacobson. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

NDHSAA attorney, Gary Thune appeared before the Board to review Public Access, when does material prepared for a Board meeting become a public document, what type of agenda and supporting documents should be posted on the website, are we required to send the general public the same information, etc. When do the materials sent to Board members prior to a meeting be sent and when do they become public record.

Looyesen asked if the NDHSAA is actually subject to open record laws. Attorney Thune indicated that would need to be researched.

It was the interpretation if the agenda is placed on the website, the Board has met the requirement for open records and these documents do not have to be reproduced by mail or electronically to any member of the general public.

With this information, The Executive Secretary asked the Board how to go forward with this information in the preparation for an upcoming Board meeting.

Schatz asked how conference calls are applied to the open records law. Attorney Thune indicated they are deemed to be acceptable as long as it is coordinated through the office with a speaker phone. The site of the conference call is required to have the meeting on a speaker phone which makes it available to the public.

Also discussed was how FIRPA and HIPPA are the guidelines as to what should be kept private to protect the a student, as prescribed by law.

Attorney Thune also reported on the study of the re-transfer rule as requested by the Constitution & By-Laws Committee. The original re-transfer rule was written to allow a student who moved away from home to attend a school outside the district of home residence to return home at the beginning of the school year without loss of eligibility. Currently, the interpretation does not fit situations brought about by the open enrollment law in which a student transfers to a school outside their district but does not leave home. One of the solutions that has been studied is to delete the re-transfer rule. This would cause a student to be ineligible for 180 school days if they re-transfer back to their home school district. Suggested would be a grandfathering of this rule to allow those that have already transferred out of their home school district to return home at the beginning of the school year and be eligible. Along with the change in this rule, there would still be the hardship rule to address situations that warrant attention. Motion by Schatz to approve the recommendations of the Constitution & By-Laws Committee. Second by Looyesen. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

The Board held audience with Supt. Mitch Carlson and Ath. Dir. Joel Bickford of LaMoure concerning the overall enrollment of EDC schools in comparison to the overall enrollment of District 5 and the ramification of changing the divisioning for volleyball and basketball to an enrollment of 400 which moves Valley City into their division. The challenge is whether the Board has the authority to change the number and whether it is classification or divisioning that has taken place. Knodle asked for clarification as to whether they are challenging the placement of Valley City in LaMoure's district or they are challenging the 400 number. Maus stated whether the number is changed or not changed, the disparity was already present prior to this change. LaMoure contended this divisioning decision was made for basketball. President Lyson responded this was concerning all sports, not just basketball. The Board indicated this is a first move in the attempt to make it fair to all member schools in North Dakota. The request was to reverse the decision of 400. With no motion, the original decision will stand.

The Board held audience with Mandaree HS concerning an appeal for the application for additional semesters of eligibility for a student. Ath. Dir. Nick Krump introduced the student and his mother and grandmother who spoke to the Board on the student's behalf. After the student spoke to the Board, there were questions asked of the Mandaree representatives. Motion by Maus to deny the request as the situation does not fall under the Constitution & By-Laws. Second by Eastgate. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – no, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, 10-1.

The Board reviewed a request of appeal for eligibility of two Minnewaukan students transferred from Four Winds which was originally denied. The students transferred in order to participate in music as Four Winds could not secure a music teacher causing the school to not have a program. Prin. Ron Carlson of Minnewaukan spoke to the Board representing the students involved. Motion by Eastgate to deny the request. Second by Moe. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

Maus reported on behalf of the re-alignment committee and made the recommendation to approve Option #1. Motion by Jacobson to accept the recommendation of Option #1. Second by Knodle. Moe indicated the results of his independent survey was a 2 to 1 in favor of Option 2. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

The Board reviewed the recommendations from the Ad Hoc Committee. The recommendation was to switch the girls' Class B basketball season and the boys' Class B basketball seasons in the 2010-2011 year. Motion by Knodle to approve. Second by Schatz. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,

Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

The Board reviewed the agenda for the General Assembly meeting.

Grant County High School is in the process of starting a drama program and needs to be assigned to a region. Recommended is to place them in Region 10. Motion by Swiontek to approve the assignment to Region 10 for drama. Second by Schatz. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

The Board reviewed the proposed regulations for the 2009 inaugural softball season. The purpose was to allow the regulations to be shared for input. Final approval will be placed on the November Board agenda.

The Executive Secretary was asked to join in support of an upcoming measure. The request died for lack of a motion.

The Board reviewed a letter of request from Fargo South to allow a swimming athlete to participate in the Junior National Championship Meet sanctioned by USA Swimming to be held in Texas on December 11-14, 2008. Motion by Schatz to permit this student to participate. Second by Looyesen. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

The Executive Secretary shared with the Board the names of four athletic administrators that have qualified for the NDHSAA lifetime pass as determined by a point system. Those recipients are Lorell Jungling, Mandan; Curt Jones, West Fargo; Pat McNally, Minot and Todd Olson, Grand Forks. Motion by Looyesen to approve. Second by Sanstead. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

Looyesen reported on behalf of the Finance Committee

1. The committee reviewed the dues structure. It was recommended in the future it would be considered to make a constitution change concerning the dues structure which would be in place as steps.
2. Vehicle quote: Because the vehicle quote presented was higher than what was expected, the committee recommended the Executive Secretary obtain bids from other dealers and present a recommendation at the November meeting.
3. The committee reviewed the contract drawn up with the ND Army National Guard. With this agreement the ND National Guard would become a supporting sponsor of the NDHSAA. Recommended was to support this proposal with a change to Section 2. e. which would state, "Free admission to NDARNG uniformed personnel working at the

NDHSAA sponsored event.” It was recommended to accept them as a supporting partner with this exception. Motion by Eastgate to accept committee proposals as presented.

Second by Knodle. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

Plans for the upcoming State Volleyball and District Chair meeting were discussed. President Lyson appointed Ranum to chair the November meeting and Maus the March, 2009 meeting.

The Board reviewed updated correspondence from the North Dakota Study Council requesting the Board to not increase contests and lengthen seasons.

There were no representative reports

Executive Secretary reported:

1. Denied a hardship request for a Mandaree student
2. Denied two hardship requests for Minnewauken students
3. Approved a Bismarck hardship request
4. Denied a Dickinson hardship request. Dickinson will be appealing the decision
5. Minot will be appealing a hardship decision
6. A Fargo North boys' soccer player incident following the completion of the State Championship game has been responded to by the school administration. In response to the incident, they suspended the student for three days and the student has written letters of apology to those offended parties. This student is also in a probationary status for the remainder of the school year.

Jacobson asked what type of situations usually are applied to hardships. The hardship procedure was discussed and is on the website under the MVP portion of the site.

Motion by Looyesen to recess the meeting and reconvene following the General Assembly meeting tomorrow. Second by Schatz. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,
Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, unanimously.

The Board reconvened Thursday, October 23, 2008 at 5:50 p.m.

Maus shared the Board should reconsider the proposal to direct district tournaments and allow them to run their own tournament. This would leave the only ad hoc recommendation to switch the boys' and girls' basketball seasons. Motion by Ranum to remove the Ad Hoc Committee recommendation to mandate a single elimination district tournament. Second by Jacobson. A roll call vote was taken:

Knodle – yes, Swiontek – no, Sanstead – yes, Ranum – yes, Eastgate – yes,

Looyesen – yes, Schatz – yes, Jacobson – yes, Maus – yes, Moe – yes, Lyson – yes
Motion carried, 10-1.

Motion by Eastgate to approve Option #1 which assigned Valley City to District 5. Second by Schatz. Jacobson asked the Board if it would be good to hold off on the decision. Also, there are a large number of schools expressing concern with competing with Valley City in fine arts. Eastgate stated to rescind the action would not be in the best interest of the process. Maus shared the move of Valley City to the B Division is the first step in the upcoming adjustments with schools to balance out. Swiontek agreed with Maus' statement. A roll call vote was taken:

Knodle – yes, Swiontek – yes, Sanstead – yes, Ranum – yes, Eastgate – yes,

Looyesen – yes, Schatz – yes, Jacobson – no, Maus – yes, Moe – no, Lyson – yes

Motion carried, 9-2.

To prevent confusion, Schatz suggested the Board should cease talking about various plans until actually proposed. The ad hoc committee chairperson is to be named.

Carlsrud shared the committee may be receiving a proposal for 9-man to hold their post-season games all on Saturdays. This will be addressed when the calendar is presented to the Board for approval.

President Lyson thanked the Board for all their hard work.

Motion by Schatz to adjourn. Second by Looyesen. President Lyson declared the meeting adjourned.

Respectfully Submitted

Sheryl Solberg, Asst. to the Exec. Sec.