

**COLORADO HIGH SCHOOL ACTIVITIES ASSOCIATION
LEGISLATIVE COUNCIL MINUTES
THURSDAY, JANUARY 26, 2017
RADISSON DENVER SOUTHEAST
3155 S. VAUGHN WAY
AURORA, CO**

CALL TO ORDER

President Eddie Hartnett called the January 26, 2017 meeting of the CHSAA Legislative Council to order at 8:40 am.

ROLL CALL

Associate Commissioner Tom Robinson called the roll of the members of the Legislative Council as listed below:

5280	Mike Hawkes		Frontier	Aaron Riessen
	Kelly Presser			David Schuessler
Arkansas Valley	Richard Hargrove		High Plains	Mike Miller
Black Forest	Terry Henderson		Intermountain	Brian Loch
	Don Steiner		Jeffco	Nick Desimone
CADA	Craig Denney			Mike Santarelli
	Michael Krueger			Jerry McWhorter
	Leroy Lopez		Lower Platte	Brady Nighswonger
CASB	Craig Bailey			Jenny Smock
	Mandy Jackson		Metro	Jeremy Lustik
	Bob Johnson			Scott Yates
	Tracey Johnson		Mile High	Steve Latuda
	Warren Walker			Emerald Murphy
CASSA	Jeff Durbin		North Central	Steve McCracken
	Chris Fiedler		Northern	Chase McBride
	Tom Turrell		Patriot	Brad Joens
Centennial	Larry Bull		Pikes Peak	Steve Longwell
	Stephen Deschryver		San Juan	Nick Baker
	Vince Orlando		Santa Fe	Carl Lindauer
Colorado 7	Angie Sanders		South Central	Dave Craddock
CS Metro 4A	Shelli Miles		Southern Peaks	Kevin Jones
CS Metro 5A	Chris Noll			Cole Larsen
	Andy Parks		Southwestern	Randy Powell
	Mike Sibley		Tri-Peaks	John McGee
Confluence	Zach Carlson			Mike Prusinowski
Continental	Brock Becker		Tri-Valley	Michael Green
	Kevin Boley		Union Pacific	Jeremy Kerns
	Bruce Wright		West Central	Ryan Christensen
Denver	Karen Higel		Western Slope	Michael Book
	Adam Kelsey			Chris Brown
	Kevin Maguire			Luke DeWolfe
East Metro	Vic Strouse			Tami Payne
	Rob Varner		YWKC	Bonnie Wallin-Kuntz
	Glenda Bates			
Fisher's Peak	Frank Coppa			
Front Range	Bob Gorman			
	Kylie Russell			
	Kendall Wilson			

All members were present with the exception of Terry Henderson, Mandy Jackson, Zach Carlson and Brock Becker.

INTRODUCTIONS

President Eddie Hartnett introduced the members of the Board of Directors: Paul Cain, Mesa County Valley Schools, District 1; Rick Logan, Thompson School District, District 2; Doug Pfau, Weldon Valley, District 3; Jim Thyfault, Jefferson County Schools, District 4; Loren Larrabee, Lutheran, District 5; Troy Baker, Buena Vista, District 7; Joe Garcia, Antonito, District 8; Rick Macias, Pueblo City Schools, District 9; Kathleen Leiding, Lyons, At-Large; Kelley Eichman, Fountain-Fort Carson, At-Large; Wendy Dunaway, CDE representative; Jon DeStefano, CASB representative, was not present; Jim Lucas, Pine Creek, CASE; Rick Mondt, Briggsdale, CASE; and Alex Halpern, Legal Counsel. Jim Wilson, Colorado State Legislature, was not present.

President Hartnett then introduced Parliamentarian Ben Rainbolt and the CHSAA staff; Commissioner Paul Angelico, Associate Commissioner Tom Robinson, Assistant Commissioner Bert Borgmann, Assistant Commissioner Bethany Brookens, Director of Digital Media Ryan Casey, Assistant Commissioner Bud Ozzello, Assistant Commissioner Jenn Roberts-Uhlig, and Assistant Commissioner Harry Waterman.

OPEN FORUM

There were no open forum topics.

APPROVAL OF MINUTES OF THE APRIL 21, 2016 LEGISLATIVE COUNCIL MEETING

It was moved (Shelli Miles) and seconded (Randy Powell) and passed to approve the minutes of the April 21, 2016 Legislative Council Meeting.

PRESIDENT'S OPENING REMARKS

RULES OF ORDER - PARLIAMENTARIAN

President Hartnett introduced Ben Rainbolt, Parliamentarian, to explain the rules of order.

He said he was happy to be here to address the Legislative Council. He explained the Rules of Order and all voting procedures.

COMMISSIONER'S UPDATE

President Hartnett introduced Commissioner Paul Angelico for the Commissioner's update.

Commissioner Angelico introduced the student leadership state representatives that were invited to attend the meeting. Several students have been invited to attend and observe Board of Director meetings and committee meetings throughout the year that began this year. There are four in attendance today. One of the students attending today was a part of the Hall of Fame Selection Committee, and based on their research, one of the candidates was inducted into the CHSAA Hall of Fame Class of 2016. He thanked them for their interest, and let them know based on their actions the future looks bright.

Commissioner Angelico shared that seven coaches from Colorado are in the finals for National Coach of the Year. Alan Versaw, Classical Academy, cross country; Jim Davidson, Broomfield, soccer; Bob Knudson, Sterling, softball; Dave Adams, Cheyenne Mountain, tennis; Tom Meyer, Akron, boys' track and field; Barrett Golyer, Poudre, wrestling; Kathy James, Kent Denver, field hockey. Seven is a lot of coaches to have in the finals from one state at the national level so I just wanted to congratulate those coaches. They will be announced at the April Legislative Council Meeting. Along those same lines, I wanted to let you know that Tom Robinson and Dick Katte will be receiving the National Citation Award at the National Federation Summer Meeting. Tom for the Section 6 recipient and Dick as the coaching recipient. Congratulations to those two. He congratulated Tom for his recent appearance as the instant replay official at the National College Championship game. What an honor.

Che Vialpando has a table outside the meeting room with materials that were also in your packet for the NFHS Network and CHSAA TV. They have developed a stand-alone unit that you can place in your gym or football stadium where you simply program a time and day for it to turn on, and it will televise your games so you don't have to have man-power, or a dedicated broadcasting class. Nationally it is becoming the way to go. I believe Jefferson County bought some of them, and so see Che at one of the breaks. We really appreciate what they are doing to promote high school sports through the network. Also, Wilson has a table as well for their services, so please see Jamie Andra as well, as there may be something new you may be interested in.

He thanked Ms. Coonts for putting the meeting together, and said she works hard to coordinate with all of you for your needs for this meeting. He also thanked Mr. Rainbolt, Parliamentarian, as he is so knowledgeable about the procedures for the meeting so Commissioner Angelico is very comfortable about the meeting. He thanked President Hartnett as he is the most supportive guy and appreciates all of his work. He thanked CADA as we had more outreaches which are so helpful in getting our information out to schools. He encouraged everyone to attend the conference in April as they have some unbelievable speakers this year. He also thanked the CHSCA as the CHSAA has been working very closely with them to get the kids and coaches to work together on a playing field to deliver the education we continue to talk about. The CHSCA is doing their part to ensure the coach that is there is on the right track and coaching the way we want them to coach. He thanked the CHSAA staff for all of the work they are doing for the association. He said when he got here 27 years ago, there was an October Legislative Council Meeting. After he attended his first Legislative Council Meeting, he walked away thinking if there was ever a place where there is democracy in action it is this group. Nothing happens that affects schools that isn't determined by schools. From the committees that get together to recommend rules changes, the Board of Directors who approve some of those, to you the voting body. Nobody is telling you what to do. You're telling yourselves what you want to live by, and the standards you want to have. He said if we could get our federal and state governments to work this way, we wouldn't have all of the problems we have. He has always been impressed with how schools come together where we have some diverging opinions, but make things work. Over the last two months we've had a lot of committee meetings. We've had Equity and CLOC sub-committee meetings where people could have really tried to force their will. Every meeting I go to, I find that people are willing to rationally and calmly discuss where they want to go for all kids, not just for some. He said he continues to be impressed with how the process works, and the process only works because of you. You go to those committee meetings, and you act responsibly and you are willing to talk, and to convey a message, but more importantly, you are willing to listen not with the intent to reply, but with the intent to learn. I think that is what we are missing so often in life. We listen to people, and plan our what our response is going to be rather than say, "I understand where you are coming from. I don't agree, but I understand." We just did the Pledge of Allegiance, and it occurred to me, we have this discussion a lot as to whether it is old fashioned, is it fascist, is it making people revere the government, and you know, in my mind, it's not. What we said is, "one nation". We are one group with lots of different opinions, but we come together as one and will support what we ultimately vote for whether we like it or not. I have heard coaches say, "I don't like that rule, I'm not going to

follow it". Those coaches are not coaching any longer. As a group, and as a body, we come to the determination that we will do what's best for all, and that's determined by all even if we don't agree. I see that happening day after day after day. Focusing on our similarities today is important. We have just a couple thorny issues, but I'm not worried about it, because I think you will work through them, and come up with some decent answers. I am going to encourage you to see that the other side of that is dangerous if you don't do that. Now I'm going to get into my lecture. What drives me nuts about this organization is how kind you are. Yesterday, the board had an appeal whereas a student was deemed ineligible for a year. In that family's eyes, that is uncaring, mean, over the top. It is all kinds of issues, but as a board, we cannot say that for one student, I feel that way, but for the good of all, the ones they'll be competing against, and other kids on the team, being harsh to one kid is still in the best interest of lots of other ones. Vote on what you deem is right, not what is pleasant for what people want. Please make sure you are voting today on issues that will benefit high school athletes, athletics and activities in general, and all kids, not a small minority. Thank you for your time, your interest, because without you, we won't have sports next year. We won't have things for kids to do. Kids won't learn how to become better citizens, and better adults, and I wish you well in your deliberations.

LEGAL UPDATE

Commissioner Angelico introduced Alex Halpern, Legal Counsel for the Legal update.

Mr. Halpern began by greeting the Legislative Council and guests. He indicated the CHSAA has had a quiet fall. Commissioner Angelico did mention that yesterday the Board of Directors heard an appeal which there was a determination that the transfer was made with substantial athletic motivation. Therefore, the student would have to sit out one year. He said just listening to the discussions we've had over the years, the athletically motivated transfers are a big problem and certainly is contrary to the fundamental beliefs within the association, and in the education community. At the same time, it is very difficult to prove and to enforce that rule. Yesterday's decision and the content emphasized the critical role of the sending and receiving school's in terms of bringing these matters into the light. Obviously, frequently uncomfortable, you may have confrontational parents and others involved, but if it doesn't come to the attention of CHSAA via the sending or receiving schools, it is almost certainly not going to come to anyone's attention.

Mr. Halpern mentioned that last week CHSAA was served a subpoena and documents in a court case that we are not a participant in, but were related to the Trinidad litigation that goes back to incidents in 2007 and 2006. At this point, it is going to be an interesting case because beyond its immediate scope, the naming parties of the injured student and the helmet manufacturer. Be certain that Riddell is vigorously handling that case. It will be interesting to see how they do in front of a Las Animas County jury. We will be watching that case, and the implications for helmets and other types of sports safety equipment. May be potentially significant, and interesting in a case since everyone is coming from southern Colorado.

Commissioner Angelico asked Mr. Halpern to address the coach and officials' pay in schools. Mr. Halpern said he did a presentation for CASE on behalf of CHSAA in the fall on this vexing issue of when schools can use classified employees as an assistant coach or contest worker under the Fair Labor Standards Act? Do schools have to pay them overtime? If you have questions, you may contact the CHSAA office or me.

TREASURER'S UPDATE

Commissioner Angelico reviewed the December 31, 2016 budget. He indicated the last couple of years have not been overly kind to us, and it's really on his shoulders that the Association has not balanced its budget for two years. Last year was better. We did reimburse for travel, but in doing so we were in the red. On the income side, CHSAA is up approximately \$85,000, but are actually better than that as we are struggling getting payments in from schools for fall events. Overall, we had a good fall. He reviewed several sports. Football was down \$56,000 due to removing the first round games. He said Mr. Durbin will go into more detail when he presents the Budget Report including covering corporate. Mrs. Jenn Roberts-Uhlig has done a fantastic job, and that money continues to look up. On the expense side, most expenses are up due to venues continuing to go up approximately 5% a year. He mentioned student leadership as we value it so much. Colorado Hall of Fame contributed \$5,000 when they heard the venue went up. We will need to find someone to help sponsor events, or find some way to pay for the additional expenses or we may be priced out of particular venues. He mentioned it will help when some of the older administrators retire due to lower salaries. The expense side to date is up \$115,000. Part of that is PERA went up another percent, salaries went up due to vacation and sick pay for the last year for Commissioner Angelico and Mr. Robinson. Also, we are paying bills a lot quicker than we used to with our new accounting system. He asked if there were any specific questions regarding the budget, and indicated to ask now, later or call any time as it is the schools money. The office is instituting cost saving plans, and will continue to work on those in the future. The Board of Directors has deemed we cut back on what we do for them. The hope is to save another three percent, and believes the staff is certainly capable of accomplishing that goal.

CONSTITUTIONAL PROPOSALS
(Require two-thirds vote of those voting)

It was seconded (David Craddock). The motion passed 66-1.

CON 2 – NEW SCHOOL MEMBERSHIP

(Board of Directors)

AMEND THE CONSTITUTION AND BYLAWS to read:

Page 25

Amend Rules by adding the following to bylaw 600.64 to read:

yes no

600. MEMBER SCHOOLS

600.64 The review committee shall submit its recommendation to the CLOC for consideration at its November meeting during odd years only. If the CLOC determines that the applicant school qualifies for probationary membership, it shall refer the matter to the Legislative Council for a decision at its January meeting. If the Legislative Council approves the recommendation of the CLOC, the applicant school shall be admitted as a probationary member effective July 1 of the current year. The CLOC is not bound by the review committee's recommendation.

Rationale Currently, school seeking membership into our Association have the opportunity to submit an application each November – for membership the following school year. This bylaw change would limit membership applications to every other year, and would help our member schools, from a timing perspective, so that new schools are only coming in during the start of a new cycle, and not in the middle of a cycle.

Pros New schools will only be admitted membership for the start of each new 2-year cycle. This will make scheduling and league acceptance much easier and feasible.

Cons Schools may have to wait an extra year prior to becoming members.

ADMINISTRATIVE PROPOSALS
(Requires majority vote of those voting)

It was seconded (Bruce Wright). The motion passed 62-5.

ADM 1 – CLASSIFICATION OF SCHOOLS

(Black Forest)

AMEND THE CONSTITUTION AND BYLAWS to read:

Page 39

Amend Rules by adding the following to bylaw 1500.1 to read:

yes no

1500. CLASSIFICATION OF SCHOOLS

1500.1 Beginning with the 2018-2020 cycle, add a fourth classification (2A) for boys' soccer.

Rationale

The boys' 3A classification has reached 78 teams. Only 9 schools less than girls' soccer.

With 4 new schools approved to join CHSAA next year and about the same number looking to join the following year, the numbers are only going to grow.

Girls' soccer was added for the last cycle and by all accounts has been a success.

It is good for smaller schools to play for a championship against schools more similar in size rather than schools that range from 2 times as large up to 15 times as large. According to the 2016 Boys' Soccer bulletin, the smallest school in 3A is 39, and the largest is 622 (not counting play downs). A total of 8 schools have enrollments under 100.

2A and 3A girls' soccer schools continue to play in multi-classification leagues so there will not be much of a change from what they are currently doing in girls' soccer.

Playoff format would be similar if not exactly like what the girls have done this past cycle.

Pros

Cons

ADMINISTRATIVE PROPOSALS
(Requires majority vote of those voting)

It was seconded (Michael Krueger). The motion passed 63-3.

ADM 2 – BOOSTER CLUB – RESPONSIBILITY OF SCHOOLS

(Board of Directors)

AMEND THE CONSTITUTION AND BYLAWS to read:

Page 46

Amend Rules by adding the following to bylaw 1640.12 to read:

yes no

1640. COACHING CONTRACT - PAY

1640.12 BOOSTER CLUBS – Booster clubs, athletic/activity foundations, or similar named outside organizations may be formed for the purpose of providing additional financial assistance to specific teams or general athletic/activity programs.

Any benefits provided by the outside organizations, which can include monetary contributions, facility improvements, equipment, transportation, awards, additional team support, etc., are subject to applicable State/Federal Regulations.

All booster club or similar donations to sport specific teams or general athletic/ activity funds by outside organizations must be approved by school and/or district administration.

Each member school is responsible for the activities of its booster clubs and any violations and penalties that result from lack of oversight.

Rationale

Occasionally booster clubs run activities that violate CHSAA rules without the knowledge of the schools. Schools can use this by-law to ensure that booster clubs understand that all activities must be monitored and approved by the school.

Pros

Another tool to help schools retain educational athletics as a positive, student-centered program.

Cons

None

Administrative Committee Reports

Budget

Chairman Jeff Durbin presented the Budget Committee Report (First Reading), reviewed the major changes, and moved for adoption of the report. The motion was seconded (Chris Fiedler) and approved 65-1.

Classification and League Organizing Committee

Chairman Randy Holmen presented the CLOC Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Bob Gorman) and approved 66-1.

Coaching Education Registration Advisory (CERAC)

In the absence of Derek Chaney, Chairman of the Coaching Education Registration Advisory Committee, the report was presented by Assistant Commissioner Harry Waterman. He reviewed the major changes, and moved for adoption of the report. The motion was seconded (Kendall Wilson) and approved 67-0.

Officials' Fees

Chairman Glenda Bates presented the Officials' Fees Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Jeff Durbin) and approved 58-9.

Activity Committee Reports

Student Leadership

Chairman Rashaan Davis presented the report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Tracey Johnson) and approved 67-0.

Athletic Committee Reports

Baseball

Chairman David Schuessler presented the Baseball Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Emerald Murphy). Discussion followed. It was moved to delete item c in major changes. The motion was seconded (Bruce Wright), and the motion passed 57-7. The Baseball Committee Report as amended was put to a vote and passed 64-3.

Cross Country

Chairman Rick Macias presented the Cross Country Committee Report, reviewed the major changes, and moved for adoption of the report. Discussion followed. It was moved to change 5A Regions. After much discussion, the motion was seconded Craig Denney, and the motion failed 32-32. It was moved to change the scoring for 2A from run six, score four, to run six, score three. The motion was seconded (Kevin Jones), and the motion passed 50-17. It was moved to delete item b in major changes. After much discussion, the motion was seconded (Nick Desimone), and the motion passed 61-6. It was moved to add to item c to have the CHSAA assign post-season officials. After much discussion, the motion was seconded (Bruce Wright), and the motion passed 67-0. The Cross Country Committee Report as amended was put to a vote and passed 64-2.

Field Hockey

Chairman Richard Judd presented the Field Hockey Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Karen Higel). After some discussion the report was approved 63-1.

Football

Chairman Michael Krueger presented the Football Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Nick Desimone) and approved 67-0.

Golf

Chairman Mike Hughes presented the Golf Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Randy Powell) and approved 62-5.

Gymnastics

Chairman Stacey Folmar presented the Gymnastics Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Andy Parks) and approved 65-0.

Soccer

Chairman Justin Saylor presented the Soccer Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Leroy Lopez). After some discussion, the report was approved 62-5.

Softball

Chairman Kelley Eichman presented the Softball Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Nick Desimone) and approved 67-0.

Tennis

In the absence of Ed Anderson, Chairman of Tennis Committee, the report was presented by Assistant Commissioner Bethany Brookens. She presented the Tennis Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Angie Sanders) and approved 66-1.

Volleyball

In the absence of Tracie Cormaney, Chairman of Volleyball Committee, the report was presented by Assistant Commissioner Bethany Brookens. She presented the Volleyball Committee Report, reviewed the major changes, and moved for adoption of the report. The motion was seconded (Cole Larsen) and approved 67-0.

NOMINATIONS – BOARD OF DIRECTORS

The Legislative Council will elect representatives at the April meeting from nominations received at the January meeting.

Representatives to be replaced (4 year terms)

Replacement Board member for Rick Mondt, CASE, Superintendent will be determined in February.

Representative for District 4 (Colorado 7, East Metro, Jefferson County) from the Colorado 7 League as per the rotation schedule to replace Jim Thyfault will be Angie Sanders, Athletic Director, Conifer High School.

Replacement Board member for Eddie Hartnett, District 6 will be Mike Hawkes, Athletic Director, Shining Mountain Waldorf, and will be a 3-year term.

Replacement Board member for Rick Macias, District 9 will be Richard Hargrove, Superintendent, Springfield High School.

Replacement Board member for Kathleen Leiding, At Large will be Dr. Jerry Anderson, Principal, Monarch High School.

ADJOURNMENT

There being no further business before the Legislative Council, the meeting was adjourned at 12:10 pm.