

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
DISTRICT OF COLUMBIA STATE ATHLETIC ASSOCIATION

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SPRING MEETING
SUMMARY

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TUESDAY
APRIL 17, 2018

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The District of Columbia State Athletic Commission (DCSAC) met in the Eleanor Holmes Norton Room III, 1050 1st street NE, Washington, DC, at 6:00 p.m., Rosalyn Overstreet-Gonzales, Chairperson, presiding.

I. CALL TO ORDER.

The meeting room doors opened at 6:00.

At 6:06, Chairperson Rosalyn Overstreet-Gonzales called the Spring Meeting to order. This was the last of the three community meetings planned to discuss the rules for the District of Columbia State Athletic Commission (DCSAC) to adopt. The Commissioners present introduced themselves in the following order:

ROSALYN OVERSTREET-GONZALES, Chairperson
KEVIN WILLS, Commissioner
BENJAMIN WATKINS, Commissioner
DIANA PARENTE, Commissioner
JOHN KOCZELA, Commissioner
KAREN CURRY, Commissioner
TERRANCE LYNCH, Commissioner

The following staff members and participatory members were also present:

CLARK RAY, Executive Director
JOHN WEBSTER, Program Coordinator
KEVIN TOOMEY, Law Firm of Arnold & Porter

II. ASCERTAIN A QUORUM.

At 6:08, Chair Overstreet-Gonzales ascertains the quorum. First order of business, approve minutes from the previous meeting.

III. APPROVAL OF MINUTES FROM FEBRUARY 27, 2018 MEETING.

Whereas the Minutes from the February 27th meeting were presented to the body, and whereas the body reviewed the minutes in their entirety with no discrepancies, Commissioner Lynch moved that the Minutes be accepted.

Commissioner Wills seconded. Chair Overstreet-Gonzales called a vote for the approval of the Minutes. The Vote was done by voice vote. The motion carried unanimously and the minutes were approved. Chair Overstreet-Gonzales gave the floor to the Executive Director.

IV. DIRECTOR'S UPDATE

DCSAA Executive Director Clark Ray discussed preparing the Commission's document package for the meeting. He stated that he will be attending the National Federation of State Associations' legal meeting this Wednesday, Thursday, and Friday, as well as the National Institutes of Health (NIH) Medical Summit on Friday and Saturday. Executive Director Ray discussed an exciting meeting he and the staff had that morning regarding eSports. They discussed opening opportunities for student athletes in the District to participate in eSports. Executive Director Ray anticipated presenting to the Commission during the subsequent meeting a contract proposing an agreement with VS to open an eSports league in the District.

Chair Overstreet-Gonzales called for questions about the Executive Director's Update and Commissioner Koczela asked about when the Handbook for 2018/2019 would be either drafted or finished. Executive Director Ray said that there is an extant Handbook which has not yet been implemented. However, depending on the rules yet to be

made by the Commission, the staff would take those decisions and amendments and revise the Handbook accordingly. A draft could be issued to the Commission by mid-May. Other contingencies include photographs, getting everything approved, and translation. The Executive Director stated that his goal is to have a draft Handbook issued to the Commission for review and approval during the June meeting.

WORKING SESSION.

At 6:25 p.m., Chair Overstreet-Gonzales welcomed the public back to the public meeting.

Chair Overstreet-Gonzales opened the floor to the discussion of proposed athletic rules. The Chair stated that the Commission would now look at those rules which were in their final state with the exception of four amendments proposed by members of the Commission.

Chair Overstreet-Gonzales entertained a motion to adopt and accept the rules in their present form.

Commissioner Lynch moved to accept the rules and thanked the staff, public, witnesses, and stated that he found that the rules were straightforward, boilerplate, understandable and schools should well be able to comply with them. The Commissioner moved to adopt the draft rules.

Commissioner Franklin seconded the motion.

Having been placed on the table before the Commission, the rules became subject to amendment.

Chair Overstreet-Gonzales opened the floor to Commissioner Parente to discuss her proposed amendments to the rules, including the proposed language as well as how the amendment would impact schools and students.

Commissioner Parente first discussed Amendment 4 regarding Section 2701.9(b), stating that the Commission is content with the amendment regarding the principal/head-of-school putting a line of support with a student who is applying for an eligibility waiver. Due to the fact that no change was proposed to the rule as written, the Commissioner proposed to take the amendment off the table.

Commissioner Parente then moved on to discuss Amendment 1 regarding Section 2700.6, and noted Commissioner Hunter's

substantial participation in the discussions thereto pertaining. If a school is going to be a part of the DCSAA then they have to adopt, in order to be members, all of the rules regardless of whether or not they choose to participate in post-season play and regardless of whether or not any particular team participates in the state championship play-offs, they must agree to participate uniformly and equitably in all of the rules established by the DCSAA, especially when it comes to sanctioning purposes. Whereas District of Columbia Public Schools are required by law to follow all DCSAA rules, Commissioner Parente asserted that all schools, public and otherwise, opt-in to following all DCSAA rules regulating member schools such as DCPS, as opposed to non-public schools picking and choosing to comply based on particular athletic programs.

Commissioner Hunter echoed the comments of Commissioner Parente, stating that the rules are being adopted for sanctioning purposes, not to create a championship tournament. For this reason it does not matter if a school participates in a post-season or not, furthermore, schools should not be able to select which sports follow these rules. As an example, a charter school which is not obligated by law to comply with DCSAA rules, but which decides as a school to participate in DCSAA, would subject all of its athletic programs to year-round DCSAA sanction regardless of whether or not, for instance, their football team decides not to participate in the post-season. Whereas the rule is currently being interpreted to allow a member charter school football team that does not participate in the post-season to fail to comply with certain rules, this amendment would no longer permit member schools to operate athletic programs without full compliance with DCSAA. Operating an athletic program without full compliance with DCSAA rules puts those schools at a potential unfair advantage over schools who fully comply with DCSAA rules year-round.

Commissioner Parente reiterated that DCPS is required by law to fully comply with the rules of DCSAA, and that the impetus for enforcing the equitable sanctioning of all

District schools is directed against private and charter schools being able to potentially gain competitive advantage through noncompliance.

Commissioner Koczela and Commissioner Curry made comments clarifying which schools and/or which athletic programs might be affected by this language without accusing specific institutions. Commissioner Lynch asked whether private schools had had a chance to comment upon this language and Commissioner Parente responded that these concerns were heard by the public at every meeting held regarding this rulemaking, and that no private or independent school attended to voice their opinion.

Commissioner Hunter echoed that whereas DCPS is required to comply with these rules, alternative schools who are not satisfied with these rules may choose not to participate in DCSAA as a school and they would not be sanctioned by the DCSAA.

Commissioner Wills commented on whether this would penalize private and charter schools due to the manner in which they must market to, attract, and enroll students. He asked whether the language would end up penalizing the whole school for an infraction committed by one particular sport. Commissioner Hunter responded affirmatively and Commissioner Wills expressed mild discontent at the stringency of the new language. Commissioner Hunter reiterated that independent school athletic programs may operate separately, but not by sanction of the DCSAA.

Commissioner Wills remained of the opinion that the rule might be excessive because without state sanction the school's athletic program would not be able to compete against state-sanctioned schools anywhere else in the country, and therefore exclude them from all championship play-off eligibility. He said that a lot of people don't play non-sanctioned schools, that's why sanctioning is so important.

Commissioner Hunter reiterated that schools in the District should be following the rules of the state sanctioning body.

Commissioner Curry asked what the impact would be on non-sanctioned schools. Commissioner Hunter discussed how,

for example, a sanctioned school playing a non-sanctioned school could eliminate the sanctioned school from the state tournament even though that school may be following the rules of the sanctioning body.

Commissioner Franklin put forth the example of St. John's College High School.

Chair Overstreet-Gonzales announced the extension of discussion period for this amendment.

Commissioner Franklin continued discussing an example comparing St. Johns' volleyball and football program tournaments. Commissioner Parente offered debate on the difference between the overall compliance of a school's athletic programs versus an individual sport's participation in state championships. Commissioner Franklin raised the issue that the compliance of every one of the athletic programs of a single school, regardless of whether or not any one of the programs decides to participate in state championship, determines whether the school itself will be sanctioned. Commissioner Hunter addressed the example of the transfer rule at St. John's regarding the eligibility of student athletes to participate in individual sport programs versus full school eligibility.

Chair Overstreet-Gonzales announced that the two-minute extension of debate had expired.

Commissioner Koczela interposed that the Commission is not concerned with transfers as such, but with compliant participation in this league. He proposed to close debate and to hear from the Executive Director, stipulating in closing that the language of the amendment would set up a system that would be attractive for "every charter school and certainly all of the private schools" to not participate in the DCSAA. He strongly objected, saying the Commission is supposed to serve all student athletes in the city, not just DCPS alone.

Executive Director Ray stated candidly that this amendment was about being restrictive, not about extending opportunities. He called it the St. John's rule because of the volume of complaints received regarding the private school's level of compliance. The unique municipality of

the District, he stated, requires extending accommodation to private and independent as well as public schools. The Executive Director has already had to call numerous jurisdictions to tell them that St. John's is a not approved school for play by the District of Columbia. He continued that the Commission should be focused on extending opportunities for kids, to which Commissioner Parente reiterated the need for equity and fairness.

Executive Director Ray acknowledged that important figures in the private school sector have said that if the Commission amends this language then they would effectively turn DCSAA into a public school league.

Commissioner Hunter stated that he would be in favor of Gonzaga, St. John's, and other private schools to be able to participate in state-sanctioned championships, but also for them to play by the same rules as everybody else.

Commissioner Curry stated that she would want to hear the opinion of private schools. She appreciated the attention to equity, but stressed the ripple effect this action may have upon affected institutions.

Commissioner Franklin stated that he believed it was equitable for schools to comply with DCSAA based on individual sport program without mandating compliance for all of the school's athletic programs. It gives the school the flexibility to participate in some sports and not participate in some sports, the Commissioner said.

Chair Overstreet-Gonzales closed the comment period for Amendment 1, rule 2700.6

Commissioner Parente discussed Amendment 2 regarding rule 2701.2, and stated that she accepted what DCSAC legal counsel had proposed in revision. The only addition would be with regard to the second sentence where it reads DCSAA will request of a custodial parent, the amendment would add the verbiage "through the member school or LEA." Commissioner Koczela and Executive Director Ray discussed waivers being sent to parental email. Commissioner Parente and Commissioner Koczela discussed what would be crossed out and added per the amendment.

Commissioner Parente discussed Amendment 3 regarding rule 2701.8(e), and echoed the intent of Amendment 1 to

ensure that the DCSAA rules are being following in their entirety. This amendment specified that all member school students must maintain a minimum 2.0 GPA for the entire season, as opposed to only when the state office is checking eligibility during the pre-season play.

Commissioner Lynch said that he did not see a need for the language proposed.

Commissioner Curry asked for clarity on what exactly is different between the extant and proposed language.

Commissioner Koczela brought up a legal comment which he put forth as being comprehensive to the intent of the extant rule.

Hearing no further questions, Chair Overstreet-Gonzales closed the discussion period and concluded the Working Group.

V. DISCUSSION AND ADOPTION OF PROPOSED ATHLETIC RULES

Chair Overstreet-Gonzales opened the floor to voting on the rules. The Chair stated that Amendment 4 had been withdrawn. There was discussion regarding whether Amendment 3 had been withdrawn and Commissioner Parente asks Executive Director Ray whether there shall be language added with regard to the submission of a Certificate of Eligibility or the roster.

Commissioner Parente discussed the 45-day term and its effect on the eligibility for playoff season regarding kids who can't play due to grade point averages. Rule 2701.3(a) is the rule that all schools must submit their Certification of Eligibility list to the state office confirming eligibility standards and GPA. Commissioner Koczela discussed adding language that leads to continuity of eligibility aligned back to 2701.3(a).

Commissioner Lynch contended that proposed Amendment 3 amounts to wordsmithing and that 2701.8 is sufficient as written.

Commissioner Lynch then referred to the motion he had initially put on the table to accept the draft guidelines. It had been seconded. He stipulated to accepting Amendment 2 and proposed tabling Amendments 1 and 3 at this time.

Commissioner Parente sought clarification on what it means to table the amendments. Commissioner Lynch requested clarification of the ramifications and impacts of Amendments 1 and 3, stating that if he were to vote he would vote them down.

Executive Director Ray proffered comments regarding the procedure of amendment of rules, which had not been amended since 2013. After such rulemaking, the proposed Handbook would be sent to the Office of the Attorney General, then to the Office of the State Superintendent of Education, then to the Mayor's Office, and then to the Council for public comment with 45 days in the DC Register. The Agency intends to move these as emergency. Thereafter, on an annual basis the Commission would accept changes and recommendations, but what is put forward today would stand on the record until next year's review period.

Commissioner Parente asserted that Amendment 3 should not be tabled today but remain subject to rulemaking.

Chair Overstreet-Gonzales reviewed the motion on amendments and requested Commissioner Lynch to restate his motion.

Commissioner Franklin seconded the motion as restated.

Chair Overstreet-Gonzales called a vote for the approval of the rules. The Vote was done by "Aye" and "Nay" and "Abstention." There were no "Nays." Commissioners Hunter and Parente abstained.

The motion carried.

Chair Overstreet-Gonzales reviewed the motion which was just passed, wherein Amendments 4 and 3 were withdrawn. There was a proposal to add a small bit of language to the proposal submitted by legal counsel. Amendment 2 was modified. Only Amendment 1 was voted on and that motion carried.

Commissioner Koczela reviewed the rules which he believed have just been moved pending action by Commission.

Program Coordinator John Webster informed the Commission that they had just acted on all of the rules.

Chair Overstreet-Gonzales attempted to move to the next business item of setting the next meeting date and opened the floor to comments.

Chair Overstreet-Gonzales called a vote to accept the amendments which were proposed, with respect to Amendment 4 of rule 2701.9(b).

Commissioner Parente moved to withdraw the amendment.

Commissioner Watkins seconded the motion.

The Vote was done by "Ayes" and "Nays" and "abstention".

The motion carried unanimously.

Chair Overstreet-Gonzales called a vote to accept Amendment 3 of rule 2701.8(e).

Commissioner Parente moved to accept the language that D.C. State Athletic Commission legal counsel had proposed, stipulating that it should read "as consistent with rule 2701.3(a)" regarding the Certification of Eligibility roster list. The Commission discussed the proposed rule.

Commissioner Watkins and Commissioner Franklin seconded the motion.

The Vote was done by "Ayes" and "Nays" and "Abstention."

Commissioner Lynch abstained.

The motion carried.

Chair Overstreet-Gonzales called a vote to accept Amendment 2 of rule 2701.2 with modifications.

Commissioner Parente moved to accept the DCSAA legal counsel's proposed language for Amendment 2 with the addition in the second sentence, "DCSAA will request through member school or LEA the custodial parent or custodial guardian of the student athlete, or the student athlete if the age 18 or above, to sign a consent of release for information authorizing the release of eligibility bias."

Commissioner Wills seconded the motion.

The Vote was done by "Ayes" and "Nays" and "Abstention."

The motion carried unanimously.

Chair Overstreet-Gonzales called a vote to accept Amendment 1 of rule 2700.6

Commissioner Hunter moved.

Commissioner Parente seconded the motion.

The Vote was done by "Ayes" and "Nays" and "Abstention."

Commissioner Parente voted "Aye."

Commissioners Wills, Watkins, Koczela, Curry, Franklin, Hunter, and Lynch opposed.

The motion did not carry.

Chair Overstreet-Gonzales called a vote to adopt the proposed draft rules dated April 16, 2018, as hereby amended.

The Vote was done by "Ayes" and "Nays."

Commissioners Wills, Watkins, Koczela, Curry, Franklin, and Lynch voted in favor.

Commissioners Hunter and Parente opposed.

The rules passed.

VI. NEXT MEETING DATE

The date of next Commission meeting was set for June 18, 2018.

VII. ADJOURNMENT

Chair Overstreet-Gonzales entertained a motion to adjourn at 7:18 p.m.

Commissioner Lynch moved.

Commissioner Curry seconded.

Chair Overstreet-Gonzales called the vote to adjourn.

The Vote was done by "Ayes" and "Nays" and "Abstentions"

The vote carried unanimously and the meeting adjourned at 7:18 p.m.