

**IOWA STATE DEPARTMENT
OF EDUCATION
(Cite as 19 D.o.E. App. Dec. 257)**

In re Douglas Wilson	:	
Patrick and Valerie Wilson , Appellants,	:	
v.	:	DECISION
Iowa High School Athletic Association,	:	
Appellee.	:	[Adm. Doc. #4351]

The above-captioned matter was heard telephonically on April 24, 2001, before Susan E. Anderson, J.D., designated administrative law judge, presiding on behalf of Ted Stilwill, Director.

Appellants, Patrick Wilson and his wife, Valerie, were present telephonically and were represented by Mr. Wilson, who is an attorney. Appellee, Iowa High School Athletic Association [hereinafter, "IHSAA" or "the Association"] was also present telephonically in the persons of Bernie Saggau, executive director; and Rick Wulkow, administrative assistant. The Association was unrepresented by counsel.

Jurisdiction for this appeal is found at Iowa Code section 280.13 (2001) and 281 Iowa Administrative Code 36.17. An evidentiary hearing was held pursuant to departmental rules found at 281 Iowa Administrative Code 6. The administrative law judge finds that she and the Director of the Department of Education have jurisdiction over the parties and subject matter of this appeal. 281 IAC 36.17.

Appellants seek reversal of a decision of the Board of Control of the Association made on April 11, 2001, which declared their son, Douglas Wilson, ineligible to compete in tennis during the spring semester of 2001.

**I.
FINDINGS OF FACT**

Douglas Wilson ["Doug"] is currently a high school senior attending Marshalltown High School. He is scheduled to graduate at the end of the 2000-2001 school year. He is 18 years old.

Doug has attended Marshalltown High School during his entire high school career. He participated in tennis during the spring semester of his junior year. For the past six years, Doug has played roller hockey at the local skating rink. He has participated in the Iowa Games in roller hockey as well. Last fall, he obtained employment at the local Staples store where he is still an employee. Doug also co-owns and operates a coin-operated vending machine located in a local business building. In the past year, he has taught himself to play the guitar and is currently receiving formal guitar

lessons. Douglas has a band that plays at various teen functions in the Marshalltown area. He has had no disciplinary or academic problems in high school.

Doug played tennis at Marshalltown High School for the first time in the spring of 2000. He had not previously participated in high school sports. In the spring of 2000, Doug met with his high school guidance counselor, Nancy Ginapp, to go over his schedule of classes for the 2000-2001 school year. There was conflicting testimony on whether or not Doug and Mrs. Ginapp had a conversation about Doug's plans to participate in tennis during the spring semester of 2001. Doug testified that he informed Mrs. Ginapp that he would be going out for tennis again in the spring of 2001. Mrs. Ginapp testified that she did not know that Doug was participating in tennis until after the season had begun.

The Marshalltown High School *Student Handbook* provides:

Academic eligibility for athletes as determined by the State of Iowa Department of Education is as follows: 'All contestants must ... have earned 20 semester hours credit toward gradation the preceding semester and shall be making passing grades in subjects for which 20 semester hours credit is given for the current semester as determined by local policy.' 'Twenty semester hours means four subjects of 1 period of 1 'hour' each day, five times per week, for one semester or the equivalent.'

Id. at p. 40. Doug testified that he had received a copy of the *Student Handbook* but that he had not read it.

Doug signed up for the following four classes for the fall semester of 2000: Psychology, Mathematics, Film Analysis and Physical Education. Doug thought that by taking those four classes, he would have sufficient credit to be allowed to participate in tennis the following semester. Doug did not realize that Physical Education was only one-fourth of a credit since it met two or three times per week. Mr. and Mrs. Wilson were unaware that Doug would need two credits for the fall semester to be allowed to participate in tennis. Three of the four classes carried $\frac{1}{2}$ credit each, which translates into a total of 15 semester hours' credit under the *Student Handbook* language. The fourth class, physical education, carried $\frac{1}{4}$ fourth credit, which translates into $2\frac{1}{2}$ semester hours credit, for a grand total of $17\frac{1}{2}$ semester hours credit, $2\frac{1}{2}$ hours short of the 20-semester hours required for athletic eligibility. He received passing grades for those $17\frac{1}{2}$ semester hours.

On Wednesday, April 4, 2001, Doug came home early from tennis practice. His coach had told him that he was not eligible to play because he did not have sufficient class credits from the fall semester.

On April 24, 2001, the Association's Board of Control voted to deny eligibility to Doug for the spring semester on the basis of 281 Iowa Administrative Code 36.15(2)(c), which states in pertinent part:

- c. All contestants shall be enrolled students of the school in good standing, they shall have earned 20 semester hours' credit toward graduation in the preceding semester and shall be making passing grades in subjects for which 20 semester hours' credit is given for the current semester as determined by local policy.

The term "preceding semester" means that semester immediately preceding the semester the student wishes to participate in athletics. Twenty semester hours means four subjects of one period or "hour" each, daily, five times a week for one semester or the equivalent. ...

281 Iowa Administrative Code 36.15(2)(c).

During the appeal hearing, there were some discussions about the possibility of Doug's becoming the tennis team's student manager and/or practicing with the tennis team if he cannot compete.

II. CONCLUSIONS OF LAW

The State Board of Education has adopted rules regarding student athletic eligibility pursuant to the authority contained in Iowa Code section 280.13 (2001). Those rules are found in 281—Iowa Administrative Code 36. The rules are enforced by the schools themselves and by the coaches, subject to interpretations and assistance from the Iowa High School Athletic Association (for male athletes) and the Iowa Girls' High School Athletic Union (for female athletes). Pursuant to 28E agreements, the Association and the Union enforce the rules by their official determinations, subject to appeal to the Director of the Department of Education.

The eligibility rule at issue in this case is 281 IAC 36.15(c), which reads, in pertinent part, as follows:

- c. All contestants shall be enrolled students of the school in good standing, they shall have earned 20 semester hours' credit toward graduation in the preceding semester and shall be making passing grades in subjects for which 20 semester hours' credit is given for the current semester as determined by local policy.

The term “preceding semester” means that semester immediately preceding the semester the student wishes to participate in athletics. Twenty semester hours means four subjects of one period or “hour” each, daily, five times a week for one semester or the equivalent. ...

Id.

The decision in *In re Terry Thill*, 3 DP.I. App. Dec. 88 (1982), states the purpose of the 20 semester credit hours rule as follows:

Participation in interscholastic activities is merely a privilege extended to high school students in Iowa. *See, Board of Directors v. Green*, 147 N.W. 2d 854, 860 (1967). It must not be forgotten that academic progress should be the foremost priority of high school students.

Id. at 90.

It is undisputed that Doug did not earn 20 semester hours of credit during the previous fall semester. Marshalltown High School had given him notice of the requirement in the student handbook. Although it is unfortunate that there might have been a miscommunication between Doug and the guidance counselor, neither the Association nor the Department of Education controls those communications. The Association, therefore, appropriately declared Doug ineligible to compete during the spring 2001 semester.

Any motions or objections not previously ruled upon are hereby denied and overruled.

III. DECISION

For the foregoing reasons, the April 11, 2001, decision of the Board of Control of the Iowa High School Athletic Association, declaring Douglas Wilson ineligible to compete in tennis during the spring semester of 2001, is hereby affirmed. There are no costs of this appeal to be assigned.

DATE

SUSAN E. ANDERSON, J.D.
ADMINISTRATIVE LAW JUDGE

DATE

TED STILWILL, DIRECTOR
DEPARTMENT OF EDUCATION