

IOWA STATE BOARD  
OF EDUCATION  
(Cite as 7 D.o.E. App. Dec. 335)

In re Jason Jewett :  
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 John and Judith Jewett, :  
 Appellants, :  
 :  
 v. DECISION :  
 :  
 Iowa High School :  
 Athletic Association, :  
 Appellee. [Admin. Doc. #2095]

The above-captioned matter was heard on February 12, 1990, before a hearing panel composed of David H. Bechtel, special assistant to the director of education, and presiding officer; Mr. Charles Green, consultant, Bureau of Practitioner Preparation and Licensure; and Mr. William Bean, assistant chief, Bureau of School Administration and Accreditation. Appellants were present in person, unrepresented by counsel. Appellee Iowa High School Athletic Association (hereafter IHSAA or the Association) was present in the persons of Bernie Saggau, executive secretary, and David Harty, assistant executive secretary.

Appellants appealed from a decision of the IHSAA denying an extra year (two semesters) of athletic eligibility for their son, Jason. An evidentiary hearing was held pursuant to procedures found at Iowa Administrative Code 281--6. The appeal arose under a provision of the Iowa Administrative Code which authorizes the Association (or the State Board of Education by appeal) to grant an additional year of student eligibility for athletics, beyond the four years (eight semesters) all qualified students have a right to, for "extenuating circumstances such as health." The Association's denial was made in the form of a letter from Mr. Saggau dated December 5, 1989, following the Board of Control's decision on December 4, 1989. Appellants timely appealed.

I.  
Findings of Fact

The presiding officer finds that he and the State Board of Education have jurisdiction over the parties and subject matter of this appeal.

Jason Jewett was born on August 3, 1972. Although he had a "late birthday" and was small in size compared to his peers, his parents made the decision, on the advice of teachers, to enroll him in kindergarten shortly after his fifth birthday, although they realized they were not required to do so and could have waited another year or even two years.

Jason attended Des Moines Public Schools and was enrolled at Hoover High School as a ninth grader in 1986-87. At this time he was 4'10" and weighed 86 pounds. He showed no signs of entering puberty. Believing himself to be too small to play football, he went out for wrestling and made the varsity squad, wrestling at 98 pounds, 12 pounds over his actual weight. His record that year was 7-10.

Socially and emotionally, Jason did not feel fully a part of high school in that year at Hoover. At hearing Jason described his feelings then as "scared, inferior, lower than the rest of the kids." During the course of the year he still showed no signs of reaching puberty, and he was disinterested in dating, parties, and the high school social scene in general. He was embarrassed to shower with classmates, and his physical stature made him feel inadequate.

Jason's mother described him in that year as being confused, disorganized, and uncomfortable with his peers, which his parents attributed to his low self-image rather than as merely signs of adolescence. The family discussed the situation openly and decided that the best solution was for Jason to repeat ninth grade. Academically, Jason was progressing fine, so it is clear the decision to retain him was made for maturity reasons rather than grades.

The thought of going into ninth grade again at Hoover while his peers went into their sophomore year greatly concerned Jason. The family decided to enroll him at Dowling where his situation would not be known to the student body.

In his second ninth grade year, his first at Dowling, Jason again went out for wrestling. His weight had increased to 91 pounds and he had grown an inch to 4'11", but at Dowling he only made the junior varsity squad, where he wrestled again at 98 pounds. Socially, Jason was much more comfortable, and he developed peer friendships and relationships. The move to Dowling appeared to be successful.

However, on Christmas eve, 1987, Jason suffered a serious injury at practice. An artery was severed in his left arm. This was five weeks into the wrestling season. He had participated in thirteen of fifty scheduled meets, winning eleven of them. As a result of his injury, he was out for the season and received therapy through August, 1988.

Tests done by his treating physician revealed that although he was fifteen and a half years old, Jason's "bone age" was thirteen and a half. In other words, he was still two years under normal (average) physical development for his age. Medically this was referred to as "constitutional delay of puberty." Jason began a series of testosterone shots to try to accelerate the onset of puberty and thus promote greater physical growth.

Jason returned to school following surgery, missing only one week of classes, in part due to holiday break. He did, of course, miss 75 percent of the wrestling season.

In his second year at Dowling, 1988-89, Jason participated fully and did well, both academically and athletically. He also felt much better, more accepted, socially. He continued a slow physical development through

his junior year, where he wrestled at 112 pounds although his normal body weight was then approximately 120 to 124. At the time of hearing he was in his eighth semester of eligibility.

Appellants state that an exception should be made to allow Jason one or preferably two more semesters of athletic eligibility because of Jason's unusual growth pattern evidenced medically as "constitutional delay of puberty," which they characterize as a health condition. Compounding this condition was the fact that Jason only wrestled in one fourth of the scheduled meets in his sophomore year at Dowling due to his injury. Thus, if he were granted one additional year of eligibility, he would still only have participated in slightly more than the eight semesters given to all qualified students.

The Association, through the evidence and testimony provided by Mr. Saggau and Mr. Harty, takes the position that the rule exception for "extenuating circumstances, such as health" has been consistently interpreted narrowly. In the few cases where requests have been made, the only approvals occurred when a student was totally out of school due to illness or health-related situations. Mr. Saggau stated that by anyone's count Jason has had four years of eligibility. "Although an injury kept him from competing for one season, that is not unusual" and thus is not an "extenuating circumstance."

Mr. Saggau also warned that if the State Board approves Appellants' request in this case, that "redshirting," or sitting out of school for a semester or year for purposes of gaining a physical (developmental) advantage could become common. The Association also reminded the hearing panel of the State Board's rule to the effect that attendance for twenty days or participation in even a portion of one event constitutes participation for an entire semester. Thus, the semester when Jason was injured (Fall 1987) he used a semester of eligibility by participating in 13 meets. The semester following his injury Jason was in attendance at school for more than twenty days, thus he used a semester of eligibility there. Without question, Jason Jewett has had eight semesters of athletic eligibility to date.

## II.

### Conclusions of Law

The sole issue before the hearing panel and State Board of Education is whether Jason's physical and medical condition of "constitutional delay of puberty" constitutes "extenuating circumstances" sufficient to be justification for granting Appellants' request for another two semesters of eligibility. The rules at issue read as follows:

. . . Twenty days of attendance in any semester, or participation in any part of an athletic contest on a team representing the student's school, shall be regarded as a semester of attendance and a semester of athletics.

A student who meets all other qualifications may be eligible to participate in interscholastic athletics for a maximum of eight consecutive semesters upon entering the ninth grade for the first time. Extenuating circumstances, such as health, may be the basis for an appeal to the executive board which may extend the eligibility of a student when it finds that the interests of the student and interscholastic athletics will be benefited.

Id. at 36.15(2)(c).

Thus the threshold question concerns meeting the "extenuating circumstances" standard. If that is met, the executive board must also find that "the interests of the student and interscholastic athletics will be benefited." In this case, the Executive Board of the Association found that Jason's health status did not constitute extenuating circumstances. We reluctantly agree, although the hearing panel is not in accord with the Association that granting Jason's request would amount to sanctioning the practice of redshirting.<sup>1</sup>

In an earlier case, the State Board asked the Association's Executive Board to be considerate of the "such as health" language of the rule, stressing that health is not the sole criterion on which to grant additional eligibility. In re Dennis Vacha, 3 D.P.I. App. Dec. 143 (1983). The "such as" terminology, indeed the very creation of an exception, is there in acknowledgment of the fact that there may be a myriad of un-imagined, unanticipated, rather unique circumstances that could arise in a student's life. The rule exception cannot contemplate them all. The Association is reminded to be aware of this and should not read the rule so narrowly that no student ever meets the standard.

As we stated above, however, although this is a close case, we agree with the Association. If a survey could be taken, it very possibly would show that many or most boys who wrestle at 98 pounds or 103 pounds are victims of late onset of puberty. While we admire Jason's family

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<sup>1</sup> The practice of "redshirting" is more common in collegiate athletics where age is not a factor. (The Iowa rules for athletic eligibility establish that a student may not compete past the age of nineteen. Iowa Admin. Code 281--36.14(2).) Moreover, there is considerably less pressure to graduate from college in four years than there is to graduate from high school in the same period of time. Finally, we doubt seriously that there would be more than a few students, out of the thousands who participate in high school sports, who would choose voluntarily to stay out of school for one year in order to gain a physical advantage in athletics, or who, like Jason, would repeat a year of high school.

Note that a student who failed academically would not likely meet scholastic eligibility requirements (see Iowa Admin. Code 281--36.14(3)), and a student who dropped out of school and returned would not likely be successful in an appeal for additional eligibility. See In re Dennis Vacha, 3 D.P.I. App. Dec. 143 (1983); In re Terry Thill, 3 D.P.I. App. Dec. 190 (1983).

tremendously for their closeness, their ability to speak frankly, and vision and concern for Jason's emotional well being, the fact is that the decision to retain him after he began high school is the only unfortunate circumstance present here, aside from his injury. The fact that Mr. and Mrs. Jewett made the decision with Jason when they did is, in our eyes, proof that there was no attempt to provide Jason with a physical advantage in athletics. The irony is, had they made the decision one year earlier, even for the wrong reasons, Jason would have been able to wrestle in four successive years concluding as a senior instead of as a junior.

The language of the exception was intended to cover situations where a student might miss one or more semesters due to serious illness that impeded his or her education as well as ability to participate. We are constrained to conclude that Jason's physical immaturity, even characterized in medical terms, is not such a circumstance justifying an additional year of eligibility. His injury, unfortunate as it was, is certainly not unusual among athletes and, therefore, also fails to meet the standard.

We commend the Jewetts for their rational, articulate presentation, and congratulate Jason on his successful wrestling career.<sup>2</sup>

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

### III. Decision

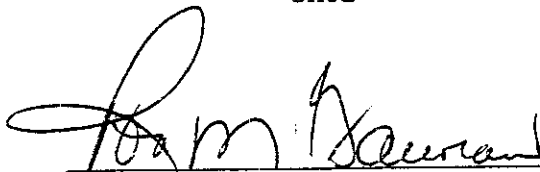
For the foregoing reasons, the decision of the executive board of the Iowa High School Athletic Association, denying Jason A. Jewett an extra year (two semesters) of athletic eligibility, is hereby affirmed. Costs of this appeal, if any, are hereby assigned to Appellants.

5-11-90

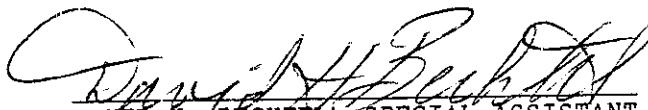
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May 3, 1990

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RON MCGAUVRAN, PRESIDENT  
STATE BOARD OF EDUCATION



DAVID H. BECHTEL, SPECIAL ASSISTANT  
TO THE DIRECTOR  
AND PRESIDING OFFICER

<sup>2</sup> Subsequent to the hearing and decision in this case, but prior to the issuance of this written decision, Jason Jewett won the individual state wrestling championship at 112 pounds; thus his high school career definitely ended on an outstanding note.