

IOWA STATE DEPARTMENT
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 38)

In re Mark Stevens

Mr. & Mrs. David Stevens, Appellants

v.

Iowa High School Athletic Association
Appellee

DECISION

[Admin. Doc. 495]

The above entitled matter was heard on June 19, 1979, by a hearing panel consisting of Dr. James Mitchell, deputy state superintendent; Mr. David Bechtel, administrative assistant; and Mr. Gayle Obrecht, director, administration and finance division. Dr. Mitchell served as presiding officer pursuant to Section 257.22, The Code 1979. The Appellants were present and represented themselves, and Mr. Bernie Saggau represented the Iowa High School Athletic Association (hereinafter Association). The parties agreed to waive the notice of hearing requirement. The hearing was held pursuant to Departmental Rule 670--9.17, Iowa Administrative Code. The Appellants appealed a decision of the Association regarding the athletic eligibility of their son.

I.

Findings of Fact

The Hearing Panel finds that it and the State Board of Public Instruction have jurisdiction over the parties and subject matter.

Mark Stevens was a senior in the Northwood-Kensett Community School District during the 1978-79 school year and graduated at the conclusion of the school year. In the early spring of 1979, Mark participated in the State Wrestling Tournament and as a result of his wrestling ability, was invited to participate in a North-South all-star wrestling contest in Charles City, Iowa, on June 2, 1979. Shortly after accepting the invitation to the Charles City all-star contest, Mark received an invitation to another all-star contest. The second invitation alerted Mark's parents to the fact that students participating in all-star contests may jeopardize future high school athletic eligibility. Through phone calls and written correspondence with David Harty, the Association's Assistant Executive Secretary, Mark's parents confirmed the likelihood of their son becoming ineligible for summer baseball because of all-star competition.

Mr. Stevens requested the opportunity to appear before the Association's Board of Control to discuss the issue of his son's potential ineligibility for summer baseball and on May 22, Mr. & Mrs. Stevens appeared at a meeting of the Board of Control to present their position. After due discussion and deliberation, the Board of Control determined that the Appellants' request for waiver of the all-star rule for Mark be denied and Mr. and Mrs. Stevens appealed that decision to the State Board of Public Instruction.

At the hearing before the Panel, Mr. Saggau testified regarding the development of the current Department of Public Instruction rule regarding all-star contests. He stated that the current rule was originally developed in 1965 by a committee of school and Department of Public Instruction officials who reviewed all state activity association rules and

determined that all-star contests were detrimental to individual students and to high school athletics. The committee apparently found little tangible value in all-star contests and determined that many such contests were organized to exploit high school athletes for the primary benefit of the organizers. A poll taken of Association member schools at that time showed 84% opposed to all-star contests. Mr. Saggau stated that sometimes the organizers of all-star contests did not carry appropriate insurance or provide other protection for participants. Because all-star contests were in many cases not held during the regular sport season, there was also the problem of whether the students were in proper physical condition to compete. Mr. Saggau felt such contests presented major personal decisions to individual students. The desire was always there to compete in the all-star contest but such competition caused conflicts of loyalty to the student's school and the student's teammates.

Mr. Saggau felt that the rule was appropriate and protected against the proliferation of all-star contests. He reminded the Panel that not all similar competitions result in ineligibility. Contests and tournaments which utilize tryouts are not covered. Only when participants are chosen on the basis of past performance rather than through a competitive process, do the rules come into effect. Mr. Stevens acknowledged that there were numerous other wrestling tournaments and contests during the summer in which his son could compete without loss of baseball eligibility. Mrs. Stevens acknowledged the need for control over high school students in all-star contests, but didn't feel that it should be applicable to seniors.

II.

Conclusions of Law

The issue at hand in this appeal revolves around the application of a rule of the Department of Public Instruction regarding all-star competition, found in the Iowa Administrative Code at 670--9.18(5), to Mark Stevens. Here follows the language of that rule:

9.18(5) "All-star" contests. A student enrolled in a high school will be ineligible for 12 calendar months if the student participates in an "all-star" contest.

The definition of "all-star" is contained in rule 670--9.15(1)(h) and reads as follows:

h. "All-star" means an outstanding player on a high school team who is selected, along with outstanding players from several other high school teams to form an all-star high school team to compete against another team in a contest created for an express all-star purpose for which admission is charged.

After due deliberation on the matter, we conclude that the Association's Board of Control properly applied Departmental Rule 670--9.18(5) to Mark Stevens. There was no dispute that the contest in question was an all-star competition and that Mark was chosen on the basis of his past performance as a wrestler. Mark and his parents learned about the eligibility problem prior to Mark's participation and even obtained a ruling of the Board of Control prior to the date of the all-star competition. Mark and his parents had full knowledge of the consequences of his decision to compete in the all-star competition. We can find no basis in law or in fact for overturning the Association's decision in this matter.

Several times during the hearing the Appellants requested reconsideration of the rule and suggested that it be amended to allow all-star contest competition by seniors. This was to benefit other students who might find themselves facing the same decisions their son had faced. The appeal process established under 670--17 is not an appropriate

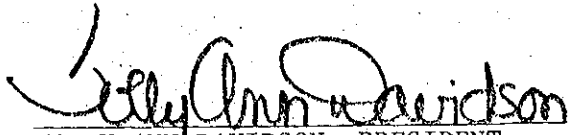
Process for seeking rule changes. That process is found in 670--52.12.

III.
Decision

The decision of the Board of Control of the Iowa High School Athletic Association in this matter is hereby affirmed.

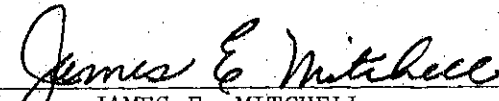
July 12, 1979

DATE


JOLLY ANN DAVIDSON, PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION

June 25, 1979

DATE


JAMES E. MITCHELL
DEPUTY STATE SUPERINTENDENT
AND
PRESIDING OFFICER