

IOWA STATE DEPARTMENT
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 292)

In re Sheila Kelsey	:	
	:	
Sheila Kelsey, Appellant	:	
	:	DECISION
v.	:	
	:	
Iowa Girls' High School Athletic Association, Appellee	:	

[Admin. Doc. 591]

The above entitled matter was heard on June 1, 1981, before a hearing panel consisting of Dr. James Mitchell, deputy state superintendent and presiding officer; Sharon Slezak, chief, publications section; and David Bechtel, administrative assistant. The Iowa Girls' High School Athletic Union (hereinafter Union) was represented by E. Wayne Cooley, its executive director. Sheila Kelsey was present and gave testimony and argument on her own behalf. The hearing was held pursuant to Departmental Rules 670-917 and Chapter 51, Iowa Administrative Code.

Sheila Kelsey has appealed a decision of the Union's Board of Directors which declared her ineligible to participate in girls summer softball.

I.
Finding of Facts

Sheila Kelsey is married and the mother of an infant child. She graduated from the Eddyville Community School District (hereinafter District) High School on May 17, 1981, and but for the question of scholastic eligibility, would be eligible to compete on the District's girls summer softball team.

During the late summer and fall of 1980, Mrs. Kelsey was pregnant and due to her pregnancy was unable to take medication to relieve a severe vascular headache condition. Due to the discomfort of the headache condition, she felt that for the second semester of the 1980-81 school year it would be best to complete her school work at home. She successfully completed her fall course load of four academic subjects with a 3.25 point grade average, but from January through March, she remained at home taking a limited academic course load. It is the circumstance surrounding the limited academic course load which has given issue to this appeal.

The issue arose in January 1981 when Mrs. Kelsey visited with the District's High School principal, Steve Ward, regarding an academic course load for the second semester. Mr. Ward apparently informed Mrs. Kelsey that while she needed to complete only two academic courses in order to graduate with her class in May, she would have to complete three academic subjects in order to be eligible for sports. Mr. Ward alluded to that information being contained in the student handbook, but

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the evidence is contradictory on whether he actually showed her the statement in the handbook. Mrs. Kelsey testified that she had previously received a copy of the school handbook, but had not looked at it. Mrs. Kelsey admits to the fact that she was told orally by Mr. Ward of the requirement that she complete three academic courses in order to be eligible for athletics. She testified that she was under the impression at the time that the eligibility requirement was local school district policy, and did not know the rule was promulgated by the State Board of Public Instruction. Mrs. Kelsey was also informed by Mr. Ward at this meeting "that as a school rule all seniors must carry at least four classes and physical education to be considered a full time student." Mrs. Kelsey and Mr. Ward discussed an appropriate four course schedule which would comply with school district's policy. At that time Mrs. Kelsey expressed concern about taking four classes in a home-bound program as she felt it would be too difficult to manage. Up to this point in the conversation, no confusion appeared to exist.

About this time, James Ryan, the district superintendent, happened by Mr. Ward's office and became engaged in the conversation. When the question of the District's four course and physical education requirement was raised, Mr. Ryan indicated that Mrs. Kelsey could be considered a part time student with open campus privileges and, therefore, could take only as many courses as she needed to graduate. It does not appear that he expressly spoke to the question of athletic eligibility, and it cannot be determined from the record whether Mr. Ryan understood at the time that Mrs. Kelsey's athletic eligibility was a consideration. The record is quite clear that Mrs. Kelsey thought that because of his authoritative position as superintendent, Mr. Ryan's statement that she needed to complete only two academic courses overruled both of Mr. Ward's statements regarding the four course requirement for graduation and the three course requirement for athletic eligibility. Mr. Ward understood that Mr. Ryan's statement regarding her taking only two classes was a waiver of only the District's four course requirement.

It is unfortunate, but the result of the January conversation was a misunderstanding on the part of Mrs. Kelsey as to the requirements she must meet in order to remain eligible for athletic competition. She felt that Mr. Ryan had told her that she need only complete two academic classes to graduate and admits that he probably did not understand that she intended to participate in softball. The record indicates that had she correctly understood the requirements for athletic eligibility, she would have made an effort to comply.

Following the conversation, Mrs. Kelsey informed Mr. Ward that she desired to be enrolled in only two academic classes. For the remainder of January and the months of February and March, she worked at home on the two subjects.

The first time Mrs. Kelsey became aware of an eligibility problem was during the first week in April when she returned to regular school attendance. She met with the school's softball coach and asked to borrow equipment so that she might practice. The coach noted that her playing uniform was old and needed to be replaced and apparently when he made a request for a new uniform to Mr. Ward, Mr. Ward indicated that there was an eligibility problem because Mrs. Kelsey was enrolled in only two courses. Mr. Ward assisted Mrs. Kelsey in drafting a letter to the Union requesting that it waive the three course rule and declare her eligible for summer 1981 softball. The letter was dated April 20, 1981, and explained that she took only two classes for health reasons.

The Union Board of Directors met on April 23 and reviewed Mrs. Kelsey's request. Following deliberations, "the Directors ruled a state of ineligibility for student Kelsey at Eddyville High School for athletic activities administered by the Iowa Girls' High School Athletic Union for reason of the student voluntarily compromising student eligibility requirements 9.14(3) as promulgated by the Iowa Department of Public Instruction."

In a letter dated April 29, 1981, Mrs. Kelsey appealed the Union Board's decision to the State Board of Public Instruction. In her letter, she stated that Mr. Ward had told her that she would need to complete three subjects in order to be eligible for sports. She also related the incident and discussion with Mr. Ryan concerning the graduation requirement of 36 credits. She further stated that the misunderstanding and misinformation has caused her to be ineligible "to participate in a sport I dearly love." She indicated her willingness to do whatever necessary to be eligible including a summer course for the extra credit. Subsequently, Mrs. Kelsey decided to ask the Union's Board for reconsideration of her request on the basis of the misunderstanding which arose at the January meeting with Mr. Ward and Mr. Ryan. The appeal to the State Board was held in abeyance pending the outcome of her request for reconsideration. Her request to the Union for reconsideration was contained in a letter dated May 4.

The Union Board gathered additional evidence and reconsidered its earlier decision. After deliberation, the Board voted to affirm its previous decision to deny Mrs. Kelsey eligibility for summer athletics. Mrs. Kelsey requested that her earlier filed appeal to the State Board be heard.

II. Conclusion of Law

Departmental rule 670-9.14(3), Iowa Administrative Code reads as follows:

All contestants shall be regular students of the school in good standing; they shall have earned fifteen semester hours credit toward graduation in the preceding semester of the school, and shall be making passing grades in subjects for which fifteen semester hours credit is given for the current semester as determined by the local school administrator.

The term "preceding semester" means that semester immediately preceding the semester in which the student wishes to participate in athletics. Fifteen semester hours means three subjects of one period or "hour" each, daily, five times a week for one semester or the equivalent. A "subject" to qualify under this rule must meet the requirements of 3.5(5) and 3.5(6).

It is unfortunate that a misunderstanding between graduation requirements and athletic eligibility arose out of the January meeting involving Mrs. Kelsey, Mr. Ward and Mr. Ryan, which resulted in the fact that Mrs. Kelsey enrolled in only two courses. However, she was told of the athletic requirement and had access to the student handbook. The Union's Board of Directors declared Mrs. Kelsey ineligible for summer athletic participation and we can find no other result. The rule is particularly clear in that eligibility for interscholastic competition is conditioned upon successful completion of fifteen semester hours of credit, normally three regular academic courses. The record is equally clear that Mrs. Kelsey has not satisfied that condition. The only possible result is that Mrs. Kelsey, having not met a condition for interscholastic eligibility, is ineligible.

III.
Decision

The decision of the Board of Directors of the Iowa Girls' High School Athletic Union in this matter is hereby affirmed.

June 11, 1981

DATE

Susan M. Wilson

SUSAN M. WILSON

President

June 4, 1981

DATE

James E. Mitchell

JAMES E. MITCHELL

DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION

AND

PRESIDING OFFICER