

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

In re Randy Goetting :

Randy Goetting  
Appellant :

v. :

Iowa High School Athletic Association  
Appellee :

Decision

[Admin. Doc. 417]

The above entitled matter came for hearing on January 25, 1978, at approximately 10:00 a.m. The appeal was heard before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. James Mitchell, deputy superintendent; and Gayle Obrecht, director, administration and finance. Randy Goetting was present as was Robert Goetting, Randy's adoptive father. Bernie Saggau, executive secretary of the Iowa High School Athletic Association (hereinafter Association), appeared on behalf of that organization. The hearing was held pursuant to Departmental Rule 670--9.17 and Chapter 670--51, Iowa Administrative Code.

Randy Goetting was declared ineligible for interscholastic athletic competition for eighteen weeks in the Ida Grove Community School District, by the Board of Control of the Iowa High School Athletic Association (hereinafter Board), under the Eligibility Requirements Rule, (670--9.14) of the State Board of Public Instruction. The ruling was timely appealed under Rule 670--9.17 by Randy through his attorney.

I.  
Findings of Fact

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

The Appellant's mother married Robert Goetting, who adopted Randy when he was about five years of age. At some later point in his life, Randy learned the whereabouts of his natural father and visited him several times. A relationship developed between the two and Randy expressed a desire to move into the Johnston Community School District (hereinafter District) to reside with his natural father. This was apparently acceptable to his natural father and mother and his adoptive father.

Randy moved into the District and was made eligible for extracurricular athletics without having to wait the usual eighteen week residency requirement. This was accomplished through a waiver of the transfer rule based upon the existence of a "broken home" [670--9.15(6)] situation and was mutually agreed to by the District, the Ida Grove Community School District, and the Association.

Randy attended about seven weeks of school and participated in five interscholastic football contests before he became eighteen years of age on October 8, 1977. Ten days later, he and three other boys left their homes and school and went to Texas. A letter dated October 27 was sent to Randy's natural father warning that Randy would be dropped from school effective that date unless something of a positive nature was communicated immediately. His natural father apparently did not respond. Randy was officially dropped by the District on October 31. At the time he left school, he was receiving failing grades in all subjects, and failing grades were recorded for all subjects at the end of the first nine week grading period which ended October 28.

On or about November 7, Randy called the District's high school principal and asked about being readmitted. He was directed to the guidance counselor. The guidance counselor told Randy that he would not be allowed to come back to school until the beginning of the second semester in January and that he would be ineligible for athletics because of his academic standing. Randy testified that he knew that it would have been difficult, but not impossible, to obtain passing grades had he been readmitted at that time. He felt he could have passed three or four of the courses. His adoptive father testified that while Randy is not a high scholastic achiever, he had successfully completed six previous semesters of academic work and that he usually worked harder at the end of a semester than the beginning. He had been previously warned of his poor grades by the District's school. Randy's desire to remain in Johnston cooled, and he returned to Ida Grove where he thought he could reenter school and again be eligible for athletics.

In the middle of December, Robert Goetting began corresponding with officials of the Association in an attempt to have Randy declared eligible. He was informed that because Randy had not received passing grades in subjects for which fifteen semester hours credit were granted the previous semester, he failed to meet the scholarship requirements for eligibility. Randy and his adoptive father appealed to the Board. The Board heard the appeal and on January 10, 1978, informed Randy and his father that Randy would be ineligible for the second semester of the current school year. The record shows that the Board felt that had Randy been receiving passing grades at the time he returned to Ida Grove, that he would have been eligible. There is nothing in the record to indicate that recruiting or any other improper motive was present which caused Randy's return to Ida Grove.

II.  
Conclusions of Law

The Appellant has not challenged the validity of the rules under which he was determined to be ineligible. He instead contends that because he was improperly denied readmission to the District's high school before the end of the semester, he should not be considered failing, that his eligibility was erroneously denied and his constitutional rights violated.

The record shows very clearly that he was not passing at the time he left the District's school and that he did not receive passing grades in at least fifteen credit hours at the end of the first semester. The particular rule involved is also clear. Here follows its most relevant language:

670--9.14(3) 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).

We feel that the Board of control properly applied the rules of the State Board of Public Instruction to the facts presented on appeal here. While we make no judgment here as to the validity of constitutional and other legal claims against persons not party to this appeal, we do not feel that the Association's Board of Control is guilty of such improper conduct in this matter.

III.  
Decision

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

February 9, 1978

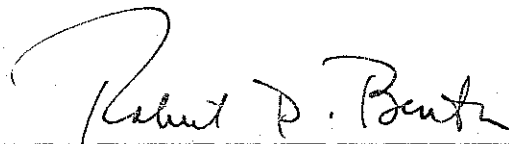
DATE



JOLLY ANN DAVIDSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

February 1, 1978

DATE



ROBERT D. BENTON, Ed.D.  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AND PRESIDING OFFICER