



Kentucky High School Athletic Association

2280 Executive Drive ° Lexington, KY 40505 ° www.khsaa.org ° (859)299-5472 (859)293-5999 (fax)

August 16, 2011

MEMO:

TO: Commissioner Julian Tackett

FROM: Assistant Commissioner Angela Passafiume

RE: Status of Current Bylaw 13 Investigation of Franklin County, Frankfort High, and Western Hills in regard to the "We Wanna Play" program.

On Monday, August 8, 2011 an article appeared in the Lexington Herald Leader entitled "Frankfort non-profit seeks to help student athletes pay their fees". The executive staff met to review the article and decided that more information was needed to determine if the monies given was a violation of Bylaw 13, particularly section 2-A-f,g, and i. A meeting was set with the athletic director from each of the involved schools for Monday, August 15 at 10:00 a.m. Rob Hecker from "We Wanna Play" was invited to join the meeting at 10:45 a.m. The intent of the meeting was to gather additional information and to point out any issues that we found in regard to Bylaw 13.

The meeting attendees were Tracy Spickard, Craig Fry, Craig Foley, Greg Lawson, Assistant Commissioner, Butch Cope and myself.

Our findings were as follows:

- The program began and money was first accepted in the spring of 2011.
- The money was not received until teams were decided and all student athletes that received aid were current members of the team.
- The free and reduced program and being a student athlete in baseball and softball were the criteria used to decide who would receive aid.
- The rosters were given to a person at the school who then compared the roster to the free and reduced lunch list to identify who was eligible. The application for free and reduced lunch was filled out before or at the beginning of the school year (at registration).
- No student athlete had knowledge of this aid before their tryout for the team.
- Craig Fry at Western Hills and Craig Foley at Frankfort both said that the money received went directly to the athletic budget and was used toward softball and baseball "qualified athletes", while Tracy Spickard at Franklin County said the money went to the baseball and softball booster club fund to be used for the "qualified athletes".
- Frankfort responded that some of the money did go to middle school athletes who play on the high school team, but that Frankfort is a 7 to 12 school, so those students are already within his building.
- When asked in what dollar amount the donation reduced the student's athletic fee, all responded that the money was not used toward the athletic fee, but toward those

“qualified athletes” spirit pack, which was described as the athletic wear purchased and worn by the team, which is not a mandatory item to play.

- When asked about Title IX all schools agreed that they knew that the money would need to be reported on their report and that the reason they chose baseball and softball was for Title IX equity.
- Western Hills reported the benefits going to help 6 softball players and 4 baseball players.
- Franklin County reported the benefits going to 2 softball players and 2 baseball players.
- Frankfort High reported that there were 13 to 15 athletes who received the benefit, but did not know the exact number, nor the breakdown.
- When asked about the financial aid report submitted for last year, both Frankfort High and Western Hills did respond to the Part 1 and 2 survey. They responded yes to the tuition question on the first financial aid survey due to some out of county students who paid tuition. Franklin County responded “no” to the Part 1 survey due to the school district charging the tuition, not the school.

Rob Hecker, the founder of “We Wanna Play”, joined us at 10:40am. He stated the intention of the program is to raise money to help middle and high school students in the Frankfort area to afford to participate in athletics. Though the donations were minimal, under \$2000 split between the three schools, he felt the program was off to a good start. His long term goal was to raise \$20,000 to distribute to more schools.

Butch Cope and I explained to the group that donated monies are under the guidelines of the schools and though the donation can be requested to be used in a certain area the school has the final decision. All agreed. We also explained that the free and reduced program was not a qualifying agency under bylaw 13. At this point the benefit that each student received would have been close to or equal to the application amount that would be charged by any approved agency under bylaw 13.

We both agree that the money was not used to reduce tuition or athletic fees, but was used to offset the cost of an additional item that does not impact the student athlete’s ability to participate. Our findings are that though none of the three schools seem to be in direct violation of section 2 g,h or i, we do find as a problem that the money was given indirectly to student athletes without the use of an approved agency, and in doing so excluded other students from the same opportunity.

The problem we see in the future is when the donation dollar amounts go up they will begin to pay for athletic fees and could be viewed as an enticement or recruitment tool. Mr. Hecker stated he was not interested in just a general blanket donation to the schools booster fund. He followed up with the attached email where he states offers a new distribution plan which still includes the use of the free and reduced lunch program.

Lastly, we explained to the group that this would be studied and more questions may be necessary. We asked Mr. Hecker to hold off on the fall donation of \$3000 until further notice.

xc: KHSAA Executive Staff