

Advisory Board Meeting – 1

Date: October 11, 2011, with follow-up call on October 12, 2011

Format: Conference Call

Attendees: Pete Cornetta, Mark Spolodoro, Kevin O'Connell, Jose Antonio Guzman, Jerome Farnan

Absent: Mukesh Chaudhury (Pete Cornetta to discuss with Mukesh on 10-12 for summary/input)

Issue: A young man's ability/eligibility to play Franklin Metro Basketball. Split family dynamic and question of how to interpret eligibility given the unique circumstances in this situation.

Facts: The advisory board first referred to the FBA by-laws for clarity on the specific criteria necessary to be eligible to participate as a player in the Franklin Basketball Association's league. The by-law reads as follows:

“Tryouts for the team are open only to the residents of the Town of Franklin. Players who are either METCO or School Choice are not eligible for Franklin Metro. Players must play for their respective grade level. FBA does not allow for players to “play up” a grade for their respective grade level.”

The advisory board unanimously agrees that the critical, relevant issue here is whether the player is a resident of Franklin, given the unique living circumstances for what appears to be a split family dynamic (see below). The rule is silent on this situation as it is currently written. It is the advisory board's understanding:

1. That the current situation with the child in question is that he attends school outside of Franklin.
2. The child lives with his mother one week (outside of Franklin) and father the next (in Franklin), but attends school in a town outside of Franklin.
3. The child is neither METCO nor School Choice.
4. This living situation has been in existence for several years and the player has participated in Franklin Metro under a similar situation. (The advisory board is not suggesting precedent takes priority, simply stating the facts as they understand them)

Recommendation: The advisory board's recommendation to the Executive Committee is threefold:

1. Allow the boy to participate as currently intended and take no action on this matter. The basis for this decision is rooted in the interpretation of the by-law that the child must be a resident of Franklin to be eligible. The child does not go to school in Franklin, but this is analogous to a child living in Franklin but attending a private school (i.e. Mercy Mount). It is the advisory board's understanding the former does not disqualify a player to be eligible. The advisory board does not believe where the boy attends school is a governing factor in this matter, but rather his residency is the key consideration. Given the child's living situation has been described to the advisory board as one week in Franklin (with father) and one week outside of Franklin (with mother), it is our recommendation that it is not the burden of the FBA to investigate the technical nature of a child's residency under these conditions. Lastly, this living situation has been in existence for several years so if it is fact that the child has been rotating weeks for a while, it further supports his living conditions have been joint for some time and the child is at least partially living in the town of Franklin.

2. It is also the recommendation of the advisory board that the Executive Committee at its next regularly scheduled meeting look into amending the by-laws to address this situation. It is the opinion of the advisory committee that the family situation here is most likely not unique and should be addressed in some manner going forward. The Executive Committee should also look to discuss the relevancy of residency versus school attendance, to at least clarify the by-laws intent and make it very clear going forward.
3. Finally, it is the recommendation of the advisory board that the Executive Committee properly communicate this situation to the participating Franklin community. It is important to develop a level of transparency in regard to how issues are to be handled in the future as it relates to the advisory board's efforts and process to make a sound recommendation and furthermore, the Executive Board's process in ultimately making a decision on any matter. It would be our recommendation that an email be drafted to generically explain this situation and the actions taken by both advisory and Executive boards that led to the final decision. We believe it is important that the parents feel a fair process is in place to deal with these types of situations and the channel of communication is open.