

BOARD MEETING MINUTES

The Board of Control of the Kentucky High School Athletic Association met at the Hyatt Regency, Lexington, Kentucky, on Wednesday, March 10, 1999. President Stan Steidel called the meeting to order at 9:30 a.m. All Board members with the exception of Roland Williams were present in addition to Commissioner Louis Stout, Ken Tippett, Anne W. Mays, Danny Reeves, Greenebaum Doll & McDonald and Kevin Mason, representing the State Dept. of Education. The Invocation was given by Mr. Steidel.

Gary Kidwell made a motion, seconded by Bill Beasley, that the Board go into Executive Session to discuss pending litigation. The motion passed.

Bill Beasley then made a motion, seconded by Kathy Johnson, to return to Open Session. The motion passed. No action was taken in Executive Session.

Mr. Mason left the meeting.

Mr. Stout recommended to the Board that Mr. Walter Heath, Interim Principal, Franklin-Simpson High School, serve as a replacement for Mr. Frank Cardwell who resigned and whose term will be up in June. Eddie Saylor made a motion, seconded by Betsy Glover, to accept Mr. Stout's recommendation. The motion passed.

Mr. Stout then announced the results of the recent Board elections: **Kathy Johnson, Bourbon County High School**, was re-elected to serve as the Designated Representative for Regions 9-16. **Gary Dearborn, Harrison County High School**, was elected to serve as Representative for Regions 9-10 and replaces Mr. Steidel. **Dale Stewart, Daviess County Schools**, was elected to serve as Representative for Regions 3-4 and replaces Walter Heath.

Betsy Glover made a motion, seconded by Bill Beasley, to accept the Hearing Officer's Recommendations on the following Appeals heard on January 19. The motion passed unanimously.

No.	Bylaw	Appellant	School	Findings
#414	6	Steven Wayne Givens, Jr.	Paul Dunbar	Ineligible
#416	6	Joshua Marvin Abner	Bourbon Co.	Ineligible*
#417	6(2)	Jelena Guzielski	Sacred Heart	Ineligible**
#418	6	Daniel Bryce Hance	Fern Creek	Ineligible
#420	6	Henry Gainey	Doss	Ineligible

*Kathy Johnston refrained from voting.

**James Sexton refrained from voting.

Bob Rogers made a motion, seconded by Betsy Glover, to remand Appeal #415 in the matter of **Grant Gabbard, Madison Central High School**, back to the Commissioner and requested him to notify all parties that the Board would hear the appeal at its meeting in Bowling Green on March 18. This hearing is based on additional information received after the appeal before the Hearing Officer on January 19. The motion passed 13-1. Therefore, Grant remains eligible to participate in interscholastic athletics at Madison Central High School until the Board of Control hears the appeal.

Betsy Glover made a motion, seconded by Eddie Saylor, to uphold the Hearing Officer's Recommendation on the following appeal. The motion passed 13-1.

No.	Bylaw	Appellant	School	Findings
#419	6	Jimmy Van Epps	Lex. Christian	Ineligible

Mr. Stout reported that he had met recently with Dr. Wilmer Cody, Commissioner of Education, regarding Title IX and the KHSAA's responsibility. He stated that it was the intention of the KHSAA to meet with all compliance officers within the school districts sometime in the near future.

There being no further business to come before the Board, President Steidel recessed the meeting until Thursday, March 18, 1999, at the University Plaza Hotel in Bowling Green.

The Board of Control of the Kentucky High School Athletic Association met at the University Plaza Hotel, Bowling Green, Kentucky, on Thursday, March 18, 1999. President Stan Steidel called the meeting to order at 10:50 a.m. All Board members, with the exception of Bill Beasley, were present in addition to Commissioner Louis Stout, Exec. Comm. Brigid DeVries, Asst. Comms. Larry Boucher and Julian Tackett, Ken Tippett, Anne W. Mays and Kevin Mason, representing the State Dept. of Education. Mr. Walter Heath attended his first meeting after being appointed by the Board to fill the vacancy of Frank Cardwell.

The first item on the Agenda, as amended at the March 10 meeting, was a hearing by Appellant **Grant Gabbard** and his parents, Mr. and Mrs. Hugh Gabbard. The Gabbards were advised that any information which they desired for the Board to consider in this case could be introduced at the hearing. The Gabbards chose to have an Open Hearing. Following questions by the Board members to the Gabbards, Betsy Glover made a motion, seconded by Cookie Henson, that the Board go into Executive Session to discuss the matter. The motion passed. Following the Executive Session, Ken Cox made a motion, seconded by Tom Bryant, to return to Open Session. Bob Rogers made a motion, seconded by Cookie Henson, that the appeal be denied. The motion passed 14-1. The Board issued the following findings of fact:

- 1) It was determined that rehabilitation services were available at Model High School upon request.
- 2) As indicated in previous testimony, it was stated that the reason for the transfer was to receive rehab during the day. However, it was determined that Grant is not receiving rehabilitation during the day.
- 3) No evidence was presented that structured rehabilitation was provided at Madison Central. It was found that rehab was provided on Thursday only; however, there have been no rehabilitation services provided during this semester.
- 4) There has been no change of residence by the parents and therefore the student does not qualify for a waiver of Bylaw 6.

As a Conclusion of Law, the Board of Control finds that to allow this student to participate in interscholastic athletics would establish an undesirable precedent and would be a detriment of the Association's rules and regulations. The Board further orders that the Hearing Officer's recommended order be set aside, and that Grant Gabbard be declared **ineligible** to participate in interscholastic athletics at Madison Central High School for a period of one year from August 18, 1998.

President Steidel recessed the meeting until 8:30 a.m., Friday, March 19th.



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