

TULSA PUBLIC SCHOOLS

Investigation: Booker T. Washington High School Athletics Program

CONTAINS CONFIDENTIAL AND LEGALLY PROTECTED
INFORMATION

10/28/2009

Tulsa Public Schools' investigation into alleged violations of OSSAA, state and district rules and guidelines governing student activities. Recommended sanctions for eligibility and recruiting violations.

Table of Contents

Investigation Timeline.....	3
High School Superintendent’s Report of Violations to Superintendent of Schools	17
Eligibility Violations.....	18
Recruiting Violations.....	18, 19
High School Superintendent’s Recommended District-Imposed Penalties	
Booker T. Washington Athletic Programs.....	20-23
APPENDIX A – OSSAA RULE 9	
Prohibition on Recruiting or Influencing for Athletic Purposes.....	24-27
APPENDIX B – OSSAA RULE 8	
Establishing and Maintaining Athletic Eligibility by Residence or School Selection	28-36
APPENDIX C - TPS School-To-School Transfer Policy	37-39
APPENDIX D - TPS Rules for Admittance to Booker T. Washington High School.....	40-43
APPENDIX E - TPS Board Regulation 3316-R, Athletics (Relevant Excerpts).....	44-48
APPENDIX F – OSSAA RULE 3 (Relevant Excerpts)	49
APPENDIX G – OSSAA RULE 13 (Relevant Excerpts).....	51

Booker T. Washington Investigation Timeline
Presented to Superintendent Dr. Keith Ballard
Wednesday, October 28, 2009

CONTAINS CONFIDENTIAL AND LEGALLY PROTECTED INFORMATION

On or about October 11, 2009, Tulsa Public Schools Athletic Director Dr. Stephanie Spring (TPS AD) received a call from an assistant athletic director in [town to be referred to as “Neighboring Community”] asking her to look into a Booker T. Washington High School (BTW) student’s eligibility and transportation to and from school. The caller alleged [Student 1] had been routinely riding 45 miles to and from Booker T. Washington High School with a BTW football coach.

Both the TPS AD and Assistant Athletic Director for TPS Jon Wheeler (TPS AAD) were away from the office until October 13, 2009.

[Please note that throughout this report students will be referred to by numbers. The “key” to the numbers is held by high school area superintendent Kevin Burr.]

On October 13, 2009, TPS AD directed TPS AAD to obtain a copy of the New Student Form on Student 1 from BTW Co-Athletic Director and Head Football Coach Antwain Jimmerson, Co-Athletic Director Ioder “Butch” Fisher and Principal Micheal Johnson. TPS AAD made the request via e-mail at 2:21 p.m.

On October 14, 2009, TPS AD instructed Jimmerson, Fisher and Johnson via e-mail to not allow Student 1 to play football until his eligibility could be confirmed. Also on October 14, TPS AAD obtained a copy of the new student form from Jimmerson and delivered to TPS AD. The form had been completed and signed by BTW administrators and Student 1’s parent on October 13.

On October 14, 2009, TPS AD called Michael Johnson to discuss Student 1’s eligibility situation. Mr. Johnson responded, “Refresh my memory. Which player are we talking about?” This was less than 24 hours after he had signed Student 1’s new student form as requested by the TPS AD and AAD. During this conversation, Mr. Johnson and TPS AD also discussed eligibility procedures and paperwork for out-of-district high school athletes. Mr. Johnson’s response was that he did not know the guidelines applied to ninth-graders even though ninth graders are clearly high school students.

On October 14, 2009, TPS AD declared (via e-mail to Jimmerson, Fisher and Johnson) Student 1 ineligible pending further investigation.

On October 15, 2009, TPS AD spoke via telephone to Student 1’s mother, who confirmed the student’s residence in a Neighboring Community and also confirmed her son was being transported to school each day by BTW football coach Scott Gilkey. During the conversation, the mother of Student 1 mentioned another BTW student, Student 2, was also being transported approximately 45 miles to and from BTW by Coach Gilkey. Student 2’s athletic participation was not known at the time.

On October 15, 2009, TPS AD informed Jimmerson, Fisher and Johnson via e-mail that Student 1 was not eligible for varsity sports but could have been eligible for non-varsity [junior varsity/ninth grade] competition, had the proper paperwork been completed. TPS AD also requested Student 1’s athletic participation record and informed the BTW staff they could face sanctions for violating Oklahoma Secondary School Activities Association (OSSAA) Rule 9 (see Appendix A) because the student was

routinely riding to and from school with a football coach. TPS AD stated she was awaiting an explanation from the Student 1's mother regarding transportation arrangements.

Also in the October 15 e-mail, TPS AD informed BTW staff she had discovered Student 2 was being transported to and from a neighboring community and asked if that student was participating in any sports.

On October 20, 2009, TPS AD received an anonymous phone call regarding a ninth grader, Student 3, who lives in a neighboring school district but is participating as a kicker in the BTW football program.

On October 20 at 12:17 p.m., TPS AD sent another e-mail to Jimmerson, Fisher and Johnson, as well as BTW Assistant Principal Rachael Stacy, with a cc to Superintendent Dr. Keith Ballard, Superintendent of High Schools Kevin Burr (TPS HSS), Deputy Superintendent HJ Green and Assistant Superintendent of Operations Dan Willett. The e-mail was marked with high importance. TPS AD again asked for information on athletic participation history for Students 1 and 2, OSSAA paperwork on the two students (if it existed at the time of the request). TPS AD re-emphasized that neither student was eligible at any level, in any sport, until cleared by the district athletic office.

In the October 20 e-mail, TPS AD reported the anonymous call about Student 3 and requested immediate documentation of his athletic participation.

The October 20 e-mail reiterated prior requests and emphasized the need for immediate response on all three students so that a report could be made to the OSSAA.

In the October 20 e-mail, the TPS AD declared Student 3 ineligible until cleared by the district athletics office. TPS AD stated that BTW clearly had issues with ninth-grade out-of-district transfer athletes and that the BTW athletic program may face corrective action from the OSSAA.

The October 20 e-mail requested a list of any students participating in OSSAA activities and requested that Ms. Stacy, since she is in charge of the admissions process, provide a list of every student, grades nine through 12, who attend BTW on an out of district transfer and how they were admitted.

The October 20 e-mail further requested copies of new student forms and changing school forms, provided they existed at the time of the request. The e-mail emphasized the immediacy of the request in order to determine whether/what violations had occurred, how many students were involved in order to report any violations and determine self-imposed sanctions, if necessary, to the OSSAA. TPS AD stressed the district could not report to the OSSAA until all of the facts and information were provided.

On October 20, 2009, at approximately 12:30 p.m., TPS AD visited with TPS HSS to request his assistance with the investigation. TPS AD informed HSS of the probability that three out-of-district students were allowed to attend BTW and participate in athletic events and that no OSSAA transfer paperwork had been completed for any of the three students. From this discussion, HSS becomes heavily involved in the investigation.

TPS AD and HSS launch a full-scale investigation into any improprieties that may have occurred at BTW. Information begins arriving in pieces from BTW staff throughout the remainder of the afternoon and evening on Tuesday. Several e-mail exchanges with BTW staff are necessary to obtain all the information requested. Additional requests are necessary to continue getting all the information. Many times, incorrect information (that wasn't requested) was sent in lieu of what actually was requested.

Dr. Ballard, HJ Green and Bob Burton, Sr. are officially informed of the investigation and allegations.

The following Statement is from Kevin Burr, Superintendent Over High Schools

Tuesday, October 20, 2009

Dr. Stephanie Spring alerted me to the probability that three out of district student-athletes were allowed to attend BTW. These students were allowed to participate in athletic events for BTW and that no transfer paperwork, as required by OSSAA rules, was done for them.

- *Two students currently live in a neighboring community and one is living in an adjacent district.*
 - *Student 1 – ninth grader (football player) – Neighboring Community*
 - *Student 2 – ninth grader (Softball player) – Neighboring Community*
 - *Student 3 – ninth grader (football player) - Adjacent District*
- *Further, the Students 1 and 2 are receiving transportation from an assistant coach. Student 2 is the coach's daughter.*

Dr. Spring immediately begins requesting (via -mail) information from the principal (Micheal Johnson) and site ADs (Antwain Jimmerson and Butch Fisher) relating to the participation of these athletes. She requests information relative to:

- *Contest participation by each individual*
- *Evidence of transfer paperwork (later found to be non-existent at that time)*
- *Lists of all out of district students attending BTW*

Dr. Spring and I launched a full-scale investigation into any improprieties that may have occurred at BTW. Information begins arriving throughout the remainder of the afternoon on Tuesday [October 20] through Thursday [October 22]. Many e-mail exchanges are necessary to retrieve all the information being requested.

Additional requests are necessary to continue getting all the information. Many times, incorrect information (that wasn't requested) is sent by the above BTW staff in lieu of what actually was asked for.

I spoke with Micheal Johnson mid-afternoon by phone and asked him to expedite the sending of this information. During our conversation he expressed to me that he "didn't know that new students (ninth graders) had established themselves anywhere else until they entered high school the first time." "None of us – Butch, Antwain, me – knew that students couldn't attend wherever they wanted the first time (as ninth graders)."

I explained to Micheal the difference between an out of district student (OOD) and an in-district student (first time ninth grader). I reminded him that out of district students require “transfer paperwork” to be signed from the “sending school” (home district) and the in-district new ninth graders don’t (since they live in the district they’re attending school in). As well, I told Michael it would be in his best interests to remove Antwain from the collection of information to remove any potential conflict of interest.

I went to BTW to visit the school and to speak with Micheal personally to ensure that he understood the seriousness of this matter. When I arrived, I found him in conference with Rachel Stacy regarding this.

I asked both of them about the procedures for accepting OOD students. It was then that I learned that the process for exercising “principal’s discretion” (5% rule) was used without input from the acceptance committee. This is a recent change in procedure (prior to Michael Johnson’s arrival at BTW). Previously, the sitting acceptance committee reviewed students with special circumstances (who applied for admission after the normal timeline) and made recommendations to the principal (for him to exercise the “principal’s discretion” authority).

Note: TPS admission procedures for BTW state as follows with regard to the five percent “Principal’s Discretion:” *“The Principal shall have the authority to admit a maximum of five percent of any entering class who are TPS residents and not otherwise qualified. These admissions decisions are to be based upon extenuating circumstances or conditions as determined by the admission teams and approved by the principal.”* As a result Students 1, 2, 3 and 4 should never have been admitted to BTW by Mr. Johnson.

As well, Micheal told me at length that no intention was meant to circumvent the OSSAA rules regarding eligibility of athletes. He said “we didn’t know we needed to do this.” I told him that while malice may not have been the intent...what is important to understand is that the site ADs (and he) should have known what the OSSAA rules were governing transfer students. In this regard it is important to note that the OSSAA rules provide as follows: “The principal or administrative head of the school shall serve as the official school representative for each member school to the Association unless the school designates the superintendent or another qualified person to serve in that capacity and informs the Executive Secretary of that designation in writing.”... “The principal of the high school, as used in the constitution and rules, shall refer to the chief administrative office of the high school. The principal and/or superintendent of the school shall be responsible for the enforcement of the constitution and rules of this Association and shall be the official representative of the school. The administration of the school shall be responsible for the eligibility of its students.”... “A principal shall, when requested, furnish to the Board of Directors or the Executive Secretary such information as may be desired bearing upon the eligibility of contestants from his/her school. A failure to comply within a reasonable time may forfeit a school’s membership in the Association. Principals will be expected to determine the eligibility of all non-athletic students who represent their schools according to these rules but will not be required to certify the names of such students to the Association office unless requested.”

On October 20, 2009 at 6:35 p.m., Rachael Stacy e-mailed BTW’s first reply to repeated requests from TPS AD. Stacy sent several subsequent e-mails over the next half hour including detailed information regarding several out of district transfer students to BTW.

The following Statement is from Kevin Burr, Superintendent Over High Schools

Wednesday, October 21, 2009

More information is gathered from BTW regarding all students who participated in athletic activities. It is learned that five ninth-grade students appear to be attending under similar circumstances, although one of these ninth grade students was an in-district student enrolled from a private school.

As well, it is learned that another student is attending BTW via principal's discretion and was admitted (without review from the BTW admissions committee) from a Tulsa private school. Student 6 was declared eligible via a hardship waiver granted by the OSSA in the first week of October.

It was learned that the hardship waiver was initially applied for (by the family) due to academic reasons. Ostensibly, the Student 6's parents chose for Student 6 to leave the Tulsa private school to attend BTW because he wanted to participate in BTW's International Baccalaureate (IB) program. This application was denied by the OSSAA because this rationale can only be used (OSSAA) when the previous school (in this case the Tulsa private school) has a program that has been discontinued – thus putting a student in a hardship that requires transfer to complete the educational program. When this first application was denied the reason for hardship was changed by the parents. A new set of hardship paperwork was sent directly to the OSSAA asking for transfer from the Tulsa private school to BTW. This hardship waiver was granted by the OSSAA (approximately) the week of October 5, 2009.

Student 6 played in the BTW v. Pryor (October 9) varsity football game and in the BTW v. Hale (October 16) varsity football game.

I learned that Student 6 had participated in BTW's spring 2009 football practices through a conversation with Jon Wheeler who recalled a newspaper article from last spring detailing Student 6's participation in the school's annual "spring game." Stephanie Spring indicated that she questioned Micheal Johnson and Antwain Jimmerson about the spring game immediately after that game and was told [falsely] by Micheal Johnson that Student 6 was a BTW student and that they (BTW) would follow OSSAA rulings regarding eligibility. It was later learned from Student 6 that he not only participated in the spring game but in 4 practices earlier that week. Student 6 states that he was "invited" to the practices by Coach Jimmerson. In an interview conducted on October 26, Coach Jimmerson stated that Student 6 only participated in the spring game and not any earlier practices.

Evidence regarding Student 6's date of enrollment at BTW is gathered from the TPS accountability office. It is learned that Student 6 was first enrolled as a student at BTW on August 20, 2009. It is also learned that, according to BK paperwork, he withdrew from the Tulsa private school on August 11, 2009. The sole reason given for the withdrawal was "not happy".

Since Student 6 was not a student eligible to participate in athletics at BTW for the spring game or spring practices because he was not enrolled at BTW in any courses, activities, or alternative programs in which credits were being earned or academic progress being made towards graduation as required by OSSAA rules. His participation with the BTW football team during a time when he was not an enrolled student in

BTW/TPS constitutes a violation of eligibility rules (OSSAA). As well – this event constituted a “try-out” for the BTW team and is a direct “Rule 9” (OSSAA) violation. Under OSSAA rules, Student 6 is considered a “recruited athlete.”

October 21 at 2:27 p.m. Michael Johnson sent TPS AD what he termed “the list of BTW students on county transfers for 09-10 school year.” He further stated, “We have listed all students and the OSSAA activities if they participated in any activity.” Mr. Johnson stated they had faxed new student and change of school forms and wrote, “I believe this will complete your request.”

At 3:59 p.m. October 21, TPS AD sent a response to Johnson, Jimmerson, Fisher, Stacey (and sent copy to Jeff Woodsen, BTW assistant principal) indicating there were other students on the list from Ms. Stacey that were admitted under Principal’s Discretion from out of district but were not included on Mr. Johnson’s report. TPS AD asked BTW administrators to provide those students’ athletic participation records.

In the October 21, 3:59 p.m. e-mail, TPS AD questioned the eligibility of the five freshman students that had been omitted from Mr. Johnson’s report. Based on the information provided by Ms. Stacey, TPS AD questioned the athletic participation history of five upper classmen admitted from within Tulsa Public Schools, as well as the athletic participation of four upper classmen admitted from private schools within Tulsa. The e-mail also listed information still required to complete the investigations into Student 2 and Student 3.

On October 21 at 6:02 p.m. TPS AD received an e-mail from Ms. Stacy (with cc to HSS, Superintendent Keith Ballard, HJ Green, Jimmerson, Woodsen, Fisher, Johnson and TPS Chief Human Capital Officer Robert F. Burton, Sr.) answering TPS AD’s questions regarding Students 1, 2 and 3. She also listed four additional students that she had discovered were from OOD. One was a freshman, three were upper classmen.

On October 21 at 8:33 p.m. TPS AD responded to Ms. Stacy’s e-mail (with cc to HSS, Ballard, Green, Jimmerson, Woodsen, Fisher, Johnson and Burton) with three follow-up questions: 1) Regarding the residence eligibility of Student 4; 2) confirming the transfer date of an upper class basketball player from a Tulsa private school (no identifier assigned); and 3) the status of paperwork on Student 5, a ninth-grade transfer student from a Tulsa private school.

TPS AD also re-stated the need for OSSAA forms (if they existed), and advised BTW administrators that it appeared various required forms were missing on several BTW athletes. TPS AD stated that the district athletic office would let them know what forms were missing for each student so their files could be completed all at one time.

The following Statement is from Kevin Burr, Superintendent Over High Schools

Thursday, October 22, 2009

The investigation and information gathering continues as evidence comes in from various sources. It is verified that the school began making weekly eligibility grade checks on student-athletes during the week of October 12 (and that the first contests affected by weekly eligibility occurred the week of October 1st). OSSAA regulations require weekly eligibility to have begun on September 14th this school year. BTW went five school weeks without making eligibility grade checks.

Witnesses have testified that they alerted the principal and site ADs to this in September (around the time that grade eligibility checks were supposed to have begun) but that Principal Micheal Johnson was reluctant to begin – as were site ADs (Jimmerson and Fisher). Fisher is quoted to have said, “Why should we be taking eligibility when no one else (in TPS) is?” Johnson is quoted as saying, “I’ll take the heat on this one, because PowerSchool isn’t up and running correctly.”

A subsequent check of 8 other TPS high schools indicates that eligibility was able to be pulled from PowerSchool beginning Sept 14. In addition, even if PowerSchool was not “up and running” it is a simple matter to obtain weekly grade checks from all faculty via the e-mail. There is simply no good reason for weekly grade checks to have not been made.

On October 22, 2009, TPS AD received an e-mail from Ioder “Butch” Fisher with the athletic participation history for students 3, 4 and 5. Based on the totality of the information received to that point, TPS AD determined five freshman students were participating as ineligible athletes in BTW athletics.

Through the course of the investigation and from information provided by Ms. Stacy, TPS AD also discovered two upper classmen were admitted to BTW under the Principal’s Discretion but were not reviewed by the admissions committee. TPS AD discovered one of the students, Student 6, was a varsity athlete. TPS AD, HSS and the TPS Board attorney began investigating the enrollment and admission of Student 6.

On October 22, 2009, TPS AD called the athletic director of a Tulsa private school (PS AD) and inquired as to when Student 6 withdrew from the private school. PS AD informed TPS AD by phone that Student 6 withdrew on August 11. He faxed a copy of the withdrawal form to the TPS athletic department at 3:12 p.m. The withdrawal document confirmed that Student 6 officially withdrew from the Tulsa private school on August 11, 2009. The document was signed by Student 6’s mother. The reason for the withdrawal was “not happy.” The form also indicated Student 6 would be transferring to BTW.

It should be noted that on or about May 24, 2009, TPS AD encountered Student 6’s mother in TPS AAD’s office. She was there to question/inquire about her son’s eligibility if he were transfer to BTW from the Tulsa private school. She was informed that, given the circumstances she described, Student 6 would not be eligible without a hardship granted by the OSSAA. She stated that they just “did not like the environment” at the Tulsa private school. TPS AD explained their situation would not meet OSSAA

hardship criteria and that, per state law (see Appendix B, OSSAA Rule 8), Student 6 would have to sit out of varsity play for 365 days. TPS AD also informed Student 6's mother, if she wanted her son to be eligible at any school other than the Tulsa private school, her family would have to make a bona fide move out of the Tulsa Public Schools district. She indicated that was not an option for them.

On Sunday, May 31, the Tulsa World published an article about the BTW spring football game. Student 6 was mentioned in the body of the article as a BTW player.

On June 1, 2009, TPS AD sent an e-mail of high importance to Antwain Jimmerson and Michael Johnson questioning whether Student 6 was enrolled at BTW. TPS AD said, based on information gathered so far, Student 6 would not be eligible to participate in varsity-level sports. TPS AD informed BTW staff that TPS AD and AAD had explicitly explained the OSSAA requirements to Student 6's mother. In the June 1 e-mail, TPS AD concern that BTW administrators and athletic staff were creating false hope for the student and the family by playing him in the varsity spring game. The e-mail further indicated TPS AD had tried to call both Jimmerson and Johnson and requested they return the calls as soon as possible.

Later on June 1, 2009, Mr. Johnson returned TPS AD's call. TPS AD questioned Student 6's enrollment status. Mr. Johnson assured TPS AD Student 6 was a BTW student and that BTW would be in full compliance with the OSSAA rules and regulations regarding this student. These statements turned out to be false. While an argument can be made that the TPS athletic staff should have further investigated these statements, district administrators are not in the habit of questioning the honesty of TPS principals or being told false statements by them.

The following Statement is from Kevin Burr, Superintendent Over High Schools

Friday, October 23, 2009

Micheal Johnson (principal) and Antwain Jimmerson were summoned to the ESC for interviews regarding the allegations and infractions. Dr. Stephanie Spring, Board attorney Doug Mann and I interviewed Johnson and Jimmerson in the Area Superintendent's conference room.

Questioning began regarding the ninth grade OOD students and the completion of transfer forms. Again, Johnson and Jimmerson maintain that they were unaware of the need to complete such paperwork because they felt that all first time ninth graders were eligible because they established their eligibility with the school they attended upon arrival there.

From OSSAA Rule 8, Section 1F: "Responsibility of Principal or Administrative Head of School: The principal or administrative head of the member school is responsible for maintaining all required forms and records concerning athletic eligibility on file at the school and available for review, and for submitting copies as may be required by the OSSAA. The principal or administrative head of school also is responsible for confirming, or ensuring that effective procedures are in place for confirming, that students participating in athletics are complying with all requirements established by the member school, the State Department of Education, and the OSSAA relating to athletic eligibility. If required forms and records to confirm athletic eligibility for a student are not available for review upon request by OSSAA, or if copies are not submitted as may be required to the OSSAA, then the student may be deemed ineligible to participate."

From OSSAA Rule 9, Section 7: “The head coach in each athletic activity for each member school additionally must sign a written certification that students participating in that activity have been informed about this Rule, that the school may be sanctioned for violations of this Rule, and that student-athletes may be subject to sanction, including the loss of eligibility, if they have enrolled at or transferred to a school that has engaged in recruiting, or allowed its employees or representatives to recruit in violation of this Rule, or if they participate in recruiting other student-athletes to enroll in or transfer to the school.”

Further questioning of Jimmerson and Johnson [in summary] about the entire situation follows:

Question (to Jimmerson):

When did you become aware that Scott Gilkey was providing transportation to Student 1?

Answer (Jimmerson):

I just found out – this week.

Question:

You had no idea that Student 1 was getting a ride from a neighboring community every day? Did you know he was from the neighboring community?

Answer (Jimmerson):

No – I just found out.

Question:

How did you think he was getting back and forth?

Answer (Jimmerson):

I didn’t know how he was getting to and from home.

Question:

What is the relationship between Coach Gilkey and Student 1?

Answer (Jimmerson):

Student 1 knows Scott’s family. They’re old family friends.

Comment (to Jimmerson):

Antwain – this is a violation of OSSAA rules. This is going to be considered a Rule 9 violation and a financial incentive to attend. This is a recruiting violation for BTW and is serious.

Question (to Johnson):

Micheal – what rationale did you use in deciding to use the principal’s discretion and accept Student 1 as a student?

Answer:

We were trying to boost our enrollment at the request of the ESC.

Question:

Why didn’t you accept the other students who were on the waiting list (that qualified – yet were not apparently considered for principal’s discretion)?

Answer:

Because I was directed to try and boost the district’s enrollment. Taking other students from the wait list would have taken students from other TPS schools and would not have increased overall enrollment in the district.

Question (to Johnson):

When did you first meet Student 1?

Answer:

I'm not sure. I think it was summer when he was up here working out.

Question (to Jimmerson):

Are you familiar with a student named Student 6?

Answer:

Yes - he's our [identifies position Student 6 plays]

Question:

When do you first remember Student 6 participating as a member of your football team? When's the first time he was a participant?

Answer:

I don't remember the exact date.

Question:

If you don't remember the exact date – give me an “about date” that he began.

Answer:

I can't give you the exact date...I don't remember. I remember he applied for a hardship over the summer. I'll have to go back and look.

Question:

Let's make this a little easier. Did he first participate this fall or was it last spring?

Answer:

I know he played in the Pryor game and the Hale game. I don't remember when he began playing for us. I'm not sure what you're asking for here. I'll have to go back and look.

Question:

When did he first (the first time) participate – even practice with you? Was it this fall or last spring?

Answer:

(No answer)

Question:

Antwain - Did Student 6 play in your spring game last year?

Answer (Jimmerson):

I can't remember

Question:

Antwain – I have a newspaper article that is dated May 31 (the day after your spring scrimmage). In it, you're quoted - talking about Student 6 and how he played in the (spring) game. I know he played in your spring game. Do you still want to tell me you don't remember?

Answer:

(No answer)

Question (from Doug Mann):

Antwain – You need to tell us whether or not he played in that spring scrimmage. Did he?

Answer (Jimmerson):

He played in our spring game.

Question:

Did he practice in all 9 other practices (in the spring)?

Answer:

I can't remember. I'll have to go back and look.

Question (to Johnson):

Mike - When did you first meet Student 6? When did you learn he was going to be a student at BTW.

Answer:

I met him sometime during the summer. The counselor brought him down with his mother and I met both of them. I remember it was June or July.

Question to Jimmerson:

Did Student 6 participate with you in the summer workouts?

Answer:

We have voluntary workouts all summer. No...he didn't participate with us over the summer.

Question (from Doug Mann):

Antwain – Why did you allow an athlete who was not a student at BTW, practice with the BTW football team?

Answer:

Because he'd been accepted (as a student).

Question (from Doug Mann):

Why did you let him play in the spring when he wasn't a student yet at BTW?

Answer:

Because we knew he was going to be a student.

Question (from Doug Mann to Micheal Johnson):

Why did Antwain know that Student 6 was going to be a student at BTW? How did he know he was going to be accepted when there were as many as 300 names still on the waiting list? Did he know you were going to use your principal's discretion to accept Student 6?

Answer:

(no answer)

Comment (to Micheal, from me):

Mike - This is going to be considered a recruitment and an eligibility violation. Student 6 had (what amounts to) a try-out for the team. This is serious. As well – your use of "principal's discretion" to allow to accept him is going to be viewed as a recruitment violation. This is very serious. (See OSSAA Rule 8, Section 1F, "Responsibility of Principal or Administrative Head of School")

Later in the day Friday – we called in Scott Gilkey to inform him of Student 2's ineligibility as well as to interview him regarding the transportation and recruitment of Student 1. He admitted to driving Student 1 to and from the neighboring community "about 75 percent of the time." His continuing response was: "Why would I jeopardize the eligibility of my daughter or my career? I want to be a head coach some day." He also said, "I didn't know that first time ninth graders couldn't go where-ever they wanted." Gilkey claims Student 1 had been "around him (Gilkey) all his life." Student 1 had served as Gilkey's "ball-boy" on the sidelines in two area districts (when Gilkey was coaching in those schools). Gilkey even served as Student 1's little-league coach.

It was learned that Gilkey serves as the BTW quarterback coach (and passing-game coordinator).

Gilkey was asked about Student 6's participation in the BTW spring game. He verified immediately that Student 6 participated throughout the spring with BTW. He alluded to Student 6's working out with the BTW team during the summer workouts. When asked about why Student 6 was allowed to participate with BTW when he wasn't a student there yet, Gilkey said, "Because I thought he'd been accepted (as a student for next year.)"

The following Statement is from Kevin Burr, Superintendent Over High Schools
Monday, October 26, 2009

oder "Butch" Fisher, Assistant BTW Athletic Director

I called Butch Fisher to the Education Service Center for an interview regarding his knowledge of the investigation and the elements within. Assistant Superintendent for Operations Dan Willett and I spoke with Fisher, who gave us essentially the same response Antwain and Micheal had given us: "We didn't know that first time ninth graders needed transfer paperwork."

I asked whose responsibility it was to do transfer paperwork on athletes at BTW and Butch told us that he and Antwain "split" the duties of AD and that he was "pretty much in charge of the fall activities so that Antwain could focus on football."

I asked Butch about Student 1 and what his knowledge was of this individual. I asked when he first became aware of Student 1's Neighboring Community residence. He told us that "I've always known he lived in Neighboring Community." I then asked him when he became aware that Student 1 was receiving a ride to school with Scott Gilkey. Butch's response was that "I've always known he was riding to school with Scott – he catches a ride since Scott's daughter goes to school here."

When we asked about weekly academic eligibility, Butch explained that BTW hadn't begun taking eligibility until the week of October 12 because "Powerschool wasn't up and running. We didn't have a way to do it." When we asked about doing it the "old fashioned way – by hand," Butch said that BTW wanted to "see what the other schools were doing." He explained that weekly eligibility was always done by Geoff Woodson (Assistant Principal) and that he (Butch) didn't have anything to do with it. I asked him who provided the list of students involved in athletics to Geoff and Butch said that he wasn't sure who got them to them."

We talked about responsibility for knowledge of OSSAA rules and regulations and Butch told us repeatedly that "there's no way anyone can know all those rules." I asked him directly if he'd read the OSSAA manual regarding eligibility and he said, yes "but I can't be expected to memorize all of it." He repeatedly told us that he could not be held responsible for knowing the OSSAA rules and regulations. I told him that he does have that responsibility and that he likely will be ultimately held responsible for knowing them.

Kevin Burr and Compliance Officer Roger Holder's Interview of a BTW Site Administrator

The interview focused on the discovery, responsibility and knowledge of Student 2's enrollment at BTW. The site administrator confirmed that the site athletic directors were responsible for confirming and supplying athletic transfer eligibility.

The site administrator also said BTW did not begin weekly academic eligibility reports until October 12.

The site administrator said the principal was notified of Student 6's mother believing Student 6 would be attending BTW without being reviewed and accepted by the BTW admissions committee.

From TPS Rules for Admittance to Booker T. Washington and Edison Preparatory School, Qualifications for Admission: The Principal shall have the authority to admit a maximum of five percent of any entering class who are TPS residents and not otherwise qualified. These admissions decisions are to be based upon extenuating circumstances or conditions as determined by the admission teams and approved by the principal.

From OSSAA Rule 3, Section 2a: “Scholastic eligibility for students will be checked after three weeks (during the fourth week) of a semester and each succeeding week thereafter. School may choose to run eligibility checks on any day of the week. The period of probation and ineligibility will always begin the Monday following the day eligibility is checked.”

The site administrator stated that she had several “heated” conversations (which she documented) with Coach Jimmerson saying, “This isn’t the way we enroll and accept students to BTW.” When the site administrator brought the conversations to the attention of Principal Johnson, she was rebuffed.

Kevin Burr and Dr. Stephanie Spring’s Interview of Another BTW Site Administrator

The site administrator confirmed that athletic transfer paperwork was the responsibility of the site athletic directors. The site administrator stated that he raised the issue of weekly academic eligibility checks with Principal Johnson and Coach Jimmerson the week of September 14 and was told to wait see how other schools were doing it (before they began tracking weekly eligibility). The site administrator expressed to Johnson his willingness to take some personal time to learn PowerSchool and ensure eligibility checks were being done. Principal Johnson and Coach Jimmerson reportedly told the site administrator, “no one else is doing it...let’s wait and see what they’re (other schools) are doing.”

The site administrator said he approached Principal Johnson again in early October to remind him the weekly checks were not being done. The site administrator said Johnson’s response was similar to the response in September, and that he felt “intimidated” by Principal Johnson and Coach Jimmerson. He said he dropped the issue until October 12 when the eligibility checks began.

When questioned about Student 6, this site administrator said he became aware Student 6 had been practicing with the BTW football team in the summer. When he inquired, he said he was told Student six “would be” a student. He said he was later informed by another site administrator that Principal Johnson had let Student 6 in to BTW.

High School Superintendent Kevin Burr's Report to
Superintendent of Schools
OSSAA Violations Related to Booker T. Washington Athletic Programs
Wednesday, October 28, 2009

Eligibility Violations:

- 1) Five students were allowed to compete in OSSAA governed activities while ineligible to do so.
 - a. Student 1 – ninth grader (football player) – Neighboring Community (See Appendix A)
 - b. Student 2 – ninth grader (softball player) – Neighboring Community (See Appendix A)
 - c. Student 3 – ninth grader (football player) – Adjacent District (See Appendix B)
 - d. Student 4 – ninth grader (football player) – Out of District (See Appendix B)
 - e. Student 5 – ninth grader (football player) – Tulsa Private School but in-district resident. (See Appendix A)
- 2) The students in question (above) were approved for out of district [OOD] transfer by utilizing the “principal’s discretion” authorization (5%) for acceptance at Booker T. Washington HS. This decision to accept these students was made solely by Micheal Johnson (principal). (See Appendix A and B)
- 3) That, according to Micheal Johnson (10/21/09): the site athletic director (Antwain Jimmerson), and site assistant athletic director (Butch Fisher), and Micheal Johnson were unaware of the OSSAA regulations pertaining to the eligibility standards particular to these students. (See appendix A)
- 4) That at least one other student athlete (ninth-grader) who is attending BTW on an OOD transfer has been correctly ruled ineligible by Johnson, Jimmerson and Fisher for participation until meeting OSSAA regulations. Thus, this provides evidence that the BTW AD and/or Assistant AD do have knowledge of the OSSAA rules and regulations, and did have prior to these most recent incidents, regarding eligibility of ninth graders.
- 5) That an additional student (“Student 6”) has been enrolled at BTW as of 8/20/09, yet was allowed to participate in the BTW spring football scrimmage and practices in May of last spring (while not yet enrolled as a student at BTW). (See appendix A)
- 6) That weekly eligibility checks (required by the OSSAA to begin during the fourth week of school – Sept 14, 2009) did not begin until October 12, 2009. Accordingly, not only were the OSSAA required weekly grade checks not done at BTW, academically ineligible students were allowed to participate in contests during this time period.

Recruiting Violations:

1. One student-athlete (Student 1) is being transported approximately 45 miles each way from a neighboring community daily to BTW and that the transportation is provided by Scott Gilkey (assistant football coach at BTW). The transportation is considered a Rule 9 violation and is considered by the OSSAA to be an economic incentive to attend. (See appendix A)
2. Student 6 has been enrolled at BTW since August 20, 2009, yet, according to Student 6 he was invited to participate in spring football practice by Coach Jimmerson and was allowed to participate in 4 BTW practices and the BTW spring football scrimmage on May 30, 2009. This is a TPS/BTW sponsored event. At the time of the scrimmage, he was not yet enrolled as a student at BTW. His withdrawal date at a Tulsa private school was August 11, 2009.

3. OSSAA rules provide as follows: “To be a ‘legal student’” eligible to participate in athletics, the student must be lawfully enrolled at a secondary school grade level at a member school in courses, activities, or alternative programs in which credits are being earned, and appropriate academic progress is being made, toward graduation consistent with the requirements of that school and the State Department of Education.” At the time of Student 6’s participation in the BTW spring football activities he was not enrolled in BTW or taking any courses for credit. Clearly, at the time of BTW spring football in May, 2009, in which this student participated, he was not a “legal student” under OSSAA rules. He was granted a hardship transfer waiver to BTW by the OSSAA during the week of October 5, 2009 (based on information provided by the Tulsa private school administration).
4. Allowing this student to participate in the BTW game of May 2009 is a Rule 9 violation and can only be considered as a “try-out” for the BTW football team. (See appendix A)
5. That the principal used “principal’s discretion” and acted solely to allow OOD transfers as acceptance to attend BTW for the purposes of athletic participation. This is likely to be viewed by the OSSAA as an improper incentive to potential student athletes. (See appendix A)

High School Superintendent Kevin Burr's Recommendations to
Superintendent Dr. Keith Ballard for
Self-Imposed Penalties Related to Booker T. Washington Athletic Programs
Wednesday, October 28, 2009

CONTAINS CONFIDENTIAL AND LEGALLY PROTECTED INFORMATION

Kevin Burr's Recommended Self-Imposed Penalties to the Superintendent of Schools Related to the Booker T. Washington Athletic Programs

Under the OSSAA, each school is required to first self-impose penalties for violations to OSSAA rules. Those self-imposed penalties are then subject to review and acceptance or rejection by OSSAA staff and ultimately the OSSAA board of directors.

It is recommended that the Superintendent impose the following penalties:

Recommended Penalties as to Antwain Jimmerson:

- On Tuesday, October 27, 2009, Antwain Jimmerson accepted the Superintendent's recommendation to be removed from participating in all Booker T. Washington and Tulsa Public Schools football planning, practices, games and media activity for the balance of the 2009-10 school year. He understands that he is also barred from any communications with the coaching staff and players as to any aspects of football or other athletics programs. Jimmerson will also be removed from his site athletic director position. These removals are without pay as allowed by Jimmerson's extra duty contracts. Jimmerson's extra duty pay will be prorated to reflect the pay earned to date.
- Jimmerson will be allowed to attend Booker T. Washington football games as a spectator but will be required to observe the game in the presence of the superintendent or his designee to insure that Jimmerson does not communicate with any coach or player during the game.
- Jimmerson will be required to be trained as to his Rule 9 obligations before he can return to any involvement in any TPS football or athletic program.
- Jimmerson must go before the OSSAA Board of Directors to obtain permission for reinstatement.
- Jimmerson will receive appropriate job performance documentation for his personnel file as the superintendent deems necessary and appropriate.

Recommended Penalties as to Scott Gilkey:

- Scott Gilkey will be removed from participating in all BTW and Tulsa Public Schools football game and track event planning, practices, games and media activity for the balance of the 2009-10 school year. In this regard, Gilkey will be told, in writing, that he is also barred from any communications with the football and track coaching staff and players as to any aspects of the football and track programs. This removal is without pay as allowed by Gilkey's extra duty contracts. His extra duty pay will be prorated to reflect the pay earned to date.
- Gilkey will be allowed to attend BTW football games and track events as a spectator but will be required to observe the game/events in the presence of the superintendent or his designee to insure that Gilkey does not communicate with any coach or player during the game/event.
- Prior to any return to coaching duties within Tulsa Public Schools, Gilkey will be required to be trained as to all Rule 9 obligations of the District's staff, players and boosters.
- Gilkey must go before the OSSAA Board of Directors to obtain permission for reinstatement.
- Gilkey will receive appropriate job performance documentation for his personnel file as the superintendent deems necessary and appropriate.

CONTAINS CONFIDENTIAL AND LEGALLY PROTECTED INFORMATION

Recommended Penalties as to Ioder "Butch" Fisher, Jr:

- On Tuesday, October 27, 2009, Ioder "Butch" Fisher announced that he has voluntarily resigned from his responsibilities in all Booker T. Washington and Tulsa Public Schools athletics planning, practices, games and media activity for the balance of the 2009-10 school year. He understands he may not have any communications with the coaching staff and players as to any aspects of football or other athletics programs. Fisher has also voluntarily resigned from his position as site assistant athletic director. He has agreed to relinquish claim to any unearned wages as outlined in Fisher's extra duty contracts. Fisher's extra duty pay will be prorated to reflect the pay earned to date.
- Butch will be allowed to attend Booker T. Washington football games as a spectator but will be required to observe the game in the presence of the superintendent or his designee to insure that Fisher does not communicate with any coach or player during the game.
- Fisher is required to undergo training as to his Rule 9 obligations before he can return to any involvement in TPS athletics.
- Fisher must go before the OSSAA Board of Directors to obtain permission for reinstatement.
- Butch will receive appropriate job performance documentation for his personnel file as the superintendent deems necessary and appropriate.

Recommended Penalties as to Bryan Howell, BTW Softball Coach:

- Bryan Howell will be placed on district probationary status.
- Howell is required to undergo training as to his Rule 9 obligations before his probation with the district will be removed.

Recommended Penalties as to Micheal Johnson:

Micheal is the principal of BTW. Under OSSAA rules the principal of the school is responsible for the enforcement of the constitution and rules of the OSSAA and is the official representative of the school.

- Micheal Johnson will be removed from any and all duties and responsibilities at BTW with regard to the school's athletics program and those duties and responsibilities shall be assigned to the interim athletic director.
- The OSSAA shall be requested by the superintendent for permission to allow the interim site athletic director to fulfill all of the site principal's athletic duties and responsibilities.
- Johnson is required to undergo training as to all of his OSSAA duties, responsibilities and obligations before he can return to any involvement in TPS athletics.
- Johnson will receive appropriate job performance documentation for his personnel file as the superintendent deems necessary and appropriate.

CONTAINS CONFIDENTIAL AND LEGALLY PROTECTED INFORMATION

Penalties Not Specific to Any Individual:

- If BTW qualifies for the 2009 football playoffs, it will waive and forfeit back to the OSSAA any claim to any monies that it would otherwise receive due to its participation in the 2009 playoffs.
- The entire BTW football program will be put on “warning” status by the OSSAA.
- Five ninth grade football games will be forfeited from the 2009 season.
- The ninth grade football team will be barred from participation in the TPS Ninth-Grade Championships, 2009.
- Three JV football games will be forfeited from the 2009 season.
- Two varsity football games will be forfeited from the 2009 season. (BTW will forfeit its win to Pryor – October 9; BTW will forfeit its win to Hale – October 16).
- Thirteen varsity softball games will be forfeited from the 2009 season.
- Three junior varsity softball games will be forfeited from the 2009 season.
- The 2009 All-City Softball Championship will be vacated by Booker T. Washington.
- Student 1 will be ruled ineligible for the balance of the 2009-2010 school year. (Total equals the same number of contests the student participated in as an ineligible athlete).
 - Student 1 must go before the OSSAA Board of Directors to obtain permission for reinstatement.
- Student 2 will be ruled ineligible for the first thirteen contests during the 2010 softball season. (Total equals the same number of contests the student participated in as an ineligible athlete.)
- Student 3 will be ruled ineligible for the remainder of the 2009 football season. If necessary the player will sit out contests in the 2010 football season. (The total number of games missed should equal the same number of contests the student participated in as an ineligible athlete.)
- Student 4 will be ruled ineligible until compliance with the OSSAA dual-residence rule is met. Student 4 will be required to sit out five football games. (Total equals the same number of contests the student participated in as an ineligible athlete.)
- Student 6 will be ruled ineligible for all athletic participation due to recruitment violations for the remainder of the 2009 -2010 school year and the first two contests during the 2010 football season.
 - Student 6 must go before the OSSAA Board of Directors to obtain permission for reinstatement.
- Prior to the beginning of the 2010-2011 school year, all coaches of every TPS sport will be required to attend mandatory training on their Rule 9 obligations. This training will also meet the above specific Rule 9 training obligations of Antwain, Butch, and Scott.
- Prior to the end of the first semester of the 2009-10 school year, the BTW Athletic Department policies, procedures, and practices will receive a complete review, and policies (OOD transfers and) will be re-written for the purpose of developing immediate and permanent changes and full compliance with OSSAA Rule 9.

APPENDIX A

OSSAA RULE 9

RULE 9 - PROHIBITION ON RECRUITING OR INFLUENCING FOR ATHLETIC PURPOSES

Section 1. Statement of purpose.

OSSAA recognizes that permitting member schools to recruit students as athletes would place undue emphasis on secondary school athletic activities, and might cause competitive imbalances among member schools, misdirection of scarce educational resources, and threats to the continued amateur standing of students. Accordingly, no member school is permitted to recruit a student to select or transfer to that school, or to encourage or allow others to do so on its behalf, based on that student's skill, reputation, or experience in athletics.

Section 2. Recruiting defined.

Recruiting includes initiating or maintaining contact with a student-athlete, or the student-athlete's family members, friends, or associates, in circumstances that could influence that student-athlete to select or transfer to a member school for the purpose of representing that member school in athletic competition.

Offering economic incentives or rewards of any type to a student-athlete, which are not available to all prospective students on an equal basis, regardless of participation in athletics, or offering such economic incentives or rewards to the student-athlete's family members, friends, or associates, for the purpose of encouraging that student-athlete to select, transfer to, or remain at a member school, also constitutes recruiting in violation of this Rule. Recruiting may also include offering or providing special or additional coaching or instruction that is not offered or made available to other student-athletes at the school on an equal basis, or providing special attention or consideration to a student-athlete who is considering transferring, for the purpose of influencing that student-athlete to remain at the school.

Section 3. Information that may be supplied by a school to prospective student-athletes.

A member school may supply any prospective student, or a family member, friend, or associate of a prospective student, who contacts the school about entering or transferring to the school with information summarizing the school's academic and extracurricular programs. The information distributed or made available to any prospective student-athlete must be prepared for and be made available to all prospective students, regardless of whether a student is a prospective participant in athletics. Information about specific athletic programs may be included, but if such information is included, then all athletic programs must be described and comparable information must be included about each program. A member school may further supply information to a prospective student-athlete concerning the events schedule, practice location, days, and times, and type of equipment, clothing or other materials, if any, required to be used or supplied by the participating student, provided that the information is of the same type which would be supplied to all participating students.

Section 4. Limited interaction permitted between employees and representatives of school and student-athletes at other schools.

Interaction between employees or representatives of a member school and student-athletes from other schools is permitted in connection with events such as summer instructional camps, non-school summer leagues, or awards ceremonies, except that school employees or representatives are prohibited at all times from making any statements or engaging in any acts, even if not intended to be taken seriously,

that could be interpreted as encouraging a prospective student-athlete to enroll at or transfer to a member school.

Section 5. Employees or representatives of school defined.

Employees or representatives of a school include administrators, teachers, coaches, assistants, sponsors, aides, managers, and trainers employed by the school, as well as other student-athletes presently enrolled or planning to enroll at the school, family members of those student-athletes, alumni, volunteers, and members of organizations supporting the school's athletic activities.

Section 6. Handling contact by or with prospective student-athletes.

If contact is initiated with a member school's employee or representative by a prospective student-athlete, or by a family member, friend, or associate of a student-athlete, about that student-athlete enrolling in or transferring to that member school, the school employee or representative contacted shall direct that person to the school superintendent or to the principal or administrative head of the school for any additional information. The school employee or representative shall not discuss further the subject of enrolling at or transferring to the school, or otherwise use any language or engage in any act that could be construed as encouraging the student-athlete to enroll at or transfer to the school. Any contact with a student-athlete from another school about that student-athlete enrolling or transferring to a member school for athletic purposes shall be reported as soon as possible to the OSSAA by that member school.

Section 7. Acknowledgment and notice of Rule.

- a. Each coach or volunteer providing instruction, assistance, or supervision in an athletic activity for a member school must sign a written certification that the coach or volunteer is familiar with this Rule.
- b. The head coach in each athletic activity for each member school additionally must sign a written certification that students participating in that activity have been informed about this Rule, that the school may be sanctioned for violations of this Rule, and that student-athletes may be subject to sanction, including the loss of eligibility, if they have enrolled at or transferred to a school that has engaged in recruiting, or allowed its employees or representatives to recruit in violation of this Rule, or if they participate in recruiting other student-athletes to enroll in or transfer to the school.
- c. All officers, administrators, supervisors, and sponsors of any club or organization supporting any athletic activity at a member school must sign a written certification that they are familiar with this Rule, and that the members of the club or organization have been informed about this Rule.
- d. These required certifications must be signed each school year before participation begins in that activity for that year, and the signed certifications must be maintained by the school and available for review by OSSAA.
- e. Each member school must make adequate additional efforts each school year to inform all employees and other representatives of the school about this Rule. The superintendent,

principal or administrative head of school must maintain a written summary of these efforts, and this written summary must be maintained by the school and available for review by OSSAA.

- f. OSSAA will make forms available for signed certifications or summaries as required under this Section.

Section 8. Prohibition against preferential treatment for athletes in admissions, tuition payment, and financial aid.

- a. OSSAA recognizes that preferential treatment on admission or tuition may influence a student-athlete to enroll or remain at a school that is selective in admissions or which requires payment of tuition. Any such preferential treatment may also be deemed to constitute recruiting in violation of this Rule.
- b. No member school that is selective in admissions, or which requires payment of tuition, or which offers any form of financial aid toward payment of tuition and/or fees, may offer or allow for preferential treatment to a student or a student's family on the basis of athletic ability. Financial aid based on merit or achievement is not prohibited provided that the award of such aid is consistent with previously established criteria unrelated to athletic ability. Financial aid includes, but is not limited to:
 - 1. direct monetary aid, grants, or loans, from either the school or other source associated with the school;
 - 2. tuition or fee remission;
 - 3. deferred tuition or fee payment terms;
 - 4. income or credit for work performed, either by the student-athlete or a member of the student-athlete's family, for the school or for a person or entity associated with the school.
- c. Any member school that is selective in admissions, and/or which requires payment of tuition, and/or which offers any form of financial aid toward payment of tuition and/or fees, must maintain written documentation describing its policies concerning these subjects. If the school provides or allows for financial aid on any basis other than demonstrated financial need, then provisions must be included in the school's policies to insure that financial aid is not provided or allowed to a student on the basis of athletic ability.
- d. By August 1 of each year, the member school must file a copy of its current policies with the OSSAA, or certify that such policies are unchanged from what is currently on file with the OSSAA. The school also must identify, in writing, those individuals and/or organizations involved in determining or evaluating applications for admission or financial aid, and describe the role or responsibility of that individual or organization. The school must notify the OSSAA about any changes in the policies, or in the listing of individuals or organizations, or in the role or responsibility of any individual or organization, during the school year.
- e. Any of the following may constitute a violation of this Rule which would subject a school to potential sanction:

5. Offering or providing admission, financial aid, or tuition payment terms for a student-athlete in circumstances inconsistent with the school's written policies on file with OSSAA;
 6. Offering or providing need-based financial aid to a student-athlete in excess of demonstrated financial need;
 7. Offering or allowing more favorable tuition payment terms for a student-athlete than are allowed to similarly situated students;
 8. Accepting tuition payments for a student-athlete from a source outside the student's immediate family or a recognized financial aid source;
 9. Providing a disproportionate amount of financial aid to student-athletes as compared to other students.
- f. Upon request the school must make its records concerning the admission of, payment of tuition for, and/or financial aid provided to particular students available for inspection and review. OSSAA will maintain such records as confidential consistent with applicable law, and information obtained from those records will be used only for the purpose of determining whether any rule violations have occurred.
 - g. The principal or head of school is responsible for submitting copies of policies and certifications as required under this section.

Section 9. Violation of Rule.

- a. A school will be in violation of this Rule and subject to sanction if the school encourages or permits school employees or representatives to recruit student-athletes to enroll at or transfer to that school. Permitting a student-athlete who has been recruited to enroll at or transfer to the school to represent that school in an event shall also be considered a violation of this Rule which would subject the school to potential sanction. A failure to obtain, maintain, submit, or make available the written policies, certifications and summaries required under this Rule also violates this Rule and will subject the school to potential sanction.
- b. If a school receives information indicating that a student-athlete is being recruited, or was or may have been recruited, to enroll at or transfer to that school, then the school shall provide a written report to the Executive Secretary as soon as possible, identifying the student-athlete and those persons who are, were, or may have been involved in recruiting that student-athlete.
- c. The fact that a school reported a known or suspected violation of the recruiting rule involving a student-athlete at that school may be considered by the Association, if a violation is determined to have occurred, in evaluating what sanction may be imposed on the school.
- d. A student-athlete may be subject to sanction, including the loss of eligibility, if the student enrolls at or transfers to a school that has sought to recruit, or allowed its employees or representatives to recruit, that student in violation of this Rule, or if the student or the student's family participates in recruiting other student-athletes to enroll in or transfer to the school in which that student is presently enrolled or planning to enroll.

APPENDIX B
OSSAA RULE 8
ESTABLISHING AND MAINTAINING ATHLETIC ELIGIBILITY
BY RESIDENCE OR SCHOOL SELECTION

Section 1. Establishing Athletic Eligibility at a Member School.

a. Eligibility by Residence or Initial Selection

1. Athletic eligibility generally is determined by the residence of the student's parents (or custodial parent or court-appointed guardian with legal custody of the student). A student enrolled at a member public school in the public school district, or at a member non-public school in that school's designated geographic area, in which the student's parents (or custodial parent or court appointed guardian with legal custody of the student) are bona fide residents, is eligible at that member school, provided the student and school have complied with all other OSSAA rules concerning eligibility. **See Board Policy XLIII** for the designated geographic areas for member non-public schools.
2. **When a student attends a member school outside the public school district or designated geographic area in which the student's parents (or custodial parent or court-appointed guardian with legal custody of the student) are bona fide residents, the student generally is not eligible immediately to participate in athletics. To become eligible, the student must wait a period of one year from the date of first attendance, unless:**
 - i. the student enrolled in the public school district prior to the secondary school level pursuant to the Education Open Transfer Act, 70 Okla. Stat. §8-101 *et seq.*, and has attended school within the same public school district continuously since then to the present date;
 - ii. the student attends the ninth grade after completing all grades offered in a dependent school district in which the student's parents (or custodial parent or court-appointed guardian) are bona fide residents;
 - iii. the student attended a member non-public school prior to the secondary school level and has continued to attend that same member non-public school;
 - iv. the student attends the ninth grade after completing all of the grades offered at a non-member school offering instruction only through the eighth grade;
 - v. the student meets the criteria established in subsection c below for students attending and residing at a member school that regularly provides residential facilities for its students;
 - vi. the student applies and receives approval for an exception due to hardship or other qualifying circumstance pursuant to Section 3 below.
- b. Legal Student Status Required for Eligibility: To be a "legal student" eligible to participate in athletics, the student must be lawfully enrolled at a secondary school grade level at a member school in courses, activities, or alternative programs in which credits are being earned, and appropriate academic progress is being made, toward graduation consistent with the requirements of that school and the State Department of Education. The student must also

comply with all requirements established by the member school and by OSSAA Rules and Policies concerning enrollment, attendance, grades, academic progress, and conduct.

- c. Eligibility at Schools Providing Residential Facilities for Students: A student who has been properly admitted to attend and reside at a member school that regularly provides residential facilities for its students, and who has not previously participated in interscholastic athletics at any secondary school, is eligible for athletics at that member school regardless of where the student's parents (or custodial parent or court-appointed guardian) are residing, provided the student and school comply with all other rules on eligibility.
- d. Continued Eligibility Based on Residence or Initial Selection: Once established by residence or selection, a student's athletic eligibility continues at that member school except as provided in Sections 2 and 3 below in the event of transfer, change of residence, hardship or other circumstance qualifying for an exception. In the event of a separation, divorce, or death of the parents (or custodial parent or court-appointed guardian with legal custody of the student), or in the event a court grants legal custody of the student to an appointed guardian, the student's athletic eligibility continues at the member school where eligibility was established prior to the separation, divorce, death, or guardianship, unless the student applies for and is granted an exception due to hardship or other qualifying circumstance pursuant to Section 3 below.
- e. Completion and Filing of Required Forms and Records: A *New Student Form* must be completed at the time the student first enrolled or reached a grade level at which the student is eligible to participate. The *New Student Form*, and all other records and forms required under these Rules or OSSAA policies, must be maintained on file and available for review in the school's office to establish a student's eligibility at that school.
- f. Responsibility of Principal or Administrative Head of School: The principal or administrative head of the member school is responsible for maintaining all required forms and records concerning athletic eligibility on file at the school and available for review, and for submitting copies as may be required by the OSSAA. The principal or administrative head of school also is responsible for confirming, or ensuring that effective procedures are in place for confirming, that students participating in athletics are complying with all requirements established by the member school, the State Department of Education, and the OSSAA relating to athletic eligibility. If required forms and records to confirm athletic eligibility for a student are not available for review upon request by OSSAA, or if copies are not submitted as may be required to the OSSAA, then the student may be deemed ineligible to participate.

Section 2. Re-establishing or Maintaining Athletic Eligibility.

- a. Eligibility after Transfer of Schools.
 - 1. A student who has established athletic eligibility at a school and then transfers to another school is not eligible for a period of one year from the date of first attendance at the new school, unless the student applies for and is granted an exception due to

hardship or other qualifying circumstance pursuant to Section 3 below. This requirement applies even when the student established eligibility at a school in a district or geographic area outside the district or geographic area in which the student's parents (or custodial parent or court-appointed guardian) were residing, and the student then transfers into a school in the district or geographic area in which the student's parents (or custodial parent or court-appointed guardian) reside.

2. If the student transfers schools during the school year and regains eligibility during that same year, the student will not be permitted to participate in any regular season game or contest against the school previously attended.
- b. Eligibility after Change of Residence.
1. When a student has established athletic eligibility within a public school district or at a member nonpublic school according to residence, and the student's parents (or custodial parent or court appointed guardian with legal custody of the student) move to a different public school district or designated geographic area, then the student generally must enroll at a member school in that public school district or designated geographic area to maintain athletic eligibility.
 2. Prior to allowing such a student to participate in athletic competition, the member school receiving the student after a change of residence must:
 - i. confirm that the student has lawfully enrolled at the appropriate grade level;
 - ii. request and obtain all necessary records from the school previously attended;
 - iii. confirm after reasonable inquiry that the student's parents (or custodial parent or court appointed guardian with legal custody) have made a bona fide move to the public school district or designated geographic area in which the member school is located;
 - iv. confirm that the student is otherwise eligible to participate under all other Rules; and
 - v. complete all required forms concerning the student, and submit copies as may be required to the OSSAA.

If the receiving school learns that the student, at the time the student left the previous school, was in eligible for athletics, or was likely to have become ineligible for athletics if the student had remained at the previous school, then the student should not be allowed to participate in athletic competition. If the receiving school becomes aware of any information that indicates the student's parents (or custodial parent or court appointed guardian with legal custody) have not made a bona fide move, then the student should not be allowed to participate in athletic competition. The receiving school also must provide this information to the OSSAA.

3. A member school that is asked for appropriate records and information concerning a former student must respond promptly and, if the school is aware that the student was or may be ineligible for athletics, must notify the receiving school.
4. If the student changing schools enrolls after the beginning of the school year, the student shall not be permitted to participate in any athletic competition until fifteen (15) calendar days have passed from the date the student first attended. This non-participation period allows time for the receiving school to confirm that a bona fide move has been made, to obtain all necessary records from the school previously attended, and to complete all forms and submit copies as may be required to the OSSAA. On the sixteenth (16th) calendar day after the date of first attendance, if the member school has completed the required process, and the member school has not been notified otherwise by the OSSAA, then the student may begin participating. If the student enrolls within fifteen (15) calendar days of or after the commencement of a tournament, meet, or playoff contests leading to a state championship in a particular sport, the student shall not be permitted to participate in the tournament, meet, or playoffs in that sport.
5. For the purposes of this Rule, a bona fide move and change of residence shall mean that the student's parents (or custodial parent or court appointed guardian with legal custody of the student) have moved out of their prior residence and have established a new, full-time residence outside the public school district or other designated geographic area in which they previously were residing. If the student's parents (or custodial parent or court appointed guardian) move to a new residence but do not intend to make it their permanent home, the student will not be eligible at any new school unless complete information is presented at a hearing before the Board of Directors and a ruling has been given that a bona fide change of residence has been made. Factors that may be considered include, but are not limited to, whether the original residence has been closed, disposed of, rented or leased on a long-term agreement, whether the family's personal property has been sold or moved to the new residence, and whether another family member has been allowed to use the original residence. A student whose family maintains multiple residences in circumvention of the requirements of this Rule shall not be eligible at any new school.
6. Limited exceptions permitting continued eligibility at same school after change of residence:
 - i. If the move occurs during the school year, the student may remain at the school at which eligibility is established until the end of the semester or equivalent period and retain eligibility for that period. To maintain continued eligibility the student then must enroll at a member school in the public school district or designated geographic area in which the new residence was established.

- ii. If the student is entering or currently attending twelfth grade, or is otherwise scheduled to graduate within two semesters or the equivalent periods, then the student may remain at the same school at which athletic eligibility is already established, and retain continued eligibility for as long as is permitted under all other Rules.
- iii. If the student has attended the school for the past three consecutive years, the student may remain at the school at which eligibility is established provided the student continues to live with the student's parents (or custodial parent or court-appointed guardian). If such a student remains at the school at which eligibility is established and participates in athletics, but subsequently transfers to another member school, then the student is not eligible for a period of one year from the date of first attendance at the new school, unless the student applies for and is granted an exception due to hardship or other qualifying circumstance pursuant to Section 3 below.

c. Eligibility after Transfer to School Providing Residential Facilities for Students

1. If a student previously has established athletic eligibility at another school and then transfers to or enrolls at a member school that regularly provides residential facilities for its students, and the student lives in those facilities rather than residing with the student's parents, or custodial parent or court-appointed guardian, then the following additional conditions must be met to re-establish athletic eligibility:
 - i. the student and the student's parents (or custodial parent or court-appointed guardian) must provide signed sworn statements confirming that the student was eligible for athletics at the time the student left the previous school, that they have not been influenced to change schools for athletic purposes in violation of OSSAA Rules, and that they intend for the student to stay and reside at the current school for the remainder of the student's secondary school education;
 - ii. the member school must request and obtain all necessary school records from the school previously attended, confirm after reasonable inquiry that the student was eligible at the time the student left the previous school, and a *New Student Form* and all other required forms concerning the student must be completed and submitted to the OSSAA;
 - iii. the student shall not be permitted to participate in any interscholastic athletic competition for fifteen (15) calendar days from the date the student first attended, to allow time for the member school to obtain all necessary records from the school previously attended, and to complete and submit all required forms to the OSSAA; on the sixteenth (16th) calendar day after the date of first attendance, if the member school has completed the

required process, and the member school has not received notice otherwise from the OSSAA, then the student may be permitted to begin participating;

- iv. if enrolled within fifteen (15) calendar days of or after the commencement of a tournament, meet, or playoff contests leading to a state championship in a particular sport, the student shall not be permitted to participate in the tournament, meet, or playoffs in that sport.

- 2. If a student previously has established athletic eligibility at another school and then transfers to or enrolls at a member school that regularly provides on-campus residential facilities for its students, but the student does not live in those facilities, then the student is not eligible for a period of one year from and after the date of first attendance at the new school, unless the student applies for and is granted an exception due to hardship or other qualifying circumstance pursuant to Section 3 below. *A New Student Form* must be completed for that student at the time of enrollment and filed in the school's office if the school anticipates the student will participate in athletics.
- 3. If the student transfers during the school year and regains eligibility during that same year, the student will not be permitted to participate in any regular season game or contest against the school previously attended.

d. Effect of Ineligibility at Previous School

A student changing schools who was ineligible or otherwise barred from athletics for any reason at the time the student left the previous school, or who would have become ineligible if the student had remained at the previous school, shall not be permitted to participate in athletics unless and until the student satisfies or complies with the requirements that would have been imposed for reinstating eligibility at the previous school.

Section 3. Determining Exceptions to Rule.

- a. Authority to grant exceptions. OSSAA may grant an exception to a student facing ineligibility when it is found that the application of this Rule works an undue hardship on the student, or that the application of the Rule would otherwise fail to accomplish the purposes for which it is intended.
- b. Criteria and procedures for evaluating exceptions. The Board of Directors shall establish written criteria and procedures for evaluating applications for exceptions, and those written criteria and procedures shall be made available to member schools. An application for exception based solely on a separation, divorce, or death of the student's parents (or custodial parent or court-appointed guardian with legal custody of the student), or based solely on a court order granting legal custody of the student to a guardian, will not be considered. Before submitting any application for exception, the member school shall provide the written criteria and procedures

to the student and parents (or custodial parent or court appointed guardian with legal custody of the student) who are considering a request for an exception.

- c. Application for exception.
 - 1. OSSAA shall make forms for applying for an exception to this Rule available to all member schools.
 - 2. The member school submitting the forms required for the application is responsible for making certain that the forms are complete and that the application is being submitted in a good faith belief that an exception may be appropriate.
 - 3. Member schools shall cooperate in providing any additional information that may be requested, or any investigation that may be conducted, in connection with any application for an exception.
 - 4. The submission of any false or inaccurate information, or the failure to submit information requested by the OSSAA, may be grounds for denying or deferring action on an application.
- d. Consideration by the Executive Secretary. All applications submitted pursuant to this Rule shall be reviewed and evaluated by the Executive Secretary and staff. The Executive Secretary or staff designee is authorized to conduct any further investigation or to request any supplementation of the application or supporting materials deemed necessary to the evaluation of the application. The application shall be evaluated using the criteria established by the Board of Directors, and the determination of the Executive Secretary shall be transmitted, in writing, to the principal or administrative head of the school submitting the application.

Any person aggrieved by the determination may pursue an appeal to the Board of Directors pursuant to the procedures set forth in Section 6, subsections (f) through (j), of the OSSAA Constitution.

Section 4. Issues or Questions About Eligibility Under this Rule.

If member school administrators have any questions or concerns about whether a particular student is eligible for athletics under this Rule, they should contact the OSSAA as soon as possible, and the student should not be permitted to participate until the questions or concerns are resolved.

APPENDIX C

TPS School-To-School Transfer Policy

TPS School-To-School Transfers **(Excerpts relevant to investigation)**

General Policy for Intradistrict Transfers

A student may transfer, upon written application, from the attendance area school to any other school as long as the conditions listed below are met: a. There is space available in the receiving school. b. Parent/guardian agrees to provide transportation for the student. The transfer office is authorized to approve all transfers meeting the above criteria. The transfer option may be exercised only once at the middle school level and only once at the high school level. Intradistrict transfer applications and magnet applications are available in all school offices and in Room 103 at the Education Service Center.

Completed applications must be returned to the transfer office in Room 103 at the Education Service Center.

Transfer Applications

Intradistrict transfer and magnet school applications for the following year must be filed in the transfer office no later than January 30, 2009. A student who does not have an approved transfer must attend the attendance area school; pre-enrollment in a school does not take the place of a transfer. Students who move from one attendance area school to another during the school year will be permitted to complete the year at the first school without a transfer. However, the student must apply for a transfer to remain at the original school for the next school year. Graduating Senior A graduating senior who moves into a new high school district will be granted a transfer, upon request, to remain at the high school attended in the 11th grade.

Athletic Eligibility

Any student who anticipates transferring to a Tulsa school other than the school where the parents are bona fide residents, with the intention of participating in athletics the next year, must submit a transfer request to the transfer office no later than January 30, 2009. Approval of a transfer does not automatically make the student eligible to participate in athletics. Questions concerning athletic eligibility should be directed to the Athletics Office at the Education Service Center, 746-6800, ext. 6454.

Interdistrict Transfers (County Transfers)

Application forms for open interdistrict transfers are available January 5, 2009 and must be filed with the receiving school district no later than April 1, 2009. Once an OPEN interdistrict transfer is granted, there is no need to file yearly unless a change is necessary. An interdistrict transfer filed after April 1, 2009 is considered an emergency county transfer. It must be obtained from and filed with the receiving school district. EMERGENCY county transfers must be re-filed each year. Interdistrict transfers will be accepted into any elementary, middle or high school so long as:

- a. There is space available in the receiving school.
- b. The parent/guardian agrees to provide transportation for the child. Based upon these criteria, the transfer office is authorized to approve or disapprove each such request and to determine the school placement of all interdistrict transfers.

Magnet Schools Applications for the magnet schools/programs will be available December 1, 2008. The deadline for returning applications is January 30, 2009. Applications received during this time will be reviewed in the first screening. Incomplete applications will not be considered. Applicants and their parents/guardians must be bona fide residents living within the boundaries of TPS at the time of application. An applicant who is on an approved out-of-district transfer into a TPS school for the first semester of the application year and for the year immediately preceding the application year will be considered as an in-district applicant.

A selection committee for BTW, Carver, Edison, and Wilson will meet to determine which applications will be approved. The following criteria will be reviewed during the selection process:

- Standardized Test Scores Grades/Grade Point Average (GPA)
- Suspensions Behavior/Teacher Recommendation
- Attendance
- Availability of Space
- Extra-curricular Activities
- Leadership
- Special Talent

APPENDIX D

TPS Rules for Admittance to Booker T. Washington High School

Booker T. Washington High School & Edison Preparatory School

Ninth-Grade Admission Rules and Regulations* Governing School Year 2009-2010

***Note: These Rules & Regulations are in addition to those published in the “School-to-School Transfers” pamphlet which also applies. The pamphlet is available at any Tulsa Public School and on the website at: <http://www.tulsaschools.org/transfers.shtm>.**

Residency Requirements

- A. All applicants must be bona fide residents living within the boundaries of Tulsa Public Schools (TPS) at the time of application. A bona fide resident is defined by the legal address and domicile of both the applicant and his/her parents/guardians upon the application date with the following exceptions:
- B. Any applicant who is on an approved out-of-district transfer into a TPS school for the first semester of the application year and for the year immediately preceding the application year will be considered as an in-district applicant.
- C. Other interested applicants whose residence is outside of the boundaries of TPS will be considered for admission only after all eligible TPS resident students have been offered admission and only if space remains available.
- D. No applicant, regardless of residence, will be offered admission unless and until he/she has been qualified for admission through the admissions process.

Applications

A. Due Date: The application is due to the Transfer Office at the Education Service Center, 3027 South New Haven by **January 30, 2009**. Applications may be submitted using one of the following two approved methods:

- Applications must be hand delivered prior to the close of business on the specified due date (4:30 PM); or,
- Postmarked no later than the specified due date and mailed to the address specified. B. Completed Applications Required: **Incomplete applications as of the due date will not be considered.**

Admission Preference

- A. Siblings: There is no admissions preference for siblings.
- B. Employee Preference: There is no admissions preference for employees’ dependents.
- C. BTW Historical Area: Any eligible resident applicant residing in the historical BTW area, upon qualification, shall be offered preferential admission status to BTW. Such applicants shall be considered prior to all other applicants.
- D. Carver Middle School Students: Any eligible resident applicant from Carver Middle School, upon qualification, shall be offered preferential admission status to Booker T. Washington based upon

a timely and completed application. Such applicants shall be given their first choice for the high school experience (Booker T. Washington or Edison). Such applicants shall be considered subsequent to historical BTW area students, but prior to the consideration of any other interested applicants.

- E. Wilson Middle School Students: Any eligible resident applicant from Wilson Middle School, upon qualification, shall be offered preferential admission status to Booker T. Washington based upon a timely and completed application, and shall be given their first choice for the high school experience (Booker T. Washington or Edison), provided that:
 - 1. The applicant has successfully completed a foreign language sequence of courses at Wilson, and/or
 - 2. The applicant has successfully completed the required mini-project for the International Baccalaureate Middle School Program. All Wilson applicants shall be considered subsequent to applicants from Carver but prior to the consideration of other interested applicants.
- F. Edison Middle School: Any eligible resident applicant from Edison Middle School, upon qualification, shall be offered preferential admission status to Edison High School upon a timely and completed application.
- G. Middle Schools other than Carver, Edison, or Wilson: A resident applicant from any other middle school shall be eligible to apply for admissions to Booker T. Washington & Edison High School. All such applications shall be considered subsequent to the consideration of qualified applicants from Carver Middle School and Wilson Middle School.

Qualifications for Admission

Minimum criteria for admission are as follows:*

*NOTE: The Principal shall have the authority to admit a maximum of five percent of any entering class who are TPS residents and not otherwise qualified. **These admissions decisions are to be based upon extenuating circumstances or conditions as determined by the admission teams and approved by the principal.**

- A. The successful completion of a middle school program through eighth grade or its equivalent.
- B. Superb attendance: No more than 5 absences during the application year and no more than 10 absences during the year immediately prior to the application year. (**NOTE:** Students with medically documented chronic/serious illnesses or other extenuating circumstances leading to excessive absences may be considered on a case-by-case basis. Such documentation must be provided in writing by the parents/guardians and included with the application packet.)
- C. Excellent behavior: Suspensions out of school during the application year or during the year immediately prior to the application year may preclude consideration for admission.
- D. Scores at the thirty-fifth percentile or above on both the reading and mathematics components of the most current standardized academic measurements typically available (or their

equivalents) **AND** grade point averages at or above 2.50 on a 4.00 scale for the first semester of the application year and for the year immediately preceding the application year.

- E. An Admission Recommendation Form prepared and signed by a minimum of three (3) faculty/staff at the applicant's current or most recent school who have knowledge of the applicant's potential for success. (**NOTE:** The Admission Recommendation Form must be submitted with the application in **a sealed official school stationery envelope.**)

Quadrant Distribution

For BTW, approximately 60% of the entering 9th grade class shall be composed of eligible and qualified students who reside in Quadrants I and II. The balance (40%) shall be selected from eligible and qualified students who reside in Quadrants III and IV. Quadrants are determined by the residency of the parent(s).

APPENDIX E

TPS Board Regulation 3316-R, Athletics (Relevant Excerpts)

TULSA PUBLIC SCHOOLS Regulation 3316-R, Athletics

Intramural Athletics

Intramural sports include a wide variety of games and sports which are available to all students on a voluntary basis. The intramural program is directed specifically to wholesome use of leisure time, the hygienic values of wholesome play, the opportunity for self-expression through participation in play activities, and the social value of playing with others.

Varsity Athletics

The interschool competitive sports program contributes to the aims and objectives of the educational program. Students are given an opportunity and are encouraged to compete in those varsity programs offered in their schools. Interested students should contact the Director of Athletics for information regarding programs offered and eligibility. PARTICIPATION IN THE INTERSCHOOL COMPETITIVE SPORTS PROGRAM IS A PRIVILEGE AND NOT A RIGHT.

All Students

Local Rules: Each high school attendance area, as officially designated by the Board, will be considered a district when applying these local rules and the Oklahoma Secondary School Activities Association (OSSAA) rules and regulations. All rules adopted as local rules by the senior high schools of Tulsa will be administered by the Director of Athletics as prescribed in the established procedures.

Recruiting: There will be no recruiting of athletes. Recruiting includes influencing a pupil or parents/guardian to move from one school to another in order for the pupil to engage in athletics. Rules regarding individuals who engage in recruiting shall not be restricted specifically to District personnel. (OSSAA Administrators' Handbook, Rule 9)

Student Transfers: Eighth-grade students who wish to transfer to any District high school shall complete the transfer request prior to the transfer application deadline of that year. This request may be obtained from the Office of Pupil Accounting. Sixth-grade students who wish to transfer to any District middle school shall complete the transfer request prior to the transfer application deadline of that year. This request may be obtained from the Office of Pupil Accounting.

Exceptions Permitting Non-Varsity Participation: A student in grades 9 through 11 who transfers to another District high school after establishing eligibility, will be eligible for JV participation and below, if both schools agree that the transfer was not for athletic purposes. Approval of non-varsity participation is not effective until the signed documentation has been sent to and received by the Director of Athletics. If any issue is raised about the student having been influenced to transfer for athletic purposes in violation of OSSAA Rule 9, then written approval should not be given. The student's former school or the new school must investigate the issue and the student should not be permitted to participate in non-varsity competition. Any evidence gathered in the investigation by the schools must be submitted to the Director of Athletics, and if immediate eligibility for non-varsity competition is still sought, a written request for exception must be submitted on behalf of the student. The student will not be eligible for varsity participation until completing two semesters and meeting all other rules for eligibility. Eligibility is established by participation. (OSSAA Administrators' Handbook)

Eligibility after Transfer During the Sixth, Seventh or Eighth Grades

Sixth, seventh and eighth grade students who transfer to another middle school after establishing eligibility, will be eligible for athletic participation at the new school, provided both schools agree the transfer was not for athletic purposes. If any issue is raised about the student having been influenced to transfer for athletic purposes in violation of OSSAA Rule 9, then the student should not be permitted to participate. The student's former school or the new school must investigate the issue and any evidence gathered in the investigation by the schools must be submitted to the Director of Athletics. If immediate eligibility is still sought, a written request for exception must be submitted on behalf of the student. Eligibility is established by participation. (OSSAA Administrators' Handbook)

Transfer Students who Return to their "Home" High School or any Other HS

Students in grades 9 through 12 who have transferred to another high school district shall not be eligible for varsity competition at their home high school or any other high school until they have completed two semesters and have met all other requirements for eligibility. Transfer Students who return to Their "Home" Middle School or any Other Middle School

Students who have transferred to another middle school district shall be eligible at their home middle school or any other middle school provided the transfer/move was not for athletic purposes.

Students Changing Schools After the First Day of School

If a student in grades 6-12 changes schools after the first day of class, regardless of whether it is a transfer or a bona-fide move into the school district, that student will not be eligible for 15 calendar days from the date the student enrolled. On the 16th calendar day after the date of enrollment, if the student meets all criteria required by the OSSAA, then the student may begin participating on the appropriate level of competition. If the student enrolls within 15 calendar days of or after the commencement of a tournament, meet, or playoff contest leading to a state championship in a particular sport, the student shall not be permitted to participate in the tournament, meet, or playoffs in that sport.

Two Semesters or One Calendar Year

If a student enrolls the first day of school, the student would not be eligible until the first day of school the following year. If a student enrolls after the first day of school, the student would be ineligible for one calendar year from the date of enrollment.

Students with Affidavits

A student living in a school attendance area other than where the student's parents/guardian are bona fide residents, and attending school on an Affidavit of Self Support, an Affidavit of Self Responsibility, or Affidavit of Custodianship, must attend two semesters to be eligible to participate in athletics.

Students Attending OSSAA Member Private Schools Within District Attendance Boundaries

All athletic eligibility requests between OSSAA member private schools and District high schools shall be determined by the OSSAA.

Interpreting Transfer Policies and Relationship to Eligibility of Middle School Students

A student will establish high school eligibility in the 9th grade. A student will establish middle school eligibility in the 6th grade.

Hardship

The Director of Athletics is authorized to grant exceptions to provisions of the local rules of the District and reinstate a student to eligibility when it is determined that local rules fail to accomplish the purpose for which they were intended, or when the rule works an undue hardship on the student. Any student who feels aggrieved by the athletic eligibility decisions of the Director of Athletics may appeal the decision to the OSSAA. All athletic eligibility requests between non-District OSSAA member schools and District schools shall be determined by the OSSAA.

Alternative Schools

Any student placed in an alternative setting or any student serving an out-of-school suspension is not eligible to participate in any school-sponsored activities. Students who voluntarily attend an alternative school may participate in extracurricular activities including athletics at their home school or the school where athletic eligibility was established, provided they meet all other eligibility requirements as established by the OSSAA. Students returning to their home high school from an alternative education placement may be granted athletic eligibility at the home school. These students must meet the scholastic eligibility requirements as established by the OSSAA and meet all other requirements of the alternative education placement.

Education Open Transfer Act

The eligibility of a student who transfers to an OSSAA member school under the Education Open Transfer Act shall be determined by the OSSAA.

Washington High School

Students may be selected to attend Washington High School under the provisions, policies, rules, and regulations established by Tulsa Public Schools. Students attending Washington, but whose parents/guardians are bona fide residents of a school district other than Tulsa Public Schools, must meet eligibility requirements established by the OSSAA. All appeals for eligibility of students in this category will be directed to the OSSAA. Eighth-grade students transferring from one Tulsa high school to Washington High School are eligible under the previously established local eligibility rules stated in this policy. Students attending Carver Middle School may be visited by members of the Washington High School athletic staff for the purpose of participating in athletics. Students from other middle schools visited by members of the Washington High School athletic staff for the purpose of participating in athletics shall be considered as having been recruited.

Penalties

When rules established for eligibility and participation in athletics are not adhered to by employees of Tulsa Public Schools, the incident shall be referred to the Director of Athletics.

Issued: November 1982

Revised: February 2009

Reference: Oklahoma Secondary School Activities Association Administrators' Handbook

Cross Reference: 2207, Open Transfer

2619, 2619-R, Student Suspension

Code of Student Conduct

Certificated Personnel Handbook

APPENDIX F

OSSAA RULE 3 – SCHOLASTIC ELIGIBILITY (RELEVANT EXCERPTS)

RULE 3 - SCHOLASTIC ELIGIBILITY

OSSAA scholastic eligibility standards are required of all students engaging in co-curricular activity programs. Local school boards may make exception for only those students participating in non-competitive activities. (Board Policy)

Section 2, Scholastic Eligibility

Scholastic eligibility for students will be checked after three weeks (during the fourth week) of a semester and each succeeding week thereafter. School may choose to run eligibility checks on any day of the week. The period of probation and ineligibility will always begin the Monday following the day eligibility is checked. Methods should be devised to check weekly grades of vo-tech students and all concurrently enrolled students. For block scheduling, scholastic eligibility will be checked after two weeks (during third week) of the first and third blocks and each succeeding week thereafter and at the end of the first week of the second and fourth blocks and each succeeding week thereafter. Schools may choose to run eligibility checks on any day of the week. The period of probation and ineligibility will always begin the Monday following the day eligibility is checked.

A student must be passing in all subjects he/she is enrolled in during a semester. If a student is not passing all subjects enrolled in on the day of the grade check, he/she will be placed on probation for the next one-week period. If a student is still failing one or more classes during the next week on the grade check day, he/she will be ineligible to participate during the next one-week period. The ineligibility periods will begin on Monday and end on Sunday.

A student who has lost eligibility under this provision must be passing all subjects in order to regain eligibility. A student regains eligibility under Rule 3 with the first class of the new one-week period (Monday through Sunday).

"Passing grade" means work of such character that credit would be entered on the records were the semester to close at that time. (Trimester Eligibility – Refer to Board Policy XXXIX)

APPENDIX G

OSSAA RULE 13 – LOCAL RESPONSIBILITY (RELEVANT EXCERPTS)

RULE 13 - LOCAL RESPONSIBILITY

Section 1, Enforcement of Constitution and Rules:

The principal of the high school, as used in the constitution and rules, shall refer to the chief administrative office of the high school.

The principal and/or superintendent of the school shall be responsible for the enforcement of the constitution and rules of this Association and shall be the official representative of the school.

The administration of the school shall be responsible for the eligibility of its students.

Section 2

The principal shall be responsible for the instruction of the student body in the rules and ethics of activities as sponsored by the Association. The principal or his/her representative shall be manager of the team representing his/her school, shall be manager of home games or contests, and shall be responsible for the courteous treatment of visiting teams and their supporters. The principal shall have general supervision over the conduct of members of teams, students and supporters when away from home.