

MEMORANDUMT 206.516.3800
F 206.516.3888

TO: John Miller
Assistant Executive Director
WIAA

Brian Smith
Assistant Executive Director
WIAA

FROM: Carl Blackstone
Robert Westinghouse

DATE: May 18, 2016

RE: WIAA Response to Bellevue School District Violation Report dated May 11, 2016

On March 22, 2016, Carl Blackstone and Robert Westinghouse submitted an Investigative report to the Washington Interscholastic Activities Association (“WIAA”) relating to the Bellevue High School (“BHS”) football program. The WIAA Investigative Report (“Investigative Report”) contained findings that BHS and the Bellevue School District (“BSD”) had violated a number of WIAA rules. WIAA provided the Investigative Report to BSD on April 1, 2016. On May 11, 2016, BSD/BHS presented a WIAA Violation Report (“Violation Report” or “District’s Report”) to the KingCo League during a self-report hearing. On May 13, 2016, George Crowder, KingCo League President, requested that WIAA and its investigators evaluate the information contained in the BSD/BHS Violation Report.

The Violation Report identifies 10 allegations in the Investigative Report. The Violation Report provides substantive responses to only six of the allegations. BSD reports that it is continuing to investigate the remaining four violations and represented that it would respond by May 16, 2016. To our knowledge, BSD did not respond by that date.

In this memorandum the WIAA investigators will respond to the six allegations addressed in the Violation Report. The investigators will submit a supplemental response after BSD provides a substantive response to the four remaining allegations.

6. BSD also represented to the WIAA investigators that BSD destroyed residence records for players at the time of graduation. Although Jeff Lowell was specially asked when this policy was implemented, at whose direction, and whether it applied only to football players, (Exhibit 40), Mr. Lowell never responded to this request for information. The WIAA investigators concluded that this document destruction violated a state rule requiring that such information must be retained for three years after the student graduates. This conclusion was based on the plain reading of the State of Washington retention schedule and information provided by Rick Gregory, BSD's records manager, stating that BSD was required to retain all residency records containing a student's name for three years. (Investigative Report at 26-27). BSD's Violation Report simply states that WIAA's "assertion is factually inaccurate and not supported by the evidence." BSD offers nothing to support this claim. The District's Report does not challenge Mr. Gregory's assessment that BSD had to retain these records for three years, nor does BSD contend that the Washington retention schedule permitted BSD to destroy these residency records at the time of graduation.
7. Finally, although BSD requested that WIAA investigate whether players provided false addresses, BSD refused for more than four months to provide the WIAA investigators with player's addresses. After the WIAA investigators identified 42 players who had transferred to BHS, BSD provided addresses only for those players and provided no additional information such as lease agreements, utility bills and residency verification forms. (Investigative Report at 25). BSD's failure to cooperate with the WIAA investigation is further evidence of BSD's failure to monitor compliance with WIAA rules.

Allegation #4 – Whether athletes received subsidized housing to gain eligibility

The Investigative Report did not find sufficient evidence that players received subsidized housing to gain eligibility. The WIAA Addendum concurs in this finding. Nevertheless, the District's Report devotes more than a page to rebutting the recommendation in the Investigative Report that it conduct further investigation. In large part, this rebuttal is again premised on an unwarranted conclusion that WIAA rules and policies do not require or support investigations based on anonymous complaints.

The most import criterion for determining whether to conduct any investigation should be the credibility of the information provided – either anonymously or otherwise. It is important to