



Oregon School Activities Association

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December 11, 2015

Dr. Daniel Smith
Principal
North Medford H S
1900 N Keeneway Dr.
Medford, OR 97504

Subject: Dillon Ulrey

Status: Not Eligible

Dear Daniel:

The OSAA Executive Board met on Sunday, December 6, 2015, to review the eligibility request waiver of OSAA Rule 8.2.4 *Fifth Year Eligibility* for Dillon Ulrey, whose athletic eligibility had been denied by the OSAA Executive Director. The appeal was conducted at the OSAA office in Wilsonville, Oregon.

The OSAA Executive Board had previously reviewed all of the written material that had been submitted on Dillon's behalf. The Board listened to comments and testimony by Dillon Ulrey, the student; Jerry Ulrey, Dillon's father; and Amy Deitrick, Dillon's mother. Following all dialogue and questions, the Executive Board convened into Executive Session for review and discussion.

Findings of Fact:

1. Dillon first entered the 9th grade in September 2011 at Crater High School. His four consecutive years of eligibility expired at the conclusion of the 2014-15 school year.
2. Dillon has not graduated from high school. His academic progress, including summer school, has resulted in accumulating 19 credits by October 1, 2015, but he still needs 5 required credits to graduate.
3. Dillon had the opportunity to be enrolled in school during each of his 8 consecutive semesters in high school. He was not enrolled in school during the first semester of his junior year (September 2013-April 2014) when he and his girlfriend were having a baby. He made the decision to work and earn an income to provide for his new family.
4. Dillon is determined to graduate from high school, attend college and raise his family. Wrestling has always been an important part of Dillon's life.
5. There is nothing in the documentation submitted to indicate that the student has a disability as defined under the Individuals with Disabilities Education Act (IDEA).
6. There is no gap in the student's record where, due to "circumstances beyond the control of each of the student and the student's parent(s)" that caused his absence from school that prevented him from graduating in four consecutive years.

After reviewing the facts and testimony presented, the Executive Board voted unanimously, 11-0, to affirm the decision of the Executive Director that OSAA Rule 8.2.4 should not be waived for Dillon Ulrey. The Board members determined that the student's failure to graduate from high school within 4 consecutive years was not due to the specific criteria that must be considered when evaluating a request for a fifth year of eligibility as outlined in Rule 8.2.4 of the OSAA Handbook. The Board adopted

the Findings of Fact and Conclusions of the Executive Director in his letter of denial dated September 29, 2015. Therefore, Dillon is ineligible to compete in OSAA activities during the 2015-16 school year.

According to OSAA rule, the Executive Board decision may be appealed to a Hearings Officer. The excerpt from the OSAA set out below describes the process and how the appeal is brought.

Rule 9 – Hearings Officer

9.1. Appointment. The Executive Board shall appoint one or more Hearings Officers to whom all final determinations of the Association, including decisions made by the Executive Board and the Eligibility Appeals Board, may be appealed.

9.2. Appeals Procedure. A final determination of the Association relating to student eligibility under Rule 8 may be appealed by a member school, the student declared to be ineligible, or the student's parent or guardian. A final determination of the Association regarding all matters other than eligibility determinations may be appealed only by a member school. A party may appeal a final determination by making a written complaint to Association staff, as provided in Rule 9.4. A school, student, or parent or guardian must exhaust this administrative remedy prior to seeking relief in any other forum or by any other means. The written complaint must be received by Association staff within 30 calendar days of the final determination of the Association, or the right to appeal is forfeited. The Hearings Officer shall cause the appropriate hearing notices to be served and, except as otherwise provided in the Rules, the matter heard as a contested case in accordance with **ORS 183.411** to **ORS 183.470**. The hearing shall be held at the office of the Association in Wilsonville, Oregon or by telephone, at the discretion of the Hearings Officer. Parties or witnesses may appear by telephone, at the discretion of the Hearings Officer.

9.3. Final Determination. A final determination as described in section 9.2 occurs upon a final ruling made by the Association, including a conclusive ineligibility ruling made by the Executive Board or the Eligibility Appeals Board.

9.4. Complaint. A written complaint made to the Association staff shall include an appeal fee of **\$250** and state:

9.4.1. The name and address of the person making the complaint and the name of the student(s) affected by the delay or denial. If a member school is making the complaint, the complaint shall include a statement that the petitioner is an authorized representative of the member school;

9.4.2. A statement describing the way in which the petitioner asserts that the determination of the Association violates a state or federal law, an administrative rule, or the Rules of the OSAA, and whether the petitioner wishes to provide additional evidence beyond that which was produced previously, and if so, what that evidence will establish;

9.4.3. The authority from whose decision the appeal is brought; and

9.4.4. The relief requested.

9.5. Appeals. A final order issued by the Hearings Officer may be appealed to a proper Circuit Court of the State of Oregon.

Please let me know if you have any questions regarding the next available step in the appeals process.

Sincerely,



Brad Garrett
Assistant Executive Director

BG/ar

cc: Tim Sam, Athletic Director
Dillon Ulrey, Student