



## Oregon School Activities Association

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October 7, 2015

Noel Schaak  
Principal  
Canyonville Christian Academy  
PO Box 1100  
Canyonville, OR 97417

**Subject: Yu-il (Samuel) Kim**

**Status: Not Eligible**

Dear Noel:

I have thoroughly reviewed the Eligibility Request Form that has been submitted seeking a waiver of OSAA Rule 8.2 (Fifth Year). From the documentation that you have submitted I have concluded the following:

### Findings of Fact:

1. Samuel first entered the 9<sup>th</sup> grade in January 2012 in South Korea. His four consecutive years of eligibility will expire at the conclusion of the first semester of the 2015-16 school year.
2. Samuel has not graduated from high school. He has accumulated 23.5 credits thus far and still needs .5 required credits to graduate. This total does not include any credits earned during his first semester of 9<sup>th</sup> grade in South Korea.
3. Samuel has been enrolled in high school for 8 consecutive semesters. There is no gap in his academic record since he first entered the 9<sup>th</sup> grade.

### Conclusions:

OSAA Rule 8.2.4 lists specific criteria that must be considered when evaluating a request for a Fifth Year of eligibility. From the information submitted I conclude the following regarding these criteria:

1. The student has not graduated from high school. Samuel will have accumulated enough credits to graduate by the end of the first semester of the 2015-16 school year.
2. The student must meet one of the following criteria:
  - a. The Student's Individualized Education Program (IEP) Team has determined that the student has a "disability" as determined under the Individuals with Disabilities Education Act (IDEA), and that the student was meeting the requirements of the student's IEP, yet was unable to graduate from high school within eight semesters after entering the 9th grade primarily because of the disability. There is nothing in the documentation submitted to indicate that Samuel has a disability as defined under IDEA. Therefore, he does not meet this criteria.
  - b. Due to circumstances beyond the control of each of the student and the student's parent(s), there has been both a significant absence from school (not less than one semester) and an inability to obtain academic credit during that period of absence. There is nothing in the documentation submitted to indicate that there is such a gap in his academic record that was due to "circumstances beyond the control of each of the student and the student's parent(s)." Therefore, Samuel does not meet this criteria.

3. South Korea is located in the northern hemisphere so the student does not qualify for the "SOUTHERN HEMISPHERE EXCEPTION" as outlined in Rule 8.2.

Since the student does not meet either of the requirements above, I conclude that the student does not meet the criteria for a fifth year of eligibility as outlined in Rule 8.2.4 and is NOT ELIGIBLE to participate in OSAA activities during the 2015-16 school year.

According to OSAA rules, "A decision of the Executive Director may be appealed to the Executive Board." If you would like to schedule an appeal, please forward a written request to the OSAA office. As per OSAA Executive Board Policy "Eligibility Appeal Filing Fee", there is a non-refundable \$100.00 filing fee to defray the costs of the appeal.

Sincerely,



Tom Welter  
Executive Director

TW/ar

cc: Mike Stansberry, Athletic Director