



October 22, 2015

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RE: Wilfried Likayi - Athletic Eligibility Appeal

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The OSAA Eligibility Appeals Board (EAB) met Wednesday, October 21, 2015, to review the eligibility

request waiver of OSAA Rule 8.6 *Transfer without Change of Joint Residence* for Wilfried (Will) Likayi, whose athletic eligibility had been denied by the District Athletic Committee of the 5A Northwest Oregon Conference. The hearing was conducted at the OSAA office in Wilsonville.

Peter Weber

Assistant Executive Director

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The Appeals Board reviewed all of the written information that had been submitted on behalf of the student. During the hearing, the Board listened to comments and testimony by Wilfried Likayi, the student; Chouchou Likayi, Wilfried's mother; and Dave Richardson, Parkrose H S Assistant Principal/Athletic Director. Following all dialogue and questions, the Eligibility Appeals Board convened into executive session.

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From the written documentation submitted and the oral testimony provided at the hearing, the Eligibility Appeals Board concluded the following:

Findings of Fact:

1. Will is a junior at Parkrose H S and currently resides with his uncle, Marcel Mubikayi, in the Parkrose H S attendance area.
2. Last spring, 2015 Will delivered an Intent to Transfer form to Mr. Richardson, Asst. Principal/AD, Parkrose H S, from Benson HS. Mr. Bedi, AD, Benson H S, signed the documents with the understanding that Will was transferring to the neighborhood school where Will was living. It was later mentioned to Mr. Bedi that Will was still living in the Portland Public Schools area. Mr. Bedi called Mr. Richardson and expressed his concerns about the confusion of Will's place of residence and the potential problem of Will's athletic eligibility.
3. Will lived with his mother and two (2) sisters while attending Benson H S. His father left the family several years ago and currently is in North Dakota. Will was diagnosed with depression/anxiety and heart conditions in the 6th grade. He grew from 5'6" to 6'1" in one year. During his stay in the hospital, his doctor advised him to get involved in athletics as an outlet for his emotional and medical challenges. His uncle, Marcel Mubikayi, has become Will's positive male influence and the extended family decided last spring that it would be in Will's best interest to move in with Mr. Mubikayi and his family.
4. Mrs. Likayi wants a strong male presence in Will's life that he respects and will provide the positive example he needs to grow up a responsible and good person.
5. Will has been living with Mr. Mubikayi since the end of July. Mr. Mubikayi met with Mr. Richardson the first or second week of the 2015-16 school year and explained the family decision and the cultural background of that decision.
6. Parkrose H S submitted an Eligibility Request to the 5A Northwest Oregon Conference District Athletic Committee on October 13, 2015. The DAC denied the eligibility request October 14, 2015 and Parkrose H S requested an Appeal on October 14, 2015.

Conclusions:

The EAB may grant an exception to the transfer rule "when in its opinion there are circumstances beyond the control of each of the student and the student's parent(s), or other circumstances whereby enforcement of the rule would work an undue hardship upon the student." After reviewing the facts and testimony presented, the EAB concluded that Wilfried's transfer to Parkrose High School was made in his best interest. The financial hardship and confined living conditions of the four (4) family members impacted the decisions the extended family had to make for their family as a whole. Additionally, the family situation is further complicated by the strong cultural beliefs of their native Congo relative to a boy having a father figure.

Therefore, the Eligibility Appeals Board voted (3-2) to grant Wilfried Likayi eligibility effective immediately.

Sincerely,



Peter Weber
Assistant Executive Director

PW/ar

cc: Dave Richardson, Assistant Principal/AD, Parkrose HS
 B.G. Aguirre, District Athletic Committee Chair, 5A Northwest Oregon Conference, St. Helens HS
 Chouchou Likayi, Parent