

January 13, 2016

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Mark Pender
Principal
Milwaukie High School
11300 SE 23rd Ave
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RE: Cole Roberts' Athletic Eligibility

Dear Mark:

The OSAA Eligibility Appeals Board (EAB) met Monday, January 11, 2016 to review the eligibility request waiver of OSAA Rule 8.6 *Transfer Without Change of Joint Residence* for Cole Roberts, 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.

The Appeals Board reviewed all of the written information that had been submitted on behalf of the student. In addition to the original information received by the District Athletic Committee, the EAB received letters from Sean Keating, Asst. Principal, West Linn H S, and Joe Monahan, Head Baseball Coach, West Linn H S; plus emails between K. T. Emerson, Athletic Director, Milwaukie H S and Jennifer Jolly, Guidance Counselor, West Linn H S. During the hearing, the Board listened to comments and testimony by K. T. Emerson, Athletic Director, Milwaukie H S; Jeff and Dawn Roberts, the student's parents; and Cole Roberts, the student. Following the dialogue and questions, the Eligibility Appeals Board convened into executive session.

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

Findings of Fact:

1. Cole attended Milwaukie H S his freshman year through June, 2014. He began his sophomore year at West Linn H S in September 2014 through an open district transfer. Cole's reason for the transfer was to attend a school offering college prep programs. He intends to continue his education beyond high school.
2. Cole's experience at West Linn H S seems to have been negative from the start. Mid-way through the year he became depressed, suffering from anxiety, falling behind and failing classes. West Linn students were bullying him with verbal insults and negative treatment. Cole participated in baseball last spring and continued to attend West Linn H S. Over the summer, with some distance from the daily negative experiences, he thought he could continue attending West Linn H S. He attended his junior year at West Linn H S through late September 2015. Cole continued to suffer with anxiety and in September 2015 refused to go to school at West Linn H S any longer and asked his parents to transfer back to Milwaukie H S.
3. Cole enrolled at Milwaukie H S on September 29, 2015. He says the staff and students have made him feel welcome and provide support for him. His grades have improved, he no longer feels depressed, and is "now in a great place".

4. Milwaukie HS submitted an Eligibility Request to the 5A-Northwest Oregon Conference District Athletic Committee on December 16, 2015. The DAC denied the eligibility request on December 17, 2015 and Milwaukie HS requested an appeal on December 17, 2015.

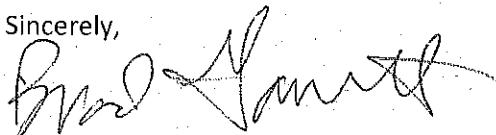
Conclusions:

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 the decision to transfer Cole from West Linn HS back to Milwaukie HS was not made for athletic reasons, but was necessary and he is now where he belongs in a supportive, positive environment.

Therefore, the Eligibility Appeals Board voted (4-1) to grant Cole athletic eligibility. Cole Roberts is eligible to participate in OSAA activities effective January 11, 2016.

It is our sincere hope that this waiver will be of benefit to the student.

Sincerely,



Brad Garrett
Assistant Executive Director

BG/ar

cc: K. T. Emerson, Athletic Director, Milwaukie HS
Jeff and Dawn Roberts, Parents
B. G. Aguirre, Principal, St. Helens HS, 3A Mountain Valley Conference, DAC Chairperson