

MEMORANDUM

June 9, 2011
M079.92
305-652-6806

TO: Mr. M. Denarvise Thornton, Jr., Associate Executive Director
Florida High School Athletic Association

FROM: Matthew J. Welker, Ed.D., Principal
Dr. Michael M. Krop Senior High School

SUBJECT: INVESTIGATION OF ATHLETIC PROGRAM – BOYS BASKETBALL

The following information and associated attachments are provided in response to the above cited investigative subject:

1. T
a. **Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or parents) falsified information relative to the student's residence.**

I disagree and consider a violation did not occur based on the following information: Mr. _____, Sr. visited the registration office at Dr. Michael Krop High School (MKHS) on May 19, 2010 to enroll his son, T _____, for the 2010-11 school year. At the time, Mr. _____ could not provide any of the district-required documentation (Exhibit 1a1) so the registrar, Ms. Grace Lopez, gave him an Address Verification Request form to complete. Mr. _____ also stated that due to personal and financial reasons he often commuted between Miami, FL and McDonough, GA. His son resides with Ms. _____ who is listed as his aunt on the Student Data Card (contained within Exhibit 1a4). Ms. _____ also provided a notarized affidavit confirming her relationship with the student (Exhibit 1a2). The address was verified on July 19, 2010 by Mr. Ray Thompson, who works as an audio visual technician at the school. Mr. Thompson is also the Assistant Athletic Director (Refer to Exhibit 1a3).

Mr. _____ returned to the registration office on July 20, 2010 to finalize the registration of his son. At that time, Mr. _____ provided and completed various forms that are required by the district for student registration which included the Birth Certificate, Parent Identification or Driver's License, Address Verification Request Form, Florida Certificate of Immunization, Student Enrollment Form, Disclosure at the Time of Registration Form, Fraternity/Sorority Non-Affiliation Form, Directory Opt-Out Form, Home Language Survey, Student Data Card, and the FHSAA Affidavit of Compliance with Policy on Recruiting. A Student Subject Selection form was completed for the student and the courses were entered into the district database by the registrar to complete the registration (Exhibit 1a4 contains multiple documents).

Additional Background Information: The Principal, Dr. Matthew Welker, and the administrative staff work closely with the school registrar and the staff who are associated with student enrollment to ensure they understand and follow district procedures in the performance of their duties. The Principal conducts a formal

meeting with school personnel prior to the opening of school each year to review the policies and procedures that are associated with student enrollment. The Principal prepares, disseminates, and discusses an Opening of School Procedural guide with the faculty and key support personnel that outlines the policies and procedures associated with student registration and attendance.

The school registrar attends a district-required meeting during the spring before each new school year to ensure that she is apprised of any changes that may impact the enrollment process. The information she obtains in the meeting is discussed with the Principal and becomes part of the school site registration procedure manual that is distributed and discussed at a staff meeting in August. Internal meetings are conducted by the school registrar in August and throughout the year to convey important information to the personnel who will be working with registration at the time school opens and throughout the year.

The registrar routinely contacts the Principal or an Assistant Principal when issues or concern arise during the enrollment process. The registrar also ensures that parents and students who enter from locations outside the school's attendance boundary complete the Affidavit of Compliance with Policy on Athletic Recruiting as part of the enrollment process.

When a parent or guardian registers a child in Miami-Dade County Public Schools, he/she is asked to submit numerous documents that are required by the district. Chief among those forms is the proof of residence. The school registrar accepts two of the following documents: Broker's or attorneys statement of parents' purchase of residence or properly executed lease agreement, current Homestead Exemption Card, and or an electric deposit receipt or electric bill showing the name of the parent/guardian and service address. If the two documents provided contain the surname of the parent or guardian of the child who has the same last name, the registrar assumes the documents are accurate and enrolls the child. If the surnames of the parent or guardian and child are different, the parent is asked to complete an Address Verification Request Form. The address provided by the parent or guardian is then verified by a member of the school staff who physically visits the address listed on the Address Verification Request Form. The parent or guardian is notified regarding the outcome of the address verification, and the child is either enrolled or directed back to his or her previous school.

Student home addresses are also verified throughout the year as part of the daily attendance and truancy intervention processes. School staff members monitor student attendance and tardies each day. Students who accumulate excessive absences or tardies are questioned to determine the reasons for the behavior, and strategies are developed to remedy the problem. The parent is also contacted to provide proof of residence as part of this process because a change of residence is often the reason behind the absences or tardies.

School personnel also conduct traffic surveillance during student arrival and dismissal periodically throughout the year to identify students and parents who travel from locations beyond the school's attendance boundary. Because of our proximity to the county line, it is not uncommon for us to observe parents and

students travelling from Broward County either on foot or by car. Students who are identified in this process are interviewed by a school administrator, and the parent is asked to provide proof of residence.

Address verifications are also prompted when a staff member receives reliable information from a school stakeholder about a student's change of residence. In this case, the student is interviewed by an administrator and the parent is asked to provide proof of residence to confirm or refute the information obtained from the source.

b. Please provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

The student participated in 25 contests as a member of the boys' varsity basketball team (Exhibit 1b1) and two contests as a member of the junior varsity basketball team. The student participated in no other sport during the 2010-11 school year.

c. Provide a statement regarding (sp) s association with DKHS in any capacity.

Ms. has no affiliation with Dr. Michael Krop High School. Ms. is the aunt of . She is listed as such on the Student Data Card (contained in Exhibit 1a4). Ms. also submitted a notarized affidavit confirming her relationship with the student (Exhibit 1a2).

d. Date the falsified information was discovered is May 21, 2011.

The registration information and documents provided by parent during the enrollment process was accepted in good faith by the registrar. The registrar followed all of the procedures required by the district to enroll the child. When information regarding the student's residence could not be confirmed, the parent was asked to complete an Address Verification Request form. Mr. Ray Thompson personally visited the home of the student on July 19, 2010, to verify the address. The student met all of the district and FHSAA eligibility requirements prior to participating as a member of the boys' varsity basketball team (Exhibit 1d1 contains multiple documents).

e. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

Please refer to the response provided for Item 1b.

2. Br a.

Provided fraudulent information in accordance with Florida Statute 837.06.

Please refer to the background information provided in the response for Item 1a. I disagree and consider a violation did not occur based on the background information provided and the following information: Mrs. came to Dr. Michael Krop High School on April 7, 2010 to register her stepson, for the 2010-11 school year. At the time, was enrolled as an eleventh grade student at Booker T. Washington High School in Miami. Mrs. met with Mr. Francisco Garnica, Assistant Principal, to discuss the transfer and the documents she would need to register her child.

Mrs. _____ returned to the school on April 9, 2010 and met with the registrar to enroll her stepson, _____. The registrar asked Ms. _____ to provide proof of residence. Ms. _____ provided a Florida Power and Light bill where she and _____ were listed as customers (Exhibit 2a1). The registrar also asked Ms. _____ to complete an Address Verification Agreement Form (Exhibit 2a2) just in case it was needed. Because the student was transferring from another school within the district, the registrar searched for _____ in the student database and noted that _____ and _____ were listed as his parents. The school registrar subsequently asked Mrs. _____ to provide and complete a variety of district-required forms which included the Birth Certificate, Parent Identification or Driver's License, Address Verification Request Form, Florida Certificate of Immunization, Student Enrollment Form, Disclosure at the Time of Registration Form, Fraternity/Sorority Non-Affiliation Form, Directory Opt-Out Form, Home Language Survey, Student Data Card, and the FHSAA Affidavit of Compliance with Policy on Recruiting. A Student Subject Selection form was completed for the student and the courses were entered into the district database by the registrar to complete the registration of her son on April 9, 2010 (Exhibit 2a3 contains multiple documents).

The student's Cumulative Record was not available at the time the student was enrolled at Dr. Michael Krop High School. The registrar sent a Cumulative Record transfer request to Booker T. Washington High School after the student enrolled. The registrar made numerous requests for the record. The record was received in April, 2011. When the registrar examined the record, she observed that there was no documentation available to confirm the relationship between Ms. _____ and the student. Mrs. _____ was contacted, and she provided numerous documents confirming her relationship with the student and his father (Exhibit 2a4 contains multiple documents).

The information provided by the parent of this student and the student, in some instances, was accepted by the registrar and other members of the staff in good faith. The staff followed all of the procedures prescribed by the district and the FHSAA to verify the information that was submitted. When circumstances warranted or as information was received, the registrar contacted the Principal for assistance in resolving issues regarding Mrs. _____'s relationship to the student. Mrs. _____ was contacted, and documents regarding her relationship to the student and his father were placed into the student's Cumulative Record. The staff also consistently monitored _____'s attendance and tardies in an effort to maintain the student's eligibility. The staff was quick to react when concerns became apparent regarding the absences and tardies this student accumulated.

b. Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or) parents falsified information relative to the student's residence.

I disagree and consider a violation did not occur based on the information provided in the previous response. The registration information and documents provided by the parent during the enrollment process was accepted in good faith by the registrar. The registrar followed all of the procedures required by the district to verify the information provided by the parent and to enroll the child

(Please refer to the response provided in 1a). Additionally, the parent completed all of the forms required to enroll her child in a Miami-Dade County Public School. The student met all of the district and FHSAA eligibility requirements prior to participating as a member of the boys' varsity basketball team (Exhibit 2b1 contains multiple documents).

As presented in the background information for response 1a, Mr. Michael Kypriss, Athletic Director, monitors the attendance and tardies of student-athletes throughout the year. _____ was rendered ineligible as a basketball player on January 10, 2011 because he had accumulated 20 tardies. Mr. Kypriss met personally with the student on that day. Mr. Kypriss also met with the student on December 17, 2010, after the student accumulated 15 tardies, to discuss his eligibility (Exhibit 2b2).

c. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2).

I disagree and consider a violation did not occur based on the following information: Policy 10.9.2 Withholding Information states: Member schools or persons defined in Policy 36.2.1.1 who intentionally withhold information impacting state series participation shall be considered unethical and unsportsmanlike and addressed in accordance with Policy 41 Monetary Penalty Schedule (2010-11 FHSAA Handbook, p.63, 94, and 106, respectively).

The FHSAA investigator visited Dr. Michael Krop High School on March 3, 10, 13, 31; and April 21, 2011. The investigator was given free access to all of the records associated with the students in the athletic program at Dr. Michael Krop Senior High School. Students were called from classes at the request of the investigator and the Principal was present when the student was interviewed. _____ was summoned from class by the Principal at the request of the investigator. When the student arrived, the Principal introduced the investigator to the student and explained why the investigator was visiting the school. The Principal encouraged the student to answer any of questions presented by the investigator honestly and to the best of his ability. Additionally, this student was rendered ineligible based on the district's Team/Performance Rules on January 10, 2011, as presented in the previous response.

d. Date the falsified information was discovered is May 21, 2011.

Please refer to the response provide for 2b.

e. Provide a copy of the student's discipline record indicating the tardies for which the student was removed from boys' basketball team.

Pursuant to the district's Team/Performing Group Rules, a student-athlete who accumulates 10 absences and/or 20 tardies may not participate in interscholastic competitions or performances for the remainder of the school year (Exhibit 2b1). The student's name was not submitted as part of the Official State Entry List (Exhibit 2e1).

- f. **Provide a copy of the school's/district's policy addressing excessive tardies and extracurricular activities (athletic) participation.**

Please refer to Exhibit 2b1.

- g. **Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.**

The student participated in 21 contests as a member of the boys' varsity basketball team (Exhibit 2g1). The student did not participate in any other sport during the 2010-11 school year.

3. C
a.

- Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or) parents falsified information relative to the student's residence.**

Please refer to the background information provided in the response for Item 1a. Disagree and consider a violation did not occur based on the background information provided and the following information: Mrs. _____ came to Dr. Michael Krop High School on August 23, 2007, which was the first day of school, to transfer her son, _____, from American Senior High School to Dr. Michael Krop High School for the 2007-08 school year. She presented a Notice of Withdrawal/Transfer form from the sending high school as one of the documents required for her to enroll her son. The school registrar asked Mrs. _____ to provide and complete a variety of district-required forms which included the Birth Certificate, Notice of Withdrawal/Transfer, Student Enrollment Form, Disclosure at the Time of Registration Form, Fraternity/Sorority Non-Affiliation Form. A Student Subject Selection form was completed for the student and the courses were entered into the district database by the registrar to complete the registration of her son on August 23, 2007 (Exhibit 3a1 contains multiple documents).

At the end of the 2007-08 school year, Mrs. _____ withdrew her son and enrolled him at Monsignor Pace High School, Opa Locka, for the 2008-09 school year and part of the 2009-10 school year. She returned to Dr. Michael Krop High School on April 15, 2010 to re-enroll her son. She stated at the time that she had experienced some personal and financial difficulties which required her and her son to live with _____ and _____. Ms. _____ was later identified as Mrs. _____'s cousin (Exhibit 3a2). At the time, Mrs. _____ could not provide proof of residence and was asked to complete an Address Verification Request form. The address on the form was verified by Mr. Ray Thompson on April 19, 2010 (Exhibit 3a3 contains multiple documents).

The parent returned to the school on the same day and the registrar asked the parent to provide and complete a variety of district-required forms which included the Birth Certificate, Parent Identification or Driver's License, Address Verification Request Form, Student Enrollment Form, Disclosure at the Time of Registration Form, Fraternity/Sorority Non-Affiliation Form, Directory Opt-Out Form, Student Data Card, and the FHSAA Affidavit of Compliance with Policy on Recruiting. A Student Subject Selection form was completed for the student and the courses were entered into the district database by the registrar to complete the

registration of her son on April 19, 2010 (Exhibit 3a3 contains multiple documents).

The staff followed all of the procedures prescribed by the district and the FHSAA to verify the information that was submitted. The staff also consistently monitored student attendance and tardies in an effort to maintain the student's eligibility. The staff is quick to react when concerns arise regarding a student's address or athletic eligibility as demonstrated in the response provide for this student and others.

b. Date the falsified information was discovered is May 21, 2011.

The registration information and documents provided by the parent during the enrollment process was accepted in good faith by the registrar. The registrar followed all of the procedures required by the district to verify the information provided by the parent and to enroll the child on August 23, 2007 and then again on April 19, 2010. Additionally, the parent completed all of the forms required to enroll her child in a Miami-Dade County Public School. The student met all of the district and FHSAA eligibility requirements prior to participating as a member of the boys' varsity basketball team (3b1 contains multiple documents).

The staff followed all of the procedures prescribed by the district and the FHSAA to verify the information that was submitted. The staff also consistently monitored student attendance and tardies in an effort to maintain the student's eligibility. The staff is quick to react when concerns arise regarding a student's address or athletic eligibility as demonstrated in the response provide for this student and others.

c. Provide a statement regarding _____' association with DKHS in any capacity.

_____ is not associated with Dr. Michael Krop High School in any capacity. Our records indicate that _____ is the spouse of _____ who is the cousin of _____ as presented previously. Mr. and Mrs. _____ allowed _____ n and her son, _____, to live in their home during a time when Ms. _____ was unemployed.

d. Provide a statement regarding _____' association with DKHS in any capacity.

_____ is not associated in any capacity with Dr. Michael Krop High School. Refer to previous response.

e. Verify if any of Mr. and Mrs. _____'s offspring attend DKHS.

No children of Mr. and Mrs. _____ attend Dr. Michael Krop High School. No children of Mr. and Mrs. _____ attend the school either.

f. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

The student participated in 27 contests as a member of the boys' varsity basketball team (Exhibit 3f1). The student did not participate in any other sport during the 2010-11 school year.

4.

a. **Provided fraudulent information in accordance with Florida Statute 837.06.**

Please refer to the background information provided in the response for Item 1a. I disagree and consider a violation did not occur based on the background information provided and the following information: Mr. _____ came to Dr. Michael Krop High School the morning of August 11, 2008 to enroll his son, _____, as a tenth grade student. _____ previously resided with his father in Puerto Rico until the time of his registration. At the time, Mr. _____ could not provide proof of residence and was asked to complete an Address Verification Request form (Exhibit 4a1). The address was verified by Ms. Lori Nelson on August 11, 2008, who was the Athletic Director at the time and verified again this year (Exhibit 4a2).

The parent was asked to return to the school to provide and complete a variety of district-required forms which included the Birth Certificate, Florida Certificate of Immunization, Student Enrollment Form, Disclosure at the Time of Registration Form, Fraternity/Sorority Non-Affiliation Form, Directory Opt-Out Form, Student Data Card, and the FHSAA Affidavit of Compliance with Policy on Recruiting. A Student Subject Selection form was completed for the student and the courses were entered into the district database by the registrar to complete the registration on August 20, 2008 (Exhibit 4a3 contains multiple documents).

The registration information and documents provided by the parent during the enrollment process was accepted in good faith by the registrar. The registrar followed all of the procedures required by the district to verify the information provided by the parent and to enroll to the child. Additionally, the parent completed all of the forms required to enroll her child in a Miami-Dade County Public School. The student met all of the district and FHSAA eligibility requirements prior to participating as a member of the boys' varsity basketball team (Exhibit 4a4- contains multiple documents). The staff followed all of the procedures prescribed by the district and the FHSAA to verify the information that was submitted. The staff also consistently monitored student attendance and tardies in an effort to maintain the student's eligibility. The staff is quick to react when concerns arise regarding a student's address or athletic eligibility as demonstrated in the response provide for this student and others.

b. **Participated in interscholastic contests during the 2010-11 school year while ineligible in accordance with Bylaw 9.1.2.2. Student (and/or) parents falsified information relative to the student's residence.**

I disagree and consider a violation did not occur based on the information provided in the previous response. The registration information and documents provided by parent during the enrollment process was accepted in good faith by the registrar. The registrar followed all of the procedures required by the district to verify the information provided by the parent and to enroll to the child (Please refer to the response provided in 4a).

Additionally, the parent completed all of the forms required to enroll her child in a Miami-Dade County Public School. The student met all of the district and FHSAA

eligibility requirements prior to participating as a member of the boys' varsity basketball team (Exhibit 4a4 contains multiple documents). The staff followed all of the procedures prescribed by the district and the FHSAA to verify the information that was submitted. The staff also consistently monitored student attendance and tardies in an effort to maintain the student's eligibility. The staff is quick to react when concerns arise regarding a student's address or athletic eligibility as demonstrated in the response provide for this student and others.

c. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2).

Disagree and consider a violation did not occur based on the following information: Policy 10.9.2 Withholding Information states: Member schools or persons defined in Policy 36.2.1.1 who intentionally withhold information impacting state series participation shall be considered unethical and unsportsmanlike and addressed in accordance with Policy 41 Monetary Penalty Schedule (2010-11 FHSAA Handbook, p.63, 94, and 106, respectively).

The FHSAA investigator visited Dr. Michael Krop High School on March 3, 10, 13, 31; and April 21, 2011. The investigator was given free access to all of the records associated with the students in the athletic program at Dr. Michael Krop Senior High School. Students were called from classes at the request of the investigator and the Principal was present when the student was interviewed.

was summoned from class by the Principal at the request of the investigator. When the student arrived, the Principal introduced the investigator to the student and explained why the investigator was visiting the school. The Principal encouraged the student to answer any of questions presented by the investigator honestly and to the best of his ability.

d. Date the falsified information was discovered is May 21, 2011.

The registration information and documents provided by the parent during the enrollment process was accepted in good faith by the registrar. The registrar followed all of the procedures required by the district to verify the information provided by the parent and to enroll the child. Additionally, the parent completed all of the forms required to enroll her child in a Miami-Dade County Public School. The student met all of the district and FHSAA eligibility requirements prior to participating as a member of the boys' varsity basketball team (Exhibit 4a4 contains multiple documents)). The staff followed all of the procedures prescribed by the district and the FHSAA to verify the information that was submitted. The staff also consistently monitored student attendance and tardies in an effort to maintain the student's eligibility. The staff is quick to react when concerns arise regarding a student's address or athletic eligibility as demonstrated in the response provide for this student and others.

e. Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.

The student participated in 22 contests as a member of the boys' varsity basketball team (Refer to Exhibit 4e1). The student did not participate in any other sport during the 2010-11 school year.

5. B
a.

Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2). NOTE: Aforementioned student was named as a plaintiff seeking injunctive relief in *L* , et. al. vs. FHSAA, however, the student deferred to his guardian when being questioned by FHSAA Investigative Consultant. No guardian was referenced in the student's lawsuit against the FHSAA.

I disagree and consider a violation did not occur based on the following information: Policy 10.9.2 Withholding Information states: Member schools or persons defined in Policy 36.2.1.1 who intentionally withhold information impacting state series participation shall be considered unethical and unsportsmanlike and addressed in accordance with Policy 41 Monetary Penalty Schedule (2010-11 FHSAA Handbook, p.63, 94, and 106, respectively).

The FHSAA investigator visited Dr. Michael Krop High School on March 3, 10, 13, 31; and April 21, 2011. The investigator was given free access to all of the records associated with the students in the athletic program at Dr. Michael Krop Senior High School. Students were called from classes at the request of the investigator and the Principal was present when the student was interviewed.

was summoned from a class by the Principal at the request of the investigator. When the student arrived, the Principal introduced the investigator to the student and explained why the investigator was visiting the school. The Principal encouraged the student to answer any of questions presented by the investigator honestly and to the best of his ability. The Principal also encouraged members of the staff and/or parents to cooperate with the FHSAA investigator while he was visiting the school.

- b. **Participated while ineligible in accordance with Policy 17.**

Background information: Policy 17 Eligibility of Foreign Exchange, International and Immigrant Students states the following with respect to Other International Students: An international student who is not sponsored by a bona fide foreign exchange program may be eligible to represent an FHSAA member school in interscholastic athletic competition under the following conditions:

- The international student must possess a nonimmigrant visa (i.e. F-1) issued by the U.S. Citizenship and Immigration Service (USCIS). An international student visiting this country on a B-2 tourist visa is not eligible to participate in interscholastic athletic competition.
- The international student must be placed in a traditional academic track that leads to a high school diploma by the member school.
- The international student must not have been recruited to attend the member school for athletic reasons by any individual or agency, whether or not associated with the school's athletic interest, or selected or placed in the school on any basis related to his/her athletic interests or abilities.
- No individual or agency associated with the school's athletic interest may provide financial assistance to the international student in gaining necessary visas, assist in the payment of the student's transportation to the U.S., or contribute to the student's living expenses while in the U.S.

- The international student must not reside with a coach or other representative of the school's athletic interest (see Bylaw 1.4.18 or Policy 36.2.1.1) or reside in the U.S. with any other individual(s) from his/her home country with whom he/she has not lived continuously for the previous 365 consecutive days.
- The international student must not have completed the 12th grade (terminal grade) or its equivalent in either the U.S. or his/her home country. International students will not be eligible once they have completed the 12th grade or its equivalent in either the U.S. or their home countries.
- The international student must meet all other eligibility standards of the FHSAA Bylaws while a student at a member school.
- Pursuant to federal law, an international student attending a public school is eligible to remain in the U.S. for a maximum of one year and must reimburse the public school for the cost of his/her U.S. education (2010-11 FHSAA Handbook, p.77).

Miami-Dade County Public Schools has specific language within its registration guidelines regarding foreign students as codified in School Board Rule 6Gx13-5A-1.11. The rule specifically states that public school officials may not ask for a student passport, visa, or other proof of immigration status in order to enroll or transfer to a public school (Exhibit 5b1). Although the language is specific to student enrollment, school employees in this district believe they are prohibited from asking any questions regarding immigration status. This is particularly true for coaches and athletic directors who work with student-athletes each school year. Immigration status has become the "third rail" for many educators in this county – you don't touch it. With respect to _____, members of the staff never thought to ask any questions regarding his immigration status because of the prohibition and the fact he had lived in the United States since 2008, and attended two different high schools before his enrollment at Dr. Michael Krop High School.

Our information and research indicate that _____ attended R.M. Bailey Senior High School, Nassau, Bahamas, as a ninth grader during the 2007-08 school year. On or about July 11, 2008, _____'s mother, Ms. _____, contacted Mr. Jerome Smith, an administrator at Choice Learning Academy, also referred to as Center of Life Academy in Miami, FL, to enroll her son. Mr. Smith subsequently issued a Certificate of Eligibility for Nonimmigrant (F-1 Visa) Student (Form I-20) for _____ on July 14, 2008. The parent and the student signed receipt of the Certificate on August 26, 2008. A representative of the Immigration and Naturalization Service issued a visa based on the information contained on the Certificate of Eligibility for Nonimmigrant (F-1 Visa) for _____ on August 28, 2008 (Exhibit 5b2). Mr. Smith registered transmitted information regarding the student's immigration status to the Student Exchange Visitor Information System (SEVIS) on October 30, 2008 (Exhibit 5b3).

The student subsequently attended Westlake Preparatory School and Academy, Davie, FL during the 2009-10 school year (Exhibit 5b4). At the beginning of September, 2010, Ms. _____ executed a notarized affidavit leaving her son,

, in the care of Mr. t because she had an emergency and had to return to the Bahamas (Exhibit 5b5).

On September 10, 2010, Mr. t came to Dr. Michael M. Krop Senior High School to enroll as a twelfth grade student. Mr. did not provide proof of residence, so he was asked to complete an Address Verification Request Form. The address was verified by Mr. Ray Thompson who visited the residence on September 12, 2010. Mr. returned to the school on September 13. He was asked to provide and complete a variety of district-required forms which included the Birth Certificate, Florida Certificate of Immunization, Student Enrollment Form, Disclosure at the Time of Registration Form, Fraternity/Sorority Non-Affiliation Form, Directory Opt-Out Form, Student Data Card, and the FHSAA Affidavit of Compliance with Policy on Recruiting. A Student Subject Selection form was completed for the student and the courses were entered into the district database by the registrar to complete the registration (Exhibit 5b6 contains multiple documents). As mentioned previously, the school registrar is prohibited by district policy from asking questions or requiring documentation regarding the immigration status of a student, so the information was not made part of his Cumulative Record.

As is the case with any student who transfers from another school outside the school's feeder pattern, Mr. and signed an Affidavit of Compliance with Policy on Athletic Recruiting (FHSAA GA4 Form) with their parent or guardian as part of the registration process at our school (Exhibit 5b7). Additionally, and Mr. submitted all of the forms required by Miami-Dade County Public Schools and the FHSAA to participate as a member of the varsity boys' basketball team on September 20, 2010 (Exhibit 5b8 contains multiple documents).

When an issue regarding this student's eligibility to participate as a varsity basketball player became evident in the latter part of January, the student was not allowed to participate in athletics and the Principal conducted an investigation regarding the student's immigration status. As a result of the investigation, documents pertaining to the student's immigration status were obtained by the Principal from the guardian (Exhibit 5b9). The Principal subsequently reported his findings to the FHSAA and requested assistance as to the eligibility of the student (Exhibits 5b10 contains multiple documents).

On January 27, 2011, the FHSAA determined that , a 19 year old student-athlete, was ineligible to participate in boys' varsity basketball based on information related to the student's immigration status that was submitted by the Principal on February 26, 2010 (Exhibit 5b11).

On February, 4, 2011, submitted a written request to the Principal for an eligibility appeal pursuant to Policy 10.4.1 (Exhibit 5b12). On February 5, 2011, a request for an Emergency Hearing and Request for Sectional Appeals Committee Hearing were electronically transmitted to the FHSAA by the Principal on behalf of the student (Exhibit 5b13).

A telephonic Sectional Appeals Committee Hearing was held with representatives of the Florida High School Association on Wednesday, February 8, 2011. During the Hearing, the Appeals Committee heard testimony and voted to deny request for a waiver of FHSAA Policy 17.2 in order to reinstate his eligibility. The waiver of FHSAA Bylaw 10.2 to reinstate forfeited contests was also denied (Exhibit 5b14).

On February 7, 2011 legal representatives for ; , parent of ; and , parent of filed and were granted a Petition for Temporary Injunction that enjoined the FHSAA from disqualifying and/or the men's varsity basketball team at Dr. Michael Krop High School from District, Regional, and State basketball championships for the current 2010-2011 season (Exhibit 5b15).

As a result of this decision, the basketball team competed against Miami Carol City High School on February 8 and Hialeah Miami Lakes on February 10, 2011. The team won both games and the district championship. The Temporary Injunction that was placed against the FHSAA was overturned by a Third District Court of Appeals on February 16, 2011. was rendered ineligible, and the team forfeited all the games in which he was a participant (Exhibit 5b16).

c. Participated while ineligible in accordance with Bylaw 9.3.2.

Bylaw 9.3.2 Transfer Student Not Eligible until the Following School Year states: A student who transfers from one school to another will not be eligible at the new school until the beginning of the next school year, unless the student qualifies under one of the following four exceptions:

- Full and Complete Move to New Residence: A student who moves to a new home address due to a full and complete move by the student and the persons with whom he/she has been living for at least one calendar year that makes it necessary for the student to attend a different school and meets all other eligibility requirements as provided in Article 9 will be eligible subject to Bylaw 9.3.3. A student and his/her parents cannot occupy a residence at more than one address, and only the student's current residence may be used for eligibility purposes. The following items are evidence a move is full and complete:
 - (a) The former residence is not occupied for any purpose at any time by the student or any of the persons with whom the student has been living; and
 - (b) All personal belongings are moved from the former residence; and
 - (c) Mail is received at the new residence; and
 - (d) All utilities are transferred to the new residence; and
 - (e) Driver's license, voter registration and other forms of legal identification are changed to the new residence.
- Necessary Relocation to Residence of Another Individual: A student who transfers because he/she has to move into the residence of another person who lives at a residence that makes it necessary for the student to attend a different school and meets all other eligibility requirements as

provided in Article 9 will be eligible at the new school subject to Bylaw 9.3.3. This exception applies only to the following specific situations:

- (a) One of the persons with whom the student has been living dies;
 - (b) One of the persons with whom the student has been living is imprisoned or committed by court order to a mental facility; or
 - (c) The student is made a ward of the court or state and is placed in a foster home by a court of legal jurisdiction. In this case, a certified copy of the court order, a copy of the petition upon which the order was based, and other evidence the court had to consider in issuing the order must be provided to the FHSAA Office. Temporary guardianship that is granted without the approval of a court of legal jurisdiction does not meet this requirement.
- Move to New Residence Following Marriage: A student who marries and immediately establishes a new residence with his/her spouse at a residence that makes it necessary for the student to attend a different school and meets all other eligibility requirements as provided in Article 9 will be eligible subject to Bylaw 9.3.3.
 - Reassignment by District School Board: A student who is reassigned during the school year to a different school by the district school board, as long as the reassignment is not for athletic or disciplinary reasons, and is not requested by the student or his/her parents, and meets all other eligibility requirements as provided in Article 9 will be eligible at the new school subject to Bylaw 9.3.3. In this case, the student may participate in interscholastic athletic competition at the public school where he/she is assigned or a private school he/she chooses to attend.
 - Need to Attend a Different School Defined: When determining whether a change in residence makes it necessary for a student to attend a different school as required in Bylaws 9.3.2.1, 9.3.2.2 and 9.3.2.3, the FHSAA Office will consider the following criteria:
 - (a) Is the student not permitted to attend his/her old school by the district school board because the new residence is outside the school's attendance zone?
 - (b) Is public transportation from the student's new residence to the old school not provided? (FHSAA 2010-11 Handbook, p.27)

I disagree and consider a violation did not occur based on the following information: On September 10, 2010, Mr. _____ came to Dr. Michael M. Krop Senior High School to enroll _____ as a twelfth grade student. At the time, Mr. _____ did not provide proof of residence, so he was asked to complete an Address Verification Request Form. A staff member verified the address on September 12, 2010, and Mr. _____ returned to the school on September 13 to complete the registration process (Refer to Exhibit 5b6).

_____ has been living with _____ since 2008. We believe that _____ was eligible under the first exception because he and Mr. _____ executed a full and complete move to a new residence prior to his enrollment at Dr. Michael Krop High School.

- d. **Please provide the number of contests, all sports and all levels, in which the student participated, representing DKHS, during the 2010-11 school year.**

The student participated in 24 contests as a member of the boys' varsity basketball team (Refer to Exhibit 5d1). The student participated in no other sport during the 2010-11 school year.

- e. **Provide the number of contests, all sports and all levels, in which the aforementioned student participated during the 2010-11 school year.**

Please refer to the previous response.

6. **Coach Marcos (Shakey) Rodriguez**

- a. **Provided impermissible benefit to student-athlete reference in item #2 by not reporting questionable eligibility status to school's administration in accordance with Policy 36.**

I disagree and consider a violation did not occur based on the following information: Policy 36.4 Impermissible Benefit states: No school employee, athletic department staff member or representative of the school's athletic interests may be involved, directly or indirectly, in promising, offering or giving an impermissible benefit to any student who does not attend that school or any member of his/her family in an attempt to entice the student to attend the school for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends that school.

Specifically prohibited arrangements, assistance or benefits include, but are not limited to, the following:

- School-based financial assistance of any kind that exceeds the amount for which a student has been approved by an independent financial needs assessment company that is recognized by the FHSAA or otherwise is in excess of any supplemental assistance provided by the school to each and every student who qualifies for financial assistance.
- Cash or like items, such as credit cards, debit cards, gift cards, gift certificates, coupons or vouchers
- Gifts of clothing, equipment, merchandise or other tangible items
- Loans or assistance in securing a loan of any kind
- Payment for any work or service that is not performed or that is in excess of the amount normally paid for such work or service
- Free or reduced-cost transportation
- Living on a full- or part-time basis, regardless of whether rent is paid, with any school employee, athletic department staff member or representative of the school's athletic interests
- Free or reduced-cost rent for housing, vehicles or other items
- Full or partial payment of moving expenses or assistance of any kind with an actual physical move

- Employment or assistance in securing employment or contractual arrangement of any kind for which compensation may be paid
- Promise of a position on an interscholastic athletic team or playing time as a member of the team
- Promise of guaranteeing a college athletic scholarship
- Free or reduced costs to attend a sport or skills camp
- Any other form of arrangement, assistance or benefit that is not generally available to other students in the school or their families or that is based in any way on athletic ability

The Principal and the Athletic Director are not aware of any instance in which Mr. Marcos Rodriguez provided impermissible benefit to _____ by not reporting the questionable eligibility status of this student. This student's eligibility to participate in high school athletics was confirmed pursuant to both district and FHSAA policies and rules as stated in Response 2a. Additionally, coaches and teachers work with the Athletic Director throughout the year to confirm and then monitor the eligibility of student athletes. Student attendance and tardies are monitored each day by the Athletic Director. The Athletic Director meets with, counsels, and assists student-athletes when they accumulate 10 tardies and 5 absences in an effort to maintain their eligibility. Grade point averages and grades for student athletes are monitored during each marking period and accessed at the end of each marking period to ensure that student athletes remain eligible to participate in sports. Students who fail to maintain their eligibility are immediately removed from participation.

Address verifications occur throughout the year based on the reasons presented in Item 1a. We aggressively pursue address verifications because the school is overcrowded. We rely extensively on the processes we have in place and the information provided by our stakeholders to identify students who reside outside our attendance boundary. Once identified, the parents of those students are asked to provide a new proof of residence. Failing that request, students are withdrawn to the school that serves their residence.

The Athletic Director and an Assistant Principal meet with coaches prior to the opening of schools to review the policies and rules associated with high school sports (Exhibit 6a1 contains multiple documents). Additionally, coaches are required to sign a Miami-Dade Public Schools Coaching Agreement confirming that they met all of the certification requirements and agree to abide by all of the M-DCPS, Greater Miami Athletic Conference (GMAC), and FHSAA rules and regulations in order to receive a coaching supplement (Exhibit 6a2). Coaches are also required to pass a FHSAA Rules Presentation course each year that confirms they are aware and will abide by FHSAA rules and policies (Exhibit 6a3).

The Athletic Director attends workshops and meetings as required by the district. An Assistant Principal and the Athletic Director meet with coaches throughout the year to provide current information regarding rules and policies and to address local concerns at the school. Additional meetings are called by the Principal to

address issues or questions that may be associated with a specific sport, coach, or student (Exhibit 6a4 contains multiple documents).

Coaches are an active part of our eligibility determination. They fully understand that a team's viability and opportunity to play toward district and state championships rest not on the ability of their athletes, but their eligibility as well. They also understand that any overt violation of the rules will result in the termination of their contract. The history of this school in the FHSAA suggests that our coaches routinely abide by the rules and when instances occur, they are dealt with efficiently and effectively by the Principal so that future violations do not occur.

b. Provided impermissible benefit to student-athlete referenced in item #3 by not reporting questionable eligibility status to school's administration in accordance with Policy 36.

I disagree and consider a violation did not occur based on the following information: Policy 36.4 Impermissible Benefit states: No school employee, athletic department staff member or representative of the school's athletic interests may be involved, directly or indirectly, in promising, offering or giving an impermissible benefit to any student who does not attend that school or any member of his/her family in an attempt to entice the student to attend the school for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends that school.

Specifically prohibited arrangements, assistance or benefits include, but are not limited to, the following:

- School-based financial assistance of any kind that exceeds the amount for which a student has been approved by an independent financial needs assessment company that is recognized by the FHSAA or otherwise is in excess of any supplemental assistance provided by the school to each and every student who qualifies for financial assistance.
- Cash or like items, such as credit cards, debit cards, gift cards, gift certificates, coupons or vouchers
- Gifts of clothing, equipment, merchandise or other tangible items
- Loans or assistance in securing a loan of any kind
- Payment for any work or service that is not performed or that is in excess of the amount normally paid for such work or service
- Free or reduced-cost transportation
- Living on a full- or part-time basis, regardless of whether rent is paid, with any school employee, athletic department staff member or representative of the school's athletic interests
- Free or reduced-cost rent for housing, vehicles or other items
- Full or partial payment of moving expenses or assistance of any kind with an actual physical move
- Employment or assistance in securing employment or contractual arrangement of any kind for which compensation may be paid

- Promise of a position on an interscholastic athletic team or playing time as a member of the team
- Promise of guaranteeing a college athletic scholarship
- Free or reduced costs to attend a sport or skills camp
- Any other form of arrangement, assistance or benefit that is not generally available to other students in the school or their families or that is based in any way on athletic ability

The Principal and the Athletic Director are not aware of any instance in which Mr. Marcos Rodriguez provided impermissible benefit to _____ by not reporting the questionable eligibility status of this student. This student's eligibility to participate in high school athletics was confirmed pursuant to both district and FHSAA policies and rules as stated in Response 3a. Please refer to the response provided for Item 6a for additional information.

c. Withheld information by not providing response(s) to FHSAA Investigative Consultants during the interview (reference Policy 10.9.2).

I disagree and consider a violation did not occur based on the following information: Policy 10.9.2 Withholding Information states: Member schools or persons defined in Policy 36.2.1.1 who intentionally withhold information impacting state series participation shall be considered unethical and unsportsmanlike and addressed in accordance with Policy 41 Monetary Penalty Schedule (2010-11 FHSAA Handbook, p.63, 94, and 106, respectively).

On April 21, 2011, the Principal of Dr. Michael Krop High School made special provisions to provide class coverage so the FHSAA investigator could interview Mr. Marcos Rodriguez. The investigator and Mr. Rodriguez spoke to each other for approximately 1.5 hours. Mr. Rodriguez states that he responded to every question that was presented to him by the investigator. He also states that no voice or stenographic recording of the conversation occurred during the time he was with the FHSAA investigator, so there is no accurate account of what was said by both parties.

d. Failed to fully cooperate with the investigative process (reference Bylaw 3.5.2.2).

I disagree and consider a violation did not occur based on the following information: Policy 3.5.2.2 Cooperation with Association states: A member school must fully cooperate in the investigation of any alleged violation of the bylaws or other rules of the Association. A school that refuses to permit the interview of any individual, to grant access to and inspection of pertinent records, to submit relevant information upon request, or otherwise interferes with or obstructs the investigation, will be in violation of this provision (2010-11 FHSAA Handbook, p.13).

As stated previously, the Principal of Dr. Michael Krop High School made special provisions to provide class coverage so the FHSAA investigator could interview Mr. Rodriguez on April 21, 2011. The investigator and Mr. Rodriguez spoke to each other for approximately 1.5 hours. Mr. Rodriguez states that he responded

to every question that was presented to him by the investigator and he remained with the investigator until he completed his interview. He also states that no voice or stenographic recording of the conversation occurred during the time he was with the FHSAA investigator, so there is no accurate account of what was said by both parties.

7. Dr. Krop High School Administration - Staff and Representatives of DKHS Athletic Interests

a. Representatives of DKHS athletic interests provided impermissible benefits in violation of Policy 36.

I disagree and consider a violation did not occur based on the following information: Policy 36.4 Impermissible Benefit states: No school employee, athletic department staff member or representative of the school's athletic interests may be involved, directly or indirectly, in promising, offering or giving an impermissible benefit to any student who does not attend that school or any member of his/her family in an attempt to entice the student to attend the school for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends that school.

Specifically prohibited arrangements, assistance or benefits include, but are not limited to, the following:

- School-based financial assistance of any kind that exceeds the amount for which a student has been approved by an independent financial needs assessment company that is recognized by the FHSAA or otherwise is in excess of any supplemental assistance provided by the school to each and every student who qualifies for financial assistance.
- Cash or like items, such as credit cards, debit cards, gift cards, gift certificates, coupons or vouchers
- Gifts of clothing, equipment, merchandise or other tangible items
- Loans or assistance in securing a loan of any kind
- Payment for any work or service that is not performed or that is in excess of the amount normally paid for such work or service
- Free or reduced-cost transportation
- Living on a full- or part-time basis, regardless of whether rent is paid, with any school employee, athletic department staff member or representative of the school's athletic interests
- Free or reduced-cost rent for housing, vehicles or other items
- Full or partial payment of moving expenses or assistance of any kind with an actual physical move
- Employment or assistance in securing employment or contractual arrangement of any kind for which compensation may be paid
- Promise of a position on an interscholastic athletic team or playing time as a member of the team
- Promise of guaranteeing a college athletic scholarship

- Free or reduced costs to attend a sport or skills camp
- Any other form of arrangement, assistance or benefit that is not generally available to other students in the school or their families or that is based in any way on athletic ability

The Principal and the Athletic Director are not aware of any representative of Dr. Michael Krop Senior High School who has provided an impermissible benefit to any student at this school. As presented previously, the Athletic Director and an Assistant Principal meet with coaches prior to the opening of schools to review the policies and rules associated with high school sports. Additionally, coaches are required to sign a Miami-Dade Public Schools Coaching Agreement confirming that they met all of the certification requirements and agree to abide by all of the M-DCPS, Greater Miami Athletic Conference (GMAC), and FHSAA rules and regulations in order to receive a coaching supplement. Coaches are also required to pass a FHSAA Rules Presentation course each year that confirms they are aware and will abide by FHSAA rules and policies.

The Athletic Director attends workshops and meetings as required by the district. An Assistant Principal and the Athletic Director meet with coaches throughout the year to provide current information regarding rules and policies and to address local concerns at the school. Additional meetings are called by the Principal to address issues or questions that may be associated with a specific sport, coach, or student.

Coaches are an active part of our eligibility determination. They fully understand that a team's viability and opportunity to play toward district and state championships rest not on the ability of their athletes, but their eligibility as well. They also understand that any overt violation of the rules will result in the termination of their contract. The history of this school in the FHSAA suggests that our coaches routinely abide by the rules and when instances occur, they are dealt with efficiently and effectively by the Principal so that future violations do not occur.

b. Representatives of DKHS's athletic interests committed improper contact with non-DKHS students in violation of Policy 36.

I disagree and consider a violation did not occur based on the following information: Policy 36.3.1 Improper Conduct states: No school employee, athletic department staff member or representative of the school's athletic interests may make contact, either in person or through any form of written or electronic communication or through any third party, with a student who does not attend that school or any member of the student's family, in an effort to pressure, urge or entice the student to attend that school for the purpose of participating in interscholastic sports (2010-11 FHSAA Handbook, p.95).

The Principal and the Athletic Director are not aware of any instance where a representative of the school's athletic interests committed improper conduct with any student not attending Dr. Michael Krop Senior High School. As stated previously, the Athletic Director and an Assistant Principal meet with coaches prior to the opening of schools to review the policies and rules associated with

high school sports. Additionally, coaches are required to sign a Miami-Dade Public Schools Coaching Agreement confirming that they met all of the certification requirements and agree to abide by all of the M-DCPS, Greater Miami Athletic Conference (GMAC), and FHSAA rules and regulations in order to receive a coaching supplement. Coaches are also required to pass a FHSAA Rules Presentation course each year that confirms they are aware and will abide by FHSAA rules and policies.

Parents are required by the district to submit documents that confirm their residence as stated previously in this document. Any student who transfers to Dr. Michael M. Krop Senior High School from another school outside the school's feeder pattern is required to sign an Affidavit of Compliance with Policy on Athletic Recruiting with their parent or guardian as part of the registration process. School staff routinely verify addresses when students enroll and throughout the year when questions arise regarding a child's residence. Student attendance and tardies are monitored by school personnel throughout the year in an effort to assist students and parents as well as uncover instances where students may be attending the school without proper documentation. Students are routinely returned to their previous schools when it is determined that they have moved or their parents provided false information regarding their address when they enrolled their children.

c. Representative(s) of DKHS failed to follow procedures in determining student eligibility in accordance with Policy 17.

Agree only with respect to . (Please refer to the response provided in Item 5b).

d. Allowed student(s) to participate while ineligible during the 2010-11 school year.

I disagree and consider a violation did not occur based on the following information: All of the students identified herein complied with the district and FHSAA requirements to participate in varsity boys' basketball prior to and during the basketball season as presented in previous responses. The staff continued to monitor student eligibility throughout the season. When issues or concerns arose regarding the eligibility of any specific basketball player, the coach and the Athletic Director suspended the play of the student temporarily or permanently depending on the nature of the concern.

e. Provide the number of instances in which Mr. Shakey Rodriguez provided an impermissible benefit to student-athletes attending DKHS.

The Principal and the Athletic Director are not aware of any instance in which Mr. Marcos Rodriguez provided an impermissible benefit to students at Dr. Michael Krop Senior High School. The Principal and the Athletic Director assume a proactive role in educating coaches about the rules and policies associated with high school sports. Coaches sign a contract and take on-line courses each year to confirm their understanding of the rules and their responsibility to comply with them. The Principal responds to violations quickly and decisively to prevent future rule violations. Coaches are made aware of the fact that their continued employment in a sport depends on their adherence to the rules.

f. Provide the number of instances in which Mr. Shakey Rodriguez committed improper contact with non-DKHS students.

I disagree and consider a violation did not occur based on the following information: Policy 36.3.1 Improper Conduct states: No school employee, athletic department staff member or representative of the school's athletic interests may make contact, either in person or through any form of written or electronic communication or through any third party, with a student who does not attend that school or any member of the student's family, in an effort to pressure, urge or entice the student to attend that school for the purpose of participating in interscholastic sports (2010-11 FHSAA Handbook, p.95).

Any student who transferred to Dr. Michael M. Krop Senior High School from another school outside the school's feeder pattern was required to sign an Affidavit of Compliance with Policy on Athletic Recruiting with their parent or guardian as part of the registration process at our school. The Principal and the Athletic Director assume a proactive role in educating coaches about the rules and policies associated with high school sports particularly as it relates to recruiting. Coaches sign a contract and take on-line courses each year to confirm their understanding of the rules and their responsibility to comply with them. Coaches understand that any violations that involve improper conduct or recruiting will result in their termination from the athletic program. As such, the Principal and the Athletic Director are not aware of any instance in which Mr. Marcos Rodriguez committed improper conduct with any student not attending Dr. Michael Krop Senior High School.

g. Provide the number of instances in which any member of DKHS's basketball coaching staff, all levels, committed improper contact with non-DKHS students during the 2009-10, 2010-11 school year.

As stated previously, the Principal and the Athletic Director are proactive in educating coaches about the rules that govern high school sports in this district and state. Coaches are required to sign a contract and take on-line courses each year to confirm their understanding of the rules and their responsibility to comply with them. Coaches understand that any violations that involve improper conduct or recruiting will result in their termination from the athletic program. As such, the Principal and the Athletic Director are not aware of any instance in which any member of the basketball coaching staff committed improper conduct with any student not attending Dr. Michael Krop Senior High School during the 2009-10 and 2010-11 school years.

h. Representatives of DKHS filed a lawsuit against the FHSAA (reference Bylaws 1.4.18 and 10.1.3)

Policy 1.4.18 Representative of a School's Athletic Interests states the following: Representative of a school's athletic interests" refers to any independent person, business, organization or group that participates in, assists with and/or promotes that school's interscholastic athletic program. This includes a student-athlete or other student participant in the athletic program, such as a team manager, student trainer, etc., at that school; the parents, guardians or other family members of a student-athlete or other student participant in the athletic program at that school; relatives of a coach or other member of the athletic department

staff at that school; a volunteer worker in that school or that school's athletic program; an athletic booster organization of that school; a member of an athletic booster organization of that school; a person, business, organization or group that makes financial or in-kind contributions to the athletic department or to an athletic booster organization of that school; and any other person, business, organization or group that is otherwise involved in promoting the school's interscholastic athletic program (2010-11 FHSAA Handbook, p.8).

Policy 10.1.3 Court Injunctions states: If a member school or student, in violation of or noncompliance with any provisions of this Association's rules, competes based on an injunction or restraining order which is later voluntarily vacated, stayed or reversed, or it is determined that injunctive relief is not or was not justified, they will still be subject to the penalties listed in 10.1.1 (2010-11 FHSAA Handbook, p.34).

Policy 10.4.1 Eligibility Appeals states: When a student is determined to be ineligible by a member school and/or is ruled ineligible by the Executive Director, the member school principal may appeal the ruling of the Executive Director if he/she or the student takes issue with it, and must do so at the student's request.

As stated in Response 5b, Dr. Roger Dearing determined that _____, a 19 year old student-athlete, was ineligible to participate in boys' varsity basketball based on information related to the student's immigration status that was submitted by the Principal on February 26, 2010 (Exhibit 5b12).

On February, 4, 2011, _____ submitted a written request to the Principal for an eligibility appeal pursuant to Policy 10.4.1. On February 5, 2011, a request for an Emergency Hearing and Request for Sectional Appeals Committee Hearing were electronically transmitted to the FHSAA by the Principal on behalf of the student (Exhibits 5b13 & 5b14).

A telephonic Sectional Appeals Committee Hearing was held with representatives of the Florida High School Association on Wednesday, February 8, 2011. During the Hearing, the Appeals Committee heard testimony and voted to deny _____'s request for a waiver of FHSAA Policy 17.2 in order to reinstate his eligibility. The waiver of FHSAA Bylaw 10.2 to reinstate forfeited contest was also denied (Exhibit 5b15).

On February 7, 2011, legal representatives for _____; _____, parent of _____; and _____, parent of _____, filed and were granted a Petition for Temporary Injunction that enjoined the FHSAA from disqualifying _____ and/or the men's varsity basketball team at Dr. Michael Krop High School from District, Regional, and State basketball championships for the current 2010-2011 season (Exhibit 5b16).

As a result of this decision, the basketball team competed against Miami Carol City High School on February 8 and Hialeah Miami Lakes on February 10, 2011. The team won both games and the district championship.

The Temporary Injunction that was placed against the FHSAA was overturned by a District Court of Appeals on February 16, 2011. _____ was rendered ineligible and the team forfeited all the games in which he participated.

i. DKHS staff that was present during student interviews did not encourage the students who refused to cooperate during the interview, to do so (reference Bylaw 3.5.2.2).

I disagree and consider a violation did not occur based on the following information: Policy 3.5.2.2 Cooperation with Association states: A member school must fully cooperate in the investigation of any alleged violation of the bylaws or other rules of the Association. A school that refuses to permit the interview of any individual, to grant access to and inspection of pertinent records, to submit relevant information upon request, or otherwise interferes with or obstructs the investigation, will be in violation of this provision (2010-11 FHSAA Handbook, p.13).

The Principal made special provisions to summon students from class at the request of the FHSAA investigator and arranged class coverage so the investigator could interview the basketball coach. Special provisions were also made so the investigator could work directly with the school registrar throughout his visits. The Principal was present for four of the five student interviews and Ms. Lowe-Smith, Assistant Principal was present for one interview that was held on the west campus. The Principal or the Assistant Principal introduced the investigator to the students and counseled them to answer the questions honestly. No voice or stenographic recording was made at the time of each interview.

j. DKHS staff presented evidence and/or false testimony during an appeal hearing conducted by the FHSAA Board of Directors.

The school staff and representatives for the student-athlete, _____, who were present at telephonic Sectional Appeals Committee Hearing that was held with representatives of the Florida High School Association on Wednesday, February 8, 2011 at 9:00 AM in Room 1119 at Dr. Michael Krop Senior High School provided information and answered questions in an honest and forthright manner. There was never any indication or comment by anyone involved in the hearing that our staff provided false testimony regarding the information that was presented and discussed during the conference call. No voice or stenographic recording was made at the time of the conference.

The following persons were present at the time: Mary Lawson, School Board Attorney; Paul Greenfield, Administrative Director, Region Center 2; Gerald Blumstein, Aide to Martin Karp, School Board Member; Matthew Welker, Principal; Mr. Michael Kypriss, Athletic Director; Grace Lopez, Registrar/Notary Republic; Marcos Rodriguez, Teacher/Coach; Allan Goldfarb, Attorney; Dave Barron, Attorney; and Genovese Mendes-Weaver, Attorney.

Supplemental Information

1. **Provide a roster of all DKHS basketball coaches, all levels, paid and volunteers. For each coach, provide the name of any non-school basketball team or organization with which each individual is affiliated, inclusive of international play/organizations.**

Marcos Rodriguez, Teacher/Coach; Hugo De la Rosa, Contract Coach; Nelson Kirel, Contract Coach; and Norm Daniels, Contract Coach are the coaches of the boys' varsity basketball team. Marcos Rodriguez is affiliated with the American Amateur Union (AAU). The other coaches listed above have no affiliation with any non-school basketball team or organization.

2. **Provide a roster of all DKHS students who participated in boys' basketball during the 2010-11 school year, all levels. For each student listed, provide the following in columns adjacent to the student's name: student's grade level for the 2010-11 school year, school student attended during the 2009-10 school year, non-school team student participated on during the 2009-10 school year, school to which the student is zoned to attend.**

Please refer to Exhibit SI2.1

3. **Provide list of any students who have participated in basketball activities under the direction of Mr. _____ during the past three (3) years.**

Mr. _____ was a basketball coach at Choice Learning Academy while B _____ attended the school as a tenth grader during the 2008-09 school year. No other student at Dr. Michael Krop Senior High School has any current or past affiliation with Mr. _____.

4. **Provide a list of any students who have participated in basketball in an international program prior to or during their participation at DKHS within the last three (3) years.**

_____ participated as a basketball player on the Puerto Rico National Team at the Central America Cup in Mexico that was held in July, 2009. No other varsity basketball player participated in any international athletic program prior to or during their participation at this school within the last three years.

5. **Provide an approved (ok'd) copy of a GA4 for each student who has not begun the ninth (9th) grade attending DKHS.**

An Affidavit of Compliance with Policy on Athletic Recruiting (FHSAA GA4 Form) was completed and submitted for _____, _____, and _____,

(Exhibit SI5.1 contains multiple documents). _____ matriculated to Dr. Michael Krop Senior High School in 2007 as a ninth grader (please refer to the response for Item 3a for this student).

6. **Provide a list of all DKHS staff members, paid and volunteers, attending the hearing held on Friday, February 4, 2011.**

No hearing was held on Friday February 4, 2011. A telephonic Sectional Appeals Committee Hearing was held with representatives of the Florida High School Association on Wednesday, February 8, 2011 at 9:00 AM in Room 1119 at Dr. Michael Krop Senior

High School. The following persons were present at the time: Mary Lawson, School Board Attorney; Paul Greenfield, Administrative Director, Region Center 2; Gerald Blumstein, Aide to Martin Karp, School Board Member; Matthew Welker, Principal; Mr. Michael Kyriss, Athletic Director; Grace Lopez, Registrar/Notary Republic; Marcos Rodriguez, Teacher/Coach; Allan Goldfarb, Attorney; Dave Barron, Attorney; and Genovese Mendes-Weaver, Attorney.

cc: Mr. Freddie Woodson
Dr. Daniel Tosado
Dr. Marcos M. Moran
Mr. Jose L. Dotres
Mr. Paul J. Greenfield