
 YARMUTH WILSDON PLLC

**INVESTIGATIVE REPORT
RE: BELLEVUE HIGH SCHOOL
FOOTBALL PROGRAM**

**Carl
Blackstone**

**Robert
Westinghouse**

2. The Close Relationship Between the Academic Institute and the District

The evidence establishes that the relationship between the District and the Academic Institute has been close enough for a number of years to resemble a sort of unofficial partnership. This close relationship, which is supported by numerous facts, is consistent with the District's use of the Academic Institute as a means of ensuring players' academic eligibility.⁴⁷

Since at least September 2011, (Exhibit 76), the Academic Institute has apparently been the only private school given exclusive access to the District's online course curriculum. This was reflected in an e-mail dated February 25, 2015, from Judy Buckmaster, Executive Director of Student Services, to Jennifer Vice stating that the Academic Institute would no longer have "unfettered access to all of our curriculum, [because] we have unfairly advantaged your business when we have not granted similar access to other teaching/tutoring agencies."⁴⁸ (Exhibit 77).

Despite this e-mail indicating that the District had given the Academic Institute exclusive access to the District's online curriculum, we were told by Kathee Terry, the former District Director of Curriculum, that she had given at least one and possibly two other private schools access to the online curriculum. Ms. Terry was surprised to read Ms. Buckmaster's February 25, 2015 e-mail, because Ms. Terry believed that Ms. Buckmaster would have known that other schools had access to the online curriculum. We requested that Ms. Terry provide us with any documents establishing that any schools other than the Academic Institute had access to the online curriculum. On March 11, 2016, John Harrison advised us "as you know, we asked the WIAA to investigate specific to the Academic Institute, therefore, we will not be producing this documentation." (Exhibit 78). We are at a loss to understand why the District will not share with us documentation, assuming it exists, proving that the District allowed other schools to have online access to their curriculum.

This unofficial partnership is reflected in the plethora of contacts among Ms. Vice, the District and BHS officials over the years. District Administrators, BHS administrators and coaches have visited the Academic Institute. (Exhibits 79 and 80). There are numerous e-mail exchanges between BHS athletic directors and Jennifer Vice regarding courses taken and grades earned by BHS football players attending the Academic Institute. (Exhibit 81).

The emails also include communications of a more personal nature, including a number of emails providing Ms. Vice with links to highlights of BHS football games (Exhibit 82),⁴⁹ and one in which Ms. Vice advises Lauren McDaniel of her plan to attend a BHS football game.

⁴⁷ Under WIAA rules in order to be athletically eligible an athlete must maintain "passing grades or the minimum grade standard as determined by the school district if more restrictive," in all but one of their classes. WIAA Rule 18.7.0. The Bellevue School District requires athletes to maintain a 2.0 cumulative grade point average in order to maintain athletic eligibility.

⁴⁸ Ms. Buckmaster also stated that her decision was based on the District's transition to Brightspace software which does not allow access to entities or individuals not associated with the District.

⁴⁹ For reasons that are unclear, the District redacted all sender and recipient names on these e-mails. Jeff Lowell, however, has told us that Jennifer Vice was one of the named recipients on all of these e-mails.