
 YARMUTH WILSDON PLLC

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

**VOLUME 1
REPORT**

**Carl
Blackstone**

**Robert
Westinghouse**

b. The refusal of District administrators to provide us with player addresses

The District asked that the WIAA investigators determine whether football players were using false addresses to establish eligibility.²¹ Notwithstanding this request, the District refused to provide us with the residence addresses of record for any students, absent parental consent, for the first four months of the investigation.²² Obviously, this is the most crucial information needed to investigate the legitimacy of players' addresses. District administrators took the position that the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. Section 1232g, made it impossible to provide us with this information absent parental consent.²³ We strongly disagreed, reasoning (1) the law contains an exception for contractors to whom the District has "outsourced" such an investigation, and (2) that, in any event, the law contains an exception for directory information, which includes student addresses, unless a parent has affirmatively acted to block the release of such information.²⁴

This impasse persisted until January 25, 2016 – more than four months after our investigation began – when the District modified its position somewhat. On that date, Mr. Lowell showed us a list containing addresses for 42 current and former football players who we had identified had transferred to Bellevue High School and played on the football team during the years from 2008 through 2015. The list contained the names of 15 current players, including many of the team's strongest players, who transferred to BHS and 27 former players who transferred to BHS. For the most part, this list, which we were shown, but not then allowed to retain, contained the most recent addresses shown in Aspen, the District's electronic database, for current players. We were ultimately given a copy of this list on February 24, 2016. (Exhibit 8).

It is important to note that the 42 players who we believe transferred to BHS were identified by us based on our own investigative efforts. Although we have asked the District to provide us with the names of all football players who have transferred to BHS from outside of the district, the District has not provided that information to us. We assume, therefore, that the

²¹ Our investigation has focused both on current and former players.

²² During this four-month period only two players' parents consented to providing us with their addresses.

²³ On September 21, 2015, John Harrison sent an e-mail to us stating that:

[The District] will not be releasing any documents with student information without parent permission until we are able to ascertain whether releasing student information to a third party is permissible under FERPA. We are working toward clarification and I will advise you ASAP.

(Exhibit 38). On September 30, 2015, we met with John Harrison and the District's General Counsel Annie Cole to express our concerns that the District's incorrect interpretation of FERPA was impeding our investigation. Ms. Cole told us that FERPA precluded the District from providing student information, including addresses. When we asked Ms. Cole the legal basis of her opinion, she declined to provide this information to us claiming it was privileged.

²⁴ On October 28, 2015, we sent an e-mail to Annie Cole setting forth our legal position and requesting that Ms. Cole provide us with the legal basis for the District's refusal to provide us with student information, including directory information. (Exhibit 39). She never responded to our e-mail.