

**IN THE DISTRICT COURT IN AND FOR CARTER COUNTY
STATE OF OKLAHOMA**

KOLTON DEWAYNE ELLIS,)
)
 Plaintiff,)
 vs.)
)
 INDEPENDENT SCHOOL DISTRICT)
 NO. 32 of CARTER COUNTY, a/k/a)
 LONE GROVE PUBLIC SCHOOLS;)
)
 MERI JAYNE MILLER, *in her official)
 capacity as Superintendent;*)
)
 DARRYL HOWARD, *in his official)
 capacity as President of the Board of)
 Education;*)
)
 STEVEN PIERCE, *in his official capacity)
 as Vice-President of the Board of Education;*)
)
)
 JARED CHEEK, *in his official capacity as)
 Member of the Board of Education;*)
)
 JEREMY BERRYHILL, *in his official)
 capacity as Member of the Board of)
 Education;*)
)
 DONNIE LONG, *in his official capacity as)
 Member of the Board of Education;*)
)
 LONE GROVE PUBLIC SCHOOLS)
 BOARD OF EDUCATION; and)
)
 JOHN DOES 1-10)
 Defendants.)

Case: CJ-20-247

Judge: _____

FILED
IN DISTRICT COURT

DEC 01 2020

RENEE BRYANT, Court Clerk
Carter County, Oklahoma

**VERIFIED PETITION FOR TEMPORARY RESTRAINING ORDER AND
DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW, Plaintiff KOLTON DEWAYNE ELLIS, a nineteen year old student of LONE GROVE PUBLIC SCHOOLS, by and through his undersigned attorneys of record, and

for the causes of action against the Defendants, hereby states his claim for declaratory and injunctive relief against the above-named Defendants (hereinafter the “District”), and in accordance with 12 O.S. §§ 1381 *et seq.*, seeks by their contemporaneously filed motion for temporary restraining order for such period of time until the Court may afford the parties a hearing on such motion for entry of a temporary injunction. At the present time, in order to preserve the *status quo* of the District affording *ALL* students the opportunity to learn and successfully master state-mandated core courses in order to obtain a standard high school diploma (70 O.S. § 11-103.6), Plaintiff respectfully requests that this Court enter an Order restraining Defendants from obstructing Plaintiff’s efforts to reenroll in the District for purposes of repeating his Senior year. For its causes of action against Defendants, Plaintiff alleges, and states as follows:

SUMMARY

Plaintiff has been continuously enrolled at the High School of LONE GROVE PUBLIC SCHOOLS since August 2016. During the previous academic year, 2019-2020, after having failed certain state-mandated courses, Plaintiff was placed into an online credit recovery program called the Longhorn Academy which allow Defendants to push Plaintiff through certain state-mandated courses solely in an effort to issue him a standard diploma. In May 2020, Defendants illegally conferred a standard diploma to Plaintiff in direct violation of 70 O.S. § 11-103.6.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff **KOLTON DEWAYNE ELLIS** is a resident of and is domiciled in Carter County, Oklahoma.
2. Defendant **INDEPENDENT SCHOOL DISTRICT No. 32 of CARTER COUNTY**, also known as Lone Grove Public Schools (the “District”) is a public school district

authorized under Oklahoma law. The District operates and manages Lone Grove High Schools, where Plaintiff attends school. See 70 O.S. § 5-102.

3. Defendant **MERI JAYNE MILLER** (“Miller”) is the current superintendent of the District and upon information and belief is a resident of and is domiciled in Carter County, Oklahoma.
4. Defendant **DARRYL HOWARD** (“Howard”) is the current President of the District’s Board of Education and upon information and belief is a resident of and is domiciled in Carter County, Oklahoma.
5. Defendant **STEVEN PIERCE** (“Pierce”) is the current Vice President of the District’s Board of Education and upon information and belief is a resident of and is domiciled in Carter County, Oklahoma.
6. Defendant **JARED CHEEK** (“Cheek”) is a current Member of the District’s Board of Education and upon information and belief is a resident of and is domiciled in Carter County, Oklahoma.
7. Defendant **JEREMY BERRYHILL** (“Berryhill”) is a current Member of the District’s Board of Education and upon information and belief is a resident of and is domiciled in Carter County, Oklahoma.
8. Defendant **DONNIE LONG** (“Long”) is a current Member of the District’s Board of Education and upon information and belief is a resident of and is domiciled in Carter County, Oklahoma.
9. Defendant **LONE GROVE PUBLIC SCHOOLS BOARD OF EDUCATION** (“Board”) is a government entity within the State of Oklahoma. See 70 O.S. §5-106.

10. **JOHN DOES 1-10** are presently unidentified employees, agents, and/or representatives of the District or members of the Board and upon information and belief are residents and domiciled in Carter County, Oklahoma. Upon learning their actual names, job titles, and legal capacities, the Plaintiff will seek to amend his Petition to include such. Each of these fictitiously named defendants is responsible in some manner for the actions complained of herein.
11. Venue in this action is proper under 12 O.S. § 131 because all of the individual defendants reside in Carter County, the Board is located in Carter County and the events giving rise to Plaintiff's claims occurred in Carter County.

GENERAL ALLEGATIONS

12. Defendants are obligated to provide Plaintiff a free school education, free of charge, until he legally earns a standard diploma or reaches the age of twenty-one (21). See 70 O.S. § 1-108, § 1-114, and § 11-103.6.
13. Defendants are required to provide Plaintiff a minimum of 1,080 hours of instruction per year. 70 O.S. § 1-109(A) and (J).
14. Prior to the illegal issuance of the diploma to Plaintiff, Plaintiff and his parents were working with CHRIS SUDDERTH, principal of the High School, to begin the process of repeating his Senior year.
15. Text messages exchanged between CHRIS SUDDERTH and Plaintiff's parents evidence a mutual goal of assisting Plaintiff to establish eligibility with the Oklahoma Secondary Schools Activities Association ("OSSAA") as part of Plaintiff returning as a fifth year Senior during the 2020-2021 academic year, **EXHIBIT "A"**.

16. CHRIS SUDDERTH went so far as petitioning the OSSAA for an additional year of eligibility for Plaintiff for the 2020-2021 academic year, **EXHIBIT "B"**.
17. At some point, inexplicably, CHRIS SUDDERTH reversed his position regarding Plaintiff repeating his Senior year and the Defendants issued a standard diploma to Plaintiff.
18. Prior to retaining legal counsel, Plaintiff's mother, BOBBIE ELLIS, made inquiries to the Oklahoma State Department of Education ("OKSDE") and to State Superintendent Joy Hofmeister ("Hofmeister").
19. Evidence obtained from Defendants pursuant to an Open Records Request reveals that the OKSDE and Defendants coordinated their responses to Plaintiff's mother about the impossibility of Plaintiff becoming a fifth year Senior year because Defendants had already issued Plaintiff a standard diploma and that said decision could not be "rescinded", **EXHIBIT "C"**.
20. Upon information and belief, Plaintiff alleges that rather than investigating whether the District properly educated Plaintiff and caused Plaintiff to earn state-mandated credits in accordance with state law, the OKSDE and Hofmeister sided with the District and never meaningfully investigated the concerns alleged by Plaintiff's mother.
21. Upon information and belief, Plaintiff asserts that the primary issue of concern to the OKSDE was whether the District could receive state funding for Plaintiff to return as a fifth year Senior and not whether the District had acted in accordance with state law when providing instruction to Plaintiff, **EXHIBIT "D"**.
22. Once it became clear that the OKSDE would not provide any meaningful assistance, Plaintiff, through his parents and the undersigned attorneys of record, tried to work with

16. CHRIS SUDDERTH went so far as petitioning the OSSAA for an additional year of eligibility for Plaintiff for the 2020-2021 academic year, **EXHIBIT "B"**.
17. At some point, inexplicably, CHRIS SUDDERTH reversed his position regarding Plaintiff repeating his Senior year and the Defendants issued a standard diploma to Plaintiff.
18. Prior to retaining legal counsel, Plaintiff's mother, BOBBIE ELLIS, made inquiries to the Oklahoma State Department of Education ("OKSDE") and to State Superintendent Joy Hofmeister ("Hofmeister").
19. Evidence obtained from Defendants pursuant to an Open Records Request reveals that the OKSDE and Defendants coordinated their responses to Plaintiff's mother about the impossibility of Plaintiff becoming a fifth year Senior year because Defendants had already issued Plaintiff a standard diploma and that said decision could not be "rescinded", **EXHIBIT "C"**.
20. Upon information and belief, Plaintiff alleges that rather than investigating whether the District properly educated Plaintiff and caused Plaintiff to earn state-mandated credits in accordance with state law, the OKSDE and Hofmeister sided with the District and never meaningfully investigated the concerns alleged by Plaintiff's mother.
21. Upon information and belief, Plaintiff asserts that the primary issue of concern to the OKSDE was whether the District could receive state funding for Plaintiff to return as a fifth year Senior and not whether the District had acted in accordance with state law when providing instruction to Plaintiff, **EXHIBIT "D"**.
22. Once it became clear that the OKSDE would not provide any meaningful assistance, Plaintiff, through his parents and the undersigned attorneys of record, tried to work with

Defendants, primarily by and through its agent MERI JAYNE MILLER, to return as a fifth year Senior.

23. Rather than focus on Plaintiff's need to properly master the state-mandated credits necessary to earn a standard diploma, as required by state law, Defendants have continued to maintain that Plaintiff is a lawful graduate of the District.
24. As a last ditch effort, and to properly exhaust his administrative remedies, on the evening of Monday, November 9, 2020 Plaintiff appeared, through his attorney RYAN CHRISTNER OWENS ("Owens"), before the Board of Education to appeal the decision of MERI JAYNE MILLER and the District forbidding Plaintiff from returning to the District as a fifth year Senior, **EXHIBIT "E"**.
25. During the November 9, 2020 meeting of the Board of Education, the Board took comments from Owens where Plaintiff's concerns with the hurried efforts to move him through state-mandated courses were reported to the Board.
26. Following comments from Owens the Board heard from the District's retained attorney CHERYL DIXON ("Dixon") with the law firm ROSENSTEIN FIST & RINGOLD.
27. After hearing from Owens and Dixon, and without deliberation or discussion, the acting Board President read a prepared Motion Denying Plaintiff's requested relief and the Board voted 4 to 0 to deny Plaintiff's request to repeat his Senior year.
28. A review of Plaintiff's academic transcript demonstrates Plaintiff could not have possibly mastered the courses required by state law in order to legally graduate from the District.
29. As to **SOCIAL STUDIES**: Plaintiff appears to have earned only 2.5 of the state-mandated 3 credits needed to graduate.

30. In an effort to remedy Plaintiff's deficiency in Social Studies, Defendants placed Plaintiff in an online program offered by Brigham Young University ("BYU"), at his cost, to earn half of a credit for Social Studies.
31. In counting course credit earned from BYU, Defendants violated 70 O.S. §11-103.6(I)(4) which requires:

"Courses offered by a supplemental education organization that is accredited by a national accrediting body and that are taught by a certified teacher and provide for the teaching and learning of the appropriate skills and knowledge in the subject matter standards may, *upon approval of the State Board of Education and the school district board of education*, be counted for academic credit and toward meeting the graduation requirements of this section." (emphasis added).
32. Upon information and belief Plaintiff alleges that neither the Lone Grove Public Schools Board of Education nor the Oklahoma State Board of Education have specifically approved the BYU World History class as required by state law.
33. As to ENGLISH: Plaintiff appears to have earned only 3.5 credits of the state-mandated 4 credits needed to graduate.
34. According to records provided by Defendants, Plaintiff was enrolled in English II in the District's credit recovery online program named the "Longhorn Academy" from August 13, 2019 until September 9, 2019.
35. A review of Plaintiff's Longhorn Academy academic record reveals Plaintiff accumulated a total 4,253 seconds of instruction in English II, which totals approximately 1.2 hours.
36. Plaintiff asserts it is unbelievable that he could successfully master a semester of English II in less than one and one-half hours of instruction.
37. As to SCIENCE: Plaintiff appears to be lacking a half credit of state-mandated science credit for Biology I.

38. According to academic records provided by Defendants, Plaintiff was enrolled in Biology I in the Longhorn Academy from August 13, 2019 until August 29, 2019.
39. A deeper review of Plaintiff's Longhorn Academy academic record reveals that Plaintiff accumulated a total of 9,646 seconds of instruction, which totals 2.7 hours.
40. Plaintiff asserts it is impossible that he could successfully master a semester of Biology I in less than three hours of instruction.
41. As to **MATHEMATICS**: Plaintiff appears to have earned only 2 of the state-mandated 3 credits needed to graduate.
42. According to Plaintiff's academic records provided by Defendants, Plaintiff was enrolled in the Math of Finance course in the Longhorn Academy from October 30, 2019 through November 7, 2019.
43. A deeper review of Plaintiff's Longhorn Academy academic record reveals that Plaintiff accumulated a total of 2,609 seconds of instruction according which totals 43.5 minutes.
44. Plaintiff contends it is inconceivable that he could successfully master a full academic year of Mathematics in less than one hour of instruction.
45. State law requires students to accumulate a certain number of units of required courses in order to graduate with a standard diploma with said units meaning "a Carnegie Unit as defined by the North Central Association's Commission on Schools." See 70 O.S. § 11-103.6 (F)(5).
46. The Carnegie Foundation for the Advancement of Teaching states that the Carnegie Unit was created in 1906 as a uniform measure of the amount of time a student has studied a subject with said Unit representing a total of 120 hours in one subject as a result of

meeting 4 or 5 times a week for 40 to 60 minutes for 36 to 40 weeks per year. *What is the Carnegie Unit*, (2014), <https://www.carnegiefoundation.org/faqs/carnegie-unit/>.

47. Plaintiff respectfully submits that he has failed to earn sufficient units for graduation as measured by the Carnegie Unit pursuant to 70 O.S. § 11-103.6 (F)(5).
48. Upon information and belief, Defendants do not possess the lawful authority to issue a standard diploma in violation of 70 O.S. § 11-103.6.
49. Upon information and belief, Defendants are aware of the obligations to properly educate each student created pursuant to 70 O.S. § 11-103.6 as the District has allowed at least one other student to extend enroll at the District as a fifth year Senior, **EXHIBIT "F"**.
50. Upon information and belief, Plaintiff alleges that he would not be eligible to earn the above-cited credits by examination as Plaintiff failed to earn a score of "Proficient" or above in the American College Test ("ACT") as examined in April 2019, **EXHIBIT "G"** (Plaintiff's Transcript).

COUNT I: Request for Declaratory Judgment

51. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully alleged in this paragraph.
52. This Court has the authority to declare the rights and duties of the parties pursuant to 12 O.S. § 1651.
53. Plaintiff seeks a declaration from this Court that Plaintiff is not a graduate of Lone Grove Public Schools for want of mastery of state-mandated courses as identified herein.
54. Plaintiff seeks a declaration from this Court that the actions taken by Defendants have deprived Plaintiff of his constitutionally and statutorily guaranteed right to a tuition free public education.

55. Plaintiff seeks a declaration from this Court that he is not a lawful graduate of Lone Grove Public Schools and that, therefore, Plaintiff is entitled to enroll at Lone Grove Public Schools as a fifth year Senior and is entitled to participate fully in all programs offered to any other similarly situated students at the District.

COUNT II: Request for Injunctive Relief and Temporary Restraining Order and Temporary Injunction

56. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully alleged in this paragraph.

57. The standards applied to a temporary restraining order are akin to the standards Courts apply when deciding whether to grant temporary injunctive relief. See *Smith v. Soil Conservation Serv.*, 563 F. Supp. 843, 844 (W.D. Okla.1982); 43 C.J.S. *Injunctions* § 17 at 782-84.

58. To obtain a temporary restraining order and temporary injunctive relief, Plaintiff must show: (1) he is likely prevail on the merits; (2) he will suffer irreparable harm unless the restraining order is issued; (3) the threatened injury to Plaintiff outweighs the damages the restraining order may cause Defendants and (4) the Order, if issued, would not be adverse to the public interest. See *Roye Realty and Development, Inc. v. Watson*, 1990 OK CIV APP 21, ¶ 4.

59. Defendants are refusing to allow Plaintiff to exercise his constitutional and statutory right to receive a tuition free public education.

60. Plaintiff is substantially likely to prevail on the merits of his request for declaratory and permanent injunctive relief.

61. Plaintiff is suffering and will continue to suffer immediate and irreparable harm, injury loss and damages.

62. An injury is deemed to be irreparable when said, "[i]njury or detriment is...incapable of being fully compensated for in damages or where the *measure of damages is so speculative* that arriving at an amount of damages would be difficult if not impossible to correctly arrive at the amount of damages." See *Tulsa Order of Police Lodge No. 93 ex rel. Tedrick v. City of Tulsa*, 2001 OK CIV APP 153, ¶ 28, (quoting *House of Sight & Sound, Inc. v. Faulkner*, 1995 OK CIV APP 112, ¶ 10; *Lippitt v. Farmers Ins. Exch.*, 2010 OK CIV APP 48, ¶ 8. (emphasis added).
63. The Oklahoma Supreme Court has already made clear that damages resulting from a student's interest in securing an education are "intangible and conjectural." See *Hines v. Independent School Dist. No. 50, Grant County*, 1963 OK 85, ¶14.
64. Defendants have undertaken a fraudulent scheme to deprive Plaintiff of a tuition free public education which would adequately prepare him for mastery of state-mandated courses to simply push Plaintiff through the system.
65. Defendants have unlawfully issued Plaintiff a standard high school diploma in violation of state law by fraudulently asserting that Plaintiff mastered state-mandated courses required for graduation.
66. Plaintiff's injuries far outweigh any possible injury to the opposing party.
67. The injunction is in the public interest

PRAYER FOR RELIEF

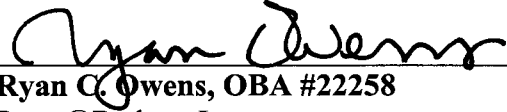
WHEREFORE, the Plaintiff, KOLTON DEWAYNE ELLIS, prays for:

1. This Court to declare that Plaintiff has a state constitutional and statutory right to a tuition free public education.

2. This Court to declare that Defendants possess neither the legal authority nor the power to fraudulently confer academic credit to students using programs that are not fostering mastery of state-mandated academic standards put in place by the Oklahoma State Board of Education with such instructional time being measured by the Carnegie Unit.
3. This Court to declare that Plaintiff is not a lawful graduate of Lone Grove Public Schools.
4. This Court to declare that Plaintiff is entitled to enroll at Lone Grove Public Schools as a fifth year Senior.
5. This Court to enter a temporary restraining order and/or temporary injunction in favor of Plaintiff and against Defendants prohibiting Defendants from declaring Plaintiff is a lawful graduate of Lone Grove Public Schools.
6. This Court to enter a temporary restraining order and/or temporary injunction in favor of Plaintiff and against Defendants prohibiting Defendants from obstructing Plaintiff's enrollment access to the District's tuition free public education program as a fifth year Senior.
7. This Court enter a permanent injunction in favor of Plaintiff and against Defendants from denying Plaintiff access to all programs of instruction and other activities offered to all other similarly situated students of the District.
8. That Plaintiff is entitled to his attorney's fees, costs of litigation, and all other damages allowed by law; and
9. Such other and further relief as this Court may deem proper.

Dated this 1st day of December, 2020.

Respectfully Submitted,



Ryan C. Owens, OBA #22258

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Direct Phone: 405-603-5080

James Richard Martin, Jr., OBA # 11915

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Robert R. Redwine, OBA #18131

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Direct Phone: 405-513-5700

THE BETHANY LAW CENTER, LLP

6666 NW 39TH Expressway

Bethany, OK 73008

Attorneys for Plaintiff

VERIFICATION

STATE OF OKLAHOMA)
)
COUNTY OF CARTER) SS.

KOLTON DEWAYNE ELLIS, of lawful age, and being duly sworn upon his oath deposes and says that he has read the foregoing Petition and that the facts set forth herein are true and correct to the best of his knowledge.

Kolton Ellis

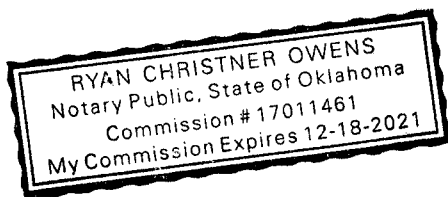
KOLTON DEWAYNE ELLIS

Subscribed and sworn before me this 1st day of December, 2020.

[SEAL]

Ryan Christner Owens

NOTARY PUBLIC





Chris >

You bet

Thu, Apr 30, 8:26 AM

What is you email address? I wanted to forward you something from the OSSAA that they sent to all state schools. They are not allowing seniors to repeat this year and play next year. I thought that was the case but I did get confirmation from Coach Hale and

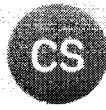


iMessage



3:57

LTE 



Chris >

would not be hardships granted for this.

Oh yeah I understand but I still want them to deny so I can go to bat with them if you know what I mean. Lol

Thu, Apr 30, 1:44 PM

I'll let Coach Hale know and ask him what you will need to do next.

Thu, Apr 30, 3:24 PM



iMessage



3:57

LTE 



Chris >

Thank you sir

Mon, May 4, 11:30 AM

Hey Sud. We spoke to Mike Haley at the osaa this morning. He said if y'all send in documents from when we went thru all the iep stuff they would approve it. We have also found out that The BYU classes that he made up online doesn't get accepted



iMessage



3:57

LTE



Chris >

by college.

I visited with Mike Whaley this morning as well. I have sent the initial paperwork to the OSSAA and specifically him.

Thank you sir appreciate y'all

Mon, May 11, 12:43 PM

We have any update yet?

Delivered



iMessage





Chris >

No sir. Coach Hale called the OSSAA this morning to confirm they had received the information we sent and they said they had it. I do not see them approving it. They have already sent out an email to all member schools saying they would not accept hardships. I also don't know how he can come back to Lone Grove either. He has



iMessage





Chris >

approving it. They have already sent out an email to all member schools saying they would not accept hardships. I also don't know how he can come back to Lone Grove either. He has met his graduation requirements as of Friday for credits needed. I think he needs to make plans to participate in graduation ceremonies this Friday.



iMessage





OKLAHOMA SECONDARY SCHOOL ACTIVITIES ASSOCIATION

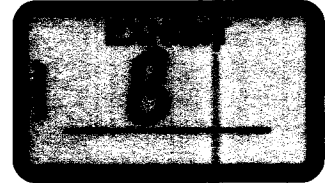
DAVID JACKSON, EXECUTIVE DIRECTOR

MIKE WHALEY, ASSOCIATE DIRECTOR

Assistants: Amy Cassell - Mike Plunkett - David Glover - Todd Goolsby - Grant Gower



May 12, 2020



Mr. Chris Sudderth, Principal
Lone Grove High School
P.O. Box 1330
Lone Grove, OK 73443

Dear Mr. Sudderth:

Please be advised varsity athletic eligibility is hereby denied for Kolton Ellis. The documentation submitted did not demonstrate a circumstance beyond the control of the student, which compelled the student to change schools.

If the student's former school approves, the student will be eligible for non-varsity participation upon completion of the OSSAA Changing Schools Form.

You may appeal this decision to OSSAA's Intermediate Appeals Panel at their next regularly scheduled meeting. A member of the school administration should be present at any appeal hearing. The school and/or student may be represented by an attorney at the appeal hearing. If an attorney will be present, you should notify this office at least 24 hours prior to the Appeals Panel meeting. If a hearing on appeal would involve disclosure of personal or confidential information which could be embarrassing for the student and/or the student's family, you may ask for the appeal hearing to be conducted in an executive session.

Please notify this office if an appeal hearing is requested within 3 business days of the next regularly scheduled Appeals Panel meeting, I then will advise you of the scheduled time and date for the appeal hearing. A copy of this letter should be shared with the student.

Sincerely,

David Glover
Assistant Director

FOR OFFICE USE
_____ Approved
_____ Disapproved
_____ Criteria
_____ Initial

REQUEST FOR OSSAA HARDSHIP ELIGIBILITY CLARIFICATION
-For Student over Age Limit or Requesting Additional Period of Eligibility

Check one: Overage Additional Period of Eligibility
 Must be completed by the voting delegate or principal of receiving school

Name of Student Kolton Dewayne Ellis School Attending Lone Grove High School

Date of first attendance 8/2014 Date enrolled 2014-current Date of Birth 8/9/2001 Age 18

Is applicant a legal student in your district? Yes No Tuition Transfer Guardianship Other

School district in which legal address of student is located Plainview Public Schools

Residence Address 5794 Hedges Road Home Telephone _____

With whom is student living and relationship to that person? Kevin: Bobbie Ellis (Parents)

Student's Height 6'1" Weight 160

In which activities does the student participate? baseball

List school (s) attended in previous years with corresponding dates and activities in which student participated:

7 th	<u>2014/2015</u> (Year)	<u>Lone Grove Middle School</u> (School)	<u>baseball, football, basketball</u> (Activities)
8 th	<u>2015/2016</u> (Year)	<u>Lone Grove Middle School</u> (School)	<u>baseball, football, basketball</u> (Activities)
9 th	<u>2016/2017</u> (Year)	<u>Lone Grove High School</u> (School)	<u>baseball, basketball</u> (Activities)
10 th	<u>2017/2018</u> (Year)	<u>Lone Grove High School</u> (School)	<u>baseball</u> (Activities)
11 th	<u>2018/2019</u> (Year)	<u>Lone Grove High School</u> (School)	<u>baseball</u> (Activities)
12 th	<u>2019/2020</u> (Year)	<u>Lone Grove High School</u> (School)	<u>baseball</u> (Activities)

A waiver of the age limit will not be granted at the high school level if the student already has participated in athletics during six different school years. or at the ninth grade level or below, if the student already has participated in athletics during three different school years. An additional period of participation will not be granted if the student was able to attend school continuously and make normal academic progress in each school year.

Principal or Voting Delegate should initial the following questions prior to sending the request to the OSSAA office.

- CS I have reviewed the process for requesting a waiver with the family ^{visited with dad} prior to this waiver request being sent to the OSSAA office.
- * (see attached) I have determined that circumstances beyond the control of the student and the student's family prevented the student from making normal academic progress.
- * (see attached) I have attached a written explanation of those circumstances, and documentation that supports this request.
- CS Signatures of all parties appear on the Request for Hardship Eligibility Clarification Form.
- CS I understand that submission of incomplete or inaccurate information will result in the hardship being denied due to lack of information.
- CS I understand that submission of incomplete or inaccurate information could cause eligibility to be revoked and could result in the forfeiture of contest(s) in which the student participated and other penalties imposed if deemed necessary.

Note: Questions not initialed will be viewed as incomplete and may cause the waiver request to be denied due to lack of information.

Student's signature [Signature] Date 4-24-2020

Parent(s) or legal guardian's signature [Signature]

Case submitted by: Chris Sudderth Title Principal Telephone 580-657-3133
 (Voting Delegate or Principal - PLEASE PRINT)

PRINCIPAL'S OR VOTING DELEGATE'S SIGNATURE [Signature]

EMAIL ADDRESS: csudderth@lonegrove.k12.ok.us SCHOOL ADDRESS P.O. Box 1330 Lone Grove, OK ZIP 73443

(Please provide complete school address on every request.)
 SHOULD THIS HARDSHIP WAIVER REQUEST BE DENIED, DUE PROCESS RIGHTS AND PROCEDURES CAN BE FOUND BY REFERRING TO THE OSSAA ADMINISTRATORS' HANDBOOK UNDER CONSTITUTION SECTION 6.

OSSAA ELIGIBILITY RECORD FORM FOR STUDENTS IN GRADES 7-12
(TO BE FILLED OUT BY THE STUDENT AND PARENT AND FILED IN PRINCIPAL'S OFFICE)

NAME OF STUDENT (PRINT) Kolton Dwayne Ellis Grade 12 Birth date 8/9/2001 Age 18
 Student's Current Address 5794 Hedges Road
 Last School attended Lone Grove High School

NOTE: STUDENT AND PARENT MUST SIGN BELOW AND EXPLAIN ALL "YES" ANSWERS FROM BELOW ON BACK OF FORM.

- | | | |
|--|-------------------------------------|--|
| YES
<input checked="" type="checkbox"/> | NO
<input type="checkbox"/> | 1. Will you be 14 years of age and in 7th grade before September 1; will you be 15 years of age and in eighth grade before September 1; will you be 16 years of age and in 9th grade before September 1; will you be 19 years of age before September 1 while you are in high school? (Rule 1) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Did you fail any classes during the last 18-week grading period? (Rule 3 & 4) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Are you currently failing any class? (Rule 3) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Were you ineligible to participate at any time during the last 18-week grading period? (Rules 3 & 4) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Have you done anything to jeopardize your amateur status such as receiving cash or merchandise connected with an athletic activity? (Rule 5) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Have you completed all 12th grade requirements for high school graduation? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Have you failed any semesters (received no credit for the semester) since the time you entered the 7th grade? (Rule 7) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Since entering 7th grade have you ever home-schooled or had an interruption in consecutive semesters of the educational tract? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Are you now or have you ever repeated any grade since entering the 7th grade? (Rule 7) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Do you live with someone now other than whom you lived with last school year? (Rule 8) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Do you live with someone other than your parents? (Rule 8) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Do you live with only one parent? (Rule 8) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Do you live outside this school district? (Rule 8) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. Is more than one residence owned, rented or maintained by your parents or guardian? (Rule 8) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. Have you ever attended school outside the district where your parents reside? (Rule 8) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16. Are there other family members in grades K-12 attending a different school district other than the district you are now attending? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. Have you ever participated at any school outside the district in which both parents had residence? (Rule 8) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Have you, your parents, or your guardians ever been influenced in any manner by anyone in this school district to attend this school to engage in athletics? (Rule 9) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Have you ever been granted athletic eligibility on the basis of an OSSAA hardship waiver? (Rule 20) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Were you on an approved foreign exchange program last year? (Hardship Waiver Manual-X) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Have you participated in a foreign exchange program for more than 365 days? (Hardship Waiver Manual-X) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Were you suspended, expelled, or under discipline at the previous school attended, or were you or your parents having a conflict with a coach, teacher, or administrator at the time you left your previous school? (Rule 4 and 8) |

Each of the undersigned also acknowledge and agree that identifying information about the above-mentioned student may be disclosed to OSSAA in connection with any investigation or inquiry concerning the student's eligibility to participate and/or any possible violation of OSSAA rules. OSSAA will undertake reasonable measures to maintain the confidentiality of such identifying information, provided that such information has not otherwise been publicly disclosed in some manner.

If the above guidelines are not satisfied for athletic eligibility, the student may be ineligible for one year. (See Rule 8)
INCORRECT INFORMATION COULD CAUSE ELIGIBILITY TO BE REVOKED AND COULD RESULT IN THE FORFEITURE OF CONTESTS IN WHICH THE STUDENT HAS PARTICIPATED IN ADDITION TO OTHER PENALTIES.

<u>Kolton Ellis</u>	_____	_____	_____
(Student)	(Date)	(Coach)	(Date)
<u>Kee Ellis</u>	_____		
(Parent/Guardian)	(Date)		

PLEASE EXPLAIN ALL "YES" ANSWERS IN THE SPACE BELOW.

- 1) Under the Hardship Waiver And Other Exceptions on number VIII
I have all documentations to show his not making academic progress and all documentations of us trying to get him help over a long period of time.
- 7) Yes - due to not understanding (was seeking out help at this time)
(See 1001)
- 8) Due to Covid 19, we are now on distant learning (not good when you struggle anything)
- 13) ~~11~~ I am a transfer student since 7th grade
- 15.) Yes Transfer Student

FOR SCHOOL USE ONLY

TO BE COMPLETED AND CERTIFIED BY SCHOOL ADMINISTRATION

Each school must have the following information on file:

1. Copy of this eligibility record form. (Send copy to OSSAA office with hardship request.)
2. Physical examination and an annual parent consent form. (Rule 1)
3. Attendance record for current 18-week grading period. (Rule 2)
4. Transcript and any other documentation regarding student's eligibility status.

If the student answers no to all of the above questions, you can be reasonably assured he/she is eligible (residence) to participate at your school. This is only an aid to the administrators concerning new students in your school system and does not automatically guarantee a student is eligible. If the student answers yes to any of the questions, further examination is required to determine eligibility status. NOTE: Any outstanding athlete transferring to your district should not be certified for athletic participation without complete information being obtained from all sources concerning the student's athletic eligibility.

Based on the above questions

(student's name - PRINT

Kelton Ellis

is eligible

is not eligible

to participate at (school)

Lone Grove High School

for the school year 2019-2020

[Signature] - Principal
(School Administrator Name and Title)

5/4/2020
(Date)

#2 and #3 * Kolton has made adequate academic progress during his tenure at Lone Grove High School. Kolton is on pace to graduate on

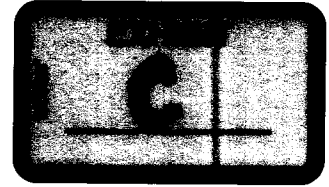
~~May 2011. He has met all requirements for the State of Oklahoma and Lone Grove High School. Kolton currently~~

has 24 credits and will have 27.5 academic credits when we finish classes on May 8th. Kolton has passed each semester during his HS academic career. Kolton has attended Lone Grove High School for 8 consecutive semesters.

Please do not hesitate if you need additional information from me or Lone Grove Schools.

support@lonegrove.k12.ok.us

From: Meri Jayne Miller <mjmiller@lonegrove.k12.ok.us>
Sent: Friday, June 19, 2020 10:18 AM
To: Ryan Pieper
Subject: Re: Oklahoma law re: school enrollment



Thank you so much for the information!
I truly appreciate the support from the state department.

Have a great Father's Day weekend!

Meri Jayne Miller
Superintendent
Lone Grove Schools
mjmiller@lonegrove.k12.ok.us
580-657-3131

"The mind grows by taking in but the heart grows by giving out." unknown

On Thu, Jun 18, 2020 at 7:50 PM Ryan Pieper <Ryan.Pieper@sde.ok.gov> wrote:
Meri Jayne,

I just wanted to keep you advised that the same answer you have given as well as multiple SDE employees has been given once again, this time by our legal team. I hope all is well in your world and you and yours are healthy and safe.

Thank you for all you do,

Ryan Pieper
Cell-(405)-365-3692
Fax-(405)-522-1519
Executive Director of Accreditation
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, OK 73105-4599

Begin forwarded message:

From: Ryan Pieper <Ryan.Pieper@sde.ok.gov>
Date: June 18, 2020 at 7:44:49 PM CDT
To: Brad Clark <Brad.Clark@sde.ok.gov>
Cc: Tiffany Neill <Tiffany.Neill@sde.ok.gov>, Todd Loftin <Todd.Loftin@sde.ok.gov>, "Joy L. Hofmeister" <Joy.Hofmeister@sde.ok.gov>
Subject: Re: Oklahoma law re: school enrollment

Brad,

I'm really sorry this made it all the way to your and Lori's desk. I know that Todd, Tiffany, Patrick, Shelly, and I have all spoken with Mrs. Ellis and advised her just as Lori did. It is worth noting that the superintendent and high school principal have communicated this as well.

I understand her desire and it isn't fair that her son didn't get to compete in his senior year of baseball. I also understand her being an advocate for her child, but after receiving the same answer from no less than six SDE employees as well as her local administration, I would hope that the message is understood however tough to accept.

I appreciate all our legal team does for SDE. Thank you.

Thank you for all you do,

Ryan Pieper
Cell-(405)-365-3692
Fax-(405)-522-1519
Executive Director of Accreditation
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, OK 73105-4599

On Jun 18, 2020, at 5:44 PM, Brad Clark <Brad.Clark@sde.ok.gov> wrote:

FYI. I am not sure who else had received communication on this topic or with this parent, but wanted to pass along Lori's response to you all.

Brad Clark

General Counsel

Oklahoma State Department of Education

2500 North Lincoln Boulevard, Suite 117

Oklahoma City, Oklahoma 73105

Office: 405-522-3274

Cell: 405-420-4318

Brad.Clark@sde.ok.gov

Sde.ok.gov

From: Lori Murphy <Lori.Murphy@sde.ok.gov>
Date: Thursday, June 18, 2020 at 4:45 PM
To: "bobbie.ellis@sbcglobal.net" <bobbie.ellis@sbcglobal.net>
Cc: Shelly Ellis <Shelly.Ellis@sde.ok.gov>, Brad Clark <Brad.Clark@sde.ok.gov>
Subject: Oklahoma law re: school enrollment

Ms. Ellis,

My office received a question about whether it would be possible for a student to "re-enroll" in an Oklahoma public school after they have graduated. Oklahoma law does not authorize the enrollment of a student who has already completed graduation requirements in a previous school year. While the right to a free public education extends to individuals age 5 through 21 (70 O.S. § 1-114), that right terminates with the end of the school year in which a student completes graduation requirements.

The statute that establishes graduation requirements for Oklahoma high school students provides for the only scenario where a student may enroll in school following the completion of their senior year, which is if the student failed to obtain enough credits to graduate:

Q. Students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the requirements of this section may re-enroll in the school district that denied the student a standard diploma following the denial of a standard diploma. The student shall be provided remediation or intervention and the opportunity to complete the curriculum units or sets of competencies required by this section to obtain a standard diploma. Students who re-enroll in the school district to meet the graduation requirements of this section shall be exempt from the hourly instructional requirements of Section 1-111 of this title and the six-period enrollment requirements of this section. (70 O.S. § 11-103.6)

While it is not possible for a student to re-enroll in an Oklahoma public school after completing the requirements to receive a diploma, the Oklahoma State Department of Education can confirm for any higher education institution or scholarship-granting entity that it was legally and functionally impossible for a student to play a sport for an Oklahoma public school from March 2020 through the end of the 2020 school year. If you would like to provide contact information for a higher education admission office or a scholarship organization, we could officially verify to

that entity that the status of Oklahoma public schools in the spring of 2020 made holding the spring sports seasons as scheduled impossible. The NCAA has also developed COVID-19 FAQs that may be helpful.

Again, while re-enrollment following graduation is not authorized under state law, the OSDE would be able to provide official verification of the closure of Oklahoma schools and school sporting events beginning in March 2020.

On a personal note, I'm sorry that your 2020 senior's spring was disrupted by the COVID-19 state of emergency. This was also my daughter's senior year, and I know how much frustration and disappointment this situation has brought for their class. I'm sorry for the circumstances, but major congratulations to Kolton for making it through what was probably the toughest senior year ever.

Please let me know if I can be of assistance in explaining the situation to other entities.

Lori Murphy

Assistant General Counsel

Office of Legal Services

Oklahoma State Department of Education

2500 North Lincoln Boulevard, Suite 117

Oklahoma City, OK 73105
(405) 522-5260

<image001.png>

From: bobbie.ellis@sbcglobal.net
Subject: Re: [EXTERNAL] Re: Oklahoma law re: school enrollment
Date: Jun 19, 2020 at 11:06:07 AM
To: Lori Murphy Lori.Murphy@sde.ok.gov

Is there no way to speak to someone in your office?

Sent from my iPhone

On Jun 19, 2020, at 10:57 AM, Lori Murphy <Lori.Murphy@sde.ok.gov> wrote:

It's under a school district's authority in Oklahoma to determine whether a student meets the graduation requirements set by the state and the district, so there is no role that OSDE would be able to play in that.

I would point out that, **if a district has already classified someone as a graduate/permitted them to graduate, that decision can't be rescinded** (this is to protect students). But, if a student who was a senior was determined *not* be eligible to graduate with their class that school year and **was not permitted to graduate**, then the school district would be authorized to re-enroll them under the provisions of 70 O.S. 11-103.6(Q).

In case of confusion (it's a very confusing time!), "graduating" is not about participation in an actual graduation ceremony--it's a status the school would apply to students who've completed the requirements. I was under the impression this had already happened in Kolton's case, since the district would have needed to let you know already if graduation was being denied (we may have misunderstood your question, if that's the scenario).

While this is a local school district determination, please feel free to have the district contact our office if they have any questions.

Thanks,

Lori Murphy
Assistant General Counsel
Office of Legal Services
Oklahoma State Department of Education
2500 North Lincoln Boulevard, Suite 117

Oklahoma City, OK 73105

(405) 522-5260

<Outlook-Oklahoma E.png>

From: bobbie.ellis@sbcglobal.net <bobbie.ellis@sbcglobal.net>

Sent: Friday, June 19, 2020 8:01 AM

To: Lori Murphy <Lori.Murphy@sde.ok.gov>

Subject: [EXTERNAL] Re: Oklahoma law re: school enrollment

Hey Lori, could you please give me a call. Kolton actually did not meet all the requirements for graduation. After speaking to someone else at the Board of Education yesterday she told me that it was probably not understood (she caught the problem immediately) and to make sure and contact Mr. Clark and let him know, so I was actually going to send another email but if I could get a return call that would be great.

580-465-8275

Thank You!

Bobbie

Sent from my iPhone

On Jun 18, 2020, at 4:45 PM, Lori Murphy <Lori.Murphy@sde.ok.gov> wrote:

Ms. Ellis,

My office received a question about whether it would be possible for a student to "re-enroll" in an Oklahoma public school after they have graduated. Oklahoma law does not authorize the enrollment of a student who has already completed graduation requirements in a previous school year. While the right to a free public education extends to individuals age 5 through 21 (70 O.S. § 1-114), that right terminates with the end of the school year in which a student completes

graduation requirements.

The statute that establishes graduation requirements for Oklahoma high school students provides for the only scenario where a student may enroll in school following the completion of their senior year, which is if the student failed to obtain enough credits to graduate:

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Again, while re-enrollment following graduation is not authorized under state law, the OSDE would be able to provide official verification of the closure of Oklahoma schools and school sporting events beginning in March 2020.

On a personal note, I'm sorry that your 2020 senior's spring was disrupted by the COVID-19 state of emergency. This was also my daughter's senior year, and I know how much frustration and disappointment this situation has brought for their class. I'm sorry for the circumstances, but major congratulations to Kolton for making it through what was probably the toughest senior year ever.

Please let me know if I can be of assistance in explaining the situation to other entities.

Lori Murphy

Assistant General Counsel

Office of Legal Services

Oklahoma State Department of Education

2500 North Lincoln Boulevard, Suite 117

Oklahoma City, OK 73105

(405) 522-5260

<Outlook-Oklahoma E.png>

From: bobbie.ellis@sbcglobal.net
Subject: Re: [EXTERNAL] Re: Oklahoma law re: school enrollment
Date: Jun 19, 2020 at 11:36:36 AM
To: Lori Murphy Lori.Murphy@sde.ok.gov

It is not under the school districts authority when you can see it has not been met, I have read every single guideline and the online classes that I was forced to pay for are not Standards adopted by the board of education 11-103.6 they were not a national accrediting body nor were they taught by a certified teacher. Courses taken through this program that the counselor had us take are not even recognized through the NCAA. The law book states classes that are taken are to be approved for college admissions requirements. Every single article Joy Hofmeister writes reinforces this.

I would greatly appreciate a call so you could fully understand the whole situation. It would take me hours to type it.

Thanks Bobbie

Sent from my iPhone

On Jun 19, 2020, at 11:06 AM, bobbie.ellis@sbcglobal.net wrote:

Is there no way to speak to someone in your office?

Sent from my iPhone

On Jun 19, 2020, at 10:57 AM, Lori Murphy <Lori.Murphy@sde.ok.gov> wrote:

It's under a school district's authority in Oklahoma to determine whether a student meets the graduation requirements set by the state and the district, so there is no role that OSDE would be able to play in that.

I would point out that, **if a district has already classified someone as a graduate/permitted them to graduate, that decision can't be rescinded** (this is to protect students). But, if a student who was a senior was determined *not* be

eligible to graduate with their class that school year and **was not permitted to graduate**, then the school district would be authorized to re-enroll them under the provisions of 70 O.S. 11-103.6(Q).

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While this is a local school district determination, please feel free to have the district contact our office if they have any questions.

Thanks,

Lori Murphy

Assistant General Counsel
Office of Legal Services
Oklahoma State Department of Education
2500 North Lincoln Boulevard, Suite 117
Oklahoma City, OK 73105
(405) 522-5260

<Outlook-Oklahoma E.png>

From: bobbie.ellis@sbcglobal.net <bobbie.ellis@sbcglobal.net>

Sent: Friday, June 19, 2020 8:01 AM

To: Lori Murphy <Lori.Murphy@sde.ok.gov>

Subject: [EXTERNAL] Re: Oklahoma law re: school enrollment

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Thank You!

Bobbie

Sent from my iPhone

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Ms. Ellis,

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Please let me know if I can be of assistance in explaining the situation to other entities.

Lori Murphy

Assistant General Counsel

Office of Legal Services

Oklahoma State Department of Education

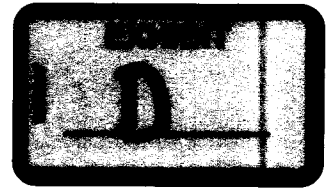
2500 North Lincoln Boulevard, Suite 117

Oklahoma City, OK 73105

[\(405\) 522-5260](tel:(405)522-5260)

[<Outlook-Oklahoma E.png>](#)

From: bobbie.ellis@sbcglobal.net
Subject: Following up
Date: Jun 11, 2020 at 3:41:40 PM
To: Shelly.Ellis@sde.ok.gov



① Hi Shelly, this is Bobbie Ellis and I was checking to see if you have found out anything concerning Kolton Ellis yet.
Thank you so much for your help in this important matter.
Bobbie
Sent from my iPhone

From: bobbie.ellis@sbcglobal.net
Subject: Re: [EXTERNAL] Following up
Date: Jun 15, 2020 at 10:59:04 PM
To: Shelly Ellis Shelly.Ellis@sde.ok.gov

3) Could you please forward me that law. This is a common practice at many schools in Oklahoma and across the United States. And since we are not in "normal times" at this time there has to be more to this.
Thank You for your help.
Bobbie

Sent from my iPhone

On Jun 15, 2020, at 7:43 PM, Shelly Ellis <Shelly.Ellis@sde.ok.gov> wrote:

Bobbie,

2) So sorry for the delay in response but I wanted to confer with our legal department at SDE. I explained Kolton's situation and learned that upon preliminary review and based on our knowledge of the law at this time, it is prohibited in Oklahoma for a district to continue to include on its student enrollment and membership information, a student who has met all graduation requirements in the State of Oklahoma.

I will be in touch if I learn of any other information regarding this matter. Again, thank you for your patience.

Shelly Ellis, Ph.D.

Deputy Superintendent of Student Support
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 113
Oklahoma City, OK. 73105
Office: (405)522-3263
Fax: (405)522-0496

<Outlook-Oklahoma E.png>

From: bobbie.ellis@sbcglobal.net
Subject: Re: [EXTERNAL] Following up
Date: Jun 17, 2020 at 8:18:59 AM
To: Shelly Ellis Shelly.Ellis@sde.ok.gov

(6) Thank you! And what did you find out about the other issues we discussed, the IEP, online classes, the time line, etc?

Thanks!
Bobbie

Sent from my iPhone

(5) On Jun 16, 2020, at 5:12 PM, Shelly Ellis <Shelly.Ellis@sde.ok.gov> wrote:

Bobbie,

I've cc'd our attorney, Brad Clark, and I'm sure he or someone from his team will get back with you.

Thank you so much,

Shelly Ellis

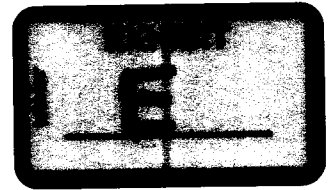
sent from my iPhone

(4) On Jun 15, 2020, at 10:59 PM, "bobbie.ellis@sbcglobal.net" <bobbie.ellis@sbcglobal.net> wrote:

Could you please forward me that law. This is a common practice at many schools in Oklahoma and across the United States. And since we are not in "normal times" at this time there has to be more to this.

Thank You for your help.

Bobbie



LONE GROVE BOARD OF EDUCATION

NOTICE IS HEREBY GIVEN THAT THE REGULAR MEETING OF THE BOARD OF EDUCATION OF LONE GROVE INDEPENDENT SCHOOL DISTRICT NO. 32, CARTER COUNTY, OKLAHOMA, WILL BE HELD IN THE HIGH SCHOOL AUDITORIUM, 6218 MERIDIAN, LONE GROVE, MONDAY, NOVEMBER 9, 2020, AT 6:30 P.M. WITH THE FOLLOWING ITEMS TO BE CONSIDERED:

AGENDA

<u>Items</u>	<u>Presented By</u>
1. Call to Order	Mr. Howard
2. Roll Call	Mr. Pierce
3. Discussion and Possible Action on Agenda	Mr. Howard
4. Discussion and Possible Action on Minutes of Regular Meeting October 12, 2020	Mr. Howard
5. Ryan Christner Owens to speak on behalf of Kolton Dewayne Ellis regarding his request to repeat his Senior year at Lone Grove Public Schools	Mr. Howard
6. Discussion and possible action regarding the request of Kolton Dewayne Ellis to repeat his Senior year	Mr. Howard
7. Recognition of Students	Mr. Sudderth
A. Students of the Month for November	Mr. McKee
	Ms. Benson
8. Discussion and Possible Action on Encumbrances and Warrants	Mr. Howard
A. General Fund	
B. Building Fund	
C. Child Nutrition Fund	
D. County Sales Tax Fund	
E. Bond Fund	
9. Discussion and Possible Action on Activity Fund Report	Mr. Howard
A. Receipts	
B. Checks	
10. Treasurer's Report	Mr. Cross
11. Discussion and Possible Action to Approve Fundraisers	Mr. Howard

12. Discussion and Possible Action to Approve Certified and Non-Certified Substitutes, Bus Drivers and Volunteers List Mr. Howard
13. Discussion and Possible Board Action on a Resolution calling for the Annual School Board Election Mr. Howard
14. Discussion and Possible Action on School Board Meeting Dates for 2021 Mr. Howard
15. Discussion and Possible Action to on Speech Building declared Surplus at the elementary campus Mr. Howard
16. Discussion and Possible Action to Review District Return to Learn Plan and Oklahoma School Safety Protocols Mr. Howard
17. Superintendent's Report
- | A. Enrollments | <u>November 7, 2018</u> | <u>November 6, 2019</u> | <u>November 3, 2020</u> |
|----------------|-------------------------|-------------------------|-------------------------|
| Primary | 405 | 431 | 411 |
| Intermediate | 325 | 299 | 281 |
| Middle School | 358 | 341 | 305 |
| High School | <u>362</u> | <u>369</u> | <u>364</u> |
| TOTAL | 1450 | 1440 | 1361 |
18. Discussion and Possible Action to Enter into Executive Session to Discuss Under Authority 25 O.S. Sec. 307(B)(1) and 70 O.S. Sec. 5-118 Mr. Howard
- A. Resignation
1. Darryl Burkett, Custodian
- B. Employment
1. Custodian
19. Return to Open Session Mr. Howard
20. Statement of Executive Session Minute Mr. Howard
21. Discussion and Possible Action on Matters Discussed in Executive Session Under Authority of 25 O.S. Sec. 307(B)(1) and 70 O.S. Sec. 5-118 Mr. Howard
- A. Resignation
1. Darryl Burkett, Custodian
- B. Employment
1. Custodian

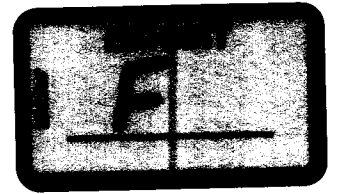
22. New Business – Items Not Known or Foreseen
When Agenda Was Posted

Mr. Howard

23. Vote to Adjourn

Mr. Howard

Time: 1:30 P.M.
Place: Lone Grove High School
Date: November 5, 2020
By Whom: Meri Jayne Miller
Title: Superintendent



THE DAILY ARDMOREITE

NEWS

Persevering through the pain: Lone Grove student deals with traumatic brain injury

Drew Butler drew.butler@ardmoreite.com

Published 11:34 a.m. CT Oct. 9, 2020

On September 24, 2016 Cassidy Baughman's life changed forever after a freak accident on the softball field. While warming up before a game, a stray ball hit Baughman in the temple, knocking her unconscious. She was diagnosed with a concussion, but the complications stemming from her injury refused to go away. Eventually she learned that she had suffered a traumatic brain injury, and she continues to live with the issues caused by her condition to this day.

Baughman told the story of how it all began.

"I was the varsity pitcher for Lone Grove my freshman year, which is something that I had always wanted to do," she said. "For me, that was something that I really worked hard to achieve. When I was in the 8th grade getting ready to be on the high school team I was getting up early every day before school to work out and playing softball on the weekends."

Baughman said her injury occurred during a tournament in the Oklahoma City area that was taking place about a week and a half before Lone Grove was scheduled to begin the playoffs. They were about to face off against South Moore, an extremely competitive and talented team.

"I really wanted to do a good job for everyone, and I felt like I had a lot to prove," Baughman said. "Unfortunately when I was warming up to pitch that game, they were taking ground balls and someone overthrew it, and it hit me in the temple. It was nobody's fault, it was just one of those freak things."

She said she was immediately knocked unconscious, and she does not remember much about the next few hours.

“I just remember waking up with dirt on my face and the paramedics around me, and I was very disoriented,” she said. “One thing I remember — and this is actually pretty funny — is that when they were taking me in the ambulance to the hospital they had to do an IV. I’ve always been scared to death of needles, and I begged them not to do it because it would hurt. The lady assured me it wasn’t going to hurt at all but it did. I was like, ‘that did hurt. You’re a liar. You lied to me!’ My parents got a kick out of that.”

At the hospital, she was diagnosed with a concussion and told to take a week off of school and softball. After taking the week to rest, she went to see her family physician to get a release to return to softball

“I was still experiencing lots of pain and different other symptoms, but I lied and told the doctor I was fine,” Baughman said. “I think that’s pretty common with a lot of athletes. It was just a couple days before the playoffs and I wanted to be out there on the field. I thought I could deal with the problems once the playoffs were over.”

Her first day back at practice did not go well. Her pitching was off and it was taking her longer for her brain to process things. Her coach benched her for the practice. He then decided to bench her again for the playoffs.

“My processing was slow, and I was in a lot of pain,” she said. “Coach Miller recognized that, and he benched me for the game. I’m thankful for that now.”

A couple weeks later, she was still experiencing terrible headaches, neck pain, and a host of other symptoms she now recognizes as a sign of her traumatic brain injury. After returning to her family physician and telling him about her neck pain, the doctor realized she had torn muscles in her neck.

She attended physical therapy because of the torn muscles for two months, and it was actually her physical therapist who suggested she see a neurologist.

“I was telling her that I was having trouble at school, and I was talking to her about my sensitivity to light and sound,” Baughman said. “I was also still dealing with pain in general along with vomiting and passing out.”

Baughman’s family scheduled an appointment with a neurologist in Texas, and he told her that though it had been a few months since her accident, all of her symptoms would likely be gone by the spring. But he urged her to return in a few months if she was still unwell.

However her symptoms did not go away. Baughman said they might have even got worse. She also continued to experience trouble in school.

“I was a 4.0 GPA student, and I was on track to be the valedictorian,” she said. “But I made my first C on a math test ever, and it wasn’t for a lack of trying, a lack of knowledge, or not studying enough. My brain just didn’t function the same way.”

When she returned to the neurologist in March, the doctor told her that she could no longer play any sort of contact sport. He also started talking about treatment plans and medications to help with her symptoms.

“I broke down in tears on the drive home, and as soon as I got back I went to the field house to clean all of the stuff out of my locker,” Baughman said. “Then we started trying out different migraine medications, and I couldn’t even tell you how many we tried. Pretty much none of them had any effect.”

By Christmas the year following her accident, Baughman and her family decided to enroll her into special education courses. She was still having difficulties learning and was unable to attend class regularly because she spent many days at home sick.

“The goal was for me to continue to try to be in regular classes, but we quickly realized that was not going to be realistic,” she said. “Thankfully Lone Grove was great about working with me, and that’s when I started on Acellus, a virtual learning program.”

Almost a year later — two years after her accident — she was still experiencing extreme pain and other symptoms, and she began to see a new neurologist. She still remembers what her first neurologist told her when he suggested she see a different doctor.

“The doctor looked me right in the eyes and he told me ‘I’ve done everything I know, and unfortunately we don’t have the technology to understand what’s wrong with you. In 10, 20 years we might, but the truth is I can’t help you’,” she said. “That was really hard to hear. The truth is there is no cure for traumatic brain injury, and all doctors can really do is treat the symptoms.”

The next doctor she saw is a concussion specialist who works with the University of Oklahoma football team and the Dallas Cowboys.

“We asked him if he had ever had any other patients with an experience like mine,” Baughman said. “He told us that it’s not common, but it’s also not rare. He said he’s had a

handful of cases when people with ADD who are highly intelligent and receive a concussion end up with a traumatic brain injury and have a harder time with it.”

Baughman said for the first couple of years, she spent most of her time at home and chose not to go out very often, however that eventually changed.

“Once I realized this was not going to go away, I realized that I’ll be in pain whether I’m sitting at home or going out trying to have fun. So I might as well go out and try to enjoy life,” she said. “The pain level has stayed the same pretty much the entire time, the difference is that after four years of dealing with this you learn to adjust. People see me now not complaining, not crying, and not hiding at home, and they think I’m fine. I’m not fine. I’m just having to deal with it and succeed in spite of it.”

Later this month she will be visiting a new neurologist at the Mayo Clinic to find out if there are any other options for her treatment. She’s hopeful, but after years of getting her hopes up with little results, she’s trying to remain cautiously optimistic.

In the mean time she has continued to maintain her 4.0 GPA, and she now believes this has been part of God’s plan for her.

“Even though I loved softball and giving that up was a loss for me, I think I had started tying in my self worth with how good I was at softball. You feel like that’s all you have to offer the world, and you feel like that’s what makes you special,” she said. “Every time I threw a bad pitch or every time I struck out, it was a major disappointment to me because I felt like that’s all I was good at. My parents and the school always supported me, but in my own mind I felt like a failure. I think God knew that that was not good for me. I also think he knew that I would never walk away from it on my own. I question what would have happened if I continued playing all the way through high school, and then didn’t play in college. I would have felt like my life was over.”

Instead of softball she has focused her energy on FFA and raising and showing animals. She is also focusing on one day becoming a medical professional with a specialization in traumatic brain injury.

“After I graduate this spring, I’ll be going to OSU,” Baughman said. “Right now my plan is to major in biochemistry and molecular biology. The plan is to specialize in work in with traumatic brain injury and concussions. I feel like this is something where I could really make a difference and give others some answers that I have never got.”

Official - Graduated w/immunization

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Year: 2017 Session: 1ST SEMESTER Grade: 09
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
ACE ALGEBRA	P	0.500	NA	
AG I -Agriculture I	A	0.500	EL	
ALGEBRA I	E	0.000	MA	
ENGLISH I	D	0.500	E1	
HS BOYS BASKETBALL	P	0.500	NA	
OKLA HISTORY	E	0.000	HO	
PHYS SCIENCE	D	0.500	SP	

Class Description	Mark	Units	GRCode	WType
AMER HIST	C	0.500	HA	
ART J	B	0.500	FA	
BASEBALL	P	0.500	NA	
ENGLISH III	C	0.500	E3	
INTERMEDIATE ALGEB	D	0.500	M*	
VERTEBRATE BIOL	D	0.500	S*	

Session Units: 3.500 Cumulative Units: 15.500

Year: 2017 Session: 2ND SEMESTER Grade: 09
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
AG I -Agriculture I	A	0.500	EL	
ALGEBRA I	D	0.500	MA	
BASFBALL	P	0.500	NA	
DRIVERS ED	P	0.500	EL	
ENGLISH I	D	0.500	E1	
GEOGRAPHY	D	0.500	HG	
PFL	P	0.500	PF	
PHYS SCIENCE	D	0.500	SP	

Year: 2019 Session: 2ND SEMESTER Grade: 11
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
AG POWER & TECH	N	0.000	EL	
AMER HIST	B	0.500	HA	
ART I	A	0.500	FA	
BASEBALL	P	0.500	NA	
ENGLISH III	C	0.500	E3	
INTERMEDIATE ALGEB	C	0.500	M*	
VERTEBRATE BIOL	C	0.500	S*	

Session Units: 3.000 Cumulative Units: 18.500

Year: 2018 Session: 1ST SEMESTER Grade: 10
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
AG LEADERSHIP	A	0.500	EL	
ALGEBRA I	D	0.500	MA	
BIOLOGY I	F	0.000	SB	
COMP APP I	B	0.500	CS	
ENGLISH II	D	0.500	E2	
HS BOYS BASKETBALL	P	0.500	NA	
WORLD HISTORY	F	0.000	HW	

Year: 2020 Session: 1ST SEMESTER Grade: 12
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
AG POWER & TECH	N	0.000	EL	
BIOLOGY I (1ST SEM)	B	0.500	SB	
CERAMICS	A	0.500	FA	
COMP ATHLETICS	P	0.500	NA	
DRAWING	A	0.500	FA	
ENGLISH II (2ND SEM)	C	0.500	E2	
ENGLISH IV	C	0.500	E4	
HEALTH/FITNESS	B	0.500	EL	
MATH OF FINANCE (FY	B	1.000	M*	
MEDIA Comp App III	A	0.500	C*	
WORLD HIST (BYU)	D	0.500	HW	

Session Units: 5.500 Cumulative Units: 24.000

Year: 2018 Session: 2ND SEMESTER Grade: 10
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
AG LEADERSHIP	A	0.500	EL	
BASEBALL	P	0.500	NA	
BIOLOGY I	D	0.500	SB	
COMP APP I	B	0.500	CS	
ENGLISH II	N	0.000	E2	
GOVERNMENT	D	0.500	IV	
OKLA HISTORY	C	0.500	HO	

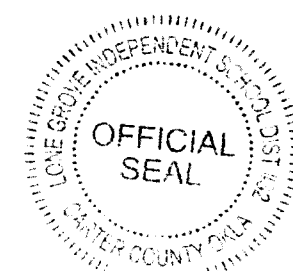
Year: 2020 Session: 2ND SEMESTER Grade: 12
 School: LONE GROVE HIGH SCHOOL

Class Description	Mark	Units	GRCode	WType
AG POWER & TECH	A	0.500	EL	
COMP ATHLETICS	P	0.500	NA	
DRAWING	A	0.500	FA	
ENGLISH IV	C	0.500	E4	
HEALTH/FITNESS	A	0.500	EL	
HUMAN GROWTH & DE	A	0.500	EL	
MEDIA Comp App III	A	0.500	C*	

Session Units: 3.500 Cumulative Units: 27.500

ELLIS, KOLTON D	-57471466	08/09/2001
NAME OF STUDENT	ACT ID	DATE OF BIRTH
*The writing score range is 1-36 for test events Sept. 2013 to Aug. 2016 and 2-12 for all other test events.		
ENGLISH	MATH	READING
15	15	24
SCIENCE	COMPOSITE	WRITING*
17	18	07
PERCENT AT OR BELOW NATL COMP.: 39		
TEST DATE & TEST LOCATION		04/2019 STATE

B111? Yes then Accellus



Grading Scales: District 2. A 90.00-100.00, B 80.00-89.00, C 70.00-79.00, D 60.00-69.00, F 50.00-59.00, P 60.00-100.00, N 00.00-1.00-00, M 00.00-00, S 00.00-00, NS 00.00

Immunizations	Achievements	Assessments
DTP 10/08/2001, 12/27/2001, 03/06/2002, 11/14/2002, 08/15/2005	Student received an exemption from CPR/AED instruction typically required for graduation purposes.	ACT +Writing 4/2/2019 18 English 15 Mathematics 15 Reading 24 Science 17 Writing 7
MMR POL 11/14/2002, 08/15/2005	The student has satisfactorily completed the 14 areas of instruction for Personal Financial Literacy	OPI Spring 2019 SCIE 288-2 - Basic MATH 258-2 - Basic ELA 297-2 - Basic
H-B 08/09/2001, 10/08/2001, 12/27/2001, 03/06/2002		
H-A 08/15/2005, 08/04/2006		
VAR 11/14/2002, 08/05/2014		
TD 08/05/2014		
MCM 08/05/2014		

GPA Name: Seniors GPA GPA: 2.31 Rank: 54 Class Size: 78

Graduation Date: 05/15/2020 Signature of School Official: *Angela Suade* Date: 5/21/20