



September 12, 2014

Mr. Michael Sherrill, Principal  
Escambia High School  
1310 North 65<sup>th</sup> Avenue  
Pensacola, Florida 32506

Dear Mr. Sherrill:

Subject: Escambia County School District's Investigative Report – Escambia High School

This communication addresses your July 10, 2014 letter reporting potential violations committed by representatives of Escambia High School's athletic program.

Please review the following information in its entirety for appropriate response to the FHSAA Office.

The following information is organized as follows:

- I. Background Summary**
- II. Summary of Violations and FHSAA Actions**

**I. Background Summary**

Escambia County Schools (herein referred to as District) conducted an investigation of Escambia High School's (herein referred to as EHS) athletic program with regard to potential violations of the FHSAA's bylaws and policies related to athletic recruiting, which is prohibited.

Principal Sherrill submitted a cover letter and the investigative report, requesting FHSAA staff to address the potential violations. The fact that this was an investigation conducted by Escambia County Schools, and not the FHSAA, required some additional responses from EHS. FHSAA staff reviewed all information provided and allowed EHS to respond to each potential violation and respond by indicating if EHS: agrees a violation occurred, disagrees and considers a violation did not occur, agreed (or disagreed) somewhat, with EHS providing further explanation. EHS was allowed to provide additional documents, statements, or facts gathered in support of the responses submitted by EHS.

The District began the investigation process as a result of an allegation of recruiting by an EHS athletic representative (B.1.4.18) from a representative of another member school's athletic program. The initial allegation was submitted to the FHSAA and subsequently withdrawn by the member school's representative and referred to the District by the individual.

The FHSAA is charged with establishing bylaws and policies that prohibit athletic recruiting. Please reference the applicable Florida State Statute(s): 1006.20(2)(b) and 1006.20(2)(f).

## **II. Summary of Violations and FHSAA Actions**

After reviewing the District's investigative report, EHS' letter and supporting information dated September 2, 2014, the following information represents the violations determined by this office, an FHSAA summarized statement regarding the school's position related to the violation, and the actions taken by the FHSAA in accordance with the Association's rules and regulations. To review EHS's full response and supporting documents, refer to EHS letter dated September 2, 2014 and the attachments.

1. **Findings of Fact. Violation.** Mr. Willie Spears, a representative of EHS' athletic program, committed improper contact with students who were not attending EHS at the time of the improper contact. (Reference B.1.4.18, B.6.3, P.36.2, P.36.5.3, P.37.1, P.37.3, P.37.3.2.3 and Items #1, #8, #9 in the District's investigative report).

**Note:** This is a major violation of the FHSAA Bylaws and Policies on Athletic Recruiting committed by Mr. Willie Spears. Please reference Florida State Statute 1006.20(2)(b).

**EHS Response.** EHS agrees with the violations specified. On August 29, 2014, Mr. Spears was afforded an opportunity to review the FHSAA violations and respond. However, Mr. Spears declined to review any information or to provide a written response. Mr. Spears also provided promotional materials (brochures) of his athletic program to parents of students who were not enrolled in EHS.

**FHSAA Determination.** Mr. Spears, a representative of the school's athletic program, committed several violations of FHSAA Bylaws and Policies related to athletic recruiting. The violations, at a minimum, consisted of, communicating with non-EHS students' parents to discuss athletic opportunities at EHS; providing tours of the school and athletic facilities to parents of non-EHS students prior to their students enrolling in EHS.

**FHSAA Action.** As a result of the aforementioned violated FHSAA Bylaws and Policies committed by Mr. Spears, EHS is fined \$2,500 (P.36.5.3).

2. **Findings of Fact. Violation.** Mr. Willie Spears allowed ineligible students to participate in its spring football contest during the spring of 2013. (Reference B.9.3.2, B.9.10, B.10).

**Note:** This is a major violation regarding student-athlete eligibility and participation (FHSAA Bylaw 1.4.22). Reference Florida State Statute 1006.20(2)(f).

**EHS Response.** Initially, EHS disagreed with this finding of fact / violation because FHSAA listed multiple students as potentially violating the FHSAA bylaws and policies by participating while ineligible. EHS verified it was only one student-athlete that participated while ineligible.

**FHSAA Determination.** Mr. Spears allowed one student to participate in its spring football contest while ineligible. Spring football is a continuation of fall football (P.18.2.1). The student did not make a full-and-complete move as defined in the FHSAA Bylaws and Policies and was therefore ineligible to participate in the spring football contest.

**FHSAA Action.** As a result of the aforementioned violated FHSAA Bylaws and Policies, EHS is fined \$2,500 (B.10.1.2 and P.44.1.6).

3. **Findings of Fact. Violation.** Mr. Willie Spears provided impermissible benefits to student-athlete(s) by allowing the students to participate without the required eligibility forms on file while representing EHS in interscholastic contests. (Reference B.2.5, B.2.6, B.6.1, B.9.7, B.9.8, P.36.1.6, P.36.2.3, P.36.5, P.37.2, P.37.3 and Items #3, #6, #7, and students' section of the District's investigative report).

**EHS Response.** EHS agrees with the violations specified. *Student-athlete* did not have a GA4 form and has since left EHS. *Student-athlete* turned in a GA4 form August 29, 2014.

**FHSAA Determination.** Mr. Spears allowed two students to participate without appropriate forms on file, which require the member school, student-athlete, and parent(s) to declare no violations of the FHSAA's recruiting rules have occurred prior to the student's participation.

**FHSAA Action.** EHS is fined \$200 (P.36.4.2).

4. **Findings of Fact. Violation.** Mr. Willie Spears provided impermissible benefits to at least eight (8) student-athlete(s) by allowing the students to participate without the required eligibility forms on file. (Reference Florida State Statute 1006.20(2)(c) and 1006.20(2)(k), B.2.5, B.2.6, B.6.1, B.9.7, B.9.8, P.36.1.6, P.36.2.3, P.36.5, P.37.2, P.37.3 and Items #3, #6, #7, and students' section of the District's investigative report).

**Note:** This is a violation of Florida State Statutes (reference 1006.20(2)(c) and 1006.20(2)(k)).

**EHS Response.** EHS agrees with the violations specified. However, the eight (8) students are listed separately and referenced in the District's investigation. After a thorough review of its football program, EHS reported changing its procedures to require all "paperwork" to be submitted to its athletic director, who will in turn communicate approval / clearance for the student to participate in its athletic program through the use of a GA7.

**FHSAA Determination.** EHS provided the names of the eight (8) students voluntarily and in a manner consistent with self-reporting violations. The list of students who participated without an EL2, EL3 and/or EL3CH includes:

- a. (EL2/EL3/EL3CH)
- b. (EL2/EL3)
- c. (EL2)
- d. (EL2/EL3/EL3CH)
- e. (EL2)
- f. (EL3)
- g. (EL2)
- h. (EL2)

Allowing students to participate, without the appropriate FHSAA eligibility forms on file, subjects EHS to penalties consistent with a \$500 penalty for each student and each missing form totaling \$5,000 (P.16.9.1 and P.16.9.2). However, EHS did notify FHSAA of this infraction in a manner consistent with self-reporting the violation.

**FHSAA Action.** EHS is fined \$800 for a self-reported violation (\$100 per student).

5. **Findings of Fact. Violation.** Mr. Donte Sheppard, a representative of EHS' athletic program, committed improper contact with students who were not attending EHS at the time of the improper contact. (Reference B.1.4.18, B.6.3, P.36.2, P.36.5.3, P.37.1, and P.37.3).

**Note:** This is a major violation of FHSAA Bylaws and Policies on Athletic Recruiting committed by Mr. Donte Sheppard. Reference Florida State Statute 1006.20(2)(b) and 1006.20(2)(f).

**EHS Response.** EHS agrees with the violations specified. On August 29 and September 1, 2014, Mr. Sheppard was afforded an opportunity to review the FHSAA violations and respond. However, Mr. Sheppard declined to review any information or to provide a written response. (Attachments)

**FHSAA Determination.** Mr. Sheppard acknowledges communication with non-EHS students and/or parents prior to their enrolling in EHS. Additionally, Mr. Sheppard made assessments of non-EHS students for athletic purposes related to their participation in the EHS football program. These assessments were reported to Mr. Spears. This is a violation of the letter and spirit of the FHSAA bylaws and policies on recruiting.

**FHSAA Action.** As a result of the aforementioned violated FHSAA Bylaws and Policies committed by Mr. Sheppard EHS is fined \$2,500 (P.36.5.3).

6. **Findings of Fact. Violation.** The following is a list of students deemed ineligible as a result of all information provided to this office for review and EHS response:
- a.
  - b.
  - c.
  - d.
  - e.
  - f.
  - g.

**EHS Response.** EHS agreed that the aforementioned students either participated while ineligible or are currently ineligible for violations of FHSAA Bylaws and Policies. The bylaws and/or policies rendering the students ineligible, at a minimum, consist of one or more of the following:

- Receiving an impermissible benefit (B.6.3, P.36, and P.37);
- Falsifying information to gain athletic eligibility, which includes school registration documents (B.9.1.2.2).

**FHSAA Determination.** The aforementioned students have participated while ineligible.

**FHSAA Action.** FHSAA will communicate individual student ineligibility separately.

7. **Findings of Fact. Violation.** In a letter dated September 3, 2014, EHS reported six (6) ineligible players participated in a football contest against Vidor High School (TX).

**FHSAA Determination.** EHS self-reported violations committed by its football coach, Mr. Willie Spears, by allowing ineligible students to participate. EHS also reported corrective actions taken as a result of the Mr. Spears allowing the students to participate.

**FHSAA Action.** Whereas Bylaw 10.2 allows for the Executive Director's office to determine if the students were allowed to participate intentionally or unintentionally, the member school is expected to review the eligibility of each student-athlete prior to participation. For this reason, EHS is held in accordance with the applicable penalties to be assessed as failure to follow policies and procedures (Policy 44). However, the fact that EHS is self-reporting this infraction will be taken into consideration.

**EHS is fined in the amount of \$600.00.** *The Handbook requires a financial penalty \$2,500 per student per contest, totaling \$15,000 for allowing an ineligible student to participate, but this has been reduced due to EHS' self-reporting its violation. In a teleconference on August 28, 2014, FHSAA Staff witnessed Principal Sherrill directing Mr. Willie Spears to not allow the six students, mentioned in #6, to participate.*

8. **FHSAA Action.** EHS is reprimanded. *A reprimand results in an official letter of censure to the member school regarding the violation(s) becoming a permanent part of the school's membership record.*
9. **FHSAA Action.** EHS is placed on Administrative Probation, effective immediately and concludes on June 1, 2016. *Administrative probation is a period of warning for one or more calendar years during which time any additional violations committed by the school may result in more severe penalties being assessed. This is the least severe of probations that may be issued by this office.*
10. **FHSAA Action.** EHS is placed on restrictive probation for the 2014-15 and 2015-16 school years. *The school or person faces the same penalties as administrative probation, with the additional consequence of restriction from participation in championship competition in one or more sports, or other restrictions deemed appropriate by the Executive Director, for one or more calendar years. The terms of the restrictive probation are:*
  - a. EHS shall not participate in a spring football contest in May 2015;
  - b. EHS shall not participate in a fall football pre-season contest in August 2015.
11. **FHSAA Action.** EHS football coaching staff shall complete the FHSAA Recruiting video / certification process. *EHS shall provide a roster of all its football coaches, paid and volunteer, to this office. Once the roster is received, FHSAA will provide specific instructions on how to complete this requirement.*
12. **FHSAA Action.** EHS football coaching staff shall complete the following NFHS Courses:
  - a. Engaging Effectively with Parents.
  - b. Creating a Safe and Respectful Environment.

*The decision by this office may be appealed to the FHSAA Sectional Appeals Committee as directed under Bylaws 10.4.6 and 10.6.4 – Appeals of Executive Director's Findings. The principal of a member school or his/her designee, or any other individual, who is found to be in violation of the rules of this Association by the Executive Director, whether or not such finding results in the imposition of penalty,*

*may appeal the finding of the Executive Director if he/she takes issue with it, or may appeal the penalty imposed, if any if he/she, while not disagreeing with the finding, believes the penalty to be too severe. To appeal the finding of the Executive Director, the appeal must be filed so that it is received in the office of the Association within ten (10) business days of the receipt of the Executive Director's finding and/or notification of the imposition of penalty. Failure to file an appeal so that it is received in the office of this Association within the ten (10) business days allowed shall be deemed a waiver of the right to appeal as granted herein.*

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Dearing". The signature is fluid and cursive, with the first name "Roger" and last name "Dearing" clearly distinguishable.

Dr. Roger Dearing  
Executive Director

Cc: Mr. M. Denarvise Thornton, Jr. Associate Executive Director for Eligibility and Compliance Services, FHSAA  
Mrs. Jamie Rohrer, Assistant Executive Director for Administrative Services, FHSAA  
Mr. Corey Sobers, Public Relations Specialist, FHSAA  
Mrs. Roxanne Baker, Athletic Director, Escambia County Schools  
Mr. Roger Mayo, AD, Escambia High School  
FHSAA Finance Department