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June 12, 2017

Noel Treat
General Counsel
Seattle School District
2445 3rd Avenue South
Seattle, WA 98134

Re: Garfield High School Football Program Investigation

Dear Mr. Treat:

You asked me to investigate allegations of improper recruiting of student athletes to play football at Garfield High School ("Garfield") for the 2016 - 2017 football season and perhaps the 2015 - 2016 football season. The concern about improper recruiting at Garfield was triggered in connection with statements made by Student A in April of 2017. Student A, a current student at the Interagency Academy, attended Garfield from September 7, 2016, until approximately November 22, 2016, and was a member of the Garfield football team during the fall 2016 season. After beginning my investigation, the District received an anonymous whistleblower complaint which alleged improper recruiting of students to play football at Garfield. Efforts were made to determine the validity of the anonymous whistleblower allegations of improper recruiting.

Allegation of Improper Recruitment of Student A

Student A is originally from another state and attended school in the other state for the 2015 - 2016 school year. Student A reported that in the summer of 2016 one of his coaches told him that there was someone who wanted to speak with him. That individual, according to Student A, turned out to be John McKinney. McKinney has a son, Student C, who previously lived in the same out-of-state city as Student A, but moved to Seattle for the 2015 - 2016 school year. Mr. McKinney is currently a Seattle resident. Mr. McKinney, who did not make himself available to be interviewed by the investigator, is believed to be from the same out-of-state city as Student A. It has been reported by multiple sources that Mr. McKinney arranged for his son, Student C, to move to Seattle for the 2015 - 2016 school year, where McKinney enrolled his son at Garfield. Student C was a member of the football team for the fall 2015 season. It has also been reported that Mr. McKinney's motivation for bringing his son to Seattle was to allow his son to finish his education in an environment that was safer and presented fewer dangers than the out-of-state city. According to reports, Student C's older brother was killed in the out-of-state city. Student C graduated from Garfield in 2016.

Student A knew Student C when they both lived in the out-of-state city. Student A spoke with McKinney by telephone in August of 2016. According to Student A, McKinney had viewed a video of Student A dunking a basketball and spoke to him about coming to Seattle to attend Garfield to play football. Student A said that McKinney arranged for Student A to speak with Joey Thomas, the head football coach for Garfield. Joey Thomas was hired to become the head

football coach for Garfield in the spring of 2016. Prior to becoming the head football coach at Garfield, Thomas was the head football coach at Ballard High School ("Ballard").

Student A subsequently did speak by telephone with Thomas. Student A said that Thomas essentially recruited him to come to Seattle to play football at Garfield. According to Student A, Thomas told him he could use playing football at Garfield to secure an athletic scholarship for college following graduation from Garfield. Student A also reported that Thomas spoke with his mother. Student A asserted that Thomas sent him a plane ticket to Seattle via cell phone.[1] After receiving the ticket, Student A said he deliberated about a week over whether or not to come to Seattle. Student A decided to come to Seattle, arriving in August 2016.

Upon arriving in Seattle, Student A reported that he was picked up at the airport by McKinney and taken to the home of Student D, a member of the Garfield football team. Student A reported that he stayed with Student D until he left to go home for the Thanksgiving holiday in November. Student A expressed his belief that McKinney completed the paperwork to enroll him in the District. Enrollment paperwork appears to confirm that McKinney enrolled Student A in the District. A writing of the name of John McKinney is on the signature line next to "Parent/Guardian". There is a date stamp of August 24, 2016, on the first page of the admission form. The purported address of McKinney is listed as the location where Student A was living. The enrollment paperwork indicates that Student A was living with McKinney, not Student D and his family.

Student A says that he participated in scheduled football practices in advance of school starting in September and began attending classes when school began in September. District records indicate that then Garfield Athletic Director, Ed Haskins, authorized an athletic eligibility override for Student A on or about September 7, 2016. The investigator presumed it may have been due to Student A's academic performance during the 2015 - 2016 school year. An academic transcript attached to an email dated August 23, 2016, that originated from Ralph Arline of [redacted] and ultimately made its way to Haskins, and to which Student A's birth certificate was also attached, appears to indicate that Student A had less than a 2.0 grade point average in the second semester of the 2015 - 2016 school year and may not have maintained passing grades in the requisite number of classes specified in the 2016 - 17 Official Handbook of the WIAA ("WIAA Handbook"). Haskins had no clear memory of the reason he authorized the eligibility override. Haskins expressed the view that it may have had something to do with Student A being homeless and the requirements of the McKinney-Vento Act. Student A's enrollment paperwork, however, does not indicate that Student A was homeless.[2] In any event, based on the District's Manual for Coaches and Athletic Directors ("District Manual"), it appears that Student A's grade point average should not have been an impediment to his participation on Garfield's football team in the fall of 2016; at least initially. Under the language found in the District Manual, Student A had until the 1st quarter of the fall semester to achieve a 2.0 grade point average. On the other hand, a reading of Student A's academic transcript appears to indicate that Student A did not meet the requirements of the WIAA Handbook of maintaining passing grades in the requisite number of classes in the spring of 2016. Records indicate that

[1] While Student A told the investigator in an interview on April 14 that Thomas paid for and sent the airline ticket, he, Student A, reported in a media interview that McKinney provided the airline ticket.

[2] Given that Student A did not live with McKinney, it does appear that Student A qualified as being homeless after coming to Seattle.

Garfield requested Student A's education records from his previous school on August 31 and that they were received by Garfield on September 13.

The investigator asked Student A if he was acquainted with Haskins. Student A said that he did become acquainted with Haskins during the course of the football season. Student A and Haskins had some discussions about Student A turning out for the Garfield basketball team. Aside from that, Student A did not report having other interactions with Haskins. Haskins indicated that he was generally acquainted with Student A, but did not have much interaction with him. The investigator also asked Student A if he came to know Ted Howard, Garfield Principal. Student A did not report having any substantive interactions with Howard. Howard reported that he met Student A when McKinney brought Student A to Garfield to register for classes. According to Howard, McKinney introduced Student A as his nephew. Howard indicated that the only substantive involvement he recalls having regarding Student A occurred in October and November. Garfield records indicate that Howard approved Student A's continued eligibility to play football after the 5-week grade check because Student A was considered homeless. According to Howard, there was uncertainty as to whether the McKinney-Vento Act required Garfield to let Student A continue playing even though he would otherwise have been declared academically ineligible based on the 5-week grade check. Consequently, on October 7, Howard approved continued eligibility for Student A based on the McKinney-Vento Act. Howard subsequently contacted Paula Murray, Family Support-West Region, seeking clarification of the requirements of the McKinney-Vento Act as it relates to extracurricular activities.

Following the end of the football season, Student A said that he asked Thomas if he could go home during the Thanksgiving holiday to visit his family. According to Student A, Thomas supported Student A's desire to visit family and indicated that he, Thomas, would pay Student A's airfare to return to Seattle.[3] Although Student A maintains that he intended to return to Seattle immediately after the Thanksgiving holiday, in an email dated December 6, 2016, to several Garfield staff, including Howard, Thomas, and Haskins, Ken Courtney, a Garfield counselor, wrote, "I just got confirmation that Student A is back in [other state] and will not be returning. His guardian will be coming in soon to take care of the withdrawal." In a follow-up email that same day, Courtney wrote, "John McKinney is coming in on Monday to withdraw [Student C], [Student A], and [Student B]." Garfield records indicate that Student A was withdrawn from Garfield in early December.

Student A states that he contacted Thomas after the Thanksgiving holiday about returning to Seattle; however, Thomas replied he wanted to wait until the price went down for airline tickets. According to Student A, he continued to communicate with Thomas, via telephone and text messages while back home, but Thomas continued to put off purchasing an airline ticket for him. Student A reports that he even offered to find a way to come up with half of the cost of purchasing an airline ticket. When it came to be early December, Student A asserts that Thomas

[3] It is strongly suspected, based on reports in the media and statements made by Student A, that either McKinney or the father of Student D paid for Student A's airfare. While Student D's father has had short telephone conversations with the investigator, he has declined to make himself available for an in-depth interview with the investigator, either by telephone or in person. The father of Student D did tell the investigator during a short telephone conversation that he financially supported Student A while Student A was in Seattle and paid for Student A's airfare to go home in November.

suggested that he wait to come back until after the December break since he, Student A, would probably want to spend the December holidays at home with his family. Following the December break, Student A reports he informed Thomas that he, Student A, wanted to delay his return until after January 8 so he could be home during his mother's birthday. Student A reports that he decided to further delay his return to Seattle after his mother's birthday because she became ill and he wanted to stay to help out with her care. Student A ended up paying for his airfare to return to Seattle. Student A returned to Seattle in March and was picked up at the airport by Student E, a Garfield student who played on the fall 2016 football team. Student A attempted to return to Garfield but was informed that he would instead have to enroll in the Interagency Academy. Student A is now attending Interagency Academy.

As stated above, the investigator attempted without success to interview McKinney. Although McKinney declined to speak with the investigator, there are reports in the media that purport to represent McKinney's account of how Student A made his way to Seattle. According to those reports, McKinney paid for the airline tickets for Student A (and Student B) to come to Seattle.

For his part, Thomas denies that he bought or was involved in buying any airline ticket for Student A to come to Seattle or that he urged Student A to come to Seattle to play football at Garfield. In addition, Thomas asserted that he neither picked up Student A at the airport nor had any involvement with or knowledge of Student A's living arrangements when he initially came to Seattle. Thomas claimed that the notion that he recruited Student A to play football at Garfield is implausible. Thomas noted that Garfield already had two talented running backs, one of whom was a senior and rushed for approximately 1300 yards during the 2016 season and the other a junior who has received football scholarship offers from several Division I colleges. Thomas also noted that he did not even know if Student A played football. Thomas added that Student A was listed on the depth chart as the third running back, behind the other two running backs.

According to Thomas, McKinney approached him and asked him to be a mentor to Student A, whom he, McKinney, was going to bring to Seattle from out of state. Thomas said that McKinney identified Student A as his nephew. Thomas reported that McKinney described Student A as getting into trouble, not attending school regularly, and needing a fresh start in a new location. As reported by Thomas, McKinney expressed the hope that he, McKinney, could get Student A to turn around his life just as McKinney's son had by coming to Seattle. Thomas said that McKinney asked him, Thomas, to speak with Student A. Thomas agreed to do so and called Student A. According to Thomas, the conversation he had with Student A was focused on whether Student A was serious about and committed to turning around his life and completing his education. Thomas claimed he did not have any discussion with Student A about playing football for Garfield until after Student A showed up at Garfield. According to Thomas, Student A approached him about playing football after he, Student A, arrived in Seattle. At that time, Thomas claimed he did not have any knowledge as to whether Student A had prior experience playing football. Thomas asserted that he did not have any role in determining whether Student A was eligible to play football at Garfield. Thomas said that while he initially assumed that Student A lived with McKinney, he, Thomas, did hear talk among the players during the course of the season that Student A (and later Student B) were living at Student D's house.

Thomas acknowledged that Student A talked to him after the season ended about going home for Thanksgiving. According to Thomas, he urged Student A to remain in Seattle rather than return home for the Thanksgiving holiday. When Student A decided to return home during Thanksgiving, Thomas reported that he neither paid for Student A's airfare nor offered to pay for Student A's return airfare. The father of Student D told the investigator that he, the father of Student D, paid for Student A's airfare to Texas.

Thomas acknowledged that he did communicate with Student A via occasional text messaging or telephone calls while Student A was back home.[4] Thomas reported that Student A contacted him in January 2017 about returning to Seattle, but had no money to buy an airline ticket. Thomas asserted that Student A asked Thomas if he would help by purchasing an airline ticket for him, Student A. According to Thomas, Student A said that he really needed to get out of his home town. Thomas said he would help if Student A agreed to attend classes, stay out of trouble, be honest with him, and graduate. According to Thomas, when Student A attended Garfield in the fall of 2016, there were issues related to his class attendance and academic performance. Garfield records support that assertion. Thomas added that he did tell Student A he would buy an airline ticket for Student A, but Thomas subsequently changed his mind because he thought doing so might be improper. According to Thomas, he told Student A while Student A was still back home that he, Student A, would need to enroll in the Interagency Academy in order to recover the credits he lost by not returning to Garfield. Thomas disputes Student A's claim that he, Thomas, gave Student A the runaround or advised Student A to delay returning to Seattle. Thomas claimed that his efforts after Thanksgiving on behalf of Student A had nothing to do with football or athletics as Student A was a senior with no remaining football eligibility.

Thomas said he was not aware of when or how Student A returned to Seattle. According to Thomas, Student A showed up at Garfield at some point in March. Thomas said that he, Thomas, and Howard met with Student A and told Student A that he would have to enroll at Interagency Academy to recover the credits he lost by not returning to Garfield to finish up his first semester classes. Thomas said there was no discussion in the meeting regarding Student A's living arrangements.

Allegation of Improper Recruitment of Student B

Student B is originally from the same out-of-state city as Student A, and Student B attended school out-of-state for the 2015 - 2016 school year. Student B and Student A were interviewed at the same time by the investigator. Throughout the interview, Student A spoke for both of them. Aside from greeting the investigator at the start of the interview and saying something along the lines of, "Thank-you sir" at the conclusion of the interview, Student B did not speak during the interview. At one point, the investigator asked Student A if he knew how Student B obtained an airline ticket to return to Seattle in March. Student A did not know, so the investigator asked the question of Student B, who did not respond. At that point, Student A asked the question of Student B. Student B again did not answer the question. Because of Student B's non-participation, Student B's account is based on the understanding of others, primarily Student A.

[4] According to Thomas, there was a period of time when he had no contact with Student A while Student A was back home. Thomas said that he later learned from Student A that he, Student A, had lost his cell phone.

Although they are not believed to be related, Student A refers to Student B as his brother. Student A and Student B appear to be very close friends. Student B did not arrive in Seattle until about October 5, 2016. It is believed that Student A lobbied McKinney to bring Student B to Seattle. Student B turned out for football but rarely played. Student B returned home in early November. The father of Student D said that he paid for Student B's airline ticket home.[5] Student B returned to Seattle before Student A; however, when Student B arrived, how Student B obtained his airline ticket, and other details are unclear. It is believed that upon Student B's return to Seattle, he lived, at least initially, with Student F, another player on the 2016 Garfield football. It has been reported that Student B was asked to leave the home of Student F because of unacceptable behavior.

According to Thomas, he was contacted by telephone by Student B's mother and did speak with her. Thomas reported that he told Student B's mother that he would try to help Student B if Student B attended classes, was honest with him, and stayed out of trouble. Thomas said that he was not involved in arranging for Student B to come to Seattle and was not involved in registering Student B with the District, beyond forwarding information he received from Student B's mother. Thomas said he had no role in determining whether Student B was eligible to play football. Thomas asserted that Student B did not live with him at any time and Thomas said that he did not tell Student B or Student B's mother that Student B could live with him. District records indicate that McKinney completed Student B's enrollment paperwork. The enrollment paperwork indicates that Student B was living with McKinney; however, Student B, like Student A, apparently lived with Student D.

Allegation of Improper Recruitment of Other Students

A number of individuals have come forward, anonymously and otherwise, with allegations that Thomas has recruited football players in violation of WIAA and District rules. The premise of the allegations is that Garfield has had a number of high profile football players transfer into the Garfield attendance area who either have addresses of doubtful validity (e.g., not a residence, the student is not actually living there) or are being identified as homeless. Although there is a body of evidence that casts doubt on the validity of the residences of record of some of the high profile athletes who have transferred to Garfield, the individuals who have made the allegations of improper recruiting, and have talked to the investigator, have not produced direct evidence demonstrating that Thomas had a hand in the transfers. For the most part, they have relied upon the fact of the transfers and the number of transfers as conclusive evidence that improper recruiting is taking place.

In an effort to determine if there was any such direct evidence, the investigator identified a sampling of transfer students to be interviewed. The investigator contacted the parents of the students to set up those interviews. The students were selected based on information provided by a witness who claimed the students had been recruited by Thomas to play football. The effort to speak with the parents and students did not meet with success. One parent said she would get back to the investigator after discussing the request with her husband. That parent did not get back to the investigator. One parent said she was not comfortable allowing the investigator to

[5] The father of Student D reported that he informed Student B that, because of unacceptable behavior by Student B, he, Student B, could no longer live with Student D's family.

speak with her son. The remaining parents simply did not return messages left by the investigator.

Thomas denies recruiting any of the students. Thomas also denied that he arranged for any third party to speak to the students or their families about transferring to Garfield. Haskins informed the investigator that he had no suspicions or evidence of the students being recruited or knowledge of any of the students transferring to Garfield for athletic reasons.

Conclusion of Investigator

Based on a preponderance of the evidence gathered in the investigation, it is the conclusion of the investigator that neither Student A nor Student B was recruited, directly or indirectly, by Thomas or any other District employee to play football at Garfield. It is also the investigator's conclusion that there is a lack of probative evidence to substantiate the allegations of improper recruiting of other students to play football at Garfield.

Very truly yours,

Philip A. Thompson