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January 13, 2005

Ms. Nadia Smalkowski  
Route 1, Box 56  
Hardesty, Oklahoma 73944

Dear Ms. Smalkowski:

Our firm represents the Hardesty School District and this letter is sent in response to your letter of January 1<sup>st</sup> addressed to the Members of the Hardesty School Board. That letter:

1. States you requested a "full and impartial investigation" of the incidents leading to your daughter's removal from the basketball team.
2. States you requested your children be transferred to Balko with Hardesty transportation until "the Board was able to substantiate proof that my daughter was guilty of theft." And
3. That you are "demanding my right, as a parent of a child that attends a PUBLIC school that you send me a letter of documentation stating the facts, action taken, and reason my daughter was suspended from playing Basketball and suspended from participating in Physical Education."

This response has been approved by the Board of Education. Although the Board does not investigate faculty actions such as the removal of a student from a sports team, this response is provided due to your assertions that the faculty engages in "prejudice, mismanagement, and dishonesty."

First, you are incorrect in stating you have a right from your status as a parent to require the District to document the reasons why your daughter was removed from

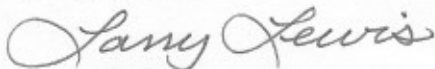
participation on the basketball team. There is no statutory requirement that schools produce any documents a parent desires. The coach did not believe your daughter's continuation on the team was in the best interest of the team for several reasons, but your daughter has yet to discuss this matter with the basketball coach, as recommended by the Superintendent on two separate occasions. The coach contends your daughter was making derogatory remarks towards the girls' basketball team before she was finished playing football. He also contends she was late to practice nearly every day and did not participate with the other girls in beginning and ending practice ceremonies. Finally, after she first told one of her teammates she was wearing the shoes of another girl because the girl had "loaned" her the shoes, she admitted to the principal she had taken the other girl's shoes from her locker without the girl's permission. The coach cannot place in your daughter the trust the coach desires to place in students in the locker room. In addition, after your daughter was told that she would no longer be permitted to participate on the basketball team, she asked the principal not to tell her parents of the decision but to allow her to inform you of her removal. However, she did not inform you as she said she would. This action shows the coach's lack of trust in your daughter was not incorrect.

You should be aware that participation of a student on an extracurricular sports team is a "privilege" and not a "right"; that a student has no due process right to remain on a team; and, therefore, a student can be removed from a team for any or no reason. In brief, there is no requirement that the school conduct a thorough investigation relating to a student being declared ineligible to remain on a team. In any event, the reasons for the coach's actions are established: your daughter did not display the same physical conditioning and dedication to the team as the other girls, your daughter voiced her displeasure in being on the team and had no pride in being a team participant, your daughter told the coach what she later admitted was not true, and your daughter took another girl's shoes through her access as a player to the locker room. A basketball team is a "team" and your daughter did not display the appropriate conduct and attitude to be a positive part of the team.

Second, you have no right to have your children transported by Hardesty to another school district. If a transfer were approved by the Balko School Board, or any other School Board, you would be responsible for transporting your children to the other district.

Third, this matter is now at an end. You have been provided a response to your allegations by the Board, a process not typically afforded to parents. The coach and administration will remain the individuals making daily decisions about student issues, student participation in extracurricular activities, and student discipline. There will be no further Board time or administrative or coach time spent in revisiting your daughter's removal from the basketball team.

Respectfully,



Larry Lewis  
For the firm