

# NORTHWOOD PUBLIC SCHOOL NO. 129

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*Keith Arneson, Superintendent*

*Shane Azure, Secondary Principal*

*Shari Bilden, Elementary Principal*

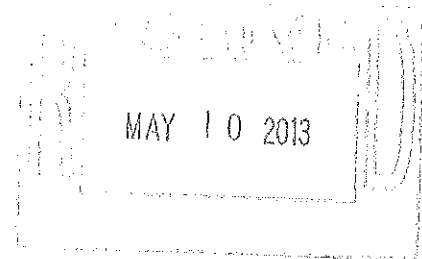
May 7, 2013

NDHSAA

Attn: Sherm Sylling

PO Box 817

Valley City, ND 58072



Dear Mr. Sylling:

I am writing this letter to appeal the recent ruling that a Hatton-Northwood athlete is ineligible due to being home schooled. The Hatton-Northwood co-op accepts the punishment the school was handed down by the NDHSAA. We broke NDSHAA rules and felt it was necessary to self-report.

However, we feel the home school law inadvertently discriminates against one of our athletes. I know why the home school law is in place, and agree with why it is in place. I feel our situation with our home schooled athlete is not what the law was intended for.

Our home schooled athlete has never played for nor intended to play for another district. She lives in the Finley-Sharon district by a matter of a half mile from the Hatton district whom we are in a co-op with and 1 mile from the Northwood district. She was open enrolled to Northwood every year from kindergarten to the first few weeks into her freshman year, with the exception of the 2007-2008 school year due to the Northwood tornado. We consider her one of our kids.

She left our school due to a medical issue. Her anxiety levels would get so high that she could not function in the regular school environment. Her mother pulled her out two weeks into her freshman year to home school her, with the intent of returning to Northwood in regular classes as soon as she is ready.

The ruling of the NDSAA of automatically making her ineligible in the Northwood district due to home schooling just doesn't seem fair in this case. We want what is best for this student. She has anxiety and sports have been very beneficial to her coming out of her shell and socializing more with her peers. Why should she be forced to participate in extracurricular in a school district (Finley-Sharon) that would be foreign to her just because she is being homeschooled due to a medical issue? If this was a student living in the Northwood district it would not be an issue but because of a matter of geography she is being held to a different standard.

"Precedent" is defined as "[a] decided case that furnishes a basis for determining later cases involving similar facts or issues." Black's Law Dictionary, 1214 (8th Ed. 2004). Precedent is a judicial concept applicable only to the courts. It is not applicable to executive or administrative actions or decisions. Thus, an executive or administrative decision is not legally binding upon subsequent executive or administrative decisions. Please do the right thing in this case and allow this student to be eligible in Hatton-Northwood extra-curricular activities.

Sincerely,

Josh Nelson-AD-Hatton-Northwood

[Josh.Nelson@northwoodk12.com](mailto:Josh.Nelson@northwoodk12.com)