

DVAL HEARING PANEL DECISION  
IN THE MATTER OF *Clayton Valley Charter HS Football Practice Violation*  
DVAL WAS RESPONSIBLE TO DETERMINE THE PUNISHMENT FOR ILLEGAL  
SUMMER FOOTBALL PRACTICES HELD BY CLAYTON VALLEY CHARTER.

Date of Hearing: June 13, 2014  
Hearing Decision Mailed: June 17, 2014

Location of Hearing: Willow Creek Conference Center  
1086 Mohr Ln, Concord, CA 94520

Time of Hearing: 7:45 AM

Hearing Panel Members: Gary McAdam, Principal, Concord HS  
Paul Gengler, Principal, College Park HS  
John McMorris, Principal, Northgate HS

Hearing Host: Craig Lee  
Commissioner, Diablo Valley Athletic League

**I. INTRODUCTION**

The Diablo Valley Athletic League (DVAL) Eligibility Hearing Panel (“Panel”) met on Friday, June 13, 2014 to render a decision on the admission by Clayton Valley Charter (CVC) High School that they conducted football practices on June 2 – 4 and held two 7 on 7 scrimmages against non-CIF opponents on June 2, 2014 (Byron Boys Ranch) and June 4, 2014 (Diablo Valley College).

Present at the hearing from Clayton Valley Charter were administrators David Linzey, Executive Director and Amber Lineweaver, Athletic Director and Tim Murphy, CVC Head Varsity Football Coach.

Present as a guest was Steve Brady, Principal, Ygnacio Valley High School.

Present as the host was Craig Lee, DVAL Commissioner.

At the hearing of this matter, all parties presented oral and documentary evidence in support of their respective cases. The documentary evidence was reviewed and cataloged at the hearing and all parties agreed that this was the documentary evidence to be considered.

**II. FINDINGS**

1. Clayton Valley Charter High School (CVC) did conduct varsity football practices on the mornings of June 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>.
2. CVC did conduct a 7 on 7 passing scrimmage against the Delta Warriors, a high school age team from the Byron Boys Ranch, a correctional facility, the evening of June 2<sup>nd</sup>.
3. CVC did conduct a 7 on 7 passing scrimmage against Diablo Valley College on the evening of June 4<sup>th</sup>.
4. CVC Head Coach, Tim Murphy, thought that the summer period began as soon as school was finished for the summer and therefore practices and scrimmages were allowed.
5. CVC Administration was not aware that the practices were illegal and did not know the specific practice schedule.
6. CVC had posted their summer schedule on their website months in advance, unaware that the practices were illegal.
7. CVC was made aware of the fact that their practices were illegal on Wednesday, June 4<sup>th</sup> by the DVAL commissioner, Craig Lee after he witnessed the DVC 7 on 7 scrimmage. They were notified at that time that the final CIF event was the state track meet on June 7<sup>th</sup> and practices could not start until Monday, June 9<sup>th</sup>.

8. CVC practiced again on Thursday, June 5<sup>th</sup> in the morning, believing the commissioner to be incorrect in his interpretation of the rule.
9. Tim Murphy and Craig Lee communicated again via email during the afternoon of June 5<sup>th</sup> at which time Coach Murphy understood the rule.
10. The North Coast Section Commissioner sent out an email on June 5<sup>th</sup> to all schools reminding them that the summer period did not begin until June 9<sup>th</sup>.
11. It was discovered that three schools had been practicing illegally, CVC, Moreau Catholic and Middletown.
12. On June 6<sup>th</sup> the NCS Commissioner was reminded that he had given permission for Logan High School to conduct a 7 on 7 passing tournament on Saturday, June 7<sup>th</sup> at Laney College, thinking that the CIF state golf meet was the final CIF event on June 4<sup>th</sup>. This permission was granted several months earlier.
13. On June 6<sup>th</sup> the NCS Commissioner changed the start of the summer period to Thursday June 5<sup>th</sup> because of the permission given for the passing tournament. About 14 NCS teams had signed up for the June 7<sup>th</sup> tournament.
14. CVC's practices included helmets each day and shoulder pads on one day. Film work was done on one or more days.
15. Coach Murphy requires that his players attend summer football practices.
16. The JV team also practiced each day in the evening.
17. There were no incoming freshmen practicing with the team.

### III.

### HEARING CONCLUSIONS

Based upon the oral and documentary evidence presented by the parties in this matter, the Panel has made the following conclusions:

1. There were three illegal practices held by CVC between June 2-4, 2014, prior to the start of the summer period and during the spring season of sport, as defined by the NCS.
2. The summer period rule was not understood by the CVC football staff or the administration.
3. The athletic teams have autonomy when it comes to practice days and times and the administration is not involved.
4. Once the error was pointed out, CVC continued to practice, although later that practice was declared legal.
5. The scrimmage against a college team was illegal. Special permission from the NCS Commissioner is required for this, even during the summer.
6. The scrimmage against the Delta Warriors would have been legal in the summer, although it was not legal on June 2<sup>nd</sup>.
7. The summer practices are required by the coach, a violation of NCS rule 206H B.

### IV.

### DECISION

The DVAL Hearing Panel has concluded that:

1. Clayton Valley Charter must give up 6 total practice days at the start of the official season of sport next August. They may start football practice on August 18, 2014. This is based on NCS Bylaw 103H A, which states that they must forfeit more days of practice than they gained by starting early. Four of the days are a result of the 3 illegal practice days and the additional two days are due to the illegal DVC scrimmage.
2. Clayton Valley Charter High School will be placed on probation for one year, beginning June 15, 2014. During this time CVC must demonstrate that their coaches are being instructed on the NCS rules, especially as they pertain to practices. They also need to put in place and document administrative procedures to insure that no coaches are practicing illegally and that coaches are not requiring their players to attend summer practices. If it is determined that CVC is in violation of NCS rules during their probation they will be ineligible to participate in DVAL or NCS post-season play in that sport. If a second violation occurs they may be declared ineligible to participate in post-season play in all sports for a period of 1 calendar year.

This is the final action of the Diablo Valley Athletic League, NCS-CIF in this case.

On behalf of the Hearing Panel,

6-16-2014

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Date

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Craig Lee  
DVAL Commissioner