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TOP STORY

## After being notified to 'cease and desist' by AG, OSSAA tables potential public-private school split

John Tranchina

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Heritage Hall players celebrate after a fumble recovery for a touchdown during the first quarter of the OSSAA 3A Football State Championship Game on Dec. 1. Heritage Hall defeated Metro Christian, 72-56. The Oklahoma Secondary School Activities Association on Wednesday tabled a potential plan to separate public and private school sports playoffs.

Ian Maule, Tulsa World file

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John Tranchina

**O** KLAHOMA CITY — After Oklahoma Attorney General Gentner Drummond sent a letter to the Oklahoma Secondary School Activities Association to “cease and desist” its potential plan to separate public and private school sports playoffs, the issue went unresolved at Wednesday’s Board of Directors meeting.

Following a more than two-hour executive session with a significant contingent of private school athletic directors and administrators waiting in the lobby, the OSSAA board opted to delay action on the public vs. private school issue, or Rule 14. When the open session finally resumed, board members voted 13-0 to table the issue for now, as they “review further options.”

“I can’t get into specific discussion of the executive session,” said OSSAA executive director Dave Jackson. “The board just felt like we want to gain some more information and discuss it further in another board meeting. It’s just a matter of gaining more information in order to make the best decision we could make.”

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“I don’t know what all that entails, but the gathering of information can take a lot of different forms. I think what the board, what I heard them saying in their discussion, is that they just want to gather more information.”

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The letter from the attorney general, which was dated March 10, threatened the OSSAA with legal action, noting that such a split of public and private school playoffs violated the Equal Protection Clause and, if instituted, would invite legal action.

“The apparent purpose for OSSAA’s present proposal is to preserve equitable competitive opportunities, due to an unchecked perception and presumption that the nonpublic schools dominate the football playoffs,” Drummond wrote. “However, similar to the action in (a previously-decided case in 2007), the present proposal and its basis are completely disconnected from any conceivable state interest and not based in fact.”

The letter went on to dispute the idea that private schools have had an unfair advantage in recent playoffs, citing that only Class 3A included a private school in the 2022 football season’s championship game. In fact, three of the

four semifinalists were private schools, with OKC Heritage Hall defeating Metro Christian in an all-private final for the title.

Drummond also noted in the letter that the only private schools that were above Class 3A were Bishop Kelley and OKC McGuinness (each of which is in 5A in most sports) and pointed out that those two schools would have an overwhelming edge in any competitions that included just private schools.

Holland Hall is in 4A in most sports but did just reach the 5A finals in girls basketball, with the boys reaching the 5A semifinals.

“Therefore, the Office of the Attorney General hereby demands that the OSSAA immediately cease and desist any further efforts on this matter,” the letter concludes. “It is respectfully requested that you advise me by March 20, 2023, of the intent of the OSSAA to comply with the demands of this correspondence. Failure to comply with the demands set forth herein will result in immediate legal action by this Office against the OSSAA.”

There was no indication that the Board of Directors told Drummond it decided to comply with his letter by his deadline, and the fact that the meeting continued as it did suggests that they have decided to continue with those plans, or possibly amend them. It also wasn't clear what or who may have influenced Drummond to get involved in this issue.

The discussion on Rule 14 was originally scheduled to be done in open session, and was in the previous meeting on Feb. 8, but the letter prompted the move into executive session.

There was also no mention of the outcome of the vote that the board approved in the Feb. 8 meeting, which was distributed to all 478 OSSAA member schools. That vote was originally supposed to decide the issue.

None of the 14 members on the Board of Directors represent private schools. There are just 24 private schools in the state.

Representatives were present for Wednesday meeting from schools such as Bishop Kelley, Holland Hall, Cascia Hall, Victory Christian, Lincoln Christian, OKC Mount St. Mary, OKC McGuinness and Oklahoma Christian, among others.

The next Board of Directors meeting is scheduled for April 19.

Earlier in the meeting, the board was update on two bills working their way through the Oklahoma Legislature. One — Senate Bill 839 — would make the state attorney general the OSSAA's legal representative, something that Jackson noted that the OSSAA had absolutely no input on.

The other — House Bill 2249 — would make students who transfer eligible to participate in athletics immediately at their new school if they did not previously earn a letter in that sport. Jackson noted that he hoped to defeat that bill, saying the OSSAA has “never any appetite for immediate eligibility” for transfers.

Jackson then mentioned that he would like to hire a lobbyist to promote the OSSAA's position whenever bills are introduced that affect high school athletics in the state. Without any representation at the state Capitol, there is

the concern that right now, the OSSAA's point of view is not being taken into account. Jackson noted that he had a lobbyist in mind that he wanted to hire and that he would continue negotiations with that person.

“We had a lobbyist at one time, and blame me for my knuckle-headedness, but it was a time where things weren't as active, we didn't see a lot of action in regards to the association, and I saw us paying for a lobbyist at a time where maybe we didn't need one,” Jackson said. “So trying to save a dime, I thought it was time to back away, so we did. And that was probably not a smart move on my part.”

Board member Cecilia Robinson-Woods, from OKC Millwood, agreed that a presence at the Capitol was necessary.

“Having someone there whose exclusive job is just to inform people about the OSSAA and what we do, I think we're past that point,” Robinson-Woods said during the meeting. “For the last couple of years, we continue to get things introduced out of thin air. So I agree that we could use someone on our side.”

