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**BEFORE AN APPEAL PANEL OF THE
CALIFORNIA INTERSCHOLASTIC FEDERATION**

In Re:

Coronado Unified School District’s Appeal of
June 30, 2021 Decision and Sanctions Issued
by the California Interscholastic Federation
Executive Director.

DECISION OF THE APPEAL PANEL

Date of Hearing: November 1, 2021
Location: Zoom

Panel Chair: Monica Colunga
Panel Members: John Becker; Marty Bitter

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I. INTRODUCTION

A California Interscholastic Federation (“CIF”), state level appeal was requested by the Coronado Unified School District (“CUSD”) in response to the June 30, 2021 Decision and Sanctions Issued by the California Interscholastic Federation Executive Director in which the Executive Director found that Coronado High School (“Coronado”) violated CIF Constitution Article 1 Section 12.B and Article 2 Sections 22.B.3-4 and B.9 as well as Game Management guidelines 1, 2 and 5. The Executive Director’s findings were in part based upon that on June 19, 2021, shortly after the conclusion of the Southern California Regional Boys Basketball Championship game between Coronado and Orange Glen High School (“Orange Glen”), members of the Coronado basketball team threw tortillas in the direction of the Orange Glen team and staff.

As a result on the findings, the Executive Director issued the following sanctions:

1. The 2021 Southern California Boys Basketball Division 4-A Regional Championship is vacated.
2. Coronado High School is on probation for the 2021-2022, 2022-2023, and 2023-2024 school years.
3. The Coronado High School boys basketball team will not host postseason contests at the Section, Regional, or State levels for the 2021-2022 and 2022-2023 school years.

1 Council and Executive Committee and is the Athletic Director for the Madera Unified School
2 District.

3 John Becker, Appeal Panel Member for the hearing is a member of the CIF Federated
4 Council and Executive Committee and is the Superintendent of Schools for the Roseville Joint
5 Union High School District.

6 **B. APPEARANCES & WITNESSES**

7 At the hearing, CUSD appeared through legal counsel Daniel Shinoff and Jeffery Wade.
8 The Executive Director appeared through legal counsel J. Scott Donald. Ronald J. Scholar,
9 appeared as Legal Advisor to the Appeal Panel. Legal Counsel presented opening and closing
10 arguments.

11 CUSD called David Sobel, a private investigator retained by CUSD legal counsel, Brad
12 Couture, a teacher and coach at Coronado and Karl Mueller, CUSD Superintendent as testifying
13 witnesses. Ron Nocetti, CIF Executive Director, testified on behalf of his office.

14 **C. DOCUMENTS**

15 Pursuant to prior directives issued by the Appeal Panel Chair on behalf of the Appeal
16 Panel, both CUSD and the Executive Director previously exchanged and submitted their
17 documents for the Appeal Hearing.

18 Coronado submitted documents marked A0001 through and including A0732

19 The Executive Director submitted documents marked R0001 through and including R0070.

20 These documents were received into the record and were reviewed and considered by the
21 Appeal Panel.

22 This matter was originally scheduled for hearing on September 27, 2021. Following an
23 inadvertent omission of documents by the Executive Director which resulted in the production of
24 additional documents on September 22, 2021, the Appeal Panel vacated the hearing date and on
25 September 27, 2021, held a scheduling conference with the parties via Zoom. The Appeal Panel
26 decided to accept the additional documents from the Executive Director, re-set the hearing to
27 November 1, 2021 and granted CUSD the opportunity to submit rebuttal documents which it did
28 on October 18, 2021. CUSD also submitted a one page document the day of the hearing,

1 November 1, 2021 at approximately 9:47 a.m. All of these documents have been received into the
2 record and were reviewed and considered by the Appeal Panel.

3 During the hearing, it became apparent through the testimony of Coronado witness David
4 Sobel, a private investigator, that at the request of CUSD’s legal counsel, Mr. Sobel had gathered
5 documents, conducted witness interviews and had prepared an investigation report which was
6 completed in September 2021 and provided to CUSD legal counsel. This report was not produced
7 by CUSD to either the Appeal Panel or counsel for the Executive Director as part of the Appeal
8 Panel ordered exchange of documents or in any other way. It was only after the Appeal Panel
9 inquired into the existence of the report that counsel for CUSD offered to produce it. When asked
10 why it was not produced, counsel for CUSD stated it was not completed until beyond the date for
11 production and was not considered at the time the Executive Director made his decision. Given the
12 substantial prejudice to the Executive Director of such a significant document that had been in
13 CUSD’s counsel’s possession for at least a month prior to the hearing being received during the
14 hearing, the Appeal Panel Chair, in the exercise of her discretion, declined to receive the
15 document. While there was no requirement that the report be produced and it has no effect on the
16 outcome of the decision, the Appeal Panel is troubled that CUSD, which produced additional
17 documents in rebuttal on October 18, 2021 and produced an additional document the day of the
18 hearing, elected to neither seek permission to produce the investigation report nor actually
19 produced the report in advance of the hearing.

20 **III. BACKGROUND**

21 A. Under Education Code § 33353, the CIF “is a voluntary organization that consists
22 of school and school-related personnel with responsibility for administering interscholastic athletic
23 activities in secondary schools.” There are over 1,600 CIF member secondary schools which
24 participate in interscholastic athletics throughout California.

25 B. The CIF has been charged by the California legislature with the responsibility of
26 governing interscholastic athletics for its voluntary member secondary schools in California.
27 Courts have consistently recognized the CIF is responsible for administering interscholastic
28 activities in the schools by enacting and enforcing eligibility rules for participating in

1 interscholastic athletic programs among and between schools.

2 C. As a condition of membership in the CIF, schools must agree to abide by all current
3 rules and regulations of the State CIF and the CIF section. Additionally, local school boards or
4 boards of directors are required to adopt the 16 Principles of Pursuing Victory with Honor by
5 board resolution and both the school administration and coaching staff of each member school are
6 required to monitor their athletic programs and report any offense to the CIF. (See CIF Const. Art.
7 2, Section 22.)

8 D. Article 2, Section 22.C(1) of the CIF Constitution states as follows:

9 “The Executive Director and/or Executive Committee or Section Commissioner and/or
10 Section Board of Managers shall have power to suspend, to fine or otherwise penalize any member
11 school for the violation of any CIF or Section rules and regulations or for just cause. The period of
12 suspension or other penalty shall be left to the discretion of the CIF governing body that has
13 jurisdiction of the matter where the penalty is not fixed.”

14 IV. FINDINGS

15 1. On June 19, 2021, Coronado played Orange Glen in 2021 Southern California Boys
16 Basketball Division 4-A Regional Championship.

17 2. The game was hosted by and at Coronado.

18 3. Prior to the game starting, Luke Serna, a Coronado graduate who was not officially
19 affiliated with Coronado, brought four bags of tortillas to the game and into the gym. Mr. Serna
20 was able to bring the tortillas into the Coronado gym because there were no required bag checks
21 for people coming into the game. Mr. Serna approached both the Coronado cheerleaders and a
22 basketball bench player. He told them that tortillas were thrown at UC Santa Barbara games in
23 celebration. The bench player accepted the tortillas. Some were also left with the cheerleaders but
24 were gathered by the cheer advisor. There was no evidence that the cheer advisor for Coronado
25 did any further investigation or took any further action. (A0571; A0707-0710; Sobel Testimony)

26 4. Mr. Serna informed Coronado Head Boys Basketball Coach Laaperi, who Mr.
27 Serna knew from Santa Barbara he was going to bring the tortillas to the game. Coach Laaperi
28 “kinda chuckled but didn’t have any concern with it.” (A0214) Mr. Serna also stated that he

1 wanted to come forward with information earlier and be more transparent but did not because
2 Coach Laaperi “really didn’t want it out there” and “wanted to keep things closer to the vest.”
3 (A0215) The two also exchanged text messages regarding the tortillas. (Sobel Testimony)

4 5. During the game, there were instances of inappropriate behavior with some of the
5 game’s attendees. Whether or not appropriate action was taken by Coronado staff is disputed.
6 (R0037; R0040; R0042; R0044; R0048; R0053; A706)

7 6. The game ended in overtime on a last second shot scored by Coronado. The shot
8 was taken from the end of the floor opposite the Orange Glen bench. (R0037; Video)

9 7. The Coronado players were understandably elated and celebrated while Orange
10 Glen players and staff were standing quietly near their bench. As Coronado celebrated, they
11 moved towards mid-court and the side of the court closest to the Orange Glen bench. As the
12 Coronado group approached the area near the Orange Glen bench at what appeared to be the
13 opportunity for both sides to shake hands in a show of sportsmanship, Coronado Coach Laaperi
14 yelled to Orange Glen Coach Featherly “[t]hat’s why you don’t talk shit, get your kids and get the
15 fuck out of here losers!” Coach Featherly yelled back at Coach Laaperi “[t]hat was a great game
16 and you wrecked a great game! JD, hey JD! You are a piece of shit.” (R0037; R0039; R0041;
17 R0044; R0048; R0050; R0052; A0723; Video; Sobel and Couture Testimony.)

18 8. After the Coaches exchanged words and while adults began yelling and pushing
19 each other, two Coronado basketball players threw tortillas in the direction of Orange Glen
20 players, coaches and staff. (R0038; R0039; R0041; R0044; R0047; R0052; R0055; A0707-0710;
21 Video; Sobel Testimony; Couture Testimony) One of the tortillas struck Coach Featherly in the
22 face. (R0039)

23 9. The Coronado student-athletes who threw the tortillas have subsequently stated that
24 they did not have any racist intent in throwing the tortillas. (A0707-0708.)

25 10. On June 20, 2021, CUSD Superintendent Mueller issued a Media Statement where
26 he stated in part that the “altercation and unsportsmanlike conduct which included throwing
27 tortillas at our visitors from Orange Glen” was “reprehensible.” Superintendent Mueller
28 apologized to the Orange Glen community and promised swift action and accountability. He also

1 stated “[w]e have a commitment to stand against any act of bias.” (R0033; A0209)

2 11. On June 20, 2021, Lee Pontes, CUSD Board President issued an email on behalf of
3 the entire Board which in part stated the following: “On June 19, 2021, following a championship
4 basketball game, members of the Coronado community hurled tortillas at students from Orange
5 Glen High School, a predominantly Latino school district. The Trustees of the Coronado Unified
6 School District acknowledge these acts to be egregious, demeaning, and disrespectful. We fully
7 condemn the racism, classism, and colorism which fueled the actions of the perpetrators and fully
8 support the statement by Superintendent Mueller released earlier this morning.” (R0069)

9 12. Over the weekend following the game, Coach Laaperi tweeted: “Unfortunately a
10 community member brought tortillas and distributed them which was unacceptable and racist in
11 nature. I do not condone this behavior. Coronado High School does not condone this behavior and
12 is already taking appropriate action. (R0025)

13 13. On June 21, 2021, Executive Director Nocetti sent a letter to Superintendent
14 Mueller stating that it was his understanding that CUSD was having an emergency board meeting
15 on June 22, 2021 to address the incident and to forward to the CIF State Office CUSD’s
16 investigatory report and/or findings for review by 3:00 p.m. on June 23, 2021. Executive Director
17 Nocetti also wrote that given the seriousness of the matter, the CIF was seeking to reach a
18 conclusion on the matter by June 24, 2021. (A0211)

19 14. On June 25, 2021, Superintendent Mueller sent a letter to CIF Executive Director
20 Nocetti wherein he wrote in part: “The first person accounts and the videos show that the two
21 student participants threw the tortillas only after the adults around the scorers’ table, representing
22 both OGHS and CHS, escalated tensions by using profanities and insults instead of modeling good
23 sportsmanship.” “There is no denying that the incident caused offense and subjected our guests
24 and Coronado residents present to feelings related to discrimination. We cannot diminish what
25 transpired or the significance of the interpretation of the tortillas.” Superintendent Mueller also
26 stated that there was no factual basis to justify forfeiting the game. (R0029-0030; A2017-0219;
27 Mueller Testimony)

28 15. Executive Director Nocetti issued his decision on June 30, 2021. (R0010-0016)

1 16. On August 20, 2021, the CUSD Governing Board issued what it called an amended
2 version of its June 20, 2021 statement regarding the incident which included only an apology to
3 Orange Glen and support for the June 20, 2021 statement of Superintendent Mueller. (A0256)

4 **V. DECISION**

5 Following review of all the documentary and video evidence submitted and the oral
6 testimony given at the Appeal Hearing, this Appeal Panel unanimously affirms the decision of
7 Executive Director Nocetti and finds he had just cause and that there is just cause to impose
8 sanctions as modified below.

9 The Appeal Panel reached its unanimous decision based upon several considerations.

10 First, CUSD has challenged the jurisdiction or power of the Executive Director to impose
11 sanctions in this matter arguing that that power resides in the CIF San Diego Section. CUSD is
12 incorrect. While there may be concurrent jurisdiction to address this matter, Article 2, Section
13 22.C(1) of the CIF Constitution clearly grants the Executive Director the "...power to suspend, to
14 fine or otherwise penalize any member school for the violation of any CIF or Section rules and
15 regulations or for just cause." Further, where no penalty is fixed, "[t]he period of suspension or
16 other penalty shall be left to the discretion of the CIF governing body that has jurisdiction..."
17 which in this case is first the Executive Director and then this Appeal Panel of members of the CIF
18 Federated Council Appeal Committee. (CIF Const. Art. 3, Section 34.I.)

19 Second, it is undisputed that two Coronado basketball players threw tortillas in the
20 direction of the Orange Glen group of coaches, players and staff. It is also undisputed that this did
21 not occur during the celebratory portion of the post-game activity, but instead only occurred after
22 the coaches and other adults became involved in verbal and for some physical misconduct. Thus, it
23 cannot be said the tortillas were thrown in celebration of the Coronado win. The throwing of the
24 tortillas under these circumstances, in an of itself, is just cause to impose the sanctions as modified
25 below.

26 Third, it is undisputed that Coronado Head Coach Laaperi knew in advance of the game
27 that Mr. Serna would be bringing tortillas to the game for students to throw if they won. Coach
28 Laaperi acted as if the matter were a joke and did nothing to dissuade or prevent Mr. Serna from

1 bringing the tortillas. Coach Laaperi also failed to address the matter in advance with Coronado
2 administration or his players. Instead, he just let it happen. His behavior before the game is belied
3 by the tweet he issued after the incident wherein he feigned ignorance and acknowledged the
4 conduct was “unacceptable and racist in nature” despite that fact it was conduct he had just
5 previously condoned.

6 Fourth, the self-serving, subjective intent of the students who actually threw the tortillas,
7 while relevant, does not override or supersede the actual impact of the action and the reasonable
8 interpretation of it which must also be considered and weighed. Here, CUSD Superintendent
9 Mueller referred to the throwing of the tortillas as “reprehensible” and as an act of “bias” stating
10 that “[t]here is no denying that the incident caused offense and subjected our guests and Coronado
11 residents present to feelings related to discrimination. We cannot diminish what transpired or the
12 significance of the interpretation of the tortillas.” The CUSD Board referred to it as “...egregious,
13 demeaning, and disrespectful” and “...fully condemn[ed] the racism, classism, and colorism...”
14 involved. Thus, CUSD interpreted the incident the same way it was received by the Orange Glen
15 community. Even without CUSD’s interpretation, this Appeal Panel finds that the act of throwing
16 the tortillas in this instance was both actually and reasonably interpreted as an act of racial animus.

17 Therefore, the basis for the issuance of sanctions by the CIF-SJS Commissioner are
18 unanimously affirmed.

19 However, because the incident was focused solely on the boys basketball team the
20 sanctions are modified as follows:

- 21 1. The 2021 Southern California Boys Basketball Division 4-A Regional
22 Championship is vacated.
- 23 2. The Coronado High School boys basketball program is on probation for the 2021-
24 2022, 2022-2023, and 2023-2024 school years.
- 25 3. The Coronado High School boys basketball program will not host postseason
26 contests at the Section, Regional, or State levels for the 2021-2022 and 2022-2023 school years.
27 However, upon completion of items 5 and 6 below, Coronado High School boys basketball
28 program will be eligible to host postseason contests at the Section, Regional, or State levels for the

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2022-2023 school year.

4. Item 4 is vacated in its entirety.

5. Complete a sportsmanship workshop (to include a component of racial/cultural sensitivity training such as the NFHS Implicit Bias Course) by all Coronado High School athletic directors(s), boys basketball coaches and boys basketball student-athletes.

6. Complete a game management training program for all Coronado High School administrators and athletic director(s).

7. The administration at Coronado High School is strongly encouraged to engage with the administration at Orange Glen High School to develop a positive relationship between the two school communities. Examples may include the following:

a) The administrators at the two schools work cooperatively to provide the student-athletes at both schools with a restorative justice opportunity.

b) The administrators at the two schools work with a community-based non-profit organization to conduct community service projects with their student-athletes and coaches.

On behalf of the Appeal Panel

Dated: November 22, 2021

/S/

Monica Colunga
Chair and Presiding Appeal Panel Member
CIF Federated Council and Executive Committee President