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MHSAA Plans Appeal On Schools' Behalf Of Sports Seasons Trial Decision

KALAMAZOO, Mich. – Dec. 17 -- The Michigan High School Athletic Association will appeal a United States Federal District Court decision which would take away the authority of its member schools to set sports schedules to utilize athletic facilities, coaches and officials in a manner that they believe provides the highest quality participation opportunities for all high school student-athletes.

The Court decision announced here today by Judge Richard Enslen marked the end of the trial phase of legal proceedings in a three-and-one-half year-old court case which would have required the MHSAA to force the public, private and parochial schools in its statewide membership to change the time of the year when they conduct sports seasons. An appeal of Judge Enslen's decision will be filed shortly with the Sixth Circuit Court of Appeals in Cincinnati, Ohio.

"We have said publicly from the very beginning of this litigation that we would have an unfavorable decision at the District Court level, and then prevail upon appeal," said John E. "Jack" Roberts, executive director of the MHSAA. "There have been a number of decisions in this case over the past 40 months which we believe run counter to controlling case law, prior findings of the U.S. Office of Civil Rights on identical issues, and opinions of the Michigan Attorney General. The Court adopted plaintiff's arguments carte blanche.

"We have maintained all along that schools have the best interests of all student-athletes at heart, and have made decisions that have maximized participation by girls and boys," Roberts continued. "We appreciate the ongoing support of our member schools; and administrators, coaches and officials associations which have stood strong in favor of the sports seasons their schools have established," Roberts continued. "Even as we appeal the court's decision, we look forward to our continued work with the interscholastic athletics community to expand athletic opportunities and services for both girls and boys programs in our great state. We stand confident on our record of listening to and then leading our membership as we work together in protecting and promoting girls programs in a manner that exceeds that of any other state athletic association, and we will continue to encourage our schools to be looking for every available opportunity to provide positive, equitable participation experiences for young people."

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When filed in June of 1998, the suit included issues in addition to sports seasons, but those matters were removed from the trial through mediation last summer (see accompanying release).

The suit originally requested monetary damages and a jury trial, both of which were waived by the Plaintiffs shortly before trial.

The suit originally named the MHSAA, its Representative Council and executive director John E. “Jack” Roberts as defendants, but the individual defendants were dismissed from the case after the first week of trial at the end of September.

“The MHSAA may be the named defendant in this case, but the MHSAA has not been on trial,” Roberts said. “The sports seasons schedule of schools has been on trial, and the schools’ battle to do what their collective wisdom and experience says is best for boys and girls is far from over.

“The Michigan model may be different, but it has never discriminated against girls,” Roberts continued. “To the contrary, our girls get the best available coaching, officiating, media attention, facility usage, and as a result, participation continues to grow annually. The reason is the seasons schools have chosen. And while schools sports do not exist to be a training ground for the so-called ‘next level’ of participation, our girls continue to enjoy unprecedented college athletic scholarship opportunities. Again, the reason is the seasons.

“Plaintiffs came to court with family members and their feelings. We had facts which plaintiffs sought to keep out of evidence. They came with an agenda and an attitude that they know more about providing equal opportunity than the people with servant hearts who listen to their constituents and actually provide maximum opportunity day by day.”

The Court ruled that the MHSAA must submit a plan bring the scheduling of sports seasons into compliance with the law by May 24, 2002, to take effect for the 2003-04 school year. The submission of such a plan, however, may be delayed pending the appeal of the Court’s decision.

The MHSAA is a private, not-for-profit corporation of voluntary membership by over 1,300 public and private senior high schools and junior high/middle schools which exists to develop common rules for athletic eligibility and competition. No government funds or tax dollars support the MHSAA, which was the first such association nationally to not accept membership dues or tournament entry fees from schools. Member schools which enforce these rules are permitted to participate in MHSAA tournaments, which attract approximately 1.6 million spectators each year.

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