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FOR IMMEDIATE RELEASE
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Process Of Appealing, Compliance With Court Order In Sports Seasons Case Begins

EAST LANSING, Mich. – Jan. 30 – Member schools of the Michigan High School Athletic Association face a unique challenge in the months ahead, as they collectively address the processes of simultaneously appealing and developing a plan to comply with a court-ordered realignment of the seasons in which some sports are played.

On the legal side of the case, the MHSAA, in the past few weeks, has filed a notice of appeal with the United States District Court in Kalamazoo seeking to have the United States Sixth Circuit Court of Appeals in Cincinnati, Ohio review the District Court's decision of December 17, which would require schools to realign seasons in a way that "advantage and disadvantage girls and boys equally" in six sports – basketball, golf, soccer, swimming and diving, tennis, and volleyball. The MHSAA has also filed a motion with the Federal District Court to stay its order that requires a realignment plan to be presented no later than May 24.

Should the Federal District Court deny the MHSAA motion for a stay, or delay its decision about issuing a stay, the MHSAA will take that request to the Sixth Circuit Court of Appeals which will be considering the MHSAA's appeal.

"The MHSAA is appealing the District Court's decision, not only for the errors in findings of fact and conclusions of law it contains, but also because the Court has not just upset a calendar for school sports that maximizes the quantity and quality of participation for boys and girls; it has overturned the control of school sports, moving the decision making from local boards of education to a private association, contrary to Michigan law and opinions of the Michigan Attorney General," said MHSAA Executive Director John E. "Jack" Roberts.

"The MHSAA's legal efforts are not for itself or merely for the policy or procedure at issue," Roberts continued. "Most importantly, our legal efforts are to preserve the authority of local schools to administer school sports as they have learned is best."

In the meantime, the development of a realignment plan is underway, a process which will involve every facet of the MHSAA constituency.

"The Court found that the MHSAA has the authority to realign sports seasons," Roberts said. "But, as always, we will discuss matters with schools and defer to their judgment. The process by which a plan will be developed will be very broad, very open, very representative of our membership, a process similar in type but even more comprehensive in scope than how we achieved consensus for a football playoff expansion plan a few years ago."

Roberts said that the MHSAA staff has already begun the process by explaining the circumstances and the challenge to several groups, including statewide associations: the leadership of all statewide coaches associations, and

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the board of directors of the statewide associations of high school athletic directors, principals and school boards. Additional meetings will reach out to individual leagues and conferences, registered officials and student-athletes.

“We plan to discuss this topic at a lot of meetings we already have scheduled for this time of year, and then to make additional presentations at coaches association meetings, officials associations meetings, league and conference meetings, and other venues,” Roberts said. “There is no one committee assigned to this task. It will be a statewide effort.”

The challenge in realignment, Roberts added, is to continue to maximize the opportunity that young people have to play high school sports in Michigan, numbers that proportionately exceed the age 14-17 population of this state, while complying with the mandate of the Court, should the motion for stay not be granted.

“The Court may have ruled against the school’s past decisions, but it is giving the schools, through the MHSAA, the first opportunity to make changes,” Roberts said. He added that the Court’s decision, in spite of widespread media speculation that would have had the boys and girls sports seasons involved in the suit conducted concurrently, did not demand that sports be played in the same season for boys and girls, nor did it order that any specific sport be moved.

Roberts said that over the coming month, as the challenge is discussed by the membership, ideas for specific realignment plans will be developed which may be first presented in late February, and then through the month of March at additional meetings. The total number of face-to-face meetings with the MHSAA constituency will likely exceed 40. Other types of consensus-gathering forums may also be used.

Roberts also said that in April, sectional meetings of school personnel may take place for additional input to be gathered, leading to a vote of the membership later that month which would guide the MHSAA Representative Council’s decision-making process at its annual Spring meeting on a specific plan to present to the Court by May 24.

After the plaintiffs in the case have an opportunity to respond to the plan, the MHSAA will be allowed to reply, before a hearing takes place in Kalamazoo on July 18 on the proposed realignment. The Court’s timetable for the implementation of realigned seasons would take effect in the 2003-04 school year, provided there is no stay issued.

“The most difficult thing will be for our schools across the state to discuss, prepare and defend a plan for the MHSAA staff to present to the Court, knowing they are overwhelmingly in favor of the seasons they have already chosen,” Roberts said.

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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