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Federal Court Realigns Sports In Seasons Case; Executive Director John E. "Jack" Roberts Issues Statement

EAST LANSING, Mich. – August 1 – A U.S. Federal District judge today rearranged the placement of high school seasons in rejecting a Compliance Plan submitted by the Michigan High School Athletic Association in May.

In a 13-page opinion and injunctive order, the Honorable Judge Richard Enslen directed that the girls volleyball and girls basketball seasons in Michigan be switched, placing volleyball in the fall and basketball in the winter; and gave the MHSAA until October 30 to choose from one of three options for the realignment of other sports seasons.

The first option would be to combine all other sports currently conducted in separate seasons for each gender; which would result in the golf, soccer, swimming and diving, and tennis seasons being conducted simultaneously. The second option would be to reverse two girls seasons with two boys seasons from among the sports of golf, soccer, swimming and diving and tennis in the Lower Peninsula; and maintaining the currently combined seasons in golf and swimming and diving in the Upper Peninsula, and reversing seasons in either tennis or soccer. The third option would combine two of the four seasons from among the sports of golf, soccer, swimming and diving, and tennis; and reversing the seasons in one of the two remaining sports.

The District Court also stated that the implementation of the plan would take effect the school year following the end of the stay in the proceedings, as the U.S. Sixth Circuit Court of Appeals in Cincinnati has already agreed to hear the MHSAA's appeal, preventing any changes in season realignment through the 2003-04 school year. The District Court's opinion stated that appeals proceedings could begin while the MHSAA develops its realignment options.

On May 22, the MHSAA submitted a Compliance Plan which would have moved its post-season tournaments for golf, swimming & diving and tennis. The MHSAA's Lower Peninsula tournament in boys golf would move to the spring, girls golf to the fall; girls swimming & diving would move to the winter, boys to the fall; and boys tennis would move to the fall and girls to the spring. In the Upper Peninsula, the MHSAA's championship for girls golf would move to the fall while boys golf would remain in the spring;

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boys swimming & diving would move to the fall, while girls swimming & diving would remain in the winter; and the MHSAA’s U.P. championships in boys and girls tennis would reverse seasons as in the Lower Peninsula. The selected sports were based on input received from member schools. The plan also committed the Association to starting four new post-season tournaments for girls before adding any new tournaments for boys. The plan was rejected by the District Court.

In the survey taken this Spring, basketball was the sport that schools least want moved for either gender. Basketball is also the sport that schools least want combined in the same season for boys and girls. The most recent survey effort represents at least the sixth time in 24 years that the MHSAA has sought its membership's input regarding the placement of its girls basketball postseason tournament.

The MHSAA issued the following statement today from Executive Director John E. “Jack” Roberts regarding the ruling:

“The District Court has determined that the measure of equity is more quantitative than qualitative; that in assessing equity one must count noses, not teams or sports; and that in counting noses, team sports participants matter more than individual sports participants.

“In December, the District Court ordered the MHSAA to equitably distribute the six sports seasons at issue in this case, which the Association did with massive membership input. Only on July 26, for the first time, did the Court make any distinction between team and individual sports.

“In December and February, the District Court said its only role would be to determine if the new sports seasons comply with the law. Today the Court has given schools three options from which to choose, and each of them requires the switch of the girls volleyball and girls basketball seasons

“After four years of hearing Plaintiffs say that popularity doesn’t matter, we’re now told we can’t have equity without changing the most popular sports.

“The need for full appellate review of this case is clearer now than ever before.”

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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