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MHSAA Submits Amended Compliance Plan In Sports Seasons Case

EAST LANSING, Mich. – Oct. 30 -- Responding to an order of a U.S. Federal District Court, the Michigan High School Athletic Association filed today an amended compliance plan in its litigation involving the placement of sports seasons selected by its member schools.

The plan was filed in response to an August 1 order of the District Court for the Western District of Michigan, in which the judge presiding in the case, the honorable Richard Enslin, ordered the MHSAA to switch the placement of the girls basketball and volleyball seasons, and then directed the Association to select one of three options he provided regarding the future placement of the other four sports involved in the case – golf, soccer, swimming and diving, and tennis.

The MHSAA selected the second option presented by the court, reversing its post-season tournament offerings for two Lower Peninsula sports; and maintaining in the Upper Peninsula the combined tournaments for golf and swimming and diving, and reversing the tournament offering in one other sport. In the Lower Peninsula, golf and tennis were the selected sports, moving the MHSAA Boys Golf and Girls Tennis Tournaments from the fall to the spring; and the MHSAA Girls Golf and Boys Tennis Tournaments from the spring to the fall. In the Upper Peninsula, the MHSAA Boys and Girls Swimming and Diving Tournament in the winter and the Boys and Girls Golf Tournament in the spring would be maintained. MHSAA Upper Peninsula Soccer Tournaments would be offered for boys in the spring and girls in the fall.

The other two options presented by the court, in addition to its movement of girls volleyball from the winter to the fall, and combining the basketball seasons for boys and girls in the winter, would have required both peninsulas to be treated the same, either with both genders combined into single seasons in golf, soccer, swimming and diving and tennis, or combined in two of the remaining sports and reversed in a third sport.

After the District Court approves a final plan for the rearrangement of the sports seasons, its implementation will be delayed pending the result of the MHSAA's appeal to the U.S. Sixth Circuit Court of Appeals in Cincinnati, Ohio. The Sixth Circuit, on May 9, stayed implementation of the District Court's

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order that seasons be changed, stating, "...it is clear the stay motion raises serious appellate issues concerning liability under Title IX and the Equal Protection Clause." The decision also states, "...the defendant (MHSAA) has articulated a variety of harms that it, its member schools, and student-athletes may suffer if it must comply with the injunction by bringing its scheduling into compliance with the district court's ruling..." The appeals court has stated it would not begin further review of the case until the District Court's work, including the approval of a compliance plan, is completed.

The first round of the Circuit Court appeals process is expected to take approximately one year, delaying the implementation of any District Court ordered plan until at least the 2004-05 school year.

"The option selected honors the wishes of schools to avoid combining any additional sports seasons in either peninsula. The choice also preserves the existing scheduling options Upper Peninsula schools have historically had the autonomy to exercise by continuing combined seasons in golf and swimming and diving," said John E. "Jack" Roberts, executive director of the MHSAA. "Schools overwhelmingly prefer the current season placements they have chosen. The plan the Association selected from three court-ordered options does the least harm as schools pursue the objectives of involving as many students as possible in as high a quality experience as possible.

"Of course, schools continue to hope and believe this plan will never be implemented, and the MHSAA will continue to advocate for the rights of schools to make decisions which address the expressed interests of their students and communities. This is the best plan which could be submitted, given the circumstances of what the court ordered and what schools want."

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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