



media information



1661 ramblewood drive east lansing, mi 48823 517.332.5046 fax-517.332.4071 www.mhsaa.com

FOR IMMEDIATE RELEASE

August 4, 2004

Contact: John Johnson

517.332.5046 or www.mhsaa.com

Representative Council Authorizes Continued Appeals, Development Of Court-Ordered Rescheduling In Sports Seasons Litigation

EAST LANSING, Mich. – Aug. 4 – The Representative Council of the Michigan High School Athletic Association affirmed today that the organization should continue to move forward on two fronts concurrently – planning for sports seasons changes and pursuing a legal remedy to preserve schools’ authority to conduct sports in ways they are convinced maximize participation opportunities and the quality of those opportunities.

The Representative Council unanimously acted at a special meeting in response to a July 27 decision of the United States Court of Appeals for the Sixth Circuit, which affirmed a Dec. 17, 2001, U.S. District Court ruling that some sports seasons of Michigan schools must be changed.

The original lawsuit filed in 1998 sought to put all girls and boys sports in the same seasons – affecting basketball, golf, soccer, swimming and diving, and tennis – and to move girls volleyball from Winter to Fall. The MHSAA has been successful in limiting the District Court’s action so that only basketball would have to be played in the same season for boys and girls.

The District Court has also ordered an exchange of seasons for girls and boys in Lower Peninsula golf and tennis. No changes were ordered for soccer or swimming and diving in the Lower Peninsula, or to golf, tennis or swimming and diving in the Upper Peninsula.

At the same time the MHSAA is appealing the decisions of the Sixth Circuit and District Courts, it will continue to develop plans to change its tournament dates. Various options will be discussed by schools in the Fall and schools will be surveyed in November. By Christmas, schools will know when, where and how the MHSAA plans to reschedule its tournaments if the courts ultimately order the change.

The MHSAA will be requesting an *en banc* hearing by the Sixth Circuit, an appeal involving all 13 judges. The Association previously had a 3-0 decision in the Sixth Circuit reversed in an *en banc* hearing in 1996 in a case involving a student seeking eligibility beyond eight semesters under the Americans With Disabilities Act. “That effort preserved the rules-making authority of schools, which is the primary objective of our efforts in the current litigation,” said John E. “Jack” Roberts, executive director of the MHSAA.

(more)

2-2-2 – MHSAA To Appeal Sixth Circuit Decision

“Ending the litigation now will not make life easier – it will lead to more litigation for schools and less respect from the membership.” Roberts said. “Athletes, parents, coaches, officials and administrators are disappointed with last week’s ruling; they’re worried, but they want us to keep trying because they have experienced the benefits of the current set up.” In the matter before the Sixth Circuit, briefs opposing season changes were filed by the state associations of coaches, athletic directors, principals and school boards.

Roberts also pointed out that the Association is not being strained financially by the continued litigation; that it is only exercising its legal rights, and that nothing should be read into its work to develop alternative schedules.

“Expense should not be a factor considered in appealing,” Roberts said. “There has been no cost to schools or taxpayers, and the MHSAA’s costs are being covered by insurance. Furthermore, the only way to assure we avoid paying plaintiff’s fees and costs is to appeal this case and to win it. Do you think the plaintiffs would not have appealed if they had not prevailed to this point? Of course they would have appealed, and the defendants have the same rights.

“Our planning for possible change – which has actually been going on for years – does not admit discrimination or defeat. It’s just good management,” Roberts concluded.

The MHSAA sponsors 14 postseason tournaments for girls, and 14 tournaments open to boys and girls. Participation in Michigan for girls has hit record highs in each of the last two school years, with 124,978 taking part in 2003-04. Nationally, Michigan ranks third in participation in girls basketball, fourth in volleyball and fifth in overall female participation for the 2002-03 school year, the latest for which such information is available. In the latest U.S. Census, Michigan ranks eighth in female population, ages 14 to 17.

The MHSAA is a private, not-for-profit corporation of voluntary membership by over 1,500 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.

-0-

RL05-001