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## **Michigan Supreme Court Rules In Favor Of MHSAA In Freedom Of Information Act Case**

**EAST LANSING, Mich. – July 30** – The Michigan Supreme Court confirmed in a 5-2 decision yesterday that the Michigan High School Athletic Association is not a public body within the meaning of the Michigan Freedom of Information Act.

Affirming a March 6, 2003, holding of the Michigan Court of Appeals, the Supreme Court ruled that the MHSAA is funded neither by nor through a governmental authority; is not a creation of either state or local government; and is not an agent of its member schools, which join voluntarily by school board resolution annually.

“This will not change how we operate, providing full accessibility for the public,” said John E. “Jack” Roberts, executive director of the MHSAA. “Our success as an organization is the result of our good service to schools and their constituents. At the same time, the MHSAA’s private status helps to keep politics out of school sports.”

Roberts added that the Michigan Supreme Court’s decision yesterday is interesting for its position on issues that have been discussed in the sports seasons case by the United States District Court in Kalamazoo and the Sixth Circuit Court of Appeals earlier this week:

- The Michigan Supreme Court rejected the holding of the U.S. District Court in the sports seasons case that schools have delegated control of interscholastic athletics to the MHSAA, something which is prohibited by Michigan law. The Court of Appeals did not address the issue in its Opinion released on Tuesday.

(more)

## **2-2-2 – Supreme Court Rules In Favor Of MHSAA In FOIA Case**

- The Michigan Supreme Court rejected the argument that the holdings of the U.S. Supreme Court in a case involving the Tennessee High School Athletic Association which made the Tennessee organization a state actor automatically makes the MHSAA a state actor; and it rejected the argument that a state actor must be automatically subject to the Michigan Freedom of Information Act.

The MHSAA is a private, not-for-profit corporation of voluntary membership by over 1,800 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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