

# News Room



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For Immediate Release:  
Monday, April 2, 2007  
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**JUSTICE PREVAILS FOR  
MICHIGAN GIRLS  
Supreme Court Refuses  
Appeal of Sixth Circuit  
Decision in Title IX Case**

(Washington, D.C.)  
Delivering a knock-out  
victory for girls and  
bringing closure to a  
nearly decade-long battle  
to secure equity for high  
school girls in Michigan,  
the U.S. Supreme Court  
today declined to hear the  
Michigan High School  
Athletic Association's  
(MHSAA) appeal of a Sixth  
Circuit decision that  
declared the Association  
discriminates against  
female high school  
athletes by scheduling six  
girls' sports, but no boys  
sports, in less-  
advantageous, off  
seasons.

The Court's denial of  
MHSAA's petition for  
certiorari in *Communities  
for Equity v. MHSAA*  
means that the Association  
must now expeditiously  
comply with the  
unanimous lower court  
decisions holding that that  
MHSAA's scheduling  
decisions violate both  
federal and state statutes  
and the Constitution and  
must be remedied .  
Beginning in Fall 2007,  
MHSAA must implement a  
plan that will equalize the  
seasons in which boys and  
girls play in the state.

"MHSAA has now reached  
the end of the line," said  
Marcia Greenberger, Co-  
President of the National  
Women's Law Center,  
which was of counsel in

the case. "The Supreme Court's refusal to hear this case means that Michigan girls soon will receive the justice for which they have long waited. MHSAA now must practice the good sportsmanship it preaches and give girls the equal opportunities they deserve."

This case has been long-running. In decision after decision, federal courts in Michigan have found MHSAA in violation of civil rights laws. But rather than providing equal opportunity for female athletes in the state, MHSAA has chosen to continually delay justice with multiple appeals. The case began in 1998 when Communities for Equity sued MHSAA for scheduling six girls' sports—and no boys' sports—in nontraditional seasons. As a result, girls are harmed in ways boys are not, including limited opportunities to be seen by college recruiters and to compete for athletic scholarships. And girls miss opportunities to play club sports and for awards and recognition, such as All-American teams. As a result, girls lose out on valuable skill-building, as well as opportunities to be recruited by college coaches at club events and receive athletic scholarships.

After trial in 2001, the district court held that MHSAA's scheduling of girls' seasons violated Title IX, the U.S. Constitution and Michigan state law. In 2004, the Sixth Circuit upheld the district court's decision on the constitutional claim,

finding it unnecessary to address the Title IX or state law issues. The following year, the Supreme Court asked the Sixth Circuit to reconsider the case, posing the technical question of whether the girls can sue under the Constitution in addition to Title IX. The Sixth Circuit in August 2006 ruled not only that a Title IX claim does not bar a plaintiff's right to also sue for a violation of his or her constitutional rights, but also that MHSAA's conduct violates Title IX, the U.S. Constitution and state law.

"This nine-year delay of justice has already disadvantaged a generation of girls," said Neena Chaudhry, NWLC senior counsel and one of the lead attorneys in the case. "Unfortunately, the existing damage cannot be undone. But we can look forward. Future generations of Michigan high school girls who want to participate in athletics will get the equal opportunities for which they have long waited."

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