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MHSAA is ready for another round in courts

Circuit Appeals panel to hear case Tuesday, with changes in sports seasons hanging in the balance.

Fred Girard / The Detroit News

On the money

The financial information for each of the 50 state athletic associations is listed below. For each association, revenue is listed, followed by total employee salaries, the percent of revenue those salaries represent, and the executive director's compensation.

State	Athletes	Revenue	Salaries	Salary%	Top pay
Texas	740,052	6,174,875	2,876,050	47%	\$196,174
California	678,019	6,113,503	1,943,709	32%	172,516
New York	350,349	6,826,401	1,228,592	18%	155,384
Michigan	311,814	8,496,756	2,078,951	24%	181,649
Illinois	310,791	6,598,568	1,622,898	25%	128,612
Ohio	310,585	16,481,202	1,832,899	11%	142,338
Pennsylvania	262,859	9,336,344	1,409,738	15%	157,862
Minnesota	233,070	6,133,712	1,804,979	29%	181,919
New Jersey	228,388	4,771,863	1,529,830	32%	165,785
Florida	219,040	3,483,441	1,609,541	46%	141,376
Massachusetts	205,181	3,752,186	936,426	25%	124,071
Wisconsin	189,787	6,851,266	1,683,699	25%	174,497

State	Athletes	Revenue	Salaries	Salary%	Top pay
Missouri	167,481	5,660,014	1,186,239	21%	123,254
Virginia	164,426	2,947,962	943,310	32%	146,123
North Carolina	160,330	4,543,085	948,065	21%	DNR
Indiana	159,496	9,802,261	1,294,220	13%	139,250
Georgia	151,986	3,385,989	568,124	17%	105,963
Iowa	140,333	5,821,448	1,435,704	25%	184,212
Washington	137,888	3,796,287	1,027,959	27%	139,601
Colorado	121,421	3,727,460	1,106,726	30%	127,777
Arizona	102,579	5,650,020	1,207,860	21%	122,123
Tennessee	101,768	2,689,166	1,042,687	39%	128,258
Connecticut	100,715	1,435,350	438,682	31%	120,266
Maryland	100,305	1,300,000	175,000	13%	DNR
Kansas	99,111	3,424,202	1,334,976	39%	146,766
Kentucky	93,967	3,393,541	723,859	21%	95,574
Oregon	92,575	3,449,629	1,295,947	38%	96,055
Louisiana	90,157	1,750,634	741,815	42%	106,919
Alabama	86,036	3,767,312	618,258	16%	107,000

State	Athletes	Revenue	Salaries	Salary%	Top pay
Mississippi	84,877	2,337,337	735,276	31%	137,496
Nebraska	80,228	2,891,931	811,210	28%	135,503
South Carolina	79,777	1,169,208	581,657	50%	102,431
Oklahoma	74,511	3,270,267	966,912	30%	98,250
Maine	55,256	2,061,935	559,426	27%	103,100
New Mexico	48,504	3,352,272	1,312,670	39%	104,546
Utah	46,910	2,259,561	443,478	20%	99,519
Arkansas	46,315	2,182,095	812,197	37%	121,208
Idaho	44,512	1,284,322	332,443	26%	102,396
New Hampshire	43,418	972,824	354,230	36%	112,764
Nevada	38,096	1,156,884	345,909	30%	125,334
Hawaii	34,758	994,950	271,684	27%	130,115
West Virginia	34,571	1,890,489	1,150,692	61%	88,000
Montana	33,338	917,838	614,137	67%	88,195
South Dakota	28,541	1,982,867	666,917	34%	111,666
North Dakota	26,768	1,438,458	555,703	39%	102,786
Rhode Island	25,971	637,439	227,274	36%	61,701

State	Athletes	Revenue	Salaries	Salary%	Top pay
Vermont	24,472	744,867	327,207	44%	111,153
Alaska	19,357	1,160,908	304,067	26%	84,784
Wyoming	17,302	1,001,128	358,261	36%	149,546
Delaware	16,631	668,464	166,363	25%	122,529
Dis. Of Columbia	4,087	2,038,000	979,348	48%	105,488

DNR: Did not report

Source: Tax returns of each association obtained by The Detroit News

They will square off again Tuesday in a federal appeals courtroom in Cincinnati.

On one side, a state athletic association flush with net assets worth \$5 million-plus, and an insurance policy to pay for legal talent.

On the other, a couple of moms who believed their daughters were being discriminated against, represented by attorneys who have yet to be paid a dime for fighting a 7 1/2 -year legal battle on their behalf.

Hanging in the balance are court-ordered changes in the sports seasons of more than 100,000 high school athletes in Michigan -- the last state where girls play basketball, volleyball and other sports in seasons opposite from those of high schools and colleges across the country.

So who is David, and who is Goliath in this scenario?

"It doesn't feel like we're Goliath, it feels like we're David in this matter," said Jack Roberts, executive director of the Michigan High School Athletic Association.

If the association ultimately loses and must pay the other side's legal bills, almost \$2 million so far, hoped-for expansions and updates would be slowed, Roberts said, although member schools would feel no financial impact.

"I don't want to hear the belly-aching now. I absolutely am appalled that he would pull that out at this point," said Jay Roberts-Eveland, who, along with another Grand Rapids-area woman, Diane Madsen, brought the original suit in 1988.

"They should have stopped the discrimination years ago, and they wouldn't be sitting in a situation where this kind of money is wasted. But they decided to pursue this against all odds, and have jeopardized themselves and made the girls of Michigan wait 7 1/2 years."

In-court battle

In December 2001, U.S. District Judge Richard Alan Enslin ruled that Michigan girls were being discriminated against in violation of the Constitution, as well as federal and state law, and ordered the seasons switched.

Roberts' association, which represents some 1,600 Michigan high schools and junior high schools, began an appellate process that, so far, has lost at every step. In May 2005, the case reached the U.S. Supreme Court, where the association raised a new issue: whether the lawsuit was wrongfully brought originally because a different portion of federal law might provide a remedy.

The high court bounced the case back to the 6th U.S. Circuit Court of Appeals in Cincinnati to rule on that issue. Oral arguments will be heard Tuesday before the same three-judge panel that ruled against the association's appeal in 2004.

It should take several months before a decision is announced, and Roberts already has said he plans to fight back to the U.S. Supreme Court if the ruling is against his association.

Numbers game

Several other states, including Virginia, West Virginia, Arizona, Montana and South Dakota, have fought this same legal battle, and either lost or conceded defeat. Jack Roberts, however, vows never to give up, reiterating his belief that the current seasonal setup has resulted in record participation rates for boys and girls.

"High school associations that are smaller than we are were unable to defend their rules as well as we have," Roberts said. "They did not want to change their seasons, but faced bankruptcy if they did not. In this case, we had both the backbone and the financial wherewithal to stand up to a challenge that we thought was not in the best interests of students and their parents and schools and coaches and officials."

That "financial wherewithal" is indeed formidable, according to a Detroit News analysis of the tax returns of all 51 state athletics associations.

Michigan's association brings in more than \$8.4 million annually, fourth-highest in the country. Nearly 90 percent of it comes from running state tournaments in 28 high school sports. No dues or fees are charged to member schools, unlike most other associations.

Ohio's state association holds just 22 tournaments each year but dwarfs Michigan's revenue, making \$16.5 million a year.

The 23 employees of the Michigan association make \$2.1 million in salary and benefits, second only to Texas' \$2.9 million. The Texas association is the largest in the country, representing more than 740,000 high school and junior high athletes; there are 311,814 in Michigan.

Roberts has a financial package worth \$181,649, not counting the free Jeep Cherokee he drives, which ranks him fourth in the nation.

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