



PEER
MISSISSIPPI

Joint Legislative Committee on Performance
Evaluation and Expenditure Review



A Review of Selected Policies and Practices of the Mississippi High School Activities Association



Joint Legislative Committee on Performance
Evaluation and Expenditure Review

Issue Brief #715
January 6, 2025

PEER Committee

Charles Younger, Chair
Becky Currie, Vice-Chair
Kevin Felsher, Secretary

Senators:

Kevin Blackwell
John Horhn
Dean Kirby
Chad McMahan
John Polk
Robin Robinson

Representatives:

Donnie Bell
Cedric Burnett
Casey Eure
Kevin Ford
Stacey Hobgood-Wilkes

Executive Director:

James F. (Ted) Booth

About PEER:

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker of the House and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, the agency examined, and the general public.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

Background

The Mississippi High School Activities Association (MHSAA) was incorporated as a not-for-profit organization in 1956. MHSAA's constitution states that its purpose is to "promote the general welfare of member schools in their relations with each other." The MHSAA regulates sixteen sports and six activities in its member schools.

MHSAA has a full-time staff of eleven employees, including its Executive Director. The association has a multi-level governance structure to represent its member schools that includes activity districts and district executive committees at the local level, a Legislative Council, and an Executive Committee. MHSAA sustains its operations primarily through regular payments to the association in the form of annual membership dues from its member schools.

PEER Authority to Conduct Review

MISS. CODE ANN. Section 5-3-57 (b) (1972) provides PEER with comprehensive authority to review the files and functions of agencies and also extends the authority to cover the independent contractors of such agencies when necessary. For the purposes of the statutes addressing PEER's authority, the term "agency" embraces not only those components of state government commonly thought of as agencies, but also local government entities (see MISS. CODE ANN. Section 5-3-53 [1972]).

Overview of Concerns

PEER reviewed matters related to a disciplinary action taken by MHSAA, during the 2023-2024 school year, against a Tupelo High School student athlete involving participation in track and field. Specifically, PEER reviewed MHSAA rules and policies that prohibit athletes from participating in out-of-state events as an unattached contestant (i.e., an athlete who is not representing his or her team or school when participating in a competition) and policies or practices relating to a parent or child's legal representation before MHSAA or any subcommittee thereof dealing with a sanction. Through its review, PEER determined that MHSAA:

- has the potential for inconsistency in enforcement of its bylaws since it relies on its member schools or its members to self-report violations or provide information about infractions;
- lacks clarity and contains contradictory language in some of its bylaws (e.g., prohibited events and activities are not clearly defined); and,
- provides limited options for resolution (e.g., MHSAA is not required to ensure procedural due process).

Recommendations

MHSAA should:

- amend its bylaws to provide written definitions of events and activities listed within its bylaws, formalize and clarify its approval process for participation in defined events and activities, and eliminate contradictory language (i.e., Bylaws 6.2.4 and 7.1.3);
- establish a formal process to ensure that its member schools and coaches have read and understand MHSAA bylaws and any amendments (e.g., attestation form) where they can then educate students and parents on participating in defined events;
- ensure its staff proactively monitors Mississippi student participation in defined events and activities instead of waiting on formal complaints reported by member schools in order to allow for more consistent enforcement of its bylaws;
- create a uniform complaint form that would serve as the official record of the complaint's origin, which should be maintained in one file, along with the notice of penalty and/or other documented resolution;
- retain and log formal and informal complaint information in order to be more transparent, provide useful management information, and to ensure consistency in the enforcement of its bylaws; and,
- implement the proposed modification to its appeals hearing process that would enable legal counsel to present arguments to the Executive Committee on their client's behalf.

If the Mississippi Legislature deems MHSAA's changes to its appeals process inadequate, it could consider establishing a property interest in interscholastic athletics and outlining procedural requirements through statute. This would allow for a student or parent to have a right to be represented by an attorney in a hearing before MHSAA.

This page left intentionally blank.

A Review of Selected Policies and Practices of the Mississippi High School Activities Association

Introduction

Authority, Scope, and Purpose

At its meeting on September 10, 2024, the PEER Committee approved a limited review of the Mississippi High School Activities Association (MHSAA). MHSAA is a 501 (c) (3) not-for-profit corporation chartered by the state of Mississippi. MISS. CODE ANN. § 5-3-51 et seq. (1972) provides PEER with the authority to:

- review agency functions and independent contractors when necessary; and,
- study present laws relative to agencies.

Because MHSAA's member schools make regular payments to the association in the form of annual membership dues, member schools agree to abide by the association's bylaws and rules, and in turn receive the benefits of membership (e. g., regulation of schools' athletics and activities) in exchange for their regular payments. Therefore, the relationship between MHSAA and the member schools constitutes a contractual relationship and falls within the purview of MISS. CODE ANN. § 5-3-57 (b) (1972).

PEER reviewed matters related to disciplinary action taken against a Tupelo High School student athlete involving participation in track and field. Specifically, PEER sought to identify:

- MHSAA rules and policies prohibit athletes from participating in out-of-state events as an unattached contestant; and,
- policies or practices relating to a parent or child's legal representation before MHSAA or any subcommittee thereof dealing with a sanction.

Method

To conduct this review, PEER:

- reviewed policies and bylaws of MHSAA;
- reviewed information (e.g., press reports) regarding the sanctions levied against a student-athlete for participating in an out-of-state track event without prior permission;
- reviewed case law dealing with constitutionally protected property interests in the field of administrative due process as it relates to interscholastic athletics; and,
- interviewed MHSAA staff, including the Executive Director.

MHSAA Overview

MHSAA was incorporated under the laws of the state of Mississippi as a not-for-profit organization on December 19, 1956. MHSAA's constitution states that its purpose is to "promote the general welfare of member schools in their relations with each other."

According to the association's constitution, any secondary school in Mississippi that is accredited by the Mississippi Department of Education or the Southern Association for Colleges and Schools is eligible for

membership in the MHSAA. MHSAA membership signifies that the school agrees to remit fees to its district, as well as to MHSAA, and to abide by all MHSAA rules and regulations.

Sports Regulated by MHSAA	
Archery	Soccer
Baseball	Softball (Fast Pitch)
Basketball	Swimming
Bowling	Tennis
Cross Country	Track and Field
Football	Volleyball
Golf	Wrestling
Powerlifting	

According to Article 2 of the MHSAA constitution, one of its purposes in serving its members schools is achieved through “planning, directing, and controlling contests, games, and other interscholastic activities.” MHSAA regulates fifteen secondary school sports and five activities (e.g., band, cheer, choral). Member schools choose which of these sports and activities that they will provide based on factors such as student and community interest and budgetary limitations.

MHSAA Governance

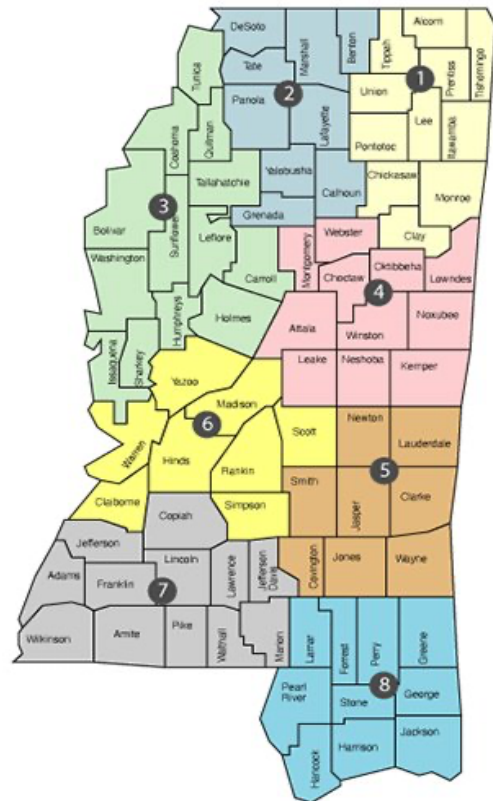
MHSAA has a full-time staff of eleven employees, including its Executive Director. The association also has a multi-level governance structure to represent its member schools that includes activity districts and district executive committees at the local level, a Legislative Council, and an Executive Committee.

Local Activity Districts

MHSAA member schools are assigned geographically to one of eight activity districts for administrative purposes. Each activity district has its own elected executive committee and officers. The district executive committees arrange dates and control all district contests, tournaments, and festivals in their respective districts in consultation with the MHSAA Executive Director. The district committees also certify the condition of athletic facilities within their districts and assist the MHSAA Executive Director with other tasks, including investigations of irregular conduct, securing information regarding player eligibility, and conducting hearings.

Legislative Council

The Legislative Council consists of the president of the association and forty-one members elected at the district level (four from each activity district representing high schools and one member from each activity district representing junior high schools). One at-large member represents the fine arts (i.e., band, chorus, speech, and debate). A Legislative Council member must be a full-time certified administrator, teacher, or coach of a member school.



Executive Committee

The Executive Committee consists of the president of the association and fourteen members. One member is elected from each of the activity districts and four additional members rotate from districts 1 and 2, districts 3 and 4, districts 5 and 6, and districts 7 and 8. Two at-large members (one from districts 1-4 and one from districts 5-8) are recommended by the association's Executive Director.

The Executive Committee serves as the Board of Directors for MHSAA and has final authority over all actions of MHSAA's Executive Director. Both the Executive Committee and the Legislative Council must approve all members who are elected to serve on the Executive Committee. Executive Committee members serve staggered four-year terms and must be full-time administrators of member schools in positions that require an administrative certification (i.e., superintendents, principals, or athletic directors).

Case Study of MHSAA Enforcement Authority

Overview of the Complaint

A member school requested permission from MHSAA for its runners to participate in an out-of-state, out-of-season indoor track competition. MHSAA informed the member school that it had not followed the proper procedures to enable its student athletes to participate in the competition.

According to MHSAA staff, during this verbal conversation with its member school, the member school commented that a student from Tupelo who was planning to participate in the same indoor track competition. The member school then suggested that MHSAA should determine if Tupelo followed the proper procedures (i.e., an informal complaint). According to MHSAA staff, the member school did not submit a formal written complaint to MHSAA.

MHSAA received an informal complaint from one of its member schools regarding the Tupelo High School student's eligibility to participate in an indoor track and field competition.

When MHSAA contacted Tupelo, the school admitted that it had not followed the correct procedures and informed the student that they were not allowed to compete. According to MSHAA, Tupelo did not submit a request to the MHSAA to make the student eligible for the event. According to the *Daily Journal*¹ the Tupelo High School Activities Director contacted MHSAA to

request approval for the student to compete. However, MHSAA stated it was not received in time for approval by its staff. As travel arrangements had already been made, the student knowingly participated in the competition in violation of MHSAA bylaws.

Tupelo High School subsequently removed the student from its track and field roster to avoid a penalty from MHSAA. According to MHSAA bylaws, Tupelo High School risked penalties for the following reasons:

- the event was not sanctioned by MHSAA;
- the event was out of state; and,
- the event was out of season.

¹ Locke, Brad. "Rule that led to [redacted] ineligibility comes under scrutiny." *Daily Journal*, Mar 26, 2024.

After verifying the complaint of the student's participation in the event, on March 20, 2024, MHSAA penalized the student by ruling the student ineligible to compete for the remainder of the 2024 outdoor track and field season. According to MHSAA, this is because the student violated MHSAA bylaws by participating in the New Balance Indoor Nationals² competition as an unattached contestant without prior approval. While MHSAA bylaws do not detail specific penalties for this violation, MHSAA ruled:

An **unattached contestant** is an athlete who is not representing his or her team or school when participating in a competition.

The student will be deemed ineligible for up to one calendar year. In this case eligibility was restored at the beginning of the 2024-25 school year.

On April 4, 2024, the student, the student's parents, and their legal counsel appeared before the MHSAA Executive Committee at an appeal hearing. The student's father presented his argument to the Executive Committee. The Executive Committee voted to uphold the Executive Director's ruling. The parents did not appeal the decision to arbitration as allowed by MHSAA bylaws.

Consistency Issues in Enforcement

This student's particular case raises concerns about the consistency of MHSAA enforcement of its bylaws. For example, this same student athlete participated in a similar event in the previous school year (i.e., the Adidas Indoor Championships in March 2023) without prior approval by MHSAA. The student participated with no penalty from MHSAA as no complaint was filed.

In March of 2023, the student competed in the Adidas Indoor Championships without prior approval from MHSAA and was not penalized.

In addition, according to multiple press reports, other student athletes competed in similar events in the prior and current school years without facing any penalties or repercussions from MHSAA. Several examples included:

- In March 2023, five Mississippi athletes competed in postseason indoor national meets (e.g., Adidas Indoor National Championships and Indoor Nike Nationals).³
- A runner from Oxford High School competed in Eastern Indoors in Louisville, Kentucky, on February 9, 2024.⁴
- Mississippi Trackstars, a club team from Jackson, Mississippi, sent several athletes to the Track and Field Coalition USA Indoor National Championships in Birmingham, Alabama, on February 11, 2024.⁵

MHSAA relies on its member schools, coaches, administrators, student-athletes, and parents to adhere to its rules. When questions arise about a rule or its interpretation, MHSAA advises student-athletes and parents to consult their respective coaches or contact the MHSAA directly for clarification.

² The New Balance Indoor Nationals is an indoor track and field competition for high school student athletes. It is typically held in Boston, Massachusetts in March of each year.

³ Staff. "Freshman Star [redacted] Ineligible for Rest of '24 Season." *MileSplit Mississippi*, March 22, 2024.

⁴ Locke, Brad. "Tupelo runner [redacted] denied reinstatement." *Daily Journal*, April 6, 2024.

⁵ Locke, "Tupelo runner [redacted] denied reinstatement."

According to MHSAA staff, it is limited in its capacity to proactively monitor approximately 116,000 student-athletes. Therefore, MHSAA depends on its members to self-report violations or provide information about infractions. However, this self-reporting system places significant responsibility on schools and individuals, raising concerns about whether all violations are consistently identified and reported.

MHSAA bylaws do not define a formal process on the investigation and penalty for informal complaints. The MHSAA Executive Director stated that MHSAA only maintains an official record of penalties and violations but it does not maintain an official complaint log. Further, there is no official complaint form that would serve as the official record for the informal complaint's origin. Because the complaint regarding the Tupelo High School student athlete was conveyed through an informal conversation with MHSAA staff, it is unclear if MHSAA is consistently enforcing its own bylaws.

Clarity of MHSAA Bylaws

MHSAA bylaws do not clearly define prohibited events and activities that are not approved for participation by student athletes. MHSAA bylaws also do not detail the process for obtaining approval from a coach or school administration to be eligible to participate in an event or competition. There are inconsistencies and contradictory language on when a student can, or cannot, participate on an independent team or as an unattached contestant. The bylaws do not imply that a student-athlete's coach and school administration need prior approval from MHSAA. This creates an environment that reduces adherence to the rules established within the MHSAA bylaws from students and parents that are unaware of proper process and procedures. According to MHSAA staff, school administrators and coaches receive training on the MHSAA bylaws through an online system called DragonFly. MHSAA staff noted that this online system contains all forms and lists procedures for checking eligibility and compliance. As an example, the student from Tupelo High School participated in a similar indoor track competition in 2023 with no penalty. Because this student previously participated as an unattached contestant with no repercussion in 2023, it is unclear if the student and parents were aware of such rules and requirements for requesting permission.

Limited Options for Resolution

After the MHSAA Executive Director issued a ruling on the student's eligibility to participate in the remainder of the track and field season, the student and the student's parents filed a written appeal to the MHSAA Executive Committee. While the parents were able to present their position to the Executive Committee at the appeals hearing, the Executive Committee ultimately agreed with the Executive Director's initial ruling. In Mississippi, interscholastic athletics falls outside the protection of due process. As a result, MHSAA is not required to ensure procedural due process (see the discussion beginning on page 13). Therefore, the parents' only other option would be to elevate the appeal into arbitration.

Why did MHSAA rule the student ineligible?

MHSAA lists its bylaws within the *Mississippi High School Activities Association 2024-25 Handbook*. Section 6 of these bylaws pertain to sports seasons. Further, Section 6.2 refers to MHSAA bylaws regarding independent teams. According to MHSAA, the student violated MHSAA Bylaw 6.2.3 by participating in the New Balance Indoor Nationals competition as an unattached contestant without prior approval. Specifically, MHSAA Bylaw 6.2.3 states:

A student who is a member of a MHSAA school team shall not participate in any manner in any event in a meet or a contest as an unattached contestant against a high school team, a junior high school team, a collegiate team, a club team or other unattached individuals in that same sport. One individual shall constitute a team in indoor and outdoor track and field.

MHSAA Bylaw 6.2.3 states that student athletes should not compete unattached in a competition in the same sport as their high school team. Competition is allowed in a showcase when approved by MHSAA in advance per Bylaw 6.2.4 (6).

According to MHSAA, Mississippi track coaches proposed this rule to prevent student athletes from participating in individual invitational events instead of representing their high school teams. In other words, student athletes should not compete as an unattached contestant in a competition in the same sport as their high school team; especially, since in indoor and outdoor track and field MHSAA recognizes that “one individual shall constitute a team.” This ensures that school teams meet a required number of regional meets for championship eligibility, which safeguards high school teams’ interests. Mississippi track coaches did not propose any changes to MHSAA Bylaw 6.2.3 during the 2023-2024 school year.

Tupelo High School’s Decisions to Avoid Violating MHSAA Bylaws

In order to remain in good standing with MHSAA and its bylaws upon notification of the student’s ineligibility to participate in the out-of-state event, Tupelo High School removed the student from its outdoor track and field team to avoid violation of contest limitations under MHSAA Bylaw 4.10.16 (e.g., probation, fine up to \$500). Tupelo High School did not want to risk such a penalty based on the following:

- MHSAA Bylaw 7.1.1 prohibits a member school from participating in any interscholastic athletic event not sanctioned by MHSAA; and,
- MHSAA Bylaw 7.4.1 permits out-of-state competitions when certain stipulations are met (e.g., the school is not a member of the state high school association but is permitted to compete against member schools of the association).

In addition, MHSAA bylaws prohibit schools from competing in activities or events outside of the MHSAA defined season for that sport. MHSAA Bylaw 6.3.1 states:

Schools shall not require or sponsor activities in the name of the school team outside the school season of the sport involved. A school sponsored team or group of any number of students sponsored by the school, which resembles the school’s team, is not permitted to practice or compete outside the MHSAA defined season for that sport. No competition between groups that resemble school teams (grades 7-12) may occur in that sport at any school facility and/or any other location with any of that school or school district personnel present. Exception: School personnel (including non-faculty coaches) may coach independent teams outside of the sport season in the following sports: archery, bowling, cross-country, soccer, swimming, tennis, track or volleyball.

According to the *Daily Journal*,⁶ the sports season for indoor track and field was not listed on the MHSAA 2023-2024 calendar. However, MHSAA added indoor track and field to the calendar after it ruled the student ineligible. The revised MHSAA 2023-2024 calendar ends the indoor track and field season on

⁶ Locke, “Tupelo runner [redacted] denied reinstatement.”

February 3, 2024. Because the New Balance Indoor Nationals competition occurred on March 7, 2024, this event would have violated Bylaw 6.3.1 regarding the MHSAA-defined season for indoor track and field.

MHSAA Bylaws Allow for Participation Exceptions

The *Mississippi High School Activities Association 2024-25 Handbook*, Section 6, pertains to sports seasons. While bylaws within this section state when a student athlete cannot participate as an unattached contestant, it does allow for certain exceptions.

Specifically, MHSAA Bylaw 6.2.4 provides for the following exceptions that allow student athletes' legal participation in non-school sporting events:

1. *Participation at a professional baseball tryout camp provided the student has written permission from his principal. If a tryout camp is conducted during the high school sports season, the student shall be limited to participating in individual drills and restricted from participating in any type of team play.*
2. *Participation in a sports clinic/camp, during the high school sports season, provided the student is limited to participating in individual drills and refrains from participating in any type of team play.*
3. *Participation in a road run as an individual and not as a school representative during the indoor and/or outdoor track season.*
4. *Participation in sports not recognized as MHSAA sports such as rodeo or bicycling during a MHSAA sports season. Any subdivision or variation of a sport such as 3-on-3 basketball, or beach volleyball is considered to be a MHSAA sponsored sport.*
5. *Participation on an independent team in another sport that is different from the MHSAA sport during a MHSAA sports season (applies to grades 7-12). Example: Participating on an independent basketball team while the student is a member of the school baseball team.*
6. *An individual on a school team may participate in two showcases with the approval of his/her coach and school administration.*

According to MHSAA Bylaw 6.2.1, an independent team is not a school team, rather it is one that competes as an independent entity (i.e., club team, recreational team, select team, elite team, all-star team). As noted previously, MHSAA Bylaw 6.2.3 states that "one individual shall constitute a team in indoor and outdoor track and field."

Current Bylaws Lack Clarity

MHSAA bylaws currently lack definitions for certain events and activities, contain contradictory language and inconsistencies on when students can or cannot compete in certain events, and omits a formal process and procedures for educating member schools and student athletes on the bylaws.

Lack of Clear Definitions

MHSAA bylaws do not clearly define prohibited events and activities that are not approved for participation by student athletes. For example, MHSAA Bylaw 6.2.4 lists multiple exceptions for when a student athlete may participate in sporting events (e.g., road race, showcase). However, there are no formal definitions listed within the bylaw for those exceptions. Upon inquiry with MHSAA staff about such definitions, they stated that:

- *a road race is held on city streets and can be run by persons of any age; and,*
- *a showcase is designed for high school athletes to demonstrate their abilities to college coaches.*

The MHSAA bylaws do not clearly define approved or disapproved events and activities. However, MHSAA staff stated that it does have informal definitions for such events. This could lead to inconsistent enforcement of its bylaws.

If the bylaws do not clearly define events and activities that are permitted or prohibited, student athletes may participate in events not allowed by MHSAA. A lack of clearly defined events and activities could lead to inconsistent enforcement of MHSAA bylaws when violations occur.

Contradictory Language

MHSAA bylaws are inconsistent and contain contradictory language on when a student can or cannot participate on an independent team or as an unattached contestant.

MHSAA ruled the Tupelo High School student ineligible to participate in the indoor track event based on Bylaw 6.2.3 as it a student who is a member of a school team from participating in an event as an unattached contestant in that same sport. Further, it defines one individual as a team for the purposes of both indoor and outdoor track.

However, MHSAA Bylaw 6.2.4 provides for several exceptions on when a student athlete could participate on an independent team (e.g., another sport that is different or a showcase). Because MHSAA recognizes both indoor and outdoor track and field as separate sports and allows for a team of one in both sports, one could interpret this bylaw as potentially allowing for the Tupelo High School student to participate in the New Balance Indoor Nationals competition. While MHSAA recognizes indoor track and field, there are currently no member schools that offer activities and events in this sport within the state. Further, this bylaw allows for the participation by a student in two showcases based on the approval of the student athlete's coach and school administration. MHSAA staff stated that "a showcase is designed for high school athletes to demonstrate their abilities to college coaches." Often, these indoor track competitions are held to allow track and field contestants to demonstrate their abilities. Therefore, one could interpret this as allowing participation in the event.

MHSAA bylaws within Section 7.1 address rules for general competition in athletic contests. The prior discussion highlighted bylaws that allowed for participation on an independent team. However, MHSAA Bylaw 7.1.3 specifically prohibits its member schools from participating against several types of teams (e.g., independent teams, recreation or club teams, junior college or four-year college teams). Most notably, this bylaw also prohibits MHSAA member school athletes from competing against individuals that compete "unattached" in high school events.

MHSAA Bylaw 6.2.3

A student shall not participate in any event as an unattached contestant in that same sport. One individual shall constitute a team in indoor and outdoor track and field.

MHSAA Bylaw 6.2.4

Allows participation on an independent team in a different sport. An individual on a school team may participate in two showcases with the approval of the coach and school administration.

MHSAA Bylaw 7.1.3

MHSAA member schools' athletes shall not compete against certain teams (e.g., independent, recreation, club). Students may also not compete against "unattached" individuals in high school events.

This contradictory language within the MHSAA bylaws, compounded by the lack of formal definitions, creates confusion for all MHSAA member schools, students, and students' parents. Without consistent language, one may interpret MHSAA's bylaws differently. When this interpretation does not align with MHSAA, one could perceive MHSAA's enforcement of its bylaws as inconsistent or unfair. This ultimately can decrease the trust in MHSAA as an effective regulatory body for its members.

Lack of Formal Processes and Procedures

MHSAA bylaws do not clearly detail the processes and procedures for obtaining approval from a coach or school administration to be eligible to participate in an event or competition, or how its members should be made aware of the MHSAA bylaws.

Prior Approval Process

MHSAA bylaws do not provide detailed guidelines to the exceptions that allow student athletes' legal participation in non-school sporting events other than in Bylaw 6.2.4 which requires student athletes to obtain prior approval from their coach and school administration. The bylaws do not state that prior approval is also needed from MHSAA. Further, there is no clear guidance on a specified timeframe for when requests for approvals should be provided.

The MHSAA bylaws omit a formalized process for the requirements of requesting prior approval to compete as an unattached contestant or on an independent team. Further, the bylaws are not clear on when a coach or school administration needs MHSAA approval.

This creates an environment that reduces adherence to the rules established within the MHSAA bylaws from students, parents, or member school staff that are unaware of proper process and procedures. Explicit instructions formalized within the MHSAA bylaws could reduce confusion and promote greater compliance. This would also allow MHSAA to better ensure fairness through consistent enforcement of its bylaws.

Member Education on MHSAA Bylaws

According to its staff, MHSAA provides training for coaches and administrators to ensure they understand and comply with MHSAA rules and procedures. MHSAA holds mandatory biannual district meetings for all member schools. During these meetings, MHSAA verbally explains updates to the MHSAA Handbook and

provides written copies with changes. Any new amendments are highlighted in yellow in the handbook, which is also accessible online for schools, parents, and the public.

Mandatory rules clinics are held annually during the Mississippi Association of Coaches All Sports Clinic in July. These sessions, presented by MHSAA directors, cover the latest rules and updates for each sport or activity. According to MHSAA staff, recorded rules clinics are made available on the MHSAA website after the clinic concludes, ensuring that all coaches and school administrators can access the necessary information.

MHSAA also provides training on using DragonFly, its online platform. This system manages essential tasks such as forms, eligibility verification, compliance checks, and event approval processes. According to MHSAA staff, coaches and administrators are trained to navigate this system effectively, ensuring they are equipped to follow proper procedures and maintain compliance with MHSAA regulations.

Section 1 of the MHSAA bylaws places the responsibility for the application and education of its bylaws on its member schools' administrations. Specifically, MHSAA Bylaw 1.1.3 states:

The school administration has the responsibility to educate student athletes, coaches, choral or band directors and other appropriate persons regarding Association regulations that could affect them and shall monitor compliance with such regulations. Lack of knowledge of any eligibility rule on the part of the school, the student, and/or his/her parent(s)/guardian(s) shall not be considered sufficient cause for setting aside a rule.

While it is reasonable to assume that everyone involved in the chain of command (i.e., MHSAA, schools, coaches, students and parents) should be aware of the bylaws, a lack of clear definitions and contradictory language on when to request approval leads to confusion and inconsistent interpretation of select bylaws or rules. For example, if Tupelo High School believed that its student could compete in the indoor track event without prior approval then it is reasonable to assume that the student and parents would also come to the same conclusion.

The student from Tupelo High School participated in a similar indoor track competition in 2023 with no penalty. Because this student previously participated as an unattached contestant with no repercussion in 2023, it is unclear the student and the student's parents were aware of such rules and requirements for requesting permission prior to the investigation by MHSAA regarding the informal complaint.

Further, Tupelo High School participated in indoor track and field during the 2023-2024 school year. MHSAA considers indoor and outdoor track and field to be two separate sports. Therefore, all parties involved may not be aware on what required steps should be taken to allow participation as the student was not competing as an unattached contestant in a sport against his or her own high school team.

MHSAA Bylaw 1.1.3 places sole responsibility of educating student athletes on the MHSAA bylaws with school administrations. However, any failure by the school to misinterpret or not fully educate the students on the bylaws shifts the consequences directly onto these athletes.

While MHSAA Bylaw 1.1.3 holds student athletes responsible for following its rules regardless of whether they are aware of or understand the rules, this places an undue burden on the student when any penalty or repercussions unknowingly occur. School administrations are tasked with educating students and monitoring compliance. However, any failure by the school administrations to misinterpret or not educate the students shifts the consequences directly onto these athletes (e.g., losing eligibility or being disqualified from competitions).

MHSAA Bylaw 4.10.3 address participation of an ineligible student due to negligence of school officials to adequately check rules, regulations, and records. This bylaw states that one penalty when a school fails to educate results in “the player shall be ruled ineligible for a period not to exceed one calendar year.”

Inconsistent Enforcement of MHSAA Bylaws

The *Mississippi High School Activities Association 2024-25 Handbook* contains the MHSAA Constitution, which establishes the governing and administrative rules of the association. Article 5 of the MHSAA Constitution establishes the administration of MHSAA and directs the MHSAA Executive Committee to hire the MHSAA Executive Director to carry out certain duties and responsibilities on behalf of the association, such as enforcing penalties and assessing fines. Specifically, MHSAA Constitution 5.1.4 outlines the following duties of the Executive Director:

- investigate cases where irregular conduct seems to have occurred;
- investigate any cases of irregular conduct reported to him by member schools or district committees;
- request district committees to make investigations of irregular conduct in their districts and report irregularities to him;
- penalize member schools and assess fines for failure to comply with regulations;
- rule on all questions of eligibility referred to him/her; and,
- waive or reduce fines with valid written request from administrator.

MHSAA’s bylaws Section 4 describes the penalty code provisions of MHSAA. MHSAA Bylaw 4.1.1, requires a formal complaint:

If a principal believes that a school has violated a MHSAA rule and wants the possible infraction investigated, he/she must submit a signed written complaint to the Executive Director stating the name of the school, the rule(s) that he/she believes it has violated, the name(s) of the coach(es) and/or student(s) involved in the alleged violation, and as much relevant, detailed information of which he/she has knowledge.

Not all investigations require a formal complaint. The Executive Director has the authority to investigate any violation he or she deems necessary.

However, not all investigations require a formal complaint. MHSAA Bylaw 4.1.2, clarifies that “The Executive Director shall have the authority to investigate any unreported violation(s) he/she deems necessary.” No formal complaint was filed against the student from Tupelo High School. As noted previously,

the MHSAA Executive Director stated that this particular case was brought to his attention when other member schools inquired about their runners not being able to run in the indoor track and field competition.

MHSAA typically investigates complaints regarding student athletes when infractions are formally reported by its member schools. MHSAA does not proactively search for student athletes competing out of season, out of state, as unattached contestants, or on independent teams. According to MHSAA, it does not proactively monitor student athletes for potential violations of its rules due to staff limitations and time constraints. Further, the MHSAA Executive Director stated that MHSAA only formally tracks penalties and violations of its rules but it does not keep a complaint log.

During the past five years, MHSAA has ruled on average one student a year ineligible for participating as an unattached contestant. According to MHSAA staff, this issue is generally avoided by member schools calling the MHSAA prior to an event to ensure it is legal for an athlete to participate, whether the event is in or out of state. Further, the Tupelo High School student was the only student athlete penalized in track and field during the 2023-2024 School Year.

Options for Resolution

There are two primary pathways for a school or student to address an eligibility ruling by the MHSAA Executive Director, an appeal hearing and arbitration through a neutral party. The following sections briefly discuss these two options for resolution.

Appeal Hearing

If a school or student, through his or her parent or legal guardian, is dissatisfied with an eligibility ruling made by the MHSAA Executive Director, they may appeal the eligibility ruling to the MHSAA Executive Committee. MHSAA Bylaw 4.3.1 states that a written appeal must be submitted to the President of the Executive Committee at the MHSAA office.

The Executive Committee serves as the Board of Directors for MHSAA and has final authority over all actions of MHSAA's Executive Director.

The bylaws state that the appeal:

- must include a \$300 fee;
- must be submitted within five calendar days of receiving the eligibility ruling; and,
- shall include a summary of the basis for the appeal and any supporting documentation.

Any request for an appeal not submitted within the allocated timeframe shall not be considered by MHSAA.

The Executive Committee shall hear all eligibility appeals at its next regularly scheduled meeting unless the school or student specifically requests in writing an expedited appeal and submits \$1,000.00 to MHSAA to be held in trust pending the outcome of the appeal before the Executive Committee. The written request for an expedited appeal and the \$1,000.00 deposit must be made at the same time as the written request for an appeal is submitted to the President of the Executive Committee (i.e., in addition to the \$300 appeal fee).

MHSAA Bylaw 4.4.3 grants the Executive Committee discretion over how to conduct an appeal hearing to gather the necessary information for a decision. At a minimum, both the appealing party and the Executive Director must have the opportunity to present their positions. The Executive Committee may sustain, modify, or overturn the Executive Director's decision or take other appropriate action. The President of the Executive Committee will issue a written response to both the appealing party and the Executive Director.

The Executive Committee voted to uphold the eligibility ruling made by the MHSAA Executive Director.

On April 4, 2024, the student, the student's parents, and their legal counsel appeared before the MHSAA Executive Committee at an appeal hearing. The student's father presented his argument to the Executive Committee regarding their position on the eligibility ruling (i.e., ruling the student

ineligible to compete for the remainder of the 2034-2024 outdoor track and field season). The Executive Director also briefed the Executive Committee defending the reasoning for the initial ruling. The Executive Committee voted to uphold the Executive Director's initial ruling.

Neutral Arbitration

MHSAA Bylaw 4.4.4 states that the Executive Committee’s ruling is final unless a school or student, through their parent or legal guardian, submits a written request for third-party arbitration⁷ to the President of the Executive Committee within five calendar days of receiving the ruling. The Executive Committee’s decision remains in effect until the arbitrator renders a decision. A school or student seeking arbitration shall be required to deposit \$3,000 with MHSAA to be held in trust pending the arbitrator’s ruling. This \$3,000 deposit is refunded if the arbitrator fully overturns the decision, retained by MHSAA if the decision is affirmed, or partially refunded if the decision is modified, as determined by the arbitrator.

According to MHSAA Bylaw 4.5.1, the arbitration procedure follows the principles of the American Arbitration Association and is available only after exhausting all MHSAA remedies. An arbitrator is agreed upon by the parties or selected by a third party if no agreement is reached. The arbitrator’s role is to determine whether the Executive Committee’s decision was arbitrary, capricious, or lacked substantial evidence, based solely on the information available at the time of the decision. Written submissions are limited to five pages, and decisions are typically made without hearings. MHSAA Bylaw 4.5.2 states “the arbitrator’s decision will be final and not appealable or challenged in any court by any party.”

Arbitration may occur upon a written request and a \$3,000 deposit. The Tupelo High School student and parents did not appeal the decision to arbitration

According to MHSAA staff, it has received a total of seven requests by parents for arbitration. Of these seven cases reviewed by the independent arbitrator, the parents prevailed in three cases and the ruling established by MHSAA prevailed in four.

The Tupelo High School student and parents did not appeal the decision to arbitration as allowed by MHSAA bylaws.

Due Process and Interscholastic Athletics

The MHSAA Executive Committee allows legal counsel for the school and the parent to be present to advise their clients. However, only the MHSAA Executive Director, school representative or parent may directly address the Executive Committee. According to MHSAA, the Executive Committee does not allow direct

Only the MHSAA Executive Director, a school representative, or a parent may directly address the Executive Committee. Legal counsel can prepare clients’ statements and advise their clients during the discussion.

representation by legal counsel in order to facilitate the appeal process in a non-litigious manner. However, legal counsel can prepare a client’s statement and advise the client during the discussion and exchange of information with the Executive Committee.

The following sections briefly discuss the elements that would need to be established in order to allow for a student or parent to have a right to be directly represented by legal counsel before the MHSAA Executive Committee.

⁷ Arbitration refers to a legal process where a neutral third party, an arbitrator, resolves a dispute between parties outside of court.

What is due process?

Due process is a constitutional guarantee that government action impacting a person's life, liberty, or property must be conducted through fair and just procedures, and, in some cases, must also have a substantive justification.

Due process is recognized at both the federal and state level. The Fifth Amendment of the *Constitution of the United States*, which limits the federal government, and the Fourteenth Amendment, which limits state governments, both state that no person shall be "deprived of life, liberty, or property without due process of law." Article 3, Section 14 of the *Mississippi Constitution of 1890* also states, "No person shall be deprived of life, liberty or property except by due process of law."

The *Constitution of the United States* and *Mississippi Constitution of 1890* lack definitions for life, liberty, or property interests protected by due process. Courts defined each term through interpretations that protect individuals' fundamental rights against arbitrary or unfair governmental actions:

- **Life interest:** A life interest refers to an individual's right to live free from unjust state-imposed threats to their life, such as the death penalty. This right is protected under due process through stringent procedural safeguards, ensuring fairness in judicial proceedings that could lead to life deprivation.
- **Liberty interest:** A liberty interest broadly encompasses an individual's rights to personal freedom, privacy, and autonomy in certain aspects of life, free from arbitrary government interference. Liberty interests protect various fundamental rights, including bodily integrity, family relations, and personal choices.
- **Property interest:** A property interest involves legitimate claims to economic benefits, public employment, or entitlements under law, rather than merely physical possessions. Property interests are not defined solely by the Constitution but are determined by state laws, statutes, or contracts that create a justified expectation.

Due process has two main types:

- **Procedural due process** requires the government to follow fair procedures before depriving individuals of life, liberty, or property. Individuals are generally entitled to notice, an opportunity to be heard, and an impartial decision-maker.
- **Substantive due process** protects certain fundamental rights from government interference, even when the government follows fair procedures, by questioning whether the government's action is justified and respects individual liberties.

What due process protections apply to interscholastic athletics?

For cases involving interscholastic athletics, courts have typically focused on procedural due process and whether or not athletes have a property interest.

Procedural due process requires notice, the opportunity to be heard, and a decision by a neutral decision-maker. The specific procedures required depend on the interest in question and the individual's circumstances. The United States Supreme Court has identified the following elements of procedural due process in order of priority:

- an unbiased tribunal;
- notice of the proposed action and the grounds asserted for it;
- opportunity to present reasons why the proposed action should not be taken;
- the right to call witnesses;
- the right to know opposing evidence, which may include right to cross-examine adverse witnesses;
- a decision based exclusively on the evidence presented;
- opportunity to be represented by counsel;
- requirement that the tribunal prepare a record of the evidence presented;
- requirement that the tribunal prepare written decision; and,
- public attendance.⁸

While there is general agreement that interscholastic athletics should be addressed through procedural due process, there has been mixed rulings regarding whether students have an established property interest (i.e., therefore require the protections of procedural due process). The following sections highlight some examples of case law and other methods for determining a property interest in interscholastic athletics.

Goss v. Lopez

In *Goss v. Lopez*, 419 U.S. 565 (1975), the United States Supreme Court held that students facing suspension have a property interest in their education, requiring procedural due process, which includes notice of the charges against him and an opportunity to be heard before the suspension.

Because of *Gross v. Lopez*, state laws and regulations linking interscholastic athletics to the education process may create a property interest for students participating in interscholastic athletics. For example, the New Hampshire Supreme Court found a property interest in interscholastic athletics based on the following facts:

- Regulations from the New Hampshire State Department of Education state, "Pupil activities, including athletics, should be considered a part of the curriculum."
- New Hampshire Interscholastic Athletic Association Handbook goals "establish the state athletic program as an integral part of the entire school program" and "athletics, properly directed and administered from the state viewpoint, have a unique contribution to make to the educational program of the school."
- College acceptance can be based on athletic ability and athletic scholarships.⁹

⁸ Friendly, Henry J. *Some Kind of Hearing*, 123 U. Pa. L. Rev. 1267 (1975).

⁹ *Duffley v. New Hampshire Interscholastic Athletic Assoc., Inc.*, 122 N.H. 484 (1982).

Walsh v. Louisiana High School Athletics Assn.

The 5th Circuit Court of Appeals rejected this line of reasoning the *Walsh v. Louisiana High School Athletics Assn.*, 616 F.2d 152, 159 (5th.Cir.1980). In this case, the court ruled that the due process protection of a student's entitlement to public education does not extend to all parts of the educational process, including interscholastic athletics.¹⁰ The majority of state courts hearing this legal issue have also not found a property interest in athletics.¹¹

Pennsylvania State Athletic Commission

Property interests may also be established by statute. For example, the Pennsylvania State Athletic Commission established rules and regulations regarding professional and amateur boxing and wrestling. Administrative Agency Law outlines the procedural requirements applicable to the commission.¹²

Does Mississippi recognize a property interest in interscholastic athletics?

The Mississippi Supreme Court determined that participation in interscholastic athletics falls outside the protection of due process. The privilege to participate in athletics is not a property interest as contemplated by the Fourteenth Amendment to the United States Constitution or by Article 3, Section 14 of the *Mississippi Constitution of 1890*.¹³

Does MHSAA's disciplinary and appeals process comply with procedural due process?

Because interscholastic athletics falls outside the protection of due process in Mississippi, MHSAA is not required to ensure procedural due process. Therefore, MHSAA is within its current rights to limit the ability of a student or parent to be directly represented by legal counsel or other elements of procedural due process (e.g., to call and/or cross-examine witnesses).

MHSAA staff noted that some parents and school personnel would prefer to have legal counsel present arguments on their behalf when addressing the Executive Committee. According to MHSAA staff, it is prepared to recommend the following changes to its appeal hearings process:

- All parties, which include the parent/student, school district supporting the parent/student, school district opposing the parent/student, and MHSAA (which has rendered an initial decision) will be required to submit their written position statements with supporting documentation to the Executive Committee five business days before the hearing.
- The attorneys for each party will be permitted to present argument on behalf of their clients to the Executive Committee. Parties will still be permitted to present their arguments without using legal counsel should they so choose. This procedure will enable attorneys for the parties to be more involved in the process of representing their clients.

¹⁰ *Walsh v. Louisiana High School Athletics Assn.*, 616 F.2d 152, 159 (5th Cir. 1980).

¹¹ Siegrist, Amanda, Csekanski, W. Andrew, & Silver, Steve, Interscholastic athletics and Due Process Protection: Student-Athletes Continue to Knock on the Door of Due Process, *Mississippi Sports Law Journal* (2024).

¹² *Pennsylvania State Athletic Com. v. Bratton*, 112 A.2d 422, 425 (Pa. Super. 1955).

¹³ *Mississippi High School Activities Assoc. v. Farris*, 501 So.2d 393 (Miss. 1987).

Recommendations

1. MHSAA should amend its bylaws to:
 - a. provide written definitions for events and activities listed within its bylaws (e.g., road race, showcase);
 - b. formalize and clarify the MHSAA approval process to allow participation in defined events and activities; and,
 - c. eliminate contradictory language (i.e., Bylaw 6.2.4 and Bylaw 7.1.3).
2. MHSAA should establish a formal process to ensure that its member schools and coaches have read and understand MHSAA bylaws and any amendments (e.g., attestation form). Subsequently, these member schools and coaches should then educate their students and parents about the approval process for participating in defined events and activities and the consequences of participating as an unattached contestant.
3. Through the authority granted to the Executive Director, MHSAA staff should proactively monitor Mississippi student participation in defined events and activities instead of waiting on formal complaints reported by member schools. For example, MHSAA staff could periodically monitor the website ms.milesplit.com, which includes runners for every indoor and outdoor track and field competition. This would allow MHSAA to identify unreported violations and allow for more consistent enforcement of its bylaws.
4. MHSAA should create a uniform complaint form that would serve as the official record of the complaint's origin. This form, along with any investigative documents, should be maintained in one file, along with the notice of penalty and/or other documented resolution.
5. MHSAA should retain and log formal and informal complaint information in order to be more transparent, provide useful management information, and to ensure consistency in the enforcement of MHSAA bylaws.
6. MHSAA should implement the proposed modification to its appeals hearing process that would enable legal counsel to present arguments to the Executive Committee on their client's behalf. Should the Mississippi Legislature deem MHSAA's changes to its appeals process inadequate, it could consider establishing a property interest in interscholastic athletics and outlining procedural requirements through statute. This would allow for a student or parent to have a right to be represented by an attorney in a hearing before MHSAA.



January 3, 2025
Via Email and First Class Mail
sarah.williams@peer.ms.gov

Mr. Ted Booth, Executive Director
PEER Committee
Post Office Box 1204
Jackson, MS 39215

Attorneys at Law
Alabama
Florida
Georgia
Louisiana
Mississippi
South Carolina
Tennessee
Texas
Washington, DC

James A. Kelth
Direct: 601.292.0718
E-Fax: 601.944.9048
jim.kelth@arlaw.com

Dear Mr. Booth,

Please accept this letter as the official response of Mississippi High School Activities Association (MHSAA) to the PEER report regarding a rules violation investigated by PEER.

As an initial matter, MHSAA is a 501(c)(3) private organization that receives no Federal funding or any funding from the State of Mississippi. It is not an agency, department, political subdivision, public school district or any institution of the State of Mississippi. While the MHSAA charges a nominal membership fee (these fees may come from activity funds, booster funds or district maintenance funds), that fee does not bring MHSAA within the coverage of Miss. Code Ann. §§ 5-3-51 through 5-3-72 (1972). If that were the case, any organization or entity that receives funds from a school district would be subject to that law.

As you are aware, the MHSAA, in a spirit of cooperation and transparency, has willingly responded to multiple requests for documentation and information, including multiple meetings between PEER and MHSAA staff. MHSAA's mission is to provide the highest quality athletic and extracurricular experiences for the students in its member schools and welcomes any input that helps the MHSAA better serve its members and their students.

With all due respect, the MHSAA disagrees with your supposition, innuendo and unsupported conclusions that appear throughout your report. You made assumptions based on unverified media reports. You implied that there is something inherently wrong with the MHSAA relying on its members to educate student/athletes regarding the rules and regulations for participating in extracurricular activities and events and to self-report any violations. As the MHSAA staff explained to you, MHSAA makes its rules available to all student/athletes and parents, requiring parents to sign a statement of participation and that they have received the MHSAA Handbook which they agree to follow. Further, the Handbook is online for access by the public. It would be impossible for the 11-member

MHSAA staff to train the 116,000+ student/athletes who participate in sports and extracurricular activities each year. With the extensive training requirements that all coaches must meet, they are in the best position to educate their student/athletes. If a question arises that is not clear in the Handbook, a call to the MHSAA can clear up any confusion. The system the MHSAA has in place works as there are very few disputes that arise to the level of an appeal to the Executive Committee, particularly in light of the tremendous number of students who participate in sports and extracurricular activities.

The matter that prompted this investigation involved a student/athlete violating MHSAA rules after having been told of the rules applicable to the event. Tupelo self-reported the violation once it occurred and removed the student/athlete from its track and field roster to avoid a penalty from the MHSAA. Upon being informed that the student/athlete violated MHSAA rules by participating in the out-of-state, out-of-season competition, MHSAA ruled the student/athlete ineligible to compete for the remainder of the 2024 outdoor track and field season. Although MHSAA could have ruled the student/athlete ineligible for one calendar year, MHSAA restored eligibility at the beginning of the 2024-25 school year.

Based on this one incident, you raised concerns about inconsistency in enforcement due to the fact that the student/athlete in question participated in a similar event in 2023 without prior approval as required by the rules. MHSAA was unaware of that situation and you provided no details regarding the circumstances that led to his participation. You also provided examples of other student/athletes who participated in 2023 in events across the country. Again, you provided no facts regarding those students, the circumstances for their participation and whether they knowingly violated MHSAA rules. You concluded, based on those situations, that it was unclear whether the MHSAA consistently enforces its own rules.

The MHSAA depends on its member schools, coaches, administrators, student/athletes and parents to abide by MHSAA rules. If there is a question regarding a rule and its interpretation, student/athletes and parents can inquire of their coaches and if a question still remains, a phone call to the MHSAA can clear up any confusion. It would be impossible for the MHSAA with its 11-member staff to proactively scrutinize events happening across the country in which its 116,000+ student/athletes might choose to participate. With MHSAA's extensive process of educating coaches and administrators regarding its rules and placing the rules on-line for parents and the public to view, the MHSAA depends on its members to self-report any violations as well as any violations of which they have knowledge. If MHSAA is not informed of a possible rules violation, it cannot reasonably be expected to be aware of violations by its 116,000+ student/athletes.

If a student/athlete violates a rule that is not brought to the attention of the MHSAA, such a result is not an indication of inconsistency in enforcement as you stated in your report.

You stated that the bylaws do not detail the process for obtaining approval from a coach or school administration to be eligible to participate in an event or competition. However, every coach and administrator has been trained in the process and are familiar with the forms that are contained in DragonFly, MHSAA's online system containing all forms, procedures for checking eligibility, checking for compliance, etc. You further stated that since the student/athlete participated in a similar event in 2023 with no penalty, the coaches and parents were not aware of such rules. The MHSAA can assure you that the coaches and administrators were aware of the rules and had a duty to communicate with the student/athlete in 2023. The MHSAA will not speculate whether the student/athlete was informed of the rule in 2023 but there is no dispute that he was informed prior to participating in 2024.

In your section on Limited Option for Resolution, you stated that the parents' only option for appeal of the Executive Committee's decision is to go to arbitration. This process has been extremely beneficial to MHSAA members and student athletes as it avoids huge legal fees and long court delays experienced by parties to these disputes. Final resolution through arbitration is reached in two to three weeks if not sooner. Litigation in the courts could take months, if not years, to reach resolution at tremendous expense to all parties. As you stated in your report, seven matters have been appealed to arbitration with the parents prevailing in three and the MHSAA ruling upheld in four. All of the appeals have been resolved in a matter of three to four weeks.

In your report you stated that the rule regarding participating unattached in a competition in the same sport as their high school team is designed to ensure that school teams meet a required number of regional meets for championship eligibility. This rule was proposed by Mississippi track coaches who were trying to field a competitive track team only to see their best athletes competing in out-of-state out-of-season events rather than working with their high school teams preparing for regional track meets. Rules allow for two showcase events to be approved for participation. The rule has worked well and at the regional MHSAA meeting of coaches/administrators in 2024, there was no proposal by track coaches to change the existing rule.

You accurately pointed out in your report that the MHSAA recognizes both indoor and outdoor track and field as two separate sports. Each sport has a distinct season. Since Mississippi has no indoor track facilities, student/athletes are permitted to participate in indoor events conducted in Louisiana and Alabama. Indoor track and field for the 2023-24 school year ended on February 3, 2024, which was communicated to all of

MHSAA's members. Tupelo was well aware of the end of the indoor season as it participated in indoor track and field for the 2023-24 school year. As a participant, Tupelo was familiar with the MHSAA rules regarding a student/athlete participating in an out-of-season indoor event during the outdoor season.

The MHSAA takes issue with your conclusions that the bylaws lack clarity, that the bylaws are inconsistently enforced, and that the MHSAA does not have a fair and efficient resolution process. The MHSAA is an organization that is governed by rules proposed by schools, coaches and administrators and enacted by a 41-member legislative council elected by local school districts in eight regions. A 14-member executive council representing the eight regions also must approve proposed legislation. The MHSAA has an extensive in-person member education program in each of the eight regions along with on-line rules and mandatory training courses. The MHSAA oversees the sports and activities of over 116,000 student/athletes at no cost to the state of Mississippi. With the few number of violations and disputes that result in hearings before the executive committee, there are no facts supporting your claim that the bylaws lack clarity, are inconsistently enforced and that the MHSAA does not have a fair and efficient resolution process.

Your report included several recommendations. While the MHSAA certainly understands that there are some aspects of its operation that would benefit from a review, it does not agree that substantial changes are necessary. Below is the MHSAA's response to your recommendations:

Recommendation No. 1.

a). Road race: Any race that is run on the road that is not cross country or team oriented. For example, the July 4th Watermelon Run is a road race.

Showcase: An event where high school students are allowed to perform drills /skill challenges with other high school students in front of college coaches/scouts to enhance scholarship opportunities.

b). All forms for events (in state, out-of-state, bordering state events) are found in DragonFly under "Vault" for coaches and administrators to submit for approval.

c). MHSAA does not find contradictory language but will ask the Executive Committee to review this language.

Recommendation No. 2.

This process is already in place. The Executive Committee and Legislative Council approve changes to the MHSAA Handbook. Changes are addressed verbally at each of the

eight MHSAA district meetings which are held two times per year. Each member school (high school and middle/junior high school) is required to attend its district meeting and receives a written copy of all changes in its school packet. Any new changes are highlighted in yellow in the MHSAA Handbook, which is on the MHSAA website available to all member schools, as well as parents and the general public.

Additionally, rules meetings for every sport/activity are held at the Mississippi Association of Coaches (MAC) All Sports Clinic every July, presented by MHSAA directors. Attendance at these meetings is mandatory. All sports' rules changes are also on the MHSAA website for each sport. Rules clinics are available on the MHSAA website after the conclusion of the MAC All Sports Clinic.

Recommendation No. 3.

It is physically impossible to proactively monitor the activities and events of approximately 116,000 student/athletes. The MHSAA expects its members and athletes to follow the rules in the handbook and make inquiries of coaches/administrators regarding participation in activities and events. If questions remain unanswered, inquiries can be directed to MHSAA staff.

Recommendation No. 4.

This process is in place for meritorious allegations. Before a complaint is investigated, the MHSAA office must receive a complaint in writing by school administration or coach.

Recommendation No. 5.

MHSAA already maintains a log of formal complaints. Before an informal complaint is investigated, the MHSAA office must receive a complaint in writing by school administration or coach.

Recommendation No. 6.

Attorneys have always had the right to appear with and assist their clients in the hearing before the executive committee. They can consult with their clients during the hearing and offer suggestions to their clients. However, only school personnel, parents and/or students have been permitted to address the executive committee to promote the free exchange of information through an informal process and to avoid an adversarial, litigious atmosphere.

The MHSAA understands that some parents and school personnel may prefer to have an attorney make the presentation on their behalf. Therefore, the MHSAA will recommend the following change in the appeal process:

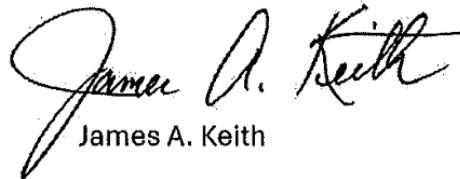
First, all parties, which include the parent/student, school district supporting the parent/student, school district opposing the parent/student, and the MHSAA which has rendered an initial decision, will be required to submit their written position statements with supporting documentation to the Executive Committee five (5) business days before the hearing.

Second, the attorneys for each party will be permitted to represent and present argument on behalf of their clients to the Executive Committee. Parties may present their arguments without using legal counsel should they so choose.

The MHSAA appreciates the opportunity to submit this official response to the PEER Report.

Sincerely,

ADAMS AND REESE LLP



James A. Keith

JAK/dMcP

c: Mr. Rickey Neaves, Executive Director
Mississippi High School Activities Association

James F. (Ted) Booth, Executive Director

Legal and Reapportionment

Ben Collins

Administration

Kirby Arinder

Stephanie Harris

Gale Taylor

Quality Assurance and Reporting

Tracy Bobo

Hannah Jane Costilow

Performance Evaluation

Lonnie Edgar, Deputy Director

Jennifer Sebren, Deputy Director

Taylor Burns

Emily Cloys

Kim Cummins

Matthew Dry

Rucell Harris

Matthew Holmes

Chelsey Little

Billy Loper

Debra Monroe

Meri Clare Ringer

Sarah Williamson

Julie Winkeljohn

Ray Wright



A Review of Selected Policies and Practices of the Mississippi High School Activities Association

January 6, 2025

For more information, contact: (601) 359-1226 | P.O. Box 1204, Jackson, MS 39215-1204

Senator Charles Younger, Chair | James F. (Ted) Booth, Executive Director