



Montana High School Association

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TO: MHSА MEMBER SCHOOL ADMINISTRATORS

FROM: JOANNE AUSTIN, ASSOCIATE DIRECTOR

RE: EQUITY IN BASKETBALL SCHEDULING

As you are aware, the MHSА is charged with the interpretation and enforcement of the Ridgeway Settlement Agreement, which is the product of Title IX litigation involving the MHSА, OPI and several member schools' districts. Consequently, the MHSА has an obligation to examine any and all equity concerns covered by the RSA.

Our office has recently received inquiries concerning the scheduling of girls' and boys' basketball games. The recent inquiries specifically reference whether ***always*** scheduling girls' basketball games early and boys' basketball games late on the same day is in compliance with the RSA.

The RSA segment that governs scheduling for member schools is as follows:

*o. **Scheduling and Facilities.** A school district shall schedule the times and places for practices and athletic events or games for male and female teams of the same and comparable sports on an equal basis, but not necessarily together at the same time. This requirement means that male and female teams shall have equal access to prime time practice and play during the times of the day and days of the week in facilities or on fields which are equally desirable and advantageous to female and male teams. The term "prime time" as used herein means the hours immediately after school and before the evening meal for practice purposes and the weekend evenings for regular games. The term "same sport" as used herein means a sport which is sanctioned for both males and females, such as basketball. The term "comparable sport" as used herein means a sport similar in terms of indoor/outdoor status and numbers of participants to another sport, such as volleyball and wrestling.*

Since the placement of girls' basketball to the winter season (2002-2003), the MHSА has advised that schools are required to rotate the girls' and boys' teams through the early and late game times. With recent inquiries, MHSА legal counsel was consulted to determine if that interpretation remains in effect. The Association's counsel has affirmed that girls' and boys' basketball players should both have the opportunity to play at both the early game times and the late game times.

There is no specific formula or directive that requires schools to schedule in a particular manner, but schools must be able to demonstrate that their scheduling practices are inclusive and non-discriminatory. The interpretation simply directs that schools schedule both genders at early and late available varsity time slots. Variances within a specific school's schedule could occur for any number of reasons, including but not limited to the number of available sub-varsity games per gender and the need to vary times when schools are scheduled with opponents from outside their own conference/classification.

The established interpretation of rotating girls' and boys' programs through the prime time practice slot also remains in effect.

Your attention to these interpretations when scheduling is greatly appreciated. If you have questions about any the information included in this correspondence please feel free to contact me.

/jpa