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California Case Leaves Open the Door for More High School Athletes to Challenge NIL Restrictions

By Anna Giambelluca, JD

TAKEAWAYS

- A federal court allowed a narrow antitrust challenge to proceed against CIF's rule barring high school athletes from monetizing school-affiliated NIL, signaling potential limits on interscholastic restrictions.
- While transfer and award limitations were shielded by state-action immunity, the court found no clear

legislative authorization for prohibiting athletes from profiting off NIL tied to school identity.

- The ruling leaves open a pathway for expanded high school NIL rights, suggesting the next wave of athlete compensation litigation may move below the NCAA level.

College athletics has been transformed through NIL rights, donor collectives, revenue sharing, and transfer freedom, creating a more pro-

Couple Banned After Frightening Confrontation with Game Officials; Part of a Troubling Trend

By Holt Hackney

TAKEAWAYS

- Hawaii education officials imposed a lifetime ban on a couple after a postgame assault on a school administrator, signaling a zero-tolerance approach to violence at youth sporting events.
- The case reflects a growing national concern over escalating hostility toward officials and school staff,

with experts warning that stronger policies and penalties may be necessary to protect participants.

- As criminal proceedings move forward, the incident has intensified debate over balancing parental involvement with maintaining safe, respectful environments at school-sponsored activities.

A Hawaii couple has been banned for life from public school events

DOE's Office for Civil Rights Initiates 18 Title IX Investigations, Targeting School Districts

The U.S. Department of Education's Office for Civil Rights (OCR) initiated investigations into 18 educational entities in ten states based on complaints submitted to OCR alleging that they have violated Title IX of the Education Amendments of 1972 (Title IX).

The complaints assert that these entities, which range from K-12 school districts to postsecondary education institutions to state departments of education, maintain policies or practices that discriminate on the basis of sex by permitting students to participate in sports based on their 'gender identity,' not biological sex. These policies "jeopardize both the safety and the equal opportunities of women in educational programs and activities," the OCR claims.

"In the same week that the Supreme Court hears oral arguments on the future of Title IX, OCR is aggressively pursuing allegations of discrimination against women and girls by entities which reportedly allow males to compete in women's sports. Time and again, the Trump Administration

has made its position clear: violations of women's rights, dignity, and fairness are unacceptable," said Assistant Secretary for Civil Rights Kimberly Richey. "We will leave no stone unturned in these investigations to uphold women's right to equal access in education programs—a fight that started over half a century ago and is far from finished."

The following entities are currently under investigation: Jurupa School District (CA); Placentia-Yorba School District (CA); Waterbury Public Schools (CT); Hawaii State Department of Education (HI); Regional School Unit 19 (ME); Regional School Unit 57 (ME); Foxborough Public Schools (MA); Bellmore-Merrick Central High School District (NY); New York City Department of Education (NY); Great Valley School District (PA); Champlain Valley School District (VT); Cheney Public Schools (WA); Sultan School District No. 311 (WA); Tacoma Public Schools (WA); and Vancouver Public Schools (WA)

Legal Issues in HIGH SCHOOL ATHLETICS

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Ohio's High School NIL Rule Change Reflects a Broader Trend in Changes to High School Athlete Compensation

By [Janine Anthony Bowen](#) and [Kyle M. Kennedy](#), of Baker

TAKEAWAYS

- Ohio joins most states in allowing high school athletes to earn NIL income, following a lawsuit and an OHSAA vote (447–121 in favor).
- High school NIL rules include strict limitations—no school association in endorsements, no pay-for-play, no school/booster involvement, and bans on certain product categories.
- Trend mirrors college NIL changes, but high school policies focus on protecting students and personal branding, while college rules aim to share revenue and compensate athletic contributions.

OHIO STATE HIGH SCHOOL ATHLETIC ASSOCIATION RULING

On November 24, the Ohio High School Athletic Association (OHSAA) announced a rule change allowing high school student-athletes in Ohio to make money from their name, image and likeness (NIL). This decision followed an emergency referendum in which OHSAA's 815 member schools voted 447-121 in favor of allowing NIL deals, with 247 schools abstaining. The vote marked a significant shift in Ohio's approach to amateur athletics and aligned the state with the growing national trend toward NIL rights for high school athletes.

The referendum came after legal pressure from a lawsuit brought by Jasmine Brown on behalf of her son, Jamier Brown, a top high school wide receiver prospect in Ohio, claiming that Jamier had lost more than \$100,000 in potential NIL deals because of OHSAA's ban. The Browns argued the restriction unlawfully limited athletes' ability to participate in a legitimate marketplace for their NIL rights. On October 20, the Court of Common Pleas in Franklin County, Ohio, issued a temporary restraining order (TRO) enjoining OHSAA from enforcing its constitutional and by-law provisions that prohibited NIL deals. With the TRO and a subsequent vote, Ohio now joins the majority of states in allowing some form of NIL activity for high school athletes.

REFRESHER ON HOUSE SETTLEMENT

Debates about NIL issues for athletes continue to be a hot topic after the court approved the House settlement on June 6. The House settlement refers to the resolution of the

antitrust lawsuit *House v. NCAA*, where plaintiffs alleged that the National College Athletic Association (NCAA) and its member schools unlawfully restricted student-athletes from profiting from their athletic performance and individual brand value. As part of the settlement, schools can begin sharing up to 22 percent of qualifying athletics revenue with student-athletes, with a cap of \$20.5 million in Year 1. This revenue-sharing model represents a fundamental shift in college sports economics. In addition to revenue sharing, the settlement reaffirmed student-athletes' ability to earn compensation for NIL activities, subject to certain restrictions.

STATE NIL RULES

States enforce NIL rules for high school athletes through legislation, amendments to athletic association rulebooks or both. While most states now permit NIL activities, a handful – including Alabama, Hawaii, Indiana, Kansas, Michigan, Missouri and Wyoming – still enforce prohibitions. These states generally maintain strict definitions of amateurism that bar athletes from accepting NIL money. For example, Alabama prohibits “accepting remuneration” for sports activities and limits awards to \$250 in value, excluding trophies, medals and championship rings. Similarly, Kansas allows payment for teaching athletic skills but does not permit NIL deals. Missouri provides a narrow exception, allowing athletes to accept merchandise worth up to \$250 per month under Rule 3.6.5(d)(2), though NIL activities are otherwise prohibited.

A few states limit NIL activities to imminently graduating athletes. Mississippi permits NIL agreements for students who have signed a National Letter of Intent (NLI). Texas allows NIL deals for students age 17 or older who have exhausted their remaining high school eligibility. Arkansas provides similar allowances for students who have signed an NLI to attend an Arkansas state school.

Most states, however, have revised their definitions of amateurism so that high school athletes no longer lose their amateur status by accepting independent NIL offers. These high school athletes can earn compensation from NIL activities, with limited restrictions. NIL activities generally include commercial endorsements (e.g., on social media) by an individual high school athlete. Most states have simply revised their amateurism rules to create an exception for NIL activities. For example, in mid-2022, Minnesota approved an NIL policy for high school athletes to engage in NIL activi-

ties without losing their amateur status. These rule changes allowing NIL activities, including Minnesota's NIL policy, are subject to limitations that vary from state to state. Still, these rules all generally include the four common limitations discussed below.

FOUR COMMON LIMITATIONS IN STATE NIL RULES

First, states typically prohibit high school athletes from being associated with their school in NIL endorsements. This means, for example, high school athletes cannot appear in team uniforms or otherwise be associated with their school or team in NIL promotions. This restriction is designed to prevent schools from compelling high school athletes to participate in NIL activities and emphasizes the separation between the brands of the school and of the student-athlete. It also protects the school's intellectual property rights. This would not prohibit a high school athlete from wearing a generic uniform with a color scheme similar to that of their school so long as the school's intellectual property rights are respected.

Second, states typically enforce a no pay-for-play policy. High school athletes cannot accept compensation conditioned on athletic performance or enrollment or continued enrollment at a particular school. This prohibits high school athletes from accepting NIL deals with a condition requiring them to stay at their current school. This safeguard is designed to protect high school athletes from coercive NIL arrangements with their schools or individual commercial sponsors. For instance, it prevents high school athletes from facing immense financial pressure during competitions because of performance-based NIL agreements.

Third, states prohibit NIL benefits provided to high school athletes by schools or their agents, including boosters. Some states phrase their rules to entirely prohibit the school or its agent from being involved in any high school athlete's NIL activities. Other states also prohibit high school athletes from engaging in NIL activities during team activities, including practice and competitions, or in school facilities. These rules prevent schools from using NIL as a recruiting tool and maintain a clear separation between a school's brand and the athlete's individual brand, like the prohibitions on school associations. And it prevents high school athletes from entering coercive deals with schools, just like the pay-for-play restrictions.

Finally, many states restrict NIL deals involving certain categories of products. For example, New Jersey prohibits NIL activities related to adult entertainment, alcohol, tobacco, cannabis, controlled substances, prescription drugs, gambling and firearms. These restrictions aim to protect student-athletes' reputations and uphold public policy by avoiding associations with highly regulated or controversial

industries. These restrictions are distinct from others because of the focus on public policy rather than on separating schools from high school NIL activities.

POLICY DIFFERENCES BETWEEN HIGH SCHOOL AND COLLEGE NIL RULES

High school NIL regulations aim to safeguard high school athletes while also letting them earn money from their individual brand value. These rules prevent schools from treating high school athletes as commercial assets while enabling individual high school athletes to capitalize on their marketability. As a practical matter, high school NIL opportunities tend to benefit elite high school athletes in high-profile sports. In the future, high school athletes with significant social media followings will also likely benefit from these high school NIL rules.

College NIL rules, by contrast, seek to compensate college athletes for their athletic contributions within a multibillion-dollar industry. Under the House settlement, college athletes can receive a share of athletics revenue separate from NIL income, meaning college athletes without brand recognition can still receive payment for their athletic contributions. College athletes also earn NIL income through endorsements. NIL deals frequently influence recruiting decisions because high school athletes can receive college NIL offers before committing to a program.

CONCLUSION

The changes to high school NIL rules seem to be a direct response to the changes to college NIL rules, but the policy objectives behind high school and college rules remain distinct. High school frameworks prioritize student protection and personal branding, while college regulations focus on compensating athletes for their role in generating revenue.

Allowing NIL activities in high school, though restricted by the limitations discussed above, shows that public policy around high school athletes has evolved from simply maintaining their amateurism to both maintaining their amateurism and enabling their compensation. In light of the success of Jasmine Brown's lawsuit, the remaining states that prohibit high school NIL activities may likely either face similar challenges or implement similar rule changes.

The shift toward allowing high school athletes to accept NIL deals is a major change from the amateurism rules of the past but consistent with recent trends in the compensation of athletes at every level. Further developments in the NIL area will likely align with this trend, providing high school athletes more freedom to accept athletics-based compensation without sacrificing eligibility.

Court Rules Against High School AD Who Sought to Use Religion as a Shield in Wrongful Termination Case

By Robert J. Romano, JD, LLM, St. John's University, Senior Writer

TAKEAWAYS

- The Tenth Circuit held that the athletic director's emails about a school play were made pursuant to his official duties, not as a private citizen, and therefore were not protected by the First Amendment.
- Although the appellate court initially allowed his religious discrimination claims to proceed, the district court ultimately ruled that the school terminated him for unprofessional conduct—not because of anti-Christian bias.
- The case underscores that public school administrators cannot rely on religious expression as a shield when workplace communications undermine inclusive school policies or violate professional standards.

Corey McNellis, a longtime educator within the state of Colorado school system, served as Ponderosa High School in the Douglas County School District (“DCSD”) Athletic Director and Assistant Principal from 2018 up until his termination in 2022. The reason McNellis’s tenure ended was predicated on his objections to the High School’s planned staging of “*The Laramie Project*,” a play about the murder of gay college student Matthew Shepard and anti LGBTQ+ hatred, as an extracurricular activity.

By way of background, Kayla Diaz, the theater teacher at Ponderosa, in an announcement forwarded to all the faculty and staff before the play’s run, stated that the production “covered heavier topics” and was not intended “to push any kind of agenda”.¹ McNellis responded to Ms. Diaz’s announcement by sending several emails to school faculty and staff which expressed his concerns about the production, objecting that it was divisive, while also offering to add a “Christian perspective” to the play. Following Mr. McNellis’s series of emails, the school district received multiple complaints from Ponderosa employees who perceived McNellis’s emails as “bullying”, “threatening”, “discriminatory toward the LGBTQ community”, while also “demonstrating bigotry toward a marginalized group”.² Shortly thereafter, McNellis was placed on paid administrative leave as the school district proceeded with an investigation into the matter.

Upon completion of the investigation, the district determined that McNellis’s emails “were unprofessional and displayed discriminatory bias against staff and students who represent and/or support the LGBTQ community” and, in addition, that McNellis “had made sexist and racist comments in the past, had attempted to change student grades, failed to follow mandatory district safety practices with regard to COVID-19 and promoted . . . an educational environment that favored some students and staff over others.”³ As a result of the findings, McNellis was terminated from his various roles within the high school.

In July of 2022, McNellis, not happy with being fired, filed a lawsuit against the Douglas County School District in the U.S. District Court for the District of Colorado claiming that his termination was in violation of his First Amendment rights under 42 U.S.C. Section 1983, while also constituted religious discrimination under Title VII of the Civil Rights Act of 1964, and the Colorado Anti-Discrimination Act (CADA), and was retaliation under Title VII and CADA.⁴

As routine, the Douglas County School District moved to dismiss McNellis’s complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim on all presented theories. The district court granted the motion and dismissed all claims. McNellis, not happy with the lower court’s decision, appealed and on appeal, the U.S. Court of Appeals for the Tenth Circuit reversed in part and affirmed in part: it affirmed the dismissal of the First Amendment and retaliation claims but reversed the dismissal of the religious discrimination claims under Title VII and CADA, finding McNellis had plausibly alleged discrimination and remanded for further proceedings.

In analyzing McNellis’s claims, he first argued that the school district retaliated against him for exercising his free speech when it terminated his employment after he voiced objections to the school play. McNellis’s First Amendment claim turns on whether his emails constituted protected speech as a private citizen on a matter of public concern or speech made pursuant to his official duties as a public employee.

A public employee asserting First Amendment retaliation must show his speech was on a matter of public concern,

1 Case No. 1:22-cv-01636-RM-STV Document 103 filed 12/22/25 USDC Colorado.

2 Id.

3 Id.

4 *McNellis v. Douglas County School District* (Case No. 1:22-cv-01636, D. Colo.)

made as a private citizen, and that the speech was a substantial or motivating factor in adverse employment action. The Tenth Circuit agreed with the district court that McNellis's speech was made pursuant to his official duties and not as a private citizen. The court took into account that McNellis's comments occurred in workplace channels, addressed colleagues, and touched on how the school should structure an official school production, matters within the scope of his job duties rather than an external citizen's commentary. Therefore, because McNellis was communicating with colleagues about a school activity in his capacity as an administrator, the court held his emails were not protected speech.

McNellis also claimed that the school district retaliated against him for complaining about the investigation and defending his religious expression, invoking Title VII and CADA's anti retaliation provisions. To state a retaliation claim, he had to plausibly allege that he engaged in protected activity, suffered a materially adverse action, and that a causal connection linked the two. While the adverse action was clear, that being termination, the Tenth Circuit agreed with the district court that the complaint did not plausibly allege causation between any protected opposition activity and the adverse actions. The appellate court noted the lack of nonconclusory factual allegations showing timing or statements tying his complaints about the process to the decision makers' choices, as opposed to their response to the underlying emails themselves.

The most consequential part of the Tenth Circuit's decision, however, addressed whether McNellis plausibly alleged religious discrimination under Title VII and CADA. The district court rejected his argument that he had "direct evidence" of discrimination but concluded that he adequately pled circumstantial evidence supporting a prima facie case. On the alleged direct evidence, McNellis relied heavily on a later letter by the principal, who opined that firing McNellis had "gone too far" and that he had been "railroaded" based on his political and religious views. The Tenth Circuit held this letter was not direct evidence because it still required the inference that decision makers were motivated by religious bias, especially given the principal's view that some discipline

would have been appropriate. Direct evidence requires a statement that clearly ties an adverse action to religion without inferential steps, which the letter did not do.

Nonetheless, the court found an adequate inference of discrimination at the pleading stage. It emphasized these allegations: McNellis is a Christian, was qualified and consistently well reviewed, expressed disagreement with the play in a staff email and suggested Christianity could "help" the play, was repeatedly told the investigation and leave were because of his "religious comments," and was ultimately terminated for the emails concerning "*The Laramie Project*". The district's repeated invocation of "religious comments" as the justification for investigation, leave, and termination plausibly linked his faith based expression to the adverse actions, satisfying the low prima facie bar. The Tenth Circuit therefore reversed dismissal of his Title VII and CADA religious discrimination claims and remanded for discovery and further proceedings.

On remand though, the Douglas County School District again moved for judgment and this time prevailed.

The district court concluded that the undisputed evidence showed the school disciplined McNellis because his emails created an appearance that he was intolerant of the LGBTQ community, impairing his ability to serve as an administrator, not because of animus toward Christianity. As a result, the court found no genuine dispute that the school district honestly believed his conduct, not his religious status, drove the decision, and that there was no evidence the school district would have ignored similar complaints if his emails had omitted religious references. Without evidence of pretext, such as inconsistent explanations, differential treatment of similarly situated non Christian employees, or overt anti Christian remarks, the discrimination claim could not go to a jury.

Legally, the case illustrates that public school administrators' internal emails about school programming are highly likely to be viewed as speech pursuant to official duties, limiting First Amendment retaliation protections, even when the content is religious. In other words, you cannot use religion as a shield when you are discriminating against a certain segment of the population.



Michigan's Representative Council Approves Expansion of NIL Activities for High School Athletes

The Representative Council of the Michigan High School Athletic Association has approved an expansion of “personal branding activities” (PBA), allowing student-athletes at MHSAA member schools, effective immediately, to potentially benefit from NIL opportunities.

The MHSAA previously allowed some PBA opportunities, including the abilities for student-athletes to conduct camps, clinics and private lessons. The expanded policy allows student-athletes to capitalize on PBA through several more options as long as those activities are individual opportunities for individual students – “while not disrupting competitive equity that would result from the creations of group activities including collectives and other pay-for-play opportunities now the norm at the collegiate level,” according to the MHSAA.

The topic of PBA/NIL had been discussed at length within the membership over the last three years during MHSAA Update meetings and various other conferences with schools and their administrators. The Council had debated the possibility of these rule changes since the Michigan Legislature proposed amending state law to allow for student-athletes’ use of NIL in 2023, and also after closely monitoring similar developments in surrounding states, such as Ohio where that state’s activities have been reported extensively in Hackney Publications.

“We have said from the start of this conversation that the MHSAA could be comfortable with a policy that provides individual branding opportunities for individual student-athletes, and this rule change provides those while excluding the possibility of collectives, and boosters and school people getting involved in those activities,” MHSAA Executive Director Mark Uyl said. “This is the essence of what NIL was supposed to allow in the first place, and we’re confident we’ve crafted language that allows true NIL opportunities without affecting competitive equity among our member schools.”

Additional activities allowed by the new PBA policy include social media endorsements and promotions, personal appearances, photo sessions or autograph signings; modeling, advertising, merchandise, sports cards or apparel sales; and the use of a student’s name, image or likeness in marketing materials.

PBA activities “must be consistent” with MHSAA rules and school policies, according to the association. “A student-athlete may not capitalize on PBA based on athletic perfor-

mances, awards/recognition, team participation or competition outcomes. A student-athlete also may not involve school names, logos, mascots, trademarks or other obvious identifiers, uniforms or other intellectual property, and PBA activity may not occur during school attendance or any MHSAA event (including practice) and cannot take place on school property or be promoted on school media channels.

“Schools, including coaches and other employees, are not allowed to solicit, arrange, negotiate or promote PBA activities on behalf of their student-athletes. Doing so may put that school’s MHSAA membership in jeopardy, in addition to rendering that student-athlete ineligible for MHSAA athletics.”

Uyl added: “The MHSAA will guard the competitive equity we have promoted for more than 100 years, and take with the utmost seriousness any attempts to break or blur this rule. We have provided clear language and sufficient guidance on what is allowed to assist our schools as they navigate this ever-changing landscape.”

PBA associated with products, services, individuals, companies or industries “deemed inappropriate, unsafe or inconsistent with the values and goals of interscholastic athletics, as determined by the MHSAA – for example gaming or gambling, alcoholic beverages and banned substances – are also prohibited.

“All PBA activities must be disclosed to the MHSAA within seven days of an opportunity or contract for disclosure and approval. Schools may choose to have stricter rules regarding PBA if they choose to do so.”

The Representative Council is the legislative body of the MHSAA. All but five members are elected by member schools. Four members are appointed by the Council to facilitate representation of females and minorities, and the 19th position is occupied by the Superintendent of Public Instruction or designee.

The MHSAA is a private, not-for-profit corporation of voluntary membership by more than 1,500 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.

Parking Lot Is Still School Grounds: Iowa Court Affirms Firearm Ban at High School Football Venue

By Dr. Rachel S. Silverman

TAKEAWAYS

- Iowa courts have confirmed that school-owned athletic facilities and parking lots qualify as “school grounds,” allowing firearm bans to be enforced at high school sporting events.
- The Court of Appeals declined to address the constitutionality of the firearm statute, instead ruling that Mathias failed to properly preserve his ineffective-assistance argument for review.
- The decision underscores the importance of procedural precision, as appellate courts will not consider legal theories that were not clearly presented and ruled upon at trial.

In 2017, James Mathias was placing flyers on cars in a high school parking lot during a football game when an off-duty police officer working event security noticed Mathias was carrying a firearm in his waistband. Although Mathias had a valid permit to carry the gun, Iowa law prohibits firearms on school grounds. Initially, the officer instructed Mathias to leave the premises. After consulting with the county attorney, however, the State charged Mathias with carrying a firearm on school grounds, a felony under Iowa law.

In the initial case, the Iowa Supreme Court ruled that school-owned athletic facilities, including parking lots, can qualify as “school grounds,” even if they are not physically connected to classroom buildings. As a result, school-owned sports venues may be treated as school grounds under Iowa law, and firearm restrictions at school sporting events may be enforced even against individuals legally permitted to carry

firearms.

Mathias later filed an application for postconviction relief, arguing his attorney provided ineffective assistance and the firearm prohibition violated his constitutional right to bear arms. The Iowa Court of Appeals, however, did not rule on whether the firearm statute itself was constitutional. Instead, the court focused on a procedural issue known as “error preservation.” Error preservation requires that legal arguments be raised properly and at the appropriate time in the lower court.

Although Mathias directly challenged the constitutionality of the firearm statute in the lower court, he reframed the issue on appeal by arguing that his attorney was ineffective for failing to raise the constitutional claim earlier. Since the issue was not presented to the lower court in that manner, the Court of Appeals concluded that there was no ruling for it to review.

The Court of Appeals therefore affirmed the lower court’s decision, explaining “a party cannot sing a song to us that was not first sung in trial court.”

More specifically, it wrote that in Mathias’s PCR trial, “he separated his gun-rights claim from his allegations of ineffective assistance of counsel. In its ruling, the district court also addressed that constitutional challenge as a freestanding claim. But in this appeal, Mathias couches the challenge as ineffective assistance of counsel. Because this is not how Mathias presented the issue at trial nor how the district court decided it, there is no ineffective-assistance ruling regarding his gun-rights claim to review.”

James Lee Mathias v State of Iowa; Ct. App. Iowa; No. 24-1673; 12/3/25

Former High School AD Sues, Claiming He Was Wrongfully Terminated After Reporting Unauthorized Surveillance Camera

A former athletic director at Justin Garza High School in California has filed a lawsuit against the Central Unified School District, alleging he was wrongfully terminated and retaliated against after whistleblowing on an unauthorized

surveillance camera in a student training room.

In the complaint filed last month in Fresno County Superior Court, Hovig Torigian claims he was “scapegoated” by district officials who failed to investigate his initial reports

and later bullied him into resigning.

According to the lawsuit, the incident began in January 2024 when an athletic trainer installed a hidden camera in the training room without Torigian's knowledge. The trainer reportedly set up the device to catch individuals stealing items from the facility. Torigian says he only discovered the camera's existence when the trainer showed him footage of an assistant football coach urinating into a floor drain inside the room.

The complaint states that Torigian immediately reported the unauthorized camera to the school's principal, ordered the trainer to remove the device, and restricted the assistant coach's access to the room. However, Torigian alleges that school and district administrators took no formal action at the time.

It wasn't until September 2024 - nine months later - that the district launched an investigation, a move Torigian claims occurred only after a parent raised the issue during a public meeting. Shortly after the investigation began, Torigian was placed on administrative leave.

CALIFORNIA CASE

fessional model that more equitably compensates athletes.

And it appears this transformation may not stop at the NCAA's doorstep as high school athletes are lacing up their cleats to play in the same legal arena.

The United States District Court for the Northern District of California, notably the same federal court where *O'Bannon*, *Alston*, and *House* all originated, recently considered whether the rules governing California interscholastic athletics unlawfully restrain trade. In *Calhoun v. California Interscholastic Federation*, U.S. Magistrate Judge Laurel Beeler issued an order granting in part and denying in part motions to dismiss, preserving a narrow—but potentially consequential—antitrust challenge centered on how high school athletes may monetize their name, image, and likeness.

Plaintiff Dominik Calhoun, a former California high school football and track standout, brought a putative class action against the California Interscholastic Federation ("CIF") and its ten regional sections, along with several media and technology companies. The complaint alleged violations of Section 1 of the Sherman Act, California's Cartwright Act, and the state's Unfair Competition Law, arguing that CIF's regulatory structure suppresses athlete compensation and restricts athlete mobility in ways that unfairly restrain trade.

The lawsuit characterizes the district's subsequent probe as a "sham" designed to produce inaccurate findings and support a false narrative of wrongdoing by Torigian. The former director alleges he was then pressured by the assistant superintendent of human resources to step down, under the threat that the school board intended to fire him.

Torigian resigned on Oct. 31, 2024. The lawsuit seeks unspecified damages for whistleblower retaliation and wrongful termination, asserting that he was punished for reporting misconduct that his superiors chose to ignore.

The case highlights ongoing tensions regarding student privacy and administrative accountability within the Fresno-area district, which opened the \$150 million Garza High campus in 2021.

"Plaintiff was scapegoated for reporting misconduct that his superiors and CUSD chose not to investigate after her timely reported it, and he was thereafter punished for his reports because they were not investigated appropriately by superiors," according to Torigian's complaint.

At its core, the theory reflects the same economic logic that reshaped the collegiate athletics model: student-athletes generate value within a commercial ecosystem that includes media rights, sponsorships, and branded content, yet governing bodies impose rules limiting how athletes themselves may participate in that marketplace. While those arguments have already gained traction in the NCAA context, *Calhoun* extends the conversation to the interscholastic level, where NIL activity is newer, less regulated, and still legally unsettled.

CIF operates as the governing body for high school athletics in California, administering competition rules for more than 1,600 member schools through its federated council structure and ten regional sections. Its bylaws regulate eligibility, transfers, recruiting, awards, and NIL activity, historically grounded in an education-based model designed to promote competitive balance and academic primacy over commercialization.

The lawsuit challenged three primary categories of CIF rules: limits on athletic awards, transfer and "undue influence" restrictions, and NIL regulations. CIF bylaws cap athletic awards at \$250 for regular-season competitions and \$500 for postseason play, prohibit cash or cash equivalents, and restrict athletically motivated transfers or recruitment-

based enrollment decisions. The final category focusing on NIL regulations proved the most consequential, as it was the only claim to survive the motion to dismiss.

California does allow high school athletes to participate in NIL activity in certain contexts. High-profile athletes such as Bronny James and JuJu Watkins, for example, signed endorsement agreements with Nike while competing at Sierra Canyon High School. Judge Beeler did not frame the dispute as whether NIL itself is permissible at the interscholastic level. Instead, the order centers on a far narrower restriction: CIF's rule prohibiting athletes from monetizing NIL when it is tied to school affiliation, including the use of uniforms, logos, or other identifying insignia.

That distinction is critical. At the high school level, the commercial value of an athlete's NIL is often inseparable from the school platform that elevates it. Varsity competition, playoff exposure, championship runs, and broadcast visibility are typically what transform athletes from local participants into marketable figures. Restricting NIL monetization in that context effectively limits athletes to capitalizing on their identity outside the very setting that generates their recognition.

Before addressing the substance of the antitrust claims, the court considered CIF's immunity defenses. CIF argued it functioned as an arm of the state entitled to Eleventh Amendment immunity. The court rejected that argument at the pleadings stage, finding the record did not establish sufficient state intent or control to treat CIF as a governmental instrumentality. CIF is self-governed by member schools and funded primarily through dues, sponsorships, and event revenues rather than direct state appropriations. While that ruling allowed the lawsuit to proceed, CIF prevailed on state-action antitrust immunity for portions of the case. The court held that California's statutory framework authorizes voluntary associations to regulate interscholastic athletics and reflects legislative intent to prioritize education, deter recruitment, and prevent undue athletic influence. Within that framework, limitations on awards and transfer eligibility were deemed foreseeable results of delegated authority. Those claims were dismissed.

The NIL analysis diverged.

California law permits broadcasters and similar entities to use student-athletes' NIL in connection with sporting events without obtaining consent. CIF argued its school-affiliation NIL restriction flowed naturally from that statutory structure. Judge Beeler disagreed. The court concluded that while the legislature authorized uncompensated broadcast use of NIL, it did not clearly articulate or foreseeably intend to authorize a rule that categorically bars athletes themselves from

monetizing NIL when it includes school-affiliated identity markers such as uniforms or insignia.

That gap in legislative clarity proved decisive. The court allowed the challenge to CIF's prohibition on monetizing school-affiliated NIL to proceed past the motion-to-dismiss stage.

The media defendants, by contrast, were dismissed entirely. The court found no plausible allegation that broadcast or technology companies participated in crafting CIF's rules or joined any anticompetitive conspiracy. Their role was limited to contracting within CIF's regulatory system, which alone was insufficient to establish antitrust liability.

Although the decision narrowed the case substantially, the survival of the school-affiliated NIL claim carries significant implications for the future of high school athlete compensation. For many athletes, school affiliation is what creates NIL value in the first place. Highlight clips, televised playoff games, state championship appearances, and school branding often serve as the foundation of an athlete's commercial identity. If courts ultimately conclude that governing bodies cannot prohibit athletes from monetizing NIL in that setting, state athletic associations may face pressure to build entirely new regulatory infrastructures governing school-affiliated NIL activity.

Such frameworks could address licensing of school marks, sponsorship approval processes, institutional branding rights, and disclosure obligations—mirroring, on a smaller scale, the NIL compliance systems that now exist at the collegiate level.

The ruling also intersects with recruiting and development pipelines. High school exposure increasingly drives collegiate NIL valuation. Athletes who build social media followings and brand partnerships at the prep level often carry that value into college endorsement opportunities. Expanding permissible NIL activity in high school could accelerate that pipeline, allowing athletes to begin monetization and brand-building efforts earlier in their careers.

At the same time, the court's preservation of state-action immunity for transfer and compensation limits reflects continued judicial deference to education-based athletic governance. Regulations closely tied to preventing recruitment inducements or athletically motivated enrollment decisions remain legally insulated, even as commercial restrictions face greater scrutiny.

Viewed through a broader NIL lens, *Calhoun* represents less of a wholesale challenge to amateurism and more of a targeted test of athlete identity rights. The case does not question whether interscholastic athletics should professionalize entirely. Rather, it asks whether athletes may participate in commercial markets that already exist around their perfor-

mance—particularly where third parties are permitted to profit from school-affiliated NIL use.

That framing situates the case squarely within the evolving trajectory of athlete compensation litigation. From O'Bannon to Alston to the modern NIL era, courts have increasingly recognized that restrictions on athlete economic participation must withstand antitrust scrutiny when they intersect with identifiable commercial markets. Calhoun extends that analysis earlier in the athlete development pipeline, where NIL activity is emerging, but governance structures remain underdeveloped.

Ultimately, while much of the complaint was dismissed, the decision leaves open a pathway for continued litigation focused on the commercial rights of high school athletes—

specifically, their ability to monetize NIL in school-affiliated contexts. The plaintiffs were granted leave to amend their complaint, ensuring that this emerging battleground in athlete compensation law remains far from settled.

If the collegiate NIL revolution marked the first wave of athlete economic reform, cases like *Calhoun* suggest the next phase may unfold at the interscholastic level, where questions of identity, institutional affiliation, and commercial participation are only beginning to take legal shape.

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COUPLE BANNED

and properties after a violent confrontation at a high school basketball game late last year, a move education officials said was necessary to ensure safety at school functions.

The lifetime ban — believed to be the first of its kind in state history — was issued in response to a widely-shared video showing Aukusitino Noga Jr. assaulting a school official after a Moanalua High School sports event, an incident that has sparked debate across Hawaii and prompted calls for stricter conduct standards at youth athletic events.

The incident occurred on Dec. 4, 2025, following a pre-season boys basketball game between Moanalua High School and Mililani High School in Honolulu. Video from surveillance cameras in the parking lot outside the Moanalua gym shows Noga approaching associate athletic director Natalie Iwamoto as she escorted game officials and others toward their vehicle. The footage appears to show Noga punching Iwamoto in the face, causing her to fall to the ground near a small child.

Officials said the confrontation began with verbal taunts and escalated following the game, which Moanalua lost. Court filings and media reports indicate the couple, including Noga's wife Jamilee Noga, were upset about calls made during the contest and confronted officials and referees as they attempted to leave the school grounds. In video shown by local news outlets, both parents are heard shouting at officials, with language that included expletives and a racially charged remark.

In the aftermath, Iwamoto was treated for injuries, including a reported concussion and facial swelling, and filed a temporary restraining order against the Nogas. On Dec. 17, a judge granted the restraining order and, with the assistance of deputy sheriffs, issued a permanent trespass notice effectively barring both Aukusitino and Jamilee Noga from entering any Hawaii Department of Education property, including schools and school event venues, for life. Education Superintendent Keith Hayashi said the ban was intended to send a "strong message" that aggressive and violent behavior at school activities will not be tolerated.

"Heads of households and fans at youth sporting events must understand there is a line that cannot be crossed," Hayashi said in a statement announcing the ban. "Our campuses and events are spaces for students, families and staff to support young people in healthy competition, not environments where intimidation or violence should occur."

Noga, 40, an adult corrections officer with the Hawaii Department of Corrections and Rehabilitation, has pleaded not guilty to a Class C felony charge of second-degree assault, which carries a potential prison sentence of up to five years and a fine of up to \$10,000. His trial is scheduled for February 2026. Jamilee Noga has not been charged with a crime, though the restraining order applies to her as well.

PART OF A NATIONAL TREND

The incident has drawn sharp reactions from sports of-

ficials, academicians, and former athletes.

“There are documented incidents of verbal and physical altercations at high school and youth sporting events all over the country,” Bill Villa, CAA, Executive Director of the Hawaii Interscholastic Athletic Directors Association, told Sports Litigation Alert. “It is alarming and when it happens in your own backyard, it affects you even harder. Natalie Iwamoto did her best to try and provide as safe an environment as possible for the fans, players, and officials. She identified a fan that was crossing the line of unacceptable fan behavior and escorted the game officials to their cars in hopes of diffusing any type of altercation. Unfortunately, Natalie got punched for trying to do her job - escorting the officials to their cars after the game.

“Mr. and Mrs. Noga crossed the line of unacceptable fan behavior and assaulted one of our own in our state athletic directors’ association. Personally, I’m glad that the state levied a strong penalty on Mr. and Mrs. Noga. Natalie will have her day in court with the assault case later this year. Isn’t it sad and embarrassing that some adults behave this way. These are terrible examples to our children. This has to stop and I don’t believe that a slap on the wrist will have any effect.”

Dr. Gil Fried, a Full Professor at the University of West Florida and expert on crowd control matters, added that “while violence in and around youth sports is not new, normally the victims have unfortunately been athletes, coaches, or referees. It has not been administrators. This might mean that no one is immune from possible harm. It also means that administrators need to adopt even more aggressive policies and procedures to protect even more stakeholders. The question to be asked is at what point do administrators have to throw in the towel and indicate they cannot protect everyone and thus, should cancel their event? I hope it doesn’t reach that point, but that is not out of the question.

“Another example occurred in January 2026 when possibly 100 people got into an altercation at a 7-on-7 football event for young players. Approximately 70 law enforcement personnel responded to the incident. <https://www.fox19.com/2026/01/19/youth-football-championship-canceled-after->

100-person-fight-breaks-out-field-police-say/. We have to do better. We must do better for our kids and for our industry. Maybe it is time for more significant enhanced criminal penalties as what else will move parents and fans to leave the play on the field and to not engage in such horrific conduct?”

Former University of Hawaii football standout Manti Te’o, now an NFL Network analyst, described the episode as “disappointing on so many levels” and called for parents and spectators to show greater respect for officials and administrators at youth sporting events. Te’o noted that confrontations and verbal abuse at high school competitions have been rising in recent years, but said the violent assault was an alarming escalation.

“It’s critical that those who love youth sports remember the purpose of these games,” Te’o said at a recent news conference. “Officials and staff are there to help young athletes grow. They do not deserve threats, harassment or physical attacks.”

Officials with the Hawaii State Basketball Officials Association also weighed in, saying that while tensions often run high in competitive youth sports, they had never before witnessed violence of this magnitude involving school administration or referees. The association and other local groups have expressed concern about declining numbers of volunteers willing to officiate games in the face of increasing hostility from spectators.

Some community members have expressed sympathy for the Nogas, who cannot attend any public-school events, including those involving their own children.

Others have argued that strict enforcement of conduct policies is necessary to protect educators and maintain safe environments for students.

Legal experts say the case underscores a broader national challenge: balancing parents’ desire to be involved in school activities with the need to ensure safe, respectful environments for students and school staff. As the trial approaches, the spotlight on this incident is likely to continue prompting debate about discipline, accountability and conduct at youth sports and school functions statewide.