Legal Issues In
High School Athletics
Hackney Publications

Inside This Issue

Crossed Lines—Pennsylvania Federal Court Tosses HS Runner's Lawsuit Against PIAA

Takeaways

- Because the complainant, Aislin Magalengo, a Quakertown Community High School cross-country runner, failed to demonstrate that either Colonial School District and Quakertown High School had substantial control over the alleged sex-discrimination permitting a transgender athlete to participate in the competition, neither district could be said to be directly responsible for the decision.
- PIAA rules vest decision-making authority in the principals and other administrative leadership of individual schools, meaning the PIAA was not responsible for and could not restrict other runners based on any alleged violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment.
- The U.S. District Court in the Eastern District of Pennsylvania dismissed Magalengo's Equal Protection claim against the PIAA because Magalengo did not demonstrate that

See CROSSED LINES on page 13

Alabama Judge Grants TRO that Blocks AHSAA's Rule Regarding Delayed Eligibility on Transfers

Takeaways

- The Alabama High School Athletic Association (AHSAA) rule requiring student athletes to sit out a year if they transferred to another school under the Act was a long-standing regulation meant to discourage students from transferring for athletic advantages.
- Alabama Governor Kay Ivey and State House Speaker Nathaniel Ledbetter challenged the AHSAA rule-based student-athletes who transfer under the Creating Hope and Opportunity for Our Students' Education Act (CHOOSE Act) suffering an unfair penalty.
- Montgomery County Circuit Court granted a Temporary Restraining Order and effectively prohibited the AHSAA from enforcing any rule or policy which makes the acceptance of CHOOSE Act funds the sole determinative factor of eligibility for participation in interscholastic athletic events.

See ALABAMA on page 14

Study Shows Brain Damage to Soccer Players Who Frequently Headed the Ball, But Were Not Concussed

A September 2025 study from Columbia University found that amateur soccer players who frequently headed the ball showed microstructural brain changes and poorer cognitive performance, even if they had not been concussed. The study, published in JAMA Network Open, used advanced MRI techniques to detect brain damage.

Key findings from the study include:

- **Damage to the gray-white matter interface:** The researchers developed a new imaging method to examine the junction between the brain's gray and white matter, an area previously difficult to study and thought to be vulnerable to head impacts. The study found that in players who headed the ball more often, this transition zone was "fuzzier" compared to non-contact athletes.
- **Location of injury:** The most significant changes were found in the orbitofrontal cortex, an area behind the forehead that is crucial for memory and other cognitive functions. Researchers believe the damage may be a result of a "contrecoup force," or bruising on the opposite side of the initial impact.
- **Cognitive effects:** Players who headed the ball most frequently performed worse on verbal learning and memory tests. The findings suggest that the microstructural damage in the brain may be the cause of these cognitive deficits.
- **Significance for CTE:** The researchers noted that the location of the abnormalities is similar to the pathology of Chronic Traumatic Encephalopathy (CTE). While they did not establish a direct link, the study allows for earlier detection of injury and further investigation into whether repetitive heading increases the risk for neurodegenerative diseases like CTE.
- **Effects of frequent heading:** Players who reported more than 1,000 headers annually showed the most significant signs of damage. The authors stressed that they could not yet identify a "safe" threshold for heading frequency.

Legal Issues in HIGH SCHOOL ATHLETICS

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Court Spikes High School Football Referee's Claim Involving Concussion Rules

Takeaways

- To officiate any Maryland interscholastic volleyball games registration with and paying fee to become a member of the Beltway Region Volleyball Officials Association (BRVO) is required, as well as completing an online Maryland Public Secondary Schools Athletic Association sponsored Rules and Interpretation Clinic on an annual basis.
- Duncan S. Morgen-Westrick, a high school referee, challenged the Clinic's PowerPoint slides on concussions as invalid regulations, but the circuit court dismissed his complaint, finding that the PowerPoint slides were not regulations.
- On appeal, the circuit court's decision was affirmed, finding that the slides were not regulations nor did the slides restricts Westrick's free speech rights and communicate his belief that a player may have a concussion.
- In 2011 the Maryland General Assembly enacted legislation, titled "Concussion policy and awareness" that tasked the State Board of Education to develop policies and implement a statewide program for elementary and secondary public schools to provide concussion awareness for coaches, school personnel, students, and the parents or guardians of students, establishing a program of concussion awareness and prevention throughout the State of Maryland for student-athletes, their parents or guardians, and their coaches.

A Maryland state appeals court has affirmed a lower court's ruling dismissing the claim of a high school volleyball referee, who had challenged the Maryland Public Secondary Schools Athletic Association's (Association) PowerPoint slides on concussions. Specifically, the referee challenged whether the slides went far enough in requiring "a duty of care when a youth athlete has a suspected concussion."

In its ruling, the appeals court wrote: "We agree with the Association that the circuit court did not err because the Association's slide in no way restricts appellant's free speech rights and communicate his belief that a player may have a concussion."

By way of background, Plaintiff Duncan S. Morgen-Westrick has been a high school referee since 2021. "To officiate any Maryland interscholastic volleyball games, there are two requirements," wrote the court. "First, one must register as a member of the Beltway Region Volleyball Officials Association (BRVO) and pay a fee. Appellant is a member in good standing of the BRVO. Second, one must annually complete an online Association sponsored "Rules Interpretation Clinic" (Clinic). The materials for the training are prepared by the Association's Coordinator of Officials and the Association's Rules Interpreter. The Clinic is comprised of two units of material: one unit is the same across all sports, and the other is sport specific. The volleyball Clinic for 2022-2023 and 2023-2024 included PowerPoint slides that contained information about Maryland law on concussion protocols and hair adornments."

The pertinent slide states:

"Concussion Protocols

- Any athlete who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from the contest and shall not return until cleared by an appropriate health-care professional.
- It is not the responsibility of an official to assess a potential concussion.
- It is appropriate for an official to suggest to a coach to attend to a player exhibiting the above signs, refraining from assessing that you think the player has a concussion."

On July 24, 2023, Morgen-Westrick "filed a complaint for declaratory judgment and injunctive relief against the Association. Appellant sought a declaration that the PowerPoint slides on concussions and hair adornments were invalid regulations because they did not comply with the rulemaking process of the Administrative Procedures Act (APA). See Md. Code Ann., State Government (SG), Title 10, Subtitle 1."

He also sought to enjoin the Association from using the slides. On November 2, 2023, a court hearing was held on the Association's motion to dismiss for failure to state a claim. Following the hearing, the circuit court dismissed the complaint without prejudice, finding that the PowerPoint slides were not regulations.

Four days later, Morgen-Westrick filed a second complaint for declaratory judgment and injunctive relief. He again sought a declaration that the PowerPoint slides on concussions and hair adornments were invalid regulations because

they did not comply with the APA and a declaration that sports officials have a duty of care when a youth athlete has a suspected concussion. He also added a new claim that the Association's slides on concussions and hair adornments infringed upon his First Amendment right by preventing him from advocating for the health and safety of student athletes. The Association again filed a motion to dismiss.

On February 7, 2024, a hearing was held. Following argument by the parties, the circuit court ruled from the bench and dismissed the complaint with prejudice. As with the first complaint filed by Morgen-Westrick, the circuit court similarly found that the Association's PowerPoint slides were not regulations but were "merely interpreting the law to give the public a clearer understanding of what the law requires."

Morgen-Westrick appealed, presenting the following questions on appeal:

"I. Did the circuit court properly conclude that certain Association PowerPoint slides on concussion protocols and hair adornments were not regulations?

II. Did the circuit court properly conclude that certain Association PowerPoint slides did not violate appellant's constitutional free speech rights?

III. Did the circuit court erroneously dismiss appellant's second complaint with prejudice because the Association had not properly presented or supported its arguments?"

The court noted that "the crux of this dispute is that appellant believes that the Association violated Maryland's APA when it created the PowerPoint slides on concussion and hair adornment protocols. He contends that the slides fall within the APA definition of regulation, and therefore, the slides must be adopted by formal APA rulemaking. The Association argues that appellant wrongly seeks to 'equate training slides that implement existing law with 'regulations' that establish new law.' The Association argued that the PowerPoint slides only 'explained concussion protocols that have already been promulgated as regulations and highlighted the need for hair adornments to be reviewed on a case-by-case basis at the local school level to prevent discrimination based on hairstyle under amended nondiscrimination statutes.'"

The appeals court cited the following reasons for affirming judgment:

It noted that Maryland regulations are enacted in accordance with the procedures set forth in the Maryland APA. But it concluded, citing extensive case law, that the slides were not regulations. Rather, they were rules that did not need to go "the formal rulemaking process."

Also of significance, the court noted that in 2011 the Maryland General Assembly enacted legislation, titled "Concussion policy and awareness," that tasked the State Board of Education (State Board) to "develop policies and implement" a statewide program for elementary and secondary public schools to provide concussion awareness for "coaches, school personnel, students, and the parents or guardians of students," establishing "a program of concussion awareness and prevention throughout the State of Maryland for student-athletes, their parents or guardians, and their coaches." The statute further directed "the State Board to establish a program that 'shall include a process to verify that a coach has received information on the program developed' and, before a public school student 'may participate in an authorized interscholastic athletic activity, the county board shall provide a concussion and head injury information sheet to the student and a parent or guardian of the student.'

"As to concussions, the statute provides that a student 'who is suspected of sustaining a concussion or other head injury in a practice or game shall be removed from play at that time' and 'may not return to play until the student has obtained written clearance from a licensed health care provider trained in the evaluation and management of concussions.' Noteworthy, nowhere does the statute mention referees or sports officials."

Turning to Morgen-Westrick's claim that the circuit court erred in dismissing his free speech claim, the appeals court wrote: "We agree with the Association that the circuit court did not err because the Association's slide in no way restricts appellant's free speech rights and communicate his belief that a player may have a concussion. Moreover, as the Association points out, when speaking pursuant to their duties as sports officials, rather than as citizens, their speech is subject to at least a modicum of control. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 527, 142 S. Ct. 2407, 213 L. Ed. 2d 755 (2022)."

Turning to Morgen-Westrick's last contention that the circuit court erred in dismissing his complaint for failure to state a claim because the Association failed to properly make that argument in its reply motion in contravention of Md. Rule 2-311(c)," the court also found for the defendant.

Duncan S. Morgen-Westrick v. Maryland Public Secondary Schools Athletic Association; Appellate Court of Maryland; 2025 Md. App. LEXIS 460 *; 2025 LX 134524; 2025 WL 1603528; 6/6/25

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Settlement Finalized in Concussion Case Involving High School Football Player

Takeaways

- Logan Wood, a 14-year-old Horry County Schools football player, likely suffered as many as seven concussions in single game, resulting in a traumatic and permanent brain injury.
- Despite exhibiting multiple signs of confusion, vision problems, and loss of balance, as well as enduring multiple hits to head during gameplay, Wood was allowed to continue playing the game.
- Wood's family was awarded a $750,000 settlement after a jury found that the school district was grossly negligent for failing to follow its own procedures for handling sports-related concussions and failed to athletic trainer during the game, all of which could have prevented the catastrophic injury.

The South Carolina Supreme Court has finalized a $750,000 settlement for a former Horry County Schools football player who suffered a traumatic brain injury and was allowed to continue playing despite showing clear signs of a concussion. The ruling concludes a multi-year legal battle.

The decision stems from a 2017 lawsuit filed by Logan Wood and his mother, Sarah Wood, against the Horry County School District. In 2016, then-14-year-old Logan was a student and football player at North Myrtle Beach Middle School.

During a game in October 2016, Wood took multiple hits to the head during the first half and told his coach and teammates he was feeling "off-balance." According to the lawsuit, he also showed signs of confusion, vision problems, and a loss of balance but he was put back in the game. Wood was hit several more times, worsening his head trauma.

The lawsuit claimed the school district was grossly negligent for failing to follow its own procedures for handling sports-related concussions. The family claimed that the team lacked an athletic trainer during the game, who they believe could have intervened and prevented the catastrophic injury. Court records showed the athletic trainer was away at a conference and was not replaced. A doctor later estimated that Wood had suffered as many as seven concussions in that single game, resulting in a traumatic and permanent brain injury.

A jury initially sided with the Wood family in 2021, awarding them $850,000. The district appealed the decision, arguing the jury had made a mistake and that state law capped damages for gross negligence at $300,000 per occurrence.

Ultimately, an appeals court determined there were two separate instances of negligence and ordered the district to pay $600,000. With additional payouts for medical bills, legal fees, and interest, the total settlement reached approximately $750,000, according to Wood's attorneys at the Evans Moore Law Firm.

The South Carolina Supreme Court's ruling solidifies the payment and brings the long-running case to a close. For Logan Wood, the injury meant giving up his dreams of playing college football and joining the military. Since the lawsuit, his mother has become an advocate for having athletic trainers present at all school athletic events.

Wood's attorneys issued a statement:

"While concussions and head trauma have become a focus for professional football players, research shows high school players are actually the most likely to suffer these injuries during play. In light of this fact, it is inexcusable to neglect the health of our young athletes. Our school districts are responsible for the health and safety of their student-athletes, but as you will read from their recent behavior in the courtroom, it would appear they would rather ignore the issue entirely.

"In 2021, our firm had the honor of trying the first civil case to verdict after the courts had reopened following the easing of COVID-19 restrictions — a case centered on head injuries. The case involved a 14-year-old, eighth-grade student and football player who incurred multiple concussions during a high school B-team football game. Our client was big and athletic and started both ways — on offense and defense — playing every snap of the game. In April of 2021, a jury found that the Horry County School District acted with gross negligence in failing to have an athletic trainer present for our client's team and in failing to have the athletic trainer for the other team monitor both teams for concussions. However, following a jury ruling in their own county, the Horry County School District appealed the decision, and the case headed to the South Carolina Court of Appeals.

"The South Carolina Court of Appeals is based in Columbia and has eight judges who hear appeals as part of three-judge panels. In our case, the three judges who heard the appeal unanimously upheld the Circuit Court's decision without holding oral arguments. Despite another victory for

our client, the Horry County School District filed what is known as a petition for rehearing en banc, whereby a special panel of all eight judges from the Court of Appeals would hear the case. The Court of Appeals denied their request.

"Not deterred by their failures at the Court of Appeals, the Horry County School District filed a request that the South Carolina Supreme Court hear the case because it involved unique issues of law. The Supreme Court granted the request, and all the issues in the case had to be briefed again. Given the subject matter of the case, the South Carolina Supreme Court, comprising five judges, featured the case during a special term of court set at the Citadel, which was open to the student body and the public.

"The case was heard on Sept. 10, 2024, around 17 months after the jury's initial verdict. Despite the Horry County School District throwing every possible obstruction they could our way, justice still triumphed in this case. On Oct. 10, 2024, the South Carolina Supreme Court ruled in our client's favor, granting him a definitive victory in the case. The case was unique and illustrated the lengths to which many of our state's agencies are willing to go to justify bad conduct. Despite the Horry County School District using almost every available avenue in the judicial system, we ultimately triumphed."

Federal Appeals Court Grants Reprieve to Rhode Island Interscholastic League in ADA Case

Takeaways

- Previously, a lower court found the Rhode Island Interscholastic League (RIIL) violated the Americans with Disabilities Act (ADA) by not granting the student a waiver from the league's eight-semester rule, which limits participation in high school sports to eight consecutive semesters.
- However, the appellate court found that the student's ineligibility wasn't solely a result of his disability and that the student had also repeated freshman year at a boarding school, which was a factor in his ineligibility under the rule.
- This appellate decision highlights two key limits on ADA accommodation claims in interscholastic athletics: the necessity of "but-for" causation between the disability and the discriminatory act and the defense of "fundamental alteration" to the program in question.

A panel of judges from United States Court of Appeals for the First Circuit has overturned a lower court's decision in a case involving the Rhode Island Interscholastic League (RIIL) and a high school senior with disabilities.

The initial ruling (previously reported on in Sports Litigation Alert below) had found the RIIL violated the Americans with Disabilities Act (ADA) by not granting the student a waiver from the league's eight-semester rule, which limits participation in high school sports to eight consecutive semesters.

The appellate court, however, found that the student's ineligibility wasn't solely a result of his disability. The panel highlighted the student repeating freshman year at a boarding school as a contributing factor to his exceeding the eight-semester limit.

Furthermore, the appellate court concluded that granting a waiver to the eight-semester rule would "fundamentally alter" the nature of the RIIL's athletic programs.

In summary, the panel's decision focused on two key limits on ADA accommodation claims in interscholastic athletics: the necessity of "but-for" causation between the disability and the discriminatory act and the defense of "fundamental alteration" to the program in question.

By way of background, Sports Litigation Alert reported on the case and the lower court's finding last year:

Plaintiff John Doe suffered from an educational standpoint during the pandemic, which forced him to learn from "a computer screen." Wanting "better" for their son, his parents moved him from a parochial school, where he was relegated to remote learning, to an out-of-state boarding school. There he repeated his freshman year "with the hope that he would have a better academic experience and forge in-person social connections with other students of his age." However, he struggled there, too, both academically and socially. He was subsequently diagnosed with anxiety, depression, and ADHD, among other learning disabilities. His doctors recommended he get involved in athletics. So, his parents re-enrolled him in a private school in Rhode Island, where his participation in football and basketball had a "positive impact on his mental health and overall wellbeing."

All was fine until the latter part of Doe's junior year when he was informed, pursuant to the RIIL's eight-semester rule, that he was ineligible to participate in athletics his senior year.

The association rejected Doe's claim of "undue hardship" and denied his request for a waiver. His parents then filed a

lawsuit, arguing that the league violated the ADA because it failed to make reasonable accommodations based on his disabilities.

"Instead of having John be fully part of a team, the league wants John to sit on the sidelines, despite the demonstrably profound benefits that extracurriculars, like team sports, have on students' mental health," the court wrote. "Their justification? Well, that's the rule, and rules are rules."

The court continued, noting that Doe's learning disabilities caused his ineligibility under the rule and his request for a waiver of the rule is a reasonable accommodation. The evidence in the record convinced the court that the rule should not apply here. Other equitable considerations further convinced the court that the rule should not apply. John is not an all-star and his school's athletics program is not positioned to win a state championship. It's simple: John wants to be part of a team during his senior year of high school. Like Daniel Ruettiger in the beloved film Rudy, John wants the memory of playing on the field (or court) with his teammates. He is not trying to be the best, take someone else's place, or gain an unfair advantage. He just wants to play. For that and the reasons below, the court granted his Motion for a Permanent Injunction.

The court went on to compare the instant case to the landmark sports law decision - PGA

Tour, Inc. v. Martin, 532 U.S. 661, 675 (2001), which established that the ADA "forbids discrimination against disabled individuals in major areas of public life, among them employment (Title I of the Act), public services (Title II), and public accommodations (Title III)."

The court noted that "there is no disagreement that John's learning impairments qualify as a disability under the ADA. The parties instead (1) dispute whether the ADA applies to RIIL; (2) whether there is a causal connection between John's disability and his ineligibility to play competitive sports; and (3) whether John sought a reasonable accommodation."

On the first point, the court wrote that like athletic associations that were parties to litigation in other cases, the RIIL is an "instrumentality of the state," and thus a "public entity" for purposes of Title III.

On the second point, the court noted that "only when he returned to Rhode Island did he face the possibility of being prohibited from playing competitive sports during his senior year. Accordingly, the evidence establishes that there is a causal connection between John's disability and his inability to meet the requirements of the (eight-semester) rule."

Lastly, "John has demonstrated actual success on the merits. The record demonstrates that Titles II and III of the ADA apply to the League, John's disability caused his exclusion under the Rule, and a waiver of the Rule would be a reasonable accommodation that would not fundamentally alter the nature of high school athletic competition in Rhode Island."

In considering "other equitable considerations:"

- The court noted that Doe "would be irreparably harmed if barred from playing sports during his senior year," especially since his "doctors recommended that John get involved in interscholastic sports."
- "In balancing the equities, the court concludes that the harm imposed on John is greater than that imposed on RIIL. … By not competing, John could lose out on athletic programs that have had a substantial benefit on his overall wellbeing and his efforts to overcome his learning disabilities."
- Finally, "a permanent injunction would not negatively affect the public interest. In fact, it would serve the public interest. Achieving the goal of full inclusion of disabled individuals in economic and social life is in the public's interest." See Martin, 532 U.S. at 674-75.

Doe v. Rhode Island Interscholastic League, No. 24-1619 (1st Cir. 2025)

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Psychedelics Show Promise for Healing Concussions and Brain Injuries

Summary

Traumatic brain injuries, including concussions, affect nearly 69 million people worldwide each year, yet treatments remain scarce. A new review highlights the potential of psychedelics such as psilocybin and 5-MeO-DMT to reduce harmful inflammation and enhance neuroplasticity after brain injury.

These compounds may help the brain rebuild connections and lower the risk of psychiatric conditions like depression and PTSD. While more research is needed, psychedelics could open the door to innovative therapies for patients with brain trauma.

Article

Concussion and other traumatic brain injuries impact an estimated 69 million people every year, as a result of sport collisions, falls, road accidents and interpersonal violence. There are few treatments, and no approved and effective pharmacotherapies.

New research from the Christie Lab at the University of Victoria (UVic) reveals the promise of two psychedelic compounds—psilocybin and 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT)—for healing these injuries, by enhancing neuroplasticity and reducing inflammation within the brain.

Psilocybin is a naturally occurring compound found in certain mushrooms. 5-MeO-DMT is found in toad venom and select plant species. Over the past decade, clinical research has shown the safety and effectiveness of psilocybin, and the promise of 5-MeO-DMT, for treating depression, anxiety, end-of-life distress, substance-use disorders, and obsessive-compulsive disorder.

The team at UVic (Zoe Plummer, Josh Allen, Justin Brand and Brian Christie) reviewed the growing evidence that these compounds also offer potential for treating brain injuries.

Their review, published in Progress in Neuro-Psychopharmacology and Biological Psychiatry, in collaboration with Leah Mayo from the University of Calgary, and Sandy Shultz from Vancouver Island University, drew from preclinical and clinical studies.

"When someone receives a blow to the head, this sets off a cascade of events in the brain," says Allen, one of the authors of the review and a UVic postdoctoral fellow in neuroscience.

"One of these is inflammation, which can initially help brain tissue to repair."

However, when this inflammation is prolonged, it can lead to long term problems such as learning and memory deficits, depression and anxiety disorders, and post-traumatic stress disorder.

"These conditions share features such as impaired neuroplasticity that keep patients trapped in rigid loops of thought and behavior," says Allen.

This can occur even with mild traumatic brain injuries—what we call concussion. And many people who play sports or serve in the military experience concussions repeatedly.

"Our review concluded that classical psychedelics have the potential to reduce inflammation in an injured brain, while also increasing neuroplasticity and helping the brain to reorganize, creating new neural pathways to compensate for lost or damaged connections," says Christie, director of the UVic's Concussion Lab.

"By reopening windows of plasticity and inducing mind-expanding experiences, psychedelics also help prevent the development of depression, anxiety, and other psychiatric disorders associated with brain injury, and offer pathways to recovery."

More research is needed to understand how psychedelics work on traumatic brain injury, and how age, sex, and other health conditions impact their safety and effectiveness. With further research, these compounds offer great promise to both patients and over-stretched health-care systems.

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Signed Before 18: The Legal and Ethical Implications of Teen Athletes Signing with Professional Sports Teams

By Anavictoria Avila, Esq.

Professional sports teams are increasingly signing teen athletes as young as 13 to high-value contracts, raising questions about contract enforceability and developmental risks for minors.[1] In 2023, 13-year-old Da'vian Kimbrough became the youngest athlete in the history of American team sports when the Sacramento Republic soccer team signed him to a professional contract. That same year, 15-year-old Melanie Barcenas signed a three-year contract with the San Diego Wave and the National Women's Soccer League (NWSL), debuting as the league's youngest athlete ever. Barcenas joined a growing number of teen players advancing their careers to professional levels at ages when most teens are navigating hormonal changes, fitting in, social media, and college admissions.

Most recently in January 2025, the Los Angeles Dodgers signed 17-year-old Andrés Luna Román and 14-year-old Ezequiel Rivera Velarde over the 2024 summer. Velarde's signing in particular sparked public debate over the legality and implications of such signings. While signing with a professional sports team as a teenager can present life-changing opportunities for an athlete and their community, there are also ethical, financial, and legal consequences to signing athletes under the age of 18. While minors signing professional

contracts is nothing new, litigation on the issue has evolved. This article examines antitrust claims filed by young athletes challenging age restrictions in professional leagues and offers legal and ethical insights for sports professionals navigating the growing trend of early talent acquisition.

I. Existing Regulations for Teen Athletes in Professional Sports

Fair Labor Standards Act (FLSA) Exemptions

The Fair Labor Standards Act (FLSA) aims to protect workers through provisions regarding minimum wage, overtime, and prohibitions on child labor.[2] Section 212, which governs child labor, ensures that employment does not jeopardize a minor's health, well-being, or education.[3] Under the FLSA, a minor under sixteen cannot work more than eight hours a day when school is not in session or three hours a day when school is in session.[4] However, Section 212 makes no mention of minor athletes in professional sports, and athletes are not exempt under the FLSA.[5] The closest regulatory guidance for the employment of teen athletes stems from child entertainment laws, which exist at both the federal and state level and allow for exceptions under Section 213 of the FLSA in industries like films, radio, and television, recognizing the need for flexibility in work hours for minor entertainers.[6]

While professional sports teams are subject to the FLSA, limited legal discussion exists on how Section 212 applies to teen athletes under professional sports contracts. In the 2016 case *Berger v. National Collegiate Athletic Ass'n*, the federal district court in Indiana, deciding an issue of first impression, ruled that the FLSA did not apply to college athletes. However, in the 2024 case Johnson v. NCAA, the United States Court of Appeals for the Third Circuit held that college athletes could not be barred from bringing FLSA claims. The Court remanded the case to the lower court to determine whether student athletes can be considered as employees under the FLSA. While litigation on this issue continues, the NCAA litigation is distinct from teen athletes signing as employees for professional teams. Several states, such as California and New York, have incorporated minor athletes into the FLSA's entertainer exemption allowing teen athletes to enter professional contracts if court-approved.[7]

State Laws and Contract Law Principles Regulating Agreements with Teen Athletes

Under common law, minors generally lack the legal capacity to enter binding contracts.[8] Therefore, contracts with minors can be disaffirmed or voided at the minor's option without legal consequence up until their 18th birthday.[9] This principle is designed to protect minors from exploitation and from entering imprudent commitments. As a result, leagues generally require parental consent or for a legal guardian to co-sign contracts for minor athletes, but in California, the contract must be court-approved in order to be enforceable.[10]

California's "Coogan's Law" mandates court approval for contracts with minors in entertainment and sports to avoid future disputes over enforceability.[11] Requiring court approval safeguards the minor's financial interests, ensuring that earnings are protected in a trust until the athlete reaches adulthood. The law was originally designed to protect child actors rather than athletes, and there are currently only ten other states that have enacted similar versions of Coogan's Law that apply to athletes: Florida, Illinois, Kansas, Louisiana, Nevada, New Mexico, New York, North Carolina, Pennsylvania, and Tennessee.[12] While Coogan's Law offers a legal safeguard, its limited applicability in only a few states underscores the lack of a uniform national standard for protecting teen athletes in professional contracts—leaving the enforceability of such agreements largely dependent on league policies and CBAs.

While federal law sets the minimum working age at 14, professional sports leagues establish their own age requirements through collective bargaining agreements (CBAs).[13] Most leagues require athletes to be at least 18, but some exceptions exist. Major League Soccer (MLS) has no age restrictions. The National Football League (NFL) requires players to be three years removed from high school. The National Basketball Association (NBA) mandates that players be 19 and have graduated from high school. Major League Baseball (MLB) generally requires U.S. players to be at least 17 and international recruits to be at least 16. Yet, recent litigation challenging age rules and the lack of uniformity in the U.S. is transforming the way young athletes start their professional careers, presenting risks and opportunities for the early acquisition of athletic talent.

Clarett v. NFL and Antitrust Law Analysis (2004)

In *Clarett v. NFL* (2004), Maurice Clarett, a former Ohio State running back, challenged the NFL's age rule, which prevented players from entering the draft until they were three years removed from high school. Clarett argued that this rule violated Section 1 of the Sherman Act by unreasonably restraining his competition in the labor market.

However, the NFL defended its rule under the non-statutory labor exemption, arguing that it was a CBA provision

designed to protect player safety and maintain competition quality. The Second Circuit ruled in favor of the NFL, holding that the non-statutory labor exemption applied because the age rule was negotiated as part of the CBA. This decision reinforced the NFL's ability to regulate employment conditions without violating antitrust laws.

O.M. v. Nat'l Women's Soccer League, LLC and Gender Equity Analysis (2021)

In *O.M. v. Nat'l Women's Soccer League (2021)*, 15-year-old Olivia Moultrie challenged the NWSL's age rule prohibiting athletes under 18 from signing professional contracts. She argued that the restriction unlawfully limited competition under Section 1 of the Sherman Act, and Moultrie also claimed the age rule unfairly discriminated against female athletes compared to MLS, which has no age restrictions for male athletes. The NWSL countered that the rule was necessary to comply with child labor laws and the Safe Sport Act. The Court sided with Moultrie, issuing a temporary restraining order against the NWSL and allowing her to sign with the Portland Thorns. The Court held that Moultrie had a strong chance of success on her Sherman Act claim, noting that the age restriction was arbitrary and lacked sufficient procompetitive justification.

The Ninth Circuit's ruling differed from the Second Circuit's analysis in Clarett v. NFL with the distinguishing factors being the Court's rejection of NWSL's classification as a single entity, the gender equality issues presented, and the absence of a finalized CBA at the time of litigation. In early 2022, the NWSL and its Players' Association ratified the league's first CBA, which omitted age restrictions, enabling more teen athletes to sign professionally. The Moultrie case ultimately set the stage for 15-year-old Melanie Barcenas to join the San Diego Wave in 2023.

II. Legal and Ethical Implications of Early Drafting on Youth Outcomes

While mechanisms exist to recruit and contract teen athletes, concerns about their physical, mental, and social development persist. Adolescent development research indicates that young athletes face increased risks of injury and burnout when engaged in high-intensity professional training before full physical maturity.[14] Mental pressures, social media scrutiny, and the already short career span of pro athletes further complicate early professionalization.[15]

The recruitment of international teen athletes by U.S. teams, particularly in MLB, highlights additional complexities. MLB, unlike other leagues, benefits from an antitrust exemption—originally granted in *Fed. Baseball Club of Balt. v. Nat'l League* (1922) and reaffirmed in Flood v. Kuhn (1972)—which allows MLB to set unique standards for player recruitment, including signing international minors. MLB's practices in contracting young athletes have faced criticism, particularly regarding minors from economically disadvantaged backgrounds in Latin America.[16] The recruitment system has led to cases where teen athletes were left without adequate support when their contracts fell through, underscoring the legal and ethical implications of early recruitment without proper safeguards, academic supports, and regulations centering the young athlete's well-being and long-term success.[17]

Currently, best practices for supporting teen athletes at the professional level are not uniform across leagues or teams, and the infrastructure is still evolving. However, some teams have established policies and support systems that could serve as valuable models in developing national standards. These standards would help ensure that contracts comply with the FLSA and benefit the longevity of young athletes' careers, while also aligning with the interests of professional teams.

1. Informed Parental Consent

Given that minors lack the legal capacity to enter into binding contracts, securing informed consent from both the athlete and their legal guardians is essential. This process involves clearly explaining all contract terms, potential risks, and long-term implications in a manner that is understandable to both the young athlete and their guardians. For instance, the U.S. Center for SafeSport mandates that parental consent is obtained prior to minor athletes participating in training programs, ensuring that guardians are fully aware of and agree to the conditions under which their children will operate.

Similarly, the United States Tennis Association (USTA) requires advance written consent from a minor's legal guardian for any meetings between health professionals and minor athletes, emphasizing the necessity of parental involvement and supervision in decisions affecting the young athlete's welfare. By implementing such practices, professional teams can respect the autonomy of young athletes while ensuring their families are fully informed and agreeable to the commitments being made.

2. Players' Holistic Welfare

Leagues are increasingly recognizing the importance of supporting the holistic welfare of their teen athletes by implementing comprehensive programs that address both their athletic and personal development. Established in 2016, the NBA Academy is a global basketball development initia-

tive tailored for high school prospects. The program offers comprehensive support, including education, housing, and mentorship, to ensure the athletes' overall development. Outside of professional contracts, the NBA has published Youth Basketball Guidelines to set a national standard for practice structures to help foster player welfare, age-and stage-appropriate skill development, and injury prevention strategies to combat burnout in young athletes.

The NWSL has also instituted the Under-18 Entry Mechanism to integrate young talent responsibly. This policy permits teams to sign up to four players under 18, with specific provisions and compliance plans to safeguard their well-being. Additionally, contracts must extend through the season in which the player turns 18, and teams are required to provide appropriate support systems, including mental health resources and educational accommodations. By following this policy, teams can help ensure that young athletes develop sustainably as professionals and as individuals throughout their careers.

3. Educational Considerations and Fallout Prevention

Balancing professional sports with long-term educational and financial stability is essential for teen athletes. Without structured support, young players risk losing career opportunities if their contracts are terminated or their athletic careers do not progress as expected. To prevent these issues, proactive systems that support both professional development and career transitions are important.

The NBA's Rookie Transition Program provides a strong model, offering financial management workshops, media training, and mental health counseling to help players navigate professional sports. Over time, it has evolved to include entrepreneurship, cryptocurrency, and social media branding, ensuring athletes are equipped for financial stability beyond basketball. Similarly, the NWSL's Beyond the Field Program provides resources to help players build careers beyond soccer, reinforcing the league's commitment to long-term player success.

Expanding these programs across professional leagues and teams that sign minor athletes would provide critical career guidance and financial education to prevent fall out. Ensuring that young players, both domestic and international recruits, receive structured transition planning, financial literacy, and access to continued education will likely create a more sustainable model for teen athletes to promote their long-term success.

III. Conclusion

Sports professionals, lawyers, agents, and leaders who work with minors navigating this evolving landscape must consider not only contract enforceability but also adolescent development, equitable treatment, and compliance with U.S. and international labor standards. While courts generally uphold contracts benefiting minors, additional safeguards are necessary to support athletes bypassing collegiate development. Implementing structured education, family support, transparent contract terms, and fair compensation is critical to ensuring a sustainable and ethical approach to integrating teen athletes into professional sports.

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[1] Under federal law, a minor is defined as "any person under the age of eighteen years." 18 U.S. Code § 2256.
[2] Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C. §201 et seq.).
[3] FLSA, 29 U.S.C. §212 (1938).
[4] Kacey McCann, *Is Age Just a Number: The Intersection of the Fair Labor Standards Act and Professional*
Sports, 29 Jeffrey S. Moorad Sports L.J. 393 (2022).
[5] *Id.*
[6] FLSA, 29 U.S.C. §213 (1938). See also Division of Fair Labor Standards Act and Child Labor. Child entertainment laws as of January 1, 2023. U.S. Department of Labor (2023).
[7] Kacey McCann, *Is Age Just a Number: The Intersection of the Fair Labor Standards Act and Professional*
Sports, 29 Jeffrey S. Moorad Sports L.J. 393 (2022).
[8] Larry Cunningham, *A Question of Capacity:* Towards a Comprehensive and Consistent Vision of Children and their Status under Law, 10 UC Davis J. Juv. L. & Pol'y (2006); Restatement (Second) of Contracts §14 (Am. L. Inst. 1981); Victoria Slade, T*he Infancy Defense in the Modern Contract Age*: A Useful Vestige, 34 Seattle U. L. Rev. 613, 614, 617 (2011).
[9] *Id.*, (citing Cal. Fam. Code §6710).
[10] *Berg v. Taylor,* 148 Cal. App. 4th 809, 816 (2007).
[11] Richard J. Hunter, Jr. & John H. Shannon, *Principles of Contract Law Applied To Entertainment and Sports Contracts: A Model For Balancing the Rights of the Industry With Protecting the Interests of Minors,* 48 Loy. L.A. L. Rev. 1171, 1188 (2015).
[12] *Id.*
[13] FLSA (1938).
[14] N. Bank, C. Hecht, et al. Raising the Young Athlete: Training and Injury Prevention Strategies, Journal of the Pediatric Orthopedic Society of North America, Vol. 4, Issue 2, (2022).
[15] J.S. Brenner, M. LaBotz, et al. *The Psychosocial Implications of Sport Specialization in Pediatric Athletes.* Journal of Athletic Training; National Library of Medicine (2019).
[16] Nathaniel Grow, *Defining the "Business of Baseball": A Proposed Framework for Determining the Scope of Professional Baseball's Antitrust Exemption,* 44 U.C. Davis L. Rev. (2010).
[17] *Id.*

IHSADA Announces Scott Garvis as New Executive Director

The Iowa High School Athletic Directors Association (IHSADA) has announced the appointment of Scott Garvis, CMAA, as its next Executive Director. Garvis will succeed Harley Schieffer, who has served with distinction as IHSADA's only Executive Director for the past 11 years.

A dedicated member of IHSADA since 1999, Garvis brings decades of experience and leadership to the role. He has previously served in every executive board chair position, including as President and NIAAA Liaison. His deep understanding of IHSADA's mission and values makes him uniquely qualified to lead the organization into its next chapter.

"Scott Garvis is no stranger to our membership," said IHSADA President Tonya Moe. "His long-standing involvement, strong leadership, and forward-thinking vision make him the perfect choice to continue building on the foundation laid by Harley Schieffer."

Garvis is nationally recognized for his commitment to educational-based athletics. He has served on numerous committees through the National Federation of State High School Associations (NFHS) and the National Interscholastic Athletic Administrators Association (NIAAA). A Certified Master Athletic Administrator (CMAA), Garvis is also a published author, podcast host, academic researcher, and consultant.

Known for his ability to foster meaningful relationships and promote leadership, Garvis is a passionate advocate for servant leadership and professional development. His expertise in fundraising, marketing, and corporate sponsorships has made him a trusted voice in the national athletic administration community.

"I'm honored and excited to serve as the next Executive Director of IHSADA," said Garvis. "This organization has been a critical part of my professional journey, and I look forward to continuing its legacy of excellence while helping guide Iowa's athletic directors into the future."

Garvis's appointment marks a new chapter for IHSADA as it continues to champion the role of athletic directors in promoting student growth, character, and excellence through high school and middle school sports.

CROSSED LINES

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PIAA intended to discriminate against her.

- According to the Court, equal protection does not look at whether equal treatment has disparate impact between groups, but rather if similarly situated individuals were treated differently by the state.

By Oliver Canning

The U.S. District Court in the Eastern District of Pennsylvania recently dismissed a lawsuit filed by Aislin Magalengo, a Quakertown Community High School cross-country runner. Magalengo complained her civil rights had been violated following a competition against a transgender athlete in multiple meets during the 2024–25 season. Magalengo argued in her lawsuit that the Colonial School District and the Pennsylvania Interscholastic Athletic Association (PIAA) policies were discriminating against her based on sex, an action that she said was a violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment.

The outrage was in large part due to one meet, where Magalengo (a senior at Quakertown High School at the time) ran in a meet against Plymouth Whitemarsh High School and she finished second in a race to a transgender girl who was competing for the other school. After the race, Magalengo allegedly told the other runner, "You are not a girl. You should not be racing against girls." Following the incident, outraged Plymouth Whitemarsh coaches reached out to the Quakertown High Athletic Director to address Magalengo's comments. At the same time, Magalengo's parents also petitioned the school to prevent further transgender athlete

participation—but they were ultimately informed that PIAA rules vest the decision in the principals of individual schools, meaning they could not restrict other runners. Notably, this meet happened before the Trump executive order aimed to prevent transgender athletes from participating in women's sports, but after the PIAA changed the word "gender" to "sex" after the order, the runners were allowed to continue to race one another.

Unsatisfied, Magalengo filed a January 2025 lawsuit that named the Colonial School District, Quakertown High School, the PIAA, and several school officials as the defendants. The runner's complaint included the aforementioned Title IX and Equal Protection Clause arguments among her five total claims, arguing that the PIAA's decision to fail to bar transgender athlete participation effectively allowed transgender girls to compete in girls' sports, unfairly disadvantaging cisgender female athletes like Magalengo.

The defendants filed a motion to dismiss, as they contended that Magalengo's complaint did not allege any actionable discrimination. The defendants further argued that several of Magalengo's claims were pursuing remedies that were unavailable under Title IX. The court largely agreed with these points, ultimately dismissing most of the runner's claims with prejudice while leaving a select few claims subject to future refiling.

The court rejected the Title IX claims against both the Colonial School District and Quakertown, ultimately holding that Magalengo failed to demonstrate that either body had "substantial control" over the alleged discrimination or its context. The original race occurred at Quakertown, but school officials did not have control over whether the transgender athlete from Plymouth Whitemarsh could race, so neither district could be said to be directly responsible for the decision.

The court further dismissed claims against individual officials who were in both districts, holding that the case-by-case basis Plymouth Whitemarsh used to determine transgender athlete participation did not amount to an "official proclamation, policy, or edict" and was not otherwise a discriminatory directive from the defendant administrators.

Lastly, the court addressed the claims that Magalengo made under the Fourteenth Amendment Equal Protection Clause. The runner argued that by allowing transgender girls to take part in girls' races, the PIAA was treating her differently from other athletes based on her sex. However, the court felt differently, stating that Magalengo was "treated the same as a student assigned male at birth . . . in that they were both allowed to compete in girls' sports." The court also said that equal protection does not look at whether equal treatment has disparate impact between groups, but rather if similarly situated individuals were treated differently by the state. In general, the court determined, Magalengo did not demonstrate the defendants' intent to discriminate against her, so her Fourteenth Amendment claim was not feasible.

In addition, some of the claims, such as complaints Magalengo made against Colonial authorities accusing them of being responsible for discriminating against her, were dismissed without prejudice—a decision that preserves the right to bring suit again in the future. For the time being, at least, the case is a decisive victory for member schools and the PIAA. The ruling underscores the hurdles facing athletes pursuing Title IX and Equal Protection claims against transgender inclusion in high school sports, especially where individual determinations and local discretion are the final authority on eligibility.

ALABAMA

Continued from page 1

Alabama Governor Kay Ivey and House Speaker Nathaniel Ledbetter celebrated a decision by a Montgomery County Circuit Court judge that granted their motion for a temporary restraining order (TRO) against an Alabama High School Athletic Association (AHSAA) rule on the Creating Hope and Opportunity for Our Students' Education Act (CHOOSE Act), which would have required student athletes to sit out a year if they transferred to another school under the Act.

Specifically, the TRO prohibits the AHSAA from "enforcing any rule or policy which makes the acceptance of CHOOSE Act funds the sole determinative factor of eligibility for participation in interscholastic athletic events," according to the Governor's office.

The impetus for the legal controversy was reportedly a decision by the authors of the CHOOSE Act to remove an AHSAA rule that required student athletes, who transferred under the Act, to sit on the sidelines for one year before becoming eligible to participate in athletics.

"Early drafts of the CHOOSE Act explicitly protected

AHSAA's eligibility rules. However, the final version omits the word 'rules,' introducing ambiguity," the AHSAA stated.

Regardless, the court noted the antidiscrimination provision in the CHOOSE Act, which reads: "Nothing [in the Act] shall affect or change the athletic eligibility of student athletes governed by the AHSAA, or similar association."

The court went on to note that the plaintiffs demonstrated: (1) a likelihood of success on the merits, (2) irreparable harm in the absence of a TRO, (3) no adequate remedy at law, and (4) that the hardships on AHSAA from the TRO will not unreasonably outweigh the benefit to the plaintiffs from the issuance of the TRO.

The Governor's office reacted to the ruling in a celebratory manner.

"Today's order is a victory for common sense," said Governor Ivey. "Every child deserves true choice in their education and that includes their right to participate in school athletics. The court's decision restores fairness to the process which is, of course, the very basis of the CHOOSE Act. I will continue standing up for our parents and students to ensure the law is followed and that every child in Alabama has a fair chance to succeed in the classroom and in athletics."

House Speaker Ledbetter added: "I am incredibly grateful that the court sided with Alabama's student-athletes and restored their right to compete," said Speaker Ledbetter. "The bottom line is that no person or entity's opinion is greater than the rule of law. Every student deserves to have the opportunity to participate in athletics, and with this action, affected students can get off the sidelines and back into the game while we continue fighting to ensure a level playing field."

The operative phrase in the CHOOSE Act was: "Nothing shall change or affect the athletic eligibility of student athletes governed by the (AHSAA) or similar association."

The AHSAA responded to the ruling in a statement that reads in part, "We are disappointed the Circuit Court has granted a temporary restraining order that prohibits the AHSAA from enforcing its rule regarding financial aid specifically related to the CHOOSE Act. This temporary restraining order does not prohibit the AHSAA from enforcing all other eligibility rules including but not limited to the bona fide move rule and the overlapping school zone rule. All other AHSAA rules apply."

Further, the "policy, established by our member schools, promotes competitive equity and deters recruitment."

The underlying core arguments in the litigation are as follows:

Plaintiffs' arguments

The lawsuit against the AHSAA was filed by Alabama Governor Kay Ivey and House Speaker Nathaniel Ledbetter. Their core arguments include:

- The AHSAA's rule is an unfair penalty against student-athletes who transfer under the CHOOSE Act.
- It contradicts the intent and wording of the new state law, which allows eligible families to use state funding for private school tuition or other educational options.
- Some lawmakers involved in drafting the CHOOSE Act contend that the law was specifically intended to prevent negative consequences for athletes.

AHSAA's defense

The AHSAA has defended its rule by arguing the following:

- Its policy requiring a one-year sit-out period for transferring students who receive financial aid is a long-standing regulation.
- The association views this rule as a way to ensure fairness and consistency for all member schools and to discourage students from transferring for athletic advantages.
- The AHSAA's lawyers have indicated that they believe the CHOOSE Act's final wording is ambiguous and supports their interpretation.

If the plaintiffs are successful, some observers believe it will create chaos for high school athletics in the state: https://www.alreporter.com/2025/09/09/court-ruling-on-ahsaa-choose-act-rule-has-the-potential-for-chaos/