



School Law FYI

WIAA Loses Case Regarding Wrestler Ineligibility

BRIAN P. GOODMAN | 04.15.24

The Wisconsin Court of Appeals ruled against the Wisconsin Interscholastic Athletic Association (WIAA) in a recent case, *Halter v. WIAA* (Feb. 28, 2024).

WHAT WAS THE CASE ABOUT?

Back in 2019, the WIAA ruled that a high school student wrestler was ineligible for his next competitive event due to an unsportsmanlike conduct penalty. The WIAA interpreted that his next competitive event would be the WIAA regional tournament. If the wrestler couldn't compete in regionals, he also couldn't compete in the subsequent sectional or state wrestling tournaments. However, the wrestler and his coach quickly signed him up for another meet that was scheduled to take place before regionals. Therefore, that meet would count as his next competitive event, letting him sit it out and still be eligible to compete in regionals (and possibly sectionals and the state tournament).

The WIAA determined that signing up for the extra meet was an attempt to circumvent the WIAA rules, and it prohibited the wrestler from competing in regionals, regardless of the additional meet. The WIAA also refused to permit the wrestler to appeal his unsportsmanlike conduct penalty through an internal WIAA process.

WHAT DID THE COURTS SAY?

The wrestler and his family sued the WIAA, claiming the WIAA was acting arbitrarily and unreasonably in interpreting its rules to prevent him from

competing in regionals. The circuit court initially permitted the wrestler to compete in regionals, pending a decision on the merits of the wrestler's lawsuit. In part, the court's reasoning was that if the wrestler were prohibited from participating during legal proceedings, it would be impossible for the court to speculate as to how the wrestler would perform in the tournaments. If he performed poorly in regionals, the legal matter would likely resolve soon after because the stakes were so low. In this case, the wrestler subsequently performed strongly in regionals and ultimately won the individual state wrestling tournament. Unfortunately for the wrestler, at the conclusion of the proceedings, the circuit court ruled against the wrestler on the merits of his case, stripping him of his state wrestling title. The wrestler appealed this ruling.

On appeal, the Court of Appeals held that the WIAA applied its suspension and appeal rules in an arbitrary, oppressive, or unreasonable manner, and it was an exercise of the WIAA's will and not its judgment. The court held that the WIAA was a state actor that could not make such arbitrary and capricious decisions. Essentially, the Court of Appeals stated that the rule suspending the wrestler meant what it said. Therefore, the extra meet counted as the wrestler's next competitive event at which the wrestler would serve his suspension. Additionally, per the WIAA's Rules of Eligibility, his unsportsmanlike conduct suspension was eligible for an internal appeal to the WIAA, and the WIAA inappropriately denied that appeal. Based on this reasoning, the Court of Appeals ruled that the wrestler could keep his state championship title.

The WIAA recently asked the Wisconsin Supreme Court to review this decision, but it is uncertain if the Wisconsin Supreme Court will hear the case.

WHAT SHOULD DISTRICTS TAKE AWAY FROM THIS CASE?

Districts should be aware that courts only have limited jurisdiction to review WIAA decisions. In general, it is very difficult to get a court to overrule the WIAA because Wisconsin courts have ruled that districts have agreed to be bound by the WIAA's rules as a matter of contract when they join the WIAA. However, this case illustrates that courts will potentially overrule the WIAA if the WIAA acts arbitrarily or capriciously in violation of the plain language of its rules.

This case is also a good reminder of how lawsuits against the WIAA may play out. In limited situations, a court might enjoin the WIAA to permit a team or athlete to play pending a decision on the merits of the case. However, if the court ultimately rules against the team or athlete, any titles awarded could be vacated, necessitating further legal battles to restore those titles. In this case, it was five

years after the tournament before a court restored the wrestler's title. And this was a case where the wrestler and his family were the ones pursuing this challenge, not a school district. Any decision by a district to sue the WIAA should be carefully considered with legal counsel for an evaluation of both the legal and practical implications of such a decision.

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