

UPDATED: Alabama HS Eligibility Issue Turns 'Ugly'

UPDATED – 1-10-19 –

Pike County Circuit Judge Sonny Reagan has granted an emergency motion and ruled that Charles Henderson basketball player Maori Davenport can play in tonight's home game against Carroll. Davenport is temporarily eligible to play pending a hearing in Reagan's courtroom

- [Lawsuit Filing](#)

The Davenport family filed a lawsuit this week asking the court to invalidate the AHSAA's suspension of Maori Davenport, a 6-foot-4 Rutgers signee and the top candidate to be Miss Basketball.

UPDATED – 1-10-19 –

Republican House Majority Leader Nathaniel Ledbetter, R-Rainsville

"After Maori Davenport appeared before our Caucus and very eloquently explained her situation, the 77 Republican members of the Alabama House stand ready to help her regain her eligibility in any way that we can. Without exception, our legislators urge the AHSAA to immediately reinstate this impressive young woman who simply wanted to represent our country on an international level."

Resolution passed by Alabama House of Representatives –

Whereas Charles Henderson High School basketball standout Maori Davenport's athletic skills and talents earned her a spot on the Team USA roster and a gold medal at the 2018 FIBA Americas U18 Championship; and,

Whereas the USA Basketball program regularly sends a stipend to players who compete for its teams but failed to first check with governing sports officials in Alabama before compensating Davenport; and,

Whereas the 18-year-old Davenport responsibly self-reported the oversight and immediately returned the stipend as soon as it was discovered the check sent to her by USA Basketball exceeded the allowed limit in Alabama; and,

Whereas the Alabama High School Athletic Association ruled Davenport ineligible to play this season in spite of her sincere and timely efforts to rectify a situation that was no fault of her own; and,

Whereas the AHSAA stubbornly refuses to demonstrate empathy and reconsider its decision despite a state and national outcry on Davenport's behalf by advocates and supporters of amateur athletics;

now, therefore, be it Resolved, that we, the members of the Alabama House Republican Caucus, hereby urge the Alabama High School Athletic Association and its director, Steve Savarese, to reinstate Maori Davenport's amateur eligibility without delay and take significant steps to ensure that no other student athlete is subject to such callous, unfair, and unjust treatment in future situations of similar circumstance should they arise.



Rep. Kyle South, R-Fayette

Rep. Kyle South, R-Fayette said he would introduce a bill on the eligibility issue with Maori Davenport – the bill has been pre-filed for consideration in the 2019 regular session...currently, 87 of the 105 members of the Alabama House have signed on as co-sponsors

- “[M]andate that any rules by the AHSAA regarding a student athlete’s eligibility be reviewed and approved by the State Board of Education.
- [C]odify that 25 percent of the AHSAA governing body be appointed by the State Board of Education or the State Superintendent of Education.
- [R]equire that the Department of Examiners of Public Accounts audit the AHSAA in the same manner as it would a public agency.”

Press Release from South –

“Rather than taking special circumstances into consideration and impartially considering the facts at hand, the Alabama High School Athletic Association has created an unnecessary national controversy and callously ruled in a manner that adversely affects an innocent young woman’s eligibility. Time and time again, the AHSAA has engaged in behavior and ruled in a manner that clearly calls for more oversight of its actions. Considering the AHSAA receives a majority of its funds from taxpayer-funded public schools and the athletic activities of public school students, there is ample justification for government oversight of its operations.”

UPDATED – 1-9-19 –

The Alabama State Legislature jumps into AHSAA eligibility issue that continues to gain steam around the country. Alabama Senate President Pro Tem Senator Del Marsh has called for her immediate reinstatement to continue her high school basketball career.



ALABAMA STATE SENATE

Alabama State House
11 S. Union Street
Montgomery, Alabama 36130-4600

January 7, 2019

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Suite 722
Montgomery, AL 36130
Telephone: (334) 261-0712

Mr. Steve Savarese
Executive Director
Alabama High School Athletic Association
7325 Halcyon Summit Drive
Montgomery, AL 36117

Re: Maori Davenport Eligibility

Dear Mr. Savarese:

As you are aware, when I learned of Maori Davenport being ruled ineligible to participate in her senior year basketball season, I was outraged and took it upon myself to investigate this matter.

Having spoken with you and other interested parties on this matter over the weekend, I understand that the Alabama High School Athletic Association Board issued their ruling on Ms. Davenport's eligibility based on a set of facts as they were presented at the time.

I have been made aware that there has been new evidence presented in this matter and am hereby calling on you to ask the Chairman to reopen this investigation AND to reinstate Ms. Davenport's eligibility pending the outcome of the investigation.

Sincerely,

Senator Del Marsh

(1-8-19) A national uproar caused in part by ESPN's basketball analyst Jay Bilas has turned ugly according to a statement from the Alabama High School Athletic Association statement:

Lastly, misstated facts and placing Mr. Savarese's email on social media has led to Mr. Savarese and the AHSAA staff receiving threatening, irresponsible, and vulgar communications.

- [As celebrities ask for clemency for Maori Davenport's suspension, Alabama HSAA refuses to back down](#)

Statement by AHSAA Central Board of Control president Johnny Hardin:

As President of the Alabama High School Athletic Association Central Board of Control, I would like to address the numerous stories being circulated regarding a recent eligibility ruling assessed to a student-athlete attending Charles Henderson High School (CHHS). Several facts involved in the ruling have either been misstated or ignored; therefore, I feel the need to provide the following details:

No one (including USA Basketball or CHHS) disputes the amateur rule was violated. On Aug. 15, 2018, USA Basketball paid the student \$857.20 for lost wages while participating with the USA Basketball team over the past summer. Neither USA Basketball, the student's parents, the student's coach, nor CHHS administration reported the student had received the check until three months later, (specifically 91 days). During this time, the student played in several games. The AHSAA amateur rule states in part

"A student cannot accept payment for loss of time or wages while participating in athletics as part of expenses ... A student who has lost his/her amateur standing may be reinstated after the lapse of one high school season for the sport in which he/she has become professional ..."

The check (\$857.20) paid to the student was dated Aug. 15, 2018, and endorsed by the student and posted to the student's bank account on Aug. 27, 2018. The student's mother sent USA Basketball a check in

the same amount three months later on Nov. 28, 2018.

The student's mother is a certified AHSAA basketball coach; therefore, she is required to uphold current AHSAA bylaws and rules, including the amateur rule quoted above. Furthermore, the head girls basketball coach at CHHS is a former member of the AHSAA Central Board of Control; thus, she should not only appreciate the importance of knowing and following the AHSAA bylaws and eligibility rules but also understand how imperative it is to consistently uphold the same rules.

Steve Savarese, as AHSAA executive director, made the eligibility ruling based upon the plain language of the amateur rule. As executive director, Mr. Savarese does not have the authority to change a rule. Rather, as executive director, his job is to apply the rules as written.

Following Mr. Savarese's ruling, the school appealed to both appellate levels for the AHSAA. First, to the District 2 Board — affirmed by unanimous vote of the four-member board. Next, to the Central Board of Control — affirmed by unanimous vote of the 15-member board which represents the entire state. Thus, this ruling was affirmed by the board that under the AHSAA Constitution has complete and final jurisdiction over all questions of the constitution and bylaws or other facts appealed to it by a member school. Mr. Savarese was not present at the District appeal or during deliberation at the Central Board hearing. To be clear, this ruling was affirmed by the Central Board of Control and as executive director, Mr. Savarese does not have the authority to change or reverse a ruling made by the Central Board.

Also, please remember, the AHSAA member schools, not Mr. Savarese nor the AHSAA staff, write and approve the AHSAA eligibility rules

which include the amateur rule.

The AHSAA Legislative Council has the authority each year at the annual meeting to amend the AHSAA Constitution and rules. Meaning, each year the member schools (including Charles Henderson High School) have an opportunity to change a rule or create new ones. The penalty for violating the amateur rule has not been amended in at least the past 10 years with Mr. Savarese as executive director. Which, in turn, means each year Charles Henderson High School has agreed to the penalty for violating this rule without comment or pursuing any kind of rule change within the legislative process.

Each year these rules are reviewed multiple times during AHSAA sponsored and hosted seminars with the member schools and are available on the AHSAA website. A review of all summer conference and principals' and athletic directors' conference attendees show the principal for Charles Henderson High School has not attended the 2016, 2017, or 2018 summer conferences or the 2016, 2017 or 2018 principals' and athletic directors' conferences.

The stories and comments being circulated throughout the media and social networks are asking that an exception be made to the amateur rule because it was not the student's fault; the fact the money was repaid, and that the student is an exceptional athlete and will miss her senior year. However, if exceptions are made, there would no longer be a need for an amateur rule. The rules are applied equally to ALL athletes. Furthermore, most eligibility violations are the result of adults failing to follow the rules. Here, the student's mother as a certified AHSAA coach should know the rules; the school's principal should know the rules, the head basketball coach, as not only a coach but

also as a former Central Board member, should know the rules.

Another point not mentioned in the public stories being circulated is that creating an exception to this rule would have provided an avenue to exploit student-athletes by providing an opportunity for students to receive money and prizes for athletic participation and if discovered, state they didn't know the rule, thus allowing them to return the items and retain eligibility. This is why AHSAA stresses to the leadership of its member schools how important it is to know the rules and advise their students regarding all rules that affect eligibility. Informing student-athletes of the consequences for violating such rules is the responsibility of the adults supervising them.

It should be pointed out that a high school student from Illinois also received payment from USA Basketball. However, that student called her high school once she received the check and then returned the check to USA Basketball without cashing or depositing it. Here, the student received the check, endorsed it and it was posted to her bank account. Three months later, AHSAA was notified and the monies returned to USA Basketball.

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A high school student from Missouri has also been ruled ineligible for this basketball season for accepting the lost wages payment from USA Basketball.

USA Basketball never called Charles Henderson High School or AHSAA to ask if payment for lost wages violated AHSAA rules until November which was three months after payment was made and accepted by the student. This was not a clerical error but a complete

lack of administrative oversight on the part of USA Basketball, thus possibly rendering multiple student-athletes ineligible as most states have an amateur rule.

Lastly, misstated facts and placing Mr. Savarese's email on social media has led to Mr. Savarese and the AHSAA staff receiving threatening, irresponsible, and vulgar communications.

We, as the Central Board of Control, stand by the staff of the AHSAA and thank them for their unwavering support of the AHSAA mission, educational athletics, as well as the AHSAA Constitution and Bylaws.

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