



Fagen Friedman & Fulfrost LLP

V.A.4

520 Capitol Mall, Suite 400
Sacramento, California 95814
Main: 916-443-0000 Fax: 916-443-0030

Diane Marshall-Freeman
Direct Dial: 916-443-0000
dmarshall-
freeman@fagenfriedman.com

MEMORANDUM

TO: Federated Council
California Interscholastic Federation

FROM: Diane Marshall-Freeman
General Counsel

CIF Executive Committee

DATE: October 31, 2011

RE: Recommendation to Rescind CIF Bylaw 1104

General Counsel is recommending that Bylaw 1104 be removed from Article 110 of the State Constitution and Bylaw. Bylaw 1104 allows an individual or school to request that the Executive Director mediate the final decision of a Section appeal panel in matters other than student eligibility or playoffs. It is the opinion of General Counsel that Bylaw 1104 inappropriately interjects the State CIF into issues that should be resolved at the Section level. For example, Bylaw 1104 has been invoked by individuals and/or schools disagreeing with game forfeiture penalties and realignment decisions. Further, when Bylaw 1104 has been invoked, it has proven to be time consuming and costly and still resulted in litigation after the Executive Director issued her decision. The rescission of Bylaw 1104 will allow the decision of the Section appeal panel to be final.

Bylaw 1104 provides as follows:

~~1104. CIF APPEAL PROCEDURES INVOLVING MATTERS OTHER THAN STUDENT ELIGIBILITY OR SECTION PLAYOFFS~~

- ~~A. Appeals of final decisions determined through the Section appeals procedures concerning the Constitutional Bylaws of the State CIF or Section may be presented to the CIF Executive Director for mediation after the Section decision has been made in accordance with the following:~~
- ~~(1) Was the Section's decision or action lawful, i.e., did the decision or action violate Title V, the Education Code, etc. and did it extend appropriate due process to the parties?~~

STATE440

- (2) — Was the Section's decision or action fraudulent?
- (3) — Did the Section act arbitrarily?
 - (a) — Did the Section have rules and criteria by which it reached its decision?
 - (b) — Were the Section's rules and criteria reasonable; i.e., do the Section's rules reasonably related to a legitimate objective?
 - (c) — Did the Section follow its own rules and criteria?
 - (d) — Does the Section's action or decision have a basis in reason, or other words, a reasonable basis? The test to be employed in the application of this criterion is whether responsible people, acting in a thoughtful manner, could reasonably have reached the same decision as the Section and not whether others might personally believe the decision.

B. — Upon receiving such an appeal, the Executive Director may after consultation with the parties to the appeal schedule a mediation process if, in the judgment of the Executive Director, there is a likelihood of success for this process.

(Revised May 2003 Federated Council)

CIF BASKETBALL: OPEN DIVISION

Rationale: The addition of an Open Division creates the opportunity for a greater level of competitive equity.

There will be four regional “open” tournaments. There will be a men’s and a women’s tournament in the south and a men’s and a women’s tournament in the north. Each regional “open” division tournament will have a maximum of eight teams, but could have less if the tournament committee feels that there are not eight qualified teams.

The tournament committee will select the teams for the “open” division before they seed the five divisions of the State Tournament.

The following criteria will be utilized to select the teams for the Open Division for the CIF State Basketball Tournament. A school needs to only satisfy one of the criteria below to be considered:

- A school must have won two consecutive section basketball championships; or a school must have qualified for the regional championships for three of the past four years.
- A school qualifies for the second straight year after competing in the state or regional final the previous year.
- A school qualifying for their regional playoffs may request to be placed in the open division.
- A school was ranked in the Top Ten of Cal Hi Basketball Rankings (early March) the past two years (current year and previous year).

Evaluation Tool:

- A school’s strength of schedule will be used to evaluate the strength of the program. (i.e., regional or national type of schedule).

Entry Cap:

- No more than four teams may be selected from any one of the ten sections.
- Sections may choose to replace selected teams in the division from which they were selected.

First Reading: October 31, 2011

Discussion: February 3, 2012

Vote: May 4, 2012

2. There will be an amendment proposed by Mike Garrison, Chair of the BB Advisory Committee that will add using as criteria CalPreps and MaxPreps - Freeman Rankings with the proposed CalHi rankings. I don't think this is substantive, but wanted you to know so your representatives don't get locked into voting "nay" simply because this criteria is being amended. The BB Advisory Committee met after this item was submitted for a first reading in February, therefore necessitating the amendment to include all three ranking systems.

Any questions, please let me know.

Marie M. Ishida
Executive Director

4658 Duckhorn Drive
Sacramento, CA 95834
916.239.4477 - phone
916.239.4478 - fax

Email: ishidasan@cifstate.org