Sports Law - Governance and Regulation 2nd edition Mitten Test Bank

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Chapter 2 – Test Bank

True/False

1. Participation in high school athletics is a right because it is an extension of the educational experience.

2. A "state actor" is prohibited from interfering with private rights, unless there is a constitutionally permissible reason to do so.

3. A private association or organization may never be considered a state actor.

4. All public agencies from federal government to local public schools are state actors.

5. In order to bring forward a claim of infringement of a constitutional right, there must be state action.

6. A high school athletics association may be a state actor or a private actor, depending on the circumstances in that state.

7. A private actor may be considered a state actor if there is sufficient government entwinement.

8. Nexus/entanglement theory examines the extent of the government's involvement with private activity to determine whether there is state action.

9. A school has a free speech right to publish truthful information about its school and athletics programs.

10. In order to assert a due process claim, a plaintiff must prove he/she has a life, liberty or property interest at stake.

11. Courts generally will not interfere in the business of a private association under the principle of limited judicial review.

12. The courts will uphold the rule of a high school athletics association that punishes an athlete whose circumstances do not fit within the proscribed reasons justifying the rule, as long as the rule is rationally related to a legitimate organizational purpose.

13. A highly talented and widely recruited high school athlete can assert a legitimate property interest in a future college athletics scholarship.

14. A property right may be created when a state actor is required to follow mandatory laws or regulations.

15. High school athletics associations may establish minimum and/or maximum age participation rules to preserve varsity athletics opportunities for customary aged high schoolers.

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16. Random drug testing of high school athletes is a violation of a student's right against self-incrimination.

17. Random drug testing of student-athletes at a public high school is a violation of a student's right to privacy.

18. The free exercise clause in the First Amendment prohibits schools from endorsing or approving religious activities such as pre-game prayer.

19. The establishment clause in the First Amendment allows student-athletes to spontaneously unite in prayer, as long as a school official is not leading the prayer.

20. Government action must be religiously neutral.

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Multiple Choice

1. What legal theories are commonly applied to determine whether a private actor is also a state actor?
    a. Public function theory
    b. Nexus/entanglement theory
    c. Symbiotic relationships/joint activity theory
    d. All of the above

2. Which of the following satisfies minimum due process requirements:
    a. a note explaining what the student is accused of or did wrong
    b. a meeting to discuss the offense and punishment
    c. both a and b
    d. either a or b

3. An eligibility rule prohibits foreign exchange students from competing on a varsity team. If a foreign exchange student makes an equal protection claim that he/she is unfairly prohibited from participating in varsity athletics, what level of review would the court apply?
    a. Strict scrutiny
    b. Intermediate scrutiny
    c. Rational basis
    d. All of the above

4. A high school girl wants to try out for the football team, but the school district has a policy that states girls cannot play football on coed teams. If the girl makes an equal protection claim that she is unfairly prohibited from participating in varsity athletics, what level of review would the court apply?
    a. Strict scrutiny
    b. Intermediate scrutiny
    c. Rational basis
    d. All of the above

5. A swimmer wants to transfer from a private school to a public school for academic reasons, but the high school athletics association has a transfer rule that prohibits all transfer students from participating in varsity athletics for one year from the date of transfer. If the swimmer makes an equal protection claim that he/she is unfairly prohibited from participating in varsity athletics, what level of review would the court apply?
    a. Strict scrutiny
    b. Intermediate scrutiny
    c. Rational basis
    d. All of the above

6. A high school basketball player is frustrated with his/her lack of playing time and posts a profane-laden rant about the ineptitude of the coaching staff on Facebook. A team captain shows the letter to the head coach, who demands that the player apologize publicly to the team or be suspended for the remainder of the season. The athlete refuses and is suspended. Which of the following claims would provide the athlete with the BEST chance to be reinstated:
    a. A violation of the First Amendment right to free speech

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b. A lack of due process
c. A claim that the punishment was arbitrary and capricious because other athletes who had also posted profane statements on Facebook were not similarly punished
d. The athlete has no chance of being reinstated because participation in high school athletics is a privilege.

7. Which of the following would NOT likely be a violation of the establishment clause of the First Amendment:
    a. A coach of a public high school team invites a local minister to travel with the team.
    b. An assistant coach, who is an ordained minister, invites the athletes on his/her public high school team to attend bible study at his/her church.
    c. A basketball team at a public high school has a tradition of team members taking turns before each game to offer a prayer or an inspirational thought.
    d. A PA announcer for a public high school football team asks the spectators to pray for an injured player on the field.

8. In *Brentwood I*, which level of scrutiny did the Supreme Court apply to determine that the TSSAA is a state actor?
    a. Entwinement
    b. public function
    c. symbiotic relationship
    d. nexus/entanglement

9. In *Brentwood II,* why didn't the Supreme Court rule to protect Brentwood Academy's free speech rights to publish a factual recruiting brochure?
    a. a private school doesn't have Constitutional rights
    b. athletics excellence should not be promoted as a reason to attend a school
    c. the school is a voluntary member of the TSSAA and therefore must follow its rules
    d. all of the above

10. A court will apply rational basis review for equal protection claims related to which of the following high school athletics association rules:
    a. eligibility rules
    b. transfer rules
    c. outside competition rules
    d. all of the above

Answers:

True/False

1. False
2. True
3. False
4. True
5. True
6. True
7. True
8. True
9. True
10. True
11. True
12. True
13. False
14. True
15. True
16. False
17. False
18. False
19. True
20. True

Multiple Choice

1. D
2. C
3. A
4. B
5. C
6. C
7. C
8. A
9. C
10. D