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FACTUAL ALLEGATIONS

5. This fall, Mara Pedersen will be a senior at Lincoln High School in Sioux Falls, South Dakota. She is a member of her school's varsity girls volleyball team.

6. This fall, Micah Tolzin will be a senior at Washington High School in Sioux Falls, South Dakota. She is a member of her school's varsity girls volleyball team.

7. This fall, Elizabeth Tolzin will be a freshman at Washington High School in Sioux Falls, South Dakota. She desires to play high school volleyball.

8. Pursuant to SDCL § 13-36-4, South Dakota's high schools have delegated to defendant the control, supervision and regulation of all high school interscholastic activities.

9. Defendant requires South Dakota's high schools to play girls volleyball during the winter. Girls high school volleyball is played during the traditional fall season in 46 of the 50 states.

10. *All of South Dakota's boys high school athletic teams play their schedules during the traditional seasons for their sports.*

11. As a result of playing their schedule during the non-traditional winter season, South Dakota's girls high school volleyball players are being denied opportunities provided to South Dakota's boys high school athletes. Among other things, playing in the non-traditional winter season prevents South Dakota's girls high school volleyball players from effectively competing for college athletic scholarships.

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12. On or about June 6, 2000, defendant considered switching South Dakota's girls high school volleyball season to a traditional fall schedule, but decided to continue playing girls volleyball during the winter season.

13. Defendant is funded, in part, by member high schools which receive federal financial assistance.

COUNT I

VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

14. Plaintiffs hereby incorporate each and every allegation made in paragraphs 1 through 13 herein.

15. Defendant's scheduling of girls high school volleyball during the non-traditional winter season violates Title IX of the Education Amendments of 1972, codified at 20 U.S.C. § 1681, *et seq.*, because plaintiffs are being discriminated against on the basis of sex.

COUNT II

EQUAL PROTECTION

16. Plaintiffs hereby incorporate each and every allegation made in paragraphs 1 through 15 herein.

17. Defendant's scheduling of girls high school volleyball during the non-traditional winter season is unconstitutional as being contrary to the equal protection

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clause of the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. § 1983.

WHEREFORE, plaintiffs pray for the following relief:

1. That a permanent injunction be issued requiring defendant to immediately schedule girls high school volleyball during the traditional fall season to comply with Title IX of the Education Amendments of 1972 and the Fourteenth Amendment to the United States Constitution;
2. That plaintiffs recover their attorneys' fees and expenses from defendant under 42 U.S.C. § 1988; and
3. That the Court grant plaintiffs such other and further relief as is just and proper.

Dated this 9th day of June, 2000.

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