

Via E-Mail

January 25, 2021

Elizabeth Hertel
Director
Michigan Dept. of Health and Human Services
333 S. Grand Ave
P.O. Box 30195
Lansing, Michigan 48909

Re: Youth Sports

Dear Director Hertel,

First, congratulations on your appointment as Director of the Department of Health and Human Services. The Governor's wise choice of your appointment will greatly benefit the citizens of our state during this time.

Our firm has recently been retained by a group of student-athletes, parents, coaches, and school administrators, who have recently incorporated as "Let Them Play Michigan, Inc." As you know, prior to resigning, your predecessor issued an Emergency Health Order prohibiting contact sports through February 21, 2021.

We urge you to quickly issue a new Emergency Health Order allowing all sports to begin practice and competition no later than February 1, 2021.

I. Data and Science Supports Resumption of Youth Sports

The data compiled by Michigan Department of Health and Human Services ("MDHHS") concerning the spread of COVID-19 through youth athletics overwhelmingly confirms that it is safe to provide the student-athletes an opportunity to play. Over 30,000 athletes and coaches and staff across the entire state were recently tested by MDHHS as part of the pilot program -- 99.8% of the tests were negative. These tests were administered all across the state with diverse populations. During the fall sports season, 98% of competitions occurred due to the low-prevalence of COVID-19 among student-athletes.

An in-depth study¹ of high school sports in the State of Wisconsin, conducted by the University of Wisconsin, reached the same conclusion – student-athletes engaged in sports is healthy for the students and causes no harm to the community at-large for the spread of COVID-19. The study concluded “these findings suggest that participation in sports is not associated with an increased risk of COVID-19 among high school athletes.” The study also made the following key observations:

- Student-athletes had a lower case and incidence rate than 14-17 year olds in Wisconsin;
- No sports were found to have a higher incidence rate of COVID-19; and
- Of the 209 positive COVID-19 cases among players **only one** was attributed to participation on sports.

II. Experience from Other States Confirms Safety of Youth Sports

Forty-seven other states have provided a start date for competition for all sports -- 0 states in the Midwest or in bordering states have restrictions. Through the restrictive and unpredictable health orders issued by your predecessor, Michigan youth have no idea when, where, or how they will be allowed to compete. There is no rational basis for prohibiting student athletes from practicing and competing, when the clear evidence in Michigan and nationwide confirms the activity is safe for student-athletes and does not cause great harm to the community.

III. Team Sports are Part of a Student-Athlete’s Education

Team sports, such as basketball, are a critical part of a child’s education. The lessons of team work, perseverance, and grit, among others, are the very reason Michigan’s schools use sports as a key part of a student’s education. The absence of this teaching tool is harming the education growth of many students.

IV. Education Achievement is linked to Athletic Opportunities

As Dr. Nikolai Vitti recently observed, the accountability and mentorship provided by athletic coaches and teammates improves a student-athlete’s academic growth and achievement. Removing the accountability and mentorship is likely to cause long-term harm to a student’s life and career pathway.

V. Racial and Economic Inequities are Growing

Those families with the means are able to travel to neighboring states and engage in athletic competition. Unfortunately, the anecdotal evidence points to those children of color

¹ <https://ortho.wisc.edu/wp-content/uploads/2020/10/WI-HS-Sports-COVID-19-Summary.pdf>

being left out of practice and competition for these traveling teams. Resumption of Michigan athletic practice and competition is a means toward diminishing this growing inequity.

VI. Economic and Education Pathways are Closing

Highly-successful student-athletes – many of whom are from economically disadvantaged homes – are no longer being recruited by college athletics. For many student-athletes the opportunity to play college sports creates an economic pathway that would otherwise not be available.

On behalf of Let Them Play Michigan, Inc., we urge MDHHS to quickly issue a new order allowing contact sports to commence practice and competition.

Very truly yours,

HONIGMAN LLP



Peter B. Ruddell