

9. This five-game athletic suspension has not yet ended. When it does, the Plaintiff will be allowed to return to playing for the volleyball team.

Argument

10. The Supreme Judicial Court has ruled that Massachusetts high school students have no entitlement to participate in interscholastic activities, and thus no Federal or State due process (or property rights) are associated with any exclusion from such participation. See Mancuso v. MIAA, 453 Mass. 116, 124-128 (2009). Accordingly, Plaintiff's due process violation claims are without merit as a matter of law.

11. In addition, the Supreme Judicial Court has made it very clear that as a matter of law and public policy the courts must not overturn or enjoin a school discipline decision that has any rational basis whatsoever. See Peter Doe v. Superintendent of Schools of Stoughton, 437 Mass. 1, 5-6 (2002); Nicholas B. v. School Committee of Worcester, 412 Mass. 20, 21-24 (1992).^{3/}

^{3/} See also Cady v. Plymouth-Carver Regional School District, 17 Mass. App. Ct. 211, 216 (1983), rev. den., 391 Mass. 1103 (1984) ("maintaining school discipline involve[s] judgment, experience, and the intuition which is the sum of experience. Indeed, the very rules, decisions, and acts by which school authorities maintain decorum is that those are matters within their broad discretion.")