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Cross country parents fight the law and win

By john reid
Daily News Staff Writer

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Last week wasn't a run-of-the-mill week in the Santa Clara Valley Athletic League. A group of parents from Mountain View hired an attorney to fight a cross country ruling by SCVAL Commissioner Tony Nunes.

The hub-bub started after Nunes ruled that seniors not on varsity could not race in Tuesday's league meet at any level. SCVAL senior runners found out about the decision at an Oct. 22 meet. Peggy Benenato, mother of Mountain View senior Mark Rutner, suddenly found herself in the midst of a firestorm she refused to back down from.

"The boys were up in arms and said 'This isn't fair,'" Benenato said.

Senior boys have been allowed to run in junior varsity league races for a long time. The league's constitution says seniors can't compete against JV athletes unless the bylaws of the specific sport state otherwise. Cross country's bylaws have allowed it, apparently since 1967. All of a sudden, this was going to change.

Los Altos coach Patti Sue Plumer said Nunes told the coach they had been going against the league bylaws for all this time.

"However, he seemed to not acknowledge that sports can make their own exception," Plumer said.

Pam Harris is an assistant coach at Los Altos, from which she graduated as Pam Fielding in 1972.

"I dated a senior who was MVP of the junior varsity," Harris said. "Why not let kids do something good for themselves? I've had seniors that have run for me for four years and never made varsity. They train every day to stay in shape. They train just as hard as anyone else."

Gunn coach Ernie Lee agreed.

"My attitude is that cross country is a sport where everyone should have an opportunity to run at the league meet," Lee said. "We need to figure out a definite policy that adheres to that."

Plumer says she doesn't cut seniors even if they are not good enough for varsity.

"I have 100 out for cross country and I have one assistant," she said. "I would be lost without seniors who are not good enough to make varsity. A lot of them are great leaders. They don't want to run varsity. They just want to be part of the team. If seniors know they can't run in junior varsity races if they're not good enough to make the varsity, why would they come out for the team?"

Seniors not on varsity prefer not to run in the varsity race because they have little chance to score. The best freshmen and sophomores not good enough for varsity compete at the frosh-soph level. In turn, juniors not good enough to make the varsity have the JV race as their best chance to score. So it usually comes down to seniors and juniors at the front of JV races.

"We have eight seniors that didn't make varsity," Benenato said. "They wanted to run in the JV race because they'd have a shot at winning. The JV's don't go on to CCS or state. The seniors just want to run

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in their final race of high school like they have done for the last 43 years."

"You're telling me I'm not going to be able to score in a meet in my last year after training four years, running 3,500 miles," Rutner said. "Why should I train so hard? There is no climax to my senior year. Most runners aren't going to run in college. This is our last chance."

The seeking of legal help began Oct. 27. A parent of a Mountain View girl runner, who is a lawyer, offered his services for a discounted rate. Word spread and donations for legal costs came in. A parent of a Mountain View girl runner from last season donated \$100. Someone sent in a check for \$300. A Homestead-Sunnyvale parent even contributed. One donor was from the 714 area code in Southern California, perhaps after reading about the story on Dyestat.com.

"They believed in what we were doing," Benenato said. "Tony Nunes said, 'I'm changing this now at the 11th hour, 10 days before this race.' He gave us no reason, no explanation for why he was doing that. If it was fair to anybody, he didn't care."

The Daily News called Nunes' office Wednesday morning, but his secretary said he was out until Friday. A message also was left with Mountain View Principal Keith Moody. Should Nunes or Moody desire to comment in the near future on this matter, their voices will be heard in equal fashion.

Five Mountain View senior runners — Peter Sesek, Jesse Weed, Chris Wells, Kendrick Arakaki and Rutner — acted as plaintiffs in a temporary restraining order against the SCVAL. Wells actually ran in the varsity race, but was there to support his teammates. The case was to be heard last Friday in Santa Clara County Superior Court. That morning at 7:30 a.m., the Board of Managers — the 14 SCVAL

school principals — had an emergency meeting and decided seniors not on varsity could run in the varsity race only and they could not score for their team. That decision tied the hands of coaches, who had no choice but to comply.

"We were hoping to hear their decision before our case came up in front of the judge," Benenato said. "And we did."

At 9 a.m. Friday, Benenato and company got the temporary restraining order letting the five boys run in the JV race.

"Our coach was stuck, but we weren't," Benenato said. "They were going against the ruling of a court order. We figured that we had come this far, so why stop now?"

At 11 a.m. Tuesday, SCVAL coaches were informed by the league that seniors would be allowed to run in the JV race.

Rutner ran in the JV race and took second in a personal-best time of 17:12.

"I'm proud of the Mountain View parents who fought for me," Rutner said. "If it were any other school's parents, this might not have happened."

Gender also was an issue. Senior girls not on varsity were still able to run on JV, just as they had done for a long time. Benenato brought up Title IX, the law passed in 1972 that states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

While that didn't mention athletics, athletics is where Title IX has had its most effect.

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"I believe that's a reverse Title IX," Benenato said. "Title IX only works if you're a girl? That doesn't make any sense."

Benenato is worried that the bylaws will be changed for what she feels is the worse.

"It's not over," Benenato said. "The Board of Managers is going to meet to rewrite the bylaws. The athletic directors of every school don't seem to care about this. They're not taking it seriously even though we had a court order. It was unbelievable we had to do this."

E-mail John Reid at jreid@dailynewsgroup.com .

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