

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.
EXECUTIVE COMMITTEE MEETING

East Lansing, April 23, 2019

Members Present:

Scott Grimes, Grand Haven
Peter Ryan, Saginaw
Vic Michaels, Detroit
Karen Leinaar, Bear Lake
Steve Newkirk, Clare

Staff Members Present:

Tom Rashid
Mark Uyl (Recorder)
Andy Frushour

Executive Committee Authority and Responsibility – The Executive Committee reviewed its authority under Article VII of the MHSAA Constitution and specifically its responsibility to consider each application for waiver of an eligibility requirement on its individual merits, determining if the regulation serves the purpose for which it was intended in each case or if the regulation works an undue hardship on any student who is the subject of a request for waiver. (These underlying criteria may not be restated for every subject of these minutes.)

The MHSAA is a private, nonprofit corporation, made up of voluntary membership; it is neither a state agency nor a court of law, and is not bound by any particular legal standard of review or burden of proof when applying its Regulations or while administering an internal appeal. The *MHSAA Handbook* may identify which party bears the burden of proof, depending on the particular situation or if a particular Regulation is at issue. The MHSAA staff, its Executive Committee, or its Representative Council, where appropriate, shall determine whether the circumstances in each situation, as presented to the MHSAA, warrant application or waiver of a particular Regulation or Interpretation. To make that determination, the MHSAA considers what a reasonable person given the same information would decide.

The Executive Committee was reminded that it was the responsibility of each member school involved to provide sufficient information about the specific request for the Executive Committee to reach a decision without further investigation. If information is incomplete, contradictory or otherwise unclear or has been received too late to be studied completely, the Executive Committee may deny the request for waiver or delay action. Such requests may be resubmitted to the Executive Committee with additional information at a subsequent meeting or appealed to the full Representative Council.

It is possible that some of the information presented as facts to the Executive Committee by school personnel and others may be inaccurate. However, to avoid constant repetition in this report of phrases such as “it was alleged” or “it was reported,” no attempt is made in the introduction of each waiver request to distinguish between truth, allegation, hearsay, opinion, summary or conclusion. If any information provided to the Executive Committee is inaccurate, any decision of the Executive Committee to grant waiver of a regulation shall be vacated.

The Executive Committee is not authorized to approve waiver based on alleged or actual differences between schools based on “environment,” demographics, curriculum or extracurricular offerings. A determination of undue hardship is a matter addressed to the discretion of the Executive Committee within the educational philosophy and secondary role of voluntary extracurricular competitive athletics in the academic environment. The Executive Committee will avoid making exceptions that would create precedent that effectively changes a rule without Representative Council action or local board of education adoption, which would exceed Executive Committee authority. The agreement the MHSAA has with member schools obligates the MHSAA to not change rules during the school year.

Students for whom waiver of a particular regulation is approved must be eligible in all other respects under all sections and interpretations of the regulations prior to their participation.

Adoption of these regulations, as well as policies, procedures and schedules of MHSAA tournaments, is a choice schools make locally when they consider their option of MHSAA membership. Consistent with rulings of the Attorney General and Michigan Supreme Court, schools are not bound by the decisions of the Executive Committee, but the association may limit participation in the postseason tournaments it sponsors to those schools which choose to apply rules and penalties as promulgated by the MHSAA and adopted by each member school's board of education. The MHSAA exercises no independent authority over schools or students.

Caro, Cass City and Unionville-Sebewaing Area High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Unionville-Sebewaing to a girls swimming & diving (varsity only) cooperative program which currently exists between the other two schools. The combined enrollment of 967 students will move the team from the Division 3 tournament into Division 2. Caro will continue as the primary school. Support from the Independent Swim Conference was submitted.

Eben Junction-Superior Central and Rock-Mid Peninsula High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of 8-player football (varsity and JV) to a cooperative agreement which already exists between these two schools in baseball and girls softball. The combined enrollment is 177 students. Superior Central sponsored 8-player football previously and will be the primary school. Support from the Great Lakes Eight Football Conference was submitted.

Hesperia and Walkerville High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in 11-player football (varsity and JV) and boys soccer (varsity only) between these two schools whose combined 2019-20 enrollment of 363 students will move a team from Division 4 to the Division 3 Boys Soccer Tournament. Walkerville sponsored soccer and Hesperia sponsored football previously. Hesperia will be the primary school for football; Walkerville will be the primary school for boys soccer. Support from the Central States Activities Association and the West Michigan D League was submitted.

Madison Heights-Bishop Foley, Bloomfield Hills-Academy of the Sacred Heart and Royal Oak-Shrine High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Shrine High School to a girls swimming & diving (varsity only) cooperative program that exists between the other two schools. The combined enrollment of 704 students will continue placement of a team in the Division 3 tournament. Bishop Foley will continue as the primary school. Support from the Catholic High School League was submitted.

Rochester-Adams and Rochester Hills-Rochester High Schools (Regulation I, Section 1[F-1]) – The Executive Committee waived the 3,500-student enrollment cap and approved the continuation of the ice hockey cooperative program between these two schools of the same district whose combined 2019-20 enrollment is 3,515 students. Eight players are returning from the previous varsity team. It is anticipated that the current JV hockey cooperative program between Stoney Creek, Adams and Rochester will provide seven Adams players and six Rochester players in 2019-20. There will not be enough students for either school to have its own team. The two schools also anticipate future enrollments falling below 3,500 in 2020-21. The Oakland Activities Association supported permitting the team to renew. The Executive Committee approved renewal of the program for the 2019-20 and 2020-21 school years. Following the 2019-20 season, the schools will submit, by March 15, 2020, an update on program numbers and future possibilities.

Suttons Bay, Lake Leelanau-St. Mary and Northport High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved a cooperative program in 8-player football at the subvarsity level only among these three schools with a combined enrollment of 235 students. Suttons Bay and St. Mary are currently in an 8-player varsity football cooperative agreement. Support from the Midwest Central 8-Man Conference was submitted.

Traverse City Christian, Traverse City-St. Francis and Traverse City-Grand Traverse Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Grand Traverse Academy to a cooperative agreement in boys soccer (varsity only) which exists between the other two schools. The combined enrollment of 653 students will continue placement of a team in the Division 3 tournament. Support from four future opponents was submitted.

Waterford Mott and Waterford Kettering High Schools (Regulation I, Section 1[E-2]) – The Executive Committee approved the addition of boys tennis (varsity only) to a cooperative program that exists between these two schools of the same district in several sports. The request was made under the provision for a multi-school district in excess of 1,000 students based on a demonstrated history of inadequate participation. The combined enrollment of 2,661 students will move one team from Division 2 and one team will continue in Division 1. Both schools sponsored a team previously; Mott will be the primary school. Support from the Lakes Valley Conference was submitted.

Whitmore Lake and Brighton-Charyl Stockwell Prep Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in 11-player football (varsity and JV) between these two schools whose combined enrollment is 520 students. Whitmore Lake sponsored football previously and will be the primary school. Support from the Michigan Independent Athletic Conference was submitted.

Troy High School (Regulation I, Section 7) – On Sept. 5, 2018, the Executive Committee approved a request to waive the previous academic credit record regulation on behalf of a 12th-grade student who has dealt with health issues since the 2017-18 school year. The student has been hospitalized, in outpatient programs and diagnosed with medical issues. The student has an exemplary academic record except that in the second semester of 2017-18, she passed two online courses and one summer school course (one less than the four of six classes needed). The student was enrolled in a full load of classes to begin the 2018-19 school year but was unable to continue in school due to her illness. In spite of the approved waiver request this fall, the student was unable to participate in athletics to this point during the 2018-19 school year. The student's first academic credit record this winter was three courses short of 66 percent, and the school requested that the same allowance be approved for the first semester of 2018-19 so the student may run track this spring.

The Executive Committee approved the request for waiver.

Addison High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretations 62 (public school of residence) was made on behalf of a 10th-grade student whose family moved in December 2018 from the grandfather's home in Pittsford to a home on the boundary line between Addison and Hudson High Schools. The family was told by Hudson that their address was in Addison, and two 7th-grade brothers enrolled at Addison on Jan. 7, 2019, while the 10th-grade student remained at Pittsford to finish the school year. The student intends to enroll at Addison to begin the 2019-20 school year, as allowed under Interpretation 66 (residential change catch-up provision).

The Executive Committee approved the request for waiver.

Allendale High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation to permit eligibility at the subvarsity level only was made on behalf of a 9th-grade student who attended Allendale Schools her entire career except for the fall and winter of 2018-19 when the student enrolled at Hudsonville-Unity Christian where she played freshman basketball. The student enrolled at Allendale on March 22, 2019. The school requested subvarsity eligibility this spring because the student will be ineligible for basketball in 2019-20 under the sport-specific transfer regulation.

The Executive Committee did not approve the request for waiver.

Bloomfield Hills High School (Regulation I, Section 9[B]) – A request was made on behalf of a current 9th-grade student to waive the sport-specific transfer regulation to permit subvarsity eligibility in football in the fall of 2019. The student attended Bloomfield Hills Schools through the 8th grade before enrolling at Detroit-U of D Jesuit to begin the 9th grade in 2018-19. The student played in four JV football games totaling 11 plays. U of D did not sponsor a 9th-grade team. The student reenrolled at Bloomfield Hills on Jan. 28, 2019.

The Executive Committee did not approve the request for waiver.

Caledonia High School (Regulation I, Section 9) – The Executive Committee was asked to clarify an action from Oct. 31, 2018, in which it approved immediate eligibility for the 2018-19 school year but did not permit eligibility in football, which the student played in one game at the former school before enrolling on Sept. 5, 2018. The initial decision, based in part on the transition to the new sport-specific transfer regulation, involved the student being eligible for all sports in 2018-19 and not eligible for any football games in 2019-20.

The Executive Committee reaffirmed eligibility on the 91st school day for all sports except football. Next fall, the student becomes eligible for football for Game 2.

Dearborn Heights-Annapolis High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation to permit eligibility at the subvarsity level only was made on behalf of a 9th-grade student who resides in the Annapolis School District but attended Allen Park High School for the 9th grade where the student played a fall sport. The student enrolled at Annapolis to begin the second semester of 2018-19.

The Executive Committee did not approve the request for waiver.

Edwardsburg High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose family lives in Edwardsburg and whose siblings attend Edwardsburg Schools. The student intends to enroll at Edwardsburg to begin the 2019-20 school year because of a lack of course offerings at his current school, Elkhart Christian Academy.

The Executive Committee did not approve the request for waiver.

Escanaba High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of a 10th-grade student in 2019-20 who will be moving from his mother's home in Wisconsin to his father's home in Bark River over the summer. The student attended Escanaba schools through the 5th grade before moving to Wisconsin and has three stepsiblings who have attended Escanaba Schools their entire career. The student's parents never married. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Flint-Kearsley High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 was made on behalf of an 11th-grade student who is moving between parents who never married, from Tennessee to the home of her father in the Flint Public School District. A 2nd-grade stepsibling has been enrolled in the Kearsley Schools for four years. The student enrolled at Kearsley on Jan. 23, 2019, and seeks to play soccer this spring. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Gibraltar-Carlson High School (Regulation I, Section 9) – A request to waive the sport-specific transfer regulation to permit eligibility in football was made on behalf of a 10th-grade student whose father lost his job, causing the student to withdraw from Detroit-U of D Jesuit where he played varsity football. The family was unable to afford tuition and the student enrolled at Gibraltar-Carlson, the school of the family residence, on Nov. 13, 2018. The school requested eligibility for football in the fall of 2019-20 under the sport-specific transfer regulation, in part because the student has been ineligible for all sports since November 2018.

The Executive Committee did not approve the request for waiver.

Lansing Catholic High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was the subject of false accusations from the summer of 2018. Authorities investigated, and the student was cleared of any legal claims or wrongdoing while a student at Laingsburg. Classmates continued to abuse the reputation of the student, resulting in anxiety and poor mental health for which the student is in therapy. The student enrolled at Lansing Catholic on Nov. 26, 2018, and the family intends to change residence pending the sale of their home in Laingsburg. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Monroe High School (Regulation I, Section 9) – On March 21, 2019, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of a 10th-grade student whose mid-year transfer was approved by both schools based on the student's medical diagnoses. The student previously attended Monroe-Jefferson, participated in track & field and cross country, and enrolled at Monroe on Feb. 2, 2019. The student is on medication. The student's condition is exasperated when she is not active and challenged. The school requested reconsideration and submitted significant additional information including a letter from the student's therapist and other pertinent information.

The Executive Committee approved the request for waiver.

Unionville-Sebewaing Area High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has attended USA Schools since Kindergarten and lived with his aunt and uncle for the past several months. The student was removed from the home this winter and lived with his grandparents for a short time. The student attended Akron-Fairgrove for ten school days from Feb. 20, 2019 until the student reenrolled at USA on March 6, 2019. The student only runs track and was recently hospitalized.

The Executive Committee approved the request for waiver.

Waterford Kettering High School (Regulation I, Section 9) – On Feb. 20, 2019, the Executive Committee did not approve a request to waive the sport-specific transfer regulation to permit eligibility on the 91st school day of enrollment in boys soccer. The original request was made on behalf of a 9th-grade student who struggled with concussion-related and emotional issues and enrolled at Waterford Kettering on Jan. 28, 2019. The student previously attended Waterford Mott, played JV soccer and is seeking a fresh start at Waterford Kettering. The student has an 11th-grade brother who will remain at Waterford Mott and play soccer. The school submitted a request for reconsideration and included a letter from the student's physician with more information about the student's medical condition not provided in the original request.

The Executive Committee approved the request for waiver. The student will be eligible in all sports, including soccer, on the 91st school day of enrollment, beginning Jan. 28, 2019.

Waterford Kettering High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91st school day of enrollment was made on behalf of a 10th-grade student who previously attended Waterford Mott before enrolling at Waterford Kettering on Oct. 9, 2018.

The Executive Committee approved the request for waiver, effective with the student's 91st school day of enrollment, beginning Oct. 9, 2018.

Subvarsity Waiver Requests Meeting All Conditions of Section 9(B) – The Executive Committee approved immediate eligibility at the subvarsity level for the following transferring 9th- or 10th-grade students (after entering 9th grade, before completing 10th grade) **who have not previously participated in an interscholastic scrimmage or contest in any MHSAA sport at the high school level** (whether MHSAA member schools or not) and who do not qualify for one of the 15 stated exceptions to the transfer regulation and have transferred for reasons having nothing to do with athletics, discipline or family finances and would not require Executive Committee evaluation or comparison of school demographics or curriculum:

Requesting High School	Grade	Student's Name	Former High School	Date of Enrollment	Length of Subvarsity Eligibility Status
Menominee	10	Apollo Chepeck	Online Virtual School	Jan. 24, 2019	Remainder of 18-19 school year

Orchard Lake-St. Mary's Preparatory High School (Regulation II, Sections 6 & 11) – A request was made to permit participation in a summer basketball team camp at the University of Wisconsin-Madison on June 15-16, 2019, which includes one team from Minnesota. Regulation II, Section 11(H-2-b) states that the 15 days of competition in the summer . . . are subject to the same out-of-state travel limits that teams use during the school season under Section 6 except for camps conducted within Michigan. Regulation II, Section 6, Interpretation 193a, states: No member school shall compete in any interstate meet, contest or scrimmage which involves travel of more than 600 drivable miles round-trip for any participating team. Interpretation 193c states: For competition involving schools exclusively from and occurring only within Michigan, Indiana, Illinois, Ohio, Wisconsin and Ontario, MHSAA member schools may compete regardless of the travel distance for any participating team. St. Mary's has a current team member who has committed to play for the University of Wisconsin-Madison and the school will not play the team from Minnesota at the event. St. Mary's is 483 miles from the site of the team camp and all other teams are from a bordering state.

The Executive Committee did not approve the request for waiver.

Dearborn-Divine Child High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2019-20 school year was made on behalf of a newly hired head girls swimming coach whose primary source of income is coaching the Dearborn Dolphins Swim Club. The program is open to the general public and includes 38 participants from four school districts including Allen Park, Dearborn, Dearborn Heights-Crestwood and Divine Child. Five of the participants are Divine Child students in grades 7-12.

The Executive Committee approved the request for waiver.

Representative Council Meeting – The Executive Committee reviewed the agenda for the May 5-6 meeting in Gaylord.

Next Meetings – The next meetings of the Executive Committee are scheduled for Sunday, May 5, 2019 at 10:30 a.m. in Gaylord (Representative Council meets at 1 p.m.); and Wednesday, June 12, 2019 at 9 a.m. in East Lansing.