

# MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

## EXECUTIVE COMMITTEE MEETING East Lansing, Tuesday, August 25, 2020

### Members Present:

Scott Grimes, Grand Haven  
Steve Newkirk, Clare  
Vic Michaels, Detroit  
Kris Isom, Adrian  
Will McKoy, Romulus

### Staff Members Present:

Tom Rashid  
Mark Uyl (Recorder)

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.

Bay City-All Saints and Bay City Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee waived the June 1, 2020 deadline for fall sports cooperative program application and approved for the addition of girls volleyball and girls basketball (JV & varsity) to a cooperative program which exists between these two schools in several sports. The combined enrollment of 114 students will continue placement of one team in the Division 4 tournament. All Saints sponsored the sports previously and will be the primary school. Support from the North Central Thumb League was submitted. A middle school application in girls basketball was also approved later in these minutes.

Flushing and Ortonville-Brandon High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in boys and girls skiing (JV and varsity) between these two schools whose combined enrollment of 2,137 students will place a new team in the Division 1 tournament. Flushing sponsored skiing previously and will be the primary school. Support from the Flint Metro League was submitted.

Grand Blanc and Brown City High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in ice hockey (varsity only) between these two schools whose combined enrollment of 2,936 students will continue placement of a team in the Division 1 tournament. Grand Blanc sponsored hockey previously and will be the primary school. Support from the Saginaw Valley League was submitted.

Madison Heights-Bishop Foley and Royal Oak-Shrine High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys and girls bowling (varsity only) between these two schools whose combined enrollment of 571 students will move one team from Division 4 to the Division 3 tournament. Bishop Foley sponsored bowling previously and will be the primary school. Support from the Catholic High School League was submitted.

Allegan High School (Regulation I, Section 2) – A request to waive the age regulation was made on behalf of a 19-year-old 12<sup>th</sup>-grade student (DOB 7/23/01) who was adopted from Guatemala in 2003, has sensory disabilities, is on the autism spectrum and has other mental health diagnoses. The student was held back twice in Kindergarten and once in 5<sup>th</sup> grade. The student is 5'0", 163 lbs. and has participated in soccer since the 9<sup>th</sup> grade with minimal success. The student does not appear to present a significant risk of injury to himself, teammates or opponents or create a competitive advantage in comparison to teammates and opponents.

The Executive Committee approved the request for waiver.

Manistee High School (Regulation I, Sections 4 and 5) – A request to waive the maximum enrollment and competition portions of the eligibility regulation was made on behalf of an 18-year-old 12<sup>th</sup>-grade student who was adopted from Ethiopia in October 2016. The student had been living on the streets of Ethiopia, had no 8<sup>th</sup>-grade schooling, spoke no English and was enrolled as a part-time 9<sup>th</sup>-grader at Quincy High School in Art, PE and ESL courses only during that year. The student played in no sports during the first semester of 2016-17 but ran track at Quincy in the 9<sup>th</sup> grade before emergency surgery later that spring. In the summer of 2017, the student's family moved to Manistee and the student repeated the 9<sup>th</sup> grade. The student is 5'9" and 150 lbs. and has participated with some success in cross country for three seasons, one season of basketball and two seasons of track & field prior to COVID-19 cancelling the spring of 2019-20. The first semester of 2020-21 will be the student's 5<sup>th</sup> first semester and 9<sup>th</sup> overall since 2016 when he was a part-time student at Quincy High School.

The Executive Committee did not approve the request for waiver.

Battle Creek-Pennfield High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student who is returning to Pennfield after having withdrawn to enter into online home schooling on Feb. 24, 2020, due to health issues. The student participated in soccer and will be reenrolling to begin the 2020-21 school year. The student entered counseling in February 2020.

The Executive Committee approved the request for waiver.

Beverly Hills-Detroit Country Day High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student who played in two JV football games while a student at Cranbrook during the 2019-20 school year. The student will be enrolling at Detroit Country Day to begin the 2020-21 school year.

The Executive Committee approved the request for waiver. The student will be withheld from the first two football games of the 2020-21 school year.

Boyne City 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 10<sup>th</sup>-grade student whose family made a full and complete residential change from Troy to a home in the East Jordan School District. The new home is several hundred yards outside of the Boyne City School District boundary line. The student participated in skiing at Troy and seeks to participate in skiing at Boyne City.

The Executive Committee did not approve the request for waiver.

Canton-Salem High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student who attended Detroit Catholic Central and participated in JV soccer before enrolling at Salem based on a medical recommendation to begin the second semester of 2019-20. The student was diagnosed with a medical disorder revolving around high school pressures and experiences at the former school and began counseling on May 28, 2019, while a student at Detroit Catholic Central. The student attended Plymouth-Canton Schools since elementary school.

The Executive Committee did not approve the request for waiver.

Coldwater High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who resides at a transitional home for youth located in the Coldwater School District. The student was forced to leave his mother's home in Tennessee last winter where he participated in football and wrestling and moved into an abusive situation with an uncle in Olivet. Due to COVID-19, the student continued in online courses through his school in Tennessee. The student moved into the youth home this summer and intends to enroll at Coldwater to begin the 2020-21 school year.

The Executive Committee approved the request for waiver.

Coopersville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student whose sister was assaulted a few years ago by a high school staff member at the school where the student has been in attendance and participated in girls volleyball as a 9<sup>th</sup>-grader in 2019-20. The student was being asked about the assault by classmates, bringing back memories of her sister. The family lives in Ravenna, between Grant and Coopersville. The student will enroll at Coopersville to begin the 2020-21 school year.

The Executive Committee approved the request for waiver at the subvarsity level in volleyball.

Fenton High School (Regulation I, Section 9) – A request to waive the transfer regulation and elements of a full and complete residential change was made on behalf of an 11<sup>th</sup>-grade student whose family built a new home in Fenton that will not be completed until late August or early September 2020. The family's former home in Clio has been sold and occupied by the new owners. The family is living in a weekly rental home in the Lake Fenton School District. The student previously participated in soccer while a student at Flint Powers. The student will enroll at Fenton on Aug. 25, 2020.

The Executive Committee approved the request for waiver.

Grandville-Calvin Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (closest nonpublic school) was made on behalf of a 10<sup>th</sup>-grade student who is moving between parents who never married and returning to Calvin Christian where he attended through the 8<sup>th</sup> grade. The student enrolled at Grand Rapids Christian for the 9<sup>th</sup> grade and played basketball in 2019-20. NorthPointe Christian is one mile closer to the mother's home where he will be residing. An otherwise completed Educational Transfer Form was received.

The Executive Committee approved the request for waiver.

Grant High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of 10<sup>th</sup>- and 11<sup>th</sup>-grade sisters whose family owned a small business and were unable to work during the COVID-19 stay-at-home order. The students previously attended Muskegon-Western Michigan Christian and participated in volleyball and basketball.

The Executive Committee did not approve the request for waiver.

Grosse Pointe Woods-University Liggett High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who previously attended The Roeper School, where he participated in soccer, before enrolling at Liggett to begin the 2020-21 school year. The student has ADHD and seeks the physicality of sports as an outlet.

The Executive Committee did not approve the request for waiver.

Grosse Pointe Woods-University Liggett High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student who previously attended Warren-De La Salle Collegiate and participated in football and basketball during the 2019-20 school year. The student underwent bullying and harassment (cyber and in-person). The student's father is a school employee who has been targeted by some regarding an incident highly publicized in October 2019. Many harassing social posts have been collected and the father has been the subject of threats and negative comments from students and others. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for waiver.

Hanover-Horton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who played in one 9<sup>th</sup>-grade basketball game for Jackson-Lumen Christi before major surgery in December 2019. The student also played football at the former school but is unable to play in the future because of his surgery. The request was for immediate eligibility in basketball. The student will be enrolling at Hanover-Horton to begin the 2020-21 school year.

The Executive Committee approved the request for waiver in basketball after he is withheld from the first game of the 2020-21 school year. He is not eligible in football.

Holland High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student who moved over the summer from her aunt and uncle's home in Bangor to the home of an older sister where two other sisters also reside. The student and sisters have not lived with either parent for at least two years. The parents live apart and their home is not suitable for school age children. The older sister's home is in the Holland-West Ottawa School District, but the other sisters, who preceded her to live with the older sister, have been attending Holland High School. The older sister has a signed lease on a home in the Holland School District that begins in November. While in the 10<sup>th</sup> grade at Bangor, the student participated in cross country, basketball, wrestling and track & field.

The Executive Committee approved the request for waiver.

Laingsburg High School (Regulation I, Section 9) – On Aug. 5, 2020, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of a 10<sup>th</sup>-grade student who was the target of bullying, social isolation, verbal and emotional abuse while in the 8<sup>th</sup> and 9<sup>th</sup> grades at Grand Ledge Schools. The student participated in volleyball, basketball and softball at the former school. For mental and emotional safety, the student will be enrolling at Laingsburg to begin the 2020-21 school year. Significant additional information was submitted that the coach and athletic director were aware of the harassment, the coach brought it to the attention of the team and parents, but not the school administration. Support for eligibility from the principal and dean of students at the former school was also submitted.

The Executive Committee approved the request for waiver.

Lansing Catholic High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who was not satisfied with the online learning during the COVID-19 pandemic while a student at Haslett and prefers to attend Lansing Catholic, which will be in face-to-face instruction. The student participated in cross country during the 2019-20 school year.

The Executive Committee did not approve the request for waiver.

Merrill 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 an 11<sup>th</sup>-grade student who attended Merrill Schools for nine years except for the 2019-20 school year when she moved with her mother to Durand so the mother could complete a nursing program out of the area. The family was unable to find a home in the Merrill School District and is renting a home in the neighboring Hemlock School District. The student participated in JV basketball and JV volleyball while a 10<sup>th</sup>-grader at Durand in 2019-20. The request was for eligibility at the former school but not the school of residence.

The Executive Committee approved the request for waiver.

Negaunee High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74 (practicing with another school in August) was made on behalf of a 9<sup>th</sup>-grade student who practiced three days of football with Marquette (Aug. 10, 11 and 12, 2020) before the student reenrolled at Negaunee. The student attended Negaunee through the 7<sup>th</sup> grade, Marquette for the 8<sup>th</sup> grade, and wanted to reunite with his friends and classmates in Negaunee where the family resides.

The Executive Committee approved the request for waiver at the subvarsity level in football.

Petoskey High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who played in three basketball games at Portland-St. Patrick during the 2019-20 school year before leaving the team in anticipation of moving to Petoskey to live with her sister and husband. The student enrolled at Petoskey to begin the second semester of 2019-20 on Jan. 27, 2020. The parents are originally from Petoskey, have been planning on relocating and could no longer afford tuition.

The Executive Committee approved the request for waiver. The student will be withheld from the first three basketball games of the 2020-21 school year.

Reed City High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who was decertified for special education classes in the 8<sup>th</sup> grade, had academic and behavioral issues in the 9<sup>th</sup> grade, and enrolled in an online school for the second semester of 2019-20. The student's father was admitted to a rehabilitation program, adding to the student's stress at school. The student attended Reed City since Kindergarten, played football in the 9<sup>th</sup> grade, and has reenrolled at Reed City to begin the 2020-21 school year where he will be re-tested for special education services.

The Executive Committee approved the request for waiver.

Reed City High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of 11<sup>th</sup>-grade twin sisters who have relocated homes and schools several times, most recently living with a family in Ewart where they attended school and played volleyball and girls basketball during the 2019-20 school year. The family was no longer able to care for the students, and on May 20, 2020, the probate court gave full guardianship of the students to a cousin of the father that resides in Reed City. The mother gave up custody years ago and the father has been court ordered to have no contact with the students. The students will enroll at Reed City to begin the 2020-21 school year.

The Executive Committee approved the request for waiver.

St. Joseph-Michigan Lutheran High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who was having academic and personal difficulties at Michigan Lutheran where he played football in the 2019-20 school year before enrolling in a virtual school for the second semester. The student had no sports participation and is reenrolling at Michigan Lutheran to begin the 2020-21 school year.

The Executive Committee approved the request for waiver.

Southgate Anderson High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student whose family is in the construction business and enrolled at Southgate Anderson on Feb. 7, 2020, because it offers construction trades which the former school, Riverview-Gabriel Richard, does not offer. The student played soccer at Gabriel Richard in the fall of 2019-20.

The Executive Committee did not approve the request for waiver.

Waterford Mott High School (Regulation I, Section 9) – On Aug. 5, 2020, the Executive Committee did not approve a request to waive the transfer regulation on behalf of a 12<sup>th</sup>-grade student whose father had kidney surgery in the spring of 2020 and is at high risk for COVID-19, causing the student to stay at his uncle's apartment in the Waterford Mott attendance area. The student and father also live in the Waterford Mott attendance area, but the student began the 9<sup>th</sup> grade at Waterford Kettering, a school of the same district, where he has played basketball for three years. Additional information was submitted through medical documents that the father had a kidney transplant and not just surgery.

The Executive Committee did not approve the request for waiver.

Wayland Union High School (Regulation I, Section 9) – A request to waive the transfer regulation is made on behalf of a 10<sup>th</sup>-grade student whose father is changing occupations from being a teacher at Middleville-Thornapple Kellogg, where the student attended school and played JV volleyball and JV basketball, to become a pastor of a church. The student will enroll to begin the 2020-21 school year at her school of residence. There have been three medical diagnoses in the extended family in the past few years. The commute to Middleville was no longer appropriate as Wayland Union High School is five minutes from the family's home. The student has always lived in the Wayland School District.

The Executive Committee did not approve the request for waiver.

Wyoming-Godwin Heights High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who moved into the home of a guardian in Godwin Heights in October 2019 when his mother was deported to Guatemala. The mother died in January 2020 and the father is deceased. The student continued to attend Hope Academy where he participated in boys soccer before enrolling at Godwin Heights on Jan. 6, 2020. For the 8<sup>th</sup>-11<sup>th</sup> grades, the student lived in the Grand Rapids School District, residing with his mother and relatives while attending Hope Academy. The student's guardian is also the athletic director at the former school.

The Executive Committee approved the request for waiver.

Byron Center High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2020-21 school year was made on behalf of the head girls and boys swimming & diving coach who is employed as the aquatics director of the Byron Center Community Pool and also coaches the Byron Center Dawgs Swim Program. It is anticipated that the "BCD" program will have 250 participants ages 5-24, including students from several neighboring schools and districts: Grand Rapids-South Christian, Caledonia, Zeeland East and West, Holland, Holland Christian, East Kentwood, Jenison, Thornapple Kellogg, Otsego, Allegan, Grandville, Rockford, Wayland and Byron Center. It is estimated that 20 girls and 15 boys from Byron Center Schools in grades 7-12 will participate in the "BCD" program in 2020-21. The former Byron Center coach has been granted a waiver for employment in this program previously. The current coach is in his second year at Byron Center and was approved for this program in 2019-20.

The Executive Committee approved the request for this coach for the 2020-21 school year.

Bay City-All Saints and Bay City Academy Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of girls basketball (6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grades combined) to a cooperative program that exists between these two member middle schools in boys basketball and football. All Saints sponsored girls basketball previously and will be the primary school.

Suttons Bay and Northport Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of girls volleyball and boys basketball (both sports, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grades combined) to a cooperative agreement between these two member middle schools that exists in girls basketball. Suttons Bay sponsored the sports previously and will be the primary school.

Fall Athletic Director In-Service and Update Meetings – The Executive Committee discussed the format for these meetings. All Athletic Director In-Service and Update meetings will be held virtually this fall.

Future Meetings – The next meetings of the Executive Committee are scheduled for Thursday, Sept. 10, 2020, at 9 a.m. in East Lansing; Wednesday, Sept. 30, 2020, at 9 a.m. in East Lansing; Wednesday, Nov. 4, 2020, at 9 a.m. in East Lansing; and Thursday, Dec. 3, 2020, at 1 p.m. in East Lansing (Representative Council Next Day).