

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, December 3, 2020

Members Present:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Don Gustafson, St. Ignace

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.

Carsonville-Port Sanilac and Kinde-North Huron 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 223 students will result in one team continuing in the Division 4 tournaments. Both schools sponsored boys and girls bowling previously; Port Sanilac will be the primary school. Support from the North Central Thumb League was submitted.

Okemos, Dansville and Fowlerville High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Dansville to a cooperative agreement in ice hockey (varsity only) that exists between the other two schools and whose combined enrollment of 2,481 students will continue placement of a team in the Division 1 tournament. The team had opted up to Division 1 to begin the 2020-21 school year. Support from the South Central High School Hockey League was submitted.

Beverly Hills-Groves High School (Regulation I, Section 9) – On Nov. 4, 2020, the Executive Committee tabled a confidential request to waive the transfer regulation pending receipt of additional information and documentation. The request was made on behalf of a 10th-grade student who experienced bullying and harassment while a student at Birmingham-Seaholm who participated in girls basketball during the 2019-20 school year. The student's parents are not in her life and the student resides in the Seaholm attendance area with an aunt. The student has experienced many traumas early in her life and has been in counseling the past four months. The former school principal signed off on the transfer between these two schools of the same district. The school submitted additional information that much of the harassment was done on social media that is not stored, and a letter from a school administrator who was made aware of the situation. The student has written to specify what she experienced.

The Executive Committee approved the request for waiver.

Bloomfield Hills High School (Regulation I, Section 9) – On Nov. 4, 2020, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of an 11th-grade student who attended Bloomfield Hills for the 9th grade and participated in a JV ice hockey cooperative program before enrolling at Brother Rice for approximately 25 school days, from Aug. 19 to Sept. 25, 2020, when his former school decided to become all virtual to begin the 2020-21 school year. The student preferred in-person instruction and reenrolled at Bloomfield Hills on Sept. 28, 2020, when the in-person hybrid learning option was made. The student did not participate in fall sports at Brother Rice. Bloomfield Hills began fully online instruction on Sept. 8, resulting in the student missing 13 days at his former school. The in-person instruction began on Oct. 5, 2020. The school submitted additional information stating that the student did not transfer to Brother Rice but was temporarily auditing courses and never unenrolled from Bloomfield Hills. The student ended the audit of classes once the district released the plan to move to a hybrid in-person schedule. No CA-60 was requested or received.

The Executive Committee did not approve the request for waiver.

Brownstown-Woodhaven High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who suffered a dental injury on Jan. 15, 2020 during a varsity basketball practice at Romulus-Summit Academy North. The tooth could not be saved and the student has had an implant. The student enrolled at Woodhaven on Jan. 21, 2020. The student participated in three basketball games during the 2019-20 school year prior to enrolling at the school of the family's residence.

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

Charlotte High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who moved with her mother into the grandmother's home in Charlotte to provide home health care for the ill grandmother that could not be secured during the pandemic. The student enrolled in online classes at Charlotte on Nov. 4, 2020, and can care for the grandmother through the afternoon when the mother's shift as a nurse is completed. The student's father is unable to relocate due to his employment and an older sister attends community college near the original home in Bellevue. The student played basketball in 2019-20 for Olivet which supported eligibility. Medical documentation showing the grandmother's medical needs was submitted.

The Executive Committee approved the request for waiver.

Detroit-U of D Jesuit 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 10th-grade student to permit eligibility at the subvarsity level in basketball. In November, 2020, the student moved to Canton with his recently divorced mother from Ohio where the student was enrolled as a 9th-grader and played basketball at Toledo-St. John's Jesuit. The divorce and relocation were delayed due to the pandemic. The student began the 2020-21 school year in remote learning at U of D Jesuit before the residential change to Canton in November. U of D Jesuit is not the closest nonpublic school to the new residence but it is the closest all-boys Jesuit high school to their residence. An Educational Transfer Form is in process.

The Executive Committee approved the request for waiver, pending receipt of the completed Educational Transfer Form.

Flint-Hamady High School (Regulation I, Section 9) – On Nov. 4, 2020, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of a 10th-grade student whose parents have lived apart for three and a half years and who were unable to file for divorce due to court closings in Genesee County. The student lives in shared custody between both parents. During the 2019-20 school year, the student attended Flint-Carmen Ainsworth, where the father resides, and participated in football and basketball. Over the summer, the student's mother moved from Grand Blanc into the Flint-Hamady School District and the student enrolled to begin the school year. The student participated in one football game while ineligible, which Hamady has forfeited. The request was to permit the use of a one-time Educational Transfer Form (in process on Nov, 4, 2020) because the parents have lived apart for over three years and the courts are unable to process the divorce. The school resubmitted materials as requested that showed court documents that a divorce is pending as of Oct. 30, 2020, and that the parents have lived apart since March 2016. In addition, a completed Educational Transfer Form, signed by the former school principal, was submitted.

The Executive Committee approved the request for waiver.

Haslett High School (Regulation I, Section 9) – On Nov. 4, 2020, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of an 11th-grade student who previously attended Lansing Catholic High School, participated in basketball and was the subject of harassment at school which interfered with her grades, mood and self-confidence. The student has always lived in Haslett and enrolled on March 2, 2020. The school submitted additional information that specified the harassment and that it involved other female students. The concerns were brought to school administration and became public.

The Executive Committee approved the request for waiver.

Kalkaska 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 two 12th-grade international students from an Approved International Student Program whose host parents recently divorced. It was intended that the students live with the parents in Kalkaska and attend school there. On Sept. 1, 2020, the father moved with the students into Bellaire and the mother continued residing in Kalkaska. The students continued to attend Kalkaska. Bellaire has indicated it will not accept international students this school year.

The Executive Committee approved the request for waiver.

Melvindale High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who was forced to leave the residence of his uncle in the Melvindale School District, with whom the student had lived since the 9th grade, because of water damage due to sewer backup to the residence. The student moved in with his mother for the 11th grade and played basketball for Taylor Preparatory in 2019-20. The uncle is the student's guardian who has temporary custody. The student reenrolled at Melvindale to begin the 2020-21 school year.

The Executive Committee approved the request for waiver.

Olivet High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose parents are deceased and whose living conditions in Wisconsin with a sister and grandparent caused the student to remain with an aunt and uncle in Olivet after visiting this summer. The student participated in girls basketball and swimming & diving while a 9th-grader in Wisconsin during the 2019-20 school year and enrolled at Olivet to begin the 2020-21 school year.

The Executive Committee approved the request for waiver at the subvarsity level in girls basketball. The student is eligible in all other sports at any level.

Pontiac-Notre Dame Preparatory High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was involved in a car vs. pedestrian accident that led to major injuries that caused separation from classmates and bullying while a student at De La Salle where he participated in basketball. The student experienced many stressors at the former school and enrolled at Notre Dame Prep to begin the 2020 school year.

The Executive Committee did not approve the request for waiver.

Rochester High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Rochester-Adams and participated in cross country and skiing during the 2019-20 school year. The student attended Rochester-West Middle School where 75 percent of the students enroll at Rochester. The student began the 9th grade at Adams, as did three siblings who preceded him. When his sister graduated from Adams, the student enrolled at Rochester to begin the 2020-21 school year to attend school with friends he has known since middle school. The family resides in the Rochester High School attendance area. The student participated while ineligible in JV cross county this fall, which the school permitted in error and will be forfeiting contests to opponents.

The Executive Committee did not approve the request for waiver.

Schoolcraft High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who was the subject of sexual harassment from classmates at Kalamazoo-Hackett Catholic Prep in the fall of 2020, causing the student to take online courses for a short time and then enroll at Schoolcraft on Nov. 16, 2020. Schoolcraft is the only public school in the area to offer in-person learning whenever possible. The former school investigated the claims and disciplined the students involved. The student participated in basketball during the 2019-20 school year.

The Executive Committee approved the request for waiver.

Traverse City Central High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically a portion of Interpretation 66 (residential change catch-up provision) was made on behalf of a 10th-grade student who returned to his father's home in the Traverse City Central attendance area on Jan. 20, 2020, and continued to attend Kingsley for the remainder of the 2019-20 school year and participated in wrestling. The student enrolled at Traverse City Central to begin the 2020-21 school year. The student was sent to his grandmother's home by authorities to begin the 9th grade in the 2019-20 school year and was allowed to return to the father in January 2020.

The Executive Committee approved the request for waiver.

COVID-19 Considerations – On Dec. 22, 2020, the Executive Committee reconvened due to the pause and later scheduling of the Football, Girls Volleyball and Girls Swimming & Diving Finals. The Executive Committee considered possible waivers of regulations for 12th-grade students who are graduating prior to the completion of their participation in these delayed MHSAA tournaments.

The Executive Committee approved the following modification to Regulation I, Section 1 (Enrollment) and Regulation I, Section 6 (Undergraduate Standing): A student who was a 2020 regular season participant and who graduated at the end of the first semester or trimester of the 2020-21 school year is eligible for athletic activities in football, girls volleyball or girls swimming & diving if he or she has qualified for the MHSAA tournament or the student's team is still participating in the MHSAA Football or Volleyball tournament. Such students may not participate in college athletic activities until their high school tournament participation is completed. This allowance does not extend to other sports or individuals beyond 2020-21 fall sports tournaments.

The Executive Committee discussed the application of the penalty by the executive director of violations of the Limited Team Membership regulation. Due to the COVID-19 pause and later scheduling, students may have participated in more than two non-school events in swimming & diving or entered into competitions not permitted under the regulation. The committee expressed concern for competitive equity over students who may have participated in non-school events while others did not do so. The committee took no action to set aside the regulation.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Jan. 13, 2021, at 1 p.m. in East Lansing (follows Classification Committee); Wednesday, Feb. 24, 2021, at 9 a.m. in East Lansing (Audit & Finance Committee follows); Thursday, March 25, 2021, at 10 a.m. in East Lansing (Representative Council Next day); Wednesday, April 21, 2021, at 9 a.m. in East Lansing (Audit & Finance Committee follows); Sunday, May 2, 2021, at 10 a.m. in Gaylord (Representative Council follows); and Wednesday, June 16, 2021, at 9 a.m. in East Lansing.