

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, February 22, 2017

Members Present:

Scott Grimes, Grand Haven
Fred Smith, Benton Harbor
Vic Michaels, Detroit
Karen Leinaar, Bear Lake
Pete Ryan, Saginaw

Staff Members Present:

Tom Rashid
Jack Roberts (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 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 null and void.

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 contract 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 Central High School (Regulation I, Section 1[D]) – A request was made to waive the 100-student enrollment cap to allow 8th-grade students from All Saints Middle School to participate with the JV baseball team. The high school enrollment submitted in February 2016 was 104 students. The school's enrollment in January 2017 is 98 students. Adding these students would allow the school to sponsor a JV baseball team so that these students would not join a travel baseball team.

The Executive Committee did not approve the request for waiver.

Menominee High School (Regulation I, Section 1) – A request to waive the enrollment regulation was made to permit Menominee High School to be one of possibly six schools to form a cooperative agreement with Marinette, Wisconsin High School to participate in the Wisconsin Interscholastic Athletic Association (WIAA) ice hockey tournament.

The Executive Committee reviewed other instances when a member school requested exemption from regulations for one team so that on an ongoing basis the school could, for that sport only and without MHSAA tournament privileges in that sport only, exceed the limitations on travel or number of contests or age of players, etc. All such requests have been denied, in part because it is believed such exceptions not only encourage transfers in that sport from other schools, but also attract students who play other sports and upset competitive equity in more than just the sport for which the permanent exception was approved. The *MHSAA Handbook* (p. 26) is clear that member schools must apply all MHSAA rules to all tournament sports whether or not a school seeks to participate in the MHSAA tournament in one or more sports. The request for waiver was not approved.

Clarkston-Everest Collegiate, Auburn Hills-Oakland Christian and Rochester Hills-Lutheran Northwest High Schools (Regulation I, Section 1[E]) – The Executive Committee waived the Oct. 15, 2016 deadline for spring sports cooperative programs and approved the addition of Lutheran Northwest to a cooperative program in girls tennis which exists between Everest Collegiate and Oakland Christian. Last year the program had only ten tennis players. The combined 2016-17 enrollment of 579 students will continue placement of a team in the Division 4 tournament and not change the team's division or Regional. Everest Collegiate will continue as the primary school. Support from the Catholic High School League was submitted.

Flint Southwestern and Flint Northwestern High Schools (Regulation I, Section 1[E]) – The Executive Committee waived the 1,000-student enrollment cap for these schools and, pending a completed application, has approved a cooperative program in football, boys basketball and girls basketball. Flint Northwestern is scheduled to close within two years, did not accept an incoming 9th-grade class this fall, and will only have 11th and 12th grades in 2017-18. The combined 2017-18 enrollment of these two schools of the same district is 1,093 students and includes 159 students in alternative education of whom approximately six students participate in athletics. The district intends to form, without need for waiver, cooperative programs in all other sponsored sports as permitted under Section 1(E) 2 for schools of the same district. The Saginaw Valley League has not included Flint Northwestern in any schedules for 2017-18. Flint Southwestern's reported 2017-18 enrollment is 635 students, Flint Northwestern 299; the alternative education enrollment (Accelerated Learning Academy) is 159 students.

Macomb-Dakota and Clinton Township-Chippewa Valley High Schools (Regulation I, Section 1[F-2]) – The Executive Committee waived the Oct. 15, 2016 deadline for spring sport cooperative programs and approved a cooperative program in boys lacrosse between these two schools of the same district whose combined 2016-17 enrollment of 5,494 students will continue placement of a team in the Division 1 tournament and not change the team's division or Regional. The request was made under the provision allowing an enrollment in excess of 3,500 students as neither school sponsored boys lacrosse previously. The program may exist for three seasons through the end of the 2018-19 school year and then must reform into one school or two teams, each under the 3,500-student enrollment cap. Dakota will be the primary school. Support from the Macomb Area Conference was submitted. Chippewa Valley attempted to sponsor a team but was unable to generate enough interest.

Detroit-Loyola High School (Regulation 1, Sections 4 & 5) – A request to waive the maximum enrollment and participation portions of the eligibility regulation was made on behalf of a 12th-grade student who sustained a shoulder injury in the first game of his 11th-grade football season during the 2015-16 school year which resulted in unsuccessful therapy and eventual shoulder surgery on Dec. 15, 2015. The first surgery was unsuccessful. The student attempted to return to football for the 12th grade in 2016-17 and played in the second game of the year before a subsequent injury. The second surgery repaired errors from the first surgery and was performed on Sept. 22, 2016. The student was given incomplete grades for the first quarter of this school year and, due to surgical complications and pain management, was unable to pass first semester courses in 2016-17. The request was for an additional first semester of eligibility. The student only played in parts of two games in the 11th and 12th grades.

The Executive Committee was emphatic that NCAA-style “medical redshirts” are not a part of high school sports. When injuries occur that limit participation one season or year, another season or year of eligibility is not appropriate.

The Executive Committee observed that the student had not received credit in 66 percent of his courses for the first semester of the school year prior to the first semester of the school year when his injury first occurred; and, therefore, he was not delayed in academic progress solely because of the injury during the 11th-grade football season or recurrence of the injury during the 12th-grade football season. The request for waiver was not approved.

Rochester Hills-Stoney Creek High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of an 11th-grade student who is one class short of the minimum requirement for the end of the first semester of 2016-17 due to mental health issues. The student began the school year with a full class load before it was reduced and the student was hospitalized. The student then went on homebound status on the recommendation of her doctor and passed three of four courses.

The Executive Committee approved the request for waiver and indicated the semester in question counts against the maximum number of semesters allowed.

Beverly Hills-Detroit Country Day High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose father’s job changed to New York at the end of the 2015-16 school year. The family moved to New York and the student enrolled to begin the 2016-17 school year at Summit High School in New Jersey. The student was unhappy there and reenrolled at Detroit Country Day to begin the second semester of 2016-17 on Jan. 23, 2017. The student and his siblings have attended Detroit Country Day for most of their school careers. The mother, student and siblings have returned to the same neighborhood in Birmingham. The original family home has been sold, so the family is renting 4.5 miles from Detroit Country Day. The father will remain in New York and commute home as his schedule allows.

The Executive Committee approved the request for waiver.

Flat Rock High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who was the subject of numerous bullying incidents at his former school. The student attended Woodhaven-Patrick Henry Middle School for the 9th grade, played football and enrolled at Flat Rock to begin the second semester of 2016-17. The student’s parents are recently divorced and the student lives with his mother and sister in the city of Flat Rock but in the Woodhaven School District. In September 2016, his older sister enrolled at Flat Rock’s Academic Virtual Academy.

The Executive Committee approved the request for waiver.

Hartland High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student whose mother moved from Canada with her family over the summer into a home in Hartland due to new employment. The student registered to enroll to begin the 2016-17 school year at Hartland. Because of a delay in the processing of his younger sister's immigration status, the father, student and sister moved back to Canada to complete the first semester. The student and his middle school age sister enrolled on the first day of the second semester, Jan. 30, 2017. The father is on disability and has a six-month travel visa to the US and is awaiting dual citizenship approval. The entire family is now residing in Hartland. The family plans to keep their current property in Canada and has it rented out as a vacation home. The student played JV football in Canada and is interested in running track.

The Executive Committee approved the request for waiver for this one time only for this student.

Middleville-Thornapple Kellogg High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose grandfather recently died, whose parents have recently finalized a divorce and who has moved back to Michigan to care for his grandmother. The student's family moved to Florida for employment reasons four and one-half years ago and has a long history with Thornapple Kellogg Schools. The mother intends to return to Michigan within the next two months with a younger brother. The student intends to enroll at Thornapple Kellogg on Feb. 23, 2017.

The Executive Committee approved the request for waiver.

Mt. Pleasant-Beal 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 an 11th-grade student whose parents lost their job in Colorado and who reenrolled at Beal City on Nov. 7, 2016. The student previously attended Beal City Schools K-8 before the family moved to Colorado for employment reasons. The student and her 8th-grade brother arrived early and lived with a family in Beal City in order to enroll at the end of a marking period. The parents arrived in Michigan on Dec. 17, 2016 and are awaiting the sale of their home in Colorado. The entire family now resides with the grandparents in the Chippewa Hills School District as they seek different living arrangements in the area.

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 9th-grade student who was the victim of an assault on Oct. 11, 2016, by a classmate while a student at her former school. A police report was filed and the student who committed that act has been charged with assault. The former school suspended that student for five school days. The student experienced difficulties with the student who committed the act and others at the former school following the incident and enrolled at Olivet on Oct. 24, 2016. The student did not participate in athletics at her former school but is interested in participating in track & field which is not sponsored at the subvarsity level.

The Executive Committee approved the request for waiver.

Union City High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose father had an abrupt employment change and whose family was unable to relocate into a home suitable for their needs in the Union City School District. The student raises livestock and the family was unable to find enough land for the livestock and stay in their price range. The student chose Union City in part because he met another student through 4-H and showing pigs. The student previously attended Kingsley and participated in JV baseball.

The Executive Committee approved the request for waiver.

Warren Woods-Tower High School (Regulation I, Section 9) – A request was made on behalf of an 11th-grade student to waive the transfer regulation to permit participation in a non-scoring capacity in individual track competitions. The student was expelled from Utica Eisenhower High School and enrolled in the Warren Woods alternative school on Nov. 7, 2016. The student has been a model student since arrival and as of Jan. 30, 2017, began attending Warren Woods-Tower High School.

The Executive Committee did not approve the request for waiver.

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	Former High School	Date of Enrollment	Length of Subvarsity Eligibility Status
Allen Park-Cabrini	9	Dearborn-Divine Child	Jan. 18, 2017	Remainder of 16-17 school year
Bay City-John Glenn	9	Bay City-All Saints	Nov. 7, 2016	Remainder of 16-17 school year
Hartland	9	Brighton	Oct. 31, 2016	Remainder of 16-17 school year
Manchester	9	Liberty Univ. Online Academy	Jan. 30, 2017	Remainder of 16-17 school year
Traverse City-St. Francis	9	Traverse City Central	Feb. 14, 2017	Reminder of 16-17 school year
Westland-Lutheran Westland	9	New Boston-Huron	Jan. 23, 2017	Remainder of 16-17 school year

East Grand Rapids High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the **2017-18** school year was made on behalf of the assistant boys and girls swimming & diving coach who is employed full-time by the East Grand Rapids Aquatics USA Swim Club. The program will have over 280 participants ages 6-18 of which approximately 80 are East Grand Rapids students in grades 7-12. Participants come from four other schools or districts (Byron Center, Grand Rapids-Catholic Central, Grand Rapids Christian and Forest Hills). A similar request has been approved for this coach and program since 2012-13.

The Executive Committee approved the request for waiver for this coach for the 2017-18 school year.

Centreville and Sturgis-Nottawa Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of boys and girls cross country to a cooperative program between these two middle schools which have been operating as a cooperative program for some years now in the sports of girls basketball, boys basketball, girls volleyball, football and boys and girls track & field. The schools are permitting only 7th- and 8th-grade participation at this time.

Owosso Middle School (Regulation III, Section 12) – A request to waive the Limited Team Membership Regulation was made on behalf of an incoming 7th-grade student in 2017-18 whose school has changed middle school leagues and who plays on a non-school travel basketball team which competes in the winter; the same time as the student's middle school basketball team. The Capital Area Activities Conference plays middle school basketball in the fall, so the student has a history of winter travel basketball. The Flint Metro Middle School League plays in the winter, causing the conflict with the upcoming season. Dr. Andrea C. Tuttle, Superintendent at Owosso Public Schools, was in attendance at the meeting. She advocated not only that the rule be waived in this case, but also that the rule be abolished for the middle school level.

This Section of Regulation III is an example of a regulation where schools have sought MHSAA assistance in regulating coach, student and parent behavior which can be contrary to the best interests of the whole child as well as upsetting to the competitive balance between schools. The Executive Committee discussed negative consequences that could flow from elimination of a rule that is appreciated and supported for different reasons depending on different circumstances in which coaches, administrators and parents find themselves. Elimination of this rule may have to be accompanied by new rules intended to promote student health and competitive equity between school teams as well as to assure athletics are secondary to academics in students' lives. In any event, elimination of the rule is not within the authority of the Executive Committee; and it is not an action the Executive Committee would recommend.

Several Executive Committee members expressed that they could not see that this student would experience an undue hardship by application of the rule; however, because the MHSAA Representative Council will consider in May a proposal from the MHSAA Junior High/Middle School Committee to modify the rule in question and because the details of the 2017-18 non-school basketball season in question are not known at this time, the Executive Committee tabled the request for waiver until these variables are settled.

Representative Council – The Executive Committee reviewed a draft of the agenda for the March 24, 2017 meeting.

Next Meetings – The next meetings of the Executive Committee are scheduled for Thursday, March 23, 2017, at 9 am in East Lansing (Rep Council next day); Wednesday, April 26, 2017, at 9 am in East Lansing (Audit & Finance meeting follows); Sunday, May 7, 2017, at 10:30 am in Glen Arbor (Rep Council meets that afternoon); and Wednesday, June 14, 2017, at 9 am in East Lansing.