

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, February 21, 2018

Members Present:

Scott Grimes, Grand Haven
Pete Ryan, Saginaw
Vic Michaels, Detroit
Karen Leinaar, Bear Lake
Pat Watson, West Bloomfield

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 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 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 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.

Battle Creek-St. Philip Catholic Central and Battle Creek-Calhoun Christian High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of 8-player football (varsity only) to a cooperative program that exists between these two schools in several sports. The combined 2017-18 enrollment is 190 students. St. Philip sponsored 8-player football previously and will be the primary school. Support from the Southern Central Athletic Association was submitted.

Lansing Christian and Lansing-New Covenant Christian High Schools (Regulation I, Section 1[E]-11) – The Executive Committee approved a subvarsity cooperative program between these two schools in JV baseball. The combined 2017-18 enrollment is 197 students. Lansing Christian sponsored baseball previously and will be the primary school. Support from the Greater Lansing Activities Conference was submitted.

Beverly Hills-Detroit Country Day High School (Regulation I, Sections 4 & 5) – A request to waive the maximum enrollment and competition portions of the eligibility regulation was made on behalf of an 11th-grade student who attended school in Norway as an outbound foreign exchange student through the Youth For Understanding program during the 2016-17 school year. The student attended Beverly Hills-Groves for the 9th and 10th grades before attending school in Norway. Upon her return to Michigan to begin the 2017-18 school year, the student enrolled at Detroit Country Day, the closest nonpublic school to the parents' home. While in Norway, the student did not participate in school sports, was not formally enrolled in the Norwegian school system, nor was she responsible for homework or earning credits. The request is to not count the two semesters in Norway and permit eligibility for the 2018-19 school year.

The Executive Committee found that the facts in this case are addressed by *Handbook Interpretation 27*. The request for waiver was not approved.

Ann Arbor-Pioneer High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of a 9th-grade student who withdrew from all of her first semester classes of the 2017-18 school year on Jan. 18, 2018, due to health issues. The student has been receiving ongoing care and medications and is currently enrolled in a full course load through the Ann Arbor Schools Virtual Academy.

The Executive Committee approved the request for waiver.

Big Rapids 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 9th-grade student who is moving between parents who never married from his mother's residence in Vestaburg to the father's home in the Remus-Chippewa Hills School District. Two stepsiblings (grades 1 and 2) have attended Big Rapids Schools since Kindergarten. A third stepsibling (grade 4) has attended Big Rapids-Crossroads Academy. The student previously attended Vestaburg, participated in athletics, and enrolled at Big Rapids on Nov. 27, 2017. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Farmington Hills-Harrison High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in girls lacrosse only was made on behalf of a 10th-grade student who previously attended North Farmington High School and participated in the girls lacrosse cooperative program between these two schools of the same district. The student enrolled at Harrison on Jan. 29, 2018 because the mother's health prevents her from transporting the student to North Farmington. Support from North Farmington was submitted.

The Executive Committee approved the request for waiver for this student for girls lacrosse only for the remainder of the 2017-18 school year.

Grandville High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in ice hockey only was made on behalf of a 10th-grade student who previously attended Grandville-Calvin Christian before enrolling at Grandville on Jan. 8, 2018. The student participated in the ice hockey cooperative program between these two schools this season as a backup goaltender. The student was not a member of the team in the previous season, as Section 9(C) states. Typically, there are no 9th-grade students on this hockey team. The student lives with his grandparents and changed schools for social/peer reasons. Support for eligibility was submitted from the former school.

The Executive Committee approved the request for waiver for this student for ice hockey only for the remainder of the 2017-18 school year.

Kalamazoo-Hackett Catholic Prep High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 78 (270 days as a home school transfer student) was made on behalf of a 9th-grade student who attended Vineyard Academy for the 8th grade and began the 9th grade of the 2017-18 school year as a home school student. Her home school has ceased to operate (Exception 6) but she was not in attendance for 270 consecutive calendar days. The student enrolled at Hackett on Jan. 9, 2018, and has no history of athletic participation, but Hackett does not offer subvarsity sports during the spring. Hackett is the closest nonpublic school to the student's residence.

The Executive Committee approved the request for waiver.

Kalamazoo-Heritage Christian Academy (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who previously attended Battle Creek-Calhoun Christian before enrolling at Heritage Christian on Nov. 6, 2017 because a math class with an onsite instructor was not available at her former school. The student enrolled 25 school days past the fourth Friday after Labor Day.

The Executive Committee did not approve the request for waiver.

Manton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who disclosed in December 2016 that she had been abused at age seven by a high school neighbor boy. The matter went to trial and a conviction resulted in 2017. The student attended Manton Middle School through the 9th grade and transferred to Kingsley High School for the second semester of the 2015-16 school year. The student enrolled at Traverse City Central to begin the 11th grade and the 2017-18 school year. The student reenrolled at Manton on Nov. 2, 2017.

The Executive Committee approved the request for waiver, but stipulated that no consideration will be given for future requests for waiver of the transfer regulation on behalf of this student.

Morley Stanwood High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose mother and new stepfather have moved several times, resulting in the student only being eligible for two sports: 9th-grade volleyball at Muskegon—Reeths-Puffer and JV softball at Holton in the spring of 2017. The student's new stepfather has six children and the mother chose to live with them rather than with the student. In December 2017, the student was sent to the grandfather's home in Morley Stanwood and continued to attend Holton until the end of the first semester of 2017-18 before enrolling at Morley Stanwood on Jan. 22, 2018. The student's birth father is incarcerated. Support from the former school was submitted.

The Executive Committee approved the request for waiver.

Pinconning High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who reenrolled at Pinconning on Jan. 23, 2018 after his mother moved the family to South Carolina in November 2017 because she could not find a job in Michigan. The student's mother and sister remained in South Carolina where the mother is employed. The student had moved with his family from South Carolina and attended Pinconning Schools from January 2017 until Nov. 1, 2017, and participated in track & field as a 9th-grader. Shortly after the family moved back to South Carolina, the student's best friend in South Carolina was killed in a car accident, and a week later, that student's brother took his own life. The student has moved back to Pinconning to live with cousins. The student has a specific learning disability and did not participate in athletics in South Carolina.

The Executive Committee approved the request for waiver.

South Haven High School (Regulation I, Section 9) – A request to waive the transfer regulation and the elements of a full and complete residential change was made on behalf of a 9th-grade student whose 10-year-old cousin was shot and killed in a drive-by shooting on Jan. 2, 2018. The student and the deceased cousin lived with their grandmother in Flint, and after the shooting, concerned for their safety, moved to the home of the student's aunt in South Haven. The grandmother's driver's license is changed but some of their possessions remain in the former home. The grandmother has cancer and is afraid to return to the old neighborhood as other shootings have occurred. The student participated in JV basketball at Flint-Hamady before enrolling at South Haven on Jan. 10, 2018. The birth parents are not in the student's life.

The Executive Committee approved the request for waiver.

Taylor-Truman 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 victim of aggravated stalking and a criminal offense while a student at Allen Park High School. A restraining order was issued on Oct. 18, 2017 against the classmate who was eventually convicted of aggravated stalking and awaits a hearing on assault. Friends of the student who committed the acts continued harassing the student. The student enrolled at Truman on Dec. 1, 2017. Support for eligibility was submitted by the previous school.

The Executive Committee approved the request for waiver.

Wyoming-The Potter's House 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 10th-grade student whose parents are American missionaries from Costa Rica. They are home on a six-month furlough and renting a home closer to Grand Rapids Christian than to The Potter's House High School building. The family has not been in the area since 2005 but know many families attending The Potter's House and are involved with affiliated churches. Three younger siblings attend The Potters House elementary and middle school, which are closest to their residence. The student enrolled on Jan. 8, 2018, and participated in athletics while in Costa Rica.

The Executive Committee approved 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 |
|--|-------|---------------------------------|--------------------|---|
| East Kentwood | 10 | Caledonia | Jan. 15, 2018 | Remainder of 17-18 school year |
| Grand Blanc | 9 | Goodrich | Jan. 30, 2018 | Remainder of 17-18 school year |
| Grand Rapids-NorthPointe Christian | 9 | Ada-Forest Hills Eastern | Jan. 15, 2018 | Remainder of 17-18 school year |
| Grosse Pointe Woods-University Liggett | 9 | Grosse Pointe North | Jan. 29, 2018 | Remainder of 17-18 school year |
| Howell | 9 | Brighton | Jan. 9, 2018 | Remainder of 17-18 school year |
| Novi-Detroit Catholic Central | 9 | Dexter | Dec. 21, 2017 | Remainder of 17-18 school year |
| Saginaw-Heritage | 9 | Saginaw Arts & Sciences Academy | Jan. 30, 2018 | Remainder of 17-18 school year |

Orchard Lake-St. Mary Preparatory High School (Regulation I, Section 10) – On Nov. 30, 2017, the Executive Committee reduced an MHSAA staff-assessed period of ineligibility under the undue influence regulation from four years in varsity basketball and one year in all other sports (2017-18) to the current year in all sports and any MHSAA tournament in 2018-19 (regular season participation is permitted). The finding affected two incoming 9th-grade boarding school students from two separate schools in Lagos, Nigeria whose enrollment and arrival at St. Mary was assisted by a person with a basketball background. This person had been involved with four other players from Nigeria in 2013-14 who played basketball at two other MHSAA member high schools and were found to be ineligible under Regulation I, Section 10 for the maximum penalty at that time (one year).

Between Jan. 3 and 10, 2018, correspondence was exchanged between St. Mary and the MHSAA, requesting reconsideration of this decision and that no restrictions be placed on the students in 2018-19 and beyond (i.e., permit tournament participation). St. Mary offered to self-impose the one-year loss of eligibility in the current school year already determined by the Executive Committee. The school also expressed concern regarding the condition that any future involvement with this basketball person would result in the enforcement of the maximum penalty of four years of ineligibility. In response, the school was informed on Jan. 8, 2018 that the period of ineligibility was an Executive Committee decision and that it was within the committee's absolute discretion to determine if there was substantially new information that would cause it to reconsider that decision.

On Jan. 17, 2018, the MHSAA executive director wrote to St. Mary with suggestions regarding the school's request for reconsideration by the Executive Committee on Feb. 21, 2018 or appeal to the full Representative Council on March 23, 2018. He requested more information on Feb. 15 and twice on Feb. 19, 2018.

The Executive Committee reviewed the minutes of the Nov. 30, 2017 meeting and information received from the school since then. Committee members restated concerns that there will be continuing issues with respect to residential students that need to be addressed by additional changes in MHSAA regulations. While the changes of 2014 did much to equalize the treatment of students on J-1 and F-1 visas and the opportunities at public and nonpublic schools, this situation has put a spotlight on a disrupter to the goal of competitive equity in MHSAA tournaments which the Representative Council must soon address.

As for this particular matter, the Executive Committee determined that the staff had solicited and received sufficient additional information from the school to justify the school's request that the Executive Committee reconsider the action it took on Nov. 30, 2017; and after long discussion, the committee limited the student's ineligibility to the 2017-18 school year, with the following conditions:

- (a) Orchard Lake-St. Mary agrees that it will request approval of and for all residential/boarding students – foreign or domestic – from the MHSAA office prior to their involvement in varsity athletics in sports in which the MHSAA sponsors postseason tournaments. This mutually agreed upon provision is in addition to the already-in-place usage of the Educational Transfer Form.
- (b) Orchard Lake-St. Mary agrees that the third party involved in this matter shall have no contact in an athletic context (**no** coaching/formal athletics-related contact whatsoever, including during summers, "off season," etc.) with the two students during their projected four years of enrollment at St. Mary.
- (c) If it is discovered that this third party had previously undisclosed contact with these two students or with staff, board members or parents at St. Mary prior to the students' enrollment at St. Mary or has contact with these students or with staff, board members or parents at St. Mary in the future that violates condition (b), then either the executive director's original ruling (four-year ineligibility in basketball and one-year ineligibility in other sports) or the maximum penalty under Regulation I, Section 10 will be imposed, depending on the specific nature of the contact discovered.

Bloomfield Hills-Marian/South East Michigan Ski League (SEMSL) (Regulation II, Section 12) – A request was made to allow this league to conduct its boys and girls alpine ski championship on Thursday, March 1, 2018. The meet was scheduled for Tuesday, Feb. 20, 2018 at Pine Knob in Clarkston, and the meet was postponed due to warm weather. The MHSAA Ski Finals are Monday, Feb. 26, 2018. The weather experts from Oakland Schools are predicting weather suitable to ski on March 1, 2018.

Given the unique requirements of alpine skiing and unusual weather conditions of this late February, the Executive Committee approved this request for waiver for the 2017-18 school year only; and the committee authorized staff to approve similar requests for other league championship meets in alpine skiing with the condition that they must be completed prior to Monday, March 12, 2018.

Manistee Catholic Central and Manistee-Trinity Lutheran Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of girls volleyball (6-7-8th grade combined) to a cooperative program which exists between these two member middle schools in boys and girls basketball. Manistee Catholic Central sponsored volleyball previously and will be the primary school.

New Member Schools – Pursuant to the MHSAA Constitution adopted by member schools and according to procedures for MHSAA membership adopted by the Representative Council on March 27, 1997, the Executive Committee approved membership for the following school:

Southfield-A.G.B.U. Manoogian High School – This is a nonpublic tuition-based school which had a six-year lapse in MHSAA membership. The school is founded by the Armenian General Benevolent Union which is the world's largest nonprofit organization devoted to upholding the Armenian heritage. The school is a 9-12 school that has operated for several years and has a current 9-12 enrollment of 140 students. The school has a small gymnasium with limited seating and a soccer field. The school intends to sponsor boys and girls basketball, boys and girls soccer, boys and girls track & field and girls volleyball.

A.G.B.U. Manoogian is a member of the Detroit Metro Conference. A signed 2017-18 Membership Resolution and Preliminary Classification Form were received on Oct. 25, 2017. An Athletic Department Code of Conduct was also submitted. If a 2018-19 Membership Resolution is received prior to Sept. 28, 2018, a 2019-20 Membership Resolution is received prior to Sept. 29, 2019, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2019-20 school year.

Sports Academies or Prep Schools and MHSAA Membership – The Executive Committee approved this proposal to the Representative Council for the 2018-19 *Handbook*. This paragraph would be inserted after the tenth paragraph of “How to Join the MHSAA”:

“The MHSAA Executive Committee shall not approve membership for an institution or program owned or operated by either a for-profit or nonprofit entity when the stated mission or demonstrated purpose of that institution or program is primarily sports competition and/or development. The existence of an educational component, either online or in-person, does not in itself transform a ‘sports academy’ or ‘preparatory school’ into a school that is acceptable within the MHSAA membership. All aspects of the institution or program may be evaluated by the MHSAA to determine if it exists primarily for athletic-related purposes and, as such, does not qualify for MHSAA membership.”

March Representative Council Meeting – The Executive Committee reviewed a draft of the March 23, 2018 Representative Council meeting agenda.

Next Meetings – The next meetings of the Executive Committee are scheduled for Thursday, March 22, 2018, at 8:30 a.m. in East Lansing (Representative Council meets next day); Tuesday, April 24, 2018, at 8:30 a.m. (followed by Audit and Finance Committee); Sunday, May 6, 2018, at 10 a.m. in Gaylord (Representative Council meeting follows); and Wednesday, June 13, 2018, at 9 a.m. in East Lansing.