

**MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.**

**EXECUTIVE COMMITTEE MEETING**

East Lansing, February 24, 2021

Members Present:

Scott Grimes, Grand Haven  
Steve Newkirk, Clare  
Vic Michaels, Detroit  
Karen Leinaar, Bear Lake  
John Thompson, Brighton

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.

Lansing-New Covenant Christian High School (MHSAA Constitution, Article II, Section 2—Membership) – A request was made to allow this school to continue its MHSAA membership for the 2021-22 and 2022-23 school years based on the allowance that its 9-12 enrollment decline to 12 students is temporary. The school requested that membership continue for two school years when its enrollment will stabilize. The school is in several cooperative programs that serve to assist other small member schools.

The Executive Committee approved membership for this school for the 2021-22 and 2022-23 school years.

Commerce Township-Walled Lake Northern and Walled Lake Central High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in boys lacrosse (varsity only) between these two schools of the same district whose combined enrollment of 3,115 students will result in one less team in the Division 1 tournament. Both schools sponsored boys lacrosse previously and one is experiencing a decline in participation. Walled Lake Northern will be the primary school. Support from the Lakes Valley Conference was submitted.

Caro High School (Regulation I, Section 8) – A request to waive the current academic credit record regulation and specifically Interpretation 48(a) (non-traditional school eligibility based on Enrollment Declaration Form) was made on behalf of a 12<sup>th</sup>-grade student who enrolled in the Caro Alternative Program in March 2020 just prior to the COVID-19 closure of schools. The student currently is enrolled in two alternative education classes and two Career and Technical Education courses along with other Caro High School students. The student is a resident of Caro and wrestled previously for the school and would like to continue wrestling.

The Executive Committee did not approve the request for waiver.

Auburn-Bay City Western 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 parents never married and whose custody is shared. The student attended Bay City-Central for the 9<sup>th</sup> grade in 2019-20 where he participated in basketball. Both of the student's parents reside in the Central attendance area and the student is not moving between parents who reside in a different public school district, as Exception 8 requires.

The Executive Committee did not approve the request for waiver.

Bloomfield Hills-Brother Rice 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 Brother Rice as a freshman and sophomore during 2018-19 and 2019-20 where he participated in wrestling. The student has a medical condition and his family decided to homeschool the student during COVID due to concerns with his medical condition. The student has been homeschooled during the 2020-21 school year, and has transferred back to Brother Rice High School. The request was to waive the required 270 consecutive calendar days requirement of a homeschool as this homeschool has ceased to operate. The student did not attend any other schools other than Brother Rice and the partial year in his home-school. The student sought eligibility in wrestling.

The Executive Committee approved the request for waiver under the transfer regulation. The student must also have achieved a satisfactory previous academic credit record.

Bloomfield Hills-Brother Rice High School (Regulation I, Section 9[B-3]) – A request to waive the transfer regulation to permit eligibility on the 91<sup>st</sup> school day of enrollment was made on behalf of an 11<sup>th</sup>-grade student who attended U of D Jesuit as a freshman and sophomore during 2018-19 and 2019-20 where he participated in swimming & diving. The student enrolled at Brother Rice on Aug. 17, 2020. The student has had health issues and sought eligibility in swimming & diving.

The Executive Committee did not approve the request for waiver.

Clawson High School (Regulation I, Section 9[B-3]) – A request to waive the transfer regulation to permit eligibility on the 91<sup>st</sup> school day of enrollment was made on behalf of an 11<sup>th</sup>-grade student who reenrolled at Clawson on Jan. 25, 2021 due to struggling academics, health concerns and resumption of friendships related to the COVID-19 pandemic. The student attended Clawson through the 8<sup>th</sup> grade before beginning the 9<sup>th</sup> grade at Royal Oak-Shrine where he participated in football during the 2020-21 season.

The Executive Committee did not approve the request for waiver.

Clinton Township-Chippewa Valley 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 whose mother was the victim of a shooting, causing the student to move from his mother's home in Warren to an aunt's home in the Chippewa Valley attendance area. The student attended Warren Woods-Tower and participated in JV wrestling in 2019-20 and in three football games during the fall of 2020 before enrolling at Chippewa Valley on Oct. 5, 2020.

The Executive Committee approved the request for waiver.

Clinton Township-Chippewa Valley 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 enrolled at Chippewa Valley on Jan. 23, 2021, after attending Detroit-Edison High School previously. The student lives in the Chippewa Valley attendance area and attended Chippewa Valley Schools through the end of her 8<sup>th</sup>-grade year. The student played JV basketball at Edison and became involved in a situation with another student where a police report was filed. She has transferred back to Chippewa Valley. The student sought eligibility in girls basketball.

The Executive Committee did not approve the request for waiver.

Commerce Township-Walled Lake Northern 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 has lived with his grandfather and step-grandmother since his mother died in March 2018 and whose father has not been in the student's life. The living arrangement with the grandparents became incompatible and the student moved into the home of his uncle in the Walled Lake Northern attendance area and enrolled on Jan. 19, 2021, to begin the second semester. The student previously attended St. Ignace and participated in football and basketball.

The Executive Committee approved the request for waiver.

Goodrich 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 previously attended Grand Blanc High School in an almost exclusive online format since March 2020. The student had health concerns, entered medical treatment and enrolled at Goodrich on Feb. 8, 2021. Goodrich is the closest school to her residence that offered in-person learning. The student played varsity basketball as a 9<sup>th</sup>-grader at Grand Blanc and has not participated in any sports, including basketball, at Goodrich this school year.

The Executive Committee did not approve the request for waiver.

Hesperia 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 who enrolled at Hesperia High School on Sept. 8, 2020, after attending Whitehall High School during the 2019-20 school year. The student lived with his mother in Whitehall who became homeless. The student moved in with his father in the White Cloud attendance area and is attending Hesperia as a school-of-choice student because he attended Hesperia until the end of his 8<sup>th</sup>-grade year before starting as a first-time freshman at Whitehall. In addition, he has an 11<sup>th</sup>-grade brother who attends Hesperia but lives with another family. The parents are divorced, and an Educational Transfer Form is in process. The student sought eligibility in wrestling.

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

Jenison High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in ice hockey was made on behalf of an 11<sup>th</sup>-grade student who previously participated in the ice hockey cooperative program between Zeeland West and Jenison. The student will be enrolling at Jenison. Support from the former school was submitted.

The Executive Committee approved the request for waiver in ice hockey only.

Livonia-Stevenson 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 experienced bullying while a student at Canton Prep where she participated in bowling during the 2019-20 school year. The student had a misunderstanding with staff and also received negative text messages from a student. The student attended Stevenson previously before enrolling at Canton Prep for the 11<sup>th</sup> grade. The student reenrolled at Stevenson, the school of her residence where siblings have also attended, to begin the 2020-21 school year.

The Executive Committee did not approve the request for waiver.

Niles-Brandywine High School (Regulation I, Section 9) – A request to waive the transfer regulation to permit eligibility at the subvarsity level in basketball was made on behalf of a 10<sup>th</sup>-grade student who previously attended Edwardsburg, participated in basketball and has been struggling with issues related to the COVID-19 pandemic. The student enrolled at the beginning of the second semester to be closer to her father who is a staff member at Brandywine.

The Executive Committee did not approve the request for waiver.

St. Joseph 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 father died suddenly of a heart attack in the student's 11<sup>th</sup>-grade year while the student was administering CPR. In the spring of 2020, the student moved into his aunt's home in St. Joseph, continued in online learning with his former school and enrolled to begin the 2020-21 school year at St. Joseph. The student participated in two golf scrimmages while a student in South Carolina during the 2019-20 school year and would like to golf this spring for St. Joseph.

The Executive Committee approved the request for waiver.

Suttons Bay High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation was made on behalf of a 9<sup>th</sup>-grade student who played in the volleyball cooperative program between Northport and Suttons Bay in the fall of 2020-21. The student enrolled at Suttons Bay on Jan. 25, 2021. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Waterford Kettering High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation to permit eligibility on the 91<sup>st</sup> school day of enrollment was made on behalf of an 11<sup>th</sup>-grade student whose father was the former soccer coach at Waterford Mott where the student was a team member. The father and student were harassed by teammates and parents as the father attempted to address sportsmanship issues with the team. The student was physically threatened and a Bullying Incident Report was filed with the Waterford School District on Sept. 27, 2020. The father resigned at the end of the season and the school district allowed the student to change schools, enrolling at Waterford Kettering on Feb. 1, 2021.

The Executive Committee approved the request for waiver on the student's 91<sup>st</sup> school day of enrollment at Waterford Kettering High School, beginning Feb. 1, 2021.

Waterford Mott High School (Regulation I, Section 9[B-3]) – A fourth request (Aug. 5, 25 and Sept. 30) to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who previously attended Waterford Kettering. The Executive Committee did not approve the requests for waiver previously. The current request is for eligibility under Section 9(B-3) for eligibility on the 91<sup>st</sup> school day of enrollment. An additional letter dated Nov. 24, 2020 has been provided from the Waterford School District superintendent. The original request for waiver of the transfer regulation was on behalf of a 12<sup>th</sup>-grade student whose father had 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 lived in the Waterford Mott attendance area, but the student began the 9th grade at Waterford Kettering, a school of the same district, where he has played basketball for three years. Additional significant information was submitted to the Executive Committee on Aug. 25, 2020, including medical documents that the father had a transplant, and not just surgery. That Aug. 25 request was also not approved. The school again submitted an updated letter dated Aug. 28 from his physician indicating that on that date, the father had an upper respiratory infection, has been exposed to COVID-19, has asthma, and should reside alone. The Executive Committee did not approve that request on Sept. 30.

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 and specifically Interpretation 62 (public school of residence) was made on behalf of a 10<sup>th</sup>-grade student from an Approved International Student Program who resides with a host family in the Grand Rapid Public School District and enrolled on Jan. 12, 2021 at Godwin Heights because a sibling of the host family enrolled there to begin the 2020-21 school year in August.

The Executive Committee approved the request for waiver.

Brighton High School (Regulation I, Section 11) – A request to waive the amateur status regulation was made on behalf of a 12<sup>th</sup>-grade student who had been attending Saginaw-Heritage High School while playing for the Saginaw Spirit of the Ontario Hockey League. The student has transferred back to the home district, Brighton, where three siblings have graduated and/or currently attend. The OHL stopped operations due to COVID in March of 2020 and has not resumed hockey operations to date. The student did participate in boys golf as a freshman and sophomore at Brighton High School before signing a contract with the Saginaw Spirit. Interpretation 129 states that after once representing any MHSAA member school in competition in any MHSAA tournament sport, a student shall not be eligible to represent his or her high school if that student signs a professional athletic contract which involves monetary payment, valuable consideration or any other compensation in exchange for participation or endorsement. Agreements, contracts or rosters that simply indicate a commitment to play for a non-school team or in age-group events with no compensation or valuable consideration are not considered contracts and are not violations of MHSAA regulations. A summary of the OHL education, professional support, player development, player benefits, environment and other benefits was provided.

The Executive Committee did not approve the request for waiver in ice hockey. The student is eligible for golf in the 2020-21 school year, based on Regulation I, Section 11(D).

Bloomfield Hills-Brother Rice High School/Southeastern 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, Feb. 25, 2021, which is after the MHSAA Ski Finals (Monday, Feb. 22). The meet was scheduled for Feb. 16 at Alpine Valley, but due to poor weather and school closings, the meet was postponed.

The Executive Committee approved the request for waiver.

Future Meetings – The next meetings of the Executive Committee are scheduled for 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 10:30 a.m. in Gaylord (Representative Council follows); and Wednesday, June 16, 2021, at 9 a.m. in East Lansing.