

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, February 23, 2022

Members Present:

Scott Grimes, Grand Haven
Nicole Carter, Novi
Vic Michaels, Detroit
John Thompson, Brighton
Sean Jacques, Calumet

Staff Members Present:

Cody Inglis
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.

Caseville and Owendale-Gagetown High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these two schools in baseball. Both schools sponsored the sport previously; Caseville will be the primary school. The combined enrollment of 137 students will result in one less team in the Division 4 tournament. Approval from the North Central Thumb League was submitted.

Ferndale and Ferndale University High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the continuation of a cooperative program in football between these two schools of the same district through the 2023 season, after which it must be reviewed by the Executive Committee to specifically grant approval for the program to continue if it will be in excess of the 1,000-student combined enrollment limit. The schools still struggle to sustain a full team and would like to continue this cooperative program. The 2021-22 combined enrollment is 1,159 students. Support from the Oakland Activities Association was submitted.

Pellston and Mackinaw City High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these two schools in 8-player football for the 2022-23 school year. Pellston sponsored the sport previously and will be the primary school. The combined enrollment for 2022-23 will determine the division in which the team will play. Approval from the Ski Valley Conference was submitted.

Brighton-Livingston Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred on Nov. 1, 2021 from Dexter High School where it was feared that rising COVID cases would cause the school to return to virtual learning, which had caused the student to struggle previously. The student's younger sister already attends Livingston Christian. The student participated in JV volleyball at her previous school, and the school requested that she be allowed to participate in that sport in the fall of 2022.

The Executive Committee did not approve the request for waiver.

Centreville High School (Regulation I, Section 9[D]) – The school appealed the MHSAA staff finding and penalty in softball for a 12th-grade student who transferred from Bronson to Centreville in November of 2021. The student transferred immediately after the volleyball season in November of 2021 which resulted in a claim of an athletic-motivated transfer from Bronson High School. This allegation was confirmed by MHSAA staff during the subsequent investigation involving personnel from both schools. The issues surrounding this student were primarily those involving the Bronson softball coach and her decision to not play this student during District softball games last spring following attitude and behavior concerns. It must be noted that the family did move from Bronson to Centreville but did not do so within the same period of time as enrollment, which is required under Section 9(D). The student transferred to Centreville in mid-November of 2021 but the full and complete move was completed in mid-January of 2022, a difference of nearly two months from enrollment to the change of residence. The student did play three sports at Bronson (volleyball, basketball and softball) and she became eligible for basketball at Centreville in January of 2022, given the full and complete move and the fact that the athletic-motivated allegation, and MHSAA staff confirmation, only dealt with softball. All correspondence going back to November of 2021 was reviewed by the Executive Committee, including letters from multiple administrators at both schools involved along with the parents of this student.

The Executive Committee did not approve the request for waiver.

Clarkston-Everest Collegiate High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of two brothers who transferred from Flint-Powers Catholic to Everest on Nov. 29, 2021. One student participated in four football games at the previous school; the other student participated in eight soccer games at the previous school. The school requested eligibility for the 2022-23 school year for these students after sitting out four football and eight boys soccer games, respectively.

The Executive Committee did not approve the request for waiver.

Clarkston-Everest Collegiate High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in girls softball was made on behalf of a 10th-grade student who participated in the cooperative program in this sport between Auburn Hills-Oakland Christian and Everest while a student at Oakland Christian during the 2020-21 school year. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver in girls softball only.

East Kentwood High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred from Caledonia on Feb. 2, 2022 due to a bullying environment that caused health issues and led to hospitalization. The student participated in volleyball and softball while a freshman at Caledonia and would like immediate eligibility at East Kentwood this spring. A letter from the parent with medical documentation and a letter of support from the former school were submitted.

The Executive Committee did not approve the request for waiver.

Fenton-Lake Fenton High School (Regulation I, Section 9) – On Sept. 9, 2021, the Executive Committee did not approve a request for waiver on behalf of an 11th-grade student who attended Byron High School during the 9th and 10th grades and participated in basketball and volleyball where she was the subject of harassment and bullying from teammates and a coach. The issues were disclosed to the former school which did not satisfactorily address the concerns. The harassment continued through social media. Letters from teammates were submitted in support of the harassment claims. Lake Fenton submitted additional information including a letter from the parent and a letter from Byron Area Schools regarding the initial complaint of bullying. The student would like to be immediately eligible for the remainder of the girls basketball season.

The Executive Committee did not approve the request for waiver.

Fowler High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of a 10th-grade student who has been a Fowler resident for many years. The student attended St. Johns High School as a school-of-choice student as a freshman and wanted to transfer to Fowler due to migraines that have been a result of bullying at St. Johns. Medical documentation was submitted and a letter of support from the St. Johns superintendent was recently received, which was the new information.

The Executive Committee did not approve the request for waiver.

Fraser High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who resides in the Fraser School District but chose to attend 9th grade and the first part of 10th grade at Clinton Township-Chippewa Valley before transferring to Fraser on Nov. 8, 2021. The student has been diagnosed with a medical disorder, so her parents decided to enroll her at her home district. The student had participated in softball at Chippewa Valley and the school requested immediate eligibility in softball, at least at the subvarsity level.

The Executive Committee did not approve the request for waiver.

Gaylord-St. Mary Cathedral High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred from Gaylord High School on Jan. 24, 2022. The family moved the student to a smaller school environment for medical and emotional reasons. Supporting documents were provided by medical authorities and a coach at the previous school. The student competed in basketball and cross country at his previous school. St. Mary Cathedral requested subvarsity eligibility for the remainder of the current school year and eligibility in the 2022-23 school year for cross country and basketball.

The Executive Committee did not approve the request for waiver for the current school year but did approve the request for eligibility in the 2022-23 school year in cross country and basketball.

Grand Rapids Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who attended Grand Rapids Christian through 8th grade and transferred to Rockford for her freshman year in 2020-21. The student experienced significant health issues while at Rockford, so her parents transferred her back to Grand Rapids Christian for the 2021-22 school year for the smaller school environment. The student participated in lacrosse at Rockford and the school requested that she be allowed to participate this spring at the subvarsity level only.

The Executive Committee did not approve the request for waiver.

Grand Rapids-NorthPointe Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who attended 9th grade at Grand Rapids Christian and participated in track & field. The student struggled with health issues, so it was decided to move him to the smaller school environment at NorthPointe Christian to begin the 2021-22 school year. The student participated in JV tennis in the fall and would like to participate in track & field this spring. A letter from the parents with medical documentation was submitted.

The Executive Committee did not approve the request for waiver.

Lake Odessa-Lakewood High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred to Lakewood in August of 2021 from Maple Valley High School. The student was adopted from the USSR and arrived in the United States with a speech impediment that has carried on throughout her life. The family resides in the Maple Valley attendance area where the adoptive father currently is a faculty member. The student had been receiving speech and language services from the time she arrived in the US, but that support disappeared once she entered the 9th grade. She participated in cross country, basketball and softball last year at Maple Valley and has sat out the entire cross country and basketball seasons this school year.

The Executive Committee approved the request for waiver. The student will be eligible for girls softball for the current school year.

Orchard Lake-St. Mary's Preparatory High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred to St. Mary's Prep to begin the 2021-22 school year. The student participated in six freshman baseball games at his previous school, Oxford. St. Mary's requested eligibility for the student at the subvarsity level only after being withheld from the first six baseball games this spring.

The Executive Committee approved the request for waiver. The student will be withheld from the first six baseball games of the 2021-22 school year.

Rochester Hills-Lutheran Northwest High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred on Jan. 24 to Lutheran Northwest from Oxford High School following the shooting at the former school on Nov. 30, 2021. The student cited the difficulty in returning to Oxford High School, and the former school submitted a letter of support. The student participated in track & field at the former school.

The Executive Committee approved the request for waiver.

Rochester Hills-Lutheran Northwest High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who transferred on Jan. 18 to Lutheran Northwest from Oxford High School following the shooting at the former school on Nov. 30, 2021. The student and family cited the difficulty in returning to Oxford High School, and the former school submitted a letter of support. The student participated in wrestling at the former school.

The Executive Committee approved the request for waiver.

Sparta High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who transferred to Sparta on Nov. 10, 2021 from East Grand Rapids where he played football during the current school year and participated in track & field in the 2020-21 school year. The student attended several different schools since his freshman year, attempting to remain in face-to-face learning during the pandemic. The family would like to move into the Sparta School District but is finding it difficult due to the current housing market. The school sought immediate eligibility for this student in both track & field and football.

The Executive Committee did not approve the request for waiver.

Whitehall High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who had attended Coopersville since Kindergarten before transferring to Whitehall on Jan. 24, 2022. The student experienced bullying during the 2020-21 school year which led to health issues. She transferred to Whitehall where her father is a faculty member. The student participated in JV tennis at the previous school in the spring of the 2020-21 school year and in JV volleyball during the current school year. She would like immediate eligibility at Whitehall in both sports at the varsity level.

The Executive Committee did not approve the request for waiver.

Zeeland West High School (Regulation I, Section 9) – A request to waive the transfer regulation at the subvarsity level was made on behalf of a 10th-grade student who attended Holland-Black River as a 9th-grader. Due to the small size of the school and low participation numbers in baseball, the student played for the varsity baseball team during his 9th-grade year which was the only team available at the school. In an effort to gain additional academic support for a 504 Plan, the student transferred to Zeeland West to begin his 10th-grade year. His grades have improved significantly through one semester at Zeeland. The school requested subvarsity eligibility in baseball for the 2021-22 school year.

The Executive Committee did not approve the request for waiver.

Next Meetings – The next meetings of the Executive Committee are scheduled for Thursday, March 24, 2022, at 10 a.m. in East Lansing (Representative Council meets following day); Wednesday, April 20, 2022, at 9 a.m. in East Lansing (Audit and Finance Committee follows); Sunday, May 1, 2022, at 10: 30 a.m. in Gaylord (Representative Council meets at 1 p.m.); and Wednesday, June 15, 2022, at 9 a.m. in East Lansing.