

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, January 13, 2010

Committee Members:

Jim Derocher, Negaunee
Scott Grimes, Grand Haven
Vic Michaels, Detroit
Dan Flynn, Escanaba
Pete Ryan, Saginaw

Staff Members:

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 factual 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 post-season 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.

Warren-Cousino, Warren Mott and Sterling Heights High Schools (Regulation I, Section 1) – These schools of the same district requested to form a boys subvarsity non-MHSAA tournament boys lacrosse cooperative agreement among all three schools that would be in excess of the 3,500-student enrollment cap. For the previous three years these high schools of the same district have conducted a varsity cooperative agreement in boys lacrosse as allowed by Regulation I, Section 1(F) for new emerging programs in excess of the 3,500-student enrollment cap for three years only. On April 22, 2009, the Executive Committee allowed Cousino and Sterling Heights High Schools to form an agreement beginning with the 2009-10 season with a combined enrollment of 3,252 students. Warren Mott would attempt to offer a stand-alone team. As requested, on Dec. 15, 2009, the school district informed the MHSAA that there is insufficient interest at Warren Mott High School to field its own team. The team will be using the allowance given it in April 2009 for seven Mott students to be grandfathered in to continue participation in the cooperative agreement with Sterling Heights and Cousino. This additional request was to allow the three high schools to offer a junior varsity team in 2010 and 2011.

The Executive Committee approved the request for waiver for the subvarsity level only for the 2009-10 and 2010-11 school years only, with the stipulation that no subvarsity team members who attend Warren Mott High School may be promoted to the varsity program and that no additional students will be grandfathered for play on the cooperative team at the varsity level in the future.

Middleton-Fulton High School (Regulation I, Sections 4 & 5) – A request to waive the maximum competition portion of the eligibility regulation was made on behalf of an 11th-grade student who is repeating the 11th grade and who began the 9th grade in the 2006-07 school year and attended Comstock Park High School where the student participated in freshman football; his only athletic participation to date. Events in the student's life from the fall of 2007 through the spring of 2009 contributed to insufficient academic progress and ineligibility. The second semester of the 2009-10 school year will be the student's eighth semester since first enrolling in the 9th grade. The student will become eligible at the start of the second semester of 2009-10, having achieved a satisfactory academic credit record since enrolling at Fulton High School in September 2009. The request was for athletic eligibility for the student's 12th grade in 2010-11, which will be his fifth year of high school.

The Executive Committee did not approve the request for waiver.

Allendale 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 suffered a brain injury in a football game on Oct. 1, 2009. The injury, surgery, rehabilitation and subsequent memory loss resulted in the student being unable to achieve a satisfactory academic credit record for the first trimester of the 2009-10 school year. The student was doing passing work in all classes at the time of his injury.

The Executive Committee approved the request for waiver and noted that the academic term in question must be counted toward the maximum allowed.

Holt High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of a 12th-grade student who has been diagnosed with several disorders and is undergoing medical treatment. The student has struggled, missed school and been unable to achieve a satisfactory previous academic credit record for the first trimester of the 2009-10 school year due to his illness and medication.

The Executive Committee approved the request for waiver and noted that the academic term in question must be counted toward the maximum allowed.

Flint—Carman-Ainsworth High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who previously lived with her father and attended Swartz Creek High School. The mother is not in the student's life. When the father died in November 2008, the student moved in with a family in Swartz Creek to complete the 2008-09 school year. To begin the 2009-10 school year, the student moved to the home of an aunt and enrolled at Fenton High School. The student left there because of an unhealthy home environment. The student has moved to the residence of her 33-year-old brother in the Carman-Ainsworth School District, enrolling on Nov. 5, 2009.

The Executive Committee approved the request for waiver.

Fowler High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who began the 2009-10 school year at Middleton-Fulton High School and participated in football and in the wrestling cooperative agreement between these two schools. The student intends to enroll at Fowler High School on Jan. 25, 2010, and wishes to continue participation on the wrestling team. Because the student is a 9th grader, he did not participate in this cooperative program in the previous season; but has participated in the current season. Support from Fulton High School was received.

The Executive Committee approved the request for waiver pending receipt of reasons for the transfer that the executive director determines are within the intent of this Section.

Kalamazoo-Loy Norrix High School (Regulation I, Section 9) – On Dec. 3, 2009, the Executive Committee approved a request to waive the transfer regulation on behalf of an 11th-grade student who previously attended Kalamazoo Central High School while living with his parents. In the spring of 2009, the father learned of a potential job transfer out of state which would involve the student living with the grandparents and continuing to attend Kalamazoo Central High School. Over the summer of 2009, the Kalamazoo School District reorganized its boundaries in accordance with Exception 7. Unsure of the father's employment, the student remained at Kalamazoo Central through the first marking period. In November the father's job came through, at which time the student moved into the grandparents' house, enrolling at Loy Norrix High School on Nov. 20, 2009 (which was after the boundaries were changed for the start of the school year). The grandparents' house is in the new Loy Norrix attendance area.

Subsequent to the Dec. 3, 2009 decision, it was learned that the father's job situation changed and his job transfer was to Marshall, not out of state, and would not occur until Jan. 4, 2010. Later it was learned that the parents and siblings have not relocated. It was also learned that the student tried out for the basketball team at Kalamazoo Central and was cut from the team at Kalamazoo Central. The student played in one J.V. game, after which the school withheld the student from competition pending additional Executive Committee review.

The Executive Committee rescinded its previous action and did not approve the request for waiver.

Marcellus-Howardsville Christian High School (Regulation I, Section 9[D]) – A request was made on behalf of a 10th-grade student to waive the transfer regulation to permit eligibility on the 91st school day of enrollment. The student previously attended Marcellus High School, participated in golf and enrolled at Howardsville Christian High School on Oct. 19, 2009.

The Executive Committee approved the request for waiver effective with the student's 91st school day of enrollment at Howardsville Christian High School beginning Oct. 19, 2009.

North Branch High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who previously attended Grand Blanc High School and participated in athletics while living with his mother and three siblings under the age of 8. The student was responsible for the care of the younger siblings. In October 2009, the student's mother lost her job and the ability to care for her children. The four children moved in with the grandmother in North Branch while the mother moved in with her boyfriend and his roommate in Grand Blanc. The student enrolled at North Branch High School on Oct. 29, 2009.

The Executive Committee approved the request for waiver.

Onkama High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who previously attended Auburn Hills-Avondale High School while residing with his divorced mother who has moved to Alaska to be with her new husband. The student did not want to move in with his divorced father in Ferndale, so he moved to Onkama to live with a family there. The student had not participated in sports previously.

The Executive Committee did not approve the request for waiver for immediate eligibility but approved the request for waiver at the subvarsity level only for the remainder of the 2009-10 school year.

Otsego High School (Regulation I, Section 9[D]) – A request was made on behalf of a 9th-grade student to waive the transfer regulation to permit eligibility on the 91st school day of enrollment. The student began the 2009-10 school year at Allegan High School, participated in volleyball and enrolled at Otsego High School on Oct. 5, 2009.

The Executive Committee approved the request for waiver effective with the student's 91st school day of enrollment at Otsego High School beginning Oct. 5, 2009.

Pontiac High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who previously attended Auburn Hills-Avondale High School while residing with her grandparents. The student has returned to the home of her parents in Pontiac (Exception 2) except that the stepfather is incarcerated. The school requested a waiver of the language of Exception 2: "parent, single parent if divorced or only living parent who already reside in that district." The stepfather's removal from the home made it possible for the student to return to the mother's residence.

The Executive Committee approved the request for waiver.

Pontiac High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student whose mother accepted a job in Ohio and who moved in with her grandparents and enrolled at Pontiac High School on Dec. 18, 2009. The student attended White Lake-Lakeland High School for the 9th grade and West Bloomfield High School for the 10th and 11th grades.

The Executive Committee did not approve the request for waiver.

Scottville-Mason County Central High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 59 (public school of residence) was made on behalf of an 11th-grade student who is a ward of the court and resides with foster parents in Baldwin. The student previously attended Mason County Central for the 2008-09 school year before custody was changed to the residence of his father in October 2009. In late December 2009, the court placed the student back in foster care in Baldwin. The student reenrolled at Mason County Central on Jan. 6, 2010. Mason County Central is his former school, but not his school of residence.

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 Sub-varsity Eligibility Status
Clinton	9	Manchester	Nov. 17, 2009	Remainder of 09-10 school year
Dearborn Hts-Robichaud	10	Inkster	Sept., 2009	Jan. 18, 2010
Eastpointe-East Detroit	9	Warren-Cousino	Dec. 7, 2009	Remainder of 09-10 school year
Parchment	10	Otsego	Sept. 2009	Jan. 18, 2010
Troy	10	Bloomfield Hills-Brother Rice	Sept. 2009	Jan. 18, 2010

Beaver Island High School (Regulation II, Section 11[H]) – A request was made to waive the regulation which prohibits the basketball coach from participating in open gyms. The school is a geographic island with only one gym and a year-round population of less than 450 people.

The Executive Committee did not approve the request for waiver.

Howell High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 224, a request to waive the three/four-player rule for the 2009-10 school year was made on behalf of the girls swimming & diving coach who is also employed full time with the Sea Serpents Swim Club which has 112 participants ages 5-19 registered for the 2009-10 season from five different school districts including Howell (Brighton, Hartland, Fowlerville and Highland-Milford). It is expected that 16-24 students in grades 7-12 from Howell will be participating in the program. The request was granted previously for this coach in this and other programs since 2006.

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

Kentwood-East Kentwood High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 224, a request to waive the three/four-player rule for the 2009-10 school year was made on behalf of the boys and girls tennis coach who is also a teaching professional at East Hills Athletic Club who teaches private, semi-private and group tennis lessons for all ages held at any time in a week.

The Executive Committee did not approve the request for waiver.

Detroit-Frederick Douglass College Prep Academy (Regulation III, Section 1[C]) – The Executive Committee did not approve waiver of the enrollment regulation to permit 6th-grader students to participate with and against 7th and/or 8th graders in boys basketball during the 2009-10 school year.

Hillsdale Academy (Regulation III, Section 1[C]) – Pursuant to Interpretation 249, the Executive Committee approved the request to permit 6th-grade students to participate with and against 7th and 8th graders in girls basketball and boys and girls track & field during the 2009-10 school year only.

AuGres-Sims High School (Regulation V, Section 3[A]) – On Dec. 22, 2009, the varsity girls basketball coach removed the team from the floor in protest midway through the third quarter of a game at Whittemore-Prescott High School. The Officials Report and the actions of the school are enclosed for Executive Committee review.

The Executive Committee accepted the internal actions of the school and indicated it would not require an appearance if all eight remedial measures have been completed.

New Member School – 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:

Flint-Madison Academy High School is operated by Romaine Management Group and recently chartered by Bay Mills. Currently there are 100 students in grade 9-10 and 75 in grades 7 and 8. An 11th grade will be added in 2010-11. The school is located in a two-year-old building with a gym which also serves as a lunch center. The school currently offers boys and girls soccer and basketball for grades 7-8 and grades 9-10. The signed 2009-10 Membership Resolution was received Nov 2, 2009. The Athletic Department Code of Conduct and Preliminary Enrollment Declaration have been received. If 2010-11 and 2011-12 Membership Resolutions are received prior to the fourth Friday after Labor Day in each year, the school will be eligible for MHSAA tournaments for the 2011-12 school year.

Investment Resolution – The Executive Committee approved an updated financial operations resolution.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Feb. 24, 2010, at 8:30 a.m. in East Lansing (with the Audit and Finance Committee meeting to follow); Thursday, March 25, 2010, at 8:30 a.m. in East Lansing (with the Representative Council meeting the following morning); Wednesday, April 21, 2010, at 8:30 a.m. in East Lansing (with the Audit and Finance Committee meeting to follow); Sunday, May 2, 2010, at 9 a.m. in Gaylord (with the Representative Council meeting at 1 p.m.); and Wednesday, June 16, 2010, at 9 a.m. in East Lansing.