

# MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

## EXECUTIVE COMMITTEE MEETING

East Lansing, January 13, 2021

### Members Present:

Scott Grimes, Grand Haven  
Steve Newkirk, Clare  
Vic Michaels, Detroit  
Kris Isom, Adrian  
Mark Mattson, Maple City

### 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.

Petoskey-St. Michael Academy, Boyne Falls and Harbor Springs-Harbor Light Christian High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys and girls track & field (varsity only) between these three schools whose combined enrollment of 142 students will continue placement of a team in the Division 4 tournament. St. Michael Academy sponsored boys and girls track previously and will be the primary school. Support from four future opponents was submitted.

Saginaw-Arthur Hill and Saginaw High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in football (JV and varsity) in excess of the 1,000-student enrollment limit for these two schools of the same district whose combined 2020-21 enrollment is 1,213 students. The two high schools are to be merged into one with a projected date of September 2023. In the fall of 2020, a JV football cooperative program was established with 23 participants and a 0-6 record. Both football teams have a five-year history of poor success and participation. The schools have struggled in the Saginaw Valley League, which supported the agreement in order to provide an equitable opponent and schedule for its members.

St. Joseph-Lake Michigan Catholic, Benton Harbor-Countryside Academy and St. Joseph-Michigan Lutheran High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Michigan Lutheran to a cooperative program in 8-player football (varsity only) that exists between the other two schools. The combined 2020-21 enrollment of 363 students is in excess of the 215-student enrollment limit for the 8-player tournament. Lake Michigan Catholic will continue as the primary school. Support from the Southwest 8-Player Football League was submitted.

Grand Rapids-Kenowa Hills High School (Regulation I, Section 2) – A request to waive the age regulation was made on behalf of a 19-year-old 12<sup>th</sup>-grade student (DOB Jan. 18, 2001) who was diagnosed with a disorder in 2004 and repeated the 1<sup>st</sup> grade. The student has continued in special education services. The student struggles with socialization and with upper body strength that has been improved through being a member of the swim team. The student has participated in swimming for four seasons in the cooperative program with Grandville. The request was for a fifth year of swimming eligibility.

The Executive Committee did not approve the request for waiver.

Bloomfield Hills High School (Regulation I, Section 9) – On Dec. 3 and Nov. 4, 2020, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of an 11<sup>th</sup>-grade student who attended Bloomfield Hills for the 9<sup>th</sup> grade and participated in a JV ice hockey cooperative program before enrolling at Brother Rice for approximately 25 school days from Aug. 19 to Sept. 25, 2020, when his former school decided to be all virtual to begin the 2020-21 school year. The student preferred in-person instruction and reenrolled at Bloomfield Hills on Sept. 28, 2020 when the in-person hybrid learning option was made. The student did not participate in fall sports at Brother Rice. Bloomfield Hills began fully online instruction on Sept. 8, resulting in the student missing 13 days at his former school. The in-person instruction began on Oct. 5, 2020. The school resubmitted a request for eligibility based on the student's limited participation on the JV team in 2019-20.

The Executive Committee approved the request for waiver. The student will be withheld from the first six ice hockey games of the 2021 season.

Comstock Park 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 grandparents have been sole guardians of the student for 11 years and are no longer able to care for the student. The father is unknown and the mother has not been in the student's life for several years. On Dec. 17, 2020, the probate court granted full guardianship to the student's aunt and grandmother who reside in the Comstock Park School District. The student participated in football and wrestling while at Holland-West Ottawa during the 2019-20 school year while residing with his grandparents. The student enrolled at Comstock Park on Jan 4, 2021. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Saginaw-Arthur Hill 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 father was a coach at the student's former school who had expressed concerns over personnel matters that might impact his son if he continued to be enrolled at Saginaw-heritage where he played varsity basketball. On Oct. 31, 2020, the family purchased a home in the Heritage School District and the student enrolled at Arthur Hill on Nov. 17, 2020.

The Executive Committee did not approve the request for waiver.

Wyoming-Kelloggsville 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 previously attended Kentwood-Grand River Prep and participated in basketball during the 2019-20 school year. Due to COVID-19, the student enrolled at Kelloggsville to begin the 2020-21 school year because the former school did not offer the option to attend in-person or online at the start of the 2020-21 school year. The student has alternated between in-person and online courses and resides in the Grand Rapids Public School District.

The Executive Committee did not approve the request for waiver.

UP Boys and Girls Swimming & Diving Finals – The Executive Committee moved the date of the Upper Peninsula Boys and Girls Swimming & Diving Final to March 13, 2021.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Feb. 24, 2021, at 9 a.m. in East Lansing (Audit & Finance Committee follows); 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.