

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

**EXECUTIVE COMMITTEE MEETING**

East Lansing, June 12, 2013

Members Present:

Jim Derocher, Negaunee  
Scott Grimes, Grand Haven  
Vic Michaels, Detroit  
Fred Smith, Buchanan  
Maureen Klocke, Yale

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 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.

Cooperative Program Renewals (Regulation I, Section 1[F]) – Pursuant to instructions of the Representative Council in 1997, the Executive Committee must review Cooperative Team Renewal Forms for cooperative agreements in boys bowling, girls bowling, girls golf and girls competitive cheer where the combined enrollment exceeds 1,000 students. These agreements were formed before these sports reached over 250 schools sponsoring. The Executive Committee reviewed and approved the following program for renewal:

- Battle Creek-Central and Battle Creek-Pennfield High Schools in girls golf.

Auburn Hills-Oakland Christian and Auburn Hills Christian High Schools (Regulation I, Section 1[E]) – Application was made for a football cooperative program between these two schools because, without it, Oakland Christian would be dropping its football program. Oakland Christian completed a game last year with only 17 players. In May 2013, some parents chose to remove their students from participation in football, resulting in the need for additional players to field a team. The schools submitted a completed application after the deadline. The combined 2013-14 enrollment is 276 students; Oakland Christian would be the primary school. The team has contracts for nine games this fall, mostly in the Michigan Independent Athletic Conference which wrote to support the application.

The Executive Committee approved the cooperative program.

Battle Creek-Central, Battle Creek-Pennfield, Battle Creek-St. Philip Catholic Central and Climax-Scotts High Schools (Regulation I, Section 1[F]) – The Executive Committee approved the addition of Climax-Scotts to a boys and girls swimming & diving cooperative program which already exists between Central, Pennfield and St. Philip High Schools. The combined 2013-14 enrollment of 2,113 students will continue placement of teams in the Division 1 tournaments. Central will continue as the primary school. Support from the Southwestern Michigan Athletic Conference was received.

Madison Heights-Bishop Foley, Macomb-Lutheran North, Rochester Hills-Lutheran Northwest and Sterling Heights-Parkway Christian High Schools (Regulation I, Section 1[F]) – The Executive Committee approved the addition of Lutheran North and Lutheran Northwest High Schools to a cooperative program in ice hockey which has existed between Bishop Foley and Parkway Christian since 2009. The combined 2013-14 enrollment of 1,251 students will continue placement of a team in the Division 3 tournament. Bishop Foley will continue as the primary school. Support from the Catholic High School League was received.

Standish-Sterling and Pinconning High Schools (Regulation I, Section 1[F]) – The Executive Committee approved a cooperative program in boys and girls swimming & diving between these two schools whose combined 2013-14 enrollment of 1,027 students will place a new team in each Division 2 tournament. Standish-Sterling sponsored swimming & diving previously and will be the primary school. Support from the Independent Swim Conference was received.

Traverse City Christian and Grand Traverse Academy High Schools (Regulation I, Section 1[E]) – Application was made for the addition of football to a cooperative program which already exists between these schools in boys and girls track & field, boys and girls cross country, girls softball and girls tennis. The combined 2013-14 enrollment is 291 students. Traverse City Christian was previously in a cooperative agreement with Traverse City College Prep High School which announced in early May 2013 that it will close at the end of the 2012-13 school year. Because of the late announcement of the school closing and the need for additional players to field a team, Traverse City Christian submitted an application (after the deadline) and a request for consideration. The team has contracts for games this fall, and several of those schools wrote to support the application.

Noting the late closing of College Prep High School and the hardship on nine opposing schools if this football program cannot meet its scheduled commitments, the Executive Committee approved this request to add football to the existing cooperative agreement.

Warren-Mott and Sterling Heights High Schools (Regulation I, Section 1[F]) – The Executive Committee approved a cooperative program in ice hockey between these two schools of the same district whose combined 2013-14 enrollment of 3,258 students will place a new team in the Division 1 tournament. Mott sponsored the sport previously and will be the primary school. Support from the Macomb Area Conference was submitted.

Waterford Mott and Waterford Kettering High Schools (Regulation I, Section 1[F]) – The Executive Committee approved a cooperative program in ice hockey between these two schools of the same district whose combined 2013-14 enrollment of 2,345 students will place a new team in the Division 1 tournament. Both schools sponsored hockey previously; Waterford Mott will be the primary school. Support from the Kensington Lakes Activities Association was received.

Brimley High School (Regulation I, Section 1[D]) – A request was made to permit 8<sup>th</sup>-grade students to participate with the high school program when the high school enrollment is 149 students (in excess of the allowance for schools under 100 students). It may not be possible for the school to field a JV basketball or baseball team in 2013-14 due to low participation, academic deficiencies by some students, students who play non-school ice hockey and a 34 percent male enrollment in grades 7-11.

Citing the limit established and recently affirmed by the Representative Council, the Executive Committee determined that granting waiver would exceed its authority and it did not approve the request.

Holt High School (Regulation I, Sections 1 & 8) – A request to waive the enrollment and current academic credit record regulations was made on behalf of a 12<sup>th</sup>-grade student who has struggled in the traditional school setting since the third grade and who intends to enroll at Nexus Academy to begin the 2013-14 school year. Nexus Academy is a charter school with a blended learning setting that includes classroom instruction and an online program. The student has participated in boys swimming previously for Holt and wishes to continue. Nexus Academy does not offer athletics.

The Executive Committee did not approve the request for waiver.

Beverly Hills-Detroit Country Day High School (Regulation I, Sections 4 and 5) – A request to waive the maximum enrollment and competition portions of the eligibility regulation was made on behalf of a student who completed the 7<sup>th</sup> grade at Cranbrook in 2008-09 and then earned credit in eleven 9<sup>th</sup>-grade courses during the 2009-10 school year through the K12 International Academy, an online private school based in Herndon, VA. This allowed the student time to train and travel to tournaments as a highly ranked player in the US Tennis Association. The student was enrolled in the K12 International Academy for five terms before enrolling at Detroit Country Day in January 2012 as a 10<sup>th</sup>-grader. He did not compete in high school athletics until the fall of 2012.

The Executive Committee found that, according to school records, the student has been enrolled in private schools in grades 9 through 12 for the maximum of eight semesters allowed all students for interscholastic athletic eligibility. The academic planning document for the student at International Academy places the student in 9<sup>th</sup> grade in 2009-10, 10<sup>th</sup> grade in 2010-11, 11<sup>th</sup> grade in 2011-12 and 12<sup>th</sup> grade in 2012-13, and it refers to 2013-14 as the student's fifth year of high school.

The Executive Committee noted that it is not uncommon for 8<sup>th</sup>-grade students to take courses in 9<sup>th</sup> grade and above and that when a majority of their courses is at the 9<sup>th</sup> grade level or above, they are deemed to be 9<sup>th</sup>-graders, pursuant to *MHSAA Handbook Interpretation 24*. Had the student enrolled in the 9<sup>th</sup> grade of a brick and mortar school, the semesters of enrollment would have counted toward the maximum allowed even if the student chose not to participate in high school sports or the school did not sponsor sports. An online school or home school cannot be treated differently.

The student's retention in the 10<sup>th</sup> grade during 2011-12 was an academic and/or athletic choice not necessitated by serious illness or injury or by a physical and mental or emotional disability; and it is likely this student's training and competition during the past four years would represent a competitive advantage over other students during 2013-14. A waiver under this student's circumstances would create unfavorable precedent that would tend to render the rules less effective in limiting red-shirting among MHSAA member schools. The request for waiver was not approved.

Akron-Fairgrove High School (Regulation I, Section 9[D]) – 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 a 12<sup>th</sup>-grade student who previously attended Essexville-Garber High School before enrolling at Akron-Fairgrove on March 8, 2013.

The Executive Committee approved the request for waiver effective with the student's 91<sup>st</sup> school day of enrollment at Akron-Fairgrove High school beginning March 8, 2013.

Bay City-Central 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 resides in the Bay City Central attendance area and previously attended Essexville-Garber High School where he participated in football. The student enrolled at Bay City Central on March 14, 2013, preferring its academic setting to the former school.

The Executive Committee did not approve the request for waiver.

Harper Woods 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 attended Detroit-Martin Luther King High School for the 9<sup>th</sup> grade and did not participate in athletics. The student began the 10<sup>th</sup> grade at Harper Woods High School in the fall of 2012-13 before attending Warren-Michigan Collegiate High School from Jan. 12 through May 23, 2013, before reenrolling at Harper Woods High School on May 24, 2013. The changes of schools were not based on athletics but in pursuit of a better educational environment.

The Executive Committee did not approve the request for waiver.

Hudsonville 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 attended Hudsonville Schools since the 3<sup>rd</sup> grade until a pregnancy resulted in the student enrolling in the Jenison International Online School to begin the 2012-13 school year so as to stay on course for graduation and remain home when the child was born. The student gave birth in February 2013 and completed the semester at Jenison Online International. The student will reenroll at Hudsonville to begin the 2013-14 school year.

The Executive Committee approved the request for waiver.

Mt. Pleasant-Sacred Heart Academy (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who had difficulty recovering from the suicide death of his best friend. The student previously attended school in Kentucky while living with his parents, entered counseling and experienced trouble to the point where it was determined that he should move to the home of his grandparents in Mt. Pleasant. The student enrolled at Sacred Heart on March 18, 2013.

The Executive Committee approved the request for waiver.

Otsego High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 61 (public school of residence) was made on behalf of a 12<sup>th</sup>-grade foreign exchange student from a CSIET-approved program (FAS) whose host family lives in the Plainwell School District. The host family has a 10<sup>th</sup>-grade student who has attended Otsego Schools since the 7<sup>th</sup> grade.

The Executive Committee approved the request for waiver.

Walled Lake Central 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 was given the option of expulsion or long-term suspension so that, by school policy, he may return to Walled Lake Central. The student accepted a long-term suspension on Jan. 26, 2013, for the remainder of the 2012-13 school year. The student has enrolled in a full schedule of Michigan Virtual School courses which will transfer to Walled Lake Central for credit. The student meets the criteria of Exception 14 except that the student took a long-term suspension and was not expelled.

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 9<sup>th</sup>- or 10<sup>th</sup>-grade students (after entering 9<sup>th</sup> grade, before completing 10<sup>th</sup> 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
Marquette	10	Connections Online Academy	Sept. 3, 2013	Jan. 20, 2014

Warren-De La Salle Collegiate High School (Regulation II, Section 6) – A request to waive the 600-mile round-trip travel limitation was made to permit participation in the 2013 LaSallian Hockey Tournament hosted at De La Salle College Oaklands High School in Toronto, Ontario Canada on Dec. 13-14, 2013. The tournament features four Christian Brother high schools of the Eastern District of North America. In addition to Warren-De La Salle and the Canadian team, Christian Brother high schools from Buffalo and Pittsburgh will be participating. The distance for De La Salle and Buffalo is within 300 miles, but Catholic Central in Pittsburgh is 322 miles to the game site.

The Executive Committee did not approve the request for waiver.

Commerce-Walled Lake Northern High School (Regulation II, Section 11[H]) – Pursuant to 2013-14 *MHSAA Handbook* Interpretation 237, a request to waive the three-/four-player rule for the 2013-14 school year was made on behalf of two swimming & diving coaches: (1) the head girls swimming & diving coach for whom a waiver was approved in 2011-12 and 2012-13 who has income from other sources than club coaching, and (2) an assistant boys swimming & diving coach whose sole income is from coaching and for whom waiver was approved in 2012-13. Both coaches are employed by the Lakes Area Tridents Swim Club and with the high school. The Tridents program has approximately 80 participants ages 6-18 years old from three neighboring Catholic grade schools and several districts including Walled Lake (Farmington Hills-Mercy, Livonia-Ladywood, Novi-Detroit Catholic Central and Highland-Huron Valley). Thirteen Walled Lake Northern 9-12 grade students are involved in the Tridents swim program.

The Executive Committee approved the request for both coaches for 2013-14 in swimming & diving only.

East Grand Rapids High School (Regulation II, Section 11[H]) – Pursuant to 2013-14 *MHSAA Handbook* Interpretation 237, a request to waive the three-/four-player rule for the 2013-14 school year was made on behalf of the assistant boys and girls swimming & diving coach who is employed full-time by the East Grand Rapids Aquatics USA Swim Club. The program will have approximately 230 participants ages 6-18 of which approximately 75 are East Grand Rapids students in grades 7-12. Participants come from five other schools or districts (Grand Rapids-Catholic Central, Grand Rapids Christian, Forest Hills, East Kentwood and Middleville). A similar request was approved for this coach and program in 2012-13.

The Executive Committee approved the request for waiver on behalf of this coach for 2013-14 for swimming & diving only.

Hartland High School (Regulation II, Section 11[H]) – Pursuant to 2013-14 *MHSAA Handbook* Interpretation 237, a request to waive the three-/four-player rule for the 2013-14 school year was made on behalf of the head girls varsity swimming coach who is employed full-time by the Hurricane Swim Club and is also a year-round Water Safety Instructor and Lesson Coordinator for Hartland Community Education. The Hurricane Swim program is open to students ages 5-18 and anticipates 100-150 participants from six school districts including Hartland (Brighton, Linden, Milford, Howell and Fenton). It is estimated that 20-25 of the participants are Hartland students in grades 7-12. A request for this coach and this program was approved in 2011-12 and 2012-13.

The Executive Committee approved the request for waiver for this coach for 2013-14 for swimming & diving only.

Regulation III, Section 1(C) – Pursuant to 2013-14 *Handbook* Interpretation 262, the Executive Committee approved waiver of the enrollment regulation for the following junior high/middle schools to permit 6<sup>th</sup>-grade students to participate with and against 7<sup>th</sup>- and/or 8<sup>th</sup>-graders for the sports listed in the 2013-14 school year only (unless otherwise indicated below).

<b>Junior High/ Middle School</b>	<b>Sport(s)</b>	<b>High School Enrollment</b>	<b>Middle School Enrollment</b>
AuGres-Sims	boys & girls basketball, boys & girls track & field, girls volleyball	126	29 7 <sup>th</sup> -graders 37 8 <sup>th</sup> -graders
Brimley	boys & girls basketball, boys & girls track & field, girls volleyball	149	33 7 <sup>th</sup> -graders 40 *8 <sup>th</sup> -graders *=3 boys, 27 girls
Holland-Calvary	boys & girls basketball, boys & girls soccer, girls volleyball, baseball	87	18 7 <sup>th</sup> -graders 17 8 <sup>th</sup> -graders
Jackson Christian	boys & girls cross country, boys & girls basketball, boys & girls track & field, girls volleyball, boys soccer	135	19 7 <sup>th</sup> -graders 23 8 <sup>th</sup> -graders
Marion	boys & girls cross country, boys & girls basketball, boys & girls track & field	156	30 7 <sup>th</sup> -graders 33 8 <sup>th</sup> -graders
Pentwater	boys & girls cross country, boys & girls basketball, boys & girls track & field, boys & girls soccer, girls volleyball	82	23 7 <sup>th</sup> -graders 19 8 <sup>th</sup> -graders
Rapid River	boys & girls basketball, boys & girls track & field	120	27 7 <sup>th</sup> -graders 34 8 <sup>th</sup> -graders

Junior High/ Middle School	Sport(s)	High School Enrollment	Middle School Enrollment
Sault Ste. Marie- JKL Bahweting	boys & girls cross country, boys & girls basketball, boys & girls track & field, girls volleyball	N/A	60 7 <sup>th</sup> - & 8 <sup>th</sup> - graders
Tekonsha	boys & girls cross country, boys & girls basketball, boys & girls track & field, girls volleyball	94	40 7 <sup>th</sup> - & 8 <sup>th</sup> - graders
Wakefield- Marenisco	boys & girls basketball, boys & girls track & field	93	26 7 <sup>th</sup> -graders 18 8 <sup>th</sup> -graders
Walkerville	boys & girls cross country, boys & girls basketball, boys & girls track & field, girls volleyball	73	23 7 <sup>th</sup> -graders 18 8 <sup>th</sup> -graders

Suttons Bay and Lake Leelanau-St. Mary Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program between these two member middle schools in football. Suttons Bay sponsored the sport previously and will be the primary school.

Suttons Bay, Lake Leelanau-St. Mary and Northport Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program between these three member middle schools in boys and girls track & field. Suttons Bay sponsored track & field previously and would be the primary school.

Battle Creek-Lakeview Middle School (Regulation III, Section 2) – A request was made to waive the maximum age limitation on behalf of a student born on June 22, 1998, who will be in the 8<sup>th</sup> grade in 2013-14 but 15 years of age prior to Sept. 1, 2013, and thus ineligible pursuant to Regulation III, Section 2(B).

The student started Kindergarten as a 7-year-old in October of 2005 after arriving without English skills in the United States from Russia that month. Her birth mother may have abused alcohol during the pregnancy. The student has progressed without further delay through the 7th grade. Evaluation through the Calhoun Intermediate School District in 2008 concluded that a special education label was not appropriate and did not lead to the recommendation for special education services. The Calhoun ISD evaluation in 2012 recommended an Individualized Educational Planning Committee meeting be conducted for this student based on her academic performance and test results but without identifying any specific disability. The student's latest two IEPs (2011 and 2012) indicate a diagnosis of ADHD. There is no indication that the student has a physical disability.

The student is interested in participating in swimming and cross country, having competed in community and/or school programs for three years in swimming and two years in cross country where her performances have been average compared to other members of her club or team.

Based on the information provided, it cannot be concluded that the student's educational progress has been delayed solely by reasons of a medically documented disability. Neither does the documentation establish that the student currently has a physical disability of any kind, as required under the waiver rules. The failure to meet these prerequisites eliminates the need for the Executive Committee to determine if the student would have a competitive advantage compared to either her classmates/teammates that might be displaced by her participation or opponents against whom she might compete. The request for waiver was not approved.

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:

Westland-Universal Learning Academy High School began in 2006, is now completing its seventh year of operation and is chartered by Bay Mills University and under the management of Hamadeh Educational Services which also operates two other member schools (Dearborn Heights-Star International Academy and Detroit-Universal Academy). Reported onsite enrollment in April 2013 includes 60 7<sup>th</sup>-graders and 50 8<sup>th</sup>-graders. It is anticipated that 60 students will enroll in the first 9<sup>th</sup>-grade class in 2013-14. The school will sponsor junior varsity basketball and other sports and intends to enter into a cooperative agreement in football with Star International Academy. Boys soccer and girls volleyball have also been sponsored at the middle school level. The new facility has a gym with multiple uses and will undergo remodeling to add a wood floor and spectator seating for 400. There are outside athletic grounds which will be renovated to accommodate sports in the future. Membership will include the companion middle school. The Preliminary Enrollment Declaration and Athletic Code of Conduct were also received. Provided a signed 2013-14 MHSAA Membership Resolution is received by Sept. 27, 2013, and a 2014-15 Membership Resolution is received prior to Sept. 28, 2014, and provided all other rules are complied with, the school will be eligible for MHSAA tournaments for the 2014-15 school year.

Multimedia Regulations – Each year the communications director and executive director conduct a review of the MHSAA's policies and procedures for audio and video coverage of events involving MHSAA member schools. The 2013-14 document and a final page summarizing the changes was provided for the Executive Committee's annual review and received the Executive Committee's approval.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Aug. 7, at 9 a.m. in East Lansing; Tuesday, Aug. 27, at 9 a.m. in East Lansing; Tuesday, Sept. 10, at 8:30 a.m. in East Lansing; Wednesday, Oct. 2, at 8:30 a.m. in East Lansing; Wednesday, Nov. 6, at 9 a.m. in East Lansing; and Thursday, Dec. 5, at 1 p.m. in East Lansing.