

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, May 1, 2020

Members Present:

Scott Grimes, Grand Haven
Vic Michaels, Detroit
Karen Leinaar, Bear Lake
Kris Isom, Adrian
Sean Jacques, Calumet

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.

Dearborn-Edsel Ford and Dearborn High Schools (Regulation I, Section 1[F-1]) – A request was made to permit an ice hockey cooperative agreement in excess of the 3,500-student enrollment limit between these two schools of the same district to operate for an additional two years. The combined 2020-21 enrollment of 3,681 students would continue placement of a team in the Division 1 tournament. The 2019-20 combined enrollment was 3,735 students. Neither school has sufficient players to sponsor stand-alone teams and has had some success the past two years. No students have been cut from the team in several years.

The Executive Committee approved the continuation of this cooperative program (varsity only) for the 2020-21 and 2021-22 school years. The schools must report to the Executive Committee prior to May 2022 if they wish to continue the program for the 2022-23 school year.

Midland and Midland-H. H. Dow High Schools (Regulation I, Section 1[F-1]) – On June 19, 2019, the Executive Committee approved a second one-year renewal of the Midland and Midland-H. H. Dow program in boys lacrosse for the 2019-20 school year only. This program was required to return to the Executive Committee for further consideration prior to operating in 2019-20 and beyond. The school submitted a request to continue the program for the foreseeable future as Midland High School would struggle to form one team at either the JV or varsity level.

The Executive Committee approved continuation of this cooperative program (JV and varsity) for the 2020-21 and 2021-22 school years only. The schools must report to the Executive Committee in the spring of 2022 if they wish to continue the program for the 2022-23 school year.

South Lyon and South Lyon East High Schools (Regulation I, Section 1 [F-1]) – On Jan. 10, 2018, the Executive Committee determined that the cooperative programs between these two schools of the same district in girls swimming & diving and boys lacrosse should dissolve. This took place after evaluation of the two programs based on cooperative program renewals dating back to 2015. The school district requested that the boys lacrosse cooperative program be permitted to continue for two seasons, through the 2019-20 school year, because participation numbers did not appear to permit South Lyon East to sponsor its own varsity team in the next two seasons. The schools believed that they would need underclassmen when forming separate varsity teams, and this would deplete players for a junior varsity cooperative program. The Lakes Valley Conference discussed these concerns and wrote requesting the cooperative program continue for two seasons, provided the participation numbers do not change. On Sept. 5, 2018, the Executive Committee approved the cooperative program in boys lacrosse for the 2018-19 school year only. The program was required to submit updated boys lacrosse participation numbers in the spring to determine its status for 2019-20. They again requested continuation of the program for a minimum of two seasons, through the 2021-22 school year. The Lakes Valley Conference supported this request.

The Executive Committee approved the continuation of this program (JV and varsity) for the 2020-21 and 2021-22 school years. The schools must report to the Executive Committee in the spring of 2022 if they wish to continue the program for the 2022-23 school year.

Utica and Sterling Heights-Utica Ford II High Schools (Regulation I, Section 1[F-1]) – A request was made to permit an ice hockey cooperative agreement in excess of the 3,500-student enrollment limit between these two schools of the same district to operate for an additional two years. The combined 2020-21 enrollment of 3,746 students would continue placement of a team in the Division 1 tournament. The 2019-20 combined enrollment was 3,735 students. Neither school has sufficient players to sponsor stand-alone teams and have had little success the past two years. No students have been cut from the team in the two years it has operated.

The Executive Committee approved the continuation of this program (varsity only) for the 2020-21 and 2021-22 school years. The schools must report to the Executive Committee prior to May 2022 if they wish to continue the program for the 2022-23 school year.

Carson City-Crystal High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student (2020-21) whose stepfather was hired in February 2020 as a football coach and administrator at Carson City-Crystal. The student attended Grand Rapids-NorthPointe Christian for the 9th grade, played no sports, and then moved with his mother and stepfather to Florida where the student played football during the fall of 2019-20. The family returned to their home in Lowell in December 2019 where the father began a job search that resulted in his employment at Carson City-Crystal. The father will be commuting to Carson City. The student would like to play football for his stepfather and intends to enroll to begin the 2020-21 school year.

The Executive Committee did not approve the request for waiver.

Freeland High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 2020-21 incoming 10th-grade student who attended Freeland Schools through the 9th grade before enrolling at Saginaw-Nouvel Catholic Central to begin the 9th grade in the 2019-20 school year where he participated in cross country. The student experienced bullying and mistreatment from his peers at the former school and reenrolled at Freeland midway through the 2019-20 school year. The student did not participate in athletics at Freeland in the second semester of 2019-20 and will miss two seasons.

The Executive Committee approved the request for waiver.

Marine City-Cardinal Mooney Catholic High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who attended Warren-De La Salle Collegiate for the first semester of 2019-20 before enrolling at Cardinal Mooney on Jan. 6, 2019 because of the environment at his former school. The student participated in freshman football and basketball until his withdrawal on Dec. 26, 2019.

The Executive Committee did not approve the request for football eligibility; however, the student will be eligible in basketball after the first four games of the 2020-21 school year.

Marshall Academy High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student (2020-21) who reenrolled at Marshall Academy on Oct. 21, 2019 because his father could not care for the student. The student was involved in a physical altercation while a football player at Battle Creek-Central. The student attended Marshall Academy for the 9th and 10th grades and moved from his father's home in Albion to his mother's home in Battle Creek in August of 2019 with a completed Educational Transfer Form. The student played in a limited number of football games this past fall. The father died suddenly on April 25, 2020, and the student's grandfather died within the past month. Photographs of the injuries to the student were not available due to the father's funeral but have been viewed by the athletic director who is new to the school in the past few months. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

MHSAA Trophy and Medal Agreement – The cancellation of spring sports tournaments resulted in a substantial debt in trophies and medals that, by contract, were produced but not shipped by our long-time supplier, ESCO, for the spring of 2019-20. ESCO has forgiven this debt and asked in exchange that we consider a five-year extension to our existing trophy and medal agreement that is set to expire in two years at the end of 2021-22. The request would hold prices for 2020-21 and asked for a three percent increase in 2021-22. The new five-year agreement would run from 2022-23 through the 2026-27 school year and include an annual increase of one to three percent each year.

The Executive Committee approved the five-year agreement with this highly solid vendor who has served the MHSAA well and assisted greatly during this crisis.

Representative Council – the Executive Committee reviewed the agenda for the May 4 Representative Council meeting.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, June 10, 2020, at 9 a.m. in East Lansing; Wednesday, Aug. 5, 2020, at 9 a.m. in East Lansing; Tuesday, Aug. 25, 2020, at 9 a.m. in East Lansing; Wednesday, Sept. 30, 2020, at 9 a.m. in East Lansing; Wednesday, Nov. 4, 2020, at 9 a.m. in East Lansing; and Thursday, Dec. 3, 2020, at 1 p.m. in East Lansing (Representative Council Next Day).