

# MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

## EXECUTIVE COMMITTEE MEETING

East Lansing, September 4, 2019

### Members Present:

Scott Grimes, Grand Haven  
Pete Ryan, Saginaw  
Vic Michaels, Detroit  
Kris Isom, Adrian  
Vicky Groat, Battle Creek

### 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.

Madison Heights-Bishop Foley Catholic, Clarkston-Everest Collegiate, Macomb-Lutheran North & Royal Oak-Shrine High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in ice hockey (varsity only) between these four schools whose combined enrollment of 1,260 students will place a new team in the Division 3 tournament. None of the schools sponsored the sport previously; Bishop Foley will be the primary school. Support from the Catholic High School League was submitted.

Westland-Lutheran High School Westland and Canton-Plymouth Christian Academy (Regulation I, Section 1[E]) – The Executive Committee approved the addition of wrestling (varsity only) to a cooperative program which exists in football between these two schools whose combined enrollment of 356 students will continue placement of a team in the Division 4 tournament. Lutheran Westland sponsored wrestling previously and will be the primary school. Support from the Michigan Independent Athletic Conference was submitted.

Allen Park-Cabrini High School (Regulation I, Sections 4 & 5) – A request to waive the maximum enrollment and competition portions of the eligibility regulation was made on behalf of a 12<sup>th</sup>-grade student whose medical condition inhibited his ability to perform his school work and caused the student to repeat the 11<sup>th</sup> grade in 2018-19. The student transferred into Cabrini from Garden City to begin the 2017-18 school year and repeated the 11<sup>th</sup> grade after his first year (2017-18, grade 11) at Cabrini. The student played ice hockey and baseball in the second half of the 2017-18 school year and in the 2018-19 school year – his seventh and eighth semesters since beginning 9<sup>th</sup> grade at Garden City High School in 2015-16.

The Executive Committee did not approve the request for waiver.

Adrian-Lenawee Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74a (practicing with another school in August) was made on behalf of an incoming 9<sup>th</sup>-grade student who practiced football one day with Manchester High School before reenrolling at Lenawee Christian where he had attended through his middle school years. The request was for subvarsity eligibility in football.

The Executive Committee approved the request for waiver at the subvarsity level only in football.

Beverly Hills-Groves High School (Regulation I, Section 9) – On Aug. 1, 2019, 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 was diagnosed with a medical condition which brought on academic struggles. The student played JV hockey for U of D Jesuit and was asked not to return to the school for the 2019-20 school year. The student's parents divorced within the past year and the student resides with his father. The school requested reconsideration and submitted significant additional information including support for eligibility from the former school and letters from two medical professionals indicating the student has been seen since Feb. 1, 2018.

The Executive Committee approved the request for waiver.

Brighton-Charyl Stockwell Preparatory Academy 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 participated in track & field during 2018-19 and began the 2019-20 school year at Brighton High School. The student attended classes at Brighton for 2-3 days and reenrolled at Charyl Stockwell, whose first day of school was Sept. 3, 2019. The student did not participate in athletics at Brighton.

The Executive Committee approved the request for waiver.

East Lansing 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 mother was unable to care for the student and two siblings who have moved from Tulsa, Oklahoma into the home of an aunt and uncle in East Lansing. The mother has no family in Oklahoma, is from the East Lansing area and hopes to return to Michigan. The student participated in football during the 2018-19 school year in Tulsa and is enrolling to begin the 2019-20 school year.

The Executive Committee approved the request for waiver at the subvarsity level only in football.

East Lansing 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 whose grandmother is no longer able to care for the student and who has moved from Mississippi to his sister's home in East Lansing. The student was adopted out of foster care by his grandmother, with whom he has lived for ten years. The grandmother has health issues and travels for dialysis three times a week. The student participated in football during the 2018-19 school year in Mississippi and is enrolling to begin the 2019-20 school year.

The Executive Committee approved the request for waiver. No other exception to the transfer rule may be used for this student for the balance of the 2019-20 school year.

Grand Rapids-South Christian 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 experienced bullying and social exclusion while a student at Hudsonville-Unity Christian. The activity was from students and parents on social media. The student underwent counseling and treatment. Other siblings have remained at the former school.

The Executive Committee did not approve the request for waiver.

Grass Lake 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 attended Grass Lake Schools since the 6<sup>th</sup> grade except for the second semester of 2018-19 when the student enrolled at Manchester, his school of residence, because of transportation issues. The student did not participate in athletics at Manchester and was able to arrange transportation back to Grass Lake. The student played football at Grass Lake in 2018-19 and has reenrolled there to begin the 2019-20 school year.

The Executive Committee did not approve the request for waiver.

Hancock 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 experienced bullying and social isolation while a student and volleyball player at Houghton. The student will be enrolling at Hancock to begin the 2019-20 school year.

The Executive Committee did not approve the request for waiver.

Homer High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of a 10<sup>th</sup>-grade student whose family moved over the summer from Albion – now located in the Marshall School District – to a home they were led to believe was in the Concord School District, which was actually also in the Marshall School District. The student registered with Concord and participated in summer football activities before learning that Concord would not accept the student, who has an IEP and requires special services paid for by another county in agreement with the district of residence. The next closest school to the new residence is Homer. The student played 9<sup>th</sup>-grade football at Marshall during the 2018-19 season and the school requested subvarsity participation in football this fall. Two sisters have also enrolled at Homer to begin the 2019-20 school year.

The Executive Committee approved the request for waiver.

Kalamazoo-Comstock High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of a 12<sup>th</sup>-grade student who is moving from his divorced mother in New Jersey to his father's home in the Portage School District. The student has attended Comstock Schools his entire career except for the second semester of the 11<sup>th</sup> grade when the student moved to New Jersey with his mother. The request was for eligibility at his former school but not his school of residence. An otherwise completed Educational Transfer Form is in process.

The Executive Committee approved the request for waiver pending completion of the Educational Transfer Form.

Kentwood-East Kentwood 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 is reenrolling at East Kentwood after attending the Jenison Virtual School for the second semester of 2018-19. The student was on the swim team in the fall of 2018-19 and had no participation in athletics while enrolled in the online school.

The Executive Committee did not approve the request for waiver.

Lapeer High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of 12<sup>th</sup>- and 10<sup>th</sup>-grade sisters who experienced bullying and social exclusion while students at Genesee Christian. The 10<sup>th</sup>-grade student was a victim of an assault in mid-August 2019 by an alumnus of the former school that is in the courts. Support for eligibility was submitted by the former school. During the 2018-19 school year, the 12<sup>th</sup>-grade student participated in basketball and soccer, the 10<sup>th</sup>-grade student in soccer only. Both students are enrolling to begin the 2019-20 school year. The students are Lapeer residents and were home schooled through their 7<sup>th</sup> grade years. The 12<sup>th</sup>-grade student attended Lapeer Schools for the 8<sup>th</sup> and 9<sup>th</sup> grades before enrolling at Genesee Christian along with her then 8<sup>th</sup>-grade sister in 2017-18.

The Executive Committee approved the request for waiver.

Leslie High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9<sup>th</sup>-grade student who was sent from his mother's home in Oxford to live with his father in Lansing in May 2019. The father died that same month. The student is one of ten children. The mother and stepfather are unable to care for the student. The student lives with an aunt who has been granted Power of Attorney in Leslie. The student played football in the 9<sup>th</sup> grade at Lake Orion during the 2018-19 school year and played no sports while enrolled at Lansing-Everett this spring.

The Executive Committee approved the request for waiver.

Manistee Catholic 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 experienced bullying while a student at Onkama, caused in large part by the father's position with Manistee County. The student played sparingly on the only level of football team at Onkama during the 2018-19 school year. The student enrolled to begin the 2019-20 school year. Support for eligibility was provided by the former school.

The Executive Committee approved the request for waiver.

Mason 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 mother's health caused the student to live with another family and who was unable to continue at Mason as a non-resident student in the fall of 2018-19. The student attended Mason Schools her entire career and participated in 9<sup>th</sup>-grade volleyball before enrolling in October 2018 for a short time at Lansing-Eastern and then as an online student through the end of the 2018-19 school year. The family the student lives with was able to obtain guardianship documents and the student was permitted to reenroll at Mason to begin the 2019-20 school year. She played no sports in her two weeks at Lansing-Eastern. The request was for subvarsity eligibility.

The Executive Committee approved the request for waiver at the subvarsity level only in girls volleyball.

Montrose-Hill McCloy High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of a 12<sup>th</sup>-grade student who is a refugee from Honduras placed with a host family who resides in the Clio School District (Exception 3). The host family has a current student and another refugee attending Montrose Schools. A daughter graduated from Hill McCloy last spring. The student will be enrolling to begin the 2019-20 school year.

The Executive Committee approved the request for waiver.

Muskegon—Reeths-Puffer 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 suspended for disciplinary reasons from North Muskegon in April 2019 and was informed he could return for the 2019-20 school year. The student was told in May 2019 that he could participate in summer activities with North Muskegon but received notification at the end of May that, because he was a school of choice student, he could not return to his former school. In June 2019, the student and two younger siblings enrolled in Reeths-Puffer Schools, the school of their residence. The student participated in football and basketball during the 2018-19 school year. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

South Haven 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 South Haven Schools her entire career until she moved with her mother and siblings to a home in Watervliet in the summer of 2018. The student played three sports as an incoming 9<sup>th</sup>-grader at Watervliet. The student was unhappy at the new school, missed her friends and moved in with a friend's family in South Haven and reenrolled to begin the 2019-20 school year.

The Executive Committee did not approve the request for waiver.

Suttons Bay 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 played in a preseason football scrimmage and three games at Maple City-Glen Lake High School during the first semester of the 2018-19 school year before being suspended from school in the winter of 2019. The student enrolled in the Suttons Bay Virtual School for the second semester of 2018-19 and enrolled at Suttons Bay High School to begin the 2019-20 school year. The request was to permit subvarsity eligibility in half of the 8-player JV football season this fall.

The Executive Committee did not approve the request for waiver.

Wyandotte-Roosevelt High School (Regulation I, Section 9) – On Aug. 22, 2019, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of a 12<sup>th</sup>-grade student who left his mother's apartment in Woodhaven in November 2018 and lived with his grandfather in Southfield. The student commuted to Woodhaven High School where he participated in football. The student's last permanent address was with his grandfather who could no longer provide for the student. Since May 2018, he moved back to Woodhaven and has since lived with several others in the downriver area. The student has been taken in by a family in Wyandotte and will be enrolling to begin the 2019-20 school year. The student attended Wyandotte as a 9<sup>th</sup>-grader in 2016-17 prior to his parents divorcing and the father moving out of state. The school submitted significant additional information that detailed and supported that the student's difficult living situation in Woodhaven was of such concern that the student could not return. Information from the student, a former teacher and school safety officer was submitted.

The Executive Committee approved the request for waiver.

Farmington High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2019-20 school year was made on behalf of the head boys and assistant girls swimming & diving coach of this cooperative program. This coach is also the head of "dROP Aquatics," which is a community swim program and business run by the coach and his wife and is his sole income. The program has 132 participants age 2-59. Fifty-three of the participants are in grades 7-12 from 16 high schools and eight middle schools in the region. Fifty of the participants are from six Farmington Public Schools, and 29 are students attending Farmington and Harrison High Schools. This request has been approved previously for this coach and this program since 2015-16.

The Executive Committee approved the request for waiver for this coach for the 2019-20 school year.

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 schools:

**Detroit-Cornerstone Lincoln King Academy** – This is currently a 9-10 grade charter school chartered by Grand Valley State University and managed by Clark Durant Private Charter Group, which also operates Cornerstone Health & Technology High School. Lincoln King has a high school enrollment of 125 9<sup>th</sup>- and 10<sup>th</sup>-grade students and will add grades 11 and 12 incrementally. Lincoln King is housed in the former Detroit-St. Martin DePorres building that includes recent renovations and a gymnasium with seating on both sides of the floor for 600. The school hopes to sponsor girls volleyball, boys and girls basketball, boys and girls cross country and boys and girls track & field. The school building operates from grades K-10. Membership is also submitted for four junior high/middle school academies in the Cornerstone system: Washington Park, Jefferson Douglas, Lincoln King and Madison Carver. An Athletic Department Code of Conduct was submitted. A signed 2019-20 Membership Resolution and Preliminary Classification Form were received on Aug. 15, 2019. If a 2020-21 Membership Resolution is received prior to Oct. 2, 2020, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2020-21 school year.

**Redford-Westfield Preparatory High School** – This is currently a 9<sup>th</sup>-grade charter school chartered by Grand Valley State University and managed by Management National Heritage. Westfield has a 9<sup>th</sup>-grade enrollment of 125 students and will add grades 10, 11 and 12 incrementally. There are approximately 75 6-8 grade students enrolled. This is the high school's first year of operation. Westfield is housed in the former St. Hilary School and Michigan Technical Academy building with recent renovations and a gymnasium with new bleachers with seating for 250. The current athletic director, Dave Mann, has a long MHSAA history as a coach and athletic director at Redford-Bishop Borgess, which is blocks from the Westfield site. Mr. Mann has attended the New Athletic Director Orientation. The school hopes to sponsor girls volleyball, boys and girls basketball, boys and girls cross country and boys and girls track & field. An Athletic Department Code of Conduct was submitted. A signed 2019-20 Membership Resolution and Preliminary Classification Form were received on July 18, 2019. If a 2020-21 Membership Resolution is received prior to Oct. 2, 2020, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2020-21 school year.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Oct. 2, 2019 at 9 a.m. in East Lansing; Wednesday, Nov. 6, 2019, at 9 a.m. in East Lansing; and Thursday, Dec. 5, 2019, at 1:30 p.m. in East Lansing (Representative Council meets next day).