

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, September 29, 2021

Members Present:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Jay Alexander, Detroit

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.

Ann Arbor-Skyline and Ann Arbor-Pioneer High Schools (Regulation I, Section 1[E-2]) – The Executive Committee approved a cooperative program in wrestling (varsity only) between these two schools of the same district whose combined enrollment of 3,773 students will place one less team in the Division 1 tournament. Skyline will be the primary school. This agreement in excess of 1,000 students will be permitted for four school years under a provision for schools of the same district to form agreements when there has been a demonstrated history of low participation. Pioneer anticipates three wrestlers this winter and had four participants in 2020-21. Support from the Southeastern Conference was submitted. This agreement must dissolve after the 2024-25 school year.

Mt. Pleasant, Alma, Clare, Ithaca, Mt. Pleasant-Beal City, Mt. Pleasant-Sacred Heart Academy and Shepherd High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program between these seven schools in ice hockey (varsity only). Mt. Pleasant sponsored the sport previously and will be the primary school. The combined enrollment of 3,340 students will move one team from Division 3 to the Division 1 tournament. Support from the Saginaw Valley League was submitted.

Painesdale-Jeffers, Baraga, Chassell, Dollar Bay, Ironwood-L. L. Wright, L'Anse and Ontonagon High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of L. L. Wright High School to the cooperative program that exists between the other six schools in ice hockey (varsity only). The combined enrollment will be 963 students; Jeffers will continue as the primary school. Support from the Great Lakes Hockey Conference was submitted.

Walled Lake Central and Walled Lake Western High Schools (Regulation I, Section 1[E-2]) – The Executive Committee approved the addition of boys and girls bowling (JV and varsity) to a cooperative program that exists in several sports between these two schools of the same district whose combined enrollment of 2,650 students will place one less team in both the boys and girls Division 1 tournaments. Walled Lake Central will be the primary school. This agreement in excess of 1,000 students will be permitted for four school years under a provision for schools of the same district to form agreements when there has been a demonstrated history of low participation. Walled Lake Western had two girls and three boys participating in 2020-21 and had the girls bowl with the boys team. Support from the Lakes Valley Conference was submitted. This agreement must dissolve after the 2024-25 school year.

Bloomfield Hills-Cranbrook Kingswood High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who began the school year at Rochester High School, played in six JV tennis matches and enrolled at Cranbrook on Aug. 31, 2021, in order to be at the same school as his 7th-grade sister who was accepted at Cranbrook Kingswood on May 14, 2021. The 9th-grade student was wait-listed until Aug. 30, 2021. The request was for junior varsity tennis for the fall of 2021.

The Executive Committee did not approve the request for eligibility in boys tennis in the 2021-22 school year. The student will be eligible for boys tennis in the fall of the 2022-23 school year.

Bloomfield Hills-Marian High School (Regulation I, Section 9) – On Aug. 4, 2021, the Executive Committee did not approve a request to waive the transfer regulation on behalf of an 11th-grade student who previously participated in volleyball while attending Ann Arbor-Pioneer in remote learning for the 2020-21 school year. The student never physically entered the former school and was diagnosed with ADHD in April 2021. The student struggled at her former school and enrolled at Marian to join with familiar students she attended school with while in Birmingham Catholic grade schools for nine years previously. The student's family recently moved to Michigan from Louisiana due to the father's employment which requires that he remain in the Ann Arbor area. The school requested reconsideration, citing significant additional information including that the student's former school was unable to provide testing and accommodations typically available to students in her situation. In addition, the student was diagnosed years earlier than initially thought (April 2018). The student's struggles were more significant than earlier understood. She was reevaluated in Michigan on Aug. 17, 2021, which followed the last request and resulted in the current accommodations. A teacher at the former school supported eligibility and also wrote expressing concerns regarding the former school's testing and special services.

The Executive Committee approved the request for waiver.

Bridgman High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in boys swimming & diving was made on behalf of an 11th-grade student who participated in the cooperative program with St. Joseph-Lake Michigan Catholic and several other schools since the 2019-20 school year. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver in boys swimming & diving only.

Grand Rapids-Catholic Central High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who attended East Grand Rapids during the 9th grade in 2020-21, participated in volleyball and experienced social and health challenges in the past two years, causing her to enroll at Catholic Central to begin the 2021-22 school year. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for waiver.

Grand Rapids-Forest Hills Central High School (Regulation I, Section 9) – A request to waive the transfer regulation and the elements of a full and complete residential change was made on behalf of a 10th-grade student whose family has relocated to Grand Rapids for business reasons over the summer. The family has a lease on a new residence in the Forest Hills Central attendance area that they cannot occupy until Oct. 21, 2021. The father and student are residing in Grand Rapids with family friends while the former address in Traverse City is now being listed with a realtor and not as yet vacant of people and possessions. A 12th-grade sibling will continue to attend Traverse City West until graduation, moving in with relatives after the family occupies the new home in late October. The 10th-grade student previously played football, basketball and lacrosse in 2020-21 in the 9th grade. He would play JV football this fall.

The Executive Committee approved the request for waiver at the subvarsity level only in football in the 2021 season. The student and parents must be living in the Forest Hills Central district in order to be eligible for winter and spring sports.

Jackson Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who participated in five soccer games while a student at Lenawee Christian during the 2020-21 school year. The student enrolled to begin the 10th grade at Jackson Christian which is closer to the family's home. Jackson Christian only sponsors a varsity soccer team.

The Executive Committee approved the request for waiver. The student will be withheld from the first five boys soccer games of the 2021 season.

Mattawan High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose entire school career was at Mattawan except for ten school days from Aug. 31-Sept. 16 when she attended Kalamazoo Christian where she did not participate in athletics. The student attended Mattawan for the 9th grade in 2020-21, played basketball and lacrosse and reenrolled on Sept. 17, 2021.

The Executive Committee approved the request for waiver.

Mt. Clemens 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 12th-grade student who has moved from his divorced father's home in the Eastpointe School District where he played football to his mother's home in the L'Anse Creuse School District and enrolled to begin the 2021-22 school year. The student has a 12th-grade brother who has attended Mt. Clemens for the past two school years. An Educational Transfer Form is in process.

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

New Haven 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 12th-grade student from an Approved International Student Program whose host family lives in the L'Anse Creuse School District which was one of several schools in the area that would not accept the student due to the late enrollment. New Haven is the closest school to the residence of the host family.

The Executive Committee approved the request for waiver.

Painesdale-Jeffers High School (Regulation I, Section 9) – On Aug. 4, 2021, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of 11th-and 12th-grade brothers whose entire family enrolled at Jeffers to begin the 2021-22 school year. The students previously attended Chassell Schools. The 12th-grader who is 18 years old played basketball, and the 11th-grader golf and basketball. The former high school principal would not sign the Educational Transfer Form for the 18-year-old 12th-grader to change residences and reside without either parent. The family is changing schools in part because of the former school administration's decisions regarding a school volunteer. The school submitted additional information that the former school has dropped varsity basketball and would not enter a cooperative program. Two of the family members have enrolled at Houghton Schools where the family continues to reside, and six have enrolled at Jeffers. The family has concerns regarding communication, faculty and personnel matters with the former school.

The Executive Committee did not approve the request for waiver.

Pontiac-Notre Dame Preparatory High School (Regulation I, Section 9) – On Aug. 24, 2021, the Executive Committee did not approve a request to waive the transfer regulation and specifically Interpretation 62 (closest nonpublic school) made on behalf of a 10th-grade student whose family made a full and complete residential change from Florida to Michigan. The student attended nonpublic schools in Florida through the 9th grade and participated in swimming & diving. Everest Collegiate is the closest Catholic high school to the new home by 6.2 miles. Notre Dame Prep is the closest Catholic school run by the same order, the Marist Fathers and Brothers, which is the same type of Catholic school the father had attended while in Mexico. The school submitted significant additional information that the student only participated in two swim meets during the 2020-21 school year while in Florida, and as of Sept. 29, 2021, will have sat out seven swim meets this fall at Notre Dame Prep.

The Executive Committee approved the request for waiver. The student previously did not participate in two swimming & diving meets this fall.

St. Johns High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of 11th-and 10th-grade siblings who have been the subject of harassment within the former school and larger community, causing the two students to enroll at St. Johns to begin the 2021-22 school year. The Clinton County Circuit Court and Prosecutor dropped charges from an incident in the fall of 2020 against the 11th-grade student (then a 10th-grader) if the student agreed to transfer from DeWitt High School where he played basketball and baseball and where another student involved in the incident is still enrolled.

The Executive Committee approved the request for waiver.

Three Oaks-River Valley High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose family was planning on a residential change into Bridgman, where the student enrolled for the 9th grade in 2020-21 and participated in JV volleyball and varsity basketball (Bridgman only has a varsity basketball team). The change of residence fell through and the student reenrolled at River Valley two weeks into this school year. The request was for eligibility on the 91st school day of enrollment and, at the very least, subvarsity eligibility without participation in MHSAA tournaments during 2021-22. The student is a resident of Three Oaks and attended New Buffalo for middle school.

The Executive Committee did not approve the request for waiver.

Webberville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who played in one football game as a 10th-grader at Eaton Rapids. The student and two siblings enrolled to begin the 2021-22 school year at Webberville Schools.

The Executive Committee approved the request for waiver. The student was previously withheld from the first football game of the 2021 season.

Wyoming-Godwin Heights 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 an 11th-grade student from an Approved International Student Program whose host family lives in the Wyoming Public School District which is not accepting foreign exchange students.

The Executive Committee approved the request for waiver.

Wyoming-Godwin Heights 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 12th-grade student from an Approved International Student Program whose host family lives in the Wyoming Public School District who has a son attending Godwin Heights.

The Executive Committee approved the request for waiver.

Linden High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2021-22 school year was made on behalf of the girls gymnastics coach who is also employed full-time by the Southern Lakes Parks and Recreation Department and teaches a gymnastics course as part of her employment with this department, which serves Fenton, Linden and Fenton Township. The club is open to the public, and for 2021-22, it is anticipated to include approximately 200 participants ages 5-18, of which it is estimated that 25 are Linden students in grades 7-12. Students from Byron, Fenton, Hartland, Holly, Lake Fenton, Linden and Swartz Creek school districts, as well as Linden, are involved in the Southern Lakes gymnastics courses.

The Executive Committee approved the request for waiver for this coach for the 2021-22 school year.

Auburn Hills-Oakland Christian High School (Football Forfeit) – A request was made to reverse a determination that a varsity 8-player week one football game (Deckerville at Oakland Christian) not be considered a win-forfeit, but a no-play. Officials who were assigned through a local assigner did not show up for the game and other attempts at securing officials that night were unsuccessful. The assigner had entered a hospital that evening. The MHSAA staff understood that when both teams left the field, it was considered a win-forfeit against the home team. The home athletic director recounted in conversations with staff that he only mentioned forfeit in the context that a forfeit “would be determined.”

The Executive Committee determined that, in this instance, the game would be considered a no-play. When officials do not show up, teams cannot reschedule and/or agree to the disposition of the game. Each situation will be determined on a case-by-case basis by the MHSAA staff.

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:

Scottville-Gateway to Success Academy High School is a public charter school which specializes in project-based online learning such as robotics, wood and metal shop and more. It is chartered through the Mason County West Shore ISD and has been operating a middle school in the same new building since 2015. The middle school became an MHSAA member in 2019-20 and seeks high school membership this fall with approximately 100 students grades 9-12. No sports are currently sponsored. The school will be seeking cooperative agreements initially. The athletic director attended an orientation on Sept. 13 and MHSAA staff conducted an on-site visit. The school has no athletic facilities for practice or competition. An Athletic Department Code of Conduct was submitted. A signed 2021-22 Membership Resolution and Preliminary Classification Form were received on Aug. 10, 2021. If a 2022-23 Membership Resolution is received prior to Sept. 30, 2022, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2022-23 school year. Under the regulations, a new member school may participate in cooperative programs once approved by the Executive Committee.

The Executive Committee discussed membership requirements in general and reaffirmed the fact that all member schools must have enrollment and onsite attendance of at least 15 students for grades 6-8, 7-8, 9 or 10-12.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Nov. 3, 2021, at 9 a.m. in East Lansing; Thursday, Dec. 2, 2021, at 1 p.m. in East Lansing (Representative Council meets following day); and Wednesday, Jan. 12, 2022, at 1 p.m. in East Lansing (after Classification Committee meeting).