

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, September 9, 2021

Members Present:

Scott Grimes, Grand Haven
Vic Michaels, Detroit
Kris Isom, Adrian
Eric Albright, Midland
Karen Leinaar, Bear Lake

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.

Gladstone and Escanaba-Holy Name High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved a cooperative program between these two schools at the subvarsity level only in boys and girls basketball and girls volleyball. Gladstone will be the primary school. Support from the Great Northern Conference was submitted. A JV football cooperative agreement was approved on Aug. 24, 2021.

Gladstone and Escanaba-Holy Name High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these two schools in baseball, boys and girls bowling, girls competitive cheer, boys and girls golf, girls softball, boys and girls tennis and wrestling (varsity only). Gladstone sponsored the sports previously and will be the primary school. The combined enrollment of 414 students will keep one team in the same division for all sports. Support from the Great Northern Conference was submitted.

Madison Heights-Bishop Foley Catholic, Chesterfield-Austin Catholic, Clarkston-Everest Collegiate, Macomb-Lutheran North, Marine City-Cardinal Mooney Catholic, Royal Oak-Shrine Catholic and Waterford-Our Lady of the Lakes High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Austin Catholic and Our Lady of the Lakes High Schools to the cooperative program that exists between the other five schools in ice hockey (varsity only). The combined enrollment of 1,574 students will move one team from Division 3 to the Division 2 tournament. Support from the Catholic High School League was submitted.

Temperance-Bedford, Erie-Mason, Ida and Newport-Jefferson High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program between these four schools in ice hockey (varsity only). Bedford sponsored the sport previously and will be the primary school. The combined enrollment of 2,760 students will move one team from Division 3 to the Division 1 tournament. Support from the Southeastern Conference was submitted.

Vassar and Millington High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these two schools in girls competitive cheer (varsity only). Vassar sponsored the sport previously and will be the primary school. The combined enrollment of 650 students will move one team from the Division 4 to the Division 3 tournament. Support from the Greater Thumb Conference was submitted.

Alpena High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student whose father has been incarcerated and whose mother has had difficulty caring for the student. The student attended Alpena and played football in 2020 before the mother and student moved away from her current husband to Florida. After five days enrolled in Florida, the mother put the student on a plane to return to the home of his grandparents and he reenrolled to begin the 2021-22 school year at Alpena. The grandfather died on Sept. 2, 2021. The student is seeking eligibility in football.

The Executive Committee approved the request for waiver.

Auburn-Bay City Western High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf an 11th-grade student who attended Essexville-Garber and participated in soccer. In the second half of his 10th grade in 2020-21, the student experienced cyber bullying to the extent that the Michigan State Police and its Cyber Security team were consulted, and the family determined to handle the matter privately. The student enrolled at Bay City Western to begin the 2021-22 school year. Due to an internal error, the student participated while ineligible in one soccer tournament which the school has forfeited to opponents. The student has been withheld from subsequent competition. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for waiver.

Belleville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose mother struggled with health problems and was unable to care for the student who, along with his sister, was raised by the grandmother. The grandmother's age prohibited her from caring for the student any longer, and in January 2020 the student moved from Alabama into his uncle's home in Belleville. The student's father has never been in his life. He participated in football while in the 9th grade in Alabama. The request was for subvarsity eligibility.

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

Bloomfield Hills High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who struggled academically while a 9th- and 10th-grader at Brother Rice where his only sport of participation was football. The student enrolled at the school of his residence to begin the 2021-22 school year due to the academic support available at Bloomfield Hills High School. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for waiver.

Carrollton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose home burned down, causing the student to move in with relatives and participate in error during the preseason scrimmage with Saginaw-Arthur Hill on Aug. 19, 2021, which would not enroll the student. The student never formally withdrew from Carrollton, continues to reside in the Arthur Hill School District and has reenrolled at Carrollton seeking to play football.

The Executive Committee approved the request for waiver.

Essexville-Garber High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who played in one JV softball game while a 9th-grade student at Bay City Western. The student was injured in the first game of the season.

The Executive Committee approved the request for waiver. The student will be withheld from the first day of competition in softball in the 2022 season.

Fenton-Lake Fenton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Byron High School during the 9th and 10th grades and participated in basketball and volleyball where she was the subject of harassment and bullying from teammates and a coach. The issues were disclosed to the former school which did not satisfactorily address the concerns. The harassment continued through social media. Letters from teammates were submitted in support of the harassment claims.

The Executive Committee did not approve the request for waiver.

Hastings 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 10th-grade student who attended Middleville-Thornapple Kellogg as a 9th-grader, residing with his divorced father and father's girlfriend, and participated in JV football and wrestling during the 2020-21 school year. The father is a long-distance truck driver, and it was discovered this spring that while the father was away from home, the student was abused to the extent that Child Protective Services forced the father and student to relocate. The student and father returned to the home of the grandmother in the Delton Kellogg School District and the student enrolled at Hastings where he had been enrolled for grades K-8. An Educational Transfer Form was submitted. The request was for eligibility at a former school but not the current school of residence.

The Executive Committee approved the request for waiver.

Madison Heights-Bishop Foley High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who attended Ferndale High School for the 2020-21 school year and participated in volleyball. The student experienced some bullying issues which led to medical issues, a hospital visit and admission to an outpatient program. The student enrolled at Bishop Foley to begin the 2021-22 school year.

The Executive Committee did not approve the request for waiver.

Mesick High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose home life with his mother while a student at Gladwin, where he played football in 2020-21, was the subject of action by Child Protective Services. The student was evicted from his mother's home, moved in with his girlfriend and enrolled at the same school where she was enrolled – Charlton Heston Academy – for the remainder of 2020-21 and for summer school. The student's mother was in court for a custody hearing on Sept. 7, 2021. The student's younger brother lives with the grandfather in Gladwin. The student moved in with family friends in August 2021 and enrolled to begin the 2021-22 school year at Mesick, seeking to participate in football. Support for eligibility was submitted by Gladwin High School.

The Executive Committee approved the request for waiver.

Michigan Center High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74(a) and (b) (practicing and scrimmaging with another school in August) was made on behalf of an incoming 9th-grade student who practiced football for eight days with Jackson-Northwest and participated in the preseason scrimmage. The student attended Northwest for the 8th grade and enrolled at Michigan Center as a school of choice student on Aug. 25, 2021.

The Executive Committee approved the request for waiver at the subvarsity level in football. The student is eligible in all other sports at any level.

Mt. Pleasant-Sacred Heart Academy (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who played hockey for Mt. Pleasant High School during the 2020-21 school year and enrolled at Sacred Heart to begin the 2021-22 school year, prior to the formation of a hockey cooperative program between Mt. Pleasant and six other schools, including Sacred Heart, which is in process. Support from the former school was submitted.

The Executive Committee approved the request for waiver in ice hockey only, provided the cooperative program is approved by the Executive Committee on Sept. 29, 2021.

Muskegon Catholic Central High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74(a) (practicing with another school in August) was made on behalf of an incoming 9th-grade student who practiced football for two days, Aug. 9-10, 2021, with Muskegon High School before enrolling at Muskegon Catholic Central on Aug. 25, 2021. The student and his father live with a parent of two current Catholic Central students. The school does not sponsor JV football.

The Executive Committee approved the request for waiver.

New Boston-Huron High School (Regulation I, Section 9) – At its Aug. 24, 2021 meeting, the Executive Committee did not approve a late request to waive the transfer regulation made on behalf of an 11th-grade student who was diagnosed at age 7 with a medical condition, always attended Catholic schools and attended Divine Child for the 9th and 10th grades. The student's condition has worsened, and he began having increased health issues during the pandemic. In late April 2020, the student was diagnosed with an additional medical condition. His health prohibited him from competing in basketball and baseball, but he did participate in football in the 2020-21 school year. The school submitted significant additional information, specifically information regarding the former school's efforts to assist the student as his condition worsened.

The Executive Committee approved the request for waiver.

Orchard Lake-St. Mary's Preparatory High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (closest nonpublic school) was made on behalf of a 10th-grade student who previously attended Walled Lake Central, played JV soccer and whose parents recently divorced. The closest nonpublic school is a Christian school, but the family is Catholic. The divorce decree stipulates joint custody and the parents both purchased new homes. The mother's home is closer to St. Mary's than Detroit Catholic Central; the father's home is not. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Riverview-Gabriel Richard High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who played in two JV boys basketball games while a student at Detroit-Martin Luther King in the 2020-21 school year. The student enrolled at Gabriel Richard to begin the 2021-22 school year.

The Executive Committee approved the request for waiver. The student will be withheld from the first two boys basketball games of the 2021-22 season.

Rockford 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 12th-grade student whose father accepted new employment in Newaygo and whose family has moved to Rockford, enrolling to begin the 2021-22 school year. One 12th-grade sister has elected to remain at the former school and graduate from Trenton High School. The other family members have moved and the home in Trenton has been sold. The 12th-grade twin sister requesting eligibility, who has moved with the family, participated in tennis and competitive cheer in 2020-21 at the former school.

The Executive Committee approved the request for waiver.

Saginaw-Nouvel Catholic Central High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in ice hockey was made on behalf of an 11th-grade student who participated in the cooperative program between Nouvel and several area schools while a student at Freeland. Support for eligibility was submitted by the former school. The student enrolled to begin the 2021-22 school year.

The Executive Committee approved the request for waiver in ice hockey only.

Three Oaks-River Valley High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74(a) (practicing with another school in August) was made on behalf of an incoming 9th-grade student who practiced cross country for three days with Bridgman before enrolling at River Valley to begin the 2021-22 school year. The school does not sponsor JV cross country.

The Executive Committee approved the request for waiver.

White Pigeon High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has moved into the home of his grandparents to assist in their care as they are physically unable to care for themselves. The father is single and works too many hours to help. The student played football only while a student at Constantine during the 2020-21 school year. The previous school athletic director signed the New Student Form.

The Executive Committee did not approve the request for waiver.

Midland-H. H. Dow 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 head boys and assistant girls swimming coach who is a teacher in the district and also employed by the Midland Dolphins Swim Club. While non-school swimming is not the coach's primary source of income, he relies on the additional income to pay down student loans. The club is open to the public, and for 2021-22, it is anticipated to include approximately 200 participants, ages 5-20. The majority of the swimmers will be students from Midland and H. H. Dow High Schools and the club will also include a few students from Auburn-Bay City Western and Freeland. A similar request was approved for this coach for the 2020-21 school year.

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

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Sept. 29, 2021, at 9 a.m. in East Lansing; 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).