

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, January 8, 2020

Members Present:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Nicole Carter, Novi

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.

Walled Lake Western, Walled Lake Central and Commerce Township-Walled Lake Northern High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved a cooperative program in boys bowling at the subvarsity level only between these three schools of the same district whose combined enrollment is 4,466 students. Northern and Central sponsored bowling previously. Western will be the primary school. Support from the Lakes Valley Conference was submitted.

Grand Rapids-Ottawa Hills and Union High Schools (Regulation I, Section 8) – A request is made to waive the current academic credit record regulation to permit Grand Rapids Public Schools to assign the students from its nine alternative high schools to either Ottawa Hills or Union High School based on the geographic locations of the alternative schools. Currently, the regulations provide eligibility at the base/original school that is the student's school of residence or former school for transfer students. The plan is to phase-in the program beginning in the 2020-21 school year. Each year, incoming 9th-graders at one of four alternative schools would be assigned to Ottawa Hills High School and students from the other five alternative high schools would be assigned to Union High School. This would tend to balance enrollment between the two high schools and build a stronger culture and school spirit so that all students in the alternative buildings would eventually be supporting one high school athletic program. It would also reduce travel for several students.

The Executive Committee approved the request for waiver, effective with the 2020-21 school year.

Marlette High School (Regulation I, Section 8) – A request was made on behalf of a 10th-grade student to waive the current academic credit record regulation and specifically Interpretations 50 and 51. The student played volleyball and basketball at Juanita Baptist, a non-MHSAA member school, during this current school year and will be enrolling in 66 percent of a full-time student's course load at Marlette in mid-January 2020. The student will be dually enrolled in a school with an athletic program and from where she intends to graduate (Juanita Baptist). The student would be eligible under the transfer rule in softball, which she has not played previously. Her records and graduation will be from Juanita Baptist, which also sponsors athletics. These two elements conflict with Interpretations 50 and 51 regarding share- time students – from a home school or other school without athletics.

The Executive Committee did not approve the request for waiver.

Battle Creek-Lakeview High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who experienced harassment and difficulties with staff and teammates while participating on the girls swim team at Battle Creek-Harper Creek High School. The student is in the process of enrolling at Lakeview and sought eligibility for girls swimming & diving in the fall of 2020-21. The former superintendent has released the student. The parents are hopeful the new environment will help the student to thrive academically. The student has had emotional problems and has sought counseling.

The Executive Committee did not approve the request for waiver.

Birmingham-Seaholm High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who enrolled at Detroit-U of D Jesuit to begin the 9th grade in 2018-19 because of an error in communication by the Birmingham Public Schools. The student is a Seaholm resident whose family moved from China and sought enrollment in the International Academy, which is a non-traditional school serving schools in Oakland County with eligibility at their base school of residence. Because the family was not informed of his acceptance, the student began the 9th grade at U of D Jesuit where the student participated in swimming & diving. Discovering that the student was accepted at the International Academy, the student began the 10th grade at the International Academy and seeks eligibility in swimming this winter.

The Executive Committee did not approve the request for waiver.

Brighton High School (Regulation I, Section 9) – A request was made on behalf of a 10th-grade student to waive the transfer regulation to permit eligibility at the subvarsity level in girls tennis in the spring of 2020. Over the summer, the student was diagnosed with a health condition. The student has an IEP that involves accommodations not met at the former school. On Nov. 4, 2019, the student enrolled at Brighton, her school of residence, where a stepsister is also in attendance. Medical documentation was submitted that the student changed schools for health reasons.

The Executive Committee approved the request for waiver.

Brownstown-Woodhaven High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who bowled in two contests while an 11th-grade student at Riverview-Gabriel Richard in the 2018-19 school year. Support for eligibility was submitted by the former school via the New Student Transfer Form. The student has not participated in a bowling contest this school year.

The Executive Committee approved the request for waiver. The student will be withheld from the first two boys bowling days of competition following this date (Jan. 8, 2020).

Grand Rapids-NorthPointe Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who has struggled with health issues and been in therapy since the 10th grade while a student and girls basketball player at Rockford. The student was hospitalized in November 2019. The student had excelled in basketball at the former school and was struggling with an injury during the fall of 2019. She had decided to not play basketball this year but to focus on her health. The student had attended NorthPointe Christian Middle School before beginning the 9th grade at Rockford. She reenrolled at NorthPointe Christian on Dec. 2, 2019. Support for eligibility was submitted by the former school's girls basketball coach.

The Executive Committee approved the request for waiver.

Johannesburg-Lewiston 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 who is moving between divorced parents from his mother's home in Grayling to his father's home in Gaylord. The student will be residing with his stepsister who began the 9th grade at Johannesburg-Lewiston in the fall of 2019. An otherwise completed Educational Transfer Form was submitted. The student previously participated in football, wrestling and baseball at Grayling.

The Executive Committee approved the request for waiver.

Mason High School (Regulation I, Section 9) – A request to waive the transfer regulation to permit eligibility at the subvarsity level on the 91st school day of enrollment was made on behalf of a 10th-grade student who has lived in Mason since 2001. The student attended Holt Schools his entire academic career, including the 9th grade at Holt High School where the student played baseball. Unhappy with the atmosphere at his former school, the student began the 2019-20 school year at Mason.

The Executive Committee did not approve the request for waiver.

Portage Northern High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was the victim of a crime committed by another student at her former school, Portage Central (a school of the same district), which permitted the student to change schools on Nov. 18, 2019. The student participated in track & field during the 2018-19 school year.

The Executive Committee approved the request for waiver.

Romulus High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who experienced academic difficulties while a student at Romulus-Summit Academy North. The student was diagnosed with a learning disability in the 2nd grade and had health issues in the fall of 2018-19 related to her academic struggles. The student enrolled at Romulus on March 26, 2019 and would like to participate in girls basketball.

The Executive Committee did not approve the request for waiver.

Trenton 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 lived with her father in Southgate and attended Riverview-Gabriel Richard where she participated in bowling. In August 2019, the father was injured and unable to care for the student due to a medical condition. This caused both the grandparents and divorced mother to seek guardianship. The mother, who lives in Wyandotte, was awarded custody. The courts settled a dispute over which school to attend by sending the student to Trenton because a stepsister who lives with the stepfather's ex-wife in Trenton has attended Trenton for several years. The student enrolled to begin the 2019-20 school year. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Vanderbilt Area High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Gaylord and played in seven basketball games during the 2018-19 season before an injury ended his season. To begin the 2019-20 school year, the student enrolled at Vanderbilt which seeks eligibility, in part, because it has no other sports than varsity boys basketball.

The Executive Committee did not approve the request for waiver.

Walkerville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has grown up in an unsafe environment due to chronic domestic violence by the student's father. In the summer of 2019, the student was again assaulted by the father and requested that he be allowed to move in with his girlfriend's family in Walkerville where he enrolled to begin the 2019-20 school year. The student and siblings previously attended Baldwin Schools. A letter of support for eligibility was received from Child Protective Services. The student has previously participated in basketball during the 2018-19 school year.

The Executive Committee approved the request for waiver.

Canton 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 assistant girls swimming & diving coach whose full-time employment is as a coach of the Plymouth-Canton Cruisers Swim Club. This program is open to the public and is the coach's primary job and source of income. The program has approximately 400 boys and girls participating annually in grades K-12. Seventy of these swimmers are high school age; 22 girls are Canton High School swimmers. The participants include students from Ann Arbor, Belleville, Livonia, Northville, Novi, South Lyon, Ypsilanti and the Plymouth Canton Schools.

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

Marshall and Marshall-Mar Lee Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program in boys and girls swimming & diving (6th, 7th and 8th grades combined) between these two member middle schools. Marshall sponsored the sports previously and will be the primary school. Mar Lee is a school without a high school and is a new MHSAA member middle school.

Classification Enrollment Declaration Form – The Executive Committee discussed the counting of fifth-year seniors taking college-level courses who are still enrolled in a high school but have exhausted eligibility under the maximum enrollment and competition regulations (eight-semester rule). The Executive Committee interpreted the regulations that fifth-year seniors also enrolled in college-level courses are not considered 12th-grade students in the basic enrollment on the Enrollment Declaration Form. The MHSAA staff was directed to provide guidance to schools with the Enrollment Declaration Form this winter regarding submission of the form for 2020-21 enrollments.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Feb. 26, at 9 a.m. in East Lansing (Audit & Finance Committee follows); Thursday, March 26, at 10 a.m. in East Lansing (Representative Council meets the next day); Wednesday, April 22, at 9 a.m. in East Lansing (Audit & Finance Committee follows); Sunday, May 3, at 10:30 a.m. in Gaylord (Representative Council meets the same day); and Wednesday, June 10, at 9 a.m. in East Lansing.