

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, January 12, 2022

Members Present:

Scott Grimes, Grand Haven
Nicole Carter, Novi
Vic Michaels, Detroit
Kris Isom, Adrian
Chris Riker, Portage

Staff Members Present:

Cody Inglis
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.

Jackson-Vandercook Lake and Jackson Prep & Early College 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 girls basketball. Vandercook Lake will be the primary school.

Genesee High School (Regulation I, Section 2) – A request to waive the age regulation was made on behalf of a 12th-grade student who has played basketball and softball. The student turned 19 on July 24 and has a 504 plan along with medical documentation. MHSAA regulations require that a defined disability exist that diminishes both physical and intellectual/emotional capabilities.

The Executive Committee did not approve the request for waiver.

Boyne Falls High School (Regulation I, Sections 4 & 5) – A second request to waive the maximum enrollment and competition portions of the eligibility regulation was made on behalf of a fifth-year 12th-grade student who attended Gaylord-St. Mary Cathedral through the 9th grade in 2017-18. The student enrolled at Boyne Falls in 2018-19, underwent a full special education evaluation resulting in a cognitively impaired diagnosis, and repeated the 9th grade. Since the Executive Committee decision on Nov. 3, 2021, the student has undergone a full psychiatric evaluation and has been evaluated by his primary care physician. In November, there was a lack of documentation from medical professionals; the school resubmitted the request with additional documentation.

The Executive Committee did not approve the request for waiver.

Burton-Genesee Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of two sisters, a senior and sophomore, who have transferred from Immanuel Baptist School in Corunna, a non-member school. The family cited issues with the administration of the former school in dealing with a situation involving another family member. The two students played soccer last spring, with the senior having participated in four games and the sophomore having participated in seven games. The request also cited COVID issues that have impacted students over the past two years.

The Executive Committee did not approve the request for waiver.

East Kentwood High School (Regulation I, Section 9) – On Dec. 2, 2021, a request to waive the transfer regulation was tabled pending additional information regarding specific harassment details and a letter of support from the former school. The student experienced a bullying environment at the former school and the parents discovered a health issue this past August prior to transferring the student to East Kentwood. The student continues to receive medical support for his health challenges. The former school submitted a letter stating it had no documentation of bullying while also noting that the student attended the former school as a fully virtual student in 2020-21.

The Executive Committee did not approve the request for waiver.

Farmington Hills-North Farmington High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Farmington High School as a freshman and sophomore. Following his 10th-grade year, the former boys basketball coach and the student had a falling out over texts and social media posts. The student then moved from his mother's residence to his father's and enrolled at Temperance-Bedford High School where he attended for only a brief time. He moved back to his mother's residence in North Farmington (he attended Farmington High School via school of choice) in September and enrolled at North Farmington. It was noted that a secondary MHSAA violation occurred at North Farmington connected to this student's transfer.

The Executive Committee did not approve the request for waiver.

Fowler High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who has been a Fowler resident for many years. The student attended St. Johns High School as a school-of-choice student as a freshman and wants to transfer to Fowler due to migraines that have been a result of bullying at St. Johns High School. Medical documentation was submitted.

The Executive Committee did not approve the request for waiver.

Harper Woods-Chandler Park Academy (Regulation I, Section 9) – The school appealed the staff penalty for violations stemming from issues within the football program during the fall of 2021. The school played an ineligible athlete for multiple games during the fall; the athlete also happened to be the coach's son. The football coach and athletic director were actively concealing this fact by switching the player's uniform number from game to game, and even denied that this student was playing when confronted by video evidence. The school administration also initially denied this activity but changed the story once further evidence was provided. The original penalty was that all athletic programs be suspended from MHSAA tournaments for the 2021-22 and 2022-23 school years but was amended after a meeting between staff and the superintendent and principal of Chandler Park Academy where it was shared that the head football coach and athletic director are no longer employed by the school. The current penalty is that the football program was ineligible for the MHSAA tournament in 2021 and will again be ineligible for the playoffs in 2022, along with having to report all athletic transfer students to the MHSAA for the next two school years. CEO Diane Fisher, Principal Brian Ericson, Board Members Barbara Wynder and Kelli Van Buren, and Attorney Lamont Satchel appeared before the Executive Committee virtually.

The Executive Committee did not approve the appeal and reaffirmed the current penalty imposed by staff.

Kalamazoo-Hackett Catholic Prep High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Catholic schools through the 8th grade before enrolling at his school of residence, Portage Northern, for the 9th and 10th grades beginning in 2019-20. The student participated in boys tennis and boys basketball. The student struggled socially and academically and missed his former classmates and lifelong friends. The school submitted additional information which was not included in the Aug. 4 Executive Committee materials, notably the information on the student's health and work with a counselor.

The Executive Committee did not approve the request for waiver.

Kalkaska High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of an 11th-grade student who has transferred from Traverse City Central High School. The original request cited bullying issues at the former school with no opposition to the transfer being provided by the former school. The new information submitted with this second request included documentation of counseling services that have been ongoing much longer than from the original request. The family also shared that both daughters, including a 12th-grade student, have transferred to Kalkaska and that a support system is in place there that was not present at the former school. Information regarding the student's academic progress and growth at the new school was also provided.

The Executive Committee approved the request for waiver.

Lansing Catholic High School (Regulation I, Section 9) – The school requested an interpretation by the Executive Committee regarding a 10th-grade student's status under Regulation I, Section 9. This student has an F-1 visa and has lived in Okemos since the 5th grade, having attended St. Martha's Parish School. The student is now a sophomore at Lansing Catholic High School and has been living in Michigan as an active student for over six years. The school requested the Executive Committee deem this student as a domestic student given his situation is more like a traditional student than a foreign exchange student. The student would like to participate in track & field for the duration of his enrollment at Lansing Catholic.

The Executive Committee approved the request for waiver for track & field only for the duration of his enrollment at Lansing Catholic High School.

Lawton High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Mattawan High School and participated in girls basketball in the 2020-21 school year. The student experienced social struggles and isolation from her friend group that have impacted her health. The student's father was a 9th-grade basketball coach at Mattawan and recently accepted the girls varsity coaching position at Lawton. Additional and significant information was submitted.

The Executive Committee did not approve the request for waiver.

North Branch High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred to North Branch High School after attending Corunna High School as a 9th-grade student, playing basketball and baseball. The student does not live with either parent and is staying with a host family in North Branch. The school submitted paperwork that appeared to confirm this student is homeless as defined under McKinney-Vento. MHSAA regulations and past practice require that these McKinney-Vento scenarios come before the Executive Committee for review and consideration.

The Executive Committee approved the request for waiver.

Novi-Detroit Catholic Central High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade, three-sport athlete (football, basketball and baseball) who had attended Plymouth High School for his 9th grade and first part of his 10th grade year. The student has transferred because of concerns regarding school safety following a lockdown at Plymouth High School. The student was accepted as a student at Detroit Catholic Central but chose to attend Plymouth as a first-time 9th-grader and attended St. Edith Catholic grade school for five years prior to high school.

The Executive Committee did not approve the request for waiver.

Novi-Detroit Catholic Central 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 whose family has made a full and complete residential change from South Lyon to Milford. West Highland Christian Academy is the closest nonpublic school to the new residence in Milford. The family is Catholic, the student was baptized under the Catholic faith, and Detroit Catholic Central is the closest Catholic high school to the new residence. The student attended South Lyon East High School last year as a 9th-grader.

The Executive Committee approved the request for waiver.

Riverview-Gabriel Richard High School (Regulation I, Section 9) – On Aug. 4, 2021, the Executive Committee approved the following:

A request to waive the transfer regulation was made on behalf of a 10th-grade student who previously attended Dearborn-Divine Child and played in four basketball games before enrolling at Gabriel Richard in January 2021. The school requested eligibility after four basketball games in 2021-22. The Executive Committee approved the request for waiver. The student will be withheld from the first four basketball games of the 2021-22 season.

The school withheld the student for the first four basketball games of the 2021-22 season. On Jan. 8, the school was notified by Divine Child that the student actually played in six JV games for the former school during the 2020-21 season.

The Executive Committee affirmed the four-game penalty with no further games being added and no forfeitures required.

Restatement of MHSAA 401(k) Plan – Every six years, the Internal Revenue Service (IRS) requires employers with qualified, pre-approved 401(k) plans to restate their plan documents – reflecting changes that have occurred since the plan documents were created or last restated. The MHSAA must complete this process by July 31, 2022 to comply with this IRS requirement. Staff shared the document from attorney Foster Swift and the Executive Committee reviewed and approved it.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Feb. 23, 2022, at 9 a.m. (Audit and Finance Committee follows); Thursday, March 24, 2022, at 10 a.m. in East Lansing (Representative Council meets following day); Wednesday, April 20, 2022, at 9 a.m. in East Lansing (Audit and Finance Committee follows); Sunday, May 1, 2022, at 10:30 a.m. in Gaylord (Representative Council meets at 1 p.m.); and Wednesday, June 15, 2022, at 9 a.m. in East Lansing.