

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, March 26, 2020

Committee Members:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Chris Riker, Portage

Staff Members:

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.

Grandville-Calvin Christian and Grand Rapids-West Catholic High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in girls swimming & diving (varsity only) between these two schools whose combined 2019-20 enrollment of 802 students will place one team in the Division 3 tournament. Both schools sponsored girls swimming & diving previously. Calvin Christian was in an agreement with NorthPointe Christian that has dissolved. Calvin Christian will be the primary school. Support from the OK Conference was received.

Troy and Troy-Athens High Schools (Regulation I, Section 1[F-3]) – On Feb. 20, 2019, the Executive Committee approved a two-year extension, through the 2020-21 school year, of an ice hockey cooperative program between these two schools of the same district in excess of the 3,500-student enrollment cap. The program was first approved in August 2015 and has operated for four years, as allowed by rule and Executive Committee action. The program was originally formed under the provision for schools dropping the sport when Troy-Athens did not sponsor ice hockey in 2014-15. The program was to reform to under 3,500 students at the end of the current (2018-19) school year. The request for two additional years was based on projections of future participation and graduation. Following the 2019-20 season, the schools were to submit, by March 15, 2020, an update on program participants, the number of students cut from the team, and where those cut players ended up playing (JV team, etc.). The school suggested strategies to increase interest and hopes to sponsor two stand-alone teams after the 2020-21 school year. Troy would continue as the primary school. The combined 2018-19 enrollment of 4,437 students continued placement of a team in the Division 1 tournament. Support from the Oakland Activities Association was submitted. Troy Public Schools submitted the information requested by the Executive Committee on Feb. 20, 2020.

The number of students cut from the team in 2019-20 was noted, and the extension was for the 2020-21 school year only. The schools should anticipate forming two separate teams in the 2021-22 school year.

Holly High School (Regulation I, Sections 4 and 5) – A request to waive the maximum enrollment and participation portions of the eligibility regulation was made on behalf of a 12th-grade student who repeated the 9th grade during the 2017-18 school year due to health issues that included treatment and hospitalization. The student did not participate in athletics during her first three years of high school (2016-17 through 2018-19) but was on the Holly swim team for the 2019-20 season. The student has swum non-school swimming. The student has been a sprinter and her times are over two seconds slower than the final cut times. The student began the 9th grade at Oxford Virtual School in 2016-17 and repeated the 9th grade at Holly High School in 2017-18. She will be enrolled at Holly during the 2020-21 school year in order to graduate in the spring of 2021. The student's health issues began in middle school and continue to the present day. Due to her medical condition, her educational progress was delayed. The student does not appear to create a competitive advantage nor present a significant risk of injury to herself or opponents.

The Executive Committee approved the request for waiver. The student will be eligible for the 2020-21 school year.

Chelsea High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of a 12th-grade student who passed three classes during the second trimester of 2019-20 due to health problems. The student's father died suddenly in early 2019 and his mother has been diagnosed with an illness. The student has been in treatment for several health diagnoses and the school medically reduced his course load to three classes in February 2020. The student remains in therapy, on track to graduate, and enrolled in a full course load for the third trimester. The student takes honors and advanced placement courses and is interested in track & field.

The Executive Committee approved the request for waiver.

Belleville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student whose father died in July 2019 and the student reenrolled at Belleville to begin the 2019-20 school year. The student lived in Belleville and attended Belleville Schools his entire career through the 9th grade before moving with his parents to Clinton for the 10th and 11th grades in 2017-18 and 2018-19 where he participated in baseball. The student has not participated in other athletics this year and seeks to attend school and play baseball with the peers with whom he grew up.

The Executive Committee did not approve the request for waiver.

Brighton 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 with a history of health issues. Over the summer of 2019, the family's employment changed to southeast Michigan. Unable to find a home in Brighton, the family purchased a home in the Milford School District and the student enrolled to begin the 2019-20 school year at Brighton. While a student at Portage Central, she played volleyball and tennis and sustained multiple concussions that led to permanent health issues. The student needs an online curriculum necessary to balance medical appointments and her health issues with academics. The student intends to graduate in January 2021, so this is her final season of tennis. Support for eligibility was submitted by the former school.

The Executive Committee approved the requests for waiver.

Dollar Bay High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose family fled to the Houghton area on Jan. 18, 2020, to escape their father who imposed significant domestic violence upon the family, was incarcerated and has now been released from jail. The court authorities and DHHS representative urged the student to enroll in a school other than that of the new residence so the father could not easily locate the student. The student has been diagnosed with medical and mental health issues resulting from the abuse by the father. The student previously attended Ewen-Trout Creek where he participated in cross country and track & field. The student enrolled at Dollar Bay on Jan. 20, 2020.

The Executive Committee approved the request for waiver.

Highland-Milford High School (Regulation I, Section 9) – On Feb. 22, 2020, the Executive Committee did not approve a request to waive the transfer regulation on behalf of a 12th-grade student who is a resident of Milford and attended Farmington Hills-Mercy from grades 9-11, participating in lacrosse all three years. The student was unhappy, socially isolated and did not fit in at her former school. She enrolled at Milford to begin the 2019-20 school year. The school submitted significant additional information that in the 11th grade, the student had surgery that resulted in concerns for which she is still in counseling.

The Executive Committee approved the request for waiver.

Homer High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who was the victim of assault by a 12th-grade classmate while a student at Union City. The 10th-grade student has been the subject of harassment by those included in school suspensions and other students. The assault is under investigation by the state police and a personal protection order has been issued against the 12th-grade student. The student has previously participated in football, basketball and baseball.

The Executive Committee approved the request for waiver.

Ionia High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who reenrolled at Ionia after 11 school days at Morley Stanwood between Jan. 20 and Feb. 3, 2020. The student moved from her mother's home to her father's home during this time and did not participate in athletics. The student seeks participation in JV softball and reenrolled at Ionia on Feb. 4, 2020.

The Executive Committee approved the request for waiver.

Kalamazoo-Hackett Catholic Central High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was experiencing an unhealthy environment while a student at Portage Central due in part to being separated from her sister, who enrolled at Hackett previously. The family has been in crisis since October 2018. The mother's fiancé died suddenly and the sister was struggling, experiencing bullying and having health problems that led to hospitalization and changing schools. The student enrolled at Hackett on Nov. 20, 2019, and seeks to participate in girls soccer.

The Executive Committee approved the request for waiver.

Melvindale High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who reenrolled at Melvindale after attending Detroit-Western High School for six weeks of school from Dec. 2, 2019 to Feb. 7, 2020, and did not participate in athletics. The student moved between his separated parents from Melvindale to Detroit. The parents are attempting to reconcile their marriage and are not seeking a divorce. The student participated in football for Melvindale in the fall of 2019 and wishes to participate in football in 2020.

The Executive Committee approved the request for waiver. Exception 8 of the transfer regulation may not be used for this student through the remainder of high his school career.

Monroe High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who was bullied while an athlete and student at Monroe-Jefferson during the 2019-20 school year, causing the student to enroll at Monroe on Oct. 25, 2019. The student was home schooled previously, moved from Texas in the 8th grade and experienced harassment that followed him into high school.

The Executive Committee did not approve the request for waiver.

Montrose-Hill McCloy High School (Regulation I, Section 9[B-3]) – A request was made on behalf of an 11th-grade student to waive the transfer regulation to permit eligibility on the 91st school day of enrollment. The student was the subject of harassment and bullying while a student at New Lothrop, including a threat to harm the student. School documents and a police report included details. The student enrolled on Oct. 7, 2019 and seeks participation in golf this spring. The student played JV volleyball and spring golf in 2018-19 at her former school.

The Executive Committee approved the request for waiver on the student's 91st school day of enrollment at Hill McCloy High School beginning Oct. 7, 2019.

Trenton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who was targeted by peers with negative comments that caused isolation and alienation dating back to the 8th grade. The student played in three JV football games before withdrawing from New Boston-Huron and enrolling at Trenton on Sept. 16, 2019. The student has been in therapy since Sept. 23, 2019. Support for eligibility was submitted by the former school. The request was for eligibility in the full football season of 2020.

The Executive Committee approved the request for waiver. The student will be withheld from the first three football games of the 2020-21 school year.

Representative Council Meeting – The Executive Committee reviewed the agenda for the Representative Council's March 27, 2020 meeting.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, April 22, 2020, at 9 a.m. in East Lansing (Audit & Finance Committee meeting follows); Sunday, May 3, 2020, at 10:30 a.m. in Gaylord (Representative Council meets that afternoon); and Wednesday, June 10, 2010, at 9 a.m. in East Lansing.