

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

Gaylord, May 5, 2019

Members Present:

Scott Grimes, Grand Haven
Pete Ryan, Saginaw
Vic Michaels, Detroit
Kris Isom, Adrian
Sean Jacques, Calumet

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.

Holland Christian and Holland-Black River High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys tennis (varsity and JV) between these two schools with a combined enrollment of 938 students which will move a team from the Division 4 tournament into the Division 3 tournament. Holland Christian previously sponsored boys tennis and will be the primary school. Support from the OK Conference was submitted.

Holland Christian and Holland-Calvary High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in 11-player football cooperative program (varsity, JV and 9th grade) between these two schools with a combined enrollment of 713 students. Holland Christian was previously in a cooperative agreement with Wyoming-Tri Unity Christian, which has dissolved. Holland Christian will be the primary school. Support from the OK Conference was submitted.

Petoskey-St. Michael Academy, Harbor Springs-Harbor Light Christian and Petoskey-Concord Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Harbor Light Christian to a cooperative agreement which exists between the other two schools in boys and girls cross country (varsity only). The combined enrollment of 118 students will continue placement of a team in the Division 4 tournament. St. Michael Academy will continue as the primary school. Support from four future opponents was submitted.

Standish-Sterling and AuGres-Sims High Schools Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys and girls soccer (varsity and JV) between these two schools whose combined enrollment of 613 students will continue placement of a team in the Division 3 tournament. Standish-Sterling sponsored soccer previously and will be the primary school. Support from the Tri-Valley Conference was submitted.

Centreville 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 9th-grade student whose family made a full and complete move to White Pigeon and the student enrolled at Centreville on April 15, 2019. The student has previously attended Centreville through the 5th grade before the family moved to Wisconsin for the father's employment. The family has moved back to the area and resides one mile outside the Centreville School District. The student sought eligibility in football, which he played in Wisconsin.

The Executive Committee approved the request for waiver.

Commerce Township-Walled Lake Northern High School (Regulation I, Section 9) – On March 21, 2019, the Executive Committee did not approve a request to waive the transfer regulation on behalf of an 11th-grade student who was the subject of bullying and physical threats from classmates at U of D Jesuit. The student enrolled at Walled Lake Northern on March 6, 2019. The student did not participate in lacrosse in the 10th grade or any athletics during the 2018-19 school year. The student sought to participate in lacrosse this spring. Significant additional information was submitted. Documentation from the mother, several social media posts supporting the bad experiences, and medical documents were provided.

The Executive Committee approved the request for waiver.

Detroit-Renaissance High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91st school day of enrollment for compelling circumstances was made on behalf of an 11th-grade student who previously attended Detroit-Martin Luther King and was attempting to enroll at Renaissance as early as August 2016. The student's mother had been in contact with the school in August 2018, was told to contact the school in October, and had communication with administration on Oct. 5, 2018. The student's first day of school at Renaissance was Oct. 16, 2018. The student participated while ineligible in four track meets this season, on April 18, 23, 25 and 27, 2019, and was held out of competition April 30 and May 1 once his ineligibility was discovered by the school.

The Executive Committee approved eligibility on the 91st school day of enrollment, beginning Oct. 16, 2018, for this student in all sports except track & field. The student becomes eligible for track & field after the fourth day of competition, beginning April 30, 2019. The school must forfeit the boys track & field contests of April 18, 23, 25 and 27, 2019.

Grand Rapids Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who previously attended East Grand Rapids and participated in volleyball in the fall of 2018. The student has been under treatment for health issues. The student's doctor recommended the change of schools. The student enrolled at Grand Rapids Christian to begin the second semester on Jan. 21, 2019.

The Executive Committee did not approve the request for waiver.

Grandville-Calvin Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who played in six plays of one varsity football game on Sept. 20, 2018 while a student at Grandville. The student completed the season and only played in this one game. The student will enroll at Calvin Christian to begin the 2019-20 school year. Calvin Christian had temporarily cancelled its football program earlier in the year, has recruited 20 players and hopes to have a team this fall that includes this student. Support from the former school was submitted.

The Executive Committee did not approve the request for waiver.

Kalamazoo-Hackett Catholic Prep High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who suffers from a medical condition that included hospitalization while a student at Portage Central. The student enrolled at Hackett Catholic Prep on Nov. 5, 2018, and sought eligibility for softball this spring and girls swimming & diving in the fall of 2019, which the student participated in at Portage Central during 2018-19. Support for eligibility was provided by the former school.

The Executive Committee approved the request for waiver.

North Muskegon High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who previously attended Muskegon Catholic Central, participated in volleyball and basketball, and enrolled at North Muskegon on March 11, 2019. The student also plays girls soccer and is sitting out this spring. The student's family experienced water damage to their home, financial and transportation problems, and prefers more course offerings at the new school.

The Executive Committee did not approve the request for waiver.

Sand Creek 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 international student from an Approved International Student Program. The student enrolled at Sand Creek on Jan. 22, 2019 for one semester of education in the U.S. The student resides with a host family in Hudson that has two school-age children who have attended Sand Creek Schools since 2014.

The Executive Committee approved the request for waiver.

Representative Council Vacancies – The Executive Committee discussed Article IV, Section 7 of the MHSAA Constitution regarding elected positions on the Council and recommended the elected vacancies be filled by continuing the past practice of holding a special election.

Future Meetings – The next Executive Committee meetings are scheduled for Wednesday, June 12, 2019, at 9 a.m. in East Lansing; Thursday, Aug. 1, 2019, at 9 a.m. in East Lansing; Wednesday, Aug. 21, 2019, at 9 a.m. in East Lansing (all on site); Wednesday, Sept. 4, 2019, at 8:30 a.m. in East Lansing; Wednesday, Oct. 2, 2019, at 8:30 a.m. in East Lansing, Wednesday, Nov. 6, 2019, at 8:30 a.m. in East Lansing; and Thursday, Dec. 5, 2019, at 1:30 p.m. in East Lansing (Representative Council meets next day).