

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, April 30, 2021

Members Present:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Sean Jacques, Calumet

Staff Members Present:

Cody Inglis
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.

Cedarville and DeTour High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of several sports to a cooperative program in 8-player football that already exists between these two schools whose combined 2021-22 enrollment of 120 students will place teams in the following MHSAA Tournament Divisions: UP boys and girls cross-country (varsity only) Division 3, girls volleyball (varsity and JV) Division 4, boys and girls basketball (varsity and JV) Division 4, UP boys and girls golf (varsity only) Division 3, and UP boys and girls track & field (varsity only) Division 3. Many sports were sponsored by both schools. Cedarville will be the primary school. Cedarville was previously in a cooperative program in baseball and softball from which it withdrew for the 2021-22 school year. Support from the Eastern Upper Peninsula Conference was submitted.

East Lansing and other Capital Area High Schools (Regulation I, Section 1[F-1]) – A request was made to allow for the formation of two new one-year ice hockey cooperative programs that would be in excess of the 3,500-student enrollment limit which would continue to provide ice hockey for teams in the Capital Area Athletic Conference and region during the 2021-22 school year. In 2020-21, four agreements existed and three of these teams no longer have sufficient participants to form teams. The Holt agreement (a.k.a. Marauders) is in the fourth year of an allowance as a lifeline program (Section 1, F-3) when the teams in the capital area went from five to four teams in 2017-18. Three options were presented for Executive Committee consideration. The request to operate for 2021-22 three teams in excess of the regulation and 3,500-student enrollment limit would appear to provide these schools time to seek other options. The MHSAA staff and Ice Hockey Committee are preparing recommendations to the Representative Council for its December 2021 meeting regarding hockey cooperative agreements and classifications. If the Executive Committee approves it at this meeting, the impacted schools would submit completed applications for approval at the June 16, 2021 Executive Committee meeting.

The Executive Committee approved this request. New completed cooperative agreement applications must be submitted to the Executive Committee prior to its June 16, 2021 meeting.

Ice Hockey Cooperative Agreements in Excess of 3,500 Students – The following programs are unable to reform under the 3,500-student enrollment cap and requested that, as an alternative to dropping the sport in three communities, they be given approval to renew the programs for the traditional two school years. Support for renewing these programs from the leagues involved has been submitted. MHSAA staff has suggested that each program connect with the local non-school hockey communities and high school staff and administration to seek possible long-term solutions as opposed to requesting the MHSAA waive its enrollment limits every few years. The MHSAA understands that these programs are not about competitive advantage but participation in the sport. Two of the programs (Kalamazoo and Waterford) are in urban communities with a student population traditionally interested in sports other than hockey. Troy has struggled to offer teams and has an opportunity to connect with the local hockey community to possibly encourage growth. The MHSAA staff and Ice Hockey Committee are preparing recommendations to the Representative Council for its December 2021 meeting regarding hockey cooperative agreements and classifications. The Executive Committee approved the continuation of the following three programs for the 2021-22 and 2022-23 school years:

- a. **Kalamazoo-Loy Norrix, Kalamazoo Central and Kalamazoo-Hackett Catholic Prep:** This program has operated with all three schools since the 2003-04 school year. The combined enrollment for 2020-21 was 3,595. For the 2021-22 school year, the enrollment will be 3,694.

- b. **Troy and Troy-Athens:** This program was formed in the 2015-16 school year under the three-year rebirth exception (F-3), and told that it must reconfigure or dissolve before the 2018-19 school year. Because the regulation changed to a “four-year” rebirth exception, the Executive Committee approved a one-year extension, through the 2018-19 school year. In February of 2019, after being provided an update on the program’s win/loss record, number of participants and number of students cut, the Executive Committee approved the continuation for two additional school years – through the 2020-21 school year. In March of 2020, the Executive Committee again discussed this cooperative program because there were 15 students cut from the team in 2019-20 because the players were less than varsity-caliber players. The district was warned that it must plan on sponsoring separate teams for the 2021-22 school year. This program has always been above the 3,500-student combined enrollment limit. The combined enrollment for the first year was, 4,482. For the 2021-22 school year, the enrollment will be 4,060.
- c. **Waterford Mott, Waterford Kettering and Walled Lake Central:** This program was approved under the four-year rebirth exception (F-3) for the 2017-18 through the 2020-21 school years. The combined enrollment the first year was 5,039 students. For the 2021-22 school year, the enrollment will be 4,016. The other two Walled Lake schools combine to form a cooperative agreement just under 3,500 students.

Representative Council – The Executive Committee reviewed the Council agenda and format for the virtual meeting on Monday, May 3, 2021.

Future Meeting – The final meeting of the Executive Committee for the 2020-21 school year is scheduled for Wednesday, June 16, 2021, at 9 a.m. in East Lansing.