

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, November 29, 2018

Members Present:

Scott Grimes, Grand Haven
Pete Ryan, Saginaw
Vic Michaels, Detroit
Kris Isom, Adrian
Don Gustafson, St. Ignace

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.

Haslett, Laingsburg and Williamston High Schools (Regulation I, Section 1[F]) – The Executive Committee approved the addition of Laingsburg to a cooperative program which exists between the other two schools in girls lacrosse at the varsity level. The combined enrollment of 1,876 students will move the team into the Division 1 tournament. Haslett will continue as the primary school. Support from the Capital Area Activities Conference was submitted.

Imlay City and Dryden High Schools (Regulation I, Section 1[E]) – The Executive Committee approved for the 2019-20 school year a cooperative program in 11-player football at the varsity, JV and freshman levels between these two schools whose combined enrollment is 864 students. Imlay City sponsored 11-player football and will be the primary school; Dryden sponsored 8-player football. A companion middle school application was also submitted. Support from the Blue Water Conference and the North Central Thumb Conference were submitted.

Jenison and Grand Rapids-Kenowa Hills High Schools (Regulation I, Section 1[F]) – The Executive Committee approved a cooperative program in girls lacrosse at the varsity level between these two schools whose combined enrollment of 2,402 students will move the team into the Division 1 tournament. Jenison sponsored the sport previously and will be the primary school. Support from the OK Conference was submitted.

Walled Lake Western and Commerce Township-Walled Lake Northern High Schools (Regulation I, Section 1[E-1]) – On Oct. 31, 2018, the Executive Committee approved a late request to permit students from these two schools of the same district to practice ice hockey together pending the application and approval of a subvarsity cooperative program in ice hockey. The Executive Committee approved the request that this program could conduct tryouts and practice together as allowed by rule without it counting as a scrimmage. No games or scrimmages against other schools could take place until the subvarsity program had been approved by the Executive Committee.

However, on Nov. 19, 2018, the school district informed the MHSAA that the subvarsity agreement was no longer necessary as both teams had obtained more players and each will participate at the varsity level and in the MHSAA tournament.

Novi High School (Regulation I, Section 5) – A request to waive the maximum competition regulation and specifically Interpretation 32 (participation in two seasons in a school year) was made on behalf of an 11th-grade student who had knee surgery on March 28, 2018. The student had limited practice activity with the Novi diving team in the fall of 2018 as she underwent physical therapy. The student did not participate in any meet this fall but did dive exhibition in a season-ending scrimmage with other diving teams. The school requested that the student be permitted to participate with the boys swim team this season.

The Executive Committee did not approve the request for waiver.

Warren-Cousino High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of an 11th-grade student who passed one course less than 66 percent of a full-time student's course load (three of six courses) during the first semester of 2017-18. The student suffered a concussion on Sept. 28, 2017, was absent over 50 days for medical reasons during the first semester, and did not attend school during the second semester of 2017-18.

The Executive Committee approved the request for waiver.

Melvindale High School (Regulation I, Section 8 – Classification) – A request was made to rescind the decision of the executive director and waive the current academic credit record regulation and classification procedures (Page 103, Item 8 b). Melvindale sought to amend the 2018-19 Enrollment Declaration Form to add Henry Ford Middle College to its form submitted in February 2018 and add five students who reside in Melvindale and attend Henry Ford Middle College. One student is interested in participating in football and baseball at Melvindale. As stipulated under the classification procedures, the school requested the addition of five students who live in Melvindale and attend Henry Ford Middle College, which does not change its division in any sport, and its Board of Education supported this request that the enrollment form be changed to name this program as a non-traditional program of Melvindale High School. On Nov. 13, the MHSAA executive director did not approve the request because only one of three stated criteria was met. The school requested reconsideration because its athletic participation is declining and the intention is to provide opportunities for a largely underserved student population.

The Executive Committee did not approve the request for waiver, and affirmed the executive director's decision.

Belleville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who lives in the Belleville School District and attended Canton Preparatory for the 9th grade in 2017-18. The student wishes to play ice hockey for the Belleville cooperative program and has not played this sport previously for any school. The student enrolled at Belleville to begin the 2018-19 school year for transportation purposes.

The Executive Committee did not approve the request for waiver.

Boyne City High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose family has owned a home in Boyne City for ten years and whose father recently moved his office there. The mother is in education and continues to reside in Mt. Pleasant in the family home until an appropriate position is available near Boyne City. The student was struggling with medical issues while at Mt. Pleasant and enrolled at Boyne City to begin the 2018-19 school year. The home in Mt. Pleasant is not up for sale as the mother resides there three days a week. The student is interested in skiing.

The Executive Committee did not approve the request for waiver.

Burr Oak High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has experienced a transient home life. The student has lived with her mother, father, various family and friends and been in foster care over the past three years. After living with her father in Colon, the student moved to Three Rivers where the family home was lost, causing the father to move into a camper in Coldwater. At this time, the student was taken in by her aunt and uncle and their four children in Colon. The student attended Colon for the remainder of the school year and then enrolled at Burr Oak to begin the 2018-19 school year because she has a supportive network of friends. Three of the four children of the aunt and uncle are enrolled at Colon Schools.

The Executive Committee did not approve the request for waiver.

Cedar Springs High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student whose mother was the subject of a Child Protective Services review and who has never met his father. The student was ostracized by his mother while enrolled at Burton-Bentley during the 2017-18 school year and has moved into his grandmother's home in Cedar Springs. The student enrolled at Cedar Springs to begin the 2018-19 school year.

The Executive Committee approved the request for waiver.

Commerce-Walled Lake Northern High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who has a disability and transferred between schools of the same district from Walled Lake Central to Walled Lake Northern. The student was struggling physically and mentally at her former school. The student has low-level gymnastics skills and it is feared she will return to previous stress-induced behavior.

The Executive Committee approved the request for waiver.

Farwell High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose father accepted new employment over the summer, causing the family to relocate to Davison. The student enrolled at Davison to begin the 2018-19 school year and did not participate in sports. The student has attended Farwell Schools since the 7th grade. The family lived with an aunt and uncle in Clare as the father's former job had him away from home. The student was unhappy at the new school and reenrolled at Farwell on Oct. 29, 2018. The student has moved back to this same home with relatives. The mother will return to the home in June and the father will commute to Davison.

The Executive Committee approved the request for waiver.

Fennville High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91st school day of enrollment was made on behalf of a 12th-grade student who attended Fennville for grades 9-11 before enrolling at Holland-West Ottawa to begin the 2018-19 school year. The student reenrolled at Fennville on Oct. 23, 2018, along with his 9th-grade brother. The family resides in Fennville.

The Executive Committee did not approve the request for waiver.

Flint-Kearsley High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who lived with his mother in the Kearsley School District and attended Kearsley Schools for the 8th grade and the beginning of the 9th grade in 2018-19. Unbeknownst to the mother, the student's father enrolled the student at Ferndale for four school days from Oct. 4-10, 2018. The student's mother has court-ordered physical custody of the student. After court proceedings, the student reenrolled at Kearsley on Oct. 10, 2018. The student ran cross country at Kearsley this fall.

The Executive Committee approved the request for waiver.

Flint-Powers Catholic High School (Regulation I, Section 9[F]) – A request was made to set aside the decision of the executive director that 180 days of ineligibility in boys basketball apply to an 11th-grade student whose transfer from Mt. Morris to Powers on Feb. 23, 2018 was an athletic related transfer (Links Rule). The student participated on an AAU basketball team in the previous 12 months. The team's head coach was a Powers parent and the then varsity basketball coach at Mt. Morris was the assistant coach of the AAU team. The head coach invited the student and two teammates to participate on the AAU team. The parent and Mt. Morris coach work together in a fitness center. The student resides blocks from Powers, as opposed to ten plus miles to Mt. Morris. The student has an aunt who was previously enrolled at Powers.

Item 2 of Section 9(F) states: "That student participated as an individual or on a non-school team or activity coached, coordinated or directed by any of that high school's parents (former or current) or administrators or by any of its coaches in the sport involved for either gender, including contact permitted under Regulation II, Section 11(H) 2 b (summer days of competition) or at camps or clinics.

The request from Powers was made under the portion of Section 9(F) which states, "A student's new school may petition the MHSAA executive director for eligibility as under Section 9(D) when an adult described in No. 2, 3, 4 or 5 becomes a school coach at the new school AFTER a student has enrolled or under compelling circumstances. The school must provide the basis for the request with sufficient documentation to make a decision. The executive director will make eligibility determinations on a case-by-case basis as to the student's period of ineligibility and possible forfeitures. The student's period of ineligibility could be as under Section 9(D) or 180 scheduled school days from the point of discovery or 180 scheduled school days from the date of enrollment."

The Executive Committee did not approve the request for waiver, and affirmed the executive director's decision of 180 school days of ineligibility in basketball beginning Feb. 23, 2018.

Kinross-Maplewood Baptist Academy (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has dealt with a medical condition for the past few years and experienced bullying while a student at Rudyard where he played football, basketball and baseball. The student has been on medication and undergone counseling and treatment. The student enrolled to begin the 2018-19 school year. Support for eligibility from the previous school was submitted, as well as correspondence from medical professionals.

The Executive Committee approved the request for waiver.

Lowell High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation to permit eligibility at the subvarsity level only was made on behalf of a 9th-grade student who participated in less than ten minutes of football for Ionia before a knee injury on Sept. 20, 2018. The family resides in Ionia and the student applied to attend Lowell previously but was denied. The student again contacted Lowell prior to the fourth Friday after Labor Day and was informed to wait until the trimester began to enroll. The student enrolled at Lowell on Nov. 12, 2018.

The Executive Committee did not approve the request for waiver.

Pellston High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91st school day of enrollment was made on behalf of an 11th-grade student who previously attended Alanson before enrolling at Pellston on Oct. 15, 2018. The student had been shared-time at Pellston in one course this school year.

The Executive Committee approved the request for eligibility on the student's 91st school day of enrollment at Pellston High School, beginning Oct. 15, 2018.

Saginaw-Swan Valley High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who experienced bullying and a physical attack while a student in the 8th and 9th grades at St. Charles where his father was a school administrator. The student who was responsible was expelled but has returned this school year. The student was uncomfortable at his former school and enrolled at Swan Valley to begin the 2018-19 school year. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Waterford Mott High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended West Bloomfield while living with his parents in Pontiac. Due to a volatile relationship and interaction with his father, the student moved into the home of his brother in the Waterford Mott attendance area and enrolled at Waterford Mott on Oct. 1, 2018. The student registered to enroll on Sept. 25 but did not attend classes until Oct. 1.

The Executive Committee did not approve the request for immediate eligibility but approved eligibility on the student's 91st school day of enrollment at Waterford Mott High School, beginning Oct. 1, 2018.

Waterford Mott High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in girls lacrosse was made on behalf of an 11th-grade student who was enrolled at Waterford Kettering and participated in the girls lacrosse cooperative program between these two schools of the same district in 2017-18. The district approved the intra-district transfer. The student intends to enroll at Waterford Mott in January 2019.

The Executive Committee approved the request for immediate eligibility for this student in girls lacrosse only.

Westland-Lutheran High School Westland (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Lutheran Westland throughout high school except for seven school days from Sept. 4-10, 2018 when the student moved into her father's home and attended Canton-Salem High School. The student reenrolled at Lutheran Westland on Sept. 11, 2018, and did not participate in athletics at Salem.

The Executive Committee approved the request for waiver.

Subvarsity Waiver Requests Meeting All Conditions of Section 9(B) – The Executive Committee approved immediate eligibility at the subvarsity level for the following transferring 9th- or 10th-grade students (after entering 9th grade, before completing 10th grade) **who have not previously participated in an interscholastic scrimmage or contest in any MHSAA sport at the high school level** (whether MHSAA member schools or not) and who do not qualify for one of the 15 stated exceptions to the transfer regulation and have transferred for reasons having nothing to do with athletics, discipline or family finances and would not require Executive Committee evaluation or comparison of school demographics or curriculum:

Requesting High School	Grade	Former High School	Date of Enrollment	Length of Subvarsity Eligibility Status
Ann Arbor-Father Gabriel Richard	9	Novi-Detroit Catholic Central	Aug. 22, 2018	Jan. 21, 2019
Ann Arbor-Greenhills	10	Great Lakes Cyber Academy	Sept. 4, 2018	Jan. 21, 2019
Brighton-Livingston Christian	10	Novi-Franklin Road Christian	Nov. 7, 2018	Remainder of 18-19 school year
Chelsea	9	Stockbridge	Oct. 5, 2018	91 st school day of enrollment
Clinton	9	Manchester	Nov. 12, 2018	Remainder of 18-19 school year
Coopersville	9	West Palm Beach, FL	Oct. 22, 2018	Remainder of 18-19 school year
Eastpointe	10	St. Clair Shores-Lakeshore	Nov. 5, 2018	Remainder of 18-19 school year
Fennville	9	Holland-West Ottawa	Oct. 23, 2018	Remainder of 18-19 school year
Mattawan	10	Portage Northern	Sept. 4, 2018	Jan. 21, 2019
Muskegon-Western Michigan Christian	10	Muskegon	Nov. 19, 2018	Remainder of 18-19 school year
Petoskey	10	Alanson-Littlefield	Sept. 4, 2018	Jan. 21, 2019
Pigeon—Elkton-Pigeon-Bay Port Laker	9	Caseville	Sept. 4, 2018	Jan. 21, 2019

Requesting High School	Grade	Former High School	Date of Enrollment	Length of Subvarsity Eligibility Status
Sparta	10	Rockford	Aug. 27, 2018	Jan. 21, 2019
Traverse City West	9	Traverse City-St. Francis	Sept. 26, 2018	Jan. 21, 2019
Warren-Cousino	9	Detroit-Renaissance	Sept. 7, 2018	Jan. 21, 2019
Warren-Cousino	9	Warren-Fitzgerald	Sept. 20, 2018	Jan. 21, 2019
White Cloud	9	Newaygo	Oct. 30, 2018	Remainder of 18-19 school year

Flint-Michigan School for the Deaf (Regulation II, Section 6) – A request to waive the 600-mile round-trip travel limitation was made to permit some of Michigan School for the Deaf’s track & field students to participate in the Berg & Seeger Track & Field Tournament in Fremont, California on April 6, 2019. The school was informed that National Federation sanctioning is required and separate from the MHSAA approving a travel waiver.

The Executive Committee did not approve the request for waiver.

Walled Lake Western High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2018-19 school year was made on behalf of the head girls swimming coach whose primary source of income is coaching the Sailfish Swim Club (FISH). The coach was recently named the boys swim coach for this season. The program is open to the general public and includes 45 participants from seven school districts including Walled Lake (Farmington, Huron Valley, Novi, Northville, South Lyon and Waterford). Twenty-two of the participants are Walled Lake Community Schools students in grades 7-12 and eight are Walled Lake Western students.

The Executive Committee approved the request for waiver for this coach for the 2018-19 school year.

Imlay City and Dryden Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program in 11-player football (7th & 8th grades combined) for the 2019-20 school year between these two member middle schools. Imlay City sponsored 11-player football previously and will be the primary school.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Jan. 9, 2019, at 1 p.m. in East Lansing (following Classification Committee meeting); Wednesday, Feb. 20, 2019, at 8:30 a.m. in East Lansing (Audit and Finance Committee meeting follows); Thursday, March 21, 2019, at 10 a.m. in Grand Rapids (Calvin College) (Representative Council meets the following day in Grand Rapids); Tuesday, April 23, 2019, at 8:30 a.m. in East Lansing (Audit and Finance Committee meeting follows); Sunday, May 5, 2019, at 10:30 a.m. in Gaylord (Representative Council meeting at 1 p.m.); and Wednesday, June 12, 2019, at 9 a.m. in East Lansing.