

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, November 3, 2021

Committee Members:

Scott Grimes, Grand Haven
Vic Michaels, Detroit
Kris Isom, Adrian
Nicole Carter, Novi
Mark Mattson, Maple City

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.

Bay City-All Saints, Bay City Academy and Saginaw-Nouvel Catholic Central High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in girls softball (varsity only) between these three schools whose combined enrollment of 337 students will place a new team in the Division 3 tournament. None of the schools sponsored softball previously. All Saints will be the primary school. Support from the North Central Thumb League was submitted.

Clarkston-Everest Collegiate, Auburn Hills-Oakland Christian, Grosse Pointe Woods-University Liggett and Madison Heights-Bishop Foley Catholic High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of University Liggett to a cooperative program which exists between the other three schools in boys skiing (varsity only). The combined enrollment of 875 students will keep one team in the Division 2 tournament. Everest Collegiate will continue as the primary school. Support from the Catholic High School League was submitted.

Clarkston-Everest Collegiate, Rochester Hills-Lutheran Northwest and Waterford-Our Lady of the Lakes High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in girls tennis (varsity only) between these three schools whose combined enrollment of 443 students will keep one team in the Division 4 tournament. Everest and Lutheran Northwest were previously in a cooperative program with Auburn Hills-Oakland Christian, which has dissolved. Everest Collegiate will be the primary school. Support from the Catholic High School League was submitted.

Farmington and Farmington Hills-North Farmington High Schools (Regulation I, Section 1[E-2]) – The Executive Committee approved a cooperative program between these two schools of the same district in boys lacrosse (JV and varsity). These schools are currently involved in cooperative programs in several other sports. The combined enrollment of 2,823 students will move two schools from Division 2 into the Division 1 tournament. Farmington will be the primary school. Support from the Oakland Activities Association was submitted.

Grand Rapids-Kenowa Hills, Comstock Park and Sparta High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program between these three schools in boys lacrosse (JV and varsity). Kenowa Hills and Comstock Park both sponsored the sport previously; Kenowa Hills will be the primary school. The combined enrollment of 2,339 students will remove two schools from Division 2 and add one team to the Division 1 tournament. Support from the OK Conference was submitted.

Jenison, Comstock Park and Grand Rapids-Kenowa Hills High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program between these three schools in girls lacrosse (JV & varsity). The combined enrollment of 3,078 students will add one team to the Division 1 tournament. Jenison will be the primary school. Support from the OK Conference was submitted.

Kalkaska and Mancelona-North Central Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of boys and girls basketball (JV and varsity), boys golf (varsity only), baseball (JV and varsity), girls softball (JV and varsity), girls soccer (varsity only), boys and girls track & field and wrestling (varsity only) to the cooperative program between these two schools that exists in several other sports approved on June 13, 2021 (boys and girls cross country, football, girls golf, boys soccer and volleyball). The combined enrollment of 465 students will continue placement of all but the baseball team in existing tournament divisions. Baseball will move from Division 3 to 2 and there will be one less team in the boys and girls track & field Division 4 tournaments. Kalkaska will be the primary school for all sports. Support from the Lake Michigan Conference was submitted.

Marlette and Brown City High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in girls soccer (varsity only) between these two schools whose combined enrollment of 477 students will move one team from Division 4 to the Division 3 tournament. Marlette sponsored the sport previously and will be the primary school. Support from the Greater Thumb Conference was submitted.

Royal Oak and Berkley High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of boys and girls lacrosse (JV and varsity) to a cooperative program that currently exists between these two schools in ice hockey. Royal Oak sponsored the sports previously and will be the primary school. The combined enrollment of 2,875 students will move one team from Division 2 into the Division 1 tournament for both boys and girls. Support from the Oakland Activities Association was submitted.

Saginaw-Nouvel Catholic Central and Bay City-All Saints High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in girls soccer (JV and varsity) between these schools whose combined enrollment of 250 students will place a new team in the Division 4 tournament. Nouvel sponsored the sport previously and will be the primary school. Support from the Tri-Valley Conference was submitted.

Shelby Township-Utica Eisenhower and Utica High Schools (Regulation I, Section 1[F-3]) – The Executive Committee approved a cooperative program between these two schools of the same district in boys lacrosse (varsity only) in excess of the 3,500-student enrollment cap. The combined enrollment will be 4,483 students and will remove one team from the Division 1 tournament. Both schools have sponsored the sport previously but Utica High School struggled to field a team and dropped the sport in 2021. This program may exist for up to four school years and must dissolve or reform to under 3,500 students at the conclusion of the 2024-25 school year. Support from the Macomb Area Conference was submitted.

Boyne Falls High School (Regulation I, Sections 4 & 5) – A 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 special education evaluation resulting in a cognitively impaired diagnosis, and repeated the 9th grade. The student was a member of the basketball team and had limited participation for two years in 2019-20 and 2020-21 and seeks a fifth year of eligibility. The student is 6'1" tall and 193 pounds and has a cognitive disability undocumented by medical professionals but supported by the school and recent IEP.

The Executive Committee did not approve the request for waiver.

Freeland High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who participated in the ice hockey cooperative program between Freeland and Saginaw-Nouvel Catholic Central while a student at Freeland in the 2020-21 school year. On Sept. 9, 2021, the Executive Committee approved eligibility under this section for this student to attend Nouvel, but the student has had some emotional family issues and will be reenrolling on Nov. 4, 2021 at Freeland – prior to any actual participation under the waiver approved on Sept. 9. Support for eligibility was submitted by Nouvel. The parents are separated, have lived apart, and the student began counseling this September.

The Executive Committee approved the request for waiver.

Grand Blanc High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Grand Blanc schools since Kindergarten except for five weeks when the student was home schooled through an online provider, from Aug. 31-Oct. 6, 2021, when she reenrolled at Grand Blanc. The student previously participated in competitive cheer at Grand Blanc in 2020-21.

The Executive Committee approved the request for waiver.

Grand Blanc High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred from Flint-Powers Catholic, seeking relief from bullying and harassment from classmates at her former school that included demeaning text messages and social media posts as well as social isolation. The student fell into a depression in the 9th grade. The student participated in 9th-grade basketball and softball at the former school and enrolled to begin the 2021-22 school year at Grand Blanc on Aug. 30, 2021. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Grand Rapids-NorthPointe Christian 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 an 11th-grade student who is moving between divorced parents from the mother's home in the East Grand Rapids School District into the father's home in the Ottawa Hills attendance area. The student enrolled to begin the 2021-22 school year. Grand Rapids Christian is closer to the new residence, but the student has two cousins on the teaching staff at NorthPointe. The student previously attended Grand Rapids-Catholic Central where he participated in 9th-grade and JV basketball.

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 an 11th-grade student who was harassed as she exited an abusive and damaging relationship with a male student while enrolled at Grandville High School. The student sought a PPO on Oct. 7, 2021, but the student and parent refused delivery. The student participated in girls basketball and softball while a 10th-grader during the 2020-21 school year at Grandville High School which wrote in support of eligibility.

The Executive Committee approved the request for waiver.

Harbor Springs-Harbor Light 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 Alanson-Littlefield and played volleyball, basketball and softball before enrolling at Harbor Light to begin the 2021-22 school year. The student experienced a severe family trauma due to the death of her 13-year-old cousin. She has been in counseling since December 2020. The student has missed her volleyball season.

The Executive Committee approved the request for waiver.

Hudsonville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who attended Jenison High School for the 9th grade and participated in 9th-grade basketball and baseball. When the mother learned that the student's biological father, who has not been part of the student's life, wanted to attend some of his baseball games at Jenison, she began the process of enrolling him at Hudsonville where he began the 2021-22 school year. The request was for eligibility at the subvarsity level.

The Executive Committee did not approve the request for waiver.

Ishpeming-Westwood High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in girls gymnastics was made on behalf of a 10th-grade student who participated in the gymnastics cooperative program between these two schools while a 9th-grader at Negaunee High School in the 2020-21 school year. The student enrolled at Westwood on Aug. 31, 2021. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver in girls gymnastics only.

Kalkaska High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who experienced bullying and harassment while a student at Traverse City Schools beginning in middle school and continuing through the 9th and 10th grades at Traverse City Central where she played girls basketball. The student entered counseling in the summer of 2021. Originally from the Kalkaska area, the student enrolled to begin the 2021-22 school year.

The Executive Committee tabled the request for waiver pending more information.

Lansing Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose mother died at the age of 39 when the student was six years old. The student previously attended Okemos High School, played JV basketball and struggled with the lack of in-person learning. With the onset of a COVID-19 variant in the spring and summer, it became clear that COVID-19 would impact the 2021-22 school year, causing the student to enroll at Lansing Christian to begin the 2021-22 school year. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for waiver.

Marine City High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who struggled with online learning at Chippewa Valley High School, played 9th-grade basketball during the 2020-21 school year and enrolled at Marine City to begin the 2021-22 school year because Marine City managed to maintain in-person instruction for most of the school year.

The Executive Committee did not approve the request for waiver.

Melvindale 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 whose family moved from Ecorse to Detroit and enrolled at Melvindale High School because an older brother had attended there. The student participated in JV basketball at Ecorse as a 10th-grader. As allowed under Interpretation 66 (residential change catch-up provision), the student had a residential change while a 10th-grader after starting high school in October 2020 and continued attending Ecorse before enrolling at Melvindale to begin the 2021-22 school year.

The Executive Committee approved the request for waiver.

Paw Paw High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who experienced physical and emotional bullying while a student at Mattawan who participated in competitive cheer. The student sought counseling that stemmed from bullying incidents over the past few years. Confirmation of an earlier physical bullying incident was submitted from Mattawan.

The Executive Committee approved the request for waiver.

Pigeon—Elkton-Pigeon-Bay Port Laker High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who previously attended Jackson-Northwest, participated in basketball and track, and has transferred schools because of negative and abusive relationships at her former school. The student returned to her previous school to live with family and friends. Support from the former school principal, counselor and a coach were submitted. Both parents are staff members at the former school.

The Executive Committee approved the request for waiver.

Waterford Kettering High School (Regulation I, Section 9[B-3]) – 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 lives with his mother and stepfather in the Waterford Mott attendance area and whose 10th-grade stepbrother resides primarily in the same home as the student who is the subject of the request. The stepbrother also recently enrolled at Waterford Kettering and the mother is unable to provide transportation for the student. The 12th-grade brother would be able to provide transportation for his stepbrother when they are living together. The 12th-grade brother attended Waterford Mott and participated in basketball and baseball before enrolling at Waterford Kettering to begin the 2021-22 school year.

The Executive Committee did not approve the request for waiver.

Ypsilanti-Lincoln, Orchard Lake-St. Mary's Prep and Westland-John Glenn High Schools (Regulation I, Section 9) – A request was made to consider that Exception 6 of the transfer rule (school ceases to operate) apply retroactively to four students who were MHSAA member school students in 2019-20 and enrolled at Ypsi Prep Academy for the 2020-21 school year and who are unable to return to that school for the 2021-22 school year. Under the allowances for Exception 6, unless there is a residential change, such students would be eligible at any school that will accept them insofar as the transfer rule is concerned. Ypsi Prep Academy is a basketball sports academy that was seeking to play a national schedule and was not an MHSAA member school. It opened for the first time in September 2020, attracting approximately a dozen high-profile high school players from Michigan and other states.

- The school was created by the father of a 10th-grade student from Ypsilanti-Lincoln who has since signed to play college basketball after two years of high school.
- Another 12th-grade student, who attended Mt. Clemens High School in 2019-20, enrolled at St. Mary's Prep to begin the 2021-22 school year.
- The Executive Committee approved eligibility for a 12th-grade student who played in six games for Ypsi Prep to have eligibility at his former school, Ypsilanti-Lincoln, after six games this winter.
- Two 10th- and 11th-grade brothers who may be repeating academic terms enrolled at Westland-John Glenn to begin the 2021-22 school year.

Documentation was received by the MHSAA that the online education provider for Ypsi Prep Academy in 2020-21 will not be partnering with Ypsi Prep for the 2021-22 school year. The Ypsi Prep Academy founder has been contacted by two schools and the Catholic League director and has not responded to any inquiry regarding the school's current or future status. One former Ypsi Prep student has written that he was told by the basketball coach in late July or August that "the school will shut down for this year and try to resume the 22-23 basketball season." As of Aug. 27, 2021, it was reported that 10 of the 12 Ypsi Prep Academy students have left the school and the founder's son has accepted a college scholarship after two years of high school. It is reported that the students were told months ago to seek another school.

The Executive Committee approved the request that, insofar as the MHSAA transfer regulation is concerned, existing regulations – specifically, Exception 6 (school ceasing to operate) and Interpretation 64 (eligibility for such students as an incoming 9th-grader – shall apply to the students specifically identified in this request who attended Ypsi Prep Academy in 2020-21. All other regulations continue to apply, including the maximum enrollment and maximum competition (eight semesters) regulations. The eligibility of Ypsi Prep students other than those specifically stipulated in this request must be approved by MHSAA staff prior to participation to prevent one school from loading up with top talent from this sports academy. Unless another exception to the transfer rule is met, eligibility for students from a non-MHSAA member school will be subject to the transfer rule and specific MHSAA staff approval.

Macomb County Wrestling (Regulation II, Section 10) – In response to the pandemic, the schools of Macomb County requested the following deviation for their county wrestling tournament on Dec. 17-18: Allow wrestlers to compete in no more than three matches on Friday, Dec. 17, and in no more than four matches on Saturday, Dec. 18. This event would continue to count as one dual meet date and one tournament date over the two days. This approach would allow better spacing and spreading out of competitors and spectators over the course of the tournament.

The Executive Committee approved the request for this meet. This approval will also apply for others in similar situations who may contact the MHSAA staff this winter.

Request to Experiment with NFHS Swimming & Diving Rules (Regulation II, Section 15) – Staff requested approval for a recently submitted request to experiment with NFHS rules that would permit continuation of a long-time UP diving practice of allowing fewer than the required 11 dives for a championship meet. Due to the low numbers of divers and inexperience, the UP Athletic Committee accepted years ago the recommendation of coaches that a six-dive championship meet be allowed for the UP Finals.

The Executive Committee approved the staff request.

Houghton Lake and Prudenville-Our Lady of the Lake Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program between these two member middle schools in the following sports: girls volleyball (7th grade only), boys and girls cross country (6th, 7th and 8th grades combined), boys and girls basketball (7th grade only and an 8th grade only teams), girls competitive cheer, wrestling and boys and girls track & field (all which will be 6th, 7th and 8th grades combined). Houghton Lake sponsored most sports previously and will be the primary school. Our Lady of the Lake is a recently new MHSAA member school.

Kalkaska and Mancelona-North Central Academy Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of girls softball (two teams: 6th, 7th and 8th grades combined, and 7th and 8th grades combined) to a cooperative program between these two member middle schools in several other sports that were approved on Aug. 4, 2021 (football, volleyball, boys and girls basketball, boys and girls cross country and boys and girls track & field). Kalkaska will be the primary school.

New Member Schools – Pursuant to the MHSAA Constitution adopted by member schools and according to procedures for MHSAA membership adopted by the Representative Council on March 27, 1997, the Executive Committee approved membership for the following school:

Grand Rapids-Sacred Heart Academy High School is a classical Catholic high school which has an enrollment that includes approximately 40 home school part-time students who may earn a certificate of completion from the school and 64 onsite students in regular daily attendance who receive a Sacred Heart Academy diploma. The high school intends to sponsor volleyball, boys and girls basketball, boys and girls cross country, baseball and softball. Participation by students at both the junior high/middle school and high school level varies from year to year and impacts sports that are sponsored. Sacred Heart Academy would also like to pursue cooperative programs and is looking to expand by adding football at the middle school level. The middle school will not become an MHSAA member at this time; 8th-graders will not be eligible for participation with the high school team. Sacred Heart Academy's physical building was built in 1905 and recently renovated. The high school, middle school and elementary are located next to the parish and across the street from John Ball Park and Zoo on the west side of Grand Rapids. There is a small gym that is sufficient for middle school sports and practices, though it would need upgrading to host high school events. John Ball Park provides many outdoor spaces, and the school has had a good relationship with the City of Grand Rapids which has allowed use for practices and cross country meets. The athletic director will attend an orientation on Nov. 18, 2021. MHSAA staff conducted a site visit in September that was preceded by a virtual meeting in July 2021, focusing in part on the enrollment regulation. An Athletic Department Code of Conduct

was submitted. A signed 2021-22 Membership Resolution and Preliminary Classification Form were received on Sept. 9, 2021. If a 2022-23 Membership Resolution is received prior to Sept. 30, 2022, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2022-23 school year.

MHSAA Sport Committees – The Executive Committee approved committee membership for committees which meet for the first time after Jan. 1, 2022.

Representative Council Meeting – The Executive Committee reviewed a draft of the agenda for the Representative Council meeting to be held Dec. 3, 2021.

Future Meetings – The next meetings of the Executive Committee are scheduled for Thursday, Dec. 2, 2021, at 1:30 p.m. in East Lansing (Representative Council meets following day); Wednesday, Jan. 12, 2022, at 1 p.m. in East Lansing (after Classification Committee meeting); 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.