

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, September 9, 2015

Members Present:

Scott Grimes, Grand Haven
Fred Smith, Benton Harbor
Vic Michaels, Detroit
Kris Isom, Adrian
Alvin Ward, Detroit

Staff Members Present:

Tom Rashid
Jack Roberts (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 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 null and void.

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 contract 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.

Custer-Mason County Eastern and Manistee Catholic Central High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of boys and girls bowling to a cooperative program which exists in football between these two schools with a combined enrollment of 195 students and will continue placement of a team in the Division 4 tournament. Mason County Eastern sponsored bowling previously and will be the primary school. Support from the West Michigan D League was submitted.

Fowlerville and Byron High Schools (Regulation I, Section 1[F]) – The Executive Committee approved a cooperative program in girls gymnastics between these two schools whose combined enrollment is 1,199 students. Fowlerville sponsored the sport previously and will be the primary school. Support from the Capital Area Activities Conference was submitted.

Jackson-Lumen Christi, Jackson and Jackson-Northwest High Schools (Regulation I, Section 1[F]) – The Executive Committee approved the addition of Northwest to a cooperative program in girls gymnastics which exists between Lumen Christi and Jackson and whose combined enrollment will be 2,547 students. Lumen Christi will continue as the primary school. Support from the South Central Gymnastics League was received.

Lansing-Sexton and Lansing-New Covenant Christian High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in wrestling between these two schools whose combined enrollment of 681 students will place a new team in the Division 3 tournament. Sexton sponsored wrestling previously and will be the primary school. Support from the Capital Area Activities Conference was submitted.

Port Huron Northern and Port Huron High Schools (Regulation I, Section 1[F]) – The Executive Committee approved the addition of girls gymnastics to a cooperative program which exists among these two schools of the same district in boys and girls swimming & diving and boys lacrosse. Neither school sponsored the sport previously. The combined enrollment is 2,657 students. Port Huron Northern will be the primary school. Support from the Great Lakes Gymnastics Conference was submitted.

Marquette-North Star Academy High School (Regulation I, Section 2) – In part because the 2015-16 MHSAA Membership Resolution had not been received for North Star Academy, the Executive Committee tabled for a second time on Aug. 26, 2015, a request to waive the maximum age limitation for up to one year made on behalf of a 19-year-old 12th-grade student born May 16, 1996.

In considering this matter at its Aug. 5 meeting, the Executive Committee recalled that the specific and limited purpose of adopting an age rule waiver process was to facilitate one additional year of eligibility in the very obvious cases where a student's educational process prior to high school had been delayed solely because of a disability and who at the time of the waiver request has a disability that clearly, directly and substantively impairs both the student's physical capabilities and either intellectual or emotional capabilities, and it is obvious the student does not have a competitive advantage over other students and does not pose a physical risk to him or herself or other students if allowed to participate.

At its Aug. 5 meeting, the Executive Committee noted that the failure to provide all required information in the form requested made this student's situation difficult to assess; but even if viewed in its most favorable light for the student with respect to a waiver request, the documentation that was provided describes the kind of situation for which the MHSAA rule does not require the Executive Committee to make a determination, the "near-impossible determinations" which the US Court of Appeals for the Sixth Circuit has labeled "unreasonable" and an "undue burden" for school officials to discern. It is not clear that this student's educational progress was delayed solely by the existence of a disability, and it is not clear that the student at this time has a disability that directly or significantly limits both his physical and either intellectual or emotional capabilities. Absent demonstration of the causal connections required, the request for waiver was not approved.

In response to this action, the school submitted a local news story, three letters from opposing coaches who advocated that the student be allowed to participate, a six-year comparison of the student's height and weight, and a letter from the UP Health System which states that the student has physical disabilities "which decrease his competitive advantage."

On August 27, 2015, the school was informed that before taking this matter up, the MHSAA must receive the completed 2015-16 MHSAA Membership Resolution as well as narratives from the school that respond with specific detail to questions that remain inadequately answered with respect to the degree that a disability delayed the student's educational progress prior to 9th grade and the degree to which current physical and either emotional or intellectual disabilities affect the student's ability to participate in interscholastic athletics currently. The Membership Resolution and the required narratives have been received.

The Executive Committee approved the request for waiver.

Brownstown-Woodhaven High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of a 10th-grade student who was one course short of passing 66 percent of full credit load potential because the student has a medical condition which contributed to his academic deficiency. The student is under treatment and enrolled in a full load of courses for the fall trimester of 2015-16.

The Executive Committee approved the request for waiver but indicated all terms in which the student has attended classes count toward the maximum of eight terms for which this student has eligibility.

Grand Rapids Christian 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 was diagnosed with a medical condition in October 2013 while enrolled in the 9th grade at East Grand Rapids High School. She was hospitalized in May of 2014 due to the severity of her symptoms. The student began the 10th grade in the 2014-15 school year at Grand Rapids Christian but was again unable to attend school and eventually withdrew. In the second semester of 2014-15, the student was able to complete three courses, two short of the five needed to achieve 66 percent.

The Executive Committee approved the request for waiver but indicated all terms in which the student has attended classes count toward the maximum of eight terms for which this student has eligibility.

Owosso 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 began extensive treatments for a medical disorder which caused the student to be three courses short of 66% of full credit load potential for a full time student. The student received credit for two of the five required courses in a seven-class schedule. The student underwent surgery and treatment. The student would like to participate in tennis and has a full course load for 2015-16.

The Executive Committee approved the request for waiver but indicated all terms in which the student has attended classes count toward the maximum of eight terms for which this student has eligibility.

Pottersville High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of a 10th-grade student who is on an IEP receiving special education services. The student underwent surgery in 2009 which resulted in the student being two classes short of 66 percent of full credit load potential for a full-time student in the second semester of 2014-15. The student received credit for three of the five required courses in a seven-class schedule.

The Executive Committee approved the request for waiver but indicated all terms in which the student has attended classes count toward the maximum of eight terms for which this student has eligibility.

Belding 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 student who attended Greenville High School and lived with his divorced father in Greenville. Over the summer, the student moved to the home of his grandparents in Greenville. The student will be moving to the home of his birth mother and stepfather in the Ionia School District. The stepfather has an 11th-grade son attending Belding and two other children who have graduated from Belding. An Educational Transfer Form is in process.

The Executive Committee approved the request for waiver.

Byron Center 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 whose host family lives in the Hudsonville School District but had two children graduate from Byron Center and one in attendance now. The host mother works at Byron Center High School.

The Executive Committee approved the request for waiver.

Corunna 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 10th-grade international student from an Approved International Student Program whose host family lives in the Durand School District but has two children in attendance at Corunna since the 9th grade.

The Executive Committee approved the request for waiver.

Flushing High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who attended Flushing as a 9th-grader before moving to North Carolina with his mother and attending school there for the 10th and 11th grades where he did not participate in athletics. This summer, the student moved from his mother's home in North Carolina to his grandmother's home in Flint to assist after the grandmother's surgeries. The student reenrolled at Flushing to begin the 2015-16 school year.

The Executive Committee did not approve the request for waiver.

Flushing High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who was raised by his grandmother until she died in 2007. The student then lived in Tennessee with an uncle from 2008 until May 2015. Because of the poor care the student received in Tennessee, the student moved over the summer to the home of another uncle in the Flushing School District. In Tennessee, the student was the subject of neglect, abuse and the withholding of Social Security benefits. The student is a 17-year-old 10th-grader, with 2016-17 being his final year of eligibility.

The Executive Committee approved the request for waiver.

Grand Rapids-Northview High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who is a US citizen who has lived in Honduras with his parents and has moved over the summer into the home of family friends in the Northview School District to escape the violence in Honduras. The student will be enrolling at Northview High School to begin the 2015-16 school year.

The Executive Committee did not approve the request for waiver.

Howell 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 who has moved into the residence of his grandparents in the Hartland School District because his parents are unstable and cannot care for the student. The student attended Lakeview High School during the 2014-15 school year while living with his father. The father's location is now unknown and the mother's new home has become an abusive situation. The student's family members have attended Howell High School.

The Executive Committee approved the request for waiver.

Howell 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 who is moving from a residential detention facility into the home of his divorced father (Exception 2) in the Fowlerville School District. The student will be enrolling at Howell High School because older step-siblings attended Howell previously. The student does not want to return to the former school where he experienced trouble as a 9th-grader.

The Executive Committee approved the request for waiver.

Lansing-Everett High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who previously attended Holt High School and is enrolling at his school of residence, Everett, because his special needs brother could not attend Holt and is enrolling at Everett to begin the 9th grade this fall. Support for eligibility was submitted by his former school and the student's physician.

The Executive Committee approved the request for waiver.

Macomb-Lutheran High School North (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who attended Shelby Township-Malow Junior High School for the 9th grade. Malow is one of seven junior high schools of the Utica School District which ends at grade 9 and, by the district's structure, allows students to participate at one of their four high schools. This student participated with the Utica Eisenhower JV volleyball team in the fall of 2014-15, was unaware of this structure, and intended to enroll at Lutheran North for the 10th grade from the very beginning. The 9th-grade students in all the Utica middle schools have eligibility at the high school only. Utica does not have junior high 9th-grade teams, they only have high school 9th-grade teams, and 9th-graders may not represent a junior high school.

The Executive Committee did not approve the request for waiver.

Negaunee High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who is returning to Negaunee High School after attending an online school for the second semester of the 2014-15 school year due to emotional disorders. The student has been under medical treatment since December 2014, benefitted from the online schooling and reenrolled at Negaunee to begin the 2015-16 school year. The student attended Negaunee Schools his entire career except for the second semester of the 10th grade.

The Executive Committee approved the request for waiver.

Novi-Detroit Catholic Central High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose father is in the United States Army and has been recently deployed overseas. The family lived in Lansing and the student attended East Lansing High School for the 9th grade and participated in athletics. The mother does not drive and the student's two older brothers are college age and not at home. The student will be residing in Brighton with family friends who have a 9th-grade son attending Detroit Catholic Central and returning home to Lansing on weekends.

The Executive Committee did not approve the request for waiver.

Olivet 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 student from an Approved International Student Program whose host family lived in the Bellevue School District but who has two children attending Olivet: an 11th-grade student who attended Olivet during 2014-15 and a 9th-grader who will be enrolling to begin high school there this fall.

The Executive Committee approved the request for waiver.

Port Huron Northern 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 student from an Approved International Student Program whose host family lives in the Port Huron High School attendance area. Port Huron High School has accepted its limit of international students and the student was placed at Port Huron Northern, a school of the same district.

The Executive Committee approved the request for waiver.

Richmond High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation and specifically Interpretation 74 (practicing with another school in August) was made on behalf of an incoming 9th-grade student to permit eligibility at the subvarsity level only in football. The student lives in Richmond and practiced football for seven days with Memphis High School (Aug. 10-18, 2015). The student registered to enroll at Richmond on Aug. 20. The student did not participate in a scrimmage or contest.

The Executive Committee approved the request for waiver at the subvarsity level only for football and at any level of play for all other sports.

Saginaw Nouvel Catholic Central 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 practiced football with Nouvel for eight days in August (Aug. 10-19, 2015). The student attended a Lutheran grade school and decided to enroll at Saginaw-Valley Lutheran on Aug. 21, 2015. On Aug. 26, the Executive Committee approved a subvarsity waiver for this student in football and the student attended school for four days and played in one football game for Valley Lutheran. On Sept. 1, 2015, the student returned to Nouvel and, with younger siblings, enrolled at Nouvel Schools.

The Executive Committee did not approve the request for waiver.

Ubley High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who previously attended Cass City High School and participated in the cooperative program between Cass City and Ubley in girls gymnastics during the 2014-15 school year. Support from Cass City was submitted.

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

Ypsilanti High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who is returning to Ypsilanti High School after two years' enrollment at Ypsilanti-Lincoln, caused by concerns of the merger in 2013-14 between Ypsilanti and Willow Run High Schools. The student is dually enrolled in the Ypsilanti New Tech (a curriculum track within the high school) and a community college program.

The Executive Committee did not approve 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-Greenhills	10	Canton Prep Academy	Sept. 8, 2015	Jan. 18, 2016
Ann Arbor-Huron	10	Ypsilanti-Lincoln	Sept. 8, 2015	Jan. 18, 2016
Dearborn-Divine Child	10	Broughton, Raleigh, NC	Aug. 21, 2015	Jan. 18, 2016
Dearborn-Divine Child	10	Broughton, Raleigh, NC	Aug. 21, 2015	Jan. 18, 2016
Newaygo	10	Grant	Sept. 8, 2015	Jan. 18, 2016

Dundee High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule was made on behalf of the head girls varsity swimming coach who is also employed full-time by the Southern Michigan Aquatics Club which operates from Dundee. The program is open to the general public ages 12-18 and anticipates 90 participants in 2015-16 of which 14 are Dundee students grades 7-12. The program involves students from eight school districts including Dundee (Bedford, Ida, Milan, Monroe, New Boston-Huron, Ohio-Notre Dame and Tecumseh). This waiver has been granted for this coach and this club team in the past when the coach was at Tecumseh High School.

The Executive Committee approved the request for waiver for this coach for the 2015-16 school year.

Grand Rapids-Catholic Central High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2015-16 school year was made on behalf of an assistant boys and girls varsity swimming coach who is also employed full-time by the East Grand Rapids Aquatics Club. The program is open to the general public ages 5-65 and anticipates 250 participants in 2015-16, of which ten are Catholic Central students grades 7-12. The program involves students from seven school districts including Catholic Central (Byron Center, East Grand Rapids, Forest Hills, Grand Rapids Public, Grand Rapids Christian and Rockford).

The Executive Committee approved the request for waiver for this coach for the 2015-16 school year.

Midland-HH Dow High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2015-16 school year was made on behalf the boys and girls swimming & diving coach who is employed full-time by the Kronos Aquatics Club. The Kronos Aquatics Club is open to the general public and for 2015-16 is anticipated to include approximately 18-22 participants ages 15-21. The program involves college age students, four students from Auburn-Bay City Western High School and nine participants from the Midland Public Schools. A similar request has been granted for this coach and program each year since 2014-15.

The Executive Committee approved the request for waiver for this coach for the 2015-16 school year.

Regulation III, Section 1(C) – Pursuant to *Handbook* Interpretation 265, the Executive Committee approved waiver of the enrollment regulation for the following member junior high/middle schools to permit 6th-grade students to participate with and against 7th- and/or 8th-graders for the sports listed in the 2015-16 school year only.

Junior High/ Middle School	Sport(s)	High School Enrollment	Middle School Enrollment
Burr Oak	boys & girls basketball, girls volleyball	75	34 7 th - & 8 th -graders
Manistee Catholic Central Middle	boys & girls basketball, girls volleyball	62	15 7 th - & 8 th -graders
Petoskey-St. Francis Xavier	boys & girls basketball, girls volleyball	N/A	29 7 th - & 8 th -graders
Sault Ste. Marie- JKL Bahweting	boys & girls basketball, boys & girls cross country, boys & girls track & field, girls volleyball	N/A	59 7 th - & 8 th -graders

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Sept. 30, 2015, at 9 a.m. in East Lansing; Wednesday, Nov. 4, 2015, at 9 a.m. in East Lansing; and Thursday, Dec. 3, 2015, at 1 p.m. in East Lansing.