

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, September 5, 2018

Members Present:

Scott Grimes, Grand Haven
Pete Ryan, Saginaw
Vic Michaels, Detroit
Kris Isom, Adrian
Vicky Groat, Battle Creek

Staff Members Present:

Brent Rice
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.

Cass City, Bad Axe, Pigeon—Elkton-Pigeon-Bay Port Laker, Sandusky and Ubly High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Bad Axe, Elkton-Pigeon-Bay Port Laker and Sandusky to a cooperative program between Cass City and Ubly in girls gymnastics (varsity only). The combined enrollment is 1,184 students. Cass City will continue as the primary school. Support from four future opponents was submitted.

Grand Rapids Christian and Grand Rapids-West Michigan Aviation Academy High Schools (Regulation I, Section 1[F-1]) – The Executive Committee waived the Aug. 15 deadline for winter sport agreements and approved a cooperative program in ice hockey (varsity only) between these two schools whose combined enrollment of 1,478 students will continue placement of a team in the Division 2 tournament. Grand Rapids Christian previously opted up to Division 2 and will continue in that division. Grand Rapids Christian will be the primary school. Support from the OK Conference was submitted.

Manistique and Cooks-Big Bay De Noc High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved the addition of girls competitive cheer (varsity only) to a cooperative agreement that exists between these two schools in boys and girls cross country and girls softball. The combined enrollment of 329 students will continue placement of a team in the Division 4 tournament. Manistique sponsored the sport previously and will be the primary school. Support from five future opponents was submitted.

Saginaw-Heritage and Saginaw-Nouvel Catholic Central High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in boys and girls skiing between these two schools whose combined enrollment of 1,721 students will move a team from Division 2 to Division 1. Heritage sponsored skiing previously and will be the primary school. Support from the Central Michigan Alpine Ski Conference was submitted.

Southgate Anderson, Monroe and Monroe-Jefferson High Schools (Regulation I, Section 1[F-3]) – The Executive Committee approved a cooperative program in ice hockey (varsity only) in excess of the 3,500-student enrollment limit for a four-year period between these three schools under the provision for schools which dropped the sport in the previous school year. Southgate Anderson dropped ice hockey in 2017-18. Monroe and Jefferson were in an agreement previously with Ida, which is withdrawing. The combined enrollment of 3,785 students will continue placement of a team in the Division 1 tournament. The agreement will be for a maximum of four years and must be under the 3,500-student enrollment limit prior to the 2022-23 season. Support from the Downriver League was submitted.

South Lyon and South Lyon East High Schools (Regulation I, Section 1[F-1]) – On Jan. 10, 2018, the Executive Committee determined that the cooperative programs between these two schools of the same district in girls swimming & diving and boys lacrosse should dissolve. This took place after evaluation of the two programs based on cooperative program renewals dating back to 2015. The school district requested that the boys lacrosse cooperative program be permitted to continue for two seasons, through the 2019-20 school year, because participation numbers do not appear to permit South Lyon East to sponsor its own varsity team in the next two seasons. The schools believe that they will need underclassmen when forming separate varsity teams, and this will deplete players for a junior varsity cooperative program. The Lakes Valley Conference discussed these concerns and wrote requesting the cooperative program continue for two seasons provided the participation numbers do not change.

The Executive Committee approved the cooperative program in boys lacrosse for the 2018-19 school year only. The program will submit updated boys lacrosse participation numbers in the spring to determine its status for 2019-20.

Beverly Hills-Groves High School (Regulation I, Section 7) – A request to waive the previous academic credit record regulation was made on behalf of an 12th-grade student who was diagnosed with a medical condition resulting in loss of school time and academic deficiencies during the second and third trimesters of the 2017-18 school year. The student was hospitalized for two weeks, was under treatment and on medication and attended a seven-week therapy camp out of state. The student has enrolled full-time at Groves for the 2018-19 school year.

The Executive Committee approved the request for waiver and confirmed that the current academic term is the student's seventh for purposes of Regulation I, Sections 4 and 5.

Richland-Gull Lake High School (Regulation I, Section 7) – On Aug. 22, 2018, the Executive Committee tabled a request to waive the previous academic credit record regulation on behalf of a 12th-grade student who has been experiencing health issues and has been hospitalized. The student was unable to complete enough classes, including online courses, to meet the eligibility standard. The student will be attending the Gull Lake alternative education program. Students in this program are permitted to participate in athletics. The Executive Committee requested missing information regarding the student's enrollment in the third trimester of 2017-18 and attempts to make up academic deficiencies subsequent to this term. In response, it was reported that the alternative school is on semesters and the transcript reflects enrollment in full virtual class loads that the student was unable to complete due to his illness. In addition, the school counselor informed the student he need not take summer school classes to be eligible. The student is on track to graduate.

The Executive Committee approved the request for waiver and confirmed that the current academic term is the student's seventh for purposes of Regulation I, Sections 4 and 5.

Troy 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 has dealt with health issues since the 2017-18 school year. The student has been hospitalized and in outpatient programs. The student has an exemplary academic record except that in the second semester of 2017-18, passed two online courses and one summer school course (one less than the four of six classes needed). The student is enrolled in a full load of classes to begin the 2018-19 school year.

The Executive Committee approved the request for waiver and confirmed that the current academic term is the student's seventh for purposes of Regulation I, Sections 4 and 5.

Allen Park-Cabrini High School (Regulation I, Section 9) – On Aug. 22, 2018, the Executive Committee did not approve a request to waive the transfer regulation made on behalf of a 10th-grade student who was not returning to his former school, Riverview-Gabriel Richard, where he participated in athletics. The school asked for confidential reconsideration related to the student's health and factors that were not presented at the time of the original request. The former principal again wrote to support eligibility.

The Executive Committee approved the request for waiver.

Ann Arbor-Pioneer High School (Regulation I, Section 9) – A request to waive the transfer regulation and the elements of a full and complete residential change was made on behalf of an 11th-grade student whose mother has taken a new job in Ann Arbor effective Nov. 1, 2018. The student and father have moved from St. Louis, Missouri so the student can begin the 2018-19 school year. The mother remains in Missouri to finalize the sale of their home. The father and son currently live in an apartment and close on a home on Oct. 31, 2018. Both the apartment and the home are in the Pioneer attendance area.

The Executive Committee approved the request for waiver.

Battle Creek-Harper Creek High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of a 10th-grade student from a CSIET-approved international student program whose host family resides in the Pennfield School District but whose daughters have attended Harper Creek Community Schools since 2016. The student will enroll to begin the 2018-19 school year on Sept. 4, 2018.

The Executive Committee approved the request for waiver.

Belleville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student whose parents never married and whose living arrangement involves one year with his mother in Belleville and one year with his father in Louisiana. The parents have lived apart since the student was an infant and the arrangement has been active since 2013. The student lived with his father in Louisiana for the 9th grade and then moved into his mother's home in Belleville for the 10th grade and was eligible with the completion of an Educational Transfer Form on Sept. 6, 2016. The student then moved to his father's home for the 11th grade and is back with his mother to begin the 12th grade in Belleville. The student did play soccer in Louisiana.

The Executive Committee approved the request for waiver.

Buckley High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74a (practicing with another school in August) was made on behalf of a 10th-grade student who practiced soccer for two days with Benzie Central (Aug. 8-9, 2018) and has decided to enroll at Buckley as a new opportunity. The student is a resident of Benzonia and previously attended Benzie Central Middle School. Because Buckley does not have a subvarsity soccer team, the request was for immediate varsity eligibility in soccer.

The Executive Committee approved the request for waiver for subvarsity boys soccer only. The student is eligible immediately in all other sports.

Concord High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was the subject of bullying and harassment by other students at Michigan Center during the 9th and 10th grades. Two of the incidents resulted in prosecution by Jackson County. The student's mother died in 2011 and the student has lived with his grandmother since 2006. The father is not in the student's life. The student has moved into the home of his step-grandmother who lives in Concord. Support for eligibility from the former school was submitted.

The Executive Committee approved the request for waiver.

Detroit-U of D Jesuit High School (Regulation I, Section 9) – On Aug. 2, 2018, the Executive Committee approved a request to waive the transfer regulation initiated by West Bloomfield High School which approved immediate eligibility at West Bloomfield for a 10th-grade student who was the subject of three assault incidents by teammates while a student at Beverly Hills-Groves. The school and civil authorities were involved and disciplinary actions and court proceedings took place. The students who perpetuated the incidents were dismissed but eventually returned to the former school. The student participated in football and basketball at Groves. Support for eligibility was submitted by the former school.

Subsequent to this approval and prior to participation in a practice, scrimmage or contest at West Bloomfield, the student enrolled at U of D Jesuit. The student had attended U of D Jesuit for the 7th grade and Birmingham Public Schools for the 8th and 9th grades. The student was accepted at U of D Jesuit on June 18, 2018, but did not learn of financial aid until July 16, 2018. The student had limited activity with West Bloomfield over the summer and attended no practices after the start of practice on Aug. 6, 2018.

The Executive Committee approved the request for waiver.

Elk Rapids 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 between divorced parents from his mother's home in White Cloud to his father's residence in Mancelona. The student attended Elk Rapids as a 9th-grader and sought eligibility at his former school but not his school of residence. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Fruitport High School (Regulation I, Section 9) – A request was made on behalf of a 10th-grade student to waive the transfer regulation to permit eligibility in football effective with the 2019-20 school year. The student attended Muskegon-Orchard View and participated in the preseason scrimmage this August. The student is moving in with relatives in the Fruitport School District and has ineligible status under current rules in all sports until Jan. 21, 2019 (Martin Luther King Day). The request was to permit eligibility in football at Fruitport effective with the 2019 season which, under the new sport-specific transfer regulation, would not permit eligibility in football for two seasons.

The Executive Committee approved the request for waiver in football for 2019-20 with eligibility for games beginning with the second football game (Week 2). The student may participate in preseason scrimmages in 2019.

Hancock 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 who is sponsored by Rotary International, an approved CSIET and AISP program where students reside for a time with several different families during the course of the school year. The student was placed through the Hancock Rotary, at least one of whose members reside in the Houghton School District. The current family lives in Houghton as their business is there but reported no children with a history of attendance at Hancock.

The Executive Committee approved the request for waiver for this one student only for the 2018-19 school year.

Hemlock 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 student who is moving from his father's home in Manton to his mother's home in the Merrill School District and enrolling at Hemlock to begin the 2018-19 school year. The parents never married, and an otherwise completed Educational Transfer Form was submitted. The student's sisters, who reside with the mother, have been enrolled at Hemlock since 2016.

The Executive Committee approved the request for waiver.

Homer High School (Regulation I, Section 9) – A request was made on behalf of an 11th-grade student to waive the transfer regulation, including the language of Exception 2 that the student move in with his "parents, or the single parent if divorced," and Interpretation 62 (public school of residence). The student attended Parma-Western for the 10th grade while living with his grandmother. To begin the 2018-19 school year, the student has moved into the home of his mother who resides in the Marshall School District. The parents never married and the father is not in the student's life. The mother and stepfather have three children who attended Homer Schools for the 2017-18 school year.

The Executive Committee approved the request for waiver.

Madison Heights-Bishop Foley High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation and specifically Interpretation 74a to permit eligibility at the subvarsity level only was made on behalf of a 9th-grade student who practiced football with Clawson for three days from Aug. 6-8, 2018. The student received notification of financial aid and registered to enroll at Bishop Foley on Aug. 8, 2018. The student attended Clawson Middle School, applied to attend Bishop Foley in May 2018 and was accepted in June 2018, awaiting financial aid allocations.

The Executive Committee approved the request for waiver for subvarsity football only. The student is eligible immediately in all other sports.

North Branch High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who attended North Branch Schools since 2011 except for one-half day when the student moved to his divorced father's residence in Clarkston and attended school the morning of Monday, Aug. 27, 2018. The student then returned to his mother's home and reenrolled at North Branch on Tuesday, Aug. 28, 2018. The student had no athletic involvement while at Clarkston.

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 and specifically Interpretation 62 (closest nonpublic school) was made on behalf of an 11th-grade student who attended Davison and has recently moved with his family into Brighton. There are two Christian schools closer to the home than is Detroit Catholic Central. The student and family are Catholic and the student applied to attend Detroit Catholic Central as a 9th-grader. Detroit Catholic Central is the closest Catholic school to the new home.

The Executive Committee approved the request for waiver.

Pontiac High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student whose mother died in March 2018 and who moved into an uncle's home in Pontiac and finished the 2017-18 school year at Eastpointe High School before enrolling to begin the 2018-19 school year at Pontiac. The student's father is not in the student's life. Two siblings also reside with the uncle.

The Executive Committee approved the request for waiver.

Reading 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 student who moved from his grandmother's home in the Brooklyn-Columbia Central School District to his divorced mother's home in the Camden-Frontier School District. The student enrolled at Reading because a 6th-grade sibling attends Reading Schools and another sibling graduated from Reading in 2018. The student participated in athletics at Columbia Central High School.

The Executive Committee approved the request for waiver.

Saranac High School (Regulation I, Section 9[B]) – A request to waive the transfer regulation and specifically Interpretation 74 was made on behalf of an incoming 9th-grade student to permit eligibility at the subvarsity level. The student is a lifelong Saranac resident who has an IEP and planned to attend Lowell for opportunities related to the IEP. The student was participating with the 9th-grade football team in August and discontinued involvement on Aug. 17, 2018 because of comments made the day before during a football film session about other students. The student reenrolled at Saranac on Aug. 27, 2018. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver for subvarsity football only. The student is eligible immediately in all other sports.

Sterling Heights-Parkway Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who fled his home country and is awaiting refugee status (Exception 3). The student's uncle was able to arrange an F-1 visa. The student's parents remain out of the country. The student is residing with his aunt and uncle whose children have attended Parkway Christian for several years.

The Executive Committee approved the request for waiver.

Trenton High School (Regulation I, Section 9) – A request to waive the transfer regulation and the elements of a full and complete residential change was made on behalf of an 11th-grade student who is reenrolling at Trenton to begin the 2018-19 school year after moving with his mother to Chicago because her employment changed in 2017. The father passed away and the mother is actively seeking a home in Trenton but has not yet moved. The mother will be working in Michigan most of the week and traveling back to Chicago as needed. The student's grandmother lives nearby and will assist in caring for the student while the mother is away. The student attended Trenton in the 9th grade.

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-Pioneer	10	Brightmount Academy	Sept. 4, 2018	Jan. 21, 2019
Martin	10	High Point Virtual	Sept. 4, 2018	Jan. 21, 2019

Farmington and Farmington Hills-Harrison High Schools (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 boys and assistant girls swimming & diving coach of this cooperative program. This coach is also the head of "dROP Aquatics" which is a community swim program and business run by the coach and his wife, which is his sole income. The program has 131 participants ages 6-55. Sixty-five of the participants are in grades 7-12 from 14 high schools and 8 middle schools in the region. Forty-five of the participants are from six Farmington public schools; 28 are students attending Farmington and Harrison High Schools. This request has been approved previously for this coach and this program since 2015-16.

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

Fowlerville 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 gymnastics coach of a cooperative program between Fowlerville, Byron, Perry and Pinckney High Schools who is also the owner and lead instructor of the Livingston County Gymnastics Facility in Howell. The program has 120 participants ages 2-18. Forty-five of the participants are in grades 7-12 from the four schools in the cooperative program. Students from Brighton, Hartland, Howell and Webberville also participate.

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

Muskegon Catholic Central, Muskegon-Western Michigan Christian and New Era Christian Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program in football (7th and 8th grades combined) between these three member middle schools. Muskegon Catholic Central sponsored football previously and will be the primary school.

Muskegon-Western Michigan Christian and Grand Haven Christian Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program in boys and girls cross country (7th and 8th grades combined) between these two member middle schools. Western Michigan Christian sponsored cross country previously and will be the primary school.

New Member School – 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:

Midland-Calvary Baptist Academy High School – This tuition-based nonpublic school has been operating since 1974 with 550 students in grades K-12 and 90 students in grades 9-12. The school will be a member at the high school level only and intends to sponsor boys and girls soccer, boys and girls basketball and girls volleyball. The school is a member of the American Association of Christian Schools (AACCS) and is a league member of the Michigan Association of Christian Schools. The school has a 400-seat gymnasium with a hardwood floor and a soccer stadium with natural grass. The current athletic director attended an MHSAA New AD Orientation this fall and submitted a Code of Good Sportsmanship. A signed 2018-19 Membership Resolution and Preliminary Classification Form were received on July 10, 2018. If a 2019-20 Membership Resolution is received prior to Sept. 27, 2019, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2019-20 school year.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Oct. 3, 2018, at 9 a.m. in East Lansing; Wednesday, Oct. 31, 2018, at 9 a.m. in East Lansing; and Thursday, Nov. 29, 2018, at 1:30 p.m. in East Lansing (all onsite, with the Representative Council meeting the next day).