

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, September 29, 2022

Members Present:

Scott Grimes, Grand Haven
Nicole Carter, Novi
Vic Michaels, Detroit
Kris Isom, Adrian
Adam Stefanski, Boyne City

Staff Members Present:

Cody Inglis
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.

Bellaire and Alba High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of girls softball (varsity and JV) to a cooperative program that exists between these schools in baseball and boys and girls track & field. The combined enrollment of 138 students will keep one team in the Division 4 tournament. Bellaire will be the primary school. Support from the Ski Valley Conference was submitted.

Kalamazoo-Loy Norrix, Gobles, Kalamazoo-Hackett Catholic Prep, Kalamazoo Central, Schoolcraft and Three Rivers High Schools (Regulation I, Section 1[F-2]) – The Executive Committee approved the addition of Gobles, Schoolcraft and Three Rivers to a cooperative program that exists between the other three schools in ice hockey (varsity only). The combined enrollment will be 4,898 students and will keep one team in the Division 1 tournament. Support from the South Central High School Hockey League was submitted.

Macomb-Dakota and Clinton Township-Chippewa Valley High Schools (Regulation I, Section 1[F-3]) – These two schools of the same district began a cooperative program in girls lacrosse in the 2019-20 school year under the provision for a four-year new program in excess of the 3,500-student limit. The hope was to form two separate teams, but due to high graduation rates and incoming low interest levels, the schools requested the renewal of this cooperative program for two additional school years. A letter was submitted showing the low participation and lack of sufficient numbers to support two separate teams. The combined enrollment of 5,129 students would remove one team from the Division 1 tournament. Support from the Macomb Area Conference was submitted.

The Executive Committee approved the renewal of this cooperative program for the 2022-23 and 2023-24 school years only.

Waterford Kettering and Waterford Mott High Schools (Regulation I, Section 1[E-2]) – Application was made for a cooperative program between these schools of the same district in girls competitive cheer (varsity only). The school district submitted a letter showing a demonstrated history of low participation numbers for the sport. The combined enrollment of 2,375 students would add one team to the Division 1 tournament. Waterford Kettering would be the primary school. Support from the Lakes Valley Conference was submitted.

The Executive Committee approved this cooperative program for the 2022-23 and 2023-24 school years only.

Addison 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 12th-grade student at Addison. The student has had difficult life circumstances and has been categorized as homeless by the school district. The student lives with her aunt and uncle in Addison after living with various family members and friends over the past five years. She has never participated in athletics but desires to play basketball at Addison as a way to stay connected to the school community in this time of unrest. The request was for immediate eligibility in all sports. The first semester of 2022-23 will be the student's fifth first semester and ninth overall since 2018. Support from an Addison High School counselor was received.

The Executive Committee did not approve the request for waiver.

Allegan High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has moved to live with her grandparents in Allegan after attending Otsego High School. The student is involved in a pending assault case with a student at the former school and desired a change after seeing the other student in school. The student participated in swimming & diving while at Otsego and desires to continue that sport at Allegan. Documentation from a counselor was received and the investigating detective in the case confirmed the information. The school requested immediate eligibility in swimming & diving.

The Executive Committee approved the request for waiver.

Ann Arbor-Father Gabriel Richard High School (Regulation I, Section 9) – A request to waive the transfer regulation was made for an incoming 10th-grade student who attended Dexter High School as a 9th-grader. He has since transferred to Father Gabriel Richard to start his 10th-grade year. While at Dexter, the student was a member of the hockey team but only competed in three games before a season-ending injury. While at Dexter, he experienced a bullying incident that caused a police report to be filed. In response to the incident and report, the student was continually harassed and bullied at Dexter. Dexter confirmed the student's participation in hockey, that the incident occurred, and included a supporting letter for the student's transfer eligibility. The school requested immediate eligibility for the student, and if that could not be granted, the request was for the student to sit the first three games of the hockey season at Father Gabriel Richard.

The Executive Committee approve the request for waiver. The student will be withheld from the first three ice hockey games of the 2022-23 season.

Ashley High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of a 10th-grade student who attended St. Charles High School as a 9th-grader where he played football. The student's sister had a documented bullying issue at St. Charles that included a police report being filed. New additional documentation included letters of support from the former school including a counselor, athletic director and family friend who is a principal at another school. Additionally, the bullying impact on the brother was described in greater detail and the reasons behind the transfer to Ashley from St. Charles were more clearly described. The school requested immediate eligibility in football for the 10th-grade student.

The Executive Committee did not approve the request for waiver.

Caseville 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 incoming 12th-grade exchange student. The exchange student is a J-1 student from an approved international study program and the host family lives in the Elkton-Pigeon-Bay Port Laker Public Schools attendance area. The host family has hosted numerous other exchange students who have attended Caseville. The student desires to compete in athletics including football at Caseville. Caseville requested immediate eligibility in all sports on behalf of this student.

The Executive Committee approved the request for waiver.

Dearborn-Divine Child High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of an 11th-grade student who competed for the previous two seasons in competitive cheer at Livonia-Stevenson High School. The student transferred from Stevenson at the start of the school year because of needing a new start related to challenges with her health. New information from the family and medical professional indicated that the student has entered a downward spiral related to the decision of not letting her compete for Divine Child. In addition, the mother's letter outlined the significant health challenges the student went through that led to her having to transfer schools. The request was for immediate eligibility in competitive cheer at Divine Child High School.

The Executive Committee did not approve the request for waiver.

Farmington Hills-Mercy High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who is transferring to Mercy from Livonia-Churchill High School for the start of the 2022-23 school year. The student experienced health challenges and other issues, some of which were related to bullying and online harassment at the former school. The student entered counseling and desires a change to deal with her health challenges. She participated in softball at the former school. The family believes the new school will allow the student to thrive academically and socially and it is where her mother now teaches. The request was for eligibility in softball at the varsity level, but if that could not be granted, then subvarsity eligibility. Support from a counselor and former school coach was submitted.

The Executive Committee did not approve the request for waiver.

Fremont High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who is transferring to Fremont High School after attending Grant High School during his 9th-grade year. While at Grant, the student participated in football and baseball. He has an older senior brother who still attends Grant. The student is coming to Fremont High School, which is his district of residence, based on transportation challenges that exist for the family. The school requested subvarsity eligibility at Fremont in football and baseball. Supporting documentation from the parents was submitted.

The Executive Committee did not approve the request for waiver.

Fremont High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of two 10th-grade brothers. They are transferring to Fremont from Hesperia High School where they participated in cross country, football, wrestling and track & field. They have lived in the Fremont High School attendance area since 2011 but made a school of choice decision to attend Hesperia as a family, including a third sibling who is eligible based on non-MHSAA sponsorship of the sport/activity. The family decided to transfer all three siblings to Fremont based on challenges the family had with Hesperia which included communication issues, bullying issues and a disagreement related to school, state and federal laws and guidelines. Fremont desired immediate eligibility for the two brothers based on these issues that occurred. The former school provided a letter of support for the transfer and athletic eligibility.

The Executive Committee did not approve the request for waiver.

Mancelona High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of an incoming 12th-grade student who is transferring to Mancelona after the unexpected cancellation of the football program at Bellaire High School, where he attended since kindergarten. While at Bellaire, the student participated in football and baseball during the 2021-22 school year. The transfer was primarily because the student's father was the football coach at Bellaire, and the negative sentiment at Bellaire and within the community about the cancellation of the football program has caused the student and family issues that would not occur at Mancelona. The new information was that the football program at Bellaire forfeited the last two games of the 2021 season, and the school requested eligibility for the student for at least two games during the 2022 season in addition to baseball this coming spring.

The Executive Committee did not approve the request for waiver.

Manton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who played basketball at LeRoy-Pine River High School as a 9th-grader. The student transferred to Manton High School after harassment issues that occurred at Pine River. The student attended Manton Public Schools from kindergarten through 6th grade before transferring to Pine River as a 7th-grader. The new school requested immediate eligibility for the student in basketball, and if that could not be granted, then subvarsity eligibility.

The Executive Committee approved the request for waiver at the subvarsity level only.

Millington 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 incoming 12th-grade exchange student. The exchange student is a J-1 student from an approved international study program and the host family lives in the Frankenmuth Public Schools attendance area. The host family's son attends and has always attended Millington Public Schools and they desire to send their exchange student to Millington instead of Frankenmuth. Millington accepted the exchange student. The student desires to compete in athletics, and Millington requested immediate eligibility in all sports on behalf of this student.

The Executive Committee approved the request for waiver.

Pickford 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 incoming 12th-grade exchange student. The exchange student is a J-1 student from an approved international study program whose host family lives in the Brimley Public Schools attendance area. The host family has hosted eight other exchange students. The parents send their own children (an 8th-grader) to Pickford Middle/High School. In addition, the host mother is a 6th-grade teacher at Pickford Public Schools and would like to bring both students to Pickford to experience the year together. The student desires to compete in cross country, basketball and track & field at Pickford, and the school requested immediate eligibility in all sports.

The Executive Committee approved the request for waiver.

Riverview-Gabriel Richard High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred to Gabriel Richard from Riverview High School in April of 2022 during his 9th-grade year. The student experienced bullying issues at the former school which included an altercation with another basketball teammate. The student also experienced harassment via team group chats and via social media following the altercation. The student transferred in April because a new start was needed in a new school based on these incidents. A letter from the former school supported the transfer. The school request was for eligibility in basketball.

The Executive Committee did not approve the request for waiver.

Saginaw-Swan Valley 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 incoming 12th-grade exchange student. The exchange student is a J-1 student from Russia from an approved international study program, and the host family lives in the Saginaw-Heritage Public Schools attendance area. Heritage High School denied the student enrollment because the school had already accepted two exchange students from Ukraine. Because of the ongoing war between Russia and Ukraine, Heritage administration did not feel the experience would be a positive one for anyone involved. The student desires to compete in cross country and track & field at Swan Valley High School. The school requested immediate eligibility in all sports given that the situation back home and here in the US is out of her control.

The Executive Committee approved the request for waiver.

Vassar 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 two incoming 12th-grade exchange students. The exchange students are J-1 students from an approved international study program and the host family lives in the Frankenmuth Public Schools attendance area. The host family has hosted several exchange students in the past and all have attended Vassar High School. Vassar has accepted the exchange students. The students desire to compete in athletics at Vassar High School and the school requested immediate eligibility in all sports on behalf of these students.

The Executive Committee approved the request for waiver.

Waterford Kettering High School (Regulation I, Section 9) – A second request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of an incoming 12th-grade student who attended Ocean View Christian Academy in San Diego, CA and played 8-player football last school year. The parents of the student were missionaries in Mexico and the family made a full and complete residential move into the Waterford Mott High School attendance area. The parents made the decision to send their student to Waterford Kettering per the recommendation of others. New information presented included a letter from a counselor regarding the student's mental health challenges, school personnel confirming that the enrollment was not done with their knowledge when they could have guided the decision better, and the fact that the student played in only five games of 8-player football at the previous school in California. Waterford Kettering requested eligibility in football on behalf of this student at Kettering High School after week 5 due to the student playing in only a partial season of 8-player football.

The Executive Committee did not approve the request for waiver.

Waterford Mott 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 attended West Bloomfield High School and played football last school year in three games prior to being injured. The student used school of choice to attend West Bloomfield High School during his 9th- and 10th-grade years. The parents made the decision to send their son to Waterford Mott High School based on the extenuating circumstances that the student went through in the previous year. A new school environment and start was needed, and since they live in the Waterford Mott attendance area, it was the best fit for the student. Waterford Mott High School requested immediate eligibility in football on behalf of the student because he has already sat out for five weeks of the football season, though he only played in three games at the previous school. Supporting documentation from the former school was supplied.

The Executive Committee approved the request for waiver as the student has already been withheld from three games of the 2022 football season.

West Bloomfield High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who transferred from Brother Rice High School to start the 2022-23 school year at West Bloomfield High School. The student's academic needs were not being met at Brother Rice, and West Bloomfield is the student's home district and where he attended from 5th to 8th grades, which would help with financial and transportation needs of the family. The student participated in basketball at Brother Rice for his 9th- and 10th-grade years. The school requested immediate eligibility in basketball on behalf of the student.

The Executive Committee did not approve the request for waiver.

Regulation I, Section 12 – The Executive Committee discussed the limited team membership regulation and specifically Interpretation 169(c). Staff received input and guidance from the Executive Committee in allowing requests and exceptions under Interpretation 169(c).

Grand Ledge-Beagle and Lansing-Our Savior Lutheran Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program between these two member middle schools in football (separate 7th and 8th-grade teams) and wrestling (7th and 8th grades combined). Beagle will be the primary school.

Grand Rapids-Northview Crossroads and Coopersville Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program between these two member middle schools in boys and girls swimming & diving (6th, 7th and 8th grades combined). Northview Crossroads will be the primary school. Support from the West Michigan Middle School Conference was submitted.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Nov. 2, 2022, at 9 a.m. in East Lansing (Virtual); and Thursday, Dec. 1, 2022, at 1 p.m. in East Lansing (Representative Council meets next day).