

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

Gaylord, May 1, 2022

Members Present:

Scott Grimes, Grand Haven
Nicole Carter, Novi
Vic Michaels, Detroit
Kris Isom, Adrian
Jason Mensing, Ottawa Lake

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.

Cooperative Program Renewals (Regulation I, Section 1[F]) – Pursuant to instructions revised by the Representative Council in December 2006, the MHSAA staff identifies Cooperative Team Renewal Forms that require Executive Committee review, including those involving Class A or B schools or three or more schools of any size which indicate large numbers of students trying out or being cut, or have a significant win/loss record. Agreements include conference approvals. The Executive Committee reviewed the following programs:

- a. Birmingham-Seaholm and Beverly Hills-Groves in Boys Lacrosse – The Executive Committee approved the continuation of this program for the 2022-23 and 2023-24 school years.
- b. Byron Center, Grand Rapids-South Christian and Wayland Union in Ice Hockey – Because of the large number of students cut from the team, the Executive Committee approved the continuation of this program for the 2022-23 school year only.

Capital Area Activities Conference (Regulation I, Section 1[F-2 in 2022-23]) – A request was made for waiver of the new 5,500-student limit for ice hockey cooperative programs. The CAAC wishes to reduce the three cooperative teams within the conference to two. The combined enrollment of the Eastside Stars (five schools) will be 5,718 and the combined enrollment of the Capital City Capitals (seven schools) will be 5,897 students.

The Executive Committee approved the request for waiver of the enrollment limit for the 2022-23 school year only. Completed applications must be submitted by Aug. 15, 2022.

Ferndale and Ferndale University High Schools (Regulation I, Section 1[E-2]) – These schools of the same district would like to renew their cooperative programs in boys and girls bowling, boys and girls cross country, boys and girls soccer and wrestling. The combined 2021-22 enrollment of 1,149 students requires Executive Committee approval in these sports. There must be a demonstrated history of inadequate numbers of participants in order for the cooperative program to continue. An email has been received as well as support from the Oakland Activities Association.

The Executive Committee approved the renewal of these programs for the 2022-23 and 2023-24 school years.

Leland, Northport and Suttons Bay High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these three schools in girls golf (varsity only). Leland sponsors the sport and will be the primary school. The combined enrollment of 307 students will keep one team in the Division 4 tournament. Support from four future opponents was submitted.

Livonia-Stevenson, Livonia-Churchill and Livonia-Franklin High Schools (Regulation I, Section 1[F-3]) – These schools began a cooperative program in boys and girls lacrosse (JV and varsity) in the 2018-19 school year under the four-year new program provision which will expire at the end of the current school year. The combined enrollment for 2021-22 will be 4,346 students. The schools have insufficient numbers to reconfigure these programs and requested waiver of the new program provision in order to continue cooperating in these sports for the 2022-23 and 2023-24 school years. Support from the Kensington Lakes Activities Association was submitted.

The Executive Committee approved the renewal of these programs for the 2022-23 and 2023-24 school years.

Sterling Heights and Warren-Mott High Schools (Regulation I, Section 1[E-2]) – These schools of the same district would like to renew their cooperative programs in boys and girls bowling. The combined 2022-23 enrollment of 2,822 students requires Executive Committee approval in these sports. There must be a demonstrated history of inadequate numbers of participants in order for the cooperative programs to continue. An email was received as well as support from the Macomb Area Conference.

The Executive Committee approved the renewal of these programs for the 2022-23 and 2023-24 school years.

Flint-Powers Catholic 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 Corunna High School to begin the 2021-22 school year. The student cited bullying at the former school; information was submitted by a police report, letter from the officer, social media screenshots and a letter from a staff member at the former school. The request was for eligibility in baseball.

The Executive Committee did not approve the request for waiver.

Jackson-Northwest High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who transferred in October of 2021 from Eaton Rapids High School. Incidents took place in October of 2020 between students at the former school which required law enforcement involvement. The student sought eligibility in girls soccer.

The Executive Committee did not approve the request for waiver.

Saginaw-Nouvel Catholic Central 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 Swan Valley to Nouvel. The change of schools was for the student's emotional and mental wellbeing due to bullying by coaches at the former school. Background information was provided by the former school's volleyball coach. A letter of support was received from the former school district's board president.

The Executive Committee did not approve the request for waiver.

Taylor High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who played in one baseball game while a student at Woodhaven High School. The student has transferred to Taylor, which is the student's district of residency. The school requested subvarsity eligibility at Taylor after one day of competition.

The Executive Committee approved the request for waiver. The student will be withheld from the first day of competition in baseball this spring.

West Bloomfield High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of a 10th-grade student who transferred from South Lyon High School in March of 2022. The student was harassed and bullied by students and coaches at the former school, and additional documentation was provided in this second request which included email communication and social media posts. The student's mother is a staff member at West Bloomfield.

The Executive Committee did not approve the request for waiver.

DeWitt High School (Regulation II, Section 11[H]) – Pursuant to Interpretation 241, a request to waive the four-player rule for the 2022-23 school year was made on behalf of the head girls swimming & diving coach who will also be employed by the Mid-Michigan Aquatics Swim Club and Community Education Department. The program is open to the public, and for 2022-23 will have 200-250 participants, of which 0-12 are estimated to be DeWitt students in grades 7-12. The program will also include participants from three to seven other school districts.

The Executive Committee approved the request for waiver for this coach for the 2022-23 school year.

Interstate 8 Conference (Regulation IV, Section 10) – A request was made to allow this league to begin middle school football practice five days earlier than allowed by the regulation, on Wednesday, Aug. 17, 2022. Practice is permitted on the 14th Monday before Thanksgiving (Aug. 22, 2022). The early start date would allow schools the option to have three additional days of practice so they may scrimmage on the Wednesday or Thursday of the last week of August prior to Labor Day in order to have nine practice days prior to the scrimmage. It would also permit schools to not practice on the Friday or Monday of Labor Day. The Interstate 8 Conference offers four seasons of participation with winter sports beginning on Monday, Oct. 17, 2022, and this would permit some time off between fall and winter seasons.

The Executive Committee approved the request for waiver. Practice for the middle schools of this league may begin on Wednesday, Aug. 17, 2022.

Detroit-Martin Luther King High School (Football Classification) – A request was made to opt up in football from Division 4 to 3 for the next two school years as having MLK compete in Division 4 would significantly impact the playoff points of Division 1 & 2 schools in its league. MLK believes that competing in Division 4 would make it significantly harder to schedule non-league contests as the reigning Division 3 champions and could result in cancellations by already scheduled opponents.

The Executive Committee approved the request for waiver. Martin Luther King High School will compete in Division 3 football for the 2022-23 and 2023-24 school years.

Eben Junction-Superior Central High School (Softball Districts) – The District softball host school, on behalf of the three other participating schools, requested permission to play the four-team softball District tournament on Thursday, June 2, instead of June 3 or 4. These four schools will have participants in the MHSAA UP Track & Field Finals on June 4, and June 3 is not an option due to graduation for one of the participating schools.

The Executive Committee did not approve the request for waiver. District competition may be played on May 26, 27, 31, June 3 or 4.

Next Meeting – The next meeting of the Executive Committee is scheduled for Wednesday, June 15, 2022, at 1 p.m. in East Lansing.