

# MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

## EXECUTIVE COMMITTEE MEETING

East Lansing, April 22, 2020

### Members Present:

Scott Grimes, Grand Haven  
Steve Newkirk, Clare  
Vic Michaels, Detroit  
Karen Leinaar, Bear Lake  
John Thompson, Brighton

### Staff Members Present:

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.

Pandemic Cooperative Program Waivers – Due to schools closing and other crisis situations, the Executive Committee approved two adjustments to Regulation I, Section 1 (Interpretations 12 and 14).

- a. Cooperative Program Renewals: All cooperative agreements due for renewal in the spring of 2020 and in compliance with the 1,000- or 3,500-student enrollment cap will be **automatically renewed** for the next two school years without league approval or administration signatures required. A league may dissolve an agreement with notice to the schools and the MHSAA on a timely basis. This allowance does not include agreements that were previously under Executive Committee consideration.
- b. Cooperative Program Application Deadline Extension: Except in football, extend cooperative program application deadlines, for fall sports to June 1 and for winter sports to Sept. 15. The spring sports deadline remains Oct. 15, 2020. Only football cooperative programs brought to the MHSAA prior to the April 15, 2020 deadline will be accepted. Other fall sports cooperative program applications must be completed so the Executive Committee may approve the agreements at its June 10, 2020 meeting. Varsity fall sports cooperative agreements will not be approved following this date. Electronic signatures on cooperative agreement applications or emails certifying approval may be accepted for the fall and winter agreements in the 2020-21 school year provided they are sent or affixed by the person(s) who are required to sign the document.

Caledonia, Lowell & Middleville-Thornapple Kellogg High Schools (Regulation I, Section 1, Section 1[F-3]) – A request to waive the 3,500-student enrollment cap was made to allow a cooperative program in ice hockey to continue operating for two or more school years. Since the 2016-17 season, the team has operated for four school years, as originally allowed. This spring, the primary school was changed from Lowell to Caledonia. The combined 2020-21 enrollment increased to 3,617 students. Most players are from Lowell and Caledonia. Thornapple Kellogg graduated one player this year and has one incoming 11<sup>th</sup>-grade student who participated previously and anticipates incoming 9<sup>th</sup>-grade students interested in playing in 2020-21.

The Executive Committee approved the cooperative program in ice hockey for the 2020-21 and 21-22 school years only, after which it must dissolve or reform to comply with the 3,500-student enrollment limit.

Flint-the New Standard Academy and Burton-Madison Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in 11-player football, girls volleyball, boys and girls track and field (varsity only) and boys and girls basketball (varsity and JV) between these two schools whose combined 2020-21 enrollment is 264 students. A new team will be placed in the Division 8 11-player football tournament. One team will be placed in the Division 3 girls volleyball, boys and girls basketball, and boys and girls track & field tournaments. New Standard Academy previously sponsored 8-player football, volleyball and boys and girls basketball and will be the primary school for all sports. Support from the Genesee Area Conference was submitted.

Marlette and Brown City High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys soccer (JV and varsity) between these two schools whose combined 2020-21 enrollment of 496 students will place a new team in the Division 3 tournament. Marlette sponsored soccer previously and will be the primary school. Support from the Greater Thumb Conference was submitted.

Sault Ste. Marie-Sault Area, Pickford and Rudyard High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys and girls soccer (varsity only) between these three schools whose combined enrollment is 983 students. Sault Area sponsored soccer previously and will be the primary school. Support from four future opponents was submitted.

Troy-Athens, Auburn Hills-Avondale, Berkley and Troy High Schools (Regulation I, Section 1[F-2]) – The Executive Committee received a report regarding a cooperative program in boys and girls skiing that had been approved for these four schools but was required to reform to fall under the 3,500-student enrollment cap before the 2020-21 school year. Two separate boys and girls skiing cooperative agreements (varsity and JV) will be established to begin the 2020-21 school year: Troy-Athens will be the primary school in an agreement with Berkley with a combined 2020-21 enrollment of 3,266 students. Troy will be the primary school in an agreement with Auburn Hills-Avondale with a combined 2020-21 enrollment of 3,384 students. These actions will place one additional team in the Division 1 tournaments.

Ann Arbor-Huron High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student whose parents' employment has been impacted by the pandemic crisis. The parents anticipate job changes that involve extensive travel and they intend to have their son reside with his grandmother who lives in the Huron School District. The student lived with his parents also in the Huron attendance area but attended Skyline and participated in football during the 2019-20 school year.

The Executive Committee did not approve the request for waiver.

Dansville High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11<sup>th</sup>-grade student (2020-21) who participated in three JV bowling competitions while a student at Mason before enrolling at Dansville on Jan. 6, 2020. The student changed schools because she was assaulted by a teammate on the bowling team at her former school and was struggling being in contact with that teammate. The student did not participate in bowling in the winter of 2019-20. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Warren-De La Salle Collegiate High School (Regulation II, Section 6) – A request to waive the 600-mile round-trip travel limitation was made to permit the scheduling of a varsity football game on the seventh date in the fall of 2020. No specific opponent was identified as the school sought a conditional approval prior to contacting possible opponents in excess of the 600-mile limit. A history of Executive Committee travel request waivers was reviewed.

The Executive Committee did not approve the request for waiver.

Representative Council – The Executive Committee reviewed the agenda for the May 4 Representative Council meeting.

Future Meetings – The next meetings of the Executive Committee are scheduled for Friday, May 1, 2020, at 9 a.m. in East Lansing; Wednesday, June 10, 2020, at 9 a.m. in East Lansing; Wednesday, Aug. 5, 2020, at 9 a.m. in East Lansing; Tuesday, Aug. 25, 2020, at 9 a.m. in East Lansing; Wednesday, Sept. 30, 2020, at 9 a.m. in East Lansing; Wednesday, Nov. 4, 2020, at 9 a.m. in East Lansing; and Thursday, Dec. 3, 2020, at 1 p.m. in East Lansing (Representative Council Next Day).