

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, December 5, 2019

Members Present:

Scott Grimes, Grand Haven
Pete Ryan, Saginaw
Vic Michaels, Detroit
Kris Isom, Adrian
Don Gustafson, St. Ignace

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.

Bloomfield Hills, Berkley, Clarkston and Clawson High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved a cooperative program at the subvarsity level only in ice hockey between these four schools whose combined enrollment is 6,134 students. A subvarsity agreement was approved on Aug. 22, 2019 between Royal Oak, Berkley, Clawson and Madison Heights-Lamphere that has dissolved due to low participation. Bloomfield Hills will be the primary school. Support from the Oakland Activities Association was submitted.

Ionian 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 who has struggled with malnourishment, poor growth and weight gain since he was an infant. The student has only been well enough to swim with the school team during the 2018-19 school year and sought to participate in boys swimming & diving during the 2019-20 school year. At age 17, the student was successfully diagnosed with a genetic protein intolerance and his stamina and health has since improved. Due to his medical condition, his educational progress was delayed. The student's height and weight do not appear to create a competitive advantage or present a significant risk of injury to himself or opponents.

The Executive Committee approved the request for waiver for the 2019-20 school year.

Saline 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 medically withdrawn from four of his five classes due to health concerns in late October 2019. The student was evaluated and was placed in a two-week partial hospitalization and stabilization program. The student returned to school on Nov. 6, 2019 and is performing academically. The student would like to participate in bowling.

The Executive Committee approved the request for waiver.

Adrian-Lenawee Christian 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 a 10th-grade student to permit eligibility at the subvarsity level or on the 91st school day of enrollment. The student attended Napoleon Schools through the 9th grade, participating in volleyball, basketball and softball. The student enrolled at Lenawee Christian to begin the 2019-20 school year. While in middle school, the student's father was arrested and convicted of abuse and the student was diagnosed with a stress disorder. The student experienced bullying while in high school. The family recently relocated from Napoleon to Jackson but Lenawee Christian is not the closest nonpublic school to the new home.

The Executive Committee did not approve the request for waiver.

Beverly Hills-Groves High School (Regulation I, Section 9) – On Aug. 1, 2019, the Executive Committee did not approve a request to waive the transfer regulation on behalf of a 10th-grade student who previously attended Detroit Country Day School where he experienced difficulties with staff and a hostile environment. The student participated in cross country and JV basketball and was wrongly accused of bullying other students. The family also experienced financial constraints due to a grandparent's care. The student has become withdrawn and has undergone counseling to deal with the stress. The school requested reconsideration, submitting a health report and letter which included information regarding the family history.

The Executive Committee approved the request for waiver at the subvarsity level only, beginning with the student's 91st school day of enrollment at Groves High School.

Bloomfield Hills 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 racial harassment since 2016 which continued while a student and basketball player at Troy High School during the 2018-19 school year. To begin the 2019-20 school year, the student enrolled at the adjacent public school district. Based in part on the activity that occurred while the student was enrolled in the former school, the Troy Board of Education approved an expenditure to cover the cost of tuition at Bloomfield Hills High School.

The Executive Committee approved the request for waiver.

Bloomington High School (Regulation I, Section 9) – A request to waive the transfer regulation to permit eligibility in subvarsity girls basketball was made on behalf of a 10th-grade student who played in one JV girls basketball game during the 2018-19 school year while a student at Bangor High School. The JV team was dropped due to low participation after one game. The student also played JV volleyball and softball at Bangor last school year and served as a team manager this year at Bloomington. The student enrolled to begin the 2019-20 school year.

The Executive Committee approved the request for waiver in girls basketball. The student will be withheld from the first girls basketball game of the 2019-20 season.

Commerce Township-Walled Lake Northern High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was subjected to bullying from classmates while a student at Orchard Lake-St. Mary's related to participation in wrestling in January 2018. The student experienced health issues and has been in therapy since April 2018. The student participated in JV football, wrestling and JV lacrosse during the 2018-19 school year.

The Executive Committee did not approve the request for waiver.

Dundee High School (Regulation I, Section 9) – On Feb. 20, 2019, the Executive Committee approved a request for eligibility on the 91st school day of enrollment in all sports except that the student was to be withheld from the first six dates of wrestling in the 2019-20 season. The school requested that the Executive Committee action be modified to permit the student to wrestle in the Brecksville, Ohio Invitational (a two-day meet) on Dec. 29 and 30, 2019, and the Catholic Central Super Duals on Saturday, Jan. 11, 2020. The student would like to wrestle in these two high-profile meets due to the potential for exposure to college coaches. The student would not participate in six total dates, preceding and following these three dates.

The Executive Committee did not approve the request for waiver.

Hartland High School (Regulation I, Section 9) – A request to waive the transfer regulation is made on behalf of a 10th-grade student who was the victim of an altercation on June 12, 2019 while a student at Fenton High School. The incident and subsequent threats have caused the student to be fearful and change schools. Genesee County is prosecuting the other student, who remains at the former school. The student participated in bowling during the 2018-19 school year and enrolled at Hartland to begin the 2019-20 school year. Letters from the Prosecutor's Office of Genesee County supporting eligibility were submitted.

The Executive Committee approved the request for waiver.

Jackson High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose father had two eye surgeries with complications in the summer of 2019 which left him unable to drive the student to school. The mother's work schedule also changed and she could not transport the student to Vandercook Lake where the student participated in basketball. The student attended Jackson Middle School until March of his 8th-grade year when he enrolled at Vandercook Lake. The student reenrolled at Jackson High School to begin the 2019-20 school year.

The Executive Committee approved the request for waiver for this student at the subvarsity level only, beginning with the student's 91st school day of enrollment at Jackson High School.

Jackson-Vandercook Lake High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who completed a full residential change with her mother over the summer of 2019 to a home in the Jackson-Northwest School District. To begin the 2019-20 school year, the student enrolled at Parma-Western. The student was unhappy at the former school, did not participate in sports and reenrolled at Vandercook Lake on Nov. 11, 2019. The student attended Vandercook Lake her entire life and participated in volleyball, competitive cheer and track while in the 10th grade in 2018-19.

The Executive Committee approved the request for waiver.

Kingsley High School (Regulation I, Section 9) – A request to waive the transfer regulation, and specifically elements of a full and complete residential change, was made on behalf of a 10th-grade student whose mother continues to run a family business from the previous residence in the Fife Lake-Forest Area School District. The family intended to relocate after the football season, but when the former school dropped its 8-player football team after two games, the family moved and the student enrolled at Kingsley on Oct. 1, 2019. The student played football and ran track as a 9th-grader in 2018-19 at Forest Area and played in two football games this fall. The student sought to run track this spring and play football in the fall of 2020-21. A month-to-month lease was provided on a home in Kingsley along with other proofs of a residential change.

The Executive Committee approved the request for waiver, provided the family continues to live in the Kingsley School District through the end of fall sports 2020 and does not occupy the former residence for any residential purpose.

Kingsley High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made to permit subvarsity eligibility in JV baseball on behalf of an 11th-grade student whose family moved 550 miles from Kentucky to a rental home in the Traverse City West attendance area. The student's father recently took a position as a pastor and the family has close friends who live in the Kingsley School District and whose children all attend Kingsley. A brother has immediate eligibility as an incoming 9th-grader. The student enrolled to begin the 2019-20 school year and has not participated in any other sport at Kingsley this school year.

The Executive Committee approved the request for waiver on the student's 91st school day of enrollment at Kingsley High School.

Middleton-Fulton High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose mother is not part of the student's life and whose father was incarcerated and has no means of supporting himself or his children. The student lived with her father and previously attended Mason where she participated in JV basketball and girls soccer in 2018-19. To begin the 2019-20 school year, the student enrolled at Fulton and lives with an aunt and uncle in the Fulton School District.

The Executive Committee approved the request for waiver.

Midland-Bullock Creek High School (Regulation I, Section 9) – A request to waive the transfer regulation to permit eligibility at the subvarsity level in bowling was made on behalf of an 11th-grade student who suffered a catastrophic knee injury in May of her 8th-grade year while a student with the Sanford-Meridian Schools. The injury and aftercare prohibited the student from running, so she participated in bowling during the 10th grade in the 2018-19 school year. The student was unhappy at Meridian Early College and enrolled at Bullock Creek to begin the 2019-20 school year.

The Executive Committee did not approve the request for waiver.

Monroe 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 9th-grade student from an Approved International Student Program whose host family resides in the Monroe-Jefferson School District. The mother is employed at Monroe High School. The host family's own children are college age and not living at home. The family has hosted exchange students in the past. The student has been serving as a team manager and would like to participate in JV basketball.

The Executive Committee approved the request for waiver at the subvarsity level only, in boys basketball only.

Ovid-Elsie High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose mother has been in and out of jail. Over the summer of 2019, the father gave custody to the student's aunt who lives in the Ovid-Elsie School District, and the student enrolled to begin the 2019-20 school year. The student lived with his father in Texas through the 7th grade where the relationship did not go well, causing the student to move in with his mother in Owosso for the 8th and 9th grades where the student participated in wrestling at Owosso High School.

The Executive Committee approved the request for waiver.

Portage Central High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who was transferred between schools of the same district because the student was falsely accused of activity at Portage Northern High School in November 2019. The school and government authorities found no engagement whatsoever in the incident by the student, who was subjected to considerable negative interactions with classmates that led to the district agreeing to allow the student to enroll at Portage Central (a school of the same district) on Nov. 19, 2019.

The Executive Committee approved the request for waiver.

Port Huron Northern High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who was the victim of assault in December 2018 by a classmate at Port Huron High School. The student did not disclose the assault to her parents until July 2019, at which time the parents filed a police report. Because the case was still under investigation, the student who committed that act continues to be enrolled at the former school, causing the student to enroll at Port Huron Northern (a school of the same district) on Oct. 3, 2019.

The Executive Committee approved the request for waiver.

Stockbridge High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student whose grandparents and parents were transporting the student to Brooklyn-Columbia Central for the 9th and 10th grades where he participated in basketball. The grandparents moved in May 2019 and the parents' work schedules no longer permit them to drive the student to school. The student has lived in Stockbridge his entire high school career and enrolled at Stockbridge High School on Oct. 2, 2019.

The Executive Committee did not approve the request for waiver.

Wyoming-Godwin Heights High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who witnessed his mother being harassed by his father and experienced verbal harassment which took place in the main school office and while at track practice at his former high school, Grand River Prep. The father was cited for domestic violence in December 2018 and June 2019. The student participated in basketball at his former school and hopes that changing schools will discourage the father from visiting him.

The Executive Committee did not approve the request for waiver.

Multimedia Policies (Regulation II, Section 14) – The Executive Committee approved an addition to the Multimedia Policies that members of the School Broadcast Program are prohibited from blacking out MHSAA tournament events broadcast over the NFHS network or MHSAA.TV. Events that are blacked out restrict the viewing allowed by subscribers to every game of every MHSAA tournament that is available. The change will be implemented beginning with winter sports of the current 2019-20 school year.

Holland-Harbor Lights, Holland Christian, Holland-Macatawa Bay and Zeeland Christian Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of Harbor Lights and Macatawa Bay Middle Schools to a cooperative program in middle school girls competitive cheer (7th and 8th grades combined) which exists between Holland Christian and Zeeland Christian. All schools sponsored the sport previously; Harbor Lights will become the primary school.

Suttons Bay and Northport Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of girls basketball (6th, 7th and 8th grades combined) to a cooperative program that exists in several sports between these two member middle schools. Both schools sponsored girls basketball previously. Suttons Bay will be the primary school.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Jan. 8, 2020, at 1 p.m. in East Lansing (following Classification Committee meeting that morning); Wednesday, Feb. 26, 2020, at 9 a.m. in East Lansing (Audit & Finance Committee meeting follows); Thursday, March 26, 2020, at 10 a.m. in East Lansing (Representative Council meets next day); Wednesday, April 22, 2020, at 9 a.m. in East Lansing (Audit & Finance Committee meeting follows); Sunday, May 3, 2020, at 10:30 a.m. in Gaylord (Representative Council meets that afternoon); and Wednesday, June 10, 2010, at 9 a.m. in East Lansing.