

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, February 20, 2019

Members Present:

Scott Grimes, Grand Haven
Pete Ryan, Saginaw
Vic Michaels, Detroit
Karen Leinaar, Bear Lake
Steve Newkirk, Clare

Staff Members Present:

Tom Rashid
Brent Rice
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.

Bridgman, New Buffalo and St. Joseph-Lake Michigan Catholic High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Lake Michigan Catholic to a boys tennis (varsity only) cooperative agreement which exists among the other two schools. The combined 2018-19 enrollment of 540 students will continue placement of a team in the Division 4 tournament. Bridgman will continue as the primary school. Support from the BCS Conference was submitted.

Clinton Township-Chippewa Valley and Macomb-Dakota High Schools (Regulation I, Section 1[F-2]) – The Executive Committee waived the Oct. 15, 2018 deadline for spring sports cooperative programs and approved a cooperative program in girls lacrosse (varsity only) between these two schools of the same district which have not previously sponsored the sport. Application was made under the provision for first-time programs. Chippewa Valley attempted to sponsor the sport last spring and was placed in a Regional but did not field a team. The combined enrollment of 5,576 students will continue placement of a team in the Division 1 tournament. Chippewa Valley will be the primary school. Support from the Macomb Area Conference was submitted. This program will be allowed to operate for not more than four years and must be under 3,500 students to begin the 2022-23 school year.

Ortonville-Brandon and Goodrich High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in girls and boys swimming & diving (varsity and JV) between these two schools whose combined 2018-19 enrollment of 1,645 students will move one team from Division 3 into the Division 2 tournaments. Ortonville-Brandon sponsored girls and boys swimming previously and will be the primary school. Support from the Flint Metro League was submitted.

Saginaw Arts & Sciences Academy, Saginaw-Arthur Hill and Saginaw High Schools (Regulation I, Section 1[E-2]) – The Executive Committee waived the Oct. 15, 2018 deadline for spring sports cooperative programs and approved the addition of Saginaw Arts & Sciences Academy to a girls soccer (varsity only) cooperative agreement which currently exists in this sport between the other two schools. The Executive Committee also approved the addition of Saginaw Arts & Sciences to the boys soccer (varsity only) agreement beginning in the fall of 2019-20. Programs are also operating in boys and girls cross country and boys and girls tennis among these three schools of the same district. This request was made under provisions that allow schools of the same district to form programs in excess of the enrollment cap due to a demonstrated lack of participation. Saginaw Arts & Sciences sponsored a stand-alone team previously and will be the new primary school for both boys and girls soccer teams. The combined 2018-19 enrollment of 1,518 students will continue placement of a team in the Division 1 tournament and remove one team from Division 4 in both sports. Support from the Saginaw Valley League was submitted.

Southfield Christian and Detroit-Westside Christian Academy High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in 11-player football (varsity only) between these two schools whose combined enrollment is 209 students. Westside Christian Academy was previously in a cooperative program with Taylor Preparatory, which will be dissolved. Southfield Christian sponsored football previously and will be the primary school. Support from the Michigan Independent Athletic Conference was submitted.

Troy and Troy-Athens High Schools (Regulation I, Section 1[F-3]) – The Executive Committee approved a two-year extension, through the 2020-21 school year, of an ice hockey cooperative program between these two schools of the same district in excess of the 3,500-student enrollment cap. The program was first approved in August 2015 and has operated for four years, as allowed by rule and Executive Committee action. The program was originally formed under the provision for schools dropping the sport when Troy-Athens did not sponsor ice hockey in 2014-15. The program was to reform to under 3,500 students at the end of the current (2018-19) school year. The request for two additional years was based on projections of future participation and graduation. Following the 2019-20 season, the schools are to submit by March 15, 2020 an update on program participants, the number of students cut from the team, and where those cut players ended up playing (JV team, etc.) The school will suggest strategies to increase interest and hopes to sponsor two stand-alone teams after the 2020-21 school year. Troy will continue as the primary school. The combined 2018-19 enrollment of 4,437 students will continue placement of a team in the Division 1 tournament. Support from the Oakland Activities Association was submitted.

Mio-Au Sable 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 is currently in his tenth semester of high school since enrolling in the 9th grade in 2014-15. The student's educational progress has been delayed due to multiple adverse experiences/traumas from middle school to high school, including the death of his mother in September 2012 when the student was in the 6th grade. The student participated in athletics for three years from the 2015-16 through the 2017-18 school years. He has not participated in athletics during the current (2018-19) school year but would like to finish the basketball season this winter.

Jeff Demory, athletic director at Mio-Au Sable High School, met with the Executive Committee and reported that the student had overcome much adversity in his life since moving to Mio-Au Sable. While at this school, the young man has been a model and supportive student who is seeking to play in the remaining weeks of the current basketball season. Mr. Demory further emphasized the hopes for consideration of students who have similar life experiences including the death of a parent and resulting mental health challenges. The potential for setting an undesirable precedent and creating an impossible burden of proof for waiver of the maximum enrollment and semester rule was also noted.

The Executive Committee found that there was no clear injury, illness or disability connection presented between the student's condition and the delay in his high school education during the 2015-16 school year when the student repeated the 9th grade. Documentation of support by the school for the student's condition was not presented. Finding that the circumstances did not meet the specific stated criteria for a waiver of Regulation I, Sections 4 and 5, the Executive Committee did not approve the request for waiver.

Canton-Salem High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who previously attended Detroit-U of D Jesuit beginning in the 9th grade and was recently diagnosed with a medical condition that caused the student to enroll at Salem, the school of his residence, on Nov. 13, 2018. The student was having difficulty in school and experiencing physical symptoms in the spring of 2018. The student is now on medication and in the care of medical professionals. Support for eligibility from the former school was submitted.

The Executive Committee did not approve the request for waiver.

Detroit-Davis Aerospace High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 61c (multi-school district with both types of schools) was made on behalf of an 11th-grade student who moved between parents who never married, from his mother in the Southeastern attendance area to his father's residence in what is also believed to be the Southeastern attendance area. The student lives closest to Davis. The father's zip code and Davis Aerospace's zip code are the same. An otherwise completed Educational Transfer Form was submitted. The student enrolled at Davis on Dec. 16, 2018.

The Executive Committee did not approve the request for waiver.

Dundee High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who experienced mental anguish that led to therapeutic services in September and October 2018. The student was bullied on social media. The student enrolled at Dundee on Nov. 5, 2018. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for immediate eligibility but did approve eligibility on the 91st school day of enrollment at Dundee High School, beginning Nov. 5, 2018.

Dundee High School (Regulation I, Section 9) – A request was made on behalf of a 10th-grade student to waive or interpret the transfer regulation and specifically Exception 2 (not living with either parent and changes his or her residence to reside with his or her parents). The student attended Dundee Schools his entire career before enrolling at Novi-Detroit Catholic Central to begin the 9th grade. The student lived with a wrestling family in Brighton during the 9th grade and with various Detroit Catholic Central wrestling families during the first semester of the 10th grade. Information was provided by the family that showed the student slept in the home of teammates on 77 nights and in his home in Dundee on 79 nights. An hourly analysis submitted by the family showed the student spent 59 percent not in Dundee and 41 percent of hours in Dundee. The student stopped living with wrestling families on Jan. 11, 2019 due, in part, to being ill. The student was struggling and enrolled at Dundee High School on Tuesday, Jan 22, 2019. MHSAA staff had indicated that a reasonable person given the same information would not determine that the student met the conditions of Exception 2. The question for consideration, in part, is what, under the rules, constitutes not living with either parent.

The request was for immediate eligibility. If this is not approved, the school asked for eligibility on the 91st school day of enrollment from Jan. 22, 2019 under the sport-specific transfer regulation, in part because the student had only participated in six dates of competition in the 2018-19 season.

Tom Oestrike, athletic director at Dundee High School, and the student's father met with the Executive Committee. The school stated that the return to Dundee was not athletically motivated but instead was in the best overall interest of the student. It was presented that when calculating only the days the former school was in session, the student was not in his home in Dundee approximately 86 percent of the time. The student's history of wrestling experiences and difficulties of the past semester were presented, including the significant challenges of a 16-year-old staying with others during the school week, family financial difficulties, the student coping with multiple injuries and subsequent weight management issues involved in wrestling.

The Executive Committee did not approve the request for immediate eligibility as the student's circumstances did not meet the conditions of Exception 2 of Section 9(A). However, eligibility was approved for all sports except wrestling on the student's 91st school day of enrollment at Dundee High School beginning Jan. 22, 2019. The student is eligible for practices, scrimmages and competition in all sports except that the student is to be withheld from the first six dates of wrestling competition in 2019-20.

Highland-Milford High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who experienced bullying from classmates and volleyball teammates while a student at Ann Arbor-Father Gabriel Richard. As a consequence of this, the student experienced stress, anxiety and physical ailments. The student was seen for two outpatient psychotherapy sessions on Nov. 1 and 7, 2018. The student enrolled at her school of residence, Milford, on Nov. 7, 2018.

The Executive Committee did not approve the request for waiver.

McBain High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who returned from living with her godparents in Minnesota after two weeks this fall to reside with her father in Lake City. The student lived with both parents previously, attended Cadillac High School since the 9th grade and participated in cross country. The student's parents were separating and the student experienced bullying at her former school. The student moved to Minnesota due to issues at home and school which were beyond the student's control. It was determined that a fresh start at a new school was in the student's best interest. The request was for eligibility on the 91st school day in cross country at McBain in the fall of 2019-20. Support from the former school's principal and superintendent was submitted.

The Executive Committee did not approve the request for waiver.

Merrill High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who moved in the summer of 2018 between parents who never married into his mother's home in Merrill, but enrolled at Hemlock to begin the 2018-19 school year because two sisters were already in attendance at Hemlock. The student was being bullied and struggling at Hemlock and enrolled at Merrill on Dec. 4, 2018. The student played golf at Manton during the 9th grade while living with his father in 2017-18 and then moved in with his mother in Merrill. On Sept. 5, 2018, the Executive Committee approved a waiver of Interpretation 62 (public school of residence) and the use of an Educational Transfer Form.

The Executive Committee did not approve the request for waiver.

Muskegon High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91st school day of enrollment was made on behalf of a 10th-grade student who enrolled at Muskegon on Oct. 1, 2018. The student's residency was being debated between the father and mother in August 2018. Prior to his transfer to Muskegon, the student participated in one preseason scrimmage and one JV football game for Muskegon-Mona Shores this August without being an enrolled student. The school also requested eligibility for the fall of 2019-20 for football under the sport-specific transfer regulation. The student currently lives with his mother in the Muskegon Heights School District. Support for eligibility was submitted by Mona Shores.

The Executive Committee approved the request for waiver in all sports except football on the student's 91st school day of enrollment beginning Oct. 1, 2018. The student is eligible for practices, scrimmages and competition in all sports except that he is to be withheld from the first football game (all levels) in 2019.

Shelby High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has lived in Shelby and attended school there her whole life except for four school days from Nov. 13-16, 2018 when the student attended Hart High School where her mother is employed. The student did not participate in athletics at Hart and reenrolled at Shelby after Thanksgiving on Monday, Nov. 26, 2018.

The Executive Committee approved the request for waiver.

Waterford Kettering 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 who changed residences with his father from Pontiac to the home of a Waterford Kettering parent with whom the father has a relationship. The Waterford Kettering parent lives in the Waterford Mott attendance area and has a 10th-grade son who began the 9th grade at Waterford Kettering. The student previously attended Avondale Academy, participated in subvarsity basketball and enrolled at Waterford Kettering on Dec. 18, 2018.

The Executive Committee approved the request for waiver.

Waterford Kettering High School (Regulation I, Section 9) – A request to waive the sport-specific transfer regulation to permit eligibility on the 91st school day of enrollment in boys soccer was made on behalf of a 9th-grade student who struggled with concussion-related and emotional issues and enrolled at Waterford Kettering on Jan. 28, 2019. The student previously attended Waterford Mott, played JV soccer and is seeking a fresh start at Waterford Kettering. The student has an 11th-grade brother who will remain at Waterford Mott and also played soccer.

The Executive Committee did not approve the request for waiver.

Waterford Kettering High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who was physically assaulted and injured in the school cafeteria on Oct. 1, 2018, by two classmates at Waterford Mott. The student played 9th-grade football through week six before the assault and was unable to finish the season. The student was allowed to transfer to Waterford Kettering, a school of the same district, and enrolled on Oct. 25, 2018. The student would like to play lacrosse this spring in the cooperative program between these two schools.

The Executive Committee approved the request for waiver.

Wixom-St. Catherine of Siena Academy (Regulation I, Section 9) – A request to waive the sport-specific transfer regulation was made on behalf of a 10th-grade student who attended Northville for the 9th grade and participated in one girls golf invitational in August 2018 before school began and before enrolling at St. Catherine on Aug. 20, 2018. The student would be eligible for other sports at St. Catherine starting on Jan. 21, 2019 (MLK Day) but will not be eligible for golf next fall due to participation in one golf date in August 2018.

The Executive Committee approved the request for waiver for the student to participate in girls golf in the 2019 season except that the student is to be withheld from the first date of girls golf competition in 2019.

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
Jackson-Lumen Christi	9	Parma-Jackson County Western	Jan. 15, 2019	Remainder of 18-19 school year
Jackson-Lumen Christi	9	Parma-Jackson County Western	Jan. 15, 2019	Remainder of 18-19 school year
Three Oaks-River Valley	9	Bridgman	Jan. 21, 2019	Remainder of 18-19 school year
Lutheran High School Westland	9	Garden City	Jan. 29, 2019	Remainder of 18-19 school year

Grandville and East Grand Rapids High Schools (Regulation II, Section 11[G]) – A request was made to waive the scheduling limitation in ice hockey that prohibits games from being played after the last Saturday in February. A game was originally scheduled for Feb. 8, 2019, and cancelled due to weather conditions. Both schools drew a bye in the MHSAA first round and would like to reschedule the game on Monday, Feb. 25, 2019. The MHSAA tournament begins the week of Feb. 25.

Given the unusual weather conditions of this winter, the Executive Committee approved this request for waiver for the 2018-19 school year only; and the committee authorized staff to approve similar requests for other rescheduled games in ice hockey prior to March 9, 2019.

Portage Central High School/Southwest Michigan Ski Conference (Regulation II, Section 12) – A request was made to allow this league to conduct its boys and girls alpine ski championship on Wednesday, Feb. 27, 2019, which is after the MHSAA Ski Finals (Monday, Feb. 25). The meet was scheduled for Feb. 6 at Bittersweet Plainwell-Otsego, but due to poor weather, the meet was postponed.

Given the unique requirements of alpine skiing and unusual weather conditions of this winter, the Executive Committee approved this request for waiver for the 2018-19 school year only; and the committee authorized staff to approve similar requests for other league championship meets in alpine skiing with the condition that they must be completed prior to Monday, March 4, 2019.

Traverse City Central and Traverse City West High Schools (Regulation II, Section 14[B]) – A request to waive the multimedia broadcast regulation was made to permit a local TV station in Traverse City to televise live over its broadcast channels the Central vs. West varsity football game on Sept. 20, 2019. The game is an annual event known as the TC Patriot Game, which draws approximately 10,000 spectators and honors veterans, active-duty military and first responders. Proceeds are donated to a veterans charity selected by students from each school. The game has been streamed live over the Internet in years past through the MHSAA School Broadcast Program in which Traverse City Area Public Schools has been a participant.

The Executive Committee did not approve the request for waiver.

Track & Field Tournament Calendar – Due to difficulties in securing Regional track & field sites and officials this spring, MHSAA staff and the Cross Country/Track & Field Committee requested Executive Committee action to permit hosts to schedule track & field Regionals on Thursday, May 16, 2019. Currently, the calendar calls for Regionals to occur on Friday or Saturday, May 17 or 18. Currently, seven Regional sites remain without hosts. It is hoped that the Thursday option, if approved, will cause schools to host and aid in securing officials. In March or May 2019, the full Representative Council will consider this question in years following the current spring. The following recommendation to the Representative Council was adopted by the Cross Country/Track & Field Committee at its meeting on Jan. 29, 2019:

Allow Regional competition to be held on Thursday of Regional week in addition to the current policy of Friday and Saturday. This would add an additional day of competition that may alleviate an emergency and critical need to find and assign officials and timing crews. In addition, this may assist in finding schools that may not be available to host on either Friday or Saturday. The committee requests this recommendation be considered critical, and immediate relief for the 2019 Track & Field Regionals is requested.

The Executive Committee approved the request for the 2019 Track & Field Tournament this spring.

Representative Council Agenda – The Executive Committee reviewed a draft of the agenda for the Representative Council's March 22, 2019 meeting.

Next Meetings – The next meetings of the Executive Committee are scheduled for Thursday, March 21, 2019, at 10 a.m. in Grand Rapids (Representative Council meets the following day in Grand Rapids); Tuesday, April 23, 2019, at 8:30 a.m. in East Lansing (Audit and Finance Committee meeting follows); Sunday, May 5, 2019, at 10:30 a.m. in Gaylord (Representative Council meets at 1 p.m.); and Wednesday, June 12, 2019, at 9 a.m. in East Lansing.