

**MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.**

**EXECUTIVE COMMITTEE MEETING**

East Lansing, January 11, 2017

Members Present:

Scott Grimes, Grand Haven  
Fred Smith, Benton Harbor  
Vic Michaels, Detroit  
Al Unger, Kingsford  
Steve Newkirk, Clare

Staff Members Present:

Tom Rashid  
Jack Roberts (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 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 null and void.

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 contract 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.

Suttons Bay, Lake Leelanau-St. Mary and Northport High Schools (Regulation I, Section 1[E]) – The Executive Committee waived the Oct. 15, 2016 deadline for spring sports cooperative programs and approved the addition of Northport to a cooperative program in girls soccer which already exists between Suttons Bay and St. Mary. The combined enrollment of 257 students will continue placement of a team in the Division 4 tournament. Northport sponsored the sport previously. Suttons Bay will continue as the primary school. These three schools are in several other agreements. Support from the Greater Northwest Conference was received.

Wyoming-Tri-Unity Christian High School (Regulation I, Section 2) – A request to act under Interpretation 15 (precedence of birth records) was made on behalf of 10<sup>th</sup>- and 11<sup>th</sup>-grade brothers who were adopted from the Philippines by parents from Michigan on Aug. 26, 2011, and will be too old for their respective 12<sup>th</sup>-grade years. The 10<sup>th</sup>-grader has a recorded date of birth of July 19, 1999, the 11<sup>th</sup>-grader, July 4, 1998. The documented age of the students is in question. The parents falsified marriage documents, stated they were married but were not, and did not register the 10<sup>th</sup>-grade student's birth which resulted in a delayed birth certificate with an inaccurate date of birth. A sister's birth record incorrectly listed her gender as male. The students were two of five siblings who were abandoned, abused and neglected from birth and taken into an orphanage in May 2007 in Manila. Both students were placed in the 2<sup>nd</sup> grade and completed this grade in April 2010 at the reported ages of almost 11 and almost 12 (as opposed to age 8 for a typical US 2<sup>nd</sup>-grader). The students were tested with the DORA system after arrival in the United States in November 2011 and found to be below grade level for their reported ages. Both students have participated in several sports, are small in size and stature and not significant athletic contributors.

The Executive Committee agreed that the birth records were unreliable and that each student should remain eligible under this Section for one additional school year – for the younger student through the 2018-19 school year, for the older through the 2017-18 school year.

Mio-Au Sable High School (Regulation I, Sections 4 & 5) – On Dec. 1, 2016, the Executive Committee tabled a request to waive the maximum enrollment and competition portions of the eligibility regulation made on behalf of a 12<sup>th</sup>-grade student who began the 9<sup>th</sup> grade in the 2012-13 school year and has missed a significant amount of school due to his Type 1 Diabetes. The student played high school baseball in three of his four years of high school. The current first semester of 2016-17 is the student's fifth first and ninth semester overall since beginning the 9<sup>th</sup> grade in 2012-13. Attendance records and a complete transcript were submitted. Subsequent to the Dec. 1, 2016 meeting, the school submitted other information requested by staff which included the student's height and weight, information on potential risk of injury and competitive advantage.

The Executive Committee did not approve the request for waiver, noting that the student's illness did not prevent him from earning sufficient credits to have graduated prior to the current school year and that the student was not delayed by the illness in completing his high school education, which is an essential requirement for waiver of Sections 4 and 5.

Pontiac 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 12<sup>th</sup>-grade student diagnosed with ADHD that may have contributed to the student committing an infraction that led to suspension from school on Oct. 4, 2014, and incarceration on Dec. 8, 2014. This resulted in the student missing a significant amount of school during the first semester of the 11<sup>th</sup> grade in the 2014-15 school year, and he repeated the 11<sup>th</sup> grade in 2015-16. The student is currently in his fifth first semester and ninth overall, including the above. The request was for immediate eligibility during the current school year.

Noting that no direct causation was demonstrated between the disability and disruptive act, and the absence of documentation prior to and at the time of the incident that medication was causing the behavior that required school suspension and then incarceration, the Executive Committee did not approve the request for waiver.

Ypsilanti-Lincoln High School (Regulation I, Section 7) – A request to waive the current academic credit record regulation and specifically Interpretation 52 (student from a school with a specialized curriculum participating at the former school) was made on behalf of an 11<sup>th</sup>-grade student who enrolled at Washtenaw Technical Middle College (WTMC) for the 10<sup>th</sup> grade in 2015-16 prior to WTMC becoming an MHSAA member school in the fall of 2016-17. The student began the 9<sup>th</sup> grade and participated in girls soccer at Lincoln during the 2014-15 school year. Because the student was enrolled at WTMC last year and not at Lincoln for the two most recent semesters, the allowance of Interpretation 52 is not applicable. WTMC was admitted to MHSAA membership for this purpose in September 2016 and is a school with a specialized curriculum.

The Executive Committee approved the request for waiver.

Adrian-Madison 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 11<sup>th</sup>-grade student who has made a full and complete residential change from Alabama with his mother to the home of an uncle in the Adrian School District. The student has a 1<sup>st</sup>-grade half-sister who lives in the same home with the uncle and began Kindergarten at Madison. A 10<sup>th</sup>-grade cousin living in another home began the 9<sup>th</sup> grade at Madison. The student enrolled at Madison on Nov. 29, 2016.

The Executive Committee approved the request for waiver.

Bronson 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 birth mother abandoned the student and who has moved in with his stepmother in Bronson, enrolling on Jan. 3, 2016. The student's father is married to the stepmother but he has been incarcerated since 2008. The student attended Bronson in the 9<sup>th</sup> grade, residing with his birth mother. Prior to his 10<sup>th</sup>-grade year, the mother moved up north without the student. The student then moved in with an aunt and uncle in Indiana who are now getting a divorce.

The Executive Committee approved the request for waiver.

Burr Oak High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91<sup>st</sup> school day of enrollment was made on behalf of 12<sup>th</sup>- and 11<sup>th</sup>-grade siblings who previously attended Centreville before enrolling at Burr Oak on Oct. 4, 2016. The students are Burr Oak residents having transportation issues.

The Executive Committee approved the request for waiver.

Essexville-Garber High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation to permit eligibility in ice hockey was made on behalf of a 9<sup>th</sup>-grade student who will be enrolling at Garber on Jan. 23, 2017 when his semester ends at Bay City-All Saints. The student is a member of the hockey cooperative program between these two schools, Bay City-John Glenn and Pinconning. The father is out of work due to medical problems.

The Executive Committee approved the request for waiver.

Farmington High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91<sup>st</sup> school day of enrollment was made on behalf of a 10<sup>th</sup>-grade student who previously attended Orchard Lake-St. Mary and participated in athletics. The student enrolled at Farmington on Oct. 4, 2016.

The Executive Committee approved the request for waiver.

Fife Lake-Forest Area High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student whose adoptive parents have relinquished rights for the student to reside with her biological mother in the Forest Area School District. The student entered foster care in 2010 and was adopted by the foster parents in 2012. The student previously attended Kaskaska High School where she participated in athletics. The student enrolled at Forest Area on Nov. 21, 2016 and would like to play JV girls basketball. The status of the adoption is unclear.

The Executive Committee approved the request for waiver. No additional waivers of the transfer regulation will be considered by the Executive Committee for this student.

Jackson High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation to permit eligibility on the 91<sup>st</sup> school day of enrollment was made on behalf of 10<sup>th</sup>-grade brothers who transferred from Dexter High School where they participated in JV lacrosse. The students enrolled at Jackson on Nov. 2, 2016 and are interested in playing JV baseball.

The Executive Committee did not approve the request for waiver.

Jackson-Northwest High School (Regulation I, Section 9[C]) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who moved without his parents into the home of his grandparents in the Northwest School District and enrolled at Northwest on Oct. 17, 2016. Two months later, on Dec. 15, 2016, the parents and three siblings, all who have been home schooled and residing in Illinois, relocated to a home in the Parma-Western School District. Rather than change schools, the student continued to attend Northwest. The student is an ice hockey player who would like to participate in the cooperative program between Northwest, Parma-Western and Springport.

The Executive Committee approved the request for waiver for eligibility in ice hockey only through the remainder of the 2016-17 school year.

St. Louis 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 family fled a civil war in Liberia and entered the US several years ago under refugee status. The student's father died, the home burned down and her adoptive mother placed the student and her siblings in the care of the Baptist Children's Home in Mt. Pleasant where the student attended Mt. Pleasant High School. The Baptist Children's Group Home closed and the student and other residents moved to a group home in St. Louis. The student enrolled at St. Louis High School on Nov. 28, 2016.

The Executive Committee approved the request for waiver.

Wyoming-Lee 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 mother died when he was four and who was raised by his father. Due to domestic disputes, the student has moved into the home of his aunt who has also become his legal guardian. The student previously attended Northview and did not participate in athletics. He enrolled at Wyoming-Lee on Oct. 13, 2016.

The Executive Committee did not approve the request for waiver.

Subvarsity Waiver Requests Meeting All Conditions of Section 9(B) – The Executive Committee approved immediate eligibility at the subvarsity level for the following transferring 9<sup>th</sup>- or 10<sup>th</sup>-grade students (after entering 9<sup>th</sup> grade, before completing 10<sup>th</sup> 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
Bridgman	9	Berrien Springs	Nov. 7, 2016	Remainder of 16-17 school year
Saugatuck	10	Illinois	Sept. 2016	Jan. 16, 2017
West Branch-Ogemaw Heights	9	Charlton Heston Academy	Dec. 5, 2016	Remainder of 16-17 school year

Grand Ledge High School (Regulation II, Section 11[F]) – A request was made to permit the MSU True Team Track & Field Invite to be run on Tuesday, March 21, 2017, which is one day earlier than the allowed first date of competition for any spring sport (Wednesday, March 22, 2017). Last year the event was run on two days (March 29-30, 2016) with smaller schools on one day and larger schools on the next. The meet this year is a one-day meet involving approximately 15 schools' boys and girls teams. Due to an MSU event, Jenison Field House is not available on the corresponding dates in 2017, and it is not available on Wednesday, March 22, 2017 because of the setup for the MHSAA Hoopfest held in conjunction with the basketball finals weekend at MSU.

The Executive Committee did not approve the request for waiver.

Holland-Harbor Lights and Holland-Macatawa Bay Middle Schools (Regulation III, Section 1 [D]) – Application was made to correct MHSAA records and add several sports to a cooperative agreement between these two middle schools of the same district which have been operating as an agreement in all sports for some years now. Their actual participation was correct in MHSAA records in the sports of girls volleyball, boys and girls cross country, girls competitive cheer, wrestling and boys swimming & diving. Approval was sought to add football, boys soccer, boys and girls tennis, girls swimming & diving, boys and girls basketball, boys and girls track & field and girls soccer. The schools are permitting 6<sup>th</sup>-grade participation in individual sports.

The Executive Committee approved the addition of the above named sports to the cooperative agreement.

Macomb-L'Anse Creuse North and Chesterfield-L'Anse Creuse East Middle Schools (Regulation III, Section 1[D]) – Application was made to update MHSAA records and approve a cooperative program between these two middle schools of the same district which have been operating a cooperative competitive cheer program this school year. Once discovered, the team discontinued cooperative participation and withdrew from competitions pending approval of this application.

The Executive Committee approved the cooperative program.

Next Meetings – The next meetings of the Executive Committee will be Wednesday, Feb. 22, 2017, at 9 am in East Lansing (Audit & Finance meeting follows); Thursday, March 23, 2017, at 9 am in East Lansing (Rep Council next day); Wednesday, April 19, 2017, at 9 am in East Lansing (Audit & Finance meeting follows); Sunday, May 7, 2017, at 10:30 am in Glen Arbor (Rep Council meets that afternoon); and Wednesday, June 14, 2017, at 9 am in East Lansing.