

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, June 13, 2012

Members Present:

Jim Derocher, Negaunee
Scott Grimes, Grand Haven
Vic Michaels, Detroit
Fred Smith, Buchanan
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 factual 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 post-season 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.

AuGres-Sims and Twining-Arenac Eastern High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in football and girls volleyball between these two schools in whose combined enrollment is 199 students. Both schools sponsored football and girls volleyball previously. The combined enrollment would continue placement of one girls volleyball team in the Class D tournament. AuGres-Sims will be the primary school. Support from the North Star League was submitted.

DeWitt, Holt & St. Johns High Schools (Regulation I, Section 1[E]) – A request was made to waive the 3,500-student enrollment limitation to allow two 11th-grade students and one 12th-grade student (2012-13) from St. Johns High School to be grandfathered into a newly forming ice hockey cooperative program between these three schools for the 2012-13 and 2013-14 school years. Since 2000-01, DeWitt and St. Johns have operated an ice hockey cooperative program and Holt a stand-alone team. It is anticipated that in 2012-13 there will be insufficient numbers to sustain these two teams in their current configuration. DeWitt will have 11 players, St. Johns three, and Holt will have 12. If the Executive Committee approves the concept, an application will be submitted for a cooperative program between these three schools for a combined enrollment of 3,991 students and would participate in the Division 1 tournament. At the conclusion of the 2013-14 school year, St. Johns would no longer participate in the program. The Capital Area Activities Conference supports the two-year waiver and future application.

The Executive Committee approved the concept of grandfathering the eligibility of only the three St. Johns students who have previously participated in this cooperative program.

Freeland, Saginaw-Nouvel Catholic Central and Saginaw-Valley Lutheran High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Freeland High School to a cooperative program in ice hockey which has existed between Nouvel and Valley Lutheran since 2006. Freeland and Carrolton were previously in an agreement begun in 2009 and recently dissolved. The combined enrollment of 1,239 students will continue placement of a team in the Division 3 Ice Hockey Tournament. Freeland will be the primary school. Support from five future opponents was received.

Lansing-New Covenant Christian, Holt Lutheran and Morrice High Schools (Regulation I, Section 1[D]) – The Executive Committee approved a cooperative program in boys soccer between these three high schools whose combined enrollment of 229 students will continue placement of a team in the Division 4 Boys Soccer Tournament. New Covenant Christian sponsored the sport previously and will be the primary school. Support from the Mid-South conference was received.

Lowell, Caledonia and Grand Rapids-South Christian High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of South Christian to a cooperative program in ice hockey which has existed between Lowell and Caledonia since 2000. The combined enrollment of 3,145 students will continue placement of a team in the Division 1 tournament. Lowell will continue as the primary school. Support from the OK Conference was received.

Norton Shores-Mona Shores and Spring Lake High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in ice hockey between these two schools whose combined enrollment of 2,115 students will move a team from the Division 3 to Division 1 tournament. Mona Shores sponsored hockey previously and will be the primary school. Support from the OK Conference was received.

Regulation I, Section 2 – The Executive Committee approved policies and procedures - including a consent, waiver, release and indemnity agreement – for schools' application for waiver of the maximum age rule related to the recently approved amendment to the MHSAA Constitution and contingent Representative Council action of May 6, 2012.

Grandville High School (Regulation I, Sections 4 & 5) – In December 2011, the Executive Committee did not approve a request to waive the maximum enrollment and competition portions of the eligibility regulation on behalf of a 12th-grade student who was in an auto accident in the spring of 2011. The student withdrew from Grandville High School on Nov. 1, 2011. Thus, the student was enrolled past the fourth Friday after Labor Day in his seventh semester overall and fourth first semester (2011-12). The request was to permit the student to repeat his entire 12th grade in the 2012-13 school year. Additional information was presented in the form of medical and school attendance records.

The Executive Committee did not approve the request for waiver.

Auburn Hills-Oakland Christian High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student (11th grade in 2012-13) who previously attended Lake Orion High School before enrolling at Oakland Christian on April 9, 2012 because of behaviors by students and staff at the former school which were unacceptable to the parent and student. The student did not enroll until the end of the third marking period so as not to disrupt academic progress or to leave his winter sports teammates before the season concluded.

The Executive Committee did not approve the request for waiver.

Fruitport High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 61 (public school of residence) was made on behalf of an 11th-grade student (12th grade in 2012-13) who previously attended Greenville ISD while living with his mother. The student has moved to the residence of his father in Muskegon. The student enrolled at Fruitport High School on March 26, 2012 because two other siblings have been enrolled in Fruitport Schools since 2010; a 10th grade stepsister since 2005. An otherwise completed Educational Transfer Form was submitted with a birth certificate as the parents never married.

The Executive Committee approved the request for waiver.

Grand Rapids-Kenowa Hills High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of 11th and 9th grade brothers (12th and 10th grades in 2012-13) who are residents of the Kenowa Hills School District and previously attended Coopersville High School. In the last week of January 2012, the students obtained enrollment information for Kenowa Hills, intending to enroll the second week of February. A school counselor advised the students to enroll the week of March 19, not realizing the impact of the fourth Friday of February. The students enrolled on March 26, 2012.

The Executive Committee did not approve the request for waiver.

Ithaca High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student (2012-13) whose family owns two homes and has spent winters in Arizona for several years. The student participated in volleyball as a 9th grader during the 2011-12 school year. Unaware of the transfer rule, the student and her family moved to Arizona on Dec. 5, 2011, and she did not participate in athletics. The family then returned to their home in Ithaca, reenrolling the student at Ithaca High School on April 10, 2012. The family continues to own the home in Arizona and has decided they would not remove the student from Ithaca High School again so as to continue her eligibility.

The Executive Committee approved the request for waiver for this student for this one time only.

McBain High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 61 (public school of residence) was made on behalf of a 12th-grade foreign exchange student from a CSIET-listed program whose host family resides in the Lake City School District but whose other children (6th and 7th grades) have attended McBain Schools for the past six years. The student will be enrolling to begin the 2012-13 school year.

The Executive Committee approved the request for waiver.

Muskegon Heights High School (Regulation I, Section 9) – Muskegon Heights High School is now under the control of a state-appointed emergency financial manager. Because it has been reported that this public high school may become a charter school academy for the 2012-13 school year, MHSAA staff issued an advisory letter that Muskegon Heights High School would be considered a closed school, and transferring students would be eligible upon enrollment in 2012-13 under Exception 6. Students enrolled at the new charter high school on its first day in 2012-13 would be eligible under Exception 15. The new charter high school would not be eligible for MHSAA tournaments in its first year of operation under current membership provisions for new schools.

The Executive Committee approved the advisory letter with the additional determination that if the new charter school would not allow immediate eligibility to students under Exception 15 of the transfer regulation, it could be permitted to participate in MHSAA tournaments in its first year of operation.

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 began the 9th grade at Portage Northern High School in 2011 and was the subject of harassment by classmates at Portage Northern that began in 7th grade. The student requested and was permitted to enroll immediately at Portage Central, a school of the same district, on April 9, 2012. The student had anxiety and stress over attending school, and the parent set up counseling.

The Executive Committee did not approve the request for waiver.

Portland High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who previously attended another high school. The student will be enrolling at Portland High School to begin the 2012-13 school year because she was a victim of alleged sexual misconduct.

The Executive Committee approved the request for waiver.

Sand Creek High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th grade boy and an 11th grade girl (2012-13) who are siblings. The 10th grader was the victim of a hazing incident as a 9th grader in the fall of 2011 in the previous school's locker room which has led to criminal sexual assault court proceedings against two Madison students. The students have encountered a hostile environment at school, causing them to transfer to Sand Creek High School to begin the 2012-13 school year. A 12th grade brother will continue to attend Madison and graduate in 2013.

The Executive Committee approved the request for the 10th-grade student only.

Traverse City-Central High School (Regulation I, Section 9) - A request to waive the transfer regulation was made on behalf of an 11th-grade student who, as a 10th grader in 2011-12, was the victim of criminal sexual conduct by a staff member at Traverse City West High School on Dec. 31, 2011. The teacher has been sentenced to prison and the student has experienced ridicule and embarrassment in the wake of the incident. The student intends to enroll at Traverse City Central High School (a school of the same district) to begin the 2012-13 school year.

The Executive Committee approved 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 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
Dearborn Heights-Annapolis	10	Southgate-Davison Jr.	Sept. 4, 2012	Jan. 17, 2013
Flint—Carman-Ainsworth	10	Flint-Madison Academy	Sept. 4, 2012	Jan. 17, 2013

Flint-Michigan School for the Deaf (Regulation II, Section 6) – A request to waive the 600-mile round-trip travel limitation was made to allow for an eight-player football game against the Minnesota Academy School for the Deaf in Faribault, Minnesota on Saturday Oct. 13, 2012 (2 p.m.). Round-trip mileage from Flint to Faribault is 1,000 miles. The school has not played another deaf school in football since 2009.

The Executive Committee approved the request for waiver.

Grosse Pointe North High School (Regulation II, Section 11[H]) – Pursuant to 2011-12 *Handbook* Interpretation 236, a request to waive the three- (or four-) player rule for the 2012-13 school year was made on behalf of the head boys and girls varsity tennis coach who is also a contracted tennis teaching professional employed full time by the Wimbledon Racquet Club which houses the Wimbledon Junior Development program. The program contracts court time and tennis professionals to run co-ed year-round tennis camps. The program currently has 43 students in grades 7-12 from eight different schools including the two Grosse Pointe Public Schools (13 students from Grosse Pointe North, eight from Grosse Pointe South). With limited numbers of available indoor tennis courts in the area and a limited supply of five courts, it is typical to have eight or more students on a court during the winter months.

The Executive Committee approved the request for waiver for 2012-13 only to the extent that the coach is allowed to work with three students from Grosse Pointe North on one court at one time while others may be present from other Grosse Pointe Public Schools (i.e., apply the three-player rule to students of the high school only in this specific employment situation and not the entire district).

Okemos High School (Regulation II, Section 11[H]) – Pursuant to 2011-12 *Handbook* Interpretation 236, a request to waive the three- (or four-) player rule for the 2012-13 school year was made on behalf of the head boys and girls varsity swimming coach who is also employed full time by the Spartan Swim Club which operates from several pools in the area but primarily out of Haslett High School and Michigan State University pools. The program is open to the general public ages 6-18 and anticipates 100 participants in 2012-13, of which 25-30 are Okemos students grades 7-12. The program involves students from seven school districts including Okemos (East Lansing, Williamston, Lansing, Holt, DeWitt and Mason). Approval has been granted this coach and this program in 2010 and 2011.

The Executive Committee approved the request for waiver for this coach for 2012-13.

Regulation III, Section 1(C) – Pursuant to 2011-12 *Handbook* Interpretation 261, the Executive Committee approved waiver of the enrollment regulation for the following junior high/middle schools to permit 6th-grade students to participate with and against 7th and/or 8th graders for the sports listed in the 2012-13 school year only (unless otherwise indicated below).

Junior High/ Middle School	Sport(s)	High School Enrollment	Middle School Enrollment
Gaylord-St. Mary	boys & girls cross country, boys & girls track & field	65	42 7 th & 8 th graders
Holland-Calvary	girls volleyball, boys & girls basketball, boys & girls soccer	75	37 7 th & 8 th graders
Jackson Christian	girls volleyball, boys & girls basketball, boys & girls cross country, boys & girls track & field; boys soccer	130	20 7 th graders 20 8 th graders
McBain-Northern Mich Christian	boys & girls basketball, boys soccer, girls volleyball	83	19 7 th graders 17 8 th graders
Sault Ste. Marie-JKL Bahweting	girls volleyball, boys & girls basketball, boys & girls cross country, boys & girls track & field	N/A	54 7 th & 8 th graders
Tekonsha	boys & girls cross country, boys & girls basketball, boys & girls track & field, girls volleyball	93	50 7 th & 8 th graders
Wakefield – Marenisco	boys & girls basketball, boys & girls track & field	68	18 7 th graders 19 8 th graders

Kensington Lakes Middle School League (Regulation IV, Section 10[B]) – A request was made from this league to allow middle school football practice to begin on either Monday, Aug. 20 or Wednesday, Aug. 22, 2012 (or later). The league does not permit practices on weekends and intends to not practice on Friday, Aug. 31 or Labor Day (Sept. 3). All high school games that week are on Wednesday or Thursday, Aug. 29 or 30, 2012. Thirteen weekdays of practice, not including the Friday before Labor Day and Labor Day, would be possible between Aug. 22 and Sept. 11, 2012. The first middle school game would be Sept. 12, 2012.

The Executive Committee did not approve the request.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Aug. 8, 2012, at 9 a.m. in East Lansing; Tuesday, Aug. 28, 2012, at 9 a.m. in East Lansing; Tuesday, Sept. 11, 2012, at 8:30 a.m. in East Lansing; Wednesday, Oct. 3, 2012, at 8:30 a.m. in East Lansing; Wednesday, Nov. 7, 2012, at 8:30 a.m. in East Lansing; and Thursday, Nov. 29, 2012, at 1:30 p.m. in East Lansing.