

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, March 25, 2021

Members Present:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Chris Miller, Gobles

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.

Wakefield-Marenisco High School (Regulation I, Section 1[D]) – A request to waive the under-100 enrollment limit was made to permit 8th-grade students to participate in girls volleyball, boys and girls basketball and boys and girls track & field during the 2021-22 school year. The 2021-22 enrollment will be 105 students. The school has been under 100 high school students as far back as 2008-09 and will have difficulty fielding junior varsity basketball and volleyball teams without 8th-graders. It is also expected that the actual attendance may dip below 100 students.

The Executive Committee did not approve the request for waiver.

Bessemer-A. D. Johnston and Wakefield-Marenisco High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in 8-player football (JV and varsity) between these two schools whose 2021-22 combined enrollment will be 233 students, which is over the 215-student enrollment limit for participation in the MHSAA 8-player tournament. Both schools were previously in an 11-player football cooperative program with Ironwood-L. L. Wright which has dissolved. A. D. Johnston will be the primary school. Support from the Great Lakes 8 Football Conference was submitted.

Boyne Falls and Boyne City-Concord Academy Boyne High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these two schools in baseball (varsity only). The combined enrollment of 111 students will continue placement of one team in the Division 4 tournament. Boyne Falls sponsored the sport previously and will be the primary school. Support from the Northern Lakes Conference was submitted.

Lansing-Eastern, Lansing-Sexton and Lansing-Everett High Schools (Regulation I, Section 1[E]-2) – The Executive Committee approved the addition of girls softball (varsity, JV and freshman) to a cooperative program between these three schools of the same district that currently exists in boys and girls bowling, boys and girls swimming & diving and boys tennis. All three schools sponsored the sport previously, but Sexton and Eastern had low participation numbers in the past few years, and expect even lower numbers this spring due to COVID. The combined enrollment of 2,601 will continue placement of one team in the Division 1 tournament and drop two teams from Division 2. Eastern will be the primary school. Support from the Capital Area Activities Conference was submitted.

Muskegon-Orchard View and Muskegon-Western Michigan Christian High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program between these two schools in girls softball (varsity and JV). The combined enrollment of 843 students will continue placement of one team in the Division 2 tournament and drop one team from Division 3. Western Michigan Christian was in a cooperative program with Muskegon Catholic Central which has dissolved. Orchard View will be the primary school. Support from the Lakes 8 Activities Conference was submitted.

Novi Christian Academy and Southfield Christian High School (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys and girls soccer (varsity only) between these two schools whose 2021-22 combined enrollment will be 211 students. Novi Christian Academy will be the primary school for boys soccer; Southfield Christian will be the primary school for girls soccer. Support from the Michigan Independent Athletic Conference was submitted.

Clawson High School (Regulation I, Section 9) – On Feb. 24, 2021, the Executive Committee did not approve a request to waive the transfer regulation to permit eligibility on the 91st school day of enrollment made on behalf of an 11th-grade student who reenrolled at Clawson on Jan. 25, 2021 due to struggling academics, health concerns and resumption of friendships related to the COVID-19 pandemic. The student attended Clawson through the 8th grade before beginning the 9th grade at Royal Oak-Shrine where he participated in football during the 2020-21 season. The school submitted additional information including correspondence from the student's health care provider detailing the treatment plan and specific diagnosis, as well as a letter from the student.

The Executive Committee did not approve the request for waiver.

Davison High School (Regulation I, Section 9[F]) – A request to waive the transfer regulation to permit participation in the MHSAA Boys Basketball Tournament was made on behalf of an otherwise eligible 12th-grade student for whom an Educational Transfer Form was approved on Feb. 22, 2021 under Exception 12: an 18-year-old moving unaccompanied by a parent. The student previously attended Grand Blanc High School and enrolled in the Davison Alternative Education Program on Feb. 11, 2021.

The Executive Committee did not approve the request for waiver.

Martin High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who enrolled in an online school over Christmas break in late December 2020 and intends to reenroll at Martin this month. The student had participated in cross country last fall and attended Martin Schools his entire career. The student attended five days of in-person instruction at Martin this fall until the school closed due to contact tracing and quarantine. The student seeks participation in cross country in the fall of 2021-22.

The Executive Committee approved the request for waiver, provided the student enrolls at Martin High School by April 12, 2021.

Mendon High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who attended Mendon Schools through the 6th grade before enrolling at Vicksburg where his father was a teacher and the student participated in freshman football in the fall of 2020. The student was very often the only African-American athlete on his teams and was struggling both academically and socially. The student reenrolled at Mendon on Feb. 10, 2021.

The Executive Committee did not approve the request for waiver.

Saginaw-Heritage High School (Regulation I, Section 11) – A request to waive the amateur status regulation was made on behalf of a 12th-grade student who would like to participate in baseball this spring. While in the 11th grade in 2019-20, the student signed a professional contract and played ice hockey for the Saginaw Spirit of the Ontario Hockey League which has been shut down since March 2020. Interpretation 129 states that after once representing any MHSAA member school in competition in any MHSAA tournament sport, a student shall not be eligible to represent his or her high school if that student signs a professional athletic contract which involves monetary payment, valuable consideration or any other compensation in exchange for participation or endorsement. Agreements, contracts or rosters that simply indicate a commitment to play for a non-school team or in age-group events with no compensation or valuable consideration are not considered contracts and are not violations of MHSAA regulations.

The Executive Committee approved the request for waiver in baseball only for the 2020-21 school year only.

Holt High School (Regulation II, Section 10) – A request to waive the limitations on competition was made to allow students in boys lacrosse to participate in no more than six quarters per day and students in girls lacrosse to participate in no more than three halves in a day. The regulation would remain that no more than three games per week are allowed, Monday to Sunday.

The Executive Committee did not approve the request for waiver.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, April 21, 2021, at 9 a.m. in East Lansing (Audit & Finance Committee follows); Sunday, May 2, 2021, at 10:30 a.m. in Gaylord (Representative Council follows); and Wednesday, June 16, 2021, at 9 a.m. in East Lansing.