

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

Gaylord, May 6, 2018

Members Present:

Pete Ryan, Saginaw
Vic Michaels, Detroit
Kris Isom, Adrian
Sean Jacques, Calumet
Al Unger, Kingsford

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 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 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 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.

Cooperative Program Renewals (Regulation I, Section 1[F]) –

- a. Pursuant to instructions revised by the Representative Council in December 2006, the MHSAA staff identified Cooperative Team Renewal Forms that require Executive Committee review, including those involving Class A or B schools or three or more schools of any size which indicate large numbers of students trying out or being cut, or a significant win/loss record. All agreements include conference approvals. The Executive Committee approved the following renewal:
 - Midland and Midland-H. H. Dow High Schools in Boys and Girls Lacrosse for the 2018-19 school year only. This program must return to the Executive Committee for further consideration in May 2019.
- b. Pursuant to instructions of the Representative Council in 1997, the Executive Committee must review Cooperative Team Renewal Forms for cooperative agreements in boys bowling, girls bowling, girls golf and girls competitive cheer where the combined enrollment exceeds 1,000 students. These agreements were formed before these sports reached over 250 sponsoring schools. The Executive Committee approved the following programs for renewal:
 - Farmington and Farmington Hills-Harrison in Boys and Girls Bowling
 - North Farmington and Farmington Hills-Harrison in Girls Golf

(Note: Harrison High School will close at the end of the 2018-19 school year.)

Calumet, Dollar Bay and Lake Linden-Hubbell High Schools (Regulation I, Section 1[E]) – The Executive Committee approved the addition of Dollar Bay to a cooperative program between the other two schools in boys and girls bowling (varsity only). The combined 2018-19 enrollment of 491 students will continue placement of a team in the Division 3 tournament. Calumet will continue as the primary school. Support from the Upper Peninsula Bowling Conference was submitted.

Hancock, Dollar Bay, Lake Linden-Hubbell and Painsdale Jeffers High Schools (Regulation I, Section 1[E-1]) – In the summer of 2016, these schools prepared and completed an application for a subvarsity ice hockey cooperative agreement that did not reach the MHSAA and did not reach the Executive Committee. All boards approved the venture, and support was submitted by the league. The program operated for two seasons (2016-17 and 2017-18) without Executive Committee approval. The error was discovered this spring when the schools were attempting to renew the program, which was never initially approved. The original application was resubmitted. The combined enrollment of the four schools is 608 students. Support from the Great Lakes Hockey Conference was submitted.

Provided a violation of the enrollment regulation has been reported and all contests forfeited to opponents, the Executive Committee approved the cooperative program at the subvarsity level.

Kalamazoo Central, Kalamazoo-Loy Norrix and Kalamazoo-Phoenix High Schools Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Phoenix to a cooperative program in boys and girls lacrosse (varsity only) that currently exists between Kalamazoo Central and Loy Norrix. The combined enrollment of these three schools of the same district is 3,406 students. A team will continue in the Division 1 tournaments of both sports. Kalamazoo Central will continue as the primary school. Support from the Southwest Michigan Athletic Conference was submitted.

New Boston-Huron, Flat Rock and Taylor High Schools (Regulation I, Section 1[F]) – The Executive Committee approved the addition of Taylor to a cooperative program in girls swimming & diving (varsity only) which exists between New Boston-Huron and Flat Rock. The combined 2018-19 enrollment of 3,439 students will place a new team from the Division 2 tournament into Division 1. New Boston-Huron will continue as the primary school. Support from the Huron League was submitted.

Painesdale-Jeffers, Baraga, Chassell, Dollar Bay, Lake Linden-Hubbell, L'Anse and Ontonagon High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in ice hockey (varsity only) between seven schools whose combined enrollment is 946 students. This program combines two previously existing Division 3 tournament teams into one Division 3 team. Baraga and L'Anse were previously in a cooperative program and the other five schools in a separate program. Painesdale-Jeffers will be the primary school. Support from four future opponents was submitted.

Carleton-Airport High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose family could no longer provide transportation to her former school due to the father's travel for work and the mother's upcoming surgery. The student has lived in the Airport School District but was enrolled at Flat Rock High School. The student enrolled at Airport on April 30, 2018. The student previously participated in athletics at Flat Rock.

The Executive Committee did not approve the request for waiver.

Gladwin High School (Regulation I, Section 9[E]) – A request was made to set aside the decision of the executive director that an 11th-grade student's transfer from Harrison to Gladwin to begin the second semester of the 2017-18 school year was primarily for athletic reasons and that the student will be ineligible for 180 school days at Gladwin. The student participated in volleyball for three seasons and basketball for two seasons and is currently ineligible under Section 9(A) as the student did not meet one of the stated exceptions.

The Executive Committee affirmed the decision that the transfer was primarily for athletic reasons pursuant to the facts and the wording of Section 9(E).

Laingsburg High School (Regulation I, Section 9[D]) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who previously attended DeWitt, played JV soccer and enrolled at Laingsburg on March 12, 2018 for social, emotional and academic reasons. The student was uncomfortable with students at the larger school since the 7th grade and his grades and self-esteem were suffering. Since enrolling at the new, smaller school, the student has had a turnaround including good behavior, perfect attendance and A's in five of six classes. If immediate eligibility is not granted, the school requested eligibility on the 91st school day of enrollment.

The Executive Committee approved the request for waiver following the student's 90th scheduled school day of enrollment at Laingsburg High School beginning March 12, 2018.

Saginaw-Heritage High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 9th-grade student who attended Saginaw Arts and Sciences Academy and whose mother is employed as a teacher in the same school district. The student posted on social media a threat against her twin brother which was later found to be an empty threat between siblings. The student was suspended and expulsion was being considered. The student played volleyball at her former school and likely will play subvarsity volleyball at Heritage, a much larger school. The student lives in the Heritage School District and enrolled on April 4, 2018.

The Executive Committee did not approve the request for waiver.

Holland-Harbor Lights, Macatawa Bay and Corpus Christi Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of Corpus Christi to a cooperative program in boys and girls swimming & diving (7th- and 8th-grade level combined) which exists between the other two schools of the same district. Harbor Lights will continue as the primary school. All schools are MHSAA members.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, June 13, 2018, at 9 a.m. in East Lansing; Thursday, Aug. 2, 2018, at 9 a.m. in East Lansing; Wednesday, Aug. 22, 2018, at 9 a.m. in East Lansing; Wednesday, Sept. 5, 2018, at 8:30 a.m. in East Lansing; Wednesday, Oct. 3, 2018, at 8:30 a.m. in East Lansing; Wednesday, Oct. 31, 2018, at 8:30 a.m. in East Lansing; Thursday, Nov. 29, 2018, at 1:30 p.m. in East Lansing (Representative Council meeting next day); and Wednesday, Jan. 9, 2019, at 1 p.m. in East Lansing (following Classification Committee meeting); Wednesday, Feb. 20, 2019, at 8:30 a.m. in East Lansing (Audit & Finance Committee meeting follows); Thursday, March 21, 2019, at 9 a.m. in Grand Rapids (TBD) (Representative Council meeting next day); Tuesday, April 23, 2019, at 8:30 a.m. in East Lansing (Audit & Finance Committee meeting follows); Sunday, May 5, 2019, at 10:30 a.m. at a site to be determined (Representative Council meeting follows); and Wednesday, June 12, 2019, at 9 a.m. in East Lansing.