

MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

EXECUTIVE COMMITTEE MEETING

East Lansing, September 10, 2020

Members Present:

Scott Grimes, Grand Haven
Steve Newkirk, Clare
Vic Michaels, Detroit
Kris Isom, Adrian
Eric Albright, Midland

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.

Grand Rapids-Kenowa Hills, Fruitport, Greenville and Kent City High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Greenville and Kent City to a cooperative program in ice hockey that has existed between the other two schools and Fremont, which has withdrawn from the program. The combined enrollment of 3,179 students will place a new team in the Division 1 tournament. Kenowa Hills will continue as the primary school. Support from the OK Conference was submitted.

Jenison, Allendale and Zeeland West High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Allendale to a cooperative program in ice hockey (varsity only) between the other two schools. The combined enrollment of 3,345 students will continue placement of a team in the Division 1 tournament. Previously, Jenison was in an agreement with Zeeland East and West. Zeeland East has left the program. Allendale was in a cooperative program with Hudsonville and Hudsonville-Unity Christian, and Allendale has left that program. Jenison will continue as the primary school. Support from the OK Conference was submitted.

Sandusky, Bad Axe, Croswell-Lexington, Deckerville, Elkton-Pigeon-Bay Port Laker, Marlette, Peck and Ubly High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved the addition of Peck to an ice hockey cooperative program (varsity only) that has existed among the other seven schools since 2018. The combined enrollment of 2,260 students will continue placement of a team in the Division 2 tournament. Ubly was the primary school but Sandusky is now the primary. Support from the Greater Thumb Conference was submitted.

Memphis High School (Regulation I, Section 2) – On Aug. 5, 2020, the Executive Committee did not approve a request to waive the age regulation because the documentation submitted did not indicate that the student had the condition or disability at the time the waiver was requested. An additional medical letter was submitted indicating that the student's disabilities continue. The student is a 19-year-old 12th-grader (DOB Aug. 4, 2001). In 2013 (5th grade), the student was diagnosed with a medical condition as well as a learning disability. The student was under treatment and medication, and left Armada Middle School to attend Imlay City Christian School where he repeated the 5th grade. The student began the 9th grade at Memphis, participated in football for three years, is 5'11" tall, and weighs 175 lbs. The student's birthdate is 28 days from Sept. 1 and he has limited impact in football. The student does not appear to present a significant risk of injury to himself, teammates or opponents, or create a competitive advantage in comparison to teammates and opponents.

The Executive Committee approved the request for waiver.

Allen Park-Cabrini High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who enrolled at Cabrini to begin the 2020-21 school year, preferring in-person to online learning, on which the former school was yet to determine. The student attended Allen Park High School and participated in 9th-grade football and basketball.

The Executive Committee did not approve the request for waiver.

Bloomfield Hills-Marian High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (closest nonpublic school) was made on behalf of an 11th-grade student who previously attended Detroit-Communication Media Arts and made a full and complete residential change from Detroit to Southfield. Detroit Country Day is the closest nonpublic school to the new home but the entire family is Catholic and Marian is the closest Catholic school to her residence.

The Executive Committee approved the request for waiver.

Brimley High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 74 (practicing with another school in August) was made on behalf of an incoming 9th-grade student who practiced four days of football with Rudyard (Aug. 10-13, 2020) before the student reenrolled at Brimley. The student attended Rudyard previously and is a Brimley resident. He is enrolling at Brimley because his brother is having surgery, will also be enrolling at Brimley, and the family does not want to expose the students to two school communities due to COVID-19.

The Executive Committee approved the request for waiver at the subvarsity level in football.

Brimley High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who is having surgery in October and is concerned about being exposed to two school communities. The student is hearing impaired in both ears. His 9th-grade brother is also enrolling at Brimley to begin the 2020-21 school year. The student is a Brimley resident who attended Rudyard and played basketball and baseball in the 10th grade.

The Executive Committee did not approve the request for waiver.

Brownstown-Woodhaven High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student whose mother and stepfather's filing for divorce is being delayed by the court closing due to the COVID-19 pandemic. Living conditions with the stepfather in Taylor were such that the student and his mother moved into the home of an aunt in Woodhaven in the winter of 2020; enrolling at Woodhaven on Feb. 2, 2020. The student played football for Riverview during the 2019-20 school year. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

Cadillac High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who is reenrolling at Cadillac after 10 school days (Aug. 24-Sept. 4, 2020) in online attendance while living with his father in Hobart, Indiana. Over the summer, the student and father moved to Indiana while the mother and sister remained in Cadillac. The student attended Cadillac for the 8th and 9th grades and played football. He participated in practices only while in Indiana.

The Executive Committee approved the request for waiver.

Dryden High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who was diagnosed with a learning disability in 2011 and whose former school, Romeo, is only offering eight hours of in-person instruction per week. The student will face many challenges in virtual learning and needs a traditional school environment. The student participated in JV basketball at his former school in 2019-20 and is enrolling at Dryden to begin the 2020-21 school year. Support for eligibility was submitted by the former school.

The Executive Committee did not approve the request for waiver.

Gaylord High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who is reenrolling at Gaylord after two days (Aug. 31-Sept. 1) in attendance at Johannesburg-Lewiston where he did not participate in athletics. The student attended Gaylord his entire career and played football in 2019-20. He will be enrolling at Gaylord to begin the 2020-21 school year.

The Executive Committee approved the request for waiver.

Grosse Pointe Woods-University Liggett High School (Regulation I, Section 9) – On Aug. 25, 2020, the Executive Committee did not approve a request to waive the transfer regulation on behalf of an 11th-grade student who previously attended Warren-De La Salle Collegiate and participated in football and basketball during the 2019-20 school year. The student underwent bullying and harassment (cyber and in-person). The student's father is a school employee who has been targeted by some regarding an incident highly publicized in October 2019. Many harassing social posts were collected and the father has been the subject of threats and negative comments from students and others. Support for eligibility was submitted by the former school principal, a teacher/coach and a parent/alumnus. The school submitted significant additional information, including that the student was diagnosed in May 2020 with medical conditions related to the incidents and continues therapy.

The Executive Committee approved the request for waiver.

Johannesburg-Lewiston High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who was the subject of bullying while a student at Gaylord where he played 9th-grade football. The student enrolled to begin the 2020-21 school year in part because he felt threatened at the former school and desired a safer situation in a smaller, more rural school due to COVID-19 issues. The student's older 11th-grade brother also attended Johannesburg-Lewiston for two days this fall before reenrolling at Gaylord.

The Executive Committee did not approve the request for waiver.

Manistique High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who attended Manistique since the 8th grade except for five days (Aug. 31-Sept. 4) when he was enrolled at Cooks-Big Bay de Noc in online classes. He participated in football previously at Manistique and no athletics at Big Bay de Noc.

The Executive Committee approved the request for waiver.

Marshall High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who has moved from his mother's home in Missouri to the home of an aunt and uncle in the Marshall School District. Two half-siblings have relocated from the mother's home to the father, who has recently been released from prison and is unable to care for this student. The mother struggles physically, emotionally and financially due to her disability and medical conditions and is no longer able to care for the children.

The Executive Committee approved the request for waiver.

Muskegon-Mona Shores High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who participated in soccer and basketball at Mona Shores during the 10th grade before enrolling at Fruitport-Calvary Christian in February 2020 where he had no sports participation. The student's parents were recent foreign missionaries and wanted the student to attend a faith-based school. The student was in actual attendance for six weeks before COVID-19 shut down all schools. The student is reenrolling at Mona Shores to begin the 2020-21 school year to participate in soccer with former classmates.

The Executive Committee approved the request for waiver.

Saginaw-Heritage High School (Regulation I, section 9) – A request to waive the transfer regulation was made on behalf of a 10th-grade student who lives with her parents and an older brother who has an autoimmune disorder that makes him susceptible to COVID-19. The student previously attended Saginaw-Valley Lutheran and played volleyball. Valley Lutheran is only offering in-person learning. The student is enrolling at Heritage to begin the 2020-21 school year to receive her education virtually for the first semester to mitigate the risk of COVID-19 from reaching their household. The family resides in the Heritage School District.

The Executive Committee did not approve the request for waiver.

Stockbridge High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12th-grade student who has moved from her divorced father's home to her mother's home, both of which are located within the Stockbridge School District. The student previously attended Fowlerville and participated in volleyball. The commute to Fowlerville from the mother's home is 28 minutes versus eight minutes to Stockbridge High School. The student begins each day at the Wilson Talent Center in Mason, compounding the driving time for the student.

The Executive Committee did not approve the request for waiver.

Vestaburg High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an 11th-grade student who has several medical conditions and has been residing with his paternal grandparents while attending Westland-John Glenn. His grandfather died suddenly in October 2019 and the student finished the school year participating in football and basketball. Over the summer, the student moved to Vestaburg to live with his maternal grandparents. The mother has been involved with the student but he has struggled academically and behaviorally without a reliable male role model in his life. The student has not lived with his mother for the past five years. Support for eligibility was submitted by the former school.

The Executive Committee approved the request for waiver.

White Lake-Lakeland High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of 10th- and 11th-grade sisters whose family business and income was impacted by COVID-19. The family cannot afford the tuition for two students to continue to attend Bloomfield Hills-Marian. The students participated in volleyball, skiing, field hockey and softball at Marian and enrolled at Lakeland to begin the 2020-21 school year.

The Executive Committee did not approve the request for waiver.

New Member School – Pursuant to the MHSAA Constitution adopted by member schools and according to procedures for MHSAA membership adopted by the Representative Council on March 27, 1997, the Executive Committee approved membership for the following school:

Detroit-Skills and Trade Preparatory High School is a nonpublic tuition-based coed school opening as a new school on Sept. 8, 2020, with 39 students in grades 9-12. The school offers a curriculum supported by EdOptions Career Academy for online learning and in-person classes with a stated mission to develop trade skills and job training. The school is housed in the historic Franklin Wright Settlement Community Center using the fourth floor of a multi-story structure for classes and labs. The facility has a three-lane bowling facility in the basement, a gymnasium, auditorium and outdoor grounds suitable for practice and competition. The school intends to field a varsity boys bowling team and varsity boys basketball team. An Athletic Department Code of Conduct was submitted. A signed 2020-21 Membership Resolution and Preliminary Classification Form were received on July 29, 2020. If a 2021-22 Membership Resolution is received prior to Oct. 1, 2021, and all other regulations are followed, the school will be eligible for MHSAA tournaments for the 2021-22 school year.

Fall Tournament Formats – The staff shared concepts for MHSAA fall tournaments (except football) that will change the format and structure of tournaments in some sports.

The Executive Committee approved modification to the **Girls Golf Tournament** that limits the size of the field to previously set limits of 72. The top 2 Regional teams by score, and 2 individuals not on qualifying teams advance to the Finals. The Finals will be a one-day 18-hole event at MSU's Forest Akers courses with 12 teams per division, held on Friday and Saturday, Oct. 16 and 17, two divisions per day.

The Executive Committee approved preliminary plans for **Cross Country Regional and Final Tournaments** that are not ready for action. Consideration was given to adding a District round in cross country to be held the week of Oct. 19 with Regionals as scheduled the week of Oct. 26. The District round of 7-9 teams would provide 70 racers, which is within current limits. Consideration was also given to holding Finals on multiple days (Wednesday-Saturday) at Michigan International Speedway, to reduce the number of participants. Many issues continue, including spectators.

The Executive Committee approved modifications to the **Boys Tennis Tournament** that created a team format and replaced the Regional with a Team District round of 4-5 teams based on team seed and draw. Team Districts will be hosted by the top seeded teams. Team District dates are Wednesday-Saturday, Oct. 7-10, 2020. The top team from each Team District qualifies to the final round on Oct. 15-17. An individual final event for #1 Singles will be held on Oct. 22, 23 or 24, based on submission and seeding by the Tennis Seeding Committee.

Future Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Sept. 30, 2020, at 9 a.m. in East Lansing; Wednesday, Nov. 4, 2020, at 9 a.m. in East Lansing; and Thursday, Dec. 3, 2020, at 1 p.m. in East Lansing (Representative Council Next Day).