

# MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

## EXECUTIVE COMMITTEE MEETING

Virtual, April 19, 2023

### Members Present:

Scott Grimes, Grand Haven  
John Thompson, Brighton  
Vic Michaels, Detroit  
Sean Jacques, Calumet  
Fred Smith, Bangor

### Staff Members Present:

Cody Inglis  
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.

Ellsworth and Central Lake High Schools (Regulation I, Section 1[E]) – The Executive Committee approved a cooperative program in boys and girls cross country (varsity only) between these schools. The combined enrollment of 160 students will place the combined team in Division 4, removing one school from that division. Ellsworth will be the primary school. Support from the Northern Lakes Conference was submitted.

Hastings and Delton Kellogg High Schools (Regulation I, Section 1[F-1]) – The Executive Committee approved a cooperative program in boys and girls swim & dive (varsity and JV) between these schools, which just dissolved a cooperative agreement with Thornapple Kellogg in Division 1. The combined enrollment of 1,078 students will place the combined team in Division 2. Hastings will be the primary school. Support from the Southwestern and Central Michigan Swimming and Diving Conference was submitted.

Leslie High School (Regulation I, Section 4) – A request to waive the maximum enrollment rule of the eligibility regulation was made on behalf of a current 12<sup>th</sup>-grade student at Leslie. The student receives academic special education services and, after a transfer during his sophomore year along with Covid learning restrictions, the student fell behind academically and will need to take a full academic year of classes in the 2024-2025 school year. This would be his fifth year of high school. The school request was for eligibility in all athletics.

The Executive Committee did not approve the request for waiver as the request does not meet the criteria in Regulation I, Section 4.

Clinton Township-Chippewa Valley High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of an incoming 10<sup>th</sup>-grade student that transferred from Macomb-Lutheran North at the start of the 2022-23 school year. The student desired to enroll in a vocational technology curriculum which is not an option at Lutheran High North. While at Lutheran High North, the student competed for the JV golf team as a 9<sup>th</sup> grader. The new school asked for immediate eligibility at Chippewa Valley to play golf.

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 for a 10<sup>th</sup>-grade student who transferred to Gaylord from Gaylord St. Mary's. The student competed in baseball at St. Mary's as a 9<sup>th</sup> grader. While at the former school, the student experienced depression and anxiety symptoms related to his father's death that required medical help. The student's family could no longer afford to send him to St. Mary's. Gaylord requested immediate eligibility in baseball.

The Executive Committee did not approve the request for waiver.

Kingsley 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 who transferred to Kingsley from Cadillac. The student competed in varsity volleyball and JV soccer at Cadillac before transferring to Kingsley in December 2022. While at the former school, the student experienced negative interactions with her peers resulting in health issues. The student has attended counseling and therapy to help them cope, and the new start has helped in this process. The student is participating in track this spring at Kingsley. Kingsley requested immediate soccer eligibility this spring and volleyball next fall. A letter of support from the student's medical provider was provided.

The Executive Committee did not approve the request for waiver.

Macomb-L'Anse Creuse North 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 who participated in lacrosse at L'Anse Creuse North. The student transferred to an online school, unassociated with L'Anse Creuse North, in October 2022 to help with safety issues. He then reenrolled at L'Anse Creuse North at the start of the second semester in January 2023. The school asked for immediate eligibility in lacrosse for the student. Documentation of the police report related to the safety issues was supplied.

The Executive Committee approved the request for waiver.

Traverse City–St Francis High School (Regulation I, Section 9) – A second request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who participated in cross country and track at Benzie Central. The family transferred two brothers from Benzie Central to St. Francis at the start of the 2022-23 school year after threats and harassment were allegedly committed against the brothers' younger sister at co-ed track practice. The threats were looked into by the school district but not officially investigated. The family did not believe the former school handled the situation appropriately and the failure to investigate the harassment claims have led to the family pulling the students from the district and enrolling them at St. Francis. New information included the results of the Title IX investigation that the family initiated against Benzie Central in addition to a letter from a therapist that the student is now working with to battle depression and anxiety related to the incident and subsequent transfer. The second request was for immediate eligibility for the track season for the 12<sup>th</sup> grade brother and not for the 11<sup>th</sup> grade student-athlete.

The Executive Committee did not approve the request for waiver.

Waterford-Mott High School (Regulation I, Section 9) – A request to waive the transfer regulation was made for an 11<sup>th</sup>-grade student who transferred to Waterford-Mott from Waterford-Kettering within the same district. The student competed in girls basketball while at Kettering. While at the former school, the student experienced conflicts with other students and desired a change. The Kettering principal provided a letter about the transfer. Mott is requested immediate eligibility in girls basketball after 90 scheduled school days according to Section 9 (B-3) of Regulation I of the MHSAA Handbook.

The Executive Committee did not approve the request for waiver.

Northern Lights League (Regulation II, Section 10) – A request was made on behalf of this league which must use several alternative traveling methods. Given these circumstances, the schools of this league wish to play multiple competitions in a day; the maximum allowed number would be double the published allowed *Handbook* limits (e.g., two basketball games). The members of this league are Beaver Island, Brimley-Ojibwe Charter, Cooks-Big Bay de Noc, Grand Marais-Burt Township, Hannahville-Nah Tah Wahsh, Kinross-Maplewood Baptist, Mackinac Island, Wetmore-Munising Baptist and Paradise-Whitefish Township. Executive Committee approved this request in June of 2022 for the 2022-23 school year. The new request was for a three-year waiver to be approved.

The Executive Committee approved the request for waiver for the 2023-24 school year. This request must be made annually.

Pewamo-Westphalia, Pewamo-St Joseph and Westphalia-St Mary's Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved a cooperative program in boys and girls cross country (6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grades combined) for these schools beginning in 2023-24 school year. Pewamo-Westphalia will be the primary school.

Archdiocese of Detroit-Catholic High School League (Football Classification) – A request was made to opt-up a new member school to the CHSL from Ohio, Toledo Central Catholic in football from a “normal” MHSAA classification in Football Division 5 to Division 2 due to scheduling challenges. Toledo Central Catholic was placed in the CHSL Central Division with MHSAA member schools that are Division 1 or 2 schools for MHSAA Football Division purposes. Toledo Central Catholic's Football division will impact each of those MHSAA member schools' playoff point averages in MHSAA Football. Under the newly adopted opt-up policy for football, this request was made to the Executive Committee for approval.

The Executive Committee approved the request for the 2023-24 and 2024-25 school years.

Orchard Lake-St Mary's Preparatory High School (Football Classification) – A request was made to opt-up in football from Division 4 to 2 due to challenges in scheduling competitive teams. If Division 2 can't be granted, the school requested an opt-up to Division 3. Under the newly adopted opt-up policy for football, this request was made to the Executive Committee for approval.

The Executive Committee approved the request for the 2023-24 and 2024-25 school years.

Warren-DeLaSalle Collegiate High School (Football Classification) – A request was made to opt-up in football from Division 3 to Division 2 due to scheduling challenges. DeLaSalle anticipated being in Division 2 when scheduling opponents for the 2023 football season and would like to honor those agreements. Under the newly adopted opt-up policy for football, this request was made to the Executive Committee for approval.

The Executive Committee approved the request for the 2023-24 and 2024-25 school years.

Whitehall High School (Football Classification) – A request was made to opt-up in football from Division 5 to Division 4 due to scheduling challenges. Whitehall anticipated being in Division 4 when scheduling opponents for the 2023 football season and would like to honor those agreements. Under the newly adopted opt-up policy for football, this request was made to the Executive Committee for approval.

The Executive Committee approved the request for the 2023-24 and 2024-25 school years.

Next Meetings – Friday, May 5 at 9 a.m. – Virtual; Thursday, June 15 at 9 a.m. – Virtual; Monday, Aug. 7 at 9 a.m. – Virtual; Tuesday, Aug. 22 at 9 a.m. – Virtual; Thursday, Sept. 7 at 9 a.m. – Virtual; Thursday, Oct. 5 at 9 a.m. – Virtual; Wednesday, Nov. 1 at 9 a.m. – Virtual; Thursday, Nov. 30 at 2 p.m. in East Lansing (Representative Council meets the next day)