

# MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

## EXECUTIVE COMMITTEE MEETING

East Lansing, January 9, 2019

### Members Present:

Scott Grimes, Grand Haven  
Pete Ryan, Saginaw  
Vic Michaels, Detroit  
Al Unger, Kingsford  
Alvin Ward, Detroit

### 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 Ledge, DeWitt, East Lansing, Eaton Rapids, Holt, Lansing Catholic, Mason and Perry High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved a cooperative program at the subvarsity level only in ice hockey between these eight schools whose combined enrollment is 8,231 students. Subvarsity programs have no deadline but must meet all other criteria. This application was based on inadequate participation numbers. The eight schools are all part of other varsity level cooperative programs in the Capital Area Activities Conference. Grand Ledge will be the primary school. Support from the Capital Area Activities Conference was submitted.

St. Joseph-Lake Michigan Catholic and Benton Harbor-Countryside Academy High Schools (Regulation I, Section 1[E-1]) – The Executive Committee approved the addition of 8-player football (varsity and JV) to a cooperative agreement in baseball, softball and girls soccer which exists between these two schools with a combined enrollment of 261 students. The program is in excess of the 8-player tournament enrollment cap and the team will not be eligible for the MHSAA tournament. The schools were also in a cooperative program in 11-player football, which will dissolve. Lake Michigan Catholic will be the primary school. Support from the BCS Conference was submitted.

Beverly Hills-Detroit Country Day High School (Regulation I, Sections 4 & 5) – A request to waive the maximum enrollment and competition portions of the eligibility regulation was made on behalf of a 12<sup>th</sup>-grade student who began the 9<sup>th</sup> grade in 2014-15 at Novi-Detroit Catholic Central. During the 2014-15 school year, the student received credit in both semesters and participated in football and was injured early in the lacrosse season. The student also experienced other health issues during that school year and missed over 25 percent of his classes during that year at Detroit Catholic Central. The student enrolled at Detroit Country Day for the 2015-16 school year and repeated the 9<sup>th</sup> grade because the academic foundation was missing.

The Executive Committee did not approve the request for waiver.

Bloomfield Hills-Brother Rice 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 a 10<sup>th</sup>-grade student who is a ward of the court, eligible under Exception 3, placed in foster care with a great aunt who resides in Southfield. Brother Rice is not the closest nonpublic school to the student's new residence but is the closest Catholic high school. The student previously attended Cesar Chavez Academy since the 9<sup>th</sup> grade while residing in a Catholic residential facility in Detroit. The student's mother who died in December 2016 is Catholic, as is the student. The student's father is incarcerated. It was the mother's wish that the student attend a Catholic high school.

The Executive Committee approved the request for waiver.

Dearborn-Divine Child High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who attended Divine Child for the 9<sup>th</sup> grade before the family abruptly relocated to Florida in August 2018 because of the father's employment. The mother and student returned to Michigan and the student reenrolled at Divine Child on Jan. 7, 2019. The father remains in Florida with his new job and plans on returning to Michigan during the summer. The student will be participating in junior varsity competitive cheer.

The Executive Committee approved the request for waiver.

Ferndale High School (Regulation I, Section 9[F]) – A late request to set aside the 180 days of ineligibility in boys basketball was made on behalf of three students who played basketball at East English Village in 2017-18, and whose former coach was hired at Ferndale in March 2018. The residential changes of three former East English basketball players into Ferndale were not full and complete near the time of enrollment and the athletic related transfer regulation (links rule) resulted in 180 days of ineligibility. The school had reported that the residential changes, and the timing of those residential changes, were inconclusive. Section 9(A) states, in part, “Even if the student’s circumstances subsequently satisfy one of the exceptions of Section 9(A) that would normally allow a transfer student immediate eligibility, the student shall remain ineligible for 180 scheduled school days at the MHSAA member school in the sport(s) involved.” The school requested that because there was no finding of undue influence, these three students who enrolled to begin the school year and subsequently moved into Ferndale be considered eligible and the 180 days of ineligibility not be applied.

The Executive Committee did not approve the request for waiver.

Marcellus High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who previously attended Three Rivers before enrolling at Marcellus on Sept. 4, 2018. The student was struggling academically and experienced some harassment at his former school.

The Executive Committee did not approve the request for waiver.

Ovid-Elsie High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student who attended Ovid-Elsie Schools since the 5<sup>th</sup> grade except for one month this fall when the student’s father relocated the student to Mason where he began living with the father’s girlfriend. The student enrolled at Mason on Sept. 12, 2018, participating in one JV cross country meet. On Oct. 12, 2018, the student’s stepmother was contacted by the father to pick the student up as the father and girlfriend were breaking up and the student would have nowhere to live. The student reenrolled at Ovid-Elsie on Oct. 16, 2018, and has not participated in athletics since that time. The student runs cross country and wrestles. Support for eligibility from the former school was submitted.

The Executive Committee approved the request for waiver.

Pittsford High School (Regulation I, Section 9) – A request to waive the transfer regulation and specifically Interpretation 62 (public school of residence) was made on behalf of an 11<sup>th</sup>-grade student who moved from his divorced mother in Jonesville to his father’s home in Hudson. The other children in the household have attended Pittsford Schools for many years. An otherwise completed Educational Transfer Form was submitted.

The Executive Committee approved the request for waiver.

Pontiac 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 whose father made the decision to have his son move into his older brother’s home in Pontiac because of an abusive situation and poor living conditions while a student at Waterford Mott. The student enrolled at Pontiac on Oct. 18, 2018.

The Executive Committee did not approve the request for waiver.

Portage Northern 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 experienced emotional and health problems stemming from the death of a wrestling teammate killed in a car crash. The student was supposed to be traveling with him and was traumatized by the tragedy, resulting in poor grades and behavior at his former school, Portage Central. As a result, the student has been dealing with medical issues. The student enrolled in an online school to begin the 11<sup>th</sup> grade and seeks to enroll to begin the second semester of 2018-19 at Portage Northern, a school of the same district, to not trigger bad memories. The school district is permitting the intra-district transfer. Support for eligibility from the former school was submitted.

The Executive Committee approved the request for waiver.

Richland-Gull Lake High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who experienced social issues stemming from troublesome relationships over the summer of 2017-18. The issues resulted in medical problems and unhealthy behaviors. The student began seeing a therapist, seemed to be progressing, and returned for the 2018-19 school year at Portage Central where she had participated in several sports, including soccer. After six weeks, the social issues were not resolved and the student was digressing. The decision was made to change schools and the student enrolled at Gull Lake on Oct. 29, 2018. The student is not a standout player but wants to be part of a team. Support for eligibility was submitted by her former school.

The Executive Committee approved the request for waiver.

Rock-Mid Peninsula High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 12<sup>th</sup>-grade student who was enrolled in an early college program at Gladstone High School during the 2017-18 school year. Gladstone's and Rapid River's involvement with the early college program was discontinued by the Department of Education at the end of the 2017-18 school year. The Department of Education contacted the MHSAA and the plan was to submit waiver requests for athletes who wanted to continue in the early college program at another school and play athletics. The early college program was activated at Rock-Mid Peninsula, but because this student had not previously played athletics, no request was made at that time.

The Executive Committee approved the request for waiver.

Romeo High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 10<sup>th</sup>-grade student whose family moved into the Romeo School District in October 2015 when the student was in the 7<sup>th</sup> grade and her brother was in the 10<sup>th</sup> grade. Both students continued to attend Almont Schools rather than have children in two different school districts. The brother graduated in June of 2018 and the student seeks to enroll at Romeo, her school of residence, to begin the second semester of 2018-19. The student has been dealing with issues since middle school, which have affected the student emotionally and impacted her in other ways. The Executive Committee cited a similarity to Interpretation 66.

The Executive Committee approved the request for waiver.

Roscommon High School (Regulation I, Section 9) – A request to waive the transfer regulation was made on behalf of a 17-year-old 11<sup>th</sup>-grade student whose father died four years ago and has aged out of foster care. The student's mother has not been part of his life. The student and his brother have been split up and the student has lived in four states and four Michigan school districts in the past four years. The student began the 2018-19 school year living with a foster family in Roscommon County and attended Immanuel Baptist School. A host family, not in the foster care system, in the adjoining Crawford County, has taken the student. Both homes are within the Roscommon School District. The student enrolled at Roscommon on Jan. 4, 2018.

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 an 11<sup>th</sup>-grade student who attended Heritage for the 9<sup>th</sup> and 10<sup>th</sup> grades while living with an aunt and uncle. In August 2018, the student attempted to live with his mother and enrolled at Wyoming-Kelloggsville for the start of the 11<sup>th</sup> grade. Seeking employment, the mother has since moved to a residence in a part of Saginaw that is not considered a proper environment for the student. The student has returned to the same home, people and school where he lived for the previous two years.

The Executive Committee approved the request for waiver.

Waterford Mott 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 previously attended West Bloomfield and enrolled at Waterford Mott to begin the 2018-19 school year. As residents of the Waterford Mott attendance area, the drive to West Bloomfield was difficult on the family. The student has enrolled at Waterford Mott in part because of its STEM program, which has limited availability.

The Executive Committee did not approve 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 9<sup>th</sup>- or 10<sup>th</sup>-grade students (after entering 9<sup>th</sup> grade, before completing 10<sup>th</sup> 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
Adrian	9	Gibraltar-Carlson	Dec. 4, 2018	Remainder of 18-19 school year
Alanson-Littlefield	10	East Kentwood	Dec. 3, 2018	Remainder of 18-19 school year
Belleville	9	Ypsilanti-Arbor Prep	Nov. 26, 2018	Remainder of 18-19 school year
Bellevue	10	Battle Creek-Lakeview	Nov. 16, 2018	Remainder of 18-19 school year
Berkley	9	Detroit Country Day	Dec. 14, 2018	Remainder of 18-19 school year
Bloomingtondale	10	Gobles	Oct. 29, 2018	Remainder of 18-19 school year
Colon	9	Tekonsha	Nov. 28, 2018	Remainder of 18-19 school year
Hamilton	9	Holland-Calvary	Jan. 7, 2019	Remainder of 18-19 school year
Hesperia	9	St. Johns	Nov. 27, 2018	Remainder of 18-19 school year
Jackson-Lumen Christi	9	Grass Lake	Oct. 22, 2018	Remainder of 18-19 school year
Morrice	9	Michigan Connections Academy	Oct. 2, 2018	91 <sup>st</sup> school day of enrollment

Requesting High School	Grade	Former High School	Date of Enrollment	Length of Subvarsity Eligibility Status
Scottville-Mason County Central	9	Ludington	Nov. 16, 2018	Remainder of 18-19 school year
Wyoming-Kelloggsville	10	East Kentwood	Sept. 2018	Jan. 21, 2019
Wyoming-Kelloggsville	10	Kentwood-Grand River Prep	Sept. 2018	Jan. 21, 2019

Novi-Detroit Catholic Central High School (Regulation I, Section 12[C]) – A request was made on behalf of a 12<sup>th</sup>-grade student to waive the provision of the Limited Team Membership regulation that permits participation in one all-star event without loss of eligibility in other sports under certain conditions. The school notified the MHSAA on Dec. 3, 2018 that the student would be participating in a football all-star game in Texas on Dec 17, 2018. The regulation states, “Participation is approved by the student’s high school principal, and the MHSAA is notified in writing by the principal at least 30 calendar days prior to the event.” The student has no history of participation in skiing but informed the school late that he would like to join the ski team.

The Executive Committee approved the request for waiver.

Edwardsburg High School (Regulation II, Section 11(H)) – A request to waive the four-player limitation was made on behalf of the varsity girls volleyball coach who is also an 18U club volleyball coach with six players from Edwardsburg on her club team. Five of the students are graduating seniors who aspire to play college volleyball. The coach was the Edwardsburg coach for seven years before stepping down in 2012 and she continued to coach the club team. In 2017, the Edwardsburg job came open and this coach was rehired. If the waiver is approved, the coach would adhere to the four-player limit in the future.

The Executive Committee did not approve the request for waiver for this coach.

Muskegon-Western Michigan Christian and Muskegon Christian Middle Schools (Regulation III, Section 1[D]) – The Executive Committee approved the addition of girls volleyball and girls basketball (6<sup>th</sup>-grade only teams) to a cooperative agreement that exists in boys and girls soccer between these two member middle schools. Both schools sponsored these sports previously. Western Michigan Christian will be the primary school.

Next Meetings – The next meetings of the Executive Committee are scheduled for Wednesday, Feb. 20, 2019, at 8:30 a.m. in East Lansing (Audit and Finance Committee meeting follows); Thursday, March 21, 2019, at 10 a.m. in Grand Rapids (Representative Council meets the following day in Grand Rapids); Tuesday, April 23, 2019, at 8:30 a.m. in East Lansing (Audit and Finance Committee meeting follows); Sunday, May 5, 2019, at 10:30 a.m. in Gaylord (Representative Council meeting at 1 p.m.); and Wednesday, June 12, 2019, at 9 a.m. in East Lansing.