



***REPRESENTATIVE
COUNCIL MEETING
MAY 6-7, 2012***

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MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION, INC.

REPRESENTATIVE COUNCIL MEETING

Gaylord, May 6-7, 2012

Members Present:

Jim Derocher, Negaunee
Scott Grimes, Grand Haven
Vic Michaels, Detroit
Bill Chilman, Beal City
Ken Dietz, Watervliet
Kris Isom, Adrian
Carmen Kennedy, St. Clair Shores
Maureen Klocke, Yale
Karen Leinaar, Bear Lake
Jason Mellema, Pewamo-Westphalia
Steve Newkirk, Clare
Pete Ryan, Saginaw
Fred Smith, Buchanan
Paula Steele, Perry
John Thompson, Brighton
Al Unger, Kingsford
Alvin Ward, Detroit
Mark Woodson, Romulus

Member Absent:

Kyle Guerrant, Lansing

Staff Members Present:

Randy Allen
Andy Frushour
Nate Hampton
John Johnson
Gina Mazzolini
Tom Rashid
Jack Roberts (Recorder)
Mark Uyl
Kathy Westdorp
Karen Yonkers

Accounts of Meetings – Motion by Steve Newkirk, supported by Kris Isom, to approve the minutes of the Representative Council meeting of March 23, 2012; and the Executive Committee meeting minutes of March 22 and April 25, 2012; as well as the oral report of the Upper Peninsula Athletic Committee meeting of April 20 presented by Jim Derocher and Al Unger. Adopted.

REPORTS

Administration – MHSAA membership during the 2011-12 school year was 763 high schools and 768 junior high/middle schools as of April 1, 2012. This compares to 762 and 773, respectively, as of April 1, 2011.

As of April 10, 2012, there were 232 **cooperative program agreements** for high schools for 405 teams (a decrease of eight programs and increase of ten teams over the previous year). There were 62 cooperative program agreements for 221 teams for junior high/middle schools (an increase of three programs and ten teams). The most frequent sports involved in cooperative programs at the high school level are (in order) ice hockey, boys swimming & diving, girls swimming & diving, and football. At the junior high/middle school level, the sports most frequently involved in cooperative programs are football, boys track & field, girls track & field and wrestling.

Eligibility advancement applications were received and approved for nine students during the 2011-12 school year, 15 during 2010-11, 2009-10 and 2008-09, and seven during 2007-08 which was the lowest number since the eligibility advancement provision was begun during the 1987-88 school year. The highest number of applications was 94 during the 1991-92 school year. The historical average is 40.

It was reported that 292 **Educational Transfer Forms** were processed for the 2011-12 school year through April 11, 2012, compared to 293 as of April 1, 2011 and 263 to that date in 2009-10. Public to public school transfers continue to be the most common (159), and the divorce exception (#8) continues to be the most frequent reason (131) for the Educational Transfer Form to be used.

It was reported that there were 75 "**Travel Forms for Out-of-State Practice**" filed during 2011-12, compared to 70 during the year before. The highest number filed was 113 during the 2007-08 school year. The lowest was 40 during the 2003-04 school year. The requirement began in 1994-95.

A listing of **violations** by schools and officials between April 16, 2011 and April 15, 2012 indicated that the total number of violations for the year was significantly below the 13-year average for both schools and officials. Failure of schools to rate officials continues to be the most frequent school violation, but its percentage of all violations during the most recent 12 months was only 39 percent compared with 62 percent of all violations during the previous 12 months.

Associate Director Tom Rashid described the **Athletic Director In-Service** programs conducted by the MHSAA during 2011-12 at which attendance was the highest ever. The schedule for the fall of 2012 was presented. Topics for those meetings were identified throughout this meeting. An in-service program for athletic department secretaries is being planned for September.

Assistant Director Kathy Westdorp reported on the MHSAA **Coaches Advancement Program (CAP)** during the 2011-12 school year. Enrollment is expected to equal 2010-11. There is an increase in the number of school districts requiring CAP, the number of colleges and universities providing courses to their students and the number of coaches associations providing CAP at their annual conferences.

Assistant Director Mark Uyl reported that **officials' registrations** for 2011-12 have fallen for a fourth consecutive year from a peak in 2007-08. The MHSAA will repeat a survey of seven years ago to assess officials' current reasons for not renewing their MHSAA registrations, and to invite these officials to return to high school officiating. In addition, the strategy of recruiting 12th-grade student-athletes to MHSAA officiating will be modified from mass distribution of post-cards to one-on-one recruiting of the two or three seniors who would be most likely to be interested in sports officiating. To help and support the most vulnerable officials, those in their first three years of officiating, inexpensive **camps** for newer basketball officials will be conducted at two venues by the MHSAA in 2012.

Rules meeting attendance was up significantly for school representatives but down slightly for officials. More than 90 percent of all attendance was online as opposed to in-person meetings during 2011-12.

Officials Reports for the spring 2011, fall 2011 and winter 2011-12 seasons were reviewed, revealing no particular trends or increases in ejections. The frequency of sportsmanship problems is extremely rare in sports conducted by MHSAA member schools.

National Federation – Karen Leinaar reported on several topics being addressed by the National Federation Board of Directors on which she serves as a representative of National Federation Sections 1 and 4, including that a NFHS Task Force has been appointed to study concerns over 7-on-7 football.

A summary of state-by-state modifications of National Federation playing rules was reviewed.

Council members were provided the NFHS Sports Medicine Handbook (fourth edition). The 14 most recent position statements of the NFHS Sports Medicine Advisory Committee were provided. The MHSAA has not found it necessary to appoint and support a separate medical advisory committee because the NFHS committee is nationally constituted with representation from diverse medical disciplines and has direct input to NFHS playing rules committees.

MIAAA – The position statements of the Michigan Interscholastic Athletic Administrators Association were provided for the Council's review.

Legislation – The Representative Council was provided updates of some initiatives within the Michigan Legislature related to student health and safety.

Litigation – The Council received a brief update on legal matters involving the MHSAA, including the status of Upper Peninsula soccer.

OLD BUSINESS

MHSAA Constitution – For the Dec. 9, 2010 meeting of the Representative Council, Ishpeming Public Schools requested that the Council propose to the MHSAA membership an amendment to the MHSAA Constitution to permit the Executive Committee and the Council to waive the maximum age limitation to permit students with Down syndrome to participate one year later. The Council voted not to approve the request to prepare such an amendment for vote by the membership. The school did not utilize the petition process to cause an amendment proposal to be voted on by member schools.

Ishpeming Public Schools submitted a revised proposal, broader in application, and requested the Executive Committee's input before resubmitting it to the full Council in May. At its March 2011 meeting, the Executive Committee reviewed the materials from the school district; shared concerns, including the broad definition of disability and the undue burden that is required to determine whether individual factors render a student's age an unfair competitive advantage or safety risk; and recommended no change in the MHSAA Constitution or the age regulation.

The school district resubmitted its proposal at the May 1-2, 2011 Council meeting, providing samples of waiver procedures from several other states. The Council voted not to prepare a proposal for the membership to amend the MHSAA Constitution to permit waiver of the maximum age limitation in certain circumstances.

This topic was then discussed at constituent meetings during the summer and fall of 2011. The following statements, based on documents prepared by a researcher at the University of Michigan and submitted by the parent of an Ishpeming High School student with Down syndrome, were distributed in highlighted and unrefuted form to all Update Meeting attendees:

The advocates for this change state that Down syndrome is unique among disabilities in that such students require additional years of elementary schooling but whose physical maturity does not advance during those years to the point where they gain a competitive advantage over or create a physical risk to younger students.

The special treatment advocated for Down syndrome students only is based on the opinion that there is no other handicapping condition that results in both the intellectual and physical limitations experienced by those with Down syndrome.

The proponents for the change in the MHSAA Constitution have submitted data that “across all percentiles, and both genders, those with DS are both shorter and lighter than those without DS at all stages of development.”

In addition to Council members' own experiences and observations and their discussions with constituents, the decidedly unfavorable response of member school administrators reflected in comments at league and Athletic Director In-Service meetings and on the 2011 Update Meeting Opinion Poll persuaded the Representative Council that it should not circulate a proposal to amend the MHSAA Constitution that was so clearly contrary to the wishes of member school administrators. The Council's Dec. 2, 2011 vote reflected that conclusion. Once again there was no effort by the school to generate an amendment through the association's petition process.

Subsequently, this parent characterized the MHSAA's age rule review process as superficial, or slanted toward a particular result; but many Council members knew from personal experience that was not the case and that hundreds of people who actually attended one or more of 17 meetings at 12 sites across Michigan from May through October of 2011 could refute the mischaracterization.

Beginning in mid-March, 2012, the circumstances of the student who was the subject of previous requests of Ishpeming to amend the MHSAA Constitution became highly publicized. In late March, the school district submitted another amendment request. It requested that the Representative Council prepare for member schools' vote a proposal to amend the MHSAA Constitution “to provide an opportunity for certain disabled high school student-athletes to be granted a waiver of the maximum age rule that would allow them to compete for four full years in high school.”

It was noted that this proposal would apply to students of undefined circumstances and would require a waiver procedure for students of any age, without regard to any maximum whatsoever; and that it would also undermine the current accommodation for overage students, the eligibility advancement provision, which has been used effectively by an average of 40 students per year for the past 25 years. It was also noted that the school district invited the MHSAA to prepare an alternative.

The Representative Council noted that it is required to look beyond the circumstances of a single student or school to the preparation of policies and procedures that provide the most benefit to the greatest number of students and schools of a diverse membership. Reviewing its membership, the Representative Council found that, beyond the general requests of Ishpeming High School, just one other MHSAA member school had communicated a request to change the age rule, even after all the publicity of the past two months. Many of the communications have been from outside the state of Michigan and almost exclusively from outside the field of high school education.

Reviewing case law, the Council found that it is settled in Michigan and the US Court of Appeals for the Sixth Circuit that the MHSAA age rule is neutral on its face and neutral as applied under the MHSAA Constitution. The law requires neither that there be individual determinations nor that some students be afforded more opportunity than others. Furthermore, the definitions of disabilities are expanding and the diagnoses of disabilities are exploding, both of which add more to the burden which, 17 years ago, the Sixth Circuit Court of Appeals termed “unreasonable” and “near impossible determinations.” The burden is not merely the frequency of waiver requests but even more so the difficulty of the determinations.

Reviewing other states, the Representative Council found that the MHSAA is in the majority of states that do not permit waiver of the maximum age rule under any circumstance; and the majority of states share Michigan’s rule or have a younger age limit. The Council gave closer examination to the policies of eight statewide associations where waiver of the age maximum can and actually has been approved; and in all cases there are defects with respect to United States or Michigan statutes and/or case law, or in practical application. Positive aspects of some of the rules were also identified.

Finally, the Council reviewed an internally prepared proposal intended to overcome most defects of existing policies of other states and the major deficiencies of the current and previous proposals from Ishpeming High School. It was noted that while it might mitigate those problems, this alternative may not overcome the objections of member school administrators who have consistently argued and voted for the current universally applied maximum age rule with the existing eligibility advancement provision which can assure four full years of participation in the high school athletic program without creating situations where 13 and 14 year old students must compete with and against students who are six to ten years older.

Council members expressed the reservation that even this alternative proposal, which is much improved over previous submissions from the school and samples from other states, is unrequested by the schools they represent. Several Council members reported that the schools they represent are in nearly unanimous opposition to changing the age rule maximum or its uniform application. There was concern, however, that not presenting the best possible proposal to schools for their vote could encourage state legislation that would be disruptive and harmful to local schools’ autonomy or funding.

Motion by Scott Grimes, supported by Vic Michaels, to distribute promptly to MHSAA member schools for the vote of their superintendents and principals a proposal to amend Article VII, Sec. 4-E of the MHSAA Constitution, and to approve additional language for Regulation I, Section 2 and Regulation III, Section 2 should the amendment be approved by two-thirds vote of the member schools which vote, with an affirmative vote requested. Adopted. (See Appendix “A.”) Council members discussed strategies and assigned specific tasks to attempt to gain passage of this amendment.

Participant Celebrations – Motion by Ken Dietz, supported by Bill Chilman, to approve a document (Appendix “B”) that will be used in meetings and publications to draw attention to the broad topic of inappropriate celebrations by participants and spectators, including a new policy to appear in “Participating Schools Tournament Information” and “Manager’s Manuals” to hold schools accountable for property damage at MHSAA team tournaments. Adopted.

Transgender Student Eligibility – Motion by Karen Leinaar, supported by Pete Ryan, to approve policies and procedures by which the MHSAA executive director will determine the eligibility of transgender students in MHSAA tournaments. Adopted. The document is to be provided to schools when requested on a case-by-case basis.

Girls Participation on Boys Teams – Motion by Steve Newkirk, supported by Mark Woodson, to approve a document that compiles and summarizes current *MHSAA Handbook* Interpretations relative to the eligibility of girls to play on boys teams or girls teams when MHSAA tournaments are at the same time or in different seasons for boys and girls. Adopted. This will be utilized with schools as questions arise.

REGULATIONS

Regulations I through V of the *MHSAA Handbook* and their interpretations were submitted for review by the Representative Council.

Motion by Karen Leinaar, supported by Carmen Kennedy, to approve the consent package of miscellaneous changes for the purpose of organization, clarity or updating and to incorporate changes or interpretations previously adopted by the Representative Council. Adopted.

Regulation I, Section 8 – Revise Note 2 of 2011-12 *Handbook* Interpretation 45 to read (underscored is new): “Individual students whose normal credit load potential is reduced due to travel to, enrollment in or attendance at a school-approved off-campus program (for example, college courses or vocational education) may have credit load potential calculated differently than other students in the school, but to not less than 50 percent of normal credit load potential. This determination shall be made **in advance** of the academic term and only be applied to the individual students involved in the off-campus program and to the specific academic term when the off-campus program is conducted.”

Regulation I, Section 8 – Revise Note 2 of 2011-12 *Handbook* Interpretation 47 to read (underscored is new): “A student who enrolls from a non-traditional school or program into his or her base/original school is not considered to be transferring between schools, insofar as the transfer regulation is concerned, regardless of whether the base school counts non-traditional students on its Enrollment Declaration Form.

“Except for a first-time 9th grader (whose base/original school is that which serves his/her residence), the eligibility of a student who enrolls from one school district into a non-traditional school of another school district which is not affiliated with that student’s base/original school will be determined under the transfer regulation . . .”

Regulation II, Sections 5 & 6 - Motion by Vic Michaels, supported by Kris Isom, to approve the rewrite of Sections 5 and 6 to include the requirements of the National Federation of State High School Associations as well as previously unstated policies and procedures of the MHSAA with respect to sanctioning of meets conducted by non-school organizations or individuals and large interstate meets. Adopted. (See Appendix “C” for a summary.)

Regulation II, Section 8 - Motion by Karen Leinaar, supported by Al Unger, to add the following to 2011-12 *Handbook* Interpretation 200: “d. By prior mutual consent of competing teams, schools may agree to vary the color of uniforms (e.g., pink or camouflage) to commemorate events or causes important to those schools, provided all other uniform specifications are followed.” Adopted.

Regulation II, Section 14 – Motion by Pete Ryan, supported by Kris Isom, to revise 2011-12 *Handbook* Interpretation 247 to permit rights fees payments for and paid advertisements during distribution of student-produced video of interscholastic events by an over-the-air or cable television station or a website licensed to and/or operated by the school which broadcasts exclusively school-based content. Adopted.

JUNIOR HIGH/MIDDLE SCHOOLS

Motion by Kris Isom, supported by Steve Newkirk, to approve the Junior High/Middle School Committee recommendation to revise Regulation IV, Section 8 to allow local schools to determine whether or not their 7th- and 8th-grade students may be members of an interscholastic team in more than one sport at the same time. Adopted.

Motion by Jason Mellema, supported by Steve Newkirk, to approve the Junior High/Middle School Committee recommendation to revise Regulation III, Section 2(C) to allow a student who will exceed the maximum age limit as a 7th or 8th grader to apply for “Eligibility Advancement” while in 6th grade to begin a maximum of two years of junior high/middle school participation. Adopted.

CLASSIFICATION

The Summary of MHSAA Tournament Classification for 2012-13 was provided to Council members.

OFFICIALS

Motion by Fred Smith, supported by Alvin Ward, to approve the following Officials Review Committee recommendation to the Representative Council: To provide upon request to MHSAA registered assignors private access to rating data for officials by zone and by sport that would indicate if an official’s rating places him/her in the top-, middle- or bottom-third. This information could be used for regular season assigning and may eliminate the need for local schools/leagues/conferences to require additional ratings. Adopted.

COMMITTEES

The Council was supplied with a description of MHSAA committees, a copy of the MHSAA Sport Committee Guide, a review of the committee appointment procedures adopted by the Representative Council in May of 1987 and modified in December 2007, a list of those who had identified themselves as candidates for committees in 2012-13, a list of schools not represented on any committees for the past five years, and a list of those who had declined committee appointments in 2011-12. Council members were encouraged to submit nominations for committees, making special efforts to provide nominations from principals, small schools, females and minorities, and any school which has not been represented in recent years. The staff will compile the suggestions and submit them to the Executive Committee for review and appointment. Names of committee members selected to serve during the 2012-13 school year will be published in *benchmarks*. The only exceptions are those committees involving the selection of tournament officials and award recipients. Some committees were identified as having converted to online and email or conference call formats.

SPORTS ACTIVITIES

Basketball – Motion by Bill Chilman, supported by Karen Leinaar, to not approve the Basketball Committee recommendation to consider an opportunity for college coaches to purchase an all-tournament pass to attend any level and site of MHSAA Basketball Tournaments. Adopted (no change).

Motion by Ken Dietz, supported by Al Unger, to not approve the Basketball Committee recommendation to present an award to teams that lose in the Semifinals. Adopted (no change).

Motion by Alvin Ward, supported by Mark Woodson, to approve the Basketball Committee recommendation to continue the combined Boys and Girls Basketball and Girls Volleyball Tournament site selection process but (1) assure committee members represent all areas of the state, and (2) break out by geographic areas to select District and Regional sites before reconvening as a committee of the whole to consider Quarterfinal sites. Adopted.

Bowling – Motion by Vic Michaels, supported by Paula Steele, to continue MHSAA sponsorship of bowling. Adopted. While noticeable improvement has been occurring, efforts will be continued to monitor compliance with the amateur/awards rules, out-of-season coaching rules and limited team membership rules, as well as to enhance the educational environment in which interscholastic bowling is conducted.

Motion by Karen Leinaar, supported by Steve Newkirk, to not approve the Bowling Committee recommendation to modify the three- or four-player limitation rule for bowling. Adopted (no change). Modification of the three- or four-player rule for coaches of individual sports which use non-school facilities will be a topic of discussion at appropriate meetings of MHSAA constituents during 2012-13.

Motion by Ken Dietz, supported by Mark Woodson, to approve the Bowling Committee recommendation to allow the higher seed to choose the starting lane for both games prior to the start of the match (not just the first game). Adopted.

Girls Competitive Cheer – Motion by Karen Leinaar, supported by Vic Michaels, to approve three Girls Competitive Cheer Committee recommendations:

- a. to require all three score sheets, all three penalty sheets and Round 3 Description Form to be received by 2 p.m. the day prior to each meet;
- b. to remove the Round 2 limitation that teams may perform only two 1.2 level skills (when also selecting a 1.4 skill) and allow three 1.2 skills to be selected (when also selecting a 1.4 skill). A skill must still be chosen from all three categories and the 5.8 cap would remain; and
- c. to allow the bases and spotter to have a momentary loss of contact with the flyer when the flyer is being transitioned from an extended/extension level stunt to a sponge or re-take. During this transition, the flyer may not change bases.

Adopted.

Motion by Paula Steele, supported by Fred Smith, to approve the Girls Competitive Cheer Committee recommendation to establish a season maximum of 13 consecutive weeks for middle school girls competitive cheer during which teams and athletes are limited to a maximum of eight dates. Adopted.

Motion by Fred Smith, supported by Kris Isom, to eliminate the “Double Twist to Cradle,” a skill previously permitted in Round 3. Adopted.

Cross Country/Track & Field – Motion by Steve Newkirk, supported by Pete Ryan, to approve the Cross Country/Track & Field Committee recommendation to allow MHSAA Regional Track & Field Tournament Managers to hire an additional MHSAA registered referee to assist with field events and track issues and who reports to the Meet Referee. Adopted.

Football – Motion by Steve Newkirk, supported by Mark Woodson, to not approve the Football Committee recommendation to add shoulder pads to the allowed equipment that may be used by players out of season during summer camps operated by college staffs at college facilities. Adopted (no change).

Golf – Motion by Karen Leinaar, supported by Al Unger, to not approve the Golf Committee recommendation to allow use of distance measuring devices in MHSAA tournament competition. Adopted (no change). A survey of Michigan league and conference policies will be conducted.

Motion by Pete Ryan, supported by Paula Steele, to approve the Golf Committee recommendation to allow Wednesday as an additional scheduling option during the boys District week and the boys and girls Regional week for MHSAA Lower Peninsula tournament competition. Adopted.

Motion by Kris Isom, supported by Steve Newkirk, to approve the Golf Committee recommendation to allow coaching contact for one designated coach during MHSAA tournament competition on all areas of the course, except when players reach the green. The penalty for violation of coaching privileges remains a warning followed by a two-stroke penalty for a subsequent offense. The school designated coach must be identified and approved by the school prior to the MHSAA tournament. Coaching privileges may not be transferred to persons not approved and designated by school administration. Adopted.

Motion by Kris Isom, supported by Maureen Klocke, to approve the Golf Committee recommendation to exempt one qualifying round of the Michigan Amateur Tournament from the limited team membership rule beginning in 2013, replacing the exemption approved in 2010 for the two U.S. Open qualifying stages. Adopted.

Ice Hockey – Motion by Steve Newkirk, supported by Mark Woodson, to approve the Ice Hockey Committee recommendation to use 17-minute periods for all games of the MHSAA tournament. Adopted.

Motion by Mark Woodson, supported by Kris Isom, to approve the Ice Hockey Committee recommendation to eliminate one preseason scrimmage and allow 25 games for the regular season. Adopted.

Boys Lacrosse - Motion by Vic Michaels, supported by Karen Leinaar, to approve the Boys Lacrosse Committee recommendation to assign three officials to the Regional semifinals beginning in 2013. Adopted.

Motion by Bill Chilman, supported by Carmen Kennedy, to approve a modification of the Boys Lacrosse Committee recommendation to limit entry in the MHSAA Boys Lacrosse Tournament beginning in 2013 to those schools whose teams all play no fewer than 50 percent of their regular season games against other MHSAA member school teams. Adopted.

Alpine Skiing – Motion by Karen Leinaar, supported by Mark Woodson, to approve the following Ski Committee recommendation: The MHSAA Regional Ski Tournament may be held on any day, Monday through Friday (Feb. 11-15 in 2013). If there is inclement weather, the host manager, in conjunction with the site management and the MHSAA, may delay the original date of the meet. Adopted.

Soccer – Motion by Steve Newkirk, supported by Paula Steele, to approve the Soccer Committee recommendation to research the feasibility of hosting all four Final games at a single venue. Adopted.

Motion by Karen Leinaar, supported by Kris Isom, to approve the Soccer Committee recommendation to not adopt the NFHS rule adoption that eliminates a substitution for a player who receives a second yellow card. This action affects the 2012-13 school year only during which the Soccer Committee will consider this rule change further and its impact on Michigan's ten-minute sit-out rule following a yellow card. Adopted (no change).

Motion by Mark Woodson, supported by Carmen Kennedy, to approve the Soccer Committee recommendation to prohibit District scheduling that requires any team to play on three consecutive days, except when the original schedule is interrupted for unplayable conditions. Adopted.

Tennis – Motion by Steve Newkirk, supported by Maureen Klocke, to not approve the Tennis Committee recommendation to exempt tennis from the summer "dead period" rule. Adopted (no change).

Motion by Karen Leinaar, supported by Kris Isom, to approve the Tennis Committee recommendation to add the following to the Enforcement of the Majority of Matches rule: If a player does not meet the requirements of the Majority Rule at the Regional tournament, the team's lineup will be adjusted so that it complies. The Finals Seed Committee has the authority to correct a lineup that it determines is in violation with the Majority Match Rule. Adopted.

Girls Volleyball – Motion by Vic Michaels, supported by Pete Ryan, to not approve the Girls Volleyball Committee recommendation to request an experiment on the signal and sequence for officials. Adopted (no change).

Wrestling – Motion by Steve Newkirk, supported by Ken Dietz, to approve the Wrestling Committee recommendation to require a second weigh-in on Saturday morning of the Team Final tournament prior to the semifinal round of wrestling. This second weigh-in would be independent of the previous day's weigh-in, and all competitors would get a one-pound growth allowance for consecutive days of weigh-in. Adopted.

Motion by Fred Smith, supported by Bill Chilman, to approve the Wrestling Committee recommendation to permit wrestling practice to begin two Mondays before Thanksgiving (Nov. 12, 2012). The first day of competition does not change; there will be 23 calendar days before the first competition. Adopted.

Motion by Pete Ryan, supported by Steve Newkirk, to not approve the Wrestling Committee recommendation to advance two schools from each Team District to the Team Regional tournament, and to advance two schools from each Team Regional to the Team Final venue. Adopted (no change).

Motion by Karen Leinaar, supported by Bill Chilman, to not approve the Wrestling Committee recommendation to revise Regulation I, Section 9 to increase the period of ineligibility for transfer students from approximately one-half academic year to approximately a full academic year. Adopted (no change).

OPERATIONS

Calendar – Motion by Steve Newkirk, supported by Bill Chilman, to approve the seven-year calendar of MHSAA events, with the changes required by Council action earlier in this meeting or previous meetings. Adopted.

Meeting Expenses – Motion by Jason Mellema, supported by Scott Grimes, to approve the expenses for this meeting as follows: the specified hotel rate, the IRS-stipulated amounts for meals, and a 30¢ per mile mileage allowance, round trip. Adopted.

Future Meetings – The next meeting of the Representative Council is Nov. 30, 2012, at the MHSAA office in East Lansing, with a full-day schedule anticipated. The March meeting of the Representative Council will be March 22, 2013 at the MHSAA office.

Motion by Vic Michaels, supported by Al Unger, to conduct the spring meeting of the Representative Council on May 5-6, 2013 at Treetops Resort in Gaylord. Adopted.

Allen W. Bush Award – Council members were invited to vote for up to three candidates from the eight presented. The one or more who receives the most votes will be notified in May and honored at events important to them during the fall of 2012 or early in 2013. The recipient(s) will be featured in the Fall issue of *benchmarks*.

Finance – Motion by Mark Woodson, supported by John Thompson, to approve the 2012-13 revenue and expense budgets, and a capital improvement budget that would result in additions to cash of \$182,363. Adopted.

AMENDMENT PROPOSAL

From Article VII, Section 4-E (*Handbook* Page 17), remove the first nine words (“Except for the eligibility rule in regard to age, . . .”).

Should this amendment be adopted by membership vote, the Representative Council has approved the following two changes:

- For high school students under Regulation I, Section 2 (*Handbook* Page 29), add this new sub-section:

SECTION 2(B) - The Executive Committee may consider an exception to the maximum age limitation for up to one year only (student not to exceed age 20 prior to Sept. 1) for students (1) who, following medical documentation sufficient to establish that they had a disability as defined by the Americans With Disabilities Act and/or the Persons With Disabilities Civil Rights Act, were delayed in their education progress prior to their initial enrollment in the ninth grade in any school solely by reason of such disability; and (2) who at the time of the request for waiver are determined by the Executive Committee (a) to not present a significant risk of injury to themselves, teammates or opponents, and (b) to not create a competitive advantage in comparison to teammates and opponents. The burden of proof regarding these factors rests with the party seeking the waiver; the Executive Committee has no duty to conduct an independent inquiry. If the Executive Committee determines in its sole discretion that it is impossible to make a determination about a particular student’s competitive advantage or physical risk, it is not required to consider the request any further.

Waiver may be approved in the Executive Committee’s sole discretion only for students who are documented by qualified medical professionals to have a disability which at the time of the request for waiver limits both physical and either intellectual or emotional capabilities. The disability must have a direct and significant negative impact on the student’s physical athletic ability. Policies and procedures for submission and review of waiver requests shall be determined by the Executive Committee. The Executive Committee may develop a list of disabilities recognized by the medical community to severely diminish both physical and either intellectual or emotional capacity that may qualify for review. If the Executive Committee chooses to develop such a list, each individual for whom waiver is approved must be determined by the Executive Committee to meet all criteria for waiver; no approval is automatic.

- For junior high/middle school students under Regulation III, Section 2 (*Handbook* Page 74), add this new sub-section:

SECTION 2(E) – Utilizing the same criteria and processes as stated in Regulation I, Section 2(B), the Executive Committee may consider an exception to the maximum age limitations of Regulation III, Sections 2(B) and (D) above for students who, solely by reason of a medically documented disability, have been delayed in their education process prior to their initial enrollment in the grade for which waiver is sought.

(OVER)

SUMMARY STATEMENT

The amendment to the MHSAA Constitution (which only member schools may vote to change) would allow the Executive Committee to consider and approve waivers of the maximum age limit for interscholastic athletic participation on behalf of MHSAA member schools.

The rule (which the Representative Council has the authority to change and school districts adopt through their annual MHSAA Membership Resolution) has these two overarching criteria:

1. Prior to the waiver request:

The student's educational progress must have been delayed prior to initial enrollment in the 9th grade solely because of a medically documented disability under ADA or PDCRA. For junior high/middle school the delay must have occurred prior to the initial enrollment in the grade for which waiver is sought.

2. At the time of the waiver request:

The student must have a defined disability documented to diminish both physical and either intellectual or emotional capabilities; and

- a. does not create a health or safety risk, and
- b. does not create competitive advantage.

The intent is to reserve waiver for the most disabled students, but at the same time not create an unreasonable burden on schools and the MHSAA to have to make "near impossible determinations" as described by the US Court of Appeals for the Sixth Circuit in Sandison v. MHSAA. For the most disabled students, following the specific approval of the Executive Committee, the maximum age rule would be extended one year. The four-year (eight-semester or twelve-trimester) maximum enrollment limit would still apply at the high school level.

The Americans With Disabilities Act and Persons With Disabilities Civil Rights Act are referenced solely as a means to gauge disabilities and not to acquiesce that the MHSAA is covered by those Acts.

Participant Celebrations

For some time in college and professional sports we have seen athletes enter spectator seating areas during and after contests in celebration. We have also seen spectators rushing toward celebrating athletes on the field of play, leading to injury and even the death of some spectators who were trampled or harmed when seating areas or barricades collapsed under the weight of many.

One of the objectives of educational athletics is to instill within participants a proper understanding of sportsmanship and safety. One outcome is to learn to accept both winning and losing with grace.

On some occasions in some high school sports, school teams have celebrated victory in ways that are not only inconsistent with the intended lessons of the program, but also have led to the damage of property and the endangering of people.

There are many reasons why a single MHSAA policy is difficult to apply to all tournaments and all venues. For example, sports rules differ, as does the post-competition authority and responsibility of contest officials in sports which utilize officials. Venues differ, providing natural barriers between participants and spectators at one facility but not another even within the same tournament series.

Every winning team should celebrate near the space where they compete and not in spectator areas. Every celebrant must remain under the control of their coaches, and spectators under the control of their crowd supervisors.

The following was adopted by the Representative Council in May 2012:

Insert the following into PSTI & Manager's Manuals for team sports

Team and Spectator Conduct

During contests, officials will penalize under applicable sportsmanship or playing rules those student-athletes or coaches who leave the field of play and contact or approach spectator areas for celebration.

Each tournament manager or the MHSAA Staff may determine an acceptable number of crowd supervisors necessary for each school, dependent on the situation, including inappropriate celebrations and other crowd control issues.

The cost for repair or replacement to facilities damaged as a result of participant and/or spectator conduct shall be paid by the school involved directly to the host facility within 30 days of the bill being submitted to the school. MHSAA reimbursement or revenue sharing will be withheld until paid by the offending school. Future tournament hosting privileges or school reimbursements to offending schools may be withheld if payment is not made.

Sanctioning Instate and Out-of-State Events

<p>= Sponsored by non-member school (individual or organization)</p> <p>MHSAA approval required if three or more teams. NFHS approval required if two or more teams from different states.</p>
<p>Held in Michigan, sponsored by MHSAA member school, all teams from Michigan</p> <p>No action by MHSAA or NFHS.</p>
<p>*+ Eight or more schools; only bordering states (OH, IN, WI, ONT)</p> <p>MHSAA and other state offices approval required. NFHS approval not required (all border states).</p>
<p>= Eight or more schools, one or more <u>non</u>-bordering states</p> <p>MHSAA and other state office approval required. All schools must be within 300 miles one way (school to event site).</p> <p>= NFHS approval required if <u>five or more states are at the event.</u> All state offices must also approve.</p>
<p>Michigan schools and schools from only <u>one</u> bordering state.</p> <p>No MHSAA or NFHS approval needed (provided it is sponsored by member school).</p>

<p>MHSAA Sanction Requests</p> <p>+ Must be received 30 days in advance. Written request with event details & list of participating schools (no special form). All teams must comply with MHSAA travel limitations.</p> <p><u>Non-school sponsored events must:</u> Follow all MHSAA rules. Use MHSAA registered officials. = Identify an MHSAA member school administrator to ensure compliance.</p>	<p>NFHS Sanction Requests</p> <p>See form nfhs.org Sanction All teams must comply with MHSAA travel limitations. Must be submitted to the NFHS at least 60 days prior to the event. There is a processing fee payable to NFHS.</p> <p>+ New * previously three schools = Added to <i>Handbook</i> that which was previous practice.</p>
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SANCTIONING PROCEDURES

The *MHSAA Handbook*, Regulation II, Sections 5 and 6 lists requirements for competitions which are hosted by non-member entities, involve teams or individuals from another state or are held out of the state. Depending on the situation, the following actions should be taken:

1. No action by MHSAA – Competition held in Michigan, conducted by member schools, needs no MHSAA approval. All such meets shall use MHSAA registered officials and rules of competition adopted by the MHSAA for that sport.
 2. Approval by the MHSAA – Any meet or tournament with three or more teams held within Michigan for Michigan schools and sponsored by a non-member school or organization must be approved by the MHSAA prior to the contest. The non-member school/organization must submit in writing the terms and conditions of the competition. The sponsors must assure that the competition will be conducted in accordance with MHSAA eligibility regulations, using MHSAA registered officials and rules of competition adopted by the MHSAA for that sport.
 3. Sanction by State Association – Interstate competition, which is sponsored by a member school and involves three or more schools from border states, must be sanctioned by the state association of the host school, as well as the respective association of the state or states of participating schools. The sanction form is on page 97 of the *Handbook*, and on the NFHS website (nfhs.org). The application must be received by the state association at least 30 calendar days before the event.
 4. Sanction by the NFHS –
 - a. Any interstate competition involving two or more schools which is cosponsored by or titled in the name of an organization outside the high school community (e.g. a university, shoe company, etc.), in addition to being sponsored by a member school, shall require sanction by the NFHS office.
 - b. Schools must also receive NFHS sanction and state association sanction when:
 - (1) More than eight schools, at least one of which is from a state that does not border the host state; or
 - (2) Five or more states, at least one of which does not border the host state.
- * Whenever an event requires NFHS approval, there is a \$75 fee made payable to the NFHS. This payment must be sent along with the request for sanction to the state association office. The host school or the organization that is hosting the event should submit the request submitted to the state association office at least 90 days before the event to avoid being charged a late fee.