

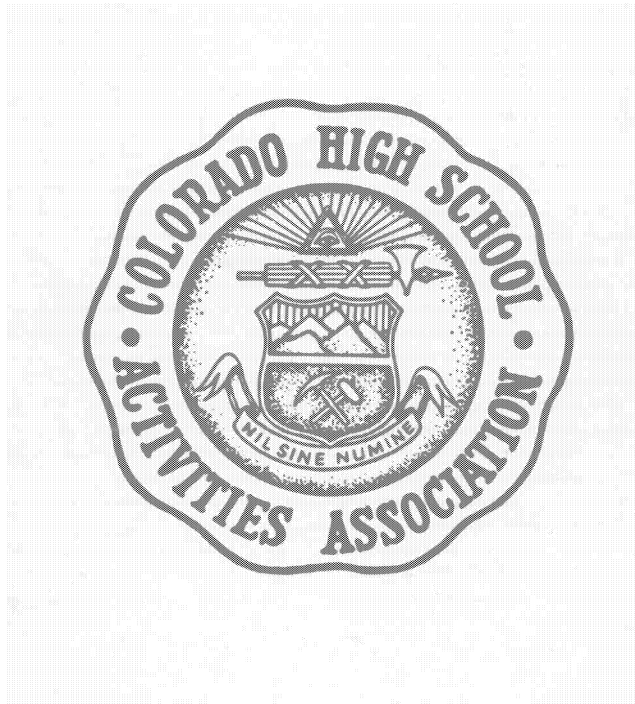
# ***COLORADO HIGH SCHOOL ACTIVITIES ASSOCIATION***

## **PARENT HANDBOOK**

### **UNDERSTANDING THE TRANSFER**

### **ELIGIBILITY PROCEDURE**

### **PARENT GUIDELINE HANDBOOK**



**July 1, 2016 Edition**

## **RATIONALE FOR ELIGIBILITY RULES**

Each state association promulgates eligibility rules governing the participation of its respective student-athletes and conduct of its programs. The following represent the general rationale for the areas addressed by state association eligibility rules.

### **AGE ELIGIBILITY**

An age limitation requirement: provides commonality between student-athletes and schools in interscholastic competition; inhibits "redshirting;" allows the participation of younger and less experienced players; enhances the opportunity for more students to participate; promotes equality of competition; avoids over-emphasis on athletics, and helps to diminish the inherent risk of injury associated with participation in interscholastic athletics.

To ensure equality of competition and opportunity, a standard must be established at some point to determine the cut-off date for age eligibility. Use of a specific cut-off date gives notice to all parties involved in interscholastic athletics and maintains equality of participant eligibility among schools.

### **ENROLLMENT/ATTENDANCE**

A student enrollment requirement: promotes loyalty and school spirit which lends itself to cohesion of the student body; helps promote amateurism by drawing athletes only from each school's student population; avoids professionalism and over-emphasis on athletes; discourages "team-shopping," which wrongfully skews the relationships among student-athletes and coaches; secures role models for other students, and allows students in many public schools to participate in interschool athletics for credit in fulfillment of physical education requirement for graduation.

An attendance requirement helps ensure that students will adhere to a school's attendance plan which, in turn, prompts students to maintain the academic standard required for participation and promotes graduation in a common time frame.

### **MAXIMUM PARTICIPATION**

A maximum participation requirement: promotes timely progress toward graduation by discouraging students from delaying or interrupting their high school education; disallows students to enroll for one semester each school year to increase athletic ability and skill; promotes equality of competition; diminishes risks stemming from unequal competition, and places emphasis on the academic mission of the school.

A maximum participation requirement promotes harmony and fair competition among member schools by maintaining equality of eligibility. Each student is afforded the same number of semesters of athletic eligibility, which increases the number of students who will have an opportunity to participate in interscholastic athletics.

A maximum participation requirement is conducive to the prevention of redshirting; helps avoid exploitation by coaches or boosters who otherwise might seek to obtain transfers or to delay a student's normal progress through school, and prevents displacement of younger student-athletes by older student-athletes wishing to protract unfairly their high school athletic careers.

### **TRANSFER/RESIDENCY**

A transfer/residency requirement: assists in the prevention of students switching schools in conjunction with the change of athletic season for athletic purposes; impairs recruitment, and reduces the opportunity for undue influence to be exerted by persons seeking to benefit from a student-athlete's prowess.

A transfer/residency requirement: promotes stability and harmony among member schools by maintaining the amateur standing of high school athletics; by not letting individuals other than enrolled students participate, and by upholding the principle that a student should attend the high school in the district where the student's parent(s) guardian(s) reside.

A transfer/residency requirement: also prohibits foreign students, other than students who are participants in an established foreign exchange program accepted for listing by the Council on Standards for International Educational Travel (CSIET), from displacing other students from athletic opportunities.

### **ACADEMIC**

The primary purpose of high schools is to academically prepare students for productive contributions in their future lives as citizens. Interscholastic activity programs are an extension of the classroom, and academic standards help ensure the balance between participation in the activity and appropriate academic performance. In addition, interscholastic activity programs assist in the educational development of all participants.

Academic standards also promote the objective of graduation from the institution and that student participants are truly representing the academic mission of the institution. Overall, academic standards promote educational standards, underscore the educational values of participating in activities, encourage appropriate academic performance and allow the use of interscholastic participation as a motivator for improved classroom performance.

### **NON-SCHOOL PARTICIPATION**

A restriction on non-school athletic participation protects students who choose to participate on their schools' athletic teams from exploitation by those who seek to capitalize on their skill and/or reputation; avoids risks incident to participation in non-school athletic programs that may have inadequate administrative oversight; discourages outside entities from pressuring student-athletes to miss classes while competing on non-school teams or in non-school events; equalizes competition by reducing any unfair advantage of students who participate in non-school athletics may have over those who do not participate in outside events, and reduces distractions from academic preparation and other school responsibilities. A non-school athletic participation restriction also provides some control over the trend towards year-round competitive sports seasons.

The sanctioning process operates to reduce, or even eliminate, conflicts which may arise due to: time conflicts of practices, games, playoffs, differing coaching philosophies of the school coaching staff and the non-school coaching staff, and team loyalty.

### **PREPARTICIPATION EVALUATION**

Acting on a recommendation from the NFHS Sports Medicine Advisory Committee, the NFHS Board of Directors has stated that preparticipation physical evaluations for high school student-athletes are a necessary and desirable precondition to interscholastic athletic practice and competition.

In the opinion of the NFHS, promulgating organizations should review their student-athlete evaluation procedures not less than every three years. Such reviews are often conducted in consultation with specially constituted sports medicine advisory committees or with physicians practicing in the fields of pediatrics, orthopedics or cardiology.

The NFHS believes that each such review should include an assessment of the applicability of any recent statutory or regulatory actions. In addition, the reviewers may consider the proper frequency for such evaluations, whether use of a specific preparticipation physical evaluation should be required, the appropriateness of any sport-specific assessment of a student-athlete's musculoskeletal, cardiovascular and body maturation status, and who should be authorized to perform such evaluations.

### **RESTITUTION**

A restitution requirement discourages abuse of the court system, which may occur when persons seek interim rulings in court cases not intended to be pursued on the merits; protects equality of competition; helps to prevent exploitation of students, and assures the application of common practices to all participating teams.

A school may be required to make restitution if an ineligible player participates in an interscholastic event under court order, if the case dismissed by the plaintiff before trial on the merits or if the trial court or a higher court later determines that the player was indeed ineligible. Restitution is limited to depriving a high school of a competitive result to which it was not entitled, and is not punitive in nature. In addition, it serves as a means to protect the public purpose of fair play related to the activity.

A fuller discussion may be found in the brief of amicus curiae, the National Federation of State High School Associations, in **Indiana High School Athletic Association v. Reyes**.

### **AMATEUR/AWARDS**

An amateur/awards limitation promotes amateurism; stimulates participation for the sake of the game itself; prevents exploitation of students, and encourages students to engage in athletic competition for physical, mental and social benefits.

### **RECRUITING/UNDUE INFLUENCE**

A recruiting/undue influence prohibition discourages exploitation of students; prevents over-emphasis of athletics; gives average student-athletes more opportunity to participate; discourages adults from jeopardizing a student's eligibility, and prevents misuse of athletic programs.

## **Purpose**

The purpose of these guidelines is to assist student-athletes and their parents and/or legal guardians in understanding the “transfer eligibility” standards and the process that CHSAA member schools and administrators take in determining “transfer eligibility.” This guide should not be considered a legal reference and is merely a guide to better understanding the CHSAA Transfer Eligibility.

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**Anytime a student moves from one school to another school, the student is considered a “transfer” student. And, eligibility must be applied for though this packet.**

**CHSAA Bylaw 1800.74 prohibits providing false information in regard to any aspect of eligibility. CHSAA Bylaw 1900 (Undue Influence – Recruiting) prohibits any person or persons to secure, retain or influence what high school a student attends. In both cases, there are severe penalties for both the student-athlete and the school. The student-athlete penalty could include ineligibility for up to 12 months. Please report unethical behavior immediately to your school principal to help protect your student-athlete eligibility. Unethical behavior, recruiting and cheating hurts everyone.**

When a family makes the decision to transfer the student any time after establishing their **Initial Residential Eligibility** there may be limitations on the student’s athletic eligibility, depending on the classification of the student.

Regardless of the type of transfer, there will be paperwork, (forms and documentation) that the student and his/her parents/legal guardians will have to complete for the new school (School “B”) in order to request athletic eligibility. The new school (School “B”) will communicate with the transfer student’s previous school (School “A”) and work with the parents to complete the necessary forms to ensure not only residential eligibility but also academic eligibility.

On the following page is an abbreviated explanation outlining the athletic eligibility process for students who transfer. It is designed to help families to be better prepared to make “school choice” decisions with an understanding of the impact of those decisions on their student’s residential athletic eligibility.

#### **Parents/Students**

Any time a student changes schools after starting high school, that student becomes ineligible at the varsity level until the information required in this packet has been completed and submitted to both the previous and current school. Once the information is received, the current school will make a determination whether if the criteria for a waiver has been met. Final eligibility will be determined by the CHSAA after a review by the school’s league members.

It is the parent and student’s responsibility to provide accurate and truthful information requested.

There are four types of transfers:

**Bona Fide Family Move** - A bona fide family move means a permanent change in the family’s legal place of domicile. The legal place of domicile is that place in which the family’s habitation is fixed and in which the student’s custodial parent or legal guardian has the present intention to reside permanently. 100% Eligibility may be granted.

**Student Choice** – The most common transfer includes the summer transfer, mid-year transfer and transfer motivated by athletic considerations. The form in side will help determine what type of transfer this will be considered. 100%, 50% or no varsity eligibility may occur depending on the waiver circumstances.

**Hardship** – A transfer hardship is a defined as transfer that occurs because something out the student’s/family’s control that allow a student to return to the prior school. A hardship is defined as unforeseen, unavoidable and uncorrectable act, condition or event that imposes a severe, non-athletic burden upon the student or his/her family.

**International Student on an Educational Program** – This is related to foreign students who are on cultural exchange programs approved by CSIET or meet similar criteria and are only good for one academic year.

Form 9 must be completed to the school that student withdrawing from and then submitted to the new school. The new school will determine if the criteria for a waiver has been demonstrated. The CHSAA has final approval following a review by the new school’s league members.

It is a family choice in deciding the school in which they chose to enroll their children. Athletic eligibility is first established when the student enters 9<sup>th</sup> grade, regardless of what member school the student attends.

# APPLICATION FOR TRANSFER ELIGIBILITY

For more information see "Understanding Transfer Eligibility for Parents Handbook" at CHSAANow.com

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This form must be filled out by the parent and sending school and given to the receiving school. The receiving school shall complete page 3 and submit completed Form 9 for review by league and CHSAA office.

## MUST BE SUBMITTED IN PERSON

NOTE: SUBMIT ONLY THE ORIGINAL DOCUMENT. ALLOW 10 BUSINESS DAYS FOR INVESTIGATION AND REVIEW. AT THE TIME OF FILING THE DOCUMENT, SUBMIT ALL KNOWN FACTS AND/OR DOCUMENTS. ADDITIONAL FACTS SUBMITTED WILL NOT BE CONSIDERED UNLESS ADDITIONAL INFORMATION IS REQUESTED BY THE COMMISSIONER. (sending=school transferring from; receiving=school transferring to.)

1. STUDENT'S NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_/\_\_\_\_/\_\_\_\_ Circle one: 9 10 11 12  
(yr in school)

2. CURRENT ADDRESS \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_  
(city) (zip) (area code)

3. FORMER ADDRESS \_\_\_\_\_  
(city) (zip)

4. TRANSFER FROM \_\_\_\_\_ HIGH SCHOOL TO \_\_\_\_\_ HIGH SCHOOL

5. ENROLLED IN PREVIOUS SCHOOL FROM \_\_\_\_/\_\_\_\_/\_\_\_\_ TO \_\_\_\_/\_\_\_\_/\_\_\_\_ Began attending NEW school on \_\_\_\_/\_\_\_\_/\_\_\_\_  
(high school enrollment only) month/day/year month/day/year month/day/year

6. LIST ALL HIGH SCHOOLS & DATES ATTENDED \_\_\_\_\_

7. APPLICATION MADE UNDER THE FOLLOWING: (Please check next to the one for which you are applying)

- ☐ We are applying for FULL VARSITY ELIGIBILITY after a bona fide move and/or I DID NOT PARTICIPATE IN ANY SPORTS the last 12 months. (All documentation must be attached)
- ☐ We are applying for the 50% varsity eligibility rule (summer transfer-non bona fide move) in the sports that I played in the last 12 months.
- ☐ We are applying for a "HARDSHIP EXCEPTION" as defined (unforeseen, unavoidable and uncorrectable) in accordance with the CHSAA. A letter must outline the hardship and include documentation or proof including court, police or school records. (See enclosure)
- ☐ APPLICATION FOR TRANSFER IN AN APPROVED FOREIGN EXCHANGE PROGRAM: \_\_\_\_\_  
Name of the Public High School in the attendance area the host family resides \_\_\_\_\_
- ☐ Application for transfer from a foreign country not in an approved exchange program. (Submit foreign student form also)

8. PLACE A CHECK MARK IN FRONT OF EACH SPORT YOU COMPETED IN AN INTERSCHOLASTIC SPORT CONTEST AT ANY LEVEL

This includes all scrimmages, pre-season games, league games, played games, etc! ANY contest of ANY kind.

- ☐ BASEBALL ☐ BASKETBALL ☐ CROSS COUNTRY ☐ FIELD HOCKEY ☐ FOOTBALL ☐ GOLF
- ☐ GYMNASTICS ☐ ICE HOCKEY ☐ LACROSSE ☐ SKIING ☐ SOCCER ☐ SOFTBALL
- ☐ SPIRIT ☐ SWIMMING & DIVING ☐ TENNIS ☐ TRACK & FIELD ☐ VOLLEYBALL ☐ WRESTLING
- ☐ I DID NOT PLAY SPORTS AT ANY LEVEL AT ANY SCHOOL IN THE LAST 12 MONTHS

9. FORMER SCHOOL ATHLETIC DIRECTOR'S SIGNATURE AFFIRMING THE ABOVE \_\_\_\_\_

10. CERTIFICATION OF APPLICATION: By filling this application for interscholastic eligibility, I specifically authorize any and all of this student's former and current/new high schools to release all records regarding this student and to disclose to the CHSAA representative any information or documentation needed or requested by the CHSAA in making this eligibility determination. I authorize the CHSAA to use that information in making its decision. I understand that the CHSAA may be unable to grant athletic eligibility absent the disclosure of relevant information or documentation from this student's former or current/new high schools. I am authorized to make this request. I affirm that all of the above statements are true to the best of my knowledge. In accordance with bylaw 1800.74.

SIGNATURE OF PARENT/GUARDIAN

SIGNATURE OF STUDENT

DATE

**SENDING SCHOOL-please initial all that apply and sign below:**

**9**

**YES NO**

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

STUDENT WAS ACADEMICALLY ELIGIBLE AT TIME  
OF TRANSFER

STUDENT IS TRANSFERRING WITH NO DISCIPLINARY  
ACTION TAKEN OR PENDING/NOT A NEGOTIATED WITHDRAWAL

**YES NO**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

STUDENT MET ALL OTHER  
ELIGIBILITY RULES AT TIME  
OF TRANSFER

Sending School Administrator's Signature \_\_\_\_\_ Date \_\_\_\_\_

**BY SIGNING THIS FORM, PARENTS AND STUDENT ACKNOWLEDGE THEY ARE INFORMED OF THE  
CHSAA RULES INCLUDING BYLAW 1800.74 AND ARE AGREEING TO THEM.**

**PRE-ENROLLMENT CONTACT AFFIDAVIT – READ CAREFULLY BEFORE SIGNING!!!!**

**PARENT'S AND STUDENT STATEMENTS #1 AND OR 2, OR 3**

**1. SIGN IF TRUE:** By signing this affidavit below, I certify that no person who is connected with the athletic department of the enrolling (new) school, or is part of the booster club or who was acting on their behalf has had ANY communication, directly or indirectly, through intermediaries or otherwise with this transfer student, student's parents or legal guardian prior to the completion of the enrollment process at school. (Sign below only if this is a true statement. If not, sign statement #3 and attach an explanation)

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

**2. SIGN IF TRUE:** By signing this affidavit below, I certify that the student has not participated during the previous 12 months on any non-school athletic team\* (i.e. AAU, American Legion, club or high school team, etc.) that is associated with or coached by anyone associated with the enrolling school. (Sign below only if it is a true statement. If not, sign statement #3 and attach an explanation.) I further affirm that I understand that if subsequent to the approval of this application, it is discovered that this approval was granted under false, erroneous, inaccurate or incomplete information, severe penalties affecting the future eligibility of this student-athlete may result.

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

**3. SIGN IF EITHER #1 OR #2 ABOVE ARE NOT TRUE:** I am unable to certify that one or both of the above statements are true. Therefore, as required, I am submitting a complete written disclosure of the specifics. (Attach the explanation to this form).

\_\_\_\_\_  
Parent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

+++++

**SENDING AND CURRENT/NEW SCHOOL STATEMENTS**

My signature below attests that to the best of my knowledge I have no credible\*\* evidence of any person who is connected with the athletic department of the new school or who is part of the booster club of the new school or who is acting on their behalf, having communication, directly or indirectly, through intermediaries or otherwise with the transfer student, student's parents, legal guardian or caregiver, or anyone acting on behalf of the student, prior to the completion of the enrollment process. Furthermore, I am not aware of this student participating during the previous 12 months on any non-student athletic team\* that is associated with the enrolling school. I am not aware of anything that would constitute an athletically motivated transfer. (See definition)

**Athletic Director Sending School**

<input type="checkbox"/>
--------------------------

Athletic Director confirms he/she has included head coaches  
verifying this is a non-athletic transfer

**Athletic Director Current/New School**

<input type="checkbox"/>
--------------------------

Athletic Director confirms he/she has included head coaches  
verifying this is a non-athletic transfer

<input type="checkbox"/>
--------------------------

\_\_\_\_\_  
Signature of SENDING Principal unable to certify statement above Date

<input type="checkbox"/>
--------------------------

\_\_\_\_\_  
Signature of NEW Principal unable to certify statement above Date

Receiving School \_\_\_\_\_

Administrator of Receiving School Applying for Waiver \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Student Name \_\_\_\_\_ Grade \_\_\_\_\_

Parent Name \_\_\_\_\_

- ☐ Upon review of all materials and required documentation submitted, I have determined this transfer to be a Bona fide family move or the student has not participated in the past 12 months (please enclose documentation).
- ☐ Upon review of all materials and required documentation, I have determined this transfer meets the 50% varsity eligibility requirements (non-athletic, not following a coach, and all other eligibility requirements are met (please enclose documentation)).
- ☐ Upon review of all materials and required documentation of a hardship as defined, a hardship waiver is recommended (attach all documentation).
- ☐ Upon review of materials and required documentation, this transfer meets the broken home exception.
- ☐ Upon review, the materials enclosed meet the definition for an approved foreign exchange program.
- ☐ Upon review of documentation provided by the family, I am applying for a transfer waiver from a foreign country not in an exchange program.

List of materials and required documentation needed for each waiver:

<u>Bona Fide Move</u>	<u>50%</u>	<u>Hardship</u>	<u>Foreign Student</u>
Sale or termination of lease	Academically eligible	Proof of unforeseen/unavoidable	Exchange Program
Purchase or rental agreement	Discipline Approval	uncorrectable	information
Full year lease on house if trying to sell a house	Non-athletic motivated	Agreement of above by prior school	
Proof of change of address:	Proof of reason for transfer	Letter from parents specifically stating what the hardship is	
• Driver's License		Any other documentation proving hardship	
• Motor Vehicle Registration		Divorce Decree	
• Post Office		Other	
• Utility Bill (gas, electric)			

I have verified the information submitted to me by parent through the prior student's school's administration. The name and phone number of the person at the prior school that I communicated with:

Name \_\_\_\_\_ School \_\_\_\_\_

Signature of Principal or Athletic Director \_\_\_\_\_

League vote \_\_\_ Yes \_\_\_ No \_\_\_ Approved \_\_\_ Denied

**CHSAA OFFICE USE ONLY**

\_\_\_\_\_ Varsity Eligibility Approved \_\_\_\_\_ 50% Eligibility \_\_\_\_\_ Varsity Eligibility Waiver Denied

Comments:

Signed \_\_\_\_\_ Date \_\_\_\_\_

CHSAA Commissioner



## TRANSFER PROCESS

**When a student transfers schools regardless of the reason for the change, the new school must take steps to establish the athletic eligibility of the student. These steps will include:**

The new school principal or administrative designee must determine if the student is academically eligible and has made a bona fide family move.

- The new school site principal/designee shall review if the student made a bona fide family move by following the process of the CHSAA for a “bona fide family move.” The process will include submission of paperwork to the CHSAA office prior to participation in games/contests.
  - The new school must also verify the student has met the academic requirements of CHSAA.
  - The new school and the prior school must verify there was no “Undue Influence.”
  - The new school must verify that there are no pending school discipline issues existing at the prior school that could jeopardize the student’s eligibility at the new school; that the move (by voluntary transfer or change of residence) did not occur either to avoid discipline or pending discipline, or that the move was involuntary due to discipline issues.
- The new school athletic director/administrator must contact the athletic director/administrator from the previous school to inform him/her of the valid change of address and check on any other issues that could affect the student’s eligibility.
- This process will not begin before the student is enrolled and attending the new school.

**If it is determined that the student did not make a bona fide family move, the new school must take additional steps prior to determining the eligibility of the student.**

- All CHSAA schools WILL require that the appropriate forms be submitted, to and APPROVED by, the CHSAA office PRIOR to the student participating in contest/games when there is NOT a “bona fide family move”.
  - The new school is responsible for determining that the student meets the academic requirements of the CHSAA.
  - The new school is responsible for using CHSAA Form 9. to determine that there was no “Undue Influence.”
  - The school must also verify that there are no pending discipline issues existing at the prior school that could jeopardize the student eligibility at the new school.
- If the transfer is a result of a non-bona fide move and takes place over the summer, the school can apply for a 50% varsity eligibility waiver.
- If the transfer is a result of a non-bona fide move and takes place during the school year, the school may grant JV only eligibility for 12 months.
- PRIOR to participation, the new school must seek the approval of eligibility by the CHSAA office and submit all forms and paperwork for review and approval.
- There are limited circumstances where a hardship exception granted to the transfer rule. However, these hardships are specific and must be documented with court, school and/or police documents.

# REFERENCE MATERIALS – RULES, EXPECTATIONS

## STUDENT ELIGIBILITY FOR INTERSCHOLASTIC ATHLETIC COMPETITION

### A. Philosophy

The CHSAA, as the governing body of high school athletics, affirms that athletic competition is an important part of the high school experience and that participation in interscholastic athletics is a privilege. The privilege of participation in interscholastic athletics is available to students in public or private schools who meet the democratically established standards of qualification as set forth by the CHSAA Legislative Council. CHSAA Bylaws governing student eligibility are a necessary prerequisite to participation in interscholastic athletics because they:

1. Keep the focus on athletic participation as a privilege not a right;
2. Reinforce the principle that students attend school to receive an education first; athletic participation is secondary;
3. Protect the opportunities to participate for students who meet the established standards;
4. Provide a fundamentally fair and equitable framework in which interscholastic athletic competition can take place;
5. Provide uniform standards for all schools to follow in maintaining athletic competition;
6. Serve as a deterrent to students who transfer schools for athletic reasons and to individuals who recruit student-athletes;
7. Serve as a deterrent to students who transfer schools to avoid disciplinary action;
8. Maintain an ethical relationship between high school athletic programs and others who demonstrate an interest in high school athletes;
9. Support the Principles of "Pursuing Victory with Honor."

### B. Rules

The CHSAA establishes the standards of eligibility to participate in interscholastic athletics to include the following:\*

1. Accurate information requirement
2. Age requirement
3. Eight Consecutive Semesters requirement
  - a. Initial scholastic eligibility
4. Residential Eligibility
  - a. Bona fide family move
5. Transfer Eligibility
6. Foreign Exchange Student Eligibility
7. Discipline Eligibility
  - a. Expulsion
  - b. Suspended Expulsion
  - c. Transfer Compelled for Disciplinary Reasons
8. Amateur status requirement
9. Hardship waivers of eligibility standards other than transfer

*\*The CHSAA recognizes that any student who is ineligible under the rules of another state or organization cannot gain eligibility at a CHSAA member school until the terms of ineligibility are served.*

## DEFINITION OF CREDIBLE EVIDENCE

Definition of Credible Evidence: \*Credible evidence is considered as evidence which proceeds from a trustworthy source; evidence which is so natural, reasonable and probable as to make it easy to believe; information which is obtained from authentic sources or from the statements of persons who are not only trustworthy, but also informed as to the particular matter; that which is not mere speculation, or rumor

Other factors that may be considered in support of evidence of athletic motivation:

- a. Evidence the student's transfer or change of schools would result in the assurance the student would gain varsity participation at the new school or result in more playing time; AND/OR
- b. Evidence the student's transfer or change of schools is believed (objectively or subjectively) to be more competitive or athletically "visible;" AND/OR
- c. Evidence the student's transfer or change of schools is because of the student's previous association with an outside agency that uses the facilities or personnel of the student's school (receiving); AND/OR
- d. Any reliable information quoted in published material, including but not limited to blogs, tweets, social media sites, sports media sites, chat rooms, newspapers, magazines, etc., stating that they are changing schools because of better athletic opportunities at the new school or criticizing the former school's athletic program when discussing the reasons for the transfer; AND/OR
- e. Evidence that multiple students have transferred or changed schools to participate in a particular sports program at one school

## TRANSFER ELIGIBILITY – BONA FIDE MOVE

1800.3 A bona fide family move to a residence that requires a transfer to a school in that school's attendance area and/or a new school district, verified by the receiving school, will permit full transfer eligibility.

- (a) A bona fide family move means a permanent change in the family's legal place of domicile. The legal place of domicile is that place in which the family's habitation is fixed and in which the student's custodial parent or legal guardian has the present intention to reside permanently. A bona fide family move has not occurred unless and until the student's custodial parent or legal guardian, the student, and the student's family have abandoned the immediately preceding place of domicile and have no present intention to return to that place of domicile.
- (b) In determining whether a bona fide family move has occurred, the Commissioner may consider all the circumstances in his discretion. Examples of circumstances that may be relevant include: changes in employment or business activities that require the family to move; family health or other reasons that compelled the family to move; the custodial parents or legal guardian's residence for income tax, voter registration, motor vehicle registration, and similar indicators of legal residence; the terms of ownership or leasing of the new residence; the existence of other family residences; the location of the family's personal property; and the amount of time actually spent at the new residence. These examples are not a complete list of circumstances that the Commissioner may consider, nor is the Commissioner required to give more or less weight to any of these examples in making a decision.
- (c) Under no circumstances may a school transfer that is motivated by athletic considerations be considered a bona fide family move. The student shall have the burden to prove by clear and convincing evidence that athletic participation at the new school was no more than an incidental consideration.
- (d) If a student transfers to a school where his/her previous coach is a coach of the current school team, that move will be deemed motivated by athletic consideration. Under provision of this rule, the coach may be a former school coach or a non-school coach.  
  
As used in this Rule, the term "coach" includes any person who coaches, volunteers (regardless of compensation) or assists in any capacity with the coaching or training of the school or non-school team.
- (e) If the family, directly or indirectly, retains ownership of the former place of domicile after the move, it is presumed that they have not made a bona fide family move, and that presumption must be rebutted by clear and convincing evidence.

NOTE: A student whose family makes a bona fide family move into a new school's attendance area may be residentially eligible for varsity competition upon receipt and recording of a CHSAA waiver at the student's new school. A subsequent move into a different school boundary by the family (or other family members) during the next 12 calendar months will result in the student being declared ineligible until cleared for competition by the CHSAA.

A request for eligibility based on a bona fide family move by the student's entire immediate family must be supported by documentation. Documentation may be cumulative and no single document or any combination of documents listed below will be considered as definitive that a bona fide family move occurred. The documents must support a finding by the CHSAA that a bona fide family move by the student's entire immediate family occurred prior to participation at the new school; that the previous residence was vacated as required above in paragraphs a., b. and c. and that the family no longer has the use and enjoyment of that former residence. The CHSAA Commissioner and school may request additional documents they deem necessary to establish that a bona fide family move occurred as defined above. Evidence may include:

The CHSAA Commissioner and/or school has the discretion to request additional documents that he/she/they deem necessary to confirm change in residency. Examples may include:

- Property tax receipts;
- Bank account statements;
- Credit card statements;
- Real estate documents indicating and verifying a change of residence;
- Court documents indicating a change of residence;
- Declaration of residency executed by the student's parent(s)/guardian(s)
- Operative telephone and utility service at the student's new residence and terminated at the former residence;
- Utility service receipts;
- Proof of paying for utilities at the new residence including phone, gas, electricity, and water, cable television, and garbage collection;
- Proof of submitting a change of address to the U.S. Postal Service to receive mail at the new residence;
- Proof of transfer of the parent(s)/guardian(s) and age-appropriate student's motor vehicle registration;
- Proof of changed address on the parent(s)/guardian(s) and age-appropriate student driver's license;
- Voter registration listing the new address;
- Proof of entering a long-term lease; (minimum of 12 calendar months)
- Rent payment receipts
- Declaration of residency executed by the student's parent(s)/guardian(s)

The CHSAA Commissioner and/or school have the discretion to request additional documents that he/she/they deem necessary to confirm residency.

**Athletically-Motivated bona fide family move:** If a student completes a bona fide family move as provided in Bylaw 1800.72, a student may not be eligible to participate at the varsity level if there is evidence the move was athletically motivated or the student enrolled in that school in whole or in part for athletic reasons.

**Q:** What is meant by an athletically motivated move or transfer?

**A:** Based on the CHSAA philosophy that students "attend school to receive an education first; athletic participation is secondary," CHSAA may limit eligibility for a student when there is evidence the transfer, or move is made substantially to acquire athletic participation at receiving school. Such evidence of an athletically-motivated move may be, but is not limited to:

- Evidence of parental or student dissatisfaction with a coach or a coaching decision at the former school.
- Evidence the student's move would result in the assurance the student would gain varsity participation at the new school or result in more playing time.
- A move to a school by the student that is believed (objectively or subjectively) to be more competitive or athletically visible.
- A demonstrated move or transfer that is prompted by association with club programs or outside agencies that use the facilities of the new school.
- A demonstrated move or transfer to a school with which the student has had an athletic association.
- A move or transfer to a school by a student who is associated with outside agencies that use the facilities or personnel at the new school of attendance.
- The preponderance of credible evidence the move was not made in good faith to secure greater educational advantage for the student. The standard applied to the evidence of "athletic motivation" is that which is associated with a student move or transfer proffered to CHSAA Commissioner is that which a responsible person acting in a thoughtful and reasonable manner would judge be with "athletic motivation."
- Evidence that multiple students have transferred or changed schools to participate in a particular sports program at one school

## **TRANSFER ELIGIBILITY**

### **A. Determination of Transfer Student Status/Standards of Enrollment**

A student shall be considered to be a transfer student when:

- a. The student has been on the attendance roll of their former school for 15 days or more for classes at school, whether or not they have been in attendance during those 15 days; AND/OR
- b. The student has played in an athletic contest or scrimmage for their former school; AND/OR
- c. The student has tried out for or practiced with a team prior to the beginning of the school year; AND
- d. That student withdraws from sending school or has completed the courses in which they were enrolled in at that school, so that the student is no longer enrolled in any way at the sending school; AND
- e. That student enrolls as a full-time student in a new school. THEN that student shall be determined to be enrolled in and having transferred to the receiving school if all conditions of are met.

Students may not practice with or participate in an interscholastic athletic contest for the new school prior to establishing enrollment in the new school meeting these enrollment standards except if they are transferring at the beginning of the school year and practice for that season of sport begins prior to the first day that school and classes begin. These conditions must be met even if prior to this such a student has registered for classes and/or paid a non-refundable registration fee to the new school.

- a. For eligibility purposes, students cannot have dual enrollment in two different schools at the same time. During the time a student is intending to transfer schools, has registered for classes at the new school and/or paid a nonrefundable registration fee at the new school, but still remains enrolled in the former school, the student will be considered to be enrolled in the former school. Only at such time as the student has withdrawn from or has completed the courses in which they were enrolled at the former school, and is no longer enrolled in any way at

the former school, shall that student be considered as having “transferred” to the new school. This applies to 8th graders matriculating the following school year to 9th grade in a CHSAA member school.

(3) No one associated with the athletic program at the new school may perpetrate any violation of Bylaw 1800.74 or have inappropriate pre-enrollment contact as outlined in Bylaws.

B. **CHSAA Transfer Rule:** All students transferring at any time during their enrollment in high school to a CHSAA member school after their initial enrollment in the 9<sup>th</sup> grade in any school (referred to as sending school) shall have their eligibility determination made in compliance with the bylaws except:

b. **Varsity Eligibility Applications** Any student who transfers for the first time since their initial enrollment in the 9th grade in any school, or if the first transfer of schools for this student was granted due to an approved CHSAA hardship, or a bona fide family move and whose circumstances causing the transfer do not meet any of the Hardship Exceptions, may become eligible for varsity competition for the sport(s) in which they competed in the last 12 months at the former school or any other school, upon submission, review and approval by their school and the CHSAA under the following provisions:

- (i) The student was academically eligible at the time of transfer from the former school.
- (ii) The principal of the former school attests in writing that the move was not made in violation of Bylaw 1800.73.
- (iii) The student is not transferring either voluntarily or because their former school has determined they must withdraw, because of a disciplinary infraction at the former school.
- (iv) The student is not found by the CHSAA to have transferred to a school where their former high school coach has relocated or where a club coach with whom they have been associated is coaching.

C. **Athletically Motivated Transfers** The CHSAA, as the governing body of high school athletics, affirms that athletic competition is an important part of the high school experience and that participation in interscholastic athletics is a privilege. The privilege of participation in interscholastic athletics is available to students in public or private schools who meet the established standards of qualification as set forth by the CHSAA Legislation. As stated in CHSAA Bylaw 1800.73 the CHSAA Bylaws shall serve as a deterrent to students who transfer or change schools for athletic reasons and to individuals who attempt to recruit (unduly influence) student-athletes or their parents to enroll in a school because of athletics. As stated in CHSAA Bylaws reinforce the principle that students attend school to receive an education first; athletic participation is secondary. CHSAA Bylaws provide schools to limit eligibility for a student when there is evidence the transfer, or move is made to acquire athletic participation at their new school. Students may be determined by the CHSAA to have made an athletically motivated transfer or change in schools if one or more of the following circumstances are determined to have contributed in any way to the transfer or change in schools:

(1) Evidence of parental or student dissatisfaction with a coach or a coaching decision at the former school. Evidence of this may include, but is not limited to:

a. The student or the parent(s) have had a documented verbal disagreement with any member of the former school’s coaching staff, anyone associated with the athletic department or any School Administrator in the 12 months prior to the student’s change in schools regarding the team or any aspect of the team, including but not limited to any aspect of practice, schedules, off season conditioning, club participation, playing time, family conflicts with team activity schedules, coaching decisions about any aspect of the team strategies, player selection, playing time, organizational issues, communication issues; AND/OR

b. The student or the student’s parents have had a written exchange of any kind (Including, but not limited to: email, regular postal mail, written, hand-delivered statements etc.) with the coach or any member of the former

school's coaching staff, anyone associated with the athletic department or any school administrator in the 12 months prior to the student's change in schools regarding the team or any aspect of the team, including but not limited to any aspect of practice, schedules, offseason conditioning, club participation playing time, family conflicts with team activity schedules, coaching decisions about any aspect of the team strategies player selection, playing time, organizational issues, communication issues; AND/OR

**(2) Transferring to a School after Participating on a Non-School Athletic Team, Camp or Clinic Associated with the School**

The student transfers from his or her current school of attendance, with or without a corresponding change of residence, to any high school where the student participates or participated, during the 24 months immediately prior to the transfer, on a non-school athletic team, (i.e. AAU, American Legion, club team, etc.), camp or clinic that is associated\* with the new school in the sports previously participated in. A team associated with a school is one that is organized by and/or coached by any member of the coaching staff at, or any other person associated\* with that school; and/or, on which the majority of the members of the team (Participants in practice and/or competition are students who attend that school). AND/OR

**(3) Transferring to a School Where a Former High School Coach Has Relocated** The student at any grade level transfers to a new school within one calendar year of the relocation of his/her school or club coach to the student's new school of enrollment with or without a corresponding change in residence; AND/OR

Other factors that may be considered in support of evidence of athletic motivation:

- a. Evidence the student's transfer or change of schools would result in the assurance the student would gain varsity participation at the new school or result in more playing time; AND/OR
- b. Evidence the student's transfer or change of schools is believed (objectively or subjectively) to be more competitive or athletically "visible;" AND/OR
- c. Evidence the student's transfer or change of schools is because of the student's previous association with an outside agency that uses the facilities or personnel of the student's new school; AND/OR
- d. The student or the student's parents/guardians/caregivers are quoted in published material, including but not limited to blogs, tweets, social media sites, sports media sites, chat rooms, newspapers, magazines, etc., stating that they are changing schools because of better athletic opportunities at the new school or criticizing the former school's athletic program when discussing the reasons for the transfer; AND/OR
- e. Evidence that multiple students have transferred or changed schools to participate in a particular sports program at one school.



# CHSAA BYLAWS

## ARTICLE 18

### TRANSFER

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**1800.**

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**TRANSFER**

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Colorado School Choice: The CHSAA supports school choice in academic pursuits and encourages its student participants to enhance their academic achievement. In concert with this attitude, the Association's philosophy addresses the establishment of a fair playing field for all student athletes.

1800.1 The transfer rule addresses athletic eligibility only as it relates to transfer between schools. Rules related to age, semesters, academic requirements and other CHSAA Bylaws may result in an eligible transfer being declared ineligible.

1800.11 Private school attendance boundaries will be defined, for admission purposes, by the public school district in which the private school is physically located.

1800.2 A student entering high school for the first time shall be eligible for all interscholastic athletic competition.

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**BONA FIDE MOVE**

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1800.3 A bona fide family move to a residence that requires a transfer to a school in that school's attendance area and/or a new school district, verified by the receiving school, will permit full transfer eligibility.

(a) A bona fide family move means a permanent change in the family's legal place of domicile. The legal place of domicile is that place in which the family's habitation is fixed and in which the student's custodial parent or legal guardian has the present intention to reside permanently. A bona fide family move has not occurred unless and until the student's custodial parent or legal guardian, the student, and the student's family have abandoned the immediately preceding place of domicile and have no present intention to return to that place of domicile.

(b) In determining whether a bona fide family move has occurred, the Commissioner may consider all the circumstances in his discretion. Examples of circumstances that may be relevant include: changes in employment or business activities that require the family to move; family health or other reasons that compelled the family to move; the custodial parents or legal guardian's residence for income tax, voter registration, motor vehicle registration, and similar indicators of legal residence; the terms of ownership or leasing of the new residence; the existence of other family residences; the location of the family's personal property; and the amount of time actually spent at the new residence. These examples are not a complete list of circumstances that the Commissioner may consider, nor is the Commissioner required to give more or less weight to any of these examples in making a decision.

(c) Under no circumstances may a school transfer that is motivated by athletic considerations be considered a bona fide family move. The student shall have the burden to prove by clear and convincing evidence that athletic participation at the new school was no more than an incidental consideration.

(d) If a student transfers to a school where his/her previous coach is a coach of the current school team, that move will be deemed motivated by athletic consideration. Under provision of this rule, the coach may be a former school coach or a non-school coach.

As used in this Rule, the term "coach" includes any person who coaches, volunteers (regardless of compensation) or assists in any capacity with the coaching or training of the school or non-school team.

- (e) If the family, directly or indirectly, retains ownership of the former place of domicile after the move, it is presumed that they have not made a bona fide family move, and that presumption must be rebutted by clear and convincing evidence.

1800.4 Each transfer student must provide the receiving school with an official declaration certifying that:

1. The student is transferring voluntarily;
2. The student was not contacted and induced to transfer by the receiving school or any school representative (as defined in Bylaw 1900.2).
3. A statement from the receiving school coach(es) that the student was not induced to attend the receiving school by that coach or any member of the coach's staff.

The declaration must be signed by the student and student's parents. The receiving school athletic director must also sign the form. This form must accompany the certificate of eligibility or any transfer waiver sent to the CHSAA office. Any time a potential violation has occurred the form must immediately be sent to CHSAA. NOTE: This information is found on CHSAA Form #7.

Q1: Does listing a house for sale meet the requirement for a bona fide family move?

A1: No, listing a house for sale does not guarantee that a permanent move has been made or is even imminent.

Q2: What is the transfer eligibility for a student who makes a family move from School District A to School District B, then enrolls in a different school in School District A?

A2: This would not meet the definition of a bona fide family move since the student selected a different school back in the former school district and not a school in the attendance area in which he resides or in the new school district. The student would be sub-varsity eligible for the remainder of the school year for a mid-year transfer or for the first half of the varsity season for a summer transfer in those sports played during the 12 months prior to the school transfer.

Q3: May a student play a second season of the same sport in the same school year following a bona fide family move?

A3: Yes – See CHSAA Bylaw 1770.71.

Q4: A student transfers from School A to School B following a move from his parents' house to his grandparents' domicile, which has always been in School B's attendance area. Following the correct legal procedures, the grandparents become the student's legal guardian. Is the student eligible at School B?

A4: No. There was no bona fide family move, nor did the student move with his/her parents or guardian.

Q5: Does the transfer rule affect activities such as music, speech and student council?

A5: No. See Bylaws 4710.1, 4800.1 and 4920.1.

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### **SUMMER TRANSFER**

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1800.5

A student who transfers to a member school following the close of school for the summer and before the beginning of the school year, other than under the provisions stated in 1800.2, 1800.3 and 1800.6, will be ineligible for varsity competition in the first 50% of the maximum regular season contests determined by that classification in any sport in which the student was a participant during the past 12 months. The student's individual performance limits (innings, games, quarters, etc.) shall be adjusted accordingly. The student may practice with the team and participate in an interscholastic contest at the sub-varsity level during this time. If there is no sub-varsity level, the student may not participate in an interscholastic contest until the game restriction is met.

Spirit athletes who transfer without a bona fide family move will have restricted eligibility (non-participation in all games, competitions, performances, pep rallies) until the sixth Friday after the first contest date.

Q1: What is the eligibility for a student who as a freshman participated in volleyball, girls' Swimming and Diving and soccer at School A, if this student transfers after her sophomore volleyball season without a bona fide family move?

A1: She would be sub-varsity eligible only in girls' Swimming and Diving and girls' soccer and sub-varsity eligible for the first 50% of the season in volleyball as a junior.

Q2: How many contests may a student play after transferring over the summer?

A2: A student who transfers schools over the summer without a bona fide family move will have restricted eligibility for the first 50% of the regular season and may have varsity eligibility during the second 50% of the regular season (holes of golf/wrestling points) under the conditions of 1800.5 and 1800.6 as follows:

<u>Sport</u>	<u>Number of contests with restricted eligibility at beginning of the regular season</u>
Baseball	9 games
Basketball	1A, 2A, 3A - 9 games; 4A, 5A – 11 games
Cross Country	5 meets
Field Hockey	7 games
Football	6-man, 8-man, 1A, 2A, 5A - 4 games
Football	3A, 4A, - 5 games
Golf (holes)	99 holes
Gymnastics	5 meets
Ice Hockey	9 games
Lacrosse	7 games
Skiing	The first of 3 qualifying events
Soccer	7 games
Softball	9 games
Spirit	Non-participation in all varsity games, competitions, performances, pep rallies until the sixth Friday after the first contest date.
Swimming and Diving	5 meets
Tennis	5 matches
Track & Field	5 meets
Volleyball	1A, 2A - 9 matches; 3A, 4A, 5A – 11 matches
Wrestling	14 points

Q3: Are the game restrictions prorated for those schools that do not schedule a full slate of contests in a specific sport?

A3: No.

Q4: A student attends School A and is a member of the volleyball team as a junior. In her senior year on the first day of formal practice, she actively participates in practice at School B. Without a parental move, the student then enrolls at School A and participates in A's practice the next day.

A4: The student shall be ineligible for varsity volleyball for the remainder of that season.

Q5: An incoming freshman enrolls at School A and participates in conditioning drills and timed 40-yard dashes on the first day of formal practice. The next day the student enrolls at School B and wishes to become a candidate for the varsity football team.

A5: The student may not participate at the varsity level in football at School B because of his active participation in practice at School A.

Q6: A student is a candidate for the JV team at School A on the first day of formal practice. Without a parental move, the student transfers to School B and becomes a candidate for the B JV team. Is he immediately eligible?

A6: No. A Restricted Waiver must be approved before he is eligible to compete on the JV level. He is not eligible for varsity competition.

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#### **MID YEAR TRANSFER & ATHLETIC TRANSFER**

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1800.6 Except as specifically provided in Bylaws through 1800.3, 1800.61, 1800.67, and 1800.7, any student who transfers schools after the beginning of the school year will not have varsity eligibility at the receiving school for the remainder of that school year and is subject to the provisions of Bylaw 1800.5 for the following school year for up to one calendar year after the school transfer. Any transfer substantially motivated by athletic considerations will cause the student to be ineligible for varsity competition for one calendar year from the date of the transfer in any sports(s) they participated in during the twelve months prior to the transfer.

EXCEPTION 1: A student, regardless of past participation as noted in 1800.62, who transfers schools at the beginning of the school year but after becoming a team member in a sport in any high school will be ineligible for varsity competition in that sport for the remainder of that sports season. A student becomes a team member when he/she reports for formal practice and is actively in contention for a position on the team.

For purposes of this rule, "the beginning of the school year" shall be defined as that period of time prior to a student's enrollment and attendance for 15 days or his/her participation in an interscholastic contest or scrimmage.

EXECPTION 2: A student transferring, moving or for any reason changing to a new school where the student's non-school coach is also a coach of the school team, is considered to be attending for athletic purposes. The student, as a result of this transfer, will be ineligible for varsity competition for one calendar year from the date of the transfer in any sport(s) they participated in during the twelve months prior to the transfer. As used in this Rule, the term "coach" includes any person who coaches, volunteers (regardless of compensation) or assists in any capacity with the coaching or training of the school or non-school team.

NOTE: For purposes of this Bylaw and its exceptions, no personal relationship or one-on-one/group coaching or individual contact is required for application of this rule. If a coach has any standing with the outside team/organization/business, that coach is considered a coach of that non-school sports team.

- 1800.61 SUB-VARSITY ELIGIBILITY - A student will be granted sub-varsity eligibility by the Commissioner upon submittal of a restricted waiver request signed by the principals of the sending and receiving schools.
- 1800.62 NON-PARTICIPATION - A student who has not participated in an interscholastic contest or scrimmage in a specific sport at any level (varsity, junior varsity, sophomore, freshman) during the 12 calendar months preceding the date of transfer shall have varsity eligibility at the receiving school in that specific sport at all levels of competition.
- 1800.63 RETURN TO ORIGINAL SCHOOL - A student who has not participated in an interscholastic contest or scrimmage for any team at any level while a student in the previous high school shall be varsity eligible at all levels in all sports provided he/she returns to the high school he/she attended prior to the period of non-participation.
- 1800.64 TRANSFER FROM A NON-MEMBER SCHOOL - A student who resides in Colorado and who has never previously been enrolled in a member school and who transfers to a member school from a non-member school shall have varsity eligibility at the receiving school.
- 1800.65 BROKEN HOME - A student of a broken home will be exempt from the transfer rule for the first move in high school from one parent to the other. Note: The exception will exist only if it is determined by either school that the move is not athletically motivated. A waiver must be filed and approved prior to competition.
- 1800.66 BOARDING SCHOOL - A student who transfers to become a full-time resident of a 24-hour boarding school (a duly licensed school providing lodging and meals) in a community, district or state other than where he/she has resided with his/her parent(s) or guardians, has varsity eligibility on the first such transfer, but all transfer rule requirements shall apply on any subsequent transfer.
- 1800.67 TRANSFER PURSUANT TO IEP - A student who has been identified as a student with a disability who transfers to a member school to comply with a specific requirement in his/her Individualized Education Plan (IEP) has varsity eligibility at the receiving school. A waiver must be filed and approved prior to competition.

Q1: A student attends School A as a freshman and competes in three sports. She begins her sophomore year at School A but in December transfers to School B. At School B she competes in no interscholastic scrimmages or contests in any sport. In March she returns to School A. What is her eligibility status?

A1: Full eligibility in all sports. A student transferring from School A to B to A without interscholastic competition at B will always retain varsity eligibility regardless of when the student re-enters School A.

Q2: A student competes in volleyball and track at School A as a 9th grader. As a 10th grader the student transfers from School A to B in January without a family move. What is the student's status in track and volleyball?

A2: The student will be ineligible for varsity competition in track in the spring of her sophomore year because she transferred in the middle of the school year and because she competed in that sport during the previous 12 months. Volleyball eligibility will be determined by the CHSAA Transfer Rule, which would cause the student to be restricted for the first 50% of the upcoming volleyball season.

Q3: What is the definition of a "broken home"?

A3: A broken home for the purposes of Bylaw 1800.65(b), is defined as a permanent and finalized dissolution of a marriage by court order.

Q4: For the purposes of Bylaw 1800.65(f), to which school may a student transfer if this is the first transfer while in high school in a broken home?

A4: The student may transfer to the school in the attendance area in which the parent resides.

Q5: A student begins 9th grade attending her home public high school, a CHSAA member school. In 10th grade, she transfers to an out-of-state boarding school where she competes in basketball. In 11th grade, she leaves the boarding school at a time other than the beginning of the school year and (a) returns to her home public school; or (b) enrolls at a boarding school which is a CHSAA member. Is she eligible for varsity basketball competition?

A5: No in both (a) and (b). Although she transferred from a non-member school, the student began her eligibility at a member school.

Q6: A student plays football, basketball and baseball his freshmen year at School A. After football his sophomore year at School A, he transfers to School B without a family move. What is his eligibility at School B?

A6: Since this is a mid-year transfer, he will have sub-varsity eligibility only for the basketball and baseball seasons. Further, in the fall of his junior year, he will have sub-varsity eligibility for the first 50% of the varsity football season.

# Hardship Transfer Rule

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## HARDSHIP

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1800.7 When the definition of a hardship has been met, the Commissioner may grant varsity eligibility pursuant to the provisions of Article 25 of these Bylaws.

1800.71 "Hardship" means an unforeseen, unavoidable and uncorrectable act, condition or event that imposes a severe, non-athletic burden upon the student or his/her family. The Commissioner shall have broad discretion in applying this standard to specific cases. He/She may take into consideration not only the needs of the student and family directly involved, but also the best interest of member schools and interscholastic athletics/activities generally as he/she understands those interests.

**Simply stated a hardship for a transfer is constituted as a circumstance beyond the students or families control that forces the student to change schools (examples may be a death or illness in the family or an accident).**

The following pages are taken directly from the CHSAA Constitution and Bylaws and are NOT complete. A complete Constitution and Bylaws are available for viewing and downloading at [www.CHSAANow.com](http://www.CHSAANow.com).



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## HARDSHIP

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1800.72 All transfer waiver applications shall be processed on forms approved by the CHSAA and in accordance with the following procedures:

- (a) A transfer waiver shall first be submitted to the principals at the student's sending and receiving schools. If either principal disapproves of the waiver, he/she shall state his/her reasons in writing.
- (b) The transfer waiver, with the recommendations of the principals, shall then be submitted to the receiving school's league for a vote.
- (c) The recommendation of the principals and the league and all other information that the applicant wished to be considered in support of the waiver application shall be submitted in writing to the Commissioner. The burden of proof to establish a hardship shall be upon the applicant.
- (d) The Commissioner or his/her designee may conduct additional investigations as he/she deems necessary. The application and any additional information gathered by the Commissioner or his/her designee shall constitute the record of the proceeding. The Commissioner will make a timely written decision based on the information in the record.
- (e) The Commissioner's decision may be appealed pursuant to Article 25 of these Bylaws.
- (f) The decision of the Commissioner shall be upheld unless it is shown by clear and convincing evidence in the record to be arbitrary or capricious.
- (g) Transfer waivers cannot be approved for a school transfer found to be substantially motivated by athletic considerations.

1800.73 No transfer waiver may be granted that would cause a student who is ineligible in the sending school to become eligible at the receiving school.

Q1: What does arbitrary and capricious mean?

A1: A decision is "arbitrary and capricious" only if the committee finds (1) that the Commissioner neglected or refused to use reasonable diligence to obtain necessary information; (2) failed to consider the information honestly; or (3) made the decision in such a manner as to indicate clearly that it was based on conclusions from the evidence which reasonable persons fairly and honestly considering the evidence could not reach.

Q2: How may a student who has suffered a hardship gain eligibility?

A2: A school may file a waiver of a CHSAA Bylaw on behalf of the student if a hardship exists. The waiver would be sent to the sending school and be acted upon by the league and the Commissioner. The student may not compete until the waiver is approved by the Commissioner.

- 1800.74
- A. The CHSAA requires that all information provided in regard to any aspect of the eligibility of a student must be true, correct, accurate, complete and/or not false or fraudulent.
  - B. Penalty for providing incorrect, inaccurate, incomplete or false or fraudulent information.
    - 1. If it is discovered that any parent(s)/guardian(s)/caregiver or student has provided incorrect, inaccurate, incomplete or false information in regards to any aspect of eligibility status on behalf of a student, that student is subject to immediate ineligibility for CHSAA competition at any level in any sport for a period of up to 12 calendar months from the date the determination was made that incorrect, inaccurate, incomplete or false information was provided.
    - 2. Any contests in which a student or students participated based on incorrect, inaccurate, incomplete or false information or fraudulent practices regarding eligibility status shall be forfeited according to the guidelines set in accord to the bylaws.
    - 3. Teams
      - a. If it is determined that someone associated with a school (including, but not limited to a coach) knowingly participates in either providing incorrect, inaccurate, incomplete or false information or using fraud or knowingly allows others to do so, in an attempt to have a team qualify for post season, that team and coach will be immediately placed on restriction.
      - b. Any contest in which that team has participated based on incorrect, inaccurate, incomplete or false information or fraud shall be forfeited according to the CHSAA bylaws.
    - 4. School Personnel Involvement

If any school personnel (including but not limited to a coach) knowingly participates in either providing incorrect, inaccurate, incomplete or false information or allowing others to gain favorable eligibility status for a student, or team information to meet qualification standards for participation in any contest including playoffs or championships, sanctions may be imposed on the school including but not limited to: probationary status, prohibitions against playoff participation, forfeitures, revoking of CHSAA membership, etc.