



CRITERIA FOR VHSL SEMESTER RULE APPEALS

PURPOSE: The intent of the Semester Rule is that the student graduate by the end of the eighth semester after entering the ninth grade for the first time; or by the end of the eighth semester after being classified as ungraded – whichever occurs first. The Semester Rule encourages academic progress and discourages “re-classification.”

Procedure: Appeals will be reviewed by the District Committee and the Assistant Director for Compliance, with appeal of adverse decisions to the Executive Committee (or a duly authorized sub-committee thereof) and the Independent Hearing Officer as outlined in Sections 28C-1-1, 33-1-1 through 33-7-1(6).

Vote Requirement: Majority of the District Committee, followed by approval by the Assistant Director for Compliance. In the event either recommends denial, then two-thirds of the Executive Committee (or a majority of duly authorized sub-committee thereof); or approval of the Independent Hearing Officer.

Waiver WILL be considered:

- A. Only for those cases in which a student entered high school and did not stay in continuous enrollment because of personal illness or no school was available; or
- B. If an injury, illness or “undue hardship” circumstance beyond the control of a student prevented him/her from attending and passing the units of work required to advance to the next grade level; or
- C. For the foreign student in refugee status.
- D. For a student who (1) participates in a CSJET-approved foreign study program for which District Committee waiver was granted prior to participation in this study program; and (2) who did not participate out of country in sports he/she wishes to play upon his/her return to a member school.
- E. For those specifically documented cases in which the sole reason for ineligibility is that the school principal, assistant principal or guidance personnel incorrectly advised the student and/or his/her parents regarding eligibility requirements resulting in the ineligibility.
- F. For non-native language speaking students placed in a lower grade or unable to progress satisfactorily due to the necessity of being enrolled in English as a second language courses or programs. If a student had the opportunity to participate for 8 semesters, a waiver could not be considered.

Notes:

- (1) “**Undue hardship**” is defined as follows. “Undue” means “not requisite or necessary; excessive; too great.” A second meaning is “not proper, fitting or right.” It must be noted that the reference is to **undue** hardship. That a rule works **some** hardship upon a student is not a compelling reason to waive the regulation involved. Sometimes hardship upon one party is required or necessary in order to avoid precedent that will make the regulation difficult or impossible to apply in similar circumstances in the future, thus eroding the regulation and opening the door to the very problems the regulation was created to reduce or eliminate. In such cases, even **extreme** hardship is not **undue** hardship.
- (2) When personal illness is grounds for seeking a waiver, there must be clear and convincing medical evidence to show that the illness was the cause of the student’s failure to meet the Semester Rule.

Waiver will NOT be considered:

1. For a student who is denied participation in League activities (a) because of local rules authorized in Section 27-8-10, or (b) because of any rule or regulation of any school board or division superintendent; or
2. Unless there is an exceptional situation or undue hardship if the student had the opportunity to participate in the same VHSL activity for each of the eight continuous semesters beginning with the first semester in ninth grade or the first semester in which he/she became classified as ungraded, whichever comes first: or under any circumstances if the student actually participated during four years in a sport at the high school level; or
3. For loss of eligibility in itself or an injury which prevents the student from exercising an opportunity to participate; or
4. If there is evidence from which it reasonably can be concluded that the non-compliance with the Semester Rule in question was motivated by the student’s, student’s parents’ or school’s efforts to gain a desired athletic outcome or to circumvent this rule: or
5. If a student repeats a grade after making grades satisfactory for promotion to the next level.
6. For any student who is suspended or expelled from school and as a result fails to meet the scholarship requirement or repeats a semester or school year.
7. For those situations in which the school, the student and/or the parent(s) make/made a decision which results in a delayed graduation date for the student.
8. For a school’s non-identification of a student as needing special education services, or because the student did not receive such services.

9. If sufficient evidentiary documentation does not accompany a waiver application. In such event, the Assistant Director for Compliance may suspend or dismiss the appeal.