



CRITERIA FOR VHSL TRANSFER RULE APPEALS

PURPOSE: The intent of the Transfer Rule is to discourage recruiting and transfers for athletic/activity reasons and to encourage students to live with their parents and be enrolled in school continuously in their home school district

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 duly authorized sub-committee thereof); or approval of the Independent Hearing Officer.

Waiver WILL be considered:

- A. Only for those conditions causing ineligibility which are/were beyond the control of the member school, the student, and/or the parent(s), except for home betterment because of such “undue hardship” circumstances as broken home, death of parent(s) or guardian(s), abandonment, and other exceptional emergency reasons, or dire home conditions as determined by the hearing committee; or
- B. For foreign students in refugee status; or
- C. For a student who moves back to the high school serving the school district in which his/her parent(s) reside after attending one of the special education programs funded by the Department of Education in a state-supported institution (i.e., DeJarnette Center, Woodrow Wilson Rehabilitation Center, etc.).
- D. For a student who transfers under the school choice provision of No Child Left Behind.
- 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..

Notes: “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.

Waiver will NOT be considered:

1. For the fourteen exceptions listed in *VHSL Handbook* Section 28-6-2 or for the conditions listed in *VHSL Handbook* Section 28-6-3; or
2. For a student who is denied participation in League activities (a) because of local rules authorized in Section 27-1-10, or (b) because of any rule or regulation of any local school board or division superintendent; 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 sufficient evidence to make it reasonable to believe that the non-compliance to the Transfer Rule was motivated by the student’s or school’s efforts to gain a desired athletic outcome or to intentionally circumvent this rule:
or
5. For a move to a new high school because of emancipation or marriage.
6. For any student who is suspended or expelled from school and as a result 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 the transfer ineligibility.
8. If sufficient evidentiary documentation does not accompany a waiver application. In such event, the Assistant Director for Compliance may suspend or dismiss the appeal.