NCHSAA TRANSFER RULE WAIVER INSTRUCTIONS

TO: NCHSAA Member School Principals
FROM: NCHSAA Staff
RE: Process to Request a Waiver of the 365 Day Waiting Period for Transfers from Member Schools in One LEA to Member Schools in Another LEA

NOTE: The Receiving Member School (the school to which the student has transferred) must submit all required documentation on behalf of the transferring student and the member school Principal will be the point of contact for the NCHSAA.

The NCHSAA’s Transfer Policy is set forth in the NCHSAA Handbook as follows:

After initial entry into the ninth grade, and absent a bona fide move as provided in the Residence Section in this Handbook:

(a) a student transferring from one member school to another member school within the same LEA must sit out 365 days for athletic participation. The LEA may create criteria for immediate athletic eligibility for transfers within the LEA.

(b) A student transferring from one member school in one LEA to another member school in a different LEA must sit out 365 days for athletic participation. Exceptions for immediate athletic eligibility for transfers from one LEA to a different LEA will be heard by a special NCHSAA transfer committee.

NOTE: If a member school is not part of a defined LEA (e.g., charter school, non-boarding parochial school, etc.), then the member school itself will be considered its own LEA for purposes of this policy (i.e., exceptions involving these member schools will fall under subsection (b) above).

The NCHSAA’s Process for Transfer Rule Waiver Requests is set forth as follows:

In order for the NCHSAA to review a Transfer Rule Waiver Request submitted by a member school on behalf of a transferring student, the Receiving Member School must submit the following documents to the NCHSAA:

1. Paperwork establishing the student has applied for, and received, both a waiver and acceptance from both the Previous and Receiving Member Schools and/or school systems;
2. A completed “Transfer Rule Waiver Request” form prepared and submitted by the Receiving Member School.
3. A completed “Statement of Information Regarding Transfer” form signed by the Principals of both the Previous and Receiving Member Schools; and

The default rule is that, after initial entry into the ninth grade, and absent a bona fide move, transferring students from a member school in one LEA to a member school in a different LEA will be ineligible to participate in athletics for 365 days from the student’s enrollment in the
Receiving Member School. The NCHSAA staff will review all paperwork, including the Statement of Information Regarding Transfer form (to understand the positions of both principals regarding the intent of the transfer), and may elect to request additional information and/or conduct a conference call/in-person meeting to discuss the waiver request. Once the NCHSAA staff has completed its review, the NCHSAA will render a decision on the waiver request. This decision may be appealed only as provided in the NCHSAA Bylaw VIII.

The Burden to Establish Grounds Necessary for Waiver:

In order to receive a waiver of this rule, the Receiving Member School bears the burden of establishing that the transfer was not done for athletics purposes. This burden may only be established by information presented to the NCHSAA in the required documents (unless additional information is requested by the NCHSAA).

Important Notes:

- Regardless of the outcome of this Transfer Rule Waiver Request, Receiving Member Schools must always ensure that students are eligible in all other respects (e.g., academics, attendance, etc.).
- Any approved Waiver Requests will still be subject to the “same sport during the same sport season” rule.
- Once a waiver request is granted, and a student enrolls in the Receiving Member School or participates in the athletics program, the student will remain eligible at the Receiving Member School (assuming students are eligible in all other respects).
- If a waiver request is granted, and a student enrolls in the Receiving Member School or participates in the athletics program, any subsequent transfer of the student (including back to the Previous Member School, to the school of residence assigned by the local board of education, etc.) will be subject to the NCHSAA’s Transfer Policy (i.e., the student will be subject to the 365 day ineligibility rule). Upon such an occurrence, a subsequent Receiving Member School may submit a Transfer Rule Waiver Request on the basis of changed circumstances (regarding the basis for the original Request) or on a new basis (see Transfer Rule Waiver Request form).
  - Example: Student and parents reside in Durham County. Based on the family’s residence the student would normally be assigned to Charles E. Jordan High School in Durham. However, the student begins the 9th grade at Chapel Hill High School. Prior to the beginning of the 10th grade the student wants to transfer from Chapel Hill High School to Jordan High School. The student will be subject to the Transfer Rule and, absent a waiver, will be ineligible to participate in athletics at Jordan High School for 365 days.
NCHSAA TRANSFER RULE WAIVER REQUEST FORM

I. Background and Contact Information

Receiving Member School: ____________________________
(Member School Requesting Waiver)
Principal Name: ____________________________
E-mail and Phone Number: ____________________________

Student Name: ____________________________
Parent/Legal Custodian(s) Name(s): ____________________________
Student Address: ____________________________

Previous School Name: ____________________________
(Member School from which student is transferring)
Principal Name: ____________________________
E-mail and Phone Number: ____________________________

II. Basis(es) for Request to Waive 365 Day Ineligibility Rule

Please check one or more of the following:

___ Special curricular needs.
A student is unable to obtain in his or her regularly assigned school those specially needed courses of study or programs necessary to pursue specialized educational or career goals. Proper documentation must be submitted to establish this basis. NOTE: This basis requires the showing of more than just a different class, it must be course of study or program that is not offered at the regularly assigned school.

___ Documented medical needs.
A student provides documentation provided by a physician (or comparable professional provider such as a psychologist, etc.) containing a detailed professional opinion that the student’s mental, emotional or physical health would be adversely affected by the student’s attendance at his or her regularly assigned school.

___ Student’s parent/legal custodian is a permanently assigned employee of another school system.
A student provides documentation establishing (a) his or her parent/legal custodian is a permanently assigned employee of the Receiving Member School or system; and (b) the Receiving Member School would be the school assigned to the student if his or her parent/legal custodian resided at the parent/legal custodian’s work location in the school system. NOTE: This basis requires the showing that the parent/legal custodian is a permanently assigned employee, not a temporary, volunteer or lay employee/coach.
  - Example No. 1: Student and Parent live in Durham County, and Student would normally be assigned to Charles E. Jordan High School in Durham (and attends Jordan High School after entry into the ninth grade). Parent is a permanently
assigned employee at Carrboro High School. A waiver would properly be considered for the Student if she transferred to Carrboro High School.

- Example No. 2: Student and Parent live in Durham County, and Student would normally be assigned to Charles E. Jordan High School in Durham (and attends Jordan High School after entry into the ninth grade). Parent is a permanently assigned employee at McDougle Elementary School in Chapel Hill. Based on the address for McDougle Elementary School, a student would be assigned to Chapel Hill High School. Therefore, a waiver would properly be considered for the Student if she transferred to Chapel Hill High School.

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**Family/student child care needs.**
The family or student provides documented child care needs that necessitate a transfer to avoid a serious and continuing hardship.

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**Documented safety issues.**
A student provides documentation of an unsafe environment at his or her school (e.g., physical or emotional violence/threats make continued attendance at his or her school unsafe, etc.).

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**Federal or State mandated transfers.**
A student provides documentation of a transfer made pursuant to the Unsafe School Choice or School Improvement Choice Transfer under the No Child Left Behind Act, the Transfer of Homeless Students as provided in 42 U.S.C. 11431 et. seq., or any other applicable federal or state law allowing a similar right to transfer (including North Carolina or federal court orders).

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**Other serious and continuing hardship.**
The student provides documentation establishing a serious and continuing hardship which cannot reasonably be eliminated or reduced by means other than a transfer from his or her regularly assigned school.

The default rule is that, absent a bona fide move, transferring students from a member school in one LEA to a member school in a different LEA will be ineligible to participate in athletics for 365 days from the student’s enrollment in the Receiving Member School. In order to receive a waiver of this rule, the Receiving Member school bears the burden of establishing (1) the existence of one or more of the basis(es) listed above; and (2) that the transfer was not done for athletics purposes.

Please use the following space and/or attach additional pages along with the required documentation to support the selected basis(es):
Important Notes:

- Regardless of the outcome of this Transfer Rule Waiver Request, Receiving Member Schools must always ensure that students are eligible in all other respects (e.g., academics, attendance, etc.).
- Any approved Waiver Requests will still be subject to the “same sport during the same sport season” rule.
- Once a waiver request is granted, and a student enrolls in the Receiving Member School or participates in the athletics program, the student will remain eligible at the Receiving Member School (assuming students are eligible in all other respects).
- If a waiver request is granted, and a student enrolls in the Receiving Member School or participates in the athletics program, any subsequent transfer of the student (including back to the Previous Member School, to the school of residence assigned by the local board of education, etc.) will be subject to the NCHSAA’s Transfer Policy (i.e., the student will be subject to the 365 day ineligibility rule). Upon such an occurrence, a subsequent Receiving Member School may submit a Transfer Rule Waiver Request on the basis of changed circumstances (regarding the basis for the original Request) or on a new basis (see Transfer Rule Waiver Request form).
  - Example: Student and parents reside in Durham County. Based on the family’s residence the student would normally be assigned to Charles E. Jordan High School in Durham. However, the student begins the 9th grade at Chapel Hill High School. Prior to the beginning of the 10th grade the student wants to transfer from Chapel Hill High School to Jordan High School. The student will be subject to the Transfer Rule and, absent a waiver, will be ineligible to participate in athletics at Jordan High School for 365 days.

Submitted By:

Principal Signature: __________________________
Date: __________________________
NCHSAA TRANSFER: STATEMENT OF INFORMATION

DATE THIS STATEMENT WAS SENT TO PREVIOUS MEMBER SCHOOL: __________________________
TRANSFERRING STUDENT: __________________________________________________________

This Statement of Information must be submitted as part of a Receiving Member School’s request to
waive the default eligibility waiting period (365 days) as provided in the NCHSAA’s transfer rule. The
purpose of this Statement is to allow both member schools to offer their positions regarding whether this
transfer has been done for athletics purposes. Both member school positions will be considered by the
NCHSAA.

RECEIVING MEMBER SCHOOL: ______________________________________________________
(School to which student is transferring)
Principal Signature: ________________________________________________________________
Principal Name: ________________________________________________________________
E-mail and Phone Number: ____________________________________________________________

After reviewing the facts and circumstances regarding the transfer of the above-referenced student,
including discussing this matter (if appropriate) with my athletics director, coaches, etc., my position is
that (initial one):

_______ This transfer WAS NOT done for athletics purposes.

_______ This transfer WAS done for athletics purposes. NOTE: If you believe the transfer was
done for athletics purposes you should not continue this waiver process.

PREVIOUS MEMBER SCHOOL: ______________________________________________________
(School from which student is transferring)
Principal Signature: ________________________________________________________________
Principal Name: ________________________________________________________________
E-mail and Phone Number: ____________________________________________________________

After reviewing the facts and circumstances regarding the transfer of the above-referenced student,
including discussing this matter (if appropriate) with my athletics director, coaches, etc., my position is
that (initial one):

_______ This transfer WAS NOT done for athletics purposes.

_______ This transfer WAS done for athletics purposes. NOTE: Please attach a separate
statement describing your position.

NOTE TO PREVIOUS MEMBER SCHOOL: You MUST return this form to the Receiving Member
School within fourteen (14) days of receipt so that the Principal may submit this form to the NCHSAA.
Failure to return the form within this time frame will result in the waiver of your position as part of the
NCHSAA’s consideration of this waiver request.