

***CALIFORNIA INTERSCHOLASTIC FEDERATION***

**PARENT HANDBOOK - I**

**UNDERSTANDING THE TRANSFER  
ELIGIBILITY PROCEDURE**



**PARENT GUIDELINE HANDBOOK**

**May 17, 2007 Edition**

***CALIFORNIA INTERSCHOLASTIC FEDERATION***

# 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 CIF member schools and administrators take in determining “transfer eligibility.” This guide should not be considered as a legal reference and is merely a guide to better understanding of CIF Transfer Eligibility.

## Table of Contents

	PAGE
<b>Purpose</b>	<b>2</b>
<b>Entering High School and Athletic Eligibility</b>	<b>3</b>
<b>Transfer Eligibility – A Simple Process</b>	<b>4</b>
<b>CIF Bylaws</b>	
<b>200 CIF Philosophy of Transfer Students</b>	<b>5</b>
<b>202. B – Accurate Information Requirement</b>	<b>5</b>
<b>206 - Initial Residential Eligibility</b>	<b>6-7</b>
<b>207– Transfer Eligibility</b>	<b>7-10</b>
<b>208 – Hardship Waiver for Transfer Student</b>	<b>10</b>
<b>Hardship Frequently Asked Questions</b>	<b>12</b>
<b>Definition of Terms</b>	<b>13-14</b>
<b>210 - Discipline, Expulsion and Transfer for Disciplinary Reasons</b>	<b>14</b>
<b>510 – Undue Influence (Recruiting of Student-Athletes)</b>	<b>14-15</b>

# **Entering High School – 9<sup>th</sup> Grade**

It is a family choice in deciding what school they chose for their children. Athletic eligibility is first established when the student enters 9<sup>th</sup> grade, regardless of the member school. This is called **Initial Residential Eligibility** and specific details are listed in CIF Bylaw 206. Students entering 9<sup>th</sup> grade must meet all academic and citizenship requirements of the CIF and are subject to local school/board policies in order to participate.

**CIF Bylaw 202.B. prohibits providing false information in regard to any aspect of eligibility. CIF Bylaw 510 (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 24 months. Please report unethical behavior immediately to your school principal to help protect your student-athlete eligibility. Unethical behavior, recruiting and cheating hurts everyone.**

**Anytime a student moves from one school to another (School “A” to School “B”), the student is considered a “transfer” student.**

## **Before the First Day of 10<sup>th</sup> Grade**

A family may make a decision to transfer their student prior to the first day of the student’s 3<sup>rd</sup> consecutive semester (typically the first semester of the sophomore year) of attendance since the initial enrollment in 9th grade and still retain athletic eligibility when the specific conditions are met. Please see CIF Bylaw 207.A.(3). for the conditions that must be met for the student to retain athletic eligibility. The student and his/her family will need to complete all necessary forms to help the new school determine that no recruiting took place and that the student meets all other CIF academic and eligibility standards in order to participate at the new school. These forms must be completed and approved prior to the student participating in a game or contest.

## **Anytime Following the First Day of 10<sup>th</sup> Grade**

When a family makes the decision to transfer the student after the first day of his/her 10<sup>th</sup> grade year, there may be limitations on the student’s athletic eligibility, depending on the classification of the student.

### **Classifications of Transfer Students**

- 1. A valid change of residence student.**
- 2. A transfer without a valid change of residence.**
- 3. An involuntary transfer student** (*when a school/district forces the student to change schools*).

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 old 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 that describes the athletic eligibility process for students who transfer under these circumstances. It is hoped that families will be better prepared to make “school choice” decisions with an understanding of the impact of those decisions on their student’s athletic eligibility.

## **A SIMPLE PROCESS**

**When a student transfers schools, changes from School “A” to School “B”, regardless of the reason for the change, the new school (School “B”) must take steps to ensure 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 valid change of residence.**

- The new school site principal/designee shall review if the student made a valid change of residence by following the process of its respective CIF Section for a “Valid Change of Residence.” The process will include submission of paperwork to the CIF Section office prior to participation in games/contests.
  - The new school must also verify the student has met the academic requirements of the school and CIF and there was no “Undue Influence.”
  - The new school shall 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 (School “B”) athletic director/administrator may 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 valid change of residence, the new school (School “B”) must take a few additional steps prior to determining the eligibility of the student.**

- All CIF Sections WILL require that the appropriate forms be submitted to and APPROVED by the CIF Section office when there is NOT a “Valid Change of Residence” PRIOR to the student participating in contests/games.
  - The new school is responsible for determining if the student meets the academic requirements of the CIF, CIF Section and the school and there was no “Undue Influence” using Pre-Enrollment Contact Affidavit (CIF Form 510.)
  - 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.
- Students may be granted “limited eligibility” by the CIF Section office once all forms and paperwork are submitted and approved under certain circumstances. Please refer to the definitions pages, 16-17, for an explanation of “Limited Eligibility”.
- It is recommended that the parents and the student-athlete discuss “Limited Eligibility” and the hardship waiver process with their new school administrator if they feel there are extenuating circumstances as defined under CIF Bylaw 208: Hardships.
- There are “Frequently Asked Questions” on page 14 of the guide to assist families in this decision- making process. If a family decides to pursue a hardship waiver, the process could take up to one calendar month to resolve. There is no guarantee that the Section Office will grant the waiver for the student, and the student may miss part or all of the sport season depending on when the application is submitted for consideration. Documentation of the hardship and additional paperwork will be required.

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

## 200. CIF Philosophy on Student Eligibility for Interscholastic Athletic Competition

The California Interscholastic Federation (CIF), 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 CIF Federated Council.

CIF Bylaws governing student eligibility are a necessary prerequisite to participation in interscholastic athletics because they:

- A. Keep the focus on athletic participation as a privilege, not a right;
- B. Reinforce the principle that students attend school to receive an education first; athletic participation is secondary;
- C. Protect the opportunities to participate for students who meet the established standards;
- D. Provide a fundamentally fair and equitable framework in which interscholastic athletic competition can take place;
- E. Provide uniform standards for all schools to follow in maintaining athletic competition;
- F. Serve as a deterrent to students who transfer schools for athletic reasons and to individuals who recruit student-athletes;
- G. Serve as a deterrent to students who transfer schools to avoid disciplinary action;
- H. Maintain an ethical relationship between high school athletic programs and others who demonstrate an interest in high school athletes;
- I. Support the Principles of “Pursuing Victory with Honor<sup>sm</sup>.”

## 202. B Student Eligibility – Penalty for Provision of False or Fraudulent Information

- (1) If it is discovered that any parent, guardian, caregiver or student has provided false information in regards to any aspect of eligibility status on behalf of a student, that student is subject to immediate ineligibility for CIF competition at any level in any sport for a period of up to 24 calendar months from the date the determination was made that false information was provided. (Revised October 2001 Federated Council)
- (2) If it is discovered that persons associated with the student or the school (coach, teachers, parents, friends, etc.) provided false information in order to fraudulently gain favorable eligibility status for a student, that student is subject to immediate ineligibility for competition at any Section member school at any level in any sport for a period of up to 24 calendar months from the determination that false information was provided whether the student was aware of the fraudulent information or not. (Revised October 2001 Federated Council)
- (3) Any contests in which a student or students participated based on false information or fraudulent practices regarding eligibility status shall be forfeited according to the guidelines set in accord to the rules of the CIF Section.
- (4) Teams
  - a. If it is determined that someone associated with a school (including, but not limited to, a coach) knowingly participates in either providing false information or using fraud or knowingly allows others to do so, in order for a team to meet qualification standards in any event, that team will be subject to immediate ineligibility for further competition in that sport that season.
  - b. Any contest in which that team has participated based on false information or fraud shall be forfeited according to the guidelines of the CIF Section or the State CIF.
- (5) School Personnel Involvement  
If any school personnel (including but not limited to a coach) knowingly participates in either providing false information or allowing others to provide false information in order 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 CIF or Section membership, etc.

## 206. RESIDENTIAL ELIGIBILITY

### A. Initial Residential Eligibility

A student has residential eligibility upon initial enrollment in:

- (1) The 9th grade of any California Interscholastic Federation high school, a California Interscholastic Federation junior high school, or a junior high school under provisions of Bylaw 302; OR
- (2) The 10th grade of any California Interscholastic Federation high school from 9th grade of a junior high school in California.

### B. Continuing Residential Eligibility

- (1) A student retains residential eligibility as long as he/she is continuously enrolled in the CIF member high school in which the student initially enrolled; OR
- (2) A student changes schools with a valid change of residence by the student's custodial parent(s) or guardian(s) provided there is a valid change of residence.

#### a. Valid Residence

A valid residence is defined as the location where the student's parent(s), guardian(s), or caregiver(s) (with whom eligibility has been established) live with that student and thereby have the use and enjoyment of that location. A student (with the student's parent(s), guardian(s), or caregiver(s) with whom eligibility has been established) may only have one valid residence at one time.

#### b. Valid Change of Residence

Determination of what constitutes a valid change of residence depends upon the facts in each case, however, to be considered, the following facts must exist:

- (i) The original residence must be abandoned as a residence by the immediate family; AND
- (ii) The student's entire immediate family must make the change and take with them the household goods and furniture appropriate to the circumstances. For eligibility purposes, a family unit may not maintain two or more residences; AND
- (iii) The change of residence must be genuine, without fraud or deceit, and with permanent intent; AND

NOTE: A student whose family makes a valid move into a new school boundary (see iv below) is immediately residentially eligible for varsity competition. A subsequent move into a different school boundary by the family (or other family members) during that same school year will result in the student being declared ineligible until cleared for competition by the Section Commissioner.

- (iv) Evidence must be submitted that a valid change of residence has occurred.

Evidence may include:

- 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, 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 and age-appropriate student's motor vehicle registration;
- Proof of changed address on the parent's and age-appropriate student driver's license;
- Voter registration listing the new address;
- Real estate documents indicating and verifying a change of residence (sale and purchase, for instance);

- Proof of entering a long-term lease;
  - Court documents indicating a change of residence;
  - Property tax receipts;
  - Rent payment receipts;
  - Declaration of residency executed by the student’s parent or legal guardian;
  - Other documentation that a Section or school district may require that establishes that a person is living at the new address.
- (3) **School Choice Following a Valid Change of Residence**  
A student, whose parents, legal guardian(s) or caregiver with whom the student was living when the student established residential eligibility at the prior school move from a residence in public high school attendance area “A” to a residence in public high school attendance area “B,” has a choice among continued attendance at the previous school, attendance at School “B,” or attendance at a private school. The student is eligible if the student remains in School “A,” or if the student enrolls and attends class immediately or no later than the beginning of the next school year in School “B” or a private school.
- (4) **Return to Previous School**  
When a student eligible in School “A” transfers to School “B” and is residentially not eligible, the student may return to School “A” and be residentially eligible provided the student did not participate in an interscholastic athletic contest while at School “B” and provided the student’s parents, legal guardian, or caregiver still reside in School “A’s” attendance area. (NOTE: The Section may require some paperwork.)
- (5) **Intra-district and Inter-district Transfers/Open Enrollment**  
Each Section shall adopt rules and procedures that address eligibility pursuant to the provisions of the State Education Code sections 35160.5(b)(1) and 48300 et seq. (“open enrollment” and school choice legislation). However, only the Section Commissioner shall make all final determinations of transfer eligibility. (see also Bylaw 207.B.)
- (6) **Boarding School**  
A high school student who transfers to or from the status of a full-time resident at a 24-hour boarding school shall be residentially eligible immediately on the first transfer, but all residence requirements shall apply on any subsequent transfer. To be considered a 24-hour boarding school student, the student must have resided in the boarding school for a period of 50 days immediately prior to the transfer.
- (7) **Court Order**  
If court action requires a student to transfer from one school to another when there has been no corresponding change of residence on the part of the student’s parents, legal guardian or caregiver with whom the student was living when the student established residential eligibility, the student will be ineligible in the new school unless approved by action of the CIF Section. (A recommendation by a social worker of a welfare department for a change in residence would not constitute a court order).
- (8) **Military Service**  
A student is eligible immediately for athletic competition when returning from military service provided:
- a. The student was eligible when the student entered into the Armed Forces; AND
  - b. The student enrolls in the same school which the student attended before leaving for the service, or enrolls in the school in the district in which the student’s parents reside; AND
  - c. The student enrolls in the school no later than the succeeding semester after being discharged; AND
  - d. Provided student did not receive a dishonorable discharge; AND
  - e. The student is fully eligible under all other rules of the California Interscholastic Federation.
- (9) **Married Status**  
A student who marries and lives with the student’s spouse has residential eligibility in the school in the attendance area in which the student resides.

**207. TRANSFER ELIGIBILITY**

A student who participates in an interscholastic athletic contest or is enrolled in and/or attends a school for 15 school days or more shall be considered to have been “enrolled” in that school and shall be classified as a transfer student if the student subsequently enrolls at another school.

- A. A student may have transfer eligibility provided the student moves from any school to a CIF school due to:
- (1) A valid change of residence (see also Bylaw 206.B.) from one school attendance area to the attendance area of the new school by the parent(s) or legal guardian(s) with whom the student was living when the student established residential eligibility (Bylaw 206.A.) at the prior school; OR
  - (2) A ruling by the Board of Education of a school district that has two or more high schools, provided the change of schools is not the result of disciplinary action; OR
  - (3) A family decision to transfer the student prior to the first day of the student’s third consecutive semester (typically the first semester of the sophomore year) of attendance since the initial enrollment when the following conditions are met:
    - a. This is the first transfer of this student since his/her initial enrollment in the 9th grade; AND
    - b. The student is not transferring as a result of a disciplinary situation (see also Bylaw 210); AND
    - c. The student was scholastically and otherwise eligible at the former school immediately prior to the transfer; AND
    - d. The CIF Form 510 Pre-Enrollment Contact Affidavit is completed verifying that there is no evidence of the use of undue influence (recruiting) by anyone associated with either school; AND
    - e. The CIF Form 207 Athletic Transfer Eligibility Application and CIF Form 510 Pre-Enrollment Contact Affidavit have been approved by the Section.
    - f. Under this bylaw, no student shall be eligible to participate in the same sport at two different schools in the same school year unless the student changed schools as a result of a valid change of residence by the student and his/her custodial parent(s) or guardian(s).
- B. All 9th grade students who are transferring for a second time or any 10th, 11th or 12th grade students who transfer without a valid change of residence, will have limited eligibility for one year from the date of transfer (see item “a.” below):
- (1) A student who transfers from a school located in the U.S., a U.S. Territory, a U.S. Military Base, or Canada (to be referred to as School “A”) to School “B”, without a change of residence on the part of his/her parents, legal guardians, or caregiver with whom the student was living when the student established residential eligibility, from school attendance area A to school attendance area B, shall be residentially eligible for all athletic competition EXCEPT varsity level competition in sports in which the student has competed in any level of interscholastic competition during the 12 calendar months preceding the date of such transfer. (defined as LIMITED ELIGIBILITY).
    - a. Based on the conditions below, the student shall be ineligible for all sports for one calendar year unless otherwise noted.
      - (i) A student who was scholastically ineligible at their previous school will not be eligible to compete at the new school until the requirements in Bylaw 205 are met and the new school has completed a grading period to verify that the student has met the CIF and school district scholastic eligibility requirements.
      - (ii) A student will be declared ineligible for one calendar year from the date of transfer if he/she is transferring for disciplinary reasons as defined in Bylaw 210.
      - (iii) There is evidence of the use of undue influence by someone associated with either school in order to retain or secure this student’s enrollment.
  - (2) Hardship Waivers  
Sections may waive the limited eligibility of a student pursuant to CIF Bylaw 208 - Transfer Hardship.
  - (3) In the event of a change of schools due to a valid change of residence, a student will be allowed to participate in the same sport at two different schools not to exceed, in total, the maximum number of contests in that sport as established by the CIF Section. No student shall be eligible to participate in the same sport at two different schools in the same school year unless the student

changed schools as a result of a valid change of residence by the student and his/her custodial parent(s) or guardian(s).

- (4) The student shall become varsity eligible under the rule after one calendar year from the date of first attendance at the new school.

(5) Pre-Enrollment Communication or Contact

A student who transfers from School "A" to School "B", as described in Bylaw 207.A. and 207.B. above, shall not be eligible for interscholastic athletics at School "B" until application, under the appropriate CIF/Section procedures, is completed including the following:

- a. The principal and athletic director of School "A" shall attest that to the best of their knowledge they have no credible evidence\* of any person: who is connected with the athletic department of School "B;" who is part of the booster club of School "B"; 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.

*\* 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.*

- b. The principal, athletic director and head coach of School "B" shall certify that to the best of their knowledge, no person: who is connected with the athletic department of School "B;" who is part of the booster club of school "B;" or who is acting on their behalf, has had communication, directly or indirectly, through intermediaries or otherwise, with the transfer student, student's parents, guardian, or caregiver, or anyone acting on behalf of the student, prior to the completion of the enrollment process.

- c. A transfer of a student from his or her current school of attendance to any high school wherein the student participates or participated, during the previous 24 months, on a non-school athletic team (i.e., AAU, American Legion, club team, etc.) that is associated with the new school shall be considered prima facie evidence ("sufficient evidence") of undue influence/recruiting by the school to which the student transfers, or may be considered prima facie evidence that the student enrolled in that school in whole or in part for athletic reasons. When a prima facie case of undue influence/recruiting exists, the student shall be ineligible to represent the new school in interscholastic athletic competition for a period of one calendar year from the date of the student's enrollment in the new school unless sufficient proof is presented to the satisfaction of the CIF Section Commissioner that rebuts or disproves the evidence of undue influence/recruiting for athletic reasons. A team associated with the 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.

*\*\* Defined as: Persons "associated" with a school include, but are not limited to; parents of current or former student/athletes, booster club members, alumni, spouses or relatives of coaches, teachers and other employees, former coaches, active applicants for coaching positions, and persons who are employed by companies or organizations that have donated athletic supplies, equipment or apparel to that school.*

- d. A student at any grade level who transfers to a new school within one calendar year of the relocation of his/her coach to that school without a corresponding change in residence shall be considered to have transferred for athletic reasons and shall not be eligible to participate in the sport(s) coached by that coach for one calendar year from the date of enrollment in the new school.

- e. Any pre-enrollment communication as described above must be disclosed in full, and in writing, to the appropriate Section. The CIF Section Commissioner shall determine if the pre-enrollment communication is a possible violation of CIF Bylaw 510.

- f. A student with whom contact or communication has occurred, as described in paragraph “a.” above, and who meets all other CIF/Section transfer waiver requirements, may become eligible upon determination that: the communication was completely unrelated to any aspect of School “B”; AND was of a type that, from the objective point of view of a reasonable person disinterested in the win/loss record of School “B”, does not have an effect upon the integrity of interscholastic athletics at School “A” or School “B”.
- g. Penalties
  - Deliberate failure of the School “B” persons, identified in paragraph (5) above, to disclose any pre-enrollment contact, or communicate in writing to the appropriate CIF Section as described in (5)c. above may result in:
    - (i) A forfeiture of all games in which the student participated; AND/OR
    - (ii) Disqualification from playoff and championship competition for all seasons in which the student is a member of the school’s team. (A student shall be considered a member of the school’s team if he or she participated in any aspect of an interscholastic contest, no matter how brief such participation may have been); AND/OR
    - (iii) The forfeiture of all games or events won during the time the student was a member of the school’s team; AND/OR
    - (iv) Divestment from the school of all trophies, banners and other indicia of athletic success obtained while the student was a member of the school’s team.

C. This Bylaw also applies to students 18 years of age or older and emancipated minors.

NOTE: Students transferring to another school under any provision of the federal legislation “No Child Left Behind Act” are not residentially eligible at their new school. However, a student may become eligible under the provisions of the appropriate Section and State CIF Constitution and Bylaws.

## 208. **HARDSHIP WAIVERS OF TRANSFER LIMITATION**

The California Interscholastic Federation recognizes that, in certain circumstances, students may transfer from one school to another due to a compelling need or situation beyond a student’s control. In such cases the Section may waive the transfer limitation imposed on a student when the case meets the definition of a hardship. (See A. below.) Consideration of any hardship request under this bylaw requires documented proof of the hardship circumstance, and all facts to be considered must be submitted at the time of application. Consideration will be given to those situations in which there is no evidence of athletic motivation, undue influence, pending disciplinary action or falsification of information (see also Bylaw 202.)

- A. A hardship is defined as an unforeseeable, unavoidable and uncorrectable act, condition or event that causes the imposition of a severe and non-athletic burden upon the student or his/her family. Sections may only waive the transfer limitation if the conditions of hardship are met, and there is sufficient documentation to support the hardship claim. Sections may not waive the applicable rule if the conditions of hardship are not met.
- B. Consideration of any hardship request to a Section requires documentation. Such documents may include, but not be limited to copies of current transcripts, financial documents, medical statements and/or supportive statements from the previous school attended.

**Refer to “State CIF Appeals Parent Handbook II” for the required forms, fees, and appropriate timelines that must be met in order for an appeal to be considered.**

## **HARDSHIP QUESTIONS AND ANSWERS**

*NOTE: CIF provides these questions and answers as a guide for parents and school personnel to aid them in determining if a transfer waiver is possible under the hardship definition. Every case is different and heard on its merits. The following is meant as a guide only and is not a definitive list of what is and is not a hardship.*

Question: If my daughter does not have a hardship as defined in Bylaw 208, will she be allowed to compete on the athletic teams at her new school?

*Answer: If a student leaves a school in good standing and is eligible under all other CIF Bylaws and both principals have no objection, she may compete at the non-varsity level in any sport she participated in at the previous school during the last 12 months or at the varsity level in any other sport.*

### **Financial Considerations**

Question: I can no longer afford to send my student to a private school. I want my student to return to the public school of attendance and compete at the varsity level. Is that allowed?

*Answer: Under certain circumstances a hardship waiver of the transfer penalty may be granted because of financial situations. However, there must be evidence of an unforeseeable, unavoidable and uncorrectable circumstance that necessitated the transfer. The Section will need evidence to show that a hardship circumstance occurred.*

*The Section will require evidence the family attempted to address the situation with the private school and that aid or assistance by the private school was insufficient to address the hardship. Increases in tuition or additional costs at the private school are considered foreseeable and, therefore, do not meet the criteria.*

### **Transportation Considerations**

Question: My child is enrolled in a school outside the public school attendance area. It is becoming more and more difficult to travel this distance. If we transfer, will he still be eligible for varsity competition?

*Answer: Generally, no. Transportation problems are foreseeable, as are instances of difficulty because of weather or changes in carpools.*

Question: The price of gas has skyrocketed and limited our ability to transport our child to our school of choice. We are considering changing to a school closer to our home. If we transfer, will our child still be eligible for varsity competition?

*Answer: Generally, no. The student may be given "limited eligibility" at his/her new school. Fluctuations in gasoline prices, as with most transportation issues, are foreseeable and must be considered when making your initial choice of schools.*

### **Divorce or Change of Guardianship**

Question: We are divorced (or divorcing) and my student will be moving to live with his father. Will he be eligible at his new school at the varsity level?

*Answer: A student who moves without the caregiver(s) with whom he established residential eligibility is ineligible for varsity competition. However, a hardship waiver may be requested that documents why the student must move to a new caregiver. In the case of a divorce decree that requires the student to transfer to a new school and live with a parent different from the one with whom he/she established initial eligibility, a copy of the court order must accompany the hardship request. Other changes of custody, if out of the control of the parent(s) or student, may be the basis for a hardship waiver of the Bylaw. In transfers made as a result of a change of legal guardianship, determined by a court having jurisdiction to do so, the request may be approved provided that the student has changed his/her residence to that of the new legal guardian.*

NOTE: Affidavits of responsibility outside the purview of a court do not meet the criteria of this policy. (See also Bylaw 206.B.(7))

Question: What does "court-appointed change of guardianship" mean?

*Answer: The Section will look for documentation that the student has changed from one parent to another or to a caregiver. Such proof of this type of transfer is a court document transferring physical custody from one parent to another. This is not a modification of custody rights; it recognizes that parent (or caregiver) with whom the student resides.*

### **Discontinued Programs**

Question: The school my daughter attends has discontinued a program in which she participated. Can a hardship waiver be granted if she transfers to a school that offers the same program?

*Answer: When a transfer is made as a result of a school discontinuing a particular program in which the student had previously been enrolled or participated, the student may request a waiver of the transfer rule. Proof of the student's enrollment in the program at the new school should be submitted at the time of the request.*

### Student Emergencies

Question: My son changed schools because of a medical condition. Will he be allowed to compete at his new school at the varsity level?

*Answer: Transfers based upon medical considerations may be approved, provided that Medical Doctor/Doctor of Osteopathy substantiates the need for such a transfer as an integral part of medical therapy of prevention or aggravation of an existing condition serious enough to warrant a compelling need to transfer. The CIF Section Commissioner may deny the request if it is established that the diagnosis was made for the purpose of establishing athletic eligibility at the new school.*

NOTE: Letters/notes from a psychologist, nurse or social worker will not be considered for medical emergencies and/or conditions.

### Student Social Issues

Question: My daughter is having trouble making friends at her school of choice. She wants to transfer to a school where she has friends and the course offerings will be better for her. Will she be eligible at the varsity level at her new school?

*Answer: It is reasonable to expect that there may be social adjustment problems or scholastic problems when a student chooses to attend a school outside of the neighborhood or a school that has a rigorous curriculum. Such circumstances do not satisfy the criteria for a hardship.*

Question: I want my son to attend a different school because the scholastic program is better at that school. He also feels he will fit in better at that school. Will he be eligible at the varsity level?

*Answer: Defining a "better" school scholastically or socially is subjective. Parents are urged to research schools prior to enrollment. Transfers for these reasons do not meet the hardship criteria.*

Question: Can my daughter apply for a hardship waiver if she has been subject to a disciplinary action?

*Answer: Transfers as a result of disciplinary action or pending disciplinary action by a school do not meet the criteria for consideration.*

Question: The school my son attends is not a safe environment and I want to transfer him to another school. Will this transfer limit his athletic eligibility?

*Answer: Any hardship waiver request MUST be substantiated with documented evidence. In a claim of an unsafe school environment, there must be documented school reports of incidents involving the student that makes remaining on that campus a dangerous situation that is beyond the control of the student.*

Question: What if these incidents occurred in the community and not at school?

*Answer: Any hardship waiver request MUST be substantiated with documented evidence. If something happened in the community, the Section would require police documentation and/or reports that would substantiate that the incident occurred in the community and was beyond the control of the student. Additionally, school officials may be required to provide letters and documentation affirming knowledge of the circumstances.*

## DEFINITION OF TERMS

**Hardship** — A hardship is defined as an unforeseeable, unavoidable and uncorrectable act, condition or event that causes the imposition of a severe and non-athletic burden upon the student or his/her family.

**Hardship Waiver** — The California Interscholastic Federation recognizes that in certain circumstances students may transfer from one school to another due to a compelling need or situation beyond a student's control. In such cases the Section may waive the "Limited Eligibility" imposed on a student when the case meets the criteria. Consideration will be given to those situations in which there is no evidence of athletic motivation, undue influence, pending disciplinary action, or falsification of information. For more detailed information and a question and answer guide, please refer to CIF Bylaw 208.

**Immediate Family** — Includes parents, legal guardians, caregivers, stepparents and minor siblings with whom the student resided when “Initial Residential Eligibility” was established.

**Initial Residential Eligibility** — Under CIF rules and regulations, students establish their “Initial Residential Eligibility” at their school of choice entering the 9th grade, or the 10th grade, of a 3-year high school.

**Limited Eligibility** — Students granted limited eligibility are limited for one year (from the date of transfer) to non-varsity competition in the CIF sports they participated in during the previous 12 calendar months but may participate in varsity competition in all other CIF sports.

**Prima Facie** — A legal term that means at first sight; on the first appearance; on the face of it; a fact presumed to be true unless disproved by some evidence to the contrary. A prima facie case is one in which the evidence presented is sufficient proof for the plaintiff (Section) to win its case of undue influence. In such a case, the defendant (school) must successfully refute the evidence for the student to gain eligibility.

**Transfer Eligibility** — Once a student enters high school and then changes schools, he/she is considered a transfer student. There are several types of transfer students.

- A student and his/her immediate family complete a valid change of residences as explained above. In most cases, this student will be eligible for all sports at the new school if the student meets all CIF scholastic standards and other rules and regulations.
- **9<sup>th</sup>-grader transferring before the start of the sophomore year without a valid change of residence.**  
A family decision to transfer the student during his/her 9th grade year or immediately upon the completion of 9th grade and/or no later than the first day of the third consecutive semester (typically the first semester of the sophomore year) may be eligible to compete in sports, at all levels, at the new school of choice if he/she meets CIF scholastic standards and all other rules and regulations.
- **10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>-grader transferring without a valid change of residence.**  
A family decision to transfer the student during his/her 10th, 11th or 12th grade year without a valid change of residence may have “limited eligibility” to participate in athletics at the new school. A student who changes residence and resides with someone other than his/her “immediate family” with whom he/she first established residential eligibility may have “limited eligibility” to participate in athletics at the new school.

**Valid Residence** — Where the student and his/her “immediate family” reside when the student entered high school for the first time (see Initial Residential Eligibility). A valid residence is further defined as the location where the student’s parent(s), guardian(s), or caregiver(s) live with that student and thereby have the use and enjoyment of that location. A student (with the student’s parent(s), guardian(s), or caregiver(s) with whom eligibility has been established) may have only one valid residence at a time.

**Valid Change of Residence** — A family makes a valid change of residence into a new school boundary when the student’s immediate family relocates and takes with them the household goods and furniture appropriate to the circumstances. For eligibility purposes, a family unit may not maintain more than one valid residence. A subsequent move by the family (or other family members) during that same school year will result in the student being declared ineligible until cleared for competition by the Section Commissioner. CIF rules and regulations will require the new school to document and verify a Valid Change of Residence. Evidence that a valid change of residence has occurred may include:

- 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, 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 and age-appropriate student’s motor vehicle registration;
- Proof of changed address on the parent’s and age-appropriate student driver’s license;
- Voter registration listing the new address;
- Real estate documents indicating and verifying a change of residence (sale and purchase, for instance);
- Proof of entering a long-term lease;

- Court documents indicating a change of residence;
- Property tax receipts;
- Rent payment receipts;
- Declaration of residency executed by the student’s parent or legal guardian;
- Other documentation that a Section or school district may require that establishes that a person is living at the new address.

## 210. DISCIPLINE, EXPULSION AND TRANSFER FOR DISCIPLINARY REASONS

### A. Expulsion

A student who is expelled by a public school district in the State of California pursuant to the provisions of Education Code section 48900 et seq., or from a public school from any other state, or any private or parochial school or district, shall be ineligible to practice, or compete with any CIF team or individual sport program that is under the jurisdiction of the California Interscholastic Federation (CIF) for the period of the expulsion.

### B. Suspended Expulsion

A student who has been expelled and has the expulsion suspended by the school board or board of directors and remains at his/her current school may be eligible so long as all other CIF and Section requirements are met. The conditions under which this student may be eligible will be determined by the local school board or board of directors. If the student is deemed eligible to participate, the conditions of his/her eligibility must be sent to the appropriate Section Office.

### C. Disciplinary Transfer

- (1) If a student transfers from any public or private school when a disciplinary action is in place or pending that contributes in any way to the decision to transfer, that student shall be ineligible for competition in all sports for one year from the date of the transfer to the new school.
- (2) A student, permitted by the principal to return to the school compelling the disciplinary transfer, may be granted unrestricted athletic eligibility by the Section if the student did not participate in any athletic program at the transfer school; compete for the transfer school; and, at the time of the transfer, conditions for return were established by the school administration that include, but are not limited to:
  - a. Satisfactory attendance criteria;
  - b. Applicable behavior standards;
  - c. Scholastic performance standards; and,
  - d. Principal’s approval of the return based upon documented evidence provided by the transfer school that the student satisfactorily complied with all conditions for return.

(Revised May 2005 Federated Council)

## 510. UNDUE INFLUENCE

- A. The use of undue influence by any person or persons to secure or retain a student or to secure or retain one or both parents or guardians of a student as residents may cause the student to be ineligible for high school athletics for a period of one year and shall jeopardize the standing of the high school in the California Interscholastic Federation.

NOTE: Undue influence is any act, gesture or communication (including accepting material or financial inducement to attend a CIF member school for the purpose of engaging in CIF competition regardless of the source) that is performed personally, or through another, which may be objectively seen as an inducement, or part of a process of inducing a student, or his or her parent or guardian, by or on behalf of, a member school, to enroll in, transfer to, or remain in, a particular school for athletic purposes.

- B. A transfer of a student from his or her current school of attendance to any high school wherein the student participates or participated, during the previous 24 months, on a non-school athletic team, (i.e. AAU, American Legion, club team, etc.) that is associated with the new school shall be considered prima facie\* evidence (“sufficient evidence”) of undue influence/recruiting by the school to which the student transfers or may be considered prima facie evidence that the student enrolled in that school in whole or in part for athletic reasons.

A team associated with the 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 that the majority of the members of the team (participants in practice and/or competition) are students who attend that school.

When a prima facie case of undue influence/recruiting exist, the student shall be ineligible to represent the new school in interscholastic athletic competition for a period of one calendar year from the date of the student's enrollment in the new school unless sufficient proof is presented to the satisfaction of the Commissioner that rebuts or disproves the evidence of undue influence/recruiting for athletic reasons.

\* Defined as: Persons "associated" with a school include, but are not limited to, parents of current or former student/athletes, booster club members, alumni, spouses or relatives of coaches, teachers and other employees, former coaches, active applicants for coaching positions, and persons who are employed by companies or organizations that have donated athletic supplies, equipment or apparel to that school.

- C. A student shall become ineligible for CIF competition and shall be penalized according to Bylaw 213 for accepting material or financial inducement to attend a CIF member school for the purpose of engaging in CIF competition, regardless of the source.
- D. All transfer students shall submit a completed CIF Pre-enrollment Contact Affidavit (CIF Form 510) with the appropriate transfer application(s) as required by his/her respective CIF Section under Bylaw 207.C.

**NOTE: CIF Form 510 is available through the local CIF Section Office.**