



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.