

1.2.9 **Residence:** A student is eligible to participate at the school to which he or she is assigned by the local board of education, within the administrative unit of residence. "Residence" as used for athletic eligibility purposes is defined as the equivalent of the term "domicile" as applied by the courts of North Carolina.

- (a) It is the obligation of the school to know the residence status of each athlete and to require compliance with these requirements.
- (b) Except as otherwise provided, the residence of any student shall be deemed to be:
 - (1) That of his or her parents (if he/she lives with both parents).
 - (2) That of the sole parent (if he/she lives with only one parent).
 - (3) That of the parent with whom he/she begins the school year's first semester (if he/she has two parents who do not live together).
 - (4) That of the legal custodian if his/her custody has been awarded to a non-parent by a court of competent jurisdiction.
- (c) In the event the parents are separated or divorced, the residence of the student shall be that of the parent or other adult to whom primary physical custody has been awarded by a court of competent jurisdiction.
- (d) If no custody order has been entered, the residence shall be deemed to be that of the parent with whom the student begins the school year's first semester.
- (e) Any change in residence must be bona fide, which means made, done, or presented in good faith; without deception or fraud. Determination of what constitutes a bona fide or authentic and true change of residence depends upon the facts of each case. In order for a change of residence to be considered bona fide at least the following facts must exist:
 - (1) The original residence must be abandoned as a residence; that is sold, rented or disposed of as a residence, and must not be used as residence by any member of the family.
 - (2) The entire family must make the change and take with them the household goods and furniture appropriate to the circumstances.
 - (3) The change must be made with the intent that it is permanent.
 - (4) The change must not be solely made for athletics purposes
- (f) No non-parental guardianship will be recognized where a student has a living parent unless:
 - (1) There has been a determination of abandonment of the student by such parent(s) or a determination that the student is a dependent juvenile as defined in G.S. 7B-101(9) or comparable statute by a court of competent jurisdiction,
 - (2) The student has been judicially declared a ward of the court, has been identified as an orphan or placed in a foster home by the Division of Social Services (or a comparable agency if out

of state) and custody (not guardianship) has been determined by the court or social service agency.

- (3) A student whose custody has been established by court order or social services agency decision is eligible for participation at the school to which he or she is assigned by the Board of Education of the local unit where his or her custodian resides.
- (g) The residence of a student who is emancipated shall continue to be his or her residence as of the time of emancipation, unless an exception is granted under the procedures established by the Hardship Rule.
 - (1) Emancipation for athletics purposes is when a student-athlete by legal determination or otherwise is freed from control by his or her parent(s) or guardian(s), and the parent(s), guardian(s), or other individual(s) are free from any and all responsibility for the student-athlete.
- (h) A student who resides out of state but attends a member high school could be eligible if:
 - (1) The student attends a member non-boarding parochial school or is a member of a parochial church and submits an authorized pastor verification form.
 - (2) The out-of-state student is attending a member school as an employee benefit because a parent is working at the school, the school must request a hardship waiver of the residence rule with appropriate documentation as a result of the employee status.
- (i) The residence of a student who is in an organized and recognized foreign exchange program shall be considered to be the place to which he or she is assigned by that program, and is eligible to participate at the school to which he or she is assigned by the LEA.
 - (1) Foreign students who are not part of an organized and recognized foreign exchange program must present extenuating circumstances through the procedure established in the Hardship Rule.
 - (2) A foreign exchange student is eligible only during the first year of residence in the United States.
 - (3) With the exception of this residence rule, foreign exchange students are subject to all other eligibility requirements, including but not limited to, the prohibition on participation after graduation or eligibility for graduation from high school.
- (j) In no case will any exception be made to the following principles:
 - (1) No student may participate at a second school in the same sport during the same sport season, except in the event of a bona fide change in residence of the parent(s) or legal custodian.
 - (2) Change of schools must be contemporaneous with the change in residence.
 - (3) Documents purporting to establish guardianship or custody issued by a notary public, an attorney, a clerk of court, or any entity other than a court of record with competent jurisdiction will not be accepted. Note: The acceptance of a document from a court of competent jurisdiction does not automatically render a student eligible.

1.2.10 Transfer Policy: After initial entry into the ninth grade, and absent a bona fide move as provided in the Residence section of this Handbook (See 1.2.9):

- (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 can 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 two consecutive semesters, or 365 days, whichever is less, for athletic participation. NOTE: A student's participation in cheerleading is not subject to the NCHSAA Transfer Policy.
 - (1) By mutual agreement that the transfer is not for athletic purposes, a student's first transfer from LEA to LEA, and absent a bona fide move, is not subject to the NCHSAA Transfer Policy.
 - (i). Absent mutual agreement, and in consideration of the above, exceptions for immediate athletic eligibility for transfers from one LEA to a different LEA will be heard by a NCHSAA Transfer Committee.
 - (ii) The NCHSAA Transfer Committee will be composed of the NCHSAA Executive Committee and at least one (1) non-district affiliated member school representative.
 - (2) The two-consecutive semester application occurs when a student is enrolled for at least 50% of the semester in which the student initially enrolled and all of the following semester.
 - (3) Students transferring to the same member school where the student's coach has relocated within a calendar year will be deemed ineligible in any sport in which the coach is involved.
 - (4) A student may not participate in practices or workouts, in-season or out-of-season, until the student's transfer has been validated by the NCHSAA.
- (c) 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).

- (d) If a student transfers from a NCHSAA member school to a non-member school (including a transfer to a DPI-approved home school) and then attempts to transfer to any NCHSAA member school within a 365-day period, such initial transfer will be disregarded for purposes of this transfer rule and the subsequent transfer will be treated as if it were an NCHSAA member school to NCHSAA member school transfer and evaluated by the NCHSAA as provided in section (b) above.
- (e) Students transferring into the North Carolina School of Science & Math are exempt from the Transfer Policy upon their initial entry into the school.