

2006-07 WIAA TRANSFER RULES AT A GLANCE

The members of the WIAA have established seven Articles which outline requirements for student eligibility. This "At A Glance" document focuses primarily on addressing some of the most common questions of the membership with respect to the transfer provisions of the Association.

WIAA Bylaws, which outline the provisions of membership in the Association, and the Rules of Eligibility appear in the WIAA Handbook. The reader should refer to that publication or confer with your school athletic director for more complete information. Your AD should always be your first contact for questions or concerns about school sports.

WIAA rules and regulations are established by membership vote. The Annual Meeting is held in the spring of the year when amendments are presented. The interpretation and enforcement of the rules and regulations are the responsibility of the WIAA executive office and Board of Control.

It is the responsibility of member schools to abide by the rules of the Association, to educate students, coaches, parents and others regarding the provisions of membership and Rules of Eligibility and to report to the WIAA all violations of Association provisions.

Student athlete eligibility for all levels of WIAA interscholastic competition is governed by WIAA Rules.

I. Transfers

A. General

A full-time student may be afforded up to eight consecutive semesters of interscholastic eligibility upon entry into Grade 9. Transferring schools at any time may result in restrictions being imposed on eligibility, or in some cases a denial of eligibility.

We advise that all transfer students initially be considered ineligible until the athletic director has determined the student meets school and WIAA requirements. Athletic directors should always secure a completed transfer student eligibility form from the sending school, to have on file.

For the purpose of this rule, attendance at one day of school and/or one athletic practice determines 'beginning of school year.' A student who transfers after the beginning of the school year without an accompanying complete and total move of the family may be ineligible for all levels of competition or may have eligibility restricted to nonvarsity competition at the new school unless a waiver is granted by the WIAA Board of Control. Also see II-C-2-Note below.

II. For All Transfers – Effective 2007-08 School Year and Beyond

A. Due to the extreme divisive and destructive characteristics which surround transferring students, in April 2006 the membership of the WIAA voted (269-76) to amend the transfer rule.

New Rule [Beginning in 2007-08]: A student who transfers from any school into a member school after the fourth consecutive semester following entry into Grade 9 shall be ineligible for practice and competition for one calendar year, unless the transfer is made necessary by a total change in residence by parent(s) or a waiver has been provided. The calendar year suspension will be determined from the latest date among the following: a student's last day of attendance at school, last day of attendance at athletic practice or last day of competition.

B. Interpreting the new rule:

1. All public school students in grades 9-12 accepted as open enrolled students by making application during the 2006-07 school year will be afforded unrestricted eligibility in the 2007-08 school year and beyond.
2. Public school open enrolled and tuition paying students entering 9th and 10th grade and are within the first four semesters of high school will be afforded unrestricted eligibility in 2007 and beyond.
3. Effective with the start of the 2007-08 school year and as it relates to interscholastic eligibility, the transfer rule shall prevail in all situations involving transfers that occur after a student's 4th consecutive semester following entry into grade 9, unless the transfer was made necessary because of a complete and total move by the family.
4. Effective with the start of the 2007-08 school year and as it relates to interscholastic eligibility, the transfer rule will prevail and be applied to all transfers that take place after a student's 4th consecutive semester. This includes situations involving open enrollment (2008 and beyond), tuition paying students, transfers between public, nonpublic and/or residential schools, intra-district transfers and in situations involving legal separation and/or divorce.
5. The WIAA's residence and transfer rules continue to retain a waiver provision, which may be provided at the request of a member school in situations where home life betterment concerns exist and can be documented and/or in situations where other extenuating circumstances can be documented.

C. Additional Provisions Apply to All – Public and Nonpublic Schools (Effective 2007-08)

1. For students entering or enrolled in grade 9 or 10 who transfer from any school into a member school, unless the transfer is made necessary by a total change in residence by parents, must do so before attending one or more days of school and/or one or more athletic practices at the school the student is leaving. If not, the student is ineligible for varsity level competition for the remainder of that school year, unless a waiver is provided.
2. With written consent from administrators of both schools directly involved, a first-time transfer student enrolled in grade 9 or 10 shall be eligible for nonvarsity competition only, for the duration of the school year, unless a waiver is provided as outlined in the Senior High Handbook. Without approval from both schools a transfer student is not eligible to compete at any level.
Note: A first-time 9th grade student will be permitted one transfer upon appropriate petition to the Board of Control if the student has attended no more than three days of practice and/or has attended no more than three days of school. A transfer after three days will result in a student being ineligible for varsity competition unless a waiver is provided.
3. A student who transfers more than once in any given school year shall be ineligible for all interscholastic competition for the remainder of that school year.
4. A student who transfers from any school, whether or not a member school, with a status of ineligibility for disciplinary reasons, academic reasons and/or as a result of another state association's regulation or sanction, retains such status at his/her new school for the same period as decreed by the former school.
5. Unless a transfer, including an accompanying change of parents' residence, is effective at the outset of a semester a student cannot establish eligibility at his/her new school until the fifth calendar day of such transfer.
6. A student may not have eligibility in more than one member school at the same time. If parent(s) move from a primary residence within one school's attendance boundaries/area to a secondary residence within another school's residence boundaries, student eligibility may require evidence of a total move by the Board of Control.
7. No eligibility will be granted to a student whose residence within a school's attendance boundaries or whose attendance at a school, with or without parents, has been the result of undue influence (special consideration due to athletic ability or potential) on the part of any person, whether or not connected with the school.

D. **Foreign students** attending a member school through CSIET - "Full" approved programs may receive one year of athletic eligibility if approved by the WIAA. Foreign students at residential schools are eligible if approved by the WIAA.

Directly placed exchange students and foreign students attending member schools through non-CSIET approved programs will be limited to nonvarsity competition.

Foreign students who transfer from one school to another must initially be considered ineligible the same as any other transfer student.

III. Conclusion

School principals, athletic directors, coaches and admissions personnel must always be thorough in identifying, interviewing and documenting a transfer student.

For more information on Residence and Transfer visit < www.wiaawi.org >. Under Regulations click on Eligibility Q&A.

For more information on WIAA Constitution, Bylaws and Rules of Eligibility refer to the WIAA Senior High Handbook online, under Publications.

4th Semester Transfer Q&A

Q.: About the new, 4th semester transfer rule and its impact on the private/religious school student athlete and/or open enrolled students - who simply moved across the street. Would they be eligible?

A.: "Would a complete and total move "across the street" meet the requirement for eligibility after the 4th consecutive semester"? **NO !!** The text of the rule is written very specifically - "A transfer made necessary as a result of a complete and total move of the family." Obviously, a move of any short distance would not appear to necessitate a transfer and would not be acknowledged at the Executive staff level. Second, when considering the many dimensions and layers in eligibility and compliance, a frequent litmus test is whether a situation conforms to the "spirit" of the rule. Or whether the situation has the feel or flavor of "compliance, or circumvention." One must consider the rationale for the rule, why did the members adopt it? What was the problem or purpose the regulation was designed and adopted to address? In this situation, despite a trend over the past 5 years towards liberalizing transfer student eligibility, our members have come to recognize the destructive nature and grave potential of unchecked transfer students. It has reached a point where the bad feelings between member schools, the anger and frustration heard by both the displaced student at the new school and the abandoned coach and team mates at the former school - all to advance a self-interest - have resulted in the strong show of support by the members for this rule change. Based on all these perspectives, while it clearly leads to a simple "NO" to the question. The "No" does not convey either the gravity of the situation or the conviction/determination behind the action taken to address this problem by our members. In addition, the rule will be applied to transfers the same across the membership, whether - public school, religious/independent school and/or residential school. It will also apply to students whose parents have divorced or separated. **Unless a transfer has been made necessary by the complete and total move of the family unit, or a waiver has been provided, the student will not be allowed to practice or compete at their new school for one calendar year. A move "across the street" will not meet - either the letter or the spirit of this rule change and will not bring eligibility after the 4th consecutive semester.**

Q.: We have two high schools in our district. We have a student who is entering his senior year at XYZ. He was an ABC HS athlete for two years but transferred to XYZ after moving with his mom into the XYZ HS attendance area. He established eligibility here but is considering returning to ABC. The circumstances of the "move" are that mom's residence will remain in the XYZ HS boundaries but his dad lives in the "optional attendance area." Art 2, Section 2 R & T. states, "In the event of a divorce or legal separation, whether pending or final, a student's residence at the beginning of the school year shall determine eligibility. For the purposes..." Does this suggest that (prior to the implementation of the 07-08 4th semester rule) a student in this situation can move between residences prior to the "beginning of the school?" If our district allows him to enroll at ABC HS might he be deemed an eligible athlete or would a waiver request be required?

A.: To your specific question - in a word, "yes." Bottom line in your specific situation at present time / under current rules is ROE, Article II, Section 1A-10 - (Multiple HS's in your District) Local determination - if you (the district) wish to allow such a transfer and maintain eligibility. You are also correct to acknowledge that in 07-08, the Membership's 4th consecutive. Transfer Rule will supercede local control in this situation.

Q.: I have two questions concerning the new transfer rule taking effect for the 2007-2008 school year. First, with four high schools in our district how will it work for students that want to transfer from the non-public to the public schools. If they live in the attendance area of West or North, will they not have to have a "total change" of residence to be eligible to compete after their sophomore year? Also, will any local school board rules for us take precedent over the WIAA rule since we are a multi high school district (namely if our district allows a student (junior or senior) to transfer from one public school to the other will they be eligible if there is no total change in parent residence)? Lastly, if a student has open enrolled in our district as a freshman in 2006-2007 and open enrolls again each year at our school for the remainder of their high school years (and there is no "total change in parent residence"), am I correct to assume they will be eligible throughout their high school career at our school?

A.: Effective in the 2007-08 school year, whether transferring out of or into a public or religious/independent school, or in an intra-district transfer, if the transfer takes place after the student's 4th semester - student will not be eligible - "Unless the transfer has been made necessary because of a complete/total move of a family" or unless a waiver is provided. This fundamental rule prevails whether a community has one high school or multiple high schools. It will also prevail, in situations where the parents have been divorced for some time, (not proximate to the transfer). Local school board determination will not take precedence over the WIAA rule. Open enrolled students in the situation you have identified would remain eligible unless enrollment was broken, or code or academics would enter into the picture.

Q.: Our son will be a junior in high school this year. He would like to go to a prep school in Minnesota for his junior year and possibly return to his home high school for his senior year. We understand the 4 semester rule for school choice, but do not know how it would affect an out of state prep school. Would he be able to participate in his old high school's sports upon return?

A.: In most succinct terms, "No, not without a waiver." For a variety of reasons, our member school's voted overwhelmingly to strengthen their "school loyalty provisions". The net result is that - effective with the 07-08 school year, a student who transfers after their 4th consecutive semester of school - (after entering 9th grade) - where the transfer has not been made necessary as a result of a complete and total move of the family - will be ineligible to practice and compete for one calendar year.

Q.: A student who resides in a neighboring district will be attending our high school under open enrollment to start his junior year this fall. It is my understanding that he would be eligible for varsity competition this year because the new transfer rules do not go into effect until 07-08. Is he eligible?

A.: Yes - you are "right-on" in your understanding/interpretation. In addition, a student who applies / is accepted for open enrollment this coming Feb (06-07 school year) will still be allowed to transfer without restriction since application is completed in advance of 07-08 school year implementation date.

Q.: I have a question about the new transfer rule and open enrollment. If a student that lives in our district open enrolls to another district for the 06-07, to play a sport that we don't offer, decides to come back to our district for the 07-08 year, do they have to sit out for one year? Our district is where their home is located.

A.: If the return to your district is after the 4th consecutive semester, yes.

Q.: Concerning the new transfer rule going into effect in 2007-08, if a student transfers from the area private school to the local public school after their sophomore year and their parents reside in the district, they are still ineligible, right?

A.: Correct. Transfers as you describe would be ineligible if occurring after the 4th consecutive semester.

Q.: Does our son have to sit out a year if he open enrolls to another school in February of 2007?

A.: Students going through open enrollment this Feb., would not be required to sit out a year. The member's new transfer rule begins 07-08. Students open enrolling Feb. 06-07 for the 07-08 school year will be afforded unrestricted eligibility.

Q.: When a student transfers to another district through open enrollment does that student have to wait one year before they are eligible to participate in WIAA sanctioned sports?

A.: Two parts to the answer to your question. 1. At present - "No," and in addition, those students who enter into open enrollment in Feb. of 06/07 school year will be provided eligibility in 07-08 should they attend a school other than where the parents reside. 2. Effective next year 07/08 school year and beyond a student who transfers after their 4th consecutive semester - unless the transfer has been made necessary because of a complete move of the family - or, unless a waiver has been provided, the student will be ineligible to practice and compete for a calendar year. So; if an 8th or 9th grader connects to open enrollment in Feb 08 and beyond, they could still transfer via open enrollment without restriction. Beginning next year - 07/08 a student who is past their 4th consecutive semester may not transfer - except as outlined above - without a loss of eligibility - Even if they did open enroll to a new school.

Q.: A district student would like to attend a private school in another state. He made a two year commitment, but the student wants to know if it doesn't work out can he come back to our school and participate in athletics. I indicated that he would have to sit out a year but I need a statement from you as to what the consequences will be if he does go to this private school and then comes back here to his district school in 2007-08? My only hesitation is that it is in an out of state school, but the rule says, "...transfer from any school into a member school..." He starts school August 28th and would like to know before he starts. I have told him that if he was to return to our school next year, 2007-08, he would be ineligible for his senior season.

A.: You have provided a clear and correct interpretation. Student would not be eligible to practice or play without a waiver - as a result of the member's new transfer provision.

Q.: If a volleyball player participated as a freshman last year, transfers this year as a sophomore then as a junior transfers back, will she be eligible as a junior?

A.: No. Effective in the 2007-08 school year the members have determined a transfer after the 4th consecutive semester will result in the student being ineligible to practice or compete for one calendar year. In this description, your student has transferred within allowable rules, legitimately reestablishing her eligibility and is now transferring after her 4th consecutive semester - unlike the next two examples.

Q.: In light of the new 4th semester transfer rule, what happens if a student transfers after their 4th semester to a new school and after a short time changes their mind and returns to their original school?

A.: The short answer is that eligibility may be restored at the school of origin. Returning to the school of origin is a key element. Documentation and explanation of such a situation would be required to be exchanged between both schools, the family and the WIAA.

Q.: Our son is a hockey player. Next year as a junior he intends to begin the school year living with family friends in another community. He will enroll at their local high school, but not through open enrollment. He's going to play club hockey. We know he would not be eligible at the other school because our family doesn't live there. He will not compete in any sport at the other school, he will just go to classes there. He wants to return home after the club hockey season, re-enroll at our local school and play for his school is the spring season. Would he be eligible?

A.: Although a somewhat different twist, the scenario is identical to the one above, i.e. A to B, back to A. However the abandonment of the school's program has caused rancor in some of our member schools. Nonetheless, the answer is that eligibility may be restored at the school of origin. Returning to the school of origin is a key element. Documentation and explanation of all involved must be provided to the WIAA.