

SECTION 9: Transfer Rule

The Transfer Rule is an integral part of the Association's ability to create, administer and maintain the valuable and unique form of competition it offers. This unique form of competition is a carefully constructed system that promotes competitive balance and serves the mission and purpose of education based sports and activities. Association sports and activities are intended to foster a sense of community as well as to teach teamwork and discipline. Other sporting organizations exist which promote free player movement and are primarily designed to promote athletic development of the individual and provide a showcase for the athletic talents of those individuals. These organizations do not share the primary purposes of the Association and therefore cannot provide the unique type of competition created and maintained by the Association. Efforts randomly to impose adjustments or favoritism on these rules damage the Association and, in turn, damage all the students who either participate in an Association sport/activity or who support them, from cheerleaders to band members to drill teams to parents. The Association is committed to maintaining its unique form of competition.

A student may request and an association shall grant a student eligibility to participate in an interscholastic activity after the student transfers to another school if the student participates in interscholastic activities at the new school and at least one of the following apply:

- A. The student's full family moves outside of the boundaries of the originating school and into the boundary of the new school;
- B. The student's transfer to the new school is a result of a death in the family, which requires the student to move from the student's original residence;
- C. The student's transfer to the new school is a result of a divorce, which requires the student to move from the student's original residence;
- D. The student moves to live with an individual who has legal custody of the student with full and complete guardianship, which includes therapeutic boarding schools for students who are involved in therapeutic treatment at the new UHSAA member school;
- E. The student has been a victim of bullying and the bullying was reported, documented, and investigated by the school or law enforcement.

Any student making such a request shall provide such documentation as the Association may require and all requests will be considered on the facts documented.

A student whose situation does not meet the criteria above may compete at the sub varsity level at the new school for a period of twelve (12) months from the last day of attendance at the former

school provided they meet all other UHSAA and school/district eligibility requirements. Once a student has enrolled and attended at the new school, that student is no longer eligible at the former school.

Interps & Guidelines 1.9.1: TRANSFER STUDENTS

- A. A student establishes initial eligibility upon entry to high school or its equivalent (either in the ninth grade or the tenth grade depending on the high school) for the first time. Whenever a student intends to participate in Association activities in this state, the student's entry to high school, irrespective of the location, shall be used for purposes of the application of this rule. A student enrolling in a Utah high school for the first time, as a result of a full-family move, will be deemed residentially eligible for interscholastic activities even if that first entry is at a school not within the student's residential area. This exception to the transfer rule regarding residency for students enrolling for the first time recognizes the prevailing law encouraging open enrollment. Unless otherwise exempted, the Transfer Rule will apply to any subsequent transfer (Article 1, Section 1).
- B. Recruiting Not Affected by First Entry Exception: The recruiting of student-athletes by a member school, coach, coaching staff or affiliated boosters is considered a serious violation of the UHSAA rules regarding the imposition of undue influence on students for the purposes of athletics. Although under most circumstances the UHSAA will not examine the motives behind a student's choice of school upon first entry, there may be other factors beyond residence that could affect a student's eligibility and could impose heavy sanctions on a school, a program and/or a coach. **One example is recruiting.** Where a student or students who, during the school year prior to initial high school participation, have attended a school or coach sponsored camp or have been players together on a "super-league," "all-star," "select" or other traveling or combined team, attempt to establish eligibility at a member school which is outside the residential area for any of those students, such enrollment may be considered prima facie evidence of recruiting. Similarly, where a transferring student transfers to a school and intends to participate with any member or coach of such a traveling or combined team, such transfer shall also be considered prima facie evidence of recruiting.
1. A panel may determine that there was no recruiting or may impose any or all of the penalties permitted, including fines, restrictions, suspensions and disqualifications. The UHSAA may ask the hearing panel to declare that recruited students cannot be eligible at any time at the school to which they were recruited.
 2. Principals should remind athletic directors, coaches and boosters of the prohibition on recruiting and make certain that any possible violations of these rules be reported immediately to the UHSAA.
- C. If a student's parents move, the student may remain eligible at the high school where he or she has established eligibility. Any subsequent transfer to another school will require the student to comply with the transfer rule.

D. *The UHSAA will not review or act on any Application unless and until the transferring student has enrolled in the transferee school and has attended at least one day of classes. The UHSAA will not provide advisory opinions regarding potential eligibility.*

E. *During the summer, if a student so requests, the UHSAA will review a Application upon the receipt of proof of enrollment alone. In such a case, however, enrollment at the transferee school, even without attendance, will preclude such a student from claiming eligibility at the former school.*

F. *Definitions:*

1. **Residence:** *A residence is a place where a student has established his/her true, fixed and permanent home, where the family regularly eats, sleeps and lives. It is the place where the student and his/her parent(s) are habitually present and to which, when departing, they intend to return. Evidence of residence may include but is not limited to the following: voter registration records, ecclesiastical membership records, vehicle registration, rent receipts, utility payments, mortgage documents or income tax documentation. **A student shall have only one residence for the purposes of Association eligibility rules.***

2. **Bona Fide Change of Residence:** *To be considered a bona fide change of residence under these rules, minimally, the following facts must be present in the change:*

a. *The prior residence must be abandoned. For purposes of these rules, that means that the prior residence has been sold, rented to third parties or transferred from the legal ownership or possession of the parents or guardians. The change of residence must include the transfer of personal property ordinarily associated with a legitimate change of residence.*

b. *To qualify as a change of residence, the prior residence must not be currently used as a residence by either parent or any relative under the circumstance in which it could reasonably be inferred that the change of residence was a sham.*

c. *The new residence must be situated in a high school attendance area different than the prior residence.*

G. *For the purposes of eligibility due to change of residence, one of the following conditions must apply as found through RegisterMyAthlete.*

1. **Full Family Move:** *A permanent change in residence by the student and his/her entire family into the established attendance area of the high school to which the transfer is made. The new residence must be situated in a high school attendance area different from the prior residence.*

For the purpose of this rule, the attendance boundary for public charter schools or private schools is defined as the public school attendance boundary in which the public charter school or private school is physically located (see Article 1, Section 14).

2. *Divorce*: *Immediately subsequent to a Decree of Divorce, a student transfers to a new high school attendance area with a parent who has legal custody of that student. Any subsequent transfer, even if to the residence of another parent with legal or joint custody, may not be considered a bona fide change in residence.*

H. *Special Circumstances Related to Eligibility:*

1. *Student of Full-Time Faculty Member*: *A student who is a child of a Varsity head coach, full-time faculty member and/or school administrator may become eligible for interscholastic activities at that school by petitioning and receiving approval of the Association.*
2. *Ward of the Court*: *A student who is a ward of the court or the state and is placed in a school by court order may become eligible for interscholastic activities at that school by petitioning and receiving approval of the Association.*
3. *Boarding School Students*: *A domestic boarding school student at the new UHSAA member school may become eligible for interscholastic activities at that school by petitioning and receiving approval from the Association.*
4. *School Closure*: *If a member school closes, any student attending the school at closure shall be eligible at the new member school in whose aligned boundaries he/she resides. Students opting to attend and participate in a member school other than their aligned school must follow regular UHSAA transfer procedures.*
5. *Discontinued Programs*: *If a school discontinues or suspends its participation in an Association-sponsored sport, any student who had previously participated in that sport while attending that school may transfer, without the loss of eligibility, to a different member school which offers that sport.*
6. *Alternative School Students*: *Students attending alternative high schools are eligible only at the public high school in whose attendance area the student's parent(s) or legal guardian(s) resides (neither a power of attorney nor a district or school guardianship will suffice) or at the public school from which the student withdrew for the purpose of attending the alternative high school. Nevertheless, any placement or assignment of a student to or from a public high school and an alternative school shall be considered a transfer for purposes of this Rule and shall be subject to the requirements of the Transfer Rule.*
7. *Dual Enrollment*: *A student dual enrolled in special programs at a school other than the one he/she is attending is eligible to participate in interscholastic*

competition only at the school where the student's permanent records are maintained and he/she is considered a full-time student.

8. *Disciplinary Removal:* *A student suspended, expelled or otherwise removed for disciplinary reasons, including revocation or non-renewal of open enrollment permit, from one high school shall be ineligible for interscholastic activities in any other school until all conditions for re- admittance have been fulfilled at the school where the suspension, expulsion, revocation or removal for disciplinary reasons occurred. In no case shall that period exceed twelve (12) months.*

9. *Harassment Intimidation, and Bullying:* *The UHSAA will address severe harassment, intimidation and/or bullying that causes a student's continued enrollment at a high school to place that student's health and welfare in jeopardy. The UHSAA will entertain consideration of transfers under this provision only with documentation from the school in accordance with established School or Board of Education/governing board policies as outlined in R277-613-1 and R277-613-4. If a student is a victim of harassment, intimidation or bullying as those terms are defined in R277-613-1 which harassment, intimidation or bullying has been documented to the school district in accordance with R277-613-4 and as a result of this documented harassment, intimidation or bullying, the student is compelled to transfer.*

1. The District's Anti-Harassment, Anti-Intimidation, Anti-Bullying policies and procedures have been strictly followed and complied with; and

2. The School or the District provides the UHSAA with a copy of the duly adopted policies and procedures; and

3. The School or the District secures the appropriate releases from the student/student's parents authorizing the release of a complete record of the events and circumstances on which the policies and procedures were initiated including:

a. A specific, detailed report of the prohibited incident(s);

b. An outline of the procedures used to respond to and investigate the reported incident(s);

c. A copy of the findings that were a result of the complaint process and investigation;

d. A specific, detailed disciplinary procedure for any individual found guilty of harassment, intimidation or bullying;

e. All reports of notification to parents or guardians of any student involvement in the incident(s);

f. A report of the intervention strategies and remedial action the school has undertaken to assist the student and redress the complaint.

4. The School or the District provides the UHSAA with all of the above-referenced records.

NOTE: It is the responsibility of the receiving school to work with the parents and the sending school to obtain all of the required documentation. If a parent approaches a school administrator and informs him/her that they have never filed a formal complaint with the former school then this will disqualify the student from using this exception.

I. Foreign students and international boarding school students shall be considered as any other transfer student and must subscribe to the rules outlined in the UHSAA Handbook, Interps & Guidelines 1.9.2.

*J. Other Activities: **The Transfer Rule does not apply to activities other than athletics.***

K. Statement of Philosophy/Rationale for the Transfer Rule:

- 1. Promotes the educational philosophy that participation in interscholastic activities is a privilege, which should not take a dominant role over academics.*
- 2. Recognizes the overwhelming administrative difficulty in attempting to determine the motives or reasons for each and every transfer, and therefore, adopts a uniform objective standard to be followed by all member schools.*
- 3. Helps to protect opportunities for participation by students who attend school in the attendance area of their residence.*
- 4. Serves as a deterrent to students leaving their schools because of disciplinary action that has been or may be imposed.*

NOTE: These changes to the Association Transfer Rule have been the result of discussions with the Utah State Board of Education and the Utah State Legislature.

Interps & Guidelines 1.9.2: FOREIGN STUDENT ELIGIBILITY

National Federation By-Law regarding eligibility for foreign exchange and international students

A. Foreign Exchange Students (J-1 visa):

- 1. A foreign exchange student is an international student who attends high school in the U.S. To be eligible for interscholastic athletics in the U.S., such a student must be under the auspices of, and be placed with, a U.S. host family by an international student exchange program that has been accepted for listing by the Council on Standards for International Educational Travel (CSIET) and be recognized by the U.S. Department of State, or be on a program approved by the USBE (Utah State Office of Education). The foreign exchange program must assign students to host families by a*

method that ensures no student, or his/her parents, school or other interested party may influence the assignment for athletic or other purposes. The foreign exchange student may not be selected or placed on any basis related to his/her athletic interests or abilities.

2. *A foreign exchange student is considered to be placed with a host family when written notice of placement is provided by the exchange organization to the student and his/her parents and to the host family.*
 - a. *Neither the school, the student nor any person associated with the school shall have input into the selection of the student.*
 - b. *No member of the school's coaching staff, paid or voluntary, shall serve as the host family.*
3. *The foreign exchange student must possess a current J-1 visa, issued by the U.S. State Department.*
4. *The foreign exchange student must comply with all eligibility requirements set forth by the state high school association of which the school he/she attends is a member.*

Conditions of eligibility for participation in UHSAA sponsored activities include:

- a. *Must be on a CSIET (Council on Standards for International Educational Travel) or USBE (Utah State Office of Education) approved placement program.*
- b. *Must be attending school the first day of the term in order to be eligible for that term.*
- c. *Student cannot participate if he/she has completed twelve (12) years of school (excluding kindergarten) prior to attending a Utah high school.*
- d. *UHSAA age rule applies (cannot reach 19 years of age prior to September 1).*
- e. *Student must be in an approved placement program that is at least one semester (90 days) in length.*
- f. *Foreign exchange students are eligible for a maximum of one year.*
- g. *Student is only eligible at the school in the attendance area where he/she resides with the host family.*
- h. *Student must meet all other UHSAA eligibility policies required of student athletes participating in UHSAA sponsored activities.*
- i. *Student must complete the Foreign Exchange Student Eligibility Application Form 4A which includes:*

- *Transcript of credits in English (to be evaluated and/or interpreted by USBE if*

necessary):

- *12 year stipulation (item c above)*
- *UHSAA scholastic rule requirement*

- *Date of birth*
- *Type of visa issued and the title of foreign placement program*
- *Reason for coming to this particular school; sports preferred*
- *Signatures: student, principal, agent and host family, with disclaimer certifying that no sports recruiting occurred*

B. Other International Students (F-1 visa): An international student who is not living with a parent or legal guardian and is not under the auspices of and placed by a CSIET listed exchange program must meet the following requirements in order to be considered for interscholastic athletic eligibility:

- 1. The student must possess a current F-1 visa, issued by the U.S. Immigration and Naturalization Service.*
- 2. The student must provide to the principal of the school he/she attends an official untranslated transcript and a transcript that is translated into English by an acceptable agent or agency which indicates work taken in all grades in which the student was enrolled.*
- 3. The international student must pay tuition to the high school he/she attends as prescribed in Section 625 of U.S. Public Law 104-208 and receive an I-20 endorsement from the district or school before admission.*
- 4. No member of the school's coaching staff, paid or voluntary, shall serve as the resident family for the student.*
- 5. The international student must comply with all eligibility requirements set forth by the state high school association of which the school he/she attends is a member.*

Conditions of eligibility for participation in UHSAA sponsored activities include:

- a. Student cannot participate if he/she has completed twelve (12) years of school (excluding kindergarten) prior to attending a Utah high school.*
- b. UHSAA age rule applies (cannot reach 19 years of age prior to September 1).*
- c. Student must meet all other UHSAA eligibility policies required of student athletes participating in UHSAA sponsored activities.*
- d. The UHSAA required process of international student as any other transfer student. Such student must complete required International Student Transfer Application Form 4B.*

Noncompliance with one or more of the foregoing provisions shall render the international student ineligible for interscholastic athletics at any high school which is a member of any NFHS member state high school association