

ADMINISTRATIVE PROPOSAL
(Requires majority vote of those voting)

ADM 8 – HARDSHIP CONSIDERATIONS

(Board of Directors)

AMEND THE CONSTITUTION AND BYLAWS to read:

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Amend Rules by adding and deleting the following on 1800.71 and adding 1800.82 (h) to read:

____ ____
yes no

HARDSHIP

- 1800.7 When the definition of a hardship has been met, the Commissioner may grant varsity eligibility pursuant to the provisions of Article 25 of these Bylaws.
- 1800.71 "Hardship" means ~~an unforeseen, unavoidable and uncorrectable act, a situation,~~ condition or event that is beyond the control of the student or his/her family and that imposes a severe, non-athletic burden upon the student or his/her family. The Commissioner shall have broad discretion in applying this standard to specific cases. He/She may take into consideration not only the needs of the student and family directly involved, but also the best interest of member schools and interscholastic athletics/activities generally as he/she understands those interests.
- 1800.72 All transfer waiver applications shall be processed on forms approved by the CHSAA and in accordance with the following procedures:
- (a) A transfer waiver shall first be submitted to the principals at the student's sending and receiving schools. If either principal disapproves of the waiver, he/she shall state his/her reasons in writing.
 - (b) The transfer waiver, with the recommendations of the principals, shall then be submitted to the receiving school's league for a vote.
 - (c) The recommendation of the principals and the league and all other information that the applicant wished to be considered in support of the waiver application shall be submitted in writing to the Commissioner. The burden of proof to establish a hardship shall be upon the applicant.
 - (d) The Commissioner or his/her designee may conduct additional investigations as he/she deems necessary. The application and any additional information gathered by the Commissioner or his/her designee shall constitute the record of the proceeding. The Commissioner will make a timely written decision based on the information in the record.
 - (e) The Commissioner's decision may be appealed pursuant to Article 25 of these Bylaws.
 - (f) The decision of the Commissioner shall be upheld unless it is shown by clear and convincing evidence in the record to be arbitrary or capricious.

- (g) Transfer waivers cannot be approved for a school transfer found to be substantially motivated by athletic considerations.
- (h) The following situations are not considered under the definition of hardship: reduction of personal income, transportation, undocumented statements of bullying and academic program comparisons.

Rationale The CHSAA permits school choice, but with that choice comes consequences if non-bona fide transfers occur. This clarification places all non-bona fide move transfers under the same criteria for consideration.

Pros -Encourages choice.
-Equitable consequences across the board for non-bona fide transfers

Cons None