

## HARDSHIP WAIVER AND OTHER EXCEPTIONS

### I. GENERAL ELIGIBILITY REQUIREMENTS

To be eligible to participate at an OSSAA member school in athletic events a student must:

- A. Be enrolled in a secondary school grade level at a member school in courses, activities, or alternative programs in which credits are being earned, and appropriate academic progress is being made, toward graduation consistent with the requirements of the school and the State Department of Education.
- B. Have on file with the school an **OSSAA New Student Form** completed at the time the student first enrolled or reached a grade level at which the student is eligible to participate.
- C. Undergo an annual physical examination and have on file with the school a signed physical examination certificate or form as set forth by OSSAA Rule 1.
- D. Have on file with the school a signed parental consent form as set forth in Rule 1.
- E. Comply with the minimum school attendance requirements as set forth in Rule 2.
- F. Comply with the minimum academic performance requirements as set forth in Rule 3.
- G. Comply with the standards for student conduct as set forth in Rule 4.
- H. Comply with the standards for maintaining amateur status as set forth in Rule 5.
- I. Comply with the Age Rule as set forth in Rule 1.
- J. Comply with the period of participation limits as set forth in Rule 7.
- K. Comply with all applicable laws and the Rules and Policies of the Association concerning participation, sportsmanship and conduct in connection with interscholastic athletics.

### II. GUIDELINES

If a student meets the following guidelines you can be reasonably assured he/she is eligible to participate at your school (see Record Form for New Students).

- A. Will not be 19 years of age before September 1 for high school students and 9th grade students will not be 16 years old before September 1, 8<sup>th</sup> grade students will not be 15 and 7<sup>th</sup> grade students will not be 14 years old before September 1.
- B. Has not attended school eight or more semesters since the time he/she entered the 9th grade (15 days membership counts as one semester).
- C. Attended your school the previous year.
- D. Lives with both mother and father in your school district.
- E. Passed five credits the previous semester that count toward graduation. (See Exceptions for Block and Trimester)
- F. Is currently (within the semester) passing all classes (see exceptions for seniors).
- G. Is currently maintaining the ninety percent (90%) attendance record.
- H. Answers no to all questions on *New Student Form*.

### III. IMPACT OF TRANSFER OR CHANGING SCHOOLS AFTER ELIGIBILITY IS ESTABLISHED

A student who was previously enrolled and participated in interscholastic athletics at a different school while living in the home district or who resides outside of the public school district or other geographic area designated for the member school is ineligible to participate during the student's first full year of attendance unless the student has obtained a waiver to allow for participation or meets other criteria for immediate eligibility as provided further in the OSSAA Rules.

If a student falls under one of the following categories you should check further into his/her eligibility:

- A. Did not attend your school last year.
- B. Is living with someone other than who they lived with last year. (Even if new person is a natural parent)
- C. Parents (or custodial parent or guardian) are not legal residents of your district.
- D. Attending your school on a transfer from another school.
- E. Does not have an official transcript from the school last attended.
- F. Entered your school after the semester had officially begun (check on the Attendance Rule 2).
- G. Another residence is being maintained in a separate school district or designated geographic area.
- H. Comes from a school where he/she was ineligible to participate.
- I. Answers yes to question(s) on the *New Student Form*.

#### IV. APPLICATION FOR EXCEPTION FROM INELIGIBILITY DUE TO UNAVOIDABLE HARDSHIP OR OTHER CIRCUMSTANCES

As a part of the overall effort to preserve equitable participation opportunities, prevent the recruitment of students based on athletic skill or experience, protect students from exploitation, and discourage overemphasis on athletics to the detriment of other important educational programs, the Oklahoma Secondary School Activities Association (OSSAA) has established certain rules governing eligibility. The OSSAA rules generally provide that a student who participates in interscholastic athletics at one secondary school and then transfers to a member school is ineligible for a full school year at the new school. The rules also limit the number of years of participation and provide for age limits for the participant. The OSSAA recognizes however, that some students are compelled to transfer schools by hardships beyond the control of the student or the student's parents or guardian. The OSSAA also recognizes that some students are prevented from completing grades at the expected age due to injury, illness or other circumstance beyond their control. The OSSAA therefore provides for the granting of exceptions that would allow a student who would otherwise be ineligible to participate without delay if the student can be shown to meet certain criteria.

In some instances, imposing a period of ineligibility would not serve the purposes for which the general rule was created. A foreign student enrolling in a member school under a recognized international student exchange program generally will be attending the school only for one year, so allowing participation for that period would be consistent with the educational objectives of OSSAA's member schools and the exchange programs. Seventh and eighth grade athletic participation generally is more limited than participation in grades 9-12. Transfers during the seventh and eighth grade years thus appear less likely to create competitive inequities or raise concern about exploitation for athletic purposes, and allowing immediate participation following a transfer would appear less likely to interfere with academic progress. In addition, there may be instances in which non-varsity participation opportunities are available at the school receiving the transfer student, and allowing non-varsity participation similarly would not raise a threat of competitive inequities or exploitation. Exceptions allowing participation therefore may also be recognized in these circumstances, provided there is no evidence that the student was influenced to transfer schools for athletic purposes.

By submitting an application for exception or waiver, the school and the student on whose behalf the application is submitted, and the parents, current custodial parent, or court appointed guardian with legal custody of the student, acknowledge and agree that the application shall be reviewed and evaluated by the OSSAA's Executive Secretary and staff, that the Executive Secretary or staff designee is authorized to conduct any further investigation or to request any supplementation of the application or supporting materials deemed necessary to the evaluation of the application, that the application shall be evaluated using the criteria set forth in this manual, and that the determination of the Executive Secretary shall be transmitted, in writing, to the principal or administrative head of the school submitting the application.

Enclosed are the OSSAA forms for applying for an exception or waiver. Before completing this application, the person or persons completing the form must identify the criteria that would support granting a waiver. Documentation demonstrating how or why the student's circumstances fall within those criteria must be gathered and submitted with the application.

#### V. INSTRUCTIONS FOR FILING HARDSHIP EXCEPTION FORMS

- A. Make certain you have current forms and destroy all other hardship forms.
- B. Duplicate the current blank forms as needed.
- C. Complete the *Hardship Eligibility Clarification Request Form* and the *Eligibility Record Form for New or Non-Resident Students* in the student's presence, and preferable in the presence of the student's parents, or custodial parent or court-appointed guardian with legal custody of the student, so that the information provided is correct.
- D. Determine if the student meets any of the hardship criteria before submitting the request.
- E. For a student who is changing or has changed schools:
  1. **Wait** until the student is a legal student enrolled in your school before applying.
  2. The *Eligibility Record Form for New or Non-Resident Students* shall be completed upon enrollment;
  3. Contact the school last attended and send that school the *Transfer Athletic Eligibility Information Form* to be completed and returned on the student;

4. The Request for Hardship Eligibility Clarification must be accompanied by the *Eligibility Record form for New or Non-Resident Students* and the *Transfer Athletic Eligibility Information Form*, together with copies of all material relied upon in support of the request, including DHS or court orders, or the request will not be considered.

F. Allow at least a 15-day period for a decision on the request.

## VI. HARDSHIP EXCEPTION OR WAIVER CONSIDERATION CRITERIA

- A. Before submitting a Hardship Eligibility Clarification Request Form, the submitting school shall consider and determine whether the transfer to, or decision to remain at, the submitting school was the result of any of the following occurrences or factors beyond the control of the student. The Request should indicate which of the following criteria are believed to be applicable. A description of the type of documentation and information that must be submitted in support of a request based on those criteria follows each of the stated criteria.

1. A legitimate need to care for seriously ill or infirm relatives.

Documentation must be submitted identifying the relative involved, verifying the medical condition of the relative, describing what type of care must be rendered, and demonstrating that the student in question is the only person available to provide assistance.

2. An unstable home environment in which the physical and/or emotional health of the student is at serious risk.

Documentation must be submitted describing the student's situation, prepared and verified by a health or law enforcement professionally familiar with the student's home environment. Broad and vague claims of potential threats are not sufficient. The request must further state the address of the home in question, identify the principal residents at the address, and state the address of the home or residence facility in which the student currently is or will be residing, and identify the principal residents or supervisor at that location.

3. A substantial negative change in the financial condition of the parents, or custodial parent or court-appointed guardian with legal custody of the student.

Documentation must be submitted verifying the current financial condition and describing how and when a change in financial condition occurred. If, for example, the change in financial condition is due to a change in jobs with a substantial decrease in compensation, documentation should be submitted verifying prior compensation, employer, and last date of employment at that compensation level, along with documentation verifying current compensation, employer and beginning date of current employment.

4. Remaining in a school district where the student is established.

Documentation must be submitted with the Request explaining why a change of school districts would not be in the best interest of the student. If the student is no longer residing with the student's parents, or custodial parent or court-appointed guardian with legal custody of the student, then the Request must include documentation stating where and with whom the student is residing, identifying whether the student's current residence is owned, leased, or rented by the school or anyone associated with the school, and explaining how the student is being transported to and from school and school activities.

Note: If the student is: (a) residing with a school coach or other school personnel, or with someone associated with the school's athletic programs, or (b) the student's residence is owned or paid for by the school or someone associated with the school's athletic programs, or (c) the student is dependent on someone associated with the school's athletic programs for transportation to and from school, then the student may be deemed to have been induced to remain at the school in violation of OSSAA Rule 9 resulting in a loss of eligibility and other potential penalties to the school.

5. Placement in a different residence by order of court or a supervising government agency.

A certified copy of the order of the court or supervising government agency directing the removal of the student from the home in question and placing the student in another home or residence facility must be submitted. If the order does not identify the address of the home from which the student was removed, the address of the home or other facility in which the student has been placed, and the names, addresses and telephone numbers of any attorneys involved in the placement, then that information should be supplied in the application or other supporting documentation. A divorce decree, or a separation or temporary custody order, or an order establishing a guardianship, which grants custody to a parent or other person who has moved to or is living in a different residence, will not be sufficient, unless the decree or order includes an express finding by the court or agency that the student's health or safety would be at risk if the student remained in the prior residence, or that placement in a different residence and transfer of schools is necessary in the student's best interests.

6. A professional staff member's recommendation that the student who is undergoing chemical abuse rehabilitation transfer to another school because a program necessary to the student's health or rehabilitation is not available at the student's current school.

Documentation verifying the recommendation, describing the basis of the recommendation, and identifying the professional staff member who made the recommendation must be submitted.

7. A sincere desire to continue a course of study, program, or activity in which the student was already actively involved which is not available at any school in the district or area in which the parents, or custodial parent or court-appointed guardian with legal custody of the student have established a bona fide residence, or which is no longer available at the student's previous school.

Documentation must be submitted describing the course of study, program, or activity that would be or has become unavailable, verifying the extent of the student's prior participation in that course of study, program, or activity, and confirming the unavailability of that course of study, program, or activity.

8. An annexation, redistricting, or school closing affecting that student.

Documentation must be submitted identifying the school previously attended, describing the annexation, redistricting, or school closing at issue, and verifying how the student was affected.

9. Any other circumstance beyond the control of the student which creates an unavoidable hardship for that student.

Documentation verifying the relevant facts and explaining the impact upon the student in question must be submitted. Consideration will be given only if special circumstances beyond the control of the student create an unavoidable hardship. Exceptions will be a rarity.

- B. The Request submitted must describe which of the above criteria apply to the student, explain why those criteria are applicable, and identify material or information submitted in support for applying those criteria. If more than one of the above-referenced criteria are applicable, then the Request should list all of the applicable criteria and all supporting documentation required to support those criteria should be submitted.

A hardship request should NOT be submitted if the *Transfer Athletic Eligibility Information Form* received from the student's former school, or any other reliable information, indicates that:

1. the student was barred from participating or otherwise was ineligible at the time of departure from the prior school, in which case the ineligibility issue at the prior school must be resolved before a request is submitted; if there is a question about whether the student was ineligible at the prior school, then the student's current school may contact the OSSAA;
2. the student was encouraged to transfer in violation of OSSAA Rule 9, in which case the current school must investigate further and be able to provide a written report concerning its investigation when and if a hardship request is submitted;

3. the student transferred due to discontentment with coaches or other personnel at the school at which eligibility was already established;
  4. the student or a parent, or custodial parent or court appointed guardian with legal custody of the student, has knowingly given an incorrect residence address or any other incorrect information that would be relevant to a determination of the request.
- C. **If a request is submitted without the records or materials necessary to evaluate whether the identified criteria are met, then the request will be rejected without further review.** If a request is submitted with supporting documentation for some, but not all of the criteria that the applicant is attempting to meet, then the application will only be considered on the criteria for which supporting documentation has been submitted.
- D. Hardship waiver requests based solely on a student's parents separating or divorcing will not be considered or approved. When parents separate or divorce, the eligibility of the student will be at the school where the student was attending prior to the separation or divorce. A hardship waiver request may be considered if other criteria referenced above are met.

Exceptions due to hardship also will not be considered or approved in the following circumstances:

1. Simple change in guardianship.
2. Discontentment with school in which the student's eligibility has been established.
3. Changing schools to take a course or participate in an activity not offered at the previous school, unless the transfer is necessary for the student to continue a course of study or activity that was discontinued at the previous school.
4. Reinstatement of eligibility of a student after an incorrect address or any other incorrect information was provided in connection with a request.
5. More than one residence is being maintained in circumvention of eligibility rules.

## VII. EXCEPTIONS FOR OVER-AGED STUDENTS

### A. **Criteria that may be considered if a student's age will not be within the age limits**

1. If a student was not allowed to begin kindergarten or 1st grade at the prescribed age due to readiness testing by the school, physical or mental handicap, or language usage or because of being a transitional student (1st grade).  
If the application is based upon not beginning kindergarten or 1<sup>st</sup> grade until a later age, documentation (school testing, doctor statements, transcripts, etc.) explaining why the student was not allowed to begin in those grades at the earlier age must accompany the application.
2. If substantial evidence shows that a student was required to repeat a grade due to a school's failure to provide special education classes, or the school's failure to properly place the student in special education classes.  
If the application is based upon such a failure by a school, documentation (school testing, administrator/counselor statement that the student has an IEP, transcripts, etc.) showing the reasons for repeating the grade and the unmet special education needs of the student must accompany the application.
3. If a non-English speaking student were placed in a lower grade than their age would dictate when first enrolling in a new school.  
If the application is based upon the student being non-English speaking, documentation from school officials as to the language barriers must accompany the application.
4. If injury, illness, or circumstances beyond the control of a student prevented the student from making normal academic progress.  
If the application is based upon illness or injury, documentation of injury or illness (doctor's statement, medical records, school testing, etc.) must accompany the application.

### B. **Factors That Will Not Permit Exceptions for Over-Age Participation**

1. If a high school student has participated in a sport for six seasons since entering the seventh grade, or a junior high or middle school student has already participated for 3 years in a school offering instruction only through the 9<sup>th</sup> grade or for 2 years in a school offering instruction only through the 8<sup>th</sup> grade.
2. If a high school student repeated any grade after entering the ninth grade except as provided in items 2, 3, and 4 listed in the above criteria.
3. If the student's size and development is such that he/she could be an obvious danger to other participants.
4. A high school student will not be eligible after reaching his or her 20<sup>th</sup> birthday. A junior high or middle school student will not be eligible on the junior high or middle school team after reaching the age of 17.

### **VIII. EXCEPTIONS FOR ADDITIONAL YEAR OF HIGH SCHOOL OR JUNIOR HIGH/MIDDLE SCHOOL**

#### **A. Criteria That May Be Considered to Permit Additional Periods of Participation**

A student is limited to no more than six seasons of participation in any one sport during grades 7-12, with no more than two seasons of participation in one sport at a school providing instruction only through the eighth grade and no more than three seasons of participation in one sport at a school providing instruction only through the ninth grade. A student may not be permitted an additional season of participation simply because the student did not participate at one of these grade levels. An exception may be allowed when the student was prevented from completing academic work necessary to advance to the next grade level. An injury or illness that merely prevented athletic participation, but did not prevent the student from completing academic work, would not be sufficient to allow an exception.

Applications for this exception must be accompanied by documentation detailing the circumstances that prevented the student from advancing academically, such as medical records, doctor's reports, counselor's reports, and documentation detailing the student's academic progress and athletic participation to date, including school transcript and schedules.

#### **B. Factors That Will Not Permit Additional Season of Participation**

1. If a student repeated a grade (9-12) after making average or above grades.
2. If a student participated in athletic competition during the school year he/she repeated a grade.
3. If any student has participated in an interscholastic sport during four different high school academic years.

REQUEST FORMS THAT DO NOT HAVE ALL INFORMATION REQUIRED WILL BE DENIED DUE TO LACK OF INFORMATION!

The due process and procedures regarding investigations, hearings and appeals are detailed in the *OSSAA Administrators' Handbook – Constitution – Article IV, Section 6.*

### **IX. ELIGIBILITY FOR FOREIGN EXCHANGE AND INTERNATIONAL STUDENTS**

#### **A. Foreign Exchange Students**

1. A foreign exchange student is an international student who attends high school in the U.S. To be eligible for interscholastic athletics such students 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 is recognized by the U.S. Department of State. The foreign exchange program must assign students to host families by a method that ensures that 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 attends 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 Oklahoma Secondary School Activities Association.
    - a. The Registration Form must be completed and returned to the OSSAA office.
    - b. The Age Rule must be satisfied.
    - c. The student could not have been in high school more than three previous years.
    - d. The student has not graduated.
    - e. An approved student will not be eligible for more than 365 days.
    - f. The student must be eligible academically and meet all other regulations concerning eligibility of the OSSAA.

#### B. Other International Students

An international student who is not under the auspices of and placed by a CSJET listed exchange program must meet the following requirements in order to be considered for interscholastic athletics 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 indicated 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.
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 the following requirements to become eligible to participate according to OSSAA Rules.
  - a. The student must request and receive a written exception allowing participation from the OSSAA office.
  - b. The student must meet existing criteria for approval of such exception.

Non-compliance with one or more of the foregoing provisions shall render the international student ineligible for interscholastic athletics at any member school,

### X. ELIGIBILITY AFTER TRANSFER DURING SEVENTH OR EIGHTH GRADES

- A. If a student transfers schools during the seventh or eighth grade and no issue has been raised about the student having been influenced to transfer for athletic purposes in violation of OSSAA Rule 9, then the student may participate in athletics without delay, provided the student is eligible under all other OSSAA rules. If the student's former school or new school is aware of such an issue, then the schools must investigate the issue, and the student should not be permitted to participate. Any evidence gathered in the investigation by the schools must be submitted to the OSSAA, and if immediate eligibility is still sought, a written request for exception must be submitted on behalf of the student. A student transferring after the first day of classes will not be eligible until the above requirements have been met, the Changing Schools/Athletic Participation Form has been completed and student has satisfied the mandatory 15 calendar day sit out period.
- B. After a student has transferred once during the eighth grade, the student's eligibility is established at that new school, or within that school district, as provided under OSSAA Rule 8. If the student subsequently transfers schools, then a student would have to sit out of athletics for two semesters or one full year, or qualify for an exception as provided under these policies, to re-establish athletic eligibility.

**XI. EXCEPTIONS PERMITTING NON-VARSITY PARTICIPATION**

- A. OSSAA recognizes that many member schools participate in competition limited to freshmen or junior varsity participants and that permitting transfer students in grades 9-12 to participate in such non-varsity competition in some instances would not cause competitive imbalances or subject those students to risk of exploitation for athletic purposes.
- B. If the transfer student's former and current schools both approve, in writing, non-varsity participation following transfer, then the transfer student may be permitted to participate in such non-varsity competition. After one year, the student would then be eligible for varsity competition under OSSAA Rule 8, provided the student was eligible under all other Rules.
- C. Approval on non-varsity participation is not effective until the signed documentation has been received by the receiving school and placed with the student's permanent records. If any issue has been raised about the student having been influenced to transfer for athletic purposes in violation of OSSAA Rule 9, the written approval should not be given. The student's former school or new school must investigate the issue, and the student should not be permitted to participate in non-varsity competition. Any evidence gathered in the investigation by the schools must be submitted to OSSAA, and if immediate eligibility for non-varsity competition is still sought, a written request for exception must be submitted on behalf of the student. A student transferring after the first day of classes will not be eligible until the above requirements have been met, the Changing Schools/Athletic Participation Form has been completed and student has satisfied the mandatory 15 calendar day sit out period.

### Organizations Accepted for Listing in the 2008-09 CSIET Advisory List

Organization	Listing
Academic Foundation for International Cultural Exchange	Full
AFS-USA, Inc.	Full
American Academic & Cultural Exchange, Inc.	Full
American Councils for International Education (ACTR/ACCELS)	Full
American Cultural Exchange Service	Full
AIFS Foundation-Academic Year in America	Full
American Intercultural Student Exchange	Full
Amicus International Student Exchange	Full
ASA International	Full
ASPECT Foundation	Full
ASSE International Student Exchange Program	Full
American Secondary Schools for International Students and Teachers (ASSIST)	Full
Association for Teen-age Diplomats	Full
AYUSA International	Full
Azumano International	Full
Center for Cultural Interchange	Full
Council for Educational Travel, USA	Full
Council on International Educational Exchange	Full
Cultural Academic Student Exchange Inc.	Full
Cultural Homestay International	Full
DM Discoveries	Full
Education Travel & Culture	Full
Educational and Cultural Interactions, Inc.	Full
Educational Resource Development Trust (ERDT/Share!)	Full
EF Foundation For Foreign Study	Full
Face the World Foundation	Full
Foreign Links Around the Globe (F.L.A.G.)	Full
Forte International Exchange Association	Full
Foundation for Academic Cultural Exchange	Full
Foundation for Intercultural Travel	Full
Foundation for Worldwide International Student Exchange	Full
Global Insights	Full
International Cultural Exchange Services	Full
International Experience-USA	Full
International Fellowship	Full

Organization	Listing
International Student Exchange	Full
Into EdVentures	Full
Laurasian Institution	Provisional
Learning and Achievement Foundation	Full
Nacel Open Door	Full
NorthWest Student Exchange	Full
NW Services PEACE Program	Full
Organization for Cultural Exchange Among Nations (O.C.E.A.N.)	Full
Pacific Intercultural Exchange	Full
PAX - Program of Academic Exchange	Full
Peace4Kids, Inc.	Full
Quest International	Full
Reflections International	Full
Rotary Programs:	
Central States Rotary Youth Exchange Program	Full
District 7120 Youth Exchange Program	Full
District 7150 Youth Exchange Program	Full
District 5950/5960 Rotary YPA	Full
Eastern States Rotary Exchange (ESSEX)	Full
Ohio-Erie Youth Exchange Program	Conditional
Rocky Mountain Rotary Youth Exchange	Full
Rotary Youth Exchange Florida, Inc.	Provisional
South Central Rotary Youth Exchange Program, Inc.	Conditional
YES/SCANEX	Conditional
States' 4-H International Exchange Program	Full
STS Foundation	Full
Student American International	Full
Terra Lingua USA	Full
The Traveling School	Full
United Studies Student Exchange	Full
World Experience	Full
World Heritage	Full
World Link	Full
Youth for Understanding USA (YFU USA)	Full

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In the 2008-09 CSIET Advisory List organizations have been granted either a Full , Provisional, or Conditional Listing.