

- d. Classification shall be determined by adding CSDB's eligible students and the number of cooperating student athletes.

11. Cooperatives may not be dissolved in the middle of a competitive cycle.

Q1:	Without a formal co-op, is a program recognized as a district team?
A1:	No. A formal request must be approved for an individual school to be recognized as a district co-op.

RELATED Bylaw 5160.4 also deals with co-op programs.

ARTICLE 18 TRANSFER

1800. TRANSFER

Colorado School Choice: The CHSAA supports school choice in academic pursuits and encourages its student participants to enhance their academic achievement. In concert with this approach, the Association's philosophy addresses the establishment of a fair playing field for all student athletes. A student entering high school for the first time shall be eligible for all interscholastic athletic competition.

NOTE: Any waiver submitted that contains legal guardian references must have the appropriate court signed legal documentation of that guardianship before the waiver will be considered.

1800.1 A student who establishes his/her/their high school eligibility at any high school and subsequently transfers, will be ineligible for varsity competition for 365 days from the date of their transfer, in the sports they participated in a practice, contest, scrimmage or foundation game during the last 365 days.

NOTE: A school in this instance refers to a home school, charter school, online school or in-seat instruction.

Q1:	If a student participates in an alternative high school league, charter school league, and/or parochial school league, does this bylaw apply?
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A1:	Yes.
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Q2:	If an athlete participated in a sport at a high school during a season when it is the primary season for that school, is the athlete eligible?
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A2:	No.
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NOTE: According to Bylaw 1770.61, no high school student shall participate in more than four seasons in any one sport.

1800.2 The transfer rule addresses athletic eligibility only as it relates to transfer between schools. Rules related to age, semesters, academic requirements and other CHSAA Bylaws may result in an eligible transfer being declared ineligible.

EXCEPTION: When a receiving school experiences a significant delay in receiving transfer documentation from a sending school, a 9-C waiver may be submitted for transfer students pending a completed transfer waiver form to enable participation at the sub-varsity or below level if the receiving

school administration has verified the following: age, semesters, academic eligibility, continuous years of academic enrollment. For foreign students you must verify that no professional participation occurred.

Clarifying Statement: the definition of transfer shall be any change of schools by a student participant for academic or participatory reasons. This includes all students who have established their eligibility at: 1) the school they are enrolled in, 2) a school they are playing for because their school of enrollment did not offer that activity and they are participating under state statute, or 3) the student is a home-based student and has established his/her/their athletic eligibility under state statute.

Q1: What is considered a transfer student's "date of transfer"?

A1: The date of enrollment at the new school.

1800.21 Private school attendance boundaries will be defined, for admission purposes, by the public school district in which the private school is physically located.

BONA FIDE MOVE

1800.3 A bona fide family move to a residence that requires a transfer to a school in that school's attendance area and/or a new school district, verified by the receiving school, will permit full transfer eligibility.

- (a) A bona fide family move means a permanent change in the family's legal place of domicile. The legal place of domicile is that place in which the family's habitation is fixed and in which the student's custodial parent or legal guardian has the present intention to reside permanently. A bona fide family move has not occurred unless and until the student's custodial parent or legal guardian, the student, and the student's family have abandoned the immediately preceding place of domicile and have no present intention to return to that place of domicile.
- (b) In determining whether a bona fide family move has occurred, the Commissioner may consider all the circumstances in his/her/their discretion. Examples of circumstances that may be relevant include: changes in employment or business activities that require the family to move; family health or other reasons that compelled the family to move; the custodial parents or legal guardian's residence for income tax, voter registration, motor vehicle registration, and similar indicators of legal residence; the terms of ownership or leasing of the new residence; the existence of other family residences; the location of the family's personal property; and the amount of time actually spent at the new residence. These examples are not a complete list of circumstances that the Commissioner may consider, nor is the Commissioner required to give more or less weight to any of these examples in making a decision.
- (c) Under no circumstances may a school transfer that is motivated by athletic considerations be considered a bona fide family move. The student shall have the burden to prove by clear and convincing evidence that athletic participation at the new school was no more than an incidental consideration.
- (d) If a student transfers to a school where his/her/their previous coach is a coach of the current school team, that move will be deemed motivated by athletic consideration. Under provision of this rule, the coach may be a former school coach or a non-school coach.

As used in this Rule, the term "coach" includes any person who coaches, volunteers (regardless of compensation) or assists in any capacity with the coaching or training of the school or non-school team.

- (e) If the family, directly or indirectly, retains ownership of the former place of domicile after the move, it is presumed that they have not made a bona fide family move, and that presumption must be rebutted by clear and convincing evidence.

Q1: Does listing a house for sale meet the requirement for a bona fide family move?

A1: No, listing a house for sale does not guarantee that a permanent move has been made or is even imminent.

Q2: What is the transfer eligibility for a student who makes a family move from School District A to School District B, then enrolls in a different school in School District A?

A2: This would not meet the definition of a bona fide family move since the student selected a different school back in the former school district and not a school in the attendance area in which he resides or in the new school district. The student would be sub-varsity eligible for 365 days from the date of the transfer.

Q3: May a student play a second season of the same sport in the same school year following a bona fide family move?

A3: Yes – See CHSAA Bylaw 1770.61.

Q4: A student transfers from School A to School B following a move from his parents' house to his grandparents' domicile, which has always been in School B's attendance area. Following the correct legal procedures, the grandparents become the student's legal guardian. Is the student eligible at School B?

A4: No. There was no bona fide family move, nor did the student move with his/her/their parents or guardian.

Q5: Does the transfer rule affect activities such as music, speech and student council?

A5: No. See Bylaws 4710.1, 4800.1 and 4920.1.

ATHLETIC TRANSFER

1800.4 Any transfer substantially motivated by athletic considerations will cause the student to be ineligible for varsity competition for 365 days from the date of the transfer in any sports(s) they participated in during the last 365 days.

EXCEPTION: A student transferring, moving or for any reason changing to a new school where the student's non-school coach is also a coach of the school team, is considered to be attending for athletic purposes. The student, as a result of this transfer, will be ineligible for varsity competition for one calendar year from the date of the transfer in any sport(s) they participated in during the twelve months prior to the transfer. As used in this Rule, the term "coach" includes any person who coaches, volunteers (regardless of compensation) or assists in any capacity with the coaching or training of the school or non-school team.

NOTE: For purposes of this Bylaw and its exceptions, no personal relationship or one-on-one/group coaching or individual contact is required for application of this rule. If a coach

has any standing with the outside team/organization/business, that coach is considered a coach of that non-school sports team.

1800.41 SUB-VARSITY ELIGIBILITY - A student will be granted sub-varsity eligibility by the Commissioner upon submittal of a restricted waiver request signed by the principals of the sending and receiving schools. Waivers may be considered based on a student's lack of opportunity to participate at a sub-varsity level.

NOTE: Transfer students at schools where no sub-varsity level teams exist may be given varsity eligibility for a portion of the regular season by the Commissioner. No playoff eligibility will be granted.

1800.42 NON-PARTICIPATION - A student who has not participated in an interscholastic practice, contest, scrimmage, or foundation game in a specific sport at any level (varsity, junior varsity, sophomore, and freshman) during the 365 days preceding the date of transfer shall have varsity eligibility at the receiving school in that specific sport at all levels of competition.

1800.43 RETURN TO ORIGINAL SCHOOL - A student who participates in a sport (practice, scrimmage, contest, foundation game) at School A and subsequently transfers to School B and participates in any sport at School B, will be sub-varsity eligible only upon their return to School A in any sports they have participated in during the last 365 days at either School A or School B.

NOTE: Participation is defined as an interscholastic practice, contest, scrimmage, or foundation game.

Q1: A student plays boys soccer as a freshman at School A. After the first semester, he transfers to School B and plays baseball. Over the summer, he returns to School A. (1) What is his eligibility for boys soccer at School A?; (2) What is his eligibility for cross country at School A?; (3) What is his eligibility for baseball at School A?

A1: (1) Sub-varsity eligibility only for boys soccer for 365 days from his date of transfer; (2) Varsity eligibility for cross country at School A since he hasn't participated in the sport in the last 365 days; (3) Sub-varsity eligibility only for baseball for 365 days from his date of transfer.

1800.44 BROKEN HOME - A student of a broken home will be exempt from the transfer rule for the first move in high school from one parent to the other. Note: The exception will exist only if it is determined by either school that the move is not athletically motivated. A waiver must be filed and approved prior to competition.

1800.45 BOARDING SCHOOL - Any student who transfers to become a full-time resident of a Colorado 24-hour boarding school (as a duly licensed school providing lodging and meals) in a community, district or state other than where he/she/they has resided with his/her/their parent(s) or guardians, has varsity eligibility on the first such transfer, but all transfer rule requirements shall apply on any subsequent transfer.

1800.46 TRANSFER PURSUANT TO IEP - A student who has been identified as a student with a disability who transfers to a member school to comply with a specific requirement in his/her/their Individualized Education Plan (IEP) has varsity eligibility at the receiving school. A waiver must be filed and approved prior to competition.

NOTE: The burden of proof for the previous school's failure to meet IEP or educational standards is on the parents/guardians of the transferring student. For example, transcripts, documented meetings, dates with school, staffing or testing.

1800.47 RESTRICTED VARSITY ELIGIBILITY - The Appeals Committee and/or Commissioner may grant restricted varsity eligibility during the regular season only to a student athlete that transfers to a school without a sub-varsity program/schedule or a senior transfer student participating in their final year of eligibility.

NOTE: Any transfer deemed to be motivated by athletic reasons (bylaw 1800.4) will not be eligible for restricted varsity eligibility.

RESTRICTED VARSITY ELIGIBILITY

The following regular-season eligibility would be approved through the waiver process.

Fall	Week 12
Winter	Week 27
Spring	Week 40

Q1: A student attends School A as a freshman and competes in three sports. She begins her sophomore year at School A but in December transfers to School B. At School B she competes in no interscholastic scrimmages or contests in any sport. In March she returns to School A. What is her eligibility status?

A1: Full eligibility in all sports. A student transferring from School A to B to A without interscholastic competition at B will always retain varsity eligibility regardless of when the student re-enters School A.

Q2: A student competes in volleyball and track at School A as a 9th grader. As a 10th grader the student transfers from School A to B in January without a family move. What is the student's status in track and volleyball?

A2: The student will be ineligible for varsity competition for 365 days from the date of the transfer in the sports they participated in during the last 365 days.

Q3: What is the definition of a "broken home"?

A3: A broken home for the purposes of Bylaw 1800.44, is defined as a permanent and finalized dissolution of a marriage by court order.

Q4: For the purposes of Bylaw 1800.44, to which school may a student transfer if this is the first transfer while in high school in a broken home?

A4: The student may transfer to the school in the attendance area in which the parent resides.

Q5: A student begins 9th grade attending her home public high school, a CHSAA member school. In 10th grade, she transfers to an out-of-state boarding school where she competes in basketball. In 11th grade, she leaves the boarding school at a time other than the beginning of the school year and (a) returns to her home public school; or (b) enrolls at a boarding school which is a CHSAA member. Is she eligible for varsity basketball competition?

A5: No in both (a) and (b). Although she transferred from a non-member school, the student began her eligibility at a member school.

Q6: A student plays football, basketball and baseball his freshmen year at School A. After football his sophomore year at School A, he transfers to School B without a family move. What is his eligibility at School B?

A6: He will have sub-varsity eligibility for 365 days from the date of transfer in basketball, baseball, and football.

HARDSHIP

1800.5 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.

1800.51 "Hardship" means a situation, condition or event which must impose a severe, non-athletic burden upon the student or his/her/their family and require a transfer of schools. This does not include the personal or initial choice of enrollment and/or participation. The Commissioner shall have broad discretion in applying this standard to specific cases. he/she/they 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/they understands those interests.

1800.52 All transfer waiver applications shall be processed on forms approved by the CHSAA and in accordance with the following procedures:

1. A transfer waiver shall first be submitted to the principals/or designees at the student's sending and receiving schools. If either principal/or designee disapproves of the waiver, he/she/they shall state his/her/their reasons in writing.
2. The transfer waiver, with the recommendations of the principals/or designees, shall then be submitted to the receiving school's league for a vote.
3. The recommendation of the principals/or designees 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.
4. The Commissioner or his/her/their designee may conduct additional investigations as he/she/they deems necessary. The application and any additional information gathered by the Commissioner or his/her/their designee shall constitute the record of the proceeding. The Commissioner will make a timely written decision based on the information in the record.
5. The Commissioner's decision may be appealed pursuant to Article 25 of these bylaws.

- 6. 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.
- 7. Transfer waivers cannot be approved for a school transfer found to be substantially motivated by athletic considerations.
- 8. The following situations are not considered under the definition of hardship: reduction or loss of personal income, transportation, undocumented statements of bullying and academic program comparisons.

NOTE: Circumstances that require an immediate transfer due to safety, legal, court placement or documented availability and plan for academic services must provide adequate documentation.

Academic transfers where parents and/or the student don't believe the current school met the student's needs will require a transcript submission and a specialized plan as documented by the administration.

Medical waivers will require a dated timeline of school and parental intervention prior to transfer. Medical letters from outside entities are secondary to a parental timeline that demonstrates communication and/or assessment with school personnel, establishing a plan to address the student's social and/or emotional needs prior to the transfer. This timeline must include meeting dates and the names of school service specialist, such as a counselor, special education personnel, dean, athletic director, crisis management team or other administrators who worked with the parents and student prior to transfer.

Please note medical letters from outside entities requesting varsity eligibility for a student's mental well-being are reviewed as athletic in principle.

1800.53

No transfer waiver may be granted that would cause a student who is ineligible in the sending school to become eligible at the receiving school.

Q1: What does arbitrary and capricious mean?
 A1: A decision is "arbitrary and capricious" only if the committee finds: (1) that the Commissioner neglected or refused to use reasonable diligence to obtain necessary information; (2) failed to consider the information honestly; or (3) made the decision in such a manner as to indicate clearly that it was based on conclusions from the evidence which reasonable persons fairly and honestly considering the evidence could not reach.

Q2: How may a student who has suffered a hardship gain eligibility?
 A2: A school may file a waiver of a CHSAA Bylaw on behalf of the student if a hardship exists. The waiver would be sent to the sending school and be acted upon by the league and the Commissioner. The student may not compete until the waiver is approved by the Commissioner.

1800.54

- A. The CHSAA requires that all information provided in regard to any aspect of the eligibility of a student must be true, correct, accurate, complete and/or not false or fraudulent.
- B. Penalty for providing incorrect, inaccurate, incomplete or false or fraudulent information:

1. If it is discovered that any parent(s)/guardian(s)/caregiver or student has provided incorrect, inaccurate, incomplete or false information in regards to any aspect of eligibility status on behalf of a student, that student is subject to immediate ineligibility for CHSAA competition at any level in any sport for a period of up to 2 calendar years—from the date the determination was made that incorrect, inaccurate, incomplete or false information was provided.
2. Any contests in which a student or students participated based on incorrect, inaccurate, incomplete or false information or fraudulent practices regarding eligibility status may be forfeited according to the guidelines set in accord to the bylaws.
3. Teams
 - a. If it is determined that someone associated with a school (including, but not limited to a coach) knowingly participates in either providing incorrect, inaccurate, incomplete or false information or using fraud or knowingly allows others to do so, in an attempt to have a team qualify for postseason, that team and coach will be immediately placed on restriction.
 - b. Any contest in which that team has participated based on incorrect, inaccurate, incomplete or false information or fraud may be forfeited according to the CHSAA bylaws.
4. School Personnel Involvement
 - a. If any school personnel (including but not limited to a coach) knowingly participates in either providing incorrect, inaccurate, incomplete or false information or allowing others to gain favorable eligibility status for a student, or team information to meet qualification standards for participation in any contest including playoffs or championships, sanctions may be imposed on the school including but not limited to: probationary status, prohibitions against playoff participation, forfeitures, revoking of CHSAA membership, etc.

1810. MARRIED STATUS

1810.1 Unless a change in domicile is specifically related to a recent marriage, married students must conform to the same transfer regulations as other students.

1810.2 Married students who establish a separate residence from their parents will be eligible in the area in which they reside.

NOTE: A waiver of transfer must be submitted and approved.

Q1: A student marries and moves with her husband from the attendance area of School A (where she competed) to that of School B. Is she eligible to compete at School B?

A1: Yes. A married athlete is eligible to participate at a school in the area in which he/she/they establishes a domicile.