

As of 7/2/08

Hawaii High School Athletic Association Transfer Rule

The general intent of this Transfer Rule is to prohibit students from transferring, directly or indirectly, from one school to another school for athletic reasons.

GENERAL RULE:

If a student participates in any athletic event(s) at one school and directly or indirectly transfers to another school on the same island within twelve (12) months from such participation, the student shall not be eligible to compete in any athletic event(s) in the same sport(s) (“Same Sport”) for a period of twelve (12) consecutive months from the date of such transfer. The student may compete in any other athletic events (other than the Same Sport) during the twelve (12) consecutive months from the date of the transfer.

EXCEPTIONS TO GENERAL RULE:

a. **Change of Island:** A student who moves to a different island may participate in any athletic event(s) at the new school on the different island if there is a valid change of residence.

b. **Out of State:** If a student moves to the State of Hawaii from another state or country and transfers to and registers at a new Hawaii school, the student shall be eligible to participate in any athletic event(s) at the new Hawaii school.

c. **Home Public School:** If a student participates in any athletic event(s) at a public school (“Public Original School”), a private school (“Private Original School”), or at a public school under a “Geographic Exception” (“Public GE School”), and the student transfers to the public school in the geographic area or district of the student’s residence (“Home Public School”), the student may participate in any athletic event(s) at the Home Public School.

d. **Change of Residence:** If a student participates in any athletic event(s) at any Public Original School or Home Public School, and the student has a valid change of residence to another geographic area or district designated for another public school (“New Home Public School”), the student may participate in any athletic event(s) at the New Home Public School.

e. **Transfer to Private School:** If a student participates in any athletic event(s) at a Home Public School or a Public GE School, and directly or indirectly transfers to a private school on the same island within twelve (12) months from the last date of such participation, the student shall not be eligible to compete in any athletic event(s) in the Same Sport for a period of twelve (12) consecutive months from the date of such transfer to the private school.

f. Private Original School to New Private School: If a student participates in any athletic event(s) at a Private Original School, and transfers to another private school on the same island (“New Private School”) within twelve (12) months from the last date of such participation, the student shall not be eligible to compete in any athletic event(s) in the Same Sport at the New Private School for a period of twelve (12) consecutive months from the date of such transfer to the New Private School. Exception: This provision f. does not apply to students attending Academy of the Pacific or ASSETS School.

g. Transfer to New GE Public School: If a student participates in any athletic event(s) at an Private Original School or an Public Original School, and transfers to another public school under a “Geographic Exception” (“New Public GE School”) on the same island within twelve (12) months from the last date of such participation, the student shall not be eligible to compete in any athletic event(s) in the Same Sport at the New Public GE School for a period of twelve (12) consecutive months from the date of such transfer to the New Public GE School.

h. No Participation At Other Schools: Within the same school year, if a student participates in any athletic event(s) at an Original School; transfers to another school or schools on the same island; transfers back to the Original School; and if the student did not participate in any athletic event at the other school or schools on the same island, the student may compete in any athletic event(s) at the Original School.

i. Return to Private Original School: If a student participates in any athletic event(s) at a Private Original School; then transfers to the student’s Home Public School and competes in any athletic event(s) at the Home Public School (student is eligible to compete in all sports at the Home Public School under Exceptions To General Rule); then transfers back to the Private Original School within twelve (12) consecutive months from the date of transfer to the Home Public School, the student may participate in any athletic event(s) at the Private Original School.

However, if the student, instead of transferring back to the Private Original School, transfers to a New Private School on the same island as the Private Original School, the student shall not be eligible to compete in any and all athletic event(s) at the New Private School for a period of twelve (12) consecutive months from the date of transfer to the New Private School.

DEFINITIONS:

Athletic Event: The term “athletic event” includes all athletic games, contests, or events (collectively referred to as “events”), including pre-season, varsity, and junior varsity events between league and non- league schools and any other schools from other states. It does not include intramural athletic events.

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Participates: A student “participates” in an athletic event if the student is registered at the school and:

- a. the student has attended organized practices at the school or with the school’s varsity and/or junior varsity teams or such athletic event for five (5) or more days; or
- b. the student has played in, entered, or otherwise competed in any athletic event; or
- c. the student has dressed in the uniform for and as part of the school’s team at an athletic event, whether or not the student actually competed in, played in, or entered the athletic event; or
- d. the student is on the most current Eligibility List filed with the League Executive Director.

Transfer: The term “transfer” shall be the effective date that a student is registered at another school.

Registration: For public schools where acceptance of a student is mandatory, registration and the effective date of registration shall mean the date that all necessary application and/or registration documents have been completed and submitted to the public school, including “Geographic Exception” documentation where applicable, and the public school is required by law to accept the student. For private schools where acceptance is discretionary, registration and the effective date of registration shall be the date that the private school approves and accepts the application and/or registration documents. A private school may impose additional conditions for official registration (such as payment of tuition or actual attendance).

Enrollment Deadline: For fall sports, a student shall be enrolled at the school at which the student wishes to participate in athletics within eighteen (18) calendar days after the first day of school for that particular school. For winter and spring sports, a student shall be enrolled at the school at which the student wishes to participate prior to the HHSAA start date for the sport(s) in question. However, this enrollment deadline requirement does not apply to “Out of State” transfers as described in “Exceptions to General Rule, b. Out of State”, above.

Private Original School: The first or initial private school where a student participates in any athletic event.

Public Original School: The first or initial public school where a student participates in any athletic event.

RESIDENCY:

Residency and any change of residence will be determined by the Principal, Athletic Director and Registrar at the school where the student is registered. The school shall retain a record or file of the evidence of residency for six (6) months after the student is no longer a student at the school (e.g. student graduates, drops out, transfers to another school, etc.) or if the residency of the student is under appeal, whichever is later. Any determination of residency shall be subject to appeal by any other school to the League's Executive Board, and subject to further appeal to the HHSAA Executive Board.

Residence: A student's residence is the place where a student regularly resides with his/her parent(s) or legal guardian(s), and regularly eats and sleeps, and declares as his/her true, fixed and permanent home. Evidence of residency for the student and/or his/her parent(s) or legal guardian(s) may include, but is not limited to a sworn statement or declaration of residency by the student and his/her parent(s) or legal guardian(s); a deed, Agreement of Sale, or other similar documentation of ownership recorded in the Bureau of Conveyances of the State of Hawaii; verified documentation from an Escrow or Title Insurance company licensed in the State of Hawaii; a Rental Agreement and/or rent receipt from a landlord; a statement or declaration from the landlord; Real Property Tax Office records; voter registration records; ecclesiastical membership records; and vehicle registration records. A student shall have only one residence.

Change of Residence: A student may change his/her residence, but evidence of such change must be provided. In addition to evidence to establish the new residence as set forth in the "Residence" section above, the student and/or his parent(s) or legal guardian(s) must provide evidence that the prior residence has been vacated or abandoned. That is, the prior residence was sold or otherwise legally conveyed to person(s) other than the parent(s) or legal guardian(s); the prior residence has been rented to third person(s) under a long-term, bona fide Rental Agreement; and/or all of the personal property of the student and his/her parent(s) or legal guardian(s) have been moved to the new residence. The prior residence must not be used as a residence by the student or any of his/her parent(s), legal guardian(s), or any relative under such circumstances in which it could reasonably be inferred that the change of residence was a sham.

Legal Guardianship: Legal guardianship shall mean and refer to a bona fide legal guardian duly appointed by a court of competent jurisdiction in the best interests of the student. The student and/or the legal guardian(s) must provide a court-certified copy of an Order or Decree of guardianship. If the legal guardianship was established by a non-Hawaii Court, the student and/or legal guardian(s) must provide additional evidence, including, but not necessarily limited, to powers conferred upon the legal guardian(s), term of guardianship, if any, and whether the legal guardian(s) was appointed due to death, incompetence, or unsuitability of the parents. Should it appear that a legal guardian has been appointed or established for the purpose of avoiding this Transfer Rule, the legal guardianship may be ignored and the student shall be considered

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as if no legal guardianship existed. A change of legal guardianship will require an appeal.

Ward of the Court: A “ward of the court” shall refer to a student who is subject to or under the protection and custody of a court of competent jurisdiction, either directly or through a guardian duly appointed by the court. The student shall be deemed to be a resident of his or her duly appointed guardian, or as otherwise ordered by the court. The student and/or the duly appointed legal guardian shall provide a court-certified copy of an Order or Decree of the court naming the guardian and/or the student’s new place of residence.

Divorce and Legal Separation: In the event of a divorce or legal separation of the parents of a student, the residence of the student shall be the residence of the custodial parent, or the parent who is awarded primary custody under the Decree of Divorce or Decree of Legal Separation.

In the event of joint custody where neither parent is named as the custodial parent or primary custodial parent, the residence of the student shall be the residence of the family residence if either parent continues to reside at the family residence.

If neither parent has custody or primary custody, and neither parent resides in the former family residence, but if one of the parents resides in the geographic area or school district of the Public Original School, then such residence shall be deemed to be the residence of the student.

If none of the foregoing is applicable, then the residence of the student for purposes of this Transfer Rule shall be the residence of the parent designated in writing and signed by both parents and the student, and such designated parent shall not be changed without a Court Order or Decree.

If none of the foregoing is applicable, then the residence issue shall be appealed to and determined in the sound and reasonable discretion on the League’s Executive Board, subject to appeal to the HHSAA Executive Board.

SPECIAL SITUATIONS:

Public Boarding Schools: If a public school has a boarding program where students are boarded at the school (for example, Lahainaluna High School on Maui), the students in the boarding program shall be deemed to be students attending a private school (and not a Public GE School) on the island.

Open School District: If a student resides in an open school district or open geographic area (for example, on the island of Kauai, the Kalaheo geographic area is an open school district for Kauai High School and Waimea High School), the student’s Home Public School shall be the first public school in the open school district or open geographic area where the student is registered.

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APPEALS:

Special cases may be appealed to the Executive Board of the League in which the student has transferred to for consideration. Each appeal must be submitted to the League Executive Director using the Appeal Form approved by the League's Executive Board. Each appeal must include a Waiver of Confidentiality where the student and his parent(s) or guardian(s) waive any confidentiality or privacy rights pertaining to all school records at any and all schools. Each appeal must be approved by the Principal and Athletic Director of the new school where the student is currently registered. No appeals asking for pre-approvals or conditional approvals will be considered by the Executive Board. That is, no appeal will be considered by the Executive Board until the student has actually transferred to the new school. The appeal shall be submitted in writing at least 21 days prior to the next regularly scheduled meeting of the League's Executive Board.

Each appeal may be referred by the League's Executive Director or the Executive Board President to an appropriate committee of the Executive Board appointed by the Executive Board President. Each appeal shall be referred to the Athletic Directors Council President, who may refer it to an appropriate committee appointed by the Athletic Directors Council President. The committee(s) and/or Athletic Directors Council may contact the student, parents, Athletic Directors and/or Principals of the current school and the prior school in order to review, investigate, and analyze the appeal, and make a recommendation to the League's Executive Board.

Cases not approved by the League's Executive Board may be appealed to the HHSAA Executive Board and will be heard in accordance with the Rules of the HHSAA Executive Board.

During the appeal period, the student shall not be allowed to participate in the sport(s) for which he/she is seeking to be allowed to participate pursuant to this Transfer Rule.

PENALTY:

If any false, incorrect, or misleading information is submitted or provided concerning a student's residence, the student shall not be eligible to compete in any athletic events for twelve (12) months from the date of discovery, and the school(s) shall forfeit any athletic event in which such student participated or participates.