

To: All NJSAA Member School Principals and Athletic Directors

From: Steven J. Timko, NJSIAA Executive Director

Date: July 21, 2011

Re: Transfers to Choice Schools

In 2000, the State Legislature authorized a PILOT five year inter-district Public School Choice Program, which expired on June 30, 2005. To address this new Program, the NJSIAA Executive Committee adopted Clarification 6 to Article V, Section 4.G. of the Association Bylaws in 2000 to deal with eligibility of Choice School students. That Clarification read as follows:

*CL 6                    **Choice School** - A choice student who attends a Choice School, pursuant to regulations adopted by the New Jersey Department of Education, shall be immediately eligible to participate in sports at the Choice School provided a Transfer Form is executed by both the Choice School and the Residential School, in the manner set forth in Article V, Section 4.K(2) of the NJSIAA Bylaws.*

*Any subsequent change of schools, without a parental change of address, will require the student to be ineligible to participate in any sport for which he or she **has previously participated at the varsity level for 30 days**, as provided by Article V, Section 4.K(2).*

In September 2010, the Legislature adopted the current Choice School Program Act, which made the program permanent. As a result, a number of NJSIAA member schools have applied to the Commissioner of Education and have been designated as "Choice School Districts." As a result, a number of concerns were expressed about student athletes leaving their current schools to attend Choice Schools for athletic reasons. Therefore, on June 2, 2011, the Executive Committee voted to rescind Clarification 6 so as to place student athletes transferring into Choice Schools subject to the same eligibility restrictions as students transferring between parochial/private schools and public schools. In other words, a student transferring into a Choice School who has participated at the varsity level at his or her former school would be ineligible for a period of 30 days, or one half the maximum number of games allowed in the student's sport at the Choice School.

Unfortunately, the elimination of Clarification 6 was not promulgated in time for many of the new Choice Schools and transferring students/parents to be aware of this change. Therefore,

in fairness to those schools, parents and students, Clarification 6 will continue to be in effect through the 2011-2012 school year but will be rescinded effective as of the 2012-2013 school year. Therefore, while Choice School students will be immediately eligible, any sending school that believes that the transfer of such a student to a Choice School from their district was the result of athletic recruitment or transfer for athletic advantage, should not sign the transfer waiver form so that an immediate hearing can be held by NJSIAA Eligibility Appeals Committee.

We hope that this notice provides clarification to the questions that have been raised recently and we encourage any principal or athletic director who has questions about the policy to contact our office as soon as possible.