

## **NJSIAA INTERPRETIVE GUIDELINES FOR STUDENT-ATHLETE ELIGIBILITY**

### **Overview**

Since its foundation in 1918, the NJSIAA has strived to maintain eligibility standards for Student-Athletes attending its member schools which assure that athletic competition is subordinate to the academic goals of its member schools. At the same time, the Association has fostered eligibility standards which equalize competition among member schools, and provide a broader opportunity for students to compete in interscholastic competition. Accordingly, the Association now maintains a comprehensive set of eligibility rules and regulations, set forth in Article V of its Bylaws, which are incorporated in the NJSIAA Handbook which is available on our website and can be accessed by all member schools each year.

Although the eligibility standards are quite explicit, the NJSIAA provides a member school with the interpretation of its eligibility decision upon request, based on individual appeals. Nevertheless, several schools have challenged both these regulations and their interpretation by the NJSIAA Executive Committee. The Commissioner of Education has now issued a series of decisions upholding both these guidelines, as well as their interpretation by the Association, and penalties which have been imposed upon member schools who have utilized ineligible athletes in interscholastic competition. In view of these developments, the NJSIAA believes that it is imperative that Principals of member schools, as well as their Athletic Directors and coaches, review the applicable NJSIAA rules and regulations and these interpretive guidelines, which merely set forth earlier published rulings by the Association. In order to reduce unnecessary litigation and at the same time encourage truly meritorious appeals to be made by students, the Association is requiring all of these local school personnel to familiarize themselves with the regulations and these guidelines and to certify that they have done so in affidavits which must be submitted to the NJSIAA Headquarters by October 1st of each year.

### **Administrative Responsibility**

The NJSIAA must rely upon voluntary compliance to its eligibility regulations by member schools. The Association has a very small professional staff and unless such voluntary compliance occurs, it will be impossible to maintain the comprehensive eligibility standards and the goals that those standards seek to foster. Accordingly, the Principal of each member school is responsible for personally assuring that Student-Athletes and coaches comply with the eligibility regulations of the NJSIAA. The Commissioner has held that this responsibility cannot be abdicated to other personnel who might thereafter not fulfill this responsibility. Therefore, it is imperative that the Principals assure that the responsible athletic staff review, all of the pertinent eligibility rules and regulations and these guidelines. Principals and responsible high school administrators are obligated to assure that athletic recruitment and athletic transfers do not occur. After this responsibility is assumed, the ineligibility affidavits must be completed and filed with the NJSIAA Headquarters by October 1st of each year. In addition, the administration of every school has the obligation to advise appealing students and their parents of their rights as set forth in the NJSIAA Handbook.

Misinterpretation of NJSIAA eligibility regulations or the failure by the school's staff to properly advise a Student-Athlete will not be considered grounds for waiver of the eligibility regulations.

### **Most Commonly Applied Eligibility Rules**

Although Section 2 of Article V of the NJSIAA Bylaws covers a broad spectrum of eligibility regulations, ranging from preserving the amateur athletic status of students to prohibiting athletic recruitment among member schools, the eligibility standards which are most frequently applied by the NJSIAA are those dealing with age, academic standards, the semesters of eligibility and transfers.

- a. Age – Article V, 4.C of the Bylaws provides that an athlete cannot participate in interscholastic athletics if he or she has reached the age of nineteen (19) prior to September 1 of any year. That rule further provides that a birth certificate or baptismal certificate or other proofs including earlier school records can be used to verify a Student-Athlete’s age. This rule is not only aimed at preventing “red shirting” but is also aimed at encouraging students to satisfactorily complete their academic studies starting with the elementary school level. It is also a safety measure to assure that 13- and 14-year-old students are not expected to compete against adults who are six or more years older, with substantially greater physical size, strength and skills. In view of this paramount safety factor, waivers of this rule will be granted by the NJSIAA in only truly extraordinary circumstances.

It is recognized that as a result of their Individual Education Program (IEP), many handicapped students will be required to extend their elementary and secondary education beyond the customary twelve years. Since the NJSIAA supports the fullest participation of classified or disabled students, consistent with their IEPs and appropriate physical examinations, member schools should encourage such students to compete in interscholastic sports for their permitted four years of eligibility, even when they are attending the 7th or 8th grade classes, special education classes or satellite schools. In such cases the schools should seek a waiver from the NJSIAA. Accordingly, Article V, Section 4.I of the Bylaws has been modified to allow participation of students below the ninth grade when a waiver has been granted. In this way the age requirement will have a minimum impact upon students, who would be otherwise eligible to participate for the normal four years of eligibility. If, as a result of circumstances beyond his/her control, such a student cannot be eligible for four years because of the age rule, that rule may be waived in non-contact sports where physical contact is not a factor (bowling, cross-country, fencing, golf, gymnastics, skiing, swimming and diving, tennis, track and volleyball). In contact sports, the rule may be waived if the student can’t comply due to circumstances beyond the student’s control. A determination will take into account the size, agility and skills of the student in question and the degree to which these issues will not fundamentally alter the competition.

Where waivers of the age or eight semester rules are sought on the grounds that a student is handicapped, the NJSIAA will carefully assess the circumstances under which the student was classified. To prevent “red shirting,” or circumvention of article v, section 4.e credits, waivers will not be granted where the classification occurred just prior to/or during the student’s secondary schooling.

- b. Academic Standards – In December 1983, the general membership of NJSIAA voted to strengthen the academic standards set forth in Article V, 4.E of the Bylaws.

It must be emphasized that these academic standards are minimal requirements and many member schools have adopted additional, more restrictive, requirements with the full support of the NJSIAA. Any school adopting more restrictive requirements will have the exclusive authority to grant exceptions to these local requirements, provided that the statewide standards set forth in Article V, 4.E are maintained.

The NJSIAA does not establish grading policies or standards for granting credits, the local school’s board of education has the exclusive authority to address such matters within the parameters of the state board of education guidelines. Therefore, the NJSIAA will not waive, either the standards set by a member school or the minimum standards set forth in article v, section 4.e except as provided in section

4.f (1). -appeals, therefore, will not be heard because a student has failed a course and has not attained the necessary credits to satisfy Section 4.e.

Additional interpretations of the NJSIAA academic standards are as follows:

- i. According to regulations of the New Jersey State Board of Education, credit must be assigned equally to all secondary school courses. Thus, courses which at one time were considered “minor” e.g., physical education, art, music, industrial arts, etc. must be included in the determination of academic credits.
- ii. It is recognized that students may accelerate their academic programs during their first three years of secondary schooling. Consequently, such students may be eligible in the second semester of their senior year even when they carry less than 12<sup>1</sup>/<sub>2</sub>% (15 credits) of the State minimum (120 credits) during the first semester provided they are meeting their school district’s graduation requirements and are passing all courses in which they are enrolled at the start of the first semester. Students should be cautioned not to register for the minimum credits (15) in their first semester of their senior year, since a failure of just one course will result in ineligibility in the second semester. Waivers will not be considered for a senior who does not attain 15 credits and who fails a subject in his/her first semester, unless that senior is passing all subjects in the subsequent marking period.
- iii. Member schools are cautioned that the NJSIAA will not grant any exceptions to the minimum statewide standards for an entire school district or school. Thus, schools will not be permitted to “average” academic achievement for students so as to allow them to be eligible even though they have not accumulated the requisite proportion of the State minimum according to their semester of attendance (e.g., a school may not allow a student who failed 2 courses in his/her first semester to be eligible the following semester because he/she received an “A” in the remaining courses, so as to constitute an average of “C” or above for all courses).
- iv. If a student has received a diploma, he/she is ineligible, however he/she may continue to represent his/her school until the official end of that semester – either January 31 or June 30.
- v. If a student has left school, but re-enrolls, he/she will be eligible thirty (30) calendar days from the date of re-enrollment.
- vi. If a student has continued enrollment while absent from school, he/she will be eligible provided he/she is enrolled in and attends at least one course.
- vii. An athlete, whose education is interrupted after his/her entrance into the 9th grade (4- or 6-yr. high school) or 10th grade (3-yr. high school) and who does not pass the required courses as provided for in Article V, Section 4.E (1) and (2) of the Bylaws at the end of a semester, upon being readmitted at the beginning of the next semester, is ineligible for failure to meet the requirements of this section.
- viii. An athlete who is ineligible under Article V, Section 4.E (1), may become eligible for the remainder of the winter sports season on February 1 if he/she meets the requirements of Article V, Section 4.E (2).
- ix. Any summer work for makeup purposes, completed and approved by the school before the sixth school day, in the semester starting in September, may be used for eligibility purposes.

- c. The Eight Semester Rule – Article V, 4.J of the Bylaws basically provides that, with the exception of honorably discharged servicemen and servicewomen, and classified students who are ungraded, no student shall be eligible for high school athletics after the expiration of eight consecutive semesters following his/her entrance into the 9th grade. This rule is intended to prohibit “red shirting,” and is also aimed at preventing athletically gifted pupils who are not meeting academic standards from replacing other students who are maintaining their academic standards but who might not have the same athletic prowess. The rule is also aimed at maintaining a uniform progression among all member schools within a four-year cycle and equalizing competition within these schools.

Unfortunately, despite its explicit terms and its obvious objectives, some member schools have interpreted this rule as applying to eight semesters of competition rather than eight semesters of attendance in a secondary school. The NJSIAA will not permit a student to participate in any sport for more than four seasons. Students below the 9th grade who participate on a high school team will be ineligible at the conclusion of eight consecutive semesters. The fact that a student has not participated for four seasons will not in itself justify allowing such a student to participate in interscholastic sports beyond the eighth semester after his or her entrance into the ninth grade. Since the NJSIAA carefully regulates practice and scrimmages and is most concerned over the possibility of “red shirting,” “participation in any sports season will begin on the very first day that a Student-Athlete participates in or attends practice in a particular sport.

Students below the 9<sup>th</sup> grade who participate on a high school team will be ineligible at the conclusion of eight consecutive semesters, beginning with the student’s initial pre-9<sup>th</sup> grade participation. If a student’s pre-high school participation in high school sports occurred in a state other than New Jersey, the student’s eight consecutive semesters of eligibility shall begin when the student enters high school, provided that (a) the student has transferred into New Jersey with a *bona fide* change of residence; (b) a Transfer Form has been completed; and (c) the student meets all other eligibility requirements, including academic requirements.

- d. Transfers – Article V, 4.K is a detailed provision governing transfers of student-athletes from one school to another and should be carefully read by all responsible local school personnel. Basically, this section is aimed at preventing athletic recruitment of promising athletes by member schools or a transfer by a student or by his or her parents to another school for athletic advantages.
  - i. Subsection (1) allows a transferring student-athlete to be immediately eligible where there is a bona fide change of residence; that is, a change of residence in which the parent/guardian moves with the student from one public high school district to another public high school district within date restrictions. **Refer to Article V, Section 4 K, #1 for the New definition parameters of bona fide change of residence.** However, in order for a student to be immediately eligible, both the former and present school must complete a transfer form affirmatively stating that the transfer is a bona fide change of residence and that there was no athletic recruitment or a transfer for athletic advantage. The parent or guardian will be required to complete an affidavit with proof of present residence to the new school. The form will be filed with the NJSIAA and the affidavit maintained by the present school for inspection by the NJSIAA, if necessary. A student will also be immediately eligible if the student has been reassigned by the student’s district.
  - ii. An assignment by the Division of Child Protection and Permanency, the Courts or by the Board of Education normally means a transfer within a school system or an assignment of a student to a school outside of his or her present district which provides a specialized education program. It does not mean a voluntary transfer from another school system, accompanied by the designation of a particular school by the receiving Board of Education; nor does it mean a disposition by a court or agency as a result of a juvenile or criminal complaint against the student.

- iii. A student-athlete in grades 9, 10, 11 or 12 transferring from one secondary school to another, without a bona fide change of residence by that student's parent or guardian will be ineligible to participate for a period of 30 calendar days which will commence with the first interscholastic game played by the involved school, if that student had participated in that particular sport at the varsity level. A grade 9, 10, 11, or 12 student who has not participated in a sport on the varsity level at his/her previous school will be eligible to participate immediately in the sport at the new school. To prevent possible recruitment or transfer for athletic advantage, a Transfer Form must be executed by the two involved schools and filed with the NJSIAA before any interscholastic participation.

Since the minimal thirty (30) day period of ineligibility is intended by the member schools to serve as a deterrent for students transferring from one school to another school without a bone fide parental/guardian change of residence and is recognized as the most lenient transfer penalty in the United States, appeals will not be heard, regardless of reason.

While the amendments to Subsections d. and ii. are expected to curtail transfers for athletic reasons or a result of athletic recruitment, unfortunately zealous coaches, parents or third parties have facilitated athletic transfers by establishing fictitious residences and other methods to circumvent the thirty (30) day ineligibility period.

If the Principal and Athletic Director of the student's former school refuse to sign a Transfer Form, then a hearing shall be held at the next scheduled meeting of the Eligibility Appeals Committee and an oral decision reached on that date, which shall thereafter be expressed more fully in writing by either Committee within ten days. Until that hearing is concluded, the transferring student shall be ineligible.

The Association recognizes that a desire to participate in interscholastic sports may be one of a number of considerations involved in a transfer, in addition to factors such as finances, academic, religious training, social and transportation. However, if after a hearing, either committee determines that the primary reason for the transfer was for athletic reasons, then a violation of Subsection (6) will be found. The student would then be subject to a one (1) year period of ineligibility.

If the NJSIAA determines that there has been athletic recruitment by a member school, then not only will the athletes be subject to be declared ineligible, but the recruiting school will be subjected to appropriate disciplinary sanctions, including suspension or expulsion among other penalties. Consequently, the Principal of both the former school and the new school of a transferring student must verify that there has been neither athletic recruitment nor a transfer for athletic advantage on the appropriate Transfer Forms, furnished by the NJSIAA.

## **Observance of Eligibility Standards and Appeals**

The NJSIAA maintains two committees to deal with questions of eligibility: Eligibility Committee and the Eligibility Appeals Committee

The Eligibility Committee makes initial determinations concerning the Student-Athletes eligibility based primarily upon written requests and documentation provided by member schools to the NJSIAA. The schools are required to provide all appropriate information as indicated on the Eligibility Waiver Request Form, This Committee meets at the beginning of each of the three sports seasons and at the conclusion of each academic year. (August, October, December, February, April, May).

The Eligibility Appeals Committee, consisting of members of the NJSIAA Executive Committee was established to consider both appeals from initial decisions of the Eligibility Committee and to hear appeals that arise during the school year, but which cannot be dealt with in a timely manner by the Eligibility Committee. The Eligibility Appeals Committee hearings are scheduled to coincide with the September Executive Committee meeting and thereafter at the November, January, March, May and June meeting dates of the Executive Committee. Additional appeals hearings could be held on the meeting dates of the Executive Committee as determined by the Executive Director in consultation with the Hearing Officer. The Eligibility Appeals Committee functions specifically as set forth in Section 2 of Article XIII of the NJSIAA Bylaws. In addition, the Eligibility Appeals Committee will hear all initial testimony in the case of unsigned Transfer Forms.

This section provides that an appeal may be disposed of on written submissions or at a hearing, where parties will be entitled to counsel, the right to present witness testimony and cross-examination, and other matters which should be carefully reviewed by all member schools.

Accordingly, if a school has any doubt whatsoever about the eligibility of a student, it should contact the NJSIAA Headquarters for an initial interpretation and, if necessary, submit a formal request to the NJSIAA for an eligibility ruling by the Eligibility Committee prior to the beginning of each of the sports seasons. If time will not permit such a submission to that Committee, then appeals should be made to the Eligibility Appeals Committee in the manner provided by Article XIII, Section 2 of the NJSIAA Bylaws. **A school should never allow a student to participate in interscholastic sports if it has any doubt whatsoever as to that student's eligibility and until an interpretive ruling has been issued by the responsible NJSIAA Directors and/or committees. Otherwise, the school risks imposition of appropriate penalties for the use of an ineligible student, including the forfeiture of games won by that school utilizing such a student.**

Since the establishment of the Eligibility Appeals Committee in September 1983 until June 2018, 2342 separate eligibility cases were considered by the Eligibility Appeals Committee and the Eligibility Committee. The Eligibility Committee made 1298 rulings, declaring 596 students eligible, 676 students ineligible and 26 partially eligible. Three hundred ninety-seven (397) of those ineligibility rulings were appealed to the Eligibility Appeals Committee, which affirmed the Eligibility Committee in 210 cases, while reversing that Committee in 185 other cases. These subsequent reversals by the Eligibility Appeals Committee were largely attributable to the fact that additional information was subsequently provided to the Eligibility Appeals Committee.

In addition to the 397 appeals from the Eligibility Committee, the Eligibility Appeals Committee dealt with direct requests for waivers or transfer reviews in 754 other cases. Of the total of the 1151 cases considered by the Eligibility Appeals Committee during this thirty-five-year period (both on appeal and directly), waivers were granted in approximately 477 of the cases.

## **Waivers**

In appropriate cases, the Eligibility Committee or the Eligibility Appeals Committee may grant a waiver from the strict application of any eligibility rules, where the overall objectives of the Association and its member schools will not be undermined. Specifically, waivers of these provisions have been granted in the past where it was shown that a student could not maintain the required academic standards or that he or she had to continue secondary schooling beyond the eighth semester because of circumstances beyond that student's control. By way of illustration, waivers have been granted because a student is a classified pupil who could not carry a full academic load. Waivers of the eight semester rule have been granted where a student has had to repeat a semester or more because he or she was absent from school, due to a medical or psychological condition, the need to be home to care for an ill parent, or when extended schooling is required for a classified student whose Individual Education Program (IEP) is mandated beyond eight semesters.

A student who is involved in substance abuse does not meet the standard of "circumstances beyond his or her control"; this position constitutes an inducement for students not to involve themselves in drugs or other unacceptable behavior.

Member schools must be aware of the fact that waivers are only intended to equalize opportunities among otherwise eligible students who cannot strictly comply with the eligibility rules because of circumstances beyond their control and is not intended to provide such students with an actual advantage over the great majority of students who maintain appropriate academic standards over the normal eight semester secondary program. Accordingly, waivers of these rules are never granted where it would allow a student to participate in more than four seasons in any one sport or where a student has repeated an academic semester or year of secondary school for academic reasons.

It is expected that waivers of the academic, and eight-semester rule, as well as the age rule involving non-contact sports will continue to be granted, where it is determined that a student cannot comply because of circumstances beyond his/her control. Waivers of the age rule will be granted where it is determined that a student cannot comply due to circumstances beyond the student's control. The Eligibility Appeals Committee may consider the waiver request as to the size, agility and skills of the student and the degree to which these issues may fundamentally alter the competition.

Please Note: With the reinstatement as of September 1, 2010, of the 30-day ineligibility period for 9th, 10th, 11th, and 12th grade student-athletes, transferring without a corresponding bona fide change of residence, hardship waivers will not be granted by the NJSIAA, regardless of reason.

### **Filing a Request for an Eligibility Waiver**

The NJSIAA Eligibility Committee meets prior to each Sports Season and at the end of the school year to review eligibility waiver requests. For said request, schools must forward to the NJSIAA Central Office the following documentation, ten days prior to the scheduled meeting:

1. A letter from the Principal requesting a ruling noting any pertinent factors which will aid the Eligibility Committee or the Eligibility Appeals Committee in their review of the case.
2. The NJSIAA Eligibility Waiver Request Form filled in completely. The date of birth must be included along with a record of the student's participation in interscholastic athletics, noting sport and year.
3. A complete transcript of the student's scholastic record from first entrance into the ninth grade to the present with written consent of the parent(s)/guardian(s) to release same.

4. Any relevant documentation which will be helpful to the Committee such as the parent's letter, a hospital/physician's/psychologist's/psychiatrist's/Counselor's report or a Child Study team's recommendation.

All appeals from initial decisions of the Eligibility Committee, as well as initial decisions when the Eligibility Committee cannot consider an eligibility request in a timely fashion, shall be determined by the Eligibility Appeals Committee. The Principal or assigned representative must be present to provide information for the appeal before the Eligibility Appeals Committee. In addition, all parties are entitled to be represented by Counsel. The Eligibility Appeals Committee will rule on eligibility requests in emergent circumstances provided the Principal requests a case to be considered and so states in writing. It is strongly recommended that the student-athlete attend such hearings.

Requests for waiver of an NJSIAA regulation by any party other than the school will be heard and interpreted as not having the support of the school when the Principal or his/her authorized representative is not present.

The Eligibility Appeals Committee will make initial eligibility decisions in the interim between Eligibility Committee meetings and in all unsigned Transfer cases.

### **Enforcement of Eligibility Standards**

To assure that member schools carry out the responsibilities of making certain that all Student-Athletes comply with eligibility standards or obtain appropriate waivers where necessary prior to competition, the NJSIAA has imposed a uniform penalty against any school which utilizes an ineligible player. If the ineligible student participated in a TEAM SPORT, then that team will forfeit any games that it has won, irrespective of how long the ineligible student participated in that contest, as there is no reasonable method to calculate a student-athletes impact on the outcome of a contest. In cases where the ineligible player participated in an INDIVIDUAL SPORT, then the team will only forfeit the points earned or the events in which that player participated, since the impact of individual players can be calculated with some certainty.

Although the penalty of forfeiture for the use of an ineligible player is mandatory and not appealable to the Executive Committee, the school may appeal the determination of eligibility provided such request for waiver occurs prior to the participation by the Student-Athlete.

To establish a standard procedure for all forfeitures in the event an ineligible student participates, the following designation will be in effect:

<b>Team Sports</b>		<b>Individual Sports</b>	
Baseball	Ice Hockey	Bowling	Swimming/Diving
Basketball	Lacrosse	Cross Country	Tennis
Field Hockey	Soccer	Fencing	Winter Track
Football	Softball	Golf	Outdoor Track
Ice Hockey	Volleyball	Gymnastics	Wrestling
		Skiing	

Under Article I of the NJSIAA Bylaws, the Association Executive Director has been granted the authority to impose appropriate penalties by the Executive Committee, until or unless that Committee reverses the Executive Director after an appropriate appeal has been filed by the applicable student and/or school in accordance with Article XIII of the Bylaws.

Since all member schools are expected to voluntarily comply with eligibility standards, the penalty for forfeiture will not be mitigated because the member school itself reported that it had violated the eligibility rules. However, where the eligibility violation is reported by another school and it can be shown that the



school attended by the ineligible player or the involved coach was aware, or should have been aware, of the eligibility violation, then the Executive Committee may impose additional penalties upon that school and/or the involved coach including, but not limited to, probation, suspension, expulsion and fines.

*\*These guidelines were originally adopted by the NJSIAA Executive Committee on September 14, 1983:and were thereafter revised annually by the Executive Committee.*