



To: NJSIAA Executive Committee  
From: Paul Popadiuk, Chief Compliance Officer  
Date: May 11, 2022  
RE: NJSIAA Bylaws Changes Proposal

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The NJSIAA Chief Compliance Officer was tasked with reviewing the NJSIAA Bylaws and Interpretive Guidelines to ensure accuracy and consistency. There are a number of areas that are out of date or not worded correctly within the spirit of the rule. Additionally, there are areas that need to be amended in order to address new areas of need or to clarify our practices. In consultation with NJSIAA staff and counsel, the NJSIAA Chief Compliance Officer recommends the following changes to the NJSIAA Bylaws and Interpretive Guidelines. Each recommended change is supported by a brief rationale statement.

### **PROPOSED BYLAWS & INTERPRETIVE GUIDELINES AMENDMENTS**

[Additions are underlined, and deletions are ~~struck through~~.]

#### **Bylaws, Article V, Section 4. C (Age)**

An athlete becomes ineligible for high school athletics if he/she attains the age of nineteen prior to September 1. However, any athlete attaining age nineteen (19) on or after September 1 shall be eligible for the ensuing school year. A birth certificate, issued at the time of birth, is the normal proof of age; in the absence of this, other proofs may be used. The records used will be baptismal records or the earliest school records.

*~~CL 1: Junior High/9th Grade regulations provide that a student becomes ineligible for 9th grade athletics if they reach age sixteen (16) prior to September 1 of that school year. However, said students may participate above the 9th grade athletic level based upon a waiver as set forth in CL 4 noted below.~~*

***Rationale:*** *This clarification to the Age Rule essentially says that 16-year-olds may not play on freshman teams. It refers to an unknown set of regulations – the “Junior High/9th grade regulations.” These regulations appear to no longer exist. In general, the NJSIAA does not regulate below the varsity level, and this clarification causes confusion and is unnecessary.*

#### **Bylaws, Article V, Section 4.G (2) (Enrollment)**

CL8 Vo-Tech/Academy/Public Sending District - When a student enrolls in an academy program through a vo-tech school (School A) which is housed at another district’s high school (School B)

which is different from the student's home sending district's high school (School C), he/she is eligible for interscholastic athletics where he or she is carried on the Official Register from School A or School B. If a student is carried on both School A and School B's registers, the student may choose the school at which he/she wishes to participate in all sports on a full school-year basis. The student is not eligible for interscholastic sports at his/her home sending district (School C) regardless of what sports are offered at School A and School B.

***Rationale:*** *With the rise of academy programs that now involve 3 schools (sending district, Vo-Tech and the Academy school at which the student is housed) there is a need to clarify student enrollment and athletic eligibility. Historically, the student could play at the Vo-tech or home sending school when shared. In this situation, considering that the student is not taking classes at the home sending school, and is sharing time between the Vo-Tech and Academy schools, the home sending district is not an option for the student's athletic participation. No students will have the opportunity to select participation from three schools.*

#### **Bylaws, Article V, Section 4.K (1) (Transfers)**

*CL 2: In cases where a student resides with one parent and elects to change residence for transfer to another secondary school where the other parent resides, said student will be deemed to have fulfilled subsection (a) of Article V, Section 4.K(1)(a), which is that "the parent/guardian moves with the student from one public high school district to another public high school district." In other words, this is considered a parental change of residence provided the parents do not reside in the same public high school district. However, subsequent retransfers to the school previously attended may be considered a transfer for athletic advantage, which may result in a loss of eligibility.*

***Rationale:*** As currently written, this clarification seems to indicate that a parent-to-parent move renders a student immediately eligible, which is not the intention. Rather, such a move satisfies the "change of address" requirement, but the other requirements (affidavit, date of transfer and residency not associated with school) must also be fulfilled in order for the student to be immediately eligible.

#### **Bylaws, Article V, Section 4.K (2)(a) (Transfers)**

a. A student-athlete transferring from one secondary school to another, without a bona fide change of residence by that student's parent or guardian, shall be ineligible to participate for a period of thirty (30) calendar days or one half of the maximum number of games allowed in the sport by NJSIAA rules (the ineligibility period) from the beginning of the regular schedule, whichever is less, in any sport in which the student has previously participated at the varsity level. If a student transfers after the Competition Start Date, the ineligibility period begins with the student's first day of class and may extend into the next season. If the transfer was not considered a bona fide change of address solely due to the fact that the transfer occurred after the immediately eligible date (Article V, Section 4.K (1)(c), the ineligibility period will not extend into the next season.

b. 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.

c. A student who transfers after the NJSIAA Competition Start Date for each sport, regardless of whether the transfer was the result of a bona fide change of residence, shall be ineligible to

participate in any post-season championship competition at the new school. For football, the Week 1 Competition Start Date will be used.

d. Any student who is subject to the 30-day period of ineligibility set forth in subsection (2)(a) may nevertheless participate in interscholastic scrimmages. It is local option for schools to permit ineligible students to practice or compete in interscholastic scrimmages.

*CL 1: Since the minimal thirty (30) days or one half the maximum number of games allowed in a sport by NJSIAA rules ineligibility period (whichever is less) is intended to serve as a deterrent for students transferring from one school to another without a bona fide parental/guardian change of residence and is recognized as one of the most lenient penalties in the United States, appeals will not be heard, regardless of reason. For sports which have a maximum participation limitation, the NJSIAA maximum (half the maximum) will be used to determine the sit out period. For sports that do not have a maximum number of contests allowed by rule, the sit out period will be 30 days from the beginning of the regular varsity season (or 1<sup>st</sup> day of class if transfer occurs after the Competition Start Date) or half of the games/meets/matches/events scheduled at the beginning of that school's sport season. Only games played may be counted.*

***Rationale:*** *These additions further clarify the start date of a student subject to the transfer sit. It explains that if a student transfers in after the competition start date, the student's ineligibility period starts with the first day of class and may extend into the next season. It also clarifies that if a student moved legitimately, but after the dates of Aug. 1, Nov. 1 or March 1, the student's sit will end at the end of the season and not extend into next season.*

### **Bylaws, Article XIII(Hearing Procedure)**

Section 1, CL 2: The Eligibility Committee shall only rule on waiver requests submitted by member schools. All initial eligibility waiver requests must be filed by member schools on behalf of the student athlete.

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Section 9: Except as provided in Section 4 herein, no initial waiver request or proceeding dealing with a specific school(s), staff or student(s) shall be conducted by any committee of the Association unless the Principal of the involved school(s) or his or her authorized representative is in attendance. A school shall be bound by any statements made by such representatives at committee proceedings. Requests for ~~waiver~~ an appeal of an NJSIAA regulation ruling 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 or her authorized representative is not present.

***Rationale:*** *These amendments clarify the current practice of only permitting member schools to submit eligibility waiver requests. Parents and students do not have the right to submit a waiver on their own, but they may appeal determinations of the Eligibility Committee.*

### **Interpretive Guidelines for Student-Athlete Eligibility, Most Commonly Applied Eligibility Rules (Transfers)**

If the Principal and Athletic Director of the student's former school do not complete ~~refuse to sign~~ a Transfer Form in a timely manner, then the Chief Compliance Officer shall rule on the student's eligibility based on available evidence and documentation. If necessary, 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~~ the Committee within ten days. Until the Chief Compliance Officer has made a ruling, or the hearing is concluded, the transferring student shall be ineligible.

***Rationale:** This more accurately describes our practice. When prior schools don't fill out the transfer form, we clear the athlete (after a period of time).*

### **Interpretive Guidelines for Student-Athlete Eligibility, Filing a Request for an Eligibility Waiver**

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

All appeals from initial decisions of the Eligibility Committee, as well as initial waiver 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 when the appeal is requested by the school. 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~~ an appeal of an NJSIAA regulation ruling 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.~~

***Rationale:** These changes coincide with the previous changes made above. The last sentence should be removed as it is redundant.*