

SECTION 9: Transfer Rule

The Transfer Rule is an integral part of the Association's ability to create, administer and maintain the valuable and unique form of competition it offers. This unique form of competition is a carefully constructed system that promotes competitive balance and serves the mission and purpose of education-based sports and activities. Association sports and activities are intended to foster a sense of community as well as to teach teamwork and discipline. Other sporting organizations exist which promote free player movement and are primarily designed to promote athletic development of the individual and provide a showcase for the athletic talents of those individuals. These organizations do not share the primary purposes of the Association and therefore cannot provide the unique type of competition created and maintained by the Association. Efforts randomly to impose adjustments or favoritism on these rules damage the Association and, in turn, damage all the students who either participate in an Association sport/activity or who support them, from cheerleaders to band members to drill teams to parents. The Association is committed to maintaining its unique form of competition.

A student changing eligibility from one school (sending school) to another school (receiving school) shall be considered a transferring student. For information and record keeping purposes, the sending and receiving schools shall cooperate with each other and the Association.

A student shall be ineligible for contests at the varsity level until after the first 50% of the maximum allowable contests in those sports in which the student competed during the twelve (12) months immediately preceding the season in which the student is seeking eligibility. [Students who transfer after the Competition Start Date will be subject to a 30-day period of ineligibility (or 50% of the Maximum Number of Contests) in that sport, whichever is more.] Competition is defined as a student competing in the sport during a regular season game at any level as is specified by the UHSAA calendar.

This Transfer Rule applies to all athletes at all levels of competition (not just varsity athletes) and is applicable to all UHSAA sanctioned sports in which the student competed during the twelve (12) months preceding the transfer. Transferring students may compete at the varsity level in a new sport without penalty.

A student may compete at the sub-varsity level at the new school for a period of twelve (12) months from the last day of attendance at the former school provided they meet all other UHSAA and school/district eligibility requirements, Once a student has enrolled and attended at the new school, that student is no longer eligible at the former school.

In a case of any subsequent transfer by the student, the student is ineligible for ALL varsity level competition for one (1) year from the date of first attendance at the receiving school.

TRANSFER RULE EXCEPTIONS - A student who transfers from one member school (the "sending school") to another member school (the "receiving school"), may be eligible to compete in Association sanctioned sports at the receiving school when one of the following eligibility requirements has been fulfilled:

- A. SCHOOL CLOSURE / DROP OF UHSAA MEMBERSHIP - If a member school closes, any student attending the school at closure shall be eligible at the new member school.***
- B. DISCONTINUED PROGRAMS - If a school discontinues or suspends its participation in an Association sanctioned sport, any student who had previously competed in that sport while attending that school may transfer, without the loss of eligibility, to a different member school which offers that sport. The transfer rule shall apply to other Association sanctioned sports in which the student competes.***

- C. **DISCIPLINARY REMOVAL** - A student suspended, expelled or otherwise removed for disciplinary reasons, including revocation or non-renewal of an open enrollment permit, from one high school shall be ineligible for interscholastic competition in any other high school for one (1) year or until all conditions for re-admittance have been fulfilled at the high school where the suspension, expulsion, open enrollment revocation or removal for disciplinary reasons occurred, whichever occurs first.
- D. **GUARDIANSHIP** - No non-parental guardianship will be recognized where a student has a living parent unless:
1. There has been a determination of abandonment of the student by such parent(s), or
 2. A determination that the student is a dependent juvenile as defined in the Utah Code by a court of competent jurisdiction, or
 3. The student has been judicially declared a ward of the court or state and is placed in a member school, or
 4. The student has been identified as an orphan or placed in a foster home by the Division of Social Services (or comparable agency if out of state) and custody (not guardianship) has been determined by the court or social agency. A student whose custody has been established by court order or social services agency decision is eligible for competition at the member school to which he or she is placed.
- E. **DEATH** - The period of ineligibility may be waived in the event of a death in the family, which requires the submission of a death certificate and requires a student to move from the student's original residence.
- F. **DIVORCE** - The period of ineligibility may be waived in the event of a dissolution of marriage, which requires the submission of a final and legally binding divorce decree from a court of competent jurisdiction and requires a student to move from the student's original residence.
- G. **BONA FIDE CHANGE OF RESIDENCE** - The period of ineligibility may be waived if there has been a bona fide change in residence by the parents and student that precedes a student's change of schools. Any change in residence must be bona fide. It must meet the criteria of a Bona Fide Change In Residence set out below. The change must be made with the intent that it is permanent.
1. For the purpose of this rule, a bona fide change of residence means the uninterrupted moving of the permanent residence of the entire family unit of the student as composed when the student was eligible at the sending school (including one or both parents if at that residence) from one defined member school attendance area into a new defined member school attendance area prior to a change in enrollment of the student.
 2. To be considered bona fide, the change must remain uninterrupted for the entire period during which the student would have been ineligible if the exception was not applied.
 3. To be considered bona fide, the change in residence must reasonably cause the change in schools in that a student cannot delay transferring schools after a change in residence. The transfer must be completed prior to the subsequent school year. The change in residence must clearly have a compelling impact on the need to change schools for the exception to be granted.
 4. A student who becomes emancipated does not have a bona fide change of residence by his or her emancipation and change of residence for the purposes of satisfying this exception.

5. **All conditions of evidence of a bona fide change of residence as outlined in the Interpretations and Guidelines (Item F) shall be certified by the sending and receiving schools.**
 6. **APPLICATIONS FOR WAIVER BASED ON CHANGE OF RESIDENCE SHALL NOT BE CONSIDERED BY THE ASSOCIATION UNLESS AND UNTIL BOTH SCHOOLS HAVE CERTIFIED IN WRITING THAT THE REQUIREMENTS OF THE EXCEPTION HAVE BEEN MET.**
- H. ANTI-BULLYING EXCEPTION - The period of ineligibility may be waived for a student when it is documented at the time of the original transfer of eligibility submission that a student is a victim of bullying as defined in USBE regulations, [R277-613-1](#) and [R277-613-4](#), and in which bullying has been investigated and documented by a member school or school district before the date of the transfer of eligibility submission, and as a result of this documented harassment, intimidation or bullying, the student is compelled to transfer, provided:**
1. **The member school's or school district's anti-bullying policies and procedures have been substantially followed and complied with and a copy of which policies have been provided to the UHSAA along with the request for eligibility; and**
 2. **The member school or school district secures the appropriate releases from the student/ student's parents authorizing the member school to provide a complete record of the events and circumstances on which the policies and procedures were initiated, and the member school provide such records at the time of the eligibility of transfer submission including:**
 - a. **A specific, detailed report of the prohibited incident(s);**
 - b. **An outline of the procedures used to respond to and investigate the reported incidents.**
 3. **APPLICATIONS FOR A WAIVER BASED ON BULLYING OR HARASSMENT SHALL NOT BE CONSIDERED BY THE ASSOCIATION UNLESS AND UNTIL THE SENDING SCHOOL HAS CERTIFIED IN WRITING THAT THE REQUIREMENTS OF THE EXCEPTION HAVE BEEN MET.**

Interps & Guidelines 1.9.1: TRANSFER STUDENTS

- A. *A student establishes initial eligibility upon entry to high school or its equivalent (either in the ninth grade or the tenth grade depending on the high school) for the first time. Whenever a student intends to participate in Association activities in this state, the student's entry to high school, irrespective of the location, shall be used for purposes of the application of this rule. A student enrolling in a Utah high school for the first time, as a result of a full-family move, will be deemed residentially eligible for interscholastic activities even if that first entry is at a school not within the student's residential area. This exception to the transfer rule regarding residency for students enrolling for the first time recognizes the prevailing law encouraging open enrollment. Unless otherwise exempted, the Transfer Rule will apply to any subsequent transfer (Article 1, Section 1).*
- B. *Recruiting Not Affected by First Entry Exception: The recruiting of student-athletes by a member school, coach, coaching staff or affiliated boosters is considered a serious violation of the UHSAA rules regarding the imposition of undue influence on students for the purposes of athletics. Although under most circumstances the UHSAA will not examine the motives behind a student's choice of school upon first entry, there may be other factors beyond residence that could affect a student's eligibility and could impose heavy sanctions on a school, a program and/or a coach. One example is recruiting. Where a student or students who, during the school year prior to initial high school participation, have attended a school or coach sponsored camp or have*

been players together on a "super-league," "all-star," "select" or other traveling or combined team, attempt to establish eligibility at a member school which is outside the residential area for any of those students, such enrollment may be considered prima facie evidence of recruiting. Similarly, where a transferring student transfers to a school and intends to participate with any member or coach of such a traveling or combined team, such transfer shall also be considered prima facie evidence of recruiting.

1. A panel may determine that there was no recruiting or may impose any or all of the penalties permitted, including fines, restrictions, suspensions and disqualifications. The UHSAA may ask the hearing panel to declare that recruited students cannot be eligible at any time at the school to which they were recruited.
 2. Principals should remind athletic directors, coaches and boosters of the prohibition on recruiting and make certain that any possible violations of these rules be reported immediately to the UHSAA.
- C. If a student's parents move, the student may remain eligible at the high school where he or she has established eligibility at the time of the move. Any transfer to a new member school must be completed prior to the subsequent school year. Once a new school year begins following the move, any subsequent transfer to another school will require the student to comply with the Transfer Rule.
- D. The UHSAA shall not review or act on any Application unless and until the transferring student has enrolled in the receiving school and has attended at least one day of classes. The UHSAA will not provide advisory opinions regarding potential eligibility.
- E. During the summer, if a student so requests, the UHSAA will review a Application upon the receipt of proof of enrollment alone. In such a case, however, enrollment at the receiving school, even without attendance, will preclude such a student from claiming eligibility at the former or sending school.
- F. **Definitions:**
1. **Residence:** A student shall have only one residence for the purposes of Association eligibility rules. A residence is a place where a student has established his/her true, fixed and permanent home, where the family regularly eats, sleeps and lives. It is the place where the student and his/her parent(s) are habitually present and to which, when departing, they intend to return. Evidence of residence may include but is not limited to the following: voter registration records, ecclesiastical membership records, vehicle registration, rent receipts, utility payments or mortgage documents.
 2. **Bona Fide Change of Residence:** To be considered a bona fide change of residence under this rule, minimally, the following facts must be present in the change:
 - a. The prior residence must be abandoned. For purposes of this rule, that means that the prior residence has been sold, rented to third parties or transferred from the legal ownership or possession of the parents or guardians. The change of residence must include the transfer of personal property ordinarily associated with a legitimate change of residence.
 - b. To qualify as a change of residence, the prior residence must not be currently used as a residence by either parent or any relative under the circumstance in which it could reasonably be inferred that the change of residence was a sham.
 - c. The new residence must be situated in a high school attendance boundary different than the prior residence.
 3. **Full Family Move:** A permanent change in residence by the student and his/her entire family into the established attendance boundary of the receiving school. The new residence must be situated in a high

school attendance boundary different from the prior residence. For the purpose of this rule, the attendance boundary for public charter schools or private schools is defined as the district school attendance boundary in which the public charter school or private school is physically located unless a boundary change is approved by the Board of Trustees as filed with the UHSAA.

- a. A boundary change may be presented prior to a new alignment of UHSAA member schools in odd number of years during the August Executive Committee meeting. The boundary change must also be presented and approved by the Board of Trustees in the August Board of Trustees meeting of that same year.*
- b. The new proposal for the boundary change cannot be larger (geographic) than the current boundary, but can be shifted. A new approved boundary must exist through the duration of the new alignment of UHSAA member schools.*

G. Special Circumstances Related to Eligibility:

- 1. **Student of Full-Time Faculty Member:** A student who is a child of a Varsity head coach, full-time faculty member and/or school administrator may become eligible for interscholastic activities at that school by petitioning and receiving approval of the Association.*
- 2. **Boarding School Students:** A domestic boarding school student at the new UHSAA member school may become eligible for interscholastic activities at that school by petitioning and receiving approval from the Association.*
- 3. **Alternative School Students:** Students attending alternative high schools are eligible only at the district high school in whose attendance boundary the student's parent(s) or legal guardian(s) resides (neither a power of attorney nor a district or school guardianship will suffice) or at the district high school from which the student withdrew for the purpose of attending the alternative high school.*

H. Foreign students and international boarding school students must subscribe to the rules outlined in the UHSAA Handbook, Interps & Guidelines 1.9.3.

I. Other Activities: The Transfer Rule does not apply to activities other than athletics.

J. Statement of Philosophy/Rationale for the Transfer Rule:

- 1. Promotes the educational philosophy that participation in interscholastic activities is a privilege, which should not take a dominant role over academics.*
- 2. Recognizes the overwhelming administrative difficulty in attempting to determine the motives or reasons for each and every transfer, and therefore, adopts a uniform objective standard to be followed by all member schools.*
- 3. Helps to protect opportunities for participation by students who attend school in the attendance area of their residence.*
- 4. Serves as a deterrent to students leaving their schools because of disciplinary action that has been or may be imposed.*