

**NEBRASKA
SCHOOL
ACTIVITIES
ASSOCIATION**

**2009-2010
STUDENT ELIGIBILITY
BOOKLET**

**PRINCIPALS, ACTIVITIES DIRECTORS, AND
COUNSELORS ARE TO USE THE INFORMATION
IN THIS BOOKLET WHEN ADVISING A STUDENT
ON HER/HIS ELIGIBILITY TO PARTICIPATE IN
INTERSCHOLASTIC ACTIVITIES.**



FORWARD

The responsibility is placed on the administration of a school to determine the eligibility of students for participation in interscholastic activities. The rules governing eligibility are listed in the NSAA Yearbook. All applicable rules must be met before a student is permitted to participate in an interscholastic activity. If uncertain as to eligibility, call the NSAA office for an interpretation. It is recommended you review the eligibility of all students each year.

This eligibility booklet contains forms and guidelines to be used in determining the eligibility of students in your school for interschool activities participation. Also included are **Notice of Ineligibility form and Hardship Request forms. Please give this material to the person in your school who has the responsibility of determining eligibility.**

When a student enters your school for the first time, or when students are planning their academic program, a counselor often works with these students. As a rule, counselors are not familiar with the rules governing activity eligibility. It is recommended that counselors be made aware of the major eligibility rules such as the domicile and transfer rule, preceding semester scholastic rule, and eight-semester rule.

If it is necessary to declare a student ineligible for interscholastic competition, be certain that the individual is provided due process. Refer to the Due Process Procedure in this booklet. After using the Due Process Procedure and the determination is made that the student is ineligible, provide the individual and his/her parents with the **Notice of Ineligibility form.**

NEBRASKA SCHOOL ACTIVITIES ASSOCIATION

500 Charleston Street, P.O. Box 85448

Lincoln, Nebraska 68501-5448

TO: Superintendent, Principal, Activities Director, and Counselor
FROM: Dr. James A. Tenopir, Executive Director
SUBJECT: Verification of Students' Eligibility to Participate in High School Activities
DATE: June 2009

The requirement that students be eligible to participate in interschool activities is a fundamental rule of all bodies that sponsor and regulate competition at the high school and collegiate levels. In reviewing the history of the NSAA, the setting of eligibility standards for interscholastic participation was the basic reason why the Nebraska School Activities Association was formed. The integrity of the Association and fair competition between schools is dependent upon schools making every effort to comply with student eligibility rules and the enforcement of penalties for those that fail to carry out this responsibility.

In the majority of cases in which the NSAA has become involved when an ineligible student was used, the use of the ineligible student could have been prevented if the individual(s) delegated the responsibility for determining eligibility had done their job. It is this disregard of responsibility that places team or individual accomplishment in jeopardy.

The responsibility for determining the eligibility of students is set forth in Article 2, Paragraph 2.1.2, NSAA Bylaws. All member schools should have an established procedure or policy that is to be followed to fulfill this responsibility. To help school personnel, the following packet of material is provided. The use of these forms and checklists will involve the parent(s) and a head coach. It will take additional time and effort, but it may save time, embarrassment, and forfeiture of contests later.

Eligibility Reminders: The eligibility reminders are key factors, which need to be considered and verified in determining the eligibility of all your students who will participate in interschool varsity competition. If there is any uncertainty in any area, this should serve as a warning and the need to obtain additional information.

Eligibility Checklist: The Eligibility Checklist should be used to verify the eligibility of transfer students and students entering high school from a junior high school or middle school. This form should be completed during a conference with the student and, if possible, the parent(s).

Parental Consent Form: The Parental Consent Form is to be signed by the student and his/her parent(s). Be certain that each form has the parent's or guardian's signature and current address. The purpose of this form is to inform parents and students of the rules, to provide the "giving notice" requirement of due process, and provides a warning as to the potential of injury while participating. It is important that the enclosed Parental Consent Form language be used as it contains wording to accommodate some potential issues regarding roster information and photographs. It is essential that each individual participating in NSAA activities have a Parental Consent form on file at your school. The insurance carrier for the Nebraska School Activities Association requires the WARNING to accompany the Parental Consent Form. THE PARENTAL CONSENT FORM SHALL BE SIGNED EACH YEAR.

Head Coach's Request for Ruling: In many instances, the head coach of an activity, particularly in the larger schools, is the first person to become aware of students entering your school for the first time. It is a rare coach who is not aware of students who are reporting for a team for the first time. A form is provided for coaches to seek eligibility status rulings from their school's athletic or school administration.

Enrollment Option Students: Students who transfer under the Enrollment Option Program will be immediately eligible in the fall for varsity competition if the student's Enrollment Option Application was signed, filed, and approved by March 15, 2009. Students whose Enrollment Option Applications are approved after March 15, 2009, shall be ineligible for 90 school days.

Beginning with the March 15, 2009, transfer deadline, any student who files transfer paperwork and who elects not to transfer in the fall shall become ineligible for 90 school days in his/her current school.

Transfer Students: A student transferring from public school-to-private school, private-to-public, private-to-private, intradistrict, or from out-of-state, without an accompanying permanent change of domicile of the legal parent, is generally ineligible for 90 school days. However, a student who has his/her transfer papers signed and filed on or before March 15, shall be eligible immediately in the fall, providing the school into which the student transfers notifies the NSAA of the transfer in writing with a postmark no later than March 15. A student may transfer under this rule one time during his/her high school years, unless there is a change of domicile by the legal parent.

Beginning with the March 15, 2009, transfer deadline, any student who files transfer paperwork and who elects not to transfer in the fall shall become ineligible for 90 school days in his/her current school.

Foreign Exchange Students: Guidelines for Foreign Exchange Students indicate that the eligibility for Foreign Exchange students will be granted for a maximum of two consecutive semesters, regardless of subsequent change in visa, residency, or guardianship. The two consecutive semesters period begins with the student's initial enrollment in any high school in the United States. Foreign exchange students must possess a J-1 visa and must be a member of a recognized (by CSIET) foreign exchange program.

Foreign Exchange Student Eligibility Confirmation Form: If your school has a foreign student who has elected to attend the school under the sponsorship of a recognized Foreign Exchange Program, and the student wishes to participate in interscholastic activities, this form should be completed online. The Executive Director will make an eligibility ruling and the ruling/confirmation will appear on the AD's NSAA login page.

Please understand that administrative oversight will not be accepted as a reason for the use of an ineligible student.

(6/09) ELIGIBILITY REMINDERS

Prior to completing the Nebraska School Activities Association Eligibility Certificate, be certain you have checked the following eligibility requirements for each student who may participate in an interschool contest prior to certifying the individual(s) as being eligible.

- I. Academic Eligibility.
 - A. Each student received twenty hours of credit the immediate preceding semester.
 - B. The student is presently enrolled in classes in your school, which will give him/her twenty semester hours of credit that will partially fulfill your school's graduation requirements.
- II. Age.
 - A. Student was not nineteen years of age prior to August 1 of current year.
- III. Semester and Season Limitation.
 - A. Student has not been a member of a school eight or more semesters since initial enrollment in grade nine.
 - B. Student has not participated in four or more seasons of the activity in which eligibility is being determined.
- IV. Domicile.
 - A. School attended the previous year or previous semester.
 - 1. Did he/she attend your high school?
 - 2. Did the student attend high school at another high school within your school district?
 - 3. Is the student coming from another school district and entering a high school for the first time?
 - B. Is the domicile of the student's parents located in your school district?
 - C. Does the student live with his/her natural parents?
 - 1. Is it a single parent family? If yes, which parent has custody? There may be some eligibility issues if the student is living with the non-custodial parent.
 - 2. Does the student live with a guardian? (Guardianship does not meet the definition of a legal parent, and if a student lives with a guardian, he/she is probably ineligible.)
- V. Has the Parental Consent Form been signed and returned?
- VI. Has the student been advised of NSAA eligibility rules?

(6/09) VERIFICATION OF RULES

This form should be used to verify the eligibility of students attending your school for the first time and planning to participate in interschool activities.

Yes	No	Does Not Apply	
			1. The student is not or will not be nineteen years of age before August 1 of the current school year.
			2. The student has received twenty hours of credit for the semester immediately preceding the semester in which she/he wishes to participate.
			3. The student has been enrolled in some high school on or before the eleventh day of the school during the semester in which the student wishes to compete.
			4. The student has not been a member of a school more than eight semesters since initial enrollment in grade 9.
			5. The student is enrolled in school and is taking courses, which will give her/him a minimum of twenty semester hours of credit.
			6. Both of the student's parents have established their bona fide domicile in the school district when the high school is located at the following address: _____
			7. Has the student previously attended another high school within the school district where your high school is located?
			8. If the answer to statement 7 is yes, have her/his parents changed domicile prior to the student's enrollment in your school?
			9. If the student is entering grade 9 in a four-year high school, or grade ten in a three-year high school, is she/he coming from another school district or from a junior high in your district?
			10. Is the student paying tuition to attend your high school?
			11. Is the student living with her/his natural parents?
			12. The student is living with a guardian and a hardship ruling has been granted. <u>Guardianship does not automatically make a student eligible.</u>
			13. Domicile of parents has been changed during the summer, which immediately precedes the current school year, and the student is in grade 12 and has attended your high school for the two previous years.

Date _____ School Official _____

Do Not Send to NSAA Office



STUDENT ELIGIBILITY

In order to represent a high school in interscholastic athletic competition and non-athletic, a student must abide by eligibility rules of the Nebraska School Activities Association. A summary of the major rules is given below. Contact the principal or activities director for an explanation of the complete rule.

1. Student must be an undergraduate.
2. After a student's initial enrollment in grade nine, he/she shall be ineligible after eight semesters of school membership beginning with his/her enrollment in grade nine.
3. Student is ineligible if nineteen years of age before August 1 of current school year. (Student in grades 7 or 8 may participate on a high school team if he/she was 15 years of age prior to August 1 of current school year.)
4. Student must be enrolled in some high school on or before the eleventh school day of the current semester.
5. Student must be enrolled in at least twenty hours per week and regular in attendance, in accordance with the school's attendance policy at the school he/she wishes to represent in interscholastic competition.
6. Student must have been enrolled and received twenty hours in school the immediate preceding semester.
7. **Guardianship does not fulfill the definition of a parent.** If a guardian has been appointed for a student, the student is eligible in the school district where his/her natural parent(s) have their domicile. Individual situations involving guardianship may be submitted to the Executive Director for his review and a ruling.
8. A student entering grade nine for the first time after being promoted from grade eight of a two-year junior high, or a three-year middle school, or entering a high school for the first time after being promoted to grade ten from a three-year junior high school is eligible. After a student makes an initial choice of high schools, any subsequent transfer, unless there has been a change of domicile by his/her parents, shall render the student ineligible for ninety school days. If a student has participated on a high school team at any level as a seventh, eight, or ninth grade student, he/she has established his/her eligibility at the high school where he/she participated. If the student elects to attend another high school upon entering ninth or tenth grade, he/she shall be ineligible for ninety school days.
9. **Student eligibility related to domicile can be attained in the following manners:**
 - a. If the change in domicile by the parents occurs during a school year, the student may remain at the school he/she is attending and be eligible until the end of the school year or transfer to a high school located in the school district where the parents established their domicile and be eligible.
 - b. If the parents moved during the summer months and the student is in grade twelve and the student has attended the high school for two or more years, the student may remain at the high school he/she has been attending and retain eligibility.
 - c. If a student has been attending the same high school since initial enrollment in grade nine, he/she may remain at that high school and retain eligibility, or he/she is eligible at a high school located in the school district where his/her parents established their domicile.
 - d. **If the parents of a student change their domicile from one school district that has a high school to another school district that has a high school, the student shall be eligible immediately in the school district where the parents established their domicile.**
10. Transfer students who have their Enrollment Option applications signed and filed prior to March 15 shall be eligible immediately in the fall. Those students who do not have their Enrollment Option applications signed and filed prior to March 15 shall be ineligible for ninety school days, with such transfers being subject to hardship waiver guidelines.
11. Other non-enrollment option transfer students must have signed and delivered all forms necessary to make such transfer to the school in which he/she intends to enroll for the 2009-2010 school year prior to March 15, 2009; for the student to be eligible, the school to which the transfer is being made must have notified the NSAA office in writing, postmarked not later than March 15, 2009. The student would, however, become ineligible for ninety school days the next fall if the student were to change his/her mind and decide not to transfer. If such student were to transfer to the new school, but later decides to return to his/her former district before 90 school days have elapsed, such student will be ineligible in the former district for 90 school days, with the ineligibility period commencing at the start of the fall semester. Those students, who did not have their enrollment forms signed, delivered and accepted prior to March 15, 2009, shall be ineligible for ninety school days, with such transfers being subject to hardship waiver guidelines.
12. Once the season of a sport begins, a student shall participate in practices and compete only in athletic contests/meets in that sport, which are scheduled by his/her school. Any other competition will render the student ineligible for a portion of, or all of, the season in that sport. The season of a sport begins with the first date of practice as permitted by NSAA rules. The fall sports season begins August 17, 2009, (August 10th for some football teams) and ends with the state meets in the fall sports. The winter sports season begins November 16, 2009, and ends with the state meets in the winter sports. The spring sports season begins March 1, 2010, and ends with the state meets in the spring sports.
13. During the season of a particular sport, athletes participating in that sport for a high school may attend, but may not physically take part, either as an individual or as a member of a team, in the sport activity in which instruction is being offered in the clinic, camp or school.
14. A student shall not participate on an all-star team while a high school undergraduate.
15. A student must maintain his/her amateur status.

To be completed for students participating in all NSAA activities.



NEBRASKA SCHOOL ACTIVITIES ASSOCIATION (NSAA)
Student and Parent Consent Form

School Year: 20____-20____ Member School: _____

Name of Student: _____

Date of Birth: _____ Place of Birth: _____

The undersigned(s) are the Student and the parent(s), guardian(s), or person(s) in charge of the above named Student and are collectively referred to as "Parent".

The Parent and Student hereby:

(1) Understand and agree that participation in NSAA sponsored activities is voluntary on the part of the Student and is a privilege;

(2) Understand and agree that (a) by this Consent Form the NSAA has provided to the Parent and Student of the existence of potential dangers associated with athletic participation; (b) participation in any athletic activity may involve injury of some type; (c) the severity of such injury can range from minor cuts, bruises, sprains, and muscle strains to more serious injuries to the body's bones, joints, ligaments, tendons, or muscles, to catastrophic injuries to the head, neck and spinal cord, and on rare occasions, injuries so severe as to result in total disability, paralysis and death; and, (d) even the best coaching, the use of the best protective equipment and strict observance of rules, injuries are still a possibility;

(3) Consent and agree to participation of the Student in NSAA activities subject to all NSAA by-laws and rules interpretations for participation in NSAA sponsored activities, and the activities rules of the NSAA member school for which the Student is participating; and,

(4) Consent and agree to (a) the disclosure by the Member School at which the Student is enrolled to the NSAA, and subsequent disclosure by the NSAA, of information regarding the Student, including the student's name, address, telephone listing, electronic mail address, photograph, date of and place of birth, major fields of study, dates of attendance, grade level, enrollment status (e.g., full-time or part-time), participation in officially recognized activities and sports, weight and height of as a member of athletic teams, degrees, honors and awards received, statistics regarding performance, records or documentation related to eligibility for NSAA sponsored activities, medical records, and any other information related to the Student's participation in NSAA sponsored activities; and, (b) the Student being photographed, video taped, audio taped, or recorded by any other means while participating in NSAA activities and contests, consent to and waive any privacy rights with regard to the display of such recordings, and waive any claims of ownership or other rights with regard to such photographs or recordings or to the broadcast, sale or display of such photographs or recordings.

I acknowledge that I have read paragraphs (1) through (4) above, understand and agree to the terms thereof, including the warning of potential risk of injury inherent in participation in athletic activities.

DATED this ____ day of _____, ____.

Name of Student [Print Name]

Student Signature

(I am)(We are) the Student's [circle appropriate choice] (Parent) (Guardian). (I)(We) acknowledge that (I)(We) have read paragraphs (1) through (4) above, understand and agree to the terms thereof, including the warning of potential risk of injury inherent in participation in athletic activities. Having read the warning in paragraph (3) above and understanding the potential risk of injury to my Student, (I)(we) hereby give (my)(our) permission for _____ [insert student name] to practice and compete for the above named high school in activities approved by the NSAA, **except those crossed out below:**

Baseball	Golf	Tennis	Play Production	Basketball	Swimming/Diving
Track	Football	Speech	Cross County	Soccer	Volleyball
Music	Football	Softball	Wrestling	Debate	Journalism

DATED this ____ day of _____, ____.

Parent [Print Name]

Parent Signature

TRANSFER STUDENTS

Name _____ Grade _____

Transfer Student From _____
(Name and Location of School)

Date of enrollment _____

Student plans to participate in the following interscholastic activities:

Comments: _____

(Signature of Principal)

(Signature of Counselor)

Date requirements met and approval given to participate: _____

Date NSAA was notified, in writing, of the transfer: _____

(Signature of Activities Director)
Do not send to the NSAA office.

(6/09)

NOTICE OF INELIGIBILITY

Notice is hereby given that _____, a student
(Name of Student)
at _____ High School (hereinafter referred to as "School")
(Name of School)
and his/her parent(s) have been notified by _____ on
(Name of Person Notifying Student of Ineligibility)
_____ that said student has been determined by the School
(Date of Notification)
to be ineligible to represent _____ High School in extracurricular interscholastic
competition because he/she fails to meet the eligibility requirements established by the Constitution, Bylaws
and Approved Rulings of the Nebraska School Activities Association (NSAA).

Notice is hereby given:

- (1) That the School, on behalf of the student, will submit a request for a hardship waiver of such ineligibility to the Executive Director of the NSAA. The student and his/her parent(s) must notify the School in writing within five (5) days from the date of notification of ineligibility of their desire to have the School sponsor such an appeal on behalf of the student to the NSAA.
- (2) That the student and his/her parent(s), through the School, have the right to request the Executive Director of NSAA to grant a hardship waiver of the ineligibility ruling and to request a hearing before such Executive Director. If such hearing is requested they will have the right to be represented by counsel, to confront and cross-examine witnesses, to present witnesses of their own, and to submit such other evidence as they feel appropriate. The student and his/her parent(s) further have the right to have the hearing recorded and transcribed at their expense if they so desire.
- (3) That the student and his/her parent(s) have the right to receive from the Executive Director of the NSAA within five (5) days after such hearing written notification of the decision of the NSAA's Executive Director.
- (4) That the student and his/her parent(s), through the School, have the further right to appeal such decision of the Executive Director to the Board of Control of the NSAA by giving written notice of appeal within fourteen (14) days of the decision of the Executive Director. Upon written request by the student and his/her parent(s), the school shall sponsor such further appeal to the NSAA Board of Control. At the hearing before the Board of Control, which will be de novo, the student and his/her parent(s) will have the right to be represented by counsel, to confront and cross-examine witnesses, to present witnesses and evidence of their own. The student and his/her parent(s) have the right to have the hearing before the NSAA Board of Control recorded and transcribed at their expense if they so desire.

(Over)

- (5) The student and his/her parent(s) have the right to receive, within a reasonable time after such hearing before the Board of Control, a written decision from such Board of Control.

DATED this _____ day of _____, 20____.

_____ SCHOOL

BY: _____

ACKNOWLEDGMENT

The undersigned student and his/her parent(s) acknowledge receipt of the Notice of Ineligibility set forth above and have read and understand its contents and the rights and responsibilities provided therein on this ____ day of _____, 20 ____.

Student

Parent

Parent

NSAA'S DUE PROCESS

Due process is a means of ensuring fairness when a division of the government, such as public schools, deals with individuals. It is not a fixed or rigid concept. There has been considerable debate as to the necessity of procedural due process in an educational setting when co-curricular activities are involved. Courts, depending on jurisdiction, have not ruled consistently on this matter.

The Nebraska School Activities Association's position, because of opinions issued by the Nebraska Supreme Court and The United States District Court for the District of Nebraska, is that if a student is to be suspended from participation in a co-curricular activity because of failure to fulfill or the violation of an Association rule, the student must be provided due process.

Basically, due process consists of the following steps:

1. Inform the student of the rule and the possible penalties.
2. If there is an alleged violation, tell the student what they are accused of doing and the evidence against them (notice).
3. Allow the student and his/her parents an opportunity to explain their version of the facts (hearing).
4. Explain and impose the penalty.
5. Give the student an opportunity for an appeal.
6. Complete the Notice of Ineligibility form and provide the student with a copy.

The NSAA has consistently provided due process to individuals and schools when an alleged violation has occurred. The Association has been placed in a position on occasions when the penalty assessed by the Association was overturned because of a failure on the part of a school to provide due process during the initial determination of the case. To correct this problem, the Board of Control adopted the following procedure for school personnel to follow when ruling on the eligibility of a student to participate in NSAA activities:

Appeal Procedure. In accordance with the requirements of Article 2 Section 2.1, Paragraph 2.1.2, NSAA Bylaws, each member school and its superintendent, or his/her designate, shall be responsible for the initial investigation and determination of eligibility for its students.

The member school shall conduct the initial investigation and shall make the initial determination and declaration to the student of the student's eligibility. In making such determination, the school may request a written interpretation from the NSAA Executive Director of the applicable eligibility rules set forth in the Constitution, Bylaws, and Approved Rulings and Interpretations of the Association.

Any such determination of ineligibility by the member school may be appealed to the Executive Director for a hardship waiver in accordance with the procedure as set forth in Article I, Section 1.10, Paragraph 1.10.3, NSAA Constitution.

In addition to a member school having the right to appeal for a hardship waiver, any member school shall sponsor an appeal on behalf of the student declared ineligible upon written request from such student delivered to the Superintendent or his/her designate, within five days after the initial determination by the member school of that student's eligibility.

If the decision of the Executive Director is unfavorable to the student, the member school shall continue to sponsor an appeal on behalf of the student to the Board of Control in accordance with the procedure of appeal set forth in Article I, Section 1.10, Paragraph 1.10.3.12, NSAA Constitution.

All appeals to the Executive Director and to the Board of Control shall be held in accordance with the due process procedures set forth in Article I, Section 1.10, NSAA Constitution.

To summarize, the following steps are to be followed in the enforcement of NSAA Eligibility Rules:

1. Prior to the beginning of the season of a sport during the pre-season meeting, **inform all participants** of NSAA rules.
 - a. Give students and parents copies of the rules.
 - b. Explain the rules if necessary.
 - c. Be certain parental consent form is signed.
 - d. Post copies of the rules where they can be seen by all students.
2. Check on the eligibility of all students prior to the first practice.
3. If there is doubt as to the eligibility of a student, **inform the student** and if there is doubt on an interpretation, call or write the NSAA Executive Director for an interpretation. The Executive Director **will not** rule on the case.
4. If a determination is made that the student is ineligible, inform the student and provide the student and his/her parents **a hearing**.
5. Provide within five days an opportunity for the student to **appeal** your ruling to the Executive Director. This appeal can be through the Hardship Procedure or by use of a letter and documentation of all of the facts of the case.
6. If the ruling by the Executive Director is unfavorable, the ruling may be appealed to the **Board of Control**.

If the above steps are not followed and an ineligible student participates in an interschool contest, the penalty assessed against the school will be more severe.

HARDSHIP REQUEST

This form is to be used when requesting a waiver of any eligibility rule.

The Executive Director shall have the authority to make specific exception to the student eligibility rules, provided such exceptions are based upon hardship conditions, which are deemed to have contributed in a significant way to the failure of a student to be able to comply with a specific rule(s).

1. Loss of eligibility in itself is not to be considered as a hardship. The circumstances causing the ineligibility will be the basis upon which a waiver is considered.
2. A hardship exists only when there are some unique circumstances concerning the student's educational, physical, or emotional status, which are beyond the control of the student and his/her parents or legal guardian.
3. The circumstances must be totally different from those, which exist for the majority of students who are confronted with similar situations and choices. Usual maturation problems and family situations, which do not cause physical harm, academic or athletic deficiencies in a school's curriculum or extracurricular activities, do not constitute a hardship.
4. There must be no reason to believe that non-compliance with the rule requested to be waived was for activity participation purposes.

If your school wishes to file a hardship request for an individual student, please follow the instructions given.

1. Using the four criteria given above as a guide, please submit a written explanation specifying the reasons why, in your opinion, this case is a hardship situation.
2. Requests for hardship rulings will be considered by the Executive Director after such time that a student is actually ineligible for interscholastic competition. If the case involves the request to waive Article 2, Section 2.6 & 2.7, Domicile and Transfer Rules, the transfer or change in domicile must have occurred. A request made in advance of the loss of eligibility, or on an assumption, will not be considered.
3. The Age Limitation Bylaw 2.3.1 is an objective standard; a student must meet the age limitation set forth in Bylaw 2.3.1 to be eligible for participation and competition. The only consideration for a waiver of the age eligibility rule shall be to determine if a discrepancy exists in the student's reported Date of Birth that, upon further examination and evidence, would result in the establishment of the correct Date of Birth. [See, *Pottgen v. MSHSAA*, 40 F. 3d. 926 (8th Cir. 1994).]
4. Hardship requests shall be initiated by the school where the student will be enrolled and be ineligible. It is the school's responsibility to obtain all requested documentation and to provide all information.
5. If the documentation or information requested or provided is of a confidential nature such as transcripts, medical records, law enforcement records, etc., be sure to obtain a signed waiver from the student, his/her parents, and any other required party prior to making the information or document available. Send a copy of the signed waiver.
6. All requests must be submitted in writing and on the form provided for such request. When submitting a request, be sure to provide sufficient time for the Executive Director to consider the case and return a written statement of the findings and decision. The general information portion of the form on Page 1 is to be completed for all requests. On the remaining pages, the information requested is specifically related to certain rules. Provide the requested information, which applies to the particular rule for which the waiver is being requested. In addition, any information or evidence pertinent to the situation including the following should be submitted.
 - (1) If a statement is made as to an existing situation causing a hardship, the situation should be fully explained and documented by factual information.
 - (2) If the student is a transfer, a statement from the superintendent, principal, or designate of the school formerly attended by the student relating to the case.
 - (3) Statements from state and county officials, welfare agencies, parents, relatives, physicians, and/or others who are in a position to provide information regarding the situation.
7. A hearing may be requested. If a hearing is desired, please submit the request with the written application for a waiver.
8. The decision of the Executive Director may be appealed to the Board of Control as provided in Article I, Section 1.10, Paragraph 1.10.3.12. NSAA Constitution.

HARDSHIP WAIVER APPLICATION FORM
Submit in Duplicate to
NSAA, P.O. Box 85448, Lincoln, NE 68501-5448

_____ Date Submitted _____ School _____

_____ Signature of Principal or Designate _____

Name of Student _____ Age _____

Date of Birth _____ Height _____ Weight _____

Name of Parents _____

Address of Parents _____

Person with whom Student will live _____

Address (where student will live) _____

Give the Name(s) of Schools Attended Since Enrollment in Grade 9.

_____ School _____ Dates Attended _____

_____ School _____ Dates Attended _____

_____ School _____ Dates Attended _____

_____ School _____ Dates Attended _____

Grade in School _____ Total Semesters of Membership Grades 9-12 _____

Hours of Credit Earned Immediate Preceding Semester _____

Total Semester Hours of Credit Earned _____

Semesters Hours Required for Graduation _____

List Activity and number of seasons of prior participation beginning with Grade 9.

Activity _____ 1 2 3 4 (Circle one)

Activity _____ 1 2 3 4 (Circle one)

Activity _____ 1 2 3 4 (Circle one)

Activity _____ 1 2 3 4 (Circle one)

Our school requests this student be declared eligible for (list activities)

What NSAA rule(s) cause(s) this student to be ineligible for interscholastic activities? (Place a check mark(s) on appropriate blank(s) that apply to this case.)

- _____ 1. Age--discrepancy in the reported Date of Birth. (Refer to Page 2)
- _____ 2. Domicile--transfer rule. (Refer to Page 3)
- _____ 3. Scholastic rule--not passing twenty hours the immediate preceding semester. (Refer to Page 2)
- _____ 4. Eight or six-semester rule. (Refer to Page 2-3)

_____ 5. Did not enroll in some school by the eleventh school day of the current semester. (**Document** circumstances causing the failure to enroll by the eleventh school day.)

_____ 6. Others. (Please specify.) _____

If the request is for a waiver of Article 2, Section 2.3, Paragraph 2.3.1, NSAA Bylaws, the Age Rule, please provide the following information:

1. If there is a discrepancy in the student's reported Date of Birth, what was the nature of that erroneous report? _____

2. In order for a waiver to be granted, a birth certificate certified by the Bureau of Vital Statistics, State Capitol, Lincoln, or the Bureau of Vital Statistics of any other state must be produced to verify the correct age of the student.

If the request is for a waiver of Article 2, Section 2.5, Paragraph 2.5.2, NSAA Bylaws, the Preceding Semester Rule, please provide the following information:

1. In your opinion, why wasn't the student able to perform the necessary requirements in order to obtain the minimum of twenty semester hours of credit? _____

2. During the previous semester, was an academic progress report provided to the student and his/her parents? **(Yes) (No)**
3. During the previous semester, were the student's counselor, coach, principal, or teachers aware that the student was not making sufficient academic progress? **(Yes) (No)**

What corrective action was taken? _____

4. If the immediate Preceding Semester was the Spring Semester, was the student advised to attend Summer School or enroll in Correspondence Courses? **(Yes) (No)**
5. Does your school district have a policy requiring a student to meet certain scholastic requirements in order to participate in activities? **(Yes) (No)**

Prior to making an application for a Hardship Waiver, has the school agreed to waive the district policy or give the student an opportunity to fulfill the requirements? **(Yes) (No)**
Please give rationale for answer _____

6. If the student is a transfer student, would he/she have been eligible at his/her previous school? **(Yes) (No)**
7. Please **document** any extenuating circumstances, which may have caused the student to be ineligible.

If the request is for a waiver of Article 2, Section 2.2, Paragraph 2.2.2 & 2.2.3, NSAA Bylaws, the Eight Semester or Four Seasons of Participation Rule, please provide the following information.

1. Please give the number of days of school membership for each of the semesters in which the student was a member of some school in grades 9 through and including the present semester.

Semester 1 _____ Semester 2 _____ Semester 3 _____ Semester 4 _____
Semester 5 _____ Semester 6 _____ Semester 7 _____ Semester 8 _____

2. Give the reasons why the student was unable to complete grades 9-12 in eight semesters.

a. If the reasons were disciplinary action by the school, was future eligibility to participate in activities taken into consideration prior to taking the action? **(YES) (NO)** Please give rationale.

b. If the reasons were because of a physical injury, illness, chemical dependency rehabilitation, or incarceration, please explain and provide the following information if applicable: (1) Statements or records from a licensed medical physician which include diagnoses, treatment, and care. (2) If due to chemical dependency, statements from the care facility and/or the individual responsible for the treatment.

c. If the reason was voluntary dropout, and there were extenuating circumstances, please explain the circumstances.

3. Additional Information _____

If the request is for a waiver of Article 2, Sections 2.6 & 2.7, NSAA Bylaws, the Domicile and Transfer Rule, please provide the following information:

1. Is Student a Ward of a Court? ___ Name of Court _____

2. Is Student a Welfare Agency Placement? ___ Name of Agency _____

3. If the student had continued to attend the school from which he/she transferred, would the student have been eligible? (YES) (NO)

4. Why is it necessary for the student to transfer? (**Document** with written statements from individuals who have knowledge of the situation which cause the hardship conditions)

5. If the individual's parents are divorced or separated and the student has previously lived with one of the parents and will live with someone other than either parent when transferring to your school, explain why he/she is unable to live with the other parent. _____

In regard to the Hardship Case of the above-named student, the Executive Director has ruled as indicated below.

Eligible _____ (Providing the student is eligible in all other respects.)

Ineligible _____

Date _____ Signature _____

Executive Director, NSAA