

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
_____	_____
_____	_____
_____	_____
_____	_____

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