

CALIFORNIA INTERSCHOLASTIC FEDERATION

PARENT HANDBOOK - II

Understanding the Transfer Eligibility Appeal Process



August 2021 Edition

**CALIFORNIA INTERSCHOLASTIC FEDERATION TRANSFER ELIGIBILITY APPEAL
PROCEDURES**

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CALIFORNIA INTERSCHOLASTIC FEDERATION TRANSFER ELIGIBILITY APPEAL PROCEDURES

INTRODUCTION

The purpose of this handbook is to familiarize parents with the CIF appeal process regarding athletic transfer decisions and to provide a simple step-by-step approach for parents to request an appeal of a Section decision granting their student limited eligibility or denying eligibility under the following CIF Bylaws:

207.B.(5).a.(iv) or b.(v). or c.(iii) – Following a Coach
510 – Undue Influence, Athletically Motivated Transfer

Parents are encouraged to read and become familiar with the relevant bylaws and policies that can be found in the State CIF Constitution and Bylaws on the State CIF web site at www.cifstate.org. This handbook should not be relied upon for legal advice or a substitute for the relevant CIF bylaws or administrative policies, procedures and regulations.

When there has been a written decision by a Section Commissioner to not allow a student to participate in varsity athletics at a new school, based upon the above listed bylaws, the school or parent may request that the decision be appealed. An appeal is filed, the Parent/Student are referred to as the **Appellant**. The CIF Section is referred to as the **Respondents**.

IMPORTANT NOTE: If a request for an appeal of the Section decision on transfer eligibility includes MORE THAN a request for a waiver of the transfer rule (i.e., a request for a waiver of any of the following: age requirement; charge of semesters; passing 20 semester credits), NO ACTION will be taken on the requested appeal for transfer eligibility UNTIL all other issues have been resolved and a final determination has been made in accordance with the Section's approved policies and procedures. The procedural requirements for a determination of the transfer request under this policy will commence after the Section makes a final determination of other issues.

The CIF appeal process is designed to give parents and students the opportunity to have the Section's decision reviewed in a fair and consistent manner before an impartial Hearing Officer.

There should be no surprises and each party is expected to share all their evidence in advance of the hearing so everyone has the same information.

The Hearing Officer will consider all the evidence you provided that supports your position that there was no violation of Bylaws 207 or 510. The Hearing Officer may not ignore the bylaws of the State CIF and must apply the facts to the bylaws.

Parents are encouraged to work with their school site administration in completing the appeal request process. Also, the school administration can explain the transfer bylaws, limited eligibility, the appeal process, and what kind of evidence will be needed to support your request.

IMPORTANT TIMELINES – FILING YOUR APPEAL REQUEST

The Section Commissioner will begin the decision process **based upon the season of sport** in which the transfer student has requested eligibility. The Commissioner will not consider eligibility requests prior to the timelines listed below. The Commissioner has 20 business days to make the decision from the time you submitted your request for unlimited eligibility to the Section office following the season of sport timelines.

Fall Sports: No earlier than August 1.
Winter Sports: No Earlier than September 15.
Spring Sports: No Earlier than November 1.

You will be required to meet the identified deadline in filing your appeal of the Section Commissioner. You will have only 15 business days from the date the Section’s written decision was mailed or emailed to you to complete the current “Request for Appeal of Section’s Decision” form and mail the original to the State CIF Appeals Office. The forms are available online, at your school, and in this handbook.

The form must be mailed; faxed or emailed appeal request forms will not be accepted. You may not start the request process until the Section’s written decision is mailed or emailed to you. Incomplete requests are considered and treated as NOT SUBMITTED and the deadlines and timelines for continue forward.

After the State CIF Appeals Office receives your appeal request, it has 5 business days to review your appeal request to ensure that is complete and has all the required information.

If the State CIF Appeals Coordinator determines that the appeal is timely and complete, the Appeals Coordinator will then set a hearing date. Below is a schedule of “Tentative Appeal Hearing” dates for the 2021-2022 school year.

2021-2022 Tentative Appeal Dates
Sept. 9, 2021
Sept. 24, 2021
Week of Oct 11-15, 2021
Week of Nov. 1-5, 2021
Week of Dec. 6-10, 2021
Thur-Fri Jan. 6-7, 2022
Jan. 17, 2022
March 1-4, 2022
Mon-Wed April 4-6, 2022

If your appeal application is incomplete, the State CIF Appeals Office will return it to you. However, you can resubmit a completed application if there is still time left within the original 15 business day deadline.

Following the hearing, the Hearing Officer will have 15 business days to mail or email you a written decision. The decision of the Hearing Officer shall be final.

FEE SCHEDULE

There is a non-refundable administrative fee of \$150.00 that must be submitted with the appeal request. **The fee may be paid with either a money order or a cashier's check made out to the State CIF; no personal checks are accepted.**

If your student qualifies for, and is receiving, either a free or reduced lunch in accordance with 42 U.S.C. section 1751 et seq., the State Appeals Office may reduce the administrative fee in whole or in part. Be sure to submit proof that your student is receiving a free or reduced lunch by attaching a copy of the approved application or the student's lunch card. The school will have that copy.

SETTING THE HEARING

The hearing will be held via Zoom platform or other electronic format as determined by the State CIF Office. You will receive a Notice of Hearing from the State CIF Appeals Office with the date, time and link to join the meeting.

The Notice of Hearing will also advise you of the date you must exchange documents to be considered by the Hearing Officer.

Although legal representation is not necessary for the appeal hearing, the Notice of Hearing will also advise you of the date that you must advise the State Appeals Office of your intent to have legal representation or a professional advocate so that all parties also have the opportunity to retain legal counsel.

The hearing date will be set by the State CIF Appeals Office in accordance with the timeline above.

HEARING OFFICER

The hearing will be conducted by a single Hearing Officer.

Hearing Officers may be current or retired school district administrators or athletic directors, retired or current athletic administrators or retired Section officers. No Hearing Officer may be employed by, or retired from, the schools, school districts, leagues or conferences involved in your appeal. The State Appeals Office assigns the Hearing Officer.

CONDUCT OF THE HEARING

The hearing will be limited to and conducted only during the time allotted by the State Appeals Office. Only in exceptional circumstances will you be permitted to have additional time. You may waive the 30-day timeline for your hearing because of scheduling conflicts.

Keep in mind that “more of the same” evidence is not necessary. For example, 10 witnesses testifying to the good character of your child will not be more persuasive to the Hearing Officer.

The Hearing Officer will allow only those persons deemed necessary to attend the hearing. You may have witnesses attend on your behalf and you should advise the State Appeals Office in advance of the number of witnesses. Witnesses shall be sequestered until it is their time to testify.

All new documents, not previously submitted to the CIF section, to be considered by the Hearing Officer must be submitted to the State Appeals Office, at the address provided in the Notice of Hearing, with copies provided to all other parties, no later than 5:00 p.m. eight (8) business days before the date of the hearing.

The only new evidence you may submit is evidence that was discovered since the Section’s decision, or after the time for the exchange of documents. That new evidence may be considered at the appeal hearing by the sole discretion of the Hearing Officer. If you submit late documents or new evidence, the Section may request that the hearing be postponed so it can review the documents and response. However, if the Section agrees, the documents may be considered and the hearing will proceed as scheduled.

While it is not necessary to have legal representation at the appeal hearing, if you bring an attorney or other professional advocate to the hearing, you must advise the Section at least five business days prior to the hearing as noted on the Notice of Hearing. If you appear at the hearing with an attorney or other professional advocate without first giving written notice as required, the Section may request that the hearing be delayed so it can seek legal advice or representation.

The Hearing Officer will conduct the hearing. The technical rules of evidence and rules for the examination of witnesses do not apply. **ALL QUESTIONS FOR AN OPPOSING PARTY SHALL BE DIRECTED TO THE HEARING OFFICER.** The hearing may be audio recorded by the State CIF Appeals Office and only this recording will be the official record of the hearing. No videotaping is permitted. No court reporter is permitted.

You may bring witnesses, the Hearing Officer may examine witnesses, and you may introduce exhibits, subject to the time constraints for the conduct of the hearing set by the State Appeals Office. The Hearing Officer has the sole discretion, authority, and responsibility to limit testimony as repetitive. Only relevant evidence will be admitted. Relevant evidence is the sort of evidence that responsible persons are accustomed to rely on in the conduct of serious affairs and it has been shared with the opposing party. The Hearing Officer will make those decisions in his/her sole discretion.

Professional courtesy is expected of all participants at the hearing and all parties shall adhere to and abide by the requests and decisions of the Hearing Officer in the conduct of the hearing.

You will be asked to tell the Hearing Officer your reasons why your student should be given unlimited (varsity) eligibility because there were no violations for CIF Bylaw 207 or 510. The Section will be asked to explain why your request was denied.

THE DECISION

The decision written by the Hearing Officer should include written findings of fact and the conclusions, identify the applicable sports, and the effective dates for any limitation on varsity eligibility.

A copy of the written decision of the Hearing Officer, and signed by the Hearing Officer, will be mailed or emailed to you within 15 business days after the hearing, unless the time to mail the decision is extended by agreement.

A copy of the Hearing Officer's decision will also be forwarded to the principal of the school involved and the Section, which may then inform the league or conference presidents(s) in accordance with Section procedures.

The written decision of the Hearing Officer is final.

References: California Interscholastic Federation Transfer Eligibility Administrative Regulation
Procedure for Appeal of Section's Decision on Student Residential Transfer
Eligibility
State CIF Bylaws 206, 207, 208, 209, 510
CIF Understanding Transfer Eligibility for Parents- Handbook I
California Education Code Section 33353, 35179

See www.cifstate.org

APPENDIX

Principal's Responsibility

- All requests for athletic eligibility shall first be submitted to the school site principal/designee for a review of the student's athletic eligibility status.
- If both site principals/designees agree to limited eligibility the receiving school is responsible to complete the appropriate documents (e.g., CIF Form 510 Pre-Enrollment Contact Affidavit and CIF Form 207 Athletic Transfer Eligibility Application) as per CIF Section policy.
- If the site principal/designee determines that the student is residentially ineligible for varsity competition the site principal or his/her designee shall discuss limited eligibility and the application process for waiver with the student and his/her parent/guardian.
- The site principal/designee is responsible in assisting the parent/guardian with processing the appropriate CIF Form 207 Athletic Transfer Eligibility Application and CIF Form 510 Pre-Enrollment Contact Affidavit. Assistance in processing the application does not assume that the principal/designee supports the merits of the application.

LEVEL 1 - Section Commissioner Determines Waiver for Unlimited Transfer Eligibility

- All applications for a transfer eligibility determination must be submitted in writing to the Section Commissioner on the current CIF Form 207 Athletic Transfer Eligibility Application and the CIF Form 510 Pre-Enrollment Contact Affidavit Form. The applicant shall include all documentation or other information that supports the waiver application.
- The Section Commissioner will begin the decision process based upon the season of sport in which the transfer student has requested eligibility. The Commissioner will not consider eligibility requests prior to the timelines listed below.
Fall Sports: No earlier than August 1.
Winter Sports: No Earlier than September 15.
Spring Sports: No Earlier than November 1.
- Applicants should allow 20 business days for investigation and review by the Section Commissioner. A student may miss some part of the season during review, evaluation and determination of transfer eligibility. Applicants should be aware that applications received between the last published CIF-sponsored activity until August 15, eligibility determinations will be made based upon school site or section staff availability.
- The Section Commissioner shall review the written documentation and other information and may request additional information deemed necessary to render a determination.
- After consideration of the record, the Section Commissioner shall issue a written decision to both site principals/designees and to the student or his/her parent/legal guardian regarding the student's eligibility. If the Section Commissioner denies the waiver request, the written decision shall state the basis for the denial of unlimited eligibility.
- An appeal of the Section Commissioner's final decision may be filed by a student or his/her parent/legal guardian to the State CIF Appeals Office in accordance with the provisions set forth below. With parent/legal guardian approval, a school may file an appeal on behalf of the student. An appeal of the Section Commissioner's final decision may also be filed by a CIF member school that opposes the Commissioner's decision to grant eligibility to the student.

- An appeal of the Section Commissioner’s final decision must be submitted to the State CIF Appeals Office within 15 business days of the date the Section Commissioner’s decision was postmark mailed to the school or sent via electronic transmission, to the student and/or his/her parent/legal guardian. If an appeal is not filed within the 15 business day period, the Section Commissioner’s decision shall be final.

LEVEL 2 – State CIF Appeals Coordinator

- All appeals filed with the State CIF Appeals Office must:
 1. Be submitted within 15 business days of the date the Section Commissioner’s decision was postmark mailed or sent via electronic transmission to the school, the student or his/her parent/legal guardian.
 2. Be on the current State CIF Appeals Form and submitted to the State CIF Appeals Office. The form must be complete and accompanied by all documentation or other information that supports the appeal.
 3. There is a non-refundable administrative fee of \$150.00 that must be submitted with the appeal request. The fee may be paid with either a money order or a cashier’s check made out to the State CIF; no personal checks are accepted.
The State CIF Appeals Coordinator may waive all or part of the \$150 administrative fee if the student who filed the appeal qualifies for the school free or reduced lunch program in accordance with 42 U.S.C. section 1751 et seq. or that the payment of the fee will impose a substantial financial hardship on the student or his/her family.
- Within 5 business days of receipt of the appeal request, the State CIF Appeals Coordinator shall determine if the application is complete and meets the procedural criteria of this provision.
- If the State CIF Appeals Coordinator determines that the appeal is incomplete, the application will not be considered and shall be returned. A complete, corrected application may be resubmitted prior to the expiration of the original appeal 15-day timeline (without an additional administrative fee).
- The administrative fee shall not be returned with any appeal application that is rejected by the State CIF Appeals Coordinator.
- If the State CIF Appeals Coordinator determines that the appeal is timely and complete, the State CIF Appeals Coordinator shall then set a hearing date. Below is a schedule of “Tentative Appeal Hearing” dates for the 2021-22 school year.

2021-2022 Tentative Appeal Dates
Sept. 9, 2021
Sept. 24, 2021
Week of Oct 11-15, 2021
Week of Nov. 1-5, 2021
Week of Dec. 6-10, 2021
Thur-Fri Jan. 6-7, 2022
Jan. 17, 2022
March 1-4, 2022
Mon-Wed April 4-6, 2022

LEVEL 3 – Hearing Officer Review

- The Hearing Officer shall be appointed in accordance with the published State CIF Appeals Procedure Guidelines.
- The hearing shall be held via the Zoom platform or other electronic platforms as determined by the CIF State Office.
- The Hearing Officer shall conduct the hearing in accordance with the hearing procedures outlined in the published CIF State Appeal Procedures Guidelines.
- While legal counsel is not required, the student and the CIF Section may choose to be represented by legal counsel or advocate at a hearing.
- The technical rules of evidence do not apply to CIF appeal hearings.
- Within 15 business days after closing the hearing, the Hearing Officer shall prepare a written decision that includes findings of fact and conclusions, and shall email the decision to:
 - (1) The CIF State Executive Director; and
 - (2) The student or parent/legal guardian or their legal representative; and
 - (3) The CIF Section Commissioner.
- The decision of the Hearing Officer issued pursuant to this provision is final and binding and may not be appealed.

POLICY AND PROCEDURES FOR APPEAL OF THE SECTION DECISION ON TRANSFER ELIGIBILITY FOR ATHLETIC PARTICIPATION

1.0 FILING AN APPEAL

- A. Appeal of a Section Commissioner’s final written decision of limited residential transfer eligibility is to be submitted in writing on the current State CIF Appeal Requests Form to the State CIF Appeals office at the current address on the form within 15 business days after the Section Commissioner’s decision is mailed.
- B. If an appeal of the Section Commissioner’s decision includes not only a transfer request but also a request for waiver of the age requirement, charge of a semester, and/or passing 20 semester credits of work, the transfer request issue will be held in abeyance until all other issues are determined in accordance with Section appeal policies and procedures. The procedural requirements for determination of the transfer request under this policy will be held until a final determination of other issues is made by the Section.
- C. The appeal requests with original signatures must be mailed to the State Appeals Office. Appeal requests submitted by fax or e-mail will not be accepted and will be returned by the State Appeals Office. Incomplete requests will not extend the timeline for submitting a request. Incomplete requests are those that do not comply with the provisions of paragraph C of this regulation below. That information is necessary in order to set a fair and impartial hearing with timely notice and opportunity to be heard. Returned appeal requests shall not be considered as notice of an appeal to the Section or the State CIF or as substantial compliance with the provisions of this section or as a timely submission.

- D. In compliance with the State CIF Appeal Request Form (available at www.cifstate.org), all appeal requests must include the following information:
1. The name, current address, and contact information of the appellant(s);
 2. The name of the school and school district that the student is currently attending;
 3. The name of the school and school district of the student's former school;
 4. The principal's name and current address and contact information at the school that the student is currently attending;
 5. The principal's name with current address and contact information of the student's former school;
 6. The CIF Section in which the student currently resides;
 7. The name of the league and conference in which the student wishes to compete;
 8. The name of the league and conference in which the student formerly competed;
 9. The written appeal must set forth a basis for the appeal with supporting documentation;
 10. The written appeal must include a \$150.00 administrative fee. **The fee may be paid with either a money order or a cashier's check made out to the State CIF; no personal checks are accepted**, or proof that student is receiving a free or reduced lunch in accordance with 42 U.S.C. Section 1751 et seq.;
 11. The Section Commissioner's written decision must be attached to the request;
 12. Acknowledgment that a copy of the appeal request was provided to the Section Commissioner.

2.0 STATE APPEALS OFFICE REVIEW AND PROCEDURES

- A. Within 5 business days of receipt of the appeal request, the State Appeals Office will review the requests for completeness.
- B. Incomplete requests will not be considered and the administrative fee shall not be returned with any appeal request that is rejected by the State CIF Appeals Coordinator shall be returned.
- C. A complete, corrected request may be resubmitted prior to the expiration of the original appeal 15-day timeline without an additional administrative fee.
- D. If the State CIF Appeals Office determines that the appeal is timely and complete, the State CIF Appeals Coordinator shall then have 10 business days to set a hearing date.
- E. The Section Commissioner will be notified by the State Appeals Office that an appeal request has been submitted when the State CIF Appeals Office determines that a timely, completed request was filed.
- F. The State Appeals Office shall set the matter for hearing at either the next regularly scheduled hearing date, or no later than 30 business days following the receipt of a completed appeals requests. The CIF Appeals Office shall have sole discretion in setting the matter for hearing in order to provide adequate notice and opportunity to be heard from all the parties.

- G. The State Appeals Office shall notify all parties of the hearing date in accordance with the provisions set forth below.

3.0 APPEALS HEARING OFFICER

- A. The Appeals Hearing will be conducted by a single Hearing Officer.
- B. Hearing Officer may be current or retired school district administrators or athletic directors, retired or current athletic administrators or retired Section officers.
- C. No Hearing Officer may be employed by, or retired from, the schools, school districts, leagues, or conferences involved in the appeal.
- D. The Hearing Officer shall preside at the hearing and have all power and authority to conduct and to coordinate the hearing.

4.0 CONDUCT OF HEARING

- A. Notice of the hearing date shall be mailed to the Section, the parents or student, and to all parties deemed by the Hearing Officer to be directly involved. The Appeals Hearing Officer will invite only those deemed appropriate to the hearing.
- B. The hearing shall be conducted only during the one hour and forty five minute time allotted by the State Appeals Office. Following introductions and a brief (2-3 minute) opening statement, each side will have a maximum of forty-five (45) minutes to state their position to the panel.
- C. The parties may submit evidence or other material that will be of assistance in rendering a decision. **All NEW documents to be considered by the Hearing Officer must be submitted to the State Appeals Office, at the address provided in the Notice of Hearing, with copies provided to all other parties, no later than 5:00 p.m. EIGHT (8) business days before the date of the hearing.**
- D. Only new evidence discovered since the Commissioner's decision or after the time for the exchange of documents may be considered in the sole discretion of the Hearing Officer. If late documents are submitted, the opposing party may request a continuance of the hearing for review of the documents by the Hearing Officer for review and response.
- E. If a party is to be represented at a hearing by an attorney or other professional advocate, then notice must be provided to all other parties as set forth in the Notice of Hearing. Should any party appear with an attorney or other professional advocate without first giving written notice as required, the other party may request a continuance of the hearing in order to retain representation.
- F. The Hearing Officer shall preside throughout the hearing and exercise all powers relating to the conduct of the hearing.
- G. The hearing need not be conducted in accordance with technical rules of evidence and those rules related to the examination of witnesses.
- H. The proceedings of the hearing may be taped recorded by the Hearing Officer and that recording shall be the official record of the hearing. There shall be no videotaping permitted.
- I. Each party to the appeal shall have the right to call and examine their witnesses, to introduce exhibits, and to rebut evidence subject to the time constraints set forth by the State Appeals Office for conduct of the hearing and paragraph B above. **ALL QUESTIONS FOR AN OPPOSING PARTY SHALL BE DIRECTED TO THE**

HEARING OFFICER. The Hearing Officer shall have the authority and responsibility to limit repetitive testimony.

- J. Any relevant evidence shall be admitted if it is the sort of evidence that responsible persons are accustomed to rely on in the conduct of serious affairs.
- K. The Hearing Officer will review all relevant information presented by the parties and the CIF Section and, based on that information, make a determination that is reasonable and in accordance with all relevant State CIF and Section Bylaws.
- L. Professional courtesy is expected of all participants at the hearing and all parties shall adhere to and abide by the requests and decisions of the Hearing Officer in the conduct of the hearing.

5.0 Decision

- A. The decision should include findings of fact and the conclusions of the Hearing Officer, and the sports affected and the effective dates for any limitation on varsity eligibility.
- B. A written decision of the Hearing Officer, signed by the Hearing Officer, shall be sent to the parents or student, the Section Commissioner, and the State Executive Director within 15 business days after the hearing, unless extended by agreement.
- C. The CIF Section, if applicable, may inform the league or conference president(s) in accordance with CIF Section procedures.
- D. All Hearing Officer decisions shall be final.



State CIF Appeals Coordinator
4658 Duckhorn Drive
Sacramento, CA 95834
Ph: 916-239-4477

REQUEST FOR APPEAL OF SECTION DECISION ON TRANSFER ELIGIBILITY

Please refer to Parent Handbook-II at www.cifstate.org for information regarding the appeal process.

**THIS FORM IS TO BE COMPLETED WITH THE ASSISTANCE OF THE
CURRENT SCHOOL ADMINISTRATION.**

NO FAX OR E-MAIL REQUEST FORMS ACCEPTED.

Request forms must be submitted to the State CIF Appeals Coordinator (see address above) on time and include the non-refundable Administrative Fee made payable to State CIF in the form of a Cashier's Check or Money Order.

To Timely Process This Appeal Request All of the Following Information Is Required:

CIF Section: _____

Non-refundable Administrative Fee of \$150 included: [yes] [no] [exempt]

Name of current school site administrator assisting in the completion of this form:

PRINT NAME TITLE

SIGNATURE DATE

Name of student on whose behalf appeal is filed _____

Name of person(s)/entity _____
filing this appeal (Appellant)

Address: _____

CITY ZIP

Telephone: _____

Email: _____

Student's current school and district:

_____ **SCHOOL**

_____ **SCHOOL DISTRICT**

Student's current principal

Current principal's email

Current school address:

Current school telephone:

Student's previous school and district:

_____ **SCHOOL**

_____ **SCHOOL DISTRICT**

Principal at previous school:

Previous principal's email:

Previous school address:

School telephone:

League and/or conference in which student will compete:

League: _____

Conference: _____

League and/or conference in which student previously competed:

League: _____

Conference: _____

