



# Notice of Appeal to the WIAA Officer

2016-17

The person or persons subscribing their names below hereby appeal the decision of the District Eligibility Committee to the Executive Director of the Washington Interscholastic Activities Association. This notice of appeal is submitted pursuant to the appeal procedures established by the Washington Interscholastic Activities Association and set forth in the Handbook of Rules and Regulations and is based upon the facts stated and/or alleged as follows:

Name of Student (Petitioner/Appellant) \_\_\_\_\_

Present Address \_\_\_\_\_

Day Phone # \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip +) \_\_\_\_\_  
Home Phone # \_\_\_\_\_

School District Residence \_\_\_\_\_

School Attending \_\_\_\_\_ Grade Level \_\_\_\_\_ Age \_\_\_\_\_

Date upon which the petitioner/appellant received the written decision of the Activity District Eligibility Committee that denied eligibility \_\_\_\_\_, 20\_\_\_\_.

**Requests for appeals must be received in the WIAA office no later than 10 school business days from the date the student received written denial from the district eligibility committee.**

**NO HEARING WILL BE SCHEDULED UNTIL THE FOLLOWING INFORMATION ACCOMPANIES THIS NOTICE OF APPEAL:**

- (a) A copy of the District Eligibility Committee written decision.
- (b) A written explanation of the specific error(s) and/or new/additional information claimed by the petitioner/appellant that form the basis of the subject appeal that is dated and signed.
- (c) A current and complete school transcript.
- (d) A written graduation plan (Form 6) signed by the school principal and school's academic counselor must be submitted for season limitation appellants (ONLY FOR SEASON LIMITATION APPELLANTS).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Petitioner/Appellant, Parent(s), Guardian(s), or Attorney Representative

**NOTICE OF APPEAL can be faxed, scanned, emailed, and/or mailed to:**

Washington Interscholastic Activities Association  
435 Main Avenue South, Renton, WA 98057  
Attention: Eligibility Appeal  
Email: rroach@wiaa.com

**THE STUDENT MUST ATTEND THE HEARING AND MAY DESIGNATE SOMEONE TO ADVOCATE FOR HIM / HER AT THE HEARING.**

**PLEASE NOTE THAT FAILURE TO ESTABLISH FACTS AND PROVIDE COPIES OF DOCUMENTS AS REQUIRED BY THIS NOTICE OF APPEAL WILL PREVENT THE HEARING OFFICER FROM EXERCISING JURISDICTION AND CONDUCTING A HEARING OF THE MATTER.** Please see WIAA appeal procedure to hearing officer on reverse side (page 2 of 4).

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The student must provide information, in detail, as to what hardship condition, as defined below, prevented the student from complying with WIAA rules.

***18.26.1 Any waiver of student eligibility regulations shall be based upon extenuating circumstances, beyond the student's, or where applicable, the parents' or legal guardian's control, that are deemed to have significantly influenced or contributed to the student's non-compliance to the eligibility regulation(s) involved.***

***(The following criteria shall be used to determine if a hardship exists):***

- A. A hardship exists when some unique circumstances concerning the student's physical or emotional status exist and only when such circumstances are not the result of acts or actions by the student or family unit.
- B. There must be no reason to believe that the decision and/or the execution of the decision concerning the student's transfer was for athletic purposes.
- C. The circumstances must be totally different from those that exist for the majority or even a small minority of students (e.g., usual maturation problems or family situations that do not cause severe and abnormal emotional problems and academic or athletic deficiencies in a school's curriculum or extracurricular activities do not constitute a hardship).
- D. The burden of providing evidence that a hardship exists shall be borne by the student.
- E. There shall be a direct, causal relationship between the alleged hardship and the student's inability to meet the specific eligibility rule(s).

***18.26.2 Exceptions to student eligibility regulations based upon a hardship shall be subject to the following limitations:***

- A. Loss of eligibility in itself or an injury in itself that prevents the student from being able to participate are not to be considered hardships. In addition attending a school that does not offer interscholastic activities is not to be considered a hardship, nor shall it justify extending eligibility beyond the four (4) consecutive year period allowed.
- B. A hardship exception shall not be granted if there is sufficient evidence to make it reasonable to believe that the non-compliance to the eligibility rule in question was motivated by the student's parents or school's efforts to gain a desired athletic outcome or to intentionally circumvent a rule.
- C. To grant additional eligibility based upon a hardship condition, a student must demonstrate that normal progression towards graduation has been significantly interrupted as a result of either a long-confining illness (which can include a learning disability), an injury, or a family hardship, and that the interruption prevented the student from graduating in four (4) consecutive years.

# Reference to Appeal the District Decision

2016-17

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**Many appeals are denied because the student, parents or school do not provide documents to support their claims of a hardship. The following are examples of documents that could be important in supporting an appeal:**

## **FINANCIAL HARDSHIP**

- Documents that demonstrate a family's loss of income due to employment or other issues. (i.e....w-2 forms, pay stubs, income tax returns)
- Documents that demonstrate an increase in expenses i.e., private school tuition.
- Documents that demonstrate unexpected bills, i.e., medical bills or property losses.

## **HARASSMENT or DEPRESSION**

- Documents showing that a problem was present at school and attempts to address the problem were made, i.e., letters from previous school's teachers, counselors, or administrators.
- Letters from licensed health care professionals documenting diagnosis and treatment for the student.
- Statements from security staff or police reports dealing with incidents of harassment. (social media blogs, messages, text, exchanges dealing with harassment incidents)

## **MOVEMENT BETWEEN PARENTS OR CHANGE IN THE FAMILY UNIT**

- Documents showing that the birth parents are either **legally** separated or divorced.
- Document showing that a third party has been declared the legal guardian by a court action. A notarized letter is not enough!

## **MEDICAL PROBLEMS**

- If you are claiming that a medical condition was the cause of a hardship, provide medical records or letters from a licensed health care professional to demonstrate and explain the impact of the condition.
- In the case of special needs student, provide IEP's, school psychologists reports, and other school district evaluation tools.

**\*\*\*\*Remember, the burden of proof is up to the student and the family. The WIAA Executive Director and the WIAA Hearing Officer requires proof and cannot accept the student or the parent's word as fact. Provide documents that support your claims.**

- 19.10.0 EXECUTIVE DIRECTOR/HEARING OFFICER/APPEAL/NOTICE OF APPEAL** - An aggrieved student wishing to appeal the decision of the Eligibility Committee shall file notice of appeal with the Executive Director of the WIAA on or before the tenth (10th) school business day following the date of receipt of the written decision of the Eligibility Committee denying the petition. Upon failure to file a notice of appeal, the decision rendered by the Eligibility Committee shall constitute the final determination in the case. The notice of appeal shall (a) be written, (b) be signed by the petitioner-appellant, (c) set forth the specific alleged error(s) that form the basis of appeal, and (d) be accompanied by such completed forms as the WIAA Executive Board may prescribe as now or hereafter amended.
- 19.10.1 The notice of appeal shall (a) be written, (b) be signed by the petitioner-appellant, (c) set forth the specific alleged error(s) that form the basis of appeal, and (d) be accompanied by such completed forms as the WIAA Executive Board may prescribe as now or hereafter amended.
- 19.10.1 An appeal to the WIAA Executive Director shall require the Executive Director to notify a designated Hearing Officer to schedule a hearing to commence on or before the tenth (10th) school business day following the date of receipt of the written notice of appeal. Written notice of the time and place of the hearing shall be delivered to the petitioner-appellant in person or by certified mail, with return receipt requested, no later than five (5) school business days of that member school prior to the date of the hearing.
- 19.11.0 HEARING OFFICER - THE HEARING** - The hearing before the WIAA Hearing Officer shall be limited to a review of the record of the hearing conducted before the District Eligibility Committee and any additional relevant evidence.
- 19.11.1 In the review of the record, the findings and recommendations of the Hearing Officer shall be based solely upon the record of the hearing conducted by the Eligibility Committee and may include additional evidence, oral or written, when in the opinion of the Hearing Officer, such evidence is deemed relevant and material to a fair and proper disposition of the appeal. Upon receipt of additional evidence by the Hearing Officer, the parties shall be afforded a reasonable opportunity to contest such evidence.
- 19.11.2 A tape recording or verbatim record shall be made of the hearing.
- 19.12.0 HEARING OFFICER - THE RECOMMENDATION** - The recommended decisions to the WIAA Executive Director proposed by the Hearing Officer shall be written and shall include specific findings and conclusions that support the particular recommendations. The recommended decisions shall either affirm or reverse the decision of the Eligibility Committee, or take the petition under advisement for a period not to exceed five (5) school business days for the purpose of seeking additional information.
- 19.12.1 The written finding(s) of and recommendation(s) of the Hearing Officer shall be delivered to the Office of the WIAA Executive Director as expeditiously as possible, but in no case later than five (5) school business days of that member school following the date of the conclusion of the hearing or time period for seeking additional information.
- 19.12.2 WIAA Executive Director - The Decision - The WIAA Executive Director shall review the findings and recommendation of the Hearing Officer and shall either affirm or deny the recommendation of the Hearing Officer. The decision rendered by the Executive Director shall be written and shall include the findings and conclusions that support the particular determination and may include conditions for granting eligibility. The decision of the Executive Director is final.
- 19.12.3 A copy of the written decision of the Executive Director in each case shall be delivered to the petitioner-appellant in person or sent by certified mail, with return receipt requested, as expeditiously as possible but in no case later than five (5) school business days of that member school following the date of the conclusion of the hearing or time period for seeking additional information.
- 19.12.4 Any student who remains aggrieved by a decision of the WIAA Executive Director and/or WIAA Executive Board may appeal to the Superior Court pursuant to RCW 28A.645.010 through RCW 28A.645.030, as now or hereafter amended.