

## WHAT TO EXPECT AT THE WIAA DISTRICT ELIGIBILITY HEARING

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You may bring anyone to the hearing who wishes to speak on your behalf. Please note that if you intend to bring an attorney to the hearing you must notify the committee chairperson at least 72 hours prior to the hearing date. Should legal counsel be brought to the hearing without prior notification, the committee chairperson may postpone the hearing until such time as the committee can secure its own legal representation.

It is important that you come to the hearing prepared to present information and/or documentation that will support your claim of hardship. We cannot overstate the importance of you being able to “prove” your claim of hardship. While the hearing is not a trial and the committee wants to believe all statements made; your chance of approval is improved if you present information and/or documents that support your claim of hardship.

The Eligibility Committee will be made up of Athletic Directors and building administrators from schools within the Washington Interscholastic Activities Association. **All information presented to the committee at the hearing is treated with the highest degree of confidentiality.** The hearing will last approximately thirty (30) minutes.

What follows is a basic outline of the hearing procedures:

- The “hearing” portion of the appeal, by rule, will be tape recorded.
- The committee chairperson will introduce themselves, ask for the student and guest to introduce themselves and have the committee introduce themselves.
- The chairperson will read an explanation of the WIAA’s definition of hardship into the hearing recorder.
- The student will be asked to explain, in detail, those events and situations that have created the hardship.
- Any individuals who may wish to speak regarding the appeal will be given an opportunity to address the Eligibility Committee and the student.
- The members of the Eligibility Committee will have an opportunity to ask questions.
- The student will be given an opportunity to make a closing statement.
- The committee chairperson will make a closing statement.

## PLEASE READ THIS (STUDENT/PARENT/GUARDIAN GUIDELINES)

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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, letter from employer).
- Documents that demonstrate an increase in expenses (i.e. increase in private school tuition and additional cost, decrease in financial aid.
- Documents that demonstrate unexpected bills (i.e. medical bills or property losses).

### HARASSMENT/BULLYING:

- 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.
- Statements from security staff or police reports dealing with incidents of harassment. (social media blogs, messages, text, exchanges dealing with harassment incidents)
- Form 8 of the Student Eligibility Packet

### 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 for a complete calendar year.  
A notarized letter is not enough!
- Documentation showing court appointed placement for a complete calendar year.

### MEDICAL/MENTAL/PHYSICAL CONDITION(S)

- If you are claiming that a medical/mental/physical health 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/504's, school counselor, psychologists reports, and other school district evaluation tools.
- Letters from licensed health care professionals documenting diagnosis and treatment for the student.

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

## WIAA DEFINITION OF HARDSHIP

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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, or
- C. To grant additional eligibility based upon a hardship condition, a student must demonstrate that normal progression toward 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.