

## OFSAA TRANSFER POLICY AT SEPTEMBER 2016

*(Reference: OFSAA By-Law 5, Eligibility for Competition, Section 4(g). Should there be any discrepancy on the web site between this edition of the Policy and the quoted By-Law, the By-Law shall take precedence.)*

No school shall include in its line-up any student who has been registered as a transfer from another school within the previous twelve (12) months. The Federation's Transfer Policy applies to all students transferring into Ontario high schools.

In accordance with the Federation's Transfer Policy Procedural Process, a student or his/her representative may apply to the Federation's Board of Reference to be deemed eligible to participate in Federation sponsored events according to the following criteria.

- (a) (i) there has been an accompanying change in permanent residence by the student and his/her immediate family to the designated school from any system (public, catholic or independent) according to school board boundaries (or is the closest school in the student's choice of school system to the student's home if no school boundaries exist). Immediate family is the parent(s) or the student's legal guardian as determined by a court of competent jurisdiction. The student and his/her immediate family must completely and permanently move from the former residence. The student must provide evidence/documentation confirming that they are residing in a new permanent residence, and evidence/documentation that they have completely and permanently moved from the former residence. See Note 10.
- (ii) The student has transferred to an Ontario school from outside Canada or the United States and is attending the designated school in their choice of system (public, catholic or independent) according to school board boundaries (or is attending the closest school in the student's choice of system to the student's home if no school boundaries exist).
- (iii) The student has transferred as a result of the closure of his/her former school and is attending the school designated by the School Board.
- (b) (i) the student did not participate in any sports at the interschool level for twelve months prior to the date of transfer. Written confirmation from the Vice Principal, Principal, Department Head, or Athletic Director at the previous school is required.  
Students in their first year of grade 9 may not apply under this section.  
**OR**
- (ii) The student accepts his/her ineligibility under the Transfer Policy, but requests eligibility for the sports he/she did not participate in at the interschool level for the twelve months prior to the date of transfer. Written confirmation from the Vice Principal, Principal, Department Head, or Athletic Director at the previous school is required.  
Students in their first year of grade 9 may not apply under this section.
- (c) (i) The student **has been placed** in a school by an I.P.R.C. (Identification, Placement and Review Committee) decision. The Federation's Board of Reference shall require and receive a letter from the principal of the school from which the student has transferred, stating the reason for the placement of the student by I.P.R.C.
- (ii) The student has transferred from an independent school to a public or catholic school as the result of an educational exceptionality which the independent school was unsuccessful in accommodating. In such cases, the student was unable to access the I.P.R.C. process (Identification, Placement and Review Committee). The appeal must be accompanied by the following information: a psycho educational assessment diagnosing an educational exceptionality; documentation from the independent school demonstrating the strategies used to attempt to accommodate the educational exceptionality; and documentation from the

receiving school confirming additional and/or new methods being provided to accommodate the educational exceptionality, which were not being provided at the sending school.

- (d) The student:
- (i) has transferred prior to their grade 10 year for exceptional personal, social or academic reasons. The appeal must be accompanied by documentation from the sending school's administration and/or independent sources to confirm the exceptional reasons.
  - (ii) has changed residence to live with a custodial parent for exceptional personal reasons or the student has changed residence to live with a new court-appointed legal guardian for exceptional personal reasons. Documentation showing that there was just cause for the move must accompany the appeal. See Note 10 regarding proof of residence.
  - (iii) has transferred to remove him/herself from an abusive home environment. Documentation detailing the abusive situation shall be provided by the applicant from the sending school, psychologists, social worker, medical doctor or police, as the case may be. (All documentation will be reviewed respecting confidentiality.)
  - (iv) has been forced to leave an independent school specifically due to financial hardship. The appeal must include the following information: documentation confirming change in tuition fees; documentation regarding family requests for bursary assistance to meet financial hardship; documentation regarding significant changes in the financial situation of the family; and, confirmation that the student will be attending the designated school in their home catchment area.
  - (v) The student was the victim of bullying and after attempts to resolve the issue the sending school agreed that it was in the best interests of the student to transfer schools. The appeal must be accompanied by the following information: documentation from the sending school's administration or the police, confirming the seriousness and frequency of the bullying, including a description of the incidents and dates; documentation from the sending school's administration describing the strategies put in place to resolve the bullying and the reasons the strategies did not succeed; and a letter from the sending school's administration in support of the transfer.

Notwithstanding any of the above, no student may participate in the same sport for more than one school in the same League or municipality in the same school year unless the student is ruled eligible by the Federation's Board of Reference under subsection (a) of the Transfer Policy. Participate means competing in exhibition games and invitational tournament/events, not just league play.

**Notes:**

1. Once a student has changed schools he/she is considered a transfer student and even if he/she returns to a school, he/she must comply with the Transfer Policy.
2. The word "participate" in section (b) of the Transfer Policy means competing for your school in that activity. This includes exhibition games and invitational tournaments/events, not just league play.
3. The Board of Reference **will not consider** as reasons for transfer:
  - (i) The relative ranking of schools or the differences in delivery of courses with the same Ministry course codes;
  - (ii) That a sport or team is no longer offered at the previous school.
4. Students moving from a school in a strike/lock-out area are ineligible for all sports played in the previous 12 months from their date of entry into the new school.
5. Students who attended an alternative school or alternative program who are returning to the school they attended prior to the alternative school or alternative program, are not considered transfer students provided they did not play sports while at the alternative school or alternative program.

6. Out of province exchange students and out of country exchange students are not considered transfer students and are eligible for all sports.
7. Driving distance shall be used to determine the closest school to a student's home residence.
8. Students transferring from other provinces, states or countries are ineligible for OFSAA competition if they have graduated from high school or equivalent, or if they have used their years of athletic eligibility in the province, state or country from which they are transferring. This does not apply to students who have graduated in the previous school year from secondary school in Quebec, provided they meet one of the criteria for eligibility in sections a – d of the transfer policy.
9. Students applying under Section D must attend the next closest school (of their choice of school system) to their home residence.
10. When applying under section (a)(i), the student must provide evidence/documentation confirming that he/she and their immediate family are residing in a new permanent residence and that they have completely and permanently moved from the former residence. When applying under section d(ii) of the policy the student must provide evidence/documentation confirming that they are residing in a new permanent residence. In both cases, such evidence/documentation may include:
  - telephone and utility service operative at the new residence
  - telephone and utility service disconnected at the former residence;
  - vehicle registration listing the new residence;
  - real estate documents indicating and verifying a change of residence (e.g., sale and purchase);
  - parents/court-appointed guardians' property tax bill listing the new residence;
  - insurance slip for home and auto insurance;
  - school documentation showing that sibling(s) attend local elementary school and/or the same high school as the transferring student;
  - Any other documentation that is requested which establishes the student and his/her immediate family is living at the new residence.

***Production of evidence/documentation described above does not guarantee eligibility.***

The Federation's Board or Reference shall, in its sole and exclusive discretion and authority, consider such application and rule the student eligible or ineligible.

### **Transfer Policy Procedural Process**

1. All transfer students are ineligible for OFSAA competition until cleared by their Association Transfer Appeal Board, or the Federation's Board of Reference - Transfers under Transfer Policy sections (a), (b), (c), or (d).
2. Students not eligible under these criteria may appeal in writing in the following manner:
  - (a) through their coach to the Association Transfer Appeal Board;
  - (b) through the Association Transfer Appeal Board to the Federation's Board of Reference - Transfers.

**Note:** In all sections above, proper documentation must be received by the appropriate group before a decision may be rendered at that level.

3. All decisions of the Federation's Board of Reference - Transfers are final.
4. The deadline for any appeal of eligibility to the Federation's Board of Reference - Transfers is fifteen (15) days prior to the scheduled dates of the meetings of the Federation's Board of Reference. Such

appeals must be accompanied by a \$50.00 fee, refundable if the appeal is successful.

5. A challenge to the eligibility of a student may be made to the Federation's Board of Reference - Transfers by any member of an Association through that Association's representative.
6. (a) In the event that a student, ineligible by reason of the Transfer Policy, seeks to appeal his or her ineligibility to the Federation's Board of Reference - Transfers (hereinafter referred to as the "Board of Reference") the following procedure shall be followed:
  - (i) the student, or his or her representative, shall submit, in writing, on the designated form, to the Board of Reference, the grounds of the appeal and the reasons why the student claims to be eligible;
  - (ii) Upon receipt of the application for appeal, the Board of Reference shall notify the student, in writing, of the date, time and place that the appeal is to be heard. The student shall also be advised that he or she may personally attend the hearing of the appeal, along with his or her representative;
  - (iii) the Board of Reference shall send letters, post-marked or delivered, no later than fourteen (14) days before the date of hearing, addressed to the student and principal at the school which the student attends;
  - (iv) at the hearing the student or representative may make whatever submissions, or call whatever witnesses he or she chooses, and which the Board of Reference shall permit in its sole and exclusive discretion;
  - (v) The Board of Reference shall render its decision, in writing, and in doing so shall state briefly the reason(s) for its decision. The decision of the Board of Reference shall be final and conclusive and there shall be no right of appeal to any body or court of competent jurisdiction.
- (b) In the event that a student is declared eligible by the Association Appeal Board, and that determination of eligibility is challenged by way of an appeal to the Federation's Board of Reference, the following procedure shall be followed:
  - (i) The challenge to the eligibility of the student shall be in writing and shall include the reasons for the challenge, and shall refer to the section or sections of the Transfer Policy on which the challenge is based. The challenge shall be directed through the Association Appeal Board Chairperson to the Federation's Board of Reference and shall be received no later than fourteen (14) days prior to the Federation competition in question. This challenge must be accompanied by a \$50.00 fee, refundable if challenge is upheld.
  - (ii) Upon receipt of a challenge, the Board of Reference shall notify the student and the student's principal, in writing, of the date, time and place that the appeal will be heard. In conjunction with the aforesaid notification, the Board of Reference shall also include a copy of the challenge as submitted to the Board of Reference;
  - (iii) the Board of Reference shall notify the student and the student's principal of the date, time and place of the appeal, by way of letters post-marked or delivered, no later than fourteen (14) days before the date of the appeal hearing;
  - (iv) at the hearing, the student and/or representative may attend and may call whatever witnesses or make whatever submissions he/she/they choose(s) and the Board of Reference shall permit in its sole and exclusive discretion;
  - (v) The Board of Reference shall render its decision, in writing, and in so doing shall state briefly the reason(s) for its decision. The decision of the Board of Reference shall be final and conclusive and there shall be no right of appeal to any body or court of competent

jurisdiction.

- (c) In the event a student is declared eligible by the Federation's Board of Reference, and another party (the challenging party) alleges that the student falsified information on the transfer form, in the documents submitted with their appeal, or in information presented by or on behalf of the student during the appeal hearing, the following procedure shall be followed:
- (i) A request for the convening of a Board of Reference – General shall be made by the challenging party through the Executive Director to the President of the Federation.
  - (ii) The Board of Reference – General shall notify the student, the student's principal, and the challenging party, in writing, of the date, time, and place a hearing will be held. The Board of Reference – General shall request at this time any necessary documentation and other information that may be necessary for the Board of Reference to rule on the challenge. The Board of Reference shall provide to the transfer student the particulars of the challenge received from the challenging party. All information received shall be shared with the parties involved. The transfer student and the challenging party shall be given as much notice as practicable prior to the date of the hearing.
  - (iii) A sum of \$50.00 must be received from the challenging party prior to the convening of a Board of Reference – General.
  - (iv) At the hearing the student and/or representatives and the challenging party and/or representatives may call whatever witnesses or make whatever submissions he/she/they choose(s) and the Board of Reference shall permit in its sole and exclusive discretion. The Board of Reference - General shall determine if the transfer student falsified information as alleged by the challenging party.
  - (vi) If the student is found by the Board of Reference – General to have falsified information on their transfer form, in the documents submitted with their appeal, or in the information presented at the appeal hearing, they shall be ineligible for competition in all sports for twenty-four (24) months from the date of transfer.
  - (vii) The Board of Reference shall render its decision in writing and in so doing shall state briefly the reason(s) for its decision. The decision of the Board of Reference shall be final and conclusive and there shall be no right of appeal to any body or court of competent jurisdiction.
- (d) The procedures as set out in this section shall only apply to 6(a), 6(b) and 6 (c). In the event that there has been imperfect compliance with the procedures as set out herein, the Board of Reference may, in its sole discretion, waive any failure to comply with the procedures.<sup>1</sup>