



THE HISTORY, RATIONALE AND APPLICATION OF THE ESSENTIAL ELIGIBILITY RULES OF THE ARIZONA INTERSCHOLASTIC ASSOCIATION

AUGUST 2014

INTRODUCTION

Beginning with the time when secondary school athletic programs became organized well enough to cause people to wonder how the students of one school might fare against the students of another school, it took only a few experiences of interscholastic competition to realize that a common set of understandings was necessary for the competition to occur with fair result and without hard feelings.

Those who were conducting these first athletic competitions quickly discovered that they needed several kinds of rules. They needed to determine **where** and with **what** the competition would be conducted: facility dimensions, ball specifications, net heights, etc. It was also necessary to determine **how** the competition would proceed: number of balls and strikes, length of the contest, etc.

These first types of rules show there was strong concern for **fairness, a level playing field** and **competitive balance**. Without rules, these qualities would be absent from the interscholastic contests. Soon it became clear that deciding **where**, with **what**, and **how** the competition should be played was not enough. There had to be some rules about **who** could play. Understandably, School A objected if School B's participants in a contest seemed to be adults competing against School A's children.

A cogent statement of the need for a uniform set of rules for interscholastic competition was made in 1996 by the Supreme Court of Kansas:

“How can schools organize themselves for interscholastic competition unless they all agree to play by the same rules? How can an individual school board adopt its own rules for interscholastic competition and hope to find other schools willing to compete, if each school has different rules? How is the sport, debate, or music event played out, if each team or group brings along not only its own ball, debate topics, or instructions, but also its own rules?...The nature of interscholastic competition demands that there be a set of rules all competing schools are willing to abide by. It should be understood that a school wanting to compete in sports or other activities with other schools will agree to abide by the rules they all agree on – whether each school may like or dislike a particular rule.”

It is in the context of the above considerations that the Arizona Interscholastic Association (AIA) was created by its member high schools over seventy-five years ago. The AIA has continued to implement and maintain standards, rules and regulations adopted by its member high schools which, in their judgment, are fair and equitable to all members and which serve the highest interests of health, welfare and educational growth of all high school students involved in interscholastic activities. These include rules of eligibility, with which this publication is concerned.

As with all AIA rules, the rules of eligibility are created by a vote of representatives from its member schools. As illustrated in Attachment A, the AIA's authority comes from local governing boards, which authorize their schools to be members of the AIA. **AIA member schools make the rules that govern their interscholastic competition.** This democratic rule-making process ensures that the member schools and their constituents have a direct voice in the conduct of interscholastic competition. The Arizona Court of Appeals in 1969 recognized and approved the schools' need for uniform rules of eligibility, stating:

“The very nature of competitive sports requires that some rules for the competition be set. If the particular district disapproves of the rules of eligibility set, it need not participate in the program, and, **by participating, it in effect makes the eligibility rules its own.**” (emphasis added).

This publication discusses several eligibility rules that are central to the interests of healthy and fair interscholastic competition. It should be considered a work in progress. It does not purport to cover all eligibility rules or all circumstances that may arise under the rules that are discussed. Also, the eligibility rules that are discussed may change. AIA member schools meet a minimum of once a year in order to consider, discuss, debate and adopt new rules and changes to existing rules. As a result, the reader is urged to consult the current AIA Constitution and Bylaws in specific cases.

PART I. AGE

AIA bylaw 15.6.1, **Age Limits**, limits high school competition to students who become 19 years old after September 1.

An age limitation rule is as old as the AIA. It was one of the original eleven rules of eligibility adopted by the member schools in the 1920's. Since that time an age limitation has continuously been one of the eligibility requirements.

The AIA's age rule is consistent with others throughout the country. Twenty-four other state high school associations have the same rule as the AIA. Of the remaining associations, approximately half have a more restrictive standard than that which AIA member schools have adopted.

The age limitation serves many purposes, among which are that it helps to create equal conditions by limiting competition to participants of approximately the same age, size and maturity. It helps to encourage students to progress at a normal pace through junior high and high school. It helps to deter “redshirting,” the practice of holding a student out of school in order to gain athletic maturity. The rule is consistent with the philosophy of interscholastic athletics that a student's primary purpose in attending high school is to obtain an education, with participation in athletics being secondary.

The age rule requires that an acceptable record of birth be submitted. Acceptable records include a certified birth certificate, a hospital certificate of birth with appropriate verification, as well as various other reputable substitutes that are listed in the rule.

Throughout society, age standards are common and readily accepted. Sometimes they are minimums, such as age 16 to drive, age 18 to vote, and age 21 to drink alcohol. Sometimes age standards are maximums, which are commonplace in youth and community sports programs across the country, such as Little League baseball and Pop Warner football.

AIA member schools have determined that equality of competition and opportunity are best ensured by an objective standard that is established as the cut-off date for age eligibility. Use of a specific cut-off date gives notice to all parties involved in interscholastic athletics and maintains equality of participant eligibility among schools.

PART II. NON-SCHOOL PARTICIPATION

AIA bylaw 14.4, **Non-school Participation**, generally provides that in sports considered team sports, a student who is a member of a school team shall not practice or compete with any other team or group in that sport during the interscholastic season of competition. A student who violates this rule faces a loss of eligibility for a minimum of the balance of that sport season and a maximum of one year. An exception to the general rule permits a student to tryout for and compete in the rare case of an opportunity in an Olympic Development Program or the US Soccer Federation.

Another name for this rule might be the “loyalty” rule. It helps promote the notion that a student should put his or her school team above self-interest. AIA member schools believe that it is not fair to teammates and team goals if a member of the team misses practice or competition to travel to, practice for or compete in non-school events during the school season. The risk of injury and effect of fatigue from non-school competition are also contrary to the interests of the school team. It is also difficult for school coaches to teach skills and strategies to a player who is simultaneously receiving coaching from non-school personnel.

These are significant concerns, but the member schools of the AIA have an additional reason for this rule. They believe that it is possible to get too much of a good thing, too much of one sport or sports in general. The non-school participation rule promotes well-rounded, well-balanced students. It promotes the notion that students are to be students first, then athletes. It encourages students to participate in more than one sport and to have time for non-athletic activities as well. It helps equip students for life, not just sports.

PART III. DOMICILE/TRANSFER

In one form or another, AIA member schools have historically had rules providing **where**, meaning at which school or schools, a student is eligible to compete in interscholastic activities. As a general matter, these rules are intended to further the educational philosophy that participation in interscholastic activities is a privilege that should not take a dominant role over academics. As a matter of law, courts throughout the country have consistently held that participation in interscholastic activities is a privilege and not a constitutionally or statutorily protected right. The Arizona Court of Appeals has expressly acknowledged the legitimacy of AIA eligibility requirements:

“The eligibility rule in question, however, we believe has a reasonable relation to a legitimate purpose—to prohibit coaches from overzealous recruiting and players from ‘shopping’ between schools. Once we find such a reasonable basis for legislation, the judicial inquiry is at an end.” *Quimby v. School District No. 21 of Pinal County*.

AIA bylaw 15.5, entitled the **Domicile Rule**, generally provides that a student is eligible only at the school in the attendance zone in which his or her parents are domiciled. The rule uses the term “domiciled” instead of “residence” for a reason. In the legal sense, residence can mean any place that a person may live for almost any length of time. Domicile means one’s true, fixed and permanent home (bylaw 15.5.2.3). Among other purposes, the domicile rule is intended to promote the notion of community, in that a student plays for the school where he or she lives.

In recognition of the concept of open school enrollment, a significant exception to the general domicile rule provides that **at the time of initial enrollment in the ninth grade a student is eligible for interscholastic competition at any member school**. Other exceptions also exist in the case of a student living with a court-appointed legal guardian, a student who is a ward of the court, as well as other special circumstances.

The **Transfer Rule**, AIA bylaw 15.10, generally provides that if a student transfers from one school to another, without a corresponding change of domicile by the student’s parents or guardian, for one year from the date of the transfer the student’s eligibility for interscholastic competition in the new school is limited to those activities in which he or she has not competed during the current or previous school year. Because of the transfer rule’s importance to the membership, contained in the bylaws is a brief statement of the rule’s philosophy and rationale. It states that the transfer rule:

- Promotes the educational philosophy that participation in interscholastic athletics is a privilege which should not take a dominant role over academics;
- Recognizes the overwhelming administrative difficulty in attempting to determine motives or reasons for each and every transfer, and, therefore, adopts a uniform objective standard to be followed by all member schools;
- Helps to protect opportunities for participation by students who attend school in the attendance zone of their domicile;

- Helps to protect and promote continuity of school programs;
- Serves as a deterrent to students running from or avoiding an athletic discipline that has been or may be imposed.

The present transfer rule is the product of significant consideration, debate and input from the high school education community, including school board members, school administrators and coaches. It has virtually unanimous support by the member schools of the AIA. Nearly every state high school athletic association has some type of similar transfer rule. The National Federation of State High School Associations supports the need for and goals of such rules.

The Arizona Court Of Appeals, on November 26, 2002, in the case of *Jason Parker v. Arizona Interscholastic Association*, No. 1 CA-CV 01-0364, upheld the AIA transfer rule. The court found that the rule does not conflict with Arizona’s open enrollment policy and does not violate the Equal Protection clauses of the Arizona and United States Constitutions. Noting the purposes of the transfer rule cited above, the court then stated:

“We conclude that these are legitimate purposes and that the transfer rule reasonably furthers these goals. By establishing objective eligibility standards, the transfer rule acts to deter athletically motivated transfers. Additionally, the objective standard is reasonable because conducting a factual inquiry into the motivation for every transfer is not possible given the AIA’s resources.”

The *Parker* decision is binding authority on the trial courts of Arizona. It is a clear and authoritative statement of judicial approval of this essential AIA eligibility rule and represents an important victory for the AIA’s efforts to encourage and foster competitive_ fairness and an even playing field.

AIA member schools have also created a process for requesting an exception to the transfer and domicile rules in the case of **serious extenuating circumstances**, under bylaw 15.14, **Hardship**. Information detailing the circumstances of the hardship must be provided by the member school making the request. In the case of a transfer, detailed information must also be obtained from the school from which the student transferred. As a general guideline, “hardship” is defined in the rule as follows:

- An unforeseeable, unavoidable and uncorrectable act, condition or event, over which the student and his/her family have no control; and
- Which has caused a severe burden upon the student or his/her family; and
- Which has caused the student’s noncompliance with the eligibility rule(s) involved; and
- Whether athletics plays a role in the circumstances involved in the hardship request. (NOTE: Where it is determined that athletic motivation is present, this would be sufficient, in and of itself, for denial of the hardship request.)

A description of the problems that can result in the absence of limitations on transfers by high school athletes was contained in the 2/26/01 edition of *Sports Illustrated* magazine.

The authors conclude that in various Southern California high schools, where restrictions on transfers are minimal, basketball programs are virtually professional: “Elite schoolboy ballplayers in Southern California are routinely paid—if not by their high school coaches, then by out-of-season traveling-team coaches, agents or a combination of the three—with cash, cars and other consideration.” This is the case despite the California Interscholastic Federation’s rule prohibiting recruiting: “CIF rules don’t permit it [recruiting], but so many coaches do so anyway that the two months between the end of the season and May 15, the deadline for students to apply to transfer under open enrollment, have become an annual bazaar.”

By development and administration of uniform eligibility rules such as the transfer and domicile rules, AIA member schools seek to deter the situation described above. The high schools that have formulated, adopted and enforced these rules have done so with the best interests of the programs and overall student population in mind, and to further the philosophy that a student’s primary purpose in attending school is to obtain an education, with participation in interscholastic athletics being secondary.

PART IV. ENROLLMENT

AIA bylaw 15.3, the **Enrollment Rule**, generally provides that only students enrolled at a member school in grades nine through twelve shall be eligible for interscholastic competition. In order to establish eligibility in a particular semester, a student’s initial enrollment must occur no later than the fourteenth official school day of that semester. A student must also demonstrate regular attendance in order to maintain eligibility (bylaw 15.3.6.1).

The enrollment rule is arguably the most basic foundational premise of interscholastic athletics and activities, providing that a student must be a student of the school he or she represents in competition. AIA has had an enrollment requirement since its inception. All state high school associations have some form of enrollment requirement. The enrollment rule promotes loyalty and school spirit which, in turn, foster cohesion of the student body. The attendance requirement encourages students to adhere to the school’s attendance plan and to maintain the academic standard required for participation and graduation in a common time frame.

In 1995 the Arizona Legislature passed ARS §15-802.01, providing that home school students shall be allowed to try out for interscholastic activities on behalf of a school in the attendance zone where the student lives. This law specifically prohibits a school district from being a member of an association that does not comply with this provision. In order to comply with this statute, AIA member schools adopted an exception to the general enrollment rule that provides that a student is considered to have met the enrollment rule if the student meets the requirements of the statute. In an effort to deter the use of this statute as a way to simply avoid the enrollment rule, the statute does provide that a home school

student who was previously enrolled in school is ineligible to participate for the remainder of the school year during which the child was enrolled in school.

PART V. AMATEUR STATUS/AWARDS

Throughout the history of interscholastic athletics in Arizona, those responsible for these programs have been concerned with the preservation of amateurism. One of the original eleven eligibility rules created by the member schools in the 1920's required that a participant be and remain an "amateur." "Creeping professionalism" has been and continues today to be a real fear and legitimate concern.

The present AIA **Amateur Rule**, bylaw 15.11, continues to require that a participant be and remain an amateur. The rule describes an amateur as one who engages in sport for the physical, mental or social benefits derived and to whom the sport is nothing more than an avocation. An amateur is one who has not used and is not using his/her knowledge of or skill in athletics for financial gain.

The amateur rule and its various subparts provide a guideline to help draw a reasonable line between an amateur and a professional. For example, a student may be employed by a governmental parks or recreation department, or work as an official in non-interscholastic high school or non-intercollegiate contests, without jeopardizing his or her amateur status. However, other than a letter of intent to attend a college or university, a student may not enter into an agreement with any entity or individual to provide services as an athlete and retain amateur status. Although the rule's subparts are in no way exhaustive, they provide a general outline of some practices that distinguish an amateur from a professional in our society. Violation of the amateur rule results in ineligibility for all interscholastic competition for a maximum of one year from the date of discovery of the violation.

Closely related to the amateur rule is AIA bylaw 13.1, **Awards, Medals and Trophies**. The awards rule provides that a student competing as an individual (not connected with the high school team) may not receive an award unless it has a retail value of less than \$1,000. The awards rule also standardizes and places limits on plaques, medals, ribbons, trophies and other types of awards that may be presented to school teams, thereby promoting fairness and equality among member schools.

Together, the amateur rule and awards rule send the clear message that AIA member schools wish to deter the potential exploitation of student-athletes, while promoting participation in athletics for its inherent physical, mental and social benefits.

PART VI. RECRUITING/UNDUE INFLUENCE

Another rule supporting the position of the AIA membership that the primary purpose of high school is academics, not athletics, is AIA bylaw 15.12, the **Recruitment Rule**. Rule 15.12 **prohibits the recruiting of athletes**. Violation of this rule results in the student's ineligibility at any member school until reinstated by the AIA Executive Board and subjects the violating school to possible sanctions, including being barred from post-season competition. AIA's recruitment rule is consistent with that of all other state associations.

The language of the rule itself provides the following definition of recruitment:

"Recruitment is defined as the act of influencing a student to enroll in a school or to transfer from one school to another in order that the student may participate in interscholastic athletics."

This prohibition against recruiting is broadly applied:

"No school administrator, athletic coach or employee of a high school district shall engage in recruitment either by direct contact with a student or indirectly through parents, legal guardians, common school employees, directors of summer athletic programs or other persons who are in a position to influence the student's choice of a school."

The rule also provides that any contact procedures used in soliciting potential students shall be the same for all students. **Athletes cannot be treated differently.**

For guidance purposes, the recruitment rule contains a series of interpretations of various circumstances that may arise related to the rule. These interpretations are not intended to cover every set of circumstances that may raise questions under the rule, but they provide background and direction for many of the situations that are faced by those participating in and supervising interscholastic athletics. When situations arise that seem not to be covered, a school probably cannot go wrong by following the general principle that contact with a student-athlete should be the same as with any other student. Following this principle will help promote and preserve the integrity of interscholastic athletics.

PART VII. MAXIMUM PARTICIPATION

AIA bylaw 15.9, the **Maximum Participation Rule**, provides that after first enrolling in the ninth grade, a student has the opportunity to participate in interscholastic competition for a maximum of eight consecutive semesters and for a maximum of four seasons in any

sport. A student who is enrolled fifteen or more school days during any semester, or who participates in any interscholastic contest, shall have that semester count as a semester of opportunity and that season count as a season of opportunity.

The maximum participation rule promotes harmony and fair competition among member schools by affording each student the same maximum number of semesters and seasons of opportunity. Together with the age rule, the maximum participation limitation helps to discourage the practice of holding a student out of school in order to gain athletic maturity. It helps encourage students to progress at a normal pace through high school. It helps increase the number of students who will have the opportunity to participate by preventing displacement of younger student-athletes by older student-athletes wishing to unfairly prolong their high school athletic careers.

The maximum participation rule is another example of an AIA eligibility rule that is an objective and uniform standard. It treats all students equally. As with the age rule, AIA member schools have determined that this objective standard is the best way to help promote an even playing field and to maximize opportunities for all students.

PART VIII. PRE-PARTICIPATION EXAMINATION

Under AIA bylaw 15.7, the **Physical Examination Rule**, a student is not allowed to practice or compete in interscholastic athletics until there is on file with the school a record of a physical examination performed by a health care provider approved in the rule. A physical examination for the following school year must be given no earlier than March 1. The record on file with the school must be signed by the examining medical provider and shall state that in the opinion of the examining provider there is no medical reason to disqualify the student from athletic practice or competition. Schools are to use the physical examination forms provided by the AIA. If deemed advisable by the school, a student may be required to be re-examined.

After the student's first year of participation, a member school, at its option, may allow the student and parent/guardian to complete and sign an annual health questionnaire in lieu of a repeat physical examination. As with the physical examination form, the annual health questionnaire is also provided by the AIA. Any "yes" answers on the questionnaire require that it be taken to the student's medical provider for appropriate action and signature. The fully completed and signed questionnaire shall be filed with the school prior to the student being allowed to practice or compete that year.

These requirements are based on consultation with and recommendations from qualified medical experts, including the AIA Sports Medicine Advisory Committee. The National Federation of State High School Associations believes that pre-participation physical evaluations are a necessary and desirable precondition to interscholastic athletic

practice and competition. AIA's procedures and requirements are regularly reviewed and will continue to be updated as recommended by appropriate medical experts.

IX. ACADEMIC RULE

AIA bylaw 15.4, the **Academic Rule**, serves as a supplement to existing Arizona State Board of Education rules detailing academic eligibility requirements for student-athletes, which are commonly referred to as "no pass, no play" rules. The AIA academic rule provides only that a student must be enrolled in a minimum of five courses during each of the first six semesters of high school, and a minimum as determined by the school during the student's seventh and eighth semesters.

Although historically AIA eligibility rules included academic performance requirements, when the State Board of Education adopted its "no pass, no play" rules in the early 1990's, it supplanted and eliminated the need for separate rules of the AIA in this area. Because of the AIA's continuing administration of other interscholastic eligibility requirements, as well as its historic inclusion of academic performance requirements, there is frequent confusion about the responsibility and authority for the administration of "no pass, no play" rules. **The AIA does not interpret, administer or enforce the "no pass, no play" rules, because they are not AIA rules.** It is suggested that the reader contact the Arizona Department of Education for any information about the content and enforcement of "no pass, no play" rules.

X. SPORTSMANSHIP RULE

A fitting rule with which to conclude this publication is AIA bylaw 16.3, the **Sportsmanship Rule**. This rule generally provides that an official may eject from a game a coach or player that has acted in an unsportsmanlike manner. The rule also provides that an ejection from one contest makes a player or coach **ineligible for the next contest**. A second ejection results in ineligibility for the next two contests. More than two ejections during one season results in a cessation of that season for that player or coach. If the penalty occurs at the end of a season and no contests remain, the penalty is enforced at the beginning of the subsequent season of participation, regardless of the sport.

This rule now provides that if an ejection occurs during a contest which has a bearing on participation in state playoff competition, then a responsible administrator from that school may file an appeal with the AIA Commissioner of Officials (CO). The CO will form a committee to review and consider the appeal, and the decision of that committee is final.

The sportsmanship rule serves as a strong deterrent to conduct that is inappropriate and destructive to the best interests of interscholastic competition. The rule promotes the values of character and honor. It is a clear statement by the membership of the AIA that **poor sportsmanship will not be tolerated**, and those who exhibit it will suffer significant consequences that are known in advance and uniformly applied.