



CRITERIA FOR VHSL AGE RULE APPEALS

PURPOSE: The intent of the Age Rule is to encourage academic success and equitable competition; and to discourage “re-classification.”

Procedure: Appeals will be reviewed by the District Committee and the Assistant Director for Compliance, with appeal of adverse decisions to the Executive Committee (or a duly authorized sub-committee thereof) and the Independent Hearing Officer as outlined in Sections 28C-1-1, 33-1-1 through 33-7-1(6).

Vote Requirement: Majority of the District Committee, followed by approval by the Assistant Director for Compliance. In the event either recommends denial, then two-thirds of the Executive Committee (or a majority of a duly authorized sub-committee thereof); or approval of the Independent Hearing Officer.

Waiver WILL be considered

- A. For the student who experienced a delayed start or interruption in his/her educational progression due to a **significant** disability. Disabled persons shall be defined as those who, by reason of one or more of the following conditions, are unable to receive reasonable benefit from ordinary education: long-term physical impairment or illness, significant limited intellectual capacity, significant identifiable emotional disorder, identifiable perceptual or communicative disorder, or speech disorders; or
- B. For a non-native language speaking student placed in a lower grade than his/her age would dictate when first enrolling in a new school; or
- C. For the foreign student in refugee status.

Even in those cases above, waiver will be considered only –

- D. If the principal certifies that the student’s physical maturity will not jeopardize the health and safety of other participants; **and**
- E. If a qualified physician certifies that he/she has examined the student and found that the student’s physical maturity will not jeopardize the health and safety of other participants.

Notes:

- (1) “Undue hardship” is defined as follows. “Undue” means “not requisite or necessary; excessive; too great.” A second meaning is “not proper, fitting or right.” It must be noted that the reference is to **undue** hardship. That a rule works **some** hardship upon a student is not a compelling reason to waive the regulation involved. Sometimes hardship upon one party is required or necessary in order to avoid precedent that will make the regulation difficult or impossible to apply in similar circumstances in the future, thus eroding the regulation and opening the door to the very problems the regulation was created to reduce or eliminate. In such cases, even **extreme** hardship is not **undue** hardship.
- (2) If the student experienced a delayed start or interruptions totaling more than one year, all such time must be covered by one or more of the above-stated criteria.

Waiver will NOT be considered

1. For the student who is denied participation in League activities because of local rules authorized in Section 27-8-10, or because of any rule or regulation of any local school board or division superintendent; or
2. If the student had the opportunity to participate in the same VHSL activity for each of the eight continuous semesters beginning with the first semester in the ninth grade or the first semester in which he/she became classified as ungraded, whichever comes first; or
3. If the student repeats a grade after making grades satisfactory for promotion to the next level; or
4. For loss of eligibility in itself or an injury in itself which prevents the student from exercising an opportunity to participate; or
5. If there is sufficient evidence to make it reasonable to believe that the non-compliance to the Age Rule was motivated by the student’s or school’s efforts to gain a desired athletic outcome or to intentionally circumvent this rule: or
6. For a student who exceeds the age limit by more than one year; or
7. For any student who exceeds the age limit by more than one year; or
8. For any student who is suspended or expelled from school and as a result creates the age rule issue, repeats a semester or school year; or

9. If sufficient evidentiary documentation does not accompany a waiver application. In such event, the Assistant Director for Compliance may suspend or dismiss the appeal.