



## CRITERIA FOR VHSL SCHOLARSHIP RULE APPEALS

**PURPOSE:** The intent of the Scholarship Rule is to encourage students to achieve academic success as a student's primary purpose in high school.

**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 any student who has been forced to withdraw from school or who has had an extended number of absences during the semester because of a confining illness/injury or chronic illness. An "extended number of absences" means the student was absent more days than present during the semester. The attending physician shall provide a written statement that the illness was of such a nature and duration as to make it impossible for the student to earn credit for a semester's work. The principal shall provide written verification of the student's grades at the time of the withdrawal or at the previous semester's end; or
- B. For any student who has been forced to withdraw from school or who has an extended number of absences during the semester because no formal school was reasonably available or because a death in the family or other extreme circumstance created an undue hardship. An "extended number of absences" means the student was absent more days than present during the semester. Written evidence must verify the unusual circumstances that no formal education was reasonably available or that a death in the family or other extreme circumstance created an undue hardship. The principal shall provide written verification of the student's grades prior to the time no formal school was reasonably available or to the time of the death in the family or prior to the time of the extreme circumstance; or
- C. For any student who is verified by a medical physician as having an illness for which the school officials could not provide appropriate educational assistance to make it possible for the student to earn credit for a semester's work. The attending physician shall provide a written statement verifying the student's illness and the conditions by which the school officials failed to provide appropriate educational assistance to this student. The principal shall provide written verification of the student's grades for the previous two semesters and the conditions by which appropriate educational assistance could not be provided.
- D. For those specifically documented cases in which the sole reason for ineligibility is that the school principal, assistant principal or guidance personnel incorrectly advised the student and/or his/her parents regarding eligibility requirements resulting in the ineligibility.

**Notes: "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.

### **Waiver will NOT be considered:**

1. For any student who failed to pass five credited subjects because the student was not provided an IEP in a special education program.
2. For any student who failed to pass five credited subjects because one or more of the subjects taken were non-credited (audited) classes.
3. For any student who is suspended or expelled from school and as a result repeats a semester or school year.
4. For any student who receives an "incomplete" in a subject which causes him/her not to meet the scholastic requirements is ineligible until the work is satisfactorily made up and credit for the course is awarded.
5. In replacement for Exceptions (1), (2), (4), (5), (6), (7) and (8) in Handbook Section 28A-5-2.
6. For a school's non-identification of a student as needing special education services, or because the student did not receive such services.
7. If sufficient evidentiary documentation does not accompany the waiver application. In such event, the Assistant Director for Compliance may suspend or dismiss the appeal.