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CALIFORNIA INTERSCHOLASTIC FEDERATION

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AGENDA ITEM:

V.B.2

TO:

FEDERATED COUNCIL

FROM:

Southern Section, CIF

THROUGH:

Section Commissioners Committee

CIF Executive Committee

DATE:

May 4, 2012

RE:

Remove all references to "athletically motivated" and "transferring for

athletic reasons" from the CIF Constitution and Bylaws

The Trinity League through the Southern Section Council is recommending removing all references to "athletically motivated" and "transferring for athletic reasons" from Bylaws 200, 206, 207, 208, 510.

The Commissioners were not in favor of deleting these references, but felt it would be helpful to be more specific. They agreed to work on language to be forwarded to the Federated Council in October 2012.

First Reading: May 4, 2012 Discussion: October 29, 2012 Vote: February 1, 2013

STATE448



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CIF SOUTHERN SECTION COUNCIL PROPOSAL FORM**

In accordance with Blue Book Article 3, Bylaw 30.1, the following proposal is submitted for Council consideration.

"CIF Southern Section Council may entertain proposals submitted to the governing body on the appropriate proposal form from duly appointed advisory committees, leagues or the Executive Committee." All items coming before the Southern Section Council must contain the financial implications on member schools, leagues and the Southern Section.

Date: September 27, 2011	
Submitted by: Name of representative: Trinity League	
School of representative: Telephone: 714-774-7575 Servite High School	
Advisory Committee Proposal. Committee Name:	
Executive Committee Proposal. Submitted by:	
Rule Change: Rule Number Affected: 200, 206, 207, 208, 570 Abstract: (Please add any supporting documents.) See attachment	
Council First Read: Council Action Date:	
Date Proposal will take effect on member schools:	
See reverse side for additional information. Proposal Number	

Financial Impact on Member School and Southern Section (Attach an analysis and supporting documents): Financial Impact is none.

All Council Proposals must be submitted according to the timelines published in the Blue Book. If they are not received in a timely manner, they will be postponed until the next meeting.

Council Proposals that do not contain the information in the fields provided on both pages will not be considered.

Sport advisory committees are advised to confine their proposals to the sport(s) under their advisement. Any proposals that do not affect Articles 1400 - 3100 must contain a rationale as to why the sport advisory committee is requesting action.

Procedure for Proposed Bylaw Changes:

- 1. Identify the bylaw, by number, to be changed or eliminated.
- 2. Type the bylaw, using normal font face, for language that will remain unchanged.
- 3. Use strikethrough to identify language to be eliminated or changed.
- 4. Identify proposed language using bold type.

For example, if a league wants to address the color of jerseys in basketball, the proposal may read:

The _____ League proposes the following changes to the basketball bylaws. (your league name)

Bylaw 1623 Color of Jerseys

Proposed language:

"In all basketball games played between member schools of the CIF Southern Section, The host team shall wear white dark colored jerseys."

The Trinity League proposes the following changes to the CIF-SS Blue Book:

REMOVE ALL REFERENCES to "Athletically Motivated Transfer" and "Transferring for Athletic Reasons" from the CIF-SS Blue Book.

SPECIFICALLY:

Remove the term "Athletically Motivated Transfers" from the heading and sub-heading of Bylaw No. 510 [See Appendix A].

Remove the entirety of subsection "b." from Bylaw No. 510, which refers to transferring for "athletic reasons" [See Appendix B].

Remove the entirety of subsection "b.B." from Bylaw No. 510, titled "Athletically Motivated Transfers" [See Appendix C].

Remove the entirety of subsection "B.(2)c." from Bylaw No. 206, titled "A Change of Residence for Athletic Reasons is Not Permitted," and all related commentary [See Appendix D].

Remove the entirety of subsection "A.(3)d" from Bylaw No. 207, which refers to "athletically motivated" transfers [See Appendix E].

Remove the following language from the first paragraph of Bylaw No. 208: "...athletic motivation..." [See Appendix F].

Remove the following language from subsection "F" of Bylaw No. 200: "...to students who transfer schools for athletic reasons and..." [See Appendix 6].

The rationale for the suggested removal of the terms "Athletically Motivated Transfer" and "Transferring for Athletic Reasons" from the CIF-SS Blue Book is as follows:

The transfer eligibility rules cannot be enforced in a fair, objective and consistent manner when the terms "Athletically Motivated Transfer" and/or "Transferring for Athletic Reasons" are involved in the application of Bylaw Nos. 510, 206, 207, 208 and 200. These terms lack clarity and definition. As a result, instead of basing decisions regarding transfer eligibility on the established and tested cornerstones of undue influence, change of residence, hardship waivers, and family decision to transfer a student prior to the first day of the student's third consecutive semester, the CIF-SS is allowed to utilize, apply and rely upon the vague, indefinable and malleable terms of "Athletically Motivated Transfer" and "Transferring for Athletic Reasons." Such a scenario necessarily leads to

determinations and decisions that are arbitrary, subjective and inconsistent. When the CIF-SS is allowed to evaluate transfer situations on a case-by-case basis in this fashion, and jettison any strict application of an objective, definable and consistent set of guidelines, the parties involved necessarily harbor legitimate concerns regarding bias, discrimination and unfairness.

In addition, according to the terms of the CIF-SS Blue Book, the concepts of "Athletically Motivated Transfer" and "Transferring for Athletic Reasons" are assessed under the legal standard of "prima facie evidence," which is the lowest level of evidentiary review under the law. As a result, it may be the case that determinations and decisions that implicate these concepts may not be enforceable in a court of law, no matter who initiates legal action. Specifically, the unrestricted and undefined application of the concepts of "Athletically Motivated Transfer" and "Transferring for Athletic Reasons" may constitute a violation of the Equal Protection Clause and the Due Process Clause of the California Constitution.

Similarly, imposing terminology relating to "athletic motivation" upon all transfer requests raises serious procedural questions regarding the validity of the implementation of that terminology. Once again, this scenario may result in determinations and decisions that cannot withstand legal challenge and may violate constitutional precepts.

It is our strong belief and recommendation that the terms "Athletically Motivated Transfer" and "Transferring for Athletic Reasons" should be removed from the CIF-SS Blue Book, specifically in Sections 510, 206, 207, 208 and 200. This action would allow the CIF-SS to return to the fair and objective application of transfer eligibility rules that are based upon the definable and enforceable policies of undue influence, valid change of residence, hardship waivers, and transfer prior to the first day of sophomore year.

Appendix A

510. UNDUE INFLUENCE, PRE-ENROLLMENT CONTACT AND FAILURE TO DISCLOSE PRE-ENROLLMENT CONTACT AND ATHLETICALLY MOTIVATED TRANSFERS

CONTACT AND ATHLETICALLY MOTIVATED TRANSFERS

a. The use of undue influence by any person or persons to secure or retain a student or to secure or retain one or both parent(s)/guardian(s)/caregiver of a student as residents may cause the student to be ineligible for high school athletics for a period of one year and shall jeopardize the standing of the high school in the CIF.

Appendix B

- a. The undue influence by any person or persons to secure or retain a student or to secure or retain one or both parents(s)/guardian(s)/caregiver of a student as residents may cause the student to be ineligible for high school athletics for a period of one year and shall jeopardize the standing of the high school in the CIF.
- b. Transferring and enrolling in a school, in a whole or in part, for athletic reason may jeopardize a student's eligibility.
- NOTE: Undue influence is any act, gesture or communication (including accepting material or financial inducement to attend a CIF-member school for the purpose of engaging in CIF competition regardless of the source) which is performed personally or through another, which may be objectively seen as in inducement, or part of a process of inducing a student, or his or her parent(s)/guardian(s)/caregiver, by or on behalf of, a member school, to enroll in, transfer to, or remain in, a particular school for athletic purposes.

Appendix C

B. Athletically Motivated Transfers

Pre-enrollment contact or an athletically motivated transfer may be considered prime facie evidence ("sufficient evidence") that the student enrolled in that school in whole or in part for athletic reasons (See Bylaw 200) and cause the student to be incligible for the participation in high school athletics for a period of one year from the date of enrollment at the new school in all those sports in which the student participated at the former school.

Athletically metivated pre-enrollment contact of any kind by anyone; from, or associated* with, a school or its athletic programs to which a student may transfer or move into the attendance area is not permitted.

When a prime facio case ("sufficient evidence") of an athletically motivated move exists, the student shall be ineligible to represent the new school in intersobolastic athletic competition for a period of one calendar year from the date of the student's enrollment in the new school in all those sports in which the student participated at the former school (See also "C," and "D.") unless sufficient proof is presented to the satisfaction of the Section Commissioner that robuts or disproves the presumption that the move was athletically motivated.

Appendix D

a. A Change of Residence for Athletic Reasons Is Not Permitted

He student completes a valid change of residence as provided in Paragraphe 206(a) or (b), a student may not be eligible to participate at the varsity level if there is evidence the move was athletically motivated or the student enrolled in that school in whole or in part for athletic reasons (See Bylaw 200; 207 (c)).

Question: What is meant by an athlotically motivated move or transfer?

Answer: Based on the CIF philosophy that the "student attend school to receive an education first' athletic participation is secondary (Bylaw 200 B), individual Section Offices may limit eligibility for a student when there is evidence the transfer, or move is made to acquire athletic participation at "School B". Such evidence of an athletically metivated move may be, but is not limited to: Evidence of parental or student dissatisfaction with a ceach or a ceaching decision at the former school.

- Evidence the student's move would result in the assurance the student would gain varsity participation at the new school or result in more playing time.
- A move to a school by the student that is believed (objectively or subjectively) to be more competitive or athletically
 "visible"
- A demonstrated move or transfer that is prompted by association with club programs or outside agencies that use the facilities of the new school.
- . A demonstrated move or transfer to a school with which the student has had an athletic association
- A move or transfer to a school by a student who is associated with outside agencies that use the facilities or personnel at the new school of attendance.
- The prependerance of credible evidence the move was not made in good faith to secure greater educational advantage for the students

The standard applied to the evidence of "athletic metivation" is that which is associated with a student move or transfer proffered to a hearing officer or Section Commissioner is that which a responsible person acting in a thoughtful manner would judge be with "athletic metivation"

Appendix E

- d. There is no evidence that the transfer, in whole or in part, is athletically motivated (see also Bylaw 510.B).
- e. The CIF Form 510 Pre-Enrollment Contact Affidavit is completed verifying that there is no evidence of the use of undue influence (recruiting(by anyone associated with either school; AND
- The CIF Form 207 Athletic Transfer Bligibility Application and CIF Form 510 Pre-Enrollment Contact Affidavit have been approved by the Section.
- g. No student shall be eligible to participate in the same sport at two different schools in the same school year unless the student changed schools as a result of valid change of residence by the student and his/her parent(s)/guardian(s)/caregiver and sibling(s). In the event of a change of schools due to valid change of residence, a student will be allowed to participate in the same sport at two different schools not to exceed, in total, the maximum number of contests in that sport as established by the Section.

Appendix F

208. HARDSHIP WAIVERS

The CIF recognizes that, in certain circumstances, students may transfer from one school to another due to compelling need or situation beyond a student's control. In such cases the Section may waive the transfer limitation imposed on a student when the case meets the definition of a hardship. (See A. below) Consideration of any hardship request under this bylaw requires documented proof of the hardship circumstance, and all facts to be considered must be submitted at the time of application. Consideration will be given to those situations in which there is no evidence of athletic metivation, undue influence, pending disciplinary action or falsification of information (See also Bylaw 202).

Appendix 6

CIF By laws governing student eligibility are a necessary prerequisite to participation in interscholastic athletics because they:

- A. Keep the focus on athletic participation as a privilege, not a right;
- B. Reinforce the principle that students attend school to receive an education first; athletic participation is secondary;
- C. Protect the opportunities to participate for students who meet the established standards;
- D. Provide a fundamentally fair and equitable framework in which interscholastic athletic competition can take place;
- E. Provide uniform standards for all schools to follow in maintaining athletic competition;
- F. Serve as a deterrent to students who transfer schools for athletic reasons and to individuals who recruit student-athletes;
- G. Serve as a deterrent to students who transfer schools to avoid disciplinary action;
- H. Maintain an ethical relationship between high school athletic programs and others who demonstrate an interest in high school athletes;
- I. Support the principles of "Pursuing victory with Honor sm."



Council Meeting

Southern Section Non-Action Items



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"CIF Southern Section Council may entertain proposals submitted to the governing body on the appropriate proposal form from duly appointed advisory committees, leagues or the Executive Committee." All items coming before the Southern Section Council must contain the financial implications on member schools, leagues and the Southern Section.

Date: 4/4/12 Submitted by: Name of representative: Ethan Damato and Eric Henninger School of representative: Laguna Beach High School and Garden Grove High School Telephone: 949-497-7750 (LBHS) 714-663-6115 (GGHS) Check one of the following: League Proposal. Name of League: Advisory Committee Proposal. Committee Name: Boys' and Girls' Water Polo Advisory Executive Committee Proposal. Submitted by: Rule Change: Rule Number Affected: N/A (playoff bulletin language for the sport of water polo only Implementation Date: Fall 2012 **Abstract:** (Please add any supporting documents.) See attached Council Action Date: October 2012 Council First Read: April 2012 Date Proposal will take effect on member schools: Playoffs 2012

See reverse side for additional information.

Proposal Number SS446

Financial Impact on Member School and Southern Section (Attach an analysis and supporting documents):

No additional financial impact

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The host team shall wear white dark colored jerseys."

For example, if a l	ague wants to address the color of jerseys in basketball, the proposal may rea	ıd:
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Bylaw 1623 Co	or of Jerseys	
Proposed langu	ge:	
"In all basketb	l games played between member schools of the CIF Southern Section,	

Boys & Girls Water Polo Playoff Seeding Proposal for 16 Team Playoff Brackets

Proposed by : Boys & Girls Water Polo CIF Advisory Committee

Date: 4/4/12

<u>Description -</u> To propose a 16 team CIF playoff bracket seeded 1-16 by the Advisory Committee and CIF Commissioners.

<u>Objective</u> — To create a playoff tournament where the qualifying teams in the division will be ranked, based on specific criteria, and seeded within the playoff brackets accordingly. Thus creating a true seeded playoff tournament where teams will be rewarded for their entire season's body of work, with the intention of not altering the playoff bracket due to a teams' position relative to a league opponent.

<u>Solution</u> – Create a 100% subjective 1-16 seeding for all spots, plus wild card slots. The rankings will be kept all year one by the advisory committee members & finalized by CIF Commissioners. The rankings will be based on the following criteria.

Criteria

- 1. Head-to head competition
- 2. Record against common opponents
- 3. League finish
- 4. Top 10 Rankings throughout the duration the Season

- 4. Strength of schedule
- 5. Record against teams in the playoffs

CIF Commissioners will create the playoff groupings based off the final rankings using the following guidelines.

Guidelines

- League Mates cannot be seeded below a fellow league mate who finished behind them in their respective league.
- League mates will not meet in the first round.
- If by seeding, league mates are meeting in the first round, the lower seeded league mate will be moved down one seed until they are not meeting a league mate.
- The higher seeded league mates will not be moved to accommodate this.
- No lower seeded league mate may be moved more than two spots to avoid this conflict.
- If the lower seeded league mate is the last seed in that division, they will be moved up no more than two seeds to avoid the conflict.

Benefits -

- No Top 4 Ranked Team will move down because league finish.
 - Example: Currently a Number 3 ranked team will be moved to Number 4 if the Number 2 team is also in their league.
- No ranked team will move up based on another team's position relative to a league mate.
 - Example: Currently, the Number 4 team will be moved to Number 3 if the Number 3 and 2 teams are in the same league. This gives the Number 4 team a better chance of getting to the Finals than they earned throughout the season; and a better chance than the Number 3 team who earned the higher rank position.
- No team will have to move more than 2 bracket positions because of their or another team's league finish.
 - Example: In many cases a team has to move multiple positions to accommodate being moved to the opposite side of the bracket from a league mate.
- Stop punishing highly ranked teams by having to play a tougher game because league finish.

- Example: Currently a Number 6 team who is in the same league as a Number 2 team may be moved down to Number 8, meaning they will play Number 1 in the quarterfinals as opposed to Number 3.
- Stop punishing teams who play in a strong league.
- Avoid having two high ranked teams meet up in the first round because of a 1st Place Team in a league having to play a 3rd Place team in another league, or 2nd Place team having to play a 2nd Place team.
- Add more value to non-league games, tournament play, and head to competition within the division.