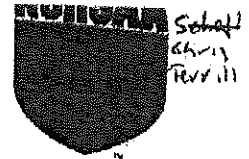


# Transfer Request Checklist



STUDENT NAME ZACHARY PASIUS GRADE 10

☐ NCHSAA TRANSFER WAIVER REQUEST FORM

*This information provides the basis(es) for your transfer to insure that the 365 day eligibility waiting period as provided in the NCHSAA's transfer rule, can be waived. This form can also be accompanied by a written statement/conformation by a parent or Athletic Director.*

- Can be found at <http://www.nchsaa.org>
- Click on Schools>School Central>Transfer Waiver Request

☐ NCHSAA TRANSFER STATEMENT OF INFORMATION FORM

*The purpose of this Statement of Information is to allow both member schools to offer their positions regarding whether this transfer has been done for athletics purposes. This statement can also be accompanied by a written statement/conformation by a parent or Athletic Director.*

- Can be found at <http://www.nchsaa.org>
- Click on Schools>School Central>Transfer Waiver Request

☐ RELEASE FROM PREVIOUS MEMBER SCHOOL

*Documentation establishing that the transferring student has been released from previous member school.*

☐ ACCEPTANCE TO RECEIVING MEMBER SCHOOL

*Documentation establishing that the transferring student has been accepted and is enrolled in the receiving member school.*



# NCHSAA TRANSFER RULE WAIVER REQUEST FORM



## I. Background and Contact Information

Receiving Member School: CHARLOTTE CATHOLIC  
(Member School Requesting Waiver)  
Principal Name: KURT TELFORD  
E-mail and Phone Number: KTELford@CHARLOTTE CATHOLIC. CO4  
704-543-1127  
Student Name: ZACHARY PACIOUS  
Parent/Legal Custodian(s) Name(s): RICHARD PACIOUS  
Student Address: 20215 NIGHT HAWK CIRCLE  
DAVIDSON, NC 28036  
  
Previous School Name: PINE LAKE PREPARATORY  
(Member School from which student is transferring)  
Principal Name: CHARIS TERRILL  
E-mail and Phone Number: 704-237-5312

## II. Basis(es) for Request to Waive 365 Day Ineligibility Rule

Please check one or more of the following:

☒ **Special curricular needs.**

A student is unable to obtain in his or her regularly assigned school those specially needed courses of study or programs necessary to pursue specialized educational or career goals. Proper documentation must be submitted to establish this basis. NOTE: This basis requires the showing of more than just a different class, it must be course of study or program that is not offered at the regularly assigned school.

☐ **Documented medical needs.**

A student provides documentation provided by a physician (or comparable professional provider such as a psychologist, etc.) containing a detailed professional opinion that the student's mental, emotional or physical health would be adversely affected by the student's attendance at his or her regularly assigned school.

☐ **Student's parent/legal custodian is a permanently assigned employee of another school system.**

A student provides documentation establishing (a) his or her parent/legal custodian is a permanently assigned employee of the Receiving Member School or system; and (b) the Receiving Member School would be the school assigned to the student if his or her parent/legal custodian resided at the parent/legal custodian's work location in the school system. NOTE: This basis requires the showing that the parent/legal custodian is a permanently assigned employee, not a temporary, volunteer or lay employee/coach.

- Example No. 1: Student and Parent live in Durham County, and Student would normally be assigned to Charles E. Jordan High School in Durham (and attends Jordan High School after entry into the ninth grade). Parent is a permanently

assigned employee at Carrboro High School. A waiver would properly be considered for the Student if she transferred to Carrboro High School.

- Example No. 2: Student and Parent live in Durham County, and Student would normally be assigned to Charles E. Jordan High School in Durham (and attends Jordan High School after entry into the ninth grade). Parent is a permanently assigned employee at McDougle Elementary School in Chapel Hill. Based on the address for McDougle Elementary School, a student would be assigned to Chapel Hill High School. Therefore, a waiver would properly be considered for the Student if she transferred to Chapel Hill High School.

— **Family/student child care needs.**

The family or student provides documented child care needs that necessitate a transfer to avoid a serious and continuing hardship.

— **Documented safety issues.**

A student provides documentation of an unsafe environment at his or her school (e.g., physical or emotional violence/threats make continued attendance at his or her school unsafe, etc.).

— **Federal or State mandated transfers.**

A student provides documentation of a transfer made pursuant to the Unsafe School Choice or School Improvement Choice Transfer under the No Child Left Behind Act, the Transfer of Homeless Students as provided in 42 U.S.C. 11431 et. seq., or any other applicable federal or state law allowing a similar right to transfer (including North Carolina or federal court orders).

— **Other serious and continuing hardship.**

The student provides documentation establishing a serious and continuing hardship which cannot reasonably be eliminated or reduced by means other than a transfer from his or her regularly assigned school.

The default rule is that, absent a bona fide move, transferring students from a member school in one LEA to a member school in a different LEA will be ineligible to participate in athletics for 365 days from the student's enrollment in the Receiving Member School. In order to receive a waiver of this rule, the Receiving Member school bears the burden of establishing (1) the existence of one or more of the basis(es) listed above; and (2) that the transfer was not done for athletics purposes.

Please use the following space and/or attach additional pages along with the required documentation to support the selected basis(es):

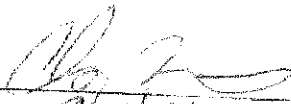
Important Notes:

- Regardless of the outcome of this Transfer Rule Waiver Request, Receiving Member Schools must always ensure that students are eligible in all other respects (e.g., academics, attendance, etc.).
- Any approved Waiver Requests will still be subject to the "same sport during the same sport season" rule.
- Once a waiver request is granted, and a student enrolls in the Receiving Member School or participates in the athletics program, the student will remain eligible at the Receiving Member School (assuming students are eligible in all other respects).
- If a waiver request is granted, and a student enrolls in the Receiving Member School or participates in the athletics program, any subsequent transfer of the student (including back to the Previous Member School, to the school of residence assigned by the local board of education, etc.) will be subject to the NCHSAA's Transfer Policy (i.e., the student will be subject to the 365 day ineligibility rule). Upon such an occurrence, a subsequent Receiving Member School may submit a Transfer Rule Waiver Request on the basis of changed circumstances (regarding the basis for the original Request) or on a new basis (see Transfer Rule Waiver Request form).
  - Example: Student and parents reside in Durham County. Based on the family's residence the student would normally be assigned to Charles E. Jordan High School in Durham. However, the student begins the 9<sup>th</sup> grade at Chapel Hill High School. Prior to the beginning of the 10<sup>th</sup> grade the student wants to transfer from Chapel Hill High School to Jordan High School. The student will be subject to the Transfer Rule and, absent a waiver, will be ineligible to participate in athletics at Jordan High School for 365 days.

Submitted By:

Principal Signature:

Date:

  
2/11/14



## NCHSAA TRANSFER: STATEMENT OF INFORMATION

DATE THIS STATEMENT WAS SENT TO PREVIOUS MEMBER SCHOOL: 9 Sept. 2014  
TRANSFERRING STUDENT: ZACHARY PACIOUS

This Statement of Information must be submitted as part of a Receiving Member School's request to waive the default eligibility waiting period (365 days) as provided in the NCHSAA's transfer rule. The purpose of this Statement is to allow both member schools to offer their positions regarding whether this transfer has been done for athletics purposes. Both member school positions will be considered by the NCHSAA.

RECEIVING MEMBER SCHOOL: CHARLOTTE CATHOLIC  
(School to which student is transferring)

Principal Signature: KURT TELFORD  
Principal Name: W. K. Telford  
E-mail and Phone Number: KTelford@CharlotteCatholic.com

After reviewing the facts and circumstances regarding the transfer of the above-referenced student, including discussing this matter (if appropriate) with my athletics director, coaches, etc., my position is that (initial one):

☐ This transfer WAS NOT done for athletics purposes.

☐ This transfer WAS done for athletics purposes. NOTE: If you believe the transfer was done for athletics purposes you should not continue this waiver process.

PREVIOUS MEMBER SCHOOL: Pine Lake Prep  
(School from which student is transferring)

Principal Signature: [Signature]  
Principal Name: Chris Tercell  
E-mail and Phone Number: ctercell@pineprep.org (701) 677-7229

After reviewing the facts and circumstances regarding the transfer of the above-referenced student, including discussing this matter (if appropriate) with my athletics director, coaches, etc., my position is that (initial one):

☒ This transfer WAS NOT done for athletics purposes.

☐ This transfer WAS done for athletics purposes. NOTE: Please attach a separate statement describing your position.

NOTE TO PREVIOUS MEMBER SCHOOL: You MUST return this form to the Receiving Member School within fourteen (14) days of receipt so that the Principal may submit this form to the NCHSAA. Failure to return the form within this time frame will result in the waiver of your position as part of the NCHSAA's consideration of this waiver request.

Richard W. Pacious  
20215 Night Hawk Circle  
Davidson, NC 28036  
August 28, 2014

Steve Carpenter  
Vice Principal  
Charlotte Catholic High School  
7702 Pineville Matthews Road,  
Charlotte, NC 28226

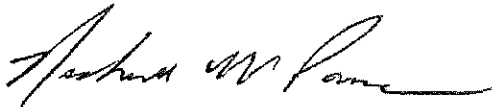
Dear Mr. Carpenter:

We respectfully request a Transfer Rule Waiver be submitted to the North Carolina High School Athletic Association (NCHSAA), on behalf of our son Zachary M. Pacious, in order to petition he be allowed to play sports during the 2014-15 school year.

Zachary selected Charlotte Catholic as the academic institution he wanted to attend for a number of reasons but predominantly for the Roman Catholic, religious instruction he was unable to obtain at his prior school, Pine Lake Preparatory (PLP). Zachary's faith has become an increasingly important aspect of his life and, as his parents, we wholeheartedly support his decision.

If we can elaborate in any way regarding the aforementioned please let us know. Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Pacious", with a long horizontal flourish extending to the right.

Richard W. Pacious

## Transfer Information

Pacious, Zachary Morgan 10 1550562 PLP Transferred Out

### Current Enrollment

Entry Date / Code	Exit Date / Code	Grade	Entry Comment	Exit Comment	School
08/06/2014 E1	08/06/2014 W1	10	Promote Same School	Summer Transfer	Pine Lake Preparatory

### Previous Enrollments

Entry Date / Code	Exit Date / Code	Grade	Entry Comment	Exit Comment	School
08/19/2013 E1	05/31/2014 PR	9		Promote Same School	Pine Lake Preparatory
08/20/2012	06/06/2013	8			Pine Lake Preparatory (49E) / Pine Lake Preparatory (49E)
08/22/2011	06/07/2012	7			Pine Lake Preparatory (49E) / Pine Lake Preparatory (49E)
08/25/2010	06/09/2011	6			Pine Lake Preparatory (49E) / Pine Lake Preparatory (49E)
08/31/2009	06/11/2010	5			Pine Lake Preparatory (49E) / Pine Lake Preparatory (49E)
09/02/2008 E1	07/01/2009	4	119000		Pine Lake Preparatory (49E) / Pine Lake Preparatory (49E)

Note: This screen may not be used to transfer a student in or out of school. Click on Functions to find links to those operations.



Pine Lake Preparatory Prepare  
104 Yellow Wood Circle Nurture  
Mooresville, NC Lead  
Phone: (704) 237 - 5300 Engage

Release of Student - Pine Lake Preparatory LEA

This form is to confirm the transfer of the below mentioned student from Pine Lake Preparatory with the intention of a full scholastic course load.

Student Information: 1550562 Date of Enrollment: Fall 2014

Name: Zachary Paeious Grade: 10

Home Address:  
Street: 20215 Nighthawk C City: Davidsen State: NC Zip: 28036

Telephone: 704-895-5595

---FOR PINE LAKE PREPARATORY OFFICE USE ONLY---

Signature of Accepting Principal, Registrar, or other Administrator (Please explain)

Signed: Jeanne Jellison Date: 9/30/14



Pacious, Zachary Morgan  
M/M Richard Pacious  
20215 Nighthawk Cr  
Davidson, NC 28036  
704-895-5595

#354 GRADE 10

HR: 517

09-30-2014

**CHARLOTTE CATHOLIC HIGH SCHOOL SCHEDULE FOR 2014-15**

NAME	CRS/SC	SEM	TIME	ROOM	CRDTS	TEACHER
Lifting	522/01	S 1	A	GYM	0.500	Brodowicz,
The Church	024/03	S 2	A	302	0.500	Rhykerd, S
Latin1	413/04	ALL	B	536	1.000	Hicks, And
Mystery	023/12	S 1	C	309	0.500	Cousins, S
SATPrep	531/01	S 2.	C	226	0.500	Livingston
Spanish2	463/10	ALL	D	229	1.000	Ortiz, Mar
HonChem1	832/15	ALL	E	318	1.000	Belciglio,
HonAlg2	633/14	ALL	F	311	1.000	Eggebrecht
English10	222/18	ALL	G	517	1.000	Morris, Do

TOTAL PROJECTED CREDITS:

7.000



DAVIS A. WHITFIELD, Commissioner

MARILYN Q. TUCKER  
*Deputy Commissioner*  
RAYMOND M. STRUNK, JR.  
*Associate Commissioner*  
CAROLYN C. SHANNONHOUSE  
*Assistant Commissioner*  
MARK R. DREIBELBIS  
*Assistant Commissioner*  
KAREN M. DeHART  
*Assistant Commissioner*

October 16, 2014

Via E-Mail Only

Kurt Telford  
Principal  
Charlotte Catholic High School

Re: Transfer Rule Waiver Request for Zachary Pacious

Dear Mr. Telford:

On September 19, 2014, the NCHSAA received the transfer rule waiver request for your student, Zachary Pacious. Additional information was submitted after a request from the NCHSAA. After a full evaluation of all materials submitted, this request is hereby DENIED for the reasons stated herein:

I. Materials Submitted

All materials required to evaluate the waiver request were properly submitted on or before the date of this decision:

- Transfer Rule Waiver Request Form
- Transfer Statement of Information Form
- Proof of Release from Pine Lake Preparatory Academy
- Proof of Acceptance to Charlotte Catholic High School

II. Basis for Request to Waive Transfer Rule

The basis for this request is the "Other Serious and Continuing Hardship" criterion. To meet this burden, documentation must establish a serious and continuing hardship which cannot reasonably be eliminated or reduced by means other than a transfer from his or her regularly assigned school. The receiving member school has also selected the "Special Curricular Needs" criterion as the basis for this request. In order to meet this burden documentation must establish that the student was unable to obtain in his or regularly assigned school those specially needed courses of study or programs necessary to pursue specialized educational or career goals.

Here, the letter provided with the student's letter indicates that the student wanted to attend the receiving member school for "a number of reasons" but predominantly for

the religious instruction he was unable to obtain at his prior school. There is no additional information regarding the other reasons the student desired to transfer to the receiving member school. While the student's desires are indeed admirable, they do not constitute a serious hardship which could not be eliminated or reduced absent a transfer. Additionally, the religious instruction which the student may receive, is not a specially needed course of study or program that is necessary to pursue specialized educational or career goals. Moreover, documentation regarding the same was not submitted with the student's transfer waiver request.

For the aforementioned reasons there is not sufficient evidence to support the basis for request and the facts presented are not sufficient to support a finding in favor of waiving the default transfer rule.

### III. Burden of Establishing the Transfer Was Not Done for Athletic Purposes

The Statement of Information has been signed by the principals of both Pine Lake Preparatory Academy and Charlotte Catholic High School. Both principals indicated their position that the transfer was not done for athletics purposes. However, given that there are not sufficient facts to support a finding of waiving the default transfer rule, we do not need to evaluate whether or not this burden has been met.

### IV. Conclusion

For the reasons stated herein, the basis for request has not been sufficiently supported to grant a waiver. Therefore, the transfer rule waiver request is hereby DENIED and the 365-ineligibility rule is NOT WAIVED as to the student.

**Please note that pursuant to NCHSAA Bylaw Section VIII (p.24 of the Handbook 18 of the 2014-2015 Edition) the *member school* may appeal in writing (via fax or email) first to the NCHSAA Executive Committee within two (2) working days of notification of this decision. Failure to appeal in writing during this time frame will waive any appeal rights and this decision will be final.**


Thank you for your assistance in preparing and submitting this matter for our review. Please call our office with any questions or if you need any further assistance.

Regards,



Davis A. Whitfield  
Commissioner

Cc: Kevin Christmas, Athletic Director

From: **Christmas, Kevin E.** kechristmas@charlottecatholic.com   
Subject: FW: Transfer Rule Waiver Request for Zachary Pacious  
Date: October 20, 2014 at 1:53 PM  
To: Whitney Frye whitney@nchsaa.org  
Cc: Que Tucker que@nchsaa.org, davis@nchsaa.org

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Whitney,

We would like to appeal the decision of denial for the athletic eligibility for Zach Pacious. I will submit any additional information once received.

Thanks,

Kevin Christmas  
Charlotte Catholic

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Providing for the Future of High School Athletics

DAVIS A. WHITFIELD, Commissioner

MARILYN Q. TUCKER  
*Deputy Commissioner*  
RAYMOND M. STRUNK, JR.  
*Associate Commissioner*  
CAROLYN C. SHANNONHOUSE  
*Assistant Commissioner*  
MARK R. DREIBELBIS  
*Assistant Commissioner*  
KAREN M. DEHART  
*Assistant Commissioner*

November 24, 2014

Via E-Mail Only

Kurt Telford  
Principal  
Charlotte Catholic High School  
7702 Pineville-Matthews Road  
Charlotte, NC 28226

Dear Dr. Telford:

Charlotte Catholic filed a letter of appeal dated October 20, 2014 regarding the NCHSAA's denial of Charlotte Catholic's request for a waiver of the NCHSAA's Transfer Rule regarding your student Zachary Pacious.

The NCHSAA Executive Committee heard the appeal during a 2:30 pm conference call on November 18, 2014. The Executive Committee, having reviewed the letters and materials submitted by Charlotte Catholic and the NCHSAA staff, and having heard and considered the position of Charlotte Catholic, as well as the position of the NCHSAA staff has upheld the NCHSAA's Decision and DENIED this appeal.

**Please note that pursuant to NCHSAA Bylaw Section VIII (p.18 of the Handbook 2014-2015 Edition) the member school may appeal in writing (via fax or email) to the NCHSAA Board of Directors within twenty-four (24) hours of notification of this decision (the time and date of this letter sent via E-mail). Failure to appeal in writing during this time frame will waive any appeal rights and this decision will waive any appeal rights and this decision will be final.**

Sincerely,

Davis A. Whitfield  
Commissioner

cc: NCHSAA Executive Committee  
Kevin Christmas, Athletic Director

From: **Telford, Kurt** ktelford@charlottecatholic.com  
Subject: RE: Transfer Rule Appeal for Zachary Pacious  
Date: November 24, 2014 at 1:52 PM  
To: Michael Niver michael@nchsaa.org  
Cc: Christmas, Kevin E. kechristmas@charlottecatholic.com, Davis Whitfield davis@nchsaa.org, Whitney Frye whitney@nchsaa.org

---

Michael,  
We will be appealing.  
Do I need to any more than notify you.

Kurt

**From:** Michael Niver [mailto:michael@nchsaa.org]  
**Sent:** Monday, November 24, 2014 12:52 PM  
**To:** Telford, Kurt  
**Cc:** Christmas, Kevin E.; Davis Whitfield; Whitney Frye  
**Subject:** Transfer Rule Appeal for Zachary Pacious

Dr. Telford,

This email is being sent on behalf of Davis Whitfield, Commissioner of the North Carolina High School Athletic Association. Attached below is the decision regarding the appeal of the Transfer Rule Waiver Request denial for Zachary Pacious.

Thanks,

☐ **Michael Niver**  
*Office Assistant/Receptionist*  
919-240-7401  
[michael@nchsaa.org](mailto:michael@nchsaa.org)

☐ North Carolina High School Athletic Association  
[www.nchsaa.org](http://www.nchsaa.org)