

---

## BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. OR U.S. TERRITORIES

---

### Sec. 1) DOMESTIC STUDENT TRANSFER

- a) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school while maintaining permanent residence in the United States or a United States territory following enrollment in grade nine (9) and who then transfers schools shall be ineligible for varsity athletics in that sport interscholastic athletics at any level in any sport for one year from the date of ~~last~~ participation in varsity interscholastic athletics. An ineligible student under the provisions of this rule may not participate at the varsity level in any sport in which the student has participated during the last calendar year, but it not restricted from participation in other sports or from nonvarsity participation.
- b) The Ruling Officer and Commissioner have discretion (but are not required) to waive the period of ineligibility set forth above if one or more of the following exceptions in Section 2 has been met. Determinations of whether a student shall be granted a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

### Sec. 2) DISCRETIONARY EXCEPTIONS FOR WAIVER

- a) **BONA FIDE CHANGE IN RESIDENCE-** The period of ineligibility may be waived if there has been a bona fide change in residence by the parents and student that precedes a student's change of schools.  
For purposes of this bylaw, a bona fide change of residence means the moving of the permanent residence of the entire family of the student and the student's parents from one school district or defined school attendance area into another school district or defined school attendance area prior to a change in enrollment of the student. A student who becomes emancipated does not have a bona fide change of residence by virtue of his or her emancipation and change of residence for purposes of this bylaw.
- b) **DIVORCE-** The period of ineligibility may be waived in the event of a dissolution of marriage (i.e. a final and legally binding divorce decree from a court of competent jurisdiction) or properly recorded legal separation (i.e. a legally binding separation decree from a court of competent jurisdiction) of the parents and a change in the residence of the student pursuant to a court order granting custody of the child to one of the parents with whom the student shall reside.
- c) **CHANGE OF CUSTODY-** The KHSAA shall not recognize guardianship or similar arrangements made, for purposes of this bylaw. The period of ineligibility may be waived if it is shown that custody of the student has been taken from one or both parents and given to the other parent or a third person by a court of competent jurisdiction and under circumstances indicating: (1) the parent(s) are unfit or (2) the court finds that the health and welfare of the student would be better served by the change in custody.  
In the event joint custody is awarded to both parents, for purposes of this bylaw, the student shall initially be eligible where either parent resides. The eligibility of a student may be restored one-time if, after establishing eligibility and complying with the initial court order granting joint custody, a student relocates to permanently reside with the other custodial parent. The grant of eligibility shall only apply to the member school in which the residence of the custodial parent is located. After this one time move by the student to the other custodial parent all subsequent moves between parents shall require a period of ineligibility of one year.
- d) **DEATH-** The period of ineligibility may be waived in the event the death of one or both of the student's custodial parents creates the circumstances that the transfer to another secondary school is deemed appropriate.
- e) **BOARDING SCHOOLS-** The period of ineligibility may be waived on a one-time basis for students entering or returning from a boarding school on a full time basis as a boarding school student where attendance was required by order of the court or by recommendation of the principal of the school attended immediately prior to attendance at the boarding school. A boarding school is defined as a school that has an enrolled resident boarding school population in the ninth through 12<sup>th</sup> grades of at least fifty (50) percent of the full-time student body for each of the last four years. A boarding school must have appropriate dormitory facilities to house, feed and provide general living accommodations for boarding students, and must have properly trained supervisory personnel on duty at all times. A boarding school must be recognized as a boarding school in its own literature and must be verified by the Kentucky Department of Education and/or the Southern Association of Colleges and Schools. A boarding student, to qualify for the exception, must spend at least an average of five (5) days per week living and boarding on campus while school is in session. Coaches and other individuals employed by or associated with a boarding school's athletic program shall not serve as the boarding supervisor or otherwise live with boarding students in school housing. Only those schools that qualify as boarding schools as defined herein may provide any assistant for room and board to students who participate in interscholastic athletics and only if such assistance is based on financial need. In no other schools may room and board expense be included in the determination of school expenses and financial need. The Commissioner is required to have verification that the move to or from the Boarding school is by order of the Principal (sending) or a court of competent jurisdiction in order for exception (e) to apply.
- f) **REASSIGNMENT BY BOARD OF EDUCATION-** The period of ineligibility may be waived if the student has changed schools through a properly documented reassignment of the Board of Education to another school. To meet this exception for a reassignment, reasons for the assignment may include the closing or opening of a school due to consolidation, merger, opening of a new school, or another type or opening or closing or assignment through KRS 158.6455 or other applicable adopted regulation. That assignment may be to the public school district should a private, parochial or independent school close.
- g) **TRANSFER FROM NON-MEMBER SCHOOL –** The period of ineligibility may be waived for a student transferring from a non-member school located in Kentucky whose athletic participation has been limited primarily to other non-member schools.
- h) **MILITARY ASSIGNMENT-** The period of ineligibility may be waived for a student transferring in a situation where documentation is presented to verify that the change in education and living arrangements is directly related to an order from any branch of the United States military service, including the reserve components.
- i) j) **CESSATION OF SCHOOL PROGRAM-** The period of ineligibility may be waived in the event of a school remaining open but discontinuing its participation in an Association sponsored sport at all levels of play in which the student had previously participated while attending that school.

### Sec. 3) SPECIFIC RESTRICTIONS RESULTING IN DENIAL OF WAIVER

Satisfying of one of the exceptions (Section 2, a through j) shall not be considered valid and a waiver of the period of ineligibility shall not be granted:

- a) If the change in schools is to nullify or circumvent implementation of Board of Education, School Based Decision Making or school imposed

policy which would have resulted in the student's ineligibility at the sending school in accordance with KHSAA Bylaws or Competition Rules;

- b) If the satisfying of one of the exceptions occurs after the enrollment at the new school;
- c) if a student participates on a school team that is coached by a coach associated in that same sport at a high school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);
- d) if a student participates on non-school (i.e. AAU, American Legion, club settings, summer program, etc.) team that is affiliated with or coached by a coach associated in that same sport at a member school and the student then transfers to the member school where a coach is employed (paid or volunteer at any level);
- e) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school;
- f) If the satisfying of one of the exceptions is used or manipulated for the purpose of gaining athletic eligibility; or
- g) If the satisfying of one of the exceptions by the student and the parent(s) does not reasonably precipitate a transfer to the new school.

Sec. 4) OTHER TRANSFERRING STUDENT RESTRICTIONS AND PROCEDURES

- a) The Commissioner's office may appoint or hire a committee or investigator to conduct any inquiry or investigation concerning any issues arising under this bylaw or any other bylaw.
- b) If any member school files a written objection to the factual validity of the certification before the conclusion of the period of time to which the period of ineligibility would normally apply, along with the specific, detailed basis for the objection, then a complete investigation shall be conducted by the KHSAA and a ruling shall be issued through the Commissioner's office.
- c) A student enrolled in grades 4-12 who has participated in a first team game shall not be eligible to represent a second member school during that school year unless that student would qualify for a waiver of the period of ineligibility in accordance with provisions of Section 2 above.
- d) A student is ineligible for athletics in this state if he or she transfers from another state if the student was or would have become ineligible in the state from which he or she transfers.