

BYLAWS OF THE KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

BYLAW 7. TRANSFER RULE- FOREIGN EXCHANGE STUDENTS

Sec. 1) FOREIGN EXCHANGE STUDENTS (NON-DOMESTIC)

Foreign exchange students attending high school in Kentucky shall be considered ineligible for the first calendar year following enrollment. Foreign exchange students who have been ineligible for an entire calendar year after being enrolled in a high school in Kentucky become eligible to represent that school immediately following the conclusion of the one-year period, and remain eligible through graduation if compliant with all other KHSAA Bylaws.

Sec. 2) EXCEPTION FOR PLACEMENT THROUGH APPROVED EXCHANGE PROGRAMS UTILIZING A J-1 EDUCATION VISA

a) Approved Programs

Foreign Exchange Students in possession of a J-1 education Visa attending KHSAA member schools may have the period of ineligibility waived in the event that the student is placed in a KHSAA member school under the auspices of approved student exchange programs. Member student exchange programs (agencies) of the Council on Standards for International Education Travel (CSIET) who are in good standing with CSIET shall be considered approved agencies. Other entities may be approved by the Board of Control, but such approval must be granted prior to the placement of any student in a KHSAA member school. To be otherwise considered for approval by the Board of Control, a foreign exchange program (agency) shall assign students to schools by a method that ensures that no student, school or interested party may influence the assignment for athletic or other purposes and shall formally request approval of the Board of Control through the Commissioner's office.

b) Waiver of Period of Ineligibility

In order to be considered for a waiver, the following conditions shall exist:

- (1) The student shall be in compliance with all U.S. Immigration and Naturalization Service regulations;
- (2) The student shall be in the first and only year as an exchange student in the United States;
- (3) The student shall not be a graduate of a the 12th or terminating grade or its' equivalent in either the U.S. or his or her home country;
- (4) The student shall be in possession of a complete transcript of records that has been translated into English prior to the request for eligibility;
- (5) The student shall be in possession of a J-1 student education visa issued by the U.S. Immigration and Naturalization Service;
- (6) Placement in the KHSAA member school is random, and the student has not been a "direct placement" into a KHSAA member school;
- (7) The student's host family shall not pay any tuition or fee normal to the attendance at the KHSAA member school, all fees shall be paid by the student's family;
- (8) All travel fees shall be paid by the student's family;
- (9) The student's host family shall not include members of the coaching or athletic staff at the KHSAA member school at which participation is desired and shall not include exchange agency representatives; and
- (10) The student, the principal or designated representative of the member school, and a representative of the placement agency shall sign and attest to certification that the athlete complies with the eligibility rules of the KHSAA and shall not be eligible under any circumstances for more than one year of athletic participation if the first year period of ineligibility is waived.

Sec. 3) EXCEPTION FOR PLACEMENT THROUGH APPROVED EXCHANGE PROGRAMS UTILIZING AN F-1 EDUCATION VISA

a) Approved Programs

Foreign Exchange Students in possession of a F-1 education Visa attending KHSAA member schools may have the period of ineligibility waived in the event that the student is placed in a KHSAA member school under the auspices of approved student

exchange programs. Member student exchange programs (agencies) of the Council on Standards for International Education Travel (CSIET) who are in good standing with CSIET shall be considered approved agencies. Other entities may be approved by the Board of Control, but such approval must be granted prior to the placement of any student in a KHSAA member school. To be otherwise considered for approval by the Board of Control, a foreign exchange program (agency) shall assign students to schools by a method that ensures that no student, school or interested party may influence the assignment for athletic or other purposes and shall formally request approval of the Board of Control through the Commissioner's office.

b) Waiver of Period of Ineligibility

In order to be considered for a waiver, the following conditions shall exist:

- (1) The student shall be in compliance with all U.S. Immigration and Naturalization Service regulations;
- (2) The student shall be in the first and only year as an exchange student in the United States;
- (3) The student shall not be a graduate of a the 12th or terminating grade or its' equivalent in either the U.S. or his or her home country;
- (4) The student shall be in possession of a complete transcript of records that has been translated into English prior to the request for eligibility;
- (5) The student shall be in possession of an F-1 student education visa issued by the U.S. Immigration and Naturalization Service and a properly completed I-20;
- (6) The student shall be required to pay the school district the full unsubsidized, per capita cost of providing the education, as reported to the Kentucky Department of Education. The full, unsubsidized per capita (for each student) cost of education is the cost of providing education to each student in the school district where the public school is located;
- (7) The full, unsubsidized, per capita cost of education shall be listed under "tuition" on the student's Form I-20. If the Form I-20 does not include the cost of tuition, the student must have a notarized statement, signed by the designated school official (DSO) who signed the Form I-20, stating the full cost of tuition (unsubsidized per capita cost of education) and that the student paid the tuition (unsubsidized per capita cost of education) in full. The unsubsidized cost payment is mandatory and school systems cannot waive the requirement. Federal law does not allow a student in F-1 status to attend public secondary school without paying this cost, which must be paid in all cases;
- (8) Placement in the KHSAA member school is random, and the student has not been a "direct placement" into a KHSAA member school;
- (9) The student's host family shall not pay any tuition or fee normal to the attendance at the KHSAA member school, all fees shall be paid by the student's family;
- (10) All travel fees shall be paid by the student's family;
- (11) The student's host family shall not include members of the coaching or athletic staff at the KHSAA member school at which participation is desired and shall not include exchange agency representatives; and
- (12) The student, the principal or designated representative of the member school, and a representative of the placement agency shall sign and attest to certification that the athlete complies with the eligibility rules of the KHSAA and shall not be eligible under any circumstances for more than one year of athletic participation if the first year period of ineligibility is waived.

Sec. 4) EXTENSION OF ELIGIBILITY BEYOND ONE YEAR IF WAIVER GRANTED

Any student having made election to apply for the waiver of the first year of ineligibility and having been granted a waiver of the normal period of ineligibility under Section 1 above shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in grades 9 -12 in Kentucky.

Sec. 5) SPECIFIC RESTRICTIONS RESULTING IN DENIAL OF WAIVER

Satisfying of one of the exceptions in this Bylaw shall not be considered valid and a waiver of the period of ineligibility shall

not be granted if:

- a) 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;
- b) The satisfying of one of the exceptions occurs after the enrollment at the new school;
- c) The change in schools is motivated in whole or part by a desire to participate in athletics at the new school;
- d) The satisfying of one of the exceptions is used or manipulated for the purpose of gaining athletic eligibility; or
- e) 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. 6) ELIGIBILITY OF OTHER FOREIGN STUDENTS

This Bylaw covers only foreign exchange students entering the United States with a J-1 or F-1 Visa. Regulations relating to all other foreign students are contained in Bylaw 8.

Case 7-1 - Why are there restrictions on foreign students, and why are the restrictions on J-1 and F-1 students different?

For each international student who arrives at a US high school and promptly plays at the varsity level, there is a lost participation opportunity for a student who has "paid his or her dues" in the hope of one day gaining playing time.

An international student who comes to the United States without the accompaniment of his or her parent(s) is analogous to a domestic student who transfers without being accompanied by his or her parents. The latter student is not typically granted immediate eligibility.

"Team shopping" is at odds with the high school model of academic primacy, and is unfair to other students and other schools.

F-1 visa programs in particular are ripe for abuse in the transfer process. While a J-1 foreign exchange student in an approved program typically has little say in his or her school of enrollment, a student with an F-1 visa, absent a state association rule, could choose his or her school of enrollment based solely on immediate sports opportunity. The displacement risk to other students would be immediate and irreparable.

Rules restricting participation by certain international students promote amateurism, inhibit "power-loading" of select schools, and impede the exploitation of students by coaches and boosters.

Such rules discourage recruiting, prevent the over-emphasis of athletics, and maintain the focus of secondary schools on their primary purpose: the academic preparation of students for their adult lives.

Case BL-7-2- What are the approved J-1 VISA programs for Foreign Exchange Students?

Students holding an J-1 VISA issued by the U.S. Department of State and placed in KHSAA member schools through a CSIET approved agency may be declared eligible by the Association. For more information, contact the CSIET website by going to <http://www.csiet.org/>. An agency may be removed from the listing at any time for non-compliance with the basic rules regarding random placement of student and other Federal provisions. At this time, this list contains the following approved agencies—

Full Approval

- Academic Foundation for International Cultural Exchange (AFICE)*
- AFS-USA*
- American Councils for International Education (ACTR/ACCELS)*
- American Cultural Exchange Service*
- American Institute for Foreign Study Foundation (IFS)- Academic*

- Year in America*
- American Intercultural Student Exchange*
- American Secondary Schools for International Students and Teachers (ASSIST)*
- Amicus International Student Exchange*
- Aspect Foundation*
- ASSE International Student Exchange Programs*
- AYUSA International*
- CGI Greenheart (Center for Cultural Interchange)*
- Council for Educational Travel, USA*
- Council on International Educational Exchange*
- Cultural Academic Student Exchange, Inc.*
- Cultural Homestay International*
- Education Travel & Culture*
- Educational Merit Foundation*
- Educational Resource Development Trust (ERDT/SHARE!)*
- EF Foundation for Foreign Study*
- Empire State Rotary Youth Exchange (Districts 7150, 7120, 7170)*
- ESSEX Rotary (Eastern States Exchange)*
- Face The World Foundation*
- F.L.A.G.*
- Forte International Exchange Association*
- Foundation for Worldwide International Student Exchange*
- German American Partnership Program, Inc. (GAPP)*
- Global Insights*
- International Cultural Exchange Services*
- International Fellowship*
- International Student Exchange*
- international Experience USA (iE-USA)*
- Laurasian Institution*
- Nacel Open Door*
- North Star Youth Exchange / Rotary Districts 5950 and 5960 Youth Exchange*
- NorthWest Student Exchange*
- NW Services PEACE Program*
- Organization for Cultural Exchange Among Nations (OCEAN)*
- PAX- Program of Academic Exchange*
- Reflections International*
- Rotary California-Nevada District 5190*
- Rotary Central States Youth Exchange Program - Districts 5580, 6220, 6250, 6270, 6290, 6310, 6330, 6360, 6400, 6420, 6440, 6450, 6460, 6490, 6510, 6540, 6560, and 6580*
- Rotary District 7150 Youth Exchange Program*
- Rotary Ohio-Erie Youth Exchange Program (Districts 6380, 6600, 6630, 6670, 6690, 6740, 6780, 7530, 7670, and 7680)*
- Rotary YES/SCANEX (Districts Districts 5000, 5240, 5260, 5280, 5300, 5320, 5330, 5340, 5420, and 5490)*
- Rotary Youth Exchange Florida, Inc. (Districts 6890, 6930, 6940, 6950, 6960, 6970, 6980, and 6990)*
- South Central Rotary Youth Exchange (Districts 5500, 5510, 5520, 5610, 5630, 5650, 5670, 5690, 5710, 5730, 5750, 5770, 5790, 5810, 5830, 5840, 5870, 5890, 5910, 5930, 5970, 6000, 6040, 6060, 6080, 6110, 6150, 6190, 6200, 6760, 6800, 6820, 6840, 6860, and 6880)*
- States' 4-H International Exchange Programs*
- STS Foundation*
- Student American International*
- Terra Lingua USA*
- World Experience*
- World Heritage*
- World Link*
- Youth For Understanding USA (YFU USA)*
- Provisional*
 - New World Academic and Cultural Exchange*
 - Next International Cultural Exchange*
 - WESSEX*
 - World Learning*
- Conditional*
 - Association for Teen-Age Diplomats*

Case BL-7-3- What are the approved F-1 VISA programs for Foreign Exchange Students?

Students holding an F-1 VISA issued by the Department of Homeland Security and placed in KHSAA member schools through a CSJET approved agency may be declared eligible by the Association. For more information, contact the CSJET website by going to <http://www.csiet.org/>. An agency may be removed from the listing at any time for non-compliance with the basic rules regarding random placement of student and other Federal provisions. At this time, this list contains the following approved agencies—

Full Approval

American Secondary Schools for International Students and Teachers (ASSIST)

Azumano International

CGI Greenheart (Center for Cultural Interchange)

F.L.A.G.

International Cultural Exchange Services

Next International Cultural Exchange

Nacel Open Door

The Zource

Provisional

American Home Life International (AHLI)

Asian American Cultural Exchange Association

Cambridge Insitute of China Business Research

CET International

Children Around the World

EduBoston

Exchange Service International

Global Language Services Network

Heritage Student Foundation

International Education Opportunities

Ivy Bridge Group

Joy International

New World Academic and Cultural Exchange

Newcomb Central School District

Pacific Link International Educational Services

STS GLocal Services

Case BL-7-4- Will the KHSAA recognize the "direct placement" of a student into a Kentucky school by a foreign exchange agency for the purpose of granting athletic eligibility?

No, if a student is "directly placed" into a Kentucky school, that student has not been randomly placed. The determination concerning direct placement is made based on the facts present at the time of the ruling. The intent and spirit of the foreign exchange exception to the ineligibility period is to have students placed into schools on a random basis. This is evidenced by the requirement that agencies shall place students in Kentucky schools on a random basis in order to appear on the CSJET approved agency listing.

For purposes of this bylaw, Direct Placements are those placements in which either the student or the sending organization in the foreign country is party to an arrangement with any other party, including school personnel, that arranges for the student to attend a particular school or live with a particular host family. Direct placements shall also include any situation where any placement agent is acting as the host family.
