

## 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 members 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 and placed through an approved program as in Sec. 2(a) above;
- (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 from the initial date of entry into the United States through the end of the time period as an exchange student 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 or a valid F-1 exchange agreement under the auspices of the Department of Homeland Security. Member student exchange programs (agencies) and schools of the Council on Standards for International Education Travel (CSIET) who are members in good standing with CSIET shall be considered approved agencies/schools. 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 and placed through an approved program or school as in Sec. 3(a) above;
- (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 from the initial date of entry into the United States through the end of the time period as an exchange student 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

~~No~~ 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.