
BYLAWS OF THE KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

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 interscholastic athletics at any level in any sport for one year from the date of last participation in varsity interscholastic athletics.
- 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.

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 uninterrupted moving of the permanent residence of the entire family unit of the student as composed when the student was eligible at the sending school (including one or both parents if at that residence) 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. To be considered bona fide, the change must remain uninterrupted for the entire period during which the student would have been ineligible if the exception was not applied. 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 satisfying this exception.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- 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.

The grant of this waiver shall only apply to the member school in the school district in which the residence of the custodial parent is located.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- c) **CHANGE IN SOLE 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.

The grant of this waiver shall only apply to the member school in the school district in which the residence of the custodial parent is located.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- d) **CHANGE IN JOINT 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 this waiver shall only apply to the member school in the school district 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.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- e) **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.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- f) **BOARDING SCHOOLS-** The period of ineligibility may be waived for a student entering a boarding school on a full-time basis as a boarding school student, or a student returning from a boarding school to the school attended immediately prior to enrollment in the boarding school; where attendance in the boarding school 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 12th 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 assistance 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 Ruling Officer 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 this exception to apply.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- g) 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 of opening or closing or assignment through KRS 158.6455 or other applicable adopted regulation. In the case of a school closing or consolidation, such assignment may be to the public school district should a private, parochial or independent school close. For a multiple school district reallocating students to existing schools in a revised manner (redistricting), the exception shall be valid only on the first day of school for the student body following implementation of the redistricting plan, and does not apply before or after that date due to optional choices offered by the district.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- h) TRANSFER FROM NONMEMBER SCHOOL – The period of ineligibility may be waived for a student transferring from a nonmember school located in Kentucky whose athletic participation has been limited primarily to other nonmember schools.

Determinations of whether a student shall be granted a waiver pursuant to this exception shall be based on the circumstances existing as of the date of enrollment at the new school.

- i) 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. Special verification may be requested including documentation of a Permanent Change of Station of Change of Duty Status. This may also include the case where the transfer is made necessary by implementation of the Interstate Compact on Education Opportunity for Military Children.

- j) CESSATION OF SCHOOL PROGRAM- The period of ineligibility may be waived in the event of a school remaining open but notifying the Association in writing that it is discontinuing its varsity participation in an Association sponsored sport (regular and postseason) in which the student had previously participated after enrolling in grade nine (9).

Sec. 3) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER FOR THOSE SATISFYING DISCRETIONARY WAIVER PROVISION(S) IN SECTION 2

A waiver of the period of ineligibility is not required to be granted for those students satisfying one of the exceptions in Sec 2:

- a) If the satisfying of one of the exceptions is used or manipulated for the purpose of gaining athletic eligibility;
- b) 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;
- c) 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; or
- d) If the change in schools is motivated in whole or part by a desire to participate in athletics at the new school, including:
- (1) 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);
 - (2) If a student participates on nonschool (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), or,
 - (3) If the student resides with any athletic coach or any other member of the school staff or team member (including parents and boosters)

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.~~

- ~~c.)~~ 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.

BYLAW 7. TRANSFER RULE- FOREIGN EXCHANGE STUDENTS

Sec. 1) FOREIGN EXCHANGE STUDENTS (NONDOMESTIC)

Foreign exchange students desiring to participate in high school athletics (grades 9-12) at any level 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. An individual placed by an agency approved by CSIET may be denied

eligibility in the event that it is documented that the agency has failed to assign students to schools by a method that ensures that no student, school or interested party has influenced the assignment for athletic or other purposes.

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 year as an exchange student in the United States and placed through an approved program as in Sec. 2(a) above;
- (3) The student shall not be a graduate of 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.
- (11) Any payments to the host family by the placing agency shall be made solely by the exchange agency, and in compliance with the regulations and requirements of CSIET;
- (12) The facts supporting a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

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

a) Approved Programs

Foreign Exchange Students in possession of an 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. An individual placed by an agency/school approved by CSIET may be denied eligibility in the event that it is documented that the agency has failed to assign students to schools by a method that ensures that no student, school or interested party has influenced the assignment for athletic or other purposes.

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 and placed through an approved program as in Sec. 2(a) above;
- (3) The student shall not be a graduate of 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) When enrolled in a public (A1, D1, F1) school, the student shall be required to pay the public 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 cost of education (for each student) is the district cost of providing education to each student in the school district where the public school is located. When enrolled in a nonpublic (J1, M1, R1) school, the student shall be required to pay the nonpublic school the full amount of the highest listed tuition for attendance at that member school, and shall not be eligible for any merit or need based aid as defined in Bylaw 13 or any otherwise permitted tuition reduction within the guidelines of the member school;
- (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. Any payments to the local school district for this unsubsidized cost payment shall be made by the student and may not be made by any individual with any direct or indirect connection to the member school;
- (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.
- (13) The facts supporting a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

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.

BYLAW 8. TRANSFER RULE- NON-EXCHANGE FOREIGN STUDENTS

Sec. 1) FOREIGN STUDENTS (NONDOMESTIC) NOT COMING THROUGH EXCHANGE PROGRAMS

Foreign students (nondomestic) desiring to participate in high school athletics (grades 9-12) at any level in Kentucky shall be considered ineligible for the first calendar year following enrollment. Foreign 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) DISCRETIONARY EXCEPTIONS FOR WAIVER

- a) ENTIRE FAMILY RELOCATION - The period of ineligibility may be waived if the entire family unit is relocating from a foreign country. In this case, the student(s) may be declared eligible by documenting the move of the permanent residence of the entire family of the student and the student's parents into the school district or defined school attendance area prior to the enrollment of the student. The facts supporting a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.
- b) REFUGEE/POLITICAL ASYLUM - The period of ineligibility may be waived if the members of a family from a foreign country are relocating due to a declaration of asylum or seeking refuge due to acknowledged conflict. In this case, student(s) may be declared eligible by documenting the move into the school district or defined school attendance area by virtue of the policies of the United States Department of State prior to the enrollment of the student. The facts supporting a waiver pursuant to this rule shall be based on the circumstances existing as of the date of enrollment at the new school.

Sec. 3) SPECIFIC RESTRICTIONS RESULTING IN DENIAL OF WAIVER

Satisfying of one of the exceptions established 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.
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