

BYLAW 7. TRANSFER RULE- FOREIGN EXCHANGE STUDENTS

Sec. 1) FOREIGN EXCHANGE STUDENTS (NONDOMESTIC)

- a) 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.
- b) 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.
- c) A student awaiting a ruling regarding eligibility shall not be eligible to compete, including practice, during the periods defined by Bylaw 23.

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. For the purposes of the J-1 visa, a "direct placement" is one 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, for the student to attend a particular school or live with a particular host family;
- (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. For the purposes of the F-1 visa, a "direct placement" is one who is known to be trying out for/to play an interscholastic varsity sport, or for whom participation in athletics was a known motivating factor at the time of application;
- (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.

Case 7-1 - Why are there restrictions on foreign exchange 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 a J-1 VISA issued by the U.S. Department of State 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.csjet.org/>. An agency may be removed from the listing at any time for noncompliance with the basic rules regarding random placement of students 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

AIFS Foundation- Academic Year in America

American Councils for International Education: ACTR/ACCELS

American Cultural Exchange Service

Amicus International Student Exchange

Aspect Foundation

ASSE International Student Exchange Programs

ASSIST

Association for Teen-Age Diplomats

AYUSA

CCI Greenheart/Greenheart Travel

Central States Rotary Youth Exchange Program

Council for Educational Travel, USA

Council on International Educational Exchange

Cultural Academic Student Exchange

Cultural Homestay International

Education Travel & Culture

Educational Merit Foundation

Educational Resource Development Trust (ERDT/SHARE!)

EF High School Exchange Year

Empire State Youth Exchange, Inc.

ESSEX Rotary (Eastern States Student Exchange) (Districts

6910, 7190, 7230, 7255, 7280, 7300, 7330, 7360, 7390,

7410, 7430, 7450, 7490, 7500, 7510, 7550, 7570, 7600,

7610, 7620, 7630, 7640, 7690, 7710, 7720, 7730, 7780,

7790, 7810, 7850, 7870, 7890, 7910, 7930, 7950, & 7980)

Face The World Foundation

Foreign Links Around the Globe (FLAG)

Forté International Exchange Association

Foundation for Worldwide International Student Exchange

German American Partnership Program, Inc.

Global Insights

International Cultural Exchange Services

International Experience USA

International Fellowship

International Student Exchange

The Laurasian Institution (TLI)

Nacel Open Door

North Star Rotary Youth Exchange

NorthWest Student Exchange

NW Services, INC. PEACE Program

Ohio-Erie Rotary Youth Exchange Program, Inc. (Districts

6380, 6600, 6630, 6670, 6690, 6740, 6780, 7530, 7670,

and 7680)
 Organization for Cultural Exchange Among Nations
 Program of Academic Exchange
 Reflections International, Inc.
 Rotary California-Nevada (District 5190)
 Rotary International
 Rotary YES/SCANEX (Rotary 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
 Western States Student Exchange, Inc. (Districts 5010, 5020, 5030, 5050, 5060, 5100, 5110, 5130, 5150, 5160, 5170, 5180, 5220, 5230, and 5400)
 World Learning Youth Programs
 World Link
 Youth For Understanding USA (YFU USA)

Provisional

American Academic and Cultural Exchange, Inc.
 Foundation for Academic Cultural Exchange
 United Studies, Inc. Student Exchange

Conditional

None at this time.

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.csjet.org/>. An agency may be removed from the listing at any time for noncompliance with the basic rules regarding random placement of students and other Federal provisions. At this time, this list contains the following approved agencies—

Full Approval

Asian American Cultural Exchange Association
 AHLI- American Home Life International, Inc.
 ASSIST
 Azumano International
 CCI Greenheart/Greenheart Travel
 CET International
 Children Around the World
 Council on International Educational Exchange
 EduBoston
 Exchange Service International
 Foreign Links Around the Globe (FLAG)
 Global Language Service Networks, Inc.- Public, Private School Program
 gphomestay / The Cambridge Institute of International Education
 Heritage Student Foundation
 International Cultural Exchange Services
 International Education Opportunities
 International Experience USA
 Ivy Bridge Group
 Joy International Exchange Student, Inc.
 Nacel Open Door
 New World Academic and Cultural Exchange
 Next International Cultural Exchange
 Pacific Link International Educational Services (PLIES)
 STS Global Studies

Provisional

American Homestay Network
 American Homestay Services
 AmeriStudent
 Apex International Education Partners (AIEP)

C & T Education
 Educatius Inc.
 Gateway Education
 Newcomb Central School District
 Private & Public School F-1 Exchange (PSE)
 Renascentia Hall International, LLC
 University Track Preparation
 The Zource, Inc.

Conditional

None at this time

Case BL-7-4- Will the KHSAA recognize a student on any other VISA than J-1 or F-1 for the purpose of granting athletic eligibility?

No. The student may apply for eligibility under Bylaw 8, but only J-1 and F-1 VISAs are recognized by Bylaw 7 to allow for participation.