

BYLAW 8. TRANSFER RULE- NON-U.S. STUDENTS NOT HAVING J-1/F-1 STATUS

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

- a) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) and who initially enrolls into a KHSAA member school and desires to participate in sports at the varsity level Kentucky shall be considered ineligible at the varsity (first team) level for the first calendar year following enrollment.
- b) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) and who has been ineligible for an entire calendar year after being enrolled in a high school in Kentucky shall become eligible to represent that school immediately following the conclusion of the one-year period, and remain eligible through graduation while enrolled in that school if compliant with all other KHSAA Bylaws.
- c) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) who has not been enrolled for an entire calendar year in a high school in Kentucky and subsequently changes schools shall have transfer eligibility status considered under the provisions of this bylaw.
- d) Any student who is not from the United States or the District of Columbia and does not have J-1 or F-1 status (VISA) who has been enrolled for an entire calendar year in a high school in Kentucky and subsequently changes schools shall have transfer eligibility status considered under the provisions of Bylaw 6.

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 before the enrollment of the student. The facts supporting a waiver under 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 the policies of the United States Department of State before the enrollment of the student. The facts supporting a waiver under 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 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) If the satisfying of one of the exceptions is used or manipulated to gain 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 by 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 but not limited to:
 - (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 receives instruction (paid or unpaid) from a coach associated in that same sport at a high school without the expressed consent of the enrolled school, and the student then transfers to the member school where the coach is employed (paid or volunteer at any level);

(3) If a student participates on a 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

(4) If the student resides with any athletic coach or any other member of the school staff or team member (including parents and boosters).

Case 8-1- Why are there restrictions on the eligibility of foreign students not coming through an exchange program?

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.

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-8-2- What are additional requirements for student-athletes receiving a waiver of the normal one-year period of ineligibility or for member school representatives when a waiver is granted?

If a student receives a waiver of the one-year period of ineligibility contained in Bylaw 8, Sec. 1(a) and the conditions change during the one year following enrollment at the new school, the original ruling shall be reviewed and potentially revised.

For example, if the student receives a waiver and the circumstances that resulted in the waiver change during the one-year period in which the student would otherwise have been ineligible, it is the obligation of school personnel to monitor the facts surrounding the situation and report to the Association. In that case, if the circumstances change, a new ruling may need to be issued. The new ruling could result in a determination that the player was ineligible to participate during part of the normal ineligibility period despite the waiver.

If an ineligible student participates in varsity interscholastic athletics during the usual period of ineligibility, the KHSAA may toll the one-year period of ineligibility after the anticipated expiration date in an amount of time equal to the time the student participated while ineligible. For example, if a student participates in varsity interscholastic athletics for six months during the usual period of ineligibility, the KHSAA may toll the period of ineligibility after the anticipated expiration date for six months. Depending on the circumstances of each case, this time might be applied immediately after the expiration of the normal one-year period of ineligibility or delayed until a particular sports season.

This interpretation is necessary, fair and reasonable because the ineligible student may have participated in and affected the outcome of games, including tournament games, that cannot be replayed, and deprived properly eligible students of opportunities to participate that cannot later be restored.

Case BL-8-2- What are the provisions regarding a student practicing after transferring or while awaiting a ruling?

Once a student defined in section 1 enrolls at a member school, they are automatically ineligible for one year. Therefore at the point of enrollment, the transferring student is ineligible to participate at the varsity level and the school makes the

*determination as to the ability to practice or participate at non-
varsity levels per Bylaw 14.*
