

## **BYLAW 7. TRANSFER RULE- STUDENTS HAVING J-1/F-1 STATUS**

### **Sec. 1) FOREIGN EXCHANGE STUDENTS (NONDOMESTIC)**

- a) Any student with J-1 or F-1 status (VISA) who initially enrolls into a KHSAA member school and desires participation in sports within the first year of enrollment at a KHSAA member school shall be considered ineligible the varsity (first team) level for the first calendar year following enrollment.
- b) Any student with J-1 or F-1 status (VISA) who initially enrolls into a KHSAA member school 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 applicable federal student-exchange regulations for the specific VISA and all other KHSAA Bylaws.
- c) Any student with 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 with 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) 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 if 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 if 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- To be considered for a waiver, the following conditions shall exist:
  - (1) The student shall comply 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 have a complete transcript of records that has been translated into English before the request for eligibility;
  - (5) The student shall have 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 J-1 visa, a "direct placement" is one in which either the student or the sending organization in the foreign country is a 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 placement must remain uninterrupted for the entire period during which the student would have been ineligible if the waiver was not granted;
  - (8) 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;
  - (9) All travel fees shall be paid by the student's family;
  - (10) The student's host family from the initial date of entry into the United States through the end of the 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;

- (11) 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; and
  - (12) 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.
- c) 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) 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 if 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 before 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- 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. 3(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 have a complete transcript of records that has been translated into English before the request for eligibility;
    - (5) The student shall have 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 11 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 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 placement must remain uninterrupted for the entire period during which the student would have been ineligible if the waiver was not granted;
- (10) 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;
- (11) All travel fees shall be paid by the student's family;
- (12) No members of the coaching or athletic staff (paid or unpaid) at the KHSAA member school or school system at which participation is desired has had no role in the entry into school including acting as SEVIS local contract or registrar;
- (13) The student's host family from the initial date of entry into the United States through the end of the 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
- (14) 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.

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

Any student having made an 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 Sec. 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 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) 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).

#### Sec. 6) ELIGIBILITY OF OTHER FOREIGN STUDENTS

This Bylaw covers only foreign exchange students entering the United States having J-1 or F-1 status. 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 J-1 Inbound Programs agencies:*

*AFICE\*  
AFS-USA\*  
American Councils  
ACES  
AIFS Foundation  
Amicus International Student Exchange  
Aspect Foundation  
ASSE and World Heritage International  
ASSIST  
ATAD  
Ayusa International  
Borderless Friends Forever  
CASE  
Children of All Nations  
CETUSA  
CIEE*

Cultural Homestay International  
 Educational Merit Foundation  
 ERDT/SHARE! \*  
 Education Travel & Culture \*  
 EF High School Exchange Year  
 Face the World Foundation  
 Foundation for Academic Cultural Exchange  
 F.L.A.G. \*  
 Forte International Exchange Association  
 GAPP  
 Global Insights  
 Greenheart Exchange \*  
 ICES \*  
 Inter-ed  
 International Experience(iE)  
 International Fellowship \*  
 International Student Exchange  
 Nacel Open Door  
 NorthWest Student Exchange \*  
 NW Services \*  
 OCEAN  
 Pan Atlantic Foundation \*  
 Pro-American Educational And Cultural Exchange  
 PAX and Laurasian Institution  
 Reflections International  
 Rotary International  
 CSRYE  
 ESSEX  
 Empire State  
 North Star Rotary  
 Ohio-Erie  
 Rotary California-Nevada 5190  
 Rotary YES/SCANEX  
 RYE Florida  
 SCRYE  
 WESSEX  
 States 4-H  
 STS Foundation  
 SAI  
 Summa Global Education, Inc. dba AnB Education \*  
 Terra Lingua  
 UCEUS  
 United Studies  
 World Link  
 WISE  
 YFU USA

CIEE  
 DASH  
 DENO International Education Consultants, LLC  
 DMD Private High School Program  
 EduBoston  
 Educatius Inc.  
 Edu-iCare, Inc.  
 Elite Ivy Education Corp.  
 Exchange Service International  
 ExchangeMate USA  
 FLAG \*  
 Greenheart Exchange \*  
 Global Academic and Cultural Studies  
 Global Leaders Elite Education (Formerly Elite Education)  
 Global Student Services of America  
 Haostay  
 Heritage Student Foundation  
 ICES \*  
 International Experience (iE)  
 International Education Management Inc.  
 ISC Global  
 Ivy International Group  
 Joy International Exchange Student \*  
 Lartin Brothers LLC \*  
 LPI Learning  
 Nacel Open Door  
 New Oasis International Education  
 Newcomb Central School  
 New World Academic and Cultural Exchange  
 Northeast Student Consulting  
 Our Lady of Good Counsel High School  
 PIESG  
 Portland Education Tour Center  
 Princeton Educational Services Co.  
 PSE-Private & Public School F-1 Exchange  
 STS Global Studies  
 Summa Global Education, Inc. dba AnB Education (formerly AnB Education) \*  
 TLBU Foundation  
 Three W International  
 United Continental Edu Consortium, Inc  
 United Edu Steward & Solutions, Inc.  
 USYWMD Edu-Homestay Inc.  
 Weiming Michigan Education Program  
 WEP-USA \*  
 Young Century Group

**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:

**F-1 Inbound Programs**

American Home Life International \*  
 American Education Development Organization, Inc.  
 American Homestay Network \*  
 American Homestay Services  
 Amerigo Education  
 AmeriStudent  
 Apex International Education Partners (AIEP)  
 AACEA  
 ASSIST  
 BEST Educational Solutions Today  
 Boston Global Education  
 Cambridge Network \*  
 Can Achieve Global Education  
 Central Regional High School \*  
 C&T Education  
 Children Around the World \*

**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.

**Case BL-7-5- 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 7, Sec. 1 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 of the one-year period due to placement by an approved agency and the host family changes 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 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-7-6- 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.*

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