

BYLAW 7 - TRANSFER RULE - NON-DOMESTIC STUDENTS

Sec. 1) Foreign Exchange Students

Foreign exchange students attending school in Kentucky shall be considered ineligible for the first calendar year following enrollment.

- a) If placed in a KHSAA member school under the auspices of approved student exchange programs or in other circumstances approved by the Board of Control within Board policy, these students may be declared eligible and not be subject to the initial one-year period of ineligibility.
- b) 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;
 - 2) The student shall be in the first and only year as an exchange student;
 - 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) The student's placement shall not have 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; and
 - 9) The student's host family shall not include members of the coaching staff at the KHSAA member school at which participation is desired and shall not include exchange agency representatives.
- c) To be considered for approval by the Board of Control, a foreign exchange program 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.
- d) 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. 2) Additional Eligibility for Exchange Students

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 subsection (a) above shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in grades 9 -12 in Kentucky.

Sec. 3) Students Not Coming Through Exchange Programs

Any student desiring to participate in athletics who does not meet the criteria listed in Bylaw 7 may seek a waiver of the one-year ineligibility period through the KHSAA Due Process Procedure.

Case BL-7-1- What are the approved programs for Foreign Exchange Students?

Students placed in KHSAA member schools by the United States Department of State may be declared eligible by the Association. In addition, the Board of Control has adopted the list provided by the Center for Standards of International Educational Travel (CSIET). For more information, contact the CSIET web site by going to <http://www.csiet.org/>. An agency may be removed from the listing at any time for non-compliance with the basic rules regarding random placement of student and other Federal provisions. At this time, this list contains the following approved agencies—

Full Approval

Academic & Cultural Exchange
Academic Foundation for International Cultural Exchange
AFS-USA
American Academic and Cultural Exchange, Inc.
American Councils for International Education (ACTR/ACCELS)
AIFS Foundation- Academic Year in America
American Cultural Exchange Service
American Intercultural Student Exchange

Amicus International Student Exchange
Aspect Foundation
ASSE International Student Exchange Programs
American Secondary Schools for International Students and Teachers (ASSIST)
Association for Teen-Age Diplomats
AYUSA International
Azumano International
Center for Cultural Interchange
Council for Educational Travel, USA
Council on International Educational Exchange
Cultural Academic Student Exchange, Inc.
Cultural Homestay International
Education Travel & Culture
Educational and Cultural Interactions
Educational Resource Development Trust (ERDT/SHARE!)
EF Foundation for Foreign Study
Face The World Foundation
F.L.A.G.
Forte International Exchange Association
The Foundation for Academic Cultural Exchange
Foundation for Worldwide International Student Exchange
German American Partnership Program, Inc. (GAPP)
Global Insights
International Cultural Exchange Services
International Experience USA
International Fellowship
International Student Exchange
Laurasian Institution
Nacel Open Door
NorthWest Student Exchange
NW Services PEACE Program
Organization for Cultural Exchange Among Nations (OCEAN)
Pacific Intercultural Exchange
PAX- Program of Academic Exchange
Peace4Kids, Inc. (Promoting Educational / Cultural Enrichment)
Quest International
Reflections International
Rotary Central States Youth Exchange Program
Rotary District 7120 Youth Exchange Program
Rotary District 7150 Youth Exchange Program
Rotary Districts 5950 and 5960 Youth Exchange
Rotary ESSEX (Eastern States Exchange)
Rotary Ohio-Erie Youth Exchange Program
Rotary YES/SCANEX
Rotary Youth Exchange Florida, Inc.
South Central Rotary Youth Exchange
States' 4-H International Exchange Programs
STS Foundation
Student American International
Terra Lingua USA
The Traveling School
United Studies Student Exchange
World Experience
World Heritage
World Link
Youth For Understanding USA (YFU USA)
Provisional Approval
American Cultural Exchange Service
German American Partnership Program

Case BL-7-2- Will the KHSAA recognize the "direct placement" of a student into a Kentucky school by a foreign exchange agency for the purpose of granting athletic eligibility?

No, if a student is "directly placed" into a Kentucky school, that student will not be allowed to have the one year ineligibility period waived under Bylaw 7. The intent and spirit of the foreign exchange exception to the ineligibility period is to have students placed into schools on a random basis. This is further evidenced by the requirement that agencies shall place students in Kentucky schools on a random basis in order to appear on the CSIET approved agency listing.

For purposes of this bylaw, Direct Placements are those

placements 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, that arranges for the student to attend a particular school or live with a particular host family. Direct placements shall also include any situation where any placement agent is also acting as the host family. Direct placement also includes those students published on the CSJET direct placement list by the National Federation of High Schools.

Case BL-7-3- How does a foreign student not coming through an agency request eligibility?

A foreign student who does not come through an approved Foreign Exchange Agency shall directly apply to the KHSAA for an eligibility determination under the documented provisions of the KHSAA Due Process Procedure. The Hearing Officer has the discretion (but is not required) to recommend a waiver of the period of ineligibility per the KHSAA Due Process Procedure. Appeals of this type should be directed to the KHSAA, 2280 Executive Drive, Lexington, KY 40505.

