

**BYLAW 6. TRANSFER RULE- CITIZENS OF THE U.S. AND D.C. AND OTHER STUDENTS PREVIOUSLY  
ENROLLED IN MEMBER SCHOOLS**

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**SEC. 1) DOMESTIC STUDENT TRANSFER**

- a) Any student who has been enrolled in grades nine (9) through twelve (12) who transfers schools shall be ineligible for interscholastic athletics at the varsity (first team) level in that sport for a period of one year from the date of last varsity participation if such student has participated in:
- (1) a varsity interscholastic contest (including a non-level defined prep team) in any sport at any school (including prep school) while maintaining permanent residence in the United States or a United States territory following enrollment in grade nine (9); or
  - (2) a contest representing a varsity interscholastic team (including a non-level defined prep team), subsection (1) above after being previously granted eligibility under the provisions of Bylaw 7 or equivalent participation in another this or another state.
- 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 Sec. 2 has been met.

**SEC. 2) DISCRETIONARY EXCEPTIONS FOR WAIVER**

Evidence supporting the desired exception shall be presented with the original request to the Association by the member school

- a) **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.
- (1) To meet this exception for a reassignment, reasons for the assignment may include the closing or opening of a school due to consolidation, merger, the opening of a new school, or another type of opening or closing or assignment through KRS 158.6455, KRS 160.040 or other applicable adopted regulation.
  - (2) 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.
  - (3) 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 the implementation of the redistricting plan and does not apply before or after that date due to optional choices offered by the district.
  - (4) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
  - (5) Reassignment may include assignment due to the application of the provisions of 701 KAR 8:010 to a public charter school as defined in KRS 160.1590.
  - (6) Reassignment may include a change in transportation plan in a district with more than one high school where the local board adopts a policy permitting specific enrollment alternatives for those students no longer able to be transported.
- b) **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.
- (1) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- c) **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.
- (1) Special verification may be requested including documentation of a Permanent Change of Station or Change of Duty Status. This may also include the case where the transfer is made necessary by the implementation of the Interstate Compact on Education Opportunity for Military Children.
- d) **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.
- (1) 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.
  - (2) 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.
  - (3) To be considered bona fide, the change in residence must reasonably precipitate the change in schools in that a student cannot delay transferring schools after a change in residence for an unreasonable period of time. The change in residence must clearly have a compelling impact on the need to change schools for the exception to be granted.
  - (4) A student who becomes emancipated does not have a bona fide change of residence by his or her emancipation and change of residence for purposes of satisfying this exception.
  - (5) The primary elements in determining and issuing a ruling related to a bona fide change in residence will initially be the records submitted by the two member schools (receiving and sending) and may require substantiation based on the material submitted in the matter.
  - (6) The burden of proof is on the student and family unit not having left the permanent residence of the entire family unit of the student as composed when the student was eligible at the sending school shall lie with the sending school Principal or Designated Representative.
  - (7) If requested and otherwise in compliance with Bylaw 18, the receiving school may be compelled to use its personnel and resources, trained in verification of student addresses, to address the validity of the change into the receiving school district.
  - (8) A waiver under this provision may be reversed and a new ruling issued if the family unit returns to the residence occupied while participating for the sending school prior to the tolling of the normal period of ineligibility.
  - (9) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- e) **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.

- (1) 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.
  - (2) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- f) 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.
- (1) 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.
  - (2) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- g) 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.
- (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- h) 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.
- (1) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- i) 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.
- (1) 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.
  - (2) 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.
  - (3) A boarding school must be recognized as a boarding school in its literature and must be verified by the Kentucky Department of Education or the Southern Association of Colleges and Schools.
  - (4) 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.
  - (5) 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.
  - (6) 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.
  - (7) 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 for this exception to apply.
  - (8) Determinations of whether a student shall be granted a waiver under this exception shall be based on the circumstances existing as of the date of enrollment at the new school.
- 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 participation in an Association sponsored sport (regular and postseason) in which the student had previously participated after enrolling in grade nine (9).
- k) ANTI-BULLYING EXCEPTION- The period of ineligibility may be waived for a student when it is documented, at the time of the original transfer eligibility submission, that a student is a victim of bullying as defined in KRS 158.148 and in which bullying has been documented to the school district in accordance with the statute and local board of education-related regulations, and as a result of this documented harassment, intimidation or bullying, the student is compelled to transfer, provided:
- 1) The school district's and member school's anti-bullying policies and procedures have been substantially followed and complied with and a copy of which policies have been provided to the KHSAA along with the request for eligibility; and
  - 2) The school district or member school secures the appropriate releases from the student/student's parents authorizing the member school to provide a complete record of the events and circumstances on which the policies and procedures were initiated, and the member

school provides such records at the time of the transfer ruling request submission including:

- a) A specific, detailed report of the prohibited incident(s);
  - b) An outline of the procedures used to respond to and investigate the reported incident(s);
  - c) A copy of the findings that were a result of the complaint process and investigation;
  - d) A specific, detailed disciplinary procedure for any individual found guilty of harassment, intimidation or bullying;
  - e) All reports of notification to parents or guardians of any student involvement in the incident(s); and
  - f) A report of the intervention strategies and remedial action the school has undertaken to assist the student and redress the complaint.
- 3) In concurrence with KRS 158.148, this exception shall not be used for any isolated incidents or alleged incidents of bullying, nor as a means to prohibit civil exchange of opinions or debate or cultural practices protected under the state or federal Constitution where the opinion expressed does not otherwise materially or substantially disrupt the education process, nor can this exception be used in cases where there has been no contemporaneous reporting of the alleged bullying harassment or intimidation.

#### SEC. 3) SPECIFIC RESTRICTIONS FOR DENIAL OF WAIVER FOR THOSE SATISFYING DISCRETIONARY WAIVER PROVISIONS IN SEC. 2

A waiver of the period of ineligibility is not required for a student satisfying one of the exceptions in Sec. 2 if documentation exists in the record that the transfer is motivated in whole or part by a desire to participate in athletics at the new school.

- a) This documentation of actions occurring any time after enrollment in grade nine (9) includes but is not limited to:
- b) A coach employed at the receiving school, paid or volunteer at any level, or another employed individual, paid or volunteer at any level, who is acting in a coaching role including instruction or training of any type and who, before the transfer of the student:
  - (1) Coached the student at a former school;
  - (2) Provided sport-specific instruction (paid or unpaid) without the expressed consent of the prior enrolled school;
  - (3) Coached the student on a non-school (i.e., AAU, American Legion, club settings, summer program, etc.) team;
  - (4) Provided general athletic or activities instruction, including weight training and supervised conditioning without expressed permission from the prior enrolled school; or
  - (5) Provided housing or assistance with housing.
- c) The student in question or family, before transferring to the new school:
  - (1) Received impermissible contacts or improper benefits as defined in Bylaw 16;
  - (2) Sought to be coached by the coach(es) at the new school;
  - (3) Expresses dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator about interscholastic athletics;
  - (4) Sought additional playing time or opportunities or having shown dissatisfaction with the amount of participation or role of participation at former school;
  - (5) Resided with any athletic coach or any other non-relative who is a member of the school athletic or administrative staff or team member (including parents and boosters); or
  - (6) Has had all or part of the housing or residence logistics influenced, coordinated or manipulated by a member of the school athletic or administrative staff or team member (including parents and boosters);
- d) The change in schools is to nullify or circumvent:
  - (1) Documented obligations (including financial obligations) to the sending school;
  - (2) 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; or
  - (3) A conflict with the philosophy or action of an administrator, teacher, or coach relating to sports.

#### 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 administrative review of the original case may be conducted by the KHSAA and a new ruling shall be issued through the Commissioner's office.
- 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.

#### SEC. 5) PENALTY

- a) Any violation of this bylaw may have any or all penalties detailed in Bylaw 27 applied as part of the final dispensation of the matter, including a period of ineligibility.
- b) Appeals or other considerations under this bylaw shall be considered Hearing Officer matters under the KHSAA Due Process Procedure.

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### **BYLAW 7. TRANSFER RULE – FOREIGN EXCHANGE AND OTHER FOREIGN STUDENTS**

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#### 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.
- e) Any student desiring to participate in interscholastic athletics and meet Section 2 or Section 3 below must be willing and able to disclose

the VISA status to the enrolling school, status of which may not be a determinant for school acceptance or admission but solely used for determining the request for a waiver.

**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.
- (1) 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.
  - (2) 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)(1) 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 12<sup>th</sup> 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.
    - a. 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.
- d) **Criteria for J-1 Student Enrollment**
- (1) Students with J-1 VISAs are not required to pay tuition;
  - (2) J-1 programs are authorized by the United States Department of State and additional criteria are listed in the information of that agency at <https://i1visa.state.gov/programs/secondary-school-student>;
  - (3) Be at least 15 years of age, but not more than 18 years and six months of age as of the program start date, or not have finished more than 11 years of primary and secondary school, not including kindergarten; and
  - (4) Not have previously participated in a secondary school student academic year or semester exchange program or attended school in the United States in either F-1 or J-1 status.

**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.
- (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) 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 12<sup>th</sup> 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, B1, A5, 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.
    - a. 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.
    - b. 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 to qualify for the F-1 waiver.
    - a. 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.
    - b. 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.
    - c. 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.
    - a. 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.
- d) Criteria for F-1 Student Enrollment
- (1) F-1 VISA authorized schools are monitored by the Department of Homeland Security;
  - (2) Students with F-1 VISAs must pay tuition to attend school if such tuition is charged to students;
  - (3) Students with F-1 VISAs must pay tuition based on board policy that is equivalent to the cost of educating the student in the school district with state (if applicable) and local funds;
  - (4) Students with F-1 VISAs must be student and exchange visitor program (SEVP) certified and can only attend SEVP-certified schools;
  - (5) F-1 students cannot spend a year at one public high school and then transfer to another; and
  - (6) As public schools are funded through tax revenue and not tuition, and subject to federal restrictions imposed by the appropriate agency, F-1 students attending a SEVP-certified public secondary school must pay the full, unsubsidized per capita cost of attending school for one year.

#### SEC. 4) EXTENSION OF ELIGIBILITY FOR J-1 OR F-1 STATUS PLACEMENT BEYOND ONE YEAR IF WAIVER GRANTED

- a) 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. 2 (J-1 Visa) above shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in grades 9-12 in Kentucky.
- b) In compliance with federal guidelines, 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. 3 (F-1 Visa) above shall not be eligible, under any circumstances, for more than one (1) school year while enrolled in a public high school in grades 9-12 in Kentucky.
- c. Any student having made an election to apply for the waiver of the first year of ineligibility under Sec. 2 or 3 above, and who then changes schools shall be subject to the provisions of Bylaw 6 for any additional eligibility.

#### SEC. 5) 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. 6) DISCRETIONARY EXCEPTIONS FOR WAIVER FOR FOREIGN STUDENTS (NONDOMESTIC) NOT COMING THROUGH EXCHANGE PROGRAMS**

- 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. 7) SPECIFIC RESTRICTIONS RESULTING IN DENIAL OF WAIVER**

A waiver of the period of ineligibility is not required for a student satisfying one of the exceptions in Sec. 2 if documentation exists in the record that the transfer is motivated in whole or part by a desire to participate in athletics at the new school.

- a) This documentation of actions occurring any time after enrollment in grade nine (9) includes but is not limited to:
- b) A coach employed at the receiving school, paid or volunteer at any level, or another employed individual, paid or volunteer at any level, who is acting in a coaching role including instruction or training of any type and who, before the transfer of the student:
  - (1) Coached the student at a former school;
  - (2) Provided sport-specific instruction (paid or unpaid) without the expressed consent of the prior enrolled school;
  - (3) Coached the student on a non-school (i.e., AAU, American Legion, club settings, summer program, etc.) team;
  - (4) Provided general athletic or activities instruction, including weight training and supervised conditioning without expressed permission from the prior enrolled school; or
  - (5) Provided housing or assistance with housing.
- c) The student in question or family, before transferring to the new school:
  - (1) Received impermissible contacts or improper benefits as defined in Bylaw 16;
  - (2) Sought to be coached by the coach(es) at the new school;
  - (3) Expresses dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator about interscholastic athletics;
  - (4) Sought additional playing time or opportunities or having shown dissatisfaction with the amount of participation or role of participation at former school;
  - (5) Resided with any athletic coach or any other non-relative who is a member of the school athletic or administrative staff or team member (including parents and boosters); or
  - (6) Has had all or part of the housing or residence logistics influenced, coordinated or manipulated by a member of the school athletic or administrative staff or team member (including parents and boosters);
- d) The change in schools is to nullify or circumvent:
  - (1) Documented obligations (including financial obligations) to the sending school;
  - (2) 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; or
  - (3) A conflict with the philosophy or action of an administrator, teacher, or coach relating to sports.

**SEC. 8) PENALTY**

- a) Any violation of this bylaw may have any or all penalties detailed in Bylaw 27 applied as part of the final dispensation of the matter, including a period of ineligibility.
- b) Appeals or other considerations under this bylaw shall be considered Hearing Officer matters under the KHSAA Due Process Procedure.