

BYLAW 8. TRANSFER RULE- NON-EXCHANGE FOREIGN STUDENTS

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

- a) Foreign students (nondomestic) 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 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) 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 prior to the enrollment of the student. 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.
- 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 virtue of the policies of the United States Department of State prior to the enrollment of the student. 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) 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) 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.

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 the provisions regarding a student practicing after transferring or while awaiting a ruling?

Once a student enrolls at a member school after transferring from another school after playing varsity following enrollment in grade nine, they are automatically ineligible for one year from the date of their last participation. Therefore at the point of enrollment, the transferring student is ineligible and the school makes the determination as to the ability to practice.

If a transfer waiver request is then submitted, that student becomes ineligible to practice upon the receiving school submission to the KHSAA. That student remains ineligible to practice until the written ruling is received from the KHSAA. Once that written ruling is received, favorable or unfavorable, by the school, the school then makes the determination as to the ability to practice.

If an unfavorable ruling is received by the school and the student submits an appeal, the student is ineligible to practice until the Commissioner's final order is issued and received by the school in the matter. Once the final ruling is received, it is again the school's discretion as to practice by the student.
