

**BYLAWS OF THE KENTUCKY HIGH SCHOOL  
ATHLETIC ASSOCIATION GOVERNING HIGH  
SCHOOL PARTICIPATION (GRADES 9-12)  
(effective 2023-24 School Year)**

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Bylaws

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

**SEC. 1) DOMESTIC STUDENT TRANSFER**

- a) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school while maintaining permanent residence in the United States or a United States territory following enrollment in grade nine (9) and who then 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 participation.
- b) Any student who has been enrolled in grades nine (9) through twelve (12) and has participated in any varsity contest in any sport at any school following enrollment in grade nine (9) who has been previously granted eligibility under the provisions of Bylaw 7 or Bylaw 8 and who then 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 participation.
- c) 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.

- 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) 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 investigation shall be conducted by the KHSAA and a 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.

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

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.
  - 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://j1visa.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. 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, 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. 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.
  - 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, F-1 students attending an 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**  
 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.  
 grades 9 -12 in Kentucky.
- 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.

### **BYLAW 8. ENROLLMENT / TRANSFER OF NON-RESIDENT STUDENT**

#### SEC. 1) NON-RESIDENT STUDENT ELIGIBILITY RESTRICTION

- a) Under KRS 156.070 (2) (i), unless deemed to be eligible by the Ruling Officer or the Commissioner through Bylaw 6, any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) after enrolling in grade nine (9) and participating in a varsity sport shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer.
- b) Per KRS 157.350 (4) (c), the provisions of subsection (a) above shall not apply to a nonresident pupil who attends a district in which a parent of the pupil is employed.
  - (1) The following definitions and guidelines must be met for a student to be counted as a CDE (child of district employee) student and, therefore, exempt from section 1(a) above, however said students are subject to the provisions of Bylaw

6:

- a. The parent must be employed, holding an employment contract with the district at a level that requires that person to receive a W-2 and further requires the employee to participate in one of the state retirement systems (TRS, KRS, CERS), and does not include those who do not work enough hours to qualify for those benefits or if their employment is reported on a 1099-MISC.
  - b. The "parent" is defined as a person who has a school-age child who lives in the employee's household, and the employee exercises custodial care and control of the child, including a biological or adoptive parent, step-parent, foster parent, or any person to whom the courts have award custodial care of the child.
- (2) All tuition fees required of a nonresident pupil may be waived for a pupil who meets the requirements of Sec. 1(b)1 of this bylaw.

#### SEC. 2) WAIVER PROVISION

- a) Per statute, the Ruling Officer and the Commissioner shall not adopt administrative procedures that allow for the waiver of this rule.

#### SEC. 3) 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 required contest forfeiture.
- b) By statute, the provisions of this bylaw are not appealable.

## CASE SITUATIONS RELATED TO BYLAWS 6, 7, 8

### Case Situations for Bylaw 6- Transfer Rule- Citizens Of The U.S. And D.C. And Other Students Previously Enrolled In Member Schools

#### Case BL-6-1- What is the transfer rule (Bylaw 6)?

Bylaw 6, Transfer Rule, states that any student who changes schools after enrolling in grade 9 and after participating in a varsity contest in any sport, shall be ineligible at the new school for one year from the date of last varsity participation at the old school in any sport participated during that one-year period.

There is only limited authority to waive the period of ineligibility under the circumstances outlined in Bylaw 6 and the Due Process Procedure.

A contest is one of the defined limit for the specific sport within Bylaw 23 and does not include scrimmages.

Additional reminders include:

Bylaw 6 contains restrictions relative to students changing schools after they have BOTH been in grade nine AND played for a member school at the varsity level.

A student who has not yet been in grade nine or has not yet participated at the varsity level has no restrictions on transfer within Bylaw 6.

The restrictions on students who have both been in grade nine AND played for a member school require said individual to be ineligible for one year from that student's latest varsity participation in that sport.

The one-year period of ineligibility may be waived if documentation can be made that one of 11 published exceptions have been met as listed in the rule (Section 2).

Even if an exception has been satisfied, that exception can be negated and a waiver not granted if there is sufficient evidence of a transfer motivated by athletics as detailed in Section 3.

A student transferring between schools below grade nine is not regulated by the KHSAA.

A student initially entering grade nine has no transfer restriction, even if such student has played varsity in grades seven or eight.

#### Case BL-6-2- Why is there a transfer rule and restrictions on changing schools after participating at the varsity level?

Nearly every state has a transfer rule to protect the integrity of the interscholastic program. These rules are necessary for several reasons including, but not limited to, the following principles:

- (1) these rules prevent and deter transfers due to recruiting or athletic reasons;
- (2) these rules protect the opportunities of bona fide resident students;
- (3) these rules provide a fundamentally fair and equitable framework for athletic competition in an academic setting;
- (4) these rules provide uniform standards for all schools to follow;
- (5) these rules support the educational philosophy that athletics is a privilege which should not assume a dominant position in a school's program;
- (6) these rules keep the focus of educators and students on the fact that students attend schools to receive an education first, and participate in athletics second;
- (7) these rules maintain the fundamental principle that a high school student should live at home with parents or custodian in the event of parental death or incapacitation, and attend school in the school district in which they reside;
- (8) these rules reinforce the view that a family is a strong and viable unit and as such is the best place for students to live while attending high school;
- (9) these rules serve as a deterrent to students running away from, or avoiding discipline that has been imposed; and
- (10) these rules prevent manipulation of a residence change or other exception solely or primarily for the purpose of interscholastic athletics participation and serve to ensure the

integrity of the rules adherence process.

#### Case BL-6-3- What is the procedure for requesting a waiver of the period of ineligibility for a student who has transferred in to a member school?

The receiving school initiates the process using KHSAA Form GE06 and utilizing the instructions on that form.

The Receiving School is the KHSAA member school in which the student is enrolled and for which he/she is requesting eligibility. The Sending School is normally the most recent school in which this student was enrolled and participated in interscholastic athletics. However, for students who have attended multiple schools, the Sending School is the last school at which the student participated in varsity athletics after enrolling in grade nine (9). In the case of multiple schools attended within the past one-year, it may be necessary to complete multiple sending school portions of the form.

Failure of the sending school to return the form to the receiving school within fifteen (15) days will result in an administrative penalty per Bylaw 27.

Any school failing to properly certify and maintain documents related to the eligibility of a student who ultimately has an ineligible student participate or practice will be held accountable for penalty in compliance with other KHSAA bylaws.

State regulations require that information submitted concerning specific cases be in writing, and that those submitting information be available for any examination and cross-examination if there is an appeal.

Additional process reminders include:

As the agent of the Kentucky Department of Education, every action must be compliant with both state and Federal laws and regulations.

The KHSAA staff is subject by its Board of Control to Kentucky open records requirements, and certainly will not discuss a student's educational records in violation of FERPA and a myriad of other privacy regulations because of the age of involved students through any medium.

In general, these are not students above the age of 18 (as perhaps in collegiate matters where people feel freer to discuss their opinions and interpretations of the facts).

For these reasons, the KHSAA staff is not permitted to get into protracted discussions via text or social media and, in general, will not respond to accusations and innuendo.

Restrictions on playing while eligibility determinations are pending apply solely to the period defined in Bylaw 23, the Limitation of Seasons.

Persons willing to submit information concerning possible violations are welcome to do so in writing in compliance with KHSAA Bylaws 18 and 26 with appropriate contact information to be available for verification.

#### Case BL-6-4- What special documentation needs to be sent along with the waiver request when the member school sends the request to the KHSAA?

This is dependent upon which exception to Bylaw 6 that the member school desires to request. Any and all documentation that would further detail the transfer including records shall be submitted. The transfer form (GE06) is revised annually with details about the required documentation, and is posted on the KHSAA website.

#### Case BL-6-5- What are the situations in which a form is not required to be submitted to the KHSAA but must be transmitted between member schools and kept on file at the receiving school?

Bylaw 6, Transfer Rule, states that any student who changes schools after enrolling in grade 9 and after participating in a varsity contest in any sport, shall be ineligible at the new school for one year from the date of last varsity participation at the old school in any sport participated in during that one-year period.

There are several circumstances and documented exceptions for which the waiver form is not necessary to be submitted to the KHSAA, including:

- (1) If it can be documented by the Principal or Designated

Representative that the student last participated at the receiving school and has not been granted eligibility at any other school (in or out of state). This sometime occurs when a student plays for school A, then transfers to B and does not seek a transfer ruling or seeks a ruling and is denied eligibility, and subsequently returns to the original school;

- (2) If a Board of Education is redistricting its students due to consolidation, merger of adjacent public school districts, closure or a single school splitting into multiple schools and the transferring student is adhering strictly to the policy adopted by the Board of Education and such plan has been submitted to the KHSAA in advance of the consolidation/closure/split of schools. This allowance DOES NOT include optional or discretionary decisions by individual students in advance of the consolidation, closure or splitting of a single school and is not valid until the implementation of the consolidation, closure or splitting of a single school;
- (3) If the case involves a transfer from a non-KHSAA member school that is located in Kentucky and the receiving school Principal has the requisite information contained on the Form GE06 from the sending school; and
- (4) If the receiving school has received verified copies of the orders from any branch of the United States military service, including the reserve components, and has on file at the school a completed copy of form GE06. This required documentation, to be kept on file at the receiving school, includes a Permanent Change of Station or Change of Duty Status, and this exception may also be applicable in the case where transfer is made necessary by implementation of the Interstate Compact on Education Opportunity for Military Children.

Any school failing to properly certify and maintain documents related to the eligibility of a student who ultimately has an ineligible student participate or practice will be held accountable for penalty in compliance with other KHSAA bylaws.

**Case BL-6-6- Are there situations in which a request for transfer ruling will be returned to the receiving school and no ruling issued?**

Yes. The form must be complete. Incomplete or illegible forms will be returned to the receiving school and will not be processed. The following are critical elements that if omitted will result in the form being sent back to the receiving school and delay the processing of a ruling:

- (1) The last date of varsity participation in each sport must be recorded. This may ultimately be a collaborative effort between the receiving and sending schools to accurately determine the date, but is essential to determining the period of ineligibility.
- (2) The exception being applied for by the member school is a required field. Basically, all students who have previous varsity play after grade nine are ineligible, and the member school is requesting, on behalf of the students and family, that this period be waived for one of eleven reasons that are detailed in the exceptions. Absent meeting one of the exceptions, the member school may be requesting a waiver of the rule on behalf of the student and must detail the reasons and rationale.
- (3) A form that is not signed by either the Principal or Designated Representative (per Bylaw 1) of the school. If any other individual has signed the form, it will be returned.
- (4) An incomplete form will be summarily returned without processing until all data has been submitted.

**Case BL-6-7- 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 in each varsity sport in which they have participated during the last year.

Therefore at the point of enrollment, the transferring student is ineligible and the school makes the determination as to the

ability to practice. See Case Situation 14-4 for details regarding specific local school determinations in the event of an enrolled student being ineligible at the varsity level.

**Case BL-6-8- Is there a required time frame for the sending school to return the information to the receiving school?**

Yes. The maximum time is fifteen days for the sending school to return information to the receiving school. Though a default ruling is not issued on behalf of a student for failure to submit a form in a timely manner, if a KHSAA member sending school fails to return the form to the receiving school within 15 calendar days, that school is subject to a fine of \$500 per day or other penalties contained in Bylaw 27. The processing of these forms, and subsequent Due Process options for the student are not matters for gamemanship or unreasonable delays between KHSAA member schools.

**Case BL-6-9- Is the last participation date a critical component with the application of Bylaw 6 and Due Process rulings, and where does the burden of proof for accuracy lie within the process?**

The last participation date in all sports is a vital bit of information for use in making a ruling regarding each student. If the ruling is a period of ineligibility, this will "start the clock" as far as the period of ineligibility.

If the first page of the transfer form indicates that a student is subject to the restrictions of Bylaw 6, additional information will be needed to be provided on that form. The past participation data must be submitted by both schools. In many cases, the receiving school will rely initially on intake information from the player or parents, but will also likely be compelled to consult with the sending school.

If there is a difference in the data and answers regarding last participation sports and dates, the burden will be on the sending school to dispute the data provided by the receiving school.

**Case BL-6-10- What are the requirements for student-athletes declared eligible due to satisfying an exception during the normal one-year period of ineligibility?**

If a student receives a waiver of the one-year period of ineligibility contained in Bylaw 6, Sec. 1 and the conditions change during the one year following enrollment at the new school, a new ruling shall be issued.

For example, if the student receives a waiver of the one-year period due to a bona fide change in residence and the family unit returns to the former district or no longer meets the exception within that year, it is the obligation of school personnel to monitor the facts surrounding students receiving the waiver, 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-6-11- When is a student enrolled at a KHSAA member school for the purposes of Bylaw 6?**

Following the first day of classes through the last day of the



academic school year (including the extension of play into the summer per Bylaw 24, Sec. 1), a student is considered enrollment by being a verified full-time student on the school attendance system being able to attend classes at a member school per their regulations. In addition, students below grade nine (9) enrolled at a defined feeder school per the regulations of, and under the same the local board of education as the member school as detailed in Section 2.

Prior to the first day of classes and after the last date of classes during the previous school year, a student may be considered enrolled at a KHSAA member school prior to the start of the school year when it is a student who:

- (1) is officially enrolled within the adopted policies of the local board of education as applied to all students and not enrolled in any manner at any other school;
- (2) has attended the school and sat for one or more class periods while listed as an enrolled student (i.e. summer school);
- (3) attends a formally defined feeder school under the same local Board of Education as the member school where participation is desired as defined by the local Board of Education adopted policy, such is the one and only school at which participation is permitted, and the student participates at a high school within the constraints of Bylaw 4, Sec. 2 (a) and (b);
- (4) is an incoming 9th grade student who is no longer enrolled at a feeder or non-feeder school, is currently enrolled full-time at the member school where participation is desired and only that member school for the upcoming school year, has officially withdrawn from any previous school and is no longer enrolled; or
- (5) is newly enrolling to the school, is in grades ten, eleven or twelve (whether or not subject to restrictions contained in other bylaws), is currently enrolled full-time at the member school where participation is desired and only that member school for the upcoming school year, has officially withdrawn from any previous school and is no longer enrolled.

**Case BL-6-12- What does the word “sport” as used in Bylaw 6 represent with respect to athletic participation and the applicability of Bylaw 6?**

The provisions of Bylaw 6 that call for participation in a varsity “sport” as a determinant restricts application to those sports which the KHSAA sanctions and these are separate and apart from Sport-Activities. “Sport” includes baseball, basketball, cross country, field hockey, football, golf, soccer, softball (fastpitch), swimming, tennis, indoor and outdoor track, volleyball and wrestling. This rule does not apply to students whose participation is solely in the Sport-Activities of archery, bass fishing, bowling, competitive cheer and dance.

**Case BL-6-13- What does “reasonably precipitate” mean under Bylaw 6, Sec. 2(d) and Sec. 3 (c)?**

A waiver of Bylaw 6, Sec. 1 is not available if the change in residence by the student and the parents does not “reasonably precipitate” the transfer to the receiving school (see Sec. 3 (g)). “Reasonably precipitates” means, among other things, that a student cannot delay transferring schools after a change in residence for an unreasonable period of time. The change in residence (subsection (d)) must clearly have a compelling impact on the need to change schools, as would any other exception being met.

It should be noted the “reasonably precipitates” language also refers to the timing of the transfer in that the rule as written and interpreted, calls for the exception being satisfied (i.e., residence change, divorce, custody action, etc.) to occur first, and thereby result in the need to change schools. The documented exceptions are not published to provide a guide for circumvention of the one-year period of ineligibility, but rather to show that there are instances where changing circumstances necessitate a change in schools.

**Case BL-6-14- Can a student delay enrolling at the receiving school if the family changes residence or meets another exception during the middle of a credit recording/grading period?**

The “reasonably precipitates” provision gives the Ruling Officer/Commissioner discretion to waive the period of ineligibility under Bylaw 6, Sec. 1(a) if the change in residence occurs at a point during a credit period (semester/trimester) when the student would incur academic difficulties to transfer schools provided that the student transfers schools at the next available credit period (semester/trimester) break. A student who delays transferring until after that time will not have had a change in residence that “reasonably precipitates” the transfer of schools.

**Case BL-6-15- Is there a link between Bylaw 6 (Transfer Rule) and Bylaw 16 (Recruiting) as for the enforcement by the Association?**

No. These are separate and distinct bylaws. However, it is possible that a transferring student could have a change in residence or meet another documented exception and still be ineligible if a Bylaw 16 violation is determined in the case. And, the absence of a Bylaw 16 violation (recruiting) does not relate to the enforcement of Bylaw 6.

**Case BL-6-16- How are magnet schools, and board selected program enrollments interpreted with regard to Bylaw 6, Sec. 2 (a)?**

The Association attempts to ensure that its regulations are not an inhibitor to a school trying a creative, magnet, and traditional or other type of special program for student or school improvement. Representatives of those local boards of education shall ensure that the listing of magnet, traditional, innovative, ROTC, and other selective, board approved and designated programs are submitted to the Commissioner’s office where they will remain on file to ensure the accurate processing of such requests.

**Case BL-6-17- How is Bylaw 6, Sec. 2(a) interpreted in the case of a school consolidating or splitting into multiple schools?**

When multiple schools are consolidated within a district, the students entering the consolidated school are considered eligible at the consolidated school under this exception, provided they are eligible to attend the consolidated school per local board of education policy. Subsequent to the first day of school, the KHSAA transfer rule provisions shall apply.

In the case of a member school splitting into multiple schools within a district, the students shall be eligible at the school assigned by the board of education or the school where the student first attends within the district if such attendance and eligibility is allowed under local board of education policy. Subsequent to the first day of school, the KHSAA transfer rule provisions shall apply.

**Case BL-6-18- How is Bylaw 6 applied to out-of-state students, and does exception (b) in Sec. 2 of Bylaw 6 apply to students transferring from out-of-state schools?**

Students transferring from out-of-state schools are subject to the provisions of Bylaw 6 if they participated in any varsity game, in any sport, at any out-of-state school following enrolment in grade nine (9).

Exception (b) is not available for students transferring from out-of-state schools. “Nonmember school located in Kentucky” in Bylaw 6, Sec. 2 (b) specifically means a school located in Kentucky that is not a member of the KHSAA. This exception was passed by the KHSAA member schools in an effort to accommodate students who had been enrolled at small in-state schools that were not members of the KHSAA and had participated against similarly situated schools.

**Case BL-6-19- What are the Boarding Schools impacted by Bylaw 6, Sec. 2 (g)?**

Per the Kentucky Department of Education, the schools that are “boarding schools” and qualify for the exception are Oneida Baptist Institute and Red Bird Christian School.

**Case BL-6-20- What is the purpose of Bylaw 6, Sec. 3(d)?**

Bylaw 6 Section 3(d)'s phrase "in whole or in part" grants the Association a broad standard by which to declare transferring student-athletes ineligible based on a fact-intensive review to protect the integrity of the rules and in fairness to other competitors. This broad standard is not unconstitutionally vague and the provision is not incomprehensible, and not so indefinite as to be no rule at all. The provision is purposely broad, but it is clear that student-athletes may be declared ineligible for one year if their transfer was motivated, even in part, by the desire to play athletics.

**Case BL-6-21- How does Bylaw 6, Sec. 3 interrelate with the requirements of KRS Chapter 13B from an evidentiary (proof) perspective?**

Section 3(d) allows the KHSAA to determine a student-athlete ineligible if a transfer decision was motivated in part by athletics, but KRS 13B requires that the KHSAA have substantial evidence on which it based its conclusion. In other words, KRS 13B and Section 3(d) overlap and must be read together so as to require the KHSAA to have substantial evidence that the transfer was motivated, in whole or in part, for athletic purposes.

Because of this standard, the burden of proof rests with the parties providing information (including the KHSAA staff in reviewing these matters) alleging that Sec. 3 is applicable.

**Case Situations for Bylaw 7- Transfer Rule – Students Having J-1/F-1 Education Visa Status and Non-U.S. Students Not Having J-1/F-1 Status**

**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.

The current list of certified CSJET J-1 inbound programs is on the KHSAA website at [https://khsaa.org/common\\_documents/handbook/Certified-Programs-J1.pdf](https://khsaa.org/common_documents/handbook/Certified-Programs-J1.pdf).

**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.

The current list of certified CSJET F-1 inbound programs is on the KHSAA website at [https://khsaa.org/common\\_documents/handbook/Certified-Programs-F1.pdf](https://khsaa.org/common_documents/handbook/Certified-Programs-F1.pdf).

**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.

**Case 7-7- 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-7-8- 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-7-9- 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.*

**Case BL-7-10- What is the threshold date for the determination of direct placement of an exchange student when a ruling is being considered?**

*Member schools are to know and understand the distinction between a student who has been directly placed and one that has not, with definitions contained in the bylaw.*

*The Association routinely receives reports from the National Federation of High Schools listing students who have been directly placed in compliance with these definitions. The ruling officer for Bylaw 7 will consider the direct placement criteria based on the reports that have been received at the time of the ruling, but reserves the right to further revise the ruling at a later time if additional information is provided by the agency through the NFHS report.*

**Case Situations for Bylaw 8- Enrollment / Transfer Of Non-Resident Student**

**Case 8-1- What is the background of Bylaw 8?**

*In its regular session in 2023, the Kentucky General Assembly passed amendments to Acts Chapter 93 2023 (SB145), which become law on June 29, 2023. This legislation amended the prior provisions known colloquially as HB563, Acts Chapter 167 2021 (HB563).*

*SB145, now codified into Kentucky Revised Statutes further refined restrictions on non-resident, out-of-district students and their participation in interscholastic athletics after changing schools.*

*The changes passed with this measure impacted only KRS 156.070 and made no changes in KRS 157.350. These changes supersede and sunset the interpretive guidance issued by the KHSAA distributed as <https://khsaa.org/06-13-22-bylaw-8-replacement-and-guidance-related-to-2021-hb563-KRS156-070/>. These changes become effective June 29, 2023.*

**Definitions**

*“Non-resident student” continues to be in compliance with KRS 157.350 and are only applicable in those public schools subject to SEEK funding calculation.*

*Non-resident student provisions continue to not apply to out-of-state students legally attending schools in Kentucky.*

*The law now specifically references KHSAA Bylaw 6 (Transfer Rule) (Transfer Rule) with its reference to the transfer rule.*

**Specific Provisions**

*The provisions of the statute stipulate: “Unless permitted to be eligible for varsity athletics by any transfer rule, policy, or administrative regulation promulgated by the state board or any agency designated by the state board to manage interscholastic athletics, any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) after enrolling in grade nine (9) and participating in a varsity sport shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer.*

*The state board or any agency designated by the state board to manage interscholastic athletics may adopt rules, policies, and bylaws and promulgate administrative regulations necessary to carry out this paragraph.”*

**Case BL8-2- What are the key definitions and notes regarding implementing this legislative change?**

*“Transfers enrolling” means enrolling as a nonresident student into a school district after attending a school in the district of residence. Pre-existing nonresident students who continue to be nonresident students in the same school system are not impacted if they do not change schools.*

*“from a district of residence to a nonresident district” means that these provisions regarding eligibility are of no impact for resident district students, and the standard provisions of KHSAA Bylaw 6 (Transfer Rule) apply to those resident students. Even then, the provisions of Bylaw 6 (Transfer Rule) apply only for those students who have been in grade 9, represented a varsity team, and subsequently transferred.*

*“interscholastic athletics” means any time a school is playing another school, irrespective of grade level.*

*“one (1) calendar year from the date of the transfer” means one year from the date of enrollment at the new school as verified by the school and school system.*

*NOTE: It should be noted that 157.350 (4)(c) creates an exception to the provisions of the period of ineligibility under KRS 156.070(2)(i) due to the new employment of the parent in the district.*

*NOTE: Any of these interpretations dealing with a student transferring into a school as a nonresident student should presume that school capacity as defined within the bill was not exceeded.*

**Case BL8-3- Are there additional regulations, definitions and statutes that KHSAA member schools should ensure are understood by all in the school and district related to this change?**

*With respect solely to this change, it is essential to have clear*



definitions within district regulations, policies and practices to ensure that enrollment requirements are clearly defined. Such issues, including “when is a student enrolled,” are to be defined within the district and should be consistent through the system office to all schools as those definitions are not contained in the statute. In legal parlance, enrollment is “the act of recording or registering” and enroll is “to register as an official record”.

Therefore, this definition and timing should be established in collaboration and clarity through the superintendent, central office staff, the Board attorney, and the Kentucky Department of Education. It should comply further with any relevant statute, regulation and regulatory guidance. For specific questions about enrollment requirements, districts should consult the KDE.

Additionally, schools and systems should review several resources, including-

The complete revised text of the law is located at this link.

The current version of the KDE Pupil Attendance Manual is located at this link - <https://education.ky.gov/districts/enroll/Documents/2022-23%20Pupil%20Attendance%20Manual%20Final%205%2023%2023.pdf>.

The previously distributed explanatory presentation from KDE is located at this link - <https://education.ky.gov/districts/enroll/Documents/HB%20563%20Guidance.pdf>

**Case BL8-4- What are the enforcement mechanisms for KRS 156.070(2)(i) provisions?**

For students competing in high school athletics at any level (freshman, JV or varsity), regardless of grade level enrolled, using ineligible players results in contest/event forfeiture and other penalties within Bylaws 1, 17, and 27.

**Case BL8-5- Do students deemed ineligible solely under the provisions of KRS 156.070(2)(i) have appeal rights under the KHSAA Due Process Procedure?**

No. This statutory provision contains specific application language and no authority to waive its application. As such, the KHSAA is without power or jurisdiction to review the matter or grant relief from this statutory provision set forth by the Kentucky General Assembly.

**Case BL8-6- What is the relationship between participation in interscholastic competition and practice allowances given the provisions of KRS 156.070(2)(i) for a student who is subject to KHSAA Bylaw 6 (Transfer Rule) who then transfers into a school and enrolls as a nonresident student?**

Unless the student is declared eligible under Bylaw 6 (Transfer Rule), the KRS 156.070(2)(i) provisions of ineligibility for one year apply and the student may not participate in interscholastic contests (including scrimmages) for one year from the date of enrollment. In the case of a student ineligible to participate in interscholastic contests, participation in practice sessions solely within the enrolled student body is at the discretion of the member school.

**Case BL8-7- Do the Bylaw 14 provisions on district-approved non-varsity interscholastic play apply to students who are enrolling as a nonresident student and not ruled eligible per Bylaw 6 (Transfer Rule)?**

No. KRS 156.070(2)(i) stipulates no interscholastic competition for those students subject to the provisions of that statute who do not qualify for a waiver of Bylaw 6 (Transfer Rule). There is no option within the law to allow for any play against an outside opponent at any level.

**Case BL8-8- Do the provisions of KRS 156.070(2)(i) apply to elementary and other non-KHSAA contests for students not subject to Bylaw 6 (Transfer Rule)?**

No.

**Case BL8-9- How is the situation resolved when a student's family transfer into a district as a resident student while maintaining their prior residence?**

Per KDE, in determining a student's district of residence to determine if they are enrolling as a nonresident student, the first examination would be the residence of the parents or legal

guardians. In most situations, that is determinative and the inquiry ends. However, if the student's parents live in multiple districts (i.e. separated parents), or the student is living with someone other than the parents/legal guardian, then KDE would look to see where the student spends most nights to determine his/her district of residence.

As such, if the determination is made that the “most nights” are outside of the district, the student(s) in the household are to be considered a nonresident student(s) and the provisions of athletic ineligibility would apply. Consult KDE if needed for clarification.

**Case BL8-10- A student and family live in and are enrolled in their school of residence in Jeffersonville (IND), are subject to the provisions of Bylaw 6 (Transfer Rule) by having been enrolled in grade 9 and subsequently playing varsity athletics, and then enrolls at a JCPS school as a nonresident student. Do the provisions of KRS 156.070(2)(i) apply to this student?**

Yes, and if the student is recorded as a nonresident student in JCPS (or another common school), and does not receive a waiver of the one-year period of ineligibility per Bylaw 6 (Transfer Rule), then the KRS 156.070(2)(i) provisions of ineligibility apply, and the student is ineligible for any interscholastic athletics for one year from the first date of enrollment at any level.

**Case BL8-11- A student and family live in the Scott County district and attend Bourbon County as a nonresident student, then transfer to Paris Independent, and the parent is NOT employed in the newly enrolled district. Do the provisions of KRS 156.070(2)(i) apply to this student?**

No, KRS 156.070(2)(i) provisions on ineligibility would not apply as this student was and remains a nonresident student. The student would, however, be subject to KHSAA Bylaw 6 (Transfer Rule).

**Case BL8-12- The student and family live in the Franklin County district. The student has attended Franklin County Schools as a resident student, moved to Woodford County and subsequently enrolled at Paul Laurence Dunbar. The parent is NOT employed in the Fayette County Public Schools and the student is subject to Bylaw 6 (Transfer Rule), Transfer Rule. Do the provisions of KRS 156.070(2)(i) apply to this student?**

Yes, and unless receiving a waiver of the provisions of Bylaw 6 (Transfer Rule), Transfer Rule, the KRS 156.070(2)(i) provisions on ineligibility for one year apply. The student is ineligible for interscholastic athletics for one year from the first enrollment date per statute.

**Case BL8-13- The student and family live in Franklin County (and attend a Franklin County school or Frankfort Independent), move to Woodford County and subsequently enroll at Paul Laurence Dunbar. The parent IS employed in the Fayette County Public Schools. Do the provisions of KRS 156.070(2)(i) apply to this student?**

No, KRS 156.070(2)(i) provisions on ineligibility for one year do NOT apply (due to KRS 157.350 (4)(c)). However, the student is subject to KHSAA Bylaw 6 (Transfer Rule).

**Case BL8-14- The student and family live in Fayette County, and the student attends Lafayette as assigned by residence and transfers to Henry Clay (for ROTC). Do the provisions of KRS 156.070(2)(i) apply to this student?**

No, KRS 156.070(2)(i) provisions on ineligibility for one year do NOT apply as the district is Fayette County Public Schools, and this would be an out-of-assigned area transfer, not a nonresident student per KRS 157.350. Residence in the specific locally assigned school district boundaries but within the overall school system district boundaries would not categorize the student as a nonresident. However, local district policy on eligibility and KHSAA Bylaw 6 (Transfer Rule) apply in this case. This would apply to any public school district with multiple high schools.

**Case BL8-15- The student and family live in Fayette County, enrolled at Lafayette, and transferred enrollment to Lexington Catholic HS. Do the provisions of KRS 156.070(2)(i) apply to this student?**

No, KRS 156.070(2)(i) provisions on ineligibility for one year do NOT apply as the student is not a nonresident student at a common school. However, the student is subject to KHSAA Bylaw 6 (Transfer Rule).

**Case BL8-16- The student and family live in Jefferson County, enrolled at DeSales, and transferred enrollment to their “resides” Jefferson County public school. Do the provisions of KRS 156.070(2)(i) apply to this student?**

No, KRS 156.070(2)(i) provisions on ineligibility for one year do NOT apply as the student is not a transfer from a district or residence since the former school does not have a defined district boundary. However, the student is subject to KHSAA Bylaw 6 (Transfer Rule).

**Case BL8-17- The student and family live in Mayfield Independent, and the student has long attended Graves County under a KRS 157.350 written “reciprocal” agreement with the resident district. Do the provisions of KRS 156.070(2)(i) apply to this student?**

No, KRS 156.070(2)(i)provisions only impact those that transfer enrollment, so this student is not-impacted by the statutory provisions.

**Case BL8-18- The student and family live in Bullitt, Fayette, Hardin, Jefferson or Oldham County (or any school district with multiple schools), and one of the schools closes. Due to the closure, the family wants to attend school in another county as a nonresident student and the student would be subject to the provisions of Bylaw 6 (Transfer Rule), Transfer Rule. Do the provisions of KRS 156.070(2)(i) apply to this student?**

Yes, and unless receiving a waiver of the provisions of Bylaw 6 (Transfer Rule), Transfer Rule, the KRS 156.070(2)(i) provisions on ineligibility for one year in interscholastic athletics would apply. Bylaw 6 (Transfer Rule) contains provisions that might address this situation and should be reviewed by school personnel prior to requesting a ruling.

**Case BL8-19- The student and family live in Bullitt, Fayette, Hardin, Jefferson or Oldham County (or any school district with multiple schools), and one of the schools closes. Due to the closure, the family wants to attend school in another county as a nonresident student and the student would be subject to the provisions of Bylaw 6 (Transfer Rule), Transfer Rule. Do the provisions of KRS 156.070(2)(i) apply to this student?**

Yes, and unless receiving a waiver of the provisions of Bylaw 6 (Transfer Rule), Transfer Rule, the KRS 156.070(2)(i) provisions on ineligibility for one year in interscholastic athletics would apply. Bylaw 6 (Transfer Rule) contains provisions that might address this situation and should be reviewed by school personnel prior to requesting a ruling.

**Case BL8-20- A student has previously been enrolled in grade 9 and represented a school at the varsity level in a sport (i.e. soccer) and subsequently enrolls in a different school as a non-resident student subject to Bylaw 8 and wants to participate in another varsity sport (i.e. cross country). The student does not qualify for a waiver of Bylaw 6 in this matter. What are the eligibility ramifications under KRS 156.070 for this student?**

In this situation, the provisions of KRS 156.070(2)(i) would render this student ineligible from participation in interscholastic athletics in any sport at any level for one year from the date of enrollment. The fact that the student did not previously run cross country is of no bearing in the application of the provisions, per the statute.