

MSHSL HANDBOOK 2011-2012

BYLAW 111.00

TRANSFER AND RESIDENCE

BOARD POLICY DEFINITIONS:

1. Transfer Student

A transfer student is one who discontinues enrollment and attendance in any high school, public or non-public, located in a public school district attendance area and enrolls and attends classes in any high school in Minnesota, or outside of MN. Essentially, a transfer occurs anytime the school of record changes.

2. Residence

For purposes of eligibility, a student may only have one residence. To determine residence for eligibility purposes, the public school district attendance area in which the home last occupied by both parents is located shall be considered as the family's residence.

3. Change of Residence

A change of residence is the actual physical relocation by the parents or guardians of a student with the intent to reside indefinitely at a new residence in Minnesota and terminate all occupancy of a previous residence. The change in residence must be bona fide, include other minor siblings and involve a transfer from one school district attendance area to another school district attendance area.

For purposes of eligibility determinations, the residence of a student shall be the bona fide location of the residence and must include occupancy by the students' parents or guardians in the public school attendance area. Both parents, except as otherwise provided herein, must physically reside at the residence on a regular basis for the duration of the student's enrollment.

If married, residence is determined by the bona fide residence where the student and the student's spouse actually reside.

In determining whether a change in residence is bona fide, a member school and the League may consider, but will not be limited to:

- A. New mailing address of the parents or guardians
- B. Voting registration of parents or guardians that coincides with the new residence
- C. Driver's license registration that coincides with the new residence
- D. Purchase or rental agreements
- E. Any other reliable evidence of residency

4. Emancipated Student

If emancipated, a student's residence is determined by the bona fide residence where the student actually resides.

Only MSHSL staff can determine emancipation status.

An emancipated student is one who:

- A. Has been a resident of the state of Minnesota for at least one full calendar year immediately preceding the date in question, and
- B. Is totally self-supporting. Criteria to determine if a student is self-supporting may include, but is not limited to:
 1. A notarized statement from the parent(s) or guardian(s) that they provide none of the student's support;
 2. Verification of employment or other means of financial support from the student's employer or supporting agency;
 3. Verification of rent payment by the student;
 4. Verification from a school that the student is accepted to attend as a resident student on the grounds of being emancipated;
 5. Any other documentation requested by the Minnesota State High School League or member school.

5. Good Standing

For purposes of this bylaw, the term "good standing" shall mean that on the official date of withdrawal from the last school attended the student was fully eligible at that school under all of the conditions and all of the eligibility requirements of that school as well as the eligibility requirements of the state activity association of which that school is a member.

6. Guardianship

For purposes of this bylaw, guardianship or Power of Attorney shall not be accepted for the purpose of establishing the residence of a student except when the guardianship has been established pursuant to a child protection order placement in a foster home or a juvenile court disposition order.

7. Power of Attorney

For purposes of this bylaw, guardianship shall not be accepted for the purpose of establishing the residence of a student except when the guardianship has been established pursuant to a child protection order placement in a foster home or a juvenile court disposition order.

8. High School

A high school shall include grades 9 through 12.

9. Parents

For purposes of this bylaw, parents shall mean both parents of the student. In the event of divorce, parent shall be the parent with legal and physical custody of the student. In the case of a child protection order, parent shall mean the facility assigned by a court pursuant to a child protection order, foster home placement or juvenile court disposition order.

10. Public School District Attendance Area

The term "public school district attendance area" shall be understood to refer to the area assigned to a specific high school by a Board of Education and shall not refer to a school district except in cases in which only one high school exists in a school district.

DOMESTIC STUDENTS

1. A transfer student is eligible for varsity competition provided the student was in good standing (see definition #5 above) on the date of withdrawal from the last school the student attended and one (1) of the provisions in Section 2 (below) is met.

2. A transfer student is eligible for varsity competition if:

A. **9th Grade Option:** the student is enrolling in 9th grade for the first time.

B. **Family Residence Change:** the student transfers from one public school district attendance area to another public school district attendance area at any time during the calendar year in which there is a change of residence and occupancy in Minnesota by the student's parents. If the student's parents move from one public school district attendance area to another public school district attendance area, the student will be eligible in the new public school attendance area or a non-public school if the student transfers at the same time the student's parents move.

If the parents move from one public school district attendance area to another, the student shall continue to be fully eligible if the student continues enrollment in the prior school for the balance of the current marking period or for the balance of the academic school year. If the student elects either of the current enrollment options above, the student will be fully eligible upon transfer to the new school.

A student who elects not to transfer upon a parent's change in residence shall continue to be eligible at the school in which the student is currently enrolled.

C. **Court Ordered Residence Change for Child Protection:** The student's residence is changed pursuant to a child protection order placement in a foster home, or a juvenile court disposition order.

D. **Custody of Student:** A student of divorced parents who have joint physical custody of the student, as indicated in the divorce decree, who moves from one custodial parent to the other custodial parent shall be fully eligible at the time of the move:

1. At the public school in the new public school attendance area as determined by the district school board where the new residence is located; or

2. At any non-public school.

The student may utilize this provision only one time during grades 9-12 inclusive. The new residence cannot be located in the same public school attendance area as the previous residence.

E. **Move From Out of State:** If a student's parents move to Minnesota from a state or country outside of Minnesota and if the student moves at the same time the parent establishes a residence in a Minnesota public school district attendance area, the student shall be eligible at the first school the student attends in Minnesota.

F. **Enrollment Options Program:** A student who utilizes Minnesota Statute 124D.03 Enrollment Options Program, and transfers without a corresponding change of residence by the student's parents shall elect one of the following:

1. Retain full eligibility for varsity competition for one (1) calendar year at the school where the student was enrolled prior to the transfer after which time the student shall become fully eligible at the school to which the student has open enrolled; or

2. Be eligible only at the non-varsity level in the school to which the student has open enrolled for one (1) calendar year.

3. If none of the provisions in Section 2 (above) are met, the student is ineligible for varsity competition for a period of one (1) calendar year beginning with the first day of attendance in the new school.

A. Students are immediately eligible for competition at the non-varsity level.

B. A student may not obtain eligibility as a result of a transfer. If at the time of transfer the student was not fully eligible in the previous school, the student shall be ineligible in the new school. A student who was not in good standing at the time of transfer shall be ineligible until the penalty from the previous school has been served.

C. Each time a student transfers and the conditions of the transfer do not meet any of the provisions of Section 2 (above), the student will be ineligible for varsity competition for a period of one (1) calendar year beginning with the first day of attendance at the new school. For example, if a student while serving a one-year transfer suspension transfers to another school and none of the provisions of Section 2 (above) are met, an additional one-year suspension will be applied. The student will begin serving the additional one-year suspension immediately following the completion of the previous one-year suspension.

Fine Arts: Transfer students do not have to serve a transfer suspension for participation in Fine Arts programs.

The Minnesota State High School League Board of Directors has established a due process procedure for a student or parent who believes the bylaws of the League have been misinterpreted by the student's school administrator(s) who are charged by the school to determine the student's eligibility. A student who represents the student's school in competition between member schools at the varsity, junior varsity or sophomore B-squad level must be fully eligible to do so, and the student or the student's parents who wish to contest a school's failure to certify the eligibility of a student may do so as identified in the Fair Hearing Procedure identified at the beginning of the 300 series of bylaws in the most current League Official Handbook.

Transfer eligibility for foreign exchange students and international students is not appealable.

FOREIGN EXCHANGE STUDENTS — Cross Reference: Bylaw 106 (Graduates of Secondary Schools)

Foreign exchange students shall be limited to one calendar year of high school participation commencing with their first day of attendance. A foreign exchange student who is enrolled in and attending a Minnesota high school will be eligible to participate in varsity competition provided that the student meets all of the conditions listed below.

1. The student must be under the auspices of, and be placed with, a host family by an international student exchange program that has been approved for listing by the Council on Standards for International Educational Travel (CSIET) and be recognized by the U.S. Department of State.
 - A. The foreign exchange program must assign students to host families by a method that ensures that no student, student's parents, school, or other interested party may influence the assignment for athletic or other purposes.
 - B. The foreign exchange student may not be selected or placed on any basis related to their athletic interests or abilities.
2. A foreign exchange student is considered to be placed with a host family when written notice of placement is provided by the exchange organization to the student and the student's parents, and to the host family.
 - A. Neither the school the student attends nor any person associated with the host school shall have input into the selection of the student.
 - B. No member of the school's coaching staff, **from any sport**, paid or voluntary, shall serve as the host family. If a member of the school's coaching staff does serve as the host family, then the student is only eligible for competition at the junior varsity or lower level. (See Other International Students below)
3. The foreign exchange student must possess a current J-1 visa issued by the U.S. Department of State. The foreign exchange student must comply with all League eligibility requirements. A

completed Foreign Exchange Student Registration Form must be provided to the high school principal and approved by the League office before the student is eligible for varsity competition.

OTHER INTERNATIONAL STUDENTS

International students shall be limited to one calendar year of high school participation commencing with their first day of attendance. An international student who is enrolled in and attending a Minnesota high school and who is not under the auspices of and placed by a Council on the Standards for International Educational Travel (CSIET) listed exchange program is ineligible for varsity competition. An international student will be eligible for junior varsity or lower level competition provided that the student meets all of the conditions listed below:

1. The student must possess a current F-1 visa issued by the U.S. Immigration and Naturalization Service.
2. The student must provide the principal of the school the student attends an official untranslated transcript, as well as a transcript that is translated into English by an acceptable agent or agency, that indicates work taken in all grades in which the student was enrolled.
3. The international student must pay tuition to the high school the student attends as prescribed in Section 625 of U.S. Public Law 104-208.
4. The international student must comply with all League eligibility requirements, and a completed International Student Registration Form must be provided to the high school principal and approved by the League office before the student is eligible for junior varsity or lower level competition.

Board Position Statement Re M.S. 124D.09 (Post-Secondary Enrollment Options Act – PSEO)

Minnesota Statute 124D.09 provides a variety of options for high school students by enabling secondary pupils to enroll full-time or part-time in nonsectarian courses or programs in eligible post-secondary institutions. The credits earned by a pupil shall be counted towards the graduation requirements and are subject to area requirements of the school district.

The Minnesota State High School League will accommodate students under the above Statute to participate in League activity programs by establishing the following guidelines:

1. *A student taking classes on a full or part-time basis at an approved post-secondary institution in Minnesota is eligible to participate in high school activities at the high school where the student is enrolled and will graduate.*
2. *The student must meet all eligibility requirements, such as attendance, credits, semesters, age, transfer, and must follow all other eligibility bylaws of the League.*
3. *A student taking classes on a full or part-time basis at an approved post-secondary institution in Minnesota becomes ineligible for participation in all League activities if the student participates at a post-secondary institution in any of those activities which are sponsored by the League.*

Board Position Statement Re M.S. 122A.30 (Adopted by the League Board of Directors 4/25/85)

Minnesota Statute 122A.30 allows schools with 7-12 enrollments of fewer than 375 pupils to enter into one or more agreements providing instruction of its secondary pupils in one or more districts. The Minnesota State High School League will accommodate students under the above statute by establishing the following guidelines:

1. *Students must be attending a non-resident district on a full-time basis to be considered for participation in the League interscholastic programs.*

2. *Students would be eligible only for the activity programs sponsored by the non-resident school district where the tuition is paid by the board of education of the resident district.*
3. *If the non-resident district grants the degree, then League eligibility lies with the non-resident district.*
4. *If the resident district grants the degree, then League eligibility resides with the resident district.*
5. *The board of education of the resident district may accept only one option per agreement.*
6. *All decisions must be made by July 1 of the year attending and cannot be revoked until the termination of the agreement.*
7. *Students who attend a non-resident district must continue there during the life of the agreement between the two districts.*

Council on the Standards for International Educational Travel (CSIET) Approved Programs

The Council on the Standards for International Educational Travel has approved the following programs:

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| <ul style="list-style-type: none"> • <i>Academic & Cultural Exchange (ACE)</i> • <i>Academic Foundation for International Cultural Exchange (AFICE)</i> • <i>AFS-USA</i> • <i>American Academic and Cultural Exchange, Inc.</i> • <i>American Councils for International Education (ACTR/ACCELS)</i> • <i>American Cultural Exchange Service</i> • <i>AIFS Foundation- Academic Year in America</i> • <i>American Intercultural Student Exchange</i> • <i>Amicus International Student Exchange</i> • <i>Aspect Foundation</i> • <i>ASSE International Student Exchange Programs</i> • <i>American Secondary Schools for International Students and Teachers (ASSIST)</i> • <i>Association for Teen-Age Diplomats</i> • <i>AYUSA International</i> • <i>Azumano International</i> • <i>Center for Cultural Interchange</i> • <i>Council for Educational Travel, USA</i> • <i>Council on International Educational Exchange</i> • <i>Cultural Academic Student Exchange</i> • <i>Cultural Homestay International</i> • <i>Education Travel & Culture</i> • <i>Educational and Cultural Interactions</i> • <i>Educational Merit Foundation</i> • <i>Educational Resource Development Trust (ERDT/SHARE!)</i> • <i>EF Foundation for Foreign Study</i> • <i>Face The World Foundation</i> • <i>F.L.A.G.</i> • <i>Forte International Exchange Association</i> • <i>The Foundation for Academic Cultural Exchange</i> | <ul style="list-style-type: none"> • <i>The Foundation for Worldwide International Student Exchange</i> • <i>German American Partnership Program, Inc. (GAPP)</i> • <i>Global Insights</i> • <i>International Cultural Exchange Services</i> • <i>International Experience USA (iE-USA)</i> • <i>International Fellowship</i> • <i>International Student Exchange</i> • <i>The Laurasian Institution</i> • <i>Next International Cultural Exchange</i> • <i>Nacel Open Door</i> • <i>NorthWest Student Exchange</i> • <i>NW Services PEACE Program</i> • <i>Organization for Cultural Exchange Among Nations (OCEAN)</i> • <i>Pacific Intercultural Exchange</i> • <i>PAX - Program of Academic Exchange</i> • <i>Quest International</i> • <i>Reflections International</i> • <i>Rotary California-Nevada District 5190</i> • <i>Rotary Central States Youth Exchange Program</i> • <i>Rotary Youth Exchange Florida, Inc.</i> • <i>Rotary District 7120 Youth Exchange Program</i> • <i>Rotary District 7150 Youth Exchange Program</i> |
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- *The Traveling School*
- *United Studies Student Exchange*
- *World Experience*
- *World Heritage*
- *World Link*
- *Youth For Understanding USA (YFU USA)*
- *The Zource*