

## BYLAW 209 - CURRENT LANGUAGE WITH PROPOSED CHANGES

<p>209. <b>TRANSFERS FROM A FOREIGN COUNTRY</b></p> <p><b>Any student who transfers from a school located outside the United States, a U.S. Territory, a U.S. Military Base or Canada (to be referred to as School “A) to a CIF-member school, without a change of residence on the part of his/her parent(s) with whom the student was living when the student while enrolled in School A, (See CIF Bylaw 206.B.(2) shall be considered a <u>Transfer From a Foreign Country</u> and as such is subject to the following CIF residential eligibility bylaws.</b></p> <p><b>A. FOREIGN EXCHANGE STUDENTS</b></p> <p>A foreign exchange student is any <u>transfer student</u> who <b>transfers from one school to another without a valid change of residence (See CIF bylaw 206.B.(2)) under the auspices of</b> <del>enrolled in a foreign exchange program. per the conditions in (2)a. d. below.</del></p> <p><b>(1) <u>STUDENTS TRANSFERRING TO A CIF MEMBER SCHOOL UNDER THE AUSPICES OF A CIF-APPROVED FOREIGN EXCHANGE PROGRAM.</u></b></p> <p><b>Foreign Exchange students transferring under the auspices of a CIF-approved foreign exchange program from a school located outside the United States, a U.S. Military Base, a U.S. Territory or Canada to a CIF member school may be granted residential eligibility for all CIF athletic competition EXCEPT varsity level competition in sports in which the student has competed at any level of play for a school or club during the 12 calendar months preceding the date of transfer to the CIF member school. (defined as LIMITED ELIGIBILITY)</b></p> <p><b>All of the following conditions apply.</b></p> <p>a. Such student must be under the auspices of, and be placed with a host family in the United States by, a <del>international</del> <b>foreign</b> student exchange program that meets all the requirements listed below:</p>	<p><i>Change in title</i></p> <p><i>Copies language and format from 207.B.(1)— consistency</i></p> <p><i>A. Foreign Exchange Student defined-Both those going to a foreign country and those going back are defined as foreign exchange students.</i></p> <p><i>(1) All of (1) addresses the more traditional foreign exchange student from a foreign country placed by program into a CIF member school</i></p> <p><i>Grants limited eligibility only-same format as 207.B (1)</i></p> <p><i>a.-consistency in using foreign not international</i></p>
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- (i) **The program has been** accepted for listing by the Council on Standards for International Educational Travel (CSIET); AND
- (ii) **The program has submitted a signed CIF Foreign Exchange Program Approval Request form:**
  - (a) stating that their placement procedures for foreign exchange students are purely random with respect to athletic participation and school placement; AND**
  - (b) stating that there shall be no school, coach, community, relative or friend contact related to athletics regarding the enrollment of any student in a particular school; AND**
  - (c) which has been** approved by the CIF; AND
- (iii) The program has been recognized by the U.S. State Department and the California Attorneys' General Office; **NOTE:** 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 his/her parent(s)/guardian(s)/caregiver, and to the host family; AND
- (iv) Any CIF-approved foreign exchange program that fails to fulfill the State CIF conditions for exempt status shall be subject to immediate suspension of its exempt status and subject to permanent loss of its exempt status after due process has been fulfilled.

**All approved programs will be posted on the State CIF web site ([www.cifstate.org](http://www.cifstate.org))**

**NOTE:** Only foreign exchange programs registered with the California Attorneys General office and the U.S. State Department may place foreign exchange students in a California School (Government Code

*(i) no substance change-only formatting changes*

*(ii)expanded-this is the exact language taken from the actual CIF Foreign Exchange Program Approval Request form that the FE programs sign with CIF....We used this in an appeal to "shore up" what random placement meant.*

*(iii) no changes*

*(iv) moved from 209.A.(3)c. since we are talking about program requirements in this part seems like it fits better here*

*Moved along with iv above*

Section 12620 et seq.). The list above reflects the list approved by both the CIF and those registered with the California Attorney General, Council on Standards for International Educational Travel (CSIET) and the U.S. State Department. No other exchange programs will be recognized by the CIF as approved exchange programs for 2010-11.

AND

- b. A foreign exchange student shall have been placed with a host family in compliance with this bylaw and Bylaw 510 (undue influence). Such student will have the choice of attending either:
- (i) The public school in the host family's public school attendance area; OR
  - (ii) A private school located in the host family's public school attendance area. To gain residential eligibility at any other school, the student must receive written approval from both the principal of the public school located in the host family's attendance area and the principal of the other school; OR
  - (iii) In the event of a change of placement by the CIF-approved foreign exchange program, a different public school or private school with written approval from the principal of the new school.

AND

- c. Neither the school the foreign exchange student attends, nor any person associated with the school, shall have input into the selection of the foreign exchange student; AND
- d. ~~It is recommended that~~ **No** member of the school's coaching staff, paid or voluntary, may serve as the host family for the foreign exchange student; AND
- e. A foreign exchange student involved in an approved foreign exchange program where placement is not in accordance with State CIF conditions for exempt status

**No changes**

**No changes**

**c. No changes**

**d. changes in red**

**e. no changes**

<p>is subject to loss of his/her residential eligibility (waiver of the transfer rule); AND</p> <p>f. A foreign exchange student must possess a current J-1 visa, issued by the U.S. State Department; AND</p> <p>g. A foreign exchange student must comply with all eligibility requirements set forth by the CIF and the Section having jurisdiction; AND</p> <p>h. A foreign exchange student who graduated from high school is ineligible to participate in CIF competition, unless the educational program in the student's country completes high school (graduation) after the student's 10th or 11th year of regular schooling (not including pre-school or kindergarten classes), in which case the student may have CIF athletic eligibility through the 12<sup>th</sup> consecutive year of regular school attendance after initially enrolling in the first grade (not pre-school or kindergarten classes); AND</p> <p>i. A foreign exchange student participating in a CIF-approved foreign exchange program must comply with the maximum of eight consecutive semesters bylaw. A foreign exchange student who is not in compliance with the eight consecutive semesters bylaw may apply for a waiver under the bylaws established by the State CIF and the respective Section of the student's current CIF school; AND</p> <p>j. A foreign exchange student must be eligible under all other State and Section bylaws; AND</p> <p>k. <del>(5)a. Pre-enrollment Contact Affidavit for Foreign Exchange Students</del></p> <p><b>Exchange Students</b></p> <p>All foreign <b>exchange</b> students in CIF-approved foreign exchange programs shall submit the appropriate waiver application(s) as required by their respective Section under Bylaw 209 with a CIF Pre-Enrollment Contact Affidavit (CIF Form 510) signed by the student and a host parent (part 1), and the enrolling school official(s) (part 3). Foreign students in CIF-approved foreign</p>	<p><i>f. no changes</i></p> <p><i>g. no changes</i></p> <p><i>h. no changes</i></p> <p><i>i. no changes</i></p> <p><i>j. no changes</i></p> <p><i>k. moved from 209.A.(3).a-no changes</i></p> <p><i>l. no changes</i></p>
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exchange programs need not obtain signatures of officials from their former school; AND

- I. A foreign exchange student who participates in an interscholastic athletic contest or is enrolled in and/or attends a school for 15 school days or more shall be considered to have been “enrolled” in that school and shall be classified as a transfer student if the student subsequently enrolls at another school.

- m. Hardship Waiver: A hardship waiver of **209.A. (1)** the ~~transfer bylaw~~ of limited eligibility may be granted to a foreign exchange student **pursuant to the conditions of CIF Bylaw 208.**

(2) **CIF STUDENTS TRANSFERRING BACK TO A CIF MEMBER SCHOOL FROM ENROLLMENT IN A FOREIGN EXCHANGE PROGRAM. (A-B-A)**

**Foreign Exchange Students who, after being enrolled in a CIF member school (referred to as school A), transfers under the auspices of a foreign exchange program to a school located outside the United States, a U.S. Territory, a U.S. Military Base or Canada (to be referred to as School B) and who, following completion of their foreign exchange program, transfers back to school A, may be residentially eligible for all sports at all levels (defined as UNLIMITED ELIGIBILITY) at School A when the following conditions are met:**

- a. **The student is returning to the same CIF-member school in which they were enrolled immediately prior to their enrollment in the foreign school; AND**
- b. **There is no evidence that the transfer to or from the foreign country was athletically motivated (see also bylaw 510); AND**
- c. **There is no evidence of the use of undue influence (recruiting) by anyone associated with either school or the foreign exchange program.**

All foreign students returning from enrollment in a

*m. Moved from 209.A.(3) and changed to match 207.B.(2)*

*NEW-(2) is all new but is using same language as 209.A and 207.B throughout- grants unlimited eligibility to students returning to a CIF member school from study abroad in a foreign exchange program.*

*a. must be returning to former CIF school*

*b. Not athletically motivated*

*c. No evidence of undue influence*

foreign exchange program shall submit the appropriate waiver application(s) for approval as required by their respective Section under Bylaw 209 with a CIF Pre-Enrollment Contact Affidavit (CIF Form 510) signed by the student and a host parent (part 1), and the enrolling school official(s) (part 3). Foreign students returning to their former CIF member school need not obtain signatures of officials from their former school outside of the United States;

**AND**

- d. The foreign exchange student is in compliance with all eligibility requirements set forth by the CIF and the Section having jurisdiction; AND**
- e. The foreign exchange student who has participated in the foreign exchange program must comply with the maximum of eight consecutive semesters bylaw. If a student has exceeded their 8 consecutive semesters of attendance upon return from the foreign exchange program, they may apply for a waiver under the bylaws established by the State CIF and the respective Section of the student's CIF-member school.**

**B. FOREIGN TRANSFER STUDENTS:** A Foreign Transfer Student is any student transferring from a school located outside of the United States, a U.S. Territory, a U.S. Military Base or Canada to a CIF member school without a valid change of residence (see CIF Bylaw 206.B.(2)) who has been enrolled in the equivalent of a United States high school secondary educational program and is NOT under the auspices of, and/or placed by, a CIF-approved foreign exchange program.

- (1) **Foreign Transfer Students transferring from a school located outside the United States, a U.S. Military Base, a U.S. Territory or Canada (to be referred to as School "A") to a CIF member school (School B) without a valid change of residence on the part of his/her**

*Old language moved here from 209.A. (3).a.*

*d. eligible under all other rules-same as 209.1.j above)*

*e. 8 semesters reference-same as 209.1.g above*

*All other foreign transfers—change of current B. language copied from 209.A and 207.B (1)*

*(1) grants limited-same as old 209.B.(2) but using language consistent with 209.A and 207.B.(1)*

**parent(s)/guardians(s) with whom the student was living when attending School A into the attendance area of School B, shall be residentially eligible for all CIF athletic competition EXCEPT varsity level competition in sports in which the student has competed at any level of play for a school or club during the 12 calendar months preceding the date of transfer to the CIF member school. (defined as LIMITED ELIGIBILITY) under the following bylaws:**

- a. For the purpose of this bylaw, any and all organized sports programs (e.g. youth teams, community teams, club teams, national teams at any level or individualized instruction for competition in development schools or programs) in which the international student competed on, or participated within the last 12 months, will be considered by the CIF in determining whether the student participated in the equivalent of interscholastic competition.
- b. The **foreign transfer** student must possess a valid current F-1 visa **to allow them to attend school**, issued by the U.S. Immigration and Naturalization Service, **or is a U.S. citizen who has been attending the equivalent of a United States high school secondary educational program outside of the United States**; AND
- c. The **foreign transfer** student must provide to the principal of the school he/she attends an official untranslated transcript and a transcript that is translated into English, by an agency acceptable to the Section from the National Association of Credential Evaluation Service (NACES) membership, which indicates work taken in all grades in which the student was enrolled; the grade level equivalent in the United States as if the international student had completed all courses attempted satisfactorily; and the California grade-point average equivalent; AND
- d. If required, the ~~international~~ **foreign transfer** student

*Moved from old 209.B.(2)*

*b. changes in red as discussed at meeting and submitted by CIF Southern Section*

*c. consistency in reference to the student in red*

*d. consistency in*

must pay tuition to the school/school district he/she attends as prescribed in Education Code Section 48052 et seq.; AND

- e. The ~~international~~ **foreign transfer** student ~~not participating in a CIF approved foreign exchange program~~ is subject to the maximum of eight consecutive semesters bylaw; AND
- f. The ~~international~~ **foreign transfer** student ~~not participating in a CIF approved foreign exchange program~~ is subject to the age requirement bylaw AND
- g. Any ~~international~~ **foreign transfer** student who graduated, or should have graduated, or has completed the equivalent coursework for graduation from high school/secondary school is ineligible to participate in CIF competition; AND
- h. No member of the school's coaching staff, paid or voluntary, may serve as the resident family for the **foreign transfer** student; AND
- i. **Boarding School: Foreign transfer students who transfer to or from the status of a full-time resident at a 24-hour boarding school shall be subject to all provisions of CIF Bylaw 209.B.(1)**
- j. All **foreign transfer** students shall submit the appropriate waiver application(s) for approval as required by their respective Section under Bylaw 209 with a CIF Pre-Enrollment Contact Affidavit (CIF Form 510) signed by the student and a host parent (part 1), and the enrolling school official(s) (part 3) as well as the former school's officials.
- k. **Hardship Waiver:** A hardship waiver of **209.B. (1)** the ~~transfer bylaw~~ of limited eligibility may be granted to a foreign transfer student pursuant to the conditions of CIF Bylaw 208.

**C. Appeals**--Appeals of eligibility involving international **foreign transfer** students **from a foreign country**, must be in accordance with all relevant provisions of the **Section CIF** appeal process as set forth in Bylaw 1100. (Revised May 2008 Federated Council)

*reference to the student in red*

*e. consistency in reference to the student in red and removal of redundancy*

*f. consistency in reference to the student in red and removal of redundancy*

*g. consistency in ref to the student in red*

*h. consistency in ref to the student in red*

*i. NEW Boarding school = limited*

*j. consistency in ref to the student in red*

*k. Reference to actual bylaw that would be waived-*

*Moved from 209.B.(6) and by locating it here refers to both 1 and A and B*

