

Section (10) TRANSFER RULE

10.1 Any student who transfers from one member high school, home school, or non-member school to a member high school is ineligible to participate in a varsity Association Contest for 90 P.I. days or its equivalent in districts with extended school days/four day weeks from the date of enrollment in the school to which he/she transfers. A student and his/her parents or legal guardians must reside in the attendance area of the school in which he/she is enrolled except for a student enrolling in ninth grade for the first time (see Section (12) Record of Transfer.) This rule applies to a student who transfers after twenty (20) days of enrollment or after he/she participates in an athletic contest while enrolled in grades 9, 10, 11 and 12, **EXCEPT** the following students may be declared eligible:

- a. A student who moves into a new district or school attendance area upon a corresponding change of residence by the parent(s) or legal guardian(s) with whom the student was living during his/her previous school enrollment. The legal guardianship must have been established at least one calendar year before the transfer. If the parent(s) or legal guardian(s) move to a new location a student must follow within a calendar year of the move to be eligible for varsity competition after proper certification by his/her principal.
- b. Students transferring from one high school to another under any bona fide foreign exchange program will be eligible for two (2) consecutive semesters of eligibility for participation in activities under the administration of any NFHS member association, after the principal properly certifies that they meet all eligibility requirements. The exchange student will not be eligible beyond these two semesters even if he/she chooses to stay at that school, transfer to a different high school or remain under a bona fide program." The student would be ineligible for 90 P.I. days following the two consecutive semesters of eligibility. A student who returns to the school at which he/she was enrolled directly before attending a bona fide foreign exchange program will be eligible immediately upon re-enrollment. (A student who has graduated from a high school in his/her own country and is now in the United States under a foreign exchange program would not be eligible.) Refer to Article II, Section (4).

1. A foreign exchange student is an international student who attends high school in the U.S. To be eligible for interscholastic athletics in the U.S., such student must be under the auspices of and be placed with a U.S. host family by an international student exchange program that has been accepted for listing by the Council on Standards for International Educational Travel (CSIET) and be recognized by the U.S. Department of State. The foreign exchange program must assign students to host families by a method that ensures that no student, or his/her parents, school or other interested party may influence the assignment for athletic purposes. The foreign exchange student may not be selected or placed on any basis related to his/her 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 his/her parents, and to the host family. Neither the school the student attends nor any person associated with the school shall have input into the selection of the student.
3. The foreign exchange student must possess a current J-1 or F-1 visa, issued by the U.S. State Department.
4. The foreign exchange student must comply with all eligibility requirements set forth by the state high school association of which the school he/she attends is a member.

When a foreign exchange student changes his/her attendance from one high school to another, eligibility for MHS activities will be determined by the Executive Director after receiving a petition for Waiver of the Transfer Rule (Hardship).

- c. A student who marries and establishes a new residence in a new district or school attendance area.
- d. A student in attendance at a school designated by the governing body of that school as a result of reorganization, consolidation or annexation or a student ordered transferred within a school system, for other than interscholastic competition purposes, by a board of education or the governing body of a private or parochial school system.
- e. A student who moves from parent to parent or legal guardian to legal guardian the first time in his/her high school career will be eligible upon verification to the MHS office that this is the first move and certified by the administrators involved that the move was neither athletically motivated nor was the move because of recruitment. The legal guardianship must have been established at least one calendar year before the transfer.
- f. A student who transfers to another school for the primary purpose of participating in a sport(s)/activity(ies) not sanctioned by the Montana High School Association (and does not participate in an MHS sanctioned sport at that school) and returns to the school from which he/she transferred.
- g. A student who transfers from a home school to an MHS member school in the same school district for the first time in his/her high school career and has never attended high school.
- h. A student who has attended high school and resides in a district other than where the student's parent(s) resides, and who subsequently returns to live with the student's parents becomes immediately transfer eligible for varsity competition in the parent's district. This can be applied only one time during the student's career.

INTERPRETATIONS

1. A transfer student who changes high schools without the corresponding change of residence by parents or legal guardian (legal guardianship must be established at least one calendar year before the transfer) is eligible to compete as a member of a non-varsity team, only, if his/her school is in a contest against non-varsity teams, only, of other member schools, providing he/she meets all other eligibility requirements. No student may compete unattached or independently.

NOTE a: Athletes participating in cross-country, track and swimming will be allowed to compete in the contests where varsity and sub-varsity team members compete at the same time to conserve time and expense, but are scored separately. Example: cross-country meet where varsity and sub-varsity runners run at the same time but are identified and scored separately.

NOTE b: The following interpretations apply only to transfer students and their eligibility for varsity Association contests:

2. A change of residence is the actual physical relocation by the parents or legal guardians of a student at a new residence and termination of all occupancy of a previous residence. The change in residence must be bona fide, include other minor siblings and involve transfer from one school district attendance area to another school district attendance area. For the purpose of eligibility, there can be only one residence.

3. If a transfer student enters after the beginning of a semester he/she will become eligible after the expiration of 90 P.I. days (or its equivalent in districts with extended school days/four day weeks) in the school he/she is now attending.

4. Guardianship is not recognized for the purpose of these rules, when either parent is living and legally competent unless such guardianship has been legally established at least one calendar year before the transfer.

5. If a family moves to a new location, a student should attend the school within the attendance area. If, however, the new home is geographically more convenient to an out of district school, attendance may be allowed, with MHSAA approval, without reference to school district or county boundaries. Under these conditions a student would become eligible as soon as his/her principal properly certifies in writing to the MHSAA office that he/she is eligible. Should he/she later decide to return to his/her home school after an attendance of 20 days or more in the school away from home, he/she would be considered the same as any other transfer student and would lose one semester of eligibility.

6. For the purpose of these rules a student cannot establish a residence apart from his/her parents. If he/she habitually makes his/her home with a relative and the student changes schools because the relative changes residence, the student will lose eligibility time in accordance with the transfer rule. A student, both of whose parents are deceased and who has no legal guardian, may change high schools without loss of eligibility time. However, a student may not change school systems within a city or school district.

7. A student may enroll in a new high school in anticipation of a change of residence on the part of his/her parents. After his/her parents establish residence at the new location, he/she will become varsity eligible as soon as the principal of the school to which the student transfers properly certifies in writing to the MHSAA office that he/she is eligible.

8. When two or more high schools have been established within one school system and under the administration of one board of trustees, the district shall be divided into a corresponding number of high school attendance areas. Students shall attend the high school of the designated attendance area.

9. Each year the board of trustees shall designate a school attendance area for each high school under its jurisdiction not later than the opening date set for fall sports, such boundaries must not be changed during any current school year.

10. Students transferring from one high school to another in the same school system but in a different attendance area are ineligible for 90 P.I. days (or its equivalent in districts with extended school days/four day weeks) after enrollment, unless there is a bona fide corresponding change of residence on the part of the parents(s) or legal guardian (legal guardianship must be established one calendar year before the transfer) from the previous attendance area to the present attendance area.

11. A student who enrolls at MSDB for the first time may become eligible after the principal certifies that the student meets all eligibility requirements.

12. A student attending an alternative school not housed within the high school is considered eligible for competition if the student resides in the attendance area of the high school for which he/she competes and if all other eligibility requirements are met.

10.2 Transfers from one school system to another within the same city or town: In the cities or towns which have more than one high school system (e.g. both a public high school and a private high school), a student must complete 90 P.I. days (or its equivalent in districts with extended school days/four day weeks) of attendance before being eligible when transferring from one high school system to another within such city or town, even though the parents or legal guardian with whom the student has been living during the period of his/her last high school enrollment moved into the immediate vicinity of the new school.

10.3 **Hardship Rule:** A high school student who, because of circumstances beyond his/her control such as broken home conditions, death of parents or guardian, abandonment or other exceptional circumstances, finds it necessary to change high schools may be declared eligible by the Executive Director provided the principal of each high school involved files a statement with the Executive Director that the change was necessary, was not athletically motivated, and there was no known undue influence. If the transfer of any student from one school to another is approved by the Executive Director under the foregoing circumstances, he/she shall be eligible provided he/she meets all other eligibility requirements. Appeals on Petitions for Waiver of the Transfer Rule under the Hardship Rule shall be acted upon by the MHSAA Executive Board at any regular or special meeting, including conference phone calls, provided the school or individual requesting, agrees to pay the cost of the call.

The official MHSAA waiver form must be used.