

100.00

GENERAL ELIGIBILITY BYLAWS

Purpose: The following bylaws are intended to provide direction and assistance to school officials in the administration of the student eligibility program.

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**Please Note: These bylaws are not applicable for Fine Arts only students (Debate, Music, One Act Play, Speech, Visual Arts)*

The most current version of the Official Handbook is always posted on the League website — www.MSHSL.org.

100.00 BYLAWS: GENERAL ELIGIBILITY

For MSHSL bylaws 101-110, if a student does not meet the specific eligibility requirements of those bylaws the student is not eligible to participate in MSHSL sponsored programs. Participation includes, but is not limited to, training, practice, scrimmages and contests.

BYLAW 101.00

AGE

Cross Reference: Bylaw 109 (Seasons of Participation) and Bylaw 110 (Semesters Enrolled)

A student who turns 20 during the 11th or 12th semester since first entering the 7th grade shall be allowed to participate through the completion of the 12th semester.

Students who participate in the Adapted Athletics Program shall be under 22 years of age. A student under age 22 who has started a sport season will be permitted to complete that sports season.

BYLAW 102.00

ATTENDANCE

Students must be attending school and classes regularly. Students who have been dropped because of irregular attendance, extended absence, or suspension from school are not eligible to participate in League-sponsored activities.

BYLAW 103.00

CREDIT REQUIREMENTS

Cross Reference: Bylaw 108 (Scholastic Eligibility)

Please Note: For transfer eligibility purposes participation in a school program is considered full enrollment at that school.

Students must be full time students according to the Minnesota Department of Education criteria. Students must be on track to meet the school's graduation requirements in six years (12 consecutive semesters) beginning with the first day of attendance in the 7th grade.

BYLAW 104.00

ENROLLMENT

Cross Reference: Bylaw 102 (Attendance) and Bylaw 403 (Cooperative Sponsorship)

1. Only students who are fully enrolled in a school are eligible to be placed on that school's eligibility roster and participate in League programs offered by the school the student attends. Exceptions: Co-ops, online, Bylaw 111.1.D(i)
2. Students enrolled in schools established for a special need serving one entire school district, may engage in League activities in the secondary school which provides service in the attendance area of the student's residence if:
 - A. the district wide school does not provide the activity; and
 - B. the student meets all other eligibility requirements; and,
 - C. the district wide school's senior high school student enrollment is fewer than 200 students.
3. **Home School Students:** Minnesota Statutes allow home schooled students to be eligible to participate in League-sponsored activities for the public school in their resident school district attendance area.
4. **Charter School Students:** Charter school students are eligible to participate in League-sponsored activities at their charter school or in a program cooperatively sponsored by the charter school and another member school or schools. For purposes of establishing residency, the public school attendance area where the charter school is geographically located shall be assigned to the charter school.

BYLAW 105.00

GRADE LEVEL ELIGIBILITY

Cross Reference: Bylaw 302 (Cities of the First Class), Bylaw 109 (Seasons of Participation) and Bylaw 303.4 (Junior High School Bylaws)

Participation in League-sponsored programs is limited to students in grades 7 through 12. Students in grade 7, 8, and 9 may participate only if they are enrolled in a continuation school for that high school.

Elementary students in grades K-6 are not eligible to participate in any League activities.

Definitions:

1. A **Continuation School** is one that is under the same administrative head and governing board.
2. A student in grades 7, 8, or 9, who attends a school under a separate administrative head and governing board; which does not have a continuation high school and where no other opportunity for participation on a high school team exists; is eligible to participate for a high school team provided the high school and the non-continuation school have established a joint agreement for participation in each League activity. The participation agreement for each activity or athletic program can be formed with:
 - 1) The public school in the public high school attendance area as determined by the district school board where the non-continuation school is geographically located. If the public high school in #1 above declines the request for participation agreement with any other public high school; or

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- 2) *Any non-public high school.*
3. *All participation agreements shall be established for a minimum of two years. If either or any of the schools involved in the participation agreement wish to dissolve the agreement, they may do so provided a minimum of one year's notice is given to the other school(s) unless the schools involved mutually agree to discontinue the agreement.*
4. *A non-continuation school can form only one participation agreement for each athletic or activity program.*

BYLAW 105.00 INTERPRETATIONS**1. Q. Can students in grades 1-6 participate on junior high school teams?**

A. *The League has no jurisdiction in this area. Determinations such as this rest with the local boards of education. League bylaws govern students who participate at the sophomore, B-squad, junior varsity, or varsity level.*

2. Q. Does the League have jurisdiction over junior high school fine arts and/or athletic programs?

A. *No. League bylaws govern students who participate at the sophomore, B-squad, junior varsity or varsity level.*

3. Q. Can junior high school students play on senior high school teams?

A. *Students in grades 7-12 are eligible to participate on sophomore, B-squad, junior varsity and varsity teams if they are enrolled in a continuation school as defined in Bylaw 105 and if they meet all other League eligibility requirements.*

4. Q. Is it okay for the coach's 6th grader to be on the sidelines at varsity football games and help as a waterboy or ball boy?

A. *No. Only students in grades 7-12 are eligible to participate.*

BYLAW 106.00**GRADUATES OF SECONDARY SCHOOLS**

Students who have graduated from a secondary school, or who have completed the terminal or final grade of a secondary school, or who have earned a GED or diploma are not eligible for participation in any League activity. A student who graduates while a member of a team with a season in progress may complete the season if three or fewer weeks of the regular season, exclusive of League tournament play, remain.

1. International students, including Foreign Exchange Students, who have completed the terminal or final grade of high school are not eligible to participate in League-sponsored athletic programs at any level.
2. Students who have participated with a college or university team in an activity or sport sponsored by the League are ineligible for participation in any League-sponsored activity.

(8/1/2019: 106.1)

BYLAW 107.00**PHYSICAL EXAMINATION**

Students must have a record of a physical examination performed by a physician within the previous three years on file with the school prior to the student's participation. It is the recommendation of the League Sports Medicine Advisory Committee that the League Sports Qualifying Physical Examination (SQPE) form be used for the physical examination.

1. Health questionnaire: Each year a League health questionnaire must be completed by the student parent(s) or guardian(s) and kept on file in the school. The questionnaire could indicate the need for a physical examination prior to the student's participation.
2. After major surgery or serious illness or injury, the attending physician must certify in writing the student's readiness to return to competition.
3. SQPE Three Year Expiration: A SQPE is valid for three years. If it expires during a season a new exam is required if the student wants to continue participation.
4. Not required for participation in Fine Arts programs.

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BYLAW 107.00 INTERPRETATIONS

1. Q. Should the school submit to the League office copies of the health questionnaire and permission to resume participation following an illness or injury?

A. No. The school has the responsibility to collect the required forms, and those forms should be kept on file in the school office.

2. Q. Does the three year request for physicals run from school year to school year?

A. No. The validity of the physical begins with the date of the physical exam and continues for the next three calendar years.

3. Q. I am a track coach and one of my athletes was given a medical excuse that reads "Please excuse (athlete's name) from track since she has been experiencing some problems with her heart rate and medications". I responded by telling her she could not participate in anymore meets or practice until I get a Doctor's note stating she is clear to do so. She proceeded to call her mom and her mom came in and demanded that the athlete participate in a meet. My principal overruled my decision and told me she is allowed to participate and the fax from the Doctor was a misprint. What should I be doing?

A. If that is the case the student will need medical clearance to resume participation.

BYLAW 108.00**SCHOLASTIC ELIGIBILITY****Cross Reference: Bylaw 103 (Credit Requirements)**

1. Students must be making satisfactory progress towards the school's requirements for graduation. The school where the student is fully enrolled and regularly attends shall determine satisfactory progress.
2. Students in special classes must be making satisfactory progress toward the student's Individual Education Plan (IEP).
3. Exceptions to Scholastic Eligibility:
 - A. If the school principal and personnel from an agency such as a residential treatment center, mental health clinic, county welfare department or family service agency diagnose the psychological needs of a student and jointly determine that effective treatment for the student includes the option of participation in League activities. This determination does not supercede any transfer or good standing eligibility suspensions.
 - B. If a student is transferred from one school to another upon the recommendation of a professional social service agency and is agreed upon by the principals of the schools involved. The League must be informed of this exception in a joint statement signed by the school principal and the director of the agency involved. Such documentation must be sent to the League office 10 days before participation in a League-sponsored activity.

BYLAW 108.00 INTERPRETATION

Q. Does the League have a standard definition of "...satisfactory progress toward the school's requirement for graduation?"

A. No. This is a minimum scholastic eligibility requirement. Students must meet the requirements established by the local Board of Education in order to be eligible to compete in League activities.

BYLAW 109.00**SEASONS OF PARTICIPATION****Cross Reference: Bylaw 101 (Age), Bylaw 110 (Semesters Enrolled), Bylaw 111.1.D(iii), Board Policy 109 and Bylaw 208 (Definition #8) Effective with the 7th grade class of 2011-2012.**

1. Students may not participate in more than one interscholastic season in a given sport in each school year or more than six seasons in any sport while enrolled in grades 7 to 12.
2. Participation, no matter how limited, will count as one season of participation.

BYLAW 109.00 INTERPRETATIONS**1. Q. If a student participates at both the junior high and or varsity, J.V., or B-squad level in a sport, how is the length of his/her season determined?**

A. The beginning and ending of a sport season may be designated by the school according to the availability of personnel and facilities provided that the total number of weeks is not exceeded. Students who have not completed their maximum number of weeks may participate in the senior high program to complete the maximum number of weeks. For example, if the sport season is 12 weeks long and the student has had 10 weeks of participation in the junior high program, the student could not participate for more than two weeks in the senior high program. If the student had 12 weeks of participation in the senior high program, the student could not participate in the junior high program.

2. Q. Can junior high students be moved up to play on sophomore, B-squad, junior varsity or varsity teams during a season?

A. Yes. However, the length of the season, game and half limitations that apply to the sophomore, B-squad, junior varsity and varsity participants will apply if such a move is made. All contests in which a junior high player has participated must be counted toward the game and quarter limitations.

BYLAW 110.00**SEMESTERS ENROLLED**

Cross Reference: Bylaw 101 (Age), Bylaw 103 (Credit Requirements), Bylaw 109 (Seasons of Participation)

Amended by Representative Assembly 11/17/20, 5/10/22

1. Each student is eligible for participation in League-sponsored athletic activities for four consecutive school years beginning with their initial entrance into ninth grade. This school year limitation applies regardless of whether the student participates in athletic activities.
 - Students in grades 7 and 8 may participate in League sponsored athletics according to Bylaw 105.1.
 - Participation begins once a 7th or 8th grader practices or competes in League sponsored athletics.
 - Students are permitted one school year of participation in 7th grade and one school year of participation in 8th grade for League sponsored athletics.
2. This semester limitation does not apply to participation in fine arts or presenting partner activities.
3. Application for Additional Semester(s)
 - a. A student who experiences a substantial disruption to the student's education that is beyond their control may apply for additional semester(s) of eligibility.
 - b. The application may be submitted by the student's parent(s)/guardian(s), the member school, or both.
 - i. The application may be submitted when a student has experienced a substantial disruption to their education that is outside of the student's control and it is apparent that the student will exhaust their semesters of eligibility before graduation.
 - c. Additional semesters will not be granted where the student's educational experience as a whole has not been substantially disrupted.
4. A student who has exhausted their semester eligibility is not allowed to participate in MSHSL athletic activities at any level in any capacity, including competition, practices, scrimmages, jamborees, etc.
5. This bylaw is in addition to, and is not intended to supersede, any other bylaw.

A student who is a Minnesota resident and who has participated in a CSIET approved foreign exchange program in another country during one of their four academic school years (grades 9-12) may appeal to the Board of Directors for additional semesters of eligibility.

Bylaw 110 Policy (6/7/22)

A student must meet the eligibility requirements of all MSHSL Bylaws to be eligible for participation in League-sponsored athletic activities.

It is the responsibility of each school to notify students of their consecutive school year eligibility.

The Board of Directors Eligibility Committee will review applications for additional participation eligibility. The student's parent(s)/guardian(s) and/or the member school must provide information and documentation to support the application for additional semesters. The following are non-exhaustive examples intended to provide guidance for schools, students, and families with respect to how the MSHSL applies Bylaw 110.

A "substantial disruption to education beyond a student's control" is a circumstance that interferes with a student's ability to engage in the educational process. It may include, but is not limited to, the following:

- *Documented medical condition requiring withdrawal from school due to circumstances beyond the student's control;*
 - *Withdrawal in lieu of discipline will not be considered as a reason to grant additional semester(s) of athletic eligibility;*
- *Family or other circumstances beyond the student's control that result in non-attendance or non-enrollment including homelessness, mobility, or other similar circumstances;*

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- *Students with limited or interrupted formal education (“SLIFE”).*

A “substantial disruption to education beyond a student’s control” is NOT the following:

- *“Medical redshirts” where a student has suffered an injury preventing participation in athletic activities but has not experienced a substantial disruption to the education experience as a whole;*
- *A student who has been kept out of athletic competition solely to develop skills or extend athletic eligibility;*
- *A student who has repeated a grade due to age, for socialization reasons, or because of a transfer to another school;*
- *A student who has repeated a grade despite having already received academic credit for that grade;*
- *A student who missed out on the ability to participate in athletic activities because the athletic activity was cancelled, in whole or in part, for any reason (e.g. natural disaster, health pandemic, emergency, lack of participants, etc.).*

A student who has participated in four consecutive school years of League-sponsored athletic activities since the initial entrance into 9th grade will not be granted additional semesters.

BYLAW 110.00 INTERPRETATIONS

1. A 7th grade student who participates in a League-sponsored athletic activity ¹ would not be eligible for League-sponsored athletic activities in their second 7th grade year if they were to repeat 7th grade. During the second 7th grade year, the student would, however, be eligible to participate in non-League-sponsored athletic activities (e.g. middle school athletics). The student would then be eligible for League-sponsored athletic activities in their 8th grade year. If they were to repeat 8th grade, they would not be eligible for League-sponsored athletic activities in their second 8th grade year. The student would then have four consecutive school years of League-sponsored athletic eligibility upon their initial entrance into 9th grade.

2. Q. If a student drops out of school, repeats a grade, or participates in an international exchange program, can that student have additional semesters of eligibility?

A. No. A student’s eligibility begins when the student enters 9th grade for the first time and continues, without interruption, for four consecutive school years.

3. Q. How should the school years of eligibility be counted when a student has repeated a grade after the initial entrance into 9th grade?

A. An example would be as follows:

| <u>School Year</u> | <u>Grade</u> | <u>School Year of Eligibility</u> |
|--------------------|---------------|-----------------------------------|
| 2017-2018 | 9 | 1 |
| 2018-2019 | 10 | 2 |
| 2019-2020 | 10 (repeated) | 3 |
| 2020-2021 | 11 | 4 |
| 2021-2022 | 12 | Not eligible |

4. Q. How should eligibility be counted when a student has repeated 7th or 8th grade?

A. An example would be as follows:

| <u>School Year</u> | <u>Grade</u> | <u>School Year of Eligibility</u> |
|--------------------|--------------|---|
| 2016-2017 | 7 | Eligible |
| 2017-2018 | 8 | Eligible |
| 2018-2019 | 8 (repeated) | Not eligible if participated in League-sponsored athletic activities in 2017-18 |
| 2019-2020 | 9 | 1 |
| 2020-2021 | 10 | 2 |
| 2021-2022 | 11 | 3 |
| 2022-2023 | 12 | 4 |

¹ League-sponsored athletic activity means the interscholastic athletic activities listed in the Bylaw 500 series at the 10th-12th grade level (typically B-Squad, Junior Varsity, and Varsity).

BYLAW 111.00**TRANSFER AND RESIDENCE****1. DOMESTIC STUDENTS**

- A. A transfer student is eligible for varsity competition provided the student was in Good Standing on the date of withdrawal from the last school the student attended and one (1) of the provisions in Section (B) (below) is met.
- B. **A transfer student is eligible for varsity competition if:**
- (i) **9th Grade Option:** The student is enrolling in 9th grade for the first time.
 - (ii) **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 establish a new family residence. (Please see Definitions for further explanation.)
OR
If the parents move from one public school district attendance area to another public school district attendance area, 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 in the public school district attendance area where the student's parents reside or a non-public 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.
 - (iii) **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.
 - (iv) **Divorced Parents:** A student of divorced parents or parents who were never married, who resides with one parent and moves to reside with the other parent shall be eligible at the time of the move:
 - (a) 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
 - (b) 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.
Please Note: This provision can only be applied the first time the student moves between parents and changes schools and only if the specific requirements of this provision are met. The intent of this provision is to provide varsity competition eligibility for a student who is living (solely) with one parent and who desires to move to live with the other parent. Additionally, a student of separated parents, who resides with one parent and moves to reside with the other parent shall be eligible at the time of the move.
 - (v) **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.
- C. **If none of the provisions in Section (B) (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 at the new school.**
- (i) Students are immediately eligible for competition at the non-varsity level.
 - (ii) A student may not obtain eligibility as a result of a transfer. If at the time of the 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.
 - (iii) **Multiple Transfers:** A student who is serving a one-year varsity competition suspension as a result of a transfer shall have an additional varsity competition suspension for each subsequent (additional) transfer. A new, one- year varsity competition suspension will begin on the first day of attendance or the first day of participation in a fall sport practice at the new school each time the student transfers.
*Example: A 10th grade student transfers from School A to School B and first attends School B on September 10, 2019. The transfer eligibility determination for the student indicates the student is ineligible to compete at the varsity level for one calendar year, beginning with the first day of attendance at School B—September 10, 2019. The student will be eligible to compete at the varsity level on September 10, 2020.
The student decides to leave school B, transfers to School C, and first attends School C on October 10, 2019. The transfer eligibility determination indicates the student will have a one-year varsity competition suspension for the transfer to School C. The new, one-year suspension for the transfer to School C will begin on October 10, 2019.
The student will then be fully eligible to compete at the varsity level on October 10, 2020.*
- D. **Enrollment Options Program:** A student who transfers from one MSHSL member school to another MSHSL member school utilizing Minnesota Statute 124D.03 Enrollment Options Program, and who transfers without a corresponding change of residence by the student's parents shall select one of the participation options identified below.
Please Note: The participation option is binding for one calendar year. For example, a student may not switch between the current and former school from season to season.
- (i) 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 transferred; or
 - (ii) Be eligible only at the non-varsity level in the school to which the student has transferred for one (1) calendar year
 - (iii) Participation is defined as practice, training, scrimmaging, tryouts and competing.

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Please Note: When a student chooses to participate at the Sending School (111.1.D.(i)) the student may not be eligible to compete at the varsity level if the most recent change of schools is not the student's first transfer.

- E. **Return to Former School Policy:** A student who transfers from one MSHSL member school to another MSHSL member school is ineligible for varsity competition for a fifteen (15) calendar day period from the first day the student attends practice in the fall or attends classes in the new school for the first time.
- (i) Upon transfer, the student will be ineligible at the former school and may practice at the new school but may not compete in any varsity activity at the new school.
 - (ii) The student will retain full eligibility at the former school if the student chooses to return to the former school during the fifteen (15) calendar day period.
 - (iii) If the student remains at the new school, following the fifteen (15) calendar day period, the student will become eligible at the varsity level only when the student has fully met all of the transfer criteria and has been deemed to be eligible both by the new school and the League office.
 - (iv) If any of the transfer criteria has not been met, the student will be ineligible for varsity competition at the new school and must then choose between varsity eligibility at the former school or JV eligibility at the new school.
 - (v) The student may elect to decline the fifteen (15) calendar day period to become eligible to compete at the varsity level at the Receiving School once the school administration determine the student has met all of the varsity participation eligibility criteria.
 - (vi) A student may utilize this provision one time per 365 calendar day period.
- F. **Fine Arts:** Transfer students do not have to serve a transfer suspension for participation in Fine Arts programs.
- G. **Due Process:** 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 Transfer Student Eligibility Review Process found on page 32.

2. INTERNATIONAL STUDENTS

- A. **Transfer eligibility for all international students, including Foreign Exchange Students, is not appealable.**
- B. **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 foreign exchange student **blind placement** conditions listed below.
- Please Note: Eligible at the public school in host family's resident district.*
- (i) 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 (blind placement).
 - (b) The foreign exchange student may not be selected or placed on any basis related to their athletic interests or abilities.
 - (ii) 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)
 - (iii) 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 then kept on file at the high school. The electronic transfer document must be submitted and then approved by the League office before the student is eligible for varsity competition.
 - (iv) A Foreign Exchange Student who stays in the country for an additional year(s) under different status would be eligible at the JV level or below for any and all additional years as listed in C., as long as all other requirements are met.
- C. **OTHER INTERNATIONAL STUDENTS:** 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:
- (i) The student must possess a current 1-20 document issued by an approved school certified by the Department of Homeland Security (DHS) Student and Exchange Visitor Program (SEVP) with an F-1 visa issued by the U.S. Department of State.
 - (ii) 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.
 - (iii) 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.

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- (iv) 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.
 (8/1/2019: 111.1.B.(iv), 111.1.C.(iii), 111.1.D.(iii), 111.2.A, 111.2.B.(iv), 111.2.C, 111.2.C.(i))
 (6/7/22: 111.1.B.(iv))

BOARD POLICY DEFINITIONS FOR BYLAW 111

Amended by Board of Directors 6/7/22

The Minnesota State High School League provides, promotes, extends, manages, and administers competitive activities for Minnesota youth, and the League's member schools have determined that student movement from school to school should be restricted. To accomplish this goal, the League adopted Bylaw 111 to restrict student movement between schools to prevent athletic transfers and ensure competitive equity amongst schools regardless of athletic ability. The League has found that to best achieve this goal, it does not determine whether a transfer was for athletic purposes but rather determines that all Transfer Students are varsity ineligible unless they meet one of the provisions listed in Bylaw 111.1.B or are granted varsity eligibility through the Transfer Student Eligibility Process.

1. Definitions

- 1) **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 public school district attendance area to another public school district attendance area.
 - a. 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.
 - b. If a student is married, the student's residence is determined by the bona fide residence where the student and the student's spouse actually reside.
 - c. In determining whether a change in residence is bona fide, a member school and the League may consider, but will not be limited to:
 - i. New mailing address of the parents or guardians
 - ii. Voting registration of parents or guardians that coincides with the new residence
 - iii. Driver's license registration that coincides with the new residence
 - iv. Purchase or rental agreements
 - v. Homestead classification
 - vi. Any reliable evidence of residency
- 2) **Electronic Transfer Portal:** The online platform used by the Sending and Receiving Schools to document transfers and determine eligibility.
- 3) **Emancipated Student:** 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:
 - i. A notarized statement from the parent(s) or guardian(s) that they provide none of the student's support;
 - ii. Verification of employment or other means of financial support from the student's employer or supporting agency;
 - iii. Verification of rent payment by the student;
 - iv. Verification from a school that the student is accepted to attend as a resident student on the grounds of being emancipated;
 - v. Any other documentation requested by the Minnesota State High School League or member school.
 - c. 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. MSHSL Emancipated Student status is reserved to those situations that are outside of the student's control that result in the student being on his or her own.
- 4) **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 MSHSL of which that school is a member.
- 5) **Guardianship/Power of Attorney:** 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 for placement in a foster home or a juvenile court disposition order.
- 6) **High School:** A high school shall include grades 9 through 12.
- 7) **Initial Transfer Eligibility Determination:** The eligibility determination made by the Receiving School prior to submitting information in the Transfer Portal.
- 8) **Parent or Parents:** Parent shall mean biological or adoptive 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.

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- 9) **Participate or Participation:** Participation includes, but is not limited to, training, practice, scrimmages, and contests within a League-sponsored athletic activity. Participation begins on the first day a student practices or competes in a League-sponsored athletic activity.
- 10) **Public School District Attendance Area:** "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.
- 11) **Receiving School:** The member high school now attended by the student is the "Receiving School."
- 12) **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.
- 13) **Sending School:** The high school last attended by the student is the "Sending School."
- 14) **Transfer or Transfer Student:** A transfer student is one who discontinues enrollment and attendance in any high school, public or non-public, home school, or online, located in a public school district attendance area and enrolls in any high school in Minnesota, or outside of MN. **Essentially, a transfer occurs anytime the school of record changes.** A transfer is considered complete when the student attends class at the new school or participates with an athletic program prior to attending school (fall season only), whichever is earlier.
- 15) **Transfer Eligibility Review Determinations:** Requests for review can be:
 - a. "varsity eligible" – Student is eligible for varsity competition.
 - b. "varsity ineligible" – Student is not eligible for varsity competition. The student can participate in practices, jamborees, scrimmages, and previews.
 - c. "insufficient" – The request does not provide enough information for varsity eligibility to be granted under one of the provisions in Bylaw 111.1.B(i)-(v) or one of the seven Board Policy Exceptions.
 - d. "considered by the Eligibility Committee" – The information provided could meet one of the provisions in Bylaw 111.1.B(i)-(v) or one of the seven Board Policy Exceptions and the request will be reviewed by the Eligibility Committee.
- 16) **Blind Placement:** A student who does not meet the blind placement conditions (111.2.B) shall be referred to as a "Direct Placement" student. Direct Placement students are ineligible to compete at the varsity level for one calendar year.
- 17) **Enroll:** For purposes of determining student eligibility a student is enrolled in a school when they attend classes or participate in a MSHSL sponsored program prior to attendance. Enrollment continues until the student graduates, enrolls in another school, completes a season in which graduation occurs, or ceases enrollment due to school or family decision.

Cross-referenced in Bylaw 104 – Enrollment

2. Transfer Eligibility Review Process:

- 1) Initial Transfer Eligibility Determination must be made by the Receiving School after the student has completed the transfer as defined above.
 - a. At the time of the initial transfer eligibility determination, the Receiving School administrator shall inform the student, parent(s)/guardian(s) of the Enrollment Options Program under Bylaw 111.1.D. The choice of participation under Bylaw 111.1.D is an "either or" decision and, once made, the student can only participate at that school. For example, the student cannot participate at the sending school for a fall sport and then participate at the receiving school for a winter sport.
 - i. If the student chooses to participate at the Sending School for one calendar year, these review procedures are not applicable.
 - ii. If, however, the student chooses to participate at the Receiving School, they are varsity ineligible for one calendar year unless one of the provisions in Bylaw 111.1.B(i)-(v) is met or one of the Board Policy Exceptions is granted.
 1. If the student, parent(s) or guardian(s) requests a review of the League's Transfer Eligibility Determination, then the student is varsity ineligible at the Sending School. For example, the student cannot choose to participate at the Receiving School, request review, and if the review does not result in varsity eligibility at the Receiving School, then participate in varsity athletics at the Sending School.
- 2) League staff reviews the information within the Electronic Transfer Form and responds to the Receiving School agreeing or disagreeing with the Initial Transfer Eligibility Determination (the League's Transfer eligibility Determination").
- 3) The Receiving School will share the League's Transfer eligibility Determination with the student and family. If the student, parent(s) or guardian(s) requests a review of the Initial Transfer Eligibility Determination, the Receiving School shall be responsible for submitting a request for review to the League through the Electronic Transfer Portal. The request for review submitted by the Receiving School must include information and documentation meeting the documentation requirements outlined in this policy.
 - a. If the request for review is insufficient, the MSHSL will notify the Receiving School. Additional information and/or documentation not yet submitted to the MSHSL may be submitted within fifteen (15) business days of the notice of insufficiency. If supplemental information and/or documentation is not provided, the file will be considered closed and the student varsity ineligible with no further review.
- 4) The Sending School reviews the transfer eligibility request for review and must respond via the Transfer Portal whether the circumstances justify further review.
 - a. If the Sending School does not agree further review by the Eligibility Committee is justified, there is no further review.
 - b. If the Sending School agrees that further review by the Eligibility Committee is justified, it will be considered by the Eligibility Committee.

- 5) *The reviews by the Eligibility Committee begin the third week of August and are scheduled every other week thereafter through May, as needed.*
 - a. *The student/parent may attend the meeting and will be provided 15 minutes to present additional information regarding their eligibility request.*
- 6) *The Eligibility Committee will make an eligibility determination.*
- 7) *If the student is determined to be varsity ineligible, the student/parent may submit a written request to the Executive Committee for further review. The written request must identify why the Eligibility Committee determination was in error and should be reversed. Executive Committee review will be a paper review of the information and documentation provided. The Executive Committee review is final with no further review.*

3. Transfer Process Flow Chart

- 1) *Receiving School makes Initial Transfer Eligibility Determination utilizing the Transfer Portal, based on information provided.*
- 2) *League staff agrees with the Receiving School's Initial Transfer Eligibility Determination or requests additional information or corrections.*
- 3) *Student/Parent provided Initial Transfer Eligibility Determination by the Receiving School.*
- 4) *Student/Parent asks the Receiving School to submit a Transfer Eligibility Review.*
 - a. *Receiving School submits a request for a Transfer Eligibility Review through the Transfer Portal.*
 - b. *If the request is insufficient, no further review.*
- 5) *Sending School reviews the request and responds in the Transfer Portal.*
- 6) *League staff will review the submitted request and documents and respond back to the Receiving School.*
 - a. *Eligibility Committee makes final eligibility determination. The reviews by the Eligibility Committee begin the third week of August and are scheduled every other week through May, as needed.*
 - b. *If Sending School does not agree further review is justified, no further review.*
 - c. *If request is insufficient, no further review.*
- 7) *Transfer Review Decision provided to Receiving School.*

4. Policy exceptions to Bylaw 111

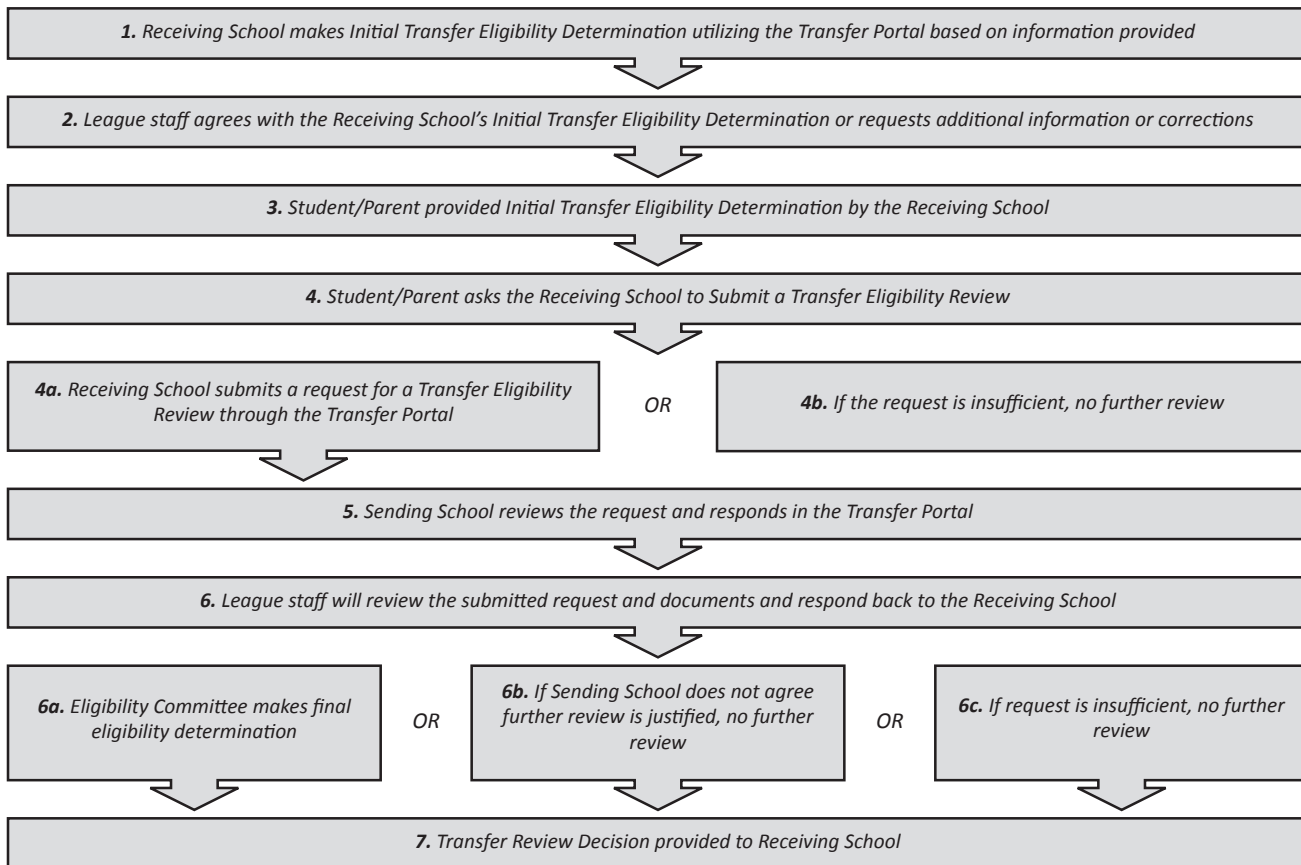
A request for a review of an Initial Transfer Eligibility Determination is limited to the following circumstances:

- 1) *Documented internal Board of Education policies regarding the movement of students within the school district.*
- 2) *Adoption, abandonment, or death of a parent.*
- 3) *A documented substantial negative change in the economic status of the student's parents which requires the student to withdraw from their current school and enroll in the public school located in the public school district attendance area where the student's parents reside.*
- 4) *School Student Bullying or Harassment—The provisions of MN Statutes 121A.03 and 121A.031 shall be applied. PLEASE SEE: <https://education.mn.gov/MDE/dse/safe/bprev/MDE087161>*
- 5) *Administrative error in addressing a student's initial eligibility.*
- 6) *Completion of a licensed program for treatment of chemical dependency or diagnosed mental health disorder provided all other eligibility rules are followed.*
- 7) *School Administrators Review—When the six transfer eligibility review exceptions above are not applicable, the Receiving School principal and activities director and the Sending School principal and activities director together may submit a written request to the MSHSL that circumstances exist which warrant a review of varsity eligibility by the MSHSL. The school administrators must identify the circumstances that exist and submit information and documentation to support their request for review of varsity eligibility. This transfer eligibility review exception is applicable only for students who transfer from one MSHSL member school to another MSHSL member school.*

5. Documentation Requirements

The following are examples of the types of documentation the League relies upon to make decisions regarding transfer eligibility for the transfer eligibility review exceptions in section 4.(1)-(7) above.

- 1) Schools must provide school policies used to support the intradistrict transfer.
- 2) Court ordered adoption decree, death certificate, documentation from state agency regarding abandonment or child protection (CHIPS).
- 3) Documents to submit include but are not limited to: the past three years Federal Tax Forms 1040 showing the Adjusted Gross Income, employer notification indicating the recent loss of income or loss of employment, or disability determinations from a medical professional that indicate a reduction in the ability to be employed. Discretionary spending decisions will generally not be considered.
- 4) The designated school staff member has investigated the report of prohibited conduct and determined a case of bullying or harassment pursuant to Minnesota Statutes 121A.03 and 121A.031.
- 5) Documentation shall be submitted by the school administrator that explains the error or errors made in the initial eligibility determination process.
- 6) Documentation from the director of the treatment program must indicate the student has successfully completed the treatment program. The League will take into consideration the treatment program director’s recommendation that a change in schools will best serve the post-treatment needs of the student.
 - a. Record of consistent therapy or treatment over an extended period of time.
- 7) The written request from the administrators at both the Receiving School and Sending School must include documentation of the circumstances that justify additional review.
 - a. Circumstances NOT justifying additional review include but are not limited to:
 - i. School choice, family choice, curricular choice or co-curricular offerings at the Receiving school;
 - ii. Sibling preference or attendance;
 - iii. Athletic opportunities offered and/or levels of athletic competition offered at the Receiving School;
 - iv. Transportation reasons.



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:

- i. 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.
- ii. The student must meet all eligibility requirements, such as attendance, credits, semesters, age, transfer, and must follow all other eligibility bylaws of the League.
- iii. 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. 123A.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:

- *Academic Foundation for International Cultural Exchange (AFICE)*
- *AFS-USA, Inc.*
- *AIFS Foundation- Academic Year in America (AYA)*
- *American Home Life International (AHLI)*
- *American Councils for International Education (ACTR/ ACCELS)*
- *American Cultural Exchange Service (ACES)*
- *American Homestay Services (AHS)*
- *Amerigo Education*
- *AnB Education*
- *Apex International Education Partners (AIEP)*
- *Aspect Foundation*
- *ASSE International Student Exchange Programs*
- *ASSIST*
- *Association for Teen-Age Diplomats (ATAD)*
- *Ayusa Global Youth Exchange*
- *BEST Educational Solutions Today (BEST)*
- *Borderless Friends Forever Foundation*
- *Boston Global Education*
- *C & T Education, Ltd.*
- *Cambridge Network*
- *Central Regional School District*
- *Children of All Nations*
- *Council for Educational Travel, USA (CETUSA)*
- *Council on International Educational Exchange (CIEE)*
- *Cultural Academic Student Exchange*
- *Cultural Homestay International*
- *DMD Private High School Program*
- *Education Travel and Culture*
- *Educational Resource Development Trust (ERDT/SHARE!)*
- *Educatus Inc.*
- *Edu-iCare Inc.*
- *EF High School Exchange Year*
- *Exchange Service International*
- *ExchangeMate International Education*
- *Face The World Foundation*
- *Foreign Links Around the Globe (FLAG)*
- *Forte International Exchange Association (FIEA)*
- *Foundation for Academic Cultural Exchange (FACE)*
- *Foundation for Worldwide International Student Exchange (WISE)*
- *German American Partnership Program, Inc. (GAPP)*
- *Global Insights*
- *Global Student Services of America*
- *Greenheart Exchange*
- *Heritage Student Foundation*
- *High School in the USA*
- *iGoGo International*
- *International Cultural Exchange Services (ICES)*
- *International Experience (iE-USA)*
- *International Fellowship*
- *International Student Exchange (ISE)*
- *Iowa Resource for International Service (IRIS)*
- *Ivy International Group*
- *Joy International Exchange Student*
- *Lartin Brothers, LLC*
- *Laurasian Institution*
- *LPI Learning*
- *Move Language Ahead*
- *Nacel Open Door*
- *Newcomb Central School District*
- *NorthWest Student Exchange (NWSE)*
- *NW Services, Inc. PEACE Program*
- *Organization for Cultural Exchange Among Nations (OCEAN)*
- *Our Lady of Good Counsel High School*
- *Pan Atlantic Foundation*
- *Private and Public School F-1 Exchange (PSE)*
- *Program of Academic Exchange (PAX)*
- *Reflections International*
- *Rotary Youth Exchange Programs*
- *School District of Janesville*
- *States 4-H International Exchange Programs*
- *STS Foundation*
- *Student American International (SAI)*
- *StudentRoomStay Concierge*
- *Terra Lingua USA*
- *Three W International*
- *Trinity Collegiate School*
- *Twinn Palms, Inc.*
- *UCEUS Corp.*
- *United Studies*
- *World Heritage International Student Exchange Programs*
- *World Link*
- *Youth For Understanding USA (YFU USA)*

100.00 BYLAWS: GENERAL ELIGIBILITY

BOARD POLICIES

re BYLAW 101.00: AGE RULE

A student who is disabled as set forth in Minnesota Statute 125A.02 and by the standards of the Minnesota Department of Education shall have their age determined as of September 1 of the calendar year of the school year for which the student seeks to participate. (Reference - Minnesota Statute, Section 125A).

re BYLAW 107.00: LICENSED PHYSICIANS

That the Minnesota State High School League recognizes all licensed physicians, as defined by Minnesota Statute Chapters 147 and 148, to provide pre-participation physicals that meet the requirement for participation in Minnesota State High School League- sponsored activities.

re BYLAW 108.00: SCHOLASTIC ELIGIBILITY

1. *Students are not required to be passing in their course work during a current marking period. However, they forfeit their eligibility for the next marking period in which they attend school if they are not making satisfactory progress towards the school's requirements for graduation at the end of the marking period.*
2. *A student who is ineligible for a school marking period may not participate in League activities until the new marking period officially begins. This means the first school day of the new marking period.*
3. *Work done in summer school for the purpose of removing scholastic deficiencies may be used in determining scholastic eligibility in athletics.*

re BYLAW 109.00: SEASONS OF PARTICIPATION

The calculation of seasons of participation shall begin when a student first enrolls in the 7th grade. In the enforcement of this bylaw, a student will be regarded as being enrolled in the grade in which the student carries a majority of full or half-credit subjects. If an equal number of full or half-credit subjects are carried in two grades, the student will be considered to be enrolled in the lower of the two grades.