



## Student Eligibility Guidance for High School Principals and Athletic Administrators

### Enrollment & Attendance Bylaw Guidance Bylaw 4-3-1, Exceptions 1-7

This document will focus on Bylaw 4-3-1 – Enrollment and Attendance. **Please note that none of these exceptions requires a ruling from the OHSAA**; however, exception four, five and six require significant diligence on the part of the administrator. Due to the number of questions received, this guidance is prepared to assist in the interpretation of these non-enrolled options. This bylaw and its seven exceptions read as follows:

**Bylaw 4-3-1** All students participating in a school-sponsored sport must be enrolled in and attending full-time in accordance with all duly adopted Board of Education or similar governing board policies of that school.

**EXCEPTION 1:** *A student enrolled in the ninth grade separate from the high school (grades 10- 12) is eligible to participate with the school squad of the high school the student will be assigned to attend.*

**EXCEPTION 2:** *A student enrolled in a joint vocational school is eligible at the high school where the students' records are maintained.*

**EXCEPTION 3:** *A student enrolled full time in a postsecondary institution (now known as College Credit Plus) is eligible to participate at the high school where the student's records are maintained, provided the student is receiving high school credit for a minimum of five one credit courses in the postsecondary institution.*

**EXCEPTION 4:** *A student enrolled in a non-traditional (alternative, magnet, career-oriented, digital, specialty, etc.) school that is sponsored by a Board of Education is eligible to participate at the member school, operated by the district sponsoring the non-traditional school provided the non-traditional school does not sponsor interscholastic athletics. Each student will be counted on the EMIS report for the member high school where that student's eligibility is vested. Students who attend non-traditional schools that are sponsored by a multiple high school public school district shall be assigned for interscholastic athletics to member schools within the district based on the business rules for participation that have been adopted by the Board of Directors.*

<https://ohsaaweb.blob.core.windows.net/files/Eligibility/BusinessRulesMultiHSPublic.pdf>

**Guidance Note:** This exception is only available for students who attend a non-traditional school sponsored by a school district and only if the non-traditional school the student attends does not offer ANY sports. If the non-traditional school sponsors any sports then this will disqualify students attending that school from being able to utilize this exception. Additionally, this exception does not require the student to be a resident of the district to be able to utilize this exception. Regardless of the district of residence of the student, if a student is attending a non-traditional school sponsored by a district, then the student shall participate in sports at an OHSAA member school sponsored by the district, and the student's assignment shall be governed by the applicable OHSAA business rules (click on link above).



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**EXCEPTION 5:** *A student who is receiving home instruction in accordance with division (A) (2) of section 3321.04 of the Revised Code and is enrolled in a non-public member school in accordance with the partial enrollment policy of the governing board of that non-public school may be eligible at the non-public school where the student is enrolled and attending. Such partial enrollment policy requires that at least one of the courses be an academic course taken at the school's physical location.*

**Guidance Note:** Word of caution- many times families will claim their child is home educated when they are actually attending an online community school and simply receiving their instruction from home. In order for a non-public school to attempt to utilize this exception for a student, **the first thing you should do is to request to see the paperwork from the residential Superintendent excusing the student from compensatory attendance.** This is the only way to ensure the student is receiving home instruction in accordance with ORC 3312.04 (A)(2) and would therefore eligible to utilize this exception. If the family is unable to produce the residential Superintendent approval for home instruction, this exception shall not be utilized.

Additionally, if a non-public school does not have a partial enrollment policy in place then the exception shall not be utilized. If a partial enrollment policy is available, this exception requires that at least one of the courses be an academic course (from any of the core subjects) to be taken at the school's physical location. Religion, physical education, or other elective courses do not constitute an "academic course" for the purposes of this exception.

State law also permits home educated students in accordance with ORC 3312.04 (A)(2) to be afforded a opportunity to participate at the public school in the district of residence of the parents without any enrollment obligation- see exception 6 for guidance.

**EXCEPTION 6:** *Unless otherwise mandated within the Ohio Revised Code. See this document for an explanation of the current mandates:*

<https://ohsaaweb.blob.core.windows.net/files/Eligibility/BusinessRulesMultiHSPublic.pdf>

**Guidance Note:** Exception 6 was added to address any situations which might be mandated by the state legislature. Students covered under this exception, who are permitted to have a participation opportunity at a school at which they are not enrolled, include:

1. Homed educated students
2. STEM school students whose school does not offer a respective sport
3. Community school students whose school does not offer a respective sport
4. Non-public school students whose school does not offer a respective sport

To view the full guidance regarding legislative changes for the non-enrolled student, click here:

<http://www.ohsaa.org/eligibility/CommonlyAskedQuestions>

<http://www.ohsaa.org/Portals/0/Eligibility/GuidelinesForNon-EnrolledStudents.pdf>

**EXCEPTION 7:** *A student who is a "child with a disability" as that term is defined at 42 U.S.C. Section 12102 (ADA) and the Regulations promulgated thereunder who is enrolled in a Special Education program at a school outside of the district of residence of parents is eligible at the school where the student attends classes or the school located in the district of residence of the parents, PROVIDED each of the following is met: (a) the student's parents reside in Ohio; (b) the school district in which the parents reside does not provide the required*



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*programs to meet the student's special education needs; and (c) there is a contractual agreement specifying the responsibility for educating a "child with disabilities" between the respective schoolboards or between the parents and the school the student with the disability will attend.*

**Guidance Note:** There is no ruling required for this exception under the enrollment and attendance Bylaw 4-3-1 for a student with a disability to access interscholastic athletics either at his or her residential school or the school where the special services are being received. However, once having chosen the school for participation in athletics, the student would be subject to the transfer bylaw upon transfer to the other school or any other school.

Please feel free to contact Kristin Ronai ([kronai@ohsaa.org](mailto:kronai@ohsaa.org)) or Ronald Sayers ([rsayers@ohsaa.org](mailto:rsayers@ohsaa.org)) if you have any questions!