



# OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

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

### Bylaw 4-4-2, Failure to provide Services to a Student with A Disability

This document will focus on Bylaw 4-4-2, which reads as follows:

**BYLAW 4-4-2** *If, either through the due process procedure or the direct mediation process established by the Ohio Department of Education in compliance with the Individuals with Disabilities Education Act, it is determined that a school has failed to provide all of the support services as identified in a student's IEP as necessary for the student to receive a "free and appropriate public education," AND the Executive Director's office determines that this failure to provide these necessary services caused the student to fail to meet the requirements of Bylaw 4-4-1 or Bylaws 4-4-4 or 4-4-5, the student may be declared eligible by the Executive Director's office upon the student's successful completion of the appropriate compensatory education as ordered by the Independent Hearing Officer (I.H.O.) or through the mediation process.*

The scholarship bylaws are consistent in the mandate that all students desiring the privilege of participation in interscholastic athletics fulfill the requirements found within the bylaws. Thus, a student with a disability is not exempt from those requirements. In fact, a student with a disability who has either an IEP or a 504 plan has received accommodations for the disability that are deemed reasonable and appropriate to the task of achieving the minimum standards found within Bylaw 4-4. However, if the school has failed to provide the services, which have been identified within the student's IEP, and the OHSAA determines that this failure caused the student to fail to meet the academic standards within the bylaw, the Executive Director's office may declare the student eligible.

**TO REQUEST A RULING:** Before any ruling can be made by the Executive Director's Office under this bylaw, the school must work with an Independent Hearing Officer who must determine that the school failed to provide the required services in accordance with the student's IEP. Once that determination has been made, and after the student has completed the appropriate compensatory education as ordered by the Independent Hearing Office, then the school principal can request restoration of full athletic eligibility by writing a letter to the Executive Director's Office outlining the following:

1. The specific determination made by the Independent Hearing Officer that indicates that the school failed to provide the required services.
2. A finding that this failure on the part of the school was directly related to the student's failure to meet the scholarship standard found in the applicable bylaw.
3. Identification of the compensatory services to be provided to the student.
4. Confirmation that the student has completed the compensatory education and has had the failing grade(s) restored to passing because of this education.

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