



OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

Student Eligibility Guidance for High School Principals and Athletic Administrators

Residence Bylaw Guidance Bylaw 4-6-2, Exception 1 – Custody/Guardianship to Primary Relative

This document will focus on Exception 1 to Bylaw 4-6-2, which read as follows:

Bylaw 4-6-2

A student whose parents, (biological or adoptive), reside outside the state of Ohio will be ineligible for interscholastic athletics in a member school. (See Bylaw 4-8-1 for eligibility requirements for international students).

If/when a student is/has been subject to a custody order in accordance with Chapter 2151 of the Ohio Revised Code, the student shall no longer be subject to the provisions of this section of the residency bylaw.

Note: Students affected by this out of state residence bylaw may still be affected by all other eligibility standards in Bylaw 4 including the transfer provisions in 4-7 and the international provisions in 4-8.

EXCEPTION 1: *The Executive Director's office may declare a student who is the subject of a custody or guardianship order issued by a court of proper jurisdiction conferring custody/guardianship upon a grandparent, aunt, uncle or sibling who resides in Ohio, if, in the sole discretion of the Executive Director's office, the Executive Director's office determines that the purpose of this change in custody was not for athletic reasons, but purely for the best interest of the student in terms of the student's mental, physical and educational well-being. Such a student is ineligible until declared eligible by the Executive Director's office.*

The Executive Director's Office, in its sole discretion, may waive the formal requirement of a court order for a student who is 18, when circumstances are presented that the student was compelled to transfer schools and reside with a primary relative as outlined above who is a bona fide resident of the state of Ohio.

Note: Upon enrollment of a student whose parents live outside the state of Ohio but within the United States or any of its territories, or if the parents move outside the state of Ohio prior to or during the student's high school career, the principal of that school in which the student is being enrolled shall notify the Executive Director's office of said enrollment, and the facts and circumstances regarding any change of custody so that the Executive Director's office can make an informed decision regarding the student's qualifications under this exception.

Please be advised that students who transfer into an Ohio high school under this residence exception must adhere to an exception to the transfer bylaw 4-7-2 or be prepared to fulfill the transfer consequence in any sport in which they participated in the 12 months immediately preceding the transfer. After the first 50% of the maximum allowable regular season contests have been competed, the student shall then become INELIGIBLE for the remainder of the regular season contests. Furthermore, the student shall also remain ineligible to participate in the OHSAA sponsored tournament(s).

As noted, this exception can only be used when the student does not have a parent residing in Ohio and when custody (Court of Common Pleas) or guardianship (Probate Court) is given to a grandparent, aunt, uncle or sibling. **Please note that caretaker's affidavits or Power of Attorney's (POA's) are not legal changes of custody/guardianship.** To request a ruling under this exception, please complete the form found at this link:

<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/4-6-2Exc1Form.pdf>

and submit it to Kristin Ronai (kronai@ohsaa.org). Please note the student is ineligible until a favorable ruling is issued by the Executive Director's Office. Furthermore, any student approved under Bylaw 4-6-2, Exception 1 may still be subject to the transfer consequence unless an exception can also be met to Bylaw 4-7-2.

Please feel free to contact Kristin Ronai (kronai@ohsaa.org) if you have any questions!