



Ohio High School Athletic Association  
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Guidance for 2020-2021–High School Principals and Athletic Administrators

**Bylaw 4-6 - Residence**

**Overview – 4-6-2 – Exception #2**

There are just two bylaws in the section entitled “RESIDENCE. **Bylaw 4-6-1** denotes that the State Board of Education establishes all public school districts. In addition, every Ohio resident lives within the boundaries of one of those public school districts. The bylaw further defines what it means to be a bona fide resident of our state. Criteria, including but not limited to 1) where the parents and family members sleep the majority of the time; 2) where mail is received; 3) where meals are prepared and eaten; 4) where the parents are registered to vote; and 5) where important family activities take place a significant part of each day, **are just some of the factors** that the OHSAA will examine in determining whether a family’s residence in our state is bona fide. This bylaw also reminds members that if parents establish a bona fide residence under Bylaw 4-7-2 Exception one or Bylaw 4-7-4 criterion one to support a transfer, the residence must be maintained for at least one year from the date the transfer is approved. In short, to be a bona fide resident of Ohio, you must actually live here!

This guidance will also alert administrators to the fact that **in many cases, a student who meets a residence exception will also have to adhere to the transfer bylaw.** Those cases will be clearly identified within this series of documents.

This document will focus on **Bylaw 4-6-2 – Custody/Guardianship to a Primary Relative – Exception two.** This bylaw reads as follows:

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.)

**OHSAA Bylaws require that at least one parent reside in Ohio in order for the student to be compliant with this residency Bylaw 4-6-2.**

**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.**

This bylaw has 12 exceptions. This guidance will focus on Exception 2, which reads:

**EXCEPTION 2:** The Executive Director’s office may grant eligibility to a student **who makes a bona fide move into Ohio with his/her legal custodian/guardian, and it can be shown that,** pursuant to a court order, the **individual** has had legal custody/guardianship of the student for a minimum of one year. Such a student is ineligible until declared eligible by the Executive Director’s office.

**Note:** Upon enrollment of a student whose parents (biological or adoptive) 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

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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 **#2 and have been under the custody/guardianship of the individual who is now an Ohio resident for less than two years**, must adhere to an exception to the transfer bylaw 4-7 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 varsity regular season contests have been competed, the student shall then become INELIGIBLE for all levels for the remainder of the varsity regular season contests. Furthermore, the student shall also remain ineligible to participate in the OHSAA sponsored tournament(s).

To request a ruling, please provide to the attention of Dr. Moore or Ms. Price:

1. A cover letter signed by the principal or athletic administrator naming the student **and verifying that the student's parents live outside of Ohio** and that the student is living in Ohio under the custody of an individual who has had custody of the student **for at least one year prior to that custodian's becoming a bona fide resident of the state of Ohio.** NOTE: If the student is a transfer student, i.e., not an incoming 9<sup>th</sup> grader or a student in grades seven or eight, the school must also file an affidavit of bona fide residence in support of exception one of bylaw 4-7-2.
2. A copy of a court-ordered change of custody, either from a court of proper jurisdiction in Ohio or another state, transferring custody to the relative living in Ohio. Please note that caretaker's affidavits or POA's are not legal changes of custody.

**Please feel free to contact Deborah Moore or Roxanne Price if you have any questions!**