



Student Eligibility Guidance for High School Principals and Athletic Administrators

Transfer Bylaw Guidance

Bylaw 4-7-2, Exception 2 – Change of Legal Custody/Re-Designation of Residential Parent within a Shared Parenting Plan

This document will focus on Bylaw 4-7-2, Exception 2. For guidance on the full text of Bylaw 4-7-2, please visit (<https://ohsaaweb.blob.core.windows.net/files/Eligibility/4-7-2Guidance.pdf>). Exception 2 reads as follows:

If it is determined that one or more of the exceptions that follow represents an event which creates the need to transfer, i. e., creates a cause and effect relationship, then one or more of the following exceptions may apply:

EXCEPTION 2: *If, as a result of a legal change of custody as between a student's parents, who live in two different school districts, the student is compelled to transfer from one school district to the other school district where the other parent resides, the Executive Director's Office may waive all or part of the period of ineligibility for one or more sport/sport seasons provided the student continues to live with the new custodian in order to support the approval of the transfer to the new high school. If custody/guardianship of a student is changed to a non-parent which custody/guardianship change is the result of the death or incarceration of the prior custodian, the intervention of child protective services, social services or similar state agency, and the new custodian/guardian lives in a different school district than the previous custodian/guardian, the Executive Director's Office may waive all or part of the 50 percent period of ineligibility for one or more sports/sport seasons provided the student continues to live with the new custodian/guardian in order to support the approval of the transfer to the new high school.*

The Executive Director's Office, in its sole discretion, may waive the requirement of a court-ordered legal change of custody for a student who is 18, when circumstances are presented that the student was compelled to transfer schools and reside with a parent who is a bona fide resident of the state of Ohio.

By operation of statute, both parents in a Shared Parenting Plan are the residential and custodial parents of the child at all times under such Plan. Therefore, so long as a Shared Parenting Plan remains in effect, there can be no "change of custody" as contemplated by this Exception 2. However, in the event a Shared Parenting Plan remains in effect but a change in the designation of "residential parent" has been made by the court within that plan, the student who is the subject to the Shared Parenting Plan may apply one time to the Executive Director's Office for a one time exception to the transfer bylaw under this provision.

Exception 2 permits the choice of the public high school located in the residential school district of the new legal custodian or new residential parent, or any non-public school.

Until a student is declared eligible by the Executive Director's Office in accordance with this exception, they shall be ineligible for all OHSAA tournaments in those sports in which the student participated during the 12 months immediately preceding this transfer. In addition, the student shall be ineligible for all contests at all levels AFTER the first 50% of the maximum allowable varsity regular season contests have been competed in those sports in which the student participated during the 12 months immediately preceding this transfer.



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Scenario 1: Change of custody from one parent to the other parent:

- A certified copy of the court order changing custodianship signed by **either a judge or magistrate.** Because of the nature of some custody cases, previous court orders may be required in order for the Executive Director's Office to make a determination.
- Notes:
 - If the date of enrollment predates the date of the change of custody order, a presumption is created that this exception will not apply.
 - The student must continue to live with the custodial parent full time for a minimum one calendar year. Failure to do so will cause the transfer consequence, if waived, to be reinstated.
 - There can be no change of custody so long as a shared parenting plan remains in effect. However, when there has been a **court-ordered re-designation of residential parenting rights within an intact shared parenting plan**, this exception does allow the Executive Director's Office to consider waiving the transfer consequence. Please see Scenario 2 for more information.

Scenario 2: Re-designation of residential parent from one parent to the other parent within a shared parenting plan:

- A certified copy of the court order re-designating the residential parent within the shared parenting plan signed by **either a judge or magistrate.**
- Notes:
 - If the date of enrollment predates the date of the re-designation order, a presumption is created that this exception will not apply.
 - The student must continue to primarily live with the residential parent for a minimum one calendar year. Failure to do so will cause the transfer consequence, if waived, to be reinstated.

Scenario 3: Change of custody/guardianship from parent(s) to a non-parent/agency:

- A certified copy of the court order or agency placement changing the custody/guardianship from the parent(s) to the non-parent or agency **signed by either a judge, magistrate or agent of a protective services agency.**
- Written evidence that this change of custody/guardianship is a result of death or incarceration of the former custodian/guardian, the intervention of child protective services, social services or similar state agency.
- Notes:
 - Biological or adoptive parent(s) must still live in Ohio. See Bylaw 4-6-2, Exception 1, when parents live outside Ohio and custody is being transferred to a primary relative.
 - **Affidavits for School Attendance, such as a Grandparent's Power of Attorney, are not acceptable.**
 - The student must continue to live with the new custodian/guardian full time for a minimum one calendar year in order to maintain eligibility at the high school into which the student's transfer eligibility has been approved. Failure to do so will cause the transfer consequence to be reinstated.



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To request a ruling under exception 2:

Please complete the exception 2 form found here

<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/Exception2Form.pdf>. For each scenario described above, specific items are required. Please review the information below and collect the appropriate documentation prior to submitting the request. This form and the subsequent documents must be scanned and emailed to Kristin Ronai (kronai@ohsaa.org) in order to receive a ruling.

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