



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

Bylaw 4-7-2 – Transfer Bylaw Review
Exception #3 – School Closes; Annexation or Consolidation

The OHSAA receives more inquiries about the **transfer bylaw** than any other aspect of eligibility. Unfortunately, we perhaps should receive more, as invariably an administrator has made his/her own call that later results in forfeiture or worse. Reach out when in doubt!

NOTE: Students who change high schools (transfer) are reminded that they must meet all eligibility standards found in Bylaw 4. This includes meeting the out of state residency bylaw 4-6-2, which requires a student to have a parent (biological or adoptive) residing in Ohio or to meet one of the exceptions to that residency bylaw.

4-7-2 A student is considered to have transferred whenever a.) enrollment is changed from one school to another school and the student attends a new school, or b.) enrollment is changed from one school to become home schooled, or c.) the student participates in a practice, scrimmage or contest with a school-sponsored squad of a school in which the student has not been enrolled and attending, or d) the participation opportunities afforded a student pursuant to state law change. Notwithstanding (c) and (d) above, if a non-enrolled student's participation is pursuant to O.R.C. §§ 3313.5311 (Ohio non-public school students) or 3313.537 (Ohio community/STEM school students), the non-enrolled student's participation opportunity shall transfer back and forth to the non-public school or Community/STEM school in which the student is enrolled without transfer consequences. If the non-public school or Community/STEM school ever sponsors the sport/sports in which the non-enrolled student wishes to participate, the student's participation opportunity shall also be transferred back to the school of attendance without consequence. Furthermore, any in-season changes in the participation opportunities that may be afforded by state law shall be subject to Bylaw 4-7-3.

If a student transfers at any time after commencing the ninth-grade year, the student shall be eligible, insofar as transfer is concerned, ONLY until 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. The transfer consequence shall remain in effect until the one-year anniversary of the date of enrollment in the school to which the student transferred, at which time the student is no longer considered a transfer student. For purposes of the transfer bylaws, a student will be considered as having commenced the ninth grade year by either attending five or more days of school as a ninth grader or by establishing eligibility at a school by having participated in a contest. Furthermore, the term "participated in a contest" for purposes of the transfer bylaw means to have played at least one play in a scrimmage, preview/jamboree, Foundation game or regular season/ tournament game or contest.

After the first 50% of the maximum allowable varsity regular season contests have been competed (regardless of the participation level of the student), **the student shall then become INELIGIBLE for the remainder of the regular season contests at all levels. Furthermore, the student shall also remain ineligible to participate in the OHSAA sponsored tournament(s) in those respective sports until the one-year anniversary of the student's date of enrollment. A student who did not participate in an OHSAA recognized sport in the 12 months immediately preceding the transfer is not subject to the consequence of this transfer bylaw.**

Notwithstanding the above, if a student transfers during the season of a sport in which he or she has participated in a regular season contest, and if Bylaw 4-7-3 requires that the student is ineligible for participation in the remainder of the contests in that sports season, the student shall remain ineligible for the remainder of all regular season contests, as well as the OHSAA tournament, in that sport at the school into which the student has transferred. Furthermore, the student shall finish fulfilling his/her transfer consequence, for ONLY that sport in which the mid-season transfer occurred, at the commencement of the sport season during the next school year. This consequence requires that the student shall remain ineligible for all preseason contests (scrimmages, preview/jamboree, Foundation games) and all regular season contests until the total number of varsity regular season contests missed (including those missed during the previous season) equals 50 percent of the maximum allowable varsity regular season contests in that sport.

Note: ORC 3313.5312 (Ohio home educated students) has been intentionally left out of the exclusions of subpart (b) addressing students participating in programs where they are not enrolled. Once a home-educated student, in accordance with state law, participates with a school sponsored squad of a school in which the student is not enrolled, the student's eligibility is established at that school. Participating on any other schools' sponsored squad will be considered a transfer for which the balance of this bylaw and its exception would be applicable.

Please note, each participation change will be considered a transfer.

In the event of a student transfer, no ruling is required from the Executive Director's Office, and no paperwork is necessary if that student's transfer does not meet an exception to the transfer bylaw or if the student did not participate in any OHSAA recognized sport at any high school in the **12 months immediately preceding the transfer into the new high school.** Understanding that basic rule is fundamental to dealing with transfer students.

Of course, in our society today, students do indeed change schools for various reasons. The member schools have identified a few transfer scenarios that they recognize should be exempted from the general transfer bylaw. To deal with those limited scenarios our member schools have adopted **12 exceptions (2 have been stricken by legislative action)**, one of which MAY apply to a student who changes high schools.

The use of the word MAY is instructive since not all transfer students can meet one of these exceptions and for each of these exceptions (unless no ruling is required as in exception 3), the transfer student is **ELIGIBLE, insofar as transfer is concerned, for all pre-season contests and up through the first 50% of the maximum allowable varsity regular season contests. The period of INELIGIBILITY begins at the second 50% of the maximum allowable varsity regular season contests and continues through the OHSAA tournament OR until ruled eligible by the Executive Director's Office.** For a student to avail herself/himself of one of these exceptions, action on the part of the member school administrator as well as the OHSAA staff is required. The purpose of this series on the Transfer Bylaw is to provide guidance as to the required action on each of the exceptions, if applicable.

This bylaw requires the administrator to determine the following:

1. **Is the student a transfer student? In other words, did the student change schools/participation opportunity after establishing eligibility by attending five or more days of school as a 9th grader or by participating in a high school contest?** If the answer is NO, then the transfer consequence is not applicable, and the student is fully eligible insofar as this bylaw is concerned. If the answer is YES, proceed to step #2.
2. **Did the student play an OHSAA sport at ANY high school in the 12 months immediately preceding the date of transfer into the new high school? Get this information in writing from an administrator at the previous school or schools.** If the answer is NO, the student is fully eligible insofar as transfer is concerned for that respective sport at the new school and no paperwork or ruling is necessary. **(Please note that if a**

student transfers back to a school in which they were previously enrolled, then their “lookback” review could include participation that took place at the same high school where they are now desiring a participation opportunity). If the answer is YES, then please proceed to step #3.

3. If the answer to both #1 and #2 is YES, then does the student meet one of the 12 enumerated exceptions to this bylaw? If the answer is YES, the student meets an exception, then paperwork will be required, and the school administrator must seek a formal ruling from the OHSAA. The student may commence participation and is eligible, insofar as transfer is concerned, for all contests until the second 50% of the maximum allowable regular season varsity contests begin. Once the student is ruled eligible in accordance with an exception, the transfer eligibility is restored for as long as the student maintains enrollment and attendance at that school. If the answer is NO, the student does not meet the requirements of an exception, the student may commence participation and is eligible, insofar as transfer is concerned, for all contests until the second 50% of the maximum allowable varsity regular season contests begin. At that point, the student becomes ineligible for the second 50% of those contests AND the OHSAA tournament in that respective sport. In such a situation, no paperwork or ruling is required from the OHSAA. The student simply participates until the ineligibility commences as prescribed within the transfer bylaw.

This document will focus on exception #3 – **School Closes, Annexation or Consolidation**. This exception reads as follows:

*If the high school, which is either the chartered high school in a single high school public school district or a chartered non-public high school, in which the student is enrolled closes or discontinues its **entire** high school **educational** program after grade nine, the student may enroll in any high school and be immediately eligible **at that high school** insofar as transfer is concerned. Likewise, if the bona fide residence of the student’s parents is annexed to a different school district or consolidated within a school district, the student may be ruled eligible upon transfer to a school in the annexed or consolidated district subject to modification by formal action by the Boards of Education concerned. A copy of such action by Boards of Education must be on file in the Association office before the Executive Director’s office can rule the student eligible.*

NOTE 1: For school closings in a multiple high school district, see Bylaw 4-7-4 regarding intra-district transfers.

NOTE 2: This exception has no application to the closing of any “non-traditional school” such as a community school, a non-chartered non-public high school or an out of state high school.

There is no letter ruling or approval required for the first part of this exception, School Closing, but the OHSAA will require formal documentation from the school which is closing via its superintendent. However, it is important to note that the opportunity to transfer without penalty when a school closes is applicable to **single high school public school districts or a non-public high school only**. If a high school within a multi-high school public school districts closes, students will be **reassigned** to other schools within the district, and their eligibility will be preserved as prescribed in Bylaw 4-7-6.

In addition, when a (typically) non-member, typically non-public high school discontinues its entire educational program after grade nine, a student in that type of school has a transfer option into a member school. In these cases, the school simply does not provide any educational programs beyond grade nine. Students in schools of that type may transfer to a member school and be eligible insofar as transfer is concerned under the provisions of this exception. **Please note, as expressed in NOTE 2, that this exception does not apply to community schools or non-chartered, non-public (08) schools.** In the second part of this exception, if students have been transferred due to either consolidation or annexation, the Executive Director’s Office shall require a letter from the superintendent of the district to grant eligibility for all students who are transferred into a new high school.

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