



OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

Student Eligibility Guidance for High School Principals and Athletic Administrators

Bylaw 4-7-4, Intra-District/System Transfer

This document will focus on the language within Bylaw 4-7-4, Intra-District/System Transfer, and its exceptions. The bylaw reads as follows:

4-7-4 *The superintendent or person delegated by the superintendent of either a non-public system or public school district may transfer students within the system without jeopardizing their eligibility only by using one of the following exceptions.*

Items to note regarding the language of Bylaw 4-7-4:

- This bylaw only applies to transfer students who are transferring between high schools in the same multi-high school district or within the same system (i.e. Archdiocese of Columbus, etc.).
- There are currently five exceptions to Bylaw 4-7-4 since one of which has been stricken due to recent changes in state law. Please see below for more information on each of the five.
- With each exception, 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.

Exception 1, Bona Fide Legal Change of Residence:

EXCEPTION 1: *If, as a result of a bona fide legal change of residence made by BOTH PARENTS (biological, adoptive or stepparents) from one attendance zone into another attendance zone in a multiple high school district/system, the student is compelled to transfer to another district/system high school, the Executive Director's Office may waive all or part of the period of ineligibility for one or more sport/sport seasons. The requirement that "both parents" make the move may be waived by the Executive Director's Office if the marriage of the parents has been or is in the process of being legally terminated or if the parents were never married.*

If the person(s) making the bona fide move is not the biological or adoptive parent or stepparent of the student, the school administrator must disclose the custodial relationship, provide the court ordered documents and advise as to the whereabouts of the student's biological or adoptive parents.

An affidavit of bona fide residence in the form requested by the Executive Director's Office shall be submitted along with any request for application of this exception.

Note: *Please refer to Bylaw 4-6-1 for a definition of bona fide residence. Also, the student and the student's parents must reside in this new residence for a period of one year from the date on which this exception was applied to a given student in order to maintain eligibility at the school into which the student's transfer has been approved. The school district/ system will have a continuing duty to monitor compliance with the residency requirements during this one-year period. Exception one permits the choice of the public high school in the parents' new attendance zone only.*



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Notes on Exception 1:

- Language and application is similar to that of Bylaw 4-7-2, Exception 1. In order to utilize this exception a student and his/her family must make a bona fide move from one attendance zone into a new attendance zone within the district/system.
- To request a ruling, please complete an Affidavit of Bona Fide Residence (ABFR) and submit to the OHSA office. The ABFR can be found here:
<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/Affidavit-BonaFideResidence.pdf>

Exception 2, Change of Legal Custody:

EXCEPTION 2: *If, as a result of a legal change of custody as between a student's parents, who live in two different attendance zones within the multiple high school district/system, the student is compelled to transfer from one district/ system high school to another district/system high school, 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, who lives in a different attendance zone than the previous custodian, which custody/guardianship change is a result of the death or incarceration of the prior custodian, the intervention of child protective services, social services or a similar agency, the Executive Director's Office may waive all or part of the period of ineligibility for one or more sport/ sport seasons. A re-designation of residential parent within a Shared Parenting Plan will not comply with this exception.*

Notes on Exception 2:

- In order to utilize this exception there must be a legal change of custody between individuals living within two different attendance zones within the district/system.
- Unlike Bylaw 4-7-2, Exception 2, a re-designation of the residential parent under a Shared Parenting Plan cannot be utilized to meet the requirements of 4-7-4 #2 since a judge cannot change funding designations within parents living within the same district. Any transfer that is a result of such a change (redesignation) would cause the student to fulfill the transfer consequence.
- To request a ruling, please complete the exception 2 form found here:
<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/Exception2Form.pdf>.
 - o Please review item 13 for documents that must be included with the submission of the form.

Exception 3, School within the District/System Closes/Mistake in Initial Placement

EXCEPTION 3: *A member school in the district/system closes, or there was a mistake made in the student's initial placement. This exception has no application to the closing of any "non-traditional school" or a non-chartered non-public high school.*

Notes on Exception 3:

1. To request a ruling in the **case of a school closure**, please utilize the exception 3 form found here: (<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/SchoolClosingForm.pdf>).
 - a. Please review item 3 for documents that must be included with the submission of the form.
2. To request a ruling regarding a situation in which there was a **mistake in the student's initial placement**, the superintendent, or their designee, shall direct a letter along with proof of the appropriate placement to Kristin Ronai (kronai@ohsaa.org).



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Exception 4, Student's I.E.P Changed to new High School

EXCEPTION 4: *The student is a child with a disability whose program as prescribed by the student's I.E.P. has been changed to another high school.*

Notes on Exception 4:

- To request a ruling regarding a situation in which the program prescribed by the student's I.E.P has been change to another high school, the superintendent, or their designee, shall direct a letter along with proof of the change to Kristin Ronai (kronai@ohsaa.org).

Exception 5, Transfer from Poor Performing School

EXCEPTION 5: *The student transfers pursuant to state or federal statutes addressing unsafe schools or academically poor performing schools, and the student can demonstrate to the satisfaction of the superintendent that the transfer is for purely academic reasons and not athletic reasons. (Note: This exception will not apply to transfers from one poor performing school to another poor performing school.)*

NOTE: *The OHSAA uses the Ohio Department of Education's List of Priority Schools as of August 1 of the current school year to denote academically poor-performing schools.*

Notes on Exception 5:

- To request a ruling under exception 5, please complete the exception 5 form found here: <https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/PoorPerformingForm.pdf>
- Click here for the list of schools that are poor performing: <https://ohsaaweb.blob.core.windows.net/files/Eligibility/4-7-5Guidance.pdf>

Exception 6, Student-on-Student Anti-Harassment, Anti-Intimidation, Anti- Bullying

EXCEPTION 6: *If a student is a victim of harassment, intimidation or bullying as those terms are defined at ORC BYLAWS 46 §3313.666 (A)(2) which harassment, intimidation or bullying has been documented to the school district in accordance with the ORC, and as a result of this documented harassment, intimidation or bullying the student is compelled to transfer, the Executive Director's Office, in its sole discretion, may waive all or part of the period of ineligibility for one or more sport/sports seasons provided:*

- 1) *The District's Anti-Harassment, Anti-Intimidation, Anti-Bullying policies and procedures adopted in accordance with ORC §3313.666 have been substantially followed and complied with; and*
- 2) *The District provides the Executive Director's Office with a copy of the duly adopted policies and procedures; and*
- 3) *The District secures the appropriate releases from the student/student's parents authorizing the District to provide a complete record of the events and circumstances on which the policies and procedures were initiated including:*
 - a) *A specific, detailed report of the prohibited incident(s);*
 - b) *An outline of the procedures used to respond to and investigate the reported incident(s);*
 - c) *A copy of the findings that were a result of the complaint process and investigation;*



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- d) A specific, detailed disciplinary procedure for any individual found guilty of harassment, intimidation or bullying;*
- e) All reports of notification to parents or guardians of any student involvement in the incident(s);*
- f) A report of the intervention strategies and remedial action the school has undertaken to assist the student and redress the complaint.*

4) The District provides the Executive Director's Office with all of the above-referenced records.

5) In concurrence with ORC §3313.666 (A)(2), this exception cannot be used for any isolated incidents or alleged incidents of harassment, intimidation or bullying, nor can this exception be used in cases where there has been no contemporaneous reporting of the alleged bullying, harassment or intimidation.

Notes on Exception 6:

- To request a ruling under exception 6, please complete the exception 6 form found here: (<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/BullyingForm.pdf>). Please review item 4 for items that will need to be included with the submission of the form. Please be sure to review all documents to ensure they are complete and that all items described above are addressed.
- The district from which the student transferred must secure the appropriate releases from the student/student's parents authorizing the District to provide the documents listed in item #4.
- It is the responsibility of the receiving school to work with the parents and the sending school to obtain all of the required documentation listed in item #4. If a parent approaches a school administrator and informs them that they have never filed a formal complaint with the former school, then this will disqualify the student from using this exception.
- In cases of alleged sexual harassment/sexual violence, please be advised that your district should consult the United States Department of Education Office for Civil Rights 2001 *Guidance*, the September 2017 "Dear Colleague Letter," <https://www.cmu.edu/title-ix/colleague-title-ix-201709.pdf> and the Q & A on Campus Sexual Misconduct <https://www2.ed.gov/about/offices/list/ocr/docs/ga-title-ix-201709.pdf>, as such cases could be considered a Title IX violation. Your Title IX compliance coordinator should likewise be engaged in such complaints.

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