

August 19, 2021, OHSAA Appeals

The OHSAA Appeals Panel met with appellants on August 19, 2021, in person at the OHSAA offices. Appeals Panel members were Phil Ackerman, superintendent of the Switzerland of Ohio Local School District; Mr. Tony Mantell, former superintendent of Portsmouth Clay Local Schools; and Dr. Kathy McFarland, deputy chief executive director of the Ohio School Boards Association. Mr. Ackerman served as the appeals hearing officer.

Also in attendance for all or portions of the appeals: Steve Craig, OHSAA legal counsel; Kristin Ronai, OHSAA director of compliance; and Ronald Sayers, OHSAA manager of membership and compliance.

A. Bylaw 4-7-2, Transfer, A 12th-Grade Student, Columbus St. Charles High School (Central District)

A 12th-grade student transferred from Westerville Virtual Learning Academy to Columbus St. Charles High School to start the 2021-22 school year. As a transfer student, the student becomes ineligible beginning with the second 50 percent of the maximum allowable regular season contests and the OHSAA postseason tournament(s) in any sport in which the student participated during the 12 months immediately preceding the transfer. The Executive Director's Office determined that none of the enumerated exceptions to Bylaw 4-7-2, Transfers, were applicable.

The student and his father, John Nowery; Dave Lawler, St. Charles High School athletic administrator; Brian Unk, St. Charles High School head golf coach; and Amy Socero, Nowery family legal counsel, appealed the ruling so that the student could be fully eligible to participate in interscholastic athletics at St. Charles High School.

There was a motion to **deny** the appeal.

Motion passed 3-0.

B. Bylaw 4-7-2, Transfer, An 11th-Grade Student, Cuyahoga Falls Cuyahoga Valley Christian Academy (Northeast District)

A 12th-grade student transferred from Stow-Munroe Falls High School to Cuyahoga Falls Cuyahoga Valley Christian Academy during the 2020-21 school year. As a transfer student, the student becomes ineligible beginning with the second 50 percent of the maximum allowable regular season contests and the OHSAA postseason tournament(s) in any sport in which the student participated during the 12 months immediately preceding the transfer. The Executive Director's Office determined that none of the enumerated exceptions to Bylaw 4-7-2, Transfers, and specifically exception 7, were applicable.

The student and her parents, Matthew and Jamie Berdysz, appealed the ruling so that the student could be fully eligible to participate in interscholastic athletics at Cuyahoga Valley Christian Academy.

There was a motion to **deny** the appeal.

Motion passed 2-1.

C. Bylaw 4-7-3, Transfer, An 11th-Grade & A 10th-Grade Student, Franklin Bishop Fenwick High School (Southwest District)

An 11th-grade and a 10th-grade student transferred from Middletown Madison-Senior High School to Franklin Bishop Fenwick High School during the fall sports season of the 2020-21 school year. As mid-season transfer students, and by operation of Bylaw 4-7-3, the students became ineligible to compete for the remainder of that fall season in the same sport in which they had already competed at Madison-Senior High School. Therefore, the students sat out two contests and the OHSAA tournament in the sport of football after transferring to Bishop Fenwick. Further, by operation of Bylaw 4-7-3, the students are ineligible to compete in the sport of football at Bishop Fenwick through the first three contests of the 2021 season in order to fulfill the entire transfer consequence. The Executive Director's Office determined that none of the enumerated exceptions to Bylaw 4-7-2, Transfers, were applicable and that the remaining period of ineligibility could not be waived.

Kyle Sasal, Bishop Fenwick High School athletic administrator, and Mark Mueller, Bishop Fenwick High School head football coach, appealed the ruling so that the students could be fully eligible to participate in interscholastic athletics at Bishop Fenwick High School.

There was a motion to **deny** the appeal.

Motion passed 3-0.