



Ohio High School Athletic Association  
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## Guidance for 2020-2021 – Superintendents of Ohio’s Multiple High School Districts/Systems - Bylaw 4-7-4 – Intra-District/System Transfer – Exceptions 3-6

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 by using one of the following exceptions. Please note that the use of the word “may” is most important. **There is nothing in this bylaw which compels a superintendent to grant a transfer if, in the superintendent’s sole discretion, the student is using a provision to circumvent the transfer bylaw consequence which renders a student ineligible for all contests that remain after the first 50% of the maximum allowable varsity regular season contests have been competed plus the OHSAA tournament** in any sport in which the student participated at ANY school in the 12 months prior to the transfer.

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.**

**EXCEPTION 3: A member school in the district 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 or out of state 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.

**\*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.** Click here for the list of schools that are poor performing: <http://www.ohsaa.org/Portals/0/Eligibility/4-7-5UnsafePeerPerforming.pdf>

**EXCEPTION 6: If a student is a victim of student on student harassment, intimidation or bullying as those terms are defined at ORC §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;**

**d) A specific, detailed disciplinary procedure for any individual student 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.**

**Special Note: 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 and 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/qa-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.**

Students transferring under one of the exceptions within this bylaw shall become ineligible beginning with the second 50% of the maximum allowable varsity regular season contests plus the OHSAA tournament until declared eligible by the Executive Director's Office.

#### **TO REQUEST A RULING:**

The superintendent, or his/her designee, wishing to request a transfer under one of these exceptions shall direct a letter or submit the required documentation to either Dr. Deborah Moore or Ms. Roxanne Price describing the reason for the transfer as stipulated in one of the applicable conditions listed above. The letter shall **describe in detail and provide documentation, including the date of the transfer**, when necessary, as to how the student meets the exception represented.

Upon receipt of the letter, the OHSAA shall approve the eligibility of the student provided the student is compliant with all aspects of the bylaw. Please contact Debbie or Roxanne with any questions.

**\*Note that exception five is no longer available due to a change in state law.**