OHIO HIGH SCHOOL ATHLETIC ASSOCIATION
Doug Ute, Executive Director

Student Eligibility Guidance for 2021-2022 School Year for High School Principals and Athletic Administrators

Age Bylaw Guidance   **Bylaw 4-2-1 and Bylaw 4-2-2, Exception 1 – Child with a Disability**

This document will focus on Exception 1 to Bylaw 4-2-1 and Bylaw 4-2-2, which read as follows:

> **Bylaw 4-2-1**
> *Once a student attains the age of 20, the student will no longer be eligible for interscholastic athletic competition notwithstanding where that 20th birthday falls in relation to the sports season.*
>
> **Bylaw 4-2-2**
> *If a student enrolled in grade 7 or 8 attains the age of 15 before August 1, the student shall be ineligible to participate in 7th & 8th grade interscholastic athletics for the school year commencing in that calendar year.*

> **EXCEPTION 1**: *If the student is a "child with a disability" as that term is defined within the Ohio Operating Standards for the Education of Children with Disabilities and Part B of the Federal IDEIA requirements and the student's specific disability was diagnosed contemporaneous with the events which caused the student to be unable to meet the requirements of this bylaw; and whose disability is the primary reason for student's inability to meet the requirements of this bylaw, that student may be declared eligible by the Executive Director's office if, in the sole discretion of the Executive Director's office, the Executive Director's office determines that:*
> > *a) the student does not pose a safety risk to himself/herself or others; and*
> > *b) the student does not enjoy any advantages in terms of physical maturity, mental maturity or athletic maturity over other student-athletes; and*
> > *c) the student would not likely participate in any meaningful way in any contest or otherwise have any impact on the outcome of any contest in which the student does participate; and*
> > *d) there is no evidence of "red-shirting" or other indicia of academic dishonesty.*

The "age rule" is predicated on the notion that a student who has reached the 20th birthday, or 15th birthday in accordance with Bylaw 4-2-2, possesses certain advantages (such as physical and/or athletic maturity, life and/or sport experiences, knowledge of her/his sport, additional training and coaching, size and speed) over his/her younger competition that would be unfair, inequitable and, in some cases, unsafe. The "age rule" is also grounded in the idea that the younger athletes who follow the 20-year-old, or the 15-year-old, in the program have limited opportunities to participate as it is, and that these opportunities become even more limited sitting behind an older student-athlete. Notwithstanding these fundamental principles of the "age rule,' the member schools have identified scenarios under which the age limitations might be waived. However, as one Ohio court noted, "*the exception to the age rule [is] intended to allow for the participation of a young person with a disability who would not impact the outcome of an event and probably under most circumstances would not be allowed to compete. It is a __rule of compassion__ but was not intended to give the top athletes another year of eligibility*".

In order to obtain a ruling on this exception, the school principal or another senior level administrator will need to complete the required form (https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/AgeSemesterWaiver.pdf) and address the student's ability to meet the requirements of each of the categories outlined within the exception, as follows:

   a. **Safety risk to self or others** - This item means that the student is not of the size, physical and/or developmental maturity that might predispose him or her to place others at risk or him or herself at risk if an additional year of participation were granted. Please include information about the student's physical characteristics including height and weight when addressing this issue.

b. **Advantage as to physical, mental or athletic maturity** –This item means that the student does not have physical, mental and athletic maturity similar to students who have achieved significant development as athletes and who have shown prowess and impact in their selected sport or sports**.**.

c. **Impact on outcome/meaningful participation** – This concept refers to the notion of keeping the playing field as even as possible by preventing students who have had an additional year of experience in a sport or who have had the advantage of age and maturity from participating against students who have had neither of those advantages. <u>A student approved under this exception would not likely participate in any meaningful way and would certainly not have an effect on the outcome of any contests in which the student did participate.</u> The OHSAA will not grant exceptions to students whose past performance in a sport or sports has been of such a caliber that further eligibility would be unfair to the opponents of the member school the student in question attends. To this end, the applicant shall provide **statistical information about the student's playing time, honors achieved, places in competition earned and varsity letters earned in each sport.**

d. **Red shirting** –This item means a student is not seeking to utilize this exception in a deliberate attempt to retain a student in a grade for the purpose of gaining an extra year of eligibility and thus obtaining an athletic advantage. Students who are identified as a "child with a disability" during their last year of eligibility at the high school or 7-8th grade level will most likely not qualify for this waiver.

Once the form is completed, please send the form, along with a copy of 1) the student's ETR (Evaluation Team Report) and 2) the student's most recent IEP to Kristin Ronai for a ruling. The student is not permitted to participate until an approval is obtained by the Executive Director's Office.

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