



OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

Position Statement and Guidance on the Situations that May be Approved in Accordance with Bylaw 4-1-1- Solely Administrative Error

The membership approved the following change to Bylaw 4-1-1 in May 2010 that became effective on August 1, 2010. The bylaw currently reads:

*Each student shall meet all requirements in this bylaw to be eligible to participate in interscholastic athletic competition. Notwithstanding any provision of this Bylaw 4 to the contrary, **if a student has met all of the substantive eligibility requirements of Bylaw 4** but is **declared ineligible due solely to an administrative error** on the part of the school/school personnel, the Executive Director's Office may, in its absolute and sole discretion, restore eligibility to that student (prospectively and retroactively) provided it can be shown that the student's actions or failure to act did not contribute in any way to the administrative error that caused the declaration of ineligibility in the first place. Notwithstanding the restoration of eligibility, the school may be subject to additional penalties as prescribed in Bylaw 11.*

*Note: The authority to correct purely "administrative errors" is limited to correcting student eligibility issues as codified within Bylaw 4-Student Eligibility. Students who have not met the high school or middle school **scholarship requirement** are not "substantively eligible;" and a student who fails to register for enough credit hours, fails a class(es) or drops a class that lowers the student below the requisite number of credits, always has a shared responsibility for this shortcoming thus disqualifying such shortcoming from the "due solely to an administrative error" category. **Therefore; this Bylaw shall never be used in conjunction with Bylaws 4-4-1 or 4-4-5.***

In advising the membership of the application of this change during the 2010 athletic discussion meetings, the following comments were made:

1. The time has come to consider an option to forfeiture when a student, who is eligible in all respects except that the school has failed to secure a ruling, has violated one of the eligibility standards.
2. This amendment is very restrictive in its language, which permits the restoration of eligibility retroactively, as well as prospectively, and thus the rescinding of any forfeiture.
3. The restrictions stipulate that the **student must have met all substantive requirements and did not contribute in any way to the error**; that the reason for the **ineligibility was solely administrative error**; and that the decision to restore eligibility shall be at the sole discretion of the Executive Director's office.
4. Note that additional penalties, which are prescribed in Bylaw 11, may accrue to the school that made the error. These typically involve a small fine.
5. The Executive Director's Office will supply a position statement with FAQ's to clarify both situations that do and do not comport with this bylaw change.

A further amendment to this bylaw makes it very clear that restitution of scholastic eligibility is not permissible under this bylaw as students who are academically ineligible cannot claim that their eligibility is due solely to administrative error and that they did not contribute to this ineligibility in any manner. A student who is academically ineligible cannot be considered as substantively eligible.

This document represents the OHSAA position statement on this bylaw change and will describe instances that may and may not be considered compliant with this Bylaw.

Examples of situations which will NOT be considered for restoration of eligibility under the provisions of this bylaw:

1. A student who is **ineligible due to scholarship or academic standards**. This includes a student who claims that he/she was advised incorrectly with respect to dropping/adding classes, scheduling classes, or



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even class availability. It also includes the situation where a mistake was made in adding up the credits for the classes the student did take. All students (and their parents) have not only a shared responsibility with respect to their scheduling and scholastic performance, but a **primary responsibility** with respect to both.

A student who is not taking and/or passing five one-credit courses shall always be considered to have contributed in some way to the fact that he or she is ineligible pursuant to Bylaw 4-4-1 and therefore the “due solely to an administrative error” language disqualifies such a student from use of this Bylaw provision. Nothing about this Bylaw changes the past interpretations of situations where the “administrative error” was that of recording the wrong grade for the grading period in the transcripts of the student. In those situations, the interpretation has been that the student did meet the requirements of the bylaw as he/she earned the requisite passing grades in the relevant grading period, and the problem was due to a clerical error.

It is possible that one of the exceptions to Bylaw 4-4-1 may be applicable to a student’s status. School administrators shall ascertain if an exception is warranted AND must apply for the exception and receive approval before the student is permitted to resume participation.

2. A student who is **ineligible due to conduct that brings a suspension or expulsion**, shall not be able to use these provisions.
3. A student who becomes “ineligible” due to violations of a Sports Regulation or contest rules cannot use this Bylaw provision to restore “eligibility.” This provision is applicable for Bylaw 4 eligibility only.

Examples of situations that may be considered appropriate for restoration of eligibility under this bylaw include, but are not limited to:

1. A student who is **ineligible due to age**, may be able to use these provisions. There are some exceptions to the age bylaw, but each exception requires an extensive application, submission of materials and approval in order to permit the student to participate. Failure to properly pursue this process of approval in and of itself may not be sufficient “administrative error” to make these changes applicable.
2. A student who is **ineligible due to semesters**, may not be able to use these provisions. Just like the age bylaw, there are some exceptions to the semester bylaw, but each exception requires an extensive application, submission of materials and approval in order to permit the student to participate. Failure to properly pursue this process of approval in and of itself may not be sufficient “administrative error” to make these changes applicable.
3. A **transfer student whose family has made a bona fide change of residence** into a new school district, but a school administrator failed to submit the appropriate paperwork to the OHSAA office prior to allowing the student’s participation. In this instance, the school will need to request retroactive and prospective eligibility under Bylaw 4-7-2, Exception 1.
4. A **residency exception under 4-6-2 exception #1** - court ordered change of custody to a primary relative when parents live outside of Ohio - if and only if the school can clearly prove that the custody document was in place prior to participation and the student meets all conditions of the exception. Due to the fact that court orders are complicated, it is never advisable to permit a student to participate under such an order without seeking a review by the Executive Director’s Office.
5. A **transfer student, who has been declared a ward of a legal custodian under 4-7-2 exception #2** residing in a new school district and whose paper work has been presented to the school administration at the time of enrollment, may be considered for waiver of the requirement of prior approval by the Executive Director’s office provided the documents are in order and the school has verified that the student is living full time with the new custodian(s) in the new school district. The school must be able to provide all documentation that is dated prior to the date when the student began participation in order for the waiver to be approved. Again, custody issues can be complex and difficult to interpret. Therefore, it is imperative that school administrators review the applicable bylaw and seek a ruling before permitting a student to participate. Please note that the OHSAA office will also have to verify that the event which required the



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student to change schools was indeed that change of custody and that this change was not being used to circumvent the transfer bylaw.

6. A transfer student, whose parents' home, which is newly constructed or is being purchased and is not ready for habitation, may be declared eligible under exception #6 of Bylaw 4-7-2 retroactively provided all documents have been submitted to the superintendent of the school district and proof of such school admittance under this section of the Ohio Revised Code can be documented.

To request restoration of eligibility via administrative error under Bylaw 4-1-1 when a student has participated in a contest(s) prior to receiving a ruling from the OHSAA Office, please submit a letter on school letterhead via email to either Kristin Ronai (kronai@ohsaa.org) or Ronald Sayers (rsayers@ohsaa.org) which includes the following:

1. Name of the school reporting
2. Sport and level of participation (e.g., varsity, JV, freshmen, 7th grade)
3. Date(s) of the contest(s) in which the student participated prior to receiving a ruling from the OHSAA office
4. Bylaw which was violated in which the student currently meets the requirements of eligibility
5. The conditions that caused the failure to request a ruling
6. The submission of all documentation to address the request for a ruling for the respective bylaw

NOTE: Please remember that scholarship issues cannot be addressed via administrative error.

Please remember that failure to secure a ruling where required by bylaw could cause a school to be penalized in accordance with Bylaw 11, which is typically a small fine. A letter acknowledging receipt of this information will be sent back to the reporting school by a staff member at the OHSAA.

Please note that the infraction will become public when presented to the Board of Directors as an information item at the next scheduled meeting of the Board of Directors. The Board minutes are transmitted to all member schools and to the media after each meeting.