

# CONDENSED SUMMARY OF 2023 REFERENDUM ISSUES



## **1C – MODIFY CONSTITUTION ARTICLE 6-1-9 (COVID RULE)**

This Constitution Article (6-1-9) was implemented during the spring of 2020 to address the COVID 19 pandemic and is set to expire at the start of the 2023-24 school year unless an additional extension is approved by the membership. While this Article has been used very sparingly over the course of the past 2½ years (waiver of the scholarship bylaw for the 2020-21 school year and reuse of tournament divisions from the 2020-21 school year for the 2021-22 school year), the Executive Director's Office believes there is value in retaining this concept of "suspending strict compliance" with certain regulations but only if 1) the suspension remains consistent with the underlying purpose of the rule being suspended and 2) the suspension is a result of a natural disaster, a national/state emergency, or a force majeure. New additional language would also clarify that the authority granted within this Article is only available for application for an entire district and/or an entire school, not on an individual student basis.

## **1B – ADD EXCEPTION TO BYLAW 4-3-1 (PUBLIC SCHOOL STUDENTS PLAYING FOR NEIGHBORING DISTRICT IF MEMBER SCHOOL DOESN'T OFFER SPORT)**

This proposed new exception, which failed by a close margin by the membership last year (13 votes), would permit a student enrolled at a member public high school that does not sponsor a team sport in which the student desires to participate to petition to play that sport at a public school located in a bordering public school district but only if the bordering district's Board of Education adopts a resolution permitting such participation, and if the Superintendent of the school the student attends agrees to allow the participation. Reciprocal language has been developed for students in a multiple high school district. An OHSAA form would need to be utilized and, if approved by a Board of Education, must be on file at the OHSAA. District intentions about whether or not to permit the participation by non-enrolled, neighboring public school students for the next school year must be received by the OHSAA Office by June 30 each year, and no student may participate at another school until a request is submitted and approved by the Executive Director's Office. Note that there are several additional modifications to the proposal from the 2022 version, so administrators are highly encouraged to read the proposal in its entirety.

## **2B – CLARIFY BYLAW 4-4-1 & AMEND EXCEPTION 1 (HIGH SCHOOL ACADEMIC STANDARDS)**

The first proposed modification removes redundancy and simply requires engagement in coursework during the preceding grading period, with a new reference to Bylaw 4-3-1 for enrollment requirements. Exception 1 is being changed to remove the assessment of the top 10% class rank and would allow any senior meeting other requirements to utilize this exception. Criteria c is also being modified to clearly articulate for whom this bylaw is intended (students with good behavior records, attendance, and no failing grades). Exception 2 is being editorially changed to reflect a newer review process used by the E.D.'s Office.

## **3B – ADD NEW ACADEMIC VERIFICATION REGULATIONS FOR CCP STUDENTS**

The proposed changes in Issue 3B address the matter of CCP (College Credit Plus) students taking shorter "sprint" or "A/B" courses who don't engage in coursework in that class during the grading period in question. The first proposed change removes the obligation of school administrators to conduct grade checks for CCP courses that are not concluded before the grading period ends. Students are assumed to be passing the course until they

receive a failing grade or drop the class, and they must inform their school of any enrollment changes in CCP courses. The new Exception 4 allows "sprint" or "A/B" courses to count towards the 5-credit standard if they occur during the same semester and the student was enrolled in the course during a different grading period of the same semester. However, the student must be enrolled in the course at the beginning of the semester in order for it to count, and CCP courses taken during summer or a different semester cannot be used. If a student drops a CCP course after using it to meet the 5-credit requirement, they will become ineligible for the remainder of the grading period unless the CCP course was not necessary to meet the 5-credit requirement.

#### **4B – ADD LANGUAGE TO BYLAW 4-5-6**

The first proposed change would clarify that a student cannot transfer to a new school simply to avoid a code of conduct violation penalty. The second proposed change would address a student who was issued an indefinite athletic suspension at one school, who subsequently transferred to a new school and want to play sports. The proposed language would provide the new school some discretion on how long the code of conduct violation penalty would remain in place at the new school, although the penalty would be required to last at least one calendar year. If passed, the proposed change from the original version approved by the Board of Directors in December 2022 would now require the sending school to alert the receiving school of any pending code of conduct violations.

#### **5B – MODIFY BYLAW 4-7-2, TRANSFER**

The first proposed change would add titles to each of the paragraphs to the transfer bylaw to assist those desiring to find applicable transfer regulations. The second proposed modification would remove the application of the transfer consequence for a student who is attending the school located in their residential district and obtains approval from the superintendent for home education, or vice versa. The third proposed change would clarify that non-enrolled students who are participating at their local public school in accordance with state law may transfer their participation opportunity back and forth between schools in between sports seasons (based on sports offered) without any transfer consequence. Additionally, the proposed language outlined in Note 2 would clarify which school is required to submit transfer exception paperwork when dealing with non-enrolled transfer students.

#### **6B – MODIFY EXCEPTION 5, TRANSFER BACK TO SAME SYSTEM OF NON-PUBLIC EDUCATION**

This exception was approved by the membership during the 2022 referendum voting, but a modification to criteria (c) of the exception is being proposed following an appeal recently heard by the OHSAA Appeals Panel. If passed, the proposed modification would allow the Executive Director's Office to consider application for a senior, whereas the previous language required the transfer to take place prior to the student's junior year. Additionally, new language is also being proposed to waive the timing criteria entirely but only if the student came back to the same high school to which they have ALWAYS been enrolled, and it also would only apply if the student did not play any other sports at the other school when they left.

#### **7B – AMEND BYLAW 4-7-2 EXCEPTION 9, NOTE 2**

The Executive Director's Office frequently reviews and fields questions relative to the movement of students between legal custodians who live in different school districts. This proposed change would codify that, once a student transfers to a new school where a different legal custodian lives (which is in a different district than where their original legal custodian resides), the student would forfeit the opportunity to 'go back' to their original school using the exception once the student has maintained attendance at the new school for at least one calendar year. After one calendar year, the new school of attendance would become their 'residential district school' for the purposes of this exception, subject to applicable OHSAA Business Rules assignments within a multiple high school district.

## **8B – AMEND BYLAWS 4-7-3, MIDSEASON TRANSFER**

This bylaw prevents a student from transferring to a new school after already playing in a regular season contest and attempting to play the same sport after their transfer. Though intended to prevent participation for two different schools during the same season, the current language does not take into consideration the fact that a student can transfer to a new school and still be permitted to have a participation opportunity at the same school where they were already participating, in accordance with state law. The proposed modification would waive the mid-season transfer prohibition as long as the transfer leads to a participation opportunity for the same team. The additional edits to the language clarify that a student would still have to meet the requirements of an exception in order to waive the transfer consequence.

## **9B – AMEND BYLAWS 4-7-6 AND 4-7-7, INTRA-DISTRICT/SYSTEM TRANSFERS**

Bylaws 4-7-6 and 4-7-7 are the respective public and non-public schools intra-district/system transfer regulations (meaning these bylaws/situations are only available for students who transfer schools between the same district/system). These regulations have no application for a student who transfers between schools within different districts/systems. The proposed changes would make the public and non-public schools intra-district/system regulations more consistent with one another (both would include a change in academic program and a transportation hardship option, while the public-school bylaw would include a redistricting option and the non-public school bylaw would include an economic hardship option), and would also allow for change of academic program requests to be considered at the semester break, subject to Bylaw 4-7-3 (midseason transfer rule).

## **10B – AMEND BYLAW 7, CONTRACTS**

These proposed modifications came about from feedback from a league in northeast Ohio. The current language in Bylaw 7-1-2 does not clearly define the meaning of a “published schedule.” Adding the new definition of “published” more clearly articulates when a league/conference schedule becomes an enforceable contract. The proposed language under Bylaw 7-1-3 is being added to encourage schools to explicitly state the penalty for breaking a league/conference contract. Under current operating procedures, when the Executive Director’s Office is forced to become involved with league/conference disputes, it must consider a variety of factors. If schools already have a clearly defined penalty within their constitution/bylaws, it allows the league/conference to take more ownership in the enforceability of any such contract disputes and/or gives the Executive Director’s a better starting point. Also, under 7-1-8, the word “signed/published” is added to clearly define what situations the Executive Director’s Office will help resolve a dispute. In addition, the new note helps enforce that the Executive Director’s Office will only attempt to resolve signed/published contracts.

## **11B – NEW BYLAW 8-3-2, AND RENUMBER**

This proposed addition would require schools to protect the contact and personal information of contest officials before and after a contest unless first gaining permission to provide such information from the contest official.

## **12B – AMEND BYLAW 11-1-4, PENALTIES**

On occasion, the Executive Director’s Office is prevented from upholding a ruling due to legal intervention (e.g. a temporary restraining order). If the court ultimately finds that the original ruling was correct, this proposed addition would codify the Executive Director’s Office’s ability to also impose the ruling (e.g. penalty) in the immediately following school year/sports season. Note that even though Bylaw 11-1-2, Penalties, would already permit the Executive Director’s Office to impose a penalty, adding this language to Bylaw 11-1-4 would help reinforce the notion that penalties may still be imposed in the future for anyone considering litigation.