



2022 Referendum Issues

Approved as of February 17, 2022

**The following referendum issues represent the thirteen (13) items the OHSAA Board of Directors has approved for a membership vote as of February 17, 2022. The member school principals will vote on these issues between May 1-15, 2022. Additional issues are expected to be added at the March Board Meeting. Prior to the vote, all issues will be explained in a public platform at the upcoming Athletic Discussion Meetings in April 2022 (dates TBA).*

New Issues Approved at February Board Meeting Include: 2B, 3B, 5B, 6B, 8B, 9B, 10B, 11B, 12B

NOTE: All issue numbers (1C, 1B, 2B, etc.) are subject to change pending approval of additional items at future meetings.

CONSTITUTION

**ISSUE 1C – AMEND CONSTITUTION ARTICLE 5-7-3 AND ADD CONSTITUTION ARTICLE 6-1-10
If passed, effective May 16, 2022*.**

**Will apply to all requests for district transfers that are pending as of May 16, 2022.*

Initial Review-10/21/2021

Approved for Referendum-1/13/2022

5-7-3 Member schools requesting permission to transfer from one district to another district must submit, in writing, the required transfer request application to the releasing and receiving district athletic boards and the Executive Director by no later than six (6) months prior to August 1 of the next divisional alignment year governed by Bylaw 2, Section 1. ; letters reasons for the transfer. Both district athletic boards shall be given an opportunity to take advisory action which shall be completed within 90 days have a 90-day period to provide an advisory recommendation to either support or oppose the transfer request in writing. The Board of Directors will take action to approve or deny the transfer request within a 90-day period. The member school shall have a 10-day period to respond in writing to the district athletic boards. Based on the foregoing, the Executive Director shall have a 30-day period to evaluate the request and issue a decision using objective, published criteria. The member school may appeal any unfavorable decision to an Appeals Panel established pursuant to Article 5-6-1. If such a panel is not established, the member school may appeal to a panel comprised of the members of Board of Directors who are not from the affected district athletic boards. The appeal hearing shall involve representatives from the affected parties so that the panel may listen to all relevant factors and make an informed decision using the objective, published criteria.

All petitions for transfer become effective at the beginning of the school year of the next divisional alignment year governed by Bylaw 2, Section 1 with no retrospective activation. Members schools that transfer districts pursuant to this section shall not be permitted to request another transfer for the next eight (8) school years.

NEW:

6-1-10 The Executive Director shall evaluate requests for member school transfers between athletic districts.

COMMENTS:

1. The current language of Constitution Article 5-7-3 does not provide clear factors for evaluating a request to change districts. The proposed amendment will restrict requests to those that can meet objective, published criteria. It also will require the school and the applicable District Athletic Boards to present their reasons/concerns prior to a decision being rendered. This format will encourage more detailed conversation.
2. The current language of Constitution Article 5-7-3 permits member schools to change districts without restriction. The proposed amendment restricts how frequently such changes may occur.
3. The proposed amendment removes the final decision-making authority from the Board of Directors, which is composed of representatives from the impacted districts, and instead places the decision-making authority with the Executive Director who will be charged with reviewing the objective, published criteria to make an impartial decision. Any denied transfer request will then be appealable to the Appeals Panel or, if such a Panel is not established for any given year, to a panel comprised of the members of Board of Directors who are not from the affected district athletic boards.
4. The proposed “objective, published criteria” intended to be used when making decisions about any transfer requests is located at this link under “2022 Referendum Voting Information”: <https://www.ohsaa.org/School-Resources/referendum-voting>

BYLAWS

ISSUE 1B – AMEND BYLAW 1-4-1, DEFINITION OF INTERSCHOLASTIC CONTEST

If passed, effective August 1, 2022.

Initial Review-10/21/2021

Approved for Referendum-1/13/2022

1-4-1 **An** “interscholastic athletic contest,” as used throughout the Bylaws and Sports Regulations of the OHSAA, is defined as a sports event ***which takes place during the defined sports season*** in which student-athletes from ***representing*** at least one school are engaged in sports-related activities with students from ***representing*** at least one or more schools or non-interscholastic programs. This includes, but is not limited to, scheduled contests/***meets/matches***, practices between two or more schools, sports day, ***previews, scrimmages, jamborees***, electronic contests, invitational contests, ***and*** alumni games and interschool scrimmages. ***Practices involving two or more schools shall also count as a contest unless those squads share the same board-approved coach. See Bylaw 9 regarding contests requiring special attention.***

For purposes of this definition, “defined sport season” shall be determined by the sports regulations for that sport, beginning with the first date on which coaching may begin and concluding on the last date the school participates in a regular or postseason contest.

COMMENTS:

1. The definition of an “interscholastic athletic contest” is currently found in two locations, Bylaw 1-4-1 and General Sports Regulation 7.1.3. Because this definition is referenced frequently within the Bylaws, it was determined a more detailed definition needed to be outlined in Bylaw 1-4-1. The proposed amendment represents this more detailed definition.

ISSUE 2B – UPDATE BYLAW 1-5-1, RECOGNIZED SPORTS, & ADD BYLAW 1-5-2, 1-5-3, EMERGING SPORTS AND SPONSORED EVENT, RENUMBER

If passed, effective August 1, 2022.

Initial Review- 2/10/2022

Approved for Referendum-2/17/2022

- 1-5-1 A “recognized sport” is one adopted by the Board of Directors and for which the OHSAA sponsors a tournament. (Note: baseball, basketball, bowling, cross-country, girls field hockey, football, golf, girls gymnastics, ice hockey,

lacrosse, soccer, girls softball, swimming and diving, tennis, track and field, girls volleyball, wrestling are recognized sports this year.)

1-5-2 An “emerging sport” is a recognized sport that does not have wide-spread sponsorship by and among member high schools but for which there exists a growing or expanding interest in sponsorship by member schools. The Board of Directors shall adopt sport specific regulations and tournament regulations for participation in the tournament sponsored by the OHSAA but they may suspend the strict compliance to specific general sport regulations for that emerging sport.

Note: Sports that the Board of Directors had approved as “recognized sports” as of August 1, 2022, shall be grandfathered in as recognized sports regardless of the percentage of member schools that sponsor that sport.

1-5-3 A “sponsored event” is an interscholastic contest(s) contracted through/for the Executive Director’s Office for which special rules must be created in conjunction with an outside entity to establish a format for statewide competition. Further, the Executive Director’s Office shall determine which OHSAA student eligibility bylaws, if any, are applicable to the athletes involved.

1-5-24 If and when a school or school district sponsors or authorizes a varsity, subvarsity, 7th or 8th grade squad/team that competes with other interscholastic squads in a “recognized sport,” the school or school district shall be responsible for assuring that any and all such squads/teams comply with all OHSAA Bylaws and Sports Regulations, particularly those related to scholarship, transfer, residency, age limitations and contest limitations. For purposes of this bylaw, a “sponsored” team or squad shall include any “club” sport or team/squad.

COMMENTS:

1. The proposed amendment to Bylaw 1-5-1 removes the list of recognized sport from the bylaws and will move that list to the general sports regulations to be modified annually as needed by Board of Directors action.
2. The proposed amendment to Bylaw 1-5-2 provides clarity that emerging sports are also recognized sports that may have a different tournament structure due to number of participating schools, or lack thereof, etc. This will ensure these athletes are covered under the OHSAA catastrophic insurance coverage.
3. The proposed amendment to Bylaw 1-5-3 creates an option for a “sponsored event” that the Executive Director’s Office can set up to provide opportunities for OHSAA member school students that do not participate in a recognized or emerging sport. Such an event will not follow traditional regular season and/or tournament format models required by “recognized sports.”
4. The proposed amendment to new Bylaw 1-5-4 simply adds reference to two additional bylaw so schools understand that all OHSAA recognized sports teams, including club teams, must abide by all OHSAA rules, including the transfer bylaw and residency bylaw (parent living in Ohio).

ISSUE 3B – ADD EXCEPTION TO BYLAW 4-1-1, MODIFY EXCEPTION TO BYLAW 2-2-2

If passed, effective August 1, 2022.

Initial Review- 2/10/2022

Approved for Referendum-2/17/2022

4-1-1 Each student shall meet all requirements in this bylaw to be eligible to participate in interscholastic athletic competition...

EXCEPTION: A student who only participates in a single contest during a regular season is not required to meet all the requirements of Bylaw 4 but only if the following criteria are met:

1 — The participation happens one time during the regular season; and

- 2 — The student is a manager/student assistant or has an intellectual or physical disability; and**
- 3 — The student would not likely otherwise participate in a meaningful way or have an impact on the outcome of a contest; and**
- 4 — The opposing coach and/or officials are made aware of the student’s participation before the student enters the contest and the playing time is agreed to by both coaches.**

The intent of this exception is to specifically reward and/or recognize a student manager or a student with an intellectual or physical disability for his/her special contributions to a team even if they fail to meet certain criteria within Bylaw 4.

BYLAW 2-2-2 EDIT:

EXCEPTION: A student who participates in a single varsity contest during a regular season is not required to be included in the Additional Roster Count submission provided the following criteria are met:

- 1 — The participation happens one time during the regular season; and
- 2 — The student is a manager/student assistant or has an intellectual or physical disability; and
- 3 — The student would not likely otherwise participate in a meaningful way or have an impact on the outcome of a contest; and
- 4 — It is required that the opposing coach and/or officials are made aware of the student’s participation before the student enters the contest.

~~However, for a student to have a participation opportunity under this exception, he/she still needs to be eligible regarding all aspects of Bylaw 4, Student Eligibility.~~ The intent of this exception is to specifically reward and/or recognize a student manager or a student with an intellectual or physical disability for his/her special contributions to a team without potentially impacting a team’s divisional placement.

COMMENTS:

- 1. The intent of the proposed amendments is to reward and/or recognize a student manager or a student with an intellectual or physical disability for his/her special contributions to a team without requiring the school to verify certain aspects of eligibility.
- 2. The proposed new exception to Bylaw 4-1-1 is already conceptualized within the current exception to Bylaw 2-2-2 addressing the adding students to a Competitive Balance Roster.
- 3. The proposed amendments remove the requirement that these students be required to be eligible under all aspects of Bylaw 4, specifically the scholarship bylaw (5 credits at HS level; 4 classes at 7/8 grade level).
- 4. The participation permitted under this exception shall only be allowed one time per sports season.

ISSUE 4B – ADD 18 YEAR OLD PROVISION TO BYLAW 4-6-2, EXCEPTION 1

If passed, effective August 1, 2022.

Initial Review-12/2/2021

Approved for Referendum-1/13/2022

EXCEPTION 1: The Executive Director’s office may declare a student who is the subject of a custody or guardianship order issued by a court of proper jurisdiction conferring custody/guardianship upon a grandparent, aunt, uncle or sibling who resides in Ohio, if, in the sole discretion of the Executive Director’s office, the Executive Director’s office determines that the purpose of this change in custody was not for athletic reasons, but purely for the best interest of the student in terms of the student’s mental, physical and educational well-being. Such a student is ineligible until declared eligible by the Executive Director’s office.

The Executive Director's Office, in its sole discretion, may waive the formal requirement of a court order for a student who is 18, when circumstances are presented that the student was compelled to transfer schools and reside with a primary relative as outlined above who is a bona fide resident of the state of Ohio.

Note: Upon enrollment of a student whose parents live outside the state of Ohio but within the United States or any of its territories, or if the parents move outside the state of Ohio prior to or during the student's high school career, the principal of that school in which the student is being enrolled shall notify the Executive Director's office of said enrollment, and the facts and circumstances regarding any change of custody so that the Executive Director's office can make an informed decision regarding the student's qualifications under this exception.

Please be advised that students who transfer into an Ohio high school under this residence exception must adhere to an exception to the transfer bylaw 4-7-2 or be prepared to fulfill the transfer consequence in any sport in which they participated in the 12 months immediately preceding the transfer. After the first 50% of the maximum allowable regular season contests have been competed, the student shall then become INELIGIBLE for the remainder of the regular season contests. Furthermore, the student shall also remain ineligible to participate in the OHSAA sponsored tournament(s).

COMMENTS:

1. The proposed amendment would permit the Executive Director's Office to approve residency eligibility after considering extenuating circumstances that may compel a student who is 18 and no longer eligible for a legal change of custody/ guardianship to transfer schools and move into a new residence with a primary relative while his/her parents are living outside of Ohio.
2. This proposal is a mirror amendment to the 18-year old provision found within the change of custody exception under the transfer bylaw.
3. If approved under this residency exception language, the student would still have to meet the requirements of a transfer bylaw exception in order to restore eligibility for the entire season. Approval under this provision only gives them eligibility for the first half of the season.

ISSUE 5B – ADD NOTE TO BYLAW 4-7-2

If passed, effective August 1, 2022.

Initial Review- 12/2/2021

Approved for Referendum- 2/17/2021

Note 1: The Executive Director's Office, in its sole discretion, is authorized to make certain equitable adjustments to the period of REGULAR SEASON ineligibility in cases when a student, through no fault of the athlete, is subject to documented, extenuating circumstances which prevent him/her from competing during all or part of the first 50% of the maximum allowable regular season contests in a sport. However, no such approval shall ever permit a student-athlete a participation opportunity in the OHSAA postseason tournament of a sport in which they are ineligible. If such an adjustment is granted, 1) the student must be physically attending the school at the start of the season for such an adjustment to be considered and 2) the student will only be eligible for those contests outlined in the Executive Director's Office's approval, which will never exceed 50% of the maximum allowable regular season contests regardless of whether the student participates in those contests. It is the sole responsibility of the school to which the student transfers to ensure a student granted such an adjustment participates only during the appropriate contests outlined in the Executive Director's Office's approval.

COMMENTS:

1. The proposed language does NOT allow the Executive Director's Office to waive the transfer consequence unless an exception is met. The proposed language simply would allow the Executive Director's Office the ability to adjust when a student fulfills the regular season transfer consequence if they are unable to compete during all or part of the first 50% of the season.

2. **The proposed language does NOT allow students to have eligibility adjusted for tournament play, only the regular season.**
3. Lack of medical clearance, evidenced by documentation, would represent the primary issue considered under the proposed language. This will also cover quarantine situations if those continue to transpire.
4. The proposed rule will only be applied/approved when the extenuating circumstances preventing the student from participating during the first half of the season are through no fault of the athlete. For example, if a student was ineligible for the first half of the season due to academic eligibility or if they miss contests due to a family vacation, then this would prevent the student from being able to use this adjustment.
5. The proposed language would only be applicable for a student who is physically attending the school during first half of the season and who is unable to play. It would not be applicable for a student who transfers into the school late in the season and wants to resume participation during the second half of the season (after forgoing participation at their previous school during the first half of the season).
6. The proposed language would only permit adjustments during the same sports season. There would be no rollover into the next year's sport season.
7. The proposed amendment provides the E.D.'s Office the ability to "slide" the period of ineligibility anywhere within the REGULAR season.
8. It may be difficult for administrators with multiple transfers if the period of ineligibility begins at different points.

ISSUE 6B – AMEND EXCEPTION 1 TO BYLAW 4-7-2

If passed, effective August 1, 2022.

Initial Review-12/2/2021

Approved for Referendum- 2/17/2022

EXCEPTION 1: If **a student is compelled to transfer to another high school** as a result of a bona fide legal change of residence made by BOTH PARENTS (biological, adoptive or stepparents) from one public school district into another **public** school district, whether from outside the state of Ohio or within Ohio, ~~the student is compelled to transfer to another high school,~~ the Executive Director's Office, **in its sole discretion**, may waive all or part of the period of ineligibility for one or more sport/sport seasons at:

- (a) **the public high school in which the new residence is physically located (or any school to which the student is placed and enrolled in a multiple high school district) or;**
- (b) **any non-public high school if family's new residences is at least 15 miles from their former residence, as determined by the most direct route when using google maps or other such navigational system, or;**
- (c) **any high school, public or non-public, if the new residence into which the family has moved is more than 80 miles from the residence from which the family moved, as determined by the most direct route when using google maps or other such navigational system, or;**

The requirement that "both parents" make the move may be waived by the Executive Director's Office if the marriage of the parents has been or is in the process of being legally terminated or if the parents were never married. In addition, the Executive Director's Office, in its sole discretion, may extend conditional eligibility for up to 90 days immediately following the date of the student's transfer in cases where parents are making a bona fide move into a residence that is more than 100 miles from their former residence, and there are extenuating circumstances that are presented which prevent one of the parents from making the move immediately. This 90-day conditional provision may be extended for up to 90 more days ONLY in the case of medical or military obligations that prevent one of the parents from making the move at the same time as the other parent.

If the person(s) making the bona fide move is not the biological or adoptive parent or stepparent of the student, the school administrator must disclose the custodial relationship, provide the court ordered documents and advise as to the whereabouts of the student's biological or adoptive parents.

An Affidavit of Bona Fide Residence in the form requested by the Executive Director's Office, must be submitted along with any request for the application of this exception. **Please refer to Bylaw 4-1-2 concerning eligibility established via falsified information.**

Note 1: Please refer to Bylaw 4-6-1 for a definition of bona fide residence. Also, the student and the student's parents must reside in this new residence for a period of one year from the date on which this exception was applied to a given student in order to maintain eligibility at the school into which the student's transfer has been approved. The school district will have a continuing duty to monitor compliance with the residency requirements during this one year period. ~~Exception one permits the choice of the public high school in the parents' new public district of residence (any public school in the parents' new district of residence in a multiple high school district), or any non-public high school. If, however, the new residence into which the family has moved is more than 100 miles from the residence from which the family moved as determined by mapquest.com or such other navigational system as adopted by the Board of Directors at its August meeting (using the most direct route), the student shall have the option to enroll contemporaneously with this move into any public high school.~~

Note 2: If, as a result of a bona fide change of residence of the student's parents, a student transfers and is permitted a participation opportunity at a member school where he or she is not enrolled, in accordance with Bylaw 4-3-1 exceptions #4 and/or 6, the Executive Director's Office may apply this exception 1 to restore full eligibility in regard to transfer/ change of participation opportunity

COMMENTS:

1. The a/b/c format of the first paragraph simply moves language from the former "Note 1" and more clearly articulates at which school(s) a student can potentially attempt to restore full athletic eligibility via this exception.
2. The current language of this exception allows for families to select any school when they move into a new public school district if the distance between the two residences is over 100 miles. The proposed amendment in option (c) decreases that distance to allow for the selection of any school when the distance between the two residences is 80 miles.
3. The current language of this exception allows for families to select any non-public school when they move into a new public school district, regardless of the distance of their move. The proposed amendment in (b) sets a new mileage requirement (15 miles) for a student attempting to use this exception at a non-public school. Especially for students whose former school was a non-public school, a physical move of a short distance provides limited reasons as to why the student would have to withdraw from their former school. If a family moves and the distance between the residences are less than 15 miles apart then the proposed amendment would not allow the student to use this exception to restore eligibility at a non-public school.
 - a. EXAMPLE 1: A student is attending a school (public or non-public) and their family moves into a new residence 15 miles away from their former residence and within a new public school district. This student would be able to enroll at the public school in their new residential district or ANY non-public school and request restoration of their full athletic eligibility.
 - b. EXAMPLE 2: A student attends a non-public school but their family moves 8 miles down the road into a new school district. Because non-public schools do not have defined geographic boundaries, this physical move only 8 miles away would not require the student to withdraw from their former school. A move of this distance would not restore full eligibility under the proposed amendment should the family elect to transfer their child to a different non-public school.
 - c. EXAMPLE 3: A student is attending a public school but their family moves 8 miles down the road into a new school district. Their former public school district does not allow open-enrollment so the student is required to withdraw from their former school. Because the distance of their move is less than 15 miles, this exception will only restore eligibility at the public school located in their new residential district. Enrollment in a non-public school would not restore full athletic eligibility under the proposed amendment since the move is less than 15 miles.
 - d. EXAMPLE 4: A student is attending a school (public or non-public) and their family moves into a new residence 15 miles away from their former residence but the new residence is NOT within a new public

school district. Even though the move is more than 15 miles, it would NOT restore full eligibility at any school (public or private) since the move is not between two different school districts.

4. The concept which is still retained in the proposed amendments is the notion that the move must be the event which compels the transfer. Adding in some of these additional stipulations provide more safeguards against the exception being used as a loophole. The proposed language supports the intended purpose of the exception.
5. Though there is no mileage requirement for public school application, moves into a new district only restore eligibility at the public school located in the family's new residential district. Conversely, a move of over 15 miles could restore eligibility at ANY non-public school. Though the options for application of this exception are not exactly equal, the proposed amendments make the options more equitable.
6. The reason there is no mileage requirement for approval for transfers to public schools for a move of less than 80 miles is because public schools have defined geographic boundaries which govern state allocated funding and school attendance assignments based on residency.

ISSUE 7B – REMOVE CURRENT TRANSFER EXCEPTION 5

If passed, effective August 1, 2022.

Initial Review-1/13/2022

Approved for Referendum-1/13/2022

~~EXCEPTION 5: A student transferred to the State School for the Blind or State School for the Deaf shall be eligible upon enrollment.~~

COMMENTS:

1. The State School for the Blind and the State School for the Deaf are no longer members of the OHSAA so this exception is irrelevant.
2. If/when either of these schools would desire to become members again they would have to undergo a probationary year. If this would transpire, during this probationary year the office would intend to put this type of language/exception back up for a referendum vote for likely approval and application during the school's first full year of membership.

ISSUE 8B – ADD TRANSFER EXCEPTION FOR RETURN TO NON-PUBLIC SCHOOL

If passed, effective August 1, 2022.

Initial Review-1/13/2022

Approved for Referendum-2/17/2022

Bylaw 4-7-2, Exception 5 or 13 (Dependent on outcome of Issue 8B)

A student may return to non-public education and have his/her eligibility restored at the discretion of the Executive Director's Office provided the following conditions are met:

- (a) the student had been continuously enrolled in the same system of non-public education (e.g., Catholic Conference of Ohio, Ohio Association of International Schools, Association of Christian Schools International or other category as denoted by the State Department of Education) beginning in the 4th grade and continuing consecutively through the entire eighth grade and;**
- (b) the student has not attended more than one other high school during the course of their high school enrollment and;**
- (c) the student returns to the same system of non-public education prior to the start of the student's junior year and;**
- (d) the student can demonstrate to the satisfaction of the Executive Director's Office that the transfer is not occurring/not taking place for athletic reasons.**

Furthermore, if the student commences attendance at any HIGH SCHOOL within the same system of non-public education then breaks enrollment for a period of time at a school located outside the same system of non-public education, this exception will only be available for use back to the same high school at which the student was previously enrolled, provided the aforementioned criteria are all met.

COMMENTS:

1. A similar version of the proposed amendment was previously in place during the 2012-13 school year and, prior to removal due to modifications to the overall transfer bylaw, allowed for certain students to have a one-time transfer back to a non-public school located within the same system of education BUT ONLY IF the student was continuously enrolled within that system of education previously.
2. The Executive Director's Office has received feedback that students have a free pass to a public school (Exception 9) but that there is no comparable exception for non-public school student transfers. The proposed amendment would create a parallel exception but only for those students who have shown a prior commitment to that type of education in grades 4-8.
3. The language of the bylaw is narrowly crafted to allow for a reconsideration of high school selection for only those students who have previously shown a commitment to a certain type of non-public education.
4. Examples of approvals, pending review of criteria (d):
 - a. Enrollment in Catholic school grades 4-8. Enrollment in local public school for 9th grade year due to financial concerns. Transfer back to Catholic school for 10th grade year.
 - b. Enrollment at Christian (ACSI) grade school grades 4-9. Transfer to public school grade 10. Transfer back to same Christian (ACSI) school for junior year.

Examples of situations not compliant with proposed exception:

- a. Enrollment in public education grades K-9. Transfer to a non-public school in grade 10 = not compliant with exception due to lacking continuous enrollment in established non-public system of education in grades 4-8
- b. Enrollment in Catholic school grades 4-8. Enrollment in local public school for grades 9-11. Transfer back to Catholic school for senior year = not compliant with exception because this exception cannot be used for a senior (transfer has to take place prior to student's junior year)
- c. Catholic school grades K-6. Open enrollment to neighboring public school grades 7-10. Transfer back to catholic school for 11th grade year = not compliant with exception due to lacking enrollment in non-public school system in grades 7 & 8.
- d. Enrollment in Independent (OAIS) grade school K-8 and entire 9th grade year. Transfer to online community school due to Covid concerns sophomore year. Transfer to different Independent (OAIS) High School for junior year = not compliant with exception due to transfer to different high school from where student was initially enrolled as a 9th grader
- e. Christian (ACSI) grade school grades 4-8. Enrollment at Independent school for grade 9. Transfer to local public school for grade 10. Transfer back to Christian (ACSI) school 11th grade = not compliant with exception due to third high school (criteria b). This type of movement at the HS level does not show a commitment to the same system of education.

Old Language: *EXCEPTION 6 — A student may return to non-public education by transferring from the public high school located in the district of residence of the parents to a non-public high school and have her/his eligibility restored at the discretion of the Commissioner's office provided the following conditions have been met:*

1. *That the transfer from the non-public high school to the public high school was not done for athletic reasons but for purely academic reasons or family circumstances beyond the control of the student and/or his/her parents; and*
2. *The student had been continuously enrolled in the same system of non-public education (e.g., Catholic Conference of Ohio, Ohio Association of Independent Schools, Association of Christian School International or other category as denoted by the State Department of Education) beginning in the 6th grade and continuing thereafter through and including the eighth grade and either:*
 - a) *The student began grade nine in a high school within the same non-public system and shall transfer back to that same non-public high school or*
 - b) *The student began grade nine in the public school located in the residential district of the parents and the transfer back to a high school within the same non-public school system in which the student was enrolled from grades 6-8 shall occur prior to the start of the student's tenth grade year.*
3. *The student has been ruled eligible by the Commissioner's office.*

ISSUE 9B – CREATE NEW TRANSFER EXCEPTION FOR ADULT BAD BEHAVIOR

If passed, effective August 1, 2022.

Initial Review-1/13/2022

Approved for Referendum-2/17/2022

Bylaw 4-7-2, EXCEPTION 5, 13 or 14 (dependent on the outcome of issues 8B and 9B)

If, as a result of the conduct of an adult associated with the school, a student is compelled to transfer in order to protect the student's physical and/or mental well-being, the Executive Director's Office may waive all or part of the period of ineligibility for one or more sport/sport seasons provided ALL of the following criteria are met:

- (a) there is documented evidence the adult conduct was directed specifically towards the student; and**
- (b) the adult conduct is of such a nature as to trigger a criminal investigation or an event which is otherwise a "reportable" event that would require a mandatory reporter to report to the proper legal authorities; and**
- (c) the student suffered/suffers physical harm and/or severe emotional distress that required/requires medical treatment and/or mental health treatment, which is documented; and**
- (d) there is no evidence the transfer is due to the student/family's displeasure with a former coach's training tactics and/or the student's playing time.**

For purposes of this bylaw, "conduct" may include behavior of a physical nature as well as verbal and/or written expressions, gestures and interactions. The conduct referred to herein may also include interactions via social media or other forms of electronic communications.

This exception will not be applied where there has been no documented evidence of a criminal investigation or a "reportable" event as outlined in criteria (b), nor will this exception be applied for a student who simply alleges displeasure with a former coach's training tactics.

COMMENTS:

1. The Executive Director's Office believes the proposed amendment could dramatically increase the amount of students trying to transfer schools and attempt to use this exception to get away from a coach with which they are displeased.
2. Despite this concern, the Executive Director's Office also recognizes the current codified bylaws provide no pathway for a student to transfer schools who may have been subject to the inappropriate adult behavior this proposed exception is intended to encompass. The lack of such an option leaves the E.D.'s Office subject to litigation.
3. Criteria a, b and c can be substantiated through documentation. If such documentation does not exist then the exception will not be applied.
4. If approved, the E.D.'s Office would seek copies of all notes surrounding a situation, not just a final summary, and would also reach out to the former school to gain a complete understanding of the relevant facts surrounding the situation in order to make an informed decision.

ISSUE 10B – AMEND BYLAW 4-10, AMATEURISM

If passed, **effective May 16, 2022.**

Initial Review-12/2/2021

Approved for Referendum- 2/17/2022

4-10-1 A student who represents a school in an interscholastic sport shall be an amateur in that sport. An amateur athlete is one who participates in the activities of his/her sport for the purpose of deriving the physical, mental and social benefits of organized sports competition with no expectation of compensation for his/her participation. ~~has to offer and not for any present or future pecuniary or commercial gains.~~ Since the student is considered an integral member of the student body, a clear line of distinction between educationally based athletics and professional sports must exist and be maintained at all times. It shall be the shared responsibility of school personnel, the athletes and their parents to maintain this clear line of distinction.

An athlete is permitted to be a professional in one sport (in which they do not participate interscholastically) but still retain their amateur status in another interscholastic sport.

4-10-2 An athlete forfeits amateur status, and thus interscholastic athletic eligibility, if any of the following standards of amateurism are violated:

a) Competing in athletic competition(s) for money/cash or other remuneration. ~~Allowable travel, meals and lodging expenses may be accepted provided that these expenses are not conditioned on the individual's or team's place finish or performance or given on an incentive basis and such expenses are provided to all participants in the competition.~~

EXCEPTION: If a student competes, who is competing in the amateur division within in a competition where travel, meals and lodging expenses are being reimbursed, or where prize money is available, the student shall complete signs prior to the competition a "Request for Retention of Amateur Status" written declaration in which the student agrees that he or she:

a) will not accept any prize money/cash and;

b) will only accept awards/gifts/prizes which do not exceed the awards amount authorized by the Association (See Bylaw 5) and;

c) will only accept allowable travel, meals and lodging expenses provided that these expenses are not contingent upon the student's individual or a team's finish or performance or given as an incentive to achieve a specific goal or performance. Receipt of expenses received by the athlete shall be reported to the OHSAA via the approved form so as to determine whether or not the expenses are in excess of those reasonable amounts for travel, meals and lodging. ~~The written declaration form can be found here:~~

<http://www.ohsaa.org/eligibility/Bylaw4-10-2RequestRetentionofAmateurStatus.pdf>

b) ~~***~~ Capitalizing on the athlete's fame by receiving money, merchandise or services of value. An athlete "capitalizes" on his/her "athletic fame" by accepting money, merchandise or services of value based in whole or in part upon the notoriety the athlete received through his/her athletic skills and achievements. This includes using the athlete's skill, directly or indirectly, for pay in any form in that sport. "Pay" includes, but is not limited to, any direct or indirect remuneration, gratuity or other economic benefit in either the present or future, or any division or split of surplus (bonuses, games' receipts, etc.).

c) Signing a contract or making a commitment of any kind to play professional athletics, regardless of its legal enforceability or any payment received. This prohibits signing a contract during the interscholastic athletics season that is dated after the completion of the athlete's interscholastic athletic eligibility;

d) Receiving, directly or indirectly, a salary, reimbursement of expenses, merchandise or services or any other form of financial assistance or benefits from a professional sports organization based upon athletics skills or participation.

EXCEPTION: An athlete may receive reimbursement of expenses as per item (a) for a professional tryout;

e) Competing with any professional athletics team, even if no pay or remuneration for expenses was received; or

f) Entering into an agreement with a sports or marketing agent (O.R.C. §§4771.01 et seq.).

4-10-3 The following activities do not jeopardize amateur status:

- a) Accepting a fee for instructing, supervising or officiating in an organized youth sports program or recreation, playground or camp activities;
- b) Receiving school-sponsored membership or participation fees in youth serving agencies, athletic clubs, community recreation centers, instructional programs or camps, etc. provided such fees are paid directly to the agency;
- c) Receiving an award, playing equipment or prize of monetary value which does not exceed the awards amount authorized by the Association;
- d) Receiving all non-monetary benefits and awards provided to members of an Olympic team beyond actual and necessary expenses, including entertainment, equipment, clothing, long distance telephone service, Internet access, and any other item or service for which it can be demonstrated that the same benefit is available to all members of the nation's Olympic team or the specific sport Olympic team in question;
- e) Accepting funds that are administered by the United States Olympic Committee pursuant to its Operation Gold Program; or
- f) Participating in member school, charitable or educational promotions or fund-raising activities that involve the use of athletic ability by student-athletes to obtain funds (e.g., swim-a-thons, lift-a-thons, shoot-a-thons) from donors, provided the student-athletes receive no compensation or prizes for their participation.
- g) Accepting scholarship funds that are administered by a national governing body, e.g. the United States Bowling Congress' Scholarship Program, provided such funds are paid directly to a postsecondary institution and the funds are not available until after the student has graduated from high school.

4-10-4 A high school student who loses amateur status/athletic eligibility may apply to the Association for reinstatement in the interscholastic program. Such appeals shall be handled by the Executive Director in accordance with the bylaws **and will include, but not be limited to, considerations such as length of time student relinquished amateur status, any total monetary gains achieved and considerations if those monies can be returned, and whether or not the student signed a contract.** If a student-athlete in one sport violates a provision of the amateur bylaw as detailed above, the student-athlete may represent the member school in a different sport.

COMMENTS:

1. The proposed amendment to 4-10-1 clarifies that an athlete can be a professional in one sport but still retain their amateur status in a different OHSAA recognized sport.
2. The proposed amendment to 4-10-2 (a) cleans up the wording that money/cash can never be accepts as a result of participation in athletic competitions. It goes on to clarify that a "Request for Retention of Amateur Status" form is always required anytime student competes in a division within a competition where travel, meals and lodging

expenses are reimbursed, or where prize money/cash is available. The student may accept allowable travel, meals and lodging expenses and may accept awards/gift/prizes under the approved amount but may never accept prize money/cash.

3. The proposed amendments to Bylaw 4-10-4 provide objective criteria the E.D.'s Office would consider when reviewing request for reinstatement of an athlete's amateur status.
4. *** The language of Bylaw 4-10-2 (b) will only remain if the NIL Issue fails. If the NIL Issue passes, the current language of Bylaw 4-10-2 (b) will be removed.

ISSUE 11B – AMEND AND RENUMBER BYLAW 4-10, AMATEURISM (“NIL”)

If passed, **effective May 16, 2022.**

Initial Review-12/2/2021

Approved for Referendum- 2/17/2022

- 4-10-3 Notwithstanding the provisions of section 4-10-2, a student-athlete is permitted to enter into an agreement/contract using their name, image, or likeness (NIL) for a commercial purpose provided the following conditions are met:
- a) The student-athlete does not utilize the name, logos, mascots, trademarks or other proprietary properties of any OHSAA school team, OHSAA school, or the OHSAA during any promotions and;
 - b) The student-athlete does not engage in any NIL marketing/endorsements during “official team activities” and;
 - c) The agreement/contract shall never require the student-athlete to display a sponsor’s product, or otherwise advertise for a sponsor, during “official team activities” and;
 - d) The agreement/contract shall only impact the individual student-athlete with whom the contract is entered and shall never provide any money, merchandise, services of value or any other benefits directly to the student-athlete’s school/team and;
 - e) The student-athlete shall not receive compensation for use of the student’s name, image, or likeness involving the promotion of casinos, gambling, alcohol, drug use, or tobacco use and;
 - f) The student-athlete who intends to enter a verbal or written contract providing compensation to the student for use of their name, image, or likeness shall disclose the proposed agreement/contract to the member school at which the student is enrolled and/or participating. Each member school is encouraged to specify a specific school designee to whom such information should be reported. The extent of the disclosure shall be to the satisfaction of each member school but the school shall not advise the student-athlete against entering into the contract unless any of the stipulations in (a)-(e) appear to be violated.

A violation of any of the aforementioned conditions may result in a period of ineligibility for the student-athlete in question, including definitive loss of eligibility, or other penalties as stipulated in Bylaw 11.

NOTE 1: For purposes of this bylaw, “the student-athlete” shall include the individual student-athlete or any other individual legally authorized to enter into a contract on the student’s behalf, such as a parent or legal guardian.

NOTE 2: For purposes of this bylaw, “official team activities” include, but are not limited to, all interscholastic athletic contests, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the school, and other team-organized activities, regardless of whether the activity takes place on or off school grounds, including individual photograph sessions and news media interviews.

NOTE 3: Nothing in this bylaw allows for a student to enter into an agreement/contract with a professional sports team in violation of Bylaw 4-10-2 (c). A student who signs such a contract to become a professional in a sport cannot regain amateur status in said sport even if the student subsequently ends his/her professional agreement/contract, whether that agreement/contract is terminated by the student or the professional organization.

4-10-2 An athlete forfeits amateur status, and thus interscholastic athletic eligibility, if any of the following standards of amateurism are violated:

- a) **See Bylaw 4-10-3 on regulations regarding “Name, Image and Likeness.”**
- b) **A member school/coach/booster entering into an agreement on a student-athlete’s behalf where the student-athlete’s name, image, or likeness is used to provide the school/team money, merchandise, services of value or similar such benefits.**

**If passed, relabel subsequent bullet points and replace current Bylaw 4-10-2 (b).*

COMMENTS:

1. The reason the proposed language is being put forth for consideration is because of the action taken by the general assembly regarding collegiate NIL contracts and the overall shift of opinions surrounding this issue. If NIL is going to enter the Ohio interscholastic landscape, the E.D.’s Office wants the member schools to be the ones with the final say on the issue, as opposed to legislative intervention imposing the changes.
2. The proposed changes outlined in proposed Bylaw 4-10-3 mirror those that took place with the NYSPHSAA. This would now allow student-athletes to sign endorsement deals so long as their teams, schools and/or the OHSAA are not being represented within those endorsements and provided there is no contracts with companies that do not support the mission of education-based athletics (casinos, gambling, alcohol, drug use, or tobacco use).
3. These proposed amendments provide an avenue for students to earn money on their name, image and likeness without involving the OHSAA member schools, their teams and the association.
4. The proposed changes would never allow the student’s agreement/contracts to require them to utilize equipment or apparel during athletic contests involving the school and its respective team(s).
5. The proposed amendments limit any money/merchandise/services of value/other benefits to be awarded only the student who enters into the contract. Prohibiting the contracts from providing benefits to the student’s school/team will limit the “*rich get richer*” argument and will not allow for any unfair benefits from being accessed by a member school simply because they have a student with athletic prowess (Example: athlete signs a contract that gives free golf gear to entire school team=prohibited).
6. The proposed amendments to Bylaw 4-10-2 (b) do not allow for a school/ to booster/coach to enter into an agreement on behalf of a student-athlete to benefit the school/team. We do not want member schools brokering deals on behalf of students to make participation on their sports teams more enticing. Member schools are still permitted to enter into contracts for their school use but are prohibited from using their student’s name, image and/or likeness.
The proposed language still prohibits students from competing for money and from signing a contract with a professional sports team.
7. The proposed amendments in (e) mirror the language passed within the Ohio general assembly regarding NIL deals for collegiate athletes.
8. The proposed amendments in (f) are intended to allow for school administration to review contacts to protect student against unintended ramifications to student eligibility issues. For example, a contract which requires a student to display a sponsor’s logo on the athletic uniform would be a violation of this bylaw and may subject the student to a period of ineligibility.

ISSUE 12B – AMEND BYLAW 5-1-1, APPROVED AWARDS/GIFTS/PRIZES

If passed, **effective May 16, 2022.**

Initial Review-12/2/2021

Approved for Referendum- 2/17/2022

5-1-1 **An athlete may accept** awards, gifts and/or prizes resulting from their participation **/finish** in any **athletic competition(s), in sports which they are an interscholastic athlete, from any entity** sport may be accepted provided:

- (a) the **item** award does not exceed \$400 **\$500** in **total** value **per competition and;**
(b) the award is not money/cash (See Bylaw 4-10-2 (a)).

For purposes of this bylaw, gift cards/certificates which can only be used at specific businesses (local restaurant, retail stores, etc.) are not considered “money/cash” and are permitted to be given provided the value of the item does not exceed \$500. Gift cards which can be used at various locations (i.e. “Visa gift cards”) are considered “money/cash” and are not permitted under this bylaw.

Graduating seniors who have completed their respective sport season are no longer subject to the award/gift/prize limitation for their participation in that respective sport, regardless of their future participation in any other OHSAA recognized sport(s).

NOTE: This bylaw has no application for events which are conducted outside a recognized sporting contest (i.e. slam dunk contests, homerun derby, etc.) or an event which is not identified as an OHSAA recognized sport (i.e. chess, etc.)

See Bylaw 4-10-2 (a) for the prohibition on accepting money/cash or other remuneration.

COMMENTS:

1. With potential changes to the amateurism bylaw, we also felt compelled to clarify this bylaw. The proposed changes reflect that the award threshold from participation in an event is reset after each competition.
2. The proposed award/prize/gift amount is being increased from \$400/competition to \$500/competition.
3. The proposed language clarifies that graduating seniors who have completed their final sport season are no longer subject to the \$500 limitation for awards/gifts/prizes for participation in that sport, regardless of their participation in any other OHSAA recognized sports the remainder of their career
 - a. EXAMPLE: Senior volleyball player who is graduating in spring can accept a \$1,000 League POY award from local car dealership and still play basketball with no ramifications since her participation in OHSAA sanctioned volleyball has concluded)
4. The proposed “note” clarifies that OHSAA athletes are permitted to accept awards/gifts/prizes for participation in non-recognized sports/activities (chess, slam dunk contests, hole-in-one contests, etc.).