



2022 Referendum Issues

Approved as of January 13, 2022

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

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 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 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 – 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 E.D.'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 to restore eligibility for the entire season. Approval under this provision only gives them eligibility for the first half of the season.

ISSUE 3B – 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.