



AUGUST 2021 EMERGENCY REFERENDUM ISSUES

BYLAWS

ISSUE 1B – RESTORE PREVIOUSLY STRICKEN TRANSFER BYLAWS/EXCPECTIONS – If passed, effective September 16, 2021.

Initial Review- 8/26/2021

Approved for Referendum- 8/26/2021

BYLAW 4-7-2, EXCEPTION 5: A student transferred to the State School for the Blind or State School for the Deaf shall be eligible upon enrollment.

BYLAW 4-7-2, EXCEPTION 6: The Executive Director shall have the discretionary power to waive the residence requirements for a student who has been enrolled in the district in accordance with ORC §§ 3313.64 (F)(6) or 3313.64 (F)(7). The student is ineligible until ruled eligible by the Executive Director’s Office.

BYLAW 4-7-4, EXCEPTION 5: The student transfers pursuant to state or federal statutes addressing unsafe schools or academically poor performing schools, and the student can demonstrate to the satisfaction of the superintendent that the transfer is for purely academic reasons and not athletic reasons. (Note: This exception will not apply to transfers from one poor performing school to another poor performing school.)

NOTE: The OHSAA uses the Ohio Department of Education’s List of Priority Schools as of the date the transfer request is received in the Executive Director’s Office to denote academically poor-performing schools.

BYLAW 4-7-5: Notwithstanding the provisions of sections 4-7-2 and 4-7-4, if a student transfers pursuant to state or federal statutes addressing unsafe schools or academically poor performing schools, and the student can demonstrate to the satisfaction of the Executive Director’s office that the transfer is for purely academic reasons and not athletic reasons, the Executive Director’s office may declare such transferring student eligible upon application to the Executive Director’s office. The student is not eligible until declared eligible by the Executive Director’s office. The OHSAA uses the Ohio Department of Education’s (ODE) List of Priority Schools, or other such ODE publication denoting poor performing schools, as of the date the transfer request is received in the Executive Director’s Office, to denote academically poor performing schools.

Note 1: The student shall be entitled to one transfer only under the provisions set forth in this bylaw. In addition, this bylaw shall not be used to establish eligibility at another high school if the student transfers into and then back out of the poor performing school in an attempt to circumvent the transfer bylaw.

Note 2: If a student has used this bylaw to transfer out of a poor performing school at any time during his or her high school career, the student shall not be permitted to transfer back to the same poor performing school and regain transfer eligibility.

BYLAW 4-7-6: If a student transfers between high schools within the same public school district, the student may have his/her eligibility restored by the Executive Director's office provided the following conditions have been met:

- 1) — The student has been reassigned to the high school by the school district as a result of **redistricting** or a specific change of program the details of which shall be clearly stipulated in writing to the Executive Director's office; and
- 2) — The reassignment takes place after the conclusion of the previous school year and prior to the beginning of the current school year; and the student commences enrollment and attendance on day one of the current school year; and
- 3) — The District petitions the Executive Director's office for the restoration of eligibility for the student no later than 15 school days after the beginning of the school year; and
- 4) — The student becomes ineligible beginning with the second 50% of the maximum allowable varsity regular season contests until declared eligible by the Executive Director's Office under this exception.
- 5) — This bylaw will have no application for seniors who are requesting a "specific change of academic program."

This transfer option is available one time only during the student's high school career. A student who subsequently withdraws from the academic program to which he or she has been assigned shall be declared immediately ineligible and may be subject to sanctions in accordance with Bylaw 11.

Note: Students who are transferring to take advantage of the IB Diploma Program shall have junior standing and be fully enrolled in the IB Diploma Program.

BYLAW 4-7-7: If a student transfers to a high school located within the jurisdiction of a non-public multiple high school system (e.g., Catholic Conference of Ohio, Ohio Association of Independent Schools, Association of Christian Schools International or other category as denoted by the State Department of Education) from another high school within that same system, the student may have his/her eligibility restored by the Executive Director's office provided the following conditions have been met:

- 1) — The student has been reassigned to the high school by the superintendent or other administrative authority of that school system as a result of a specific change of academic program the details of which shall be clearly stipulated in writing to the Executive Director's office; **or a material change in economic circumstances so as to create a hardship; or a material change in transportation circumstances so as to create a hardship;** and
- 2) — The reassignment takes place after the conclusion of the previous school year and prior to the beginning of the current school year; and the student commences enrollment and attendance on day one of the current school year; and
- 3) — The superintendent or other administrative authority of the system petitions the Executive Director's office for the restoration of eligibility for the student verifying in detail the specific reason for the transfer in accordance with item #1 and certifying that the transfer is not for athletic reasons no later than 15 school days after the beginning of the school year; and
- 4) — The student becomes ineligible beginning with the second 50% of the maximum allowable varsity regular season contests until declared eligible by the Executive Director's Office under this exception.

5) — This bylaw will have no application for seniors who are requesting a “specific change of academic program.” This transfer option is available one time only during the student’s high school career. A student who subsequently withdraws from the academic program to which he or she has been assigned shall be declared immediately ineligible and may be subject to sanctions in accordance with Bylaw 11.

Note: Students who are transferring to take advantage of the IB Diploma Program shall have junior standing and be fully enrolled in the IB Diploma Program.

Note: This exception will have no application for seniors who are requesting a “specific change of academic program.”

COMMENTS:

1. The above highlighted provisions within Bylaw 4, Section 7 were stricken from the 2019-20, 2020-21 and 2021-22 OHSAA Bylaws due to legislative action by Ohio’s General Assembly in mid-July 2019 within the main operating budget, specifically within ORC §3313.5316. Therefore, these bylaws and/or exceptions had no applicability for the 2019-20, 2020-21 or the start of the 2021-22 school years.
2. However, within House Bill 110 (“the budget bill”), which was passed on June 30, 2021, language was added to repeal §3313.5316. This action will now allow the OHSAA, through a majority vote by the member schools, to restore the stricken bylaws it had previously removed.
3. In accordance with Constitution Article 8-1-1, the Executive Director’s Office is recommending that the Board of Directors circulate this emergency petition for referendum vote to restore the Bylaws which were impacted by the removal of §3313.5316 and restore the exceptions/bylaws which had previously been approved by our member schools.
4. **As a reminder, all the above bylaws/exceptions have already previously been voted in by a majority of member schools. This emergency referendum item simply restores the bylaws back to the status quo as voted in by membership before the Executive Director’s Office was forced to strike the language due to legislative action.**