

August 30, 2021

TO: Member School Principals

CC: Member School Superintendents and Athletic Administrators

FR: OHSAA Compliance Department

RE: Emergency Referendum Vote September 1-15, 2021 (ACTION REQUIRED)

Who: All Member School Principals

What: Emergency Referendum Vote

When: At your leisure between September 1-15, 2021

Where: Within your myOHSAA account

Why: At the August 26 OHSAA Board of Director's meeting, the Board approved a recommendation by the Executive Director's Office to conduct an emergency referendum vote between September 1-15, 2021, in accordance with Constitution Article 8-1-1. The referendum item, if approved, would restore the bylaws/exceptions that were previously removed due to legislative action in August 2019 and are currently shown as "strike-throughs" in the current OHSAA Handbook under the Transfer Bylaws. The reason these rules are now allowed to be restored is due to additional legislative intervention reversing the 2019 Ohio Revised Code (ORC) language. Though all these bylaws were previously voted upon and approved by the OHSAA member schools, the E.D.'s Office does not have the authority to restore them without a membership vote, which is why an emergency referendum vote is occurring. The complete text of the referendum item can be located here:

<https://ohsaaweb.blob.core.windows.net/files/SchoolResources/refvote/EmergencyReferendum-FINAL.pdf>

Frequently Asked Questions:

Q: How long will this take me to complete?

A: The ballot only has one question, so if you feel comfortable with the content, the vote should take no longer than five minutes. You can elect to vote in one of three ways: "In Favor" "Oppose" or "Abstain."

Q: Where do I go to submit my vote?

A: Please log into your myOHSAA account using the following link: <https://officials.myohsaa.org/>. Once logged in, you will see the link to access the ballot on the very first page. Additionally, you will see a 'Vote' icon in the upper right corner that will direct you to the ballot if you need to navigate back to the voting page at a later time.

Please note that only the member school principal has access to the ballot, though you can certainly have discussions with your school athletic administrator and/or superintendent about your vote.

Q: Exactly what exceptions are being voted upon?

A: There are five bylaws which will be impacted by this emergency referendum vote, if it passes:

- BYLAW 4-7-2 – Exception 5 (State School for the Blind or State School for the Deaf) and Exception 6 [home not ready for habitation under ORC §§ 3313.64 (F)(6) or 3313.64 (F)(7)].
- BYLAW 4-7-4 – Exception 5 – Intra-district transfer from a poor performing school.
- BYLAW 4-7-5 – Inter-district transfer from a poor performing school.
- BYLAW 4-7-6 – The "redistricting" option for multi-high school districts.
- BYLAW 4-7-7 –The "Transportation and Financial Hardship" options for multi-high school systems.

The complete text of the referendum item can be located here:

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Q: Haven't the member school principals already approved these bylaws/exceptions?

A: Yes. Each one of these rules was previously approved by the OHSAA member school principals.

Q: Then why do we have to vote on this? Why can't the Executive Director's Office just add the bylaws/exceptions back in?

A: Nowhere in the OHSAA Constitution does it give the E.D.'s Office, or the Board of Directors, the authority to add/restore a rule without a membership vote. The E.D.'s Office, via the Board of Directors, is only permitted to remove a rule when it is conflict with state law. Therefore, since there was recent legislation which impacts these rules, the quickest way to get them restored for application during the 21-22 school year was through this emergency referendum process.

Q: Why are all the bylaws/exceptions being voted on together? Why can't we vote on them individually?

A: All these rules were removed together via legislative intervention in 2019, and the E.D.'s Office believes strongly that if we restore any of them via this emergency vote then they all should be restored together. If this emergency referendum item does not pass then the E.D.'s Office may elect to recommend the BOD to approve some of these individual items for a vote next May 2022 during the normal referendum process.

Q: What legislative action occurred in order for this emergency referendum ballot to take place?

A: Within House Bill 110 ("the budget bill"), which was passed on June 30, 2021, language was added to repeal §3313.5316. Previously, §3313.5316 required that the OHSAA to "*have the same pupil transfer rules for public schools and nonpublic schools.*" However, due to the differences between public and non-public schools, there are certain transfer rules that are appropriate which could never apply to a student attending a certain type of school (i.e. transfer from a poor performing school since only public schools receive grade cards from ODE). Therefore, with §3313.5316 being repealed, this action will now allow the OHSAA to restore the stricken bylaws it had previously removed for the 2019-20 and 2020-21 school years.

Q: Why not simply wait until May to vote on these issues during the normal referendum cycle?

A: Because each of these rules was formerly approved by the membership, the E.D.'s Office believes strongly that we did not want students to go another year without the option to potentially utilize these bylaws/exceptions. Clearly the membership believed they were all appropriate, since they were previously approved, and we want to get them restored as quickly as possible for students to utilize during the 2021-22 school year.

Q: Who do I contact if I would like more explanation on why we are being asked to participate in this emergency referendum vote?

A: Please contact Director of Compliance Kristin Ronai with any questions at kronai@ohsaa.org or 614-549-6972.