



# FINAL 2025 Referendum Issues



*At the March Board of Directors special meeting, the Board approved four additional referendum items that will go to the member schools for voting during the May referendum period, bringing the total for the 2025 voting period to 13 ballot issues, 2 Constitution Articles and 11 Bylaws. Prior to the vote, all issues will be explained in a public platform at the upcoming Athletic Discussion Meetings in April 2025.*

## CONSTITUTION ARTICLES (2)

### ISSUE 1C – MODIFY CONSTITUTION ARTICLE 3- MEMBERSHIP REQUIREMENTS

If passed, effective August 1, 2025.

Initial Review-1/16/2025

Approved for Referendum- 2/20/2025

3-2-3 The applicant must be able to certify that it has sponsored at least ~~two~~ **a total of six** 7th-8th grade and/or varsity “recognized sports” (per Bylaw 1-5-1), **with at least one** per sports season, in the year immediately prior to the date of application and that it intends to continue with its sponsorship of at least ~~two~~ **six** recognized sports upon becoming a member of the OHSAA. Sponsorship of a 7th-8th grade and/or varsity recognized sport means that the school conducts competition in a minimum of 50% of the maximum allowable regular season contests in each sport. Furthermore, the applicant must certify that it intends to and actually shall participate in the OHSAA-sponsored tournaments for at least two of the sports for which applicant provides sponsorship.

3-3-4 Subject to Article 3-3-5 below, a member high school must continue to sponsor ~~two~~ **six** varsity “recognized sports” (per Bylaw 1-5-1), **with at least one** per sport season, during the school year in order to maintain membership in the OHSAA. 7-8th grade schools must also sponsor ~~two~~ **six** OHSAA recognized sports, **with at least one** per season, during the school year in order to maintain membership in the OHSAA. Sponsorship of a varsity recognized sport or a 7-8th grade sport means that the school:

- A) is required to conduct competition in a minimum of 50% of the maximum allowable regular season contests in a team sport, (see General Sports Regulations 7.2.1 and 7.2.2 for the definition of individual and team sports); and/or
- B) is encouraged to compete in a minimum of 50% of the maximum allowable regular season contests in each individual sport; and
- C) at the high school level, is required to participate in the OHSAA sponsored tournament for each of those sports;

Exception: Schools that have restricted enrollment due to geographic placement may request written exemption from this sponsorship requirement prior to August 1 of the ensuing school year. The exemption may be granted solely at the discretion of the Executive Director’s office.

Note: Schools that were members as of the 2009-2010 school year and did not meet the two-sport per season provision within this article are exempt from this two-sport per season requirement until such time when they do meet the two sport per season requirement.

3-3-5 If, during the course of any given school year, a member school fails to sponsor a minimum of two varsity “recognized sports” in any sport season, or two OHSAA recognized sports per season at the 7-8th grade level, **a member school fails to sponsor the six total required “recognized sports” during a given school year**, effective in the immediate ensuing sports season after the school fails to meet this minimum sponsorship obligation, the school’s membership shall be placed on probation **for the following school year**. Part of this probation will be that the school’s remaining sports teams shall be ineligible for participation in any OHSAA sponsored tournaments at the high school and/or 7th-8th grade level during that

FINAL

probationary period. However, a school whose membership is placed on probation pursuant to this section may be eligible to participate in the OHSAA sports tournaments during its probationary period upon application to the Executive Director's Office, membership services department. The Board of Directors shall adopt guidelines regarding objective criteria for the membership services staff to consider in making the tournament participation decision. Furthermore, that school's probation shall remain in effect for three consecutive sports seasons, during which time the school must resume sponsorship of two sports per sport's season. If the probationary school fails to sponsor **the six total required "recognized sports"** two sports per sport's season during this probationary **school year** period, the school's membership in the OHSAA shall be terminated.

**Similarly, if during the course of any given school year a member school fails to sponsor a minimum of two one varsity "recognized sports" in any sport season, or two one OHSAA recognized sports per season at the 7-8th grade level, the school shall be ineligible for all postseason participation during that sports season during the following school year for any sports teams that they do offer.**

Note: Probation has a different meaning than suspension as denoted in Constitution 3-3-6.

#### **COMMENTS:**

1. This Constitution Article was originally introduced to ensure that prospective members were offering a full compliment of athletic opportunities for its student-athletes. Since that time, some of the smaller member schools have had difficulties meeting the two-sport minimum requirement per season, despite still fielding 6+ sports teams throughout the school year.
2. The proposed modification would shift the sports offered emphasis onto the total number of sports offered (i.e. six), as opposed to the stronger emphasis currently being placed on two recognized sports per season.
3. Under the proposed language, as long as a school offers at least one recognized sport per season, and a total of six throughout the school year, then it would be fulfilling new proposed membership obligations.
4. With the new proposed focus on total sports offered during a year vs. sports offered per season, the proposed language removes the flexibility for a school to petition the E.D. Office for participation in postseason participation during the probationary period based on "objective criteria."
5. Updated penalties:
  - a. Not offering a total of 6 sports during a given year: Ineligible for all postseason participation the following school year
  - b. Not offering at least one sport during a season: Ineligible for postseason participation during that season the following year. This means that a team who did not exist the following year would not be eligible for postseason play the next year.

#### **ISSUE 2C – CREATE NEW ARTICLE ADDRESSING SAME CLASSIFICATION DAB VOTING**

**If passed, effective May 16, 2025.**

**Initial Review-3/15/25**

**Approved for Referendum- 3/21/25**

**7-4-3 When a vacancy occurs for an unexpiring (interim) representative on a District Athletic Board and aligns with a vacancy for an expiring (incumbent) representative in the same classification on the same District Athletic Board, all candidates shall be placed on the ballot together for those two vacancies. Authorized high school principals shall (insert 'then' here?) cast votes for their top two candidates. The candidate with the most votes shall select which position he/she shall serve, either the longer expiring (incumbent) term or the shorter unexpiring (interim) term. The candidate with the second-most votes shall fill the other position.**

#### **COMMENTS:**

FINAL

1. Per Constitution Article 7-6-2, there have been several interim DAB representatives who serve the remainder of the year and then are required to run for the remainder of the term in the spring. On occasion, the interim representative running has aligned with the normal vote of the same classification.
2. The proposed language provides codified clarification on 1) the voting process when there are two openings within the same DAB classification opening and 2) which position the “highest vote getter” is permitted to fill.
3. Renumber current Article 7-4-3 as Article 7-4-4.

## **BYLAWS (11)**

### **ISSUE 1B – CREATE NEW EXCEPTION TO BYLAW 2-2-1, CREATE NEW EXCEPTION REQUESTING DIVISIONAL CHANGE**

**If passed, effective August 1, 2025.**

**Initial Review-3/15/25**

**Approved for Referendum- 3/21/25**

2-1-1 By entering into an OHSAA sponsored tournament, schools, on behalf of their teams and individuals, agree to compete at the sites, dates and times assigned to them by the OHSAA. Schools that enter into an OHSAA sponsored tournament shall compete in only the division to which they have been assigned for the applicable sport. In team sports, schools are permitted to enter only one team in OHSAA-sponsored tournaments. In individual sports, schools are only permitted to enter the maximum number of individuals in OHSAA-sponsored tournaments as prescribed in the respective sports’ playing rules and/or tournament regulations.

**EXCEPTION 1:** Schools may request an alternative divisional assignment to participate in the highest division of a respective sport on a sport-by-sport basis. Such a request must be submitted to the Executive Director’s Office by the deadline to be published on the OHSAA website on an annual basis. Requests to participate in any division other than the highest division shall NOT be considered.

Note: Any requests for reassignment in the sports of boys and girls bowling, boys and girls cross country, boys and girls golf, gymnastics, boys and girls swimming and diving, boys and girls tennis, boys and girls track and field and boys and girls wrestling (i.e. individual sports) shall result in the entire team moving up to the highest division, not just individual athletes.

**EXCEPTION 2: Schools may request an alternative divisional assignment in the individual sports of bowling, cross country, golf, swimming and diving, track and field, and wrestling if the school offers the sport for both genders and the teams are assigned to different divisions. If such a request is made for the teams to participate in the same division, both teams shall be assigned to the highest division to which one of the teams was originally assigned. Such a request must be submitted to the Executive Director’s Office by the deadline to be published on the OHSAA website on an annual basis. Requests to compete in the lower of the two divisional assignments shall not be considered.**

#### **COMMENTS:**

1. During the 2024 referendum cycle, the membership approved an exception for teams to request participation in the highest division. This was the first time that schools have been given the ability to request an alternative divisional assignment.
2. The proposed language would create another exception to allow for a similar request (an alternative divisional assignment), but would only allow schools to “play up” if the opposite gender of the same sport is placed in a different division during the same sport season. Approving this new exception would eliminate issues related to the same coach training both genders in the same sport and competing in different divisions (i.e. different locations and/or dates).

**ISSUE 2B – CREATE NEW EXCEPTION TO BYLAW 2-2-4, TIERING FOR PUBLIC SCHOOLS****If passed, effective August 1, 2025.** **Initial Review-2/20/25, 3/15/25** **Approved for Referendum- 3/21/25**

2-2-4 For public member schools, Factors shall be assigned as follows:

—Tier 0 – the student and at least one legal custodian currently reside within the school district/designated/assigned attendance zone (unless the student is participating as a non-enrolled student at the member high school in accordance with state law).

—Tier 1 – the student and at least one legal custodian currently reside outside the school district but the student has been continuously enrolled in the district since the beginning of 7th grade OR 2) the student, who is attending a school in a multiple-high school district, and at least one legal custodian currently reside outside the school's designated/assigned attendance zone but still live within the school district OR 3) the student is participating as a non-enrolled student at the member high school in accordance with state law, or the student is participating on a J1 Visa.

—Tier 2 – the student and at least one legal custodian currently reside outside the school district and/or designated/assigned attendance zone and the student has not been continuously enrolled in the district since 7th grade.

**Exception: A public school may consider an alternative Tier assignment for a student who resides outside its district and attended a non-public school in 7<sup>th</sup> AND 8<sup>th</sup> grade if the following criteria are met:**

- a) **The non-public school of attendance is physically located within the geographic boundaries of the public school district and;**
- b) **The student played sports at the non-residential public school in accordance with state law and;**
- c) **The student matriculates to the public high school and maintains continuous enrollment within the high school for the duration of his/her high school career.**

**If all the aforementioned criteria are met, such a student may be assigned Tier 1 even though the student and his/her legal custodians reside outside of the school district and have not attended a district public school. If any of the aforementioned criteria are not met, this exception will not apply, and the student shall be assigned a Tier based on the standard analysis.**

**Note: See Competitive Balance Business Rules, as outlined within Bylaw 2-2-7, to determine if the non-public elementary school is within the feeder school boundaries of a high school within its same system of education.**

**COMMENTS:**

1. The proposed referendum issue creates a new exception to address terminal grade schools (i.e. end after grade 8) whose students are inclined by geographics to matriculate to a public high school.
2. This exception has no applicability for a student who attends high school within a public school district in which they reside. Such students are already considered Tier 0. This exception only addresses students who live outside the public school district where they attend high school, and who attended a non-public school in 7/8 grade which meets certain criteria.
3. If a student attends a non-public elementary school physically located outside of his/her residential district and either 1) plays sports for his/her private school and/or 2) plays for his/her residential public school, this exception shall NOT apply. Per criteria (b), this exception shall only be utilized if there is an agreement in place under state law which permitted the student to play for the public school where the non-public school is physically located in 7/8 grade.
4. Criteria (c) prevents this exception from being used for a student who meets criteria a and b, but then transfers to a different high school and transfers back. A public school can only use this exception for a student who has shown continuous commitment to that public school district by playing sports there in 7/8 grade, and then maintaining continuous enrollment in the school for the duration of their HS career.

## ISSUE 3B – MODIFY BYLAW 2-2-5, REMOVE EXCEPTION FOR TIERING FOR NON-PUBLIC SCHOOLS

If passed, effective August 1, 2025.

Initial Review-2/20/25

Approved for Referendum- 2/20/25

2-2-5 For non-public member schools, Factors shall be assigned as follows:

- Tier 0 – the student attended the same system of education continuously since the beginning of the 7th grade and attended one of the designated/assigned feeder schools continuously since the beginning of 7th grade.
- Tier 1 – the student attended the same system of education continuously since the beginning of 7th grade but did not attend one of the designated/assigned feeder schools continuously since the beginning of 7th grade, or the student is participating on a J1 Visa.
- Tier 2 – the student did not attend the same system of education continuously since the beginning of 7th grade.

~~EXCEPTION: If a non-public school system assigns all students to a specific high school based on the geographic location of the student's parents. Factors shall be assigned as follows:~~

- ~~—Tier 0 – the student attended the same system of education continuously since the beginning of the 7th grade and the student and at least one parent currently resides within the assigned attendance zone.~~
- ~~—Tier 1 – the student attended the same system of education continuously since the beginning of 7th grade but the student and at least one parent currently resides outside the assigned attendance zone.~~
- ~~—Tier 2 – the student did not attend the same system of education continuously since the beginning of 7th grade.~~

### COMMENTS:

1. The proposed referendum issue removes the Exception created for private school systems which use geographic boundaries to assign students to attend certain high schools. This exception was created to address the unique set up of the Columbus Diocese schools. With the 2019 change in the feeder school option (12.5 mile radius), this exception is no longer being utilized. The proposed language removes this option to review attendance zone residency for private schools.

## ISSUE 4B – MODIFY BYLAW 4-3-1, EXCEPTION 5, PARTIAL ENROLLMENT OBLIGATIONS

If passed, effective August 1, 2025.

Initial Review-2/20/25

Approved for Referendum- 2/20/25

EXCEPTION 5: A student who is receiving home instruction in accordance with division (A) (2) of section 3321.04 of the Revised Code and is enrolled in a non-public member school in accordance with the partial enrollment policy of the governing board of that non-public school may be eligible at the non-public school where the student is enrolled and attending. Such partial enrollment policy requires that at least one of the courses be ~~an academic course~~ taken at the school's physical location, **and that the class is counts towards graduation.**

Note: A student entering a member non-public school from a home school must do so at the beginning of the school year after having been home educated for at least one calendar year. Failure to meet this one-year provision requires the student to be enrolled for a minimum of one grading period before the student can be declared eligible.

Note: State law permits home educated students in accordance with ORC 3312.04 (A)(2) to be afforded the opportunity to participate at the public school in the district of residence of the parents without any enrollment obligation. If the residential public school district does not offer the sport, the home educated student MAY participate at another non-residential public school provided the superintendent of that district permits such participation.

### COMMENTS:

FINAL

1. Exception 5, which has been in place for over a decade, allows the participation of a truly home educated student at a non-public school if certain criteria are met. There has been recent confusion around the requirement that the course be an “academic course.”
2. The proposed language will permit any class to count towards this partial enrollment requirement as long as the class is taken at the school’s physical location, **and that the class receives credit towards graduation.**
3. Note: Participation by a home educated student at a public school, under state law, requires no enrollment obligation.

**ISSUE 5B – MODIFY BYLAW 4-6-2, RESIDENCY, NEW EXCEPTION 7**

**If passed, effective August 1, 2025.**

**Initial Review-2/20/25, 3/15/24**

**Approved for Referendum- 3/21/25**

4-6-2 A student whose parents, (biological or adoptive), reside outside the state of Ohio will be ineligible for interscholastic athletics in a member school. (See Bylaw 4-8-1 for eligibility requirements for international students).

If/when a student is/has been subject to a custody order in accordance with Chapter 2151 of the Ohio Revised Code, the student shall no longer be subject to the provisions of this section of the residency bylaw.

Note: Students affected by this out of state residence bylaw may still be affected by all other eligibility standards in Bylaw 4 including the transfer provisions in 4-7 and the international provisions in 4-8.

**EXCEPTION 7: The Executive Director’s office may grant eligibility to a student whose parent(s) have moved outside of Ohio provided the following criteria are met:**

- a) the student has been continuously enrolled in the same district/system for a minimum of three years and;**
- b) the student has been the subject of a custody or guardianship order issued by a court of proper jurisdiction conferring legal custodian/guardian to an individual for a minimum of one year and;**
- c) the student maintains continuous enrollment at the school within the district/system in which he/she has been enrolled and;**
- d) 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**

**A student may be declared eligible for the remainder of the student’s career at the school at which he/she was attending at the time of the parents’ move. Such a student is ineligible until declared eligible by the Executive Director’s office.**

**NOTE: Should a student transfer to a different school after being approved under this residency exception, such an approval may follow if the Executive Director’s Office determines that the change in enrollment was not for athletic reasons. Should the residency exception shift to a new school, please be advised that such a student must still 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.**

EXCEPTION 7: A student who resides within the boundaries of a public school district in a neighboring state; and who attends an Ohio public school system under an arrangement through which the entire grade of the out-of-state student attends the Ohio public school system; and for whom the tuition or cost of education for said out of state student is paid by the neighboring state’s school district of residence; and who will be eligible to receive a high school diploma from an Ohio public school system shall be eligible for interscholastic athletics in grades 7-12 at the schools designated by the Ohio school system for attendance by the students from the neighboring state. The student shall be ineligible until ruled eligible by the Executive Director’s Office.

FINAL

~~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. There are no longer any districts in Ohio who arrange for an entire grade of out-of-state students to attend an Ohio public school system while the out-of-state neighboring school covers the tuition or cost of education for said out-of-state students. As such, the proposed language would remove Exception 7 from the residency bylaw exceptions as it is no longer applicable.
2. The newly proposed exception tracks with Exception 2 of the residency bylaw which permits a non-relative, custodian/guardian to move to Ohio and for the student to have eligibility as long as the custody arrangement has been in place for at least one year.
3. The proposed language addresses cases where a family makes the decision for custody/guardianship to be given to a non-relative for consistent school placement, but eligibility will only occur after the custody has been in place for at least one year.
4. The proposed note allows a student approved under this residency exception to transfer to a different school and maintain their residency approval if it can be determined that the transfer was not for athletic reasons.

**ISSUE 6B – MODIFY BYLAW 4-6-2 #6, RESIDENCY EXCEPTION BASED ON CONTINUOUS ENROLLMENT IN SAME SYSTEM OF EDUCATION**

**If passed, effective August 1, 2025.**

**Initial Review-10/24/2024**

**Approved for Referendum- 1/16/25**

~~EXCEPTION 6: A student who resides within the boundaries of a parochial school system consisting of grades 1-12 that has multiple sites organized into elementary schools (1-8) and secondary schools (9-12), and who has enrolled by the beginning of the fourth grade level of an elementary school in that system and has maintained continuous enrollment in that school system through grade 8, shall be eligible for interscholastic athletics in grades 9-12 providing the secondary school attended by the student is the school designated by the school system for the continuance of the student's educational program.~~

**A student who has been continuously enrolled and attending a "parochial school" by the beginning of the fourth sixth grade level and who has maintained continuous enrollment in that same system of education through grade 8 shall be eligible for interscholastic athletics in grades 9-12 if the student matriculates directly into a parochial high school in Ohio and maintains enrollment in that high school for the duration of their high school education. Should such a student ever break enrollment from the same system of education then they will no longer be eligible for residency eligibility under this exception. For purposes of this exception, a "parochial school" shall be defined as a school which is part of the Catholic Conference of Ohio, as denoted by the Ohio Department of Education and Workforce.**

Note: The OHSAA **will use the Ohio Department of Education and Workforce to denote schools within the same system of education.** ~~does require that the superintendent of the non-public school system provide the Executive Director's Office with a list of any elementary schools under the system's jurisdiction that are located both inside and outside of Ohio.~~

The student shall be ineligible until ruled eligible by the Executive Director's Office.

FINAL

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. Bylaw 4-6-2 is the rule which says that a student must have a parent living in Ohio in order to be eligible. Exception 4 to Bylaw 4-6-2 allows residency eligibility for a student whose parent lives outside of Ohio when a student attends a K-12 school. Exception 6 to Bylaw 4-6-2 is intended to mirror that exception for parochial schools, who generally have separate elementary school buildings than their high school buildings.
2. The stricken language in the proposed issue is mostly editorial in nature, since many parochial school systems in Ohio do not have defined boundaries. New language also clarifies that ODEW will be the source to determine whether an elementary school is part of the same system of education as the high school.
3. The new proposed language changes the enrollment requirement period in a parochial school from 4<sup>th</sup> grade-8<sup>th</sup> grade to 6<sup>th</sup> grade-8<sup>th</sup> grade.

**ISSUE 7B – MODIFY BYLAW 4-7-3, MIDSEASON TRANSFER DEFINITION OF “SPORTS SEASON  
If passed, effective August 1, 2025.**

Initial Review- 10/23/2024

Approved for Referendum- 10/24/2024

4-7-3 ...For purposes of this bylaw, “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 into which the student transferred (or at the school where the student is now permitted a participation opportunity) participates in a contest (regular season or postseason). **Notwithstanding this definition of sports season, if the student’s former school concluded their season (i.e. played last contest) prior to the student transferring schools (even if the receiving school is still playing), then the aforementioned proration outlined within Bylaw 4-7-3 shall not apply and the student shall be subject to the normal transfer consequence the following season unless an exception can be met.**

**COMMENTS:**

1. Bylaw 4-7-3 is the rule which addresses midseason transfers who have their transfer consequence “prorated” and/or “flipped” if they transfer to a different school in the middle of a season. The purpose of this rule is to prevent a student from having to sit out two postseason tournaments.
2. The Executive Director’s Office has encountered instances of a student finishing their season at their “old school” and then immediately transferring to a new school where the new team is still playing, but perhaps with only 1 or 2 postseason games left. Under the current definition, such a student gets the “benefit” of having the transfer consequence prorated/flipped, where they sit out the rest of that tournament and then for the first half of the next regular season until the 50% consequence is fulfilled.
3. The proposed language would clarify that once a student’s former school team is eliminated from the tournament, that their “sports season” is considered completed. Therefore, if they transfer to another school, that may still have contests remaining while the tournament is still in progress, such a student does not get the benefit of having those contests “count” and the following season they would be subject to the normal transfer rule (sitting the second half of the season and the tournament) UNLESS an exception can be met.



## ISSUE 8B – MODIFY LANGUAGE WITHIN BYLAWS 4-7-4 #5 & BYLAW 4-7-5, TRANSFER FROM POOR PERFORMING SCHOOL

If passed, effective August 1, 2025.

Initial Review-10/24/2024

Approved for Referendum- 1/16/25

BYLAW 4-7-4 The superintendent or person delegated by the superintendent of either a non-public system or public school district may transfer students within the system without jeopardizing their eligibility only by using one of the following exceptions.

EXCEPTION 5: ~~If~~ 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, **the Executive Director's office may declare such transferring student eligible for the second half of the season and the OHSAA tournament upon application to the Executive Director's office.** (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 and Workforce's List of Priority **EdChoice** 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, nor can it be used to transfer between poor performing schools.**

**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.**

4-7-5 ~~Notwithstanding the provisions of sections 4-7-2 and 4-7-4, if the~~ **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 **for the second half of the season and the OHSAA tournament** upon application to the Executive Director's office. The OHSAA uses the Ohio Department of Education and Workforce's List of Priority **EdChoice** Schools, ~~or other such Ohio Department of Education and Workforce 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, nor can it be used to transfer between poor performing schools.

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.

### **COMMENTS:**

1. Bylaw 4-7-4 #5 and Bylaw 4-7-5 are companion bylaws which address the transfers of students from a "poor performing" school, with one bylaw handling intra-district transfers (Bylaw 4-7-4 #5) and one Bylaw handling inter-district transfers (Bylaw 4-7-5).
2. The proposed changes are mostly editorial in nature, making the language consistent between the two bylaws (intra-district transfer vs. inter-district transfer).
3. Due to the new grading processes used by ODEW, the E.D. Office is recommending the removal of the "priority school" reference and make it more applicable to what is being used today (i.e. EdChoice).

FINAL

- Such a change in reference removes most of the online community schools, i.e. Ohio Virtual Academy, from applicable poor performing school list the OHSAA will utilize moving forward.
- Current EdChoice School List: <https://reports.education.ohio.gov/report/nonpublic-data-current-ed-choice-designated-list>

## ISSUE 9B – CHANGE “LOOK BACK’ PERIOD FOR BYLAW 4-7-2 #5, TRANSFER BACK TO NON-PUBLIC SCHOOL

If passed, effective August 1, 2025.

Initial Review-10/23/2024

Approved for Referendum- 10/24/2024

EXCEPTION 5: 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:

- the student had been continuously enrolled in a school within the same system of non-public education as the school into which the student is transferring (e.g., Catholic Conference of Ohio, Ohio Association of International Schools, Association of Christian Schools International or other category as denoted by the Ohio Department of Education and Workforce) beginning in the 4<sup>th</sup> sixth grade and continuing consecutively through the entire eighth grade and;
- the student has not attended more than one other high school during the course of their high school enrollment and;
- the student returns to the same system of non-public education prior to the student commencing his/her first day of their senior year and;
- 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...

### COMMENTS:

- This proposed modification would change the “look back” period for a student who has been continuously enrolled in the same system of nonpublic education as the school into which the student is transferring. If that student meets the exception and has shown a previous commitment to that system of education, the OHSAA would consider what system of education the student attended continuously between sixth and eighth grade rather than the current regulation which looks at the fourth through eighth grades. As a grade 7-12 organization, the “look back” to sixth grade is deemed more practical in showing that the student has made a commitment to that same system of education while still more closely aligning with the grade levels that the OHSAA oversees.

## ISSUE 10B – REORGANIZE AND MODIFY BYLAW 4-7-2, EXCEPTIONS 5 & 9 AND MOVE BYLAW 4-7-5

If passed, effective August 1, 2025.

Initial Review-12/5/2024

Approved for Referendum- 1/16/25

MOVE EXCEPTION 5 AND 9 FROM BYLAW 4-7-2 TO UPDATED BYLAW 4-7-5, AND MOVE LANGUAGE FROM CURRENT BYLAW 4-7-5 **\*\*\*** TO BYLAW 4-7-2, EXCEPTION 5

RENUMBER REMAINING BYLAW 4-7-2 EXCEPTIONS ACCORDINGLY

NEW LANGUAGE FOR BYLAW 4-7-5

**A student shall be entitled to transfer to a school and have his/her eligibility restored at the discretion of the Executive Director’s Office provided requirements of one of the following provisions have been met:**

**(Old 4-7-2, Exception 5) PROVISION 1:** A student may ~~return~~ **RETURN** to non-public education and have his/her eligibility restored at the discretion of the Executive Director’s Office **one time during their high school career**, provided the following conditions are met:

- the student had been continuously enrolled in a school within the same system of non-public education as the school into which the student is transferring (e.g., Catholic Conference of Ohio, Ohio Association of International Schools, Association

FINAL

of Christian Schools International or other category as denoted by the Ohio Department of Education and Workforce) beginning in the 4th<sup>\*\*\*</sup> 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 student commencing his/her first day of their senior 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.

Additionally, the Executive Director's Office may waive the timeline requirement of criteria (c) only if 1) the student transfers back to the same non-public high school in which they were previously enrolled and 2) the transfer back occurs within the same school year in which the student withdrew from that nonpublic high school and 3) the student did not participate in a practice, scrimmage or contest in any sport(s) at another school during the time they were withdrawn from the non-public high school.

**(Old 4-7-2, Exception 9) PROVISION 2: A student may transfer to a public school and have his/her eligibility restored at the discretion of the Executive Director's Office one time during their high school career provided the following conditions are met:**

- a) The student's residential parent/legal custodian has resided in the public school district (in which the school is a part of) for a minimum of one year immediately preceding the request for eligibility and;**
- b) The student is transferring from a school which is within a different district/system than the school into which he/she is transferring, regardless of whether the student is transferring from a public or nonpublic school.**

If, as a result of a transfer/transfer of participation opportunity to a public high school located in the public school district within which the student's residential parent/legal custodian has resided for a minimum of one year, the Executive Director's Office may waive all or part of the period of ineligibility for one or more of the sport/sport seasons. This exception may be used regardless of whether the student is transferring from a public or nonpublic school but cannot be applied to transfer to and from high schools within a multiple high school district/system. (See Bylaws 4-7-4, 4-7-6 and 4-7-7 for the transfer rules which apply to intra-district or system transfers; See Note 1 below for transfers into a multiple high school district.) This Exception may be used only once during a student's four years of high school eligibility.

Note 1: For transfers covered under this Exception into a multiple high school district, the Executive Director's authority to waive all or part of the period of ineligibility shall be applicable at only the member high school located in the parent's residential attendance zone or, if there are no defined attendance zones, at the member high school that is closest to the parent's residence unless the district superintendent makes a specific request, based upon objective educational criteria, for application of this Exception at another high school within the district. Such a request should accompany the Exception 9<sup>2</sup> application.

Note 2: A non-public student whose parents live in two different public school districts may have the option under this bylaw to transfer to the public high school in either public school district in which the student's parents reside provided the student has never established eligibility at a public school in a district in which a custodial parent resides.

Note 3: Exception 9<sup>2</sup> cannot be used to transfer from the public high school of the district in which one parent resides to the public high school of the district in which the other parent resides in a split-family situation. If a student establishes his/her eligibility at a public high school located within the district of one legal custodian and subsequently transfers to another public high school in a different district of a different legal custodian, the original school of enrollment shall remain the student's "residential district school" for the purposes of this exception until the student has been attending the new school for one calendar year. After one calendar year, the student will have reestablished his/her "residential district school" for the purposes of this exception and is no longer permitted to use this exception to transfer back to his/ her original school using this exception.

Note 4: If, as a result of a transfer/change of participation opportunity in accordance with exception 9<sup>2</sup>, a student 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 9<sup>2</sup> to restore full eligibility in regard to transfer/change of participation opportunity provided the student's participation is in accordance with OHSAA business rules and in accordance with Bylaw 4-7-3. Application of this exception as a non-enrolled student shall constitute the student's one time use of this exception.

## **COMMENTS:**

1. All the exceptions within Bylaw 4-7-2 are assessed under the cause-effect analysis outlined at the beginning of the Bylaw:
  - a. *If it is determined that one or more of the exceptions that follow represents an event which creates the need to transfer, i.e., creates a cause and effect relationship, then one of more of the following exceptions may apply:*
2. Upon review, it was determined that current Exception 5 (transfer back to same system of non-public education) and Exception 9 (transfer back to local public school) do not conduct the same cause-effect analysis. Therefore, the proposed

FINAL

referendum issue moves these Exceptions into a new bylaw (4-7-5) and makes changes to make the exceptions more consistent with one another. Changes as a result of making the provisions more consistent include:

- a. Removing the applicability of either provision for seniors
  - b. Removing an athletic motivation assessment
3. The current language within Bylaw 4-7-5, transfer from a poor performing school, does have a cause-effect analysis so the proposed referendum issue shifts that language to replace 4-7-2 exception 5 and renumber all remaining exceptions accordingly.

\*\*\* Should Issue 8B pass, the newly proposed poor performing language (i.e. EdChoice) will be what is inserted, as opposed to the current 4-7-5 language. Conversely, should Issue 8B fail, the current bylaw 4-7-5 language will be substituted for 4-7-2 #5, with minor editorial changes.

\*\*\* Should Issue 9B pass, the newly proposed language (i.e. 6<sup>th</sup> grade) will be what is inserted. Conversely, should Issue 9B fail, the current bylaw 4-7-2 Exception 5 language (i.e. 4<sup>th</sup> grade) will be substituted.

## **ISSUE 11B – ADD EXCEPTION TO BYLAW 4-7-4, INTRA-DISTRICT ADULT CRIMINAL BEHAVIOR If passed, effective August 1, 2025.**

**Initial Review-2/20/25**

**Approved for Referendum- 2/20/25**

Create New Exception to Bylaw 4-7-4, Move current Exception 6 (Student Bullying) to Exception 7

EXCEPTION 6 – 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 covered under ORC 2151.421 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 was contemporaneously documented at the time of the event; 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. Currently the Adult Criminal Behavior exception is only codified under an inter-district transfer option. The proposed issue would track the exact same language as the inter-district transfer exception, but would allow a student to transfer to a different school within the same district if the requirements of this exception have been met.

## **LEGISLATIVE CHANGE – TRANSFER OF PARTICIPATION OPPORTUNITY FOR HOME EDUCATED STUDENTS**

**Effective: Immediately**

**4-7-2 Definition of Transfer:** A student is considered to have transferred whenever a.) enrollment is changed from one school to another school and the student attends a new school, or b.) enrollment is changed from one school to become home schooled or vice versa, or c.) the student participates in a practice, scrimmage or contest in an OHSAA recognized sport with a school-sponsored squad of a school in which the student has not been enrolled and attending, or d) the participation opportunities afforded a student pursuant to state law change.

**NOTE 1:** Notwithstanding (b) above, if a student is enrolled in a school located in his/her residential district and withdraws from the school for home education pursuant to division (A) (2) of O.R.C. §§ 3321.04, or vice versa, such a student shall ~~not~~ **NOT** be considered a transfer student subject to the provisions of this section.

**NOTE 2:** Notwithstanding (c) and (d) above, if a non-enrolled student's participation is pursuant to O.R.C. §§ 3313.5311 (Ohio non-public school students) or 3313.537 (Ohio community/STEM school students), the non-enrolled student's participation opportunity shall transfer back and forth between the student's school of enrollment and the public school at which they are afforded a participation opportunity without transfer consequences based on sports offered at the school of enrollment. If the non-public school or Community/STEM school ever sponsors the sport/sports in which the non-enrolled student wishes to participate, the student's participation opportunity shall also be transferred back to the school of attendance without consequence.

**NOTE 3: Notwithstanding (d) above, if a non-enrolled student's participation is pursuant to O.R.C. §§ 3313.5312 (Ohio home educated students), the non-enrolled student's participation opportunity shall transfer back and forth between the student's residential school and a non-residential school, pursuant to the residential school's sports offered, and no transfer consequence shall apply.**

**NOTE 4:** Furthermore, ~~a~~Any in-season changes in the participation opportunities that may be afforded by state law shall be subject to Bylaw 4-7-3, **unless otherwise specified within the Ohio Revised Code.**

#### **Transfer Consequence: ...**

~~Note 1: ORC 3313.5312 (Ohio home educated students) has been intentionally left out of the exclusions addressing students participating in programs where they are not enrolled. Once a home educated student participates with a school sponsored squad of a school in which the student is not enrolled, the student's eligibility is established at that school. Participating on any other schools' sponsored squad will be considered a transfer for which the balance of this bylaw and its exception would be applicable.~~

Note **12:** Whenever a student is considered a transfer, as defined in Bylaw 4-7-2, but is permitted a participation opportunity at a member school at which they are not enrolled in accordance with ORC 3313.5311, 3313.5323 or 3313.537, it is the responsibility of the member school where the student is participating to submit any applicable paperwork to waive the transfer consequence outlined above.

Note **23:** 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.