



FINAL 2021-22 Referendum Issues

CONSTITUTION

**ISSUE 1C – ADD EXCEPTION TO CONSTITUTION ARTICLE BYLAW 8-1-8 FOR 2021-22 –
If passed, effective **May 16, 2021.****

Initial Review-4/9/2021 **Approved for Referendum-4/9/2021**

8-1-8 Voting on referendums to amend the constitution and bylaws shall be conducted between May 1 and May 15. Ballots shall be received in the OHSAA office no later than 4:00 p.m. on May 15.

Exception: Should May 15 fall on a weekend or a holiday, the deadline shall be moved to 4:00 p.m. on the next business day.

COMMENTS:

1. With the transition to online voting, the Executive Director’s Office does not want to leave the member schools in a position where they cannot access the help or clarification they need. Therefore, the new exception would move the ballot deadline to 4:00 p.m. on the next business day should the deadline fall on a weekend or a holiday.

BYLAWS

**ISSUE 1B – AMEND BYLAW 2-2-4 FOR 2021-22 –
If passed, effective August 1, 2021.**

Initial Review-1/14/2021 **Approved for Referendum-2/18/2021**

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

—Tier 0 – the student and at least one parent **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 – 1) the student and at least one parent **legal custodian** currently reside outside the school district ~~and/or~~ designated/assigned attendance zone 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 **OR 3)** the student is participating as a non-enrolled ~~and~~ 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 parent **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.

COMMENTS:

1. The Executive Director’s Office has been questioned on different interpretations when a student lives within a district with a non-parent who has legal custody. In reviewing past guidance, a change from “parent” to “legal custodian” more accurately reflects the intention of the Tier analysis.

2. The alteration to the Tier 2 language is simply an editorial change to distinguish that there are two distinct ways a student in a multi-HS district can be coded as Tier 1: 1) if they live outside the district but have been continuously enrolled in the district since the start of the 7th grade OR 2) if they live inside the district but attend a school outside their assigned attendance zone. There is NO change in application.

ISSUE 2B – NEW BYLAW 4-1-3 FOR 2021-22 – DEFINITION OF INELIGIBILITY

If passed, effective August 1, 2021.

Initial Review-2/18/2021

Approved for Referendum-3/29/2021

Bylaw 4-1-3

A student who is determined to be ineligible in accordance with Bylaw 4, or who is ineligible in accordance with any policy, rule or regulation as set forth in the General/Specific Sports Regulations, shall be ineligible to participate in any interscholastic sports contests, shall not be dressed in full uniform for any such contests and shall not participate in pre-game warmups during the student's period of ineligibility. Notwithstanding the foregoing, it shall remain within the discretion of the student's school administrators as to whether the student may continue to practice with the team, assist the coaches/managers with pre-game warmup drills, sit on the team bench/sidelines (jersey only), travel with the team and/or take part in other team functions during this period of ineligibility.

RENUMBER

~~4-1-34~~

A student is a member of an interscholastic squad when the student participates in an interscholastic contest. Such status as a squad member continues until the start of the next school season in that sport. An athletic contest involving participants from another school or any non-interscholastic or any organized adult team is a game, preview or a scrimmage.

COMMENTS:

1. The Executive Director's Office is often questioned on what ineligible students are/are not permitted to do during their period of ineligibility. This new bylaw will provide clear guidance on this inquiry.

ISSUE 3B – AMEND BYLAW 4-3-1 FOR 2021-22 –

If passed, effective August 1, 2021.

Initial Review-2/18/2021

Approved for Referendum-3/29/2021

Bylaw 4-3-1 EXCEPTION 6:

Unless otherwise mandated within the Ohio Revised Code. **Nonetheless, a student whose participation opportunity is afforded through these statutory provisions is still subject to the remaining eligibility requirements as with all other student-athletes including, but not limited to, age, semesters, scholarship and transfer eligibility bylaws.**

See this **these** documents for an explanation of the current mandates:

<https://ohsaaweb.blob.core.windows.net/files/Eligibility/BusinessRulesMultiHSPublic.pdf>

***INSERT NEW LINK FOR SINGLE HS DISTRICTS FLOWCHART

COMMENTS:

1. It has been brought to our attention that students who start at a public school and transfer to home education or another school where they are afforded a participation opportunity at their residential public school (i.e. community/STEM/non-public schools) were NOT being recognized as transfer students despite the definitions outlined in Bylaw 4-7-2.

2. Adding this language to 4-3-1 #6 draws attention to the fact that non-enrolled students are still subject to the transfer consequence unless an exception can be met to restore full athletic eligibility. It also highlights that these students have to be eligible in accordance with all other areas of Bylaw 4.

ISSUE 4B – AMEND BYLAW 4-7 FOR 2021-22 –

If passed, effective August 1, 2021.

Initial Review-12/3/2020

Approved for Referendum-1/14/2021

4-7-2 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 c.) the student participates in a practice, scrimmage or contest 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. 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 to the non-public school or Community/STEM school in which the student is enrolled without transfer consequences. 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. **Furthermore, any in-season changes in the participation opportunities that may be afforded by state law shall be subject to Bylaw 4-7-3.**

If a student transfers at any time after commencing the ninth-grade year, the student shall be **ineligible for all OHSAA tournaments in those sports in which the student participated during the 12 months immediately preceding this transfer. In addition, the student shall be ineligible for all contests at all levels** eligible, insofar as transfer is concerned, ~~ONLY~~ until the **AFTER the** first 50% of the maximum allowable varsity regular season contests have been competed in those sports in which the student participated during the 12 months immediately preceding this transfer. The transfer consequence shall remain in effect until the one-year anniversary of the date of enrollment in the school to which the student transferred, at which time the student is no longer considered a transfer student. For purposes of the transfer bylaws, a student will be considered as having commenced the ninth-grade year by either attending five or more days of school as a ninth grader or by establishing eligibility at a school by having participated in a contest. Furthermore, the term "participated in a contest" for purposes of the transfer bylaw means to have played at least one play in a scrimmage, preview/jamboree, Foundation game or regular season/ tournament game or contest.

~~After the first 50% of the maximum allowable varsity regular season contests have been competed, (regardless of the participation level of the student), the student shall then become INELIGIBLE for the remainder of the regular season contests at all levels. Furthermore, the student shall also remain ineligible to participate in the OHSAA sponsored tournament(s) in those respective sports until the one-year anniversary of the student's date of enrollment. A student who did not participate in an OHSAA recognized sport in the 12 months immediately preceding the transfer is not subject to the consequence of this transfer bylaw.~~

Notwithstanding the above, if a student transfers during the season of a sport in which he or she has participated in a regular season contest, and if Bylaw 4-7-3 requires that the student is ineligible for participation in the remainder of the contests in that sports season, the student shall remain ineligible for the remainder of all regular season contests, as well as the OHSAA tournament, in that sport at the school into which the student has transferred **(or at the school where the student is now permitted a participation opportunity)**. Furthermore, the student shall finish fulfilling his/her transfer consequence, for ONLY that sport in which the mid-season transfer occurred, at the commencement **start** of the sport season during the next school year, **unless an exception can be met to restore eligibility for the next sport season**. This consequence requires that the student shall remain ineligible for all preseason contests (scrimmages, preview/jamboree, Foundation games) and all

regular season contests until the total number of varsity regular season contests missed (including those missed during the previous season) equals 50 percent of the maximum allowable varsity regular season contests in that sport.

Note: ORC 3313.5312 (Ohio home educated students) has been intentionally left out of the exclusions of subpart (b) addressing students participating in programs where they are not enrolled. Once a home-educated student, in accordance with state law, 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.

Maximum Allowable Contests in All OHSAA-recognized Sports and Formula for Determining Eligibility under the 50% Transfer Consequence

SPORT	Maximum # of Contests as per the OHSAA Board of Directors Policy	Transfer Student BECOMES INELIGIBLE AT VARSITY :
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With respect to inter-district transfers, one or more of the following exceptions may apply.

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:

COMMENTS:

1. Due to the way we configured football for 2020 and with the opportunity to play regular season games after the start of the OHSAA tournaments in several sports, the language has been updated to reflect:
 - a. An ineligible transfer student shall not participate in any OHSAA tournament
 - b. It is permissible to play the approved number of regular season games after the tournament has commenced.
2. The note which precedes the exceptions to Bylaw 4-7-2 has been rewritten to show that the exceptions are intended to be used for cause-and-effect situations (i.e. a move which compels a transfer). The exceptions are not intended to be used as potential loopholes to circumvent the transfer bylaw.

ISSUE 5B – AMEND BYLAW 4-7-2, EXCEPTION 9 FOR 2021-22 –

If passed, effective May 16, 2021.

Initial Review-2/18/2021

Approved for Referendum-3/29/2021

EXCEPTION 9: A student shall be entitled to one transfer **if, as a result of a transfer/transfer of participation opportunity** to the **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 transfers 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.** regardless of whether the student is transferring from a public or nonpublic school. The student becomes ineligible beginning with the second 50% of the maximum allowable varsity regular season contests until declared eligible in accordance with the submission of the Exception 9 Form to document the transfer as set forth in the exception. The form can be found at OHSAA.org.

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 application. Bylaw 4-7-2 Exception 9 does not apply to transfers to and from high schools within a multiple high school district/system. Furthermore, for a student transferring into a multiple high school district from either a public high school in a different district or a non-public high school, in order to use this exception the student shall be assigned (in accordance with OHSAA business rules) or transferred to the high school located in the parents’ attendance zone, or, if there are no defined attendance zones, to the high school which is closest to the parents’ residence. Please see Bylaws 4-7-4, 4-7-6 and 4-7-7 for the transfer rules which apply to intra-district or system transfers.

Note 2: Exception 9 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. Conversely, 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: If, as a result of a transfer/change of participation opportunity in accordance with exception 9, 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 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. Instead of making this an exception to which a student is entitled, the language has been rewritten to more closely align with other transfer exceptions that give the Executive Director’s Office some discretionary authority.
2. Adding “transfer of participation opportunity” to the first sentence clarifies that non-enrolled students are also permitted to use this exception **only one time** to restore their full athletic eligibility. This concept is also clarified in the last sentence to Note 3.
3. The new language to Note 1 allows a multi-HS district Superintendent, or his/her designee, to request the application of exception 9 at a high school outside the student’s assigned attendance zone (or at a school not closest to the parent’s residence, in districts that do not have defined attendance zones) if the transfer to the school can be supported by objective educational criteria. Some examples of this “objective educational criteria” would include skipping over a poor-performing school, transferring to a trade-specific school, etc. The decision on whether to apply exception 9 to this transfer is left to the discretion of the Executive Director’s Office and will be accompanied by requests for the student’s transcripts, etc.
4. The effective date of this amendment is May 16, 2021. Therefore, if a student in a multi-HS district transfers between May 16-July 31, 2021 then he/she is permitted to potentially utilize the new language codified in Note 1.

**ISSUE 6B – AMEND BYLAW 4-7-3 FOR 2021-22 –
If passed, effective August 1, 2021.**

Initial Review-2/18/2021

Approved for Referendum-3/29/2021

4-7-3 If a transfer, as defined in Bylaw 4-7-2, takes place during the sport season in which the student has participated in a **regular season interscholastic contest** in a sport, the student is **shall be** ineligible in that sport for the remainder of that sports season in the school into which the student has transferred. **of all regular season contests, as well as the OHSAA tournament, in that sport at the school into which the student has transferred (or at the school where the student is**

now permitted a participation opportunity). Furthermore, the student shall finish fulfilling his/her transfer consequence, for ONLY that sport in which the mid-season transfer occurred, at the start of the sport season during the next school year, unless an exception can be met to restore eligibility for the next sport season. This consequence requires that the student shall remain ineligible for all preseason contests (scrimmages, preview/jamboree, Foundation games) and all regular season contests until the total number of varsity regular season contests missed (including those missed during the previous season) equals 50 percent of the maximum allowable regular season contests in that sport.

An in-season transferring student may not use any of the exceptions to Bylaw 4-7-2 or 4-7-4 to restore full athletic eligibility EXCEPT if one of the following circumstances occurs: ~~Notwithstanding the foregoing, a student may not use any of the exceptions to Bylaw 4-7-2 or 4-7-4 to circumvent this bylaw except if one of the following circumstances occurs:~~

- 1) — The parents make a bona fide move into a new public school district, the student is approved for transfer eligibility under the requirements of Exception 1 of Bylaw 4-7-2 AND the school building into which the student transfers is more than 50 miles from the school building from which the student transfers 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.
- 2) — As a result of a legal change of custody or a change in placement in which Children’s Services or a similar government agency is involved, the student may be approved for transfer eligibility provided the school building into which the student transfers is more than 50 miles from the school building from which the student transfers 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.

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 ~~when the season ends~~ **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).**

NOTE: In addition, if a student’s participation opportunity changes during the sport season in which the student has already participated in a regular season interscholastic contest in a sport at a school where they are not enrolled (pursuant to O.R.C. §§ 3313.5311 or 3313.537), the student is ineligible in that sport for the remainder of that sport’s season at the new school into which the student is now entitled a participation opportunity. A student may not use any of the exceptions to Bylaw 4-7-2 or 4-7-4 to circumvent this bylaw if the student is not transferring schools. If the student is transferring schools, then the same exceptions as outlined above apply.

~~Note: Please refer to Bylaw 4-7-2, transfer, which discusses the pro-rating of the 50% period of ineligibility for the next school year~~

COMMENTS:

1. The stricken language in the first paragraph removes the reference to the fact that the student is ineligible *at the school to which the student transferred*. There have been occasions where a student transfers in the middle of a season and wants to resume participation at a school at which they are not enrolled in accordance with state law. This change cleans up the language to explain that if a student transfers in the middle of a season then he/she is ineligible for the rest of the season *regardless of where he/she desires a continued participation opportunity* (unless one of the enumerated scenarios occur).
2. The new highlighted language to paragraph one regarding application of the transfer consequence for the following season for a midseason transfer has significant implications that have led to some forfeitures when applied incorrectly. This concept is better expressed within this actual bylaw as opposed to referring the reader to 4-7-2. Therefore, we have added that language here and removed the note.
3. Language was added to clarify “sport season” for application of this bylaw. Previously, the language encompassed a student who transferred at any time within the season, potentially even after a school was eliminated from the tournament. The concept behind this proration is to ensure a midseason transfer student does not have to miss two

postseason tournaments. Therefore, this bylaw only comes into effect if a student transfers to a school that still has contests (either regular season or postseason) left on their schedule. If a student transfers to a new school after the team has concluded its participation in contests then the student would have a normal transfer consequence the following year, unless an exception could be met to restore full transfer eligibility.

ISSUE 7B – AMEND BYLAW 4-9 TO CLARIFY RECRUITING FOR 2021-22 –

If passed, effective August 1, 2021.

Initial Review-12/3/2020

Approved for Referendum-2/18/2021

4-9-1

A student is considered a prospective athlete after enrolling in the seventh grade, or the grade corresponding to the seventh grade for a student from a foreign country, irrespective of whether the student is currently enrolled in a public 7th-8th grade school located within a public school district or a non-public school that is part of a non-public system. Any attempt to recruit a prospective student-athlete for athletic purposes shall be strictly prohibited.

4-9-2

For purposes of this Bylaw Section 9, the term “recruit” shall mean the use of influence by any person connected or not connected with the school to secure the enrollment of a prospective student-athlete **for athletic purposes.**

The Executive Director’s Office may suspend the privilege of participation in interscholastic athletics for up to 30 days during the pendency of any alleged recruiting violation.

EXCEPTION 1: It is permissible for coaches and other school employees of a public school district to have contact with seventh and eighth grade students currently enrolled in that public school district; however, coaches and other school employees in a multi-high school public school district may have contact with only those students in grades seven and eight who are assigned by that district to attend that high school where the coach or school employee works.

EXCEPTION 2: It is permissible for coaches and other school employees of a non-public school system to have contact with seventh and eighth grade students currently enrolled in a non-public school of the same type (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) provided the boundaries of that non-public school system are clearly defined and on file with the Ohio High School Athletic Association and the contact is restricted to students enrolled within that defined boundary. **Likewise, it is permissible for non-public school coaches to have contact with 7-8 grade students if the non-public school is K-12 and the 7-8 grade building is located in the same building as the high school and the 7-8 grade students would be assigned to the high school where the coach or school employee works.**

NOTE: Feeder schools boundaries designated for competitive balances purposes are NOT the same boundaries as referenced in this exception to the recruiting bylaw. Unless a school system assigns all the students at the elementary school(s) within a particular boundary to a particular high school and these boundaries are on file with the OHSAA, coaches are prohibited from contacting these students in accordance with this exception.

4-9-3 “**Mass** Marketing,” though a form of recruiting students, may be permitted under this bylaw by any and all member high schools provided the **mass** marketing complies with the following **forms requirements:**

1. **Any marketing** must involve the entire high school program and all of its elements and shall not be solely or primarily for the school’s athletic program or programs.
2. If a mass mailing or electronic transmission is utilized, the mailing/transmission may not be directed to a specific individual or individuals by name. **The use of “occupant” or “resident” is permitted. Once a**

prospective student-athlete has attended an open house/information session/shadow day as outlined in 4-9-3 #3, only then it is permissible for the school to send enrollment/general school information to the named individual. (See 4-9-4 #3 and #4 for guidelines outlining when a coach or other students are permitted to contact a prospective student-athlete.)

3. Conducting an open house/information session/**shadow day** for all prospective students, which SHALL be held on the campus of the member school, in a church or other house of worship that is a sponsor for that member school, or in one of the other schools sponsored by that same school system or district, is permissible provided all elements of the school program are presented. **During such an event, it is permissible for a coach to talk with a prospective student-athlete in the presence of a school administrator if the conversation centers around program procedures and expectations but not the student's expected impact on the program.**

If, however, a Board of Education or other governing board in a non-public school or system prohibits the use of any of the aforementioned facilities for an open house, a EXCEPTION: A school may be permitted to hold an open house at an alternative site provided:

- a) the facility is open and accessible to the general public; and
 - b) the facility is not a private club, private room within a public facility or a private home; and
 - c) the school submits a request for a waiver to use this alternative site at least 30 days prior to the open house.
 - d) no open house or information session may be held in a private home.
4. Inviting **a** prospective student to campus for activities that are related to all aspects of the school's educational offerings and not solely for athletic purposes is permissible provided the prohibition in item #2 is not violated.
 5. Using the school website or other forms of media such as billboards, newspaper advertisements, etc. to advertise all aspects of the school's educational offerings and not solely athletics information is permissible. **Schools are permitted to utilize athletic advertisements of this nature so long as the advertisement simply congratulates a team and does not attempt to promote the athletic program (i.e. a billboard congratulating a state championship team).**
 6. Providing athletic camp brochures that advertise athletic camps/**clinics** available to a general population is permissible as long as **1) there are no direct mailing to specific individuals is conducted.** (See #2) **and 2) the brochures are solely used to advertise for a specific non-interscholastic opportunity (camp/clinic).** **These brochures are not to be used to promote the school. (See 4-9-4 #9 regarding prohibitions on school personnel who are permitted to be in attendance at these camps/clinics.)**
 7. The only time in which it is permissible to invite prospective student-athletes and/or their parents to a high school contest or another athletic related event such as a banquet or recognition ceremony is when the invitation is extended to an entire group or team, such a school's 7th or 8th grade team or a non-interscholastic group such as a C.Y.O. program in a specific sport, AND the participation is mutually agreed upon by the administration of both schools/organizations.

Though the group may receive admission to the contest, this invitation to attend a high school contest or athletic related event shall not include running out onto the contest venue with the team or standing on the sidelines and shall not include locker room visits, pre-contest meals with the high school team and/or any other interaction with the team prior to or after the contest.

4-9-4

Forms of recruiting that are prohibited by this bylaw include but are not limited to:

- 1) Using direct mailings or electronic communication to send information to a specific individual or individuals by name. **However, mailings to “occupant” or “resident” are permitted provided the stipulations outlined in 4-9-3 #1 and 4-9-3 #2 are followed.**
- 2) Meetings with, functions for or marketing to a select athletic group or individual/individuals, i.e., eighth grade team or individual sports participant, for the purpose of influencing enrollment at the high school for athletic purposes.
- 3) Any coach or group of coaches having any contact with prospective student-athletes, except as permitted in Bylaw 4-9-3, who are not presently enrolled in the school’s educational program, or their parents/**non-interscholastic coach**, prior to **written acceptance notification 1) the student’s application fee being submitted to the school (for tuition based schools) or 2) the school accepting the student’s application for enrollment (for non-tuition based schools).** **Outside the context of a meeting during an open house/information session/shadow day, a coach is not permitted to have communication with a prospective student-athlete about athletics.**

Note: For the purposes of this section of Bylaw 4, the description of “coaches” as stated in Bylaw 6-1-1 and 6-1-2 shall be applicable. Furthermore, the mere fact that a coach may also have another job title with his/her employer does not relieve that individual from this prohibition.

- 4) **Any individual associated with a school, including team members, attempting to use electronic communication or a social media platform(s) to communicate with a prospective student-athlete about athletics prior to 1) the student’s application fee being submitted to the school (for tuition based schools) or 2) the school accepting the student’s application for enrollment (for non-tuition based schools).**
- 5) Interscholastic coaches answering athletic questions from prospective student-athletes and/ or their parents and describing their programs except within the school in accordance with approved administrative policies and procedures (i.e. via admissions offices) and consistent with the provisions set forth in Bylaw 4-9-3 **#3**. **Note:** When an admissions officer is also a member of a coaching staff, that admissions officer shall have no contact with prospective enrollees except as specified within these bylaws as permissible for coaching staff members.
- 6) Member schools distributing athletic publications or advertising solely for athletics, **with the exception of camp/clinic brochures following the guidelines outlined in 4-9-3 #6.** All athletic materials must be accompanied by general school information prior to **student registration 1) the student’s application fee being submitted to the school (for tuition based schools) or 2) the school accepting the student’s application for enrollment (for non-tuition based schools).**
- 7) Providing favors or inducements, such as T-shirts or caps, to prospective student-athletes or their parents. EXCEPTION: A small token, such as a “goodie bag” containing an item or items, the value of which cannot exceed \$25 and which cannot be related to the school’s athletic program, may be given to prospective students who “shadow” or visit a member school in contemplation of enrollment.
- 8) Providing financial aid or scholarships to a student-athlete on the basis of athletic ability/**involvement. See Bylaw 4-10 for prohibitions on offering athletic scholarships to a student currently enrolled in a school.**

- 9) **Using an athletic camp/clinic to distribute general admission information about the school. (i.e. no setting up an admissions table or having admissions personnel/administrators available to answer questions about enrollment)**
- 10) ~~8)-~~ If a coach leaves a school to pursue a coaching opportunity at another school, the coach shall refrain from any communication **regarding athletics** with any students at his or her former school. Further as it relates to any **former student-athlete** who might transfer to or enroll at the school where the coach is now approved as a member of the coaching staff, said transfer or enrollment shall create a rebuttable presumption of recruiting and render the student ineligible for **up to** one year from the date of enrollment unless the recruiting can be rebutted. Once the coach has been employed by or appointed to his/her new school for one calendar year from the date of employment/approval, the coach is still prohibited from communication with any students at his/her former school, but there is no longer any obligation for the new school to rebut the presumption of recruiting unless specifically requested to do so by the Executive Director's Office.

4-9-5

Prior to enrollment, a student-athlete may visit a public or non-public school in contemplation of enrollment, as long as that contemplated enrollment is consistent with Board of Education or similar governing board policy formally adopted by that school district and arrangements for the visit are made through the principal and/or school administrator designated by the Board of Education or similar governing board. **During such an event, it is permissible for a coach to talk with a prospective student-athlete in the presence of a school administrator if the conversation centers around program procedures and expectations but not the student's expected impact on the program. After the conclusion of the visit, a coach is not permitted to have further communication with the prospective student-athlete about athletics (outside the context of another open house/information session/shadow day) prior to 1) the student's application fee being submitted to the school (for tuition based schools) or 2) the school accepting the student's application for enrollment (for non-tuition based schools).**

4-9-6

All questions relating to enrollment, attendance or the athletic program shall be handled through the school administration or the admissions office. If a coach is contacted by a parent or another individual who is advocating for a student, the coach is obligated to immediately disclose this contact to a school administrator and to cease all contact with the prospective student and/or parents until **1) the student's application fee is submitted to the school (for tuition based schools) or 2) the school accepts the student's application for enrollment (for non-tuition based schools). acceptance and/or enrollment into the school where the coach is approved to work.**

4-9-7

Any violation of the recruiting prohibitions as set forth in this bylaw **shall may** cause the recruited student-athlete to be ineligible upon enrollment. If it is determined by the Executive Director's Office that a student-athlete was recruited in violation of these prohibitions, the Executive Director's Office may deny the student-athlete from participation (which may include participation in the OHSAA tournament) in the sport or sports for which the student-athlete was recruited. Furthermore, the school into which the recruited student-athlete enrolls or the school the recruiting attempts were intended to benefit shall be subject to sanctions as set forth in Bylaw 11. If a coach has been found to have violated these recruiting prohibitions by the Executive Director's Office, and is employed/approved to coach in the ensuing school year by another member school in the same sport in which the violations occurred, the school where the coach is employed/approved to coach **shall be ineligible may be subject to other penalties as set forth in Bylaw 11 including, but not limited to, ineligibility** for OHSAA tournament competition in that sport for a minimum of one year.

COMMENTS:

1. All of the aforementioned edits are being done in an attempt to provide more clarity to the Recruiting Bylaws.
2. The new note to Bylaw 4-9-2, Exception 2 is being added to clarify that the non-public school boundaries used for Competitive Balance are not the same as those referenced in Bylaw 4-9-2.
3. The language removed in 4-9-3 #3 allows the E.D's Office to approve an offsite open house even if other on-campus facilities are available. This gives schools more options when deciding where to conduct such meetings. The option is also now presented as an exception.
4. 4-9-3 #5 has had language added to clarify that congratulatory billboards/newspaper ads are permitted as long as the marketing is congratulatory in nature and not used to promote the athletic program.
5. 4-9-3 #6 has been modified to clarify that brochures for athletic camps are solely to be used to advertise for a specific non-interscholastic opportunity (camp or clinic). These brochures are not to be used to promote the school. Likewise, 4-9-4 #9 has been added to support this notion and clarify that admissions personnel/administrators are not permitted to be in attendance at these camps/clinics to answer questions about school enrollment.
6. 4-9-4 #4 was added to prevent individuals, specifically students at a school, from attempting to contact prospective student athletes for athletic reasons. This means that once a student shadows at a school, students are still not allowed to contact that prospective student until 1) the student's application fee is submitted to the school (for tuition based schools) or 2) the school accepts the student's application for enrollment (for non-tuition based schools).
7. 4-9-4 #3, 4-9-5 and 4-9-6 have been modified to provide further clarification on when a school and/or coach is permitted to have unobstructed communication with a student not presently enrolled in their school. This is intended to prevent prohibited "influence" before the student has made a final enrollment decision.
8. 4-9-4 #9 was added to clarify that athletic camps/clinics cannot be used as an admissions event for the school.

**ISSUE 8B – AMEND BYLAW 9- CONTESTS REQUIRING SPECIAL ATTENTION–
If passed, effective August 1, 2021.**

Initial Review-12/3/2020

Approved for Referendum-1/14/2021

BYLAW 9 — CONTESTS REQUIRING SPECIAL ATTENTION

Section 1. Contests with Non-Member Schools and Non-Interscholastic Teams

9-1-1 Members of the Association shall observe all Ohio eligibility standards, general and sport-specific sports regulations and playing rules in contests with non-member and non-interscholastic teams while competing in Ohio. **Member schools are permitted to play non-member and/or non-interscholastic teams at their own discretion.**

Section 2. Contests with Out-Of-State Schools

9-2-1 Schools may travel out of state to compete in contests in states or provinces in Canada that ~~are contiguous to~~ **border** Ohio regardless of distance to travel. The states ~~include~~ **are** Indiana, Kentucky, Michigan, Pennsylvania and West Virginia. The province ~~includes~~ **is** Ontario. Additionally, schools may travel out of state one time per sport per interscholastic season to compete in contests in any location that **does not border** ~~is not contiguous to~~ Ohio **subject to approval from the Executive Director's Office. (Visit ohsaa.org to obtain the required form to request this travel permission).**

Penalty for violation: The **A** school **which travels to a non-boarding location to compete in contests on more than one occasion** shall be ineligible for the OHSAA postseason tournament in the sport in which the out-of-state travel was involved and could be subject to additional penalties as referenced in Bylaw 11. **A school which travels to a non-boarding location without approval from the Executive Director's Office shall be subject to a fine and could be subject to additional penalties as referenced in Bylaw 11.**

9-2-2 School-sponsored teams and individuals may not travel out of state for practice purposes.

EXCEPTION 1: If the school's normal practice and/or competitive facility is located out of state, the school shall be permitted to practice/compete at that facility.

Note: In all other cases, the Executive Director may grant permission to practice out of state in rare or limited circumstances. The principal shall request this permission from the Executive Director's office in writing.

EXCEPTION 2: If the school is traveling outside the boundaries of the states/~~Province~~ **province** contiguous to **that border** Ohio for the onetime per season competition opportunity, the school squad may also practice during that ~~journey~~ **trip**. This provision is made provided there is no loss of school time and provided the squad is engaged in allowable competition as stipulated in that sport's regulations.

9-2-3

Whether a contest/event is in Ohio or outside of Ohio, schools Schools must secure **a** sanction through the National Federation of State High School Associations **for** of competition by a member school in any of the following contests:

- a. ~~Any interstate tournament or meet in which four or more schools participate~~ **ANY event which includes either an Ohio or an out-of-state school that is co-sponsored by or titled in the name of an organization outside the school community;**
- b. ~~Any interstate competition which involves schools from three or more state high school associations.~~ **Events involving non-bordering states where five (5) or more states are involved;**
- c. **Events involving non-bordering states if more than eight (8) schools are involved;**
- d. **Events involving two (2) or more schools that includes a team from a foreign country, with the exception of Canada and Mexico.**

NOTE: In (b) and (c) above, no sanction is required if the contest(s) only involve Ohio schools and/or schools which border Ohio.

Schools desiring to participate in an event covered under the aforementioned scenarios must visit <https://www.nfhs.org/Sanctioning/> in order to obtain the sanction.

~~In (a) and (b) above, no sanction is required from the National Federation if all competing schools are from states which border the host state. However, schools must secure from each state association sanction for such events.~~

9-2-4 In all contests competed outside Ohio, each participating school shall follow all Ohio eligibility standards, general and sport-specific sports regulations as well as ~~as~~ **but shall follow** the playing rules (NFHS or national governing body) as adopted by the host state Association.

COMMENTS:

1. The revision to 9-2-1 now requires schools to obtain approval from the Executive Director's Office prior to traveling to any non-bordering state for competition. This will allow staff to better track a respective team's travel in order to comply with sanctioning requests from the NFHS as outlined in 9-2-3.
2. The revision to 9-2-3 is necessary to comply with revised NFHS sanctioning requirements.