



Ohio High School Athletic Association  
4080 Roselea Place  
Columbus, Ohio 43214  
614-267-2502  
[www.ohsaa.org](http://www.ohsaa.org)

**APPROVED REFERENDEM ITEMS– 2020-2021  
CONSTITUTION**

**ISSUE 1C – ADD ARTICLE 3-1-5 – MEMBERSHIP – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**3-1-5 – As a condition of membership (initial and/or continuing), any and all lawsuits commenced by or on behalf of a member school, which lawsuit, in whole or in part, challenges a duly adopted Article of this Constitution or a duly adopted Bylaw of the member schools, shall be commenced in a court of general jurisdiction in Franklin County, Ohio. EXCLUSIVE JURISDICTION AND VENUE vests with the courts (State and Federal) in Franklin County, Ohio with respect to any and all court challenges brought by or on behalf of a member school, in law or in equity, challenging the Constitution, Bylaws, Regulations, and/or the interpretations or enforcement of the same by the Executive Director’s Office.**

**COMMENTS:**

1. Franklin County Courts are where appeals from administrative agencies similar to the OHSAA are heard on a regular basis. Therefore, judges in this jurisdiction are more accustomed to hearing challenges involving such agencies and the law that controls such courts’ decisions
2. To mitigate the potential for local pressure and to prevent the need to prepare for court in all 88 counties, this revision would require schools and their representatives to seek redress in Franklin County.
3. This change would not affect suits filed by individuals such as the parent of a student-athlete.

**ISSUE 2C – CONSTITUTION ARTICLE 3 -SECTIONS 2 AND 3 - INITIAL AND CONTINUING MEMBERSHIP – IF PASSED, EFFECTIVE MAY 16, 2020**

**2 - Initial Membership**

Note: Requirements for initial membership may be waived in the event that a public school district closes a current member school(s) and then reopens ~~that~~ a school or multiple schools under different names and

IRN's. Participation opportunities for students attending the new school(s) shall be addressed within the business rules of the OHSAA as well as state law.

~~3-2-1 The Board of Education or similar governing body must adopt a resolution authorizing membership for all prospective 7th and 8th grade schools and/or high schools seeking membership under its jurisdiction. When a new school is opened in a multi-high school/7th-8th grade school district or system, the Board of Education or similar governing body may simply add that school to its membership card.~~

~~Conversely, when a non-member school in a multi-high school/7<sup>th</sup>-8<sup>th</sup> grade school district desires to seek membership in the Association after having been a non-member school for at least one year, that school shall follow the requirements of initial membership as outlined in Constitution Article 3-2-3 for a minimum of one year BEFORE the Board of Education or similar governing body is permitted to add that school to its membership card.~~

**3-2-1 A prospective member school shall submit an Application for Membership on which a prospective member school shall declare, its one year prospective period. During that prospective period, the school shall be required to submit documentation corroborating the certifications on the Application for Membership, as set forth in Article 3-2-2, that will be submitted at the completion of the prospective period.**

3-2-2 The Application for Membership, on the form prescribed by the OHSAA, must be completed and signed by the superintendent of the school district (or the person acting in a similar capacity for any non-public school) **certifying that with respect to its student-athletes and sports programs, the school has conformed with all bylaws and regulations of the OHSAA for a minimum period of one year immediately prior to the date of application, in accordance with Article 3-2-1.**

~~3-2-3 The applicant must be able to certify that with respect to its student-athletes and sports programs, the school has conformed with all bylaws and regulations of the OHSAA for a minimum period of one year immediately prior to the date of application.~~

**3-2-4 3-2-3** The applicant must be able to certify that it has sponsored at least two **7<sup>th</sup>-8<sup>th</sup> grade and/or** varsity “recognized sports” (per Bylaw 1-5-1) per sports season in the year immediately prior to the date of application and that it intends to continue with its sponsorship of these **at least two** recognized sports upon becoming a member of the OHSAA. Sponsorship of a **7<sup>th</sup>-8<sup>th</sup> 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 each **at least two** of the sports for which applicant provides sponsorship.

~~3-2-4 The applicant must be able to certify that it has sponsored at least two varsity “recognized sports” (per Bylaw 1-5-1) per sports season in the year immediately prior to the date of application and that it intends to continue with its sponsorship of these recognized sports upon becoming a member of the OHSAA. Sponsorship of a 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 each of the sports for which applicant provides sponsorship.

**3-2-4 (from former 3-2-1) The Board of Education or similar governing body must adopt a resolution authorizing membership for all prospective 7th and 8th grade schools and/or high schools seeking membership under its jurisdiction. When a new school is opened in a multi-high school/7th-8th grade school district or system, the Board of Education or similar governing body may simply add that school to its membership card. ~~the superintendent or principal must request membership for that school using the form prescribed by the OHSAA. In this situation, initial membership requirements set forth in Article 3-2-1 may be waived.~~**

Conversely, when a non-member school in a multi-high school/7<sup>th</sup>-8<sup>th</sup> grade school district desires to seek membership in the Association after having been a non-member school for at least one year, that school shall follow **fulfill** the requirements of initial membership as outlined in Constitution Articles ~~3-2-3~~ **1 and 3-2-2** for a minimum of one year BEFORE the Board of Education or similar governing body is permitted to add that school to its membership card.

### **3 - Continuing Membership**

**3-3-1** The Board of Education, or similar governing body, must adopt a resolution authorizing continuing membership in the OHSAA for all 7th and 8th grade schools and/or high schools wishing to continue membership under its jurisdiction, which resolution shall be submitted to the Executive Director's office no later than June 30 of each year for the ensuing school year.

NOTE: Schools whose membership has been suspended for a year or which have not been a member for a year shall be considered as **under** initial membership and shall follow the requirements of initial membership as outlined in Constitution 3-2. ~~3-2-3 for a minimum of one year BEFORE the Board of Education or similar governing board is permitted to add that school to its membership card.~~

**3-3-2** ~~Prior to the start of each school year, the superintendent (or person acting in a similar capacity on behalf of a non-public school) shall sign and file with the Executive Director's office any and all required membership forms for the ensuing school year.~~ **If, at any time, a school's Information Retrieval Number (IRN) changes, the Superintendent, or other administrative authority of that school system, is required to alert the Executive Director's Office of such a change.** Furthermore, the principal of each member school must **submit** sign and file with the Executive Director's office the required sports registration forms **through myOHSAA prior to the start of each school year.**

**3-3-3** A school that loses its charter by action of the State Department of Education or which no longer operates in accordance with Ohio State Department of Education Minimum Standards Chapter 3301-35-08 Non-Chartered Non-Tax Supported School ceases to be a member of the Association.

**3-3-4** Subject to Article 3-3-5 below, a member high school must continue to sponsor two varsity “recognized sports” (per Bylaw 1-5-1) per sport season ~~in~~ during the school year in order to maintain membership in the OHSAA.

7-8<sup>th</sup> grade schools must also sponsor two OHSAA recognized sports per season ~~in~~ during the school year in order to maintain membership in the OHSAA. Sponsorship of a varsity recognized sport or a 7-8<sup>th</sup> grade sport means that the school is encouraged to compete in a minimum of 50% of the maximum allowable regular season contests in each individual sport, 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 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 ~~and single gender schools~~ 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 7-8<sup>th</sup> grade level, 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. **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 7<sup>th</sup>-8<sup>th</sup> grade level during that 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 two sports per sport’s season during this probationary period, the school’s membership in the OHSAA shall be terminated.

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

#### COMMENTS:

1. These articles have been rewritten for clarity and to reflect current business practices.
2. The words “and single gender schools” have been removed from the Exception in 3-3-4 as the provision is no longer necessary with the approval of two additional sports in the spring.

3. The change in 3-3-5 reduces the penalty for failure to comply with the continuing membership requirements and provides an avenue for continued tournament participation during a given school year based on criteria approved by the Board of Directors. The OHSAA shall develop an application process which will evaluate the reasons why a school was unable to field a team or teams and participate in the OHSAA tournament. A fee for participation in subsequent tournaments may also be assessed to the school on probation.

**ISSUE 3C- QUALIFICATION FOR BOARD OF DIRECTORS MEMBERSHIP – TERM OF OFFICE – AMEND 5-3-1 & 5-5-1 – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**3 - Qualification for Board of Directors Membership**

**5-3-1** The district athletic board representatives shall be members of the teaching profession and employed fulltime (minimum of 180 days) by a member school or schools. They shall be elected members of the district athletic boards representing the classification of schools or a representation category (female, ethnic minority and 7th & 8th grade) and the athletic districts whose terms of office are set for the Board of Directors according to this table.

Year	C	E	NE	NW	SE	SW	C	E	NE	NW	SE	SW
2020-21	AA-2	A-3	AAA-3	A-2	AA-3	AAA-2	M-2		7-8-2			F-3
2021-22	AA-3	AA	A	A-3	AAA	AAA-3	M-3	F	7-8-3			
2022-23	AAA	AA	A	AA	AAA	A		F		M		7-8
2023-24	AAA	AA	A	AA	AAA	A		F		M		7-8
2024-25	AAA	AAA	AA	AA	A	A				M	F	7-8
2025-26	A	AAA	AA	AAA	A	AA		7-8	M		F	
2026-27	A	AAA	AA	AAA	A	AA		7-8	M		F	
2027-28	A	A	AAA	AAA	AA	AA	F	7-8	M			
2028-29	AA	A	AAA	A	AA	AAA	F				7-8	M
2029-30	AA	A	AAA	A	AA	AAA	F				7-8	M
2030-31	AA	AA	A	A	AAA	AAA				F	7-8	M
2031-32	AAA	AA	A	AA	AAA	A	7-8	M		F		
2032-33	AAA	AA	A	AA	AAA	A	7-8	M		F		
2033-34	AAA	AAA	AA	AA	A	A	7-8	M	F			
2034-35	A	AAA	AA	AAA	A	AA			F	7-8	M	

**5 - Term of Office**

**5-5-1** The term of office of a Board of Directors representative selected from a District Athletic Board shall be a full term of ~~two~~ **three** years and begin on August 1.

**COMMENTS:**

1. Extending the term of the Board of Directors representative will allow the board to function more efficiently.
2. A three-year term may place a burden on some representatives in terms of their school responsibilities.

**ISSUE 4C- POWERS AND DUTIES OF THE BOARD OF DIRECTORS– AMEND 5-6-1 – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**6 — Powers and Duties of the Board of Directors**

**Article 5-6-1** The powers and duties of the Board of Directors include but are not limited to:

1. Employ the Executive Director, Senior Directors, Assistant Directors and Coordinators.
2. Employ a Senior Director of Finance who shall render reports as requested by the Board of Directors and shall cause to be published annually the audited financial report for the past fiscal year.
3. Conduct an annual review and/or evaluation of the Executive Director and Senior Director of Finance.
4. **Approve** ~~Determine~~ contracts with Association personnel.
5. Provide a retirement system for employees.
6. **Approve** ~~Determine~~ the contest rules and regulations for each sport.
7. **Authorize the Executive Director's Office to** organize and conduct all state sponsored interscholastic athletic tournaments and **determine and** set entry fees as needed.
8. Establish an appeals process by which decisions of the Executive Director's Office can be reviewed. This process may include holding hearings involving eligibility, qualifications, game contracts and controversies between or among schools and/or participants and officials regarding interscholastic athletics. This process may also include the appointment of an Appeals Panel separate from the Board of Directors for the review of all rulings by the Executive Director's Office. If the Board appoints an Appeals Panel, the Appeals Panel shall have exclusive appellate jurisdiction over all rulings by the Executive Director's Office. **Appeals decisions, whether rendered by an Appeals Panel or the Board of Directors, shall be final.** Neither the Board of Directors nor an Appeals Panel, if one is appointed, has the authority to waive, amend, or set aside any bylaw but rather must apply the bylaws precisely as they are written. The Board of Directors shall make the decision to appoint an Appeals Panel no later than the June meeting of the Board of Directors.
9. When appropriate, compel the attendance at any OHSAA hearing of the principal, athletic director, coach or such other school administrator from any school(s) affected or likely to be affected by the outcome of that hearing.
10. Approve recommendations from the Executive Director's Office to adopt ~~The Board of Directors may make~~ regulations and business rules to promote the purpose of the Association **and/or for**

**the timely, accurate and transparent implementation of specific bylaws so as to give them effect and meaning.**

11. The Board of Directors may declare a position vacant on a District Athletic Board when an elected member fails to attend three consecutive meetings and/or fulfill the requirements of the position.
12. The Board of Directors may suspend a school from membership in the Association.

**COMMENT:**

1. These changes codify current practice and more clearly articulate the Board of Director's duties.

**ISSUE 5C- MEETINGS– AMEND 5-8-1 – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**8 — Meetings**

**Article 5-8-1** No later than immediately following the June meeting of the Board of Directors, the Board shall elect a president and vice-president to serve a term of one year beginning on August 1 and ending the following July 31.

**COMMENT:**

1. This change would allow the election to take place prior to the June meeting but no later than the day on which that June meeting concludes.

**ISSUE 6C- AMENDMENTS TO THE CONSTITUTION AND BYLAWS –8-1-9 – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**Article 8-1-9**

The member school principal shall return the referendum ballot to the OHSAA office by the deadline specified in article 8-1-8. Failure to return the referendum ballot shall result in a ~~fine~~ **penalty** to the member school which failed to return the ballot. The Board of Directors, in accordance with Bylaw 11, shall establish the ~~fine~~ **penalty**

~~Note: The Board of Directors has established a fine of \$100 for those schools that fail to submit a ballot.~~

**COMMENTS:**

1. The note was added last year to establish a fine amount.
2. This amendment suggests removing the requirement of a fine and allowing the Board to establish the penalty for failure to submit the referendum via electronic voting.

## **BYLAWS** **GRADES 7-8**

<b>ISSUE 1B – BYLAWS 4-4-4 &amp; 4-4-5 — 7-8<sup>th</sup> GRADE SCHOLARSHIP– To be Voted on by the 7-8<sup>th</sup> Grade Principals - IF PASSED, EFFECTIVE AUGUST 1, 2020</b>
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### **4-4-4**

A student enrolled in the first grading period after advancement from the eighth grade must have passed a minimum of five **four** of all subjects in which the student received passing grades in carried **at the conclusion of the** immediately preceding grading period. ~~in which the student was enrolled.~~

### **4-4-5**

A student enrolling in the seventh grade for the first time will be eligible for the first grading period regardless of previous academic achievement. Thereafter, in order to be eligible, a student in grade 7 or 8 must be currently enrolled and must have been enrolled in school the immediately preceding grading period and received passing grades during **at the conclusion** of that grading period in a minimum of five **four** of these subjects. ~~in which the student received grades.~~

### **COMMENTS:**

1. Curriculum in the middle grades has changed considerably over the past decade with more schools opting to increase the time spent in core subjects.
2. As there is no consideration of “credit weighting” in grades 7-8, reducing the number of courses required to be passing, given the fact that these courses often require double the time in class, makes sense.
3. Some 7-8<sup>th</sup> grade schools have moved away from providing electives, and students are taking just four courses.
4. Although reducing the course requirement from five to four may seem counterintuitive, this suggestion has come from senior level administrators in many of our school districts.

## **HIGH SCHOOL**

<b>ISSUE 1B – NEW BYLAW 4-5-6 – CONDUCT - IF PASSED, EFFECTIVE AUGUST 1, 2020</b>
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**4-5-6 – Any student who is subject to a penalty or consequences for violations of a school’s Board adopted Code of Conduct (Student, Athletic) shall be declared ineligible in the event the student transfers to another school before the penalty or consequence has been fully served. It is the responsibility of an administrator at the new school to inquire from the administrator at the student’s former school of any violation of this nature that would affect the student’s eligibility in interscholastic athletics and duration of the suspension for that violation.**

### **COMMENTS:**

1. The OHSAA has been made aware of incidents where students attempt to escape the consequences of inappropriate behavior by changing schools.



2. Several school administrators have expressed concern about this issue when a student transfers schools after being dismissed for a period of time from participation in sports.
3. It has been our experience that rarely do the receiving schools hold students accountable for these infractions.
4. We believe it is time for the membership to decide whether this concept is appropriate to add to the conduct bylaw.
5. The penalty for violation of this bylaw is forfeiture of contests in which the ineligible student has participated during the period of suspension/ineligibility.
6. It may be difficult for an administrator to determine if the consequence is following a student, but just as in the case of sports participation, grades, etc., the administrator at the receiving school would have an obligation to inquire about this matter.

**ISSUE 2B – BYLAW 4-7-2 – TRANSFER - IF PASSED, EFFECTIVE AUGUST 1, 2020**

**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 the fifth day of the student's ninth grade year or after having established eligibility prior to the start of school by playing in a contest (scrimmage, preview/jamboree, Foundation game or regular season/tournament contest), the student shall be eligible, insofar as transfer is concerned, **ONLY until** the first 50% of the maximum allowable **varsity** regular season contests (including all scrimmages, preview/jamboree/Foundation games) **have been competed** in those sports in which the student participated (participation being defined as playing in a contest) during the 12 months immediately preceding this transfer. This 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.

**If a student transfers at any time after commencing the ninth-grade year, the student shall be eligible, insofar as transfer is concerned, ONLY until 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. Furthermore, the student shall finish fulfilling his/her transfer consequence, for ONLY that sport in which the mid-season transfer occurred, at the commencement of the sport season during the next school year. 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 1:** ~~For purposes of this bylaw, a student is considered to have participated in a contest in a sport if he/she has entered, if for only one play, a scrimmage or contests at any level of competition/contests (e.g. freshman, junior varsity and varsity).~~

**Note 2:** 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**

<b>SPORT</b>	<b>Maximum # of Contests as per the OHSAA Board of Directors Policy</b>	<b>Transfer Student BECOMES INELIGIBLE AT VARSITY</b>
Baseball	27 Games	Game 15
Basketball (Boys and Girls)	22 Games	Game 12
Bowling (Boys and Girls)	24 Matches	Match 13
Cross Country (Boys and Girls)	16 Meets	Meet 9
Field Hockey	16 Games	Game 9
Football	10 Games	Game 6
Golf (Boys and Girls)	20 Matches	Match 11
Gymnastics	14 Meets	Meet 8
Ice Hockey	35 Games	Game 19
Lacrosse (Boys and Girls)	18 Games	Game 10
Soccer (Boys and Girls)	16 Games	Game 9
Softball	27 Games	Game 15
Swimming and Diving (Boys and Girls)	16 Meets	Meet 9
Tennis (Boys and Girls)	22 Matches <b><u>Contests</u></b>	Match <b><u>Contest</u></b> 12
Track and Field (Boys and Girls)	16 Meets	Meet 9
Volleyball	22 Matches	Match 12

Wrestling	20 Points Points/16 points (for those schools that do not field teams – 6 or fewer weight classes)	Point 11/9
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**COMMENTS:**

1. The first part of this bylaw has been rewritten for clarity. There are no substantive changes.
2. Note for the Board – We will editorially adjust all statements within Bylaw 4-7-2 exceptions 1, 2, 7 and 11 and Bylaw 4-7-4 exceptions 1, 2 and 6 to read: ...”May waive all or part of the 50 percent period of ineligibility...”

**ISSUE 3B – BYLAW 4-7-2 – EXCEPTION ONE – NEW NOTE 2 —TRANSFER – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**Note 2: If, as a result of a bona fide change of residence of the student’s parents, a student transfers and 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 1 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.**

**COMMENT:**

1. This addition, which also appears as a note in exception 9, reminds readers that exception one can be used to restore full eligibility for non-enrolled student provided the participation opportunity is in accordance with the OHSAA business rules and not in conflict with 4-7-3 (during the season transfer).

**ISSUE 4B – BYLAW 4-7-2 – TRANSFER – EXCEPTION 2 – CHANGE OF CUSTODY - IF PASSED, EFFECTIVE AUGUST 1, 2020**

**4-7-2 – Exception 2**

**EXCEPTION 2:** If, as a result of a legal change of custody as between a student’s parents, who live in two different school districts, the student is compelled to transfer from one school district to the other school district where the other parent resides, the Executive Director’s Office may waive all or part of the 50 percent period of ineligibility for one or more sport/sport seasons provided the student continues to live with the new custodian in order to support the approval of the transfer to the new high school. **If custody/guardianship of a student is changed to a non-parent which custody/ guardianship change is the result of the**

**death or incarceration of the prior custodian, the intervention of child protective services, social services or similar state agency, and the new custodian/guardian lives in a different school district than the previous custodian/guardian, the Executive Director's Office may waive all or part of the 50 percent period of ineligibility for one or more sports/sport seasons provided the student continues to live with the new custodian/guardian in order to support the approval of the transfer to the new high school.**

If custody of a student is changed to a non-parent, who lives in a different school district than the previous custodian, as a result of allegations of abuse, neglect or delinquency/unruliness which allegations result in an adjudication of one or more of those allegations, the Executive Director's Office may waive all or part of the 50 percent period of ineligibility for one or more sport/sport seasons provided the student continues to live with the new custodian in order to support the approval of the transfer to the new high school. The granting of a change of guardianship to a non-parent will not comply with this exception.

The Executive Director's Office, in its sole discretion, may waive the requirement of a court-ordered legal change of custody for a student who is 18, when circumstances are presented that the student was compelled to transfer schools and reside with a parent who is a bona fide resident of the state of Ohio.

By operation of statute, both parents in a Shared Parenting Plan are the residential and custodial parents of the child at all times under such Plan. Therefore, so long as a Shared Parenting Plan remains in effect, there can be no "change of custody" as contemplated by this Exception 2. However, in the event a Shared Parenting Plan remains in effect but a change in the designation of "residential parent" has been made by the court within that plan, the student who is the subject to the Shared Parenting Plan may apply one time to the Executive Director's Office for a one-time exception to the transfer bylaw under this provision.

Exception 2 permits the choice of the public high school located in the residential school district of the new legal custodian or new residential parent, or any non-public school.

#### **COMMENTS:**

1. Past practice has shown a strong reticence for families to rely on the courts to adjudicate parents as neglectful or abusive or the student as delinquent/unruly.
2. This change would provide the office with some discretion when either custody or guardianship has been remanded to a non-parent and there is evidence of involvement of Children's Services, another family agency or law enforcement in the removal of the student from his or her home.

**ISSUE 5B – BYLAW 4-7-2 #9 - NOTE 3—TRANSFER – IF PASSED, EFFECTIVE AUGUST 1, 2020**

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.***

**COMMENT:**

1. Note three has been rewritten to direct attention to the business rules for placement of the non-enrolled students and to clarify that all transfers must adhere to Bylaw 4-7-3 (mid-season transfer).

**ISSUE 6B – BYLAW 4-7-3-TRANSFER – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**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 ineligible in that sport at*** in the any school into which the student has transferred ***for the remainder of that sports season.*** 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 date when the season ends.

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.

**COMMENTS:**

1. This amendment references the precise definition of transfer which includes changing schools.
2. When a student changes schools in the middle of the sport season, for example, from a public high school to a community or home school situation, that student is subject to this bylaw even though the participation placement would remain the same.

**ISSUE 7B – BYLAWS 4-7-6 & 4-7-7 — INTRA-DISTRICT/SYSTEM TRANSFER – IF PASSED, EFFECTIVE AUGUST 1, 2020**

**4-7-6**

If a student transfers to a between high schools within the same public school district ~~within which the school from where the student transferred is a part~~, the student may have his/her eligibility restored by the Executive Director's office provided the following conditions have been met:

- 1) The student has been reassigned to the high school by the school district as a result of ~~redistricting or a specific change of program~~ the details of which shall be clearly stipulated in writing to the Executive Director's office; and
- 2) The reassignment takes place after the conclusion of the previous school year and prior to the beginning of the current school year, and the student commences enrollment and attendance on day one of the current school year; and
- 3) The District petitions the Executive Director's office for the restoration of eligibility for the student no later than 15 school days after the beginning of the school year; and
- 4) The student is held accountable to the transfer consequence until ruled eligible by the Executive Director's office.

**5) This bylaw will have no application for seniors who are requesting a "specific change of academic program."**

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

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

**4-7-7**

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

- 1) The student has been reassigned to the high school by the superintendent or other administrative authority of that school system as a result of a specific change of academic program the details of which shall be clearly stipulated in writing to the Executive Director's office; ~~or a material change in economic circumstances~~

~~so as to create a hardship; or a material change in transportation circumstances so as to create a hardship;~~  
and

2) The *reassignment* takes place *after the conclusion of the previous school year and prior to the beginning of the current school year, and the student commences enrollment and attendance on day one of the current school year; and*

3) The superintendent or other administrative authority of the system petitions the Executive Director's office for the restoration of eligibility for the student verifying in detail the specific reason for the transfer in accordance with item #1 and certifying that the transfer is not for athletic reasons no later than 15 school days after the beginning of the school year; and

4) The student is held accountable to the transfer consequence until ruled eligible by the Executive Director's office.

**5) This bylaw will have no application for seniors who are requesting a "specific change of academic program."**

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

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

**COMMENTS:**

1. We kept the strike out revisions made in accordance with state law. These provisions will be reinstated should we be successful in having the law rescinded.
2. It is necessary to indicate that this transfer for academic purposes can be accessed one time only.
3. It is also important that this academic change that applies to the IB Diploma Program be consistent with exception 8 within Bylaw 4-7-2. This change of program to an IB Diploma Program cannot be accessed until the Junior year and requires full participation in the program.

**ISSUE 8B –BYLAW 4-8-1 EXCEPTION 1 – INTERNATIONAL AND EXCHANGE STUDENTS - IF PASSED, EFFECTIVE AUGUST 1, 2020**

**4-8-1**

For the purpose of this bylaw, an international student is a student who is not a United States citizen and who is in Ohio receiving education in an Ohio school. **An international student *who does not have a parent (biological or adoptive) residing in Ohio* are *is* ineligible for interscholastic athletics in Ohio. *unless the student can meet one of the exceptions below or can meet an exception to Residence Bylaw 4-6-3. The following exceptions apply.***

**EXCEPTION 1: An international student may be declared eligible if *at least one of the student's parents***



~~(biological or adoptive) resides in Ohio, and the international student is enrolled and attending an Ohio member school. The student is ineligible until ruled eligible by the Executive Director's office.~~

Renumber exceptions 2-4 as 1-3.

#### COMMENTS:

1. As many schools are reticent to inquire about citizenship for students who are residing in Ohio with a parent or parents, this amendment removes any need for an eligibility ruling for those students. If, however, the student's parent lives outside of Ohio, the school will need to determine whether he or she meets a residence exception as codified in 4-6-3.
2. Most international students come to Ohio to study under the jurisdiction of an exchange program or with an F-1 visa.

#### SUGGESTED EDITORIAL CHANGES

##### 1. **4-3-3 – Add Note**

After a student completes the eighth grade or is otherwise eligible for high school athletics participation, the student may be eligible for a period not to exceed eight semesters taken in order of attendance, regardless of whether the student participates or is even eligible to participate in accordance with these eligibility bylaws. A student in grade 7 or 8 who attains the age of 15 before August 1 shall be eligible only at the high school level for a period not to exceed eight semesters commencing with the semester of the student's first participation at the high school level.

**Note: If a student competes at the high school level as an ineligible student, that semester (s) of eligibility shall count toward the eight semesters permitted.**

##### 2. **4-6-2 – Move to Bylaw 4-3-1 – Enrollment and Attendance – as Exception seven**

Exception 7 - A student who is a "child with a disability" as that term is defined at 42 U.S.C. Section 12102 (ADA) and the Regulations promulgated thereunder who is enrolled in a Special Education program at a school outside of the district of residence of parents is eligible at the school where the student attends classes or the school located in the district of residence of the parents, PROVIDED each of the following is met: (a) the student's parents reside in Ohio; (b) the school district in which the parents reside does not provide the required programs to meet the student's special education needs; and (c) there is a contractual agreement specifying the responsibility for educating a "child with disabilities" between the respective school boards or between the parents and the school the student with the disability will attend.

##### 3. **4-7-2 Add "and forth" in 4-7-2 – page 57**

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*** 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.

4. **4-7-2 – Exception 3 Note 2**

**Note 2:** This exception has no application to the closing of any “non-traditional school” such as a community school or a non-chartered non-public high school ***or an out-of-state high school.***

5. **9-1-1**

Members of the Association shall observe all Ohio eligibility and contest rules in contests with non-member and non-interscholastic teams. ***Exception: In accordance with Bylaw 9-2-4, member schools shall follow the contest rules of the host state.***

6. **4-4-1** - Make the same editorial changes in 4-4-1 as made in 4-4-4 and 4-4-5

In order to be eligible in grades 9-12, a student must be currently enrolled and must have been enrolled in school the immediately preceding grading period. For the purpose of this Bylaw 4, Section 4, the term “grading period” is defined as the school's Board-adopted calendar (e.g., six-week, nine-week, 12 week or semester) and does not mean an interim marking period.

Furthermore, ~~during the~~ ***at the conclusion of the preceding*** grading period, the student must have received passing grades in a minimum of five (5) one-credit courses or the equivalent, each of which counts toward graduation. For the purpose of this bylaw, the term “immediately preceding grading period” refers to the grading period of the school which immediately precedes the grading period in question.

7. **4-7-3** – Place a note cross referencing the reader to Bylaw 4-7-2 where the concept of “pro-rating” the 50% sit out and the OHSAA tournament is discussed.