



Ohio High School Athletic Association
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APPROVED REFERENDEM ITEMS– 2020-2021 CONSTITUTION

ISSUE 1C – ADD ARTICLE 3-1-5 – MEMBERSHIP – APPROVED IN DECEMBER 2019??

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.

COMMENT:

1. To mitigate the potential for “home court” advantage 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.

ISSUE 2C- QUALIFICATION FOR BOARD OF DIRECTORS MEMBERSHIP – TERM OF OFFICE – AMEND 5-3-1 & 5-5-1 – 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	E	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	E	7-8
2025-26	A	AAA	AA	AAA	A	AA		7-8	M		F	

Items Approved as of January 16, 2020 – Revised

2026-27	A	AAA	AA	AAA	A	AA		7-8	M		F
2027-28	A	<u>A</u>	<u>AAA</u>	AAA	<u>AA</u>	AA	<u>F</u>	7-8	M		
2028-29	<u>AA</u>	A	AAA	<u>A</u>	AA	<u>AAA</u>	F			<u>7-8</u>	<u>M</u>
2029-30	AA	A	AAA	A	AA	AAA	F			7-8	M
2030-31	AA	<u>AA</u>	<u>A</u>	A	<u>AAA</u>	AAA				<u>F</u>	7-8 M
2031-32	<u>AAA</u>	AA	A	<u>AA</u>	AAA	<u>A</u>	<u>7-8</u>	<u>M</u>		F	
2032-33	AAA	AA	A	AA	AAA	A	7-8	M		F	
2033-34	AAA	<u>AAA</u>	<u>AA</u>	AA	<u>A</u>	A	7-8	M	<u>F</u>		
2034-35	<u>A</u>	AAA	AA	<u>AAA</u>	A	<u>AA</u>			F	<u>7-8</u>	<u>M</u>

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.

COMMENT:

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 3C- POWERS AND DUTIES OF THE BOARD OF DIRECTORS– AMEND 5-6-1 – 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 4C- MEETINGS– AMEND 5-8-1 – 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 5C- AMENDMENTS TO THE CONSTITUTION AND BYLAWS –8-1-9 – August 1, 2020
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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

ISSUE 1B – BYLAWS 4-4-4 & 4-4-5 — 7-8th GRADE SCHOLARSHIP – August 1, 2020 – To be Voted on by the 7-8th Grade Principals
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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 those 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 7-8th 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

ISSUE 1B – BYLAW 4-7-2 – EXCEPTION ONE – NEW NOTE 2 —TRANSFER – 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 2B – BYLAW 4-7-2 #9 - NOTE 3—TRANSFER – 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 3B – BYLAW 4-7-3-TRANSFER – 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 4B – BYLAWS 4-7-6 & 4-7-7 — INTRA-DISTRICT/SYSTEM TRANSFER – August 1, 2020
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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.

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.