



News Release

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Membership Approves 16 of 17 Referendum Issues

COLUMBUS, Ohio — Sixteen of the 17 proposed Ohio High School Athletic Association Constitution and Bylaw revisions passed as voted upon by OHSAA member schools, Commissioner Dan Ross has announced. Changes were approved to two Constitution items, 13 Bylaw items effecting high school students and one Bylaw item effecting 7th-8th grade students. Among the issues that passed:

- A modification to Bylaw 4-1-1, Eligibility, which provides an option to forfeiture when a student, who is eligible in all respects except that the school has failed to secure a ruling, has violated one of the eligibility standards. This amendment will be very restrictive in its language, which permits the restoration of eligibility retroactively, as well as prospectively, and thus the rescinding of any forfeiture.
- A modification to Bylaw 4-7-2, Transfers, Exception 12, which provides eligibility for students returning to their former high schools upon completion of a domestic exchange program provided the program exists primarily for academic and educational learning experiences; the student receives credits that apply toward the student's graduation in the Ohio member school; the student's athletic participation in this program (should it take place) was secondary to his/her academic and educational reasons for participating, and the program has in its curriculum guide a structured beginning and end.
- A modification to Bylaw 4-8-1, International and Exchange Students (Plus Exceptions 1 and 2). The change clarifies that the eligibility of any student who lives outside the United States and who comes into the country to study is for one year only starting upon the matriculation. Also, the requirement that the international student be in the U.S. in one of the C.S.I.E.T. programs has been removed and the change eliminates those students coming from other programs out of state. Additionally, eligibility will be restricted to those international students in the U.S. on J-1 visas (which provide for strict federal regulation), will not permit eligibility to students directly placed by any organization or individual for athletic purposes and no more than five international students from the same visitor exchange program shall be permitted to be eligible in one member school.
- A modification to Bylaw 4-8-2, Ohio Students Returning from International Exchange Programs, which permits eligibility for students who return to the same high school from which they left to attend the International exchange program. There would no longer be a prohibition on receiving credit toward graduation, but each semester would count in the total of eight permitted. Domestic programs would no longer be handled under this bylaw and would instead be part of the transfer bylaw.

The referendum issue that failed was a proposal that an exception be added to Bylaw 4-8-1, Students from Foreign Countries and Exchange Students, that would have allowed for a student from a country or

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province outside the United States who is enrolled in a member school that provides housing for students and accepts the role of the parent in loco parentis to be eligible for interscholastic athletics. This issue was originally submitted for referendum by petition by Gates Mills Gilmour Academy.

All other proposals were placed up for referendum vote by the OHSAA Board. High school principals had between May 1 and 17 to cast their votes, and a simple majority is all that is required for a proposed amendment to be adopted. As noted, one bylaw issue was voted upon by 7th-8th grade principals. The referendum issues that passed become effective August 1.

The complete final voting results are available on the OHSAA web site (www.ohsaa.org), and the 2010-11 Constitution and Bylaws will be posted on the site sometime in late June or early July.

A Summary of the 2010 Referendum Issues

1.) Constitution Article 3, Membership — Amends the articles and/or makes additions. Added was a second article to the general membership section that stipulates the requirement of either state charter or “08” status. The second and third sections have been amended to distinguish the difference between initial and continuing membership; new articles 3-3-4 and 3-3-5 prescribe the loss of membership status when a school no longer sponsors the required two recognized sports per season or discontinues its interscholastic sports program, and article 3-3-4 was added to prohibit schools that do not sponsor the required two sports per season from “buying” their way into a tournament. **545 in favor; 42 opposed**

2.) Constitution 8-1-1, Amendments to the Constitution and Bylaws — Modifies that the Board of Directors may immediately change a bylaw or article in the constitution so that the OHSAA will be in compliance with Ohio law if there is proposed or adopted legislative action or a court order that modifies an existing bylaw or article of the constitution (the proposed and court order references are the modifications). **504 in favor; 80 opposed**

3.) Bylaw 4-1-1, Eligibility — Modifies the bylaw by providing an option to forfeiture when a student, who is eligible in all respects except that the school has failed to secure a ruling, has violated one of the eligibility standards. This amendment will be very restrictive in its language which permits the restoration of eligibility retroactively, as well as prospectively, and thus the rescinding of any forfeiture. The restrictions will stipulate that the student must have met all substantive requirements and did not contribute in any way to the error; that the reason for the ineligibility was solely administrative error, and that the decision to restore eligibility shall be at the sole discretion of the Commissioner’s office. Additional penalties, which are prescribed in Bylaw 11, may accrue to the school that made the error. **552 in favor; 35 opposed**

4.) Bylaw 4-3-1, Enrollment and Attendance, Exception 6 — Clarifies that schools' partial enrollment policies for home schooled students requires that at least one of the courses be taken at the brick and mortar school. **524 in favor; 63 opposed**

5.) Bylaw 4-3-1, Enrollment and Attendance, Exception 7 — Adds a new exception that grants eligibility for students enrolled in a STEM (science, technology, engineering and mathematics) school that is established under the Ohio Revised Code. **517 in favor; 69 opposed**

6.) Bylaw 4-4-1, Scholarship — Provides a definition of “grading period” to add clarity. **577 in favor; 8 opposed**

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7.) Bylaw 4-4-4 and 4-4-5, Scholarship — Modifies that students enrolled in the first grading period after advancement from the eighth grade must have received passing grades in a minimum of five of those subjects in which the student received grades during the preceding grading period in order to be eligible. *Note: Proposal was voted upon by 7th-8th grade principals. 308 in favor; 126 opposed*

8.) Bylaw 4-6-3, Residence (Parents Out of State) — Adds a new exception that grants eligibility to students enrolled in an Ohio school pursuant to the Interstate Compact of Educational Opportunities for Military Children. *565 in favor; 20 opposed*

9.) Bylaw 4-7-2, Transfers, Exceptions 1 and 3 — Clarifies the exceptions by noting that the bona fide legal change of residence must of have taken place within the last calendar year. *548 in favor; 34 opposed*

10.) Bylaw 4-7-2, Transfers, Exception 4 — Adds the stipulation that a student may gain eligibility at a new school not only if the school he/she attends closes but also if it discontinues its high school program after grade nine. *558 in favor; 28 opposed*

11.) Bylaw 4-7-2, Transfers, Exception 12 — Provides eligibility for students returning to their former high schools upon completion of a domestic exchange program provided the program exists primarily for academic and educational learning experiences; the student receives credits that apply toward the student's graduation in the Ohio member school; the student's athletic participation in this program (should it take place) was secondary to his/her academic and educational reasons for participating, and the program has in its curriculum guide a structured beginning and end. This exception strengthens the prohibition on transfers occurring for the purpose of furthering one's athletic career. Students using this exception may not use credit flex or any other type of academic program component to circumvent the provisions of this exception. *516 in favor; 66 opposed*

12.) Bylaw 4-7-3, Transfers — Modifies the bylaw by noting that the student that transfers within 50 miles is ineligible in that sport for the remainder of that sport's season if the student participated in a regular season interscholastic contest (rather than the word "contest," which would include a scrimmage or preview). *496 in favor; 89 opposed*

13.) Bylaw 4-7-5, Transfers — Adds a note to this bylaw, which is pursuant to state or federal statutes addressing unsafe schools or academically poor performing schools, that the student is entitled to one transfer only under the provisions of this bylaw. *532 in favor; 49 opposed*

14.) Bylaws 4-7-6 and 4-7-7, Intra-District or Intra-System Transfers – Modifies the requirement that the transfer AND the request for eligibility take place prior to the beginning of the school year and will instead provide a three-week (15 school days) window of time for the superintendent to make the request for eligibility for those students who have been transferred by the superintendent for the reasons so noted within these bylaws. *516 in favor; 62 opposed*

15.) Bylaw 4-8-1, International and Exchange Students (Plus Exceptions 1 and 2) — Clarifies that the eligibility of any student who lives outside the United States and who comes into the country to study is for one year only starting upon the matriculation. The requirement that the international student be in the U.S. in one of the C.S.I.E.T. programs has been removed and the change eliminates those students coming from other programs out of state. Additionally, eligibility will be restricted to those international students in the U.S. on J-1 visas (which provide for strict federal regulation), will not permit eligibility to students directly placed by any organization or individual for athletic purposes and no more than five international students from the same visitor exchange program shall be permitted to be eligible in one member school. *517 in favor; 63 opposed*

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16.) Bylaw 4-8-1, International and Exchange Students, Exception 5 — Would have added an exception for an international student in school owned or operated housing where the school accepts the role of parent in loco parentis. This issue was originally submitted for referendum by petitioner Gates Mills Gilmour Academy in 2008 and a request to resubmit this issue was received by the OHSAA. Adoption

could have led to an influx of students from other countries that come to specific Ohio schools under I-20 visas for athletic purposes and would have circumvented the proposed changes in Exception 2 of Bylaw 4-8-1 in issue 15 above. **246 in favor; 338 opposed**

17.) Bylaw 4-8-2, Ohio Students Returning from International Exchange Programs — Modifies the bylaw by permitting eligibility for students who return to the same high school from which they left to attend the International exchange program. There would no longer be a prohibition on receiving credit toward graduation, but each semester would count in the total of eight permitted. Domestic programs would no longer be handled under this bylaw and would instead be part of the transfer bylaw. School administrators will be urged to check with the OHSAA office before the student engages in this type of educational experience to determine if there would be any impact on eligibility. **546 in favor; 27 opposed**

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