



Ohio High School Athletic Association
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Referendum Items that have been approved by the Board of Directors for the May, 2012 Ballot
All Issues, if Passed, Become Effective on August 1, 2012 unless otherwise specified by the Board.

CONSTITUTION

ISSUE IC – ARTICLE 5

6 –Powers and Duties of the Board of Directors

5-6-1

Add

12. The Board of Directors may suspend a school from membership in the Association.

COMMENT:

1. This addition to the powers or duties of the Board, although referenced within the penalty bylaw, has never been codified within this section of the Constitution.

ISSUE 2C – ARTICLE 7 – DISTRICT ATHLETIC BOARDS - *Note: Deletion of 7-2-2 would not affect those currently serving on a District Athletic Board.*

2 - Qualifications for Election and Retention of a Position on the District Athletic Board

7-2-1 Members of the district athletic boards shall be members of the teaching profession and employed fulltime (minimum of 180 days) with high school responsibilities in a member school or schools, within the respective athletic district they represent. A member of the teaching profession is defined as an individual who holds a professional license as a teacher or administrator or serves as an athletic administrator approved by the Board of Education or other governing board in a non-public school. The 7th & 8th grade representative on each district athletic board shall be a member of the teaching profession and employed fulltime with more than 60% of his or her duties in that 7th & 8th grade school.

~~**7-2-2** An individual who is a member of the teaching profession as defined in 7-2-1 and employed fulltime in an Educational Service Center (E.S.C.) may be eligible for election to only that District Athletic Board in which the principal place of business of the E.S.C., as defined by the Ohio Department of Education, is located. provided that another employee of a school district within the geographical jurisdiction of the E.S.C. is not currently serving on a District Athletic Board. The classification of an eligible employee of an E.S.C. shall be determined by the individual's gender, race or, in the case of school size, by the majority of member high school classifications within the E.S.C.'s geographic jurisdiction. If no majority of the member high school classifications exists, then the classification position shall be determined by totaling the enrollment numbers for both the girls and the boys in all high schools within the E.S.C.'s athletic district and dividing by the number of member high schools in that athletic district within the E.S.C.'s jurisdiction. An E.S.C. employee may stand for election for either the boys or the girls classification as determined by the enrollment numbers derived using the method described in this article.~~

~~**7-2-23** All licensed teaching and administrative personnel assigned to only one high school who are standing for election to one of the classification positions on the district athletic board shall be eligible to represent either the boys or girls classification of the school at the time the term of office begins.~~

7-2-34 All other licensed teaching and administrative school employees who are standing for election to one of the classification positions on the district athletic board must represent the boys or girls classification of a high school in the school district where employed at the time the term of office begins.

7-2-45 Only one member of a district athletic board may be employed by the same city, exempted village or local school district Board of Education or Educational Service Center (E.S.C.) in a public school or similar governing body in a non-public school. The Board of Directors shall have the sole authority to resolve all election issues pertaining to the district athletic boards including, but not limited to, eligibility of candidates and conflicts under this provision.

7-2-56 A district athletic board member who remains employed in the same school at which she/he was employed at the time of his/her election is entitled to serve his/her full term provided she/he continues to have high school responsibilities and regardless of change in classification of his/her school. 7th & 8th grade district athletic board members who remain employed in the same school district are entitled to serve the full term provided they continue to have at least 60% of their responsibilities at the 7th & 8th grade level.

7-2-67 A district athletic board member who changes employment (from one high school to another or one school district to another school district) from one school district to another school district may continue to serve the term of office to which elected provided the following conditions are met:

- 1) the school/school district of new employment is assigned to the same OHSAA athletic district;
- 2) the classification of the new school is the same as the school at which she/he was employed at the time of his/her election; and
- 3) there is no conflict with 7-2-4. **Note:** At-large elected members may continue to serve provided they remain employed fulltime in a school within *the same OHSAA* athletic district and there is no conflict with 7-2-5.

6 – Vacancies

7-6-1 The term of office of a district athletic board representative ceases immediately when the representative no longer meets the qualifications in Constitution 7-2.

EXCEPTION: If the district athletic board representative is retiring and, prior to the effective date of retirement he/she has received a commitment from an employer that said employer will employ him/her, the term of office of that representative shall continue PROVIDED the Board of Education or similar governing body takes affirmative action to employ the representative within 30 days of the effective date of retirement and the re-employment effectively begins within 65 days of the effective date of retirement.

7-6-2 When a vacancy occurs for an elected representative on the district athletic board for reasons other than expiration of the term, the Board of Directors shall appoint an interim representative who meets all of the requirements of the position and who shall serve until such time as the newly elected representative, elected during the next regularly scheduled election, takes office. This appointment shall take place at the next regularly scheduled meeting of the Board of Directors after the vacancy occurs.

5-7-1

The Board of Directors shall divide the state geographically into six districts to be known as the Central, East, Northeast, Northwest, Southeast, Southwest districts. The responsibility of each District Athletic Board geographic district shall be to execute those powers and duties as stipulated in Constitution 7-7-1 and 7-7-2 for the member schools that are located in the geographic district District Athletic Board bearing the same name.

COMMENTS:

1. These changes would stipulate that in order to serve on a district athletic board, the individual must be working fulltime in a member school or schools, regardless of the employing agency. Individuals who work in E.S.C's do not fit this stipulation.
2. An individual who is employed by and/or paid through an E.S.C. would meet this requirement **only if** that individual worked in and had responsibilities in a member high school fulltime.
3. Removing the word "immediately" from 7-6-1 allows for some flexibility in starting the process for replacement of a board member who no longer meets the requirements found in the Constitution.
4. The slight revisions in 7-2-4 and 7-2-6 clarify what has to happen in order for a District Athletic Board member to retain his or her seat when employment changes.

ISSUE 3C – AMEND 5-6-1 – POWERS AND DUTIES OF THE BOARD OF DIRECTORS - *If passed, will become effective no later than June 1, 2012*

Constitution 5-6-1–Powers and Duties of the Board of Directors

~~7. Hold hearings involving eligibility, qualifications, game contracts and controversies between or among schools and/or participants and officials regarding interscholastic athletics and shall be the final authority in rendering decisions.~~

~~8. Establish an appeals procedure, hear appeals of rulings made by the Commissioner's office and may adopt, modify or set aside the rulings of the Commissioner; however, the Board of Directors may not alter, waive or set aside a bylaw except as indicated and approved within the Constitution.~~

Establish an appeals process by which decisions of the Commissioner's Office can be reviewed. This process may include the appointment of an Appeals Panel separate from the Board of Directors for the review of eligibility decisions affecting student athlete participation only. If the Board appoints an Appeals Panel, the Appeals Panel shall have exclusive jurisdiction over those matters which pertain to student eligibility. 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.

COMMENTS:

1. Allowing the Board of Directors the option of appointing an appeals panel to hear appeals relative to student eligibility only would free up the Board for more concentrated work on other business items and also provide better service to member schools and others who may wish to appeal a ruling.
2. If an Appeals Panel were to be appointed, appeals could be scheduled on a more flexible schedule to accommodate an influx of appeals, such as at the beginning of the school year, and hear appeals in a more timely manner.
3. If an Appeals Panel were to be appointed, decisions from the Panel could be more detailed as to the findings of facts and conclusions that would better serve the appellants in understanding the outcome. This procedure might also provide a firmer basis for the defense of these decisions if and when they are challenged in court.
4. The Board would have the latitude under this revision to appoint a Panel of its choosing to hear appeals of the decisions of the Commissioner's office as they relate to student eligibility only.
5. It is envisioned that a "pool" of individuals will be trained to sit on the Panel, and the members would be rotated periodically.
6. The June 1 effective date will provide the Board the time to appoint and train Panel members.
7. The Board would retain the authority to hear appeals concerning other matters involving decisions of the Commissioner's office.
8. All decisions, whether rendered by the Panel or by the Board, are final.

BYLAWS

ISSUE 1B – CLASSIFICATION AND ORGANIZATION- BYLAW 2 - *If passed, become effective no later than August 1, 2013 for the 2013-14 school year.*

2-1-1 Classification and representation to tournaments will be calculated every other school year. The classification will be calculated in a school year beginning with an even numbered year for use in the next two school years. Boys classification shall be determined by the total number of boys enrolled in grades 9-10-11. Girls classification shall be determined by the total number of girls enrolled in grades 9-10-11. In those school districts where the ninth grade is not part of the high school, the ninth grade total will be determined by using the number of those ninth graders who will be assigned to the high school the following year.

2-1-2 One-third (1/3) or as near to one-third (1/3) as possible of the member schools in each athletic district will be assigned to each classification.

Class A — Lower third of total

Class AA — Middle third of total

Class AAA — Upper third of total

2-1-3 School teams or individuals may compete in OHSAA-sponsored tournaments only in the tournaments to which assigned.

2-1-4 *Each school shall be placed into tournament divisions based on its sport-by-sport "athletic count." The formula for determining "athletic counts" and to which sports the counts shall be applied will be recommended by the standing Competitive Balance Committee and approved by the Board of Directors on a biennial basis. The formula for calculating "athletic counts" and the sports to which they are applied for the current school year are listed in the General Sports Regulation – Tournaments.*

2-1-4~~5~~ Enrollment information used for classification shall be provided by the State Department of Education's *Education Management Information System* (EMIS) to the OHSAA. All boys and girls in grades 9, 10 and 11 included in the school's October EMIS report shall be counted for enrollment purposes with the exception of students who are identified as children with disabilities within the multiple-handicap category. The Board of Directors is authorized to adopt policy for assigning students, who are not specified as belonging to a particular high school, to the appropriate member high school and to publish the policy in the *OHSAA Handbook* and on the Association's website.

Renumber 2-1-5 and 2-1-6 accordingly

COMMENTS:

1. Since its inception, the OHSAA has used one factor – raw enrollment data – for the placement of schools/teams in the OHSAA sponsored tournaments. This factor alone does not adequately address some of the issues that exist with competitive balance. The "athletic count" formula will allow the Board to introduce additional factors that would bring competition back into balance.
2. This referendum language, if adopted, will represent OHSAA policy; however, it is not envisioned as a formula that will solve all issues, nor is it a one-time solution. Rather this is envisioned as the first step of an on-going process.
3. The general philosophy of the Competitive Balance Committee has not been to make any decisions for modifications based on what these changes might do to a specific school(s) but rather to address what are perceived to be inequities in the overall OHSAA tournament system.
4. The sports regulation addressing this policy, which has been approved by the Board of Directors, was recommended to the Board by the standing Competitive Balance Committee as a method to improve equity and fairness in the manner in which the OHSAA assigns schools to tournament competition.
5. This change establishes the concept by which the Association will determine divisions – the establishment of an athletic count on a sport by sport basis.

Final – April 3, 2012

6. The current plan is to use this formula for team sports only.
7. The precise formula for the determination of these athletic counts will be approved biennially by the Board of Directors, upon the recommendation of the standing Competitive Balance Committee, and published in the General Sports Regulations.
8. The standing Competitive Balance Committee will survey the membership biennially using a tool such as surveymonkey.com to gauge opinions of the member schools relative to prospective changes in the sports regulation.
9. The formula will take into account concepts dealing with open enrollment, socio-economic factors and prior success in OHSAA tournaments as described specifically in the sports regulation attached.
10. If adopted, this change would become effective no later than the beginning of the 2013-14 school year which would be the beginning of a new biennium for tournament representation.
11. While this may not be the ultimate solution or one that everyone would list as his or her first choice, a realistic view is that a formula built on the principles outlined in the supplemental document provided is preferred to a separation of an Association with over 100 years of service to Ohio's schools.
12. Please see the attached for the exact text of the approved Sports Regulation for calculating the "athletic count."

ISSUE 2B - Bylaw 4-3-4 – Enrollment and Attendance – Semesters

A student who is enrolled 15 or more school days in any semester, or who participates in an interscholastic contest prior to or during a semester, shall have that semester count as one semester of eligibility. In addition, the following situations shall count as a semester of eligibility:

- 1: A student who does not attend school in a semester due to a suspension or an expulsion shall have that semester(s) count in the total of eight that are permitted.
- 2: A student who does not attend school due to enrollment in a postsecondary institution that is not part of the Postsecondary Enrollment Option Part B (dual credit for both high school and postsecondary school) shall have that semester(s) count in the total of eight that are permitted.
3. A student who does not attend any school for a semester(s) due to truancy shall have that semester(s) count in the total of eight that are permitted.
- 4. A student who does not attend any school for a semester(s) due to withdrawal shall have that semester(s) count in the total of eight that are permitted.**

COMMENT:

1. Permitting a student who withdraws from school and does not attend any school for a semester or year to regain that semester(s) of eligibility upon reenrollment is inconsistent with the purpose of the semester bylaw which is to support graduation in four or less years from the date of first time enrollment in grade nine.

ISSUE 3B – BYLAW 4-4-1 – SCHOLARSHIP

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, the term "immediately preceding grading period" refers to the grading period of the school immediately preceding grading period in question.

COMMENT:

1. The addition of the note to this bylaw makes it clear that "preceding grading period" refers to the school's immediately preceding grading period and not the last grading period in which the student was attending school.

ISSUE 4B - AMEND 4-6-3 – RESIDENCE BY ADDING NEW EXCEPTION EIGHT (8) AND MOVING EXCEPTION FOUR (4) OUT OF 4-8-1 TO BECOME EXCEPTION NINE (9)

4-6-3 A student whose parents reside outside the state of Ohio but within the United States will be ineligible for interscholastic athletics in a member school. (See Bylaw 4-8-1 for eligibility requirements for international students whose parents live outside the United States).

Note: A biological parent with custodial rights or adoptive parent must reside in Ohio.

EXCEPTION 8 – A student who is a citizen of the United States may be declared eligible for interscholastic athletics in the event that the student's parents are deported from the United States as long as the student maintains continuous enrollment in an Ohio school. The student is not eligible until declared eligible by the Commissioner's office upon submission of the appropriate documents.

EXCEPTION 9

A student may be declared eligible for interscholastic athletics when the student's parents are citizens of the United States who reside outside the United States. The student is not eligible until declared eligible by the Commissioner's office upon submission of the appropriate documents.

COMMENTS:

1. A student who is a US citizen should be permitted to retain eligibility when his or her parents are deported from the United States and the student maintains continuous enrollment in a member school.
2. This issue moves exception four out of Bylaw 4-8-1, which addresses international students, and places it under 4-6-3, residence. There is no substantive change in exception nine.

ISSUE 5B – BYLAW 4-7-2 - TRANSFER – AMEND EXCEPTIONS ONE AND TWO; DELETE EXCEPTION 3 – If passed, becomes effective June 1, 2012

Section 7. Transfers

4-7-1 The transfer bylaws apply to all students enrolled in grades 9-12 who are transferring high schools whether the schools are public or non-public, member or non-member or whether the high schools are within the same school system or district.

4-7-2 A student is considered to have transferred whenever enrollment is changed from one school to another school, or whenever 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. If a student transfers 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 or regular season/tournament contest). **With respect to inter-district transfers, one or more of the following exceptions may apply:**

EXCEPTION 1 – If, as a result of a bona fide legal change of residence made by BOTH PARENTS, the student is compelled to transfer from one public school district to another public school district, the Commissioner's Office may restore athletic eligibility at the new school provided the Commissioner's Office is satisfied that the transfer was not athletically motivated. The requirement that "both parents" make the move may be waived by the Commissioner's Office if the marriage of the parents has been or is in the process of being terminated or if the parents were never married. An Affidavit of Bona Fide Residence in the form requested by the Commissioner's Office, must be submitted along with any request for the application of this exception.

NOTE: Please refer to Bylaw 4-6-1 for a definition of bona fide residence. Also, the student and the student's parents must reside in this new residence for a period of one year from the date on which this exception was applied to a given student. The school district will have a continuing duty to monitor compliance with the residency requirements during this one year period of time. Exception one permits the choice of a public high school in the parents' new district of residence or any non-public high school.

Final – April 3, 2012

EXCEPTION 2 – If, as a result of a legal change of custody as between a student’s parents, the student is compelled to transfer from one school district to another school district, the Commissioner’s Office may restore athletic eligibility at the new school, provided the Commissioner’s Office is satisfied that the transfer and accompanying change of custody/guardianship was not athletically motivated. If custody or guardianship of a student is changed to a non-parent as a result of allegations of abuse, neglect or delinquency, and the Commissioner’s Office is satisfied that this change was not athletically motivated, the Commissioner’s Office may restore athletic eligibility at the new school.

NOTE: By operation of statute, there cannot be a legal change of custody so long as a Shared Parenting Plan as defined in ORC §3109.04 is in effect. In order for there to be a change in custody, the Shared Parenting Plan must be terminated. Exception two permits the choice of a public high school in the legal custodian’s public school district of residence or any non-public high school.

EXCEPTION 3 — If, and only if, either one of the parents in a Shared Parenting Plan, notwithstanding any provisions therein to the contrary, makes a bona fide legal change of residence from one public school district into another public school district, and such move has taken place within the last calendar year, the student shall be immediately eligible insofar as transfer is concerned in the public school located in the residential district of either parent or any nonpublic school.

COMMENTS:

1. The statement at the end of the general rule 4-7-2 indicates that the one year period of ineligibility **may** be waived if an exception can be met when a student makes an **inter-district transfer**. These exceptions do not apply to intra-district transfers. This is not a substantive change but a codification of intent and past interpretations.
2. The revision to exception one simplifies the “bona fide legal change of residence” exception and makes it clear that both parents have to make the move and the office must be satisfied that the transfer is not athletically motivated.
3. The note following exception one reminds the reader that the new residence must be maintained for at least a year and that the school administrators have a duty to monitor compliance. As in the previous version, a transfer under this exception provides the choice of the public high school in the new public district of residence or any non-public school.
4. The revision to exception two, similar to exception one, simplifies the “legal change of custody” exception and makes it clear that the Office may restore eligibility if it is satisfied that the student was compelled to transfer due to the change of custody and that the change was not athletically motivated.
5. If the change of custody is between two parents, then the Office will need to be satisfied that the desire for athletics was not the motivating factor in order to approve the transfer.
6. If the change of custody is to a non-parent, the Office will need to see some evidence that the change was due to abuse, neglect or delinquency as well as be satisfied that athletics was not the motivating factor in order to approve the transfer.
7. Exception three is deleted as it is essentially covered under exception one.
8. Exceptions four, five, seven-twelve remain as approved.

ISSUE 6B – TRANSFER – AMEND 4-7-2 EXCEPTION SIX – If Passed, becomes effective June 1, 2012

EXCEPTION 6 – If a student transfers into the public high school located in the public school district in which the student’s parents maintained a bona fide legal residence for at least 90 days prior to the transfer, the Commissioner’s Office may restore eligibility at the new high school provided the Exception Six (6) Form has been accurately completed and submitted to the Commissioner’s Office. This Exception does not apply to transfers that occur as a result of the student’s moving between parents who have a “Shared Parenting Agreement” as defined in ORC §3109.04 or in the case of parents who were never married. Furthermore, this Exception shall not be used to regain eligibility in transfers between schools within the same multiple high school district.

If the parents’ district of residence is a multiple high school public school district, the student shall be eligible only at the public high school which is located in the attendance zone within which the parents’ residence is located. Notwithstanding the fact that a “magnet” school or similar school sponsored by the multiple high school district may consider all residents within the district to be located in the attendance zone of that magnet school, a student may not use this exception to transfer into the magnet school if the transfer occurs after the student’s sophomore year (or second year) of high school. If the district has no defined attendance zones, the student shall be eligible at the high school that is closest to the parents’ residence as determined by www.mapquest.com or such other navigational system as approved by the Board of Directors.

This exception may be used one time only.

COMMENTS:

1. Exception six is revised to clarify that the one-time transfer into the public high school located in the parents' district of residence: 1) shall be used only when parents have been residents of that public school for at least 90 days prior to the student's transfer; 2) cannot be used when the student moves between the residences of parents who have a "Shared Parenting Agreement" and live in different public school districts; 3) cannot be used when a student transfers between schools in a multiple high school public school district; and 4) the student is restricted to the high school in the attendance zone of the parents' residence if transferring into a multiple high school district.
2. Substantively, not much has really changed with this revision. The new language is an attempt to close a "loophole" argument that surfaced during this past school year. Under this "loophole" argument, this exception six essentially negated exception one (parents' bona fide move) since, as the argument goes, upon moving into the new district, that district then became the parents' district of residence for which exception six should apply, thus negating the other restrictions which apply to exception one.
3. A student transferring into a multiple high school district who wishes to attend one of that district's magnet schools or academies, which consider the entire district as the "attendance zone" for that high school, may not use this exception to reestablish eligibility if the transfer occurs after the student's sophomore or second year in high school.
4. Note: "Attendance zone" by definition cannot be applied to an entire multiple high school district when there are high schools within that district that students may attend regardless of where their parents live within a school district.

ISSUE 7B – BYLAW 4-7-5 – TRANSFER – If passed, becomes effective June 1, 2012

Bylaw 4-7-5 – Transfer – Unsafe and Poor Performing Schools

Notwithstanding the provisions of sections 4-7-2 and 4-7-4, if a student transfers pursuant to state or federal statutes addressing unsafe schools or academically poor performing schools, and the student can demonstrate to the satisfaction of the Commissioner's office that the transfer is for purely academic reasons and not athletic reasons, the Commissioner's office may declare such transferring student eligible upon application to the Commissioner's office. The student is not eligible until declared eligible by the Commissioner's office. **Note:** The student shall be entitled to one transfer only under the provisions set forth in this bylaw. *In addition, this bylaw shall not be used to establish eligibility at another high school if the student transfers into and then back out of the poor performing school in an attempt to circumvent the transfer bylaw.*

COMMENT:

1. Having observed a trend of students transferring from one school into a poor performing school and then immediately back out to another school under the provisions set forth in this bylaw, this revision will make it clear that such multiple transfers do not fulfill the underlying purpose of this bylaw and shall be denied.

ISSUE 8B – BYLAWS 4-7-6 AND 4-7-7 - TRANSFER

Bylaw 4-7-6 – Transfer – Multiple High School Public School Districts

If a student transfers to a high school 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 Commissioner'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 Commissioner's office*; and
- 2) The transfer takes place prior to the beginning of the school year; and
- 3) The District petitions the Commissioner'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 ineligible until ruled eligible by the Commissioner's office.

Bylaw 4-7-7 – Multiple High School Non-Public School Systems

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 Commissioner'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 Commissioner'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 transfer takes place prior to the beginning of the school year; and
- 3) The superintendent or other administrative authority of the system petitions the Commissioner'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 ineligible until ruled eligible by the Commissioner's office.

COMMENTS:

1. The Commissioner's Office believes it is appropriate to require a definitive description of the exact programmatic change that is motivating the student's reassignment so that a correct decision can be made in accordance with this transfer bylaw.
2. The office will publish a list of those programmatic changes which shall be considered and those which shall not be considered as specific changes of academic programs.
3. This change would require districts to submit the specific details for consideration prior to a request for eligibility.

ISSUE 9B – BYLAW 4-9 RECRUITING

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:**

- 1. 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.**
- 3. Conducting an open house for all prospective students, which shall be held on the campus of the member high school, is permissible provided all elements of the school program are presented.**
- 4. Inviting prospective student to campus for activities that are related to all aspects of the school's educational offerings and not solely for athletic information purposes is permissible provided the prohibition in item #2 is not violated.**
- 5. Using the school web site 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.**
- ~~**6. Advertising in the media information about all aspects of the school's educational offerings and not solely for athletics information**~~
- 6. Providing athletic camp brochures that advertise athletic camps available to a general population is permissible as long as no direct mailing to specific individuals is conducted. (See #2)**
- 7. The only time in which it is permissible to invite students 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.**

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.
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.
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, prior to written acceptance notification, which cannot occur prior to January 2. **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. 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. **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. .
5. Member schools distributing athletic publications or advertising solely for athletics. All athletic materials must be accompanied by general school information prior to student registration.
6. Providing favors or inducements, such as T-shirts or caps, to prospective student-athletes or their parents.
 - a. 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.
7. Providing financial aid or scholarships to a student-athlete on the basis of athletic ability.

COMMENTS:

1. The Association is seeking to be clearer in identifying those actions that are considered recruiting for athletic purposes as well as those actions which are permissible under this recruiting bylaw.
2. Bylaw 4-9-3 has been rewritten in part and set forth numerically with seven actions that could be considered "mass marketing endeavors and which are compliant with the bylaw. The list is not meant to be exhaustive and the OHSAA will be putting together a guidance document that supports this bylaw.
3. Important changes to 4-9-3 include:
 - a. Item #1 – The programs being marketed may not be solely or primarily for athletics. They must be about the entire high school programs and all its elements. This would preclude any "meet the wrestling coaches" night or "pizza party prior to a football game" as these activities would be deemed as primarily for athletics.
 - b. Item #2 – No mass mailings or email transmissions are permitted to be directed to individual by name, including students or their parents.
 - c. Item #3 – Open houses are permissible provided they are conducted on the campus of the member school that is hosting the open house.
 - d. Item #5 further describes types of permissible mass marketing tools.
 - e. Item #7 – Invitations to games and/or banquets are permissible but restricted to teams or groups for which agreement has been reached by both governing entities.
4. Bylaw 4-9-4 has also been rewritten in part and set forth numerically with seven actions which are considered impermissible and are not compliant with the recruiting bylaw. The list is not meant to be exhaustive and the OHSAA will be putting together a guidance document that supports this bylaw
5. Important changes to 4-9-4 include:
 - a. Item #1 – No mass mailings or electronic transmissions can be made to any specific individual by name.
 - b. Item #6 – An exception has been made for providing a small token or tokens, such as a t-shirt, notebook, etc in a "goodie bag," to all prospects on a campus visit provided the items are not sports-related. Using the school name and mascot generic logo would be permissible.

ISSUE 10B - BYLAW 10-2-1 (FORFEITURE) EXCEPTION:

EXCEPTION: If a student participates in an athletic contest and his or her eligibility has been established by falsified information, the student shall be declared ineligible (see Bylaw 4-1-2), ~~but~~ and forfeiture of the contest ~~may~~ shall not be required. All forfeitures shall be reported immediately in writing to the OHSAA and all opponents.

COMMENTS:

1. Changing “shall” to “may” leaves room for the requirement of forfeiture when schools have not done their due diligence or have been complicit with the falsification.

ISSUE 11B - BYLAW 11 – PENALTIES

11-1-2

Penalties include: suspension, forfeiture of games, forfeiture of championship rights, probation, reclamation of expenses for the conduct of investigations and all other fees/expenses associated therewith, public censure, denial of participation or fines not to exceed ~~\$2,500~~ \$10,000 per occurrence or such other penalties as the Commissioner deems appropriate.

COMMENTS:

1. The OHSAA has been diligent in investigating cases involving allegations of misconduct by member schools.
2. This change would formally codify the option of reclaiming all expenses/fees involved in conducting an investigation when the school has been found to be in violation of bylaws/sports regulations.
3. The fine maximum of \$10,000 is meant to serve as a deterrent. In reality, the Association rarely uses fines but believes that the maximum amount should be increased and reserved for use in the most egregious cases.
4. The OHSAA staff will develop a schedule of infraction categories and the fines associated with each to assist member schools.