Ohio High School Athletic Association
4080 Roselea Place, Columbus, Ohio 43214

BUSINESS RULES FOR PARTICIPATION OF NON-ENROLLED STUDENTS IN MULTI- HIGH SCHOOL/7-8th GRADE SCHOOL DISTRICTS

Created: 2016-17 School Year
Updated and approved by OHSAA Board of Directors: April 2020, August 2018, April 2017

Introduction:
Bylaw 4-3-1 states, "*All students participating in a school-sponsored sport must be enrolled in and attending full-time in accordance with all duly adopted Board of Education or similar governing board policies of that school*." There are currently seven exceptions to this Bylaw and this document will focus on the placement of students utilizing Exception Four (Non-traditional/specialty school students) and Exception Six (Home educated students, Community school students, STEM school students and Non-public school students) **WITHIN A MULTIPLE HIGH SCHOOL AND/OR MULTIPLE 7-8 GRADE SCHOOL DISTRICT**.

To clarify, the **term non-traditional/specialty school is used throughout this document to reference students attending an alternative school, digital school, magnet school, performing arts school and/or virtual school sponsored by a public school district**. An "alternative school," as defined within the ORC §3313.53, is one which is created to serve students who are on suspension, who are having truancy problems, who are experiencing academic failure, who have a history of class disruption, who are exhibiting other academic or behavioral problems specified in the resolution, or who have been discharged or released from the custody of the department of youth services. The OHSAA, however, defines "alternative school" to include, but not be limited to the ORC definition, which is why we use the term "non-traditional/specialty." **The designation of "non-traditional" does not refer to comprehensive high schools which are simply non-member schools.** Please note that these "non-traditional/specialty" schools 1) are NOT community or STEM schools, 2) are sponsored by a public-school district and 3) have been assigned an IRN. Students attending these types of schools shall have a participation opportunity, if eligible in all respects, at a high school or 7-8 grade school in accordance with the following business rules.

Likewise, students who attend community (also referred to as charter schools, many of which are digital/online schools) or STEM schools, whether sponsored by a school district or another sponsor (which are different than non-traditional/specialty schools), as well as those students who are home educated or attend a non-public school that does not offer a specific sport - are permitted to participate only in the district of residence of their parents as per Ohio law. There are exceptions for the home educated and nonpublic school student (see Notes E/F below). A student who receives his/her education through one of the four aforementioned means, and who lives within a multiple high school/7-8 grade school district, has the same option as a student who attends a non-traditional/specialty school, and all these students shall have a participation opportunity, if eligible in all respects, at a member school in accordance with these same business rules (regardless of whether that member school is poor performing). For non-enrolled students whose parent(s) live outside the district, school administrators will also need to ensure the student continues to have a parent who lives in Ohio to be in compliance with Bylaw 4-6-2.

Please note that a student who is physically present in a brick-and-mortar member school building during the day, but attends a non-traditional school with a different IRN number housed within that same building, has a participation opportunity at the school where he/she is physically present during the school day, regardless of his/her parent's place of residence (provided the residence is in Ohio). This eligibility option at the primary brick-and-mortar does not include students who attend a non-traditional school that primarily offers its curriculum through an online platform. In addition, a student attending a community or STEM school physically located in a brick-and-mortar school shall have a participation opportunity as set forth in the ORC, in which case the RESIDENCE of the parent(s) is paramount.

PLEASE CALL A MEMBER OF THE OHSAA COMPLIANCE STAFF WITH ANY QUESTIONS OR TO DISCUSS A SPECIFIC SCENARIO.

*For a student residing in a residence **with** his/her legal custodian/guardian

See page 4 for students **not living with legal custodian/guardian

START HERE:

Does the student's parent(s)/legal custodian(s)/guardian(s) live **within** the multi-school district?

YES

What type of school does the student attend?

- Non-traditional/ Specialty school *sponsored by district*
  - Has the student attended this school since the start of 9th grade?***
    - **YES** → Student's eligibility for athletics shall be vested at the district school nearest to parents' residence or to closest district school within the attendance zone, if applicable. *See NOTE B/D* **| STOP |**
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the district school where student previously attended. *See NOTES B/C/D* **| STOP |**
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the district school nearest to parents' residence or to the closest district school within attendance zone, if applicable. Student **will likely** be subject to the transfer consequence. *See NOTES B/C/D* **| STOP |**
- Home Educated OR Non-Public or Community/STEM school that does not offer sports
  - Has the student been home schooled or attended this school since the start of 9th grade?***
    - **YES** → Student's eligibility for athletics shall be vested at the district school nearest to the parents' residence or to the closest district school within the attendance zone, if applicable. *See NOTES B/E/F* **| STOP |**
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the residential district school where student previously attended. *See NOTES B/C/E/F* **| STOP |**
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the district school nearest to parents' residence or to the closest district school within attendance zone, if applicable. Student **will likely** be subject to the transfer consequence. *See NOTES B/C/E/F* **| STOP |**

NO

Does the student have a parent living in Ohio? If no, STOP and see Bylaw 4-6-2. ***If the parent(s) live in Ohio but outside the multi-HS district, continue…***

What type of school does the student attend?

- Non-traditional/ Specialty school *sponsored by district*
  - Has the student attended this school since the start of 9th grade?***
    - **YES** → Student's eligibility for athletics shall be vested at the **district** school that is closest to the parents' residence outside the district. *See NOTES B/D* **| STOP |**
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the district school where student previously attended. *See NOTES B/C/D* **| STOP |**
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the **district** school that is closest to the parents' residence outside the district and the student **will likely** be subject to the transfer consequence. *See NOTES B/C/D* **| STOP |**
- Community/ STEM School
  - NO ELIGIBILITY. Student ONLY permitted to participate at school located in the legal custodian's district of residence in accordance with the ORC **| STOP |**
- Home Educated OR Non-Public School that does not offer sports
  - Limited opportunities if family does not reside in district. *See NOTES E/F*

***For 7/8 grade students, use: "Has the student attended this school since the start of 7th grade?" within the flowchart. Additionally, if a student's family does move and it requires the student to change his/her participation opportunity there is no transfer consequence at the 7/8 grade level.*

Supplemental Notes:

NOTE A: FOR SCHOOLS NOT OFFERING SPECIFIC SPORTS- After adhering to the above flowchart, if the closest member high school to the parents' residence (or custodial parent/guardian) does not sponsor the sport in which the non-enrolled student wishes to participate, the student shall have a participation opportunity, if eligible in all respects, at the next closest high school that does sponsor the sport within the District, regardless of whether that member school is poor performing, in that sport only. At the conclusion of that sport's season, the student's participation opportunity reverts back to the high school of initial eligibility and NO TRANSFER CONSEQUENCE WILL BE APPLIED.

NOTE B (Bona Fide Move): If the student's parents make a move between attendance zones, or move closer to a different high school within the district (for districts that do not have assigned attendance zones), that student is permitted, but not required, to transfer his/her athletic eligibility to the new high school closest to the parents' residence, within the attendance zone if applicable. However, the family must complete an Affidavit of Bona Fide Residence to be submitted to the Executive Director's Office by the district Superintendent or his/her designee **prior to the student's participation at the new school** in order to attempt to restore the student's full transfer eligibility. If the student's eligibility is not approved at the new school closest to the parent's residence, or if no application is made, the student's eligibility will simply be maintained at the school where he/she established initial eligibility.

NOTE C (Transfer to a new school): If a student transfers from 1) a school (traditional or non-traditional) within the district to another non-traditional/specialty school sponsored by that district or 2) if he/she transfers from a traditional school to home education, a community school, a STEM school or a non-public school (at the high school level) and the parents live in the same district which sponsors the traditional school, then the student's eligibility stays at the school where the student formerly had a participation opportunity for athletic purposes (as stipulated in above flowchart) ***BUT the student will be subject to the transfer consequence unless he/she can meet the requirements of an exception.***

NOTE D (Transfer of Participation Opportunity): A non-enrolled student (covered under Bylaw 4-3-1 #4 or #6) is NOT permitted to transfer his/her participation opportunity from one high school to another high school in the district unless 1) compelled by a move into a new attendance zone (see note B) or 2) if the school at which the student has a participation opportunity does not offer the specific sport in which the student desires to participate (see note A). However, if the superintendent of the multiple high school district decides that the student's participation opportunity should be changed from his/her initial school to a different high school within the district due to extenuating circumstances (which exist through no fault of the student), the following shall be required:

a. The superintendent shall petition the Executive Director's Office for a change of participation high school
b. The superintendent shall clearly and specifically define the rationale for the request and the circumstances which created the need for the request
c. The superintendent shall request the change to the high school that is next closest to the parents' residence within the district.
d. The student shall remain ineligible, insofar as this bylaw is concerned, until ruled eligible by the Executive Director's Office

Note: "Involuntary transfers" within a multi-high school district (which occur as a result of a student's behavior, etc.) shall not be considered under this option

NOTE E: In addition to the residential district, non-public school students also have a participation opportunity at the public HS **in the district where the non-public school is physically located**. Once the student has established eligibility at one of those public HS options (where their parents live OR where the non-public school is located), any transfer of eligibility to the other option would require the student to fulfill the transfer consequence. In order to have a participation opportunity in the district where the non-public school is located (when the student's family does not reside in the district) there must be *a written agreement* between the residential superintendent and the superintendent of the public school district where the non-public school is located.

NOTE F: If the sport that a home educated student wishes to play is not sponsored by any school in the residential district, the student MAY be permitted to participate at another public school district subject to the sole discretion of that district's superintendent. Once the student has established eligibility at one of those public HS options (where their parents live OR in another district where their parents do not reside) any transfer of eligibility to the other option would require the student to fulfill the transfer consequence. **Consequently, the family of a home educated student should fully consider all potential ramifications of participating at a non-residential district school.** Note that if the residential district school offers a certain sport then, in accordance with ORC 3313.5312, the home educated student is permitted to participate in that sport at that school **ONLY**. Therefore, if a student participates at a non-residential school but is required by state law to participate in a different sport back at their residential district then the student will be held accountable to the transfer consequence each time the participation option changes (i.e. sitting out the second half of the season and the OHSAA tournament).

NOTE G (*For a student residing with an individual who is not his/her legal custodian/guardian):* If a student attends a non-traditional school and the student/individual with a POA/Caretaker Affidavit makes a move between attendance zones, or moves closer to a different traditional high school within the district (for districts that do not have assigned attendance zones), the student is still NOT permitted to change his/her participation opportunity to a different school within the district. The student's eligibility shall remain at the school where he/she established initial eligibility.

*For students residing in a residence ***without*** his/her legal custodian/guardian

START HERE:

How has the student established residency within the district?

Self-Support

Where does the actual legal custodian reside?

Inside District

What type of school does the student attend?

- 1) Home Educated
  2) Non-Public/Community/STEM school that does not offer sports
  3)Non-traditional/ Specialty school *sponsored by district*
  → Has the student attended this school since the start of 9th grade?
    - **YES** → Student's eligibility for athletics shall be vested at the school nearest to student's residence or to closest school within the attendance zone, if applicable. *See NOTES C/G* | **STOP** |
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the district school where student previously attended. *See NOTES C/G* |**STOP**|
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the school nearest to student's residence or to the closest school within attendance zone, if applicable. Student **will likely** be subject to the transfer consequence. *See NOTES C/G* |**STOP**|

Outside District

What type of school does the student attend?

- Non-traditional/ Specialty school *sponsored by district*
  → Has the student attended this school since the start of 9th grade?
    - **YES** → Student's eligibility for athletics shall be vested at the school nearest to student's residence or to closest school within the attendance zone, if applicable. *See NOTES C/G* | **STOP** |
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the district school where student previously attended. *See NOTES C/G* | **STOP** |
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the school nearest to student's residence or to the closest school within attendance zone, if applicable. Student **will likely** be subject to the transfer consequence. *See NOTES C/G* | **STOP** |
- Home Educated OR Non-Public/ Community/STEM School that does not offer sports
  → NO ELIGIBILITY. Student is ONLY permitted to participate at the school located in the **legal custodian's** district of residence in accordance with the ORC. | **STOP** |

Living with Individual with POA/Caretaker Affidavit

Where does the actual legal custodian reside?

Inside District

What type of school does the student attend?

- 1) Home Educated
  2) Non-Public/Community/STEM school that does not offer sports
  3)Non-traditional/ Specialty school *sponsored by district*
  → Has the student attended this school since the start of 9th grade?
    - **YES** → Student's eligibility for athletics shall be vested at the school nearest to guardian's residence or to closest school within the attendance zone, if applicable. *See NOTES C/G* | **STOP** |
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the district school where student previously attended. *See NOTES C/G* | **STOP** |
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the school nearest to guardian's residence or to the closest school within attendance zone, if applicable. Student **will likely** be subject to the transfer consequence. *See NOTES C/G* | **STOP** |

Outside District

What type of school does the student attend?

- Non-traditional/ Specialty school *sponsored by district*
  → Has the student attended this school since the start of 9th grade?
    - **YES** → Student's eligibility for athletics shall be vested at the school nearest to guardian's residence or to closest school within the attendance zone, if applicable. *See NOTES C/G* | **STOP** |
    - **NO** → Prior to transferring, did the student attend a school inside the district or outside the district?
      - **INSIDE** → Student's eligibility shall remain at the district school where student previously attended. *See NOTES C/G* | **STOP** |
      - **OUTSIDE** → Student's eligibility for athletics shall be vested at the school nearest to guardian's residence or to the closest school within attendance zone, if applicable. Student **will likely** be subject to the transfer consequence. *See NOTES C/G* | **STOP** |
- Home Educated OR Non-Public/ Community/STEM School that does not offer sports
  → NO ELIGIBILITY. Student is ONLY permitted to participate at the school located in the **legal custodian's** district of residence in accordance with the ORC. | **STOP** |

** *These eligibility options using a POA and/or Caretaker Affidavit are done in accordance with ORC 3313.64, 3313.537, 3313.5312, 3313.531.* For 7/8 grade students, use: "*Has the student attended this school since the start of 7th grade?"* within the flowchart. Additionally, if a student's family does move and it requires the student to change schools there is no transfer consequence at the 7/8 grade level.