The OHSAA receives more inquiries about eligibility in terms of the transfer bylaw than any other aspect of eligibility. Unfortunately, we do not receive enough as invariably an administrator has made his/her own call that later results in forfeiture or worse. Reach out when in doubt!

A student is considered to have transferred whenever (a) enrollment is changed from one school to another school, or (b) 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 unless the 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 basic transfer bylaw is quite simple. If a student transfers at any time after the fifth day of the student’s ninth grade year or after having established eligibility by playing in a contest (scrimmage, preview/jamboree, Foundation game or regular season/tournament contests) until the one year anniversary of the date of enrollment in the school to which the student transferred, the student shall be ineligible for all contests (including all scrimmages, preview/jamboree/Foundation game) until after the first 50% of the maximum allowable* regular season contests in those sports in which the student participated (participation being defined as playing in a contest) during the 12 months immediately preceding this transfer have been competed. Once eligibility is restored, the student shall be eligible for no more than 50% of the maximum allowable contests, quarters, halves or points which are permitted in any recognized sport. Maximum allowable DOES NOT MEAN what you have on your regular season schedule if the number of such contests is less than the “maximum allowable” permitted by Sport Regulations.

Note #1 – For the purposes of this bylaw, a student is considered to have participated in a sport if he/she has entered, if for only one play, a scrimmage or contests at any level of competition/contests (e.g. freshman, junior varsity and varsity).

Note #2 – If a student transfers during the season of a sport in which he or she has participated, and Bylaw 4-7-3 requires that the student is ineligible for participation in the remainder of the contests in that sports season, at the commencement of that sport during the next school year, the student remains ineligible for the pre-season contests (scrimmages, preview/jamboree, Foundation game) and up to 50% of the regular season contests in that sport. The total number of regular season contests for which the student will be ineligible is a function of the number of regular season contests in which he or she was ineligible in accordance with 4-7-3.

Note #3: With regard to state law permitting non-enrolled students to participate for the public schools in their residential districts, the definition of transfer is applicable only to the specific sport that the student played at the school in which the student was not enrolled. When that student returns to the enrolled school to participate in a different sport, the transfer bylaw does not apply.

In the event of a student transfer, no ruling is required from the Commissioner’s Office, and no paperwork is necessary if that student’s transfer does not meet an exception to the transfer bylaw or if the student did not participate in any OHSAA recognized sport at any high school in the previous 12 months. Understanding that basic rule is fundamental to dealing with transfer students.

Of course, in our society today, students do indeed change schools for various reasons. The member schools have identified a few transfer scenarios that they recognize should be exempted from the general transfer bylaw. To deal with those limited scenarios our member schools have adopted 10 exceptions, one of which MAY apply to a student who changes high schools. The use of the word MAY is instructive since not all transfer students can meet one of these exceptions and for each of these exceptions (unless no ruling is required as in exception 3), the transfer student is INELIGIBLE until ruled eligible by the Commissioner’s Office. For a student to avail herself/himself of one of these exceptions, action on the part of the member school administrator as well as the OHSAA staff is required. The purpose of this series on the Transfer Bylaw is to provide guidance as to the required action on each of the exceptions, if applicable.

This issue will focus on exception #7 – Anti-Harassment, Anti-Intimidation, Anti-Bullying
This exception has been adopted to address cases of severe harassment, intimidation and/or bullying that cause a student’s continued enrollment at a high school to place that student’s health and welfare in jeopardy. The Commissioner’s Office will entertain consideration of transfers under this provision only with the most exhaustive documentation from the school in accordance with established ODE or Board of Education/governing board policies as outlined in the six steps contained within the exception. Here is the exact text of this exception:

### 4-7-2 – Exception Seven – Anti-Harassment, Anti-Intimidation, Anti-Bullying

If a student is a victim of harassment, intimidation or bullying as those terms are defined at ORC §3313.666 (A)(2) which harassment, intimidation or bullying has been documented to the school district in accordance with the ORC, and as a result of this documented harassment, intimidation or bullying, the student is compelled to transfer, the Commissioner’s Office, in its sole discretion, may waive all or part of the 50% period of ineligibility for one or more sport/sports seasons provided;

1) The District’s Anti-Harassment, Anti-Intimidation, Anti-Bullying policies and procedures adopted in accordance with ORC §3313.666 have been strictly followed and complied with; and

2) The District provides the Commissioner’s Office with a copy of the duly adopted policies and procedures; and

3) The District secures the appropriate releases from the student/student’s parents authorizing the District to provide a complete record of the events and circumstances on which the policies and procedures were initiated including:

   a) A specific, detailed report of the prohibited incident(s);
   b) An outline of the procedures used to respond to and investigate the reported incident(s);
   c) A copy of the findings that were a result of the complaint process and investigation;
   d) A specific, detailed disciplinary procedure for any individual found guilty of harassment, intimidation or bullying;
   e) All reports of notification to parents or guardians of any student involvement in the incident(s);
   f) A report of the intervention strategies and remedial action the school has undertaken to assist the student and redress the complaint.

4) The District provides the Commissioner’s Office with all of the above-referenced records.

To request a ruling, the principal or a senior administrator from the receiving school shall submit all documentation included in the steps listed above along with a cover letter to either Deborah Moore or Roxanne Price. Please review all documents to insure that they are complete and that all issues required in the guidance are addressed. Failure to submit a complete application will result in continued ineligibility for the transfer student.

NOTE: It is the responsibility of the receiving school to work with the parents and the sending school to obtain all of the required documentation. If a parent approaches a school administrator and informs him/her that they have never filed a formal complaint with the former school then this will disqualify the student from using this exception.

Special Note: In cases of alleged sexual harassment/sexual violence, please be advised that your district should consult the United States Department of Education Office for Civil Rights 2001 Guidance and the April 2011 “Dear Colleague Letter,” as such cases could be considered a Title IX violation. Your Title IX compliance coordinator should likewise be engaged in such complaints.

Please feel free to contact Debbie Moore or Roxanne Price if you have any questions!