



The Ohio High School
Athletic Association

OHSAA Bylaw 4-7, Transfers

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The Ohio High School Athletic Association Transfer Bylaw

- **A Guide For Member School Principals, Athletic Administrators, Coaches, Guidance Counselors, Student-Athletes and Parents**
- **Published by the OHSAA Following the October 2002 Referendum Voting.**

Interpretations of Bylaw 4, Section 7, Transfers

The following are the Ohio High School Athletic Association's bylaws pertaining to transfer students. In order to protect athletic eligibility, please be sure student-athletes and their parents read these bylaws along with the accompanying interpretations, and have them make an appointment with their current high school principal or athletic administrator prior to transferring schools if they have any questions. For additional questions, school principals or athletic administrators should contact the OHSAA.

The interpretations (answers to the questions) below are for purposes of assisting in understanding the application of the particular OHSAA Bylaw to which they pertain. In the case of any conflict, whether actual or believed, between the interpretations or answers in this publication and the OHSAA Bylaws, **the OHSAA Bylaws shall control.**

Bylaw 4-7-1 — The transfer bylaws apply to all students enrolled in grades 9-12. These bylaws apply to all schools, both public and non-public.

Bylaw 4-7-2 — If a student transfers after the first 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), the student will be ineligible for one year from the date of enrollment in the school to which the student transferred. A student is considered to have transferred whenever the student changes from that school in which the student was enrolled as a ninth grader to any other school regardless of whether the school from which the student transferred or to which the student transfers is public or non-public, member or non-member or whether the high schools are within the same school district.

Q: An incoming 9th grade student has participated in two football scrimmages at the high school located in his parents' district of residence. He now indicates he would like to transfer under open enrollment to another public school in his county. What is the eligibility status of this student if he makes the transfer?

A: In accordance with Bylaw 4-7-2, the student has established his eligibility at a high school by participating in a contest (a scrimmage is also considered a contest). Therefore, if he transfers to another school at this time, he would be ineligible for all interscholastic athletics until one year from the date of transfer to the new school.

Q: A student decides to transfer, with no change of residence of her parents, to a high school that is located out of state after establishing eligibility in grade 9 in an Ohio nonpublic school. The student remains at the out-of-state school for one semester and then transfers back to the nonpublic Ohio school. Is the student eligible for interscholastic athletics upon return to the member school?

A: No. The transfer bylaws apply to all high school students and all schools. This student would be ineligible for participation for one year upon enrollment back into the Ohio member school from which the student transferred.

Q: A student transfers from an Ohio member public school into a nonmember school. After one year, the student wants to enroll in another public school under the open enrollment provisions adopted by that school's Board of Education. Is the student eligible upon transfer back to this member school?

A: No. The student would be ineligible for one year from the date of enrollment. Besides staying at his current school, the only other option for this student would be a transfer to the public school located in the residential tax district of the parents. See Exception 6.

Q: An incoming 9th grade student who has practiced 10 days with her school's field hockey team wants to transfer to another member school and be eligible for interscholastic athletics. She has not played in a contest for the first school with which she started fall practice, and school has not started at either of the high schools. Is she eligible at the second school?

A: Yes. Eligibility is established by participation in a contest or attendance in classes at a member school on the first day of the school year.

Q: An incoming 9th grade student who is not involved in a fall sport begins school at one member high school. After two weeks, he transfers to another member high school with the intention of playing basketball for that school. Is he eligible?

A: No. This student established his eligibility at his first school of choice by attending classes on his first day of attendance at that school. He will be ineligible for one year from his date of enrollment in the new school unless he meets one of the exceptions to Bylaw 4-7-2.

Q: An 8th grade football player decides to transfer to another school after the first two football games. Is he eligible for continued participation in interscholastic sports?

A: Yes. Bylaw 4-7-1 stipulates that the transfer bylaw applies to students in grades 9-12 only.

Q: A student who is beginning grade 10 decides to transfer to a high school in a nearby school district under that district's open enrollment provision. Is he eligible for participation in interscholastic athletics?

A: No. In accordance with Bylaw 4-7-2, this student is ineligible for one year from the date of enrollment in the high school into which he has transferred.

Q: An 11th grade student, who has transferred to the public school in the district of residence of his parents under the provisions of Exception 6, decides to transfer to another member school at the beginning of his senior year. Is he eligible for interscholastic athletics?

A: No. In accordance with Bylaw 4-7-2, this student is ineligible for one year from the date of enrollment in the high school into which he has transferred.

Bylaw 4-7-2, EXCEPTION 1 — If the parents or legal guardian have made a bona-fide legal

change of residence from one public school district to another public school district, the student may enroll in either the public school within the boundaries of that public school district that includes the new residence of the parents or legal guardian or any non-public school, and be immediately eligible insofar as transfer is concerned.

Q: The parents of a student, who started school at a public school in grade nine, have moved their residence to an adjacent public school district. What are the options for this student in terms of athletic eligibility?

A: The student has three options: 1.) Maintain continuous enrollment at the school where he started in grade 9. This is permissible only if the school he is currently attending will permit his continuous enrollment; 2.) Transfer to the public school located in the new district of residence of the parents; or 3.) Transfer to any nonpublic school in the state that will accept him.

Note: The transfer options referenced are available only upon the parents' bona fide legal change of residence from one public school district to another. The Supreme Court of the state of Ohio has defined the terms of a bona fide legal residence for the purpose of school attendance. The OHSAA adheres to the Court's interpretation, which says that the parents must be occupying a dwelling in the new school district a significant portion of each day. They must also be prepared to demonstrate to school authorities, upon enrollment of their child in the new school, that they are residents of the district. Presentation of documentation including driver's license, voter's registration, etc., shall be required.

Bylaw 4-7-2, EXCEPTION 2 — If the student is the ward of a court-appointed guardian, and there is a subsequent change in that guardian, the student shall be eligible in the district of residence of the new guardian or at any non-public school provided the student lives with the guardian. Likewise, if the student is a child of parents who are either divorced or have had their marriage dissolved or annulled and there is a court ordered change of custody, the student shall be eligible in the district of residence of the new custodial parent or at any non-public school provided the student lives with the new custodial parent. For purposes of this exception, the term "parent" means the biological or adoptive parents of the student or, as the case may be, the person to whom parenting rights and responsibilities have been allocated pursuant to court order. In the event a student has been temporarily or permanently removed from the home, 'parent' means the person or government agency with legal or permanent custody."

When a change of residential parent and legal custodian results in a change of school district, the student is ineligible until ruled eligible by the Commissioner.

Q: A student, who is a ward of a court appointed guardian, is attending a public school in the district of that guardian's residence. Subsequently, she receives a change of custody, with her grandmother appointed as her new guardian. She moves to her grandmother's home in a neighboring public school district and enrolls in a nonpublic school near her new home. Is the student eligible?

A: Yes. Exception 2 stipulates that whenever there is a change in custody, the student would be eligible at either the public school in the district of residence of the new guardian or any nonpublic school provided the student lives with the new guardian. **The student is ineligible until ruled eligible by the OHSAA Commissioner.** The Commissioner requires the submission of the formal entry from the court of jurisdiction as well as a letter from the school administrator indicating that the student is residing with the new guardian who is named in the court document. Note: The student in this case had the choice of attending the public school located in the district of the new guardian or ANY nonpublic school.

Q: A student receives a change of legal custody that has brought the student-athlete to live with his aunt and uncle in a public school district. The student's new guardians, however, would like to enroll the student in a neighboring district under an open enrollment provision.

Is this student eligible at the neighboring district?

A: No. This change in custody is addressed in Exception 2 of transfer bylaw 4-7-2. Thus, the student in this case has two choices: 1.) Attend the public school in the district of residence of the guardians; or 2.) Attend any non-public school that would accept the student. Open enrollment to another public school is not an option under this exception.

Bylaw 4-7-2, 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 physical change in residence that results in the student's transfer, the student shall be immediately eligible insofar as transfer is concerned.

Q: A student, whose parents live in two different public school districts, are divorced and are under a shared parenting agreement stipulated by the court of jurisdiction, attends the public school in the district of residence of her mother in 9th grade. At the semester break in grade 10, she moves in with her father and transfers to a non-public school near his home. Is the student eligible?

A: No. Exception 3 provides for eligibility if there is a physical change of residence of either one of the parents in a shared parenting agreement. Absent of such a change, the student would be ineligible for one year from the date of enrollment in the new school.

Bylaw 4-7-2, EXCEPTION 4 — The school closes.

Bylaw 4-7-2, EXCEPTION 5 — Subject to the provisions of exception 6 below, a student may transfer to a different school and be eligible provided the superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being. Only one such exemption shall be permitted in any four school years. The student shall not be eligible until declared eligible by the Commissioner upon submission of the exemption form.

Q: The parents of a child in a public school district have asked the superintendent to grant the student a transfer to a nonpublic school under exception 5 due to the fact that they claim he was traumatized by an incident that happened in the cafeteria last fall. What guidelines should be followed in considering this request?

A: This exception is designed to permit a one-time transfer to protect the student in the event that his or her physical or mental well-being would be jeopardized by continued attendance at a member school. The critical issue is the ongoing nature of events that are impacting the student's well-being. An isolated incident occurring nearly one year ago would not be sufficient, in most cases, to create a situation that would require a transfer. Superintendents should consider the nature of the incidents affecting the student, when and how often they are occurring and will be expected to insist upon some documentation of the problem from the parents requesting the transfer. Currently, the OHSAA has no additional standards for review once these transfer requests reach the Commissioner. They are granted after both the sending and receiving superintendents have signed off on the official OHSAA Superintendent's Agreement Form, which indicates the necessity of the transfer based on the well-being of the student.

Q: An 11th grade student who has used Exception 6 to transfer to the public school in the public tax district of residence of her parents, now requests a Superintendent's Agreement under Exception 5 to facilitate her transfer to another member school. Will this student be eligible if the superintendents of the two districts agree to the transfer?

A: No. In accordance with the provision in Exception 6, students who use that exception to transfer to the public school in the district of residence of their parents shall not be able to utilize the

Superintendent's Agreement in Exception 5 for another transfer. Should this student decide to transfer, the student will be ineligible for one year from the date of enrollment into any other member school.

Bylaw 4-7-2, EXCEPTION 6 — A student shall be entitled to one transfer back to the public school district within which the student's parent residence is located regardless of from where the student is transferring. HOWEVER, if the student utilizes this exception, the student will no longer be able to utilize the superintendent's agreement exception set forth in Exception 5 in Bylaw 4-7-2.

Q: A student transferred to a public school at the beginning of grade 9 because his father took an administrative position in a school district where the local board of education permits tuition-free attendance for the children of all employees. Is he eligible if he enrolls in a school which is located in the public school district where his parents reside?

A: Yes. The student is eligible insofar as transfer is concerned. Exception 6 of Bylaw 4-7-2 permits a one-time transfer to the public school in the district of residence of the parent/guardian.

Q: A student has been attending a nonpublic school for three years. At the beginning of the senior year, the student's family can no longer meet the tuition obligations. What options does this student have for transfer and retention of athletic eligibility?

A: The student has one option. She may transfer to the public school located in the district of residence of her parents and be eligible. She will be ineligible if she transfers to any other public school or to another nonpublic school. Exception 6 limits the option to the public school located in the residential school tax district of her parents.

Q: A student attended a public school in grade 9 under that district's open enrollment provision. In grade 11, the student decides to transfer to the public school in the district of residence of her parents. Is she eligible for interscholastic athletics?

A: Yes. Under the provisions of Exception 6, the student is eligible insofar as transfer is concerned.

Q: A student who has attended a public school beginning in grade 9 under that district's open enrollment provision, transferred to another public school at the semester break of his junior year due to a series of harassing incidents that made him fearful of continuing to attend that school. His parents secured a Superintendent's Agreement to permit athletic eligibility upon transfer to the new school. At the beginning of the student's senior year, he chose to transfer to the public school in the district of residence of his parents. Is he eligible for interscholastic athletics in his residential district?

A: Yes. Exception 6 permits a one-time transfer to the public school located in the residential district of the student's parents. The fact that this student had previously used a superintendent's agreement to transfer schools and participate in athletics has no bearing on the use of this exception. **Note:** If a student has used Exception 6 to transfer to his public residential district, he would not be eligible for another transfer under Exception 5 — Superintendent's Agreement.

Additional Note: Schools are to forward a copy of the OHSAA Bylaw 4-7-2, Exception 6 Transfer Record Form to the OHSAA office and to also include a copy with the permanent records of these students.

Bylaw 4-7-2, EXCEPTION 7 — A student transferred to the State School For the Blind or State School for the Deaf shall be eligible upon enrollment.

BYLAW 4-7-3 — The superintendent or person delegated by the superintendent of either a non-public or public school system may transfer students within the system without jeopardizing their

eligibility. Such transfers are eligible only after approval by the Commissioner.

Q: A student in a school district with multiple high schools transfers from one school to another school with- in the district. Is he eligible for athletics at the new school?

A: Intradistrict transfer is permissible provided the superintendent, or his/her designee, authorizes it, and provided the OHSAA Commissioner formally approves the transfer. Bylaw 4-7-3 stipulates that the Commissioner must declare these students eligible. The required documentation is a letter from the superintendent indicating the student's name and both the school from which he transferred as well as the school into which he transferred. Note: This requirement applies whether the student's family physically moves to another attendance area or zone within the multi-school district or whether the student simply changes schools with no move of the parents. There is no limitation on the number of times that a superintendent may transfer a student within the school district.

BYLAW 4-7-4 — Whenever a new high school has been established in a school district in which the student's parents reside, all students whose parents reside in that school district, and who enroll in the new high school, are eligible for interscholastic athletics insofar as the transfer bylaw is concerned. This applies to students from both public and non-public schools whose parents reside in the new school district defined by the local Board of Education. This rule applies only at the beginning of the school year when the new school first opens. After the first year of operation, the eligibility of any future transfers from one school to another will be determined in accordance with applicable paragraphs of this section.

BYLAW 4-7-5 — In order for a transfer student to be eligible for OHSAA tournament competition at a school, the student's name must be listed on the eligibility certificate submitted at the first tournament level in the sport.

Student-athletes are highly encouraged to check with their principals or athletic administrators if they have any questions regarding the OHSAA Transfer Bylaw. If questions still remain, principals or athletic administrators should contact the OHSAA.

Ohio High School Athletic Association

4080 Roselea Place

Columbus, Ohio 43214

Telephone: (614) 267-2502

Fax: (614) 267-1677

Web Site: www.ohsaa.org

Office Hours: Monday - Friday 8:15 a.m. - 4:15 p.m.

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Questions, Comments, Suggestions? Contact: webmaster@ohsaa.org