There are just three bylaws in the section entitled “RESIDENCE. **Bylaw 4-6-1** denotes that the State Board of Education establishes all public school districts. In addition, every Ohio resident lives within the boundaries of one of those public school districts. The bylaw further defines what it means to be a bona fide resident of our state. Criteria, including but not limited to 1) where the parents and family members sleep the majority of the time; 2) where mail is received; 3) where meals are prepared and eaten; 4) where the parents are registered to vote; and 5) where important family activities take place a significant part of each day, are just some of the factors that the OHSAA will examine in determining whether a residence in our state is bona fide. This bylaw also reminds members that if parents establish a bona fide residence under Bylaw 4-7-2 Exception one or Bylaw 4-7-4 Criterion one to support a transfer, the residence must be maintained for at least one year from the date the transfer is approved. In short, to be a bona fide resident of Ohio, you must actually live here!

This guidance will also alert administrators to the fact that in many cases, a student who meets a residence exception will also have to adhere to the transfer bylaw. Those cases will be clearly identified within this series of documents.

This document will focus on **Bylaw 4-6-2 – Student with a Disability**. This bylaw reads as follows:

A student who is a “child with a disability” as that term is defined at 42 U.S.C. Section 12102 (ADA) and the Regulations promulgated thereunder who is enrolled in a Special Education program at a school outside of the district of residence of parents is eligible at the school where the student attends classes or the school located in the district of residence of the parents, PROVIDED each of the following is met: (a) the student's parents reside in Ohio; (b) the school district in which the parents reside does not provide the required programs to meet the student’s special education needs; and (c) there is a contractual agreement specifying the responsibility for educating a “child with disabilities” between the respective school boards or between the parents and the school the student with the disability will attend.

There is no ruling required for this option under the residence bylaw 4-6-2 for a student with a disability to access interscholastic athletics either at his or her residential school or the school where the special services are being received. Once having chosen the school for participation in athletics, however, the student would be subject to the transfer bylaw upon transfer to the other school or any other school.

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