



Oregon School Activities Association
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April 27, 2020

TO: Superintendents, Principals and Athletic Directors

FROM: Peter Weber, Executive Director

SUBJECT: Summary of Delegate Assembly Action at the April 23, 2020, Meeting

At the meeting on April 23, 2020, the OSAA Delegate Assembly took the following actions:

- Approved the minutes of the October 14, 2019, Delegate Assembly meeting.
- Received a "State of the Association" report from Executive Director Peter Weber and staff regarding the following subjects.
 - Coronavirus Update
 - Budget Committee – Financial Update
 - Fall Sports/Activity Contingency Groups
 - Equity and Civil Rights in School Activities
 - Football Ad Hoc Committee
 - Awards Programs
 - #WEWILLPLAYAGAIN
 - Acknowledgements
- Discussed the following questions in classification caucus groups and received written and oral reports back to the full Delegate Assembly.

Transfer Task Force

Do you support changing current OSAA rules to allow ineligible transfer students to participate at the sub-varsity level until eligibility is established?

Do you support changing current OSAA rules to prohibit a student who has participated for one school (tryouts, practices, contests) from being eligible to participate for another school in the same sport in the same season even if the student legally transfers during the season?

School Representation for Full Member Charter School Students

Do you support changing OSAA School Representation rules to allow students who attend full-member public charter schools to participate back at their resident public school in activities the full-member public charter school doesn't offer (currently in place for full-member private schools only)?

Collective Sponsorship

Do you support allowing schools to form a Collective Sponsorship in individual sports only that would allow schools to share resources (coaches, facilities) by practicing together, but would require them to compete separately during all contests? Individual sports include cross country, swimming, wrestling, golf, tennis and track & field.

- Voted to amend Article 6.1 – Assignment of schools to classifications and districts for a four-year time block which sets a deadline for school to submit information concerning potential enrollment changes during the

time block and adjusts the Executive Board's quadrennial meeting from October to December, effective August 1, 2020. **(Attached)**

- Voted to amend Article 6.3 – Computation of ADM which defines timing parameter of reports from Oregon Department of Education regarding enrollment, changes to using grades 9-11 and incorporates a longitudinal 3-year average for enrollment, effective August 1, 2020. **(Attached)**
- Voted to amend Article 9.2 – Classification and District Committee which clarifies the criteria for the Committee to consider when placing schools in districts, effective August 1, 2020. **(Attached)**
- Voted to amend Article 9.5.1 – State Championship Committee which clarifies the Executive Board's role in making recommended modifications, effective August 1, 2020. **(Attached)**
- Voted to add Rule 6.2.1 – Emerging Activities which adds policy for conditional recognition of an activity that doesn't meet the current threshold, effective immediately. **(Attached)**
- Voted to amend Rule 8.2.4 - Fifth Year Hardship Appeals Procedure which adds an additional exception regarding newcomer English language learner students, effective immediately. **(Attached)**
- Voted to amend Rule 8.6.3.g - McKinney-Vento Students which clarifies Association policy/guidelines for transferring students designated as homeless, effective immediately. **(Attached)**
- Voted to amend Rule 8.6.4.d - Continuity Requirement for McKinney-Vento Students which clarifies Association policy/guidelines for students designated as homeless who remain enrolled at their current school, effective immediately. **(Attached)**
- Re-elected Jack Henderson, Superintendent, Dufur SD, as the 1A representative to the Board.
- Elected Kevin Bogatin, Superintendent, North Bend SD, as the 5A representative to the Board.
- Elected Heidi Sipe, Superintendent, Umatilla SD, as the Association President for 2020-21.
- Recognized the following members of the Delegate Assembly who have finished their terms:
 - Don Grotting, Superintendent, Beaverton SD, Represented 6A-2 Metro League
 - Mike McIntosh, Superintendent, Redmond SD, Represented 5A-4 Intermountain Conference
 - Scott Yakovich, Principal, North Douglas HS, Represented 1A-4 Skyline League
 - Linda Myers, Asst. Superintendent, Salem-Keizer SD, Represented Student Activities Advisory Committee
- Received a reminder of upcoming meetings:
 - Executive Board – Monday May 4, 2020 / 9am / Online
 - Executive Board Summer Workshop – Monday-Wednesday, July 20-22, 2020 / Eagle Crest Resort

A summary of actions is posted on the OSAA website following each Board and Delegate Assembly Meeting. Official minutes of the April 23, 2020, Delegate Assembly meeting are available from the OSAA upon request.

Proposal to Amend Article 6.1. – Assignment of schools to classification and districts for a four-year time block

(Action Item)

QUESTION: *Should the Delegate Assembly change the timeline for the Classification and Districting process and provide a clearer timeline for schools to submit information during the Classification and Districting process regarding potential enrollment during the four-year time block?*

RATIONALE: Implementing a notification deadline for potential enrollment evidence and delineating what specific criteria will be utilized came under advisement from OSAA's legal counsel following hearings officer appeals during the 2017-18 school year. Feedback from the Delegate Assembly last year and statewide athletic directors at their conference in April overwhelmingly supports shifting the timeline of the Classification and Districting Committee beyond October.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP: Effective August 1, 2020 unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

6.1. Assignment of schools to classifications and districts for a four-year time block.

- 6.1.1. A Classification and Districting Committee shall be established to gather information and make recommendations to the Executive Board regarding classifications and districts for the four-year time block. See **Constitution, Article 9.2., "Classification and Districting Committee"** and **Executive Board Policies, "Classification – Emergency Transfers"** for additional information.
- 6.1.2. When initially assigning a school to a classification at the beginning of a four-year time block, the Executive Board may consider evidence submitted by that school concerning its potential enrollment during the four-year time block, ***if the school first notifies the Classification and Districting Committee of such evidence no later than August 31st, which evidence will be considered using the criteria set forth in 6.2.2 (b).***
- 6.1.3. The Executive Board shall approve or disapprove ***each*** classification ***and districting decision*** at its quadrennial ***December*** Classification and Districting meeting. Classification changes will become effective at the start of the 2002-03 Association Year and every four years thereafter. ***In making its decision(s), the Executive Board shall utilize the criteria set forth in Article 9.2.1 (d).***
- 6.1.4. Associate Member schools shall be neither classified nor assigned to an athletic district.

Proposal to Amend Article 6.3 – Computation of ADM

(Action Item)

QUESTION: Should the Delegate Assembly adopt the initial work of the Computation of ADM Committee and change the current Computation of ADM formula to only include grades 9-11 and create a longitudinal 3-year average of enrollment for Classification and Districting purposes?

RATIONALE: The OSAA Executive Board has been kept informed and is supportive of the Computation of ADM Committee's work. The Board feels that the two changes will positively impact how the Classification and Districting Committee process works and takes steps to address concerns from the membership.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP: Effective August 1, 2020 unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

6.3. Computation of Average Daily Membership (ADM). A school's ADM for the purpose of classification shall ***consist of an average of its base number minus the school's SES factor for the entirety of each of the previous three school years preceding the OSAA's final decision with regard to Classification and Districting under Article 6.1.*** ~~include the school's base number minus the school's SES factor.~~

6.3.1. Base Number. A school's base number shall include the following:

(a) Public High Schools.

- (1) Average** ADM~~r~~ for grades 9-~~11~~ ~~12~~ as reported by the Oregon Department of Education for the ***entirety of each of the previous three*** school years, plus
- (2) Average of** all students ***in grades 9-11*** that participated for the school in ***each of*** the previous ***three*** school years that did not attend the school (home school students, Associate Member school students, and students at private schools that do not offer an activity).

(b) Private High Schools.

- (1) Average** ADM for grades 9-~~11~~ ~~12~~ as reported by the private school to the OSAA ***for the entirety of each of the previous three school years*** (average of actual enrollment for four dates during ~~each~~ ~~the previous~~ school year)
- (2) Average of** all students ***in grades 9-11*** that participated for the school in ***each of*** the previous ***three*** school years that did not attend ~~your~~ ~~the~~ school (home school students)

NOTE: For a non-coeducational school, the ADM shall be doubled to determine the classification figure.

Proposal to Amend Article 9.2 – Classification and Districting Committee

(Action Item)

QUESTION: Should the Delegate Assembly clarify the criteria to be considered by the Classification and Districting Committee when making recommendations on placing schools in districts?

RATIONALE: These changes were advised by OSAA legal counsel following Hearings Officer appeals during the 2017-18 school year to clarify the criteria to be considered.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP: Effective August 1, 2020 unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

KEY: Add Delete

9.2.1. Charge. The Committee shall make recommendations to the Executive Board regarding classifications and districts for the upcoming four-year time block. The duties and responsibilities of the Committee shall be:

- (a) To hold public hearings and provide correspondence to interested parties regarding classifications and districts for the upcoming four-year time block.
- (b) To receive testimony from any school or other interested party, including information on the numbers of students currently enrolled in grades 8, 7 and 6.
- (c) To make recommendations to the Executive Board regarding classifications and districts and enrollment limits for the upcoming four-year time block.
- (d) To consider the following criteria (***in no particular order***), among any others they deem relevant, for recommending placement of schools in athletic districts:
 - Athletic district history;
 - ***Competitive balance;***
 - Creation of similar sized leagues;
 - Minimizing loss of student instructional time;
 - Minimizing the expenditure of school district and student and parent participant funds;
 - ***Moving*** as few schools as possible;
 - Placement of schools within the same school district and classification in the same league;
 - Safety of student participants and ~~spectators, parents and other spectators, and school and other personnel~~ ***with respect to travel;***
 - Scheduling problems;
 - School enrollment data ***as calculated under Article 6.3;***
 - School preference.
- (3) All schools within a single school district that are in the same size classification (including those smaller schools that have elected to play up with schools in a larger classification) shall be assigned to the same district unless the school board of the affected school district agrees to a different assignment prior to ***August 31 June 1*** preceding the quadrennial ***December October*** Classification and Districting meeting.

Proposal to Amend Article 9.5.1 – State Championship Committee

(Action Item)

QUESTION: *Should the Delegate Assembly clean up the policy to reflect current and past practice where all recommendations from the State Championships Committee are forwarded to the Executive Board?*

RATIONALE: Housekeeping item discovered in a Handbook review that would reflect current and past practice.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP: Effective August 1, 2020 unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

9.5. State Championship Committee

- 9.5.1. Charge.** The Committee shall review championship formats, participation policies and issues relative to the administration of OSAA State Championships. The Committee ~~may~~ **shall** forward recommendations for ~~format~~ modifications to the Executive Board, ~~and recommendations for changes in the number of State Championships to the Delegate Assembly.~~
- 9.5.2. Composition.** Committee membership shall mirror the Executive Board. Each classification, region and interest group represented on the Executive Board shall be represented by an appointment to the Committee.
- 9.5.3. Term.** Members of the Committee shall serve through one review cycle and may be reappointed to subsequent committees at the discretion of the Executive Board. The Committee recommendations shall be made to the Executive Board within the school year prior to the changes being implemented.
- 9.5.4. Meetings.** The Committee shall adopt a schedule of meetings based upon the issues under consideration. The schedule shall include an appropriate number of meetings in which to conduct the business of the Committee and may include travel to several venues. The Executive Board may convene the Committee at other times if, in the opinion of the Executive Board, the need arises.

Proposal to Add Rule 6.2.1. – Emerging Activities

(Action Item)

QUESTION: *Should the Delegate Assembly add a rule addressing the criteria and processes in place for the Association to officially recognize an emerging activity?*

RATIONALE: The OSAA has been approached by representatives of various activities in the past several years (lacrosse, clay target, skiing, esports, etc.) regarding the possibility of being sanctioned by the Association. Discussions at the Delegate Assembly caucus groups and at the statewide ADs conference suggest that member schools are interested in exploring the concept of adding to the list of approved activities. The proposed rule is intended to provide a provisional status to those sports/activities that have support from the membership but don't yet meet the adding a sport/activity threshold.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP IF PASSED: Effective immediately unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

6.2.1. Emerging Activities

6.2. Adding a Sport/Activity. The Delegate Assembly may consider adding a championship in a sport/activity where no championship is currently provided by the Association if the quantity of member schools participating in the sport/activity is equal to at least 50 schools.

6.2.1. Emerging Activities

The purpose of this rule is to grow meaningful interscholastic participation opportunities for student-athletes in sports and activities that have the potential to meet the required number of schools participating to be considered for official sanctioning by the OSAA.

Listed below are the steps required to request designation as an Emerging Sport/Activity and the timeline involved. Any sport/activity that meets these requirements must successfully complete a two-year provisional period before consideration for adoption as an officially sanctioned sport/activity. At the end of the two-year provisional period, the sport/activity committee shall report back to the Delegate Assembly to summarize the progress that has been achieved. The Delegate Assembly then has the option to vote to officially sanction the sport/activity, keep the sport/activity in provisional status, or remove it from the list of emerging sports/activities.

- (a) *Have at least 25 member schools participating in the sport/activity and/or written indication from schools willing to offer the sport/activity on a provisional basis.*
- (b) *Submit a request to the Delegate Assembly for approval under the same criteria listed in Rule 6.5. Contest limitations, individual player limitations and the*

5.a.

applicable season of participation will be determined and specified in the approval by the Delegate Assembly.

- (c) If approved, the sport/activity will be listed as an emerging sport/activity in the OSAA Handbook and registration in the sport/activity will be offered.*
- (d) If approved, a committee shall also be formed to help determine specific rules and any other necessary information for the sport/activity.*
- (e) Emerging sports/activities approved on a provisional basis will be limited in the services they receive until they become officially sanctioned by the OSAA. The following OSAA administrative services will not be offered to emerging sports/activities:*
 - (1) Assigned rules interpreters*
 - (2) Sport/Activity section on the OSAA website*
 - (3) State Championships administered by OSAA*
 - (4) OSAA Plan Book*
- (f) Emerging sports/activities approved on a provisional basis, along with member school student and coach participants, must abide by all OSAA Regulations.*

Proposal to Amend Rule 8.2.4. Fifth Year Hardship Appeals Procedure

(Action Item)

QUESTION: Should the Delegate Assembly amend the fifth year hardship appeals procedure to add an additional exception regarding newcomer English language learner students?

RATIONALE: Currently there are only two exceptions by which the OSAA grants students the opportunity to participate beyond the standard four years/eight semesters duration of eligibility. There's been a significant increase in the number of students in member schools that require longer than four years to complete their high school education. Adding an additional exception in this situation would potentially provide greater access and opportunity for students.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP IF PASSED: Effective immediately unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

8.2.4. Fifth Year Hardship Appeals Procedure

8.2.4. Fifth Year Hardship Appeals Procedure. The Executive Board, or as it may provide, the Executive Director, may in individual cases, upon written request once the student has begun his/her last transcribed grading period prior to exhausting his/her eligibility, declare eligible for up to one year a student who would otherwise be ineligible under Rule 8.2., "Duration of Eligibility/Graduation" because more than eight semesters have passed after the student entered the 9th grade if the student has not previously been granted eligibility based upon a fifth year or age hardship appeal and all of the following conditions are met:

- (a) The student has not graduated from high school;
- (b) *The student has not already participated for four years in any sport/activity;*
- (c) The student establishes, to the reasonable satisfaction of the Executive Board or the Executive Director, as the case may be, either:
 - (1) That the student's Individualized Education Program Team has determined that the student has a "disability" (as defined below), and that the student was meeting the requirements of the student's IEP, yet was unable to graduate from high school within eight semesters after entering the 9th grade primarily because of the disability; or
 - (2) Due to circumstances beyond the control of each of the student and the student's parent(s), there has been both a significant absence from school (not less than one semester) and an inability to obtain academic credit during that period of absence; ~~and~~
or
 - (3) *That the student, based on their initial placement upon entering high school in newcomer classes due to limited English language ability (based on an assessment of the student's transcript and results of ELPA21 and/or Woodcock-Munoz, etc.), was enrolled in and passed classes that earned the student credits that did not count toward graduation requirements and therefore was unable to graduate high school*

5.b.

within eight semesters after entering the 9th grade primarily due to their lack of English language ability; and

- (d) The student establishes, to the reasonable satisfaction of the Executive Board or Executive Director, as the case may be, that the student's participation would not constitute an undue risk to the health or safety of other participants.
- (e) Without limiting the evidence that may be considered, the Executive Board or Executive Director, as the case may be, may consider the following in determining whether the student's participation would constitute an undue risk to the health or safety of other participants:
 - (1) Whether the student has presented a report from a physician regarding the student's height, weight and whether the student is likely to pose an undue risk to the safety and health of other participants; the student shall submit to an independent medical examination by a physician selected by and paid for by the Association at the request of the Executive Board or Executive Director; and
 - (2) Whether the sport is a contact or a non-contact sport.
- (f) Should an otherwise ineligible student who has already been granted a year of eligibility under the provisions of this rule apply for eligibility for a subsequent year, the Executive Board, or as it may provide, the Executive Director may consider the following factors in addition to those previously stated in this rule:
 - (1) Whether the student has previously participated in the sport for which eligibility is sought, or a similar sport; and
 - (2) Whether the student's skill level in the sport for which eligibility is sought is such that the student was ever a member of a starting team or was the recipient of league or other honors as a result of participation in the sport; and
 - (3) Whether the student has participated in a prior state championship competition (either in an individual sport or a team sport).

For purposes of this Rule 8.2.4, "disability" shall have the meaning provided in the [Individuals with Disabilities Education Act, 20 U.S.C. § 1401\(a\)](#).

The Executive Board or the Executive Director may grant eligibility as to one sport and deny it as to another sport.

A decision of the Executive Director may be appealed to the Executive Board. A decision of the Executive Board may be appealed to a Hearings Officer under **Rule 9, "Hearings Officer."**

Proposal to Add Rule 8.6.3.g. McKinney-Vento Students

(Action Item)

QUESTION: Should the Delegate Assembly add a rule addressing the criteria and processes in place for the Association to remove barriers for participation by students identified as homeless?

RATIONALE: The OSAA has an appeal process currently in place regarding a student's eligibility when they are deemed homeless. It has come to our attention that the timeliness in the appeals process are concerning to some member schools because of the wording and expectation of state and federal laws regarding access to athletics and activities for McKinney-Vento students.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP IF PASSED: Effective immediately unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

8.6.3.g. McKinney Vento Students

McKinney-Vento Students. A student who does not meet the transfer/residency requirement but is otherwise eligible does not become ineligible to participate at a school if the student is identified as a McKinney-Vento Student. The McKinney-Vento Act requires schools to enroll children and youth experiencing homelessness in school immediately, even if the student is unable to produce records normally required for enrollment or has missed application or enrollment deadlines during any period of homelessness [42 U.S.C. § 11432(g)(3)(C)(i)]. The Act defines enroll and enrollment as "attending classes and participating fully in school activities" [42 U.S.C. § 11434a(1)]. Therefore, students experiencing homelessness must be able to enroll in school immediately, including attending classes and participating in extracurricular school activities, such as sports, performing arts, and clubs.

(1) Identification of McKinney-Vento Students and residency status: A school district's McKinney-Vento liaison and the school's athletic director should work collaboratively to eliminate barriers to full participation when addressing the needs of students experiencing homelessness. Once the school district's McKinney-Vento liaison has determined that a student is homeless and therefore eligible for McKinney-Vento services then the Joint Residence status of a student's individual eligibility should be waived. All other individual eligibility requirements would still need to be met for the student to be deemed eligible, including academic eligibility, age requirements, and affiliation policies.

a. The term "homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence which could include:

i. Children and youths who are sharing the housing of other persons due to loss of housing; economic hardship, or similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative

adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

- ii. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;*
- iii. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;*
- iv. Migratory children who qualify as homeless living in circumstances like previously described.*

(2) Transfers of McKinney-Vento Students:

- a. Between School Years: A McKinney-Vento student who transfers between school years to another full member school, will have eligibility determined through the collaborative process between the school district's McKinney-Vento liaison and the school's athletic director as described above.*
 - b. Mid-Year Transfers: A McKinney-Vento student who transfers during the school year would need to be identified as a McKinney-Vento student by the new school district's liaison. Once that determination is made, the student would be eligible to represent the school provided that all other individual eligibility requirements are met.*
 - c. Dispute Process: If during a transfer process, the school district from which the student is transferring from disputes the McKinney-Vento determination of a student, then the receiving school district would need to seek McKinney-Vento determination from the Oregon Department of Education (ODE). Once ODE confirms the student's designation as a McKinney-Vento student, then the student would be eligible provided all other individual eligibility requirements are met. If ODE denies the student's designation, then the student is ineligible and would need to seek eligibility through the hardship appeal process.*
- (3) Appeal Process: Homeless students should not expect to undergo a hardship appeal except when the McKinney-Vento liaison for a school district is unable to gather enough information to adequately determine the student's residency status, academic standing, or age. If a hardship appeal is necessary due to missing/incomplete information for a McKinney-Vento student, the OSAA and the District Athletic Committee will work together to ensure an expedited hardship appeal process.**

Proposal to Add Rule 8.6.4.d. – Continuity Requirement for McKinney-Vento Students

(Action Item)

QUESTION: *Should the Delegate Assembly add a rule addressing the Continuity Requirement when applied to students designated as McKinney-Vento?*

RATIONALE: While proposing revisions to Rule 8.6.3 - Exceptions to the Fundamental Rule, OSAA staff discovered additional language was needed to support McKinney-Vento students within Rule 8.6.4. - Continuity Requirement. These changes would align OSAA policy regarding students who remain enrolled at their current school though their residency situation has changed.

RULE CHANGE SPONSORED BY: OSAA Executive Board

NEXT STEP IF PASSED: Effective immediately unless otherwise stated in the motion.

POSSIBLE RULE CHANGES:

<p>KEY: Add</p> <p>Delete</p>

8.6.4. Continuity Requirement. A student who is otherwise eligible under the Rules of the Association loses eligibility for one calendar year when one or both of the student's parents move from the attendance area of the high school the student is attending unless:

- (a) The student was enrolled in the high school at the beginning of the freshman year and the student's parents move during the freshman year,
- (b) Continuity of enrollment is maintained by the student and the student has been enrolled in and attending the high school for at least the lesser of one full school year or one calendar year immediately preceding the move of the parents, or
- (c) The move of one parent occurs at the time the parent initiates court proceedings seeking legal separation or divorce or upon a change in custody by court order.
- (d) ***The student is designated as McKinney-Vento by the school district in which the student is currently attending and the student remains enrolled at that school.***

1. **Q.** Once continuity is established, does a move of the student or the student's parents affect eligibility?
 - A.** No, the student remains eligible at the school at which continuity was established.