



Ohio High School Athletic Association
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OPPONENT POSITION – HB 442 – SCHOOL ATHLETICS

To authorize any student from a country or province outside the United States who attends an elementary or secondary school in Ohio and holds an F-1 visa to participate in interscholastic athletics on the same basis as Ohio residents.

Our purpose in providing this position paper is to express the support of the membership of the Ohio High School Athletic Association in opposition to HB 442, which our members believe would disrupt our current system of permitting international exchange students, who are studying in the United States, and in our state, for one year under the United States Department of State's Visitors' Exchange Program, to participate in interscholastic athletics programs sponsored by our member schools.

House Bill 442 has as its goal, that students on F-1 Visas have the same participation opportunities in interscholastic athletics as students whose parents reside in Ohio. One who understands the requirements *and restrictions* of the F-1 Visa knows that this goal is not attainable. There would be no opportunity for students on an F-1 Visa to have the same interscholastic participation opportunities as Ohio residents, at both a public and non-public school, because students on an F-1 Visa do not have the same ability to enroll and maintain

continuous enrollment at either a public or a non-public school as Ohio residents.

✧ Students who possess an F-1 Visa are permitted to attend a **public** school for up to 12 months only. Thus, the ability to participate at a single high school in the United States would be for two semesters only. However, students on an F-1 Visa are permitted to attend a non-public school until the completion of all academic coursework. These students would have up to eight (8) semesters, or a four-year opportunity to participate in interscholastic athletics at a high school – more if the student enrolls in grade seven (7) or eight (8). Not only does HB 442 not provide for an *equal opportunity* for participation as Ohio residents, but also it would legislate an unequal participation opportunity for F-1 Visa students who attend a non-public school versus a public school. The bill creates an inequity among OHSAA member schools, those public and non-public, by attempting to legislate that students who possess an F-1 Visa have four times the participation opportunity at member non-public high schools than at a member public high school.

Previous legislation provided students who attend non-public schools the opportunity to participate in interscholastic athletics at their “residential public school” or the public school located in the district where the non-public school was located, if the non-public school did not offer the participation opportunity. House Bill 442 now seeks to provide an opportunity for thousands of international students to participate solely at non-public schools when the non-public school does sponsor an interscholastic team. The loser? Public schools

and public-school students in Ohio. The OHSAA would never seek to invoke such an inequitable participation opportunity between its member public and non-public schools, as the OHSAA is its member public and non-public schools.

Those who are familiar with the J-1 Visa know that the enrollment and attendance of students who possess a J-1 Visa does not differ whether the student attends a public or non-public high school in the United States. It is for this reason that the J-1 Visa was adopted as the visa type for interscholastic participation at OHSAA member schools.

The OHSAA, half way through its 111th year of service to Ohio's secondary and middle schools, has as its mission to regulate and administer interscholastic athletics in a fair and equitable manner. The OHSAA determines fair and equitable qualification standards for individual contestants, coaches and contest officials; provides information to facilitate athletic relations among member schools; establishes standards for promoting and enhancing citizenship and sportsmanship; establishes regulations for competition; furnishes protection against exploitation of schools or students; protects the health and safety of students and responds in any manner as directed by our member schools. It is because of our mission, especially as it relates to the establishment of equitable eligibility standards as well as response to our membership, which demands that we provide these facts to you.

Eligibility issues for interscholastic competition have always been a priority consideration for the Ohio High School Athletic Association, a voluntary, self-

governing association which, through its democratic governing process by which all members have a right to vote on all bylaws and regulations, has done its best to create balanced eligibility provisions that prohibit the recruitment of student athletes. We believe this proposed legislation – HB 442 - creates an open invitation for schools, both public and non-public, to actively recruit student athletes, not just in Ohio or the U.S., but worldwide.

Specific to this issue is the notion of fairness and equity for all Ohio students as well as for students who come into Ohio from outside the United States. Since its inception in 1906, the member schools of the OHSAA have welcomed international students to our state and into the athletics programs sponsored by the member schools with certain restrictions. Unfortunately, the history of this Association and others like ours within the USA has demonstrated that students from outside the United States are very often targets for exploitation and recruitment for purely athletic reasons. To keep the playing field level for both the international student and for students who live in Ohio, to prevent displacement of students who live here in our state and to reduce the opportunity for recruiting, the membership has approved three ways by which an international student may participate in an Ohio member school. Those three ways include having a parent or parents who become residents of Ohio along with the student; participating in the United States Department of State's Visitor's Exchange Program which requires a J-1 visa and admits secondary students into the US for one year of high school study only; or being adopted by a citizen living in Ohio.

These three pathways have been democratically adopted by our high school principals, who are the voting members in this association, and support the values of education-based athletics which strive to help students learn to compete fairly, ethically and in a manner, that is healthy and seeks to prepare them for the next phase of life.

To give you some historical perspective regarding the eligibility of international students, in 2000, our rules addressing students from other countries permitted access to sports participation if the student was in a legitimate "foreign" (the term in use back then) exchange program, *irrespective of Visa type*. During the winter of 2001, we investigated what amounted to a ring of "brokers" or procurers, if you will, who were bringing basketball and soccer players to the United States, finding them legal guardians and placing them into one particular high school. Aided by a major expose' from one of the newspapers in that school's area, we were able to find enough evidence to place that school's membership in this association on probation and hold them out of post season tournaments for two years. Subsequently, for the 2001-2002 school year, the membership made major changes to our international and exchange student bylaw. The amendments, which were overwhelmingly adopted by public and non-public members alike, included:

1. A provision to permit eligibility when students and their parent or parents move to Ohio
2. A provision to permit eligibility for students who come to Ohio in an approved exchange program contained in the Advisory List of

International and Educational Travel as published by the Council on Standards for International Educational Travel (SCIET) and available for one year only.

3. A provision to permit eligibility when the student is adopted by citizens of our state.

These revisions remained unchanged until the 2010-2011 school year when the members decided to make changes to exception 2 – international exchange program – due to dissatisfaction with the oversight provided by the CSIET and some trends being observed. We found that it was becoming more difficult to identify students who were here on F-1 visas and who, despite being in a CSIET program, were changing schools from state to state to gain a better athletic advantage. In addition, we also discovered more “direct placements” for athletic purposes, as is permissible with that visa type.

Also, at that time, we discovered the Department of State’s Visitors’ Exchange Program, which is for secondary education only, for one year, and requires a J-1 Visa, to be much more compatible with our concept of education-based athletics. By leaving the CSIET program, we were also able to save some money through the elimination of the fees paid to support the program. In fact, we discovered that several of our sponsoring agencies in Ohio had opted out of CSIET due to the exorbitant fees that were assessed. The members voted again, overwhelmingly, to make this change to exception 2. We have had no challenges to this rule from our members, and the change has been well accepted for the past eight years.

We have had to contend with allegations of recruitment of athletes from the Bahamas, Africa, Asia and now, most recently, from Europe. Although these incidents have been few, they appear to be increasing nationwide, and investigating them demands large amounts of time and resources. Our greatest fear is that if students on F-1 visas are given "carte blanche" to come to Ohio non-public schools for unlimited periods of time, the incentive for and incidents of recruiting will be overwhelming. Not only is there a fear that recruitment of international students for athletic purposes will skyrocket, but that OHSAA bylaws that impose age, semester and graduation restrictions on participants, will be ignored...such as was discovered by writers at the Dayton Daily News in 2001.

Just this past year, as an attachment to the Budget Bill, holders of F-1 visas who attend the few schools in our membership which provide housing or dormitories for students, were authorized to participate as if they were residents of this state. Already, we have seen activity among one boarding school, which is seeking to reestablish membership in this Association, to successfully recruit student athletes from various parts of the globe to bring their special skills in the sports of golf and basketball to that school. We know from experience how very difficult it is to prove allegations of recruiting when students reside within Ohio. This recent legislation, and the expansion as contemplated in this current bill, would upset the balance of competitive equity that the Association and its members have worked diligently to establish and maintain for decades.

It needs to be stressed that the OHSAA is a voluntary, non-profit organization that assesses no membership fee or dues upon its member schools. The OHSAA also pays for a catastrophe insurance policy in excess of \$700,000...also at no cost to its member schools. If the OHSAA had to expand its resources to investigate the increased allegations/instances of recruiting that would result from the passage of House Bill 442, we may not be able to continue to provide a 'no cost' membership.

There are additional differences, besides the length of enrollment permitted at a public school versus a non-public school, between a J-1 Visa and an F-1 Visa of which those who will be voting on HB 442 need to be aware:

- 1) A student who possesses a J-1 Visa is permitted two semesters of secondary school attendance at any high school within the United States, irrespective of whether the student attends a public or non-public school. The student may not renew a J-1 Visa; thus, the student may not travel from state to state or transfer from high school to high school year after year. The Visa terminates after two consecutive semesters. This is not true of a student who possess an F-1 Visa, the visa type addressed in HB 442
- 2) Students who are issued an F-1 Visa do not have to be approved through the United States Department of State or the Council on Standards for International Educational Travel (CSIET). The J-1 Visa is issued through the Department of State.
- 3) Students on an F-1 Visa are sponsored by a school or a school district, thus every student on an F-1 Visa is essentially 'recruited.' It is the school itself

that is responsible for securing the enrollment of an F-1 student. This leads to a much greater chance of exploitation of a student for athletic purposes. If one does not believe that school administrators and coaches would not exploit international students for athletic purposes...one has not been paying attention. Exploitation does not just occur at the NCAA level. There is evidence provided by a "scout" from the Central African Republic who recruited at least 9 athletes to play soccer and basketball at the OHSAA member non-public school referenced earlier. It is also evident when a towering international student showed up at an OHSAA member school in 2013 with his purported legal guardian, who wanted to enroll the student and have him play basketball there. When the guardian was informed that the student would not be eligible, he soon found a willing school in another state. The OHSAA does not want Ohio to be "that state."

- 4) Students on a J-1 Visa are approved for placement through the Department of State and are generally randomly placed throughout the United States. The OHSAA has had students and "agents" reach out to us regarding placing students for athletic purposes...not knowing that we prohibit the recruitment and placement of students in member schools for athletic purposes. Permitting F-1 students cart blanche in our member schools is going to place a financial burden on the OHSAA, a non-profit organization, to determine compliance with OHSAA regulations.
- 5) F-1 Visas have fewer regulatory standards than J- Visas, and F-1 Visas permit students the opportunity to enroll at any non-public school at any

time. Is there any doubt why the issuance of the F-1 Visa has seen exponential growth? There were 6,500 high school students who traveled to the United States through the F-1 program in 2007. The number rose to 90,000 by 2015. By comparison, 23,716 students participated in J-1 programs during the 2016-17 academic year. Can there be any doubt as to which Visa type leads to greater exploitation? Can there be any doubt as to which Visa type would lead to a greater displacement of participation opportunities of students whose parents are Ohio residents?

- 6) Many NCAA member institutions require students on an F-1 Visa to first pass an English Language Proficiency Test (e.g. TOEFL) and demonstrate that a certain amount of monetary funds is available and accessible to the F-1 Visa holder to take care of personal, travel, and medical needs before the student can be admitted to the College/University. House Bill 442 addresses no other requirements for students who possess an F-1 Visa, and would not be able to address the disparate number of students who are able to obtain an F-1 Visa; nor does the bill address the requirements/restrictions of an F-1 Visa. The bill simply would permit cart blanche participation of international students who possess this visa type at Ohio schools that are able to admit the students.

House Bill 442 seems not to consider any of the factors mentioned above. There appears to be no consideration given, at least regarding public school participation, that students on F-1 Visas would never participate on "the same basis as Ohio residents." House Bill 442 seeks to permit a greater participation

opportunity for students on an F-1 Visa, without considering the requirements, limitations, regulatory oversight, safeguards, or lack thereof, of this Visa type. The OHSAA does much more vetting of proposals, bylaws, and bylaw exceptions, as well as Constitutional items before those items are presented to the membership for a vote. The OHSAA's referendum items are presented in the most democratic way possible. Each school has a vote as it relates to any change in the OHSAA Constitution and/or Bylaws. That vote is cast by the member school principal.

To conclude, our members, both public and non-public, believe that athletics should be available for the children of the citizens of Ohio, with certain exceptions as provided by vote of the members. Our out-of-state residency rule has 10 codified exceptions, and the international student rule now has four. These exceptions have been democratically adopted by our members (with the exception of the recent F-1 visa rule for boarding school students) and are applicable to all students who attend our member schools. Please consider the ramifications of such legislative action and the damage that can be done to the students who are seeking to participate in the schools in the state of Ohio. Please also consider the damage that can be done to the reputation of the state of Ohio, if we permit unregulated participation of international students in our interscholastic programs.

Ohio High School Athletic Association – 101

- 821 High Schools
- 890 Middle Schools
- 26 Sports
- 400,000 Student-Athletes
- 16,000 + Officials
- 65,000 Coaches
- Revenue (501c.3)
 1. No Tax Dollars
 2. Ticket Sales – 80%
 3. Officials Dues – 10%
 4. Sponsorships – 10%
- Membership Benefits
 1. No Membership Fees
 2. No Participation Fees
 3. Bonus on Ticket Sales (Buy Tickets at Schools)
 4. Reimbursement of Selected Regional/State Tournament Expenses (Returned over \$2.5 million to our member schools)
 5. No Catastrophic Insurance Costs
- Membership Services
 1. Provide Services to our Member Schools
 - Coaches Education
 - Booster Summit
 - Anyone Can Save a Life
 - Service Week
 - Education Sports Medicine Issues
- Governance – Member High School Principals Establish Constitution and Bylaws by Annual Vote
 1. OHSAA Responsibilities
 - Endeavor to Conduct the Best Tournaments in the Best Venues
 - Monitor Eligibility of Student-Athletes
 - Assist Parents and Students to Focus on the Life-Lessons Student Athletes Learn through their Involvement with Athletics
- Life Lessons
 - Commitment
 - Teamwork
 - Play-by-the-rules
 - Hard work
 - Dedication
 - Get knocked down-get back up
 - Win with class
 - Lose with dignity
 - Genuine sportsmanship
 - Respect for yourself/others