



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2026-04D

Fairness for Ohio's NCAA Student-Athletes

WHEREAS, student-athletes enrolled in colleges and universities within the State of Ohio deserve to be treated fairly and equitably, and no less favorably than student-athletes in any other state; and

WHEREAS, the National Collegiate Athletic Association ("NCAA") is a private association that acts as a governing and regulatory body for high-level collegiate sports in Ohio and across America; and

WHEREAS, recent changes have been made to eligibility requirements for collegiate sports by the NCAA that uniquely and unfairly impact student-athletes who started college in 2022. The net result is that these student-athletes are generally, according to the NCAA's interpretation of its manual, not eligible to compete in the 2026-2027 academic year; and

WHEREAS, the NCAA is supporting federal legislation, the Protect College Sports Act, section 113 of which would make the Class of 2022 eligible to compete in the 2026-27 academic year. While that bill has passed the U.S. Senate, it has not passed the U.S. House and thus has not yet been passed into law; and

WHEREAS, athletes in the Class of 2022 across the country have challenged the NCAA's application of its rules to preclude them from competing in 2026-27 and trial courts in multiple states have entered orders allowing them to compete while their claims are adjudicated¹; and

WHEREAS, Ohio's colleges and universities will compete in the 2026-27 season against institutions whose student-athletes have been permitted to play a fifth year by those orders, while similarly situated student-athletes in Ohio remain unable to compete; and

¹ This Order is not about the legal causes of action in those lawsuits but rather addresses fairness and the fundamental policy of allowing the Class of 2022 student-athletes to play, especially when Class of 2022 student-athletes in other states are allowed to do so.

WHEREAS, on the record, during a court hearing held in the case of *Hudson, et al v. NCAA* on September 25, 2026, the NCAA’s counsel stated “the schools themselves determine whether a student is eligible under the rules”; and

WHEREAS, the NCAA’s rule of restitution, Division I Bylaw 12.9.4.2, has discouraged institutions from allowing athletes to compete pursuant to court orders, but on its own terms, does not apply to actions taken by presidents or chancellors in response to executive orders; and

WHEREAS, when I acted by Executive Order 2021-10D to protect the ability of student-athletes to earn compensation for their name, image, and likeness, the NCAA adopted an interim policy under which activity “protected by law or executive order” would not affect a student-athlete’s eligibility or an institution’s full participation in NCAA athletics; and

WHEREAS, in Executive Order 2021-10D and Executive Order 2024-08D, I acted to ensure a fair and level playing field for Ohio’s institutions and student-athletes while the rules of college athletics were changing and heavily litigated, and the same need exists today; and

WHEREAS, principles of fairness require that Class of 2022 student-athletes be given a fifth year to compete, just like the classes that came before and after them, and against whom they competed throughout their collegiate careers.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of this State do hereby order and direct that:

1. No State institution of higher education or private college or university in Ohio shall uphold any rule, requirement, standard, or other limitation that prevents a student-athlete of that institution or college in the Class of 2022 from fully participating in intercollegiate athletics in the 2026-27 academic year, regardless of whether the student-athlete completed four seasons of intercollegiate competition or exhausted eligibility under 2025-26 NCAA regulations or any prior regulations, and regardless of any athletic authority’s interpretation or application of applicable NCAA eligibility bylaws, so long as:
 - (a) The student-athlete was within five years of his or her 19th birthday and five years of enrolling in college as of the start of the 2026-27 academic year;
 - (b) The student-athlete was eligible, academically and otherwise, at the conclusion of the student-athlete’s last season of collegiate competition; and
 - (c) The student-athlete has not participated as a professional athlete in a professional sports league, including but not limited to the National Football League, National Basketball Association, and Women’s National Basketball Association.
2. A State institution of higher education or private college or university in Ohio that permits a student-athlete to practice or compete in accordance with this Order does so at the direction of the State of Ohio and in compliance with the public policy of this State.

3. Nothing in this Order limits the rights of a State institution of higher education or private college or university to establish and enforce any of the following:
 - (a) Academic standards, requirements, regulations, or obligations for its student-athletes;
 - (b) Team rules of conduct or other rules of conduct;
 - (c) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics, other than as specified herein;
 - (d) Disciplinary rules and standards generally applicable to all student-athletes of the institution or college.
4. Nothing in this Order requires a State institution of higher education or private college or university in Ohio to offer a roster position or athletic aid to any particular student-athlete.
5. Nothing in this Order is intended to decide, or to direct any court concerning any matter pending before any court, or to require any institution to act contrary to an order of a court of competent jurisdiction. Nothing in this Order is intended to interfere with any state institution of higher education or private college's academic freedom and/or educational independence from State government. Nothing in this Order is intended to interfere with or be contrary to any statutory law. Nothing in this Order is intended to convey any private right of action on any person for violation of this executive order. Nothing in this Order is intended to waive any sovereign immunity of any State institution of higher education. Nothing in this Order is or should be construed as a consent to be sued in any court including federal court by any State institution of higher education.

I signed this Executive Order on October 13, 2026 in Columbus, Ohio and it will expire on July 31, 2027, unless it is modified, rescinded, or superseded prior to that time.


Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

