



OFFICIAL NOTICE

*Proposals to Amend
FHSAA Bylaws
for consideration by the
FHSAA Representative Assembly
at its April 11-12, 2005, meeting*





FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION

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Distributed to official FHSAA representatives at all member schools, district superintendent delegates to Representative Assembly and district school board delegates to Representative Assembly.

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Official Notice

This Official Notice contains all proposals to amend FHSAA Bylaws for consideration by the FHSAA Representative Assembly at its April 11-12, 2005, meeting. This publication contains all proposals properly sponsored by member school representatives, advisory committees, the FHSAA Board of Directors and the Commissioner.

A total of 16 proposals have been submitted for consideration by the Representative Assembly. Eight proposals have been submitted by one or more member school representatives. The remaining eight proposals have been submitted by the Commissioner. The proposals appear in order of citation. Each proposal is accompanied by the topical area of the proposal, intent of the proposal, the text of the proposal, the individual or group sponsoring the proposal, the effective date of the proposal if adopted, and the rationale for the proposal as stated by its sponsor. The FHSAA Office will review all proposals contained in the Official Notice, identify implications and ramifications of such proposals and provide its analysis to the Representative Assembly before a vote.

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PROPOSAL NO. 2005-01

Topic: Membership – Application for Membership.

Intent: To advance the period of membership renewal earlier in the school year.

Proposal: Amend 3.3.1, Page 9, as follows:

“The Commissioner, not later than April 1 ~~May 1~~, shall mail to each member school an application for renewal of membership for the following school year. A continuing member school shall return the completed application for renewal of membership to the Commissioner in an envelope bearing a postmark not later than April 30 ~~May 15~~ if it is to be accepted without penalty. The ~~fee~~ penalty for late filing of membership application shall be \$50.00. In making application for membership in this Association, the principal shall certify that the District School Board, of the governing board of his/her school, has approved his/her school’s continuing membership in this Association, and its compliance with the Bylaws and regulations thereof. Each principal, on his/her school’s annual application for membership, shall name the school’s official representative to the Association. This representative must be either the principal or his/her designee. That designee must either be an assistant principal or athletic director housed within that same school.”

Sponsor: John A. Stewart, Commissioner.

Effective Date: July 1, 2005.

Rationale: Member school personnel are overwhelmed with preparations for end-of-school festivities and spring sports playoffs during the period of May 1-15. Often the application for membership renewal is lost or forgotten in the melee and a late filing fee is the result. Advancing the period of membership

renewal to April 1-30 hopefully will eliminate these conflicts for most schools.

PROPOSAL NO. 2005-02

Topic: Governance – Board of Directors.

Intent: To clarify that the Commissioner is the “chief executive officer” of the Association, and to grant to the president of the Board of Directors a right to vote on all matters.

Proposal: Amend 4.1.3, Page 12, as follows:

“The officers of the Board of Directors shall be a President and Vice President who shall be elected by the Board of Directors from among its members. These officers also shall serve as officers of the Association with the Commissioner, who shall be the Association’s chief executive officer. The President shall preside over all meetings of this Association and the Board of Directors, and perform other such duties pertaining to the office. ~~The President shall have no vote except in case of a tie or in the case of electing President and Vice President of the Board of Directors.~~ The Vice President shall act as President in the absence of the President or his/her incapacity to perform his/her duty. The Commissioner shall have no vote.”

Sponsor: John A. Stewart, Commissioner.

Effective Date: July 1, 2005.

Rationale: The Commissioner is the chief executive officer of the incorporated Association. The President currently may vote only in case of a tie. Because the Board of Directors is comprised of 16 members, including the President, a tie vote is impossible if all members are present and vote.

PROPOSAL NO. 2005-03

Topic: Governance – Sectional Appeals Committees.

Intent: To grant to the chairperson of a Sectional Appeals Committee a right to vote on all cases.

Proposal: Amend 4.3.3, Page 15, as follows:
“Each Sectional Appeals Committee shall elect from among its members a chairperson and vice chairperson. The chairperson shall preside over all meetings of the committee ~~and shall vote only in case of a tie.~~ The vice chairperson shall serve in the capacity of chairperson in the absence of the chairperson.”

Sponsor: John A. Stewart, Commissioner.

Effective Date: July 1, 2005.

Rationale: A Sectional Appeals Committee is comprised of only five members. All members should be permitted to vote on each case before the committee.

PROPOSAL NO. 2005-04

Topic: Governance – Sectional Appeals Committees.

Intent: To advance the August meeting of the Sectional Appeals Committees to correspond with the earlier starting dates for fall sports.

Proposal: Amend 4.3.6, Page 15, as follows:
“Each Sectional Appeals Committee shall meet as needed to carry out its duties nine times annually during the school year: between August ~~1~~ and 15, September 1 and 15, October 1 and 15, November 1 and 15, December 1 and 15, January 1 and 15, February 1 and 15, March 1 and 15, and April 1 and 15.”

Sponsor: John A. Stewart, Commissioner.

Effective Date: July 1, 2005.

Rationale: Preseason classics and preseason jamborees may be held as early as Aug. 12 and regular season contests as early as Aug. 18 in future years under the revised FHSAA sports calendar. The August meetings of the Sectional Appeals Committees need to be held in advance of these early starting dates to minimize the number of contests missed by student-athletes.

PROPOSAL NO. 2005-05

Topic: Interscholastic Contests – State Championship Series.

Intent: To repeal the requirement that schools sponsor a varsity program in a minimum of two (2) sanctioned sports during each sports season.

Proposal: Amend 9.7.1, Page 26, as follows:
“This Association may conduct state championship series to determine the official state champion in those sports which are sanctioned by the Board of Directors. Participation shall be limited to those senior high schools which are members of this Association ~~and sponsor a varsity program in a minimum of two (2) sports sanctioned by this Association during each sports season.~~ ~~Independent~~ Middle schools and/or junior high schools which are members of this Association, as well as senior high schools holding affiliate membership, are not eligible for competition in the state championship series. The Board of Directors shall determine the sports in which state championship series are to be conducted and shall establish the terms and conditions for each state championship series.”

Sponsor: John A. Stewart, Commissioner.

Effective Date: July 1, 2005.

Rationale: This provision has not realized its intended effect. Sectional Appeals Committees, without exception, have repeatedly waived this provision for each and every school seeking an exception. Other schools, meanwhile, have selectively reported violations of the provision to the FHSAA Office during the week of a district tournament/meet in an attempt to have a school disqualified from state series competition in that sport. It has proved a financial hardship for many small schools, none of which were the intended targets of the provision when it was proposed and adopted.

PROPOSAL NO. 2005-06

Topic: Interscholastic Contests – State Championship Series.

Intent: To help students at smaller schools or home education co-operatives to be able to play sports without prejudice, while allowing students at larger schools to continue to perform at their level of competition.

Proposal: Amend 9.7.1, Page 26, as follows:
“This Association may conduct state championship series to determine the official state champion in those sports which are sanctioned by the Board of Directors. Participation shall be limited to those senior high schools which are members of this Association and sponsor a varsity program in a minimum of two (2) sports sanctioned by this Association during each sports season, with the exception of those schools with a population of less than 150 students. Those schools will be required to field one (1) varsity team in a minimum of two (2) sports seasons. Independent middle schools and/or junior high schools which

are members of this Association, as well as senior high schools holding affiliate membership, are not eligible for competition in the state championship series. The Board of Directors shall determine the sports in which state championship series are to be conducted and shall establish the terms and conditions for each state championship series.”

Sponsor: Beverly Hartman, Athletic Director, Manatee Home Educated Activities Teams (Bradenton).

Effective Date: July 1, 2005.

Rationale: All students should have the opportunity to play a competitive sport in the spirit of sportsmanship and fair play and to safeguard their physical, mental and moral welfare. All students would be able to compete at a level of their competitiveness and not just those students who go to a school large enough to field two varsity sports per season. For example: a small entity like Manatee HEAT fields volleyball and golf in the fall, girls and boys basketball in the winter and baseball and tennis in the spring. For four years, the baseball team has been growing as the other teams have but a couple of other teams have lost juniors and seniors over the years so they are not competitively able to field a varsity team. So now the baseball has to suffer because Manatee HEAT can't field enough varsity sports in order for baseball to continue in the state championship series. That makes it hard for junior and senior athletes who are looking for scholarships for college.

PROPOSAL NO. 2005-07

Topic: Eligibility – Attendance.

Intent: To prevent academy students from participating in high school sports.

Proposal: Amend 11.1 by adding new 11.1.6, Page 31, as follows:

“Student resident athletes enrolled in full-time sports academies shall be ineligible to compete in high school athletics.”

Sponsor: Eric J. McFee, assistant principal, Riverdale High School (Fort Myers).

Effective Date: July 1, 2005.

Rationale: The sports academy schools located in Bradenton and Tampa are in business for the purpose of training athletes for professional careers in the sport of the athletes’ choice. They train everyday and are under constant supervision of professional teachers. The program is comprehensive and includes sports medicine. With this type of training, these athletes have no place in high school athletics. This is an unfair advantage.

PROPOSAL NO. 2005-8

Topic: Eligibility – Academic Standing.

Intent: To prohibit student-athletes from being dismissed from school early or during the school day to practice a sport; to put a stop to some private schools who make this a practice by allowing academy students the time to go back to the sports academy for practice year round.

Proposal: Amend 11.2 by adding new 11.2.15, Page 35, as follows:

“Student-athletes shall not be released early from any high school’s academic day for the purpose of practicing any sport. This includes curriculums which allow such practice as part of a physical

education or elective program that includes early dismissal or dismissal during the academic day.”

Sponsor: Eric J. McFee, assistant principal, Riverdale High School (Fort Myers).

Effective Date: July 1, 2005.

Rationale: Athletes allowed to leave school early, etc., are gaining an unfair advantage on other athletes who do not leave school early and thus cannot practice their sport as the athletes who are afforded this privilege.

PROPOSAL NO. 2005-9

Topic: Eligibility – Academic Standing.

Intent: To ensure that all the high schools meet a minimum academic day for academic instruction.

Proposal: Amend 11.2 by adding new 11.2.16, Page 35, as follows:

“Student-athletes attending high school shall meet the minimum contact time for students as outlined in the Florida Department of Education Guidelines.”

Sponsor: Eric J. McFee, assistant principal, Riverdale High School (Fort Myers).

Effective Date: July 1, 2005.

Rationale: All schools should meet a minimum amount of instructional academic time in order to participate in interscholastic sports. It fosters an emphasis on academics.

PROPOSAL NO. 2005-10

Topic: Eligibility – Limit of Eligibility.

Intent: To allow athletes whose limit of eligibility expires during any given sports season the opportunity to finish that sports season without having to seek an undue hardship and appear before a Sectional

Appeals Committee; to take out of the hands of a Sectional Appeals Committee the granting of an undue hardship appeal for the entire year when the committee only wanted the appeal granted for a specific period of time such as “until the conclusion of the sports season.

Proposal: Amend 11.5, by creating new 11.5.2, Page 40, as follows:

“Any student whose four (4) year limit of eligibility expires during any given sports season shall be granted eligibility through the conclusion of that sport season provided he/she meets all other eligibility requirements as set forth in the bylaws of this Association.”

[11.5.2, 11.5.3 and 11.5.4 renumbered as 11.5.3, 11.5.4 and 11.5.5 respectively, unchanged.]

Sponsor: Michael Colby, Athletic Director, Hialeah-Miami Lakes High School.

Effective Date: July 1, 2005.

Rationale: There are instances when a student starts his/her 9th grade at a time that does not coincide with a traditional school calendar as observed in the United States. Some students come from foreign countries in which the school calendar for that country goes from February to November or from March to December. This is typical of schools in the southern hemisphere. Students finishing the 8th grade in these countries will often begin their 9th grade in January, February or March in their home country or in the United States thus making their limit of eligibility expire during the winter or spring sports season. This proposal would allow these students to complete their sports seasons which often is only a few weeks beyond the expiration of their limit of eligibility. All other eligibility requirements still would have to be met.

PROPOSAL NO. 2005-11

Topic: Eligibility – Limit of Eligibility.

Intent: To eliminate contradiction with 11.5.1, which was amended by vote of the 2004 Representative Assembly to limit students to four consecutive years of eligibility from the date of their first enrollment in the ninth grade.

Proposal: Amend 11.5.3, Page 40, as follows:

“Participation or non-participation in the sixth, seventh and/or eighth grades shall not affect a student’s eligibility after entering the ninth grade. A student shall have four consecutive years of opportunity for eligibility after his/her first enrollment in the ninth successful completion of the eighth grade.”

Sponsor: John A. Stewart, Commissioner.

Effective Date: July 1, 2005.

Rationale: Staff failed to identify and recommend the appropriate change to 11.5.3 to coincide with the change made to 11.5.1 last year.

PROPOSAL 2005-12

Topic: Eligibility – Age.

Intent: To bring about a referendum on whether 19-year olds should be allowed to participate in interscholastic athletics (or how far into their 19th year); to reduce the number of college age students participating in high school athletics and to reduce the potential age difference between participants; to replace an arbitrary number, 19-9, with a number with more logic behind it, and replace the drop dead date for eligibility with a system that is better for the athlete, the coach, and the team.

Proposal: Amend Bylaw 11.6.1, Page 40, as follows:

“A student may participate in interscholastic competition until reaching the age of 19 years ~~9 months~~, so far as age is concerned. Upon reaching the age of 19 years ~~9 months~~ the student will be ineligible for further participation in interscholastic athletic competition, with the following exception: a student who is 18 years old on the first day of practice for a particular sport (first official date as printed on the FHSAA master calendar) may complete that sport’s season (through the state championship) even though he/she has reached his/her 19th birthdate.”

Sponsor: Jay Rader, Athletic Director, Palm Beach Gardens High School.

Effective Date: July 1, 2006.

Rationale: During this past school year, in preparation for an appeal of 19-9 by a member school to the Board of Directors, the FHSAA staff prepared a brief in which it stated that to allow the athlete to participate at age 19-9 and beyond would be allowing an athlete to participate at an age commensurate with that of a college student. At the board meeting, members asked questions about the origin or purpose of the bylaw as it related to safety concerns and competitive advantages of someone that age competing against 14- and 15-year olds. One board member remarked that we have to have an age limit or else we would have 20-year olds playing. The board unanimously denied the request. No one would argue that an age limit is necessary, but one would think that whatever that age limit is, that it be logical and defensible, more so than just to say we have to have a limit and this number is as good as any. So, if we defend our current age limit by referring to college ages and safety and competitive

advantages, how do we determine those factors are first evident and relevant at 19-9 and not earlier or later? It is my contention that these 19-9 concerns are present much earlier during an athlete’s 19th year, certainly at 19-6, 19-7, 19-8, and arguably before that. The FHSAA Board of Directors has no power to change the age limit. They can only prevent athletes, no matter what the hardship, from going beyond what the limit already is. Only the Representative Assembly can change the age limit. Therefore, it is incumbent on the Representative Assembly to address the issues of college age students participating in high school athletics and the safety and competitive advantage issues that are inherent in any such discussion. If you ask John Q. Public what is an appropriate age for high school seniors, they would probably say 18, and that age 19 is more an age for college than high school. Yes, that is a generalization, as some students, because of their birth date or other circumstances, might be 17 when they graduate or even early 19. However, this is the basic rationale for this proposal: that generally speaking, 18-year olds are high school seniors and 19-year olds are college freshmen. This amendment would put the upper age of high school eligibility at 19; an age I feel is logical and defensible. With that basic age in mind, we look at ancillary considerations. I think a drop-dead date of 19 is not in the best interest of the athlete, the coach, or the team. For the athlete, to start a season he cannot finish does not seem fair. For the coach and team, it is difficult to manage a season with such a situation. To propose than an athlete who turns 19 during a sports season not be able to compete at all during that sports season would mean that some 18-year olds

would be ineligible. Because some high school graduates are legitimately in their early 19's, plus the fact that the current age limit is 19-9, allowing an athlete to complete the sports season in which he turns 19 (meaning possible 19-3 or 19-4) seems reasonable in that it allows early 19's to compete and it is a compromise for 19-9 advocates. Because a large part of the rationale for this amendment is safety and competitive advantage based, the effective date would be for the 2006-07 school year. This year's freshmen and sophomores have no invested right for eligibility up to the age of 19-9. This year's juniors would be allowed to compete under the old rule because of the timing of the passage of this amendment could leave them without eligibility for next year without the foreknowledge of that fact entering this school year. A final note of rationale: even though this amendment would reduce the number of eligible athletes, for those with hardship and extenuating circumstances, sectional appeals committees have the power to extend eligibility.

PROPOSAL 2005-13

Topic: Eligibility – Age.

Intent: To bring about a referendum on whether 19-year olds should be allowed to participate in interscholastic athletics (or how far into their 19th year); to compromise between those who favor keeping the age limit at 19-9 and those who favor lowering it; to pick a number that has a logical rationale to it and to eliminate the drop dead for eligibility; to establish that any extension of time beyond 19-6 must be granted because of hardship or extenuating circumstances as judged by sectional appeals committees.

Proposal: Strike all and amend Bylaw 11.6.1, Page 40, as follows:

“A student may participate in interscholastic athletic competition, as far as age is concerned, during any sports season prior to the sports season in which he turns 19 years and 6 months, with the following exception: if he turns 19 years and 6 months during state series competition in a sport, the student may participate through the entire sports season, including the state series until reaching the age of 19 years 9 months, so far as age is concerned. If a student turns 19 years and 6 months prior to or any time from the official first day of practice through the last permissible regular season playing date (as outlined on the FHSAA master calendar), that student cannot participate at all during that sports season. Upon reaching the age of 19 years 9 months the student shall be ineligible for further participation in interscholastic athletic competition.”

Sponsor: Jay Rader, Athletic Director, Palm Beach Gardens High School.

Effective Date: July 1, 2006.

Rationale: Much of the rationale for 19-6 has already been presented in the age 19 proposal (2005-12). This amendment is purely a compromise between the 19-9 advocates and those who favor a lower age limit. 19-6 is the only other age number (other than 19 or 20) that has any logic to it. The real issues are 19 or 20; and if you think 19 is too restrictive and 20 is too old, how could you logically arrive at a number other than 19-6, beyond which you are closer to age 20 than age 19? Any other number you choose – 19-1, 19-2, 19-3, etc., or 19-7, 19-8, 19-9, 10-10, 19-11 – are all arbitrary numbers. How would you argue one over the other? The rationale against a drop dead

date has been presented in the other age scenario (2005-12), so if 19-6 is better than the other proposal of 19, should there be eligibility automatically beyond 19-6 to the end of the sports season? This proposal says, no. This proposal says basically that any extension of eligibility beyond 19-6 should be allowed only by a successful appeal of hardship or extenuating circumstances approved by sectional appeals. To allow eligibility to the end of the sports season in which an athlete turns 19-6, waters down the 19-6 rationale and could allow an athlete to compete beyond the current limit of 19-9. The provision about when an athlete turns 19-6 (during regular season) would allow an athlete who turns 19-6 during the state series to participate all season because in some sports postseason competition is not automatic. It seems unfair for an athlete to be denied the opportunity to participate in the regular season (when he/she is under 19-6) and then the athlete and/or the team doesn't even qualify for postseason play – and even if he/she or the team qualifies, the extension of eligibility (beyond 19-6) is measured in weeks, which is not a significant extension.

PROPOSAL 2005-14

Topic: Eligibility – Parental Consent

Intent: To require that the parental consent form must be completed and signed by a student and his/her parent(s) before the student is permitted to participate in any form of physical conditioning related to interscholastic practice or competition.

Proposal: Amend 11.7.1, Page 42, as follows: “The student and his/her parent(s) or guardian(s) shall complete, sign and present to the principal each year before participation in any interscholastic athletic

practice or competition a certificate of consent and release. Interscholastic athletic practice shall be considered to include any and all forms of physical conditioning, both aerobic and anaerobic, in which the student is permitted to participate regardless of whether such conditioning occurs in the preseason, offseason, summer season, or during the period of permissible organized practice. The Board of Directors shall adopt language that shall be incorporated into the certificate by each member school. This certificate shall be filed in the principal’s office.”

Sponsor: John A. Stewart , Commissioner.

Effective Date: July 1, 2005.

Rationale: Because preseason, offseason and summer season physical conditioning programs currently are not defined as “practice” by FHSAA rules, many schools have not required their students to submit a certificate of consent and release before engaging in such activities. This amendment will better protect the physical well-being of the student by stipulating that the certificate of consent and release must be submitted before the student can participate in such physical conditioning programs.

PROPOSAL 2005-15

Topic: Eligibility – Physical Examination

Intent: To advance from May 15 to April 1 the earliest permissible date that a physical evaluation may be given to be valid for the following school year; and to stipulate that the physical evaluation must be completed before a student is permitted to participate in any form of physical conditioning related to interscholastic practice or competition.

Proposal: Amend 11.8.1, Page 42, as follows: “The student shall undergo a physical evaluation by a licensed physician not earlier than April 1 ~~May 15~~ of the preceding school year and shall be certified by the physician as being physically fit for participation in interscholastic athletic practice or competition before being allowed an opportunity for such participation. Interscholastic athletic practice shall be considered to include any and all forms of physical conditioning, both aerobic and anaerobic, in which the student is permitted to participate regardless of whether such conditioning occurs in the preseason, offseason, summer season, or during the period of permissible organized practice. ~~The~~ This physical evaluation shall include a medical history questionnaire that must be completed and signed by the student and his/her parent(s) or guardian(s). The Board of Directors shall adopt minimum requirements for the physical evaluation to which that shall be adhered to by each member school shall adhere. The physical evaluation form signed by the physician, as well as the medical history questionnaire signed by the student and his/her parent(s) or guardian(s) shall be filed in the principal’s office.”

Sponsor: John A. Stewart , Commissioner.

Effective Date: July 1, 2005.

Rationale: Because of the advancement of most school calendars to provide for graduation by mid-May, the date of May 15 for physical evaluations is no longer practical or convenient. The earlier date of April 1 will give schools ample time to arrange for group physicals with a health-care provider before the last day of classes. Physicals taken for participation in spring football practice, provided

they are given on or after April 1, also will be valid for the following school year. Because preseason, offseason and summer season physical conditioning programs currently are not defined as “practice” by FHSAA rules, many schools have not required their students to obtain a physical evaluation before engaging in such activities. This amendment will better protect the physical well-being of the student by stipulating that a physical evaluation must be completed before the student can participate in such physical conditioning programs.

PROPOSAL 2005-16

Topic: Due Process – Eligibility Appeals and Requests for Undue Hardship Waivers; Appeals of Commissioner’s Findings and Requests for Waivers.

Intent: To allow sectional appeals committees the latitude to grant appeals that are confined to sports seasons rather than the entire school year.

Proposal:

A. Amend 13.1.1(C), Page 50, as follows:

“The Sectional Appeals Committee is empowered to consider a request from member schools seeking exceptions to Bylaws and regulations, to hear undue hardship eligibility cases filed by member schools on behalf of student athletes, and to hear appeals filed by member schools. The Sectional Appeals Committee can grant an extension of eligibility on a sports season basis if so requested by those making the appeal.”

B. Amend 13.2.3(C), Page 54, as follows:

“The Sectional Appeals Committee is empowered to consider a request from

member schools seeking exceptions to Bylaws and regulations, to hear undue hardship eligibility cases filed by member schools on behalf of student athletes, and to hear appeals filed by member schools. The Sectional Appeals Committee can grant an extension of eligibility on a sports season basis if so requested by those making the appeal.”

Sponsor: Jay Rader, Athletic Director, Palm Beach Gardens High School.

Effective Date: July 1, 2005.

Rationale: Before last year, sectional appeals committees had the latitude to grant appeals on a sports season by sports season basis. Apparently, the Representative Assembly last year passed a bylaw that defined/clarified/restricted the power of the sectional appeals committees in such a way that they can only grant extension of eligibility for the entire year. Only the FHSAA Board of Directors has the power to grant extensions of eligibility by sports season. As a member of the Section 4 Appeals Committee, I can personally attest to the limitations on us in considering an appeal. We hear cases asking for an extension until the end of a sports season, a matter of weeks, and we must act/vote on the case knowing that to grant the appeal allows eligibility to the end of the school year. It is often not even what the appellant is asking for (because the athlete plays no other sport), but sectional appeals members are reluctant to grant the appeal because it gives blanket eligibility until the end of the school year. The bottom line is that when the hardship has been demonstrated, sectional appeals committees would be more receptive to extending eligibility for a specific sports season (usually a matter of weeks) as opposed to blanket eligibility for the rest of the year.



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