



# SECOND NOTICE

*Proposals to Amend  
FHSAA Bylaws  
for consideration by the  
FHSAA Representative Assembly  
at its April 12-13, 2004, meeting*

---

*Contains Impact Statements  
and Staff Analysis of  
All Proposed Amendments*



FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION

*[Revised April 6, 2004, to correct mis-numbering of proposals.]*



FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION

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Distributed to member school delegates, district superintendent delegates and district school board delegates to Representative Assembly.

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## Second Notice

This Second Notice contains all proposals to amend FHSAA Bylaws for consideration by the FHSAA Representative Assembly at its April 12-13, 2004, 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 14 proposals have been submitted for consideration by the Representative Assembly. Four proposals have been submitted by one or more member school representatives. Eleven 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 body sponsoring the proposal, the effective date of the proposal if adopted, the rationale for the proposal as stated by its sponsor, as well as impact statements and analysis as prepared by the FHSAA Staff.

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## PROPOSAL NO. 2004-01

**Topic:** Eligibility – Attendance.

**Intent:** To require that all student-athletes be in school the day of a contest for at least one-half day so as to deter student-athletes from using excuses to miss the majority of the academic day.

**Proposal:** Amend 11.1 by adding new 11.1.3, Page 25, as follows:

“All student-athletes should attend school for at least one-half day the day of a contest. Should a student-athlete not meet this requirement, he/she would become ineligible for that contest.”

[11.1.3, 11.1.4 and 11.1.5 renumbered as 11.1.4, 11.1.5 and 11.1.6 respectively, unchanged.]

**Sponsor:** Dana Dodson, Athletic Director, Poinciana High School (Kissimmee).

**Effective Date:** July 1, 2004.

**Rationale:** To show the student the importance of being in school for an education.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** Time required of school personnel to check daily class attendance records of student-athletes and investigate absences.

**Staff Analysis:** This proposal stipulates that a student-athlete “should” be in school for at least half a school day to be eligible to participate in competition on that day. “Should” infers that there may be exceptions, but does not specify any such exceptions. The proposal does not differentiate between excused and unexcused absences, nor does it define an excused absence. Enforcement within each school would be the sole responsibility of, and rely upon the honor of, that school.

## PROPOSAL NO. 2004-02

**Topic:** Eligibility – Academic Standing.

**Intent:** To require students to provide member schools with evidence of grades earned at, and grading scales utilized by, schools previously attended since entering the ninth grade so that the member school has adequate information to accurately determine the student’s academic eligibility.

**Proposal:** Amend 11.2.3, Page 27, as follows:

“In determining grade point average for athletic eligibility purposes, all member schools must comply with the grading scale as mandated in s. 1003.437, Florida Statutes: Grade “A” is 90 to 100 percent and has a GPA value of 4; Grade “B” is 80 to 89 percent and has a GPA value of 3; Grade “C” is 70 to 79 percent and has a GPA value of 2; Grade “D” is 60 to 69 percent and has a GPA value of 1; and Grade “F” is 0 to 59 percent and has a GPA value of 0. Any student attending a member school after the eighth grade shall provide evidence to the member school of the grades he/she has achieved since entry into the ninth grade, together with evidence sufficient for the member school to calculate the student’s GPA based on the grading scale of the schools previously attended. Until such evidence, satisfactory to the member school, is provided, the student shall not be eligible for participation in interscholastic athletics.”

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** Member schools, in determining the academic eligibility of students who enroll in or transfer to them subsequent to entry into the ninth grade, must be able: (1) to verify grades earned by the students

in their previous schools; and (2) to calculate the students' GPA's on the basis of the grading scales of said previous schools. This is especially true for students who transfer from out-of-state schools or in-state non-member schools. Until the student is able to provide such evidence, the school must not declare him/her academically eligible.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None, as schools already should be expending the time necessary to validate students' academic records prior to granting eligibility.

**Staff Analysis:** This proposal stipulates that a student-athlete entering a member school in the ninth grade or thereafter must provide to the school the records necessary to validate his/her academic eligibility before such eligibility can be granted. In the vast majority of cases, this transfer of records will occur within the school system as standard operating procedure for promotions from middle school to high school or for transfers from high school to high school. It, however, strengthens a school's position in requiring such records be produced by a student who is transferring from another school district, from a public school to a private school or vice versa or from an out-of-state school, or who has bounced around to multiple schools in his/her high school career.

### PROPOSAL NO. 2004-03

**Topic:** Eligibility – Transfers.

**Intent:** To require that principals have reasonable evidence, rather than simply suspicions based on rumor or hearsay, upon which to base a decision to withhold approval of an application of waiver of the transfer rule.

**Proposal:** Amend 11.4.3, Page 30, as follows:

“The provisions of Article 11.4.2 may be waived if the benefit of athletic eligibility is requested in writing by the principal of the school to which he/she transfers and the principal of the school from which he/she transfers consents to such waiver in writing on a form to be furnished by the Commissioner. To be effective as a waiver of the provisions of Article 11.4.2, the properly executed original form must be filed in the office of this Association together with the annual eligibility report for the requesting school. Such waiver is not effective until both the annual eligibility report and the original application for waiver of the transfer rule are received in the office of this Association. A principal should consider not approving an application for waiver of the transfer rule when he/she has evidence that reasonably leads him/her to believe that:

(A) the student is being recruited; recruiting is suspect;

(B) the student is transferring in whole or in part for athletic reasons; a student is suspected of transferring in whole or in part for athletic reasons; or

(C) the a student is transferring because of disciplinary reasons and/or misconduct.

HOWEVER, a student who transfers to a member school without a corresponding change of residence on the part of the student's parent(s) or other individual with whom the student has lived continuously for a full calendar year, which makes it necessary for him/her to attend a different school, on or after the beginning of any sports season (first day of practice) shall not be eligible to compete in that sport for the duration of that school year.”

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** Existing language permits principals to base their refusal to approve an application for waiver of the transfer rule on suspicions of recruiting, etc., some or all of which may be unfounded. The principal should have some reasonable evidence upon which to base such suspicions before withholding approval of a transfer waiver.

**Estimated Budget Impact:** Could result in savings to the Association and member schools with regard to legal fees if court challenges to unapproved applications for waiver of the transfer rule on the basis of ambiguity are avoided.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal stipulates that a principal must have some evidence that reasonably leads him/her to believe improprieties are occurring or have occurred, rather than mere suspicions, before withholding his/her approval of an application for waiver of the transfer rule. This will greatly strengthen the position of the Association and the principal in defending his/her decision through the appeals process and, if necessary, in court if a challenge is made. This provision also will help to protect students who are transferring for legitimate reasons from a potential loss of eligibility resulting from rumors, hearsay or retribution.

## PROPOSAL 2004-04

**Topic:** Eligibility – Limit of Eligibility

**Intent:** To limit a student-athlete to four consecutive academic years of eligibility from the date he/she first enrolls in the 9<sup>th</sup> grade rather than from the date he/she first successfully completes the 8<sup>th</sup> grade.

**Proposal:** Amend 11.5.1, Page 33, as follows:

“A student shall be eligible for no more than four (4) consecutive academic years from the date he or she first enrolls in the ninth (9th) grade upon first successful completion of the eighth (8th) grade as defined by the pupil progression plan of the school in which the student is enrolled. Four years from the date he or she first enrolls in the ninth (9th) successfully ~~completes the eighth~~ grade, he or she shall become ineligible for further interscholastic athletic competition. A student who is withdrawn from school, does not attend school, repeats any grade, is declared ineligible to participate, or otherwise fails to exercise the opportunity to participate for any reason for any length of time during this four-year period shall not be granted a waiver of this Rule ~~entitled to any additional period of eligibility.~~ Original school records shall be submitted to the Commissioner in the event of conflicting information as to the date of first enrollment in successful completion of the ninth ~~eighth~~ grade.

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** The intent of the existing bylaw was to discourage the “red-shirting” of student-athletes before entry into the ninth grade. It targeted “red-shirting” in the eighth grade, but not in prior grades, and, therefore, failed in its ultimate purpose. The rule has resulted in a number of students, who otherwise are eligible, to be ineligible in their senior year due to decisions made prior to beginning high school, regardless of whether such decisions had anything to do with athletics. It also has negatively impacted the eligibility of international students from countries with academic years that

are not concurrent with our own. Starting the four-year clock on initial enrollment into the ninth grade removes any need to judge the intent of parents/guardians who held back their child prior to high school. The student still will exhaust his/her high school eligibility in four academic years, and the age rule in most cases will catch the student who was held back more than once.

**Estimated Budget Impact:** Could result in savings to the Association and member schools with regard to legal fees resulting from court challenges to the existing rule.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal stipulates that a student will have four academic years of eligibility from the date he/she first enters the ninth grade. This is consistent with the limit of eligibility rule in most other states. In contrast to the existing rule, this provision would not penalize a student-athlete for a decision made by his/her parents to have their child repeat the eighth grade, regardless of the parents' reasons. This is especially true in those cases where the child attends a non-member school whose administration might be unaware of the implications of such a decision relative to the child's future athletic eligibility under FHSAA rules. Consequently, the provision would be considerably more defensible when challenged in court. The provision also would eliminate any unintended punitive effects on international students whose school calendars in their native countries are inconsistent with our own.

## PROPOSAL 2004-05

**Topic:** Eligibility – Limit of Eligibility

**Intent:** To limit a student-athlete to four

consecutive academic years of eligibility from either the date he/she first enrolls in the 9<sup>th</sup> grade or the start of the academic year immediately following his/her first successful completion of the 8<sup>th</sup> grade, whichever comes first.

**Proposal:** Amend 11.5.1, Page 33, as follows:

“A student shall be eligible for no more than four (4) consecutive academic years upon first successful completion of the eighth (8<sup>th</sup>) grade as defined by the pupil progression plan of the school in which the student is enrolled. Four years from the date he or she enrolls in the ninth (9<sup>th</sup>) grade or the start of the academic year immediately following first successfully completing ~~completes~~ the eighth grade, whichever comes first, he or she shall become ineligible for further interscholastic athletic competition. A student who does not attend school, repeats any grade, is declared ineligible to participate, or otherwise fails to exercise the opportunity to participate for any reason for any length of time during this four-year period shall not be entitled to any additional period of eligibility. Original school records shall be submitted to the Commissioner in the event of conflicting information as to the date of first successful completion of the eighth grade.”

**Sponsors:** Frank Baquedano, Athletic Director, Southwest Miami High School; Ron Balazs, Athletic Director, Varela High School (Miami); Glen W. Beitelshees, Athletic Director, Design & Architecture High School (Miami); Raul Costero, Athletic Director, MAST Academy (Key Biscayne); Michael Colby, Athletic Director, Hialeah-Miami Lakes High School; Harold Cole, Athletic Director, Coral Gables High School; Otis

Collier, Athletic Director, Miami Killian High School; James Colzie Jr., Athletic Director, South Miami High School; Timothy Dawson, Principal, Homestead High School; Julio A. Echemendia, Athletic Director, North Miami Beach High School; Gloria F. Evans, Principal, Washington High School (Miami); Manuel S. Garcia, Principal, Braddock High School (Miami); Janet Hupp, Principal, Miami Palmetto High School; Patrick Iacona, Athletic Director, American High School (Hialeah); Samuel L. Johnson, Principal, Miami Central High School; Donna Lee, Athletic Director, Miami Southridge High School; Chris McKeon, Athletic Director, Columbus High School (Miami); Marcos M. Moran, Principal, Goleman High School (Miami); George Nunez, Principal, Dr. Krop High School (Miami); Carlos H. Perez, Athletic Director, Miami Springs High School; Andre Williams, Athletic Director, Miami Edison High School; Douglas Wycoff, Athletic Director, Miami Coral Park High School.

**Effective Date:** July 1, 2004.

**Rationale:** There are some instances in which a student might complete the eighth grade but due to the difference in school year calendars, or while in the process of moving, there is a “lag” period of time before the student officially enters the ninth grade. This “lag” time is unfairly counted against the student’s limit of eligibility. This is particularly true of students coming from schools in the southern hemisphere in which their school year is from February to November or March to December. In the case of these students, their limit of eligibility begins in November or December; yet, they do not officially begin their ninth grade year until February or March, or possibly

later. Hence, during their senior year these students would be cheated out of that time which they could participate in athletics. This primarily affects those athletes involved in winter season sports and to a lesser extent the spring sports.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal maintains the current rule that a student will have four academic years of eligibility from the date he/she first completes the eighth grade, but stipulates that rather than the four-year clock commencing on the date of said completion, it instead would commence on the first date of entry into the ninth grade or the first day of the next school year, whichever comes first. While resolving the punitive effects of the existing rule on international students whose school years in their native countries due not run concurrently with our own, it does not eliminate the effect of the rule on students who, for whatever reason, are retained in the eighth grade at the request of their parents. Consequently, it does not resolve the legal issues surrounding the existing rule.

## PROPOSAL 2004-06

**Topic:** Eligibility – Limit of Eligibility.

**Intent:** To cite attendance at summer school or other alternative schools as reasonable effort to make up credit not earned.

**Proposal:** Amend 11.5.4, Page 33, as follows:

“The eligibility rules of this Association are designed to promote academic achievement and to encourage students to advance with their graduating class. Unless a student exerts every reasonable effort to make up credit not earned, such

effort including attendance at summer school or other alternative programs due to absences caused by injury or illness, an undue hardship request seeking a waiver of the limit of eligibility shall will not be granted given favorable consideration.”

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** The term “reasonable effort,” when undefined, is vague, ambiguous and open to interpretation. Citing attendance at summer school or alternative schools as reasonable efforts will eliminate such ambiguity.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal stipulates that attendance at summer school or alternative programs demonstrates reasonable effort to make up credits not earned. In so doing it better defines “reasonable effort” for student-athletes, member schools, the sectional appeals committees and the Board of Directors in seeking and/or ruling on undue hardship cases relative to the limit of eligibility rule.

## PROPOSAL 2004-07

**Topic:** Eligibility – Age.

**Intent:** To establish a student-athlete’s 19th birthday as the date on which he/she becomes ineligible due to age, and to stipulate that if the 19th birthday occurs during a sports season the student-athlete cannot begin participation in that sport.

**Proposal:** Amend Bylaw 11.6.1, Page 34, as follows:

“Beginning with the school year 2007-2008, a student may only participate in interscholastic athletic 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 shall be ineligible for further participation in interscholastic athletic competition. In the event a student will become 19 years of age during a sports season, he/she shall not be allowed to begin participation in that particular sport.”

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2007.

**Rationale:** Students in grades 6-12 are permitted to participate in interscholastic athletics. Some K-12 and 6-12 schools utilize 6th, 7th and 8th graders on their varsity teams. Consequently, student-athletes in varsity competition range in age from 11 to more than 19. The age rule exists to protect the safety and physical well being of all student-athletes. There are ongoing concerns that a student-athlete who is more than 19 years old, because of his/her physical maturity, may pose a real threat to the safety and well-being of a 14-year-old freshman or a 15-year-old sophomore, not to mention an 11, 12 or 13 year old. Furthermore, society has a reasonable expectation that a student complete high school by his/her 19th birthday. Prohibiting a student who would turn 19 during a sports season from even beginning participation in that sport would prevent the disruption to an athletic program in midseason when the student’s eligibility due to age would otherwise expire. The built-in delay of the effective date of this rule change to the 2007-08 year ensures that it will not impact any student currently in the ninth grade or higher.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal stipulates

that the age limit for participation in interscholastic athletics on the high school level is 19 years. It further stipulates that a student who will turn 19 years of age during a sports season will not be eligible to begin participation in that sports season. The proposal is made as a result of decisions made by sectional appeals committees in this school year to waive the existing 19-9 age rule, one of which resulted in a student in excess of 20 years of age participating in football. The prohibition against the participation in a sport of a student whose 19th birthday is imminent eliminates any decision on the part of the school as to whether the student will be permitted to participate as a member of the team until his birthday.

#### **PROPOSAL 2004-08**

**Topic:** Eligibility – Age.

**Intent:** To establish a student-athlete's 19th birthday as the date on which he/she becomes ineligible due to age, except that a student-athlete whose 19<sup>th</sup> birthday occurs during a sports season will be permitted to complete that sports season.

**Proposal:** Amend Bylaw 11.6.1, Page 34, 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, 2004.

**Rationale:** The rationale of this specific amendment is that the appropriate upper age limit for high school interscholastic competition is 18 . . . with a provision for limited extension. Generally speaking, 19 year olds should not be competing against 14, 15 or 16 year olds. They are more mature physically and mentally. There are health/accident risks inherent in potential physical mismatches. That extra year of potential skill development could produce unfair competitive advantages. The rationale for allowing the exception is twofold: (1) Allowing a student to finish a season once started is less disruptive to the student, coach and team than having a student eligible to play in a contest today, but not tomorrow. (2) According to responses to a survey sent out to all member schools (with approximately 125 replies), about 48 percent wanted to retain 19-9 or higher and 52 percent favored lowering the age; therefore, this proposal is a form of compromise, allowing a student the possibility of participation to approximately 19-3, depending on the birthdate. Another rationale is that it provides logic to the age limit. Other than perhaps 19-6, which is halfway between the two benchmark age numbers, 19 and 20, this amendment allows partial participation during a student's 19<sup>th</sup> year with a rational explanation behind it. Finally, this amendment would allow sectional appeals committees who hear age extension cases a little more latitude in granting them. Originally, 19-9 was not appealable; now it is and appeals are being granted to allow participation almost to age 20 (a number of the 48 percent survey respondents who favored

19-9 added the comment to make it unappealable). This proposal would allow the appeals committee to grant extension of time without significantly impacting the spirit and intent of the rule.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal, similar to Proposal 2004-08, stipulates that the age limit for participation in interscholastic athletics on the high school level is 19 years. This proposal, however, differs from 2004-08 in that it stipulates that a student who will turn 19 years of age during a sports season will be eligible to begin participation in that sports season and complete that sports season even though he/she may be in excess of 19 years of age in so doing.

### PROPOSAL 2004-09

**Topic:** Eligibility – Age.

**Intent:** To establish the date that a student-athlete reaches the age of 19 years 6 months as the date on which he/she becomes ineligible due to age.

**Proposal:** Amend Bylaw 11.6.1, Page 34, as follows:

“A student may participate in interscholastic competition until reaching the age of 19 years 6 9 months, so far as age is concerned. Upon reaching the age of 19 years 6 9 months the student will be ineligible for further participation in interscholastic athletic competition.”

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

**Effective Date:** July 1, 2004.

**Rationale:** Much of the rationale for lowering the age limit in this proposed amendment

is the same as the rationale described in the other lowering-the-age-limit proposed amendment [see Proposal 6B above]. If the results of the unscientific survey referred to in the other age limit change proposed amendment are reflective of the sentiments of the Representative Assembly, a change in 19-9 would be defeated because, although a simple majority may favor a change, it takes a two-thirds majority of the Representative Assembly to make a change; therefore, if the other proposed amendment is too much of a concession to those who favor 19-9, perhaps this amendment is a better compromise. This amendment also would make a statement about the basic issue of 19 year olds' eligibility. At 19-6, you become closer to 20 years than 18 and that might be a logical cutoff point.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal simply amends the current rule to stipulate that the age limit for participation in interscholastic athletics on the high school level is 19 years, 6 months rather than 19 years, 9 months. It includes no provisions relative to the eligibility of a student to begin or complete a season in which his/her 19-6 birthdate occurs. As such it seeks to accomplish and would accomplish only a change in the maximum age.

### PROPOSAL 2004-10

**Topic:** Eligibility – Official Eligibility Rulings

**Intent:** To stipulate that the Commissioner may take into account all information regarding a situation known to him/her in making an eligibility ruling rather than solely the information provided by the school requesting the ruling, and to

further stipulate that a ruling based on false or misleading information may be retracted and penalties imposed on the offending school.

**Proposal:** Amend 11.14.1, Page 38, as follows: “Each member school principal or his/her designee having reasonable cause to believe that a student is ineligible to participate in, or continue to participate in, interscholastic athletic competition under any provision of these Bylaws may request an official ruling on the student’s eligibility from the Commissioner on a form to be provided by this Association, and must do so at the student’s request. A member school which requests an official ruling on a student’s eligibility shall submit in writing on the form a full statement of the facts surrounding the student’s ineligibility. The Commissioner, or his/her designee, within a reasonable amount of time, shall issue a ruling based on the statement of facts which is provided in writing on the form and any other information available to the Commissioner, which additional information shall be included in the official ruling related to the student’s eligibility. In the event the Commissioner later determines that incomplete or inaccurate information has been included in the statement supporting the member schools request for an eligibility ruling, the ruling may be retracted and such penalties as deemed appropriate may be imposed by the Commissioner against the member school requesting the ruling. The Commissioner, or his/her designee, within a reasonable amount of time, shall issue a ruling on the student’s eligibility in writing based solely on the statement of facts which are provided in writing on the form. Only those rulings that are issued in writing and signed by the Commissioner, or his/her designee shall

be official. This bylaw does not relieve the principal or his/her designee from his/her responsibility of ensuring the eligibility of all students who are allowed to participate in interscholastic athletic competition on behalf of his/her school, or from any other responsibility as set forth in Bylaw 7.4.1.”

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** Currently, the FHSAA Office, in making an eligibility ruling, must rule solely on the information provided by the school requesting the ruling. The Commissioner, however, may be made aware of other information relative to the matter and should be able to take into account such other information to better ensure an accurate ruling. Furthermore, when the Commissioner learns that a ruling was based on incomplete or inaccurate information provided by the school, he/she should be able to retract the ruling and impose appropriate penalties against the school.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal stipulates that the Commissioner may take into account all information known to him in making an eligibility ruling rather than just the information provided to him/her by the school. It further stipulates that at any time the Commissioner determines that his/her ruling was based on inaccurate or incomplete information, it may be retracted and appropriate penalties may be assessed. This serves to better ensure that an accurate ruling is made. It also discourages any act of withholding and/or falsifying of information in an attempt to gain a favorable eligibility ruling.

## PROPOSAL 2004-011

**Topic:** Due Process – Eligibility Appeals and Requests for Undue Hardship Waivers.

**Intent:** To ensure language of Bylaw most accurately matches the statutory provision upon which it is based.

**Proposal:** Amend 13.1.1(C), Page 42, 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 sustain, modify or overturn the decision of the Commissioner in each case which comes before it. The Sectional Appeals Committee, in most cases, will render an immediate decision on each appeal or request for undue hardship waiver unless a question arises which prompts the committee to table disposition of a case. Eligibility granted a student by the committee shall be immediate. The decision of the Sectional Appeals Committee in each case shall be by majority vote.”~~

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** This proposal rewrites the bylaw to follow more closely the language of s. 1006.20(7)(d), Florida Statutes, upon which the bylaw is based.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal simply amends the existing bylaw to ensure that its language accurately reflects the language of the statute upon which it is based, and does not assign to the sectional appeals committees more authority than

originally was intended by the 1996 Florida Legislature, which adopted the statute.

## PROPOSAL 2004-12

**Topic:** Due Process – Eligibility Appeals and Requests for Undue Hardship Waivers.

**Intent:** To better define the criteria used by Sectional Appeals Committees and the Board of Directors in granting undue hardship waivers.

**Proposal:** Amend 13.1.3, Pages 42-43, as follows:

~~“By seeking an undue hardship waiver, the student and the member school accept the fact that the student is ineligible under the FHSAA Bylaws but are asking for a grant of waiver of those Bylaws. For the purpose of determining whether to grant or deny an undue hardship waiver pursuant to these Bylaws, the Sectional Appeals Committees and the Board of Directions shall be guided by the following criteria, other criteria contained in these Bylaws and FHSAA Policies, and their respective experience related to high school athletics following criteria shall be followed. The fact that a student is retained in a lower grade because he/she fails to pass the required number of courses, is voluntarily withdrawn from school or repeats a lower grade shall is not be sufficient grounds for granting an undue hardship waiver. Likewise, the fact that a student, who is otherwise eligible for promotion to the next grade, repeats a grade because he/she is among the smaller students in the class and/or to gain social and/or emotional maturity shall not be sufficient grounds for granting an undue hardship waiver. The fact that a student misses school for a prolonged period of time; because of events that are/were~~

~~beyond the control of the student and/or his/her parent or guardian, which events that cause him/her to repeat a grade or other unforeseen, unavoidable conditions or events that are/were beyond the control of the student and/or his/her parent or guardian may be grounds for granting an undue hardship waiver request. A In the event the hardship waiver request is based on time missed from school because of a serious injury or prolonged illness; shall not be granted unless the condition must be supported by a physician's record which that establishes that the absence from school was is directly and solely related to such injury or illness. The fact that a student is unable to participate in interscholastic athletics activities shall is not, in and of itself, be grounds for granting an undue hardship waiver request."~~

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** This proposal establishes more tightly worded criteria to be followed by the Sectional Appeals Committees and Board of Directors in granting undue hardship waiver requests.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal better defines the criteria by which sectional appeals committees and the Board of Directors must judge undue hardship eligibility cases. It removes from their consideration issues relative to physical size and social and/or emotional maturity as valid grounds for repeating a grade that results in a request for an extension of the limit of eligibility. It further prohibits the sectional appeals committees and Board of Directors from granting undue hardship waivers based upon medical

conditions unless specific medical records supporting the undue hardship are presented.

### PROPOSAL 2004-13

**Topic:** Due Process – Appeals of Commissioner's Findings and Requests for Waivers.

**Intent:** To ensure language of Bylaw most accurately matches the statutory provision upon which it is based.

**Proposal:** Amend 13.2.3(C), Page 44, 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 sustain, modify or overturn the decision of the Commissioner in each case which comes before it. The Sectional Appeals Committee, in most cases, will render an immediate decision on each appeal or request for undue hardship waiver unless a question arises which prompts the committee to table disposition of a case. The decision of the Sectional Appeals Committee in each case shall be by majority vote."~~

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** This proposal rewrites the bylaw to follow more closely the language of s. 1006.20(7)(d), Florida Statutes, upon which the bylaw is based.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal simply amends the existing bylaw to ensure that its

language accurately reflects the language of the statute upon which it is based, and does not assign to the sectional appeals committees more authority than originally was intended by the 1996 Florida Legislature, which adopted the statute.

## PROPOSAL 2004-14

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

**Intent:** To ensure language of Bylaw most accurately matches the statutory provision upon which it is based.

**Proposal:**

**A.** Amend 13.1 by adding new 13.1.5, Page 43, as follows:

“The member school seeking an appeal of the Commissioner’s decision or an undue hardship waiver for a student from a Sectional Appeals Committee or the Board of Directors must ensure that the information submitted to support such appeal or request is complete and accurate. In the event it is determined after the Sectional Appeals Committee or Board of Directors has approved an appeal or a hardship waiver that the information provided to the Sectional Appeals Committee or the Board of Directors was either incomplete or inaccurate, the decision of the Sectional Appeals Committee or the Board of Directors shall be withdrawn and the sanctions provided by Bylaws 11.12.1, 11.12.2, 12.2.1 and 12.1.1 shall apply.”

[13.1.5 renumbered as 13.1.6, unchanged.]

**B:** Amend 13.2 by adding new 13.2.6, Page 45, as follows:

“The member school seeking an appeal of the Commissioner’s decision or an undue hardship waiver for a student from a Sectional Appeals Committee or the Board of Directors must ensure that the information submitted to support such appeal or request is complete and accurate. In the event it is determined after the Sectional Appeals Committee or Board of Directors has approved an appeal or a hardship waiver that the information provided to the Sectional Appeals Committee or the Board of Directors was either incomplete or inaccurate, the decision of the Sectional Appeals Committee or the Board of Directors shall be withdrawn and the sanctions provided by Bylaws 11.12.1, 11.12.2, 12.2.1 and 12.1.1 shall apply.”

**Sponsor:** Robert W. Hughes, Commissioner.

**Effective Date:** July 1, 2004.

**Rationale:** Sectional Appeals Committees and the Board of Directors, in rendering affirmative decisions in appeals or granting requests for undue hardship waivers, do so in good faith and on the presumption that the information provided them by the student-athlete and school is complete and accurate. When it is found that an affirmative decision or grant of waiver has been made on the basis of incomplete or inaccurate information, such decision should immediately be withdrawn and appropriate sanctions imposed.

**Estimated Budget Impact:** None.

**Estimated Time Impact:** None.

**Staff Analysis:** This proposal stipulates that information provided to sectional appeals committees and the Board of Directors, which results in the granting of an appeal or undue hardship waiver, must be complete and accurate. It further stipulates that if it later is determined that

any such affirmative ruling based upon information that is not complete and accurate, the affirmative ruling will be withdrawn and the appropriate sanctions will be imposed. These provisions will better ensure the integrity of the appeals process for all parties involved.



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