



OFFICIAL NOTICE

*Proposals to Amend
FHSAA Bylaws
for consideration by the
FHSAA Representative Assembly
at its January 22-23, 2007, 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 January 22-23, 2007, 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 7 proposals have been submitted for consideration by the Representative Assembly. Five proposals are sponsored jointly by the Board of Directors and Commissioner, and a sixth is sponsored singularly by the Commissioner. The remaining proposal is sponsored by a member school representative. The proposals appear in order of citation. Each proposal is accompanied by the topical area of the proposal, intent of the proposal, the individual or group sponsoring the proposal, the text of the proposal, the effective date of the proposal if adopted, and the rationale for the proposal as stated by its sponsor.

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PROPOSAL NO. 2007-1

Topic: Membership.

Intent: To comprehensively revise the qualifications, conditions and obligations of membership; to require that a school must be accredited by an accrediting agency approved by the Association to be a member; to provide a three-year period for unaccredited members to earn accreditation; to name the accrediting agencies approved by the Association; to provide that a member school must be represented at a compliance seminar conducted by FHSAA staff at least once every three years and must conduct a self-study of its athletic programs once every five years; to provide that a new member must serve a two-year provisional period before it can be elected to full membership; to provide that schools that fail to meet one or more of the qualifications, conditions and obligations of membership may have its membership restricted or temporarily suspended as alternatives to expulsion; to discontinue the affiliate membership category and replace it with approved nonmember school status; to provide that schools may be provisionally admitted or elected to full membership only by vote of the Board of Directors; and to make necessary amendments to other provisions of the bylaws that are impacted by this comprehensive revision.

Sponsor: Board of Directors and Commissioner John A. Stewart.

Proposal: This proposal consists of 11 parts.

PART 1. Amend Article 3, "Membership", by striking Bylaw 3.1 through Bylaw 3.6 after the title and inserting the following:

"3.01 General Principles

3.01.1 Opportunity for Membership. A middle/junior high school, a senior high school and a home education cooperative located in Florida may be a member of the Association if it meets and honors the qualifications, condi-

tions and obligations of membership established in this article.

3.01.2 Classifications. Senior high school members may be divided into classifications for purposes of competition in FHSAA championships. The Board of Directors will adopt the criteria for determining these classifications.

3.01.3 Assignment to Geographical Areas. Member schools are assigned to geographical areas for the purpose of representation in the FHSAA governance structure and substructures.

3.01.4 Deadlines. When deadline dates fall on a Saturday, Sunday or legal holiday as established by Florida Law, the deadline shall be the next day that is not a Saturday, Sunday or legal holiday.

3.01.5 Termination of Membership. All privileges of a member school will cease immediately when its membership ends.

3.02 General Definitions

3.02.1 Member School. A "member school" is a senior high school, middle/junior high school or home education cooperative that is provisionally admitted or duly elected to membership in the Association. Member school not only refers to the institution, but also to its administration, faculty, athletic staff, student-athletes, student body, and any other individual or group engaged in activities representing, supporting or promoting the athletic interests of the school.

3.02.1.1 Restricted Member. A "restricted member" is a member school that has its membership privileges restricted in some manner because it fails to meet the qualifications, conditions and obligations of membership.

3.02.2 Provisional Period. The "provisional period" is the first two years of a school's membership that precedes the school's election to full membership. During the two-year provisional period, the school can participate

in regular season interscholastic competition with member schools, but will have no other privileges of membership.

3.02.3 Types of Member Schools

3.02.3.1 Senior High School. A “senior high school” is any traditional public school, charter school, private school or university laboratory school that provides instruction to students at one or more grade levels from 9 through 12.

3.02.3.2 Middle/Junior High School. A “middle/junior high school” is any traditional public school, charter school, private school or university laboratory school that provides instruction to students in middle school configurations (grades 6 through 8) or junior high school configurations (grades 7 through 9).

3.02.3.3 Combination School. A “combination school” is any traditional public school, charter school, private school or university laboratory school that provides instruction to students in both middle/junior high school grades and senior high school grades. A combination school must hold membership as a senior high school.

3.02.3.4 Home Education Cooperative. A “home education cooperative” is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students.

3.02.4 Principal. A “principal” is the administrator responsible for the day-to-day operation of a school, whether the individual’s specific title is principal, headmaster, director, administrator, head of school or otherwise. The principal is the authority responsible for the conduct of the school’s interscholastic athletic programs.

3.02.5 FHSAA Representative. An “FHSAA representative” is the school administrator who represents the school in its relationship with the Association. The FHSAA representative is the principal, unless the principal delegates the task to an assistant principal or

the athletic director. The principal, however, cannot delegate the ultimate responsibility for the conduct of the school’s interscholastic athletic programs.

3.02.6 Approved Nonmember School. An “approved nonmember school” is a school that is not a member of the Association but has been approved to compete against member schools in regular season dual competitions only.

3.02.7 School Year. A “school year” is the annual period beginning on July 1 of one calendar year and ending on June 30 of the next calendar year.

3.1 Qualifications and Conditions of Membership

3.1.1 Schools. A senior high school or middle/junior high school located in the state of Florida may become a member if:

(a) The school is registered with the Florida Department of Education;

(b) The school is accredited by an agency approved by the Association;

(c) The governing body of the school approves the school’s membership in the Association and adopts these bylaws as the rules governing its interscholastic athletic programs;

(d) The principal applies for membership on a form provided for that purpose;

(e) The school pays all dues and other fees required of member schools;

(f) The school maintains the insurance coverage required of member schools;

(g) The school provides the principal, the FHSAA representative and the athletic director with high-speed Internet access and email accounts;

(h) The school successfully completes a two-year provisional period; and

(i) The Board of Directors elects the school to membership.

3.1.1.1 Approved Accrediting Agencies. Accreditation for purposes of membership will be accepted from the following agencies:

- (a) Association of Christian Schools International;
- (b) Association of Independent Schools of Florida;
- (c) Christian Schools of Florida;
- (d) Council of Bilingual Schools;
- (e) Episcopal Diocese of Florida;
- (f) Florida Association of Christian Colleges and Schools;
- (g) Florida Catholic Conference;
- (h) Florida Conference of Seventh-Day Adventist Schools;
- (i) Florida Council of Independent Schools;
- (j) Florida League of Christian Schools;
- (k) Lutheran Schools Florida-Georgia District;
- (l) National Independent Private School Association; and
- (m) Southern Association of Colleges and Schools.

3.1.1.2 Existing Members Without Accreditation. A school that is a full member as of June 30, 2007, but is not accredited by an approved agency, will have a maximum of three (3) years to earn accreditation.

3.1.1.3 Loss of Accreditation. A member school that loses its accreditation will have a maximum of three (3) years to regain accreditation. No privileges of membership will be withheld during this three-year period.

3.1.1.4 Exemption from Accreditation Requirement. A middle/junior high school is exempt from the accreditation requirement.

3.1.1.5 Boarding Schools. The Board of Directors will establish additional qualifications and conditions for recognition of member boarding schools whose boarding students

participate in interscholastic competition.

3.1.2 Home Education Cooperatives. A home education cooperative located in the state of Florida may become a member if:

- (a) The governing board of the cooperative adopts these bylaws as the rules governing its interscholastic athletic programs;
- (b) The principal applies for membership on a form provided for that purpose;
- (c) The cooperative pays all dues and other fees required of member schools;
- (d) The cooperative maintains the insurance coverage required of member schools;
- (e) The cooperative successfully completes a two-year provisional period;
- (f) The cooperative provides the principal, the FHSAA representative and the athletic director with high-speed Internet access and email accounts; and
- (g) The Board of Directors elects the cooperative to membership.

3.1.2.1 Student Members. Each student member of a cooperative must be registered as a home-educated student with the district superintendent in the school district in which the student resides and meet all other requirements of a home education student as written in Florida Statutes.

3.2 Provisional Period

3.2.1 Requirements of Provisional Period. A two-year provisional period will begin with a school's first year of membership. During the provisional period the school must demonstrate an understanding of and comply with all bylaws and other rules of the Association. The school also must satisfy the additional specific requirements of each year of the provisional period.

3.2.1.1 First Year. During the first year of the provisional period:

- (a) The school must be represented at an

FHSAA compliance seminar by its principal, FHSAA representative and athletic director; and

(b) The school must complete and submit a self-study and evaluation of its interscholastic athletic programs in a form prescribed by the Board of Directors;

3.2.1.2 Second Year. During the second year of the provisional period:

(a) The school must be represented at an FHSAA compliance seminar by either its principal, FHSAA representative or athletic director; and

(b) The school must submit to an onsite inspection of its interscholastic athletic programs and facilities by the FHSAA staff.

3.2.2 Extension of Provisional Period. The Board of Directors may extend the provisional period to a third year at the request of a school that has not qualified for full membership at the end of the two-year period. A provisional member that has not qualified for full membership at the end of the third year, if granted, may be assigned as a restricted member or apply for approved nonmember school status.

3.2.3 Exemption From Provisional Period. A newly opening school created by the consolidation or division of the student populations of existing member schools is exempt from the two-year provisional period if:

(a) The new school is governed by the same board as the existing member schools; and

(b) The new school meets all other qualifications and conditions of full membership.

3.2.4 Privileges During Provisional Period. A provisional member can participate in regular season interscholastic competition with member schools, but will have no other privileges of membership.

3.3 Obligations of Membership

3.3.1 Institutional Control. A member school must control its interscholastic athletic pro-

grams in accordance with these bylaws and other rules of the Association. Responsibility for this control rests with the principal, who is responsible for the administration of all aspects of the school's interscholastic athletic programs.

3.3.1.1 Scope of Responsibility. Responsibility for control of a school's interscholastic athletic programs extends to and includes responsibility for and control over the actions of the school's administration, faculty, athletic staff, student-athletes, student body, and any other individual or group engaged in activities representing, supporting or promoting the athletic interests of the school.

3.3.2 Compliance with Rules. A member school must comply with all bylaws and other rules of the Association. The school must monitor its programs to assure compliance, must identify and report to the FHSAA office instances in which compliance has not been achieved, and must take appropriate corrective actions. Staff members, student-athletes and other individuals and groups representing, supporting or promoting the school's athletic interests must comply with applicable bylaws and rules. The school is responsible for such compliance.

3.3.2.1 Eligibility of Student-Athletes. A member school must certify the eligibility of all student-athletes. The school must not permit a student-athlete to participate in interscholastic competition unless the student-athlete meets all eligibility requirements.

3.3.2.2 Cooperation with Association. A member school must fully cooperate in the investigation of any alleged violation. A school that refuses to permit the interview of any individual, to grant access to and inspection of pertinent records, to submit relevant information to the Association upon request, or otherwise interferes with or obstructs the investigation, will be in violation of this provision.

3.3.2.3 Attendance at Compliance Seminar.

A member school, at least once every three years, must be represented by either its principal, FHSAA representative, or athletic director at an FHSAA compliance seminar.

3.3.2.4 Self-Study and Evaluation. A member school, once every five years, must complete and submit to the FHSAA office a self-study and evaluation of its interscholastic athletic programs in a form prescribed by the Board of Directors.

3.3.2.5 Compliance Audit. The FHSAA office may audit member schools to verify compliance with bylaws and other rules of the Association. A school selected for audit must fully cooperate with the audit. A school that refuses to grant access to and inspection of records under audit or refuses to permit the interview of any individual responsible for maintaining those records, or otherwise interferes with or obstructs the audit, will be in violation of this provision.

3.3.3 Insurance Coverage. A member school must provide athletic accident medical insurance coverage, catastrophic accident insurance coverage, and catastrophic disability insurance coverage for each of its student-athletes. The school also must provide general liability insurance coverage for itself. The Board of Directors will establish the minimum limits for each type of insurance coverage.

3.3.4 Sportsmanship and Ethical Conduct. A member school must establish policies that promote sportsmanship and ethical conduct in its interscholastic athletic programs. These policies must require student-athletes, coaches and all other individuals associated with the school's interscholastic athletic programs to adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. The school must educate, on a continuing basis, all staff members, student-athletes, student body, and other individuals and groups representing, supporting or promoting the school's athletic interests about these policies.

3.3.5 Acceptance of Decisions. A member school must accept in good faith the decisions of the Association. A member school that, by any act or attitude, refuses to accept a decision of the Association, or holds in contempt or derision the decision, or permits or acquiesces in any contempt or derision on the part of any group or individual associated with the school may be expelled or assigned to restricted membership. This provision does not deny a member school the right to due process within the Association as provided in these bylaws.

3.4 Application for Membership

3.4.1 First-Time Membership. The principal of a school applying for first-time membership must submit a complete application packet. The application packet must be received in the FHSAA office on or before April 30 for the school to be considered for admission in the following school year.

3.4.1.1 Application Packet.

3.4.1.1.1 Application Form. The application form must be obtained from the FHSAA office. The form must be fully completed and signed by the principal.

3.4.1.1.2 Insurance Coverage. The principal must provide photocopies of insurance certificates showing that the school has purchased the insurance coverage required of member schools.

3.4.1.1.3 Financial Condition. The principal must document that the school can meet the financial obligations of membership. This documentation must be either:

(a) A photocopy of the school's most recent federal tax return; or

(b) A photocopy of financial statements from the most recent period that have been independently audited by a certified public accountant.

3.4.1.2 Former Member. A former member school that applies for re-admittance will be

considered a first-time member, regardless of whether the school's previous membership was voluntarily or involuntary ended.

3.4.2 Continuing Membership. The FHSAA office on or before April 1 will provide to each member school a form on which to continue its membership in the following school year. The principal must complete, sign and return the form to the FHSAA office on or before April 30. A school that does not submit the form by the deadline will be assessed a late fee. A school whose form is not received by May 31 will not be considered for reelection to membership for the following school year.

3.4.2.1 Insurance Coverage. The principal must provide photocopies of insurance certificates showing that the school has purchased the insurance coverage required of member schools.

3.4.2.2 Good Standing. A member school must be in good standing with the Association to continue its membership without restriction. Good standing requires the school to satisfy all outstanding obligations to the Association by the conclusion of the current school year.

3.5 Procedures for Admittance and Election to Membership

3.5.1 First-Time Admittance. The Board of Directors at its final meeting of each school year will determine if a school applying for first-time membership in the Association will receive provisional admission in the following year. The FHSAA office will recommend whether the school should be admitted.

3.5.2 Election to Full Membership. The Board of Directors at its final meeting of each school year will determine whether to elect to full membership a school that has applied for first-time full membership or has applied to continue its full membership for the following school year.

3.5.2.1 First-Time Full Membership. A school that has completed the two-year provi-

sional period will be considered for first-time election to full membership. The FHSAA office will report to the Board of Directors whether the school has satisfied the conditions of the two-year provisional period and meets fully the qualifications and conditions of membership. The FHSAA office also will recommend whether the school should be elected to full membership.

3.5.2.2 Continuing Membership. A member school that applies to continue its membership will be considered for re-election to full membership. The FHSAA office will report to the Board of Directors whether the school continues to meet fully the qualifications and conditions of membership and is a member in good standing. The FHSAA office also will recommend whether the school should be re-elected to full membership.

3.5.3 Advance Notice of Unfavorable Recommendation. The Commissioner will provide advance notice in writing to the principal of a school that will not be recommended for admittance, election or re-election to membership. The notice must contain the reason for the unfavorable recommendation. The principal will be advised that he or she may appear before the Board of Directors at the meeting to explain why the school should be admitted, elected or re-elected to membership.

3.5.4 Decision of Board of Directors. The decision of the Board of Directors whether to admit, elect or re-elect a school to membership must be by majority vote. The decision will be final.

3.5.4.1 Reconsideration of Decision. A school that is not admitted, elected or re-elected to membership by the Board of Directors may request that the decision be considered. The Board of Directors may reconsider the decision at its next regularly scheduled meeting. The school, however, will not be permitted to compete against member schools until it is admitted, elected or re-elected to membership.

3.6 Membership Dues and Fees

3.6.1 Annual Dues. The Board of Directors will determine the annual dues to be assessed each member school.

3.6.2 Membership Fees. The Board of Directors may assess additional membership fees to be paid by each member school.

3.6.3 Payment Deadline. Dues and fees are payable July 1 of each year. A member school that does not pay its dues and fees by August 31 will be suspended from membership effective September 1. The suspended school may be reinstated at any time prior to December 31 by paying its dues and fees, and an additional reactivation fee. Membership is terminated if the suspended school fails to pay in full its dues and fees by December 31.

3.7 Privileges of Membership

3.7.1 Privileges of Full Membership. A full member will enjoy all privileges of membership, unless otherwise specifically withheld according to these bylaws. Membership privileges include but are not limited to the privilege to compete in FHSAA championships, the privilege to vote in Association elections, the privilege to seek election to positions in the FHSAA governance structure and sub-structures, and the privilege to make application for and serve as host of multi-school events that require FHSAA office approval.

3.7.1.1 Schools Not Eligible for FHSAA Championships. The following member schools are not permitted the privilege of participation in FHSAA championships:

- (a) Senior high schools in the two-year provisional period;
- (b) Middle/junior high schools, as well as home education cooperatives comprised entirely of students in middle/junior high school grade levels;
- (c) Schools operated by the Department of Juvenile Justice;

(d) Schools contracted by the Department of Juvenile Justice to provide juvenile justice educational programs, if students enrolled in those programs are permitted to represent the school in interscholastic competition; and

(e) Schools that provide housing to students but are not recognized as boarding schools by the Board of Directors, if students housed by the school are permitted to represent the school in interscholastic competition.

3.7.2 Privileges During Provisional Period. A provisional member shall be permitted to participate in regular season interscholastic competition with member schools, but otherwise shall have no privileges of membership.

3.8 Termination and Restriction of Membership

3.8.1 Resignation. A member school may resign its membership at any time. This, however, will not relieve the school of any outstanding obligations to the Association.

3.8.2 Suspension. The Commissioner may suspend a member school that fails to meet one or more of the qualifications, conditions and/or obligations of membership until the deficiency is corrected.

3.8.2.1 Failure to Pay Dues and Fees. A member school that does not pay its dues and fees by August 31 will be suspended effective September 1. Membership is terminated if the school fails to pay its dues and fees by December 31.

3.8.2.2 Failure to Provide Proof of Insurance. A member that fails to provide the FHSAA office with proof that it has the required insurance coverage will be suspended until the proof of insurance coverage is provided.

3.8.3 Expulsion. The Board of Directors may expel a member school that fails to meet one or more of the qualifications, conditions and/or obligations of membership, or fails to support and adhere to the purposes and policies of the Association.

3.8.3.1 Restricted Membership. The Board of Directors instead of expulsion may restrict one, more or all of the membership privileges of the school. The school remains a member even if all of its membership privileges are restricted.

3.8.4 Cessation of Privileges. All privileges of a member school will cease upon any termination of its membership.

3.8.5 Readmission. A former member school that applies to reestablish its membership must pay a readmission fee, satisfy any outstanding obligations to the Association, and complete the two-year provisional period, before it becomes eligible for reelection to full membership. These conditions will apply whether the school's previous membership was terminated voluntarily or involuntary.

3.9 Approved Nonmember Schools

3.9.1 Qualifications for Approved Nonmember Schools. A nonmember school may apply each year for approval to participate in limited interscholastic athletic competition with member schools. A nonmember school may be approved for such competition if:

- (a) The school is registered with the Florida Department of Education;
- (b) The principal of the school completes and submits the application form;
- (c) The governing board of the school approves the application; and
- (d) The school pays the nonrefundable application fee established by the Board of Directors.

3.9.2 Privileges of Approved Nonmember Schools. An approved nonmember school may participate with member schools in regular season dual competitions only. An approved nonmember school cannot participate with member schools in any competitions in which more than two schools participate, such as invitational tournaments or meets.

3.9.3 Obligations of Approved Nonmember

Schools. An approved nonmember school when competing against a member school must:

- (a) Comply with all Association bylaws and rules, including rules governing the eligibility of students;
- (b) Abide by NFHS playing rules;
- (c) Use FHSAA-registered contest officials if it is the host school; and
- (d) Demonstrate high standards of sportsmanship and integrity.

3.9.4 Application and Approval. The application for approved nonmember status, to be considered for the following school year, must be received in the FHSAA office not later than April 30. The Board of Directors will consider the applications received at its final meeting of the year. The decision of the Board of Directors on each application will be final.”

Renumber Bylaw 3.7 as Bylaw 3.10.

PART 2. Create Bylaw 5.1.1.1 to read:

“5.1.1.1 The representative of a member school that is in the two-year provisional period and has not been elected to full membership is not eligible for election or to vote in elections.”

PART 3. Retitle Article 6 as “Budget and Audit”. Delete Bylaw 6.1, “Dues”. Renumber Bylaws 6.2 and 6.3 as Bylaws 6.1 and 6.2 respectively.

PART 4. Amend Bylaw 9.3.1 paragraph (B) to read:

“(B) Nonmember schools located in Florida that which have been approved by the Board Directors Commissioner for regular season dual-team competition with member schools affiliate membership in this Association; or
...”

PART 5. Delete Bylaw 9.3.4. Renumber Bylaw 9.3.5 as 9.3.4.

PART 6. Amend Bylaw 9.7.1 to read:

“9.7.1 This Association may conduct state championship series to determine the official state champion(s) in those sports ~~that which~~ are sanctioned by the Board of Directors. The privilege to participate Participation in state championship series ~~will shall~~ be limited only to those senior high schools ~~that which~~ are duly elected to full membership ~~in members of~~ this Association. ~~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 any state championship series. The Board of Directors will shall determine the sports in which state championship series are to be conducted and will shall establish the terms and conditions for each state championship series.”~~

PART 7. Create Bylaw 9.7.1.1 to read:

“9.7.1.1 The following member schools are not permitted the privilege of participation in FHSAA championships:

(a) Senior high schools in the two-year provisional period;

(b) Middle/junior high schools, as well as home education cooperatives comprised entirely of students in middle/junior high school grade levels;

(c) Schools operated by the Department of Juvenile Justice;

(d) Schools contracted by the Department of Juvenile Justice to provide juvenile justice educational programs, if students enrolled in those programs are permitted to represent the school in interscholastic competition; and

(e) Schools that provide housing to students but are not recognized as boarding schools by the Board of Directors, if students housed by the school are permitted to represent the school in interscholastic competition.

PART 8. Create new Bylaw 12.1.1 paragraph (E) to read:

“(E) ~~SUSPENSION – A temporary revocation of all membership privileges.”~~

Renumber existing Bylaw 12.1.1 subparagraph (E) to Bylaw 12.1.1 subparagraph (F).

PART 9. Create Bylaw 12.1.1.1 to read:

“12.1.1.1 Restricted Membership. The Board of Directors instead of expulsion may restrict one, more or all of the membership privileges of the school. The school remains a member even if all of its membership privileges are restricted.”

PART 10. Amend Bylaw 13.4.1 to read:

“13.4.1 When the Commissioner believes that his/her preliminary findings in any investigation into any violation of any rule of this Association warrants the expulsion of a member school or a restriction of its ~~from~~ membership privileges in this Association, the following procedure must shall be followed:

(A) The Commissioner will shall notify in writing the principal of the accused school of his/her preliminary findings the date, time and site of the Board of Directors meeting at which a hearing on the school’s membership status will be conducted and shall set a date for a hearing on the allegations and preliminary findings. The notice must state the findings of the Commissioner and must advise the principal of his/her obligation to represent his/her school at the hearing. This notice must be received by the principal of the school not less than 10 business days in advance of the date of the hearing. The date of this hearing shall be by mutual agreement of the Commissioner and the principal of the accused school, but shall be not less than five (5) working days and not more than fifteen (15) working days from the date the notice is mailed by certified or registered mail to the principal of the accused school from the office of this Association unless the principal of the accused school can show just cause for a reasonable delay in the hearing. The site of the hearing shall be in

the office of this Association.

~~(B) — During the hearing, which shall be conducted by the Commissioner or his/her designee, the accused school may have an attorney present, and may present witnesses, testimony, and any other relevant evidence or information for consideration by the Commissioner. The Commissioner may also request, or allow, the presentation of witnesses, testimony, and any other relevant evidence or information by another member school(s) which may have been affected by, or have direct knowledge of, the violations which the accused school is alleged to have committed.~~

~~(C) — Following the hearing, the Commissioner shall reach a conclusion as to his/her findings, shall make a final decision as to the disciplinary action, if any, to be taken against the accused school, and shall notify the principal of the accused school of the findings and the disciplinary action, if any, to be imposed. If it is the final determination of the Commissioner that the accused school be expelled from membership in this Association, he/she shall further notify the principal of the accused school that such expulsion shall be effective on a date not less than ten (10) business days from the date on which the final decision is rendered. The Commissioner shall inform the principal of the accused school of his/her right to request an appeal of the Commissioner's findings and decision to expel his/her school from membership in the Association within five (5) business days. The request for appeal must be in writing and must be received in the office of this Association within the five (5) day limit. Failure to file a request for an appeal so that it is received in the office of this Association within the five (5) day limit shall be deemed a waiver of the right to appeal as granted herein. The cost of the appeal, including the Association's attorney fees, shall be borne by the appellant if the finding and decision of the Commissioner are upheld. If the principal of the accused school~~

~~properly requests such an appeal, the Commissioner shall schedule the appeal to be heard by the Board of Directors prior to the date on which expulsion of the accused school is to occur. If the Board of Directors is scheduled to meet prior to that date, the appeal will be heard during its regularly scheduled meeting. If, however, the Board of Directors is not scheduled to meet prior to that date, a special meeting of the Board of Directors shall be called for the express purpose of hearing the appeal of the accused school.~~

~~(B) (D) During the hearing before of the appeal by the Board of Directors, the accused school may have an attorney present, may present witnesses, testimony, and any other relevant evidence or information for consideration by the Board of Directors. The Commissioner may also may present witnesses, testimony, and any other relevant evidence or information for consideration by the Board of Directors.~~

~~(C) Following After hearing the presentation of evidence and arguments, the Board of Directors will shall render its decision by majority vote. The Board of Directors is empowered to sustain, modify or reject overturn the findings and recommendation decision of the Commissioner in each case which comes before it. The decision of the Board of Director will shall be final.~~

PART 11. Amend Bylaw 13.4.2 to read:

13.4.2 A school ~~that~~ which has been expelled ~~or has had its membership privileges restricted from membership in this Association~~ for a period of one or more calendar years may apply for readmission or reinstatement of its membership privileges after a period of one calendar year and then yearly thereafter. The principal of the school must notify the Commissioner in writing that he/she intends to apply for readmission or reinstatement and request to be placed on the agenda for the next regularly scheduled meeting of the Board of Directors. The principal will ~~shall then~~ make a

verbal appeal for readmission or reinstatement before the Board of Directors at that meeting. A school that has been expelled or has had its membership privileges restricted from membership in this Association may shall be readmitted or have its membership privileges reinstated only upon approval by a majority vote of the Board of Directors.”

Effective Date: Upon adoption.

Rationale: Current membership bylaws that have been in effect since 1962 allow a school to join the Association simply by submitting a completed application form and paying dues. These rules provide existing members no protection against entities that might create an athletic organization and then attempt to enter it into the Association under the guise of being a school. This comprehensive revision will ensure member schools that new members are legitimate schools by requiring they be accredited and requiring them to undergo the two-year provisional period, including the on-site inspection of its athletic program by FHSAA staff.

PROPOSAL NO. 2007-2

Topic: Governance – Board of Directors and Commissioner

Intent: To empower the Board of Directors to review decisions rendered by the sectional appeals committees upon the request of the Commissioner.

Sponsor: Board of Directors and Commissioner John A. Stewart.

Proposal: This proposal consists of six parts.

PART 1. Amend Bylaw 4.1.4 subparagraph (G) to read:

“(G) To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools. In furtherance of this duty, the Board

of Directors:

1. Will adopt rules governing practice and procedure for all sectional appeals committees.
2. Will hear appeals of decisions rendered by sectional appeals committees.
3. Will, when requested by the Commissioner, review decisions of sectional appeals committees that directly conflict with decisions of other sectional appeals committees or of the Board of Directors on the same question or rule; or that, in the opinion of the Commissioner, are rendered in conflict with the rules of the Association or will have a great effect on the proper administration of the interscholastic athletic program throughout the Association.
4. Will, when requested by the Commissioner, render an advisory opinion addressing issues as provided by rule.

PART 2. Create Bylaw 4.1.4.1 to read:

4.1.4.1 A school that allows a student to participate in accordance with a sectional appeals committee decision that is later reversed by the Board of Directors will not be subject to the penalties normally assessed a school that allows participation by an ineligible student.

PART 3. Create new Bylaw 4.4.2 subparagraph (O) to read:

4.4.2 (O) To refer to the Board of Directors for its review any decisions of sectional appeals committees that he/she believes directly conflict with decisions of other sectional appeals committees or of the Board of Directors on the same question or rule, or that, in his/her opinion, are rendered in conflict with the rules of the Association or will have a great effect on the proper administration of the interscholastic athletic program throughout the Association.”

Renumber existing Bylaw 4.4.2 subparagraph (O) as Bylaw 4.4.2 subparagraph (P) and subsequent subparagraphs of this bylaw accordingly.

PART 4. Create Bylaw 13.1.2.1 to read:

“13.1.2.1 The Commissioner may refer to the Board of Directors for review a decision of a sectional appeals committee that directly conflicts with decisions of other sectional appeals committees or of the Board of Directors on the same question or rule; or that, in the opinion of the Commissioner, is rendered in conflict with the rules of the Association or will have a great effect on the proper administration of the interscholastic athletic program throughout the Association. The Commissioner will notify a member school in writing when a decision granting eligibility to one of its students will be referred to the Board of Directors for review. The school will be advised of the student’s right to appear before the Board of Directors during the review in accordance with the provisions of Bylaw 13.1.1(B).

PART 5. Create Bylaw 13.1.2.2 to read:

13.1.2.2 A school that allows a student to participate in accordance with a sectional appeals committee decision that is later reversed by the Board of Directors will not be subject to the penalties normally assessed a school that allows participation by an ineligible student.

PART 6. Create Bylaw 13.2.4.1 to read:

“13.1.2.1 The Commissioner may refer to the Board of Directors for review a decision of a sectional appeals committee that directly conflicts with decisions of other sectional appeals committees or of the Board of Directors on the same question or rule; or that, in the opinion of the Commissioner, is rendered in conflict with the rules of the Association or will have a great effect on the proper administration of the interscholastic athletic program throughout the Association. The Commissioner will provide written notice to a member school when he/she decides to refer to the Board of Directors for review a decision that was favorable to that school. The school will be advised of its right to appear before the Board of Directors during the review in accordance with the provisions

of Bylaw 13.2.3(B).

Effective Date: Upon adoption.

Rationale: FHSAA bylaws stipulate that sectional appeals committees may waive eligibility rules for the benefit of a student when the committee believes those rules work an undue hardship on the student. The bylaws define an undue hardship as a condition that is beyond the control of the student and his/her parents. The bylaws also permit a student to appeal an unfavorable decision of a sectional appeals committee to the Board of Directors. There, however, is no provision that allows the Commissioner to appeal such a decision on behalf of the Association when he/she believes that decision to be out of order or otherwise contrary to the rules of the Association. This proposed amendment will make available to the Association those same due process rights.

PROPOSAL NO. 2007-3

Topic: Governance – Commissioner.

Intent: To empower the Commissioner to grant provisional eligibility to a student-athlete who suddenly becomes ineligible due to extraordinary circumstances beyond the control of the student, his/her parents and school, if the time until the next regularly scheduled meeting of the sectional appeals committee will cause the student to miss all or most of the sports season in which the student participates.

Sponsor: Board of Directors and Commissioner John A. Stewart.

Proposal: Amend Bylaw 4.4.2 sub-paragraph (I) is amended to read:

“4.4.2(I) To pass upon the eligibility of all students who participate in those activities which are under the authority of this Association. The Commissioner’s office will have emergency power to grant provisional eligibility to a student-athlete who suddenly becomes ineligible

due to circumstances which, in the opinion of the Commissioner's office, are of a sudden and extraordinary nature that are completely beyond the control of the student-athlete, his/her parent(s) and school, and which will cause the student to miss all or most of a sport season in which the student-athlete participates if he/she is required to wait for the next opportunity for a hearing before the sectional appeals committee. This provisional eligibility will be in effect until the next regularly scheduled meeting of the sectional appeals committee that will consider the undue hardship eligibility waiver request filed on behalf of the student by his/her school. In the event the sectional appeals committee does not grant the undue hardship eligibility waiver, the student-athlete will immediately become ineligible for further competition. The member school that permitted the student-athlete to compete during the period of provisional eligibility, however, will not be subject to the penalties normally assessed a school that uses an ineligible student-athlete unless it is determined that the provisional eligibility was granted on the basis of erroneous information provided by the student-athlete, his/her parent(s) or school.

Effective Date: Upon adoption.

Rationale: The due process procedure of the Association, because it operates according to a published schedule, sometimes cannot react to sudden, extreme situations. The Commissioner's office, as the impartial enforcer of Association rules, should be able to exercise its good judgment in determining those situations that qualify for emergency relief and granting that relief so that student-athletes who otherwise would be eligible were the situation not to have occurred can continue to participate..

PROPOSAL NO. 2007-4

Topic: Eligibility – Attendance.

Intent: To provide equal opportunities to

condition and work out for all student-athletes over the summer period, regardless of whether the student-athlete attends a public or private high school.

Sponsor: Pamela M. Shovlain, Athletic Director, John Paul II Catholic High School (Tallahassee).

Proposal: Amend Bylaw 11.1.1 to read:

“11.1.1 In order to represent a school in any branch of athletics, a student must be a bona fide student of that school—bona fide meaning one who is regularly enrolled and in regular attendance— who meets, in addition, the requirements as set forth in other sections of this Article. In order to practice with a school in any branch of athletics, a player must be a bona fide student of that school. To be bona fide, a student must be enrolled and attending classes. However, if the student is an entering freshman at a 9-12 high school or a transfer student, the student is considered bona fide if the student is registered at the school for the upcoming academic year and has fulfilled all the requirements for enrollment, including paying any applicable fees and participating in applicable entrance or placement exams. For such purposes, a student may only register at one school.”

Effective Date: July 1, 2007.

Rationale: The rationale, or reason, for this proposed amendment is the safety of our student-athletes. Through conditioning and working out with their new high schools, athletes will be more acclimated to the heat, which will help prevent heat exhaustion and heat stroke. Athletes also will be in better shape and that will reduce injuries. Another rationale for this proposed amendment is to ensure that all student-athletes have the same opportunities to practice and condition with their school and that athletes are not discriminated against for attending a private 9-12 high school.

PROPOSAL NO. 2007-5

Topic: Eligibility – Attendance.

Intent: To provide that students entering the ninth grade or changing schools between high school grades may participate in athletic activities sponsored by or affiliated with their new school during the summer period if the student has been assigned to or accepted by the school and no longer attends his/her previous school, and to provide that the student who takes advantage of this opportunity will establish residence in the school at which such summer participation occurs for the following school year.

Sponsor: Board of Directors and Commissioner John A. Stewart.

Proposal: This proposal consists of two parts.

PART 1. Create Bylaw 11.1.1.1 to read:

“11.1.1.1 A student may participate in athletic activities sponsored by or affiliated with a school during the summer period immediately preceding attendance in that school if the student has been assigned to or accepted by the school and no longer attends his/her previous school. The student, pursuant to Bylaw 11.3.1, however, will be considered to have established residence in that school and will not be eligible to participate in interscholastic practice or competition at any other member school during that school year.”

PART 2. Bylaw 11.3.1.1 is created to read:

“11.3.1.1 A student who, pursuant to Bylaw 11.1.1.1, participates in athletic activities sponsored by or affiliated with a school during the summer period following assignment to or acceptance by the school but preceding attendance in the school will be considered to have established residence in that school and will not be eligible to participate in interscholastic practice or competition at any other member school during that school year. A student who is assigned to and/or accepted

by more than one school will be considered to have established residence in the school he/she first attends or participates in summer athletic programs or interscholastic practice prior to attendance, whichever first occurs.”

Effective Date: Upon adoption.

Rationale: This proposal will allow a student who is not yet a “bona fide student” as defined in Bylaw 11.1.1 to participate in summer conditioning programs and other drills conducted by a school that a student plans to attend in the fall without jeopardizing his/her eligibility in the new school. Locking the student’s residence for the school year in that school will prevent a student from applying to, being accepted by, and “trying out” at multiple schools over the summer before selecting the school he/she will attend.

PROPOSAL NO. 2007-6

Topic: Eligibility – General Principles, General Definitions, Residence and Transfer.

Intent: To repeal the comprehensive revision to the residence and transfer rules that was adopted by the 2006 Representative Assembly, and to reaffirm those rules as they existed prior to the revision.

Sponsor: Board of Directors and Commissioner John A. Stewart.

Proposal: This proposal consists of two parts.

PART 1. Bylaws 11.01, 11.02, 11.3 and 11.4 of FHSAA Bylaws as revised by the 2006 Representative Assembly are hereby repealed.

PART 2. Bylaws 11.3 and 11.4 of FHSAA Bylaws as adopted prior to the revision are hereby reaffirmed.

Effective Date: Upon adoption.

Rationale: The Independent Student-Athlete Recruiting Task Force appointed by the President of the Senate, the Speaker of the House and the Governor, in its report to the

Legislature, has determined that the comprehensive revision is in conflict with provisions of Florida Statutes.

PROPOSAL NO. 2007-7

Topic: Eligibility – Physical Examination.

Intent: To provide that a licensed physician assistant may also administer an annual physical evaluation.

Sponsor: John A. Stewart, Commissioner.

Proposal: Bylaw 11.8.1 is amended to read:

“11.8.1 The student each year shall undergo a physical evaluation and shall be certified as being physically fit for participation in interscholastic athletic practice or competition before being allowed an opportunity for such participation. This annual physical evaluation must be administered either by a licensed physician, a licensed osteopathic physician, a licensed chiropractic physician, a licensed physician assistant or a certified advanced registered nurse practitioner, and shall be valid for a period to to exceed on calendar year from the date of the practitioner’s signature. 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 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 each member school shall adhere. The fully executed physical evaluation form signed by the physician or practitioner and the medical history questionnaire signed by the student and his/her parent(s) or guardian(s) shall be filed in the principal’s office.”

Effective Date: Upon adoption.

Rationale: Florida Statutes authorize licensed physician assistants to administer physical evaluations. They were inadvertently omitted from the amendment to this section that was adopted by the 2006 Representative Assembly.



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