



OFFICIAL NOTICE

*Proposals to Amend
FHSAA Bylaws
for consideration by the
FHSAA Representative Assembly
at its January 14-15, 2008, 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 14-15, 2008, 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 three proposals have been submitted for consideration by the Representative Assembly. Two proposals are sponsored jointly by the Board of Directors and Commissioner. The third is sponsored singularly by the Commissioner. One proposal is substantive in nature. The remaining two are editorial revisions. 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. 2008-1

Topic: Membership.

Intent: To change the term “compliance audit” to “compliance review”. This is an editorial revision rather than a substantive change.

Sponsor: Executive Director & Commissioner John A. Stewart.

Proposal: Amend Bylaw 3.3.2.5 to read:

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

Effective Date: Upon adoption.

Rationale: Some member schools have misunderstood the reference to the compliance audit to mean that the school’s financial records may be audited by the FHSAA. This is untrue. The compliance audit was created to ensure compliance with FHSAA rules by schools. By changing the word “audit” to “review” this misunderstanding, hopefully, will be cleared up.

PROPOSAL NO. 2008-2

Topic: Governance – Sectional Appeals Committees

Intent: To expand sectional appeals committees from five to seven members by consolidating the two seats occupied by district superintendents and school board members into one seat, adding second private school seat, adding at-large seat to ensure representation for the under-represented gender and/or race appointed by the Board of Directors, and one

attorney appointed by the Board of Directors who serves as chair.

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

Proposal: Amend Section 4.3 by striking all and replacing with the following:

“4.3 SECTIONAL APPEALS COMMITTEES

4.3.1 Composition of Committees. There is a Sectional Appeals Committee in each administrative section. Each committee is composed of the following seven members::

(a) Two members representing public schools elected by and from among public school representatives in the section;

(b) One member representing private schools elected by and from among private school representatives in the section;

(c) One member representing public school districts selected by the Florida Association of School Administrators from among district school superintendents or district school board members in the section;

(d) One member representing recognized private school accrediting associations selected by the Florida Association of Academic Non-public Schools from among district-, regional- or school-based private school administrators or governing board members in the section;

(e) One at-large member from an under-represented gender and/or race appointed by the Board of Directors from among district-, regional- or school-based administrators in the section; and

(f) One attorney from among attorneys living in the section, who within the last five years has been a member in good standing of the Florida Bar or the bar of any other state in the union.

4.3.1.1 Board Member Cannot Serve on Committee. A member of the Board of Directors cannot serve on a Sectional Appeals Com-

mittee.

4.3.1.2 Criteria for Board-Appointed Members.

4.3.1.2.1 At-Large Member. If 60 percent or more of the schools within the section are public, the Board of Directors must appoint a public school administrator as the at-large member. If less than 60 percent of the schools within the section are public, the Board of Directors must appoint a private school administrator as the at-large member.

4.3.1.2.2 Attorney. The attorney cannot be connected with any member school, public school district or private school accrediting organization, or represent student-athletes, coaches or athletic directors in any manner.

4.3.1.3 Conflict of Interest. A member who is associated with a school that appeals to the committee must disqualify himself/herself from hearing the case to avoid any conflict of interest.

4.3.1.4 Chairperson. The attorney serves as chairperson. He/she presides over all meetings of the committee and is the only member who may have contact with the FHSAA staff relative to any case pending before the committee.

4.3.1.5 Vice Chairperson. The committee elects a vice chairperson from among its members at the first meeting of each school year. The vice chairperson presides over meetings of the committee when the chairperson is absent or unable to act.

4.3.1.6 Quorum. A quorum is four members. The FHSAA Office appoints qualified persons to serve as substitute members to ensure a quorum when it knows a sufficient number of members will not be present.

4.3.1.7 Passage of Motion. A majority of votes cast is required to pass any motion. A tie vote, therefore, cannot pass a motion.

4.3.2 Duties and Responsibilities. Each

Sectional Appeals Committee:

(a) Considers requests by schools seeking exceptions to FHSAA rules;

(b) Hears undue hardship eligibility cases that are filed by schools on behalf of students; and

(c) Hears appeals of decisions of the FHSAA Office that are filed by schools.

4.3.2.1 Committee Cannot Waive Florida Statutes. The committee cannot waive any provision of Florida Statutes.

4.3.3 Meetings. Each Sectional Appeals Committee meets once monthly as needed to perform its duties during the first 15 days of August, September, October, November, December, January, February, March and April.

4.3.4 Selection/Term of Service.

4.3.4.1 Selection. Each constituent group selects its representative members on the Sectional Appeals Committees. The FHSAA Office conducts elections in each administrative section to determine the school representatives who serve on the committee in that section. Public school representatives vote in the elections to select their representative members on the committee. Private school representatives vote in the elections to select their representative members on the committee.

4.3.4.2 Term of Service. The term of service for a committee member is three school years. A committee member may be re-selected or re-appointed to a second three-year term, but cannot serve more than a maximum of six consecutive school years.”

Effective Date: July 1, 2008.

Rationale: Representatives of the various private school accrediting organizations whose schools are members of the FHSAA have indicated their schools are concerned that the current composition of the sectional appeals committees, in which there is only one private school committee member, does not accurately

ly reflect the average ratio of 2/3 public to 1/3 private schools within the sections. This has led to the perception that private schools cannot receive a fair hearing before the sectional appeals committees. This proposed change in the composition of the committees will address this inequity in private school representation. The addition of the chairperson attorney will better help to ensure the impartiality of the hearings.

PROPOSAL NO. 2008-3

Topic: Governance – Commissioner

Intent: To change the title of “Commissioner” to “Executive Director”. This is an editorial revision rather than a substantive change.

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

Proposal: Amend bylaws document throughout replacing “Commissioner” in all places the word appears with “Executive Director”.

Effective Date: Upon adoption.

Rationale: Majority of state high school associations use “Executive Director” as the title for their chief executive officers. Will eliminate any confusion that may be caused by references to “Commissioner of Education.”