



OFFICIAL NOTICE

*Proposals to Amend
FHSAA Bylaws
for consideration by the
FHSAA Representative Assembly
January 12-13, 2009*





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 12-13, 2009 meeting. This publication contains all proposals properly sponsored by member school representatives, advisory committees, the FHSAA Board of Directors and the Executive Director.

A total of 11 proposals have been submitted for consideration by the Representative Assembly. Ten proposals are sponsored jointly by the Board of Directors, Executive Director and Executive Director-Designate. 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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ACKNOWLEDGEMENT

Proposals 2009-01 through 2009-10 are the result of the Handbook Revision Task Force that was authorized by the Board of Directors at their June 2006 Board of Directors Meeting. The task force was composed of the following individuals:

Willie Bueno-American Heritage (Delray Beach)
 Richard Finlayson-Aucilla Christian Academy
 Tom Greer-Osceola School Board
 Trish Highland-Orange County Public Schools
 Michael Stutzke-Sebastian River High School
 Jerry Welch-All Saint's Academy
 Bob West-Bishop Kenny
 Michael Colby-FHSAA Staff
 Sonny Hester-FHSAA Staff
 Denarvise Thornton-FHSAA Staff
 Leonard Ireland-FHSAA Legal Counsel

Also assisting were Michael Desa and Kristen Brown, interns from Florida Coastal School of Law

NOTE: Proposals 2009-01 through 2009-10 are a comprehensive revision of the existing bylaws. There are very few substantive changes to the existing bylaws. The changes presented here are in an effort to make the bylaws easier to read and to reduce redundancy. Where appropriate the current bylaw number is referenced. For presentation purposes each article in the revision is a separate proposal (i.e. Article 1 is Proposal 2009-01, Article 2 is Proposal 2009-02, etc.). Each of Proposals 2009-01 through 2009-10 are sponsored by Executive Director John A. Stewart, Executive Director Designate Roger Dearing and the Board of Directors. The effective date would be July 1, 2009.

PROPOSAL NO. 2009-01

CONSTITUTIONAL BYLAWS, ARTICLE 1 **Name, Purpose, Objectives, General Terms and** **Fundamental Belief**

1.1 NAME

The name of this corporation is “Florida High School Athletic Association, Inc.”

1.1.1 Common References. This organization is commonly referred to as the “Florida High School Athletic Association”, the “Association”, or the “FHSAA”.

1.1.2 Location of Office. The FHSAA office is located in Gainesville, Florida.

1.1.3 Type of Organization. The FHSAA is a voluntary association of middle/junior high schools, senior high schools, combination schools (K-12, K-8, 6-12, etc.) and home education

cooperatives that are physically located in Florida. It operates as a not-for-profit corporation.

1.1.4 National Affiliation. The FHSAA shall maintain membership in the National Federation of State High School Associations (NFHS). (was 2.2)

1.2 PURPOSE

The FHSAA provides leadership for the development, supervision and promotion of interscholastic athletic programs sponsored by its member schools. Participation in these programs enriches the educational experience of qualified student-athletes by providing them with opportunities to compete in an equitable, sportsmanlike and wholesome manner.

1.3 OBJECTIVES (from 2.1)

To achieve its purpose, the FHSAA will:

- (a) Strive for interscholastic athletics to be an integral part of the educational program;
- (b) Ensure the equitable conduct of interscholastic athletic competitions;
- (c) Promote an understanding that participation in interscholastic athletics is a privilege earned by those who meet the established requirements;
- (d) Provide rules for administrative control of, and responsibility for, interscholastic athletic programs that is consistent with the rules of the Association;
- (e) Recognize the outstanding accomplishments of student-athletes, coaches, teams and schools;

(f) Protect member schools from exploitation by organizations and individuals whose purposes are not consistent with educational athletics;

(g) Encourage cooperation, friendship and sportsmanship among student-athletes, coaches and member schools; and

(h) Cooperate with the Florida Legislature and the Florida Department of Education in governing interscholastic athletics.

1.4 GENERAL TERMS

1.4.1 Bylaws or FHSAA Bylaws – refers to the rules and regulations of this association that have been adopted by a two-thirds vote of the Representative Assembly of this association

1.4.2 Policies or FHSAA Policies – refers to the rules and regulation of this association that have been adopted by a majority vote of the Board of Directors

1.4.3 Regulations or FHSAA Regulations – refers to the FHSAA Bylaws and Policies

1.4.4 School Year – refers to the period of time that begins on July 1 and continues to June 30

1.4.5 Academic/Athletic Year – refers to the period of time which begins with the first day of practice for the fall sports or the first day of classes, whichever comes first for an individual school and continues until the last day classes for an individual school

1.4.6 Summer – refers to the period of time which begins on the first day following the last day of classes for an individual school and continues through the Saturday preceding the first of day of practice for the fall sports

1.4.7 Permissible Contact – refers to the time in which a coach is allowed to meet with athletes for the purpose conducting tryouts, demonstrating and instructing sport specific skills and techniques, and practices for a given sport

1.4.8 Start of a Sports Season – commences with the first day of permissible contact for the given sport as determined on the FHSAA Planning Calendar

1.4.9 End of a Sports Season – concludes with the last regular season contest for the given sport or the contest in which an individual school has been eliminated from or has been named the overall champion of the state series for the given sport as determined on the FHSAA Planning Calendar

1.4.10 Fiscal Year – refers to the period of time that begins on July 1 and continues to June 30.

1.4.11 Calendar Year – refers to 365 continuous days

1.4.12 Standardized Calendar – refers to the calendar in which each week is numbered 1 through 52 with Week 1 beginning the first Sunday in July

1.4.13 Semester – refers to that period of time approximately equal to one half of an academic year, which is approximately 90 days; with August through December/January as the 1st semester and January through May/June as the 2nd semester

1.4.14 One Full Semester – defined as being in attendance and earning a grade for an entire semester period (i.e. August through December/January as the 1st semester and January through May/June as the 2nd semester).

1.4.15 Team Sport – refers to any sport in which competition is held between two collective groups of individuals in which winning or losing is by the group as opposed to by individuals (i.e. baseball, basketball, competitive cheerleading, football, lacrosse, soccer, softball, volleyball, water polo, etc.). Only team honors are awarded in team sports.

1.4.16 Individual Sport – refers to any sports in which competition is held between or among individuals in which winning or losing is by individuals (i.e. bowling, cross country, golf, swimming & diving, tennis, track & field, weightlifting, wrestling, etc.). Team and individual honors are awarded in individual sports.

1.5 FUNDAMENTAL BELIEF

Interscholastic athletic programs play a vital role in the education of students who participate in them. Through their participation in interscholastic athletics, students are provided character building opportunities to demonstrate honesty, integrity, respect, caring, cooperation, trustworthiness, leadership, tolerance and personal responsibility. These fundamental values enable participants to realize and fulfill their potential as students, as athletes, as individuals and as citizens.

PROPOSAL NO. 2009-02

CONSTITUTIONAL BYLAWS, ARTICLE 2 **Principles for the Conduct of Interscholastic Athletics**

FHSAA rules governing the conduct of interscholastic athletic programs are designed to advance one or more basic principles, including

the following, to which member schools are committed. In some instances, a delicate balance of these principles is necessary to help achieve the objectives of the Association.

2.1 EDUCATIONAL NATURE OF INTERSCHOLASTIC ATHLETICS

Interscholastic athletic programs are designed to enhance the educational experience. The student-athlete is a student first, an athlete second; and each and every practice and competition is an extension of the classroom. This is what clearly separates interscholastic athletics from all other forms of youth sports.

2.2 PARTICIPATION IS A PRIVILEGE

Participation in interscholastic athletics by a student is a privilege, not a right. To earn this privilege, students must abide by the rules and meet standards of academic performance and personal behavior that are related to school purposes.

2.4 SPORTSMANSHIP AND ETHICAL CONDUCT

Interscholastic athletic programs must encourage good character, enhance the integrity of education and promote civility in society. Student-athletes, coaches and all others associated with interscholastic athletic programs as well as those who attend interscholastic athletic events should adhere to the fundamental values of honesty, integrity, respect, caring, cooperation, trustworthiness, leadership, tolerance and personal responsibility. Each school is responsible for:

(a) Establishing policies for sportsmanship and ethical conduct in its interscholastic athletic

programs that are consistent with the educational mission and goals of the school; and

(b) Educating, on an ongoing basis, all individuals associated with the school's interscholastic athletic programs and events about those policies.

2.5 GENDER EQUITY

The FHSAA will conduct its activities in a manner free of gender bias and will adopt rules that enhance schools' efforts to comply with applicable gender-equity laws.

2.6 ADMINISTRATIVE CONTROL AND RESPONSIBILITY

Each school must control its interscholastic athletic programs by FHSAA rules and regulations. The principal, who is responsible for the administration of all aspects of the school's interscholastic athletic programs, is responsible for ensuring this control, which extends to and includes responsibility for and control over the actions of:

- (a) The administration and faculty;
- (b) The athletic department staff and student-athletes;
- (c) The student body, parents and other spectators at athletic events; and
- (d) Any other individual or group engaged in activities representing, supporting or promoting the athletic interests of the school.

2.7 COMPLIANCE WITH RULES

Each school must comply with all applicable FHSAA rules. The FHSAA will assist schools in their efforts to achieve full compliance with all rules and will establish fair procedures for

addressing alleged or identified failures in compliance. A school found to have violated FHSAA rules will be subject to such disciplinary and corrective actions as may be determined to be appropriate by the Association.

2.8 NONDISCRIMINATION AND DIVERSITY

The FHSAA will promote an atmosphere of respect for and sensitivity to the dignity of every person. The Association will not discriminate in its governance policies, programs and employment practices on the basis of age, color, disability, gender, national origin, race, religion, creed, sexual orientation or educational choice. The FHSAA will promote diversity of representation within its governance structure and substructures. Each school is responsible to determine independently its own policies regarding nondiscrimination and diversity.

2.9 COMPETITIVE EQUITY

FHSAA rules will promote the opportunity for equity in competition to assure that individual student-athletes and school teams will not be prevented unfairly from achieving the benefits possible through participation in interscholastic athletics.

2.10 ELIGIBILITY RULES

The FHSAA will adopt and enforce eligibility rules that assure proper emphasis on educational objectives and promote competitive equity among schools.

2.11 STATE CHAMPIONSHIP SERIES COMPETITION

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

PROPOSAL NO. 2009-03

CONSTITUTIONAL BYLAW, ARTICLE 3

Membership

3.1 GENERAL PRINCIPLES

3.1.1 Opportunity for Membership. A senior high school, a middle/junior high school, a combination school or a home education cooperative located in Florida may be a member of the FHSAA if it meets the qualifications, conditions and obligations of membership.

3.1.2 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.

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

3.1.4 Deadlines. When deadline dates fall on a Saturday, Sunday or legal holiday as established

by Florida Law, the deadline will be the next day that is not a Saturday, Sunday or legal holiday.

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

3.2 GENERAL DEFINITIONS

3.2.1 Member School. A “member school” is a senior high school, middle/junior high school, a combination 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.

3.2.1.1 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.

3.2.2 Provisional Period. The “provisional period” is the first two years following a school’s application for membership. During the provisional period, the school can participate in regular season interscholastic competition with member schools, but will have no other privileges of membership.

3.2.3 Types of Member Schools

3.2.3.1 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.

3.2.3.2 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).

3.2.3.3 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/or senior high school grades under the direction of a single principal as defined in Article 3.02.4 (i.e. K-12, K-8, 6-12, 7-12, etc.). A combination school must hold membership as a middle/junior high school if its terminal grade is grade 6 through 9 or as a senior high school if its terminal grade is grade 10 through 12.

3.2.3.4 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 and may include students in grades 6 – 12.

3.2.4 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 responsible for the conduct of the school’s interscholastic athletic programs.

3.2.5 FHSAA Representative. A “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.

3.2.6 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.

3.3 QUALIFICATIONS AND CONDITIONS OF MEMBERSHIP

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

- (a) The principal applies for membership on a form provided for that purpose;
- (b) The school is registered with the Florida Department of Education;
- (c) The school is accredited by an agency approved by the Association;
- (d) The governing body of the school approves the school’s membership in the Association and adopts these bylaws annually as the rules governing its interscholastic athletic programs;
- (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, and a dedicated fax line;

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

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

3.3.1.1 Approved Accrediting Agencies.

Accreditation for purposes of membership will be accepted from any of 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;

(m) Florida Coalition of Christian Private Schools Association; and

(n) Southern Association of Colleges and Schools.

3.3.1.2 Existing Members without

Accreditation. A school that is a full member as of June 30, 2009, but is not accredited by an approved agency, will have a maximum of three (3) years to earn accreditation.

3.3.1.3 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.

3.3.1.4 Exemption from Accreditation

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

3.3.1.5 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.

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

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

(b) The governing board of the cooperative adopts these bylaws annually as the rules governing its interscholastic athletic programs;

(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 a dedicated fax line; and

(g) The Board of Directors elects the cooperative to membership.

3.3.2.1 Student Members of Home Education Cooperatives. Each student member of a home education 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 provided by the Florida Statutes.

3.4 PROVISIONAL PERIOD

3.4.1 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.

3.4.1.1 First Year. During the first year of the provisional period the school must be represented at an FHSAA compliance seminar by its principal, FHSAA representative and athletic director; and

3.4.1.2 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

(c) Demonstrate a working knowledge of FHSAA regulations.

3.4.2 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 may, if granted, be assigned as a restricted member or apply for approved nonmember school status.

3.4.3 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.

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

3.5 OBLIGATIONS OF MEMBERSHIP

3.5.1 Administrative Control. A member school must control its interscholastic athletic programs in accordance with the regulations 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.

3.5.1.1 Scope of Responsibility. Responsibility for control of a school's interscholastic athletic programs extends to and includes the education of 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.

3.5.2 Compliance with Rules. A member school must comply with all bylaws and other rules of the Association. The school must monitor its athletic programs to assure compliance with all bylaws and regulations, must identify and report to the FHSAA office instances in which compliance has not been achieved, and must take appropriate corrective actions regarding such instances of non-compliance. 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.

3.5.2.1 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.

3.5.2.2 Cooperation with Association. A member school must fully cooperate in the investigation of any alleged violation of the bylaws or other rules of the Association. 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.

3.5.2.3 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.

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

3.5.3 Insurance Coverage. A member school must verify that athletic accident medical insurance coverage, catastrophic accident insurance coverage, and catastrophic disability insurance coverage is provided 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.

3.5.4 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.

3.5.5 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.

3.6 APPLICATION FOR MEMBERSHIP

3.6.1 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.

3.6.1.1 Application Packet.

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

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

3.6.1.1.3 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 or reviewed by a certified public accountant.

3.6.1.2 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 involuntarily ended.

3.6.2 Continuing Membership. The FHSAA office, on or before April 1, will provide to each member school a form on which to continue its membership for 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 may not be considered for reelection to membership for the following school year.

3.6.2.1 Insurance Coverage. A member school continuing its membership must provide photocopies of insurance certificates showing that

the school has purchased the insurance coverage required of member schools.

3.6.2.2 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.

3.7 PROCEDURES FOR ADMITTANCE AND ELECTION TO MEMBERSHIP

3.7.1 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.

3.7.2 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.

3.7.2.1 First-Time Full Membership. A school that has completed the two-year provisional 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.

3.7.2.2 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.

3.7.3 Advance Notice of Unfavorable Recommendation. The FHSAA office 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.

3.7.4 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.

3.7.4.1 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 re-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.

3.8 MEMBERSHIP DUES AND FEES

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

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

3.8.3 Payment. Dues and fees are payable July 1 of each year.

3.9 PRIVILEGES OF MEMBERSHIP

3.9.1 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.

3.9.1.1 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 attend 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.

3.9.2 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.

3.10 TERMINATION AND RESTRICTION OF MEMBERSHIP

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

3.10.2 Suspension. The FHSAA office may suspend a member school that fails to meet one or more of the qualifications, conditions and/or obligations of membership until the deficiency are corrected.

3.10.2.1 Failure to Pay Dues and Fees. A member school that does not pay its dues and fees by August 31 will be suspended 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.

3.10.2.2 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.

3.10.3 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.

3.10.3.1 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.

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

3.10.5 Readmission. A former member school that applies to reestablish its membership must pay a readmission fee, satisfies 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.

3.11 APPROVED NONMEMBER SCHOOLS

3.11.1 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 principal of the school completes and submits the application form;

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

(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.

3.11.2 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.

3.11.3 Obligations of Approved Nonmember Schools.

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

(a) Comply with all Association regulations, including rules governing the eligibility of students;

(b) Abide by NFHS playing rules, or the rules adopted by the FHSAA Board of Directors for a sport in which the NFHS does not publish playing rules, including modifications made to such rules by the FHSAA Board of Directors;

(c) Use FHSAA-registered contest officials if it is the host school; and

(d) Demonstrate high standards of sportsmanship and integrity.

3.11.4 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.

3.12 GEOGRAPHICAL AREAS

3.12.1 Method of Division. The Board of Directors will divide the Association's membership along existing county lines into four contiguous and compact administrative sections, each containing an equal or nearly equal number of member schools to ensure equitable representation in the FHSAA governance structure and substructures.

PROPOSAL NO. 2009-04

CONSTITUTIONAL BYLAWS, ARTICLE 4

Organization and Governance

4.1 GENERAL PRINCIPLES

4.1.1 Form of Government. The FHSAA is a representative democracy.

4.1.2 Governance. These bylaws, administrative policies and other regulations, as well as Florida Statutes pertaining to the FHSAA or interscholastic athletics in general, govern the Association.

4.1.2.1 Constitutional Bylaws. Constitutional bylaws establish the name, purpose, membership requirements and structure of the Association, as

well as the more important principles for the conduct of interscholastic athletic programs. Only the Representative Assembly may adopt or amend constitutional bylaws.

4.1.2.2 Operating Bylaws. Operating bylaws govern the responsibilities of school administrations in conducting interscholastic athletic programs, the obligations of and relationships between schools in interscholastic contests, the eligibility of student-athletes, the penalties for rules infractions, and the procedures for appeals. Only the Representative Assembly may adopt or amend operating bylaws.

4.1.2.3 Administrative Policies. Administrative policies are adopted by the Board of Directors and are the basis for the regulations that govern the various FHSAA programs. Only the Board of Directors may amend administrative policies.

4.1.3 Florida Sunshine Law. All FHSAA meetings are conducted in compliance with the Florida Sunshine Law (s. 286.011). All records are subject to the Florida Public Records Law (s. 119.01)

4.1.4 Florida Statutes. The FHSAA cannot waive any provision of Florida Statutes.

4.2 GENERAL DEFINITIONS

4.2.1 Year of Service. A person who serves on a body in the FHSAA governance structure has served one year of his/her term of service if he/she was elected or appointed in advance of the first regularly scheduled meeting of the body in a school year. A person who is appointed to fill a vacant seat on a body after it has held at least one

meeting in a school year will not be considered to have served a full year.

4.3 BOARD OF DIRECTORS

4.3.1 Composition. The Board of Directors is composed of the following sixteen (16) members:

(a) Four public school representatives, one elected from each administrative section;

(b) Four non-public school representatives, one elected from each administrative section;

(c) Two district school superintendents elected by the Florida Association of District School Superintendents – one from administrative sections 1 or 2, and one from administrative sections 3 or 4;

(d) Two district school board members elected by the Florida School Boards Association – one from administrative sections 1 or 2, and one from administrative sections 3 or 4;

(e) Three persons appointed at large by the Commissioner of Education. One must be appointed from administrative sections 1 or 2. One must be appointed from administrative sections 3 or 4. The third must help balance the Board of Directors for racial diversity or state population trends, or both, and may be appointed from any administrative section; and

(f) The Commissioner of Education or his/her designee from the Department of Education executive staff.

4.3.1.1 Restrictions. A district school superintendent and district school board member from the same public school district cannot serve on the Board of Directors at the same time.

4.3.1.2 Quorum. A quorum of the Board of Directors consists of nine members.

4.3.1.3 Passage. A majority of votes cast by board members voting is required to pass any measure.

4.3.1 Duties and Responsibilities. The Board of Directors:

(a) Adopts and amends administrative polices and regulations to govern the Association's programs;

(b) Employs the Association's Executive Director;

(c) Approves and oversees the Association's budget;

(d) Assesses annual membership dues and other fees;

(e) Provides strategic planning for the Association;

(f) Authorizes statewide competitions that may or may not lead to state championships and establishes regulations governing those competitions;

(g) Serves as the highest and final appellate authority of the Association.

4.3.2 Budget and Audit. The Board of Directors at its final regularly scheduled meeting of a school year approves a preliminary budget for the next school year. It approves a final budget for the school year at its first regularly scheduled meeting of that school year. The Board of Directors provides for an annual audit of all accounts by a certified public accountant and the report is made available upon request. (was Article 6)

4.3.2.1 Appellate Authority. The Board of Directors interprets and renders a final decision on all questions and appeals that result from the Association's supervision of interscholastic athletic programs. It has administrative responsibility and rulemaking authority for the Association's appellate branch. As such the board:

(a) Reviews, at the Executive Director's request, the decision of a Sectional Appeals Committee or the Infraction Appeals Committee that directly conflicts with decisions of other Sectional Appeals Committees or the Board of Directors on the same question or rule, or that in the Executive Director's opinion conflicts with the rules of the Association or has a great effect on the proper administration of interscholastic athletic programs throughout the state; and

(b) Renders at the Executive Director's request an advisory opinion addressing issues as provided by rule.

4.3.2.2 Delegation of Duties and Responsibilities. The Board of Directors, when it deems appropriate, may assign for recommendation specific matters to committees that it creates for those purposes. The Board of Directors will make a final determination based on the committee's recommendation.

4.3.2.3 Meetings. The Board of Directors meets a minimum of five times each school year. It sets the date and place of each meeting. The president may call additional meetings if needed.

4.3.3 Selection/Term of Service.

4.3.3.1 Selection. Each constituent group selects its representatives to the Board of Directors. The school representatives who represent each administrative section are elected by a majority of votes cast by all school representatives within the administrative section.

4.3.3.2 Term of Service. The term of service for a board member is three school years beginning July 1st following his/her election or appointment. A board member may be re-elected or re-appointed to a second three-year term, but cannot serve more than a maximum of six consecutive school years. These term limits, however, do not apply to the Commissioner of Education or his/her designee, whose term is unlimited.

4.3.4 Officers. The officers of the Board of Directors are a president and a president-elect. Each serves a term of one school year, which runs concurrent with one year of his/her term of service on the board. Neither can serve consecutive like terms.

4.3.4.4 President. The president presides over all meetings of the Board of Directors and performs other duties of the office. The president's term of service begins on July 1 following a one-year term of service as president-elect.

4.3.4.5 President-Elect. The president-elect is elected by the board from among its members at its last regularly scheduled meeting of each school year. To be eligible for election, the president-elect must have not less than two years remaining in his/her current term of office or have not less than one year remaining in his/her current term of office and be eligible for re-election or re-

appointment. The president-elect performs the duties of the president if he/she is absent or unable to act. The president elect's term of service begins on July 1 following his/her election to the office. The president-elect becomes president on July 1 of the next school year.

4.3.4.6 Vacancies.

(a) If the president vacates the office before the end of his/her term, the president-elect will serve as president for the remainder of the vacated term and then as president for the term to which he/she was elected.

(b) If the president-elect vacates the office before the end of his/her term, the Board of Directors elects a new president-elect during its next regularly scheduled meeting.

(c) If both the president and president-elect vacate the offices before their terms end, the board elects an acting president and acting president-elect for the remainder of the school year at its next regularly scheduled meeting. A new president and president-elect for the following school year then will be elected at the final regularly scheduled meeting of the year.

4.4 REPRESENTATIVE ASSEMBLY

4.4.1 Composition. The Representative Assembly is composed of the following delegates: (s.1006.20(5)(b) Florida Statues)

- (a) An equal number of school representatives from each of the four administrative sections;
- (b) Four district school superintendents elected by the Florida Association of District School Superintendents – one from each administrative section;

(c) Four district school board members elected by the Florida School Boards Association – one from each administrative section; and

(d) The Commissioner of Education or his/her designee from the Department of Education executive staff.

4.4.1.1 Diversity Appointments. The Board of Directors may appoint additional delegates if necessary to ensure racial and gender diversity in the Representative Assembly. There must be an equal number of appointees from each administrative section.

4.4.1.2 Delegate Restrictions. No member of the Board of Directors other than the Commissioner of Education or his/her designee can serve as a delegate to the Representative Assembly.

4.4.1.3 Quorum. A quorum of the Representative Assembly consists of one more than half of its member delegates.

4.4.1.4 Passage. A two-thirds majority of votes cast by delegates present and voting is required to pass any proposed amendment.

4.4.2 Duties and Responsibilities. The Representative Assembly's only duty and responsibility is to act on proposed amendments to the bylaws of the Association that are submitted for its consideration. The assembly cannot propose any amendment for its own consideration.

4.4.2.1 Meetings. The Representative Assembly meets one time each school year. The Board of Directors sets the date and place of each meeting. The President of the Board of Directors can call additional meetings if needed.

4.4.3 Selection/Term of Service.

4.4.3.2 Selection. Each constituent group selects its delegates to the Representative Assembly. The school representative delegates from each administrative section or legislative division, if applicable, are elected by a majority of votes cast by all school representatives within the administrative section or legislative division.

4.4.3.3 Term of Service. The term of service for a Representative Assembly delegate is two school years. A delegate may be re-elected or re-appointed to two additional two-year terms, but cannot serve more than a maximum of six consecutive school years. These term limits, however, do not apply to the Commissioner of Education or his/her designee.

4.4.4 Officers. The officers of the Representative Assembly are a chairperson and a vice chairperson. The assembly elects both from among its members at the beginning of its meeting. Both may be re-elected to their offices at consecutive meetings if they continue to serve as delegates to the assembly.

4.4.4.1 Chairperson. The chairperson presides over the meeting of the Representative Assembly at which he/she is elected.

4.4.4.2 Vice Chairperson. The vice chairperson performs the duties of the Chairperson if he/she is absent or unable to act.

4.5 SECTIONAL APPEALS COMMITTEES

4.5.1 Composition. There will be one Sectional Appeals Committee in each of the four administrative sections. Each committee will consist of the following seven (7) members:

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

(b) One member representing non-public schools elected by and from among the non-public 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 by the Florida School Boards Association from among district school board members in the section.

(d) One member representing recognized non-public school accrediting associations selected by the Florida Association of Academic Nonpublic Schools from among district-, regional- or school-based non-public 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.

4.5.1.1 Restrictions. No member of the Board of Directors can serve on a Sectional Appeals Committee.

4.5.1.2 Criteria for Board-Appointed Members.

4.5.1.2.1 At-Large Member. If 60 percent or more of the schools within a 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 non-public school administrator as the at-large member.

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

4.5.1.3 Committee Officers.

4.5.1.3.3 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.

4.5.1.3.4 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.

4.5.1.3.5 Vacancies. If the chairperson vacates the office before the end of the term of service, the Board of Directors will appoint a replacement during its next regularly scheduled meeting. The vice chairperson, meanwhile, will serve as chairperson until a replacement is appointed. If the vice chairperson vacates the office before the end of the term of service, the committee will elect a new vice chairperson during its next regularly scheduled meeting.

4.5.1.4 Conflict of Interest. A member of a Sectional Appeals Committee who is associated

with a school that files an appeal to the committee must disqualify himself or herself from hearing the case to avoid any conflict of interest.

4.5.1.5 Quorum. A quorum of a Sectional Appeals Committee will be four members. The Executive Director will appoint a qualified person or persons to serve as substitute members to ensure the presence of a quorum when it is known a committee member or members will not be present.

4.5.1.6 Passage. A majority of votes cast by committee members voting will be required to pass any measure.

4.5.2 Duties and Responsibilities. Each Sectional Appeals Committee will:

(a) Decide requests by schools seeking exceptions to bylaws and regulations of the Association;

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

(c) Decide appeals of decisions rendered by the Executive Director that are filed by member schools. The Section Appeals Committee can only sustain or overturn the decision but can not modify the decision.

4.5.2.1 Florida Statutes. A Sectional Appeals Committee will not have the authority to waive any provision of Florida Statutes.

4.5.2.2 Meetings. Each Sectional Appeals Committee will meet as needed to carry out its duties and responsibilities nine times each school year. These nine meetings must be held during the first 15 days of the months of August, September,

October, November, December, January, February, March and April.

4.5.3 Selection/Term of Service.

4.5.3.1 Selection. Each constituent group will select its representatives to the four Sectional Appeals Committees. The FHSAA Office will conduct an election in each administrative section to determine the school representatives who will serve on the committee. All school representatives within the section may vote in this election.

4.5.3.2 Term of Service. The term of service for a member of each Sectional Appeals Committee will be three school years. A committee member may be re-elected to a second three-year term, but cannot serve more than a maximum of six consecutive school years.

4.6 EXECUTIVE DIRECTOR

4.6.1 Employment. The Executive Director is the Association's chief executive officer. The Board of Directors selects and employs the Executive Director by written contract for a stated period of time. This contract of employment may be renewed under conditions that are mutually satisfactory to the Executive Director and the Board of Directors. No person, however, can be employed as Executive Director beyond the end of the school year in which he/she reaches the age of 70.

4.6.1.1 Staff. The Executive Director is authorized to employ additional persons as needed to efficiently conduct the business of the Association. Such additional persons shall report directly to the Executive Director or his/her designee.

4.6.2 Duties and Responsibilities. The

Executive Director:

(a) Manages and directs the affairs of the Association;

(b) Administers and enforces FHSAA rules and impose sanctions when he/she finds that violations have occurred;

(c) Presents an operating budget to the Board of Directors each year for approval, acts as custodian of all Association funds, and updates the Board of Directors on the Association's financial status at each of its meetings;

(d) Waive bylaws in order to comply with changes to Florida Statutes;

(e) Prepare and issue to schools all necessary publications, forms and other materials, including but not limited to;

1. Annual Calendar of events and activities
2. Handbook of Bylaws and Policies
3. Current Membership List and Membership Directory

4. Manuals and Guidebooks

(f) Receive and check all reports submitted by schools;

(g) Rule on the eligibility of all student-athletes who participate in interscholastic athletic programs in the sports recognized by the Association;

(h) Call upon the Board of Directors for advice and assistance, and perform such duties as may be necessary and expedient;

(i) Keep a record of all meetings of the Representative Assembly, Board of Directors,

Sectional Appeals Committees and Infractions Appeal Committee;

(j) Mediate controversies between schools at their request;

(k) 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, of the Infractions Appeal Committee or of the Board of Directors or the same question or rule, or that, in his/her opinion, conflicts with the rules of the Association or has a great effect on the proper administration of interscholastic athletic programs throughout the state;

(l) Approve and supervise all tournaments, meets and contest schedules under the rules of the Association;

(m) Refer any of his/her decisions or rulings to the appropriate Sectional Appeals Committee, the Infractions Appeal Committee or the Board of Directors upon the request of a school; and

(n) Perform any other duties as may be assigned by the Board of Directors.

4.6.2.1 Emergency Power to Grant Provisional Eligibility. The Executive Director's office may grant provisional eligibility to a student-athlete who suddenly becomes ineligible if, in its opinion:

(a) The circumstances that cause the student-athlete to be ineligible are of a sudden and extraordinary nature and are completely beyond the control of the student-athlete, his/her parents, or school; and

(b) The student-athlete will miss all or most of the sport season in which he/she participates if

required to wait for the next opportunity for a hearing before a Sectional Appeals Committee.

4.6.2.1.1 Period of Provisional Eligibility. Any period of provisional eligibility granted to a student-athlete will end with the next regularly scheduled Sectional Appeals Committee meeting, during which his/her undue hardship waiver request will be considered. The student-athlete will immediately become ineligible for further competition if the Sectional Appeals Committee does not grant the waiver. The school that permitted the student-athlete to participate during the period of provisional eligibility, however, will not be penalized unless it is determined that provisional eligibility was granted on the basis of erroneous information provided by the student-athlete, his/her parents, or school.

4.7 ELECTIONS AND VACANCIES (was Article 5)

4.7.1 Elections.

4.7.1.1 Positions Held by School Representatives. The FHSAA Office will conduct elections for school representative positions on the Representative Assembly, Board of Directors and Sectional Appeals Committees each year in each administrative section as follows:

4.7.1.1.1 Declaration of Candidacy. The FHSAA Office by February 1 will notify school representatives of elections that must be held and will place on the Internet a declaration of candidacy form for each race. A school representative who wants to run in a particular race and is eligible to do so must download,

complete and fax to the FHSAA Office the form for that race. The form must be completed, signed and received in the FHSAA Office by February 10 to be valid. A school representative who is not a principal must have the form signed by his/her principal granting him/her permission to run. A school representative who wants to run in more than one race may do so, but must file the appropriate form for each race.

4.7.1.1.2 General Election. The FHSAA Office by April 1 will provide each school representative who is eligible to vote in the general election a ballot. The ballot will list the names of all candidates in each race. The school representative may vote for only one candidate in each race, and will be allowed 5 business days from the date the ballot is first provided to complete and submit the ballot. The candidate in each race receiving the majority of votes cast will be the winner.

4.7.1.1.2.1 Provisional Member School Representatives. The representative of a school that is in its two-year provisional period of membership is not eligible to run for or vote in any election.

4.7.1.1.3 Run-Off Election. If no candidate receives a majority of the votes in the general election, the FHSAA Office will provide to each school representative who is eligible to vote in the run-off election a second ballot. The run-off ballot will list the names of the candidates who received the most and second-most votes in the general election. The school representative may vote for only one candidate in the race, and will be allowed 5 business days from the date the ballot is first

provided to complete and submit the ballot. The candidate receiving the majority of votes cast will be the winner.

4.7.1.1.4 Tie in Run-Off Election. The Board of Directors, by majority vote during its final regularly scheduled meeting of the school year, will determine a winner in any run-off election that ends in a tie. Each candidate shall have the opportunity to submit a resume to the Board of Directors for their consideration.

4.7.1.2 Positions Held by District School Superintendents and District School Board Members. The Florida Association of District School Superintendents and the Florida School Boards Association will determine the method for electing their representatives to the Representative Assembly, Board of Directors and Sectional Appeals Committees and will conduct those elections.

4.7.2 Vacancies.

4.7.2.1 Positions Held by School Representatives. The Board of Directors will appoint an eligible person to fill a school representative position on the Representative Assembly, Board of Directors or Sectional Appeals Committees when the person holding the position vacates before the end of his/her term of service. The person appointed to the position will serve for the remainder of the unexpired term.

4.7.2.2 Positions Held by District School Superintendents and District School Board Members. The Florida Association of District School Superintendents and the Florida School Boards Association will determine the method for

replacing their respective representatives on the Representative Assembly, Board of Directors and Sectional Appeals Committees when the person holding the position vacates before the end of his/her term of service. The person appointed to the position will serve for the remainder of the unexpired term.

4.7.2.3 Positions Held by At-Large Appointees of Commissioner of Education. The Commissioner of Education will appoint an eligible person to fill an at-large position appointed by the Commissioner of Education when the person holding the position vacates before the end of his/her term of service. The person appointed to the position will serve for the remainder of the unexpired term.

4.7.2.4 Determining Year of Service for Person Appointed to Fill Unexpired Term. A person appointed to fill a position on the Representative Assembly, Board of Directors or Sectional Appeals Committees for the remainder of an unexpired term is considered to have served a full year only if he/she was appointed prior to and attended the first meeting of the year.

PROPOSAL NO. 2009-05

CONSTITUTIONAL BYLAWS, ARTICLE 5 (was Article 14)

Amendments

5.1 SUBMISSION OF AMENDMENTS

5.1.1 Submission. Each member school representative, the Board of Directors acting as a whole or as members acting individually, any advisory committee to be established by the

Association acting as a whole, and the Association's Executive Director are empowered to propose amendments to the Bylaws. Any other individual may propose an amendment by securing the sponsorship of any of the aforementioned individuals or bodies. Proposed amendments to the Bylaws must be submitted to the Executive Director not less than sixty (60) days prior to consideration by the Representative Assembly. All proposed amendments received by the deadline shall be submitted by the Executive Director directly to the Representative Assembly for its consideration.

5.2 ACTION BY REPRESENTATIVE ASSEMBLY

5.2.1 Action. The Representative Assembly shall consider, adopt, or reject any proposed amendments to these Bylaws. The Representative Assembly may not, in and of itself, as a body be allowed to propose any amendment for its own consideration. Any revision to a proposed amendment by the Representative Assembly shall require the written authorization of its original sponsor(s). Such revisions shall require a majority of the votes cast by delegates present at the Assembly.

5.2.2 Passage. A two-thirds majority of the votes cast by delegates present is required for passage of any proposal. A vote on the final passage of any proposal shall be by roll call or signed ballot with the vote cast by each delegate reported to the member schools.

5.3 EFFECTIVE DATE OF AMENDMENTS

5.3.1 Effective Date. An amendment shall become effective on the first day of July following its adoption unless otherwise specified.

PROPOSAL NO. 2009-06

OPERATIONAL BYLAWS, ARTICLE 6 (was Article 7)

Authority and Responsibilities of the Principal

6.1 DEFINITION AND RESPONSIBILITY

6.1.1 Responsibilities. The principal's responsibilities include the following:

- (a) Sign membership renewal application.
- (b) Assure that all contracts for interscholastic athletic competition have been duly executed including those entered into by a predecessor. (was 7.3)
- (c) Enforce the Association's bylaws and policies in his/her school.
- (d) Maintain institutional control of all phases of interscholastic athletic activities within a member school including the activities of its student-athletes, booster clubs, parent groups, etc.
- (e) Keep on file all records required by this Association for the current school year. (was 7.5)
- (f) All "Pre-participation Physical Evaluation" (EL2) and "Consent and Release from Liability Certificate" (EL3) forms are required to be kept on file for at least seven (7) years.

6.1.2 Delegation of Responsibilities. The principal may delegate his/her duties as the official representative to this Association to another member of his/her staff. This does not relieve the

principal of the obligation to ensure that these bylaws and policies are adhered to.

6.2 CERTIFICATION OF STUDENT ELIGIBILITY (was 7.4)

6.2.1 Eligibility Reports. The principal or designee must annually submit all eligibility reports electronically and sign all eligibility correspondence.

6.2.1.1 Accuracy. The principal or designee shall certify that the information provided to the Association is accurate and that the students named in the report are eligible in accordance with these bylaws. (was 7.4.1)

6.2.2 Principal is Unavailable. An assistant principal designated by the principal or the school's representative to the Association, if other than the principal, may electronically submit eligibility reports or sign eligibility correspondence if the principal is unavailable, provided that the circumstances are noted on the report or correspondence. (was 7.4.2)

6.3 RECRUITMENT OF STUDENTS (was 7.6)

6.3.1 General Principle. Recruitment or attempted recruitment of students for athletic purposes is an act of unsportsmanlike conduct and is expressly forbidden.

6.3.2 Definition of Recruiting. Recruiting is the use of undue influence or special inducement by anyone associated with the school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics.

6.3.2.1 “Undue Influence and Special Inducement” Defined. The Board of Directors shall establish and maintain a policy which defines undue influence and special inducement; lists examples of violations; establishes penalties; and regulates academic recruitment and financial aid programs. Refer to Policy on Athletic Recruiting for details.

6.3.3 Liability for Recruitment. A member school is responsible for any violation of this bylaw and/or the recruiting policies committed by any person associated with the school including the principal, assistant principals, athletic director, coaches, teachers, any other staff members or employees, students, parents, or any organizations having connection to the school such as booster clubs. The member school is also responsible for a violation committed by any third party under the direction of the school or anyone associated with it.

PROPOSAL NO. 2009-07

OPERATIONAL BYLAWS, ARTICLE 7 (was Article 8)

Sportsmanship

7.1 SCHOOL REPRESENTATIVES

7.1.1 Sportsmanship Requirement. Players, coaches, administrators, spectators, contest officials and all other persons connected directly or indirectly with a member school shall practice and promote the highest standards of sportsmanship and ethics before, during, and after any interscholastic event.

7.1.2 Principal’s Duty. It shall be the responsibility of each member school principal to exercise control over all individuals to the extent necessary to ensure safety and fair play for all participants and adherence with these standards. (was part of 8.1.2)

7.2 UNSPORTSMANLIKE CONDUCT

7.2.1 “Unsportsmanlike Conduct” Defined. A student who commits an act of malicious and hateful nature toward a contest official, an opponent or any other person attending an athletic contest shall be guilty of unsportsmanlike conduct. Such acts may include, but are not limited to, profanity, striking or threatening a contest official; physical contact with an opponent which is beyond the normal scope of competition; spitting on a contest official or opponent; directing gender, racial or ethnic slurs toward a contest official, an opponent or any other person attending an athletic contest; or other such acts deemed to be unacceptable conduct according to the principal of the member school the student attends or this Association. (was part of 11.11.2)

7.2.1.1 Penalty for Students. Students who are found to have committed unsportsmanlike conduct will be ineligible to participate in interscholastic athletic competition for a penalty period up to one calendar year. (was part of 11.11.2)

7.2.1.2 Restoring Eligibility. The Executive Director, the Sectional Appeals Committee, or the Board of Directors on appeal, may restore the student’s eligibility prior to the end of the penalty period, when in the discretion of the Executive Director, the student has been properly disciplined

and the student signs a written statement of his/her intention to comply with these standards in the future. (was part of 11.11.2)

7.2.2 Executive Directors Powers. The Executive Director shall have full authority to investigate allegations and incidents of unsportsmanlike conduct and invoke penalties against member schools or individuals involved. (was part 8.1.1)

7.2.3 Disqualifications. The disqualification from participation of a coach or student, or removal of a spectator or other representative of a member school due to unsportsmanlike conduct during an interscholastic event will subject the school to the appropriate penalties. (was part of 8.1.2)

7.2.4 Removal by Coach or Administrator. The removal of a team or individual competitor by a coach or administrator because of their dissatisfaction with contest officials or other conditions of the contest shall be considered unsportsmanlike conduct and will subject the school to the appropriate penalties. (was 8.1.3)

7.2.5 Unsportsmanlike Conduct at Tournaments, Meets, or Contests. The Executive Director, in the event of unsportsmanlike conduct on the part of a representative of the member school during an athletic tournament, meet, or contest, shall have the authority to deny further participation at said tournament, meet, or contest, to such team or individual. (was 8.1.4)

7.2.6 Unsportsmanlike Conduct—Performance Enhancing Drugs. The use of anabolic steroids

or other performance enhancing drugs by a student is considered to be an act of unsportsmanlike conduct and as such the student shall be ineligible for competition until such time as medical evidence can be presented that the student's system is free of anabolic steroids or other performance enhancing drugs. (was part of 11.11.4)

7.2.7 Crowd Control. Any member school whose principal commits unsportsmanlike conduct or whose principal fails to control the conduct of the student body, faculty, and spectators shall be subject to the appropriate penalties which may include expulsion from membership in this Association. (was 8.2)

PROPOSAL NO. 2009-08

OPERATIONAL BYLAWS, ARTICLE 8 (was Article 9)

Interscholastic Contests

8.1 INTERSCHOLASTIC CONTEST

8.1.1 Definition of Interscholastic Contest. An interscholastic Contest is any competition between organized teams or individuals of different schools in a sport recognized by this Association and therefore shall be subject to all regulations pertaining to such contests. (was 9.1.1)

8.1.2 Protests. Any decision made by a contest official shall not be contested. The decisions of the contest officials are final. (was 9.1.2)

8.2 RULES OF COMPETITION

8.2.1 NFHS Rules. Unless waived by at least a two-thirds vote of the Board of Directors, the rules published by the National Federation of State High

School Associations (NFHS), or those approved by it, shall be the official rules for interscholastic athletic competition in all sports. (was 9.2.1)

8.3 SCHOOLS WITH WHICH CONTESTS MAY BE HELD

8.3.1 Eligible Contestants. Member schools may only engage in interscholastic contests with the following: (was 9.3.1)

(a) Schools which are members of this Association;

(b) Nonmember schools located in Florida that have been approved by the Board of Directors for regular season dual-team competition with member schools; or

(c) Out-of-state schools which are members in good standing of associations which regulate interscholastic athletics for schools within their state. They must follow comparable eligibility guidelines and the season for the sport involved must run concurrently with that of the Florida High School Athletic Association.

(d) Member schools shall not participate in athletic contests or contractually obligate themselves to participate in any tournament, meet or contest in which any schools which do not meet these criteria are scheduled to participate, or with non-school teams or groups.

8.3.2 Middle, Junior, and Combination Schools. Member middle, junior, and combination schools may engage in interscholastic contests with nonmember middle and junior high schools provided that: (was 9.3.2)

(a) Competition is confined to middle and junior high schools in the same county under

conditions established by the District School Board for that county; or

(b) Subject to Executive Director's approval, the nonmember school is within a 50-mile radius of the member school.

8.4 CONTRACTS

8.4.1 General Principles. Written or electronically generated contracts are required for all interscholastic athletic contests between member schools, excluding state series. Only the principal or the designated FHSAA Representative may execute such contracts. (was 9.4.1)

8.4.1.1 Forms. In order to be valid the contracts shall be executed upon the official Association form or approved by the Executive Director if generated electronically.

8.4.1.2 Time Constraints. Member schools may not enter into a contract which purports to bind those schools for interscholastic athletic competition longer than three (3) years from the date on which it was executed. (was 9.4.2)

8.4.1.3 Contract Terms. Details must be specific. Definite dates, sites, financial arrangements, process for selecting officials, and other items of interest to both parties should be specified. (was 9.4.3)

8.4.2 Cancellation of Contract. Contracts may be cancelled by mutual consent any time at least seven (7) days prior to the event.

8.4.2.1 Disputed Cancellation. If the parties fail to reach agreement on contract cancellation the matter will be referred to the Executive Director for adjudication.

8.4.2.1.1 Appealing of Decision. If the Executive Director's decision is appealed, the decision of the Sectional Appeals Committee or Board of Directors shall be final.

8.4.2.1.2 Failure to Comply. Non-compliance with the final decision by either principal shall subject the school to a penalty which may include expulsion.

8.4.2.2 Use of Ineligible Athletes. Contracts between member schools shall be subject to cancellation whenever either party proposes to allow the use of ineligible students. Member schools are prohibited from competing with schools which propose to use ineligible students. (was 9.4.6)

8.4.2.3 Suspended or Expelled Schools. When a member school is placed on suspension, probation, or expelled from membership, all contracts which the principal has executed shall be null and void. The contract may be renewed when the penalized school's punishment has ended if those dates have not yet been filled. (was 9.4.7)

8.4.3 Failure to Meet Contractual Obligations. Any school which does not fulfill the terms of any valid contract or enters into an invitational tournament and does not compete until elimination shall be subjected to a financial penalty at the discretion of the Executive Director. (was 9.4.8)

8.5 CATEGORIZATION OF SPORTS (was 9.5.1)

8.5.1 Sports May be Categorized as Recognized or Sanctioned. All sports which are not recognized or sanctioned by the Board of

Directors shall be considered club sports and are not under the jurisdiction of this Association.

8.5.1.1 "Recognized" Sports. Recognized sports require that participants abide by Association bylaws, policies, rules and contest regulations with regard to student eligibility and sportsmanship in interscholastic contests.

8.5.1.2 "Sanctioned" Sports. Sanctioned sports may require participants to adhere to stricter guidelines established by the Board of Directors. Sanctioned sports may be eligible for state championship series status pursuant to Article 8.8.1.

8.6 PARTICIPATION BY GENDER (was 9.6.1)

8.6.1 Girls on Boys' Teams. Girls may play on a boys' team in a sport if the school does not sponsor a girl's team in that sport.

8.6.2 Boys on Girls' Teams. Boys may not participate on a girls' team in any sport if the school's overall boys athletic program equals or exceeds the girls overall athletic program.

8.6.3 Mixed Gender Teams. Team sports that have both boys and girls are required to compete in the boys division in that sport.

8.6.4 State Series. In a team or individual sport girls may not participate on boys' teams in the state series when a sport is offered in the state series for girls.

8.7 STATE CHAMPIONSHIP SERIES (was 9.7.1)

8.7.1 State Championship Series. For the purpose of determining the official state champion(s) in those sports that are recognized or

sanctioned by the Board of Directors, this Association may conduct a State Championship Series.

8.7.1.1 Determining Which Schools Are Eligible. Participation is limited to member senior high schools, combination schools, and Home Education Co-ops only. This excludes member middle or junior high schools and nonmember senior high schools.

8.7.1.2 Determining Which Sports Are Eligible. The Board of Directors shall determine which sports will conduct state championship series and shall set the terms and conditions of each series.

8.7.1.3 Commitment Form. Member schools choosing to participate in a State Championship Series must complete and submit to the Association a binding “Commitment Form”.

8.7.2 Disbursement of Funds Raised. Member schools which host a state championship series shall disperse funds in accordance with conditions established by the Board of Directors. Failure to do so will result in restrictive probation for all sports until proper remuneration is made. (was 9.7.2)

8.7.3 Officials Assignments. The assignment of officials to officiate during the state championship series will be made by the assignment officer of the local association at the district level and by the FHSAA office at the regional and state level. The officials assigned to these contests are independent contractors are not employees of the local associations or the FHSAA.

8.8 SEASON LIMITATIONS

8.8.1 General Principles. The Board of Directors shall adopt season limitations in each sport which conducts a state championship series. These limitations shall establish the earliest and latest permissible dates for practice and competition as well as the maximum number of regular season contests in each sport. The limitation on boys and girls will be the same for common sports. Member schools shall not conduct practice or competition in a sport during the established off-season for that sport. (was 9.8.1)

8.8.2 Off-Season. The Board of Directors shall establish guidelines to govern interactions between member schools and student-athletes during the off-season. The off-season is the period of time outside of the season limitations for a sport but during the school year. (was 9.8.2)

8.9 USE OF REGISTERED OFFICIALS (was 9.9.1)

8.9.1 Sports Requiring the Use of Registered Officials. All officials for interscholastic contests in the sports of baseball, basketball, football (flag and tackle), lacrosse, soccer, softball, volleyball, water polo and wrestling must be registered with this Association in the sport the individual is to officiate.

8.9.2 Registration Policies. The Board of Directors shall establish the policies and procedures for the registration of officials, who shall be independent contractors. Registered officials must be members of an officials association which is sanctioned by this Association.

8.9.3 Failure to Use Registered Officials. It shall be the responsibility of the hosting member school principal for contracting registered officials through the officials association sanctioned by this association. Violation of this regulation shall subject the school to a financial penalty.

8.9.4 Failure to Provide Registered Officials. Failure of the sanctioned officials association to provide registered officials as contracted shall subject the officials association to a financial penalty.

8.9.5 Conflicts of Interest. Coaches or other persons connected with competing schools shall not officiate in contests except with the consent of all competing schools. The principal, athletic director or team coach from all competing schools may grant consent.

PROPOSAL NO. 2009-09

OPERATIONAL BYLAWS, ARTICLE 9 (was Article 11)

Student Eligibility

9.1 GENERAL PRINCIPLES

9.1.1 Participation in Interscholastic Athletics a Privilege. Participation in interscholastic athletic programs by a student is a privilege, not a right. Students who participate are required to meet the requirements established in state law, FHSAA regulations and by their respective schools. (new; resurrected from residence & transfer revision)

9.1.1.1 Local Rules May Be More Stringent. Schools may adopt more stringent rules for the students under their supervision. No school,

however, may adopt rules that are less stringent than those of the FHSAA. (new; resurrected from residence & transfer revision)

9.1.2 School Responsible to Ensure Student Eligibility. A school must not permit a student to represent it in interscholastic athletic competition unless the student meets all eligibility requirements, and the school has certified the student's eligibility to the FHSAA office.

9.1.2.1 Ineligible Student. An ineligible student shall not be allowed on the players' bench, in the team box or on the field of play wearing any portion of a team uniform.

9.1.2.2 Falsification of Information. A student who falsifies information to gain eligibility shall be declared ineligible to represent any member school for a period of one year from the date of discovery.

9.1.3 Rationale for Eligibility Standards. Eligibility rules are necessary for participation in interscholastic athletics, because:

- (a) They protect the opportunities of qualified students to participate; and
- (b) They promote competitive equity among schools; and
- (c) They encourage academic achievement by student-athletes.

9.2 ATTENDANCE REQUIREMENTS

9.2.1 Student May Only Participate at School He/She First Attends Each School Year. A student must attend school, and may participate only in the interscholastic athletic programs sponsored by the school he/she first attends each

school year, which is either: (s. 1006.20(2)(a), Florida Statutes)

(a) The school where the student first attends classes; or

(b) The school where the student first participates in an athletic practice before he/she attends classes at any school. (was 11.1.1 and 11.3.1)

9.2.1.1 Definition of “Attend School”. A student attends school if he/she is present in a school classroom on a regular basis or is legally registered as a home education student. A student can attend only one school at a time for the purposes of interscholastic athletic eligibility.

9.2.1.2 Definition of “Interscholastic Athletic Programs.” Interscholastic athletic programs encompass all activities relating to competitive sport contests involving individual students or teams of students from one school against individual students or teams of students from another school. Such activities include but are not limited to tryouts, offseason conditioning, summer workouts, preseason conditioning, in season practice and contests.

9.2.2 Attendance Exceptions.

9.2.2.1 Home Education Student. A legally registered home education student may participate at one of the following:

(a) The public school the student normally would attend; or

(b) A public school the student could choose to attend according to controlled open enrollment provisions; or

(c) A private school that will accept the student for participation; or

(d) A home education cooperative to which the student belongs. (was 11.1.3)

9.2.2.1.1 Home Education Student Requirements. To participate in interscholastic

athletics, a home education student must: (s. 1006.15(3)(c)1-7, Florida Statutes)

(a) register as a home education student with the district school superintendent of the county in which he/she resides; and

(b) notify the school of his/her intent to participate before the beginning date of the season for the sport in which he/she wants to participate; and

(c) meet the same standards of acceptance, behavior and performance as the school requires of other participating students; and

(d) certify to the school at the end of each semester that he/she has the minimum cumulative grade point average required for participation; and

(e) meet all other FHSAA eligibility requirements; and

(f) must be approved by the FHSAA Office each year using a form provided by the Association

9.2.2.2 Charter School Student. A student who attends a charter school that does not sponsor an interscholastic athletic program in one or more sports may participate in the sport or sports not sponsored by the charter school at either of the following schools:

(a) The public school the student normally would attend; or

(b) The public school the student could attend according to controlled open enrollment provisions. (was 11.1.4)

9.2.2.2.1 Charter School Student Requirements. To participate in interscholastic athletics, a charter school student must: (s. 1006.15(3)(d)1-7, Florida Statutes)

(a) meet the requirements of the charter school education program as determined by the charter school governing board; and

(b) meet the minimum grade point average standards that are required of all students; and

(c) meet the same residency requirements as other students in the school at which he/she participates; and

(d) meet the same standards of acceptance, behavior and performance that are required of other students in interscholastic athletics; and

(e) register with the school his/her intent to participate in interscholastic athletics as a representative of the school before the beginning date of the season for the sport in which he/she wishes to participate; and

(f) meet all other FHSAA eligibility requirements (No form is required).

9.2.2.3 Students in Dual Enrollment and Early Admission Programs. A student who attends a dual enrollment or early admission program operated by a community college or university may participate at the school the student would normally attend if:

(a) The school awards credit toward graduation for the work the student completes at the community college or university; and

(b) The community college or university officially issues grades on the same schedule as the school's semester; and

(c) The student takes and completes the minimum number of credits required for graduation; and

(d) The student does not participate in the intercollegiate athletic programs of the community college or university; and

(e) The student meets all other FHSAA eligibility requirements (No form or letter is required). (from policy 16; eliminates requirement that principal or superintendent write the FHSAA Office for permission)

9.2.2.4 Students in Alternative or Special Schools. A student who attends an alternative school or other special school operated by a school district may participate at the school he/she would normally attend according to the school district attendance policy provided the alternative or special school does not sponsor an interscholastic athletic program and the superintendent or district athletic director has notified this association which schools qualify to allow students to participate under this bylaw. The student must meet all other FHSAA eligibility requirements. (from policy 16; eliminates requirement that superintendent write FHSAA Office for permission)

9.2.2.5 Participation in Summer Athletic Activities by Students Changing Schools or Entering a Member School or Combination School for the First Time. 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 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 activities prior to attendance; whichever comes first (was 11.1.1.1 & 11.3.1.1)

9.2.2.6 Middle School Students Attending Non-member Public Schools. A student in grades 6 through 8 who attends a public school that is not a member of this Association and has no athletic program due to low student population may represent a member public school that is part of the same school district in interscholastic competition provided such participation is at the junior high or middle school level. (was part of 11.1.5)

9.2.3 Attendance Within First 10 Days of Semester Required. A student must attend classes within the first 10 school days of a semester. Otherwise, the student will not be eligible until:

- (a) The student has made up all class work missed during his/her absence; and
- (b) The student has attended one school day for each school day missed. (was 11.1.2)

9.2.4 Participation in a Non-School Athletic Activities Affiliated with a School. A student

who participates in any non-school athletic activities affiliated with a school that the student does not attend or did not attend in the previous school year and then establishes his/her residence at the affiliated school within one calendar year of such participation will not be eligible in the new school until the student has been in attendance at that school for one calendar year. Establishing such residence is bona fide evidence that the student is attending the school in whole or in part for athletic reasons. (was 11.4.12)

9.2.4.1 Non-School Athletic Activities Affiliated with a School. Non-school athletic activities affiliated with a school are any athletic activities not sponsored by the school but are organized, coached and/or supervised by a school employee, athletic department staff member, or representative of the school's athletic interests (as defined by FHSAA Policy 38.2.1.1), or in which the majority of participants are students who attend the school. Such activities include but are not limited to: (was 11.4.12)

- (a) club teams;
- (b) travel teams;
- (c) grade school teams;
- (d) recreational league teams;
- (e) personal instruction sessions; and
- (f) any other type of activity determined by the FHSAA to be an athletic activity

9.2.5 Relocation of a Coach. A student who establishes residence at a school within one year of the relocation of any member of the coaching staff of the student's sport(s), on any level regardless of which level the student participated, will not be

eligible to participate in the sport(s) coached by that coach until the student has been in attendance for one calendar year if said coach is in any way affiliated with the athletic program at the new school. Establishing such residence is bona fide evidence that the student is attending the school in whole or in part for athletic reasons. (was 11.4.13)

9.3 TRANSFER REGULATIONS

9.3.1 “Transfer” Defined. A transfer occurs when a student makes any change in schools after he/she establishes residency at a school each year.

9.3.2 Transfer Student Not Eligible Until the Following School Year. A student who transfers from one school to another will not be eligible at the new school until the beginning of the next school year, unless the student qualifies under one of the following four exceptions: (was 11.4.1)

9.3.2.1 Exception – Full and Complete Move to New Residence. A student who moves to a new home address due to a full and complete move by the student and the persons with whom he/she has been living for at least one calendar year that makes it necessary for the student to attend a different school and meets all other eligibility requirements as provided in Article 9 will be eligible subject to Bylaw 9.3.3.. A student and his/her parents cannot occupy a residence at more than one address and only the student’s current residence may be used for eligibility purposes. (was 11.4.1, with new provision)

9.3.2.1.1 Full and Complete Move Defined. The following items are evidence a move is full and complete:

(a) The former residence is not occupied for any purpose at any time by the student or any of the persons with whom the student has been living; and

(b) All personal belongings are moved from the former residence; and

(c) Mail is received at the new residence; and

(d) All utilities are transferred to the new residence; and

(e) Driver’s license, voter registration and other forms of legal identification are changed to the new residence.

9.3.2.2 Exception – Necessary Relocation to Residence of Another Individual. A student who transfers because he/she has to move into the residence of another person who lives at a residence that makes it necessary for the student to attend a different school and meets all other

eligibility requirements as provided in Article 9 will be eligible at the new school subject to Bylaw

9.3.3. This exception applies only to the following specific situations:

(a) One of the persons with whom the student has been living dies;

(b) One of the persons with whom the student has been living is imprisoned or committed by court order to a mental facility; or

(c) The student is made a ward of the court or state and is placed in a foster home by a court of legal jurisdiction. In this case, a certified copy of the court order, a copy of the petition upon which the order was based, and other evidence the court had to consider in issuing the order must be provided to the FHSAA office. Temporary

guardianship that is granted without the approval of a court of legal jurisdiction does not meet this requirement.

9.3.2.3 Exception – Move to New Residence Following Marriage. A student who marries and immediately establishes a new residence with his/her spouse at a residence that makes it necessary for the student to attend a different school and meets all other eligibility requirements as provided in Article 9 will be eligible subject to Bylaw 9.3.3. (was 11.4.14)

9.3.2.4 Exception – Reassignment by District School Board. A student who is reassigned during the school year to a different school by the district school board, as long as the reassignment is not for athletic or disciplinary reasons, and is not requested by the student or his/her parents, and meets all other eligibility requirements as provided in Article 9 will be eligible at the new school subject to Bylaw 9.3.3. In this case, the student may participate in interscholastic athletic competition at the public school where he/she is assigned or a private school he/she chooses to attend. (was 11.4.17)

9.3.2.5 Need to Attend a Different School Defined. When determining whether a change in residence makes it necessary for a student to attend a different school as required in Bylaws 9.3.2.1, 9.3.2.2 and 9.3.2.3, the FHSAA Office will consider the following criteria:

(a) Is the student not permitted to attend his/her old school by the district school board because the new residence is outside the school's attendance zone?

(b) Is public transportation from the student's new residence to the old school not provided?

9.3.3 Qualifying Transfer Student Becomes Eligible on Sixth Day of Attendance. A transfer student who qualifies under one of the four exceptions in Bylaws 9.3.2.1, 9.3.2.2, 9.3.2.3 and 9.3.2.4 will be eligible for competition on the sixth school day of attendance at the new school if:

(a) The school has received and evaluated the student's official sealed transcript provided by his/her former school; and

(b) The school has determined that the student meets all eligibility requirements. (was 11.4.7)

9.3.3.1 Transfer Student Must Provide Academic Records. A student who transfers to a member school from a nonmember school after beginning high school must provide the member school with an official sealed transcript showing all grades he/she has received at all schools attended since beginning eighth grade. The student must also provide the school with all information the school needs to convert the student's grades using the scale in Bylaw 9.3.3. The student cannot be declared academically eligible by the member school until all such information is received to its satisfaction. (was 11.2.3)

9.3.3.2 Transfer Student's Former School Must Verify Eligibility Status Upon Request. The member school formerly attended by a transfer student must verify the student's eligibility status if requested to do so by the student's new school. (was 11.4.14)

9.3.3.3 Transfer Student Not Eligible for One Full Semester if Transcript cannot be Obtained.

A transfer student whose former school cannot or will not provide an official sealed transcript will not be eligible in the new school until he/she has been in attendance for one full semester and has established a cumulative GPA. The school must submit a written report to the FHSAA office that includes the student's name, date of first attendance in the school, and the beginning and ending dates of the previous semester. (was 11.2.9)

9.3.4 Ineligible Student Cannot Transfer to Become Eligible.

A transfer student who is ineligible for any reason at the time of the transfer will not be eligible in the new school until the student has been in attendance for one full semester. Attending a new school at the beginning of the school year does not decrease or eliminate the period of ineligibility. (was 11.4.10 and 11.4.11)

9.3.4.1 Students Under Expulsion.

A student who has been expelled by a school district or school shall not be considered eligible at any member school during the length of the expulsion. If the student chooses not to attend an alternative school, if offered by the school district or school, shall be ineligible to represent a member school for the next two consecutive "full" semesters. Attending a new school at the beginning of the school year does not decrease or eliminate the period of ineligibility.

9.3.5 Transfer Students Who Are Not Eligible.

The following transfer students are not eligible in

their new school even if they otherwise qualify under one of the four exceptions in Bylaws 9.3.2.1, 9.3.2.2, 9.3.2.3 and 9.3.2.4 .

9.3.5.1 Student Who Transfers After FHSAA State Championship Series in a Sport Begins.

A student who transfers to any school after the FHSAA State Championship Series in a sport begins will not be eligible to participate in that sport through the conclusion of that state championship series. (was 11.4.9)

9.3.5.1.1 Student Who Participated in a State Championship Series in Another State.

A student who attends a member school after having participated in a state championship series in a sport in another state is ineligible to participate in that sport for that school year.

9.3.5.2 Student Who Transfers After Participation in a Non-School Athletic Activities Affiliated with a School.

A student who participates in any non-school athletic activity affiliated with a school that the student does not attend or did not attend in the previous school year and then transfers to the affiliated school within one calendar year of such participation will not be eligible in the new school until the student has been in attendance for one calendar year. (was 11.4.12)

9.3.5.2.1 What are considered Non-School Athletic Activities Affiliated with a School?

Non-school athletic activities affiliated with a school are any athletic activities not sponsored by the school but are organized, coached and/or supervised by a school employee, athletic department staff member, or representative of the

school's athletic interests (as defined by FHSAA Policy 38.2.1.1), or in which the majority of participants are students who attend the school. Such activities include but are not limited to: (was 11.4.12)

- (a) club teams;
- (b) travel teams;
- (c) grade school teams;
- (d) recreational league teams;
- (e) personal instruction sessions; and
- (f) any other type of activity determined by the FHSAA to be an athletic activity

9.3.5.3 Student Who Transfers Following Relocation of a Coach. A student who transfers to a school within one year of the relocation of any member of the coaching staff of the student's sport(s), on any level regardless of which level the student participated, will not be eligible to participate in the sport(s) coached by that coach until the student has been in attendance for one calendar year if said coach is in any way affiliated with the athletic program at the new school. (was 11.4.13)

9.4 ACADEMIC REQUIREMENTS

9.4.1 Cumulative 2.0 GPA Required for Academic Eligibility. A student must have a cumulative 2.0 grade point average on a 4.0 un-weighted scale, or its equivalent, at the conclusion of each semester to be academically eligible during the next semester. (s. 1006.15(3)(a)1, Florida Statutes) (was 11.2.1)

9.4.1.1 Courses to be used in Calculating GPA. The grades from all courses required for graduation that a student takes, including those

taken by the student before he/she begins high school, must be included in the calculation of the student's cumulative GPA at the conclusion of each semester. For public school students, this includes the courses listed in s. 1003.43(1), Florida Statutes. (was part of 11.2.1, 11.2.2)

9.4.1.2 Academic Eligibility/Ineligibility is for a Semester. A student who is academically eligible at the beginning of a semester will continue to be academically eligible for that entire semester. Likewise, a student who is academically ineligible at the beginning of a semester will continue to be academically ineligible for that entire semester, except as provided in Bylaw 9.4.5.1.2. The student's academic eligibility for each successive semester will depend upon his/her cumulative GPA at the conclusion of the previous semester. (was 11.2.12)

9.4.1.3 Attendance During Previous Two Consecutive Semesters Required. A student cannot be academically eligible if he/she has not attended school and received grades for all courses taken during the previous two consecutive semesters. (was 11.2.10)

9.4.1.4 Exception – First Semester of High School Attendance – Ninth Grade. A first-year high school student, entering the ninth grade for the first time, is academically eligible during his/her first semester of high school attendance. The student, however, must have the cumulative 2.0 GPA at the conclusion of his/her first semester of high school attendance to be academically eligible to participate during his/her next semester

of attendance. (first sentence was 11.2.1.1, with clarification; second sentence is new clarification)

9.4.1.5 Exception – Using Semester GPA for Ninth and Tenth Grade.

A student who is academically ineligible during the second semester ninth grade or during the first semester of tenth grade and does not regain a cumulative 2.0 GPA at the conclusion of the semester of ineligibility may be granted academic eligibility for the next semester if: (s. 1006.15(3)(a)2, Florida Statutes)

(a) The student signs an academic performance contract with his/her school upon discovery of the semester of ineligibility; and

(b) The student sits out the semester of ineligibility; and

(c) The student attends summer school, or its graded equivalent, as necessary; and

(d) The student earns a 2.0 GPA on a 4.0 un-weighted scale in all courses taken during the semester of ineligibility. (was 11.2.1.2)

9.4.1.6 No Exceptions During the 11th and 12th Grade.

Once a student has completed 10th grade, he/she must have the cumulative 2.0 GPA as required by Bylaw 9.3.1 for the remainder of his/her high school career. (s. 1006.15(3)(a)3, Florida Statutes) (was 11.2.1.3)

9.4.1.7 Students in Dual Enrollment or Early Admission Programs.

Students who participate in dual enrollment programs or early admission programs must have the cumulative 2.0 GPA as required in Bylaw 9.4.1 to be academically eligible. (was 11.2.11)

9.4.2 Mandatory Grading Scale to be used in Calculating GPA.

All member schools must use

the following alphabetical grading scale as mandated in s. 1003.437, Florida Statutes, when calculating the grade point averages of high school students to determine their academic eligibility:

• 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 59 percent or less and has a GPA value of 0. (was 11.2.3)

9.4.2.1 Incomplete Grade is a Failure.

An incomplete grade must be counted as a failure (Grade “F”) when calculating a student’s cumulative GPA. (was in 11.2.5)

9.4.3 Effect of Summer School or its graded equivalent Courses on Cumulative GPA.

A student may raise or lower his/her cumulative GPA by attending summer school or its graded equivalent if:

(a) The summer school or its graded equivalent is regularly scheduled and regularly organized under the direction of a district school board or private school;

(b) All course work taken by the student is completed before the first day of classes in the subsequent semester; and

(c) All courses taken by the student, in which he/she receives a grade, whether during the regular academic year or summer school, or its graded

equivalent, must be used to calculate the student's cumulative GPA. (was 11.2.5)

9.4.3.1 "Forgiveness". If a student repeats a course, regardless of whether he/she passed or failed the course on the first attempt in which the student earned a "D" or "F", or the equivalent of a grade of "D" or "F", the grade may be replaced with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, provided for required courses the course is the same or comparable course, or with a grade of "C" or higher, or the equivalent of a grade of "C" or higher for an elective course and that grade will be used to calculate the student's cumulative GPA. (s. 1003.428(4)(d), note, Florida Statutes) (was in 11.2.5)

9.4.3.1.1 Grade GPA Calculation. For the purposes of GPA calculation, each subsequent unsuccessful attempt on a course taken for forgiveness must be computed in the calculations. One successful attempt will over write the original grade and all previous unsuccessful attempts.

9.4.3.2 Course Taught by Private Tutor Cannot be Used to Raise GPA. A school cannot accept a grade received by a student in a class conducted by a private certified tutor to raise his/her cumulative GPA for academic eligibility purposes. (was in 11.2.5)

9.4.4 Determination of Academic Eligibility at Conclusion of Each Semester. A school must calculate the cumulative GPA of a student at the conclusion of each semester to determine the student's academic eligibility for the next semester. Only those grades that are first reported

by the student's teachers at the conclusion of the semester can be used to calculate the student's cumulative GPA. (was 11.2.13)

9.4.4.1 Definition of "First Reported". "First reported" means the grades that are originally submitted by the student's teachers at the conclusion of the semester. Changes to grades that are first reported by a student's teachers may only be made according to the published policies of the school. (was in 11.2.13)

9.4.5 Course Work must be Completed by First Day of Next Semester. A student must complete all work required to earn credit in a course taken during a semester by the first day of the next semester. A grade of "incomplete" must be considered a failing grade when calculating a student's cumulative GPA. (was 11.2.8, previously said all work must be completed by last day of semester)

9.4.5.1 Exceptions.

9.4.5.1.1 Special Course Work that cannot be Completed by First Day of Next Semester. An exception to Bylaw 9.4.5 is made for students taking courses such as agriculture, which have special projects that cannot be completed until late summer. (was in 11.2.8)

9.4.5.1.2 Work Not Completed Due to Illness or Excused Absence. A student who is academically ineligible because of a failure to complete his/her course work by the first day of the next semester due to an extended illness, supported by a physician's report, or other excused absence may have his/her academic eligibility restored once the course work is completed and the student receives

a passing grade that raises his/her cumulative GPA to 2.0 or above. A school must notify the FHSAA Office in writing whenever this occurs. (was in 11.2.13)

9.4.6 Change in Eligibility Status. If a student's academic eligibility changes at the end of a semester, the student will become eligible or ineligible on the sixth school day of the next semester as published on the school's official calendar for that school year. Even if the last day of the semester coincides with the last day of school for the winter holidays, the student will not become eligible or ineligible until the sixth school day of the next semester that follows the winter holidays as published on the school's official calendar for that school year. (was 11.2.10)

9.4.7 Student Must be an Undergraduate. A student must not have completed the terminal grade of high school in the secondary education system of the U.S. or any other country. (was 11.2.4)

9.5 LIMIT OF ELIGIBILITY

9.5.1 High School Student Has Four Years of Eligibility. A student has four consecutive calendar years of eligibility from the date he/she begins ninth grade for the first time. This does not imply that the student has four years of participation. A student becomes permanently ineligible four consecutive calendar years from the date he/she begins ninth grade for the first time. (was 11.5.1)

9.5.1.1 Exception – Student Whose Limit of Eligibility Expires During Sports Season. A student whose four-year limit of eligibility expires

during the season of a sport in which the student is participating may complete the season if the student continues to meet all other eligibility requirements. The student, however, will not be permitted to participate in any other sport that begins after his/her limit of eligibility has expired. (was 11.5.2)

9.5.1.2 Participation Prior to High School Does Not Affect Limit of Eligibility. A student's four-year limit of high school eligibility is not affected by the student's participation in interscholastic athletics before beginning the ninth grade for the first time. (was 11.5.4)

9.5.2 Middle School Student Has 1-Year Limit of Eligibility in Each Grade. A middle school student may participate only one year as a sixth grader, only one year as a seventh grader and only one year as an eighth grader.

9.5.3 Middle School Student Attending a Combination School. A middle school student attending a combination high school with grades 6, 7 and/or 8 may participate on the high school level, only one year as a sixth grader, only one year as a seventh grader and only one year as an eighth grader.

9.6 AGE

9.6.1 Student May Participate at High School Level Until the Age of 19 Years 9 Months. A student may participate at the high school level until the day he/she reaches the age of 19 years 9 months if the student has not exceeded his/her four-year limit of eligibility. The student becomes permanently ineligible at the high school level on

the day he/she reaches the age of 19 years 9 months. (was 11.6.1)

9.6.1.1 Exception – Student Who Reaches Age Limit During FHSAA State Championship Series.

A student who reaches the age of 19 years 9 months during a FHSAA State Championship Series in which he/she is participating may complete that state series if the student continues to meet all other eligibility requirements. The student, however, will not be allowed to participate in any other sport that begins after he/she has reached the age of 19 years 9 months. (was 11.6.1.1)

9.6.2 Student May Participate at Junior High School Level Until the Age of 16 Years 9 Months.

A student may participate in interscholastic athletic competition at the junior high school level until the day he/she reaches the age of 16 years 9 months. The student becomes permanently ineligible for interscholastic athletic competition at the junior high school level on the day he/she reaches the age of 16 years 9 months. (was 11.6.2)

9.6.2.1 When Junior High Age Limit Applies.

The 16 year 9 month junior high school age limit applies to a participating student only when:

- (a) Teams representing junior high schools compete against each other; or
- (b) Teams representing the junior high school departments of combination junior-senior high schools compete against each other.
- (c) If a junior high school team competes against a senior high school team or the varsity team of a combination junior-senior high school,

the high school age limit of 19 years 9 months will apply to all participating students. (was 11.6.2)

9.6.3 Student May Participate at Middle School Level Until the Age of 15 Years 9 Months.

A student may participate in interscholastic athletic competition at the middle school level until the day he/she reaches the age of 15 years 9 months. The student becomes permanently ineligible for interscholastic athletic competition at the middle school level on the day he/she reaches the age of 15 years 9 months. (was 11.6.3)

9.6.3.1 When Middle School Age Limit Applies.

The 15 year 9 month middle school age limit applies to a participating student only when:

- (a) Teams representing middle schools compete against each other; or
- (b) Teams representing the middle school departments of combination middle-senior high schools compete against each other.
- (c) If a middle school team competes against a senior high school team or the varsity team of a combination middle-senior high school, the high school age limit of 19 years 9 months will apply to all participating students. (was 11.6.3)

9.6.4 School Must Verify Age of Student.

A school must verify the age of each student who represents it in interscholastic athletic competition. The student must provide documented proof of his/her age for this purpose. A student who is unable to provide documented proof of his/her age cannot participate. (was 11.6.4)

9.6.4.1 What is Documented Proof of Age?

Documented proof of age is one or more of the following:

- (a) An original birth certificate issued by the office of vital records in the country, province, state, county or city where the student was born;
- (b) A passport, visa or “green card” that lists the student’s date of birth; or
- (c) An official record of birth from the hospital in which the student was born. (was 11.6.4)

9.7 PHYSICAL EVALUATION (FHSAA Form EL2 – Pre-participation Physical Examination)

9.7.1 Student Must Have a Physical Evaluation Each Year. A student must have a physical evaluation each year and be certified as being physically fit to participate in interscholastic athletic programs. A physical evaluation shall be valid for a period not to exceed one calendar year from the date of practitioner’s signature. The student cannot be allowed to participate in any activity related to interscholastic athletic programs until the fully executed physical evaluation form is on file in the school. (s.1002.20(17)(b), Florida Statutes)

9.7.2 Qualified Practitioners. The 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.

9.7.3 Filing Requirements. The student athlete shall be required to file with the principal or

his/her designee a fully executed physical evaluation form signed by the practitioner and medical history questionnaire signed by the student and his/her parent(s) or guardian(s).

9.7.4 Evaluation Requirements. The Board of Directors shall adopt minimum requirements for the physical evaluation to which each member school shall adhere.

9.8 CONSENT AND RELEASE (FHSAA Form EL3 – Consent and Release from Liability Certificate)

9.8.1 Student Must Provide School with Signed Consent and Release Form to Participate. A student must have the consent of his/her parent(s) or legal guardian(s) to participate in interscholastic athletic programs at a member school. The student and his/her parent(s) or legal guardian(s) must also release the FHSAA, its member schools and contest officials from all liability for any injury or claim that may result from the student’s participation in interscholastic athletics. This consent and release from liability must be provided in writing on a form developed by this Association for that purpose. The form must be signed by the student and his/her parent(s) or legal guardians. The student cannot be allowed to participate in any activity related to interscholastic athletic programs until the fully executed consent form is on file in the school.

9.8.1.1 Board of Directors to Adopt Language for Consent and Release Form. The Board of Directors will adopt the language that must be contained in the consent and release form, which, at a minimum, will include the following:

(a) A statement acknowledging that participation in interscholastic athletics may require the student to miss classes;

(b) A statement authorizing the school to provide to the FHSAA for inspection the student's academic, attendance and financial assistance records when requested;

(c) A statement warning of the health risks involved in participating in interscholastic athletics;

(d) A statement authorizing the use or disclosure of the student's individually identifiable health information should treatment for illness or injury become necessary; and

(e) A statement granting to the released parties the right to photograph and videotape the student and to use his/her name, face, likeness, voice and appearance in connection with exhibitions, publicity, advertising, promotional and commercial materials without reservation or limitation.

9.9 AMATEURISM

9.9.1 General Principles. A student may not participate in an athletic activity of this Association unless he/ she is an amateur. An amateur is one who engages in athletic competition solely for the physical, mental, social, and pleasure benefits derived from the activity.

9.9.2 Forfeiture of Amateur Status. A student-athlete forfeits amateur status in a particular sport for one year by:

(a) Competing for money or other monetary compensations;

(b) Receiving any award or prize of monetary value which has not been approved by the FHSAA;

(c) Capitalizing on athletic fame by receiving money or gifts of a monetary nature;

(d) Signing a professional playing contract in any sport or hiring an agent to manage his/her athletic career;

(e) Competing under an assumed name.

9.9.3 Permissible Awards, Gifts, or Other Compensation. A student-athlete will not forfeit his/her amateur status for accepting:

(a) Symbolic awards such as school letters, medals, trophies, ribbons, plaques, pins, keys, or ribbons of small monetary value purchased from an established awards company.

(b) Rings, sweaters, jackets, or award blankets provided that they are presented by the school which they represent and do not exceed the value of the purchase price from an established awards company.

(c) Remuneration of "essential expenses" for any game in which he/she participates as a player; limited to meals, lodging, and transportation;

(d) A college scholarship offer.

9.9.3.1 Amateur Sports Guidelines. The FHSAA uses the guidelines of the national governing body of a particular sport, when applicable, to determine the types and amounts of benefits an amateur may receive.

9.9.4 Violations. Violation of the amateur rule in one sport does not make a student ineligible in all other sports.

PROPOSAL NO. 2009-10

OPERATIONAL BYLAWS, ARTICLE 10

(was Articles 12 & 13)

Compliance and Enforcement

10.1 PENALTIES

10.1.1 General Principles. The Executive Director shall have the authority to investigate all alleged violations of this Association's Bylaws, as well as regulations, guidelines, policies or procedures established by the Board of Directors. All findings shall be disclosed to the school or person alleged to have committed a violation. The Executive Director shall have full authority to invoke one or more of the following penalties against the violating school or person:

(a) REPRIMAND—An official letter of censure to the concerned party in regard to the offense committed which warns against further violations. This letter will be kept on file for future reference.

(b) FINE—A monetary payment.

(c) FORFEIT—The forfeiture of an interscholastic athletic contest.

(d) PROBATION—Types of probation that may be imposed are as follows:

1) Administrative Probation—The school is reprimanded, fined and served notice that it is in a period of warning for a minimum of one calendar year. Additional violations during this time will result in increased penalties which may include expulsion.

2) Restrictive Probation—The school faces the same penalties as Administrative Probation

with the additional consequence of restriction from participation in championship competition in one or more sports, or other restrictions deemed appropriate by the Executive Director, for one or more calendar years.

3) Suspension Probation—The school faces the same penalties as Administrative Probation with the additional consequence of suspension from one or more sports for one or more calendar years.

(e) EXPULSION—Involuntary termination of a school's membership in the Association for one or more calendar years. Any member school that competes with a currently expelled school may subject itself to expulsion from the Association for one calendar year.

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

10.1.2 Reimbursement of Expenses. A member school found to have committed a violation shall pay to this Association any expenses incurred related to such violation including, but not limited to, the costs of the investigation, attorney's fees and legal costs, and all other related costs.

10.1.3 Court Injunctions. If a member school or student, in violation of or noncompliance with any provisions of this Associations rules, competes based on an injunction or restraining order which is later voluntarily vacated, stayed or reversed, or it is determined that injunctive relief is not or was

not justified they will still be subject to the penalties listed in 10.1.1.

10.2 FORFEITURE OF CONTEST

10.2.1 General Principle. If an ineligible student is inadvertently or intentionally permitted to participate in an interscholastic athletic contest, forfeiture of the game and honors shall be automatic and mandatory.

10.2.1.1 Team or Individual Sports. In team sports, the contest and honors shall be forfeited. In individual sports, the points won by the ineligible student, individually or as the member of a relay team shall be forfeited.

10.2.1.2 Procedures. If an ineligible student is allowed to participate in an athletic contest the principal shall notify the Executive Director the dates of the competition and provide copies of the letters of forfeiture to the opposing school(s) the student participated against.

10.2.1.3 Intentional Use of Ineligible Students. The Executive Director shall have full authority to invoke additional penalties against a member school that in his/her determination intentionally permits an ineligible student to participate.

10.3 PROTEST PROCEDURE

10.3.1 Protesting Actions of Another School. Any member school filing a protest over the eligibility of a student or the actions of a member school shall submit to the Executive Director in writing a full statement of the facts signed by the principal. The Executive Director shall provide the accused party or parties with a copy of the accusation and determine if the allegations warrant an investigation.

10.3.2 Protesting Actions of Contest Officials.

The decisions of contest officials shall be final and not subject to review. Member schools should file reports with the Executive Director of unsatisfactory performance by contest officials which may be due to alleged lack of knowledge of the rules, errors in judgment or improper conduct.

10.4 DUE PROCESS

10.4.1 Eligibility Appeals. When a student is determined to be ineligible by a member school and/or is ruled ineligible by the Executive Director, the member school principal may appeal the ruling of the Executive Director if he/she or the student takes issue with it, and must do so at the student's request.

10.4.2 Rules Violations Appeals. Any individual or member school who is found to be in violation of the rules of this Association may appeal the finding of the Executive Director if he/she takes issue with it, or may appeal the penalty imposed if he/she believes it to be too severe, and must do so at the student's request.

10.4.3 Disputes Between Member Schools Appeals. A member school principal may appeal the findings by the Executive Director which arise from a dispute between one or more member schools.

10.4.4 Undue Hardship Waivers. A member school principal may file a request for undue hardship waiver on behalf of the student when enforcement of the provision(s) which render(s) the student ineligible works an undue hardship upon the student, and must do so at the student's request.

10.4.4.1 Basic Principle. 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, an undue hardship request seeking a waiver of the limit of eligibility shall not be granted. (was 11.5.5)

10.4.4.2 Criteria for an Undue Hardship Waiver Determination. 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 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.

10.4.4.2.1 Insufficient Grounds for Undue Hardship Waiver. The fact that a student is retained in a lower grade shall not be sufficient grounds for granting an undue hardship waiver if the student fails to pass the required number of courses, or is voluntarily withdrawn from school, or repeats a lower grade to gain physical, social or emotional maturity

10.4.4.2.2 Potentially Sufficient Grounds for Undue Hardship Waiver. The fact that a student is unable or desires to participate in interscholastic

athletics shall not, in and of itself, be grounds for granting an undue hardship waiver request. The fact that a student is retained in a lower grade because he/she misses school for a prolonged period of time due to serious injury or illness, which must be supported by a physician's record indicating that the absence was directly and solely related to such injury or illness, or events which were beyond the control of the student and/or the parent or guardian which causes the student to miss school for a prolonged period of time causing the student to repeat a grade, may be grounds for granting an undue hardship waiver request.

10.4.5 Waiver of Bylaws Due to Special Circumstances. The principal of a member school or his/her designee may request a waiver of any Bylaw or other regulation, guideline, policy or procedure of this Association not directly related to student eligibility when special circumstances, in the opinion of the person or entity making the appeal, call for a relief from or a modification to the effects of the rule.

10.4.6 Appeals of Executive Director's Findings. The principal of a member school or his/her designee, or any other individual, who is found to be in violation of the rules of this Association by the Executive Director, whether or not such finding results in the imposition of penalty, may appeal the finding of the Executive Director if he/she takes issue with it, or may appeal the penalty imposed, if any, if he/she, while not disagreeing with the finding, believes the penalty to be too severe.

10.4.7 No Appeal or Waiver of Florida Statutes. The Sectional Appeals Committee, the Infraction Appeals Committee and the Board of Directors do not have the authority to waive a provision of the Florida Statutes including but not limited to:

- (a) Mandatory GPA requirements
- (b) Definition of a grading period as being one semester
- (c) Mandatory grading scale
- (d) Authority of school districts to establish codes of conduct by which students must abide to be eligible to participate in interscholastic competition
- (e) Home Education guidelines
- (f) Charter School guidelines

10.5 GENERAL PRINCIPLES FOR APPEALS AND REQUESTS FOR WAIVER

10.5.1 Cost of Appeal. The cost of an appeal, if any, including the Association's attorney fees, shall be borne by the person or entity making the appeal if the finding of the Executive Director or the penalty imposed is upheld.

10.5.2 Burden Of Proof. The burden of showing error in the determination of ineligibility or in showing why a waiver should be granted is on the person or entity making the appeal. Such proof shall include as a minimum a brief statement of the facts involved, the specific bylaw(s) or policy(s) involved and argument in support of the relief requested. This statement shall be supported by any relevant documentary evidence available.

10.5.3 Complete and Accurate Submissions. The person or entity making the appeal must

ensure that the information submitted to support such appeal or request is complete and accurate. In the event a decision by the Sectional Appeals Committee or the Board of Directors was made based on incomplete or inaccurate information, the decision shall be withdrawn and the sanctions provided by these bylaws shall apply.

10.5.4 Request for Eligibility Ruling. 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 regulations may request an official ruling on the student's eligibility from the Executive Director on a form to be provided by this Association, and must do so at the student's request. The Executive Director, or his/her designee shall issue a ruling based on the statement of facts and any other information available to the Executive Director, which additional information shall be included in the official ruling related to the student's eligibility. In the event the Executive Director 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 Executive Director against the member school requesting the ruling.

10.5.5 Initial Appeals or Requests for Waivers. Initial appeals or requests for waivers will be heard by the Sectional Appeals Committee.

10.5.6 Subsequent Appeals or Requests for

Waivers. Unfavorable decision found on the initial appeal or request for waiver rendered by the Sectional Appeals Committee will be heard by:

(a) The Sectional Appeals Committee provided new information is provided, or

(b) The Board of Directors which will not hear any evidence that was not presented to the Sectional Appeals Committee and decisions will be final.

10.5.7 Appeals of Major Violations. Appeals of

major violations will be heard by the Infraction Appeals Committee. Decisions of the Infraction Appeals Committee can be appealed to the Board of Directors. Decisions by the Board of Directors will be final.

10.5.7.1 Infraction Appeals Committee (from Policy 44, 7.0)

10.5.7.1.1 Purpose of Committee. The Board of Directors appoints an Infractions Appeals Committee to hear and act upon appeals of schools found to have committed major violations.

10.5.7.1.2 Composition of Committee. The committee is composed of five members as follows:

(a) One public school member, who must be a school-based administrator;

(b) One public school member, who must be either a school-based administrator or a district-level administrator;

(c) One private school member, who must be a school-based administrator;

(d) One private school member, who must be either a school-based administrator or a regional or

state-level administrator in a private school accrediting organization that is recognized by the FHSAA; and

(e) One attorney 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, and who 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.

10.5.7.1.2.1 Restrictions on Appointments. No member of the Board of Directors or any sectional appeals committee can serve on the Infractions Appeals Committee. The two public school members cannot be from the same public school district. The two private school members cannot be from the same private school accrediting organization. Otherwise, there are no restrictions on who may be appointed to the committee.

10.5.7.1.2.2 Quorum and Alternate Members. A quorum of the committee is four members. The Board of Directors will designate alternates who the Executive Director may call as substitutes to ensure a quorum when regular committee members are absent.

10.5.7.1.2.3 Attorney Serves as Committee Chair. The attorney member chairs the committee, and is the only committee member who may have contact with the FHSAA staff regarding any case. The committee elects from among its remaining four members a vice chair who presides when the chair is absent or unable to act.

10.5.7.1.3 Term of Service. A member serves a term of three years, except as stipulated in paragraph 10.5.7.1.3.1 below. A member may be reappointed to a second term, but cannot serve more than six years on the committee.

10.5.7.1.3.1 Initial Terms of Service to Establish Rotation. To ensure that the terms of all members of the committee do not expire at the same time, each member initially appointed to the committee will serve the following initial terms of service:

(a) The attorney will serve an initial term of five years and may be reappointed to a second term of three years;

(b) One of the public school administrators and one of the private school administrators, selected at random by the Board of Directors, will serve an initial term of four years and may be reappointed to a second term of three years; and

(c) The remaining public school administrator and private school administrator will serve an initial term of three years and may be reappointed to a second term of three years.

10.5.7.1.4 Authority and Duties of Committee.
The committee:

(a) Hears and acts upon appeals of schools found to have committed major violations; or

(b) Hears and acts on appeals arising from a situation involving or affecting member schools in more than one administrative section; or

(c) Hears and acts on requests of waiver of a rule that, if granted, would affect member schools in more than one administrative section; or

(d) Makes recommendations to the Board of Directors and FHSAA staff relative to the formulation and revision of FHSAA enforcement policies and procedures.

10.5.7.1.5 Committee to Meet as Needed. The committee meets as needed upon call of the chair in consultation with the Executive Director.

10.6 APPEAL AND REQUEST FOR WAIVER PROCEDURES

10.6.1 Filing an Initial Appeal or Request for Waiver. An appeal or request for waiver must be filed with the Executive Director on the form(s) provided by this Association and must be accompanied by all necessary documentation. The appeal or request, including all required documentation must be signed by the principal and received in the office of this Association not later than 5 p.m. Eastern Time on the filing dates established by the Board of Directors and printed in the FHSAA Activities Planning Calendar. Appeals and requests received after the deadline date will not be considered at that Sectional Appeals Committee meeting, but will be placed on the agenda for the next regularly scheduled meeting. Incomplete appeals or requests for waiver will be returned to the person or entity making the appeal for an opportunity to resubmit with all the necessary information prior to the deadline, if time allows.

10.6.2 Filing an Appeal or Request for Waiver to the Board of Directors. The request for an appeal hearing before the Board of Directors must be made in writing to the Executive Director, must be signed by the member school principal or

his/her designee and must be received in the office of this Association within five (5) business days following the date of the Sectional Appeals Committee meeting or the Infraction Appeals Committee meeting. Failure to file a request for an appeal hearing before the Board of Directors within the five (5) business days following the date of the Sectional Appeals Committee meeting or the Infraction Appeals Committee meeting shall be deemed a waiver of the right of an appeal as granted herein.

10.6.3 Appearances Before Sectional Appeals Committee, Infraction Appeals Committee and/or Board of Directors. The person or entity making the appeal has the opportunity to appear before the Sectional Appeals Committee, Infraction Appeals Committee and/or the Board of Directors if he/she so chooses. The person or entity making the appeal must give notice of their choice to appear at the time the appeal or request for waiver is filed. Appearance by the student and a school representative is mandatory for an appeal or request for undue hardship waiver involving age, limit of eligibility and unsportsmanlike conduct provisions when heard by the Sectional Appeals Committee and is optional when heard by the Board of Directors.

10.6.3.1 Procedure for Appearance. An person or entity making the appeal who is required, or who chooses, to appear before the Sectional Appeals Committee, Infraction Appeals Committee and/or the Board of Directors will be assigned a time for the appearance. A twenty (20)

minute block will be allotted for each case involving an appearance.

10.6.3.2 Student Appearance. A student who is required, or chooses, to appear before the Sectional Appeals Committee, Infraction Appeals Committee and/or the Board of Directors must be accompanied by a school representative and may be accompanied by his/her parent(s) or other individuals with whom he/she lives. The school representative who is required to accompany the student must be a full-time employee of the school and must be identified on the form at the time of filing. The student may be represented by an attorney. Such representation will not excuse the appearance of a student when that appearance is required.

10.6.4 Appeals of Executive Director's Findings. To Appeal the finding of the Executive Director the appeal must be filed so that it is received in the office of this Association within ten (10) business days of the receipt of the Executive Director's finding and/or notification of the imposition of penalty. Failure to file an appeal so that it is received in the office of this Association within the ten (10) business days allowed shall be deemed a waiver of the right to appeal as granted herein.

10.6.5 Infraction Appeals Committee Appeals Procedure (from Policy 44, 8.0)

10.6.5.1 Written Notice of Appeal. To be considered by the appropriate appeals committee, the school's written notice of appeal of the findings of fact or the penalty imposed, or both, must be received in the FHSAA office not later

than 10 business days from the date that the school receives the FHSAA staff's decision in secondary cases, or confirms its receipt of the infractions report in major cases. The notice of appeal must indicate whether the school will submit its appeal in writing only or whether it will appear before the appeals committee at the time the appeal is considered. The school must submit supporting information for its appeal, if any, to the FHSAA office by the deadline published in the FHSAA planning calendar.

10.6.5.1.1 Appeal of Secondary Violations. Sectional appeals committees hear and act on appeals of secondary cases.

10.6.5.1.2 Appeal of Major Violations. The Infractions Appeals Committee hears and acts on appeals of major cases.

10.6.5.2 Basis for Granting an Appeal.

10.6.5.2.1 Appeal of Findings. An appeals committee may set aside findings of fact and violations arrived at ONLY if the school shows that:

(a) The finding of the FHSAA staff is clearly not supported by evidence that is credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs;

(b) The school's actions do not constitute a violation of FHSAA rules; or

(c) A procedural error affected the reliability of the information that was used to support the FHSAA staff's finding. In this case, the school must demonstrate how it contends the staff was in error.

10.6.5.2.2 Appeal of Penalties. An appeals committee may set aside a penalty imposed by the FHSAA staff if the appeals committee determines that the penalty is excessive or inappropriate based on all the evidence and circumstances. Only the Board of Directors may modify a penalty imposed this association.

10.6.5.2.3 Committee Acts on Basis of Record in Case. An appeals committee can act only on the basis of the record in the case. This record consists of the notice of inquiry and/or allegations to the school, the report of the investigator and the written response by the school. The committee cannot consider information that was not available to the FHSAA staff when issuing its finding and imposing the penalty.

10.6.5.2.3.1 New Evidence. The appeals committee may stay an appeal when new information is introduced and refer the case back to the FHSAA staff for review if the committee concludes that:

(a) The new information was not available, and through the exercise of reasonable due diligence could not have been available, at the time the FHSAA staff issued its finding; and

(b) The new information is demonstrably relevant to the findings of the staff.

10.6.5.3 Appeal of Unfavorable Decision by Appeals Committee. A school that is unsuccessful in its appeal to the Sectional Appeals Committee or Infractions Appeals Committee may appeal the committee's decision to the FHSAA Board of Directors. The school's written notice of appeal of the committee's decision must be

received in the FHSAA office not later than five business days from the date of the hearing before the appeals committee. The notice of appeal must indicate whether the school will submit its appeal in writing only or whether it will appear before the Board of Directors at the time the appeal is considered.

10.6.5.3.1 Board Acts on Basis of Record in Case. The Board of Directors can act only on the basis of the record in the case. This record consists of the information that was available to the appeals committee at the time it rendered its decision. The Board of Directors may stay an appeal when new information is introduced and refer the case back to the FHSAA staff for review per the conditions of paragraph 10.6.5.2.3.1.

10.7 EMPOWERMENT

10.7.1 Sectional Appeals Committee Powers. 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 or other individuals. The decision in each case shall be by majority vote and may be appealed to the Board of Directors.

10.7.1.1 Reliance on a Sectional Appeals Committee Decision. 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.

10.7.2 Infraction Appeals Committee Powers.

The Infraction Appeals Committee is empowered to hear and act upon appeals of schools found to have committed major violations and to make recommendations to the Board of Directors and FHSAA staff relative to the formulation and revision of FHSAA enforcement policies and procedures. The decision in each case shall be by majority vote and may be appealed to the Board of Directors.

10.7.3 Board of Directors Powers. The Board of Directors is empowered to review appeals and requests for waivers and sustain, modify or overturn the decision of the Sectional Appeals Committee, Infraction Appeals Committee and/or the Executive Director in each case which comes before it.

10.7.3.1 Finality of Ruling. The decision of the Board of Directors in each case shall be by majority vote and shall be final.

10.7.4 Executive Director's Powers

10.7.4.1 Executive Director Initiated Reviews. The Executive Director 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 Executive Director, is rendered in conflict with the rules of the Association or will have a great effect on the proper administration of the interscholastic athletic programs throughout the Association. The Executive Director 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.

10.7.4.2 Appeal of Infraction Appeals Committee Decisions. The Executive Director is empowered to appeal any decisions made by the Infraction Appeals Committee to the Board of Directors.

10.8 PROCEDURE IN CASES OF EXPULSION

10.8.1 Procedures. When the Executive Director believes that his/her 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 membership privileges, the following procedure must be followed:

(a) Notice. The Executive Director will notify in writing the principal of the school of the date, time and site of the Board of Directors meeting at which a hearing on the school's membership status will be conducted. The notice must state the findings of the Executive Director 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.

(b) Hearings. During the hearing before the Board of Directors, the 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 Executive Director may also present witnesses, testimony, and any other

relevant evidence or information for consideration by the Board of Directors.

(c) Final Decision. Following the presentation of evidence and arguments, the Board of Directors will render its decision by majority vote. The Board of Directors is empowered to sustain, modify or reject the findings and recommendation of the Executive Director. The decision of the Board of Directors will be final.

10.8.2 Applying for Reinstatement. A school that has been expelled or has had its membership privileges restricted 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 Executive Director 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 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 may be readmitted or have its membership privileges reinstated only upon approval by a majority vote of the Board of Directors.

10.9 COMPLIANCE WITH DECISIONS

The administrative decisions of the Board of Directors, Infraction Appeals Committee, Sectional Appeals Committee and Executive Director shall be accepted in good faith by all member schools. The principal of any member

school who, by any act or attitude, shall refuse to accept, or shall hold in contempt or derision, or shall permit or acquiesce in such contempt or derision on the part of any group or individual associated with his/her school, shall subject his/her school to expulsion from this Association. These provisions are not to be construed as preventing the principal of a member school from exercising his/her school's right to due process by appealing decisions of the Executive Director to the Sectional Appeals Committee, Infraction Appeals Committee and/or the Board of Directors.

PROPOSAL NO. 2009-11

Topic: Eligibility – Middle School Age

Intent: Lower the eligible age of middle school athletes.

Sponsor: Cam Harrison, Fernandina Beach Middle School

Proposal: Amend current Bylaw 11.6.3 (Bylaws 9.6.3 and 9.6.3.1 if Proposal 2009-09 is adopted) to read:

A middle school student may participate in interscholastic athletic competition until reaching the age of ~~15 years 9 months~~ 15 years, so far as age is concerned. Upon reaching the age of ~~15 years 9 months~~ 15 years the student shall be ineligible for further participation in interscholastic athletic competition. The ~~15 year 9 month~~ 15 year age limit for middle school students applies only when two middle schools or the middle school departments of two combination junior-senior high schools are competing against each other. If a middle school competes against a

senior high school or the varsity team of a combination junior-senior high school, the age limit set for senior high school students shall ~~apply to the students of the middle school~~ be the same age requirement set for middle school competition.

Effective Date: July 1, 2009

Rationale: Insure the safety of younger student athletes that are competing at the sixth grade level by creating a safer and fairer competitive environment and still offering the student a chance to compete in interscholastic athletics.