



PreK - 12 Education Committee

**Meeting
Tuesday, February 7, 2006
1:15 — 2:45 p.m.
Morris Hall**

CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to immunizations; amending s. 1003.22,
7 F.S.; requiring each district school board and the
8 governing authority of each private school to provide
9 information to parents concerning meningococcal disease
10 and the vaccine therefor; requiring the Department of
11 Health to adopt rules specifying the age or grade level of
12 students for whom such information will be provided;
13 requiring each district school board and the governing
14 authority of each private school to determine the means
15 and method for the provision of information to parents
16 concerning meningococcal disease; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (c) is added to subsection (10) of
22 section 1003.22, Florida Statutes, to read:

23 1003.22 School-entry health examinations; immunization
24 against communicable diseases; exemptions; duties of Department
25 of Health.--

26 (10) Each district school board and the governing
27 authority of each private school shall:

28 (c) Provide detailed information concerning the causes,
29 symptoms, and transmission of meningococcal disease; the risks
30 associated with meningococcal disease; and the availability,
31 effectiveness, and known contraindications of any required or
32 recommended vaccine against meningococcal disease to every
33 student's parent, in accordance with the recommended ages of
34 students determined by the Department of Health to be
35 appropriate for the administration of such vaccine. The
36 Department of Health shall adopt rules that specify the age or
37 grade level of students for whom such information shall be
38 provided, consistent with the recommendations of the Advisory
39 Committee on Immunization Practices of the United States Centers
40 for Disease Control and Prevention concerning the appropriate
41 age for the administration of the vaccine, and shall make
42 available information concerning the causes, symptoms, and
43 transmission of meningococcal disease; the risks associated with
44 meningococcal disease; and the availability, effectiveness, and
45 known contraindications of any required or recommended vaccine
46 against meningococcal disease to school districts and the
47 governing authorities of each private school. Each district
48 school board and the governing authority of each private school
49 shall determine the means and methods for the provision of such
50 information to students' parents.

HB 127

2006
CS

51

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 127 CS

Immunizations

SPONSOR(S): Hays

TIED BILLS:

IDEN./SIM. BILLS: SB 1160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder & Long-Term Care Committee	7 Y, 0 N, w/CS	DePalma	Walsh
2) PreK-12 Committee		Beagle <i>KB</i>	Mizereck <i>KRM</i>
3) Health Care Appropriations Committee			
4) Health & Families Council			
5) _____			

SUMMARY ANALYSIS

The Committee Substitute for HB 127 requires district school boards and private school governing authorities to provide every student's parent specified information about meningococcal disease in accordance with the recommendations of the Department of Health (DOH). The CS requires DOH to adopt rules specifying the age or grade level of students to receive the information consistent with recommendations of the Centers for Disease Control (CDC). It further requires DOH to make information about the disease available to district school boards and private school governing authorities, who shall determine the means and methods for providing this information to students' parent.

See Fiscal Comments.

The effective date is July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government –

- The CS requires DOH to adopt rules specifying the age or grade level of students to receive information about meningococcal disease consistent with recommendations of the CDC. It requires DOH to make information about the disease available to district school boards and private school governing authorities, who shall determine the means and methods for providing this information to students' parents.

B. EFFECT OF PROPOSED CHANGES:

Meningococcal Disease and Immunization

The *meningococcus* bacterium can cause a life-threatening infection of the bloodstream, meningitis (infection of the brain and spinal cord coverings), or both. Sometimes referred to as spinal meningitis, bacterial meningitis can be quite severe and may result in brain damage, hearing loss, or learning disability. Death occurs in 10 to 14 percent of the 1,400-2,800 cases of meningococcal meningitis that are reported in the U.S. each year.¹

The largest incidence of the disease is in children under age 5, with a second peak in children and young adults between the ages of 15 and 24.²

Before the 1990s, *Haemophilus influenzae* type b (Hib) was the leading cause of bacterial meningitis, but new vaccines being given to all children as part of their routine immunizations have reduced the occurrence of invasive disease due to *H. influenzae*.³

There are five subtypes (or Serogroups) of the bacterium that cause meningococcal meningitis (Serogroups A, B, C, Y, and W-135). Two vaccines are available to immunize against Serogroups A, C, Y and W-135: Menomune, licensed in 1981, and Menactra (manufactured by Sanofi Pasteur, and also known as MCV-4), licensed on January 14, 2005 for use in people 11-55 years of age.⁴

On May 26, 2005 the CDC recommended routine administration of the Menactra vaccine for all children 11-12 years old, previously unvaccinated adolescents at high school entry, and college freshmen living in dormitories

to help achieve vaccination among those at highest risk for meningococcal disease. As the vaccine supply increases, CDC hopes, within three years, to recommend routine vaccination for all adolescents beginning at 11 years of age.⁵

¹ Morbidity and Mortality Weekly Report; *Prevention and Control of Meningococcal Disease: Recommendations of the Advisory Committee on Immunization Practices*, May 27, 2005, Department of Health and Human Services Centers for Disease Control and Prevention, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5407a1.htm>.

² *Vaccine Information Meningococcal Disease*, updated March 11, 2005, National Network for Immunization Information, available at http://www.immunizationinfo.org/vaccineInfo/vaccine_detail.cfv?id=15.

³ *Division of Bacterial and Mycotic Disease, Disease Information, Meningococcal Disease*, Department of Health and Human Services Centers for Disease Control and Prevention, available at http://www.cdc.gov/ncidod/dbmd/diseaseinfo/meningococcal_g.htm.

⁴ There is no licensed vaccine for Serogroup B in the U.S. *Vaccine Information Meningococcal Disease*.

⁵ Press Release: *CDC Recommends Meningococcal Vaccine for Adolescents and College Freshman*, May 26, 2005, Department of Health and Human Services Centers for Disease Control and Prevention, available at <http://www.cdc.gov/od/oc/media/pressrel/r050526b.htm>.

In September 2005, CDC and the U.S. Food and Drug Administration (FDA) issued an alert⁶ after reports made to the Vaccine Adverse Event Reporting System (VAERS) indicated that five adolescents had developed Guillain-Barre Syndrome⁷ (GBS) following administration of the Menactra vaccine. By November 2005, six Menactra recipients (all ages 17 or 18) experienced an onset of GBS 14-31 days after vaccination.⁸ Although the timing of the onset of neurological symptoms (within the first month of vaccination) was alarming, it was not immediately known if there was a sound causal relationship between Menactra vaccination and GBS, as the six reported cases of GBS among approximately 2.5 million doses of Menactra distributed nationally is a rate similar to what might have been expected to occur by chance alone.⁹

The CDC and American Academy of Pediatrics (AAP) both continue to recommend Menactra administration for all 11 and 12 year olds at the pre-adolescent visit.¹⁰

Florida's public school vaccination schedule

In Florida, the following immunizations are required by age and school grade:¹¹

Immunizations Required for Preschool Entry (age-appropriate doses as are medically indicated):

- Diphtheria-Tetanus-Pertussis Series
- Haemophilus influenzae type b (Hib)
- Hepatitis B
- Measles-Mumps-Rubella (MMR)
- Polio Series
- Varicella

Immunizations Required for Kindergarten Entry:

- Diphtheria-Tetanus-Pertussis Series
- Hepatitis B Series
- Measles-Mumps-Rubella (two doses of Measles vaccine, preferably as MMR)
- Polio Series
- Varicella

⁶ *FDA and CDC Issue Alert on Menactra Meningococcal Vaccine and Guillain Barre Syndrome*, September 30, 2005, U.S. Food and Drug Administration, available at <http://www.fda.gov/bbs/topics/NEWS/2005/NEW01238.html>.

⁷ According to the American Academy of Pediatrics and the National Institute of Neurological Disorders and Stroke, GBS is a severe neurological disorder causing weakness of the body's extremities as a result of an inflammatory demyelination of peripheral nerves. This weakness can intensify rapidly, rendering certain muscles useless and, when severe, leave a patient almost totally paralyzed. Although anyone can be affected by GBS – the disease can occur at any age and both sexes are equally susceptible to onset – the incidence rate is only about one person in 100,000. Presently, there are no known cures for GBS, although several therapies (including plasma exchange and high-dose immunoglobulin therapy) are utilized to accelerate recovery. Recovery periods for patients experiencing GBS are varied and can range from a few weeks to a few years, although roughly 30 percent of patients experience residual weakness after 3 years. A small proportion of patients die, and 20 percent of hospitalized patients can have prolonged disability.

⁸ *Guillain-Barre Syndrome Among Adolescents Who Received Meningococcal Conjugate Vaccine Factsheet*, November 9, 2005, U.S. Food and Drug Administration, available at <http://www.fda.gov/bbs/topics/NEWS/2005/NEW01238.html>.

⁹ Morbidity and Mortality Weekly Report, *Guillain-Barre Syndrome Among Recipients of Menactra Meningococcal Conjugate Vaccine – United States, June-July 2005*, October 6, 2005, Department of Health and Human Services Centers for Disease Control and Prevention, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm54d1006a1.htm>.

Although the number of doses distributed is known, the precise number of administered doses is not.

¹⁰ Ibid.

¹¹ *Vaccine Information Florida Vaccine Requirements*, National Network for Immunization Information, available at http://www.immunizationinfo.org/vaccineInfo/disease_stateinfo.cfv; *Immunization and Record Requirements*, available at http://www.doh.state.fl.us/disease_ctrl/immune/school.pdf

Immunizations Required for 7th Grade Entry:

Hepatitis B Series
Second Dose of Measles Vaccine (preferably MMR vaccine)
Tetanus-Diphtheria Booster

Note: Since the Hepatitis B Series and Second Dose of Measles Vaccine were added to the kindergarten immunization schedule, students are not required to receive these vaccinations for 7th grade entry unless they were not obtained previously.

Immunizations required for college/university students:

MR, M2 (All freshman and new enrollees in public universities)
Meningococcal (All college/university students who live in dorms, or must sign waiver)

Immunizations Required for Child Care and/or Family Day Care (up-to-date for age):

Diphtheria-Tetanus-Pertussis
Haemophilus influenzae type b
Measles-Mumps-Rubella
Polio
Varicella

While school districts and private schools are not currently required to provide information to parents regarding specific diseases or vaccinations, they regularly communicate with parents on a variety of topics including required immunizations and health screenings. All Florida postsecondary educational institutions must provide detailed information concerning the risks associated with meningococcal meningitis and its associated vaccines to every student or to the student's parent if the student is a minor. As noted above, all Florida college and university students who live in campus dormitories are required to be immunized against meningococcal disease or decline the immunization by signing a waiver.¹²

Proposed Changes

The CS for HB 127 requires each district school board and private school governing body to provide every student's parent with detailed information about the causes, symptoms and transmission of meningococcal disease, and about the availability, effectiveness, and contraindications associated with recommended vaccines. The information is to be provided in accordance with DOH recommendations.

DOH is to adopt rules that specify the age or grade level of students for whom such information shall be provided. These rules are to be consistent with recommendations of the Advisory Committee on Immunization Practices (ACIP) concerning the appropriate age for vaccine administration.

DOH shall make available to school districts and private school governing authorities information concerning the causes, symptoms, and transmission of meningococcal disease; the risks associated with the disease; and the availability, effectiveness and contraindications of its associated vaccines.

Each school district and private school governing body shall determine the means and methods of providing this information to the student's parent.

The CS provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

¹² S. 1006.69, F.S.

Section 1: Amends s. 1003.22(10), F.S., relating to school-entry health examinations; creates new paragraph (c); requires district school board and private school governing authorities to provide every student's parent specified information about meningococcal disease in accordance with DOH recommendations; requires DOH to adopt rules consistent with recommendations of ACIP; requires district school boards and private school governing authorities to determine means and methods for providing information to students' parent.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Although the CS does not require adolescent vaccination against meningococcal disease, the Department of Health reports there is a potential cost to parents or private health insurance companies to cover the costs of vaccine and administration of vaccine for those parents who choose to have adolescents vaccinated. The department estimates the market price of the vaccine to be \$75-\$100 per dose.

Private school governing authorities may incur minor costs related to the provision of information about meningococcal disease to students' parents. However, the bill allows the private school governing body to determine the method for providing the information so they may select the most cost-effective method.

D. FISCAL COMMENTS:

School districts may incur minor costs related to the provision of information about meningococcal disease to students' parents. However, the bill allows the school district to determine the method for providing the information so they may select the most cost-effective method.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The CS does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Meningococcal Disease and Immunization

The CS requires DOH to adopt rules specifying the age or grade level of students to receive the information regarding meningococcal disease consistent with recommendations of the CDC.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 54-65: It is unclear whether DOH is required to adopt rules addressing the causes, symptoms, etc. of meningococcal disease and its associated vaccine, or merely to make that information available to schools outside of rulemaking.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its January 11, 2006 meeting, the Committee on Elder & Long-Term Care adopted an amendment to HB 127. The amendment removes Section 1 of the bill, requiring assisted living facilities to implement a program to offer immunizations against influenza and pneumococcal bacteria to all residents age 65 and older, in its entirety.

The Committee favorably reported a Committee Substitute.

This analysis is drafted to the Committee Substitute.

HS Reform Recommendations

Recommendations of the High School Reform Task Force

- 1) Upgrade Florida's high school graduation requirements to better prepare students for the 21st century.
New graduation requirements:
 - Including rigorous core requirements
 - 4 years of mathematics including algebra and geometry or equivalent courses such as applied and integrated (level 2 or above)
 - Area(s) of specialization
 - Minimum GPA requirements
 - Earning a passing score on the 10th Grade FCAT
- 2) Provide for Differentiated Levels of Proficiency in content areas.
 - For example recognition obtained in each content area for:
 - Successful completion of courses such as honors, AICE, IB, AP, Dual Enrollment
 - Achievement at this level – GPA in area
 - Non-traditional ways of demonstrating “Outstanding Accomplishments”
- 3) Increase opportunities at the middle school level for earning high school level course credit by encouraging middle schools to offer a minimum of one high school course for high school credit with an emphasis on Algebra 1.
- 4) To ensure the foundation of academic skills in middle school, require minimum core course completion (required number in core areas) to exit grade 8 or enter high school.
- 5) Provide summer academies that give intensive intervention/remediation between grades 5/6, 6/7, 7/8, 8/9 as needed as a condition for promotion and credit recovery in high school. Particular emphasis must be placed on the transition from grade 8 to 9, with 9th grade summer academies to prepare struggling learners for high school. FCAT retakes should be allowed after the summer academies.
- 6) The Department will research the implementation of end-of-course exams in other states and Florida districts as a measure of students meeting higher expectations.
- 7) Help teachers meet higher expectations by providing data-driven, student specific, research-based professional development.
- 8) Help administrators meet higher expectations by providing instructional leadership training for principals.
- 9) Encourage the development of the opportunities for a high school student to earn a high school diploma and a higher level degree, certification, or competency at the same time.
- 10) Require career education consisting of a minimum of 9 weeks in at least one middle level grade: 6, 7 or 8.
- 11) Implement smaller learning communities, which may include (1) career clusters/academies in high school that may lead to industry certification or (2) other advanced academic studies.
- 12) Expand academic advisement and support services in secondary schools. Coordinate all planning with parental involvement and the student's academic and/or career plan (increase use of FACTS.org).
- 13) Provide the tools whereby middle grade students can focus on the future by the development of a 5 year educational plan to address high school and postsecondary goals.
- 14) Eliminate grade level retention in high school, with high school graduation being based on proficiency and earning the required credits and GPA.
- 15) Help middle and high schools infuse reading as part of the culture by ensuring Level 1 and Level 2 readers are served with intensive reading instruction, incentivize content area teachers to pursue the reading endorsement, providing engaging and diverse texts in both the media center and classroom libraries, and tying reading to all content area and elective courses. Ensure that literacy benchmarks are a part of all content areas.

Please visit www.fldoe.org/hsreform for more information on high school reform, including meeting materials and resources.

1006.20 Athletics in public K-12 schools.—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High School Athletic Association is designated as the governing nonprofit organization of athletics in Florida public schools. If the Florida High School Athletic Association fails to meet the provisions of this section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The organization is not to be a state agency as defined in s. 120.52. The organization shall be subject to the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the organization. The bylaws of the organization are to be the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, “high school” includes grades 6 through 12.

(2) ADOPTION OF BYLAWS.—

(a) The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing residence and transfer shall allow the student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall be eligible in that school so long as he or she remains enrolled in that school. Subsequent eligibility shall be determined and enforced through the organization's bylaws.

(b) The organization shall adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws shall prescribe penalties and an appeals process for athletic recruiting violations.

(c) The organization shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation can only be administered by a practitioner licensed under the provisions of chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student's physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form shall incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and diagnostic tests. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic

athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation have been received and approved by the school.

(d) Notwithstanding the provisions of paragraph (c), a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices. However, in such case, there shall be no liability on the part of any person or entity in a position to otherwise rely on the results of such medical evaluation for any damages resulting from the student's injury or death arising directly from the student's participation in interscholastic athletics where an undisclosed medical condition that would have been revealed in the medical evaluation is a proximate cause of the injury or death.

(3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

(a) The organization shall operate as a representative democracy in which the sovereign authority is within its member schools. Except as provided in this section, the organization shall govern its affairs through its bylaws.

(b) Each member school, on its annual application for membership, shall name its official representative to the organization. This representative must be either the school principal or his or her designee. That designee must either be an assistant principal or athletic director housed within that same school.

(c) The organization's membership shall be divided along existing county lines into four contiguous and compact administrative regions, each containing an equal or nearly equal number of member schools to ensure equitable representation on the organization's board of directors, representative assembly, and committee on appeals.

(4) BOARD OF DIRECTORS.—

(a) The executive authority of the organization shall be vested in its board of directors. Any entity that appoints members to the board of directors shall examine the ethnic and demographic composition of the board when selecting candidates for appointment and shall, to the greatest extent possible, make appointments that reflect state demographic and population trends. The board of directors shall be composed of 16 persons, as follows:

1. Four public member school representatives, one elected from among its public school representative members within each of the four administrative regions.

2. Four nonpublic member school representatives, one elected from among its nonpublic school representative members within each of the four administrative regions.

3. Three representatives appointed by the commissioner, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions. The third representative shall be appointed to balance the board for diversity or state population trends, or both.

4. Two district school superintendents, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

5. Two district school board members, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

6. The commissioner or his or her designee from the department executive staff.

(b) A quorum of the board of directors shall consist of nine members.

(c) The board of directors shall elect a president and a vice president from among its

members. These officers shall also serve as officers of the organization.

(d) Members of the board of directors shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the board of directors, other than the commissioner or his or her designee, may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(e) The authority and duties of the board of directors, acting as a body and in accordance with the organization's bylaws, are as follows:

1. To act as the incorporated organization's board of directors and to fulfill its obligations as required by the organization's charter and articles of incorporation.

2. To establish such guidelines, regulations, policies, and procedures as are authorized by the bylaws.

3. To provide an organization commissioner, who shall have the authority to waive the bylaws of the organization in order to comply with statutory changes.

4. To levy annual dues and other fees and to set the percentage of contest receipts to be collected by the organization.

5. To approve the budget of the organization.

6. To organize and conduct statewide interscholastic competitions, which may or may not lead to state championships, and to establish the terms and conditions for these competitions.

7. To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

(5) REPRESENTATIVE ASSEMBLY.—

(a) The legislative authority of the organization is vested in its representative assembly.

(b) The representative assembly shall be composed of the following:

1. An equal number of member school representatives from each of the four administrative regions.

2. Four district school superintendents, one elected from each of the four administrative regions by the district school superintendents in their respective administrative regions.

3. Four district school board members, one elected from each of the four administrative regions by the district school board members in their respective administrative regions.

4. The commissioner or his or her designee from the department executive staff.

(c) The organization's bylaws shall establish the number of member school representatives to serve in the representative assembly from each of the four administrative regions and shall establish the method for their selection.

(d) No member of the board of directors other than the commissioner or his or her designee can serve in the representative assembly.

(e) The representative assembly shall elect a chairperson and a vice chairperson from among its members.

(f) Elected members of the representative assembly shall serve terms of 2 years and are eligible to succeed themselves for two additional terms. An elected member, other than the commissioner or his or her designee, may serve a maximum of 6 consecutive years in the representative assembly.

(g) A quorum of the representative assembly consists of one more than half of its members.

(h) The authority of the representative assembly is limited to its sole duty, which is to consider, adopt, or reject any proposed amendments to the organization's bylaws.

(i) The representative assembly shall meet as a body annually. A two-thirds majority of the votes cast by members present is required for passage of any proposal.

(6) PUBLIC LIAISON ADVISORY COMMITTEE.—

(a) The organization shall establish, sustain, fund, and provide staff support to a public liaison advisory committee composed of the following:

1. The commissioner or his or her designee.
2. A member public school principal.
3. A member private school principal.
4. A member school principal who is a member of a racial minority.
5. An active athletic director.
6. An active coach, who is employed full time by a member school.
7. A student athlete.
8. A district school superintendent.
9. A district school board member.
10. A member of the Florida House of Representatives.
11. A member of the Florida Senate.
12. A parent of a high school student.
13. A member of a home education association.
14. A representative of the business community.
15. A representative of the news media.

(b) No member of the board of directors, committee on appeals, or representative assembly is eligible to serve on the public liaison advisory committee.

(c) The public liaison advisory committee shall elect a chairperson and vice chairperson from among its members.

(d) The authority and duties of the public liaison advisory committee are as follows:

1. To act as a conduit through which the general public may have input into the decisionmaking process of the organization and to assist the organization in the development of procedures regarding the receipt of public input and disposition of complaints related to high school athletic and competition programs.
2. To conduct public hearings annually in each of the four administrative regions during which interested parties may address issues regarding the effectiveness of the rules, operation, and management of the organization.
3. To conduct an annual evaluation of the organization as a whole and present a report of its findings, conclusion, and recommendations to the board of directors, to the commissioner, and to the respective education committees of the Florida Senate and the Florida House of Representatives. The recommendations must delineate policies and procedures that will improve the implementation and oversight of high school athletic programs by the organization.

(e) The public liaison advisory committee shall meet four times annually. Additional meetings may be called by the committee chairperson, the organization president, or the organization commissioner.

(7) APPEALS.—

(a) The organization shall establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete. The initial appeal shall be made to a committee on appeals within the administrative region in which the student lives. The organization's bylaws shall establish the number, size, and composition of the committee on appeals.

(b) No member of the board of directors is eligible to serve on the committee on appeals.

(c) Members of the committee on appeals shall serve terms of 3 years and are eligible to

succeed themselves only once. A member of the committee on appeals may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(d) The authority and duties of the committee on appeals shall be to consider requests by 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.

(e) A student athlete or member school that receives an unfavorable ruling from a committee on appeals shall be entitled to appeal that decision to the board of directors at its next regularly scheduled meeting or called meeting. The board of directors shall have the authority to uphold, reverse, or amend the decision of the committee on appeals. In all such cases, the decision of the board of directors shall be final.

(8) AMENDMENT OF BYLAWS.—Each member school representative, the board of directors acting as a whole or as members acting individually, any advisory committee acting as a whole to be established by the organization, and the organization's commissioner 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. All proposed amendments must be submitted directly to the representative assembly for its consideration. The representative assembly, while empowered to adopt, reject, or revise proposed amendments, may not, in and of itself, as a body be allowed to propose any amendment for its own consideration.

(9) RULES ADOPTION.—The bylaws of the organization shall require member schools to adopt rules for sports, which have been established by a nationally recognized sanctioning body, unless waived by at least a two-thirds vote of the board of directors.

History.—s. 293, ch. 2002-387; s. 2, ch. 2003-129; s. 70, ch. 2003-416.

1 A comprehensive proposal establishing general
2 principles relating to eligibility; providing
3 general definitions of terms relating to
4 eligibility; establishing a student's school of
5 residence throughout high school as that school
6 in which he/she first enrolls upon beginning the
7 ninth grade; establishing that any student who
8 after having established residence in a school for
9 any reason changes attendance to another school is
10 a transfer student; establishing that a transfer
11 student is restricted to participation on the sub-
12 varsity level until he/she establishes residence in
13 his/her new school by attending that school for one
14 year; providing for a process through which waiver
15 of the period of restricted eligibility can be
16 sought; providing criteria; providing an effective
17 date.

18
19 It is proposed to the Representative Assembly of the Florida
20 High School Athletic Association that:

21
22 SECTION 1. Paragraph 11.2.6 is amended to read:
23 ~~"11.2.6 A grading period is defined as one semester.
24 A semester is defined as one half of a school year
25 (approximately 18 weeks or 90 school days). This definition
26 is applicable to all schools regardless of the type of class-
27 scheduling format (i.e., block, traditional, etc.) utilized."~~

28 Subsequent paragraphs are appropriately renumbered.

29
30 SECTION 2. Paragraph 11.2.9 is amended to read:

1 ~~"11.2.9 A student transferring into a member school~~
2 ~~under extenuating circumstances which prohibit securing~~
3 ~~a transcript from the previous school or country shall be~~
4 ~~ineligible to represent that member school until he/she~~
5 ~~has been enrolled in and established grades for one FULL~~
6 ~~semester. The details of each situation must be reported~~
7 ~~in writing to the Commissioner for approval, including~~
8 ~~student's name, date of entry and inclusive dates of previous~~
9 ~~semester."~~

10 Subsequent paragraphs are appropriately renumbered.

11
12 SECTION 3. Section 11.01, "General Principles," is
13 created to read:

14 "11.01 GENERAL PRINCIPLES

15 11.01.1 Participation a Privilege. Participation
16 in interscholastic athletic programs by a student is a
17 privilege, not a right. Students wishing to participate
18 are required to adhere to the uniform minimum standards and
19 maximum limitations set forth in state law, these bylaws
20 and such policies and regulations that are adopted by the
21 Board of Directors in its interpretation of said bylaws.
22 School districts and/or individual member schools may adopt
23 more stringent rules for the students under their direct
24 supervision. No school district or individual member school
25 may adopt any such rules that are less stringent than those
26 of the Association.

27 11.01.2 Rationale for Eligibility Standards. Uniform
28 standards and limitations governing eligibility are a
29 necessary prerequisite to participation in interscholastic
30 athletics, because: (a) they protect the opportunities of

1 qualified students to participate; (b) they ensure competitive
2 equity among member schools; (c) they encourage academic
3 achievement by student-athletes; and (d) they promote the
4 health and well-being of student-athletes."

5
6 SECTION 4. Section 11.02, "General Definitions," is
7 created to read:

8 "11.02 GENERAL DEFINITIONS

9 11.02.1 Eligibility. Eligibility means the privilege
10 of participating in interscholastic athletics that is
11 attained by complying with all minimum standards and maximum
12 limitations for student-athletes, whether established by
13 Florida Statutes, cooperatively determined by the member
14 schools through the Association's bylaws, adopted by the
15 Board of Directors in the Association's policies, adopted
16 by a district school board for students in schools under its
17 jurisdiction, or set by an individual member school for its
18 own students.

19 11.02.1.1 Restricted Eligibility.

20 Restricted eligibility means the privilege of
21 participating in interscholastic athletics that
22 is limited to some extent due to an individual's
23 failure to comply with one or more of the minimum
24 standards and maximum limitations established for
25 student-athletes.

26 11.02.1.2 Eligible. Eligible means having
27 attained and continuing to retain eligibility. An
28 eligible student-athlete is one who has attained
29 and continues to retain eligibility whether
30 restricted or not.

1 11.02.1.3 Ineligible. Ineligible means
2 failing to attain or retain eligibility. An
3 ineligible student-athlete is one who has failed to
4 attain or retain any eligibility.

5 11.02.2 Enrollment. Enrollment means attendance by
6 a student in a class period in a school during the regular
7 school year or participation by the student in an athletic
8 practice at the school, whichever first occurs. The submission
9 of an application or registration to attend a school or the
10 acceptance for attendance at a school does not constitute
11 enrollment in that school. Enrollment requires the physical
12 presence of the student in a class period or at an athletic
13 practice at the school. A student cannot be enrolled in more
14 than one school at any time.

15 11.02.3 Residence. Residence means enrollment and
16 attendance in a school by a student for one calendar year.
17 A student is considered to have residence in the school in
18 which he/she first enrolls upon beginning the ninth grade. If
19 the student transfers attendance to a different school after
20 establishing residence in a school, he/she must establish
21 residence in the new school by attending that school for one
22 calendar year.

23 11.02.4 Parent(s). Parent(s) means a student's
24 biological parent(s), stepparent(s), adoptive parent(s),
25 foster parent(s), legal guardian(s) as determined by a court
26 of proper jurisdiction, or other adult(s) with whom the
27 student has lived for not less than the previous one calendar
28 year.

29 11.02.5 Calendar Year. A calendar year means 365
30 consecutive calendar days, except during a leap year when it

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1 means 366 consecutive calendar days.

2 11.02.6 School Year. A school year means the 180
3 school days comprising the fall and spring semesters. Summer
4 school, unless otherwise specifically stated in these bylaws,
5 is not considered part of the school year.

6 11.02.7 Semester. A semester means one half of a
7 school year, which is approximately 18 weeks or 90 school
8 days.

9 11.02.8 Grading Period. A grading period means one
10 semester, regardless of class scheduling format (i.e., block,
11 traditional, etc.) utilized.

12 11.02.9 School. School means any school in any state,
13 territory or country.

14 11.02.10 Member School. Member school means a school
15 that is a member of the Association.

16 11.02.11 Varsity. Varsity means the highest level of
17 interscholastic athletic competition offered by a school.

18 11.02.11.1 Sub-varsity. Sub-varsity means
19 any level of interscholastic athletic competition
20 subordinate to varsity that is offered by a school.
21 Sub-varsity includes but is not limited to B-team,
22 junior varsity and freshman programs in 9-12 high
23 schools, as well as middle school programs in K-12
24 and 6-12 high schools."

25
26 SECTION 5. Section 11.3, "Residence," is amended to
27 read:

28 "11.3 RESIDENCE

29 11.3.1 A student in grades 9 through 12 shall have
30 residence and be eligible to represent in the school in which

1 the student first enrolls ~~each school year or makes himself~~
2 ~~or herself a candidate for an athletic team by engaging~~
3 ~~in a practice prior to enrolling in any member school upon~~
4 beginning the ninth grade. ~~The student shall be eligible~~
5 ~~in that school so long as he or she remains enrolled in that~~
6 ~~school and meets all other eligibility requirements.~~

7 11.3.1.1 Residence, for the purpose
8 of applying the Association's eligibility
9 requirements, does not refer to the home of the
10 student but rather to enrollment and attendance by
11 the student for one calendar year in a school. A
12 student automatically establishes residence for
13 his/her four-year limit of high school eligibility
14 in the school in which the student first enrolls
15 upon beginning the ninth grade.

16 11.3.1.2 A student in grades 9 through 12
17 who after having established residence in a school
18 transfers attendance to another school shall be
19 considered a transfer student and shall be required
20 to establish residence in the new school subject to
21 the provisions of Section 11.4 of these bylaws.

22 11.3.2 A home education student who participates in
23 interscholastic athletics pursuant to 11.3.1 shall have
24 residence and be eligible to represent the school in which
25 the home education student first registers to participate in
26 interscholastic athletics upon beginning the ninth grade or
27 at such time thereafter whenever registration to participate
28 first occurs. ~~The student referred to in 11.3.1 will remain~~
29 ~~eligible at that school even though a change of residence~~
30 ~~occurs so long as he/she remains enrolled in that school and~~

1 ~~meets all other eligibility requirements.~~

2 11.3.2.1 A student who after having
3 established residence in a school ceases to attend
4 that school and enters a home education program
5 shall be eligible to represent only the school
6 in which he/she last had residence, provided the
7 student was eligible to represent that school at
8 the time he/she ceased attendance. ~~The student~~
9 referred to in 11.3.1 will remain eligible at that
10 school even though a change of residence occurs so
11 long as he/she remains enrolled in that school and
12 ~~meets all other eligibility requirements.~~

13 11.3.2.2 A home education student who
14 after having established residence in a school
15 discontinues home education and enrolls in a school
16 other than the school in which he/she had residence
17 shall be considered a transfer student and shall
18 be required to establish residence in the new
19 school subject to the provisions of Section 11.4.
20 ~~The student referred to in 11.3.1 will remain~~
21 ~~eligible at that school even though a change of~~
22 ~~residence occurs so long as he/she remains enrolled~~
23 ~~in that school and meets all other eligibility~~
24 ~~requirements.~~

25 11.3.3 A student who attends a charter school that
26 does not sponsor an interscholastic athletics program and
27 chooses to participate in interscholastic athletics at a
28 different school pursuant to 11.4.1 shall have residence
29 and be eligible to represent the school in which the student
30 first registers to participate in interscholastic athletics

1 upon beginning the ninth grade or at such time thereafter
2 whenever registration to participate first occurs. ~~A student~~
3 ~~who, after initially enrolling in, or engaging in an athletic~~
4 ~~practice at, any school during a school year, moves into a~~
5 ~~different school community with his/her parent(s) or other~~
6 ~~individual with whom he/she has lived continuously for a full~~
7 ~~calendar year and subsequently enrolls in a new school as a~~
8 ~~result of that move, shall be eligible the following week so~~
9 ~~far as residence is concerned. The student shall be eligible~~
10 ~~on the sixth day following his/her enrollment.~~

11 11.3.3.1 A student who after having
12 established residence in a school ceases to attend
13 that school and enters a charter school that does
14 not sponsor interscholastic athletics shall be
15 eligible to represent only the school in which he/
16 she last had residence, provided the student was
17 eligible to represent that school at the time he/
18 she ceased attendance. ~~The student referred to~~
19 ~~in 11.3.1 will remain eligible at that school even~~
20 ~~though a change of residence occurs so long as he/~~
21 ~~she remains enrolled in that school and meets all~~
22 ~~other eligibility requirements.~~

23 11.3.3.2 A charter school student who after
24 having established residence in a school ceases to
25 attend the charter school and enrolls in a school
26 other than the school in which he/she had residence
27 shall be considered a transfer student and shall
28 be required to establish residence in the new
29 school subject to the provisions of Section 11.4.
30 ~~The student referred to in 11.3.1 will remain~~

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1 ~~eligible at that school even though a change of~~
2 ~~residence occurs so long as he/she remains enrolled~~
3 ~~in that school and meets all other eligibility~~
4 ~~requirements.~~

5 ~~11.3.4 A student who, after initially enrolling in,~~
6 ~~or engaging in an athletic practice at, any school during~~
7 ~~a school year, moves into a different school community with~~
8 ~~his/her parent(s) or other individual with whom he/she has~~
9 ~~not lived continuously for a full calendar year and enrolls~~
10 ~~in a new school as a result of that move, shall be ineligible~~
11 ~~so far as residence is concerned.~~

12 ~~11.3.5 The fact that guardianship papers have been~~
13 ~~issued, placing a student under the control of a person or~~
14 ~~persons other than his/her parent(s), does not establish~~
15 ~~eligibility. Residence with and support by any individual or~~
16 ~~individuals for a period of one calendar year does establish~~
17 ~~the residence of that individual or individuals as the~~
18 ~~residence of a student."~~

19
20 SECTION 6. Section 11.4, "Transfer," is amended to
21 read:

22 "11.4 TRANSFER

23 11.4.1 A student who having established residence in
24 a school in grades 9 through 12 transfers attendance to
25 another school shall be restricted to participation on the
26 sub-varsity level until he/she has established residence
27 in the new school by attending that school for one calendar
28 year unless the transfer is in conjunction with a physical
29 joint relocation of the student, his/her parent(s) and other
30 individual(s) with whom he/she has been living to a new

1 address that makes it necessary for the student to attend
2 a different school. ~~A student who initially enrolls in, or~~
3 ~~engages in an athletic practice at, one member school in a~~
4 ~~school year and transfers attendance to another member school~~
5 ~~during that same school year shall be considered to be a~~
6 ~~transfer student and therefore subject to the bylaws related~~
7 ~~to students who transfer from one school to another.~~

8 11.4.1.1 To be considered a physical joint
9 relocation to a new address, the occupation of the
10 new address by the student, his/her parent(s) and
11 other individual(s) with whom he/she has been living
12 must be full and complete indefinitely and make it
13 their fixed and permanent home. The former address
14 must be abandoned, that is vacant, sold, or rented
15 to persons other than any member of the family, and
16 may not be occupied for any purposes at any time by
17 the student, his/her parent(s) or minor sibling(s).
18 Before being deemed eligible by the principal of
19 the school to which he/she transfers, the student
20 and his/her parent(s) must attest in writing to the
21 facts of the relocation and provide documentation
22 that all personal belongings have been moved
23 from the former address, mail is received at the
24 new address, all utilities have been transferred
25 to the new address, and driver's license, voter
26 registration and other forms of legal identification
27 have been changed to the new address. At the time
28 of registration, the school to which the student
29 transfers shall inform in writing the student
30 and his/her parent(s) of the proof required for

1 eligibility and that the school's administration
2 may verify the full and complete relocation by
3 conducting an inspection of the former address, the
4 new address or both. Under no circumstances can a
5 student and his/her parent(s) occupy more than one
6 address for eligibility purposes.

7 11.4.1.2 References to "other individual(s)
8 with whom the student has been living" includes
9 minor siblings and, depending on the specific
10 circumstances that assure a full and complete
11 relocation for the student, may include adult
12 siblings, step-siblings, aunts, uncles and
13 grandparents and others who have been a family unit
14 and not merely co-habitants of the same dwelling
15 who have been and remain financially self-sufficient.
16 For the purposes of achieving a full and complete
17 change of address, a "member of the family" who
18 remains at the "former address" shall not be the
19 student's parent(s), sibling(s) under the age of
20 18 or other family member(s) who is not financially
21 self-supporting. The only family member(s) who
22 remain at the former address must be 18 years of
23 age or older and financially self-supporting.

24 11.4.1.3 The need to attend a different
25 school as the result of relocation to a new address
26 must be based on one of the following conditions:

27 (a) The student is no longer permitted to
28 attend his/her old school by the district school
29 board because the new address is outside the
30 school's attendance zone; or

1 (b) Public transportation from the student's
2 new address to the old school is not provided
3 and the student does not have a means of personal
4 transportation.

5 11.4.1.4 Should the student transfer in
6 conjunction with a physical joint relocation and
7 then subsequently relocate to another address
8 within one calendar year of that transfer, the
9 student shall be restricted to participation on
10 the sub-varsity level for the remainder of that one
11 calendar year period in the school to which he/she
12 originally transferred, and for one full calendar
13 year in any other school to which he/she transfers
14 as a result of the subsequent relocation.

15 11.4.2 The Commissioner may waive the provisions of
16 Bylaw 11.4.1 for the benefit of a transfer student when
17 application for such a waiver is made by the principal of
18 the member school to which the student transfers if it is
19 demonstrated to the satisfaction of the Commissioner that the
20 circumstances surrounding the transfer meets one or more of
21 the following exceptions: A student who enrolls in a member
22 school following his/her initial enrollment in, or engagement
23 in an athletic practice at, another school for that school
24 year shall be ineligible to represent the new school he/
25 she is attending for the duration of the school year. This
26 rule shall not apply if the change of attendance from one
27 school to another is accompanied by a corresponding change
28 in residence on the part of the student's parent(s) or other
29 individual with whom the student has lived continuously for
30 a full calendar year, which makes it necessary for him/her to

1 ~~attend a different school.~~

2 (a) The school to which the student transfers
3 is one to which the student had applied upon
4 initial entry into the ninth grade but was denied
5 admission because the school or special program
6 offered at the school was at capacity, and to which
7 the student has now been accepted due to a vacancy
8 in the school or that same special program offered
9 at the school, provided the student enrolls in the
10 school or special program at the first opportunity.

11 (b) The school to which the student transfers
12 offers a magnet or other special program that
13 commences in a grade higher than the ninth grade,
14 provided the student applies for, is accepted to
15 and enrolls in the program at the first opportunity.

16 (c) The school in which the student was
17 enrolled is categorized as a failing school by
18 the Florida Department of Education, provided the
19 school was not categorized as a failing school at
20 the time of the student's enrollment, the transfer
21 is to a school that is not categorized as a
22 failing school, and the transfer occurs at the first
23 opportunity.

24 (d) The transfer is at the initiative and
25 order of the district school board for other than
26 athletic or disciplinary reasons, and was not
27 the result of a request by the student or his/her
28 parent(s). In such cases the student may enroll in
29 the public school to which he/she has been assigned
30 by the district school board or in another public

1 or nonpublic school.

2 (e) The student undergoes a necessary
3 relocation from the home of his/her parent(s) at
4 one address to the home of another individual(s) at
5 a different address that makes it necessary for the
6 student to attend a different school. "A necessary
7 relocation" means that the conditions that cause
8 the relocation are beyond the control of the
9 student and/or his/her parent(s); work an unjust,
10 unfair and unforeseeable hardship upon the student;
11 and are such that none of the parties involved
12 could reasonably have been expected to comply with
13 the provisions of Bylaw 11.4.1.

14 (f) The student following his/her emancipation
15 by marriage, court order or reaching the age of
16 majority establishes a separate household at a
17 different address that makes it necessary for the
18 student to attend a different school. The student
19 must show proof that he/she has established his/her
20 own household and is not receiving financial support
21 from anyone other than himself/herself. If under
22 the age of 18, the student also must provide a copy
23 of the emancipation order issued by the court.

24 (g) The student is a ward of the court or
25 state and is required to relocate to a new address
26 that makes it necessary for the student to attend
27 a different school. A certified copy of the court
28 order, together with a copy of the petition upon
29 which the order was based and other evidence the
30 court had to consider in issuing that order must be

1 provided. Temporary guardianship that is granted
2 without approval of a court does not fulfill this
3 requirement.

4 (h) The student who attends a private school,
5 because of a financial hardship beyond the control
6 of the family, is no longer able to afford the
7 tuition and must transfer his/her attendance to a
8 different school. The student or his/her family
9 must provide proof that the change in the family's
10 financial status has occurred since the student's
11 enrollment in the private school and is significant
12 enough to clearly demonstrate that the tuition cost
13 of the school is no longer affordable. The student
14 or his/her family further must provide proof that
15 they have applied for and been denied financial
16 assistance or show good cause as to why they did
17 not apply for such assistance. Tuition increases
18 in and of themselves are not considered a financial
19 hardship.

20 (i) The home education cooperative in which
21 the home-educated student participated is dissolved
22 and the home education student registers to
23 participate at another home education cooperative
24 or school.

25 (j) The principals of both the student's old
26 and new schools, provided both schools are members
27 of the Association, certify that the transfer in
28 their opinion is in the best educational interest
29 of the student, is not motivated by reasons
30 relating to athletic participation or disciplinary

1 action, and is not the result of recruitment.
2 11.4.3 An application for waiver of Bylaw 11.4.1
3 shall be made on a form provided for this purpose by the
4 Commissioner. The form must be initiated and signed by
5 the principal of the member school to which the student
6 transfers, must indicate the exception(s) under which the
7 waiver is being requested, must describe the circumstances
8 surrounding the transfer, must be signed by the principal
9 of the school last attended by the student, and must
10 be submitted along with any supporting documentation to
11 the Commissioner for his/her approval. A waiver is not
12 granted until the form, fully executed by the principals
13 of both schools, is reviewed and approved in writing by the
14 Commissioner, and is on file in the office of the member school
15 to which the student transfers. The provisions of Article
16 ~~11.4.2 may be waived if the benefit of athletic eligibility~~
17 ~~is requested in writing by the principal of the school to~~
18 ~~which he/she transfers and the principal of the school from~~
19 ~~which he/she transfers consents to such waiver in writing on~~
20 ~~a form to be furnished by the Commissioner. To be effective~~
21 ~~as a waiver of the provisions of Article 11.4.2, the properly~~
22 ~~executed original form must be filed in the office of this~~
23 ~~Association together with the annual eligibility report~~
24 ~~for the requesting school. Such waiver is not effective~~
25 ~~until both the annual eligibility report and the original~~
26 ~~application for waiver of the transfer rule are received in~~
27 ~~the office of this Association. A principal should consider~~
28 ~~not approving an application for waiver of the transfer rule~~
29 ~~when he/she has evidence that reasonably leads him/her to~~
30 ~~believe that:~~

- 1 ~~—— (A) the student is being recruited;~~
2 ~~—— (B) the student is transferring in whole or in part for~~
3 ~~athletic reasons; or~~
4 ~~—— (C) the student is transferring because of disciplinary~~
5 ~~reasons and/or misconduct.~~

6 ~~HOWEVER, a student who transfers to a member school without~~
7 ~~a corresponding change of residence on the part of the stu-~~
8 ~~dent's parent(s) or other individual with whom the student~~
9 ~~has lived continuously for a full calendar year, which makes~~
10 ~~it necessary for him/her to attend a different school, on or~~
11 ~~after the beginning of any sports season (first day of prac-~~
12 ~~tice) shall not be eligible to compete in that sport for the~~
13 ~~duration of that school year.~~

14 11.4.3.1 A principal should not consent to
15 an application for waiver of Bylaw 11.4.1 when he/
16 she has evidence that reasonably leads him/her to
17 believe that the student's transfer is motivated
18 by reasons relating to athletic participation
19 or disciplinary action, or is the result of
20 recruitment. A transfer "motivated by reasons
21 relating to athletic participation" is defined as,
22 but not limited to:

23 (a) The student or his/her parent(s) is
24 dissatisfied with the student's position on the team
25 or the amount of playing time that he/she receives;

26 (b) The student or his/her parent(s) is
27 dissatisfied with a coach at either a personal or
28 professional level;

29 (c) The student or his/her parent(s) seeks
30 relief from conflict with the philosophy or action

1 of an administrator, teacher or coach relating to
2 sports;
3 (d) The student or his/her parent(s) seeks to
4 avoid punitive action by the student's old school
5 relating to athletic eligibility;
6 (e) The student follows his/her coach to
7 another school to which the coach has relocated
8 during the preceding one calendar year;
9 (f) The student seeks to participate
10 with teammates or coaches with whom he/she has
11 participated in non-school competition during the
12 preceding one calendar year;
13 (g) The student or his/her parent(s) desires
14 that the student play on a less successful or lower
15 profile team in order to be ranked higher among the
16 players on that team; or
17 (h) The student or his/her parent(s) desires
18 that the student play on a more successful or
19 higher profile team to gain a higher level of
20 competition and/or more exposure to college or
21 professional scouts.
22 11.4.3.2 Eligibility is not determined nor
23 is the Commissioner bound by the action taken by
24 either or both principals signing the application
25 for waiver. The Commissioner instead shall have
26 the discretion to investigate the accuracy of the
27 application and to approve or deny the waiver based
28 solely on the findings of his/her investigation.
29 11.4.4 The Commissioner may grant a waiver of Bylaw
30 11.4.1 for the benefit of a student only one time during that

1 student's four-year limit of eligibility and then only when
2 the facts are clear, undisputed and supported by appropriate
3 documentation. The Commissioner shall have broad discretion
4 in applying the conditions of the exceptions under which he/
5 she may grant a waiver to specific cases. The Commissioner
6 may take into consideration not only the needs of the student
7 involved, but also the best interests of all students in
8 all member schools and the total interscholastic athletic
9 program in general as he/she understands those interests.
10 Should the Commissioner deny an application for waiver, the
11 school making the application upon request of the student may
12 appeal the decision of the Commissioner or request an undue
13 hardship hearing in accordance with the provisions of Article
14 13 of these bylaws. A student who has participated as a
15 ~~member of a senior high school in interscholastic athletic~~
16 ~~competition during a school year prior to his/her application~~
17 ~~for membership in a home education cooperative shall be~~
18 ~~ineligible to represent that cooperative in interscholastic~~
19 ~~athletic competition for the duration of that school year~~
20 ~~unless a properly executed "Application for Waiver of the~~
21 ~~Transfer Rule" is obtained from the principal of the senior~~
22 ~~high school, and vice versa. A student who withdraws from~~
23 ~~a regular school program to enroll in a home education~~
24 ~~program and who is ineligible at the time of withdrawal~~
25 ~~from the regular school program due to his/her failure to~~
26 ~~meet academic or behavioral eligibility standards shall be~~
27 ~~ineligible to compete in interscholastic athletic competition~~
28 ~~as a home education student until he/she has successfully~~
29 ~~completed one semester in home education.~~

30 11.4.5 A student in grades 9 through 12 who after

1 having established residence in a school transfers attendance
2 to a recognized member boarding school shall be considered
3 a transfer student and shall be required to establish
4 residence in the boarding school subject to the provisions
5 of Paragraph 11.4.1 of these bylaws. ~~If a student who has~~
6 ~~transferred from one school to another after his/her initial~~
7 ~~enrollment in a member school for that school year without~~
8 ~~a corresponding change of residence which made it necessary~~
9 ~~for him/her to change schools and has secured an application~~
10 ~~for waiver of the transfer rule then elects to transfer to~~
11 ~~a third school without a corresponding change of residence~~
12 ~~which would make it necessary for him/her to change schools~~
13 ~~during that same school year, it will be necessary for him/~~
14 ~~her to secure applications for waiver of the transfer rule~~
15 ~~from all schools previously attended within that school year.~~

16 11.4.6 A foreign exchange student who attends a member
17 school under the auspices of a foreign exchange program
18 approved by the Board of Directors is a transfer student and
19 shall be restricted to participation on the sub-varsity level
20 for a maximum period of one calendar year commencing with the
21 date of the student's first enrollment in any U.S. school. A
22 ~~student who transfers from a non-member school to a member~~
23 ~~school without a corresponding change of residence shall not~~
24 ~~be eligible to compete during a sports season unless his/her~~
25 ~~transfer occurred prior to the first day of practice for that~~
26 ~~sport.~~

27 11.4.7 A transfer student shall become eligible to
28 represent his/her new school on the sixth day following
29 the date of his/her enrollment in that school, provided
30 the principal of the school has received an official written

1 transcript from the school from which the student transferred
2 and has verified that the student meets all eligibility
3 requirements. ~~A transfer student may represent the school~~
4 ~~to which he/she transfers on the sixth day following the~~
5 ~~date of his/her entry into that school, provided his/her~~
6 ~~transfer record has been received by the principal of the~~
7 ~~school to which he/she has transferred and provided he/she~~
8 ~~meets all eligibility requirements. A transfer record is an~~
9 ~~official written transcript signed by the principal or his/~~
10 ~~her authorized representative of the school from which the~~
11 ~~student transferred.~~

12 11.4.7.1 A transfer student for whom an
13 official written transcript cannot be obtained shall
14 not be eligible until he/she has attended his/
15 her new school for one full semester, established
16 a grade point average that satisfies the academic
17 requirements of Section 11.2, and been submitted
18 to the Commissioner for approval. The principal
19 of the school in seeking approval of the student's
20 eligibility from the Commissioner shall document
21 the student's name, his/her date of enrollment, the
22 inclusive dates of the previous semester, and shall
23 provide an explanation as to why an official written
24 transcript could not be obtained.

25 11.4.7.2 The principal of a member school
26 shall verify the eligibility of a student who has
27 transferred to another member school when requested
28 to do so by the principal of that school.

29 11.4.8 The Board of Directors shall establish in its
30 terms and conditions for each state championship series a

1 date after which a transfer student shall not be eligible
2 to represent the school to which he/she transfers in state
3 championship series competition. This date shall be not
4 earlier than two Saturdays prior to the week containing
5 the initial level of competition in the state championship
6 series. ~~The principal of a member school shall verify~~
7 ~~the eligibility status of a student who has transferred~~
8 ~~to another member school when requested to do so by the~~
9 ~~principal of the receiving school.~~

10 11.4.9 An ineligible student shall not become eligible
11 as a result of a transfer. A transfer student who at the
12 time of transfer has been declared ineligible for a period of
13 time in his/her previous school by the administration of that
14 school, the district school board that oversees that school,
15 this Association or another governing association of which
16 the previous school is a member shall not be eligible in his/
17 her new school until that same period of time has expired.
18 ~~A student who represents a school in a state championship~~
19 ~~series sponsored by this Association in a sport during~~
20 ~~the current school year may not transfer to another school~~
21 ~~and represent the school to which he/she transfers in the~~
22 ~~remainder of the state championship series in that sport.~~

23 ~~11.4.10 A student who is ineligible, at the time of~~
24 ~~transfer from one school to another school, because of~~
25 ~~disciplinary action or because of unsatisfactory conduct,~~
26 ~~shall not be considered for eligibility at the school to~~
27 ~~which he/she transfers until he/she has been enrolled in that~~
28 ~~school for a full semester. Enrolling in a new school at the~~
29 ~~beginning of the school year does not decrease or eliminate~~
30 ~~the period of ineligibility.~~

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1 ~~11.4.11 A student who transfers to a member school from~~
2 ~~a school in another state or country who has been declared~~
3 ~~ineligible to participate in interscholastic athletics by the~~
4 ~~school from which he/she is transferring or by a governing~~
5 ~~association of which that school is a member shall not be~~
6 ~~eligible to participate at the member school until he/she has~~
7 ~~been enrolled in that school for a full semester.~~

8 ~~11.4.12 Participation by a student in non-school~~
9 ~~athletics (i.e. AAU, American Legion, club settings, etc.)~~
10 ~~on a team that is affiliated with any school other than~~
11 ~~the school which the student attends, or attended the~~
12 ~~prior year, followed by enrollment by that student in the~~
13 ~~affiliated school shall be considered prima facie evidence~~
14 ~~of recruiting by the school to which that student enrolled,~~
15 ~~or that the student enrolled in that school in whole or in~~
16 ~~part for athletic reasons. Unless this prima facie evidence~~
17 ~~of recruiting or that the student enrolled in the new school~~
18 ~~in whole or in part for athletic reasons is disproved by the~~
19 ~~school and student to the satisfaction of the Commissioner,~~
20 ~~the student shall be ineligible to represent that school~~
21 ~~in interscholastic athletic competition for a period of~~
22 ~~365 consecutive days from the date of his/her enrollment in~~
23 ~~that school. A team affiliated with the school is one that~~
24 ~~is organized by and/or coached by any member of the coaching~~
25 ~~staff at, or any other person affiliated with, that school;~~
26 ~~and/or on which the majority of the members of the team~~
27 ~~(participants in practice and/or competition) are students~~
28 ~~who attend that school.~~

29 ~~11.4.13 A student who transfers to a new school within~~
30 ~~one calendar year of the relocation of his/her coach to that~~

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1 ~~school without a corresponding change in residence shall be~~
2 ~~considered to have transferred for athletic reasons and shall~~
3 ~~not be eligible to participate in the sport(s) coached by~~
4 ~~that coach for one calendar year from the date of enrollment~~
5 ~~in the new school.~~

6 ~~11.4.14 A student who marries and sets up residence in~~
7 ~~a different school community may represent the school which~~
8 ~~serves that community, provided the change in residence is~~
9 ~~immediate and he/she meets all eligibility requirements.~~

10 ~~11.4.15 The assignment or reassignment of a student~~
11 ~~by the District School Board to a school other than that~~
12 ~~school in which he/she initially enrolled or at which he/she~~
13 ~~engaged in an athletic practice for that school year shall~~
14 ~~not bestow upon the student athletic eligibility in the new~~
15 ~~school unless benefit of eligibility is requested upon a form~~
16 ~~to be furnished by the Commissioner. This form must bear the~~
17 ~~signature of the District School Board Chairman, the District~~
18 ~~School Superintendent or the signature of the principal~~
19 ~~of the school from which the student transferred, and the~~
20 ~~principal of the school to which the student transferred. To~~
21 ~~be effective as a waiver of these provisions, the properly~~
22 ~~executed original form must be filed in the office of this~~
23 ~~Association together with the annual eligibility report~~
24 ~~for the requesting school. Such waiver is not effective~~
25 ~~until both the annual eligibility report and the original~~
26 ~~application for waiver of the transfer rule are received in~~
27 ~~the office of this Association. A student who transfers to~~
28 ~~a member school without a corresponding change of residence~~
29 ~~on or after the beginning of any sports season (first day of~~
30 ~~practice) shall not be eligible to compete in that sport for~~

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1 ~~the duration of that school year.~~

2 ~~11.4.16 Majority to minority assignments duly made by~~
3 ~~the District School Board shall not become effective until~~
4 ~~eligibility is requested on a form to be furnished by the~~
5 ~~Commissioner. The principal of the sending school should~~
6 ~~grant the waiver after investigating and determining that the~~
7 ~~student's transfer is from his/her racial majority to his/her~~
8 ~~racial minority school.~~

9 ~~11.4.17 A student who is assigned to or otherwise~~
10 ~~enrolls in an out of district public school, or a nonpublic~~
11 ~~school, may be assigned to or enroll in the public school~~
12 ~~which serves his/her district without loss of eligibility,~~
13 ~~due to the transfer, provided he/she meets all other~~
14 ~~eligibility requirements. A student who transfers to a~~
15 ~~member school without a corresponding change of residence~~
16 ~~on or after the beginning of any sports season (first day of~~
17 ~~practice) shall not be eligible to compete in that sport for~~
18 ~~the duration of that school year.~~

19 ~~11.4.18 If the District School Board changes the school~~
20 ~~to which a student is assigned to attend, the student shall~~
21 ~~be declared eligible by the principal of the school to which~~
22 ~~he/she has been transferred, provided he/she meets all other~~
23 ~~eligibility requirements and his/her name has been submitted~~
24 ~~on an annual eligibility report.~~

25 ~~11.4.19 A student who transfers his/her residence from~~
26 ~~that of his/her parent(s) or other individual with whom the~~
27 ~~student has lived continuously for a full calendar year, to~~
28 ~~the home of another individual who resides in a different~~
29 ~~school community because of a court order committing one~~
30 ~~or both of those with whom he/she has been living to a~~

1 ~~correctional or state medical institution shall be eligible~~
2 ~~to represent the school in which he/she first enrolls or at~~
3 ~~which he/she engages in an athletic practice following the~~
4 ~~change in residence. The residence and transfer regulations~~
5 ~~do not apply to a student who returns to his/her home after~~
6 ~~honorable discharge from a state correctional institution or~~
7 ~~to a student who returns to his/her home after serving as a~~
8 ~~page in the Congress or the State Legislature.~~

9 ~~11.4.20 A student who transfers his/her residence from~~
10 ~~that of his/her parent(s) or other individual with whom the~~
11 ~~student has lived continuously for a full calendar year to~~
12 ~~the home of another individual who resides in a different~~
13 ~~school community because of the death of one or both of~~
14 ~~his/her parents or other individual shall be eligible to~~
15 ~~represent the school in which he/she first enrolls or at~~
16 ~~which he/she engages in an athletic practice following the~~
17 ~~change in residence.~~

18 ~~11.4.21 In the event that a student becomes a ward of~~
19 ~~the State of Florida and is placed in a foster home, the~~
20 ~~student will be eligible so far as residence is concerned~~
21 ~~so long as he/she is enrolled in that school. Any subsequent~~
22 ~~transfer of residence that requires a change of schools shall~~
23 ~~render the student ineligible.~~

24
25 SECTION 7. This proposal shall take effect July 1,
26 2006.

27
28 # # #
29
30