

PreK - 12 Education Committee

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

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:

HB 127

2006
CS

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.

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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

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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

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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

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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.~~

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~~

Final Draft

Comprehensive Revision to Sections 11.3 and 11.4

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~~

Final Draft

Comprehensive Revision to Sections 11.3 and 11.4

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~~

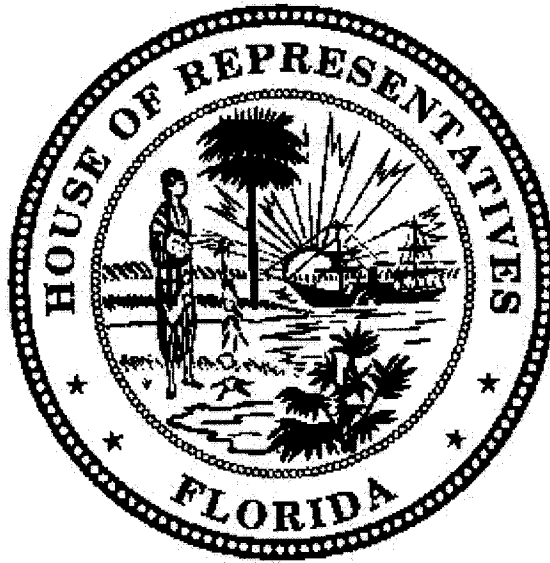
1 ~~correctional or state medical institution shall be eligible~~
2 ~~to represent the school in which he/she first enrolls or at~~
3 ~~which he/she engages in an athletic practice following the~~
4 ~~change in residence. The residence and transfer regulations~~
5 ~~do not apply to a student who returns 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.~~

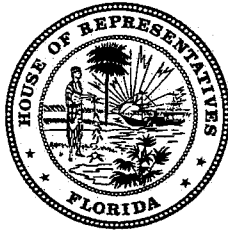
24
25 SECTION 7. This proposal shall take effect July 1,
26 2006.

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28 # # #
29
30



PreK - 12 Education Committee Addendum A

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



Florida House of Representatives

**Allan G. Bense
Speaker**

PreK-12 Education Committee

Ralph Arza, Chair

**Representative Lorraine Ausley
Representative Elyn Bogdanoff
Representative Marti Coley
Representative Frank Farkas
Representative Kenneth Gottlieb**

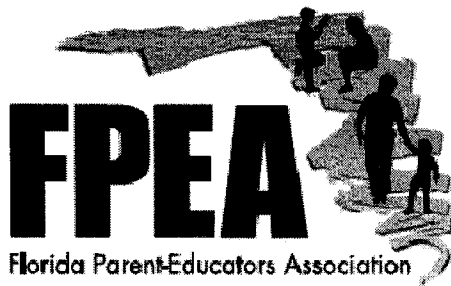
Joe Pickens, Vice Chair

**Representative Stan Mayfield
Representative Dave Murzin
Representative Curtis Richardson
Representative Trey Traviesa**

AGENDA

February 7, 2006

- I. Chairman's Opening Remarks**
- II. HB 127 CS Immunizations by Hays**
- III. High School Reform Task Force Recommendations Presentation**
- IV. Florida High School Athletic Association Rule regarding Residence and
Transfer Discussion**
- V. Chairman's Closing Remarks**
- VI. Adjournment**



Florida Parent-Educators Association

Florida's largest nonprofit, all-inclusive homeschool family association

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February 5, 2006

To the members of the House Pre-K Through 12 Committee:

The Florida Parent-Educators Association is opposed to the new bylaw passed by the Florida High School Athletic Association on January 24, 2006, intended to control athletic recruiting. The new bylaw limits a student's participation to the school at which he/she first enrolls in ninth grade. According to the bylaw, if a student transfers after ninth grade, he/she must participate at a sub-varsity level or lose a year of eligibility if the school has no sub-varsity team.

One immediate concern about this bylaw is that at 14, the age of a typical ninth-grader, students are still developing physically and discovering their interests and talents. With this in mind, they need the flexibility to explore their options and find the right fit. Unlike professional athletes, high-school students have not signed contracts to play for a particular school or team. To limit their options at this time in their life is inconsistent with both current law and legislative philosophy, which allows a student to choose a school at the beginning of each school year.

The FPEA represents over 10,000 families in Florida who have chosen to teach their children at home. These families have undertaken this awesome responsibility because they want to focus their developmental energies on their children so as to mold their character, provide individual instruction and develop their God-given abilities. Parents who home-educate their children tend to be quite resourceful in finding the opportunities necessary to further each child's distinct interests, skills and training. Many have sacrificed time, material well-being and career advancement to focus their efforts with their children in this way.

Just like other students, some of these home-educated children have athletic skills that can only be developed to their fullest extent in the highest-caliber competitive environment available. The Legislature already recognizes the importance of extracurricular activities to the development of students; s.1006.15 (2) F.S. states that "participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult."

In light of this, in 1996 it became necessary for home-educating parents to ask the Legislature to pass a law to change an FHSAA bylaw that discriminated against home-educated students. Ten years after the passage of that law, the FHSAA has again

passed a bylaw that will limit the possibilities for students to reach their full potential, discriminate against home-educated students and require students to remain in situations that may not be in their best interests. Over these last 10 years the Legislature has created many choices for parents and students: magnet programs, charter schools, virtual schools, scholarships to private schools and open enrollment in public schools. This new bylaw is inconsistent with the school-choice movement as so codified, as such limiting the choices of parents and students in order to address those few schools that break recruiting rules. This bylaw will deny all parents, regardless of their educational choices, the opportunity to find the best teachers, environment and social setting for their children. Thus, requiring a child to stay in the school in which he/she first enrolls is not in the best interest of the child.

Florida Statute 1006.15(5) states that “any organization or entity that regulates or governs interscholastic extracurricular activities of public schools . . . shall not discriminate against any eligible student based on an educational choice of public, private, or home education.” The exceptions under the new bylaw discriminate against home-educated students because the only way they can transfer to another school after ninth grade is if the child’s parents physically relocate or if the home-education cooperative ceases to exist. Public-school students have exceptions allowing them to transfer if the move is in their best educational interests. Home-educated students are not given the opportunity to transfer, even if a transfer may be in their best interest, simply because they don’t receive their education at a public or private school.

Therefore, we are asking the Legislature to consider *all* the children in Florida — whether educated publicly, privately or at home — and make sure their opportunities to participate in athletics are not limited or taken away by the organization appointed by the Legislature to govern such extracurricular activities. We call on the Legislature to take action in the best interest of all children, ensuring they have equal opportunity to reach their full potential.

Sincerely,

Cheryl P. Boglioli
State Chairman
Florida Parent-Educators Association



The Home Education Foundation

"Home Educators' Voice at the Capitol"

www.flhef.org
PO Box 12563
Tallahassee, FL 32317-2563

February 6, 2006

TO: The Honorable Ralph Arza and Members of the House PreK-12 Committee
RE: The New FHSAA Bylaw on Residence and Transfer
FROM: Brenda Dickinson, President of the Home Education Foundation

The Home Education Foundation (HEF) has been very involved in the extracurricular activities statutes since 1994. The Craig Dickinson Act, initiated by the HEF, passed in 1996 and opened extracurricular activities to home education students. This same law created the Public Liaison Advisory Committee to oversee the operation of the Florida High School Activities Association (FHSAA) and report annually to the Legislature. It was the Public Liaison Advisory Committee which worked with Sen. Sullivan and Rep. Andrews to restructure the FHSAA in 1997, remove all extracurricular activities, except athletics from this association, and established a governance model for the association. The Legislature determined that the FHSAA was not operating in the best interest of students or schools and that they needed to step in.

The FHSAA has worked under this new model very well over the last 10 years. However, recent unsubstantiated complaints by some schools that recruiting is taking place in other schools has led the FHSAA to pass new by-laws which are in contradiction to s.1006.20 F.S. The new by-law addresses the alleged recruiting by taking away students' rights to transfer each year as stated in s.1006.20(2)(a). Recruiting is not defined in statute but is defined in the FHSAA policies as "the use of undue influence and/or special inducement by anyone associated with a school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics." Penalizing students for transferring after first enrolling in a school in ninth grade is in conflict with school choice and penalizes students for the actions of adults. If students are recruited for athletic purposes only because of some inducement by an adult, then the adult or school should be held accountable and sanctioned.

The new by-law centralizes the power for determining transfers in the office of the Commissioner. It gives the Commissioner broad discretionary power in applying the conditions of the exceptions. This opens the transfer process up to arbitrary decisions and invites abuse. It places the decision in the hands of the Commissioner and his staff to approve or deny requests for waiver of the transfer rule. Undue influence, thus negative recruiting, can easily be used by the FHSAA or the school principal by denying a transfer. Although the decision can be appealed to a Sectional Appeals Committee, that Committee is comprised of 4 members representing school districts and 1 representing private schools. This sets up a completely biased and unfair appeals process for students in private and home education programs, unless the student is allowed to transfer at the beginning of each school year as stated in s.1006.20(2)(a). This by-law could open the FHSAA up to more lawsuits, more appeals and possibly a withdrawal of the private schools from the FHSAA; private schools currently make up 1/3 of the membership.

There has been a great deal of prejudice and suspicion regarding recruiting by private schools over the last 15 years. Twice, there has been a move on the part of the public schools and the FHSAA Board to create

two separate play-offs, one for public schools and one for private schools. Some private schools have threatened to pull out and start their own association. However, they have ultimately decided that it was not in the best interest of students. Two separate leagues may work in the more densely populated areas of the state but would not work in sparsely populated areas. Students in the less populated areas would have to travel great distances, sometimes on school nights, to play the nearest school. Recruiting, however, is not limited to private schools. Some school boards have passed policies to attempt to stop recruiting within the school district.

The new by-law is in conflict with Florida Statute 1006.20((2)(a) and attempts to stop recruiting by eliminating transfers and completely changing the concept created by the Legislature in 1997. The Legislature intended for the parent and student to have the right to choose the school best suited for the student at the beginning of each school year. The decision regarding what is best for a child would be taken from the parent and left to the discretion of the FHSAA Commissioner. If the Commissioner uses broad discretion and agrees with the parent in the majority of the cases, then what is the purpose of the rule? If the Commissioner decides that some students' reason to transfer is acceptable and others are not, then the decisions become arbitrary. Politics and favoritism easily become part of the decision. Who can make that decision better than the child's own parent? How is it possible for the Commissioner to consider the needs of the student better than the parent? How is the Commissioner going to determine what is in the best interest of all students in all member schools and the overall interscholastic athletic program? Even though there is an appeal process, the Sectional Appeals Committees will be reluctant to rule against a decision of the Commissioner, and, if the Commissioner approves the transfer, it will never go to the Sectional Appeals Committee. The problem with enforcement of recruiting now is that the principals do not want to take the responsibility for reporting recruiting; they want to pass it on to the Commissioner.

The new FHSAA by-law regarding residence and transfer also violates s. 1006.15(5)(b) and discriminates against students based on their educational choice of public, private or home education. This new by-law provides no exception for home education students to transfer to a different school, public or private, after ninth grade unless there is a corresponding change of residence with their parents or if the home education cooperative in which they participate ceases to exist. Most of the home educated students in Florida do not participate in home education cooperatives. Under s. 1006.15(3)(c) F.S. home educated students are allowed to participate in a public or private school and they, like other students under s. 1006.20((2)(a), could choose to transfer at the beginning of each school year in the same way public or private school students are allowed to transfer. However, this new FHSAA by-law will not give them the same opportunity to change schools, because their transfer would not be for educational reasons and clearly violates the intent of the Craig Dickinson Act.

This new by-law will not stop recruiting. It may instead allow some students to transfer because their parents may be more educated and can frame their appeal for a waiver better than parents who are not as attuned to the permissible exceptions to the transfer rule. In 1997, the Legislature set up a governance structure at the local level where the competing schools could best determine whether a waiver is in the best interest of all parties. Prior to that legislation, students had no due process in this Association.

The current statutes, while not perfect, have been working fairly well. If the FHSAA cannot find a way to stop recruiting, then it may be time for the Legislature to consider laws that deal equitably with recruiting. The Home Education Foundation is willing to work with this Committee to find a solution which is in the best interest of all students.

**Brenda
Dickinson**
President

Robert Muni
Past
Chairman of
FPEA
North Central
Florida

Guy Coburn,
Esq.
Central
Florida

**Pamela
Hatchell**
At-Large

**Paul
Moran, Esq.**
Southwest
Florida

**Bruce
Buckson**
North Florida

Chris Taylor,
Esq.
Southeast
Florida

TO: The Honorable Ralph Arza and the members of the House PreK-12 Committee

RE: The new FHSAA Bylaw

FROM: Bob and Pam Tebow, parents

As the parents of three former high school athletes, we would like to address the transfer rule that the FHSAA recently passed. In our opinion, the rule needs to be overturned! At the heart of our American experience is the exercise of freedom and competition, and we strongly believe that the opportunity to transfer to another school for any reason should be afforded by the laws of the State of Florida.

In the spirit of freedom, parents should be free to choose the best situation for their children, whether it is for athletic, academic, religious, or other reasons. We have the responsibility to choose the best fit for our children, where they have the opportunity to be happy and successful. In other areas of life, we choose music teachers, tutors, churches, neighborhoods, colleges, careers, etc. Our family, for example, has chosen to homeschool our five children, and we are very grateful for the various laws that have provided the freedom for us to do so.

In the spirit of competition, if parents can choose the child's coaches, then schools have more accountability to hire a coach who would positively represent their school and community, who has the skills and character to bring out the best in each athlete, and who will better equip those in his charge for their future. Coaches would have the accountability to continue learning about their chosen areas, to take their responsibility seriously of helping to shape young lives, and to hold themselves and their athletes to a higher standard. Why do we expect so little from those who wield the most influence? In other areas of life, competition keeps the best people in the top jobs!

As a personal illustration, we did "shop" for a program that would be a right fit for our son, Tim Tebow. When he was in ninth grade, he played defense for a state championship team; yet his dream was to play quarterback. We were honest with our coaches from the beginning -- as parents, our first responsibility was to our son, not a school. We wanted to give him the opportunity to develop his God-given talent and to achieve his life-long dream of playing quarterback; even if it meant leaving a program that his two older brothers had played in. We found a program with a newly hired coach who was knowledgeable in and committed to the passing offense, who had the character to mold young men, and who believed in our son. We went from a state championship team to a 2-8 team, with no winning tradition. We investigated the law, rented an apartment in the county, and completed all the necessary paperwork. It was, indeed, a sacrifice, but one that we will never regret. You may know the end of the high school story. Tim left the program this December with a state championship ring, a scholarship to the University of Florida, and a relationship with a coaching staff that will forever mark his life. How thankful we are that we had the freedom to choose!

The proponents of this law may be confusing parental choice with recruiting. Our choice was never an issue of recruiting. After recently completing two years of recruiting by colleges, we understand recruiting. High schools did not recruit us. We recruited them by seeking a coach and a program that was a match for our son, given his abilities and dreams.

To illustrate the difference that a coach makes, another personal example deals with the contrast between two baseball coaches in the same program. The first coach knew baseball, but had a very foul mouth and a negative attitude. He demeaned the players and alienated the parents. The team hated practicing and had a losing season. The next year, there was a new coach, and the same players, except for the team's best player who graduated. The new coach had high standards athletically and morally, which the players were required to follow, and he demanded much as athletes and students; yet his concern for his players motivated them to play at a new level. The athletes, parents, and coaches had strong, positive relationships, and the team went to the State Championship. The difference was the coach! And what a difference he made in all the young lives he influenced!

In a positive program, we have seen kids with very little self-esteem reevaluate their worth, athletes step up to do more than anyone would have dreamed possible, coaches love kids enough to help make up for a missing family member, a young person raise his personal standards in every area of life because a coach believes in him, and athletes get scholarships because the coaches worked hard on their behalf.

On the negative side, in our years of high school sports, we have observed discouraged yet talented kids give up sports, parents with political and financial clout influence the roster, athletes deserving scholarships come up short because of self-centered coaches, and athletes who wished to transfer be threatened by a coach.

Our appeal to you is to put the best interest of young athletes ahead of political issues. Freedom and competition have proven to be valuable ideals for our country, and they do greatly benefit families who seek the best interest for their high school athletes.

FLORIDA CATHOLIC CONFERENCE
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D. MICHAEL McCARRON, PH. D.
EXECUTIVE DIRECTOR



STATEMENT RELATING TO FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION RULE #6

The Florida Catholic Conference, through its committee of Catholic school superintendents, is evaluating the Florida High School Athletic Association (FHSA) rule -- #6-Transfer of Students -- as it becomes a state legislative issue.

Although the committee of Catholic school superintendents, known as the Schools Executive Committee (SEC), has not adopted an official position as to the aforementioned rule, it shares the FHSA's concerns as relating to the recruitment of student athletes and to that end, will support policy initiatives that address recruiting.

But there is shared concern that rule #6 will, if implemented, impinge upon the rights of parents and their children who desire an opportunity to transfer to another school in grades 9-12 within their respective counties and without changing residential addresses.

The Catholic Conference has steadfastly supported school-choice options for families so parents, as the first and foremost educators of their children, can select the schools that are in keeping with their religious preferences, value system, morality and other opportunities that may avail themselves by transferring to another high school.

Because rule #6 is of great concern to parents, their children, both the non-public and public school communities, the Schools Executive Committee will continue assessing this rule with the objective to formulate an official position as soon as possible. It is for that reason that no one affiliated with Florida Catholic schools can speak as to this issue on behalf of the Catholic school community at this time.

Any Catholic school representative who speaks publicly about this rule before such time that an official state-wide position is undertaken would be limited to express a perspective on behalf of himself or herself or a single school.

###



February 6, 2006

TO: The Honorable Ralph Arza and Members of the House PreK-12 Committee
RE: The New Rule of the FHSAA
FROM: Ken Wackes, President, Florida Association of Academic Nonpublic Schools

Nine of the ten member associations of The Florida Association of Academic Nonpublic Schools (FAANS) that accredit high schools have taken a position in opposition to the new FHSAA rule determining the eligibility of transfer students and limiting such to junior varsity competition for 365 days. We believe this new rule is a direct threat to our financial existence, violates our perception of educational mission and philosophy, and is a heavy-handed limitation forced on the private sector, which currently represents approximately 40% of the membership of the FHSAA.

The following is a listing of some of our perspectives on the new rule.

1. The new rule violates existing state statute and seeks to circumvent that which is clearly stated in the statute specifically granting all high school students athletic eligibility at the high school where they report for the first day of the school year. To limit transfer students to junior varsity participation is an obvious attempt by the FHSAA to narrowly meet the "letter of the law" while diminishing the Legislature's intent and the spirit of the statute regarding athletic competition.
2. The new rule hinders the freedom of parents in choosing the school they believe to be best for their children. The new rule violates the spirit and intent of the current law when it was passed by the Legislature, which was to create a "seamless system of education" in the state and to create the possibility of "school choice" for parents. It impacts home school education in a similar fashion. It reflects an anti-nonpublic school bias concerning school choice and comes from a perspective that seeks the elimination of competition based upon achievement and the free market economy.
3. The new rule violates what every professional knows about the way children grow and develop. No child is fully mature, permanently placed, or healthily settled at the age of 14, 15, or 16 years of age. Often changes in a child's school setting must be achieved for the sake of the child's good mental, emotional, academic, or spiritual health. What may be envisioned initially as the best choice for a child, by placement in a large public high school in grade 9, may become an obvious difficult setting after one or two academic years. At times children make improper choices in friends, academic offerings, or suffer from peer pressure or peer adversity, and a new school setting is essential. At other times a child is discovered to be better suited to a large school setting. However, the new FHSAA rule ignores what is best for children.
4. The new rule violates the free market philosophy of our nation. How can the transfer of a student whose parents are willing to pay a costly private school tuition, in addition to supporting public education through taxation, be viewed as being improper or even as the result of supposed "recruiting?" Such mentality defies reasonable logic, except for those who have a bias against the free market economy and attracting families through the school enrollment process based upon proven ability to meet the needs of a child.
5. The new rule creates a very specific economic problem for nonpublic schools that rely on tuition paying families for their existence. Most nonpublic high schools historically receive numerous transfer students each year. To tell a potential family seeking to enroll a child that their child will be denied athletic activity

upon enrollment for 365 days will have a negative impact upon school choice, the non-public school, and limit admissions.

6. The new rule reveals a lack of understanding by public school oriented leaders, like the present FHSAA Commissioner, concerning the desire to educate the total child in the nonpublic schools of the state. To categorize athletic participation as a "privilege" and not a "right" sounds strange to the ear of the parent willing to pay a high tuition for his/her child, but is told that a major portion of most children's educational experience in nonpublic schools is not accessible. In most nonpublic schools over 60% of the high school enrollment participates in some portion of the athletic program, due primarily to the small size of the schools. Everyone gets a chance to do many things in such a setting. Athletic participation is not confined to the elite or the otherwise highly gifted child. This is contrary to the large public high schools where only the elite have a chance to participate. In nonpublic schools the athletic program is as valid and integral a part of the development of the total child as any other program in the school. An athletic coach is considered a teacher and shaper of student lives and their character development. They are held as accountable for their impact on children as is the classroom teacher.

7. Neither FAANS as an umbrella association, or any other nonpublic school organization, with schools represented in the membership of the FHSAA, were consulted or informed of this action by the FHSAA. Further, previous input on the new rule and even possible alternative language recommended by nonpublic school heads and directors of organizations was ignored by the FHSAA Commissioner.

8. The majority of nonpublic schools in Florida are religious schools. The majority of these are operated by a diocese or a local church. The goal of the sponsoring organization encompasses a mission to families and children of a spiritual nature. When these ministries impact families, they often see the direct correlation between spiritual commitment and the school setting for their children. To the religious mind, things cannot be compartmentalized. Work is spiritual. The home is spiritual. The school is spiritual. The new FHSAA rule denies to children of families, who have experienced religious conversion or a higher degree of spiritual commitment, the right to participate fully in the programs of that diocesan or church-related school and thus is discriminatory and biased.

9. The new rule will seriously threaten the safety of younger and smaller students at the junior varsity level because all transfer students, no matter their size, age, or ability level, will be limited by the proposed amendment to junior varsity competition. It also violates the reason why junior varsity teams exist, specifically to train and assist younger students who are not ready for varsity participation. It creates a major problem for smaller nonpublic schools that do not have an enrollment large enough to field junior varsity teams.

Time is needed for all sectors of the broad school community to participate in resolving the problems which this new rule purports to address. All stakeholders represented within the FHSAA should be afforded the opportunity to give input and to engage in mutual problem solving. We are very eager to be a part of the problem solving process and believe that we have alternative, but equally satisfactory, approaches to address issues which the new rule only frustrates but does not resolve.



Florida Council of Independent Schools

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C. Skardon Bliss, Executive Director

To: Representatives on the House PreK - 12 Committee

Subject: Opposition to the new FHSAA by-law regarding Residence and Transfer

The new FHSAA by-law is in direct violation of the language and intent of 1006.20(2)(a) F.S. -- Athletics in public K-12 schools.

Florida Statute 1006.20(2)(a) states that “The by-laws 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.”

Clearly the intent of the statute is to allow students to choose the school he/she attends AND be eligible to participate in athletics EACH school year.

This statute goes on to read “Subsequent eligibility shall be determined and enforced through the organization’s by-laws.” Subsequent eligibility refers to changes in residence and transfers during the school year, not the next school year.

The new FHSAA by-law regarding residence and transfers restricts eligibility to the school in which the student first enrolls or participates in athletics beginning in the ninth grade and requires a student to play at a sub-varsity level for one year in the school to which he transfers.

Students who, for a variety of reasons including the opportunity to play on an athletic team, may choose a smaller school, which may not have a sub-varsity team will be forced to decide between losing a year of eligibility and selecting a better school environment.

If the Legislature had intended that participation would be limited to a sub-varsity level, it would have been stated so in this very specific eligibility language. If the statute needs to be clarified, the word “varsity” could be added so that it reads “eligible to participate in varsity athletics.”

To be in compliance with the law, the FHSAA By-laws MUST allow students to be eligible in the school in which he or she first enrolls each school year.

Florida Statute 1006.20(2)(b) reads “The organization SHALL adopt bylaws that specifically prohibit the recruiting of students for athletic purposes.”

This statute requires the organization to deal with recruiting as a separate issue. Recruiting is not defined in statute, but is a different issue than residence and transfer. It is defined in the FHSAA policies as “the use of undue influence and/or special inducement by anyone associated with a school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics.”

Under this definition undue influence and/or special inducement would involve something a school, a coach, or another adult could impose on or offer to a student. Students have no inducements to offer. Therefore, the penalties for recruitment should be written and enforced against schools, adults or coaches, not students.

The clear intent of the law is to allow students to choose a school, but prohibit schools from recruiting. The new by-law takes away a student's right to choose in order to stop recruiting and is in violation of the intent of the statute.

Member institutions of the FHSAA should bear the responsibility for their actions and ensure the integrity of the program. The FHSAA should harness its efforts to better educate member schools about and enforce the rules prohibiting recruiting. The nonpublic school community has already shared with the FHSAA staff ways that this could be effectively accomplished.

The new FHSAA by-law regarding residence and transfer violates s. 1006.15(5)(b) and discriminates against students based on their educational choice of public, private or home education.

This new by-law provides only a couple of exceptions for private school students to transfer to a different school, public or private, after ninth grade unless there is a corresponding change of residence with their parents or the parents cannot afford the tuition. The exception which allow the two principals to sign waivers have not worked for a number of private schools in the past and under the new rules will most likely be passed onto the Commissioner to make that decision.

The new FHSAA by-law regarding residence and transfer ignores and violates what is true about life, freedom, and a free market economy upon which our nation is based.

Children are not mature at the age of 14-17 years of age. Major issues of social, academic and self-image adjustment frequently occur requiring/demanding a change in school enrollment for the sake of the child. The FHSAA, ignoring what is best for a child, assumes that all students transferring are highly-skilled, much sought after athletes and thereby frustrate legitimate transfers for the sake of the mental, emotional, and academic health of countless child.

Freedom to choose is a hallmark of American democracy. To deny to a family willing to pay \$10,000+ in tuition for a nonpublic school education, for example, full access to that school's programs is un-American, anti-family, and certainly a target for litigation.

The new FHSAA by-law regarding residence and transfer ignores and violates what is true about spirituality in American life.

The vast majority of non public schools in Florida are religious in their mission and in their life. Many are ministries of churches that seek the conversion of families to their religions and denominations, or seek to promote in families a deeper commitment to a religious way of life. Many families, upon experiencing such conversion or growth, seek, as a consequence, to enroll their children in a corresponding school. Not once, in all of the verbiage generated by the FHSAA staff, is this factor and frequent occurrence acknowledged or addressed.

Possible remedies to resolve this issue.

It is likely that such a rule would be overturned in court if it were ever challenged. However, the Legislature could clarify the intent of this section of law and save the time and expense of going to court. The Legislature or the Commissioner of Education could designate another organization to govern high school athletics as specified in s 1006.20 F.S. The best option would be to clarify the statute.

Florida Association of Christian Colleges and Schools, Inc.

■ Capitol Office



January 10, 2006

**The Honorable Representative Ralph Arza
14645 North West 77th Avenue
Hialeah, FL 33014**

Dear Representative Arza:

I am in receipt of correspondence from FACCS schools (see sample attached) and other accrediting associations that represent private schools participating in the Florida High School Athletic Activities Association (FHSAA) regarding pending changes to the FHSAA By-Laws. In review of the correspondence and the proposed amendment, there appears to be a move by the leadership of the FHSAA that will discriminate against and thereby detrimentally affect all private schools, if passed, in addition to violating the intent of previously well-crafted changes to the Florida Statutes that would prohibit such actions.

As a result of such imminent actions (January 23, 2006), we would appreciate any assistance you and the Legislature may provide to prohibit such actions from taking place.

**Respectfully,
Howard G. Burke, EdD
Executive Director
FACCS
PO Box 10009
Tallahassee, FL 32302
850.422.0065**



Christian Schools of Florida

January 11, 2006

The Honorable Representative Ralph Arza
14645 North West 77th Avenue
Hialeah, FL 33014

Dear Representative Arza:

Greetings! I come to you again with an extremely important and pressing issue – the Proposed Amendment #6 to the By-Laws of the Florida High School Athletic Association, being proposed by present Commissioner Stuart to the Representative Assembly on January 23, 2006. We need your assistance at once.

It was my pleasure to serve as the nonpublic school member of the Public Liaison Committee appointed by the Legislature in the late 1990's due to the upheaval being caused by the FHSAA in state. As you will remember, it was a period of great upheaval, numerous law suites, injunctions against the FHSAA, and the control of athletics in the hands of a few in Gainesville. I participated in drafting the proposals for the restructuring of the governance of the FHSAA, which were subsequently adopted by the Legislature.

Proposed Amendment #6 will return us back to the days of chaos, ill will, and certain animosity between many non-public school members and public school members.

Here are my complaints against the proposed amendment, which, at heart does one primary thing: it removes athletic eligibility for one full academic year from all students who transfer high schools and restricts them to junior varsity level participation.

1. The amendment violates the spirit and intent of the current law when it was passed by the Legislature, which was to create a seamless system of education in the state and to create the possibility of school choice for parents.
2. The amendment will seriously impact financially nonpublic schools who customarily receive numbers of new high school students each year at each grade level, based upon many the needs and desires on the part of parents.
3. The amendment will seriously threaten the safety of younger and smaller students at the junior varsity level because all new students, no matter their size, age, or ability level. or age will be limited by the proposed amendment to junior varsity competition.
4. The amendment apparently has taken advantage of an oversight by the legislature when the recent revision of the laws governing high school athletics were written since the legislature failed to specific the eligibility to be allowed in state law as "varsity;" this move by the FHSAA being in direct violation of the legislation's intent.
5. The amendment creates a serious impediment to the legislature's goals for school choice.
6. The amendment will return the practical governance of the FHSAA to the condition it was in when the legislature had to intervene with governing statutes.

Member Organization: The National Council for Private School Accreditation (NCPSA), The Florida Association of Academic Nonpublic Schools (FAANS)
P.O. Box 1764 • Crystal River, FL 34423
954-593-4787 • into@ChristianSchoolsFL.org • www.ChristianSchoolsFL.org

As president of the Florida Association of Academic Nonpublic Schools, I assure you that the vast majority of the non-public and the home school constituencies are opposed to this amendment. Due to the way in which this amendment was created and then announced to the general public, we do not have time to block this amendment at the FHSAA before its passage. However, you can let your concern be registered to the FHSAA in your position and take whatever action with the legislature that you feel to be appropriate. I am also aware that Alicia Casanova, who serves with me as the Vice President of FAANS has registered the same complaints with you about this matter.

I look forward to your help and your positive, constructive leadership in this matter.

Cordially,

**Ken Wackes
Executive Director**