



June 28, 2012

TO: FHSAA Member Schools

FROM: Roger Dearing, Ed. D., Executive Director
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SUBJECT: New Laws Effective July 1 Impacting 2012-13 FHSAA Bylaws and Policies

House Bill 1403, which directly affects the FHSAA and was the subject of considerable attention during the recent legislative session, takes effect this Sunday, July 1, 2012. The law introduces significant new procedures to interscholastic athletics in Florida. While the FHSAA may not have recommended many of the changes, we are fully committed to implementing the Legislature's intent for the effective administration of high school athletics. The responsibility for applying the new procedures will inevitably fall on our member schools, so we now offer guidance regarding some of the most common questions about this legislation. This memo contains some common questions and answers about HB 1403 and other legislation affecting interscholastic athletics, followed by a brief summary of the key provisions of HB 1403.

The student-athletes who participate in our programs are entitled to know that all rules will be administered fairly and evenly, so we encourage you to become familiar with the new requirements and incorporate them into your programs.

HB1403 – Regarding FHSAA

Question #1: Can my child now play for any school he or she wants, while attending another school? What if my child's current school doesn't offer a particular sport – is he or she allowed to play at another school while attending the current school?

Response: Florida statutes and FHSAA Bylaws and Policies have not changed in this regard. Students may play for a school they are not attending only under the established exceptions: home-educated students, non-member private school students, charter school students and alternative/special school students (reference 2011-12 Bylaw 9.2 and Policy 16).

Question #2: Can coaches now recruit students to attend their school or play for their team?

Response: No. Coaches (or representatives of a school's athletic interests) may NOT recruit students. In fact, HB1403 increases the FHSAA's authority over adults who violate recruiting policies by authorizing the Association to sanction coaches. These sanctions may include, but are not limited to, suspension of coaches from

interscholastic athletic activities. HB1403 also authorizes member schools to seek reimbursement from coaches who commit major violations that lead to financial penalties against the school. Most varsity head coaches are returning for another year and should be familiar with the Association's policy on recruiting (reference 2011-12 Policy 36).

Question #3: May a student now transfer to whatever school he or she wants to attend and be automatically eligible to participate in interscholastic athletics there?

Response: Students have always been allowed to transfer from one school to another; it is the question of athletic eligibility that must be addressed. HB1403 allows a student to transfer PRIOR to the season and be eligible for athletics at the new school, but only PURSUANT TO THE POLICIES OF THE RECEIVING SCHOOL DISTRICT OR PRIVATE SCHOOL. Students who change (transfer) schools AFTER the season has begun are subject to the provisions of FHSAA bylaws, which among other things limit athletic eligibility to instances involving a full and complete move; a district reassignment (but not for disciplinary reasons, athletic reasons or at the student's request); or a death, imprisonment or similar circumstances affecting the person with whom the student resides. It is important to recognize the definition of a transfer student as applied by FHSAA bylaws and policies: *2011-12 and 2012-13 Transfer defined - A transfer occurs when a student makes any change in schools after he/she establishes residency at a school each year.* (For a full list of provisions, please refer to 2011-12 bylaws 9.3.2.1, 9.3.2.2, 9.3.2.3, 9.3.2.4 and 9.3.2.5.)

Question #4: What is a student-athlete allowed to do during the summer without violating provisions of the new law or other requirements?

Response: A student's ability to change schools during the summer has not changed. The gist of the statutory language and FHSAA bylaws and policies primarily allows students to change schools during the summer period and maintain eligibility at the new school, provided no "improper contact" has taken place during the summer period prior to the school change. Student participation on non-school teams (for example, travel teams, club sports, etc.) affiliated with the school to which the student is enrolling WHILE STILL ATTENDING THE PREVIOUS SCHOOL adversely impacts the student's eligibility at the new school. Under FHSAA Bylaw 1.4.24, *Athletic activities affiliated with a school are any athletic activities not sponsored by the school but are organized, coached and/or supervised by a school employee, athletic department staff member, or representative of the school's athletic interests or in which the majority of participants are students who attend the school.*

Another issue that may arise during the summer period and could adversely impact a student's athletic eligibility involves participation in activities sponsored by a member school – for example, a summer football camp at another school. Possible violations could occur if, AFTER such participation, the student registers for, enrolls in and/or applies to attend the sponsoring school. These steps (registration/enrollment/acceptance) must take place PRIOR to the student's summer participation in activities sponsored by the receiving school.

HB 291 – Concussions

General Provisions:

1. Establishes guidelines for coaches, officials, administrators, youth athletes and their parents/guardians regarding the nature and risk of concussions and head injury
2. Creates new form EL3CH for reporting incidents
3. Requires written medical clearance from an appropriate health care professional before the student-athlete may return to play after a concussion
4. Defines the FHSAA Sports Medicine Advisory Committee and sets out its duties and responsibilities

FHSAA Implementation: The FHSAA has developed new forms required for student-athlete participation. These forms serve to educate students and parents/legal guardians regarding the nature and risk of concussions, head injury and heat-related illness.

HB1403 – Summary of Key Provisions and FHSAA Implementation

1. Allows New Associations / Contests Against Non-member Schools

- a. The FHSAA may not discourage participation by acting against these schools
- b. The FHSAA may not unreasonably withhold recommendation to the National Federation of State High School Associations
- c. Member schools may compete against non-member Florida schools

Implementation: The FHSAA Board of Directors is acting in accordance with these new guidelines, as demonstrated by its approval in June of the request by the Sunshine Independent Athletic Association for endorsement for affiliate membership status with NFHS. Member schools must continue to adhere to all of the Association's bylaws and policies when competing against both FHSAA members and non-FHSAA members.

2. Transfer Rule

- a. Transfers require approval of the receiving district or private school
- b. Transfers must be completed prior to the beginning of the relevant sports season

Implementation: The FHSAA will institute the use of Form EL6, which requires the receiving school's principal to declare the student's eligibility status to the Association. This form will be used to communicate with the student's previous school, allowing the previous school to verify the student's eligibility status at the time the student withdrew (transferred) from the previous school. This process serves to prevent member schools from allowing otherwise ineligible students to participate at the new school.

3. Recruiting Violations

- a. A school that violates recruiting policies may be required to play in a higher classification
- b. Students will remain eligible (unless the student falsified information or accepted a promise of benefits)

Implementation: The FHSAA will investigate allegations of violations of its Policy on Recruiting. HB1403 requires that no student be ruled “ineligible” as a result of being recruited; instead, sanctions may be assessed directly against the school’s coach involved in the recruiting violation AND sanctions may be placed upon the school, including but not limited to requiring the school to play in a different classification.

4. Investigations

- a. FHSAA investigative consultants must undergo Level 2 background screening
- b. Investigative consultants must carry photo identification (identifying their association with the FHSAA)
- c. Investigative consultants are authorized to investigate only the alleged violations
- d. Interviews may be conducted only between 9 a.m. and 7 p.m. and with consent
- e. Searches of residences may be conducted only with consent
- f. Parents must be notified
- g. The student’s attorney may be present during an investigative interview

Implementation: HB1403 requires the FHSAA to continue various practices of the investigative process and imposes some additional actions and restrictions on the investigative process. Member schools will have a heightened responsibility for notifying parents when their child’s eligibility status is the subject of an investigation. Principals of member schools will be notified of procedures regarding the school’s responsibilities if the Association conducts an investigation of the school’s athletic program.

5. Penalties to Coaches

- a. Adds to definition of Major violations – *knowingly allowing an ineligible student to participate*
- b. Sanctions are to be assessed against and will follow the individual coach
- c. A coach is responsible for reimbursing the member school for penalties
- d. Coaches are ensured due process

Implementation: There should be no mistaken belief that the new legal changes eliminate the need for coaches to comply with the Association’s recruiting policies. Coaches must still abide by the FHSAA’s bylaws and policies regarding recruitment, and may be individually sanctioned for failure to do so. Coaches must still abide by the FHSAA’s bylaws and policies regarding recruitment, and may be individually sanctioned for failure to do so. Sanctions assessed to an individual coach “follow the coach” to other schools, in the event the coach changes schools. In all cases where the coach is assessed a penalty by the FHSAA, the coach is ensured due process.

6. Appeals Process

- a. No forfeitures are imposed for inadvertent eligibility violations
- b. Eligibility/Ineligibility determinations are to be made prior to the end of the sports season
- c. Appeals will be considered “de novo” (a Latin expression meaning “from the beginning”), as if the matter was being considered for the first time

Implementation: HB1403 addresses how forfeits may apply where an ineligible student is allowed to participate. Additionally, it addresses the timeliness of allowing students to appeal their eligibility status. The FHSAA makes every effort to facilitate timely appeals for student-athletes, so member schools should be aware of the scheduled deadlines in order to help provide student-athletes every opportunity to have their case(s) appear before the appropriate appellate body prior to the season's conclusion.

For more information, please visit www.fhsaa.org or submit questions to eligibility@fhsaa.org.