

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: **INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 2431, INTERSCHOLASTIC ATHLETICS, 3120.03, EMPLOYMENT OF ATHLETIC COACHES, AND 4120.03, ATHLETIC COACHES**

COMMITTEE: **PERSONNEL, STUDENT, SCHOOL AND COMMUNITY SUPPORT**

LINK TO STRATEGIC PLAN: **SAFE, HEALTHY, & SUPPORTIVE LEARNING ENVIRONMENTS**

At its regular meeting of June 2024, the Board approved Board Item H-7, “Name, Image and Likeness (NIL) in Interscholastic Sports in Miami-Dade County Public Schools,” proffered by Board member Dr. Steve Gallon III, which directed the Superintendent to, among other things, “initiate rulemaking to adopt and/or amend relevant School Board polices to ensure alignment and/or compliance with newly adopted state statues and [Florida High School Athletic Association] bylaws governing NIL agreements in schools.” Additionally, after this item passed, the State Board of Education ratified FHSAA Bylaw 9.9, which governs amateurism, use of marks, and NILs. 2024 House Bill 865 (“H.B. 865”), an act relating to youth athletic activities and required certifications for coaches, has also now gone into effect. Policies 2431, *Interscholastic Athletics*, 3120.03, *Employment of Athletic Coaches*, and 4120.03, *Athletic Coaches*, are thus proposed for amendment.

Pursuant to Item H-7 and consistent with the Board’s responsibility to periodically review and update its policies to conform to legislative changes, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Policies 2431 and 4120.03 to expressly require that students and coaches comply with applicable FHSAA regulations—specifically, those governing amateurism, use of marks, and NIL agreements. Additionally, based on recommendations from the workgroup convened pursuant to Item H-7, Policy 2431 is also proposed for amendment to require that the Superintendent inform students and coaches about these FHSAA regulations and the penalties for violations. Policy 4120.03 is additionally proposed for amendment to expressly incorporate the requirement of FHSAA Bylaw 9.9.4.5 that no athletic coach subject to FHSAA regulations “may form, direct, offer, provide, or otherwise engage in any activity outlined in FHSAA Bylaw 9.9.” Furthermore, pursuant to H.B. 865, Policies 3120.03 and 4120.03 are proposed for amendment to require that all athletic coaches be certified in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator in accordance with § 1012.55, Florida Statutes. Policy 2431 is also being amended to remove a reference to an outdated District practice.

G-8

These amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policies with strikethroughs and underlines are attached.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Policies 2431, *Interscholastic Athletics*, 3120.03, *Employment of Athletic Coaches*, and 4120.03, *Athletic Coaches*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 16, 2024, its intention to amend Policies 2431, *Interscholastic Athletics*, 3120.03, *Employment of Athletic Coaches*, and 4120.03, *Athletic Coaches*, at its meeting of November 20, 2024.

PURPOSE AND EFFECT: Policies 2431, *Interscholastic Athletics*, 3120.03, *Employment of Athletic Coaches*, and 4120.03, *Athletic Coaches*, are proposed for amendment in response to Board action, State Board of Education rulemaking, and 2024 House Bill 865 ("H.B. 865"). Policies 2431 and 4120.03 are proposed for amendment to reference Florida High School Athletic Association (FHSAA) Bylaws governing amateurism, use of marks, and Name, Image and Likeness (NIL) agreements, to require that students and athletic coaches be informed of these bylaws and penalties for violations, and to prohibit coaches subject to these regulations from violating Bylaw 9.9. Policy 3120.03 and 4120.03 are additionally proposed for amendment to incorporate athletic coach certification requirements.

SUMMARY: Policies 2431, *Interscholastic Athletics*, 3120.03, *Employment of Athletic Coaches*, and 4120.03, *Athletic Coaches*, are amended pursuant to Board action to require that that students and coaches comply with applicable FHSAA regulations, including but not limited to those governing amateurism, use of marks, and NIL agreements, and that the District inform students and coaches of these regulations and penalties for violations. Policy 4120.03 is also proposed for amendment to expressly prohibit athletic coaches subject to FHSAA regulations from forming, directing, offering, providing, or otherwise engaging in any activity outlined in FHSAA Bylaw 9.9. Policies 3120.03 and 4120.03 are also proposed for amendment to incorporate the requirement of H.B. 865 that all athletic coaches be certified in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator in accordance with § 1012.55, Florida Statutes. Policy 2431 is also being amended to remove a reference to an outdated District practice.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: F.S. ss. 1001.41(1)–(2), 1001.42(4), (8).

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: F.S. ss. 1001.43(1), 1006.15, 1012.55(2).

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF November 20, 2024, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.541(1), F.S., must do so in writing by November 13, 2024, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



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| Book | Policy Manual |
| Section | October 16, 2024 – <u>Initial</u> Reading |
| Title | INTERSCHOLASTIC ATHLETICS |
| Code | 2431 |
| Status | <u>Initial</u> Reading |

2431 - **INTERSCHOLASTIC ATHLETICS**

I. **Interscholastic Athletic Program**

The District’s program of interscholastic athletics shall include all activities relating to competitive sport contests, games, or events involving individual students or teams of students from high schools in this District with those from a high school in another district. Middle school/K-8 center athletic teams may not play out-of-county or against out-of-county teams within the county. All students shall be permitted to select their own school team sports activities without duress or interference by any employee.

All high schools may become members of and be governed by the Florida High School Athletic Association (FHSAA) rules and regulations.

All high school students in FHSAA-member schools shall comply with the eligibility requirements established by the FHSAA and/or other applicable member associations, [including but not limited to those governing amateurism, use of marks, and Name, Image, and Likeness \(NIL\) agreements](#). The School Board may adopt more stringent rules of eligibility to be met by all students participating in the interscholastic program, including but not limited to requirements that each student be in good physical condition, be free of injury, and have fully recovered from illness before participating in any interscholastic athletic event. Individual verification will be done at the school site.

There shall be no organized program of interschool competition of a varsity pattern for elementary school children in any activity. Boxing, tackle football, and other body contact sports shall not be included in any program for children in elementary schools.

No student shall be excused from a class or supervised study for an extended period of consecutive days to participate in interscholastic athletics.

The Superintendent shall develop appropriate administrative procedures for the operation of the athletic program which provide:

- A. the District shall assume no liability for any student with a health condition who has been authorized to play by the parents and their physician;
- B. any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation;

- C. to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, and athletic trainers should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes;
- D. the Superintendent is to ensure that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate.

To support the FHSAA's program to strengthen sportsmanship, ethics, and integrity, the Board may:

- A. adopt policies (upon recommendation of the administration) that reflect the District's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;
- B. reinforce the concept that participation in athletic activities is a privilege, not a right;
- C. attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;
- D. support and recognize participants, coaches, school administrators, and fans who display good sportsmanship;

E. recognize the value of school athletic activities as a vital part of education; and

E.F. inform students and coaches about FHSAA regulations and penalties for violations.

Regulations to be observed by school personnel are found in the Interscholastic Athletic Manual and in the Middle Schools and K-8 Centers Program Administrative Athletic Procedures Manual and are on file in the Office of Board Recording Secretary, the Citizen Information Center, and the Office of the Board Clerk.

The Division of Athletics and/ Activities ~~and Accreditation~~ shall:

- A. provide the schools with consistent, unified leadership in their athletic programs.
- B. provide athletic opportunities to all high school and middle school students.

- C. develop and recommend policies for Board consideration that will continue the development of athletics within the overall educational program.
- D. carry out and administer the Board's policies through the Office of the Superintendent.
- E. interpret Board policy to the extent necessary to provide guidance for schools in areas not specifically covered by policy.
- F. provide the management leadership on a countywide basis to enable all students to develop their individual athletic capabilities and receive maximum benefit from balanced, well-managed, and well-operated athletic programs.

H.—Greater Miami Athletic Conference (GMAC)

Other than Christopher Columbus High School, non-public schools shall not be permitted to become members of the GMAC.

The Executive Committee of the GMAC shall consist of: president, first vice president, second vice president, immediate past president, two (2) delegated principals (north and south), two (2) delegated athletic directors (north and south), an FHSAA board representative, a representative of the secondary principals group, and four (4) members-at-large. The Administrative Director of the ~~Division of Athletics/Activities and Accreditation~~Division of Athletics and Activities and the GMAC Executive Secretary serve as non-voting, ex-officio members. Two (2) members from the same school may not serve on the executive committee at the same time.

The executive secretary shall be responsible for supervision of the high school athletic program as prescribed in the bylaws, standing rules, and policies of the GMAC, and shall be the executive officer of this conference.

The Administrative Director of the Division of Athletics and/ Activities and Accreditation shall:

- ~~A.—administer a special trust fund to aid schools in financial distress by assessment of each GMAC member school, on a one-time basis, an amount not to exceed \$1,000. The exact amount of assessment will be determined by the Administrative Director of the Division of Athletics/Activities and Accreditation based on the number of sports offered at an individual school.~~

~~B.II. develop procedures for distribution and repayment. Should the fund fall below a reasonable level, each school will be notified of the additional assessment and will issue a check made payable to the Greater Miami Athletic Conference where the special trust fund is maintained.~~

~~C.A. develop and enforce special directives as shall be necessary to provide uniform policy within the District and to ensure an effective athletic program in the various senior high schools.~~

~~D.B. standardize the operations of the athletic departments in all high schools.~~

~~E.C. manage all athletic events in the District, within the policies of the GMAC, FHSAA, and Board policies, as applicable.~~

~~F.D. help all schools to develop their athletic capabilities.~~

~~G.E. help develop realistic athletic budgets.~~

III. **Interscholastic Athletic Eligibility**

The eligibility requirements of F.S. 1006.15 and the following conditions apply to athletic eligibility for all high school students commencing with the successful completion of the eighth grade as defined by Policy 5410, *Student Progression Plan*. These requirements are in addition to all academic and conduct eligibility requirements contained in Board Policy 5845, *Student Activities*, Policy 5500, *Student Conduct and Discipline*, and those of the FHSAA and the GMAC Bylaws.

In accordance with State law, "participate" includes, but is not limited to, participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contest.

An individual District public school student who is otherwise eligible to participate in interscholastic extra-curricular activities may either participate in any such activity at any public school in the District in which the student resides or develop an agreement to participate in such activity at a private school, unless the activity is provided by the student's traditional public school. A student exercising either of these options must:

- A. meet the same standards of acceptance, behavior, and performance that are required of other students in extra-curricular activities at the school at which the student wishes to participate; and
- B. before participation, register with the school the student's intent to participate in interscholastic extra-curricular activities as a representative of the school, provided that the student must be able to

participate in curricular activities if that is a requirement for an extra-curricular activity.

A student enrolled in home education or a personalized education program (PEP), virtual school, or charter school that does not offer the interscholastic activity in which the student wishes to participate is eligible to participate in a District interscholastic activity at the public school to which the student would be assigned pursuant to Policy 5120 (~~attendance boundary~~) or for which the student could choose to attend pursuant to Policy 5131 (~~student transfers and controlled open enrollment~~) and must fulfill the same academic and nonacademic requirements as any other participant under State law and Board policy. Home education students must also fulfill the Florida home education requirements.

Students enrolled in non-FHSAA member private schools consisting of 200 students or fewer are eligible to participate in a District interscholastic activity at an FHSAA member public middle school, public high school or public 6-12 school, as appropriate for the private school student's grade level, and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy. Parents of a private student participating in an interscholastic activity at an FHSAA member public school are responsible for transporting their child to and from the FHSAA member public school. The FHSAA member public school at which the student participates in the interscholastic activity and the Board are exempt from civil liability arising from any injury that occurs to the student during such transportation.

In accordance with State law, students granted transfers in accordance with applicable eligibility and transfer policies shall be immediately eligible to participate in high school athletic programs at the new school.

IV. **Mid-School Year Transfers**

A student may not participate in an interscholastic activity if the student participated in that same activity at another school during that school year, unless the student meets one (1) of the following criteria:

- A. dependent children of active military duty personnel whose move resulted from military orders;
- B. children who have been relocated due to a foster care placement in a different school zone;

- C. children who move due to a court ordered change in custody due to separation or divorce, or serious illness or death of a custodial parent; or
- D. students who are otherwise authorized only under the following good cause circumstances:
 - 1. students who have fully and completely moved to a new residence in Miami-Dade County;
 - 2. students who are reassigned by the Board during the school year to a different school pursuant to Policy 5120 or Policy 5131 for reasons other than athletic or disciplinary;
 - 3. students who transfer within the first twenty (20) days of the school year to magnet schools or programs that are subject to specific admissions requirements and/or random lotteries that are governed by Policy 2370, *Magnet Programs/Schools*;
 - 4. students who receive a transfer pursuant to Section II.A. of Policy 5131 and present extenuating circumstances to the Athletic Eligibility Transfer Review Committee (AETRC), notwithstanding the rule on involuntary transfers as referenced in 2. above;
 - 5. all good cause mid-season transfer eligibility requests must be reviewed and approved by the Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) prior to engaging in athletic participation.

A student who participates in a District interscholastic or intrascholastic activity and transfers to another school during the school year may continue to participate in the same interscholastic or intrascholastic activity at the prior school for the remainder of the school year if:

- A. during the period of participation in the activity at the prior school, the student continues to fulfill the eligibility requirements of F.S. 1006.15(3)(a);
- B. the student continues to meet the same standards of acceptance, behavior, and performance which are required of other students participating in the activity, except for enrollment requirements at the school at which the student participates; and

C. the parents of the student participating in the activity provide for the transportation of the student to and from the prior school at which the student participates in the activity. The new school the student attends, the prior school at which the student participates in the activity, and the Board are exempt from civil liability arising from any injury that occurs to the student during such transportation.

V. **Athletic Eligibility Transfer Review Committee (AETRC)**

In cases where a student's athletic eligibility is disputed, the Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) will review the circumstances prior to the student engaging in athletic participation.

The AETRC consists of one (1) District-level administrator, three (3) senior high school principals, three (3) senior high school athletic directors, one (1) representative from the District Athletic Advisory Committee, and an administrator from the ~~Division of Athletics/Activities and Accreditation~~ [Division of Athletics and Activities](#), who serves as an ex officio member. The AETRC shall review all requests for mid-season transfers based on good cause as defined in this policy. The Committee will meet at least once a month. All AETRC decisions regarding athletic eligibility that are reviewed by the AETRC will be forwarded to the Region Superintendent and principal of the affected schools for information purposes. AETRC decisions are final.

VI. **Penalties for Violations**

A student receiving any type of transfer into a senior high school must abide by all State laws, the FHSAA and GMAC Bylaws, and applicable Board policies pertaining to athletic eligibility, as may be applicable.

Any student or parent who is found to have falsified enrollment, transfer, or eligibility information shall be declared athletically ineligible to participate for at least one (1) full calendar year from the date of discovery of the violation or as otherwise determined by the AETRC.

Violations of the transfer policy regarding athletic eligibility may result in forfeiture of athletic contest(s), fines, and/or probation. Penalties to be assessed will be determined by the Director of the ~~Division of Athletics/Activities and Accreditation~~ [Division of Athletics and Activities](#) and Executive Secretary, GMAC.

The principal shall be responsible for control of the athletic programs, coaches, booster groups, and student athletes.

A student's eligibility to participate in any interscholastic athletics and/or extra-curricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to F.S. 1006.20.

In accordance with State law, students who are permitted to participate in interscholastic and/or extra-curricular activities at a public school in which they are not enrolled are subject to the Board's Code of Student Conduct for the limited purpose of establishing and maintaining the student's eligibility to participate in the school-related function. These students must comply with the specific requirements contained in F.S. 1006.15 that govern their circumstances.

Effective 07.01.2011
Revised 03.15.2017
Revised 04.25.2018
Revised 06.22.2022
Revised 01.18.2023
Revised 10.10.2023

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Legal References:

F.S. 1002.20
F.S. 1006.07
F.S. 1006.08
F.S. 1006.09
F.S. 1006.15
F.S. 1006.18
F.S. 1006.195
F.S. 1006.20

Adoption Date: 05.11.2011



Book Policy Manual
Section October 16, 2024 – Initial Reading
Title **EMPLOYMENT OF ATHLETIC COACHES**
Code 3120.03
Status Initial Reading

3120.03 - EMPLOYMENT OF ATHLETIC COACHES

Each person who is employed and renders service as an athletic coach in any District school shall hold a valid temporary or professional certificate or an athletic coaching certificate [and must be certified in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator in accordance with F.S. 1012.55.](#) School athletics are to be coached only by personnel regularly employed by the School Board and compensated only from Board funds according to the current salary schedule.

Misstatements of fact material to qualifications for employment or the determination of salary shall constitute grounds for dismissal.

Upon recommendation of the Superintendent, the Board shall approve employment of athletic coaches.

Effective 07.01.2011
Revised 06.17.2015

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Legal References:
F.S. 1012.55(2)

Adoption Date: 05.11.2011



Book Policy Manual
Section October 16, 2024 – Initial Reading
Title **ATHLETIC COACHES**
Code 4120.03
Status Initial Reading

4120.03 - **ATHLETIC COACHES**

Each person who is employed and renders service as an athletic coach in any District school shall hold a valid temporary or professional certificate or an athletic coaching certificate [and must be certified in cardiopulmonary resuscitation, first aid, and the use of an automatic external defibrillator in accordance with F.S. 1012.55. As applicable, athletic coaches must also comply with Florida High School Athletic Association \(FHSA\) rules and regulations, including but not limited to those that prohibit forming, directing, offering, providing, or otherwise engaging in any activity involving student Name, Image, and Likeness \(NIL\) agreements.](#) School athletics are to be coached only by personnel regularly employed by the School Board and compensated only from Board funds according to the current salary schedule.

Effective 07.01.2011

Legal References:
F.S. 1012.55(2)

Adoption Date: 05.11.2011