

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1481

Interscholastic Sports

SPONSOR(S): Bean

TIED BILLS:

IDEN./SIM. BILLS: CS/CS/SB 526

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council		Beagle	Cobb
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Section 1006.20, F.S., establishes the Florida High School Athletic Association (FHSAA) as the statewide governing body for interscholastic athletics. Unless specifically provided for in statute, the FHSAA may adopt bylaws governing athletic participation of member schools and individual student athletes. FHSAA bylaws governing residence and transfer must allow the student to be eligible in the school where the student first enrolls each school year, or participates in practices prior to enrollment.

To be eligible to participate in interscholastic extracurricular activities, a student must maintain a 2.0 grade point average (GPA) in the semester prior to participation, or a 2.0 cumulative GPA in specified courses required for high school graduation. Good conduct is also required for eligibility. The eligibility of a student who is involved in a felony or serious delinquent act is governed by district school board policy.

If an interscholastic extracurricular activity is not offered by a charter school, statute authorizes a charter school student to participate in the activity at the public school in the student's school attendance area. Among other things, the charter school student must register with the school and is subject to the same GPA, conduct, and residency requirements as other students. Such students must also pass each class in which they are enrolled. Home education students are also eligible to participate in interscholastic extracurricular activities at a public school. Among other things, the student must demonstrate educational progress and meet the same conduct and residency requirements applicable to students in the school where the home education student participates. Currently, private school students are ineligible to participate in extracurricular activities at a public school when the activity is not offered by their school.

House Bill 1481 amends s. 1006.15, F.S., allows a private or public school student to participate in a sport at a specified public school if the sport is not offered by the school where the student is enrolled. Among other things, such students must maintain the same GPA, conduct, and residency standards generally applicable to all student athletes. A student who fails to meet the required GPA is ineligible to participate. The bill provides that a public or private school student who transfers to a public school during the first grading period of the school year is academically eligible to participate in interscholastic athletics if the student would otherwise be academically eligible. The bill requires a private school student to pass each class in which they are enrolled, as confirmed by a transcript from the private school. The bill also requires a private school to provide an affidavit to the public school stating it does not offer sport that the student seeks to participate in during the current or previous academic year.

Because the number of private and public school students who will avail themselves of the opportunity to participate in sports at another school is unknown, the fiscal impact of the bill is indeterminate. Please see **Fiscal Comments Section**.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower Families-- The bill enables a private or public school student to participate in a sport at a public school if the sport is not offered by the school where the student is enrolled.

B. EFFECT OF PROPOSED CHANGES:

Interscholastic Athletics

Founded in 1920, the Florida High School Athletic Association (FHSAA) is a non-profit organization that governs interscholastic athletics among Florida's public and private secondary schools. In 1997, the Florida Legislature enacted s. 1006.20, F.S., which sets forth the FHSAA's organizational structure and governing authority in statute. Unless specifically provided for in statute, the FHSAA may adopt bylaws governing athletic participation of member schools and individual student athletes.¹ FHSAA bylaws governing residence and transfer must allow the student to be eligible in the school where the student first enrolls each school year, or participates in practices prior to enrollment.²

To be eligible to participate in interscholastic extracurricular activities, a student must maintain a 2.0 grade point average (GPA) in the semester prior to participation, or a 2.0 cumulative GPA in specified high school graduation courses. If a student's cumulative GPA falls below a 2.0 in these courses, the student must execute a performance contract with the district school board, FHSAA, and the student's parents. The contract must, at a minimum, require the student to attend summer school in order to achieve a satisfactory GPA. Good conduct is also required for student participation in extracurricular activities. The eligibility of a student who is found to be involved in a felony or serious delinquent act is governed by district school board policy.³

If an extracurricular activity is not offered by a charter school, statute authorizes a charter school student to participate in the activity at the public school in the student's attendance area. A charter school student must register with the school and is subject to the same GPA, conduct, and residency requirements as other public school students. Home education students are also eligible to participate in interscholastic extracurricular activities at a public school. Among other things, such students must meet the program requirements for home education under s. 1002.41, F.S., and demonstrate satisfactory educational progress and good conduct. Such students are subject to the same residency requirements as students in the school where the student participates.⁴

According to the *Final Report of the Student Athlete Recruiting Task Force*:

Three states specifically prohibit private school students from participating in public school athletics. Six states have specific policies addressing private school students and allow them to participate in public school athletics at the public school to which they would otherwise be assigned. These policies require private school athletes to meet the same eligibility requirements as public school athletes and restrict participation of the private school athlete to the public school located in the student's area of residency. Two of these state policies recognize cases wherein there is no athletic program or specific sports team at a private school. One state's policy allows private students from feeder schools only (9th and 6th

¹ Section 1006.20(1), F.S.

²² Section 1006.20(2)(a), F.S.

³ Section 1006.15(3)(a), F.S.

⁴ Section 1006.15(c), F.S.

grades) to play on public school sports teams. Thirteen states, while they do not specifically address private school students or private schools without athletic programs, make some provision in their bylaws and/or handbooks allowing students to play sports who might not otherwise have this opportunity. These states have provisions that include students from non-member alternative schools, charter schools, vocational/technical schools, magnet schools, and/or choice schools.⁵

Neither current Florida law nor the Bylaws of the FHSAA authorize private school students to participate in extracurricular activities at a public school when the activity is not offered by their school.

Effect of Proposed Changes

House Bill 1481 amends s. 1006.15, F.S., to allow a private or public school student to participate in an interscholastic sport at a public school if the sport is not offered by the school where the student is enrolled. A private school student may participate at a public school in their school attendance area or pursuant to a controlled open enrollment policy. A public school student may participate at another district school in the student's school attendance. In both cases, the student must:

- Register with the public school prior to the season and be able to participate in curricular activities if required for interscholastic sports; and
- Maintain the same GPA, conduct, and residency standards generally applicable to all student athletes.

The bill provides that a private or public school student who fails to meet the required GPA is ineligible for interscholastic athletics. If such a student transfers to a public school during the first grading period of the school year, the student is academically eligible to participate in athletics if otherwise academically eligible based upon prior year academic performance.

In addition, private school students must pass each class in which they are enrolled, as confirmed by a transcript from the private school. The bill requires a private school to provide an affidavit to the public school stating that it has not offered the sport that the student seeks to participate in the current or previous academic year.

C. SECTION DIRECTORY:

Section 1.: Amends s. 1006.15, F.S.; authorizing certain private school students to participate in interscholastic sports at a public school; providing criteria for eligibility; authorizing certain public school students to participate in interscholastic sports at another public school; providing eligibility criteria.

Section 2.: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

⁵ Office of Program Policy Analysis and Government Accountability, *Final Report of the Student Athlete Recruiting Task Force* (December 2006) available at http://www.oppaga.state.fl.us/sataskforce/Final_Report.pdf.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct fiscal impact on the private sector.

D. FISCAL COMMENTS:

The bill allows private school students and certain public school students to participate in interscholastic sports in a manner that is similar to the provisions in current law for home schooled and charter school students. These students must be able to participate in any curricular activity required for an interscholastic sport. Since the number of students who will avail themselves of this option is unknown, the fiscal impact is indeterminate. However, the administrative workload associated with the bill is expected to have an insignificant fiscal impact on school districts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Student Athlete Transfer and Recruiting: FHSAA Bylaws governing transfer generally allow a student athlete to transfer to another school and remain eligible for athletics if the student moves to a new attendance area with a parent or guardian whom the student lives with. Subject to certain exceptions, a

student transfer that is not accompanied by a corresponding change of the parent or guardian's residence renders the student ineligible.⁶

FHSAA bylaws prohibit member schools from recruiting student athletes for athletic purposes. The FHSAA bylaws define "recruiting" 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."⁷ Among other things, the FHSAA's recruiting policy specifically prohibits certain forms of communication made to a student or the student's parents to entice the student to attend the school and participate in athletics. However, the FHSAA recruiting policy provides an exception for contact initiated by a student athlete regarding enrollment or participation in athletics at the school. A student who initiates such contact must be immediately referred to the appropriate school admissions personnel.⁸

A member school is subject to penalties for recruiting actions taken by its employees, boosters, and other individuals closely associated with its athletic programs. The penalties that may be imposed on individuals and institutions that engage in illegal recruiting include mandatory forfeiture of contests and awards won, public reprimand, fines, probation, prohibition against participation in certain interscholastic competitions or sports in which recruiting has occurred, and expulsion or restricting membership in the FHSAA for a period of one or more years.⁹

The bill allows a private or public school student to participate in interscholastic athletics at a public school when a particular sport is not offered by the school where the student is enrolled. Statute already provides such participation for charter school and home education students.¹⁰ Further, the FHSAA has adopted bylaws allowing such participation by a charter school or home education student.¹¹ While the FHSAA bylaws will need to be amended to reflect the changes made by the bill, it does not appear that bill provisions will significantly interfere with the FHSAA's transfer policy as they are similar to those currently in statute for charter school and home education students.

The prohibition on illegal recruiting applies to charter school and home education students who participate in athletics at a public school. Thus, it appears that FHSAA's recruiting policy will be applicable to a public school that illegally recruits a private or public school student for athletic participation.

Enforcement: Because the FHSAA may only enforce its bylaws against member schools, it is unclear whether an enforcement action is available against a non-FHSAA school that refuses to cooperate with the affidavit requirement or transcript requests initiated for the purpose of determining a student's academic eligibility. Such schools also fall outside the purview of district school board policies. If such a school refuses to cooperate with its obligations, a student may be prevented from participation in athletics without an avenue enforcing the school's compliance.

D. STATEMENT OF THE SPONSOR

Representative Bean submitted the following sponsor statement:

This bill is about fairness. All children should be able to participate in sports.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁶ Section 11.4, Transfer, Bylaws of the Florida High School Athletic Association, 2007-08 FHSAA Handbook *available at* http://www.fhsaa.org/rules/handbook/0708_handbook2.pdf.

⁷ Section 7.6, Recruitment of Students, Bylaws of the Florida High School Athletic Association, 2007-08 FHSAA Handbook.

⁸ Policy 38, Section 3.0, Policy on Athletic Recruiting, 2007-08 FHSAA Handbook.

⁹ Policy 38, Section 8.0, Policy on Athletic Recruiting, 2007-08 FHSAA Handbook.

¹⁰ Section 1006.15(1)(c) and (d), F.S.

¹¹ See Sections 11.1.3 and 11.1.4, Bylaws of the Florida High School Athletic Association, 2007-08 FHSAA Handbook.