

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1481 Interscholastic Sports
SPONSOR(S): Schools & Learning Council; Bean
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 526

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council	14 Y, 1 N, As CS	Beagle	Cobb
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Section 1006.15, F.S., authorizes a home education student to participate in interscholastic extracurricular activities offered at a public school. It also authorizes a charter school student to participate in such activities at a traditional public school when those extracurricular activities are not offered by his or her charter school. An extracurricular activity is any school-authorized or education-related activity during or outside of the regular school day. Such students may only participate at the public school where they would normally be assigned or could choose to attend under controlled open enrollment provisions, and must satisfy specified educational progress, conduct, and residency requirements.

The Council Substitute for House Bill 1481 amends s. 1006.15, F.S., to also authorize a private or public school student to participate in an interscholastic sport at a public school when the sport is not offered by the school in which the student is enrolled. Requirements for such participation include the following:

- Students may only participate in an interscholastic sport at the public school where they would normally be assigned or could choose to attend under controlled open enrollment provisions. Additionally, a public school student is limited under the bill to participating at a school located within the school district in which he or she is enrolled.
- Students must register with the public school prior to the season, must participate in curricular activities if required for interscholastic sports, and must maintain the same grade point average (GPA), conduct, and residency standards generally applicable to all student athletes.

The bill does not appear to have a fiscal impact on state or local governments; however, it may have an indeterminate fiscal impact on school districts. **(See FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT).**

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:

Present Situation

To be eligible to participate in interscholastic extracurricular activities,¹ 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, FHSA, 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.²

When 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 where the student would normally be assigned. 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.³

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 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,

¹ An extracurricular activity means any school-authorized or education-related activity during or outside of the regular school day. Section 1006.15(2), F.S.

² Section 1006.15(3)(a), F.S.

³ Section 1006.15(c), F.S.

charter schools, vocational/technical schools, magnet schools, and/or choice schools.⁴

Currently, private and public school students are ineligible to participate in extracurricular activities at a public school when the activity is not offered by their school.

Effect of Proposed Changes

The bill amends s. 1006.15, F.S., to allow a private or public school student to participate in an interscholastic sport at a public school when the sport is not offered by the school where the student is enrolled. The bill requires such participation to occur at the public school where the student would normally be assigned or could choose to attend pursuant to a school district controlled open enrollment policy. However, a public school student must participate at a school in the same school district as the school where the student is enrolled. In each case, 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. The bill provides that a private or public school student who transfers to a public school during the first grading period of the school year is academically eligible to participate in athletics if otherwise academically eligible based upon prior year academic performance. Such students must be allowed to participate in curricular activities if the activity is required for participation in interscholastic sports.

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 in which the student seeks to participate during 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; and 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.

⁴ 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 authorizes private school students to participate in an interscholastic sport at a public school when the sport is not offered by the private school in which the student is enrolled. Such students must also participate in any curricular activities required for the interscholastic sport. School districts may incur additional costs for the provision of services to these students. As the number of students who will avail themselves of this option is unknown, the fiscal impact is indeterminate.

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:

None.

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

On March 25, 2008, the Schools and Learning Council adopted one amendment and reported the bill favorably as a council substitute. The original bill provided that a public school student whose school does not offer a particular sport may only participate at the public school where the student would normally be assigned. The amendment authorizes such students to also participate at a public school pursuant to a school district controlled open enrollment policy.

This analysis is drafted to the council substitute.