

STORAGE NAME: h1663a.ei
DATE: April 15, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1663
RELATING TO: Interscholastic Extracurricular Student Activities
SPONSOR(S): Representative Burroughs
STATUTE(S) AFFECTED: s. 232.425, F.S.
COMPANION BILL(S): SB 2228 (Identical)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) EDUCATION INNOVATION YEAS 6 NAYS 0
(2)
(3)
(4)
(5)

I. SUMMARY:

HB 1663 defines extracurricular to mean a school-authorized or education-related activity which occurs during or outside the regular instruction day. The bill also revises the eligibility requirements to permit home education students to participate in any curricular activities that are a condition of engaging in an extracurricular activity. Any requirements for participation cannot make interscholastic extracurricular activities less accessible to home education students.

HB 1663 does not create a new entitlement for home education students to be allowed to participate in extracurricular activities. The 1996 Legislature made that possible through the passage of the Craig Dickinson Act. The intent of this act is to provide a mechanism for all students in Florida to participate in interscholastic extracurricular activities.

HB 1663 increases the opportunities for home education students to meet the intent of the legislature and participate in extracurricular activities. The bill removes some of the barriers which home education students and their parents have encountered upon attempting to meet the requirements for participation.

Since the passage of the Craig Dickinson Act in 1996 most school districts have cooperatively allowed home education students to participate in extracurricular activities in keeping with the intent of the Florida Legislature. In some counties, parents of home education students report that obstacles exist making it difficult for their children to participate in those activities. Some districts require specific class attendance to participate in specific extracurricular activities. For example, singing in the Chorus Club would require attendance at a regularly scheduled day class in chorus.

Although the district is required to allow the home education student to participate in curricular activities if they are necessary to participate in extracurricular activities, the district is funded for the home education student attending the curricular activities during the normal school day.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The "Craig Dickinson Act", which passed in 1996, amends s. 232.425, F.S., and provides eligibility requirements for participation in interscholastic extracurricular activities by students in home education programs. The intent of this act is to provide a mechanism for all students in Florida to participate in interscholastic extracurricular activities.

The criteria for participation set forth in s. 232.425, F.S., include:

- Maintenance of 1.5 GPA on 4.0 scale, or equivalent
- Passage of 5 subjects for grading period prior to participation
- Other requirements established by the school district

Section 228.041(34), F.S., defines a home education program as a sequentially progressive instruction of a student in his or her home by his or her parent or guardian in order to satisfy the requirements of regular school attendance. To satisfy the requirements of regular school attendance, pursuant to s. 232.02(4), F.S., the parent must:

- Hold a valid regular Florida teaching certificate
- File a written notice with the superintendent, maintain records, materials and logs for 2 years, and provide an annual evaluation documenting student's progress

For a student to be eligible to participate in interscholastic extracurricular activities in either a public or nonpublic school, besides meeting the above requirements, the home education student must meet the same residency requirements as other students in the school and meet the same standards of behavior and performance as required of other students in extracurricular activities, pursuant to s. 232.425, F.S.

Home education students are required to notify the school in whose interscholastic extracurricular activities the student intends to participate their intent to participate. This must be done prior to the beginning date of the season for the activity in which the student wishes to participate.

Students who transfer from a home education program to a public school prior to or during the first grading period of the school year are academically eligible to participate during the first grading period provided the student has a successful evaluation from the previous school year.

Home education students are subject to participation requirements which track the requirements placed upon public school students in regard to maintaining academic eligibility.

A home school association does not have to be incorporated in order to join an organization which regulates or governs interscholastic extracurricular activities.

If an organization or entity which regulates or governs interscholastic extracurricular activities discriminates against eligible students in home education as well as students in public or nonpublic schools, the public school is prohibited from membership in the organization.

The Florida High School Activities Association (FHSAA) is a non-profit corporation founded in 1920 by a group of 29 high school principals. According to the association's bylaws, the aim of the FHSAA is:

- Promote, direct, supervise, and regulate all interscholastic activities of high school students, whose school are members, both athletic and non-athletic
- Establish, maintain and enforce such regulations as may be necessary to assure that all such activities shall be part of and contribute towards the entire educational program of the State of Florida
- Cooperate closely with the State Department of Education in the development of activities programs
- Promote the spirit of sportsmanship and fair play in all athletic contests, to safeguard the physical, mental, and moral welfare of high school students and protect them from exploitation

Public and non-public schools are eligible for membership in the FHSAA; home education programs are not. As a result, otherwise eligible students who are enrolled in home education programs cannot participate in interscholastic extracurricular activities. Approximately 57 percent of the public and nonpublic middle and high schools in the state are reported as members of the FHSAA.

The Craig Dickinson Act made it possible for home education students to participate in extracurricular activities through the public school system.

A home education student participating in extracurricular activities is covered by any insurance provided by the school district. If there is an additional premium for the coverage, the participating home education student must pay that premium.

Since the passage of the Craig Dickinson Act in 1996 most school districts have cooperatively allowed home education students to participate in extracurricular activities in keeping with the intent of the Florida Legislature. In some counties, parents of home education students report that obstacles exist making it difficult for their children to participate in those activities. Some districts argue that this is a local control issue and have local definitions of extracurricular and co-curricular. Some districts require additional paperwork and specific class attendance to participate in specific extracurricular activities. For example, singing in the Chorus Club would require attendance at a regularly scheduled day class in chorus.

B. EFFECT OF PROPOSED CHANGES:

HB 1663 defines extracurricular to mean a school-authorized or education-related activity which occurs during or outside the regular instruction day. The bill also revises the eligibility requirements to permit home education students to participate in any curricular activities that are a condition of engaging in an extracurricular activity. Any requirements for participation cannot make interscholastic extracurricular activities less accessible to home education students.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

HB 1663 does not create a new entitlement for home education students to be allowed to participate in extracurricular activities. The 1996 Legislature made that possible through the passage of the Craig Dickinson Act.

However, the bill does remove some of the barriers which home education students and their parents have encountered upon attempting to meet the requirements for participation.

b. If an agency or program is eliminated or reduced:

Not applicable.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

Not applicable.

- a. Does the bill increase anyone's taxes?
- b. Does the bill require or authorize an increase in any fees?
- c. Does the bill reduce total taxes, both rates and revenues?
- d. Does the bill reduce total fees, both rates and revenues?
- e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

Not applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

HB 1663 increases the opportunities for home education students to meet the intent of the legislature and participate in extracurricular activities.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

The parent and student evaluate the need of the home education student to participate in the extracurricular activities.

- (2) Who makes the decisions?

The decisions for participation by home education students in extracurricular activities are made by the local school district. The bill should make these decisions less restrictive to the home education student.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

No.

- (5) Are families penalized for not participating in a program?

No.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

Parents or home education students decide whether the student wishes to participate in extracurricular activities.

- (2) service providers?

The school district has the authority to allow the student's participation.

- (3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1 Amends s. 232.425, F.S., by defining extracurricular activities and allowing home education students to participate in such activities.

Section 2 Provides an effective date of July 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

HB 1663 does not have a fiscal impact. Although HB 1663 requires the school district to allow a student to participate in a curricular activity in order to participate in an extracurricular activity, the school district is funded for the home education student's participation in curricular activities.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

No fiscal impact since the district is funded for the home education student attending the required curricular activities during the normal school day.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

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

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

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