

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1514

SPONSOR: Education Committee and Senator Cowin

SUBJECT: Extracurricular Student Activities/Grade Requirements

DATE: March 24, 2004 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|------------------|------------|---------------------|
| 1. | <u>Dormady</u> | <u>O'Farrell</u> | <u>ED</u> | <u>Favorable/CS</u> |
| 2. | _____ | _____ | <u>AED</u> | _____ |
| 3. | _____ | _____ | <u>AP</u> | _____ |
| 4. | _____ | _____ | <u>RC</u> | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

CS/SB 1514 prohibits students from participating in any extracurricular activities, whether interscholastic or not, unless they comply with the requirements for participation set forth in current law. The bill also contains conforming changes in other related sections of law to remove the word “interscholastic” as it relates to extracurricular activities.

The bill does not prohibit a student from participating in an extracurricular activity if the participation directly relates to the student receiving credit in physical education. It also provides a one-semester probationary period under certain circumstances for students who participate in extracurricular activities that are not interscholastic in nature.

This bill amends sections 1002.33, 1002.41, and 1006.15 of the Florida Statutes.

The bill will take effect July 1, 2004.

II. Present Situation:

Data are not available regarding the total number of Florida grade 9-12 students who participate in all extracurricular activities; however, in the current school year, approximately 250,000 students are participating in interscholastic athletics.¹

¹ Source: Florida High School Athletic Association.

Current Section 1006.15, F.S.

Under s. 1006.15, F.S., to be eligible to participate in interscholastic extracurricular activities, a student² must:

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for high school graduation;
- If the student's cumulative grade point average falls below 2.0 in the courses required for graduation, sign and fulfill the requirements of an academic performance contract³ between the student, the district school board, the appropriate governing association⁴ and the student's parents;
- Have a cumulative grade point average of 2.0 or above, or its equivalent, in the courses required for high school graduation in the student's junior or senior year; and
- Maintain satisfactory conduct.

The requirements are varied somewhat for home education students and charter school students who choose to participate in extracurricular activities at their local public schools, because the grade requirements set forth in s. 1006.15, F.S., may not be applicable to those students.

Definition of interscholastic extracurricular activity

An "extracurricular" activity is defined very broadly in the section to include any school-authorized or education-related activity occurring during or outside the regular instructional school day. The word "interscholastic" as used in this context is not defined in law or rule. The dictionary definition, however, of the word "interscholastic" is "between or among schools."⁵ No guidance as to the meaning of what specifically constitutes an "interscholastic extracurricular activity" is found in either statute or rule, but a reasonable interpretation of the phrase as used in s. 1006.15, F.S., would lead to a conclusion that participation by failing students in interscholastic aspects of extracurricular activities are prohibited by the section, but other aspects of participation in extracurricular activities are not. For example, a student might be permitted to practice with the football team, but would not be permitted to play in games against other schools; likewise, a student might be permitted to practice with the band, but would not be permitted to participate in band competitions or other events where other schools are participating. An alternative reading of s. 1006.15, F.S., might prohibit *any* involvement with activities having an interscholastic component. For example, because varsity sports involve interscholastic competition, any involvement with varsity sports teams could be prohibited. Under either of these definitions, however, participation in strictly intramural activities (i.e., intramural sports) would continue to be permitted notwithstanding the student's academic standing. Individual district school boards are, however, permitted by law to establish additional

² The law applies to students beginning with the first semester of the 9th grade.

³ At a minimum, the contract must require that the student attend summer school or its graded equivalent between grades 9 and 10 or grades 10 and 11, as necessary.

⁴ Such as the Florida High School Athletic Association.

⁵ Webster's New World Dictionary, Second College Edition.

requirements for participation in extracurricular activities, which could prevent participation by low-performing students in these other extracurricular activities as well.

The law does not indicate in any way that it applies only to sports activities; additionally, no requirement is found in law or rule that the “interscholastic” activity specified by the law need be competitive in nature. Accordingly, any activity that is “extracurricular” under the broad definition contained in the statute and is “between or among schools” should likely be considered an interscholastic extracurricular activity as specified in s. 1006.15, F.S., and students should not, under current law, be permitted to participate in the activity if they do not meet all statutory eligibility requirements.

Current school district practice regarding extracurricular activity requirements

School district practice regarding eligibility requirements appears to vary somewhat, and it appears that not all school districts are aware of the provisions of current law regarding eligibility requirements for interscholastic extracurricular activities. For example, news reports suggest that, in one county, the grade point average requirements of s. 1006.15, F.S., are applied only to student athletes.⁶ Other school districts appear to apply eligibility requirements to all extracurricular activities.

Current Sections 1002.33 and 1002.41, F.S.

Section 1002.33, F.S., relates to charter schools and permits, in pertinent part, charter school students to participate in interscholastic extracurricular activities. Section 1002.41, F.S., relates to home education programs and provides, in pertinent part, that home education students may participate in interscholastic extracurricular activities. These sections are consistent with s. 1006.15, F.S., which permits participation by these students in interscholastic extracurricular activities at their local public schools and establishes certain requirements for the students to participate in the activities.

III. Effect of Proposed Changes:

Application to all extracurricular activities.

CS/SB 1514 makes the prohibitions of the section applicable to participation in *all* extracurricular activities, not just “interscholastic” ones. The bill modifies the definition of the term “extracurricular” in s. 1006.15, F.S., to include, without limitation, interscholastic activities. It then makes the section’s requirements applicable to all extracurricular activities by removing the modifier “interscholastic” to the word “extracurricular” throughout the section. The effect of these changes would be to preclude participation in a group of extracurricular activities – those that are not interscholastic in nature – that students are currently permitted to participate in under current law regardless of their grades. This change would also cure any potential ambiguity that may exist under current law about the interpretation of what an “interscholastic” extracurricular activity entails and what activities are captured by the requirements of the section.

⁶ Orlando Sentinel, *Jones furor spurs rule review*, December 4, 2003.

Exemption for participation necessary to receive required credit.

CS/SB 1514 also provides that a student will not be prohibited from participating in an extracurricular activity if the participation directly relates to the student's receiving physical education course credit as permitted under current law, s. 1003.43(1)(j), F.S. This exemption is useful given that the prohibitions set forth in the bill are broader than those in current law. Because current law prohibits participation only in "interscholastic" extracurricular activities, the possibility remains that a student may be prohibited from playing in an interscholastic game or participating in another interscholastic aspect of an activity, but may still be permitted to continue his or her participation in other aspects of the activity. This distinction could be highly important for a student who is relying on participation in a sport, marching band, or R.O.T.C. to meet some or all of his or her physical education credit requirement for high school graduation. It is possible that partial participation in the activity – e.g., practicing with the football team or attending marching band class or practice – would be sufficient to earn the physical education credit. Because, under CS/SB 1514, *all* aspects of extracurricular activity participation will be prohibited, these students could potentially be precluded from receiving necessary credits.

Probationary period instituted.

The bill also provides a probationary period for students whose grades drop below 2.0 in a semester. This probationary period is applicable *only* to students participating in an extracurricular activity that is not interscholastic in nature. Those students would be placed on academic probation for the next semester following the one in which their semester's grades were below 2.0, but they would be permitted to continue participation in the extracurricular activity during the probationary semester. If the student failed during the next semester to increase his or her average to 2.0, he or she would be required to stop any participation in extracurricular activities until a 2.0 average in a semester is achieved.

Sections 1002.33 and 1002.41, F.S.

The bill removes references throughout s. 1006.15, F.S. to the word "interscholastic" as it relates to extracurricular activities and makes the section's provisions applicable to all extracurricular activities – not just interscholastic ones. Additional changes are made to ss. 1002.33 and 1002.41, F.S., that conform the language of these sections to the language that the bill contains for s. 1006.15 – i.e., by removing references to participation by charter school and home education students in "interscholastic" activities at their local schools and changing these references to include all extracurricular activities – not just interscholastic ones. While these conforming changes are appropriate, they also have the effect of expanding the range of activities that charter school and home education students will be permitted to participate in at their local public schools; previously, they were permitted to participate only in interscholastic extracurriculars, and these language changes would make clear that they may participate in all extracurriculars.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The exemption language contained on p. 3, lines 17-22, of the committee substitute is applicable to the section as a whole. It may be clearer to include this language as a separate subparagraph (b) between lines 15 and 16 on page 4 and to redesignate existing subparagraphs (b), (c), and (d) as subparagraphs (c), (d), and (e).

VII. Related Issues:

Issues related to probationary period.

This element of the committee substitute reinserts language differentiating between interscholastic and non-interscholastic extracurricular activities into the section, but it does not resolve the potential ambiguity that exists under current law about the interpretation of what activities are specifically captured by the term “interscholastic.”

Additionally, as noted above, the law – both currently and as amended by the committee substitute – generally permits students to participate in extracurricular activities if they achieve either a 2.0 grade point average in the previous semester *or* a cumulative 2.0 grade point average. With the changes to the law set forth in the committee substitute, including this probationary

section, the grade requirements for all students to participate in extracurricular activities would be as follows:

For students participating in interscholastic extracurricular activities:

1. Students would be required to maintain either a cumulative 2.0 grade point average *or* to have achieved a 2.0 grade point average in the semester immediately prior to the extracurricular participation.
2. Once either of these goals is achieved, participation may commence again immediately.
3. No probationary period is allowed.

For students participating in non-interscholastic extracurricular activities:

1. Students would be required to maintain a cumulative 2.0 grade point average in the semester immediately prior to the extracurricular participation, regardless of what their cumulative grade point average is.
2. In the event that any one semester's grade point average drops below 2.0, the student would be on academic probation the following semester.
3. If the student does not achieve a 2.0 grade point average during the probationary semester, all extracurricular activity must cease – again without regard to the student's cumulative grade point average.
4. The only way for a student to recommence extracurricular activity participation is to achieve a 2.0 average in a given semester.

Accordingly, although a probationary period is permitted for students participating in strictly intramural activities, participation requirements for these students are somewhat more restrictive as well.

VIII. Amendments:

None.