

II. Present Situation:

Public high school athletics are governed by the Florida High School Athletic Association (FHSAA).¹ The law requires the FHSAA to adopt specific bylaws that include student eligibility, residence, transfer, and recruitment.² Private schools that wish to compete with public schools may become members of the Florida High School Athletic Association.³

A student is eligible for high school athletic competition in the school in which he or she first enrolls each school year or practices before enrolling in an FHSAA-member school.⁴ The student must meet the requirements for student conduct and academic performance in s. 1006.15(3), F.S.

Under current law, a home schooled student is eligible to participate in interscholastic extracurricular activities at the assigned public school or the school that could be chosen under controlled open enrollment policies.⁵ Additionally the student may have an agreement to participate in the activities at a private school.⁶ There are similar provisions for a charter school student whose school does not offer these activities. However, there are no similar provisions in Florida law applicable to students enrolled in other public schools or private schools. Some other states permit students attending private schools without an athletic program to participate in an athletic program at a public school.⁷

Students who wish to avail themselves of this option must meet academic and conduct standards and residency requirements.

III. Effect of Proposed Changes:

The bill permits a student enrolled in a private school to participate in interscholastic sports at a public school if the student's school does not provide the sport. Under the bill, the student may participate in interscholastic sports at a public school to which the student would normally be assigned or could choose under controlled open enrollment policies. Additionally, a student enrolled in a public school without a sport may participate in the sport at another public school according to the school board's attendance area policies or could choose under controlled open enrollment policies. Depending on the nature of open enrollment in the district, there may be a private or public school student who may be able to participate in an interscholastic sport in any public school in the district that offers the desired sport.

¹ s. 1006.20, F.S. High school includes grades 6-12.

² *Id.* For students enrolled in public schools without interscholastic sports (i.e., middle school students and non-FHSAA member magnet schools), the FHSAA bylaws provide for them to participate at other public schools if they meet specific requirements.

³ *Id.*

⁴ ss. 1002.20(17) and 1006.20(2)(a), F.S.

⁵ These provisions apply to a student in a home education program, as defined in s. 1002.41, F.S.

⁶ ss. 1002.20(18)(b) and 1006.15(3)(c), F.S. Under s. 1006.15(4), F.S., district school boards may not establish requirements which make participation less accessible to home education students than to other students.

⁷ Six states (Idaho, New Hampshire, Oregon, Utah, Washington, and West Virginia) allow private school students to participate in public school athletics at the public school to which they would otherwise be assigned. Office of Program Policy and Government Accountability, *Final Report of the Student Athlete Recruiting Task Force*, December 2006. States that specify their policy in state athletic association bylaws include Oregon, Utah, and Washington. Colorado and Idaho law permit private school students to participate in public school interscholastic and extracurricular activities.

To participate, the student must meet certain conditions, including requirements for standards of conduct and student academic performance. These requirements are substantially similar to those for home schooled and charter school students. Private school students must also meet residency requirements and a private school must provide to the public school an affidavit stating that it does not offer the sport in which the student would participate and did not offer it during the prior academic year.

A student must register with the public school prior to the start of the season and must be able to participate in curricular activities if required for interscholastic sports. The bill provides that the student is ineligible to participate if he or she fails to meet the required academic standards.

A student who transfers from a private school program to a public school or from one public school to another before or during the first grading period of the school year is academically eligible to participate during the first grading period if he or she met the requirements in the bill during the previous school year.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The Committee on Education Pre-K-12 Appropriations on March 13, 2008, adopted an amendment to clarify that a public school student's eligibility to participate in interscholastic sports at a public school other than the student's home school is limited to a school to which the student would be assigned according to the district school board's attendance area policies or a school that the student could choose to attend under the district controlled open enrollment provisions when other specific conditions listed in the bill are met.

The Committee on Education Pre-K-12 on February 20, 2008 adopted an amendment that provides for the following:

- Permits a student enrolled in a public school without a sport to participate in the sport at another public school in his or her district, if he or she meets the eligibility criteria for academic performance, standard of conduct, enrollment, and registration; and
- Clarifies the academic performance criteria for students in charter schools who participate in interscholastic extracurricular activities at another public school.

The bill also requires a private school to provide a public school with an affidavit stating that it does not offer the sport in which the private school student would participate at the public school and did not offer it during the prior academic year.

B. Amendments:

None.