

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

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BILL: SB 1000

INTRODUCER: Senator Wise

SUBJECT: Interscholastic and Intrascholastic Sports

DATE: March 16, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>HR</u>	_____
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill removes from statute the two-year pilot program which provided for sports participation of private middle and high school students of three counties at public high schools within the residential zoning area, and makes permanent its applicability statewide.

Student records relating to eligibility, compliance and participation in the program are required to be maintained by the athletic director at the participating FHSAA member public school. A non-FHSAA private school is required to provide student records to the FHSAA upon request.

This bill limits participation of a non-FHSAA private school student at a public school to those students enrolled at private schools with a student population of no greater than 125 students.

This bill substantially amends section 1006.15, of the Florida Statutes.

**II. Present Situation:**

**FHSAA**

The Florida High School Athletic Association, established in law in s. 1006.20, F.S., is the governing body of Florida public school athletics. The FHSAA is organized by an Executive Director, a Board of Directors, a Representative Assembly, and Sectional Committees. Currently, the FHSAA governs 748 public and private member schools.<sup>1</sup> Section 1006.15, F.S., imposes general eligibility requirements for participating students, based on academic thresholds and

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<sup>1</sup> <http://www.fhsaa.org/about>

satisfactory conduct, and also addresses participation by private, charter, and home education students.

The Legislature grants the FHSAA authority to adopt bylaws, which it does, and publishes them in a handbook, available online.<sup>2</sup>

### **Participation in Sports by Students at Schools They Are Not Attending**

Home education students are authorized to participate in sports at the public school to which the student would be assigned, or a private school under certain conditions.<sup>3</sup> Charter school students are also authorized to participate in sports at the public school to which they would have been assigned.<sup>4</sup>

### **Pilot Program for Private School Students to Participate in Sports at Public Schools**

The 2007 Legislature passed a law which implemented a two-year pilot program to enable middle and high private school students to participate in interscholastic or intrascholastic sports at public schools within the zoning area of the student. Participation was limited to students residing in Bradford, Duval, and Nassau counties.<sup>5</sup> The two years included in the program were the 2008-09 and 2009-10 academic years.<sup>6</sup>

The legislation required certain conditions for participation, including:

- The private school must be a non-FHSAA member that does not offer an interscholastic or intrascholastic program;
- The student meets conduct guidelines established by the FHSAA and participating district school boards;
- Transportation arrangements are to be borne by the parents, and the public school, district school board, and the FHSAA are exempt from any related civil liability;
- The private school student is limited to participation at one public school for each academic year.

In addition to requiring provision of a copy of the guidelines to the Governor, Senate President, and House Speaker, this legislation required the FHSAA and the district school boards to produce a report on specific information about the student participants, and recommendations on program improvements.

### **Program Report**

The FHSAA provided a report, dated December 15, 2009, which detailed the following regarding interest and participation:

- As of the date of the letter, 23 students submitted the appropriate application form;
- Of those, 11 were middle school, and 12 were high school students;

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<sup>2</sup> The handbook is available at the FHSAA website, at: <http://www.fhsaa.org/rules/fhsaa-handbook>

<sup>3</sup> s. 1006.15(3)(c), F.S.

<sup>4</sup> s. 1006.15(3)(d), F.S.

<sup>5</sup> ch. 2008-228, L.O.F.

<sup>6</sup> s. 1006.15, F.S.

- Of the 23, 11 were from Bradford county, 10 were from Duval county, and two were from Nassau county;
- Of the applicants, 15 were approved, two were denied, and six failed to provide additional information required for eligibility determinations; and
- Two students later transferred to the public school in which they participated.

The report also indicated that no problems existed other than coordination between start and end times of the schools and transportation. No recommendations were made regarding expansion or continuation of the program.<sup>7</sup>

### **III. Effect of Proposed Changes:**

This bill removes language which established the pilot program which tested private school student sports participation at public schools in certain circumstances. This bill would expand the program's current limited application to Bradford, Duval and Nassau counties to all counties. In addition to maintaining qualifying conditions, this bill addresses the keeping and production of participant student records.

Public schools at which the eligible private school student participates in sports are required to maintain student records of the private school students. A non-FHSAA private school is required to provide student records to the FHSAA upon request. It is up to the individual school to determine how these records are to be kept.

This bill limits participation of a non-FHSAA private school student at a public school to those students enrolled at private schools with a student population of no greater than 125 students.

This bill would make non-FHSAA member private school students eligible to participate in sports at public schools, just as home education students and charter school students are now. These students would be subject to the same standards as other participants.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>7</sup> Governor Letter, Dr. Roger Dearing, Executive Director, FHSAA (December 15, 2009).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There may be local school costs associated with maintaining and providing records of students; however, these are expected to be insignificant.

According to the Florida Department of Education, there are 1,600 private schools with a student population of under 125 students. It is unknown how many students would pursue the option provided in this bill, and how many would qualify as eligible.

**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.)

None.

**B. Amendments:**

None.