

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1109 Private School Student Participation in Extracurricular Activities

SPONSOR(S): Antone

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1302

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N	Dehmer	Healy
2) Education Committee		Dehmer	Hassell

SUMMARY ANALYSIS

Each district school board, charter school and private school must establish in its code of student conduct eligibility standards and student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities.

Home education students, charter school students, full-time Florida Virtual School students and private school students who participate in extracurricular activities for a public school are subject to the school district's code of student conduct for purposes of eligibility.

While district school boards have the authority and responsibility for student eligibility, the Florida High School Athletics Association (FHSAA) retains jurisdiction over, among other things, membership in the FHSAA and school eligibility. The FHSAA bylaws require member schools to comply with all FHSAA bylaws and administrative policies and procedures.

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and has an enrollment of less than 125 students.

The bill revises private school student eligibility by allowing a student in a non-FHSAA member private school to participate in interscholastic or intrascholastic activities at the school where the student could choose to attend pursuant to controlled open enrollment provided the public school has not reached capacity as determined by the school board, in addition to the student's zoned school which is currently permitted by law.

This bill does not have a fiscal impact on state or local governments

This bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Each district school board, charter school and private school must establish, in its code of student conduct, eligibility standards and student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. The code must at least provide that:

- a student not suspended or expelled is eligible to participate in interscholastic athletics;
- a student's eligibility to participate in an interscholastic or intrascholastic activity may not be affected by recruiting allegations until a final determination has been reached;
- a student may not participate in any interscholastic or intrascholastic activity if the student participated in that same sport at another school during the same school year unless the student:
 - is a dependent child of active duty military personnel whose move resulted from military orders;
 - has been relocated due to a foster care placement in a different school zone;
 - has moved due to a court-ordered change in custody due to separation or divorce or the serious illness or death of a custodial parent; or
 - is authorized for good cause in district or charter school policy.¹

Home education students, charter school students, full-time Florida Virtual School students, and private school students who participate in extracurricular activities for a public school are subject to the school district's code of student conduct for purposes of eligibility.

While district school boards have the authority and responsibility for student eligibility, the Florida High School Athletics Association (FHSAA) retains jurisdiction over, among other things, membership in the FHSAA and school eligibility.² The FHSAA bylaws require member schools to comply with all FHSAA bylaws and administrative policies and procedures.³ Each member school must, as a condition to membership in FHSAA, annually adopt the bylaws as the rules governing its interscholastic athletic programs.⁴ Such adoption acts as a contract between FHSAA and the member school.⁵ Member schools that violate the bylaws are subject to disciplinary action determined to be appropriate by FHSAA.⁶ To be eligible for participation in interscholastic extracurricular activities under the FHSAA, a high school student⁷ must:

- maintain either a 2.0 grade point average (GPA) or above on a 4.0 scale in the semester preceding participation; or a cumulative 2.0 GPA or above in the courses required for high school graduation;
- execute and fulfill the requirements of an academic performance contract if the student's GPA falls below 2.0 in the courses required for graduation. An academic performance contract is an agreement between the student, the district school board, the appropriate governing association, and the student's parents, which at a minimum requires the student to attend

¹ Section 1006.195(1), F.S.

² Section 1006.195(2)(a), F.S. The FHSAA retains jurisdiction over recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, forfeiture of contests, student concussions or head injuries, the sports medical advisory committee, general operational provisions of the FHSAA.

³ Bylaws 2.6 (compliance with rules), 3.3.1 (conditions of membership), and 3.5, FHSAA (obligations of membership).

⁴ Bylaw 3.3.1(d), FHSAA.

⁵ *Sult v. Gilbert*, 148 Fla. 31, 35 (1941).

⁶ *Sult*, 148 Fla. at 35; bylaw 2.6, FHSAA.

⁷ For purposes of athletics in public K-12 schools, high school includes grade six through 12. Section 1006.20(1), F.S.

summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary;

- have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year; and
- maintain satisfactory conduct. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.⁸

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and has an enrollment of less than 125 students (Non-FHSAA member private school).⁹

The FHSAA and district school board must adopt guidelines that establish:

- registration deadlines and procedures for each sport; and
- student participation requirements that include, but are not limited to, the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to students attending FHSAA member public and private schools.¹⁰

Effect of Proposed Changes

The bill revises private school student eligibility by allowing a student in a non-FHSAA member private school to participate in interscholastic or intrascholastic activities at the school where the student could choose to attend pursuant to controlled open enrollment provided the school has not reached capacity as determined by the school board.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.15, F.S. relating to student standards for participation in interscholastic and interscholastic extracurricular activities.

Section 2. Provides that the bill takes effect on July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

⁸ Section 1006.15(3)(a), F.S.

⁹ Section 1006.15(8), F.S. A private school that has a student who wishes to participate in a public school athletic program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request by the FHSAA; section 1006.15(3)(c), (d), and (e), F.S.; bylaw 9.2.2.4, FHSAA.

¹⁰ Section 1006.15(8), F.S.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2017, the Education Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment clarifies that private school students are eligible to participate in an interscholastic or intrascholastic sport at a public school pursuant to controlled open enrollment provided the public school has not reached capacity as determined by the school board. The bill analysis is drafted to the committee substitute as passed by the Education Committee.