

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 797 Interscholastic and Intrасcholastic Sports

**SPONSOR(S):** Perry and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee	12 Y, 0 N	Graf	Ahearn
2) PreK-12 Appropriations Subcommittee	13 Y, 0 N	Keith	Heflin
3) Education Committee		Graf	Klebacha

### SUMMARY ANALYSIS

The bill allows a student attending a private middle school or high school to participate in interscholastic or intrасcholastic sports at a public school that is zoned for the physical address at which the student resides if the private school does not offer an athletic program and is not a member of the Florida High School Athletic Association (FHSAA). The bill limits participation in the athletic program to students from non-FHSAA member private schools that have 125 or fewer students in any given year.

Current law allows eligible home school and charter school students to participate in interscholastic extracurricular student activities at assigned public schools pursuant to district controlled open-enrollment policies. These students are subject to the same eligibility requirements as other public school students.

A student attending a private school that is not a member of the FHSAA must meet the same standards of eligibility, code of conduct, and academic performance that apply to other students participating in interscholastic or intrасcholastic sports at a public school or a FHSAA member private school.

The bill also requires the athletic director at each participating FHSAA member public school to maintain student records on eligibility, compliance, and participation for the participating students in the program. The bill provides authority to the FHSAA to request all student-level data from the participating private schools that are not members of their association.

The bill repeals a two-year pilot program involving Bradford County, Duval County, and Nassau County school districts. This program allowed private middle school and high school students to participate in interscholastic or intrасcholastic sports at a public school zoned for the address of the participating student if that private school was not a member of the FHSAA, and did not offer an interscholastic or intrасcholastic athletic program. The pilot program expired at the end of the 2009-2010 academic year.

The fiscal impact on school districts is indeterminate, but, insignificant. See Fiscal Comments.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### **Interscholastic Athletics**

Eligible home school and charter school students may participate in interscholastic extracurricular activities at assigned public schools pursuant to district controlled open-enrollment policies.<sup>1</sup> A student from a charter school may be eligible to participate in these activities at the public school to which the student is assigned according to district school board attendance area policies if such activity is not offered by that charter school.<sup>2</sup> Both home school and charter school students must register with the public school their intent to participate in interscholastic extracurricular activities, and are subject to the same eligibility requirements as other public school students.<sup>3</sup>

To be eligible to participate in interscholastic extracurricular activities, a student must maintain a 2.0 grade point average (GPA) in the semester prior to participation, or a 2.0 cumulative GPA in specified high school courses. If a student's cumulative GPA falls below 2.0 in the specified courses, the student must execute an academic performance contract with the district school board, the Florida High School Athletic Association (FHSAA), and the student's parents. At a minimum, the contract must require the student to attend summer school to improve his or her GPA.<sup>4</sup> A student must also maintain good conduct to remain eligible to participate in interscholastic extracurricular activities. The district school board policy governs the eligibility of a student to participate in these activities if he or she is found to be involved in a felony or delinquent act.<sup>5</sup>

##### **Florida High School Athletic Association (FHSAA)**

The FHSAA is a non-profit organization that governs interscholastic athletic programs in Florida's schools from grades 6 through 12. The organizational structure and governing authority for the FHSAA were established in law in 1997. Unless specifically provided for in law, the FHSAA may adopt bylaws governing athletic participation of member schools and individual student athletes.<sup>6</sup> FHSAA is required to adopt bylaws that include student eligibility, residence, transfer, and recruitment.<sup>7</sup>

##### **Pilot Program**

In 2008, the Legislature identified Bradford County, Duval County, and Nassau County school districts to participate in a two-year pilot program in cooperation with the FHSAA. Middle school and high school students attending a private school were allowed to participate in interscholastic or intrascholastic sports at the public school zoned for the address of the participating student if that private school was not a member of the FHSAA, and did not offer an interscholastic or intrascholastic athletic program. The pilot program was conducted during the 2008-2009 and 2009-2010 academic years.<sup>8</sup> The FHSAA

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<sup>1</sup> Sections 1002.41(4) and 1006.15(3)(c) and (d), F.S. "Interscholastic activities" are limited to high school athletic competitions. Section 1006.20(1), F.S. The Florida High School Athletic Association defines interscholastic contest as "any competition between organized teams of different schools in a sport recognized or sanctioned" by the FHSAA. Florida High School Athletic Association, *Interscholastic Contests*, available at, <http://www.fhsaa.org/about> (last visited March 17, 2011). "Extracurricular" activities include any school-authorized or education-related activity occurring during or outside the regular instructional school day. Section 1006.15(2), F.S.

<sup>2</sup> Section 1006.15(3)(d), F.S.

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

<sup>4</sup> Sections 1006.15(3)(a)(1) and (2) and 1003.43(1), F.S.

<sup>5</sup> Section 1006.15(3)(a)4., F.S.

<sup>6</sup> Section 1006.20(1), F.S.; see also Florida High School Athletic Association, *About the FHSAA*, available at, <http://www.fhsaa.org/about> (last visited March 15, 2011).

<sup>7</sup> Section 1006.20(2), F.S.

<sup>8</sup> Section 1006.15(8)(a), F.S.

reported that 23 students participated in the pilot program. None of the three school districts that participated reported problems with the implementation of the program.<sup>9</sup>

Current law does not allow a student attending a private school that is not a member of the FHSAA to participate in interscholastic extracurricular activities at a public school.

### **Effect of Proposed Changes**

The bill allows a student attending a private middle school or high school to 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 does not offer an interscholastic or intrascholastic athletic program. The bill limits participation in the athletic program to students from non-FHSAA member private schools that have 125 or fewer students in any given year. Schools with more than 125 students typically become members of the FHSAA.<sup>10</sup>

In order to participate in an interscholastic or intrascholastic athletic program, parents of a student attending a private school that is not a member of the FHSAA must register with the assigned public school in writing affirming their intent for their child to participate in a specific sport through the FHSAA program application process. The parents must also be responsible for transporting their child to and from the public school at which the student participates.

A student from a non-FHSAA member private school participating in the athletic program must meet the same standards of eligibility, code of conduct, and academic performance that apply to other students participating in interscholastic or intrascholastic sports at a public school or a FHSAA member private school.<sup>11</sup> In addition, the bill requires these students to remain enrolled at the public school that they first registered to maintain their eligibility for continued participation in the interscholastic or intrascholastic athletic program during each academic year.

The bill also requires the athletic director at each participating FHSAA member public school to maintain student records on eligibility, compliance, and participation for the participating students in the program. Any non-FHSAA member private school that has a student who wishes to participate in this program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request of the FHSAA.

Finally, the bill repeals the two-year pilot program that concluded in 2010.

### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1006.15(8)(a), F.S.; to expand participation in interscholastic or intrascholastic sports to students attending non-FHSAA member private schools; and repeals the two-year pilot program in Bradford County, Duval County, and Nassau County.

**Section 2.** Provides that the bill shall take effect upon becoming a law.

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<sup>9</sup> Letter, Report on the progress of the pilot program pursuant to s. 1006.15, F.S., Florida High School Athletic Association (Dec. 15, 2009).

<sup>10</sup> Telephone interview with staff from the Florida High School Athletic Association (March 18, 2011).

<sup>11</sup> E-mail, Florida High School Athletic Association (March 14, 2011). The FHSAA reported that 218 private schools are currently members of their association. The actual number of non-FHSAA member private middle schools and high schools that do not offer an athletic program, and the number of students who will participate in this program, are unknown.

## 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:

None.

#### 2. Expenditures:

There may be insignificant costs for local schools to maintain and provide the records required by this bill.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The administrative workload associated with the maintenance of student records for eligibility, compliance, and program participation is indeterminate; however, it is not expected to have a significant fiscal impact on the school districts or the FHSAA.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

**Student Athlete Participation:** The bill allows a student attending a non-FHSAA member private school that does not offer an athletic program to participate in interscholastic sports at a public school. Current law already allows home school and charter school students to participate in the program.<sup>12</sup> The FHSAA has established bylaws allowing participation by home school and charter school students in the program.<sup>13</sup> The FHSAA bylaws will need to be amended to reflect the provisions for students attending non-FHSAA member private schools.

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<sup>12</sup> Sections 1002.41(4) and 1006.15(3)(c) and (d), F.S.

<sup>13</sup> Section 3.2.2, Types of Member Schools, *FHSAA Bylaws*, 2010-11 FHSAA Handbook, available at, <http://www.fhsaa.org/rules/fhsaa-handbook>.

**Student Athlete Transfer:** The bill restricts student eligibility to participation in a middle school or high school athletic competition in the school he or she first enrolls each year or practices as a candidate for an athletic team before enrolling in a FHSAA-member school. To the contrary, the FHSAA bylaws governing student transfer allow for exceptions to the transfer regulations. A transfer student may continue to remain eligible to participate in interscholastic athletics if the student moves with a parent or guardian with whom he or she lives to a different attendance area than the school that the student first enrolled in a given year.<sup>14</sup> Irrespective of the FHSAA bylaws, the bill's provisions govern.

**Enforcement of Bylaws:** The FHSAA member schools must comply with all FHSAA bylaws and other rules of the association.<sup>15</sup> The bill provides the FHSAA with authority to request student-level data including, but not limited to, academic, financial, disciplinary, and attendance records from the non-FHSAA member private schools.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

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<sup>14</sup> Section 9.3, Transfer Regulations, *FHSAA Bylaws*, 2010-11 FHSAA Handbook, available at, <http://www.fhsaa.org/rules/fhsaa-handbook>.

<sup>15</sup> Section 3.5.2, Compliance with Rules, *FHSAA Bylaws*, 2010-11 FHSAA Handbook, available at, <http://www.fhsaa.org/rules/fhsaa-handbook>.