

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 859 Extracurricular Activities  
**SPONSOR(S):** Choice & Innovation Subcommittee, Hutson and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 956

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Fudge	Fudge
2) Education Appropriations Subcommittee	12 Y, 0 N	Seifert	Heflin
3) Education Committee		Fudge	Mizereck

### SUMMARY ANALYSIS

The bill increases opportunities for public school students, including those enrolled in full-time virtual education programs, to participate in extracurricular activities. Public school students who attend a public school that does not offer a particular extracurricular activity may participate at any public school that offers the extracurricular activity that the student could choose to attend through district or interdistrict controlled open enrollment, or may develop an agreement to participate at a private school. The student must meet the same student eligibility and participation requirements as other students, and pay any fees required of other students participating in the extracurricular activity. The student must also register his or her intent to participate in the activity at the school before the beginning date of the season for the activity.

The parents of a student who participates in extracurricular activities pursuant to this new requirement must transport the student to and from the school at which the student participates. The public school, the district school board, and the FHSAA are exempt from civil liability arising from any injury that occurs due to such transportation.

The bill also increases the opportunity for private school students who attend a private school that is not a member of the Florida High School Athletic Association (FHSAA) to participate in interscholastic and intrascholastic sports at public schools. Currently, participation is limited to students enrolled in non-FHSAA member private schools with 125 or fewer students that do not offer a sports program. The bill removes this enrollment cap and allows students from any non-FHSAA private schools to participate in intrascholastic or interscholastic sports at a public school if the private school does not offer the specific sport offered at the public school.

The bill does not appear to have a fiscal impact on state or local government.

The bill is effective July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### *Interscholastic Extracurricular Activities*

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day.<sup>1</sup> Such activities include athletics,<sup>2</sup> marching band, chorus, and academic clubs.

##### *Student Eligibility*

To be eligible for participation in interscholastic extracurricular activities, a high school student 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;<sup>3</sup>
- 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 summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary;<sup>4</sup>
- Have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year;<sup>5</sup> and
- Demonstrate satisfactory conduct to be eligible to participate in interscholastic extracurricular activities. 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.<sup>6</sup>

A school district may set additional eligibility requirements, but the requirements must not make participation less accessible to home education students than to other students.<sup>7</sup> An eligible student may participate in high school athletics at the school in which he or she first enrolls each school year or, at the school in which the student becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.<sup>8</sup>

A high school student may be eligible to participate in interscholastic extracurricular activities in the school to which the student has transferred during the school year if the transfer is made by a deadline established by the Florida High School Athletic Association (FHSAA),<sup>9</sup> which may not be prior to the date authorized for the beginning of practice for the sport.<sup>10</sup>

A student who transfers from a charter school or a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular

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<sup>1</sup> Section 1006.15, F.S.

<sup>2</sup> "Interscholastic athletic programs encompass all activities relating to competitive sport contests involving individual students or teams of students from one school against individual students or teams of students from another school. Such activities include, but are not limited to, tryouts, offseason conditioning, summer workouts, preseason conditioning, in-season practice and contests." Section 9.2.1.2 of Bylaw 9.2.1, *FHSAA Handbook*, available at [http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/complete\\_handbook\\_276pgs.pdf](http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/complete_handbook_276pgs.pdf).

<sup>3</sup> Section 1006.15(3)(a)1., F.S.

<sup>4</sup> Section 1006.15(3)(a)2., F.S.

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

<sup>6</sup> Section 1006.15(3)(a)4., F.S.

<sup>7</sup> Section 1006.15(4), F.S.

<sup>8</sup> Section 1006.20(2)(a), F.S.

<sup>9</sup> The FHSAA is the designated governing nonprofit organization of athletics in Florida public schools. Section 1006.20(1), F.S.

<sup>10</sup> Section 1006.20(2)(a), F.S.

activities during the first grading period provided the student has a successful evaluation from the previous school year.<sup>11</sup>

A public or private school student who has not maintained academic eligibility may not participate in interscholastic extracurricular activities as a charter school or a home education student until the student successfully demonstrates educational progress for one grading period.<sup>12</sup>

### *Charter School and Homeschool Student Participation*

A charter school or home education student may participate in interscholastic extracurricular activities at the public school to which the student would be assigned, the public school that the student could choose to attend pursuant to the school district's open enrollment policy, or a private school that the student could choose to attend pursuant to a participation agreement.<sup>13</sup> To be eligible for such participation, a charter school or home education student must:

- Demonstrate educational progress by an agreed upon method of evaluation;<sup>14</sup>
- Meet the same residency requirements as other students in the school;<sup>15</sup>
- Meet the same standards of acceptance, behavior, and performance required of other participating students;<sup>16</sup> and
- Register his or her intent to participate in interscholastic extracurricular activities with the school before the beginning date of the season for the activity for which he or she wishes to participate. The student must be able to participate in curricular activities if such participation is a requirement for an extracurricular activity.<sup>17</sup>

In addition, a home education student must be in a home education program<sup>18</sup> that meets the requirements of Florida law,<sup>19</sup> while a charter school student must meet all of the charter school education program requirements established by the charter school governing board.<sup>20</sup>

### *Private School Student Participation*

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 (non-FHSAA member) and does not offer an interscholastic or intrascholastic athletic program.<sup>21</sup> Only students attending a non-FHSAA member private school with enrollment of 125 or fewer students may participate in a public school athletic program.<sup>22</sup> 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.<sup>23</sup>

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

- Registration deadlines and procedures for each sport;<sup>24</sup> and

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<sup>11</sup> Sections 1006.15(3)(c)6. and 1006.15(3)(d)6., F.S.

<sup>12</sup> Sections 1006.15(3)(c)7. and 1006.15(3)(d)7., F.S.

<sup>13</sup> Sections 1002.41(4) and 1006.15(3)(c), F.S.

<sup>14</sup> Section 1006.15(3)(c)2., F.S.

<sup>15</sup> Section 1006.15(3)(c)3., F.S.

<sup>16</sup> Section 1006.15(3)(c)4., F.S.

<sup>17</sup> Section 1006.15(3)(c)5., F.S.

<sup>18</sup> Sections 1002.01(1) and 1002.41, F.S.

<sup>19</sup> Section 1006.15(3)(c)1., F.S.

<sup>20</sup> Section 1006.15(3)(d)1., F.S.

<sup>21</sup> Section 1006.15(8)(a), F.S.

<sup>22</sup> Section 1006.15(8)(a)1., F.S.

<sup>23</sup> Section 1006.15(8)(e), F.S.

<sup>24</sup> Section 1006.15(8)(a)2.a., F.S.

- 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.<sup>25</sup>

A private school student may only participate at the public school in which the student first registers or is a candidate for participation by engaging in a practice.<sup>26</sup>

The parents of a private school student who participates in athletics at a public school are responsible for transporting the student to and from the public school. The student's private school, the public school where the student participates in athletics, the district school board, and the FHSAA are exempt from liability arising from any injury that occurs during such transportation.<sup>27</sup>

### Effect of Proposed Changes

The bill allows a student who attends a public school, including a student enrolled full-time in a virtual instruction program, the Florida Virtual School, or virtual charter school, that does not offer a particular extracurricular activity to participate at any public school that offers the extracurricular activity that the student could choose to attend through district or interdistrict controlled open enrollment. The student may also develop an agreement to participate at a private school. The student must meet requirements for participation identified above, demonstrate education progress, and meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities and pay any fee required of other students participating in the extracurricular activity. The student must also register with his or her intent to participate in the activity at the school before the beginning date of the season for the activity. A public school student must be able to participate in the curricular activity if it is a requirement for an extracurricular activity. The public school student may choose to participate in the required activity at the school he or she attends or at the school in which he or she participates in the extracurricular activity.

The parents of a student who participates in extracurricular activities pursuant to these new requirements must transport the student to and from the school at which the student participates. The public school, the district school board, and the FHSAA are exempt from civil liability arising from any injury that occurs due to such transportation.

The bill increases the opportunity for private school students who attend a private school that is not a member of the FHSAA to participate in interscholastic and intrascholastic sports at public schools. Currently, participation is limited to students enrolled in non-FHSAA member private schools with 125 or fewer students that do not offer a sports program. The bill removes this enrollment cap and allows students from any non-FHSAA member private schools to participate in intrascholastic or interscholastic sports at a public school if the private school does not offer the specific sport offered at the public school.

### B. SECTION DIRECTORY:

**Section 1:** Amends s. 1002.20, F.S., authorizing public school students, to participate in extracurricular activities at other specified public or private schools.

**Section 2:** Amends s. 1006.15, F.S., authorizing public school students, including those in full-time virtual education programs, to participate in extracurricular activities at any public school that offers the extracurricular activity that the student could choose to attend through district or interdistrict controlled open enrollment, establishing criteria for participation, and rendering the public school, district school board and the FHSAA exempt from civil liability from any injury that occurs to the student during transportation of the student by the parents.

**Section 3:** Establishes an effective date of July 1, 2013.

<sup>25</sup> Section 1006.15(8)(a)2.b., F.S.

<sup>26</sup> Section 1006.15(8)(c), F.S.

<sup>27</sup> Section 1006.15(8)(b), F.S.

## **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:**

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:**

None.

#### **2. Other:**

None.

### **B. RULE-MAKING AUTHORITY:**

None.

### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

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

On March 20, 2013, the Choice & Innovation Subcommittee reported HB 859 favorable as a committee substitute. The committee adopted a strike-all amendment that provides public school students, including those enrolled full-time in a virtual instruction program, virtual charter school, or the Florida Virtual School, the opportunity to participate in an extracurricular activity at a private school, through an agreement with the private school, or another public school the student could choose pursuant to district or interdistrict controlled open enrollment. It also required such students participating in extracurricular activities to pay any fees required of other students participating in the extracurricular activity.

The analysis is drafted to the committee substitute.

