

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 533 Student Eligibility for Extracurricular Activities
SPONSOR(S): Choice & Innovation Subcommittee; Diaz, Jr. and Saunders
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee	13 Y, 0 N	Seifert	Heflin
3) Education Committee	17 Y, 0 N	Beagle	Mizereck

SUMMARY ANALYSIS

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day. The law specifies general academic and personal conduct requirements for student participation in extracurricular activities. The law and Florida High School Athletics Association (FHSAA) bylaws generally state that a student is eligible to participate in athletics at the school in which he or she first enrolls each school year; first makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in the school; or transfers during the school year. These general rules are tailored to students attending traditional public schools and private schools that offer their own athletics programs. Florida law and FHSAA bylaws also address athletic eligibility for students enrolled in educational choice options that offer limited or no athletic programs. Such opportunities are provided for home education, Florida Virtual School (FLVS), charter school, and FHSAA non-member private school students and students in district-operated alternative schools or schools of choice. Generally speaking, the participation provisions for each type of student vary as to the district public schools at which a student may seek to participate and the activities in which the student may seek to participate.

The bill broadens the definition of "extracurricular activities" to clearly indicate that the term includes athletics as well as all other types of extracurricular activities, e.g., fine and performing arts. Generally speaking, the bill minimizes variations in the participation requirements for students enrolled in schools and educational choice options that offer limited or no extracurricular activities. The bill adds provisions enabling participation at another public school by certain public school students and students enrolled in a school district virtual instruction program (VIP) or virtual charter school (VCS). Under the bill, students enrolled in home education; a charter school; the FLVS; a VIP; a VCS; or any public school, including an alternative school or magnet school, may participate in any particular extracurricular activity not offered by his or her school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies. District school board eligibility policies must evenly apply to all students, including transfer students, regardless of the extracurricular activity in which he or she participates. Additionally, the bill expands the ability of FHSAA nonmember private school students to participate in athletics at public schools. Such a student may participate in any sport not offered by his or her private school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies.

Florida law requires a uniform preparticipation physical evaluation form be used to elicit a student's medical history and to conduct a physical assessment of the student's physical capabilities used to participate in athletic competition. This form must advise a student to complete a cardiovascular assessment. The bill requires the preparticipation physical evaluation form to advise a student to complete an electrocardiogram as part of the suggested cardiovascular assessment. Further, the bill requires FHSAA to make literature available to parents on the importance of a preparticipation cardiovascular assessment that includes an electrocardiogram.

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

Provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Extracurricular Participation

Present Situation

Interscholastic extracurricular activities are school-authorized athletic or education-related activities for students that occur during or outside of the regular instructional school day.¹ Such activities include athletics,² 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;³
- 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;⁴
- Have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year;⁵ 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.⁶

The Florida High School Athletic Association (FHSAA) is the designated governing nonprofit organization of athletics in Florida public schools. Generally speaking, a student is eligible to 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.⁷ FHSAA bylaws must allow athletic eligibility for mid-year transfer students if the transfer is made by a deadline established by FHSAA, which may not be prior to the date authorized for the beginning of practice for a particular sport.⁸ However, FHSAA bylaws authorize member schools to adopt eligibility requirements that are more stringent than the bylaws.⁹ Some school districts have adopted eligibility policies that impose wait times or other barriers to transfer student eligibility for athletics, while imposing no barriers to transfer student participation in nonathletic activities.¹⁰

¹ Section 1006.15, F.S.

² "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. FHSAA's bylaws may be found in the FHSAA Handbook, *available at* http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/13-14_handbook.pdf.

³ Section 1006.15(3)(a)1., F.S.

⁴ Section 1006.15(3)(a)2., F.S.

⁵ Section 1006.15(3)(a)3., F.S.

⁶ Section 1006.15(3)(a)4., F.S.

⁷ Section 1006.20(2)(a), F.S.

⁸ Section 1006.20(2)(a), F.S.

⁹ Section 9.1.1.1 of bylaw 9.1, FHSAA.

¹⁰ *See, e.g.*, Policy 8.801, Bay County School Board and Policy 4.43, Clay County School Board.

Eligibility and School Choice

Currently, the law enables a student enrolled in home education, the Florida Virtual School (FLVS), a charter school, or a FHSAA nonmember private school to participate in certain extracurricular activities at another public school in his or her home school district. Although not addressed in law, FHSAA has also adopted a bylaw enabling participation in interscholastic athletics by students enrolled in an alternative school or magnet school. Generally speaking, the participation provisions for each type of student vary as to which district public schools a student may seek to participate and the activities in which the student may seek to participate.

Home Education and Florida Virtual School Student Participation

A home education student or FLVS student may participate in any sport at any public high school for which the student is zoned or could attend through district or interdistrict controlled open enrollment provisions.¹¹ A home education student may also develop an agreement to participate at a private school.¹²

Charter School Student Participation

A charter school student may participate in any sport that is not offered by the charter school, even if the charter school offers other sports, at any public high school for which the student is zoned or could attend through district or interdistrict controlled open enrollment provisions.¹³

Public School of Choice and Alternative School Student Participation

While not addressed by statute, the FHSAA has adopted policies and bylaws enabling students who attend a public school of choice or alternative school to participate in athletics. A student who attends such a school may participate in any sport at a public high school, but only if his or her school does not offer any sports programs.¹⁴ Such a student may participate at any public school for which the student is zoned or could attend through district controlled open enrollment provisions.¹⁵

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 and does not offer an interscholastic or intrascholastic athletic program.¹⁶ Only students attending a FHSAA nonmember private school with enrollment of 125 or fewer students may participate in a public school athletic program.¹⁷ 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.¹⁸

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.¹⁹

Effect of Proposed Changes

¹¹ Section 1006.15(3)(c), F.S.; Section 1106.15(3)(e), F.S.

¹² Section 1006.15(2)(c), F.S.

¹³ Section 1006.15(3)(d), F.S.

¹⁴ Policy 16.6.1.5 of the FHSAA.

¹⁵ Bylaw 9.2.2.4, FHSAA.

¹⁶ Section 1006.15(8)(a), F.S.

¹⁷ Section 1006.15(8)(a)1., F.S.

¹⁸ Section 1006.15(8)(c), F.S.

¹⁹ Section 1006.15(8)(b), F.S.

The bill broadens the definition of “extracurricular activities” to clearly indicate that the term includes athletics as well as all other types of extracurricular activities, e.g., fine and performing arts. In effect, this change clarifies that the special eligibility provisions in law for home education, charter school, virtual education, and public school students apply to all extracurricular activities, not just athletics.

Generally speaking, the bill revises eligibility requirements for students enrolled in various educational options to minimize variations regarding the public schools at which a student may seek to participate and the activities in which the student may seek to participate. Among other things, the bill adds provisions enabling participation at another public school by certain public school students and students enrolled in a school district virtual instruction program (VIP) or virtual charter school (VCS). Under the bill, students enrolled in home education; a charter school; the FLVS; a VIP; a VCS; or any public school, including an alternative school or magnet school, may participate in any particular extracurricular activity not offered by his or her school at any public school in his or her home school district or a public school in another school district pursuant to interdistrict controlled open enrollment policies. The bill retains the ability of home education students to develop an agreement to participate at a private school.

The parents of a student who participates in extracurricular activities pursuant to these 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. The bill allows such students to participate in any sport not offered by the private school at any public school his or her home school district or a public school in another district pursuant to interdistrict controlled open enrollment.

The bill requires district school board policies to evenly apply eligibility requirements, including the eligibility of transfer students, to all students regardless of the extracurricular activity. The bill also prohibits the FHSAA from establishing a transfer deadline prior to the first day of the grading period in which regular season games begin, if the date authorized for practice is prior to the first day of such grading period. Thus, students who delay transfer until the end of the grading period for academic reasons will not be penalized.

Physical Evaluation

Present Situation

Among other things, the FHSAA is required to adopt bylaws requiring students participating in athletics to satisfactorily pass an annual medical evaluation.²⁰ FHSAA bylaws require each student to undergo a physical evaluation each year prior to participation in interscholastic athletic programs.²¹ The completed physical evaluation form must be on file in the school before a student participates in an activity related to interscholastic athletic programs.²² The physical evaluation must be completed by either a licensed physician, a licensed osteopathic physician, a licensed chiropractic physician, a licensed physician assistant or a certified advanced registered nurse practitioner.²³

According to Florida law, these bylaws must require a uniform preparticipation form be used to elicit a student’s medical history and to conduct a physical assessment of the student’s physical capabilities used to participate in athletic competition.²⁴ This evaluation form must:

²⁰ Section 1006.20(1) and (2), F.S.

²¹ Bylaw 9.7.1, FHSAA.

²² Bylaw 9.7.2, FHSAA.

²³ *Id.* Florida law requires the evaluation to be administered by a practitioner licensed under chapter 458, chapter 459, chapter 468, or s. 464.012. Section 1006.20(2)(c), F.S.

²⁴ Section 1006.20(2)(c), F.S.

- Incorporate the recommendations of the American Heart Association for participation cardiovascular screening.²⁵
- Provide a place for the practitioner's signature indicating the completion of each examination procedure listed on the form.²⁶
- Include a place for the referral of a student to another practitioner and subsequent completion of examination procedures by the new practitioner.²⁷
- Advise a student to complete a cardiovascular assessment.²⁸

A routine electrocardiogram costs around \$35, including both technical costs and the cost of a physician's interpretation of the test results.²⁹ An exercise stress test involving an electrocardiogram costs around \$151.³⁰ The results of these tests could lead to further medical testing, which could involve additional costs.³¹

Effect of Proposed Changes

The bill requires that the preparticipation physical evaluation form advise a student to complete an electrocardiogram as part of the suggested cardiovascular assessment. Further, the bill requires the FHSAA to make available to parents literature on the importance of a preparticipation cardiovascular assessment that includes an electrocardiogram.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.33, F.S., relating to charter schools.

Section 2. Amends s. 1006.15, F.S., relating to student eligibility for extracurricular activities.

Section 3. Amends s. 1006.20, F.S., revising requirements for the bylaws of the Florida High School Athletic Association.

Section 4. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

²⁵ *Id.* A 2012 advisory report from the American Heart Association advances underlying principles for screening strategies that suggest a "successful screening program will require extensive planning and will not be able to eliminate sudden cardiac deaths completely," "[a]ny broad screening strategy should be widely supported and available to all children," "pilot screening programs must track their performance," "[p]ediatric cardiovascular specialists need to be included in strategies that look to identify cardiac disease so that any enhanced screening strategies are practical in terms of manpower and integrate well into the current practice of identifying children thought to be at increased risk for arrhythmia, ischemia, or sudden death events," and "secondary prevention of sudden death with training of cardiopulmonary resuscitation and deployment of automatic external defibrillators must be emphasized." American Heart Association, *Key Concepts in the Evaluation of Screening Approaches for Heart Disease in Children and Adolescents: A Science Advisory from the American Heart Association* (2012), available at <http://circ.ahajournals.org/content/early/2012/04/30/CIR.0b013e3182579f25.full.pdf>.

²⁶ Section 1006.20(2)(c), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Healthcare Bluebook, *Electrocardiogram*, https://www.healthcarebluebook.com/page_Results.aspx?id=189&dataset=MD&g=Electrocardiogram (last visited Feb. 3, 2014). This is the fair price that Healthcare Bluebook calculates based on the price providers typically accept from insurance companies. The price may vary by geographical area. *Id.*

³⁰ *Id.*

³¹ American Heart Association, *Recommendations and Considerations Related to Preparticipation Screening for Cardiovascular Abnormalities in Competitive Athletes: 2007 Update: A Scientific Statement From the American Heart Association Council on Nutrition, Physical Activity, and Metabolism: Endorsed by the American College of Cardiology Foundation* (2007), p. 1649, available at <http://circ.ahajournals.org/content/115/12/1643.full.pdf>.

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be an indeterminate impact on the private sector if students elect to undergo a cardiovascular assessment that includes an electrocardiogram.

D. FISCAL COMMENTS:

None.

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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 11, 2014, the Choice & Innovation Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment added provisions:

- Specifying that students enrolled in home education, virtual education, charter schools, alternative schools, magnet schools, and traditional public schools may participate in extracurricular activities not offered by their school at any public school in their school district of residence or at a public school in another school district pursuant to interdistrict controlled open enrollment policies.
- Clarifying that this expanded participation includes interscholastic athletics, as well as intramural sports, fine and performing arts activities, academic teams, and similar activities.
- Revising existing law enabling students enrolled in a FHSAA nonmember private school to participate in athletics at their zoned public school to allow them to participate at any public

school in their school district of residence or at a public school in another school district pursuant to interdistrict controlled open enrollment policies.

- Prohibiting school boards from adopting eligibility policies that treat students differently, especially transfer students, based upon the activity in which they seek participation.
- Revising the transfer eligibility deadline so that students who delay transfer for academic reasons are not penalized.

This bill analysis is drafted to the committee substitute.