

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 259 Interscholastic Extracurricular Activities

SPONSOR(S): Choice & Innovation Subcommittee, Brackett and others

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 190

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

CS/HB 259 passed the House on April 20, 2023, as CS/SB 190. Part of the bill also passed the House and Senate in CS/CS/HB 225 on May 4, 2023.

To expand opportunities for Florida's students to participate in interscholastic extracurricular activities, the bill provides charter school students and Florida Virtual School (FLVS) full-time students with the same opportunity afforded to home education students under current law. The bill authorizes a charter school student to develop an agreement with a private school to participate in interscholastic extracurricular activities at the private school if the activity is not offered at the charter school that the student attends and the student meets existing conditions for participation as provided for by law. Similarly, the bill authorizes a FLVS full-time student to develop an agreement with a private school to participate in interscholastic extracurricular activities at the private school if the student meets existing conditions for participation as provided for by law.

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

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Student Extracurricular Activities and Athletics

Florida law outlines numerous standards and requirements relating to student extracurricular activities and athletics.¹ Current law provides that “eligible to participate,” for purposes of extracurricular activities and athletics, includes a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests.² Additionally, a student must satisfy the following requirements to be deemed eligible to participate:³

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for a standard high school diploma.
- Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student’s parents, if the student’s cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required for a standard high school diploma.⁴
- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for a standard high school diploma during their junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct.⁵

Any student who is exempt from attending a full school day based on rules adopted by the district school board must maintain the grade point average required of full school day students and pass each class for which he or she is enrolled.⁶

Any entity that governs interscholastic extracurricular activities of public schools is prohibited from discriminating against any eligible student based on their education choice of public, private, or home education.⁷ No public school may join an organization that regulates interscholastic activities and discriminates against otherwise eligible students in public, private, or home education.⁸

Home Education Student’s Participation in Extracurricular Activities

Current law permits a home education program student to participate in extracurricular activities at the public school to which the student would be assigned according to district school board attendance area policies, any public school that the student could choose to attend pursuant to Florida’s controlled open enrollment processes, or a private school, subject to an agreement with that private school.⁹ A home education program student’s participation is subject to the following conditions:¹⁰

¹ See ch. 1006, pt. 1, s. D, F.S.

² Section 1006.15(3)(a), F.S.

³ *Id.*

⁴ Any such academic performance contract must, at a minimum, require that the student attend summer school between grades 9 and 10 or grades 10 and 11, as appropriate. Section 1006.15(3)(a)2., F.S.

⁵ Continued participation in extracurricular activities by a student convicted of a felony or a delinquent act that would be a felony if committed by an adult, regardless of whether adjudication is withheld, shall be governed by published school district policies. Section 1006.15(3)(a)4., F.S.

⁶ Section 1006.15(3)(b), F.S. Examples of such programs include double session schools or programs, experimental schools, or schools operating under emergency conditions.

⁷ Section 1006.15(5), F.S.

⁸ Section 1006.15(6), F.S.

⁹ *Id.*

¹⁰ *Id.*

- The home education student satisfies the requirements of Florida’s home education program.
- Demonstrates educational progress.
- The home education student meets the same residency requirements as other students in the school at which he or she participates.
- The home education student meets the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.
- The student registers with the school his or her intent to participate in interscholastic extracurricular activities before participation.¹¹

Charter School Student’s Participation in Extracurricular Activities

A student attending a public charter school may participate in any interscholastic extracurricular activity at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to Florida’s controlled open enrollment processes, provided that the activity is not offered by the charter school the student attends, if the student:¹²

- Meets the requirements of the charter school education program as determined by the charter school governing board.
- Demonstrates educational progress.
- Meets the same residency requirements as other students in the school at which he or she participates.
- Meets the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.
- Registers his or her intent to participate in interscholastic extracurricular activities with the school before participation.¹³

Charter school students are neither expressly authorized nor prohibited from entering into agreements with private schools to participate in interscholastic extracurricular activities. However, because home education students are expressly authorized to enter into such agreements, the statute has been interpreted to prohibit use of these agreements by charter school students.

Florida Virtual School Student’s Participation in Extracurricular Activities

A student of the Florida Virtual School (FLVS) full-time program may participate in any interscholastic extracurricular activity at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to Florida’s controlled open enrollment processes, if the student:¹⁴

- During the period of participation at the school, meets the grade point average and student conduct requirements generally required for students to be “eligible to participate.”
- Meets any requirements established by the board of trustees of the FLVS.
- Meets the same residency requirements as other students in the school at which he or she participates.
- Meets the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.
- Registers his or her intent to participate in interscholastic extracurricular activities with the school before participation.¹⁵

¹¹ The school at which the home education program student participates in an extracurricular activity must permit the student to participate in any curricular activities necessary for full participation in the extracurricular activity. Section 1006.15(3)(c)5., F.S.

¹² Section 1006.15(3)(d), F.S.

¹³ The school at which the charter school student participates in an extracurricular activity must permit the student to participate in any curricular activities necessary for full participation in the extracurricular activity. Section 1006.15(3)(d)5., F.S.

¹⁴ Section 1006.15(3)(e), F.S.

¹⁵ The school at which the FLVS student participates in an extracurricular activity must permit the student to participate in any curricular activities necessary for full participation in the extracurricular activity. Section 1006.15(3)(e)5., F.S.

As with charter school students, FLVS full-time program students are neither expressly authorized nor prohibited from entering into agreements with private schools to participate in interscholastic extracurricular activities and, therefore, due to the authorization provided to home education students, the statute would be interpreted to prohibit use of these agreements by FLVS full-time program students.

Effect of the Bill

The bill provides an additional option for a charter school student to participate in interscholastic extracurricular activities. The bill authorizes a charter school student to develop an agreement with a private school to participate in interscholastic extracurricular activities at the private school if the activity is not offered at the charter school that the student attends and the student meets existing conditions for participation as provided for by law. Additionally, the bill authorizes a FLVS full-time program student to develop an agreement with a private school to participate in interscholastic extracurricular activities at the private school if the student meets existing conditions for participation as provided for by law.

The bill does not require a private school to enter into such an agreement, but simply authorizes a charter school student or FLVS full time program student to create such an agreement. This additional option for charter school students and FLVS students mirrors the existing opportunities afforded to Florida’s home education students.

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:

Subject to the terms of the agreement between the charter school student or FLVS full-time program student and the private school, the student may be responsible for participation, equipment, or other similar fees required by the private school for participation in interscholastic extracurricular activities.

