



Interscholastic Extracurricular Activities and High School Athletics

What are 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.¹ Such activities include athletics, marching band, chorus, and academic clubs.

What requirements must a student meet to be eligible to participate in interscholastic extracurricular activities?

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.²
- ❖ Have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year.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.⁴ 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.⁵
- ❖ Demonstrate satisfactory conduct to be eligible for participation 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

¹ Section 1006.15(2), F.S.

² Section 1006.15(3)(a)1., F.S. Section 1006.15(3)(a)1., F.S., only references the required grade point average with regard to the courses required for high school graduation under s. 1003.43(1), F.S., which applies to students who entered high school before the 2007-08 academic year. Section 1003.428, F.S., applies to students entering high school in the 2007-08 academic year and thereafter and s. 1003.429, F.S., applies to students entering high school in the 2006-07 academic year and thereafter.

³ Section 1006.15(3)(a)3., F.S.

⁴ An academic performance contract must also be executed and fulfilled if the student entered 9th grade prior to the 1997-98 academic year, if the student's GPA falls below 2.0, or its equivalent, in the courses required for graduation and were taken after July 1, 1997. Section 1006.15(3)(a)2., F.S.

⁵ Section 1006.15(3)(a)2., F.S.

⁶ Section 1006.15(3)(a)4., F.S.

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.⁷ With regard to interscholastic athletics, Florida law further specifies that a high school student may only be eligible to participate at the school in which he or she first enrolls each school year, or becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.⁸

What are the eligibility requirements for home education students who want to participate in interscholastic extracurricular activities?

A 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 open enrollment provisions, or a private school that the student could choose to attend pursuant to a participation agreement.⁹ To be eligible for such participation, a home education student must:

- ❖ Be in a home education program¹⁰ that meets the requirements of Florida law.¹¹
- ❖ Demonstrate educational progress by an agreed upon method of evaluation.¹²
- ❖ Meet the same residency requirements as other students in the school.¹³
- ❖ Meet the same standards of acceptance, behavior, and performance required of other participating students.¹⁴
- ❖ 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. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.¹⁵

A student who transfers from 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 activities during the first grading period provided the student has a successful evaluation from the previous school year.¹⁶

A public or private school student who has not maintained academic eligibility may not participate in interscholastic extracurricular activities as a home education student until the student successfully demonstrates educational progress in a home education program for one grading period.¹⁷

⁷ Section 1006.15(4), F.S.

⁸ Section 1006.20(2)(a), F.S.

⁹ Section 1006.15(3)(c), F.S.

¹⁰ Sections 1002.01 (1) and 1002.41, F.S.

¹¹ Section 1006.15(3)(c), 1., F.S.

¹² Section 1006.15(3)(c), 2., F.S.

¹³ Section 1006.15(3)(c), 3., F.S.

¹⁴ Section 1006.15(3)(c), 4., F.S.

¹⁵ Section 1006.15(3)(c)5., F.S.

¹⁶ Section 1006.15(3)(c)6., F.S.

¹⁷ Section 1006.15(3)(c)7., F.S.

What are the eligibility requirements for charter school students who want to participate in interscholastic extracurricular activities?

A charter school student may participate in interscholastic extracurricular activities at the public school to which the student would be assigned or the public school that the student could choose to attend pursuant to open enrollment provisions, unless such activities are offered by the student’s charter school.¹⁸ To be eligible for such participation, a charter school student must:

- ❖ Meet all of the charter school education program requirements established by the charter school governing board.¹⁹
- ❖ Demonstrate educational progress by maintaining the same GPA required for other students in the school at which he or she participates.²⁰
- ❖ Meet the same residency requirements as other students in the school.²¹
- ❖ Meet the same standards of acceptance, behavior, and performance required for other participating students.²²
- ❖ 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. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.²³

A student who transfers from a charter school program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year.²⁴

A public or private school student who has not maintained academic eligibility may not enroll in a charter school and then participate in interscholastic extracurricular activities as a charter school student until the student successfully demonstrates educational progress in a charter school for one grading period.²⁵

What entity oversees interscholastic athletics programs?

In 1997, the Legislature statutorily created the Florida High School Activities Association (FHSAA) to govern public high school athletic programs and defined “high schools,” for purposes of the interscholastic athletics program, to include grades six through 12.²⁶ The law also authorized nonpublic schools that wished to compete with a public high school to become a member of the organization.²⁷

¹⁸ Section 1006.15(3)(d), F.S.

¹⁹ Section 1006.15(3)(d)1., F.S.

²⁰ Section 1006.15(3)(d)2., F.S.

²¹ Section 1006.15(3)(d)3., F.S.

²² Section 1006.15(3)(d)4., F.S.

²³ Section 1006.15(3)(d)5., F.S.

²⁴ Section 1006.15(3)(d)6., F.S.

²⁵ Section 1006.15(3)(d)7., F.S.

²⁶ Section 1, ch. 97-53, L.O.F., *codified at* s. 232.60 (1997), F.S.

²⁷ *Id.*

In 2003, the Legislature changed the name of the association to the Florida High School Athletic Association.²⁸ The FHSAA is not a state agency, but is assigned quasi-governmental functions.²⁹ If the FHSAA fails to meet its obligations and responsibilities, then the Commissioner of Education is directed to designate a nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education.³⁰

The FHSAA operates as a representative democracy in which the sovereign authority is within the member schools.³¹ FHSAA member schools are divided along existing county lines into four administrative regions. Each region contains approximately the same number of member schools.³² Each member school appoints an official representative to the organization who must be the principal, an assistant principal, or an in-house athletic director.³³ Its governance structure consists of a 16-member board of directors,³⁴ a representative assembly,³⁵ a public liaison advisory committee,³⁶ and a committee on appeals.³⁷ Florida law dictates the composition of each body.³⁸

What are member schools and approved nonmember schools?

All public and private schools are required to submit an application and pay an application fee to be considered for membership into the FHSAA.³⁹ Annually, the FHSAA Board of Directors determines which schools will be granted membership.⁴⁰

A “member school”⁴¹ is a senior high school, middle or junior high school, a combination

²⁸ Section 2, ch. 2003-129, L.O.F., *codified at* s. 1006.20, F.S.

²⁹ Section 1006.20(1), F.S.

³⁰ *Id.*

³¹ Section 1006.20(3)(a), F.S.

³² Section 1006.20(3)(c), F.S.

³³ Section 1006.20(3)(b), F.S.

³⁴ Section 1006.20(4), F.S.

³⁵ Section 1006.20(5), F.S.

³⁶ Section 1006.20(6), F.S. The Public Liaison Advisory Committee is required to conduct an annual evaluation of the FHSAA and report its findings, conclusions, and recommendations to the FHSAA Board of Directors, the Commissioner of Education, and to the respective education committees of the Florida Senate and the Florida House of Representatives. Section 1006.20(6)(d)3., F.S.

³⁷ Section 1006.20(7), F.S.

³⁸ Section 1006.20(4), (5), (6), and (7), F.S.

³⁹ For the 2010-11 academic year, the application fee for a first-time member is \$150, which is nonrefundable and applied toward the school’s first-year membership dues if the school is admitted to membership. FHSAA, 2009-10 FHSAA Handbook, Policy 9, Financial Policies, s. 9.2.2 *Membership Fees*, at 100 (Aug. 2009), [hereinafter FHSAA Handbook] available at http://www.fhsaa.org/rules/handbook/0910_handbook.pdf.

⁴⁰ FHSAA Handbook, *supra* note 41, Constitutional Bylaw, Article 3, s. 3.7, *Procedures for Admittance and Election To Membership*, at 23.

⁴¹ As of July 1, 2009, there were 778 FHSAA member schools. FHSAA Handbook, *supra* note 41, *Listing of Full Member Schools*, at 189.

school,⁴² or home education cooperative⁴³ that is provisionally admitted or elected to membership in the FHSAA.⁴⁴ The term “member school” also refers to a school’s administration, faculty, athletic staff, student-athletes, student body, and any other individual or group engaged in activities representing, supporting or promoting the athletic interests of the school.⁴⁵

An “approved nonmember school” is not a member of the FHSAA, but has the opportunity to compete against FHSAA member schools. While schools within this category do not have the rights and privileges of membership, they are required to comply with all FHSAA bylaws and rules. The approved nonmember status is optional and available to any private school or home education cooperative that does not qualify for FHSAA membership or does not want to become a member of the FHSAA, but wants to compete against FHSAA member schools.⁴⁶ The approved nonmember option will be eliminated following the 2010-11 academic year and only current nonmember schools may submit an application for membership.⁴⁷

Do students who wish to participate in interscholastic athletic activities have to pass a medical evaluation prior to participation?

Yes. A student wishing to participate⁴⁸ in interscholastic athletic activities must satisfactorily pass an annual medical evaluation administered by a licensed medical practitioner. The evaluation must indicate that the student is physically capable of participating in interscholastic athletic competition.⁴⁹

A student may participate in interscholastic athletics without undergoing a medical evaluation if his or her parent files a written objection stating the evaluation conflicts with the student’s religious beliefs. In such case, a person or entity in a position to rely on medical evaluation results may not be held liable for the injury or death of a student during an interscholastic athletic activity, which results from a medical condition that would have been detected by an evaluation.⁵⁰

⁴² A “combination school” is any traditional public school, charter school, private school, or university laboratory school that instructs students in both middle or junior high school grades and/or senior high school grades under the direction of a single principal. FHSAA Handbook, *supra* note 41, Constitutional Bylaw, Article 3, s. 3.2.3.3, at 18.

⁴³ A “home education cooperative” is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6 through 12. FHSAA Handbook, *supra* note 41, Constitutional Bylaw, Article 3, s. 3.2.3.4, at 18.

⁴⁴ FHSAA Handbook, *supra* note 41, Constitutional Bylaw, Article 3, s. 3.2.1, at 17.

⁴⁵ *Id.*

⁴⁶ FHSAA, FHSAA Membership Services, *Approved Nonmember School*, <http://www.fhsaa.org/membership/> (last visited June 1, 2010).

⁴⁷ *Id.*

⁴⁸ During the 2008-09 academic year, 242, 353 students in grades 9 through 12 participated in athletics. http://www.fhsaa.org/programs/participation/2008_09.asp (last visited June 2, 2010).

⁴⁹ Section 1006.20(2)(c), F.S.

⁵⁰ Section 1006.20(2)(d), F.S.

May student athletes be tested for anabolic steroid use?

Yes. Federal law authorizes school districts to conduct student testing for drugs including anabolic steroids.⁵¹ In the past, Florida school districts have exercised local authority in determining whether to implement student drug testing programs, but few districts have conducted such programs.⁵²

In 2007, the Legislature enacted and funded a one-year, statewide, random, anabolic steroid testing pilot program for high school athletes participating in regular and postseason football, baseball, and weightlifting programs governed by the FHSAA.⁵³ The legislation:

- ❖ Required the FHSAA to administer the program during the 2007-2008 school year.
- ❖ Provided that both public and private schools had to participate in the steroid testing program as a prerequisite to membership in the FHSAA.
- ❖ Specified testing requirements, penalties for positive tests, and challenge and appeal procedures.
- ❖ Required the FHSAA to submit a report on the program's results to the Legislature by October 1, 2008.⁵⁴ The report must include statistics on the number of students tested; the number of positive tests; the number of challenges and appeals; and the costs to implement the program.⁵⁵

The FHSAA prohibits the use of anabolic steroids or other performance-enhancing drugs by student athletes and the use of such substances is considered unsportsmanlike conduct. A student athlete found to be using anabolic steroids or other performance-enhancing drugs is ineligible to compete in any interscholastic contest until medical evidence provides that the student's system is free of such substances.⁵⁶

⁵¹ 20 U.S.C. s. 7131; see ss. 1001.32(2) and 1001.41(5), F.S.

⁵² OPPAGA, *Progress Report: Steroid Education Programs Are Available, But Most School Districts Still Do Not Test*, Report No. 07-25, at 2 and 4 (Apr. 2007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0725rpt.pdf>.

⁵³ Chapter 2007-192, L.O.F., created subsection (10) of s. 1006.20, F.S., related to random drug testing in certain athletic programs in public and private schools, and included an automatic repeal date of October 2, 2008, unless the provision was reviewed and saved from repeal through reenactment by Legislature. Subsection (10) of s. 1006.20, F.S., was later repealed by s. 23, ch. 2009-20, L.O.F.

⁵⁴ The FHSAA contracted with the National Center for Drug Free Sport (Center) to administer the testing program and on September 1, 2008, the FHSAA submitted its report to the Legislature. According to the report, the Center selected 600 student athletes for testing in 53 high schools. Of the 600 student athletes tested for steroids, one individual tested positive and there were no challenges to the results. The cost to test each student athlete was \$166.25. The FHSAA expended \$99,750 of the \$100,000 appropriated by the Legislature for testing student athletes. All administrative costs associated with the testing program were funded by the FHSAA. FHSAA, *Report to Florida Legislature and Florida Department of Education on 2007-08 F.S. 1006.20 Random Drug Testing Program*, at 3 and 6 (Sept. 1, 2008), Report of Random Steroid Testing.pdf. Document received by email from FHSAA staff on June 2, 2010.

⁵⁵ Chapter 2007-192, L.O.F.

⁵⁶ FHSAA Handbook, *supra* note 41, Policy 31, Policy on the Use of Alcohol, Tobacco and Other Substances, s. 31.2, at 153.

What is the state law and FHSAA policy regarding the recruitment of student athletes?

Florida law requires the FHSAA to adopt bylaws prohibiting the recruitment of student athletes.⁵⁷ Currently, the bylaws prohibit member schools from recruiting student athletes for athletic purposes.⁵⁸ “Athletic recruiting” is “any effort by a school employee, athletic department staff member, or representative of a school’s athletic interests to pressure, urge or entice a student to attend that school for the purpose of participating in interscholastic athletics.”⁵⁹ The bylaws set forth specific behaviors that constitute recruiting,⁶⁰ as well as identify persons who are considered to represent a school’s athletic interests.⁶¹

Under the bylaws, when a student athlete transfers schools for any reason after beginning the ninth grade, the student and the student’s parent must sign an affidavit certifying their compliance with the FHSAA’s recruiting policy. The affidavit must be accompanied by an explanation of the FHSAA recruiting policy, including the penalties for violating the policy or making a false statement on the affidavit. The student will not be eligible to participate in interscholastic athletic competition until the student’s new school submits the affidavit to the FHSAA.⁶²

A member school may be penalized for recruiting actions taken by its employees, boosters, or other individuals closely associated with the school. Possible penalties include mandatory forfeiture of contests and awards won, public reprimand, fines, probation, prohibition from participation in certain competitions or sports, and expulsion or restricted membership in the FHSAA for a period of one or more years.⁶³

May students enrolled at a private school that does not offer athletic programs participate in athletics at a public school?

Yes, but only in Bradford, Duval, and Nassau Counties. The 2008 Legislature established a pilot program in these school districts for the 2008-09 and 2009-10 academic years that enabled

⁵⁷ Section 1006.20(2)(b), F.S. In 2006, the Legislature created the Student Athlete Recruiting Task Force, staffed by OPPAGA, to study the problem of recruiting among FHSAA member schools and to review the FHSAA’s revised bylaws on student athlete residence and transfer. The task force was comprised of proponents and opponents of the revised bylaws and required to submit recommendations that preserved the right of parental right to school choice while protecting the integrity of Florida’s interscholastic programs. OPPAGA was also directed to conduct an independent review of secondary school recruiting violations among FHSAA member schools. The task force’s final report was submitted to the Governor and Legislature and the FHSAA subsequently amended its bylaws to reflect the recommendations. Chapter 2006-14, L.O.F.; OPPAGA, Public and Private Schools Had About the Same Number of Student Athlete Recruiting Violations, (Oct. 2006), *available at* <http://www.oppaga.state.fl.us/Monitor/Docs/reports/pdf/0665rpt.pdf>; The Student Athlete Recruiting Task Force, *Final Report of the Student Athlete Recruiting Task Force* (Dec. 2006), Student Athlete Recruiting Task Force Final Report.pdf. Report received from OPPAGA staff by email on June 3, 2010.

⁵⁸ FHSAA Handbook, *supra* note 41, Operational Bylaw, Article 6, s. 6.3, at 40.

⁵⁹ FHSAA Handbook, *supra* note 41, Policy 36: Policy on Athletic Recruiting, s. 36.2.1, at 158.

⁶⁰ FHSAA Handbook, *supra* note 41, Policy 36: Policy on Athletic Recruiting, s. 36.3, at 159.

⁶¹ FHSAA Handbook, *supra* note 41, Policy 36: Policy on Athletic Recruiting, s. 36.2.11, at 158.

⁶² FHSAA Handbook, *supra* note 41, Policy 36: Policy on Athletic Recruiting, s. 36.7.2, at 165.

⁶³ FHSAA Handbook, *supra* note 41, Policy 36: Policy on Athletic Recruiting, s. 36.8, at 165.

students attending a FHSAA non-member private middle or high school that does not offer an athletic program to participate in athletics at the public school that is zoned for their residence.⁶⁴

The FHSAA and participating district school boards were required to establish guidelines for the pilot program. The guidelines must:

- ❖ Establish registration deadlines and procedures for each sport.
- ❖ Establish student participation requirements that include, but are not limited to, the same standards of eligibility, acceptance, behavior, educational progress, and performance that apply to students attending FHSAA member public and private schools.⁶⁵

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.⁶⁶

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.⁶⁷

The FHSAA and participating district school boards were required to submit a report on the progress of the pilot program to the Governor and Legislature by January 1, 2010. The report must specify the number of private school students who participated in athletics at a public school, the number of participating students who transferred to the public school in which they participated, implementation issues experienced, and recommendations for improving and expanding the program to other school districts.⁶⁸ The pilot program is repealed on June 30, 2010, unless reviewed and enacted by the Legislature.⁶⁹

The FHSAA submitted its report on the progress of the pilot program on December 15, 2009.⁷⁰ As of the date of the report, 23 students submitted the appropriate application form to participate in the pilot program. Of those 23 students, 11 were middle school students and 12 were high school students. Eleven of the 23 students were from Bradford County, 10 were from Duval County and two were from Nassau County. Of the 23 students, who applied, 15 were approved, two were denied and six failed to supply information required of all student athletes for eligibility determinations.⁷¹ None of the three school districts reported any problems with implementing the pilot program other than the coordination of starting and ending times of the schools and transportation. As for the expansion of this pilot program, there were no suggestions from the three school districts. Of the 23 students involved in the pilot program, two middle

⁶⁴ Chapter 2008-228, L.O.F.; and s.1006.15(8), F.S.

⁶⁵ Section 1006.15(8)(a), F.S.

⁶⁶ Section 1006.15(8)(c), F.S.

⁶⁷ Section 1006.15(8)(b), F.S.

⁶⁸ Section 1006.15(8)(d), F.S.

⁶⁹ Section 1006.15(8)(e), F.S.

⁷⁰ FHSAA, Letter to Governor Charlie Crist from Dr. Roger Dearing, Executive Director, FHSAA, (Dec. 15, 2009), available at <http://www.fhsaa.org/forms/word/pilot.doc>.

⁷¹ *Id.*; FHSAA, Private School Participation Pilot Program (Dec. 2009), available at <http://www.fhsaa.org/forms/word/pilot.doc>.

school students from Nassau County later transferred to the public school where they participated in athletics.⁷²

Where can I get additional information?

Florida High School Athletic Association

1801 NW 80th Boulevard
Gainesville, FL 32606
(800) 461-7895
(352) 372-9551
<http://www.fhsaa.org/>

Florida House of Representatives

Education Policy Council
(850) 488-7451
<http://www.myfloridahouse.gov>

⁷²FHSAA, Letter to Governor Charlie Crist from Dr. Roger Dearing, Executive Director, FHSAA, (Dec. 15, 2009), available at <http://www.fhsaa.org/forms/word/pilot.doc>.