

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 190

INTRODUCER: Senator Grall

SUBJECT: Interscholastic Extracurricular Activities

DATE: February 6, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 190 provides an additional option for charter schools to participate in interscholastic extracurricular activities. The bill authorizes a charter school to develop an agreement with a private school to participate in interscholastic extracurricular activities if the activity is not offered at the charter school and meets the conditions for participation as provided for by law.

The bill has no fiscal impact.

The bill takes effect on July 1, 2023.

II. Present Situation:

Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.¹ Forty-five states and the District of Columbia have enacted charter school laws as of January 2020.² Nationally, between the 2009-2010 and 2018-2019 school years, the percentage of all public schools that were charter schools increased from five to eight percent, and the total number of charter schools increased from 5,000 to 7,500. The percentage of public school students nationwide attending public charter schools increased from three to seven percent between fall 2009 and fall 2019.³

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Education Commission of the States, *50-State Comparison: Charter School Policies* <https://www.ecs.org/charter-school-policies/> (last visited January 27, 2023).

³ National Center for Education Statistics, *Public Charter School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgb> (last visited January 27, 2023).

All charter schools in Florida are public schools and are part of the state's public education system.⁴ During the 2021-2022 school year, 361,939 students were enrolled in 703 charter schools in 47 Florida districts.⁵ Seventy percent of the students attending charter schools in the 2020-2021 school year were minorities. Hispanic students comprised 45 percent of Florida's charter school enrollment, and 19 percent were African-American students.⁶

Private Schools

A private school is defined as an individual, association, co-partnership, or corporation or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade and is below the college level.⁷ Private elementary and secondary schools in Florida are not licensed, approved, accredited, or regulated by the Florida Department of Education.⁸ A private school may be a parochial, religious, nondenominational, for-profit, or nonprofit school.⁹

In fall 2019, approximately 4.7 million, or 9 percent of the kindergarten through grade 12 students, were enrolled in private schools across the nation.¹⁰ In Florida, of the 3,249,259 statewide total public and private pre-kindergarten through grade 12 student enrollment in the 2021-22 school year, 416,084, or 12.8 percent, were private school students.¹¹ In the 2021-2022 school year, there were 2,848 private schools in Florida.¹²

Participation in Interscholastic Extracurricular Activities

Interscholastic extracurricular student activities are an important complement to the academic curriculum.¹³ Participation in such activities contribute to student development of the social and intellectual skills necessary to become a well-rounded adult.¹⁴

⁴ Section 1002.33(1), F.S.

⁵ Florida Department of Education, Office of Independent Education & Parental Choice, *Florida's Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>

⁶ *Id.*

⁷ Section 1002.01(2), F.S. and Florida Department of Education, *Florida's Private Schools 2021-2022 School Year Annual Report* (2022), available at <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>.

⁸ Florida Department of Education, *Florida's Private Schools 2021-2022 School Year Annual Report* (2022), available at <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>.

⁹ Section 1002.01(2), F.S.

¹⁰ National Center for Education Statistics, *Private School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgc/private-school-enrollment> (last visited January 27, 2023).

¹¹ Florida Department of Education, *Florida's Private Schools 2021-2022 School Year Annual Report* (2022), available at <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>. Removing pre-kindergarten from the Florida data results in 11.9 percent of the total kindergarten through grade 12 student enrollment in the 2021-2022 school year were private school students. Florida Department of Education, *Student Enrollment Membership by School Grade, Survey 2, 2021-22*, <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> (last visited Jan. 30, 2023).

¹² Florida Department of Education, *Florida's Private Schools 2021-2022 School Year Annual Report* (2022), available at <https://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport2022.pdf>.

¹³ Section 1006.15(2), F.S. Extracurricular is defined as any school-authorized or education-related activity occurring during or outside the regular instructional school day.

¹⁴ *Id.*

To be eligible to participate in interscholastic extracurricular activities a student must:¹⁵

- Maintain a grade point average of 2.0 on a 4.0 scale, or its equivalent.
- 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.
- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies.

A charter school student may participate in interscholastic extracurricular activities at a public school to which the student would be assigned, unless such activity is also provided by the student's charter school. In such a circumstance, the following conditions must met for extracurricular activity participation at the public school:¹⁶

- The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.
- During the period of participation at a school, the charter school student must demonstrate educational progress as required.
- The charter school student must meet the same residency requirements as other students in the school at which he or she participates.
- The charter school student must meet the same standards or acceptance, behavior, and performance that are required of other students in the extracurricular activities.
- The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation.
- A student who transfers from a charter school program to a traditional 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 if the student has a successful evaluation from the previous school year.
- Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school to become eligible to participate as a charter school student.

A home education student may also participate in an interscholastic extracurricular activities at a public school or may develop an agreement to participate at a private school provided specified conditions are met.¹⁷

¹⁵ Section 1006.15(3). Eligible to participate includes, but is not limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests.

¹⁶ Section 1006.15(3)(d), F.S. *See also* s. 1002.33(11), F.S.

¹⁷ Section 1006.15(3)(c), F.S.

III. Effect of Proposed Changes:

SB 190 modifies ss. 1002.33 and 1006.15 F.S., to provide an additional option for charter schools to participate in interscholastic extracurricular activities. The bill authorizes a charter school to develop an agreement with a private school to participate in interscholastic extracurricular activities if the activity is not offered at the charter school and meets the conditions for participation as provided for by law.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 1002.33 and 1006.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
