

Dr. Steve Gallon III, Vice-Chair

SUBJECT: WITHDRAWAL OF THE MIAMI-DADE COUNTY PUBLIC SCHOOLS (M-DCPS) FROM THE FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION (FHSAA)

COMMITTEE: PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT

LINK TO STRATEGIC

BLUEPRINT: SAFE, HEALTHY AND SUPPORTIVE LEARNING ENVIRONMENT

The Miami-Dade County Public Schools (M-DCPS) is committed to students' participation in interscholastic sports. In doing so, it recognizes athletics as a mainstay of school districts, schools, and more important, the learning and life experiences of students. In fact, research has shown that athletics, specifically at the high school level, provides a vehicle that improves students' citizenship, sportsmanship, self-discipline, physical and emotional wellness, and their grade point averages.

In the development, implementation, and enforcement of policies governing high school athletics, M-DCPS has worked with the Florida High School Athletic Association (FHSAA), the governing body of high school athletics in the state of Florida. For nearly a century, the FHSAA – through the cooperative efforts of its member schools – has provided opportunities for high school students in Florida to participate on a fair and equitable basis in interscholastic athletic programs that produce vital educational benefits. As with the FHSAA, M-DCPS is committed to policies and practices that support and promote the same spirit of fair and equitable participation and competition. In fact, School Board Policy 2431, Interscholastic Athletics affirms that “All high schools shall be members of and governed by the Florida High School Athletic Association (FHSAA) rules and regulations.”

Florida Statute 1006.20(1) states that: “The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization of athletics in Florida public schools.” While the FHSAA can be replaced by the State, this only happens if the FHSAA fails to meet the provisions of Florida Statute 1006.20, and, at that point, the commissioner [of education] would designate a nonprofit organization to govern athletics with the approval of the State Board of Education.

Despite of its designation in state statute as the governing body for high school athletics, the statute does state that “membership in the FHSAA is *not* mandatory for any school.” Yet, there is a presupposition that public schools will be members of the FHSAA. In fact, this is evident later wherein Florida Statute 1006.20(1) states that “the FHSAA *may* allow a public school the option to apply for consideration to join another athletic association.”

Further, additional athletic organizations are also mentioned often through the statute, and it should be noted that the FHSAA has strict guidelines regarding their interaction with any other athletic organization, specifically noting that “*The FHSAA may not deny or discourage interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization, and may not take any retributory or discriminatory action against any of its member schools that participate in interscholastic competition with non-FHSAA member Florida schools.*”

This also seems to define the relationship that the FHSAA has with the Greater Miami Athletic Conference (GMAC), though GMAC's mission statement and membership both mandate participation and cooperation with the FSHAA in GMAC Bylaws Articles 2,3.

A further complication is that pursuant to the FHSAA Bylaws, membership is determined at the school site level, a "member school" is a senior high school, middle/junior high school, combination school, a charter school, a virtual school or home education cooperative that is provisionally admitted or duly elected to membership in the Association. This means that within the District, we may have school sites that choose not to compete within the FHSAA as a member (and may choose to do so in and with other associations).

M-DCPS' relationship with the FHSAA has been widely discussed in the past and has been recently a subject of Board action. At the School Board Meeting of December 19, 2018, the Board unanimously approved School Board Agenda Item H-11 Revised as proposed by School Board Member Dr. Steve Gallon III which directed the Superintendent to review district schools' compliance and alignment with FHSAA bylaws and guidelines for classification of member schools, review and discuss findings with a Task Force comprised of principals, athletic directors, and coaches, as well as members of the District Athletic Advisory Committee and Greater Miami Athletic Conference, and provide guidance and direction to ensure appropriate alignment with School Board Policy and related guidelines stipulated in FHSAA. These actions were followed by significant reclassification changes made by the FHSAA in alignment with those called for by the Board. A record seven high school football teams went to the Florida High School Athletic Association football championships and all seven returned home winners, capturing 7 out of 8 possible titles.

Additionally, at the School Board Meeting of February 12, 2020, the Board again unanimously approved School Board Agenda Item H-8 Revised. This item called for a review of the financial costs of schools' participation in FHSAA postseason competition and/or state championship series events, the revenue received from the FHSAA for participating in such events, and resulting deficits, that may result to a school for said participation. This item also called for communication with the FHSAA to explore and request verification from the Chief Auditor, where needed, a review of the existing revenue sharing criteria to address such deficits, where they may exist. Lastly, it also called for the Superintendent to make recommendations to the Board, where appropriate, on any changes to policy, participation, and/or 2020 legislative platform to ameliorate any and all financial deficits and/or inequities that may result in a school's participation in postseason competition and/or state championship series events.

Recently, a need to review M-DCPS' relationship with the FHSAA has been raised as a result of their decision regarding schools' start day for fall sports in light of the COVID-19 pandemic which has broken records of confirmed cases in Florida, and a recent dramatic spike in the number of confirmed COVID-19 cases —placing it among the highest in the nation. Miami-Dade County would lead the state in these numbers as Florida would break U.S. state records with 15,300. Miami-Dade County leading with a staggering 67,713 total confirmed cases with a positivity rate exceeding 28 percent.

Despite FHSAA's obligation to consider the health, welfare, safety, and fair and equitable participation of students throughout the entire state, at its meeting of July 20, 2020, its board would vote 10-5 to "protect" and maintain its original fall sports calendar with a start date of July 27, 2020. This decision went against the recommendations of its own established Sports Medicine Advisory Committee (SMAC) that recommended an extension due to rise on COVID-19 cases in the southern part of the state.

This decision would also give rise to increasing concerns from school districts across the state such as those in South Florida and Central Florida as well as districts in the Tampa Bay area, Southwest Florida, Duval County, Marion County and Northwest Florida counties Escambia, Santa Rosa and Leon.

In fact, a survey found that 359 of the 396 public schools in Florida had delayed the start of fall sports practices—despite the FSHAA’s 10-5 vote to start July 27, 2020.

Subsequent to and after the fallout of the original decision of July 20, 2020, the FHSAA would call an emergency meeting on July 24, 2020, which would result in an 11-4 vote to extend the start date for fall sports.

Inasmuch as this item cites M-DCPS’ interaction with the FHSAA on matters pertaining to fair and equitable participation and revenue sharing, the initial decision to not delay the start of fall sports resonates concerns regarding the potential and future role of the FHSAA in matters that would jeopardize the health, safety, and welfare of our students, and its ability to appropriately consider diverse and unique regional factors of school districts across the state. Such concerns call for a review and strong consideration of M-DCPS’ withdrawal from the FHSAA in both the short- and long-term benefit and interest of the district, schools, and most important, students. Although Florida Statute 1006.20(1) directly references the FHSAA as *the* athletic organization in the state, it also allows for school site participation as members of other governing bodies.

This item seeks to direct the Superintendent to review the current relationship between M-DCPS and the FHSAA as it relates to competition, finance, revenue, and related operational impact that provides for the health, safety, and overall welfare of students; meet with the FHSAA to review status of pending issues and requests approved by the Board that have not been responded to; contemplate partnerships with other school districts and/or corporations that may promote and/or sponsor a more fair, equitable, safe, and beneficial program of activities or structure for interscholastic sports; work with legislators to review current statute and consider new or amended legislation regarding interscholastic sports in the state of Florida; contemplate and review the feasibility and legality of being a part of an existing and/or newly established association for interscholastic sports; and provide an update to the Board, inclusive of any and all short and/or long term recommendations regarding its relationship with the FHSAA and/or the future association of interscholastic sports in M-DCPS.

This item has been reviewed by the School Board Attorney for legal sufficiency.

**ACTION PROPOSED BY
DR. STEVE GALLON III:**

That The School Board of Miami-Dade County, Florida, direct the Superintendent to:

1. review, in consultation with the School Board Attorney where needed, the current relationship and legal and statutory obligation, where exist, between M-DCPS and the FHSAA as it relates to competition, finance, revenue, and related operational impact that provides for the health, safety, and overall welfare of students;
2. collaborate with the FHSAA to review status of pending issues and requests approved by the Board;
3. contemplate partnerships with other school districts and/or corporations that may promote a more fair, equitable, safe, and beneficial program of activities or structure for interscholastic sports;
4. work with state legislators to review current statute and consider new or amended legislation regarding interscholastic sports in the state of Florida;
5. contemplate and review the feasibility and legality of being a part of an existing and/or newly established association for interscholastic sports; and
6. provide an update to the Board, inclusive of any and all short and/or long-term recommendations regarding its relationship with the FHSAA and/or the future association of interscholastic sports at the Personnel, Student, School and Committee Meeting of October 21, 2020.