



SCHOOL DISTRICT OF POLK COUNTY

Athletic Recruiting, Improper Contact & Impermissible Benefits



DID YOU KNOW THAT THE FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION STRICTLY PROHIBITS THE RECRUITING OF ATHLETES?

Parents/Guardians: After reading the FHSAA policies on recruiting, improper contact, and impermissible benefits, if you feel your child may be affected and could possibly lose a year of athletic eligibility, you should contact the School District of Polk County and report such violations of the policies:

Dan Talbot, Director of Athletics

dan.talbot@polk-fl.net

863-647-4203

POLICY 36

ATHLETIC RECRUITING

36.1 GENERAL PRINCIPLES

36.1.1 Athletic Recruiting Forbidden. Athletic recruiting is a gross violation of the spirit and philosophy of educational athletics. Athletic recruiting is unethical and unsporting conduct, and is forbidden by FHSAA Bylaws (FHSAA Bylaw 6.3).

36.1.2 Scope of School's Responsibility. A school's responsibility for the conduct of its interscholastic athletic program includes responsibility for:

36.1.2.1 The acts of any employee or athletic department staff member;

36.1.2.2 The acts of third parties, such as an independent person, business or organization that is a representative of the school's athletic interests when a member of the school's administration or athletic department staff knows or should know that the person, business or organization is promoting the school's interscholastic athletic program; and

36.1.2.3 The acts of any other third parties, such as an independent person, business or organization, acting at the request, direction, or otherwise on behalf of any employee or representative of the school's athletic interests.

36.1.2.4 The acts of any other third parties, such as an independent person, business or organization, acting on behalf of any student athlete.

36.1.3 Compliance Programs. Schools are expected to educate all employees, athletic department staff members and representatives of the school's athletic interests about acts that are prohibited by this policy. Schools must immediately report to the FHSAA Office impermissible acts when they are discovered to have occurred.

36.1.4 Academic Recruitment Permissible. A school may conduct an academic recruitment program that is designed to attract students to the school based upon its total educational and extracurricular (athletic and activities) program. A school must not use an academic recruitment program as a disguise for athletic recruiting.

36.1.5 Financial Assistance Permissible. Private schools, as well as developmental research schools operated by state universities, may administer school-based financial assistance programs for students who attend those schools. Financial assistance must be totally unrelated to a student's athletic interest, potential or performance. Financial assistance based even partially on a student's athletic interest, potential or performance is not permitted.

36.1.6 Extra Benefit. Student-athletes must not receive extra benefits, which are benefits that are not given or generally given to all other students in the school.

36.2 GENERAL DEFINITIONS

36.2.1 Athletic Recruiting. "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.

36.2.1.1 Representative of a School's Athletic Interests. "Representative of a school's athletic interests" refers to any independent person, business or organization that participates in, assists with and/or promotes that school's interscholastic athletic program. This includes:

(a) A student-athlete or other student participant in the athletic program at that school;

(b) The parents, guardians or other family members of a student-athlete or other student participant in the athletic program at that school;

(c) Immediate relatives of a coach or other member of the athletic department staff at that school;

(d) A volunteer with that school's athletic program;

(e) A member of an athletic booster organization of that school;

(f) A person, business or organization that makes financial or in-kind contributions to the athletic department or that is otherwise involved in promoting the school's interscholastic athletic program.

36.2.2 Improper Contact. "Improper contact" is contact, either directly or indirectly, whether in person or through written or electronic communication, by a school employee, athletic department staff member, representative of the school's athletic interests or third parties, such as an independent person, business or organization, with a student or any member of the student's family, in an effort to pressure, urge or entice the student to attend a different school for the purpose of participating in interscholastic athletics. See Policy 37.

36.2.3 Impermissible Benefit. An "impermissible benefit" is any arrangement, assistance or benefit that is not offered or generally made available to all students and/or their families who apply to or attend a school, or that otherwise is prohibited by FHSAA rules. Receipt of a benefit by a student-athlete or his/her family is not a violation of FHSAA rules if it is demonstrated that the same benefit is generally available to the school's students or family members and is not based in any way on athletic interest, potential or performance. See Policy 37.

36.2.4 Financial Assistance. "Financial assistance" is funds from various sources that are administered and provided by a school to students to pay or assist in paying costs directly related to their education at the school. See Policy 38.

36.3 ACADEMIC RECRUITMENT PROGRAMS

36.3.1 References to Athletic Program. Any presentation conducted as part of a school's academic recruitment program must promote the school's overall educational and extracurricular programs. Any mention of the school's interscholastic athletics program must be limited to a listing of the interscholastic sports sponsored by the school and to a description of the school's athletic facilities. It is understood that the presentations and activities of all persons involved in the school's academic recruitment program must avoid any references to the school's athletic program that might pressure, urge or entice a student to attend that school for purposes of athletic participation. All such presentations and activities must be in keeping with the general spirit of the rules prohibiting athletic recruiting.

36.3.2 Open Houses. A school may conduct an open house for prospective students and members of their families. Information distributed and presentations made during the open house, as well as advertisements for the open house, must limit references to the school's athletic program to a listing of the interscholastic sports sponsored by the school and to a description of the school's athletic facilities. No information can be distributed or any statement made that in any way implies that the school's interscholastic athletic program is better than any other school's interscholastic athletic program, or that a student would be better served by participating in interscholastic athletics at that school as opposed to any other school.

36.4 COMPLIANCE

36.4.1 Certification of Compliance. Each member school each year must submit to the FHSAA Office, utilizing the official Association process as approved by the Executive Director, certifying that the principal, the athletic director and the president of each athletic booster organization of the school have reviewed the "FHSAA Policy on Athletic Recruiting," and that he/she will comply with all provisions of the policy, and will review the provisions of the policy with school employees, athletic department staff members and representatives of the school's athletic interests. All coaches, paid or otherwise, shall, utilizing the official Association process as approved by the Executive Director, certify that he/she has reviewed the "FHSAA Policy on Athletic Recruiting," will comply with all provisions of the policy and will review the provisions of the policy with his/her coaching staff and players electronically in a process facilitated by the FHSAA. Failure to comply will subject the school to minimum monetary penalty of \$100 and/or other sanctions.

36.4.2 Affidavit of Compliance. A student who for any reason changes schools after previously attending a different school or who is a non-traditional student (reference Bylaw 1.4.31), as well as the student's parent(s) or legal guardian(s), duly appointed by a court of competent jurisdiction, must sign in the presence of a notary public an "Affidavit of Compliance with the FHSAA Policy on Athletic Recruiting and Non-Traditional Student Participation". The affidavit will be necessary regardless of whether the student changes schools during the school year or during the summer period between school years. The affidavit will be accompanied by an explanation of the FHSAA Policy on Athletic Recruiting, including the penalties for violating the policy, as well as the consequences of making a false statement on the affidavit. The student will not be eligible to participate in interscholastic athletic competition at his/ her new school until the school submits the affidavit, utilizing the official Association process as approved by the Executive Director (GA4 Form – Affidavit of Compliance with the FHSAA Policy on Athletic Recruiting and Non-Traditional Student Participation). Failure to comply will subject the school to minimum monetary penalty of \$100 and/or other sanctions.

36.5 PENALTIES

36.5.1 Mandatory Forfeiture. A school that is found to have an athletically recruited student-athlete will forfeit all contests and awards won in team sports and all points earned and resulting awards won in individual sports in which the student-athlete participated. Mandatory forfeiture also will be required when it is determined that a student who received an impermissible benefit was allowed to participate.

36.5.2 Eligibility Effect of Violation. A student who is found to have accepted an impermissible benefit will be ineligible for interscholastic athletic competition for one or more years at the school to which the student accepted the impermissible benefit, and may be declared ineligible for interscholastic athletic competition at all member schools for one or more years.

36.5.3 Disciplinary Measures. In addition to the mandatory forfeiture of contests and awards, any one or more of the penalties described in Article 10 of the FHSAA Bylaws may be imposed against a school for violating any provisions of this policy.

These include:

36.5.3.1 Public reprimand;

36.5.3.2 Financial penalty of a minimum of \$2,500 and/or other sanctions;

36.5.3.3 A form or combination of forms of probation (administrative, restrictive and/or suspension) for one or more years;

36.5.3.4 Prohibition against participating in certain interscholastic competitions, including Florida High School State Championship Series competitions, for one or more years in the sport(s) in which the violation(s) occurred;

36.5.3.5 Prohibition against participating in any interscholastic competition for one or more years in the sport(s) in which the violation(s) occurred;

36.5.3.6 Participation in interscholastic competition at a higher classification for one or more years in the sport(s) in which the violation(s) occurred;

36.5.3.7 Restricted membership for one or more years during which time some or all of the school's membership privileges may be restricted or denied; and

36.5.3.8 Expulsion from membership in the Association for one or more years.

36.5.4 Penalties to School Employees or Contractors. Any recruitment by a school employee or contractor in violation of FHSAA bylaws results in escalating punishments as follows (§ 1006.20(2)(b)2, F.S.):

36.5.4.1 for a first offense, a \$5,000 forfeiture of pay for the school employee or contractor who committed the violation.

36.5.4.2 for a second offense, suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay for the school employee or contractor who committed the violation.

36.5.4.3 for a third offense, a \$5,000 forfeiture of pay for the school employee or contractor who committed the violation. If the individual who committed the violation holds an educator certificate, the FHSAA shall also refer the violation to the department for review pursuant to § 1012.796, F.S. to determine whether probable cause exists, and, if there is a finding of probable cause, the commissioner shall file a formal complaint against the individual. If the complaint is upheld, the individual's educator certificate shall be revoked for 3 years, in addition to any penalties available under § 1012.796, F.S.. Additionally, the department shall revoke any adjunct teaching certificates issued pursuant to § 1012.57, F.S. and all permissions under § 1012.39, F.S. and § 1012.43, F.S., and the educator is ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

IMPROPER CONTACT AND IMPERMISSIBLE BENEFITS

37.1 IMPROPER CONTACT

37.1.1 General Regulation. No school employee, athletic department staff member, representative of the school's athletic interests or third parties, such as an independent person, business or organization, may make contact, either in person or through any form of written or electronic communication or through any third party, with a student, or any member of the student's family, in an effort to pressure, urge or entice the student to attend a different school for the purpose of participating in interscholastic athletics.

37.1.2 Specific Prohibitions. Specifically prohibited contact by school employees, athletic department staff members, representatives of the school's athletic interests or third parties with a student includes, but is not limited to, the following:

37.1.2.1 Sending, or arranging for anyone else to send, any form of written or electronic communication to the student or any member of his/her family, in an attempt to pressure, urge or entice the student to attend a different school to participate in interscholastic athletics.

37.1.2.2 Visiting or entertaining the student or any member of his/her family in an attempt to pressure, urge or entice the student to attend a different school to participate in interscholastic athletics.

37.1.2.3 Making a presentation or distributing any form of advertisement, commercial or material that promotes primarily or exclusively a school's athletic program or implies a school's athletic program is better than the athletic program of any other school or suggests that the student's athletic career would be better served by attending a different school.

37.1.2.4 Answering an inquiry by the student or any member of his/her family about athletic participation opportunities at a school with any response that pressures, urges or entices the student to attend a different school. The student or family member instead should be immediately referred to the school employee responsible for registrations or admissions.

37.1.2.5 Providing transportation to the student or any member of his/her family to visit a school, to take an entrance examination for a school, to participate in an athletic tryout at a school, or to meet with a school employee, athletic department staff member, other representative of the school's athletic interests or third parties, as part of an effort to pressure, urge or facilitate the student's attendance at a different school to participate in interscholastic athletics.

37.1.2.6 Attending an elementary school, a junior high school, a middle school or a non-school athletic contest to identify prospective student-athletes who might be recruited to attend a school.

37.1.2.7 Suggesting or going along with any effort by any person, whether a school employee, other representative of the school's athletic interests or any other person, such as an alumnus of a school, a coach or other person affiliated with a non-school athletic program (e.g. AAU team, club team, travel team, recreation league team, etc.), a coach of or recruiter for a collegiate athletic team, a scout for a professional team or other third parties, to pressure, urge or entice the student to attend a school to participate in interscholastic athletics, or to direct or place the student at the school for the purpose of participating in interscholastic athletics.

37.1.2.8 Making or arranging any other contact with the student or any member of his/her family in an attempt to pressure, urge or entice the student to attend a school to participate in interscholastic athletics.

37.1.3 Contact Initiated by Prospective Student. When a school employee, athletic department staff member or representative of a school's athletic interests is contacted by a student who does not attend that school and/or any other member of his/ her family, about the school's interscholastic athletic program or attending the school, the school employee, athletic department staff member or representative of the school's athletic interests must immediately refer the student and/or his/her family member to the appropriate school personnel who have the responsibility of registering and admitting prospective students. Only during the summer period, as defined in Policy 20, and once the student has registered, been accepted and no longer attends the previous school may the student have contact with athletic department staff members or representatives of a school's athletic interests.

37.1.4 Casual Contact with Students in Normal Community Settings. It is not considered a violation of this policy for an employee, athletic department staff member or representative of the athletic interests of a high school to have casual contact with a student who does not attend that school or any member of the student's family in a normal community setting. At no time during such contact, however, may the employee, athletic department staff member or representative of the athletic interests of the high school pressure, urge or entice the student to attend a high school for the purpose of participating in interscholastic athletics.

37.2 IMPERMISSIBLE BENEFIT

37.2.1 General Regulation. No school employee, athletic department staff member, representative of the school's athletic interests or third parties, such as an independent person, business or organization, may be involved, directly or indirectly, in giving an impermissible benefit to any student or any member of his/her family for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends a school.

37.2.2 Specific Prohibitions. Specifically prohibited arrangements, assistance or benefits include, but are not limited to, the following:

37.2.2.1 School-based financial assistance of any kind that exceeds the amount for which a student has been approved by an independent financial needs assessment company that is recognized by the FHSAA or otherwise is in excess of any supplemental assistance provided by a school to each and every student who qualifies for financial assistance.

37.2.2.2 Cash or like items, such as credit cards, debit cards, gift cards, gift certificates, coupons or vouchers.

37.2.2.3 Gift of clothing, equipment, merchandise or other tangible items.

37.2.2.4 Loans or assistance in securing a loan of any kind.

37.2.2.5 Payment for any work or service that is not performed or that is in excess of the amount normally paid for such work or service.

37.2.2.6 Free or reduced-cost transportation.

37.2.2.7 Living on a full- or part-time basis, regardless of whether rent is paid, with any school employee, athletic department staff member, representative of the school's athletic interests.

37.2.2.8 Free or reduced-cost rent for housing, vehicles or other items.

37.2.2.9 Full or partial payment of moving expenses or assistance of any kind with an actual physical move.

37.2.2.10 Employment or assistance in securing employment or contractual arrangement of any kind for which compensation may be paid.

37.2.2.11 Free or reduced costs to attend a sport or skills camp.

37.2.2.12 Any other form of arrangement, assistance, discount or benefit that is not generally available to other students in the school or their families or that is based in any way on athletic ability.