

Policy on 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 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;

36.1.2.3 The acts of any other 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.

36.1.3 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 offered or generally made available to all other students in the school.

36.1.7 Eligibility Effect of Violation. A student who is found to have been athletically recruited or is found to have received an impermissible benefit will

be ineligible for interscholastic athletic competition for one or more years at the school to which the student was athletically recruited or at which he/she received the impermissible benefit, and may be declared ineligible for interscholastic athletic competition at all member schools for one or more years.

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, such as a team manager, student trainer, etc., 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) Relatives of a coach or other member of the athletic department staff at that school;
- (d) A volunteer worker in that school or that school’s athletic program;
- (e) An athletic booster organization of that school;
- (f) A member of an athletic booster organization of that school;
- (g) A person, business or organization that makes financial or in-kind contributions to the athletic department or to an athletic booster organization of that school; and
- (h) Any other person, business or organization 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 or representative of the school’s athletic interests with a student who does not attend that school or any member of the student’s family, in an effort to pressure, urge or entice the student to attend that school for the purpose of participating in interscholastic athletics.

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.

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.

36.3 IMPROPER CONTACT

36.3.1 General Regulation. No school employee, athletic department staff member or representative of the school’s athletic interests may make contact, either in person or through any form of written or electronic communication or through any third party, with a student who does not attend that school or any member of the student’s family, in an effort to pressure, urge or entice the student to attend that school for the purpose of participating in interscholastic athletics.

36.3.2 Specific Prohibitions. Specifically prohibited contact by school employees, athletic department staff members and representatives of the school’s athletic interests with a student who does not attend that school includes, but is not limited to, the following:

36.3.2.1 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 the school to participate in interscholastic athletics.

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

36.3.2.3 Making a presentation or distributing any form of advertisement, commercial or material that promotes primarily or exclusively the school’s athletic program or implies the 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 that school.

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

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

36.3.2.6 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 the school.

36.3.2.7 Suggesting or going along with any effort by any person, whether a school employee or other representative of the school's athletic interests, or any other person such as an alumnus of the 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, or a scout for a professional team, to pressure, urge or entice the student to attend the school to participate in interscholastic athletics, or to direct or place the student at the school for the purpose of participating in interscholastic athletics.

36.3.2.8 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 the school to participate in interscholastic athletics.

36.3.3 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.

36.3.4 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 the high school for the purpose of participating in interscholastic athletics.

36.4 IMPERMISSIBLE BENEFIT

36.4.1 General Regulation. No school employee, athletic department staff member or representative of the school's athletic interests may be involved, directly or indirectly, in promising, offering or giving an impermissible benefit to any student who does not attend that school or any member of his/her family in an attempt to entice the student to attend the school for the purpose of participating in interscholastic athletics, or to any student-athlete who already attends that school.

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

36.4.2.1 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 the school to each and every student who qualifies for financial assistance.

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

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

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

36.4.2.5 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.

36.4.2.6 Free or reduced-cost transportation.

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

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

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

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

36.4.2.11 Promise of a position on an interscholastic athletic team or playing time as a member of the team.

36.4.2.12 Promise of guaranteeing a college athletic scholarship.

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

36.4.2.14 Any other form of arrangement, assistance 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.

36.5 ACADEMIC RECRUITMENT PROGRAMS

36.5.1 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.

36.5.2 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.

36.6 FINANCIAL ASSISTANCE

36.6.1 School-Administered Financial Assistance. Financial assistance provided by a school must be administered by the school; meaning that the school, through an established process that conforms to this policy, makes the final determination of the student who is to receive the assistance and the amount of assistance to be given. No student-athlete may accept financial assistance from any other person, business or organization unless it is received from one upon whom the student-athlete is naturally or legally dependent or is received through established and continuing programs to assist students that are administered by the State of Florida.

36.6.1.1 Criteria for Providing Financial Assistance. School based financial assistance must be based entirely on financial need as determined by an independent financial needs assessment company that is approved by the FHSAA. A school may supplement the amount of financial assistance for which a student is determined to qualify provided the same form of supplemental assistance is provided to each and every student who qualifies for any amount of financial assistance. 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.

36.6.1.2 Assistance with Room or Meals. School-based financial assistance for costs associated with room or meals, other than those meals made available during the school day to all students, may be provided only to students who board at FHSAA-recognized boarding schools, and then only if such financial assistance is based on financial need.

36.6.1.3 Work-Study Programs. A work-study program in which students receive financial assistance from a school in exchange for labor performed by the student for the school may be operated as follows:

- (a) The school must limit participation in the work-study program to those students who have been independently determined to have a need for financial assistance.
- (b) The school must submit to the FHSAA Office each school year a complete description of the work-study program and the process for determining the students who are chosen for participation.
- (c) The school must maintain detailed records regarding each student who participates in the work-study program. These records must include a description of the job(s) performed by the student, a documentation of the hours worked by the student, and the amount of financial assistance given the student in exchange for his/her labor.
- (d) A student-athlete must not receive financial assistance through a workstudy program during the season of the sport(s) in which the student-athlete participates.
- (e) Athletic department staff members and other representatives of the school's athletic interests cannot supervise student-athletes in work-study programs.

36.6.1.4 Approved Financial Needs Assessment Companies.

The FHSAA has approved the following independent financial needs assessment companies:

Auncor Inc. (Tuition Aid Data Services)

1821 University Ave. W., Suite N-494

St. Paul, Minnesota 55104

Catholic School Tuition Assistance Service

407 8th Avenue

P.O. Box 111

Fulton, Illinois 61252

Facts Management Company

P.O. Box 67037

Lincoln, Nebraska 68506

Family Financial Needs Assessment

P.O. Box 466

Hernando, Mississippi 38632

Financial Aid Independent Review, Inc.

P.O. Box 484

Rosemount, Minnesota 55068

Financial Aid for School Tuition Independent School Management

1316 N. Union St.

Wilmington, DE 19806-2594

Private School Aid Service

P.O. Box 770728
Lakewood, Ohio 44107-0034
School and Student Service for Financial Aid Educational Testing Service
P.O. Box 6657
Princeton, New Jersey 08541-6657
Smart Tuition, LLC
1 Woodbridge Center, Suite 800
Woodbridge, New Jersey 07095

36.6.1.5 Records Relating to Financial Assistance. The school must keep detailed records of school-based financial assistance provided to each student. This includes the report of the student's financial need as determined by the independent assessment company as well as the actual amount of financial assistance provided to the student by the school, and how that actual amount was determined. The school must make all records available to the Executive Director or his/her designee for inspection upon request.

36.6.1.6 Persons Who May Discuss Financial Assistance

Opportunities. The only persons who may discuss financial assistance opportunities with a prospective student or any member of his/her family are those school employees who administer the school's registration, admission and financial assistance programs. No other school employee, any athletic department staff member or representative of the school's athletic interests may suggest to or promise a prospective student or any member of his/her family that any part of the student's costs of attending the school may be reduced, waived or paid for, or that financial assistance may be granted for any reason, including financial need.

36.6.1.7 Involvement of Athletic Personnel in Administration of Assistance Program.

Athletic department staff members, other than those persons who have as their major responsibility an official leadership role in the academic leadership or admission programs of the school, are prohibited from sitting on the school's financial assistance committee or otherwise playing any role in the process of deciding which students receive financial assistance or the types or amount of assistance they will be given.

36.6.2 Financial Assistance Not Administered by School.

Students may apply for and receive financial assistance through established and continuing programs to assist students that are administered by the State of Florida. These programs are:

36.6.2.1 The Opportunity Scholarship Program, through which the parent of a student in a failing public school may request and receive an Opportunity Scholarship for the student to attend an eligible private school.

36.6.2.2 The McKay Scholarships for Students with Disabilities Program,

through which the parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive a McKay Scholarship for the student to attend an eligible private school.

36.6.2.3 The Corporate Income Tax Credit Scholarship Program, through which the parent of a public school student who qualifies for free or reduced-price school lunch may seek a scholarship to attend an eligible private school from an eligible nonprofit scholarship-funding organization.

36.6.3 Contributions by Donor. Funds that are donated to schools by persons, businesses and organizations may be given as financial assistance to students provided the decision as to how the funds are allocated rests exclusively with the school. It is not permissible for a donor to contribute funds to provide financial assistance for a particular student-athlete.

36.7 COMPLIANCE DOCUMENTS

36.7.1 Certification of Compliance Form. Each member school each year must submit to the FHSAA Office a "Certification of Compliance with the FHSAA Policy on Athletic Recruiting" form. The principal, the athletic director and the head coach in each varsity sport offered by the school, as well as the president of each athletic booster organization of the school, must sign the form. By signing the form each individual certifies 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 school employees, athletic department staff members and representatives of the school's athletic interests.

36.7.2 Affidavit of Compliance. A student who for any reason changes schools after beginning the 9th grade, as well as the student's parent(s) or legal guardian(s), must sign in the presence of a notary public an "Affidavit of Compliance with the FHSAA Policy on Athletic Recruiting." The school that receives the student will be responsible for originating the affidavit, which also must be signed by the school's principal and athletic director. 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 bearing all necessary signatures to the FHSAA Office.

36.8 PENALTIES

36.8.1 Mandatory Forfeiture. A school that is found to have athletically recruited a 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.

36.8.2 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:

36.8.2.1 Public reprimand;

36.8.2.2 Financial penalty;

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

36.8.2.4 Prohibition against participating in certain interscholastic competitions, including FHSAA state championship series competitions, for one or more years in the sport(s) in which the violation(s) occurred;

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

36.8.2.6 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

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

POLICY 37 (formerly Policy 40)