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## Public and Private High Schools Had About the Same Number of Student Athlete Recruiting Violations

### *at a glance*

The Florida High School Athletic Association (FHSAA), which investigates allegations of prohibited student athlete recruiting, found 35 schools guilty of such violations over the last nine years. These violations were committed by coaches, school administrators, parents and boosters, and involved a variety of prohibited recruiting situations and inducements such as private school scholarships and promises of a starting position and/or increased playing time. Public and private schools were involved in about the same number of confirmed recruiting violations.

Most schools' penalties included a combination of probation and a fine. Twenty-eight schools received total fines ranging from \$250 to \$13,688, while 32 schools were placed on some form of probation. Of the 35 confirmed cases, nine were appealed to either the FHSAA Board or a court of law; each of these appeals was unsuccessful.

### Scope

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The 2006 Florida Legislature established a Student Athlete Recruiting Task Force to review issues concerning the recruitment of secondary school student athletes. In conjunction, the Legislature directed OPPAGA to conduct an independent review of recruiting violations among Florida High School Athletic Association (FHSAA) member schools. This report provides a summary of high school athletic recruiting violations over the past nine years as of July 31, 2006.<sup>1</sup>

### Background

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The FHSAA is a non-profit corporation founded in 1920 and was statutorily recognized in 1997 as the governing body for interscholastic high school athletics in Florida. The FHSAA is a member of the National Federation of State High School Associations and, as of August 31, 2006, had 808 member schools; including both public and private high schools and middle schools.<sup>2</sup> All Florida public high schools are required by law to be FHSAA members; membership is optional for private and middle schools. Annual membership dues are based on the school's student

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<sup>1</sup> Since OPPAGA's review, the FHSAA has confirmed additional recruiting violations.

<sup>2</sup> As of August 31, 2006, there were 682 member high schools, 91 middle schools, and 35 affiliate member schools; high schools with fewer than 100 students that are allowed to compete against other member schools but not in the state championship series.

population and, per FHSAA policy, are a minimum of \$300 and a maximum of \$1,000. As a condition of membership, a school's principal must certify that the school is in compliance with the association's bylaws and regulations.

**Student recruiting policy.** FHSAA member schools are prohibited from recruiting students based primarily on their potential participation in athletics. The FHSAA policy on student athletic recruiting defines recruiting as "the use of undue influence and/or special inducements by anyone associated with a school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics." Member schools are responsible for any recruiting violation committed by anyone associated with the school including principals, assistant principals, athletic directors, coaches, teachers, any staff member or employee, students, parents, and any organizations such as booster clubs. As part of the annual membership application, principals, athletic directors, and head coaches in each varsity sport are required to certify that they have reviewed the FHSAA recruiting policy and will comply with all related provisions as well as review the provisions with other individuals or groups associated with the school such as athletic booster clubs.

**Investigation process.** The FHSAA investigates recruiting allegations on a case-by-case basis depending on the strength of the allegation and related evidence. Allegations are submitted and/or identified in a variety of ways including phone calls, emails, anonymous letters, newspaper articles, and other FSHAA activities. For example, one case came to light not as a result of an allegation but during the course of a student's appeal of the FHSAA transfer rule. In this case, a student sought a waiver of the FHSAA rule that prohibits students who engage in an athletic practice at one member school from transferring to another member school and participating in sports at the new school for the

remainder of the school year. During the hearing to waive the application of this bylaw, testimony revealed an athletic recruiting violation that was subsequently investigated and confirmed.

As of August 2006, the FHSAA has contracted with four part-time investigators and assigns them cases as needed. Three of the four investigators are former athletic directors with over 20 years of experience in high school athletics and extensive knowledge of FHSAA policies and bylaws. The remaining investigator is the former FHSAA associate commissioner for Compliance and Eligibility. None of the contract investigators has formal investigation training and there is no FHSAA requirement that they do so.

During the course of an investigation, FHSAA investigators typically visit schools, interview involved parties, and gather related documents and/or statements. Upon completing an investigation, they submit their findings to the FHSAA commissioner, who has the sole authority to render a verdict in the case and assign penalties as appropriate.

While the FHSAA maintains a file for each investigation, there are no specific documentation requirements and our review of FHSAA files found that they did not always contain complete information. As a result, we were unable to fully profile all cases, as some lacked elements such as the identity of the complainant, how the allegation was reported, and/or the date the alleged recruiting violation occurred.

The FHSAA does not track the number of recruiting allegations per year; therefore we were unable to identify the potential scope of prohibited recruiting across the state. The association reported, however, that it receives hundreds of allegations each year and will track them in the future.

Recruiting penalties. According to the association's bylaws, schools found guilty of recruiting student athletes are to be assessed a financial penalty as well as all expenses incurred by the FHSAA in the investigation. The bylaws state that penalties range from \$50 to \$2,500 or more. There is no ceiling on the amount that can be assessed, and penalties are levied for each rule or bylaw violation. In addition to the fine, a school is to be placed on administrative probation and required to forfeit all contests won in which a recruited student(s) participated. Violating schools also may be placed on restrictive probation and denied participation in the FHSAA State Championship Series for at least one year in the sport(s) the violation occurred. Schools also may be placed on suspension probation and denied the opportunity to compete with any member school for at least one year. Finally, schools may be expelled from the FHSAA for no less than a year.

### ***Profile of recruiting violation cases***

Over the past nine years, the FHSAA has found 35 schools guilty of illegal athletic recruiting. These violations were reported from a variety of sources, and involved prohibited actions by coaches, school administrators, boosters, and parents. Public and private schools were found guilty of athlete recruiting in about the same number of cases. Almost all schools found guilty of athletic recruiting were fined and placed on administrative probation, and many were placed on restrictive probation as well.

While some schools appealed their verdicts and penalties to the FHSAA Board or to a court of law, none were successful.

Thirty-five confirmed violation cases were found. Relatively few athletic recruiting violations have been confirmed over the past nine years. As Exhibit 1 shows, the number of confirmed violations ranged from one to six per year over the 1998 through 2006 period. The number of violations has increased somewhat over this period, but has remained relatively low compared to the number of FHSAA member schools and student athletes. FHSAA had a membership of 808 schools as of August 31, 2006, including 539 public and 269 private schools, representing approximately 215,000 student athletes across the state.<sup>3</sup>

Cases were reported by various sources. Thirteen of the 35 recruiting cases were reported to the FHSAA by school personnel such as a principal, guidance counselor, or coach. The remaining cases were reported by a variety of sources including parents and guardians, students, and anonymous sources. Almost two-thirds of the violations (23 of 35) were reported in writing and were either sent directly to the FHSAA or passed on to the association by school administrators. Six violations were reported by other means such as newspaper articles, while case files did not contain sufficient information to determine how six were reported to the FHSAA.

<sup>3</sup> These totals include public and private member high schools, middle schools, and affiliate member high schools.

## **Exhibit 1**

### **Relatively Few Recruiting Violations Were Confirmed Over the Past Nine Years**



<sup>1</sup> In the remaining four cases, two were 'unknown' and in two the FHSAA took no action.  
Source: OPPAGA analysis of FHSAA confirmed athlete recruiting files.

Over half (18) of the 35 recruiting violations involved football, followed by basketball (10), baseball (6), wrestling (3), and softball (2).<sup>4</sup> Five cases involved multiple sports; in one case involving a new school, all sports were cited.

Recruitment violations were committed by various individuals. Illegal recruiting can involve multiple parties in the same case and is not restricted to school personnel. The 35 cases involved 39 individuals that committed violations. Over half of these persons (21) were coaches and one was a former coach, while eight were school employees including administrators and athletic directors. Parents were cited for illegal recruitment in six instances, while boosters and alumni were cited in two instances. In one case, a third party that worked for a study abroad/foreign exchange organization was found to be acting as an agent of the high school by recruiting and placing only foreign student athletes.

Both public and private schools were involved in recruitment cases. Public and private schools were found guilty of athletic recruiting in about the same number of cases. Of the 35 cases reviewed, 12 involved private schools recruiting from public schools, while 11 involved public schools recruiting students from other public schools. One case involved a public school recruiting a student athlete from a private school, and one involved a private school recruiting from another private school. The remaining 10 cases involved recruitment of international students, multiple schools, a hybrid Department of Juvenile Justice contract facility, or the nature of the schools could not be determined from the case file.

Investigators collected a variety of evidence. In general, FHSAA investigators collected several types of evidence when researching recruitment allegations. This evidence included interviews with athletes, students, and alleged recruiters; eyewitness accounts;

affidavits and sworn testimony; and, incriminating letters and/or emails.

Cases involved a range of violations. The 39 recruiting violations confirmed by FHSAA over the past nine years ranged from blatant activities including posting an online advertisement for non-enrolled players to try out for a high school's basketball team to less deliberate actions such as the football coach of a new high school providing transfer information to prospective student athletes rather than referring them to the school's admissions office.

Six violations involved direct contact from coaches or parents with prospective students, including calls and visits to the students' homes to give them information about a school's sports programs and taking the students' family to dinner. A similar contact violation involved a football coach taking a player to another team's practice to run an organized play.

Five violations involved the recruitment of international student athletes. In two of these cases, high school athletic teams participated in competitions in the Bahamas; the FHSAA determined that following the competitions, Florida high school coaches, after seeing local athletes' abilities and level of play, recruited Bahamian players to transfer to high schools in the United States to play on their teams. Of the remaining three cases involving foreign students, one involved the online advertising for European basketball players, another involved a coach contacting parents in Mexico prior to a student transferring to a Florida high school, and the third case file simply noted that foreign students had been recruited to attend the high school.

Three recruiting violations involved the housing of student athletes. In one case, two assistant coaches provided housing to an out-of-state student that transferred to the school for athletic purposes. This student transferred to Florida without his parents and lived with

<sup>4</sup> The basketball category includes seven cases involving boys' basketball, one case of girls' basketball, and two cases that did not specify boys' or girls'.

the two assistant coaches. Providing student athletes with housing is forbidden by the FHSAA.

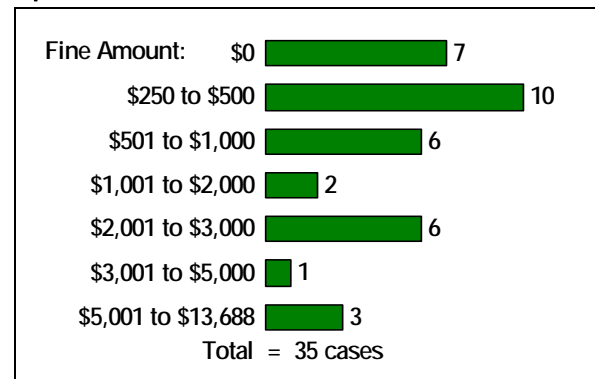
Two recruiting violations involved the influence of Amateur Athletic Union (AAU) coaches on student transfers to different high schools for athletic purposes. In these cases, athletes participated in a summer AAU competition with coaches that worked at a different high school during the previous school year. At the start of the following school year, the students transferred to the school where the AAU coaches worked. These transfers were deemed to have violated the FHSAA rule regarding undue influence.

Two violations involved coaches providing information to younger athletes such as little league players and middle school students. In these instances, coaches spoke to middle school parents about both academic and athletic programs at their high school to encourage the parents to enroll their children. These cases also involved incidents such as coaches visiting little league practices to encourage students to enroll at their high schools in the future.

Cases involved a range of prohibited inducements. Inducements were associated with recruiting violations at both public and private high schools. Much like the violations themselves, the types and number of inducements offered to students varied. In 11 violations, athletes were offered multiple types of inducement. In nine instances, students were offered a scholarship to attend a private school, while in nine cases students were offered increased visibility or opportunities for college scholarships. Eight violations involved promises of a starting position or increased playing time, while one violation involved the promise of a better opportunity to compete for a state championship. Nine violations involved inducements to transfer such as housing and the opportunity to play on or lead more than one sports team. In the remaining 10 cases, no inducements were offered.

Schools were typically assessed fines and probation. Schools found guilty of committing recruitment violations generally were fined and placed on administrative probation. As Exhibit 2 shows, of the 35 confirmed cases over the 1998 through 2006 period, most (28) were assessed a fine. According to the FHSAA's policies, "fines range from as little as \$50 to as much as \$2,500 or more." There is no cap on the amount that may be assessed and the penalties are levied solely by the FHSAA commissioner per rule or bylaw violated. While seven schools were not assessed fines, the remaining schools were assessed total fines that ranged up to \$13,688 (involving multiple violations).

#### **Exhibit 2 Schools Were Assessed Total Fines of Up to \$13,688**



Source: OPPAGA analysis of FHSAA confirmed athlete recruiting files.

Most schools (32) found guilty of athlete recruiting were assessed some form of probation. In 27 of the 35 confirmed cases, schools served administrative probation, meaning that the school was reprimanded for the confirmed infraction and placed on notice for a specific period (at least a year) that any further infractions would result in additional and more restrictive penalties. In 10 cases, schools served restrictive probation which restricted them from competing against other FHSAA member schools in one or more sports for a specific period (at least a year); in some cases restrictive probation also can prohibit a school from participating in a state

championship series. Five schools served both administrative and restrictive probation.

As illustrated in Exhibit 3, most schools were assessed a fine and placed on probation. Once placed on probation of either kind, any additional violations during the probationary period may result in an extension of the probationary period, placing the school on restrictive or suspension probation, or expulsion from the FHSAA.

### **Exhibit 3** **Most Violators Were Fined and Placed on Administrative Probation**

	Fine	No Fine	Total
No Probation	1	2	3
Administrative Probation	17	5	22
Restrictive Probation	5	0	5
Administrative and Restrictive Probation	5	0	5
<b>Total</b>	<b>28</b>	<b>7</b>	<b>35</b>

Source: OPPAGA analysis of FHSAA confirmed athlete recruiting files.

In two cases, the schools did not receive a documented fine or probation. In the first case, the FHSAA took no action after a parent was sent a letter by the school's principal, with the knowledge and approval of the FHSAA, to cease and desist prohibited recruiting actions.

In the second case, a student transferred to a high school after playing for one of the schools' coaches in a summer basketball league. The FHSAA ruled that the student was ineligible to play sports for the remainder of the year, but did not impose sanctions against the school.

Penalty appeals have been unsuccessful. Relatively few schools have appealed FHSAA sanctions, and these appeals have not been successful. Of the 35 confirmed recruiting violation cases we reviewed, nine schools appealed either the outcome and/or penalties while 25 did not; in the remaining case the file indicated that the school intended to file an appeal but there was no documentation of the appeal actually having taken place.

The nine appeals were not successful and assessed penalties were not withdrawn.<sup>5</sup> In three cases, the schools filed court appeals of the FHSAA violation determinations and penalties. The courts rejected each of these cases, determining that the schools had not exhausted all of the appeal remedies available under the FHSAA policies and bylaws.

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<sup>5</sup> In one of these cases, the FHSAA assessed the school additional legal fees, which the school refused to pay. As a result, the school was expelled from the association.





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