

Pennsylvania School Boards Association



Special Report on

PAY-TO-PLAY

FEEES FOR PARTICIPATION IN SCHOOL
EXTRACURRICULAR ACTIVITIES

August 2010

Pay-to-play: Fees for participation in school extracurricular activities

This article addresses an apparently growing trend among school districts in Pennsylvania and nationally that requires students to pay sometimes nominal, sometimes significant fees to participate in extracurricular activities from interscholastic sports to band, and including school clubs. The article will briefly address some of the concerns and most cited major issues related to pay-to-play activities. It looks broadly at pay-to-participate around the country and very briefly addresses a few areas of note for school districts interested in implementing a pay-to-play policy. Finally, the article will summarize the results of a recent joint survey conducted by PSBA and Pennsylvania State Athletic Directors Association (PSADA) that addressed pay-to-participate activities across the state. PSBA takes no position on whether school districts should or should not adopt pay-to-play policies, and regards the suitability of this option as a matter that should be left to the discretion of local school boards.

How prevalent is pay-to-play?

Likely, the first question you have about pay-to-play is, “How many states have districts that charge students fees to participate in sports and other extracurricular activities?” At this time, based on the most recent information available (2009), it appears that 33 states have districts that utilize pay-to-play. This is down from 34 states reported to be using pay-to-play practices by national news outlet *USA Today* in a July 2004 online news article based on *USA Today*’s own national survey. Many reporting on the topic indicate pay-to-participate or pay-to-play is a growing trend nationally. This information seems somewhat anecdotal, however, as states, including Pennsylvania, do not track how many schools charge fees for students who want to participate in athletics and other extracurricular activities. Additionally, there seems to be relatively little in the way of research-based data that analyzes either the impact or the outcomes of the practice.

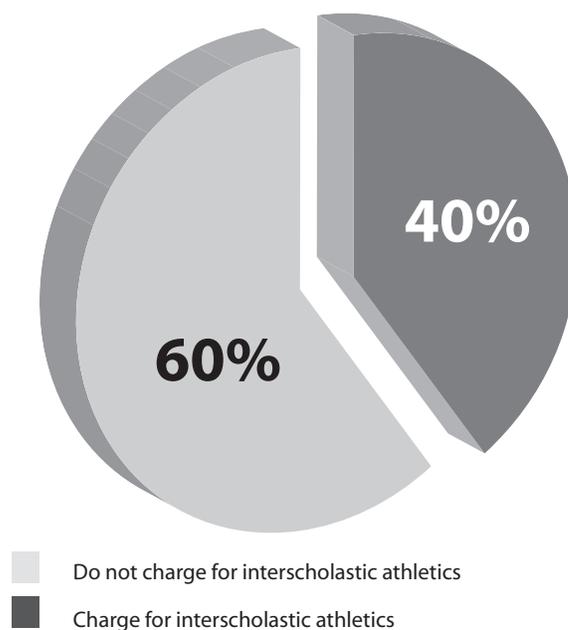
National information gathered recently sheds some light on the prevalence of pay-to-play in the United States. The National Federation of State High School Associations (NFSHSA) published in September 2009, based on a survey distributed to their membership, that 33 states indicated knowing of schools that practiced pay-to-play. A more recent assessment (June 2010) representing a somewhat small national sampling conducted via online surveying by the National Interscholastic Athletic Administrators Association (NIAAA) shows 60% of respondents indicate fees are not charged for participation in interscholastic athletics. Of 770 different

respondents representing 48 U.S. states, 33.5% indicated that they have fees, and either have increased or will be increasing existing fees for the upcoming (2010-11) school year. Also, 6.5% of respondents indicated they would be charging fees for the first time for the 2010-11 school year.

While pay-to-play may, or may not, be on the rise, it has been declared unlawful in some states

Chart 1

% United States respondents that indicate charging fees for interscholastic sports participation



Source: NIAAA 2010

due to restrictions in state statutes or provisions of state constitutions establishing a right to a free public education. Whether due to court rulings, state agency interpretation or explicit statutory prohibition, the reasoning underlying the interpretations or education policy choices in those states is that extracurricular activities, from football to chess club, must or should be considered an integral and necessary part of the public education otherwise guaranteed by state law. The argument in those states and elsewhere among those opposed to pay-to-play fees is that the benefits of extracurricular activities, including development of interpersonal relationships, teambuilding and non-regular problem solving skills, and even improved language, reasoning and brain development in the case of music education, are essential aspects of a well-rounded education.

For legal purposes, Pennsylvania and most other states do not regard athletics, band, student clubs, etc. as part of the guaranteed basic public education, which leaves open to local school officials the possibility of charging fees to participate in these activities. Proponents of pay-to-play fees see them as valid funding options with the potential to become increasingly important to have available when making difficult budgeting decisions. These fees can be seen as potentially less undesirable or unpopular than eliminating some activities altogether, cutting into core education funding or raising local taxes. Proponents also sometimes argue that charging user fees may actually be a fairer way of funding “extras” in which only a portion of the student body may participate. Pennsylvania courts concluded decades ago that neither Pennsylvania’s constitution nor state statutes guarantee students participation in athletics or other extracurricular activities as part of a regular public education, and public schools are not otherwise required by law to offer them at all. Section 511 of Pennsylvania’s Public School Code expressly empowers local school boards to adopt reasonable rules and regulations governing athletic, musical and other extracurricular activities, including how they are financed. However, that statutory provision does not go into detail about such things as participation fees, charging admission to spectators or other specific fundraising methods.

Nationally, some opponents of pay-to-play use a slippery slope argument, indicating heading down

the path that leads to charging fees for participation in some activities will eventually lead to charging fees for others, and so-on. Soon, the argument goes, as fees are charged for a greater range of programs, the line between what is susceptible to fee-based participation and what is not will become murky at best. More and more programs available only via a fee presents the potential for a stratification of schools and districts along socioeconomic lines that opponents argue is inconsistent with the concept of free public schooling in the United States.

Another concern expressed about pay-to-play initiatives is that fees for participation will spell the end for smaller programs, sports and clubs. These tenuous groups, who already depend on a small number of students for sustainability, might fall by the wayside if students who cannot or will not pay decide not to participate. Researcher Scott Smith works in the sports management program at Central Michigan University and has been cited in numerous news reports on the topic of pay-to-play. Smith has done some limited research in tracking pay-to-play nationally, and has found that as long as fees are relatively low (\$50-\$100), participation rates do not diminish significantly. But as fees increase to upwards of \$300, participation rates for all programs can drop as much as 30%.

Some critics of pay-to-participate suggest parents of students who pay fees to play sports will feel entitled to a certain amount of playing time for their children. Parents who pay fees, which range from \$25 to upwards of \$1,500 in some schools, may find it difficult to watch their children sit on the bench, and could certainly have different expectations than students and parents of students who participate in sports through a more traditional “make-the-cut” mentality.

Areas of note

It is important for districts to be vigilant in a few important areas when utilizing pay-to-play practices. Policies imposing participation fees should include provisions for waivers or financial assistance for otherwise eligible students whose families cannot afford them so that they are not precluded from participation due to their economic circumstances. PSBA’s sample policies numbers 122 and 123 titled Extracurricular Activities and Interscholastic Athletics, which are available through PSBA’s policy

maintenance services, can easily be modified to address the issue.

Such modifications should ensure that the financial eligibility criteria for such waivers are clearly spelled out, and provide for a process that allows eligible families to apply without being stigmatized or embarrassed. Criteria could include eligibility for free and reduced school lunch programs, or similar indicators determined to be appropriate by the district. This promotes consistency and enhances opportunity for economically disadvantaged students. As with other policies, it is important that the district solicitor be involved in the development and review of this and other aspects of pay-to-play policies.

Districts should also be aware that adopting a pay-to-play program could present issues relating to students with Section 504 service plans or Individualized Education Plans (IEP). While such students' entitlement to a "free and appropriate education" (FAPE) would not automatically exempt them from the same fees charged to other students, it is possible that provision of IEPs and Section 504 service plans addressing extra-curricular participation might use language that could create that effect for a particular student. Greater care will need to be taken in writing such plans so as not to inadvertently create greater entitlements than would be consistent with a district's pay-to-play policy. Finally, while pay-to-play policies do not directly raise Title IX compliance issues, the potential for impact on participation rates adds one more reason why it is important for districts to continuously monitor all the gender equity factors considered in evaluating Title IX compliance in extracurricular activities. Conversely, it also is possible that revenue from user fees could help avoid program cuts that might have negatively affected Title IX compliance.

Pennsylvania survey results

Here in Pennsylvania, there is no comprehensive list of all schools and/or school districts that charge fees for extracurricular participation. This information is not collected by either PDE or PSBA. It is known that some districts charge for participation in sports. And some districts charge for participation in sports as well as other extracurricular activities. As mentioned earlier, PSBA partnered with PSADA in an attempt to get a feel for the scope of pay-to-play in the state.

A three question survey was distributed to all attendees at the registration area at PSADA's 2010 annual conference in March. The questions on the survey were:

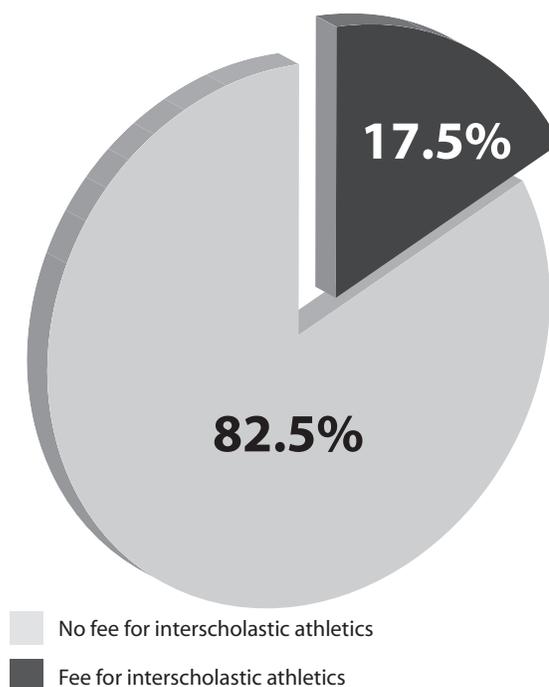
1. Does your district currently charge students a fee to participate in interscholastic athletics?
 - a. If yes, what is the amount charged for participation?
 - i. Is the amount charged per sport or per year?
2. Is the revenue from the participation fee restricted for specific use?
 - a. If yes, specify use of fees?
3. Does your district currently charge students a fee to participate in extracurricular activities other than interscholastic athletics?
 - a. If yes, what is the fee?

The survey tracked the district or school name, as well as the name of the individual who completed the survey. However, this information was not used by PSBA.

Of approximately 473 attendees at the conference representing 413 school entities in Pennsylvania, 196 surveys were collected. Duplicates from the same school or district were not included in the results of the survey. Only one response per

Chart 2

196 surveys collected
District and non-public



school entity was used. The surveys collected represented 179 different Pennsylvania school districts and non-public schools. PSADA opens its annual conference to both public and private schools.

Of the total number of survey respondents, 17.5% indicated charging fees for extracurricular sports and/or other activities. Of the 167 separate public school respondents, 22 public school districts (13%) reported charging students fees ranging between \$5 and \$50 for the opportunity to participate in interscholastic sports. This average fee seems to trend a bit lower than what was found as most commonly cited national averages.

Twelve of the school districts who reported charging fees for interscholastic sports can be defined as suburban districts and 10 are defined as rural. None of the reporting districts were urban school districts.

Seven of the 12 reporting non-public schools also reported charging students a fee to participate in sports. This is a small sampling of all non-public schools in Pennsylvania to be sure. But seven of 12 represents about 53% of the non-public school respondents that indicated charging a fee for students to participate in interscholastic sports. Fees for

students in non-public schools represented in the survey were significantly higher than those in public school districts, and ranged between \$70 and \$300 with an average of \$140.

Six of the school district respondents indicated fees were charged per sport while the remaining 16

Chart 4

Pay-to-play school districts

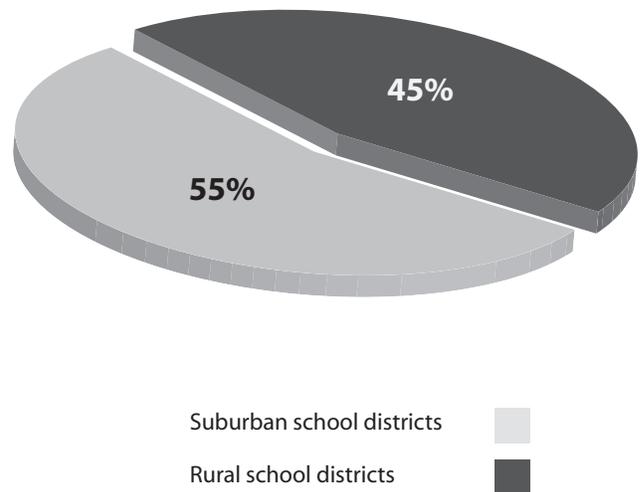
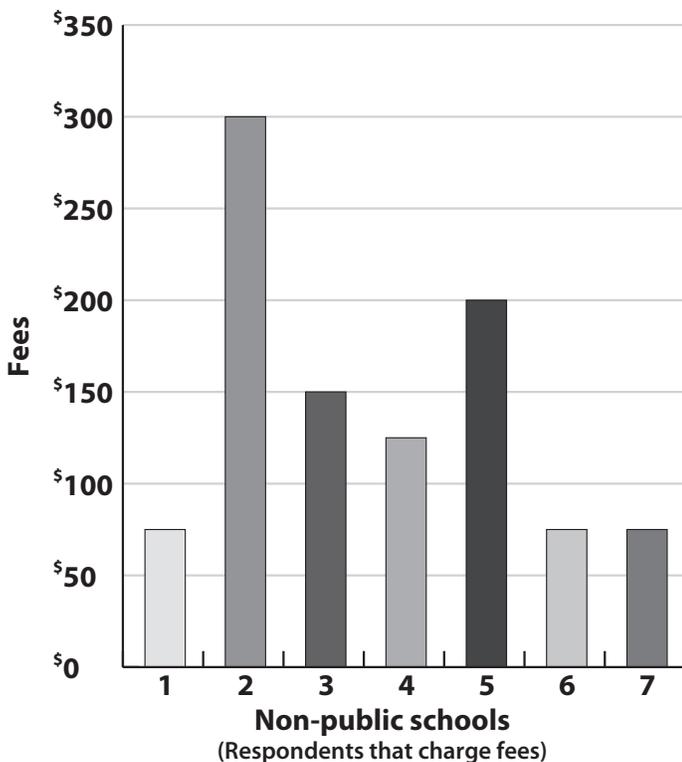


Chart 3

Non-public fees for athletic participation in PA



charge an annual fee for student participation that covers all sports. The average annual district fee for participation in multiple interscholastic sports was around \$30. One school district reported an annual “per-family” charge of \$15. This “per-family” charge is mentioned in literature related to this topic fairly frequently as a way to offset costs for families with multiple students enrolled in school. Five of the non-public schools represented reported that fees were charged per sport.

Around half of the total number of districts and schools that charge students to participate in interscholastic athletics earmark the funds for specific expenditures including:

1. Revenue for athletic budget;
2. Facilities improvement;
3. Bussing;
4. Fitness center;
5. Boosters;
6. Athletic trainer salary;
7. Insurance;
8. Offsetting physical costs; and
9. General athletic needs.

Eight of the public school districts and five of the non-public school district respondents reported

also charging fees for other extracurricular activities. These fees ranged from \$10-\$45 for school districts and \$75-\$300 for non-public schools.

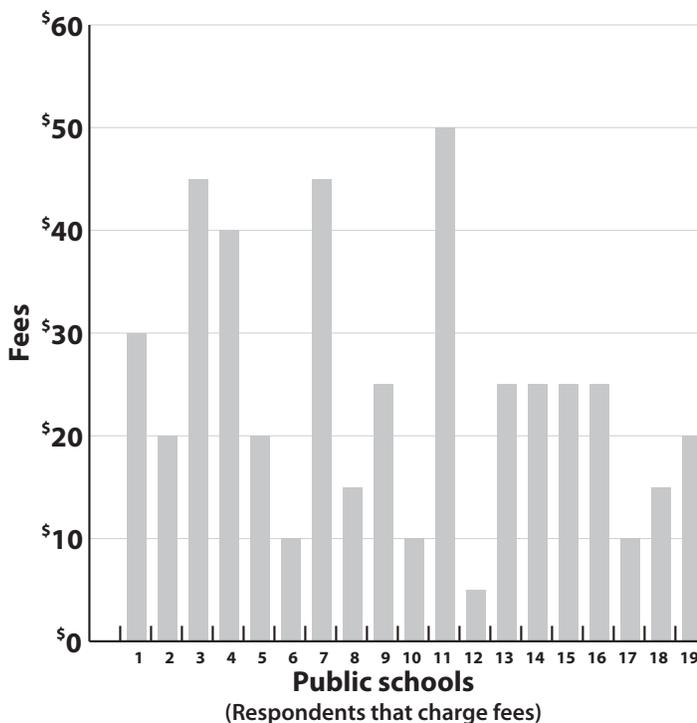
Summary and recommendations

While the exact scope of pay-to-play as a method of generating revenue in schools and districts nationally and in Pennsylvania is not known, pay-to-play activities are generally thought to be on the rise. An informal assessment by Pennsylvania State Athletic Directors Association (PSADA) in reaction to the PSBA/PSADA joint survey seems to suggest an increase in pay-to-play activities in Pennsylvania over the past decade. A NFSHSA 2009 national survey shows pay-to-play activities in 33 states, while the most recent national survey on the topic, conducted by NIAAA, shows 40% of respondents from 48 states indicate charging fees for participation.

Nationally, the legality of pay-to-play or pay-to-participate in schools is not the same in all states, with a few states determining that it is not legal to charge students fees for participation in extracurriculars. Critics of pay-to-play worry the practice will spell the end of smaller programs and that charging for extracurricular activities will lead districts down a slippery slope to charging for more and more activities. While pay-to-play appears to be a legally permissible option for Pennsylvania public schools, school districts should, as with all new initiatives, be vigilant of potential issues. PSBA suggests addressing a decision to begin charging fees for participation in athletics and/or other extracurricular activities in district policy, and that considerations for economically disadvantaged students be clearly identified. It is also a good idea to consult with the district’s solicitor in developing and implementing such policies.

Chart 5

School district fees for athletic participation



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Pennsylvania School Boards Association



The PSBA Education Research & Policy Center is an affiliate of the Pennsylvania School Boards Association. The PSBA Education Research & Policy Center is dedicated to the purpose of in-depth research and analysis of issues affecting public education in Pennsylvania.

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