

January 19, 2023

Testimony before the House Committee on Education

RE: House Bill 2003

Bill Faflick, Executive Director

Respectfully submitted on behalf of the Kansas State High School Activities Association

Chairman Thomas and Members of the House Committee on Education:

Thank you for the opportunity to provide perspective regarding House Bill 2003.

On behalf of the 355-member senior high and 404-middle/junior high schools, the membership of the Kansas State High School Activities Association support the proposed amendment to current statute as noted in House Bill 2003. Thank you for the opportunity to provide perspective on this request for the designated amendment.

1. The KSHSAA mission is to serve Kansas students by providing leadership for the administration of education based interscholastic activities. One of the major elements of our work is to administer post-season championship activities for athletic and academic activities at the high school level. Those championships are developed according to the membership adopted classification system which seeks to have similar sized schools competing for respective championships at the regional, substate, and state level. Classifications do not impact regular season competition (with the exception of district play in football). The classification system is fully detailed in KSHSAA Handbook **Rule 5 – Classification of Senior High Schools** (the full Handbook is available <https://www.kshsaa.org/Publications/Handbook.pdf>). This classification system is subject to the statutory restriction indicating the Association shall classify according to student attendance and the applicable portion follows, most notably (a)(5) as highlighted:

Kansas Statute relative to Classification

K.S.A. 2014 SUPP. 72-130. High school activities association; board of directors, executive board, appeal board; articles and bylaws; reports; classification system; executive director and personnel; application of open meetings law and open records law.

(a) Any association with a majority of the high schools of the state as members and the purpose of which association is the statewide regulation, supervision, promotion and development of any of the activities defined in K.S.A. 72-133, and amendments thereto, and in which any public high school of this state may participate directly or indirectly shall:

(1) On or before September 1 of each year make a full report of its operation for the preceding calendar year to the state board of education. The report shall contain a complete and detailed financial statement under the certificate of a certified public accountant.

(2) File with the state board a copy of all reports and publications issued from time to time by such association.

(3) Be governed by a board of directors which shall exercise the legislative authority of the association and shall establish policy for the association.

(4) Submit to the state board of education, for its approval or disapproval prior to adoption, any amendments, additions, alterations or modifications of its articles of incorporation or bylaws. If any articles of incorporation, bylaws or any amendment, addition or alteration thereto is disapproved by the state board of education, the same shall not be adopted.

(5) Establish a system for the classification of member high schools according to student attendance.

(6) Be subject to the provisions of the Kansas open meetings law.

(7) Be subject to the provisions of the open records law.

For current school classifications, please refer to

<https://www.kshsaa.org/Public/General/Classifications.cfm> and

<https://www.kshsaa.org/Public/Football/PDF/FootballClassifications-2021.pdf>

2. The current Kansas Statute provides latitude to the governing boards and membership to implement a system which meets the needs of the Kansas schools. Over the past few years, the KSHSAA has listened to member school leaders and stakeholders express historical concern of an imbalance between member schools that are public compared to private. The data point most often referenced is the disparate number of championships won by private schools when compared to the percentage of private member schools.
3. The Association has worked methodically through a process relative to the member school classification system seeking to discern the will of the membership relative to a possible amendment to the current system of establishing postseason tournament assignments by matching demographically similar schools. Following a significant period of engagement of school leaders, students, and community members, the KSHSAA respectfully asks for consideration of relief to this one portion of 72-130(a)(5) by adding the phrase “and other factors” which would allow for implementation of additional measures such as a weighting factor for private schools who win championships at a significantly higher rate than the comparable proportion of KSHSAA private school memberships.
4. The process has involved many layers of input as the KSHSAA believed it was important to achieve consensus before coming before the legislators and requesting a change to existing statute language. Ultimately, to implement changes necessary to attain the latitude beyond classifying according to a roster of schools in descending order of enrollment, statute relief is necessary.
5. Prior to contemplating this request for change, the KSHSAA has considered and implemented other measures impacting classification. In recent years, KSHSAA governing boards adopted a

number of modifications which have had an impact on classification, though sentiment has remained that additional modification was necessary. Those changes included the following:

- a. Changing general classification from counting student attendance in grades 10-12 to counting students in grades 9-12 to more accurately reflect participation levels.
- b. Modifying the transfer rule from 18 school weeks at the high school level to one calendar year seeking to minimize transfers between member schools based upon athletic participation.
- c. Modifying the number of schools within the larger general classifications by moving from a configuration of 32, 32, 64, 64, 64, 97 schools in respective classes to a model with 36, 36, 36, 64, 64, 117 schools in each class.

For additional information relative to the Classification Study Committee, please refer to: <https://www.kshsaa.org/Public/PDF/StudyCommitteeSummary.pdf>

For additional information relative to the timeline for the study of classification and public/private, please refer to <https://www.kshsaa.org/Public/PDF/StrategicPlanClassificationTimeline.pdf>

For additional historical information relative to the Public Private Study Committee, please refer to <https://www.kshsaa.org/Public/PDF/PrivatePublicStudy.pdf>

6. The KSHSAA studied a number of models which might be implemented (pending eventual request for legislative relief) and the success of those efforts in other states as well as the unique impact each might yield in Kansas. Those included varying configurations of the following:
 - a. A separate classification for private schools.
 - b. A weighting factor or “multiplier” for schools to artificially inflate enrollment and potentially move a school “up” in classification by a set factor.
 - c. A reduction factor based upon poverty which might be used to artificially deflate the enrollment number and potentially move a school “down” in the classification.
 - d. A success factor that would be applied to perennial championship teams and/or those experiencing regular postseason success which would be applied to artificially inflate the enrollment and possibly move those schools up a classification.
 - e. Leave the system “as is” and follow existing historical language.
7. Following an extended period of education for stakeholders through regionally based administrative meetings, member schools voted in support of a focus on the multiplier which relies upon on the metrics of success, poverty, and access to resources based upon population density. While the legislators are not being asked to approve the specifics of this multiplier, in order to implement this change or any change other than the descending order list of school attendance, a modification of the referenced statute is required.
8. Prior to coming to our lawmakers, the following approvals have been achieved:

- a. Approved by the KSHSAA Executive Board on January 13, 2022, for Board of Director consideration at the April 2022 regularly scheduled meeting.
 - b. Approved by the KSHSAA Board of Directors on April 29, 2022, by a vote of 43-21.
 - c. Approved by a vote of the member schools 219 in favor and 136 opposed by vote conducted in June 2022.
 - d. Approved by a majority classifications impacted with 4 classifications in favor and 2 opposed by vote conducted in June 2022.
 - e. Approval by the Kansas State Board of Education to KSHSAA to take this to lawmakers for consideration of statute change by a 6-4 vote on September 14, 2022 (changes in bylaw procedures must be approved by the KSBOE).
9. Pending a successful change to statute, future amendments would follow the traditional approval process as outlined in KSHSAA Handbook Bylaws and Rules. Specifically, the process of classification is provided in *Bylaw Article XII - Classification of Senior High Schools* and the detail of the system is provided in *Rule 5 – Classification of Senior High Schools*. The governing bylaws and rules are available in the KSHSAA Handbook at <https://www.kshsaa.org/Publications/Handbook.pdf>
10. Respectfully, the KSHSAA requests that this proposed amendment stand on its own accord as we are concerned bundling it with other items may diminish the importance of this issue to our membership and compromise requested approval.

The KSHSAA asks that the members of the House Education Committee support HB 2003 as it is presented and forward it to the next step required for legislative approval.