

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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TIMOTHY H. JOHNSON
38TH DISTRICT

January 17, 2023

Honorable Rep. Adam Thomas
House Education Chair
Kansas House of Representatives

RE: Proponent documents for hearing January 19, 2023 on HB 2003

Dear Education Committee:

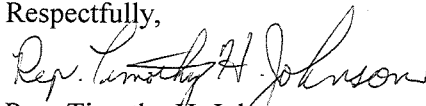
House Bill 2003 is a simple bill to codify the decisions of both the Kansas State High School Activities Association and the Kansas State Board of Education regarding classification of schools for participation in sports and other activities. While on the outside it would seem that this bill is an extensive system of regulations based on statistics and data, in truth the legislature is simply being asked to approve decisions of two duly elected bodies who govern school activities. Both have formerly vetted and voted in favor of their regulations that now require simple approval to put in place.

Before the approved changes in their policies can be implemented, the KSHSAA needs the simple words, "and other factors" inserted into existing law KSA 72-114 in the section pertaining to classifications. That is the basis of this entire piece of legislation. This is all that is being asked for. It is the job of KSHSAA to make decisions regarding the schools and students participating in athletics and academic competition. They are duly elected and managed by a complex administration with experience and democratic requirements. Their primary supervision is the Kansas State Board of Education, another duly elected board which is charged with oversight of the KSHSAA.

Both bodies have publicly held hearings, discussed extensive information and then concluded by an open vote in public and chosen their proposed policy. All of their hearings, votes, and records regarding their decisions are available for review. In an appendix to this letter I have included two additional documents for review and can make available extensive data upon request.

I would respectfully request that the committee approve House Bill 2003 when it comes to a vote.

Respectfully,


Rep. Timothy H. Johnson
38th District

Attachments: Appendix A & B

APPENDIX A

Kansas State High School Activities Association Minutes

**Note: Minutes are subject to the approval by the Board at its next meeting.*

Executive Board Meeting
KSHSAA Board Room
Wednesday, January 12, 2022
Thursday, January 13, 2022

The Executive Board of the Kansas State High School Activities Association met in on Wednesday and Thursday, January 12-13, 2022, with the following in attendance: President Roger Perkins, Tim Bumgarner, Matt Garber, Shannon Haydock, Deena Horst, Mike Kastle, Tammie Romstad, Greg Rosenhagen, Catherine Smith, Drew Thon, Linda Wiley and Bill Faflick, Executive Director. Assistant Executive Directors Francine Martin, Mark Lentz, Jeremy Holaday, Craig Manteuffel, Rod Garman, Annie Diederich and Office/Operations Manager Brent Unruh were also present. Board member Deena Horst was absent Wednesday morning due to State Board of Education meetings and member Catherine Smith was absent on Thursday due to illness.

CONSENT AGENDA ITEMS

The following items were all approved unanimously via consent:

- Minutes of the November 17, 2021 Executive Board meeting.
- Items approved by KSHSAA staff on behalf of the Executive Board. (*A list of these items may be found at the end of these minutes.*)

ADMINISTRATIVE REPORTS

The Board received reports from Executive Director Bill Faflick, and the Assistant Executive Directors regarding the status of programs and services of the Association. The Executive Director gave a financial report and also an update on the business of the National Federation of State High School Associations following the recent NFHS Winter meeting, as well as an update on the business of National Interscholastic Administrators Association following their annual conference.

BOARD OF DIRECTORS and APPEAL BOARD ELECTION REMINDER

Member schools are reminded of upcoming elections for positions on the KSHSAA Board of Directors and Appeal Board. An email was sent on January 14th providing information on positions for members of local boards of education and junior high/middle and senior high school administrators. Individuals interested in being candidates for these positions must submit their names to the KSHSAA by February 15. Please see Bylaws IV and VII in the Handbook for the required procedures to submit candidate names. The spring issue of the *Activities Journal* will contain a special section with this information.

Senior high school principals should note information reminding them to identify their league affiliation and league representatives to the KSHSAA Board of Directors for 2022-2023 was sent to them via email on January 14th.

the state meet. Following discussion and a review of support material, the Board voted to support the decision by staff. The student remains eligible as a non-varsity participant in activities rostered in the previous 12 months prior to transfer, including debate, until the student completes the transfer period of one calendar year at the new school.

NFHS NETWORK INCENTIVE PROGRAM

The Executive Board received a briefing on the NFHS Network "Drive to 100" incentive program. The KSHSAA is participating which provides every Kansas school deciding to join the Network with the opportunity to receive two free Pixellot camera systems (one for gymnasium, one for stadium field), free installation, no maintenance costs, immediate revenue share with guarantees for each school participating of \$1000 annually for the first two-years in the Network. Currently, 166 schools are part of the Network. If the Association reaches 300 or more member schools, the Association will also receive an incentive bonus. If achieved, the board supports staff recommendation that the KSHSAA will use the bonus from the NFHS Network to award grants for member schools to enhance the student broadcast program through additional technology procurement and teaching/learning workshop participation. Information about the program and the incentives will be sent to member schools in the coming weeks.

FALL PRACTICE REQUIREMENTS

Sports Medicine Committee liaison Brent Unruh and staff led a preliminary discussion regarding the varying practice requirements of fall sports prior to the first competition. Current Handbook requirements designed to address heat acclimatization differ between fall sports. Recommendations from the KSHSAA Sports Medicine Advisory committee were reviewed fall activities which impact team and individual practice requirements. The Board reviewed options for policy updates in the relative to the minimum number of team and individual practices required for each fall activity, including those which may have Standardized Calendar impact. Following a review of possible changes and discussion, the Board asked staff to finalize language for action at the March Executive Board meeting with intent to send a proposal to the Board of Directors for their April meeting.

AGENDA ITEMS FOR BOARD OF DIRECTORS SPRING MEETING

Executive Board members discussed the agenda for the next Board of Directors meeting. Two items were introduced by staff for addition to the agenda. Following discussion, the items were approved to be added to the April 29th Board of Directors meeting agenda:

Amend Classification Rule 5 – Per ongoing public/private school championship discussion, rule revisions are suggested as per direction of the Executive Board at their November 2021 meeting. *NOTE: State of Kansas Identifying Statutes would need to be approved by both the State Board of Education and the State Legislature prior to implementation. Without these approvals, amendments to Rule 5 would not be permissible.*

State Of Kansas Identifying Statutes

K.S.A. 2014 SUPP. 72-7114. 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. 72-7117, 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 and other means.
 - (6) Be subject to the provisions of the Kansas open meetings law.
 - (7) Be subject to the provisions of the open records law.

Rule 5

Classification of Senior High Schools

Section 2: Senior High Regulations

Art. 5: Private schools will be subject to an enrollment multiplier factor when determining classification numbers. Factors for determining the multiplier include school location, socio-economic status, and championship factor. To calculate the multiplier number, the following criteria will be applied:

Any private school that has won five or more state team championships in the most recent five school years will have a multiplier applied to their classification enrollment count. These select private schools will begin with a 1.0 multiplier. The following factors will be added to the multiplier for each select private school.

1. Championship Factor - cumulative state championships over the previous 5-year period (not activity specific, team activities only).

10+ championships: + 0.30

5-9 championships: + 0.15

NOTE: if a private school has won less than 5 championships in the previous five-year period, the multiplier remains 1.0.

2. Geographic Population Factor – public school attendance area in which the private school is located.

Within a 5A/6A community: + 0.30

Within a 3A/4A community: + 0.15

Within a 1A/2A community: + 0

NOTE: if a private school does not meet the Championship Factor, the Geographic Population Factor would not take effect.

3. Free/Reduced Lunch Population Factor

0-20% Free/Reduced students reported: + 0.15

>20% Free/Reduced students reported: + 0

NOTE: if a private school does not meet the Championship Factor, the Geographic Population Factor would not take effect.

NOTE: The multiplier impacts classification for all school activities and will be applied to both general and football classification numbers. Schools cannot move up more than one classification based upon the multiplier. The multiplier enrollment count will not force a school to move from 8-person to 11-person football or from 6-person to 8-person football. Geographic location is determined by the physical address of the private school. If Free/Reduced data is not collected and/or reported, it is assumed to be zero. There is no process for appeal to change a classification that has already been changed by the multiplier.

Amend Transfer Rule 18-1-10: Per Executive Board request at their November meeting.

Art. 10: TRANSFERRING BACK TO HOME SCHOOL—If a student has lived and attended school away from home, he or she shall be eligible for interschool activities upon returning home and attending the home school (the school the student previously attended, if there has been no change in family residence), provided the student meets all other general eligibility requirements (Process Form T-E). This is not applicable for students who return to their member school after attending a school/academy which provides a specific athletic/activity focus.

NOTE: Questionable cases must be submitted to the Executive Board.

GOLF ITEM TABLED FOR FURTHER DISCUSSION

Based upon feedback following regional meetings and as initiated by the KIAAA, language to provide a one tournament exemption for golfers during the season was brought before the Executive Board for possible Handbook changes. Following discussion, the Executive Board determined manual changes need to be made to follow current protocol already in place. In addition, possible rule changes to **Outside Competition Rule 22** and to **Golf Rule 36** were tabled until the March meeting to allow staff time to further modify language.

COACHING SCHOOL

The 2022 KSHSAA Coaching School is to be held in-person once again and is scheduled for August 1-2, 2022 at Stormont Vail Events Center. This year's keynote speaker will be native

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APPENDIX B

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14135 MITCHELL COURT, #A
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TIMOTHY H. JOHNSON

38TH DISTRICT
August 5, 2022

Kansas State Board of Education
Landon State Office Building
900 SW Jackson Street, Suite 102
Topeka, Ks, (66612)

RE: Proposed change to KSHSAA classifications

Dear Members of the Board:

It is with great respect that I address this hearing board regarding the proposed change in KSHSAA classifications on the proposed Rule 5 regarding multipliers. I am a strong proponent for this modification so that a level of fairness can be established between private and public schools in Kansas.

Personally I have officiated football and basketball in my early career and also coached football at the college and high school levels for over twenty years until retiring to be a legislator a year and a half ago. I now serve on the K-12 Education Budget Committee in the House.

Clearly private schools in urban and metropolitan areas have an advantage in sports in being classified at lower levels based strictly on their numbers. Statistics and data confirm this overwhelming advantage. While it is not against the current rules, it is unfair to public schools who are at a disadvantage.

The first example of unfairness is that private schools may recruit athletes from other schools and offer financial incentives for their attendance. This is a common practice in the northeast Kansas region I represent. Incentives to come play at a private school include better recognition for college scholarships, large coaching staffs, media recognition, and winning programs not affected by enrollment. Why stay at an inner city program when you can leave and enjoy immediate success at a private school.

Recruiting does take place and my family has personally experienced it this year. My 6 foot 8th grade granddaughter and my daughter a former college basketball athlete were approached at a summer camp by a "supporter" from a prominent Johnson County parochial school and actively encouraged to attend their school. Scholarships were mentioned as a way to afford this option.

Clearly religious schools have a right to encourage enrollment of students who are parish members or attend the same denomination, but I do not see this as being the case when it comes to athletes. My granddaughter attends a completely different faith based church and school, but this was not even an issue to the recruiter.

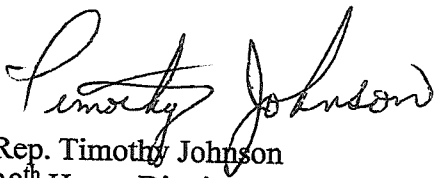
A second issue involving how private schools have lower numbers for classification purposes is that they do not regularly accept special needs students. Public schools are required to provide for any special needs student in the district. I do not have the average number of special needs students at each public school district, but personal experience in my home district is that they increase the overall enrollment for classification, but rarely participate in sports. Without these numbers, private schools can easily slide down a classification.

The proposed multiplier system is a fair and reasonable way to level the playing field. It has been put together by many of the programs most affected by the current process. I strongly support this multiplier system and encouraged its consideration in the 2022 legislative session during K-12 Education committee hearings. I applaud the KSHSAA and State Board of Education for actively considering this proposal and bringing it to a vote.

You also have my commitment to sponsoring any necessary legislation at the state level when we begin the 2023 session and am prepared to submit to the reviser's office a request for the appropriate bill in January.

I thank you for your review of this proposed rule change.

Respectfully,

A handwritten signature in cursive script that reads "Timothy Johnson".

Rep. Timothy Johnson
38th House District
Leavenworth & Wyandotte Counties