

January 24, 2023

Testimony before the House Committee on K-12 Education Budget

Opponent testimony regarding House Bill 2030

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

Chair Williams and Members of the Committee: Thank you for the opportunity to provide perspective regarding House Bill 2030

The Kansas State High School Activities Association and its 354-member senior high and 404-middle/junior high schools oppose House Bill 2030 based on the following concerns:

1. Annually, more than 110,000 Kansas students who elect to attend accredited private and public schools that are members of the KSHSAA. Every one of those students earn their eligibility and participation privileges by meeting the Associations individual eligibility requirements, including but not limited to enrollment, attendance, and scholarship. The process of earning eligibility is ongoing for students each semester. To statutorily provide eligibility for students electing to attend a non-public school without regard to accountability to the same standards is a disservice to those 110,000+ students. Parents of these students will be justifiably concerned for the inherent unfairness since their students earn eligibility for school activities by being accountable to specific and measurable academic standards in schools which are accredited by the KSDE. House Bill 2030 imposes eligibility for students choosing without regard to those students being accountable to the same standards. The KSHSAA is concerned that such a double standard will compromise the impact of the education-based activity program.
2. While many nonpublic and non-KSDE accredited programs provide rigorous learning opportunities for those enrolled, the reality is no reportable oversight exists for these programs to monitor student learning. Without the standard provided by the KSDE, there is no way to document breadth and depth of learning and whether it equates to student learning equivalent to expectations maintained in member schools. To grant automatic eligibility to those only required to enroll in one class at the school seeking to play on the school's team, creates the inequitable standards within that team, as well as on opposing teams. The philosophical basis of all KSHSAA activities maintain a level playing field for all students. This bill changes that foundational principle. School teams will no longer be internally consistent when they compete, nor will they be consistent when compared to opposing schools. Will the Legislature grant eligibility for non-students to play on Kansas junior college, college, or university teams when those students only enroll in 3 credit hours at that institution and then take an unrelated and unsubstantiated "coursework" in a different setting? Will the NJCAA or NCAA allow eligibility their respective institutions do not know what is being taught and whether or not the student achieved at an acceptable level?

3. Parents and students elect to enroll in non-accredited school settings by choice. Like all choices, that decision provides certain opportunities and eliminates others. KSHSAA makes no judgment about these programs except to point out there is no oversight, auditing, or accreditation of home schools in Kansas (or beyond). With no identified requirement of these home schools and other non-accredited schools (other than to meet the standard established by K.S.A. 72-6262) establishes an opportunity or incentive for a student to drop out of school. If a student is not passing several classes at a member school but knows there is no oversight in an alternative setting, this proposal allows the student to withdraw from the setting maintaining a learning/performance standard and enroll in an unaudited program and gain eligibility by maintaining enrollment in the one class at the member school. The KSHSAA does not believe such an incentive is in the best interest of student learning.
4. Current KSHSAA policy offers two remedies providing relief for athletic endeavors for students taking classes in non-accredited schools:
 - a. Since the late 1970's the KSHSAA has administered a category for small, non-accredited private schools and home school organizations known as the Approved School List. As of today, there are 33 schools currently on the list for the 2022-23 school year. KSHSAA Approved Schools can and do compete with KSHSAA member schools in regular season and invitational competitions. These Approved Schools are then free to compete in their private school and home school association post season events on the state and national level. It affords them the best of both worlds. Throughout the state there are associations and networks of home school families who are successfully using the Approved School listing as a way to serve the interests of their students.
 - b. The KSHSAA maintains a Virtual Student Eligibility policy which provides an opportunity for students to meet the enrollment and attendance requirements for individual eligibility. Specifically, students are eligible at the public school where they live if they take a total of five or more classes as a student dually enrolled in a KSDE accredited virtual school and at least one class in the brick and mortar setting of the school they will represent in interscholastic activities.
5. The KSHSAA appreciates the expectation detailed in HB 2030 which requires payment of fees commensurate to "fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity". As school leaders consider activities as an extension of the classroom where learning is taking place, they recognize the lessons learned support the educational mission of school. Those lessons reflect growth in areas including but not limited to accountability, leadership, perseverance, communication, collaboration and many more foundational social-emotional skills, all while positively impacting student achievement, daily attendance, graduation rates, and success in post-secondary endeavors. There is no way to calculate the impact for a student from a member school who is displaced by a student who has not been accountable to the same standard they follow. In these cases, member school students may lose starting positions, playing time, or even roster spots to students not held accountable for their own learning.

Typically, schools do not charge fees for general participation in activities as they see activities as an extension of the classroom. Fees are not charged to students for covering expenses related

to teaching salaries nor supplemental sponsor/coach stipends. A few schools have participation fees, but those typically minimally represent travel, equipment, and specific operational needs, but they fall woefully short of the true cost of participation.

The KSHSAA respectfully asks that you not report HB 2030 out of the House Education Budget Committee.