

Christy Hammer

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SB 114/Authorizing nonpublic and virtual school students to participate in ancillary public school activities

Opponent

WebEx and/or Written Testimony

3/5/2025

To the House Education Committee

House Education Committee Members, thank you for the opportunity to present testimony. Let me take the time to introduce myself. My name is Christy Hammer. I am the Superintendent of USD 241. I have been in education for 28 years. I spent 23 years in the high school classroom as a science teacher, 2 years as a junior high/high school principal, and I am now in my third year as a superintendent/principal. Not only have I taught, I have coached, volunteered, and supported students in their educational journey. When there is a need, I step up and fill roles. Though I have been an administrator for 5 years, in 3 of those years, I have taught at least one science course. If there is a need, I work hard to make sure children get their needs met. Being a part of a small community, I have served as a 4-H leader, a community foundation chairman, and a children's church leader. I care for and serve the youth in my district, community, and county.

When SB 114 was presented to the Senate Education Committee, I was not aware that this was a state-wide issue that warranted legislative action. When I saw and heard the testimony, it appeared to me that this bill was aimed at USD 241. The testimony originally appears to stem from a parent complaint and has now made its way to a legislative bill proposal. Is the legislature being asked to make policy decisions that belong to local Kansas School Boards?

I am here for 3 reasons: 1) to communicate my district has complied carefully with 72-7121 and has not avoided complying; 2) the proponents have not shared the whole story, omitting important facts; 3) the bill as proposed is ambiguous and would mean different things for different sized districts across the state. For our small school, it could subsume everything we do in the district.

I am pasting a portion of statute K.S.A 72-7121, within this testimony. It states the following (please note the highlighted area). (The entire statute text is at the bottom of the testimony.)

72-7121. Participation in public school activities by students attending nonpublic schools or virtual schools; eligibility; participation requirements. (a) Any student who meets the requirements of this section shall be permitted to participate in **any activities offered by a school district that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114**, and amendments thereto.

First and foremost, the school has complied with KSA 72-7121. Had we not, the school would have lost its KSHSAA eligibility. Unenrolled students were allowed to participate in activities in accordance with the statute.

Secondly, the testimony of Mr. Ney and his clients, as the proponents for SB 114 left out some key information in order for this committee to make an informed decision on this legislation. Please let me expand on some of the information that was left out of the testimony.

In regard to the testimony, and more specifically senior night: the proponent's testimony was incomplete. It failed to mention the following. Our school is small and built on tradition. For example, this year our graduating class has 14 individuals who are enrolled full-time. It is our custom to recognize all members of the graduating class. This recognition night is intended to present to our community all students within the graduating class who attend, not just those who participate in activities. Participation in KSHSAA-sponsored activities has no relevance to the recognition. In fact, an article from "The Sentinel" quotes a KSHSAA official stating that KSHSAA does not have policies related to senior night. (Article attached) For this reason, last year, the board did not expand senior night to include unenrolled students. However, this year, the board changed its policy to allow unenrolled students to participate in senior recognition night even though they are not a part of the graduating class of our district.

Additionally, Mr. Ney and his clients state that they did not letter. While KSHSAA does not regulate, supervise, promote, and develop lettering criteria, the proponent failed to mention that they did in fact letter last year. You will find attached minutes from the May 2024 BOE meeting that clarifies the decision to allow these students to letter. A recently passed board policy has ensured that unenrolled students will letter if they meet the performance criteria. Those minutes will be considered for approval at the next regular meeting.

One of the key concerns with SB 114 is the lack of clarity in its wording, which raises questions about its specific applications. SB 114 is vague and has ambiguous language. What constitutes a KSHSAA ancillary activity? For example, is a graduating senior class recognition night truly a KSHSAA-sponsored event? There are no existing KSHSAA guidelines that explicitly indicate sponsorship of such events. If nonpublic and virtual students were granted access to public school activities under the guise of KSHSAA oversight, it is imperative that clear definitions be established regarding what falls under KSHSAA jurisdiction and what remains a local school function.

Furthermore, let's talk about the standards that public school students are held to rigorous academic, attendance, and behavioral accountability measures that nonpublic and virtual school students do not share. These accountability measures ensure consistency, fairness, and a level playing field for all students participating in school activities. Statute K.S.A. 72-7121 opened up a whole new plethora of problems for districts. For example, if students who were academically ineligible to participate in activities, unenrolled from our school district, enrolled in homeschool, and then returned to our district, they would be allowed to participate in activities, in accordance with the statute. Allowing students outside of the public school system to participate in KSHSAA

“ancillary” activities without being subject to the same standards undermines the integrity of the programs and creates inequities.

Public schools and their affiliated extracurricular activities exist to serve enrolled students who adhere to the district’s policies and standards. Granting nonpublic and virtual students access without equivalent requirements would be unfair to public school students and could set a concerning precedent for the future of public education in Kansas.

I ask that you use sound judgment in determining what needs to become a statute. Local school boards are elected by the voters of each district and are ultimately held accountable by the families and taxpayers within that district. If a local situation arises, trust the voters and the local elected officials to work it out.

72-7121. Participation in public school activities by students attending nonpublic schools or virtual schools; eligibility; participation requirements. (a) Any student who meets the requirements of this section shall be permitted to participate in **any activities offered by a school district that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114**, and amendments thereto. A student shall be permitted to participate in any such activities if such student:

- (1) Is a resident of the school district;
 - (2) is enrolled and attending a virtual school as defined in K.S.A. [72-3712](#), and amendments thereto, or a nonpublic elementary or secondary school;
 - (3) complies with the requirements of K.S.A. [72-6262](#), and amendments thereto, prior to participation in any such activity;
 - (4) meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. [72-7114](#), and amendments thereto, that are not otherwise in conflict with this section;
 - (5) pays any 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; and
 - (6) seeks participation at the appropriate school of the school district that corresponds to where such student resides within the school district's respective school attendance boundaries established by the board of education of the school district.
- (b) (1) Any student attending a home school who seeks to participate in an activity in the student's resident school district shall be deemed to meet any academic eligibility requirements established by the activities association for participation in an activity if:
- (A) The student is maintaining satisfactory progress towards achievement or promotion to the next grade level; and
 - (B) the parent, teacher or organization that provides instruction to the student submits an affidavit or transcript to the activities association indicating the student meets the academic eligibility requirements of subparagraph (A).
- (2) Upon submission of an affidavit, the student attending a home school shall be deemed to meet any academic eligibility requirements established by the activities association and

shall retain such academic eligibility during the activity season for which such affidavit is submitted.

(c) Except as provided in subsection (d), a student attending a virtual school as defined in K.S.A. [72-3712](#), and amendments thereto, who seeks to participate in an activity in the student's resident school district shall not be required to enroll in or attend a minimum number of courses at such school district.

(d) The board of education of a school district may require a student who participates in an activity pursuant to this section to enroll in a particular course or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity.

(e) Except as provided in subsection (b), any student who seeks to participate in an activity pursuant to this section shall be subject to any tryout or other participation requirements that are otherwise applicable to all other students for participation in the activity.

REGULAR BOARD MEETING

**REGULAR BOARD MEETING
MAY 13, 2024
6:30 P.M.
CONFERENCE ROOM (403)**

ROLL CALL: ROSS COX
STEPHANIE JOHNSON
CRAIG SLOAN
CAMRON FUNK
MARK KUHLMAN
SANDY CULLENS
BRAD CHUBB
CHRISTY HAMMER, SUPERINTENDENT
MATT BROWN, PRINCIPAL
JOANNA BASGALL, CLERK

APPROVAL OF AGENDA: Mark Kuhlman, seconded by Camron Funk, moved to approve the agenda as amended. Motion passed 7-0.

CONSENT ITEMS:
MINUTES OF APRIL 11, 2024 REGULAR MEETING
MINUTES OF MAY 1, 2024 SPECIAL MEETING
APPROVAL OF WARRANTS: GENERAL FUND
APPROVAL OF FINANCIAL REPORTS
1. **TREASURER'S REPORT**
2. **CLERK'S CASH SUMMARY**
3. **REVENUE/EXPENDITURE REPORT**
4. **ACTIVITY FUND REPORT**
5. **FINANCIAL SPREADSHEET**

APPROVAL OF CONSENT ITEMS: Brad Chubb moved, seconded by Mark Kuhlman, to approve consent items 1-5. Motion passed, 7-0.

CITIZENS COMMENTS: Multiple

CURRICULUM PRESENTATION: N/A

EXECUTIVE SESSION: NON-ELECTED PERSONNEL: N/A

ATHLETIC/ACTIVITIES DIRECTOR: Andrew Korte gave his report.

ADMINISTRATIVE REPORTS:

- A. NWESC – STEPHANIE JOHNSON: included in the packet.
- B. NWTC – BRUCE BOLEN – Bruce Bolen gave his report.
- C. PRINCIPAL – MATT BROWN – Mr. Brown gave his report.
- D. SUPERINTENDENT – MRS. HAMMER – Mrs. Hammer gave her report.

EXECUTIVE SESSION: NON-ELECTED PERSONNEL: N/A

DISCUSSION/ACTION ITEMS:

- 1. **ACCEPT/REJECT SUBURBAN BID:** Brad Chubb moved to reject the Suburban bid from Herl's Chevrolet and relet bids according to the specifications previously required. Motion passed, 7-0.

- 2. **RESIGNATIONS:** Brad Chubb moved, seconded by Craig Sloan, to accept the resignation of Vicki Fitzwater. Motion passed, 7-0.

Brad Chubb moved, seconded by Mark Kuhlman to accept the resignation of Val Poe. Motion passed, 7-0.

Mark Kuhlman moved, seconded by Camron Funk, to accept the resignation of Staci Hennick. Motion passed, 5-2 (Chubb, Cullens).

- 3. **ACCEPT TEACHING POSITIONS:** Sandy Cullens moved, seconded by Brad Chubb, for the board to enter into executive session for ten (10) minutes, for the purpose of non-elected personnel, to protect the privacy rights of said person, and to return to this room at 7:27 p.m., inviting the board and administration (Mrs. Hammer, Mr. Brown, and Mr. Korte) to attend. Motion passed. 7-0.

Mark Kuhlman moved, seconded by Camron Funk, to approve Kristina Boldt as the Third Grade Teacher for the 2024-2025 School year. Motion passed, 7-0.

Sandy Cullens moved, seconded by Brad Chubb, to approve Dana Clay as the Music Teacher for the 2024-2025 School year. Motion passed, 7-0.

- 4. **Summer Hours:** Stephanie Johnson moved, seconded by Craig Sloan, to approve the summer hours schedule. Motion passed, 7-0.

- 5. **Homeschool Lettering:** Brad Chubb moved, seconded by Craig Sloan, to allow the homeschooled student to letter for the 2023-2024 school year. Motion passed, 6-1 (Funk).

ADJOURNMENT: Craig Sloan moved, seconded by Mark Kuhlman, to adjourn the meeting. Motion passed, 7-0.

Attested:

JoAnna Basgall, Clerk
USD241, Wallace County

Ross Cox, President

USD 241 Wallace County refuses to allow homeschool athletes to participate in sports recognition

 sentinelksmo.org/wallace-county-school-board-homeschool-athletes/

July 27, 2024



Homeschool students who played for Wallace County High School were unfairly neglected and discriminated against during athletic recognitions earlier this year, according to parents and a school board member.

According to USD 241 Wallace County Board of Education Member Sandy Cullens, two homeschooled girls who played on the state-tournament qualifying basketball team were omitted from “senior night” recognition; they and other students were deliberately ignored at the annual athletic awards banquet.

Cullens said the district has lost approximately 36 students in the last two years — most of whom are now home-schooled. Only 167 full-time equivalent students attended USD 241 last year.

Thanks to a law passed in 2023, homeschool and private school students are permitted to participate in activities sponsored by local public schools.



According to Cullens, in February, the teammates of two of those students asked if they could walk across the floor on senior night to be recognized along with their teammates.

Cullens said the board then called a special session and went into executive session, saying there was a “student issue.”

According to Cullens, no students were discussed by name, and the Wallace County school board then adopted a policy disallowing homeschooled students senior night recognition.

Cullens said she believed the executive session was a violation of the Kansas Open Meetings Act and filed a complaint with the Kansas Attorney General’s office.

Cullens felt that since the students in question were not enrolled in the district, the reason for the executive session was improper.

Wallace County district falsely alleges KSHSSA rules prohibit participation

According to Cullens, the district variously claimed that the Kansas State High School Activities Association (KSHSAA) and state law prohibited the participation of the students.

However, neither KSHSAA nor state law make any such prohibition.

“That’s a school decision,” KSHSAA Assistant Executive Director Mark Lentz said. “We don’t have any policies related to senior night.”

Nor does Senate Bill 113, which authorizes “nonpublic school students” who meet eligibility requirements to participate in any KSHSAA-sanctioned events.

Indeed, the bill doesn’t address things like athletic banquets or senior nights at all, but states that the district board of education may require a nonpublic school student who participates in an activity to enroll or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity. Under the bill, KSHSAA could not prohibit any such student from participating in any activity available to such student as part of the student’s primary enrollment and attendance at a nonpublic school.

According to a letter sent to the *Sentinel* by Wallace County parent Keara Richardson — the parent of one of the girl’s basketball players — the policy didn’t specifically prohibit participation, but her daughter was denied the opportunity to walk anyway.

"Though the policy they adopted to prevent my daughter's participation did not specifically state she could not participate, they would not allow her," Richardson wrote. "On Senior Recognition Night, my daughter went to the corner of the gym while her teammates, many of them angry she wasn't allowed to participate, walked out on the floor to be recognized."

Moreover, the snubs continued at the Wallace County annual athletics award banquet.

"On April 29, 2024, my high school children brought home an invitation from USD 241 inviting us to the Activities Banquet held annually at the end of the school year to recognize student activity achievement," she wrote "Upon arriving, my children noticed that my son did not have a packet like the other athletes.

"As the event progressed my husband began to notice that my kids' names were not listed as letter winners in any of the sports they qualified to letter in. The only awards my children received were the awards their teammates voted to give them, and those awarded to them by [Kansas State High School Activities Association] and outside organizations.

"The local school district refused to acknowledge their participation in the district's activities. My senior daughter received All-State team status in volleyball and basketball, all three of my HS athletes participated at State Track, two of the three made the podium as medal winners for the district, but they were not awarded a letter in the district they competed to represent."

Post Views: 3,570

