



Opponent Testimony re SB 114

For the House Education Committee

March 5, 2025

Bill Faflick, Executive Director

Kansas State High School Activities Association

Chair Estes and Members of the Committee, thank you for the opportunity to provide opponent Testimony on behalf of the Kansas State High School Activities Association regarding Senate Bill 114.

The mission of the Kansas State High School Activities Association (KSHSAA) is to serve students by providing leadership for the administration of education based interscholastic activities. In doing so, we serve 738-member high schools and middle schools which educate more than 210,000 students annually across our great state in grades 7-12. The KSHSAA administers 34 unique activities for member schools which include academic competitions and performances, athletic competitions, and student leadership activities. This includes the development and adoption of fair championship tournament series for those competitive activities.

Since July 1, 2023, the public member schools of the KSHSAA have also provided learning and growth opportunities for students not enrolled at their campuses via compliance with House Sub for Senate Bill 387, which ultimately generated K.S.A. 72-7121. This statute affords participation opportunities in the activities administered by the KSHSAA to non-public school students. Upon adoption of that legislation, the KSHSAA developed an application process by which families and students may pursue eligibility at their local public school without enrollment and attendance at that school. This allows the students to demonstrate they satisfy the six individual eligibility criteria adopted by the membership of the KSHSAA as applied to this legislation. Since adoption, the process has provided the following approvals:

2023-24 School Year

Total High School students approved – 262

Home school – 173

Private school – 89

Total Junior High/Middle School students approved – 175

Home school – 125

Private school – 50

2024-25 School Year (as of 2/10/25)

Total High School students approved - 400

Home school – 224

Private school, brick & mortar – 60

Private virtual school– 24

Public virtual school – 92

Total Junior High/Middle School students approved - 311

Home school– 204

Private school, brick & mortar – 68

Private virtual school – 9

Public virtual school – 30

The KSHSAA provided neutral testimony in regard to the original draft of SB 114 on February 12, 2025, in front of the Senate Education Committee. The Association was neutral as it believed in the apparent philosophical intent of this proposed statutory language, but did not believe a statute was necessary. Rather, the Association believes in the self-governance model which involves the adoption of rules by the representative 75 members of the KSHSAA Board of Directors. Those representatives reflect the demographic and geographic diversity of Kansas with representation according to the following: Governor Appointees (4), State Board of Education (2), local Board of Education (8), Advisory Organizations (5), Middle School Representatives (6), and League Representatives – Superintendents, Principals, and Athletic/Activity Directors (50).

The Association remains neutral regarding the access to ancillary components of the activities administered by the KSHSAA as schools are expected to learn and adhere to adopted rules which are consistent with governing statutes, including the detail of K.S.A. 72-7121. Annually, school administrators take part in mandatory summer administrative seminars, during which they learn of applicable new statutes, as well as amended rules and Association protocols. The non-public school eligibility allowance has been a significant topic in these meetings in the past two summer training meetings. As part of these training sessions, schools review the application process, and what is to occur when an application is submitted by a student or parents. The first review of an application involves the school leader verifying the student address is within their boundaries. Upon confirmation, the KSHSAA will then review submissions relative to all other eligibility criteria and then render a determination. Once the student is approved for eligibility, school leaders are expected to treat them like any other student regarding team membership, equipment, travel, playing time, expectations, awards/honors, etc. One and only one family seemed to be impacted by this legislation, and no contact was made to the KSHSAA regarding their concern prior to the hearing. No other cases have been reported prior to the hearing or after the hearing.

Despite the initial neutral testimony, the KSHSAA is now opposed to SB 114. The reason for the change is based upon the language which was added following the hearing. The new language affords high school students attending the Kansas Academy of Math and Science (KAMS) at Fort Hays State University eligibility at Hays High School. When KAMS was created and opened in August of 2009, KAMS administration met with the KSHSAA to discuss eligibility. The rigor of the program was discussed, and the determination was made that students would be offered opportunities through FHSU intramurals, but eligibility was not possible at KSHSAA member schools. In fact, until this year, the following language was in the Student Parent Handbook for KAMS:

Athletics

KAMS/AMS students will be able to participate in the wide variety of FHSU intramural activities, including sports. However, National Collegiate Athletic Association (NCAA) regulations do not allow KAMS/AMS students to join FHSU athletic teams. This includes the FHSU cheerleading squad and the dance squad. Tryouts for any extracurricular activity are subject to KAMS/AMS staff approval. The Kansas State High School Activities Association (KSHSAA) does not permit KAMS/AMS students to participate in state sanctioned high school athletics.

In more recent conversations with KAMS, the following options to support participation were discussed:

1. **KAMS pursues KSHSAA membership** – all rules of eligibility would apply to KAMS students, as well as other rules relative to coaching requirements, health and safety, and accreditation. If a full membership was pursued, it would likely yield a series of “cooperative agreements” would be pursued with a school in the vicinity of FHSU and practices/competitions would be through that member school. Cooperatives are only allowed between two KSHSAA member schools. There was concern that the KAMS rigor and effort to have students engage on campus might be compromised if those students were participating in a time intensive activity off campus.
2. **KAMS pursues KSHSAA Approved School status** - The second option of “approved status” was able to result in KAMS leadership offering a stand-alone program without all the expectations and accountability which comes with full membership. This allows KAMS students to compete against KSHSAA member schools during the regular season but does not provide Association postseason.
3. **Base School Eligibility** - The final option of “eligibility at a base school” is problematic to the KSHSAA membership as those schools who are geographically proximate to Hays would have an advantage over schools who were across the state from Hays as those students would not be able to commute for practice and games. It also does not provide eligibility for non-Kansas students.

The possibility of having all KAMS students eligible at a single school creates an unlevel playing field for that identified member school. That school would have eligible students from across the state participating on their school teams. The KAMS students may replace existing students in starting positions and on rosters, even though the students have been in the school district for their entire educational experience. This also creates the opportunity for the school to recruit highly skilled student-athletes to a program for academic reasons and provide a dorm room, meals, and athletic opportunities. This also applies to the academic competitions of Scholars Bowl, Speech, and Debate. This option is not available to other KSHSAA member schools.

Conclusion

If students gaining eligibility through the non-public school legislation are not afforded the opportunity to participate in ancillary activities through the public school, the first step for remedy should be through discussion with the school coach and/or administration, and then with the KSHSAA. As the Association already expects its member public schools to treat non-enrolled students like all other team members, school leaders would be reminded by and accountable to the KSHSAA for such compliance. The adoption of another addition to state statute, this one requiring ancillary activities associated with the activities administered by the KSHSAA, seems redundant and unnecessary. Schools not following this expectation should be afforded a chance to rectify the situation with encouragement and communication from their Association. Since the adoption of K.S.A. 72-7121, the KSHSAA has received no concerns or complaints relative to non-public students being denied these ancillary activities until the Senate Education Committee Hearing. As the KSHSAA and its member schools are already complying with all components of K.S.A. 72-7121, the KSHSAA will continue to support adherence to statutory language and philosophy, and respectfully note additional language is not necessary.

In spite of the original neutral position, the KSHSAA is opposed to the amended version of SB 114 because of the opportunity offered to one Kansas public school. As we seek to maintain the level playing field for membership competing for state titles, it is hard to do so when a single school has a statute which benefits their school and teams. Respectfully, we ask the members of the House Education Committee to oppose SB 114 as it was posted prior to this hearing.