

To: Senator Molly Baumgardner, Chair and the Members of the Senate Education Committee

From: Mike Hubka, Associate Principal and Athletic Director of Bishop Miege High School

RE: Senate Bill #145

I have been a member of the Kansas State High School Activities Association Classification Study Committee since our first meeting on June 24, 2015. I have been the only member on this committee that is currently employed by a private school and this is my fifth year at Bishop Miege. This is my 36<sup>th</sup> year working as an educator in Kansas, and the previous 31 were all in public schools. I have also worked in schools that have been classified as 1A, 3A, 4A and 5A. I have also been a member of the KSHSAA Board of Directors and the KSHSAA Executive Board. All the schools I have worked in were KSHSAA member schools.

The governance structure of KSHSAA is designed to see that many facets of the membership are included in that governance. This is reflected in the membership of Classification Study Committee. As a committee, we started with the agreement that the mission of our committee was for each of us to represent all of the KSHSAA membership in looking at the bigger picture than the schools or interests we represented individually. As a committee, we accomplished this goal in unanimously agreeing to the proposal that was submitted to the Executive Board. That proposal remains in the process of being examined by the KSHSAA membership at this time, as the Executive Board has passed it on to the KSHSAA Board of Directors for consideration for approval or rejection at their next meeting in April 2017. If the proposal is approved there, it will move on to a vote of the entire KSHSAA membership.

While the Classification Study Committee was working on our proposal last spring, KSHSAA Executive Director Gary Musselman shared a letter with us from Senator Steve Abrams, who was the Chair of the Senate Committee on Education. Senator Abram's message was that a hearing had been held on SB 464, which has the same content of current SB 145, and that no action was taken on the bill so that the efforts of the committee could continue. The work of the KSHSAA Classification Study Committee has not been completed. Our committee has not been disbanded. The proposal has not been approved or rejected, but rests in the hands of KSHSAA Board of Directors, then potentially the member schools. I request that the Senate Education Committee continue that decision from the last legislative session and allow the KSHSAA governance and membership to determine their overall approval or rejection of the work of the Classification Study Committee proposal.

Additionally, I was asked to testify on behalf of the private schools of Kansas by Senator Baumgardner. I would like to thank her for insuring that private schools were given representation in this hearing. Senate Bill 145 has been proposed so that the student count of the private school members of KSHSAA would not be viewed equally for classification purposes with the student count of the public schools. As I stated earlier, the bulk of my educational

career has been spent in public education. Therefore, I have a unique perspective of experiencing the public–private debate from both sides.

One of the Belief Statements listed in support of the Mission Statement for the Kansas State High School Activities Association is that “Each school choosing membership in the KSHSAA is equally important and has a direct voice in governing the organization”. One other Belief Statement is that “Our Association is strengthened by equity and diversity”. The approval of SB 145 opens a Pandora’s box by allowing KSHSAA to create any system it wants to classify schools. This bill would open the door for discrimination against the KSHSAA member private schools. One basis given for changing student attendance classification is that there is a competitive imbalance between public and private high schools. That logic implies that only private schools are successful, or that all private school athletic programs are successful. Neither of those statements is correct. There are recent examples of both public and private schools winning both multiple championships in the same year, plus examples of both types of schools winning consecutive championships in the same sport. A proposal being discussed is moving private schools to a higher classification if they are successful, which has been defined as being in the top eight schools in a state championship three out of four years. My question is why just the private schools? Under that same proposal, a public school that wins a state championship three out of four years would not be punished for their success. A success factor would be acceptable if it were enacted into the KSHSAA bylaws and applied equally to all schools.

Another proposal that has been discussed if the law is changed concerns a multiplier for private schools. This would mean that in determining the student count rate, one public school student would equal one student while a private school student would equal more than one student, such as 1.35 students now in Missouri. The current system of student enrollment, while not perfect, is the best way to maintain a competitive balance. By "weighting" private schools it sends a message to public schools that their students are worth less and does the opposite of what is intended, leveling the playing field. By telling private schools their students are worth more, it sends the message to all public schools their students are worth less and compromises the idea that all kids in Kansas are worth the same. Maintaining student attendance or the student count as the overall basis for classification prevents this discrimination by upholding that all Kansas students are equal.

I would also question if success is a negative element in our society. Or, is success only viewed positively if a certain group of schools attain that success? I have always told my coaches that if we can’t win over another team that stands in the way of a desired goal, then we need to work harder to get better and reach our goals. I believe that changing the rules so a school can enhance their chances of winning benefits only that school or set of schools.

As I also stated above, the governance structure of the KSHSAA is designed to see that many facets of the membership are represented and have a voice. Our society operates in a system of majority rules with minority rights. While there are only 28 private high schools that have

KSHSAA membership, there are 325 public schools. The private schools know that they are at the mercy of the public schools in ultimate approval of any KSHSAA bylaws because they are an overwhelming minority. As a KSHSAA member school, we exist and operate under the same set of bylaws as all the other member schools. We believe that bylaws should be applied equally for all member schools.

Again, I urge the Senate Education Committee to reject SB 145 as a change to K.S.A. 72-130(a)(5) in determining how the KSHSAA establishes classification.

Thank you for your consideration.

Sincerely,

Michael A. Hubka