

January 30, 2018
Testimony before the House Education Committee
RE: HB #2540

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

Chairman Aurand and Members of the Committee:

Thank you for the opportunity to appear before you regarding HB #2540

During a series of seven KSHSAA regional meetings conducted across the state in October 2015, superintendents, high school principals and members of local boards of education were asked to give their schools response to the following question: ***“Does your school support granting eligibility for home schooled students residing in your district boundaries?”*** The response from 329 schools attending was 1 YES - 328 NO.

Accordingly, the Kansas State High School Activities Association, on behalf of its 354 accredited member senior high and 408 middle/junior high schools, opposes this bill based on the following concerns:

1. **KSHSAA member schools view this issue as one of school choice and academic accountability for students attending accredited schools, both public and private.**
 - Registration as a home school under K.S.A. 72-53, 100-102, brings with it no requirement for verification of curriculum, instruction or mastery of course work by students, attendance, student time on task etc.
 - This bill places administrators of public schools in the position of trying to verify academic achievement from non-accredited and home schools to determine student eligibility, when the law doesn't require home schools to create or produce such records.
2. **Equal access for Kansas children is provided through school choice and the opportunity to choose to attend an accredited public or private school where these co-curricular programs are offered.**
3. **Annually, more than 100,000 Kansas students who elect to attend accredited public and private schools that are members of the KSHSAA, earn their eligibility and participation privileges by meeting their school's enrollment, attendance, good conduct and scholarship rule requirements.**

The process of earning eligibility is ongoing for students each semester. **To statutorily bestow eligibility on students electing to home school without regard to accountability to the same educational standards is unfair to 100,000+ Kansas students.**

Parents of these students will likely be concerned for the inherent unfairness, since their students earn eligibility for school activities by being held accountable to specific and measureable academic and behavioral standards in schools which are state or nationally accredited.

This bill simply mandates eligibility for students choosing home school without regard to these students being accountable to any educational standards in the same manner as other Kansas students.

4. **Students attending KSHSAA accredited public and private schools would potentially have incentive to leave their accredited school to secure eligibility through this legislatively created pathway, potentially bypassing the academic requirements of our state's accredited public and private schools.**

5. To grant automatic eligibility to non-attending children to play on a school's team where they have no standing or connection, **fundamentally changes the nature of school based sports and activities. School team rosters will no longer be comprised of only the student body of the sponsoring school.**

The philosophical basis of KSHSAA eligibility is predicated on academic achievement and responsibility coming before the privilege of being a student athlete/participant. This bill changes that foundational principle. **School teams will no longer be school teams, but rather geographical teams or club teams.**

6. **Parents and students elect to home school by choice.** Like all choices, that decision provides certain opportunities and eliminates others. KSHSAA makes no judgment about home schooling except to point out there is no external oversight, auditing or accreditation of home schools operating in Kansas. Registration of home schools with KSDE brings no auditing on compliance requirements. To simply grant eligibility without regard to those same requirements is an injustice to 100,000+ Kansas students in grades 7-12 who are accountable to earn their eligibility each and every day by meeting standardized requirements under KSHSAA rules.
7. **Enacting this legislation will create the potential for inconsistency across the state as some local boards of education may approve participation while others may not.** It is important to note that rules governing the eligibility of students participating in KSHSAA activities, are determined by KSHSAA rules created by the member schools themselves to ensure consistency and fairness. Examples include eligibility rules governing minimum academic achievement, age limits, maximum number of semesters and limits on the number of seasons of participation.

Consistency in determining student eligibility is a responsibility given to the KSHSAA by Kansas schools who make the voluntary decision to join the Association. If this legislation is enacted, a board of education that does not adopt a policy permitting participation by a non-attending student will come under pressure to do so if other boards of education adopt such policies. Adoption of any such policy by a school board should not be based on seeking to gain competitive advantage.

8. **There will be a fiscal impact on KSHSAA member schools if additional participants are added to their rosters.** School activity or "*pay to participate*" fees, when assessed, do not defray all expenses associated with school activity programs.
9. Since the late 1970's the KSHSAA has administered a category for small, non-accredited private schools and home school organizations in Kansas known as the *Approved School List*. 28 schools are currently on the list for the 2017-18 school year. KSHSAA Approved Schools can and do compete with KSHSAA member schools in regular season and invitational competitions. They are then free to compete in their private school and home school association league and postseason events on the state and national level. It affords home school students the best of both worlds. Throughout the state there are associations and networks of home school families who are successfully using KSHSAA Approved School listing as a way to serve the interests of their students and families. **Not one of the 28 Approved Schools have voiced interest in their students joining KSHSAA member school teams or programs.**
10. **The interscholastic sports model in grades 7 – 12 is no different than the collegiate model in Kansas state funded and private colleges.** In those post-secondary institutions if an individual wishes to participate or compete in collegiate sports or activities such as debate, music and other fine arts, the student must be enrolled and attending the institution. Further, they must also meet institutional eligibility criteria as well as the eligibility requirements of the governing body, i.e., NCAA, NAIA or NJCAA.

The KSHSAA asks that you oppose the bill.