

**Testimony before the
House of Representatives – Committee on Federal and State Affairs
RE: House Bill #2197**

Gary Musselman, Executive Director
On behalf of the
Kansas State High School Activities Association
March 14, 2013

Chairman Siegfried and Members of the Committee:

Thank you for the opportunity to appear before you regarding House Bill #2197.

The Kansas State High School Activities Association and its 762 member schools oppose House Bill #2197 and the governance changes it seeks to impose. Such intervention seems unwarranted.

As a private, non-profit association of member schools, the governance structure of the KSHSAA is inclusive of all stakeholders and affords multiple avenues for rule changes to be introduced and move forward. The structure of the three KSHSAA governing boards has been the most diverse in the nation since 1992, and includes more publicly elected representatives than any other state high school association in the country. The current bylaws ensure representation of all four Kansas congressional districts, and representation of both genders and ethnic minorities in both the Executive Board and Board of Directors. The Association operates in compliance with the Kansas Open Meetings Law and the Kansas Open Records Act. In 2009, the State of Kansas Legislative Division of Post Audit completed an extensive audit of the operation and governance of the KSHSAA and found no problems and concerns to report.

In the KSHSAA Board of Directors (*the 78 member legislative body*), the public is represented through eight local board of education members plus two members elected by the Kansas State Board of Education to represent that body. All eight local board of education members as well as two KSBE members are elected public officials, charged with making policy decisions in the best interests of all students.

Given Kansas' long history of local control, there is no one more qualified to represent the public than those who run for their local board and are duly elected to represent constituents of the district they serve. These elected representatives of the public have the interest of all students and the public in mind in their every action. All ten members bring that qualification with them to their service on KSHSAA boards. Unelected individuals appointed to KSHSAA Boards would have less reason to be accountable to the public as they would not answer to voters in the same manner board of education members must. Would appointed representatives truly reflect the interests of all students or would they bring issues of concern only to themselves or specific individuals?

Annually, the KSHSAA is involved with thousands of decisions regarding eligibility of individual students, and interpretations and application of its rules and policies. Given that fact, there will always be those who disagree or are unhappy with a particular rule or decision. The Appeals Board exists to serve parents or schools who seek to appeal a decision by staff or the Executive Board.

Local and state board of education members currently serve on the KSHSAA Executive Board as duly elected representatives of the public, and four of the eight members of the KSHSAA Appeals Board are

elected members of local boards of education as well. No member of the Executive Board or Board of Directors may serve on the Appeals Board to ensure separation of powers.

Proponents suggest certified Kansas educators and school administrators are not in position to accurately reflect the will of parents or know what is in the best interest of students. If licensed professional educators are entrusted to teach, coach, direct and administer schools, how are they not qualified or capable of acting in the best interest of students in the realm of school activities? Last year, a census was taken of the 68 members of our Board of Directors attending the April meeting. Those sixty-eight KSHSAA Board of Director members accounted for 178 children and 65 grandchildren in their immediate families. It defies logic to think they cannot know or serve the interest of Kansas students, simply because they are professional educators. To the contrary, these men and women have dedicated their lives to serving the needs of all children, not simply their own. Since school administrators do not have the protection of tenure, they are all immediately accountable to their employing schools and boards of education, for their every decision and action. Only four votes determine their job security, which suggests they are indeed, very accountable.

KSHSAA bylaws permit any member school superintendent, principal, or member of a local board of education to propose rule changes at any time. Additionally, any of the 78 members of the Board of Directors may do so, as may the Executive Board, by a majority vote of its membership. Rules and policies change annually in a dynamic way. The perception that the KSHSAA never changes rules or policies is inaccurate. For the last sixteen years, through its Student Advisory Team (SAT) the KSHSAA has continually sought feedback from Kansas high school students on programs and services it provides. Student surveys with thousands of responses from Kansas students have been conducted by the student members of our Student Advisory Teams. Kansas was the second state in the nation to implement a student focus group of this type enabling student feedback to be taken into consideration in policymaking decisions.

The KSHSAA is unique in many of its program offerings. As a result, it has direct interaction with thousands of Kansas students annually. The sixty-five year old Kansas Association for Youth (KAY) leadership and service program is without parallel. Many of the program decisions of KAY are made by student leaders of Kansas schools and the network of KAY Area Presidents who are high school students. Along with Student Council programs and services delivered by KSHSAA, KAY and STUCO directly impact more than 5,000 Kansas students each year. Through both programs, the KSHSAA has more direct interaction with our state's students than any other state association in the country, and has been commended by the National Association of Secondary School Principals for its work in this regard.

The Fiscal Note to HB #2197 correctly reports there would be no added expense to the State of Kansas by enacting this legislation. However, the KSHSAA would incur significant expense with the expansion of its legislative body by thirty-eight members (fifty percent) and it's Executive Board by four members (forty-four percent). As a non-profit association receiving no direct state funding, the KSHSAA relies primarily on the after sales tax revenue of ticket sales from events it conducts. **Member senior high schools pay \$200 annual dues and middle/junior high schools pay \$65 annual dues. Dues have not increased in twenty-five years. The added expense of forty-two new board members would be a significant issue for the KSHSAA.**

In closing, the KSHSAA thanks you for consideration of our testimony and support for our organization and the work it does to serve the youth of our state. We respectfully request that you oppose House Bill #2197. Thank you for your consideration.