

My name is Jamie Finkeldei. I am the Vice-President of the Kansas Association of Independent and Religious Schools (KAIRS) and the Associate Superintendent of the Catholic Schools of the Diocese of Wichita. KAIRS consists of 140 Christian, Catholic, Independent, Lutheran, and Seventh-day Adventist schools representing more than 35,000 students in the state of Kansas. The Catholic Diocese of Wichita has 10,500 students in 39 schools. KAIRS and the Catholic Diocese of Wichita oppose Senate Bill 145 because it proposes government overreach, justifies religious discrimination, endangers the safety of young people, and is based on the faulty logic that some private schools are successful and so they should be punished.

1. The KSHSAA Executive board does not support this change. The Executive Board issued a statement that they are not opposed to this bill, but they definitely did not endorse it. For over a year, KSHSAA has had a Classification Study Committee that did extensive research and discussion on this issue. At last month's meeting the Executive Board referred the Committee's proposal for action at their April 28th meeting. KSHSAA should be permitted to act on their own committee's proposal before two people who did not agree with the committee's final recommendations appeal directly to the Legislature to override KSHSAA.
2. The proponents of Senate Bill 145 repeatedly cite only two pieces of evidence, neither of which hold up under scrutiny. First, they cite as evidence a 2007 SHSAA study that found that private schools make up 8% of the membership but win a disproportionate share of the State Championships. However, they fail to note that this same study concluded, "**The Committee does not recommend the introduction of a weighting, multiplier, or deduction factor in regards to enrollment for classification purposes. The implementation of a weighting/ multiplier/deduction factor may be perceived to solve an isolated issue, but may lead to additional issues or concerns.**" In fact, every time KSHSAA has studied this issue they have come to the same conclusion. KAIRS does not believe that government should override the consistent decision of KSHSAA.
3. Proponents of Senate Bill 145 cite a December 2016 "independent" survey where they claim 82% of respondents support a private school modifier. However, this survey was neither reliable nor valid. The two people who did not get their way with the Classification Committee sent out an email to all principals and ADs outlining the many reasons they believed Kansas needed a modifier rule. Then they asked people what they thought. To be truly independent and valid, the survey would have presented both sides of the argument and asked the question in a neutral way. KAIRS does not believe you should base any decision on such an invalid survey.
4. Multiple attempts to implement classification changes in the past have failed because there is a lack of evidence that a legitimate issue exists. KAIRS contends that if a modifier were going to be put in place based on any reason, such as recruiting, low social economic Status (SES), winning too much, or selective enrollment, that it at least should apply to all schools equally.
5. Proponents argue that private schools have an advantage based on socio-economic status (SES). Note that Blue Valley, Maize, and Andover school districts, or individual schools

such as Silver Lake (which has won 19 state championships since 2001) or Shawnee Mill Valley (which won Football and boys basketball state championships last year) have extremely low SES numbers and would theoretically benefit from the same perceived benefits. If a modifier is going to be put in place for schools with a low free/reduced lunch count, then KAIRS would contend it should apply to all schools with low SES without discriminating against one type of school.

6. Do non-public schools win too often? Derby won 3 out of the last 4 football championships; Wichita South won 4 consecutive girls basketball championships; and Garden City won 4 consecutive wrestling championships. A public school, Smith Center, holds the record for winning 79 football games in a row and another public school, Arkansas City, once won 12 consecutive state wrestling titles. If a modifier is going to be put in place for winning too much, then why single out only successful non-public schools?
7. Proponents argue that private schools win because they have selective enrollment. However, Kansas public schools have open enrollment policies. There are multiple examples of public school students using open enrollment to attend a nearby high school because of sports. Proponents of this bill narrowly define selective enrollment schools as those that can decline enrollment to a student that resides within that school's public school district. If, however, selective enrollment is defined as schools that can accept enrollment from students that do not reside within that school's public school district, then KAIRS would argue that any modifier should apply to all school districts with open enrollment as well.
8. I would offer two examples to illustrate these points. Proponents of Senate Bill 145 argue for the Oklahoma rule which says if you finish in the top 8 of any sport in 3 out of the last 5 years, have less than 25% free and reduced lunch, and have selective enrollment, then the modifier would apply to that school's sport. Let's apply these criteria (win too much, low SES, and selective enrollment) to two sports: wrestling and Boys and Girls Cross Country. Looking at the last five years in wrestling, four schools would meet these criteria. One is private (St. James) and three are public (Mill Valley, Andale and Silver Lake). If you apply it to Cross Country, you get four private (St. Thomas, Bishop Carroll, St. James, and Thomas More Prep) but seven public schools (Mill Valley, Andover, Southeast of Saline, Lansing, Andover Central, Maize South, and Blue Valley Southwest). I would also point out as Associate Superintendent of the Diocese of Wichita that almost half of the schools in our system have low SES counts of over fifty percent.
9. There is a misguided notion that non-public schools recruit athletes, without offering any evidence. Bishop Carroll in Wichita has two non-Catholic students out of 1,168; Kapaun Mt. Carmel has 25 out of nine hundred. Ohio's modifier rule does not take into account any student who starts in your system prior to 4th grade, which makes sense. The vast majority of the 35,000 students in KAIRS schools start in private schools in kindergarten. We wish we could identify the great athletes in kindergarten, but it is not possible. Most are not transferring in to a KAIRS high school from public schools. Most are attending

the high school in the system they have gone to all their life. Numbers will bear out that if students who come after 4th grade are counted, any modifier would have very little impact on our current classification system.

10. There has been no study by the proponents of the of the safety ramifications of a school with 100 high school students having to compete against schools which have 1,000 students. Common sense would suggest that such a decision would be neither fair nor sane. In fact, a lawsuit filed in Oklahoma based on the due process and equal protection clause of the 14th Amendment forced the Oklahoma athletic association to change their modifier rule based on the safety of students.

In the end, this ‘sour grapes’ proposal has the unfortunate appearance of a thinly-veiled attack on religion since all but three of Kansas’ non-public high schools are religious. Neither Catholic nor Christian schools have a monopoly on winning. Therefore, the 2,400 teachers and over 22,000 families represented by KAIRS strongly urge:

- The Kansas Legislature not to allow religious discrimination in athletics;
- That all students of Kansas have the right to compete fairly and equitably in all school activities sanctioned by KSHSAA;
- That Senate Bill 145 be defeated and the classification system based solely on school size remain intact, as KSHSAA has consistently recommended; and
- That if any new classification system be considered, it should be applied equitably and equally to both public and private schools based on low SES, winning too much, and open enrollment.

Thank you for your consideration.