

Approved: May 2, 1997
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 12:00 noon on April 30, 1997 in Room 519-S of the Capitol.

All members were present except: Representative Ralph Tanner, Vice Chairperson, Excused
Representative Thomas Klein, Excused
Representative Steve Lloyd, Excused
Representative Doug Mays, Excused
Representative Dale Swenson, Excused
Representative Galen Weiland, Excused

Committee staff present: Mary Galligan, Legislative Research Department
June Evans, Committee Secretary

Conferees appearing before the committee: Dale E. Cushinberry, Highland Park High School Principal
Gary Musselman, Executive Director, Kansas State High School Activities Association

Others attending: See attached list

The Chairperson opened the continuation of hearing on **HB 2533 - Kansas state high school activities association, supervision during summer months prohibited.**

Dale E. Cushinberry, High School Principal, Highland Park, Topeka, Kansas, testified in opposition of **HB 2533**, stating he had had the opportunity to view athletics, competition, and the lives of children. There are a number of angles, one obviously as a parent, as a student, as an athlete, as an educator, administrator and a coach. When dealing with issues like this we lose site of the fact of how it really affects children. When first heard of the issue, as one who thought it would be great to have the opportunity to work with our kids the entire year, but then something happened to me and I happened to witness a wrestling tournament at the Expo Centre and noticed a young man sitting outside crying. As I got closer to the conversation - a father talking to his son - the conversation was about the fact the young man was hungry and the father kept telling him he could not eat and gain any more weight as he had to wrestle. Going on further and talking about issues as a principal, it is not uncommon for people to come into my building, a recent situation was a gentleman walking in the halls and I asked him if I could help him. He stated he was an AAU coach looking for player X and was he around. I stated he went to school here but was in class. He asked if the student could be gotten out of class so he could talk to him about participating in AAU basketball. Of course, I told him the student could not be taken out of class but would give him a message to call him. If participation is opened up on one hand it sounds good and the student gets extra instruction, but believe in protecting the lives of children. Many of our kids are not out for track because AAU basketball has consumed a number of children. Some agency needs to be there to regulate the lives of children. The Association is not perfect but do like some things recently witnessed where they are opening it up and can get this input to the people in the communities, whether it is their parents, the athletes themselves or concerned citizens to help shape that organization to make the best possible decisions they can make about the participation of children. The lives of children must be considered, wanting kids to be the best they can be, but also recognize the fact that there is a potential of overzealousness of coaches and parents to specialize the kids. Am wanting full participation model for kids and look at giving the kids options and not forcing them to specialize and ultimately create an environment that could protect kids from some of the other elements that are out there. The Association, although not perfect, is something set up to address these issues and with the new mechanisms in place believe we have what is needed. (Attachment 1)

Gary Musselman, Executive Director, Kansas State High School Activities Association, testified in opposition of **HB 2533**, stating in May, 1996, the Kansas Supreme Court held unanimously that the KSHSAA, as a voluntary, non-profit organization of member schools, was operating within its statutory authority. As such, its seventy-six member legislative body (Board of Directors) was revising rules and policies in accordance with the wishes of the membership. Plaintiff's counsel was unsuccessful in having the Outside Competition rule overturned, and subsequently has requested that **HB 2256** and now this bill be filed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 12:00 noon on April 30, 1997.

Mr. Musselman stated changes were made at their meeting last week. The rule never actually went into effect that disallowed baseball coaches from summer coaching. Baseball coaches are allowed to coach baseball during the summer. Full teams from high schools will be able to make up a full team. A Summer Study Group will look at football, basketball and volleyball to determine if these sports should be allowed to make up full teams.

There was earlier testimony that stated a parent was unable to give private instruction to their children. This rule was clearly misunderstood and misrepresented by several previous conferees. The rules of the KSHSAA have always protected the parent-child relationship. Even a person employed as a school coach may always coach their own child at any time. The confusion on this issue stems from the rules regarding group instruction of students who are on school teams receiving instruction during their school season from someone other than their school coach. The intent is to protect the coach-athlete relationship during the school season. A parent may always coach their own child or children at any time.

Mr. Musselman stated **HB 2533** is too broad and it renders numerous KSHSAA rules meaningless and recommends this bill not be passed.. The definition of "non-school activities" and, activities, "which do not directly impact the school" are very broad statements which leave much room for disagreement and potential litigation.

If this bill were to become law, the KSHSAA would no longer have enforceable rules governing outside competition, olympic development programs, seasons of activities, undue influence/recruitment, amateur status, awards for non-school participation, all star contests, anti-tryout and private instruction.

Removing this authority from the member schools of the KSHSAA would result in many undesirable outcomes and is not prudent educational policy. Local boards of education would be forced to develop similar policies and to defend them at considerable cost of time and money. The difficulty they would face is that there would no longer be a consistent state-wide policy.

Representative Cox moved and Representative Gilbert seconded the minutes of March 24, 25, 31, April 3 and 10 be approved. The motion carried.

Testimony by Jeremy May, senior, Tipton High School, a proponent for **HB 2533** was distributed. (Attachment 3)

The meeting adjourned at 1:00 p.m. There are no more scheduled meetings for 1997.



March 31, 1997

Name: Dale E. Cushinberry
Profession: H.S. Principal - Highland Park (Topeka, KS)
Status: Married, 2 children, 21 & 12 years old

Background:

- * Teacher/Professor - Elementary thru College levels
- * Coach
 - Public School - Wrestling, Basketball, Football, and Track
 - University - Asst. Basketball (Emporia State Univ.)
- * Administration - Elementary, High School, & Private Counseling
- * Athlete
 - Public Schools
 - College
 - Semi Pro
 - AAU
- * Honors Include:
 - Athletic
 - Public Schools: (All City, All League)
 - College: (All American - Basketball)
 - AAU (Basketball)
 - * District MVP (7 times)
 - * Midwest Area MVP (5 times)
 - * National Tourney MVP
 - Education
 - * Distinguished Kansan 1996 (Education)

Position - Support of KSHSAA

As a young man, I grew up wanting to be an athlete, to emulate my dad who was an All-American football player in college. Dad taught me to play all sports. Because I was short & stocky, I was a catcher in baseball and a guard in football. I played basketball for agility and ran track for endurance.

Again, he encouraged me to participate in all sports, with instructions to work hard and be the best you can be. As I hit a growth spurt and changed physically, basketball became my ultimate skilled sport.

Having heard much discussion on this issue and having been in various positions to view it from a number of angles, it is one in which we really need to keep our eye on the ball and focus on some broader issues. We need to make sure that the focus is what is really in the best interest of the kids and not over zealous special interest groups, parents, or coaches.

The banner that seems to be flying high is about limits placed on or regulations on out of season sports. Without the regulations, it would be a greater disaster that would effect kids and programs negatively in my opinion. I feel that the current proposed bill has great potential of forced specialization of young athletes.

Currently, in our schools, we already have polarization and competition that exist between sports, coaches, and the pool of athletes. If there were no regulation of out of season sports, the heighten pressures would be felt by student athletes to make specialized decisions about their participation. In addition, coaches would feel the pressure of needing to be involved more in the off season.

Currently we have AAU and other coaches regularly coming to our school wanting to talk to athletes. (Recruiting). Probably the situation that sticks out in my mind occurred during the recent youth wrestling program at the Expo Center. Reportedly, a young boy sat outside crying with a parent consoling him. The discussion centered around the boy being hungry and the parent reemphasizing he can't eat. He needs to drop a few pounds. If this is what it is about, then I feel we need to introduce legislation restricting this type of activity and protect youth from over zealous adults.

While KSHSAA is not perfect, it works pretty well overall. There will always be situations that may need to be reviewed, but that process is in place. At this time we really need to examine our attitudes about the true mission regarding youth and participation and to make sure the decisions made by adults, understand the broader picture and are responsible.

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520 SW 27th Street, Box 495 □ Topeka, Kansas 66601-0495 □ PH: 913 235-9201, FAX: 913 235-2637 □ GARY P. MUSSELMAN, EXECUTIVE DIRECTOR
Assistant Executive Directors: Victor R. Sisk, Cheryl Gleason, Rick Bowden, Paul E. Palmer, David Cherry; Karen Ruder, Personnel & Information Services
Member of the National Federation of State High School Associations

April 2, 1997

To: Kansas House of Representatives - Committee on Federal and State Affairs

From: Gary Musselman, Executive Director - Kansas State High School Activities Association

Re: House Bill #2533

I wish to thank Chairman, Boston and the members of the committee for this opportunity to testify on the bill.

My testimony is in opposition to the bill.

Origin of House Bill #2533

In May of 1996, the Kansas Supreme Court held unanimously that the KSHSAA, as a voluntary, non-profit organization of member schools, was operating within its' statutory authority. As such, its' seventy-six member legislative body (Board of Directors) was revising rules and policies in accordance with the wishes of the membership. Plaintiff's counsel was unsuccessful in having the Outside Competition rule overturned, and subsequently has requested that HB #2256 and now this bill be filed.

**How does the KSHSAA assemble its' legislative body? (See Bylaw IV)
(KSHSAA Handbook 1996-97)**

All member schools are represented through their league affiliation on the Board of Directors. Independent schools, combine to elect a representative. Leagues serving more than four thousand students receive a second representative who must be a female or minority. **These governance bylaws were modified and adopted in 1993 by the KSHSAA Board of Directors, the Kansas State Board of Education and the Kansas Legislature.** Local boards of education are represented with two members from each of the four congressional districts. Additionally, the State Board of Education has two members who serve on the KSHSAA Board of Directors and appoints four additional at large members to increase representation for under represented groups. Finally, five affiliate organizations representing music, speech & debate, scholars' bowl, athletic directors and athletic coaches have voting membership on the Board.

How does the KSHSAA change rules and policies?

(Attachments: Synopsis of Change 1995-96 & Regional Meetings agenda and votes)

As is true in legislative affairs, the rules of the KSHSAA member schools are in a constant state of change. The attached Synopsis of Changes 1995-96 contains four pages of rule and policy changes adopted in a single year. This is the norm. Additionally, you will note with interest that **each October, the Association conducts six regional meetings to facilitate discussion and gather grass roots input and advisory votes** on significant issues either on board agendas or under consideration for placement there. **The issues pertaining to student participation on non-school teams and coaching outside the season have appeared on these regional meeting and Board of Director agendas frequently in recent years.** Our feeling is that to effectively administer the Association in a responsible way, these meetings and **the ability for any member school to place a proposed rule change on the Board's agenda** are vital. **The rule making process of the KSHSAA is from the bottom up.** We work hard with our member schools to facilitate their active involvement in the rule writing process. This is not a spectator sport. **Our member schools support what they help create.**

How can administrators know what is in the best interest of students?

Kansas law requires teaching experience before one may become certified as a school administrator. Superintendents, principals and activity/athletic directors have all been classroom teachers prior to assuming their present duties. In many cases, many serve in dual capacities as teachers/administrators. In many smaller KSHSAA member schools, it is not uncommon for administrators to not only teach, but coach as well.

"More than just an Executive Director's perspective."

On a personal level, I understand the many different views of KSHSAA rules as I have served as a teacher/coach and principal in Kansas schools for thirteen years before joining the KSHSAA staff nine years ago. With sons in the eighth and fifth grades, who are involved in athletics and activities twelve months a year, I live the parent perspective on a daily basis. As a coach of many youth league athletic teams, and with a wife who not only teaches elementary students but also serves as a Webelo scout den leader, I guess you could say that the Musselman family is *"involved!"* I empathize with all the implications of the rules adopted by the KSHSAA as they touch the lives of children, families and educators. I respect and appreciate the need for structure, order and a buffer against unceasing demands for the family to sacrifice more time to sports and children's activities. In our attempt to teach our sons time management and handling their responsibilities, we must not forget to protect some of their time to simply be children so they may learn and grow the way children always have.

What do current KSHSAA rules allow?

For Students:

During the school year in the season of activity, students may not be members of a non-school squad in the same sport. They may participate on a non-school team in a different sport/activity.

During the school year, before or after the season, a student may be on a non-school team with a limited number of his/her school teammates from the previous season's school squad. This rule applies in team activities only and teammate numbers are equivalent to approximately 50% of a team (e.g. 3 basketball, 4 volleyball, 6 soccer, 6 football 11-man, 5 baseball & softball etc.)

During the summer (Friday before Memorial Day to Tuesday after Labor Day), a student may be on a non-school team with an unlimited number of teammates from his/her school squad from the previous school season.

For School Employed Coaches:

During the school year, a school employed coach may only coach his/her athletes during the school season of sport/activity.

During the summer, a school employed coach may have a one week athletic camp for his/her team members, provided it occurs between June 1 and the first Sunday of August. A coach may serve on staff or serve as a clinician at a summer camp where his or her athletes comprise 10% or less of the camp enrollment. A coach may not coach his/her squad in a team setting in summer camps, although athletes may attend as teams or groups in an unlimited number. A coach may not coach, organize or administer a team or league where his/her athletes from the school squad would be involved. A coach may always coach his/her own child one to one or in a team setting provided the child's teammates are not from the coach's school program.

Is Kansas alone in having rules of this type?

No. Nearly all state Associations have them in some form. Court cases in Ohio (1989), Colorado (1987), New York (1985), and Texas (1976) have all resulted in rulings supporting the right of state activity/athletic associations to adopt rules governing the involvement of student participants in non-school activities. **Commonly known as "outside competition rules"**, the courts in each of these cases cited the same rationale as KSHSAA member schools have used in formulating similar rules for their students. The primary purposes of such rules throughout the nation include:

1. **Participation in school activities is a privilege not a constitutionally protected right.**
2. **Students are free to associate with school teams or non-school teams, as they choose.**
3. **Great importance is attached to the concern that students not physically and emotionally overextend themselves.**

4. Educators have long emphasized **moderation in activities involvements to minimize the loss of school time by students and time available for homework preparation.** This concern relates to students as well as the teachers who also coach.
5. Educators have long opposed policies which **force students to specialize in a single activity** and forgo the variety of opportunities a comprehensive activities program is designed to offer.
6. **Development of "select" "power squads"** is contrary to the best interest of the greatest number of students and creates inequality of competition among schools.
7. All communities do not have the resources or **economic means to offer equitable programs** if limits are not imposed.
8. **Concerns for students who lack the financial resources to participate in non-school programs.** School programs are only available programs and without participating on the non-school teams, students perceive they won't make the school squad. Result is less participation among lower socio-economic groups.
9. **Concerns for coaches include:**
 - Increased parental and community expectations** to coach off season and year around
 - Burnout factor among coaches** is greatly increased (coaching longevity is already a concern)
 - Conflicts** with family responsibilities, continuing education/professional development, other employment opportunities and need for a break in the constant contact with athletes.

What have we learned from the experiences of other states?

Texas, Senate Bill #1 passed in June, 1995. From information received from the University Interscholastic League, *"school programs have suffered."* Coaches are feeling very frustrated by a **12 - 7 - 4 syndrome.** *"Twelve months a year, seven days a week and four hours a day."* Even if coaches are restricted from coaching, they feel parental pressure to be present to watch and evaluate their athletes.

Loyalty to school teams and community pride is negatively affected. Players and parents are developing a *"free agent mentality."* Significant increases in class time missed by students are being reported. **Disruption of the school team morale and teamwork** are cited as concerns by numerous coaches. **School teams are giving way to select all star teams with no focus on a well rounded experience.** **The protection of class time and education as the top priority often suffer.** Schools have no ability and parents may lack the will to regulate the number of competitions per week in which children participate.

Summary

The language of House Bill #2533 is so broad as to render numerous KSHSAA rules meaningless. The definition of "non-school activities" and, activities, "which do not directly impact the school" are very broad statements which leave much room for disagreement and potential litigation.

If this bill becomes law, the KSHSAA would no longer have enforceable rules governing:

- Outside Competition
- Olympic Development Programs
- Seasons of Activities
- Undue Influence/Recruitment
- Amateur Status
- Awards for non-school participation
- All Star Contests
- Anti-Tryout & Private Instruction

A democratic process is in place for the member schools to effect changes when a majority supports doing so.

Removing this authority from the member schools of the KSHSAA, will result in many undesirable outcomes and is not prudent educational policy. Local boards of education will be forced to develop similar policies and to defend them at considerable cost of time and money. The difficulty they will face is that there will no longer be a consistent, state wide policy.

I would encourage you to seek the opinions of educators in your districts.

I would strongly urge you to not report this bill out of committee.

Thank you.

Regarding Previous Testimony - Gary Musselman

Legislative staff briefing of the bill.

Question regarding status of the Robinson court case challenging these rules.

Please reference written testimony of Randall Forbes, KSHSAA legal counsel

Mr. Tilman - Manhattan

3 on 3 basketball "you can't have 4 on a team in the summer!"

"Change the rules but not to the detriment of other activities"

"People are responsible out there, let them vote on the rules."

Illustration: Why does American Legion, USA Baseball, AAU have rules like pitching limitations? You were told that *"parents and coaches don't always act in the best interests of kids."*

Chuck Yunker - Kansas American Legion

"Coaches insistence in off season participation is wrong. As a parent, I won't stand for it!"

The reality is quite different. **Feelings like his on the part of many parents are exactly why KSHSAA member schools have adopted the very rules being challenged.**

Reference letter from Stephen Kunz, M.D. re: House Bill #2256 (2-18-97)

Mr. Yunker: *"5 on a team limit for summer baseball"* is incorrect. **The current rule allows an unlimited number of athletes from the same school squad to be on a summer team from the Friday after Memorial Day to the Tuesday after Labor Day. This rule applies in all sports and has provided relief to students in all sports, including soccer, which is played in Kansas, nationally and internationally by Kansas students in the summer. As a member of the Board of Directors of the Sunflower State Games, I know for a fact, that soccer is one of the fastest growing sports in that July event.**

Outside competition rule allows baseball in the school year now if off-season. 5 player limit applies. Concern of numerous schools is that fall baseball league recruitment is seriously impacting football participation.

Summer coaching restriction: Is in effect in baseball and all sports.

It is scheduled for a vote by member schools April 26. October Regional Meetings advisory vote strongly favored retaining the restriction.

Background: Many coaches and schools argued for consistent rule for all sports. At the same time student athletes were unrestricted for the summer period, the coaching restriction was implemented. **Many schools new they would risk losing coaching personnel to the more lucrative non-school programs. They voted for what they felt was best for students and the majority of coaches.** This rule change was adopted in April 1996.

Do KSHSAA rules prevent parents from coaching their own child?

ABSOLUTELY NOT! This rule was clearly misunderstood and misrepresented by several previous conferees. **The rules of the KSHSAA have always protected the parent-child relationship.** Even a person employed as a school coach may always coach their own child at any time. The confusion on this issue stems from the rules regarding group instruction of students who are on school teams receiving instruction during their school season, from someone other than their school coach. **The intent is to protect the coach-athlete relationship during the school season. A parent may always coach their own child or children at any time.**

Note: The KSHSAA Executive Board has already begun an evaluation of the current group instruction rule and is considering potential changes to it's present interpretation.

Concern regarding the American Legion Oratory Contest.

This competition is approved under the auspices of the (NASSP) National Association of Secondary School Principals. Kansas schools have long held to the belief that national championships in athletic and non-athletic activities are expensive, intrusive to missed teaching and learning time for the students as well as the teacher/sponsor, and not always reflective of a true national competition. It is not unusual for a "national championship" event to have fewer entries than a state level competition in Kansas. For these reasons and others, Kansas schools established limits for themselves through the KSHSAA and the NASSP Committee on National Contests and Activities.

Please remember, the student mentioned by Mr. Yunker did participate in the national event and represent their community. They simply were not competing as a selected representative of their high school.

Communication and accountability

It was implied that the staff of the KSHSAA fails in its responsibility to inform all parties regarding rule and policy changes. As an association of schools, we operate on the premise that we work for the member schools. Logically, all publications, including advance notice of meetings, minutes of all meetings and more than six-thousand issues of our monthly *Activities Journal* are distributed not only to all board of education presidents, superintendents, building principals and other appropriate school staff, but we also mail to more than two-hundred electronic and print media outlets. **What we cannot legislate is reading or that the media print what we send them.**

Each of our staff logs hundreds of calls annually on three incoming telephone lines. We have provided an electronic bulletin board for the past five years and are in the process of developing a home page on the Internet to provide even better communication. We are extremely proud of a very professional, experienced and competent staff. We respond to all calls and written inquiries to the best of our abilities. For obvious reasons, we often ask the person requesting an interpretation to please submit it in writing. Many times we attempt to steer callers to the local school to avoid mixed messages, surprises and hard feelings. **Copies of the KSHSAA**

Handbook are available at our office or by mail for \$2. The charge is to cover only the cost of printing and mailing.

Each August, the Association Executive Director and staff conduct eight seminars for school personnel charged with administering the school's activities program. Attendance usually totals in excess of four-hundred. In addition to covering basic information, considerable attention is given to assisting member schools with the development of effective strategies to educate and communicate with students, parents and members of the local board of education. This proactive approach often prevents confusion and hard feelings when KSHSAA policies are misunderstood.

We cannot possibly anticipate every organization or individual's need to know. We are available and ready to assist twelve months a year, five days a week from 6:00 am to 5:00 pm. **We take the service component of our mission very seriously!**

Are Concerns About Amateurism Justified?

A conferee from Johnson County questioned the legitimacy of my statements about recent initiatives by major sporting goods manufacturers like Nike, Reebok and others. I believe her words were "*Hogwash!*"

I would call the committee's attention to the Associated Press article from the *Topeka Capital-Journal*, Sunday, March 23, 1997. **Without question, the issue of amateurism for students and control over budgets and coaching personnel by high schools throughout the nation is very real.** Should bill #2533 pass in its present form, the schools of Kansas would have no authority through their Association to control these abuses. **These are not imaginary concerns to local boards of education in Kansas!**

The Soccer Concern - How Broad Based?

The residents of the Manhattan community spoke at length of their concerns. My concern is not only for their views but for those of the other **sixty-four member schools of the KSHSAA who have soccer programs but have not expressed similar concerns.**

To their credit, the representatives of the Manhattan community have proposed modification of the rule to which they object. The KSHSAA Board of Directors in their meeting last September voted 26 - 41 to not change the rule. **A major concern of the Board at the time, was that soccer advocates from the Wichita community expressed a different proposal from what Manhattan proponents wanted.**

Just as the legislative process often takes time and repeated effort, many KSHSAA rules have been changed on the second or third effort. Consensus for change often takes time.

The Scholarship Issue

Kansas educators and representatives to the board of the KSHSAA have long held to the belief, that **scholarships are a wonderful benefit to the gifted few who attain them. They have never been the primary purpose of offering a diverse activities program.** The member

schools of the KSHSAA have predicated their programs on serving the maximum number of students, with the greatest variety of program opportunities possible. Keeping large numbers of students participating has always been a high priority. **This is in contrast to the basic premise of many elite, non-school youth sport organizations.**

To develop only the elite level athlete has never been the mission and purpose of the member schools. Occasionally, the overzealous parent, living vicariously through their child, is unrealistic about a child's scholarship opportunity, and wants any and all perceived barriers for their student removed. Experienced coaches and administrators know it is unrealistic to sacrifice the good of many for one individual. **This is also one of the primary causes of coaching burnout and turnover. A troublesome issue for Kansas schools.**

The Participation Issue

In numerous Kansas communities, who are also single high school communities, they have functioned well for decades under rules that limit the number of players on non-school teams. In programs like United States Volleyball Association and the Amateur Athletic Union, volleyball and basketball players have found more opportunities to participate, not fewer. **With additional coaches, multiple teams have been created in towns and rosters have drawn students together from several communities.** From the testimony of many who coach these teams, as well as school coaches, this is a good experience. Students form friendships which positively impact relationships among schools in the years to come. Athletes gain from the experience of playing with new teammates and being coached by someone with a different style or manner than their school coach. **The result has been to enhance development of the individual player rather than keep the same school team together in the off season.**

Have the rules for summer soccer programs had to change? No. Manhattan students spoke of playing six on a side soccer. KSHSAA rules do not require such action. Full teams from school teams like Junction City could be merged into traveling summer teams like volleyball, basketball, softball and baseball teams have done throughout the state.

KSHSAA Initiatives Currently In Process

1. Development of a Student Advisory Team consisting of twelve junior and senior students for the 1997 - 98 school year. This standing committee will meet twice annually with the Executive Director and staff. Each of the six classifications of schools will have a male and female student representing them. Nomination will be by the member school and selection criteria will require extensive participation in the activity programs of the Association.

2. The Executive Board is in the planning stage of developing an extensive listening tour of the state. Preliminary plans call for ten community open forums to be conducted by the members of the Executive Board and the Executive Director. Input gathered will be evaluated by the Executive Board at its June meeting. This coincides with the annual review of Association policies and rule recommendations from the five advisory organizations. Proposed rule changes could then be forwarded to the September Board of Directors meeting in compliance with the 40

day requirement of the Bylaws. Once plans are finalized, a press release announcing dates, locations and times of the community meetings, will be distributed to all member school, board of education presidents, superintendents, principals and over two-hundred print and electronic media outlets. This is the same method used in publicizing all meeting announcements and minutes of all KSHSAA boards.

Summary

It was stated that the KSHSAA "appears to do whatever it wants and is accountable to no one." The Kansas Statutes require that the KSHSAA be accountable to the Kansas State Board of Education, reporting annually. In 1996, the member schools voted unanimously to place a member of the state board on the KSHSAA Executive Board. This in addition to two state board members who are members of the Association's Board of Directors.

Locally elected board of education members have more representation on the governing board of the KSHSAA than in any other state association in the nation. Additionally, the Kansas State Board of Education exercises its' appointive power to choose four additional board of director members. These individuals, along with the administrators and teachers elected by the leagues of Kansas schools as well as the independent schools, comprise **the legislative body of the KSHSAA, known as the Board of Directors.**

If acting in a manner that reflects the principles of representative democracy is "irresponsible, self-serving and arrogant," then the member schools of the KSHSAA must be guilty.

In his testimony, Mr. Yunker spoke of *"school related distractions,"* as they related to American Legion Baseball. Having played American Legion baseball all through high school, I would wonder what such distractions might be?

If going to class and having those charged with planning and conducting a well rounded activities program designed to serve the maximum number of kids, in the most fair way possible is not appropriate, then what is? **Kansas educators, who have always been and remain in control of the KSHSAA, have based their decisions about co-curricular activities on the premise that activities are an important and appropriate part of the well rounded educational program.** Students have understood that participation in school sponsored activities is a privilege to be earned by their academic accomplishment, good citizenship and compliance with school rules.

The rules and policies adopted by the member schools of the Kansas State High School Activities Association have resulted in a balanced and educationally sound activities program for the young women and men of Kansas to enjoy. **Kansas is seen as a national leader among state athletic and activities associations. Nationally, Kansas students have high graduation rates and ACT test scores. Students who participate in school activities stay in school longer and perform better academically than do non-participants. According to an SAT study, the single greatest predictor of success after high school is a history of having been involved in school activities.**

Keeping the activities program in a balanced perspective has long been a fundamental purpose of the member schools of the KSHSAA. Stripping the Association of its statutory authority to govern, based on these principles and outstanding record would be a disservice to education in Kansas.

Shoe companies spending millions on prep teams

By LISA DILLMAN,
ERIC SHEPARD
and GEORGE DOHRMANN
Los Angeles Times

For archrivals Nike and adidas, the heavy artillery is a barrage of flashy, MTV-like commercials featuring NBA stars. But the foot soldiers in the United States' high-stakes shoe wars are high school basketball players.

From major urban centers to wealthy suburban enclaves, hundreds of elite high school teams wear expensive, cutting-edge shoes and other athletic gear supplied for free by companies battling for supremacy in the multibillion-dollar industry.

The gifts flow from a corporate marketing strategy designed to increase visibility at every level of organized sports. Millions of dollars in equipment, and sometimes money, is legally donated without contracts and often without oversight from school or athletic federation officials.

The number of these sponsorships has risen along with the stature of prep basketball: High school games are increasingly on cable TV, and Kobe Bryant of the Los Angeles Lakers and Kevin Garnett of the Minnesota Timberwolves are proof that high school stars can leap directly to the NBA.

Shoe companies usually target teams that are title contenders or that have rising stars who may later play in college or the pros.

Nike, the industry giant, gives shoes, uniforms, other equipment and sometimes money to about 100 high school programs across the country. Adidas is trying to close the gap by distributing shoes to 150 to 200 schools.

Reebok, Converse and a new company, Kani, are competing, but less actively.

In an era of tight budgets, the sponsorships are welcomed and even sought by some coaches.

But they have spawned criticism about the harmful effects of commercialization on young athletes and the creation of a class system that gives elite players and schools a competitive edge.

Even the man who led Nike's charge into the high schools has misgivings. Sonny Vaccaro, now director of adidas basketball programs, said high schools have become a commercial battlefield, because companies cannot afford to retreat from the teen segment of the U.S. athletic shoe market.

"To play the game, you have to have a loaded gun," said Vaccaro, who joined adidas about four years ago. "Sponsoring high schools helps me and (adidas) remain visible to the people who are going to buy our product. Unfortunately, we've brought the kids into this. We've made them the pawns in this fight, and that's not right."

"Absolutely it is ruining the parity in high school basketball," he said. "But the alternative is to stop. And (Nike) is not going to do that ... and I won't stop."

Nike officials say high school sponsorships are an outgrowth of what the company does at other levels of sport — reward excellence.

"The worst thing that ever happened to athletics is this thing about how it's got to be a level playing field," said former USC basketball coach George Raveling, a Nike consultant who helps oversee its prep sports program. "It is ludicrous for anybody who is living in the United States to think that everything is equality."

Almost two decades ago, the shoe companies made their initial foray into the high schools — in the Washington, D.C., area.

DeMatha Catholic High, a long-time powerhouse coached by the venerable Morgan Wooten, received gear in the late 1970s from Pony, which has faded out of the basketball shoe wars.

In 1984, the year Nike started summer basketball camps for high school players, the company also entered into its first school sponsorship, supplying shoes to Dunbar High School in Baltimore. Then the trend took off and moved west.

In addition to shoes, players received athletic bags, warmups, socks and caps. Their coaches often got money for tournament fees, travel and other team expenses.

None of the companies have written contracts with the schools or the coaches, the Los Angeles Times found. Instead, they make oral agreements with the coaches. Company officials would not disclose how much they spend on these programs but said it is a fraction of their multimillion-dollar marketing budgets.

For the teams, status now turns on not just trophies in display cases, but on sponsorship deals with prestigious companies.

During a recent first-round playoff game, seven-time California state champion Los Angeles Crenshaw — a Nike-sponsored school — was outfitted in new Nike shoes. Players from Crenshaw's opponent, Taft High School in Woodland Hills, had four different logos on their footwear.

The contrast did not go unnoticed, according to Taft Coach Mark Drucker. "A Crenshaw cheerleader had asked (one player) why his team wasn't all wearing the same tennis shoes. She wanted to know why our team wasn't all wearing Nikes like Crenshaw."

Free shoes do more than enhance a team's image. Considering that

first-rate basketball shoes can cost about \$100, the financial benefit can be immense, especially for teams that must dip into school funds to help players with footwear.

This season, Kani gave the Crenshaw girls team three pairs of shoes for each player, a potential savings of as much as \$300 per player. If a school gets free warmups and other accessories, the windfall is even greater.

In one Nike deal reported by a New York newspaper last year, the coach of St. Patrick's High School in Elizabeth, N.J., was wooed from Adidas by an offer of \$20,000 for his program.

Because of the informal arrangements between coaches and the companies, school officials often are left out of the loop. At Crenshaw, Principal Yvonne Noble said she was embarrassed that she did not know the details of Nike's arrangement with Coach Willie West.

"I guess I need to talk to my coach and find out how this all works," she said.

The spoils in the shoe wars are immense. In the United States alone, \$11.4 billion was spent on athletic shoes in 1995 — a total of nearly 351 million pairs, according to the Athletic Footwear Association.

But it is difficult to quantify how many pairs of shoes are sold as a result of the high school sponsorships, which represent only a small portion of the companies' overall marketing budgets.

Nike, with annual global net sales of more than \$6 billion, spends an estimated \$800 million on advertising, endorsements and marketing worldwide, said John Horan of Sports Goods Intelligence, which tracks the shoe industry for retailers.

The bottom line is, they're not throwing money away on this," Horan said.

an said.

The courtship of shoe companies and individual schools is not always one-sided. Often, Nike or adidas make the first contact with a coach, especially if the team is a prominent one. Sometimes the coaches seek out equipment from the companies too.

A representative for Reebok said he gets dozens of calls a day from coaches in the West before the start of basketball season. Each team receives about 30 pairs of free shoes, and in return coaches are asked to encourage their non-varsity players to buy Reebok — a common arrangement.

Unlike Nike, Adidas does not pay

money to high school programs, although it pays coaches \$400 to work at the company's annual summer camp, Vaccaro said.

Duke University law professor John Weistart, a critic of corporate sponsorships in collegiate athletics, contends that at the high school level, the case for leveling the playing field is even stronger.

High school sports officials should be concerned. Weistart said, that student athletes eventually will become walking billboards.

"Where are we heading? ... We are fairly in the grips of commercialism at every level of sports activity."

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**KSHSAA - HISTORIC RATIONALE FOR LIMITING PARTICIPATION
On Non-School Teams**

1. Schools have wanted to avoid perpetuation of a single sport, year-round. This avoids pressure for one community to keep up with another who might provide year-round opportunities.
2. Overly aggressive coaches might dominate student athletes time in the off season and summer months. This increases specialization in a single sport and reduces the number of students enjoying the benefits of a diverse student activities program. Pressure or perceived pressure by coaches to participate in the summer intrudes on vacations, summer jobs and family time. Students would feel obligated to play in order to make the school squad the following season.
3. Economically disadvantaged students aren't able to afford participation on non-school traveling teams and subsequently feel their opportunity to make the school squad is negatively affected.
4. School team coaches feel obligated to remain in their communities during the summer in lieu of taking jobs, attending summer school, in order to ensure a successful interscholastic season the following year.
5. Transfer students and athletes who are physical "late bloomers" are accommodated by a rule limiting outside team membership. This reduces the likelihood of entire school teams staying intact over the summer which would reduce the opportunity for transfers and younger players to develop skills and make their school squad next season.
6. Allows students to participate with students from other teams and communities.

The rule is not designed to prevent student athletes from playing on teams and improving their skills. It's purpose is to encourage maximum participation in a setting that promotes equal opportunities for success by the greatest number of schools.

TESTIMONY HB 2533

Distinguished members of the Federal and State Affairs Committee,

I apologize that I am not able to say my piece in person or that I can not answer any questions you may have.

I am currently a Senior at Tipton High School in Tipton, Kansas. It is a small private school (31 students) in a small rural town (around 300). We sometimes have trouble fielding teams yet we still have most of the students playing a multitude of sports and activities and still be competitive. We have football and volleyball teams that have made playoffs in the past decade. The girls basketball team made State last year. Our track teams have made it to the State level and have done well. Our sand green golf teams have won four championships. Our Scholar Quiz Bowl Team which is an academic team placed 3rd in State Class I A last year. Our Forensic team has taken a one act play to State every year for the past 20 years and last year qualified more entries for State than students enrolled.

This list of accomplishments I think show that even small schools can be cooperative in both athletics and academics and be done within the rules. Now the rules have in a way been changed which harms smaller schools and smaller towns. What the rules do creates a problem of having a person who may not know proper form or rules attempting to coach and teach a sport. When you have an inexperienced person teaching the wrong technique to children could and can result in injury and/or the child would not learn the proper rules or conduct in sportsmanship and fair play. In addition the activities take place outside of school time (mainly during the summer) and would not harm the students grades and academic standing. If students didn't choose to play over the summer it shouldn't harm their chances to play during the school year. It is my opinion that the most qualified person to coach a summer team would be some one who actually coaches it during school. In most smaller towns there is no other person qualified to do so.

In addition, I think that the Activities Association would be more democratic and fair if the changes proposed in the bill were passed. By making the Association answerable directly to the leagues and the and the leagues directly to the schools. This would allow the schools to have more say in the rules and regulations that govern them.

Although any changes made by the bill would not effect me directly, I feel that this is the best solution to make a workable and fair change in the education and development of future generations.

Thank you.



Jeremy May
Senior, Tipton High School

Fed & State
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