

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on March 3, 2005 in Room 313-S of the Capitol.

All members were present except:

Representative Steve Brunk- excused
Representative Ray Cox- excused
Representative Nile Dillmore- excused
Representative Broderick Henderson- excused
Representative Judy Loganbill- excused
Representative Todd Novascone- excused
Representative Candy Ruff- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Rep. Eric Carter
Natalie Haag
Anthony Portela
Margaret Bonicelli
Mill Courtney
John Dicus
Ken Harms
Bruce Boyer
Richard Maxfield
Kathy Weatherford
Gabe Downey
Mary-Lane Kamberg
Steve Rosel
Tony Portela
Sue Courtney
Gary Musselman - Executive Director of Kansas State High School Activities Association
Steve Grant - Athletic Director and Assistant Principal of Free State High School in Lawrence
Randy Forbes - Kansas State High School Activities Association
Arvel McElroy - President of Kansas Swimming Coaches Association

Others attending: See attached list

Chairman Edmonds called the meeting to order and opened the floor for bill introductions.

There were no bill introductions and The Chair opened the meeting for public hearing on **HB 2345** a bill dealing with the Kansas state high school activities association; relating to the powers and duties.

Representative Eric Carter was recognized in support of **HB 2345**. Representative Carter stated that he has witnessed numerous unfortunate circumstances where fine men and women are forced to choose between participation on their high school's swim team, and their elite club team. This bill would solve this problem by prohibiting the Association from adopting any rules and regulations infringing on the right of student athletes to compete in or train for any athletic event sanctioned by the national governing body for that sport as recognized by the U.S. Olympic Committee. The Kansas High School Activities Association (KHSAA) would also be prohibited from imposing any form of punishment against any student athlete for competing in or training for these athletic events. (Attachment 1)

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Representative Carter also included a copy of Rule 22 Outside Competition for review. ([Attachment 2](#))

Natalie Haag, mother of a daughter who is a swimmer, delivered testimony as a proponent of **HB 2345** stating that this bill will allow individual swimmers to compete in USA swimming and training while participating in High School swimming. ([Attachment 3](#))

Pat Hogan, Club Development Director for USA Swimming, which is the USOC designated national governing body for competitive swimming addressed **HB 2345** in support. Mr. Hogan gave an overview of his background in the field of competitive swimming as well as an overview of the 1978 Olympic and Amateur Sports Act. He stated that athletes must have the opportunity to participate in both their high school and USOC recognized programs. Mr. Hogan further related that passage of **HB 2345** will ensure that athletes have the right to decide what they do after they have met the training and competition requirements of their school. ([Attachment 4](#))

A high school student and swimmer from Lawrence, Kansas, Anthony Portela, spoke in support of **HB 2345**. Anthony related that he has participated in high school swimming simply to represent his school and be with his friends. However, he feels that it is very unfortunate that such a simple task cannot be completed without interrupting not only his future goals, but other club swimmers goals as well. He further stated that it is unfortunate that swimmers in Kansas are unable to experience what swimmers in forty-two other states in the country can. ([Attachment 5](#))

Margaret Bonicelli, delivered testimony which her son, Eric, had written supporting **HB 2345**. Eric swims for the Kansas City Blazers and is a freshman at Blue Valley Northwest High School. His testimony stated that as the law reads now, he must either stay with the Blazers and get better, or go out for his high school swim team. By choosing to swim high school, he would be hurting his future as a competitive swimmer. ([Attachment 6](#))

Jill Courtney, a senior at Olathe North High School and a competitive year round swimmer, supports **HB 2345** stating that she is interested in eliminating current rules that restrict athletes from participating in high school and club activities. Miss Courtney further related that by allowing dual participation in club and high school swimming, athletes could maintain their needed level of training with the club coaches that understand their training needs. ([Attachment 7](#))

John Dicus of Topeka who has a twelve year old daughter, Emily, who swims competitively for Topeka Swim Association also supports **HB 2345**. He gave the opinion that the ability for kids to participate in sports, in and out of school, is just one aspect of their education. Success in sports can lead to success in the classroom and life. Mr. Dicus urged the support and passage of **HB 2345**. ([Attachment 8](#))

Kenneth Harms of Edmond, Oklahoma, presented testimony supporting **HB 2345**. He opined that the bill would allow a high school athlete to train with both his/her high school and club team during the same season. He further opined that by not allowing the high school athlete to do so under current rules puts the student athlete in a very unnecessary and uncomfortable position. ([Attachment 9](#))

Eric Nelson, Head Coach and General Manager for the Wichita Swim Club and is also the Director Central Zone of USA Swimming and a member of the USA Swimming board of directors, presented testimony supporting **HB 2345**. In his absence, the testimony was presented before the committee by Bruce Boyer. Mr. Nelson related that the point he wished to address are the freedom of choice, expanding opportunities, access to professional expertise and safety. ([Attachment 10](#))

Licensed psychologist, Richard Maxfield addressed the committee as a proponent of **HB 2345**. Mr. Maxfield is the President of the Topeka Swim Association and a member of the Board of Directors of Missouri Valley Swimming. Mr. Maxfield stated that the bill would allow elite athletes to participate fully in their sport. ([Attachment 11](#))

Catherine Weatherford of Leawood Kansas, is the mother of three daughters and she urges the passage of **HB 2345** because it will allow Kansas athletes to have the choice whether to participate in both high school and

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non-school activities concurrently. (Attachment 12)

Gabe Downey, head coach of the Kansas City Dive Club, offered testimony in support of **HB 2345** stating that current high school rules place Kansas divers at an inherent disadvantage to their counterparts throughout the nation. He gives the opinion that the issue is as much about the message we are sending the kids. It is his belief that it is important that youngsters be taught to strive for greatness in all facets of their lives. (Attachment 13)

Mary-Lane Kamberg of Olathe, mother of a daughter who swam when in high school, addressed the committee in support of **HB 2345** stating that the current position of the Kansas High School Activities Association regarding the prohibition against high school athletes training with club teams during the high school season (Rule 22) negatively impacted her daughter. Ms. Kamberg further stated that the current situation in Kansas discourages excellence and achievement. (Attachment 14)

Steve Rosel, a practicing attorney in Topeka, came before the committee supporting **HB 2345**. Mr. Rosel strongly urged passage of this bill because it gives the kids the opportunity to be with kids in other states and our high school activity associations will continue to do a good job. They will not lose control. They will gain control because they will get better competition and more support from the parents. (No Testimony)

Tony Portela, father of Anthony Portela who testified earlier, offered his opinion in favorable support of **HB 2345**. Mr. Portela related his swimming events during his high school years. He stated that the combination of the year round swimmers and the high school swimmers made it possible to have a great team. He stated that as a parent in the State of Kansas he is not allowed to give his son the best opportunity and resources to succeed in what he wants to do. (No Testimony)

Sue Courtney, mother of Jill Courtney who testified previously, addressed the committee also favorably supporting **HB 2345**. Mrs. Courtney related that her daughter has worked very hard. She has been raised to set goals. Year after year her daughter has obtained the goals that she has set. However, every year when it comes to the high school season, she is put into the position of having to choose. The current system puts kids between two different systems. She encourages support of **HB 2345** which encourages children to think about their choices and the future. (No Testimony)

Written testimony was presented in support of **HB 2345** by Margaret Bonicelli (Attachment 15), Katie Klinkenborg (Attachment 16), Mike Soderling (Attachment 17), Alex Boyer (Attachment 18), Ashley Robinson (Attachment 19), Jeannie Robinson (Attachment 20), Debbie Boyer (Attachment 21), Hannnah Hoisington (Attachment 22), Peter Malone (Attachment 23), Andrew Jacobs (Attachment 24), Abby Hoisington (Attachment 25), Carl Gallagher (Attachment 26), John and Kathy Neet (Attachment 27), Cal Karlin (Attachment 28), William Sparks (Attachment 29), Bruce Boyer (Attachment 30), Bob Ham and Dawn Dirks (Attachment 31), William Sparks, III (Attachment 32), Julie Swank (Attachment 33), Katie Swank (Attachment 34), Rachel Mzhickteno (Attachment 35), Derek Klinkenborg (Attachment 36), Laura Shelton (Attachment 37), Peter Henry (Attachment 38), Nick Rockefeller (Attachment 39), Jolisa Buchner (Attachment 40), Michael Powell (Attachment 41), and Genevieve Dobelbower (Attachment 42)

Gary Musselman, Executive Director of Kansas State High School Activities Association, appeared before the committee as an opponent to **HB 2345** on behalf of the seven hundred ninety-five member schools. In his testimony, Mr. Musselman related the basis of his opposition to the bill starting with the 1995 case of Robinson v. KSHSAA. He further stated that it is their opinion that elimination of the outside competition rule would have major negative repercussions. Its absence would create a very real danger of have vs. have not among schools and individual students. (Attachment 43) Also presented for committee review was The Kansas State High School Activities Association Handbook 2004-2005 Edition. (Can be obtained from: Kansas State High School Activities Association - 601 SW Commerce Place - Topeka, Ks 66601 (785-273-5329))

Chairman Edmonds recognized Steve Grant, Athletic Director and Assistant Principal, Lawrence Free State High School who testified as an opponent to **HB 2345**. Mr. Grant presented testimony relating that involvement in high school sports promotes teamwork, not always found in club sports. It is his opinion that

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the proponents of this bill are not concerned with the well-being of all high school athletes. The bill appears to cater to the elite athlete at just a few schools. Mr. Grant further listed a number of reasons for opposition to the bill. (Attachment 44)

Randy Forbes, a Topeka attorney who has represented the Kansas State High School Activities Association for 25 years, offered testimony as an opponent to **HB 2345** stating that because of open ended and undefined language **HB 2345** would have unintended and extremely negative results and could negate many of the rules of competition. (Attachment 45)

President of the Kansas Swimming Coaches' Association, Arvel McElroy, came before the committee in opposition to **HB 2345** stating that the passage of this bill would remove the level playing field among schools. (Attachment 46)

No other person wished to address **HB 2345** either as a proponent or an opponent and Chairman Edmonds closed the public hearing on the bill.

With no other business before the committee, the Chairman adjourned the meeting.

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 3-3-05

RANDY FORBES	KS HSAA
Arvid McElroy	Olathe South KSCA
Carl GALLAGHER	Lawrence Aquahawks
Caitlin Gallagher	Lawrence Aquahawks
Chelsea Dinks-Ham	Lawrence Aquahawks
Tim Moore	Lawrence Aquahawks
Amy Mueselmann	KS HSAA
Rick Bowden	KS HSAA
DAVID CHERRY	KS HSAA
Natalie Haag	Topeka Swim Association
Janelle Muesen	Hein Law Firm
Anthony Portela	Lawrence Aquahawks
Tony Portela	" " "
Jolisa Buchner	Lawrence Aquahawks
Bill Sparks	Lawrence Aquahawks
Ken Harms	Kerr McGee Swim Club
Pat Hogan	USA Swimming
Randy Julian	USA Swimming
Ally Walker	KC Blazers - O.P. KS
Margaret Bonicelli	KC Blazers, O.P. KS
Janette Klunkerborg	KC Blazers, O.P. KS
Katie Klunkerborg	KC Blazers, O.P. KS
Genevieve Dohelbower	KC Blazers, Topeka, KS.
Eric Nelson	Wichita Swim Club
Debbie Boyer	Parent - Lawrence Aquahawk
Mary-Lene Dambury	Parent - coach former athlete KC Blazers

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TOPEKA
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LEGISLATIVE HOTLINE: 1.800.432.3924
TTY: 785.296.8430

Thursday, March 03, 2005

TESTIMONY IN SUPPORT OF HB 2345

Chairman Edmonds and Member of the Committee:

Thank you all for hearing HB 2345 and giving it your studied consideration. Presently, the Kansas High School Activities Association (the "KHSAA") has a rule, *Rule 22* (attached), prohibiting student participation in outside, non-school activities while they are on their school's team. I have witnessed numerous unfortunate circumstances where fine young men and women are forced to choose between participation on their high school's swim team, for example, and on their elite club team. This is particularly problematic for those student athletes who wish to devote themselves towards excelling in their favorite sport or activity only to find that the State of Kansas effectively makes them less competitive than their peers in surrounding states if they elect to participate on their high school's team instead of continuing their year-round training with their elite club teams.

HB 2345 seeks to solve this problem by prohibiting the Association from adopting any rules and regulations infringing on the right of student athletes to compete in or train for any athletic event sanctioned by the national governing body for that sport as recognized by the U.S. Olympic Committee. The KHSAA would also be prohibited from imposing any form of punishment against any student athlete for competing in or training for these athletic events.

Behind me you will see numerous proponents of this bill. They are business and community leaders, they are parents, they are student athletes, they coaches. We even have gentlemen who have traveled from the Olympic Training Center in Colorado Springs, Colorado to alert us to the fact that our Kansas youth are disadvantaged by Rule 22 to the extent they wish to train for and ultimately represent the United States of America in the Olympics. You should also have a packet of written testimony numerous additional parents, coaches, and student athletes.

In a nutshell, Rule 22 is problematic for the following reasons:

- At a time when our nation is recognizing the phenomenal social and economic costs associated with obesity, Rule 22 prevents student-athletes from participation in their chosen activities at high levels. The exercise patterns we set for ourselves as youth, as well as our own personal expectations for our health and appearance, serve as strong predictors for our long-term health and well-being.

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Attachment 1

- Rule 22 makes Kansas children less competitive than their peers in other states in terms of qualifying for the Olympics and, more commonly, admission to select colleges and universities and access to college scholarships therefore. Presently, only seven states – Alabama, Illinois, Indiana, Nebraska, North Dakota, Utah ... and *Kansas* – prohibit high school students from participation in outside activities during their related high school's team season.
- Kids in high school have many choices to make, including what to do with their free time. Sex, drugs and alcohol, and the temptation to succumb to the relentless ache of teen angst are ever-present. Some kids, however, wish to devote themselves to something else, something better. Some kids choose to spend hours and hours of their own free time in the pursuit of a personal goal. Rule 22 is an inappropriate and unwise obstacle for these fine young men and women.
- Rule 22 is premised on the underlying assumption that the State of Kansas, rather than parents, should decide what level of participation is best for children.

On a parting note, I wish to make clear to this Committee, as well as to the opponents to HB 2345, that no animosity towards the KHSAA is intended. One new friend I have made leading up to this hearing described the KHSAA as comprised of and led by "children advocates", and I believe that description to be fair and accurate. Nonetheless, I do *not* feel it is appropriate or wise for the State to impose a "one-size fits all" bureaucratic prohibition on Kansas youth in contravention of the beliefs and wishes of those who know those children best – their parents.

Thank you for your support of HB 2345.

Best regards,



Rep. Eric Carter

Rule 22

OUTSIDE COMPETITION

Violation of this rule shall make a student ineligible for the remainder of that sport or scholars' bowl or debate season, unless he or she is reinstated by the Executive Board.

Section 1: General Regulations (apply to grades 7-12)

Art. 1: A student who is a member of a school athletic, scholars' bowl or debate squad effective Tuesday following Labor Day through Friday preceding Memorial Day may not participate as a member of an outside team or as an independent competitor in the same sport, scholars' bowl or debate activity. (*Exception: See Rule 4, United States Olympic Committee-Sponsored National Trials and Competitions.*)

NOTE: Informal participation on the part of the student athlete, such as that experienced on the black top (concrete), in the park, local "Y", etc., is not considered a violation of this rule, provided it was not formally called or organized, no coaching takes place, where no official score is kept, time kept, officials used, etc.

Intra non-school youth group athletic participation is not considered a violation of this rule. Inter non-school youth group athletic participation is a violation.

Art. 2: A student shall not be prohibited from competing on a special team within his or her own school such as an FFA team, etc. All members of such teams must be bona fide students, however, and eligible under the rules of the Association.

Art. 3: A student becomes a member of a school's athletic squad, scholars' bowl or debate team when he or she first participates in a practice session.

A student ceases to be a squad member after his or her last contest for the school's athletic squad, scholars' bowl or debate team or when the membership on a squad is terminated. (*See Rule 14-1-1, Bona Fide Student and Rule 30-2-2, Seasons of Activities.*)

HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

Testimony on HB 2345

Natalie G. Haag

Topeka, Kansas

Mr. Chairman and members of the Committee:

Thank you for the opportunity to testify in support of HB 2345. The bill will allow individual swimmers to compete in USA Swimming and training while participating in High School swimming. Currently, Kansas swimmers are more likely to be recruited to a major college from a USA team and similar Olympic training organizations. Other states recognize the competitive disadvantage to limiting swimmers ability to compete and train in both programs concurrently. For example, Missouri, Oklahoma and Colorado allow his dual training and competition.

I am not suggesting a high school student swim with the non-school team all year and then show up at the High School State Championship. Swimmers who want to swim for their High School should practice with the High School team and compete in the High School meets. This should be a requirement for qualifying for any State High School Competition. However, while participating in the High School swimming program swimmers should not be prohibited from training with their private coach and team nor should they be prohibited from competing in the events as described in HB 2345.

In the USA swimming competitions Kansas kids compete against swimmers from other states. Swimmers can qualify for National competitions and Olympic qualifying events. Why do you want to make a High School student choose between working on an Olympic dream and swimming for his or her High School?

Swimming is not a team sport where the additional practice gives the team some advantage. Swimming is an individual sport. Current rules only hurt Kansas High School swimmers on a national level. The way to grow High School swimming in Kansas is to pass HB 2345 and let the dedicated swimmers compete for their High School teams.

The only sport my daughter has elected to participate in is swimming. It has been an excellent activity for her. The extreme discipline necessary to excel at swimming helps her be a good student and excel in other extra curricular activities. If she has the dedication to practice from 5 AM to 7 AM with her private team and after school with her High School team, why should this disqualify her from her High School swimming program? My daughter wants to be a distance swimmer. They don't train for or compete in distance events at the High School level. With the passage of HB 2345, she could train for the distance events with her private coach and have fun supporting her High School through the High School swimming team. As her parents, my husband and I want her to have the opportunity to participate in a high school sport but we can't encourage her to do so if it means minimizing the opportunity to swim in college. This is an unfair decision for a young student to make. Please support the passage of HB 2345.

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Attachment 3



**TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2345
2005 KANSAS LEGISLATURE
MARCH 3, 2005**

Distinguished members of the Kansas House of Representatives, thank you for the opportunity to testify in support of House Bill No. 2345. My name is Pat Hogan and I am the Club Development Director for USA Swimming, the USOC-designated national governing body for competitive swimming. In the conduct of my duties I interact with coaches, clubs and local organizations throughout all 50 states as I oversee an initiative to strengthen and support the club system in this country. Prior to joining the USA Swimming staff in 2003, I was a fulltime swimming coach for 30 years. It was my privilege to serve as the Head Coach of the USA Women's Team at the 2002 World Championships. I have also had the good fortune to coach a USA Olympian and to lead a club program to a national team title. I have coached both club and high school swimming, and I have coached in four different states – Texas, Georgia, Florida, and North Carolina – where dual participation in school and club sports works successfully.

Based on my experience and perspective, I want to address the committee on two points:

First, I will provide a brief overview of the 1978 Olympic and Amateur Sports Act and note the spirit of cooperation envisioned by that legislation between the United States Olympic Committee, the National Governing Bodies for sport, and other amateur sports organizations such as the NCAA and state high school athletic associations.

Second, I would like to quickly recount my own personal coaching experience with dual participation in high school and club sport and emphasize the fact that it does work very successfully in 40-plus states.

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Attachment 4

The 1978 Olympic and Amateur Sports Act is the federal act that created and, as amended, governs the United States Olympic Committee. The Act states 14 purposes, two of which, I would like to specifically note:

- To coordinate and develop amateur athletic activity in the United States directly related to international amateur athletic competition so as to foster productive working relationships among sports-related organizations;
- To provide for swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and to protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition.

The Sports Act provides that the United States Olympic Committee will recognize a national governing body “for any sport which is included on the program of the Olympic Games, the Paralympics Games or the Pan-American Games ...” USA Swimming is the organization so designated by the USOC for the sport of competitive swimming.

The Act also states that a national governing body has among its authorities to “serve as the coordinating body for athletic activity in that sport in the United States” and, among its general duties, to “minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions.” Thus, USA Swimming is simply fulfilling its legal mandate by participating in this effort.

Very simply athletes must have the opportunity to participate in both their high school and USOC recognized programs. As envisioned by the Amateur Sports Act, there is a burden on both the high school associations and the national governing bodies to work cooperatively to ensure that schedules for training and competitions are coordinated to provide the athletes the best opportunity to participate and to excel.

Let me now address my second point. Despite claims to the contrary by opponents of this legislation, dual participation in the same high school and club sport does work. I have not only witnessed this fact in many states during my professional career, I have lived it in my own personal experience.

First, let's review the national landscape on this issue. Several recent surveys of state high school scholastic athletic associations have shown that:

- Approximately 38 states allow for dual participation in high school and club athletic training and competition.
- 7 states forbid dual participation, and
- 5 states do not offer swimming as an interscholastic sport

One state, Oregon, has a very specific law that ensures the athletes' right to dual participation. Last year, the states of Missouri and Minnesota, whose eligibility rules were among the most restrictive in the country, voted to modify their rules to allow for dual participation.

In other words, the vast majority of the states allow for dual participation in one way or another and are fulfilling the spirit of the Amateur Sports Act by working cooperatively to ensure that the athletes can make their choices and participate in both high school and Olympic programs. House Bill 2345 will ensure that Kansas joins those states that recognize that our fine young athletes and their parents can and do make the right decision for them.

Opponents of this legislation will give you a variety of reasons why dual participation may not work. They will tell you that high school coaches and administrators will lose their authority over club athletes; they will tell you that the team concept will be diminished; they will suggest that grades will deteriorate; they will voice concerns about overtraining and injury; they will talk about conflicting coaching philosophies and a host of other concerns. I will tell you honestly that the potential for these concerns exist in any

situation where one is responsible for student-athletes; they are certainly not inherent or limited to the dynamics of dual participation.

In reality, these challenges are successfully addressed. In those states where dual participation is permitted, high school coaches do establish and enforce the requirements athletes must meet to participate in the high school program. The high school and club coach work together to devise a training program that meets the needs of the athletes without negative impact to either their schoolwork or their health. There is the overarching realization that, in order to do what is best for the student-athlete, they will need to work together and to compromise. I believe that we would all agree that good teachers and good coaches make those choices everyday for the students and athletes under their care. Dual participation can and does work!

In conclusion, passage of House Bill 2345 will ensure that athletes have the right to decide what they do after they have met the training and competition requirements of their school. It absolutely is not intended to relieve the athlete from their responsibilities to their high school team and teammates. But once those obligations are met, the athlete and their parents must have the opportunity to make their own decisions on how they spend their free time! In my role as a representative a national governing body of sport, I strongly urge you to support this legislation to ensure the rights of student-athletes and their parents in the great State of Kansas. Thank you, again, for the opportunity to speak on behalf of USA Swimming.

Submitted by:

Pat Hogan
Club Development Director
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ORAL TESTIMONY

Re: HB2345

From: Anthony Portela
Lawrence, Ks.

I am here today to share my honest high school experience. I am now here speaking, no longer for myself, but here for hopes to help those in the future.

I would like to first cover the training issue. My current U.S.S coach has been with me for five straight years. He knows how to properly train me and maintain a high intensity workout necessary for successful swimming. Opposed to a high school swim coach who trains me for eight weeks with minimal intensity.

In the coaches' defense, I understand it is difficult to coach such various levels of skill. However, what else would you expect when you combine swimmers who swim year round and high school students who have been swimming a couple weeks. That is why I am here, hopeful to make a difference for future swimming, high school and U.S.S alike.

Some high schools don't even receive the needed pool time, nor facility for their swimmers. Proper in season training requires at least a minimum of two and a half hours a day in addition to having multiple practices twice a day. In high school swimming we are not offered this. During snow days and other school cancellations we are left without a coach and place to practice.

I train approximately five hours per day in the pool and am extremely dedicated. I have participated in high school swimming simply to represent my school and be with my friends. However, it is very unfortunate that such a simple task cannot be completed without interrupting not only my future goals, but other club swimmers goals as well. It's unfortunate, that swimmers in Kansas are unable to experience what swimmers in forty-two other states in the country can.

Eric Bonicelli
14132 Eby Street
Overland Park, KS 66221
913-897-0922

Hello, my name is Eric Bonicelli. I swim for the Kansas City Blazers and am a freshman at Blue Valley Northwest High School. Thank you for allowing me this opportunity to testify today. I feel that it is very important for you to support House Bill 2345.

I began swimming at age two as a part of my preschool program at the JCC. By the time I was five years old, the head coach for the JCC Jets swim team went to my parents and told them that I was an excellent swimmer, and asked them if I could compete on their swim team. At first they were hesitant because I was so young, but the coach was persistent. Eventually my parents decided that it would be a good experience for me and that I could give it a try. That was the beginning of my "swimming career".

I loved being a part of the team and I loved to compete. We practiced outdoors and the water was usually freezing, but I didn't complain. The meets were fun and I swam well, winning many ribbons that first summer with the Jets. After two years swimming summers with the Jets, my friend, Miles, convinced me to join the Blazers. I was just seven years and was already "hooked" on swimming.

At age eight, I competed in the Polar Bear Meet and took first place in all eight events in which I swam. They put my picture in the newspaper and I got all kinds of attention from friends and neighbors. Pretty soon I was moved from the Blue group up to the more advanced Gold group with the Blazers. This meant I was practicing at least four nights per week, and an average of 2½ hours per night. I did all this, plus homework, Cub Scouts, and other sports, including baseball and basketball. I was busy, but I liked it that way.

Being a year round competitive swimmer on the Kansas City Blazers, I currently practice over 20 hours per week. When I swam high school this past season, on an above average week I would practice only 14 hours per week. This is the first time since I began swimming that I have not been allowed, or even encouraged, to practice more. However, high school swimming was a great experience and one that I would like to continue to enjoy. I made many new friends and enjoyed competing on behalf of my school.

If I go out for high school next year as a sophomore, it will only be if this law gets passed. As it stand now, I must either stay with the Blazers and get better, or go out for my high school team, support my friends, and lose well over 70 hours of practice time. By choosing to swim high school, I would be hurting my future as a competitive swimmer. It is wrong and un-American to have a law that says I can't get better at what I live for.

When you are a teenager in high school and practice over 20 hours a week, it becomes your job. My friends, who all have "real" jobs don't work that many hours per week, and they get paid for it. When that work time of mine is taken away because of a pointless law, then it affects me and countless other kids in Kansas.

If this bill passes it will increase the numbers of swimmers of both sexes who come out for the high school teams. This would make for a more competitive and fun

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Attachment 6

high school swimming environment. The high school coaches wouldn't be losing anything...they would be gaining everything.

Today, I have a swim meet for which I will need to leave as soon as I am done here. The meet is Region 8's, and it will be the biggest meet that I have competed in so far this year. Tonight I will swim the 1000 yard freestyle, in which I am trying to get my Jr. National time. With me swimming high school this season, I know it will be harder to get this time than if I had not gone out for high school swimming and had stayed with the Blazers. Next year I will be hopefully shooting for my national times, and I guarantee that I will not be able to achieve those times if I go out for high school and the dual participation law has not passed.

Thank you for giving me this opportunity to testify today. **I urge you all to support House Bill 2345.**

Jill

Courtney

14251 W. 132nd Street • Olathe, KS 66062 • (913) 710-5519

March 2, 2005

The Honorable Eric Carter
Kansas House of Representatives
Kansas State Capitol
300 SW 10th Street – Room 110-S
Topeka, KS 66612

Dear Representative Carter:

I appreciate your support of Olympic sport athletes who desire to train year round and compete with their high school teams and club teams. House Bill No. 2345 is a very important and positive change for the Kansas State High School Activities Association and will result in acknowledging and supporting elite Kansas athletes.

My strong interest in House Bill No. 2345 is due to the fact that I am one of Kansas' elite athletes. A competitive year-round swimmer since the age of eight, I am a 17-year-old Senior at Olathe North High School with the following key accomplishments: three-time Kansas State swim champion (2003, 2004 – 100 Freestyle; 2004 – 200 Freestyle); placed 3rd in the 200 Freestyle at 2004 Junior Nationals; named to the All-State, Sunflower All-League, All-Metro, and All-City Teams for three years; Captain of both the Olathe North HS Swim Team and the Lawrence Aquahawks Swim Team for the last two years; President of the National Honor Society; ranked 16th in my class of 342; and maintain a 4.22 GPA.

Like you, I am interested in eliminating current rules that restrict athletes from participating in high school and club activities. Keeping the best interest of the athlete means allowing them to maintain the level of training that supports their skill development and allows them to pursue and attain ongoing athletic success. The current restriction on dual participation actually impairs a year-round swimmer's training. Swimming is a sport that requires continuous practice; a few days out of the pool can set a swimmer back. Many of the high school programs do not offer the level of practice that is appropriate for experienced swimmers.

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By allowing dual participation in club and high school swimming, athletes could maintain their needed level of training with the club coaches that understand their training needs. High school coaches could spend more time with the novice athletes in developing their skills, knowing that the experienced swimmers are receiving the training opportunities and support that they need between the high school and club teams.

My high school coach is very dedicated to my team, however she knows that I need more practice time and different workouts than the rest of the team in order to maintain my level of performance during the high school season. The current system restricts both my coach and me from working with my year round coach. My teammates appreciate what I bring to the team; however, they also realize that I must complete different workouts which often means putting me in a separate lane to practice by myself. If I could swim with both teams, I would be able to develop the team relationship with my teammates without worrying about the level of training I am receiving.

To be able to participate at the Kansas State High School Championship meet, I must make sure that I swim in at least 50 percent of the high school meets; and, once I begin practicing with my high school team, I am not allowed to participate in non-high school meets or have any contact with my club coach. Since high school swimming begins March 1, I must choose between competing in the meets I have trained for and joining my high school team.

For the last six months, I have been training for three championship meets that take place in March—the Region 8 Sectional meet, the Division I meet, and Junior Nationals. If I attain my goal of swimming a Senior National time, I will qualify for the 2005 World Championship Trials in April, which would mean that I must further delay joining my high school team. The current system forces me to either miss some of the most important championship meets of the year or delay joining my high school team. Dual participation would allow me to be an active team member of both teams and participate in club meets and high school meets from day one of the season.

Participating in high school sports has been a very special experience for me. It has provided an opportunity for social interaction with my high school peers in a team setting. Additionally, my club experiences and training has allowed me to achieve personal goals. Allowing dual participation would eliminate the stress of forcing athletes to choose between two important teams and would allow high

school and club coaches to focus on the needs of their athletes. A key rationale for the present restrictions is to avoid conflict with school team and out-side team practices or games. I know, firsthand, that the present system is the cause for

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conflict and that many fellow athletes dread having to make the choice between club and high school sports. Removing the restriction on dual participation would actually eliminate the conflict by allowing high school and club coaches to interact and collaborate.

While I have worked hard to make the best of both high school and club opportunities, my athletic experience would have been less stressful if I would have been encouraged to participate in both club and high school teams, rather than being forced to choose between them.

Kansas prides itself as being "as big as you think." I encourage you to "think big" by eliminating the restrictions on dual participation and adopting House Bill No. 2345.

Sincerely,

Jill Courtney

TO: House Federal and State Affairs Committee
FROM: John B. Dicus
DATE: March 3, 2005
RE: House Bill 2345

I appreciate the opportunity to express my support of House Bill 2345 to the Federal and State Affairs Committee.

I am John Dicus from Topeka. My daughter Emily who is 12 years old, swims competitively for Topeka Swim Association and has for 3 ½ years. In that time I have become very involved in the sport of swimming as a volunteer meet director, board member, chaperone for team travel and doing anything else that is needed to give kids the opportunities they strive for in the sport of swimming.

The first thing you notice about swimming is the time and effort that kids put into the sport at all ages. As the kids get older, that commitment to succeed grows into 6 days a week all year long. What HB 2345 would do is give these kids who have trained hard and dedicated part of their life to swimming, the opportunity to continue to train with their club team and the chance to fulfill a desire all kids have and that is to participate for their high school in their chosen sport. Today their choice is either one of those two but not both.

Some proponents of the status quo might argue that changing the current Kansas State High School Activity Association (KSHSAA) rules would be the death of high school swimming. I would suggest HB 2345 could lead to a renaissance of high school swimming by giving all kids the chance to compete without forcing them to make a choice between their club and training routine or swimming for their high school. Let's remember what the swimming community is asking for with this bill; it is to allow kids to swim for their high school at the peak of their personal training.

Recently the State of Kansas adopted a new slogan "Kansas as big as you think". We currently risk shattering the dreams, visions and aspirations of our high school swimmers by hindering their ability to train and compete at the highest level. We are taking away their opportunity to think big. Think of the pride across Kansas last summer when one of our own competed in the Olympics. What if this happened routinely! What if more than one Kansan competed? What if you removed the restrictions from our kids, could these things happen?

The ability for kids to participate in sports, in and out of school, is just one aspect of their education. Success in sports can lead to success in the classroom and life, and HB 2345 and subsequent changes at KSHSAA can give our kids these chances. So, I urge you to support HB 2345.

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**Kenneth Harms
6025 River Oaks Road
Edmond, Oklahoma 73013**

TESTIMONY FOR MARCH 3, 2005 ON HB2345

It has recently been brought to my attention that the State of Kansas is attempting to pass a bill, House Bill 2345 that would allow a high school athlete to train with both his/her High School and club team during the same season. It is my opinion that by not allowing the high school athlete to do so under current rules puts the student athlete in a very unnecessary and uncomfortable position.

Currently, we live in Oklahoma, but have lived in Kansas and Florida. Florida, like Oklahoma, allows the student athletes to participate and train with both their high school and club team. I am a USA certified national official and have been involved with my three daughters in swimming for over 8 years. I offer you a unique perspective, in that my oldest daughter, Jenny, swam in high school for Olathe East High, and my middle daughter, Krissy, currently swims for Edmond Memorial High, here in Oklahoma.

The sport of swimming is thought to be one of the most difficult sports for the student athlete, due to the fact that it is literally a year round sport that involves training 5-6 days per week, in many instances, twice per day. The amount of time that the average swimmer will spend training can be as much as 24 hours per week. Since as little as one second can separate a first from an eighth place, the training is such that the athlete can ill afford to have their training compromised for any extended period of time as the effects, both physically and mentally can be harmful. As a former high school athlete, I am very aware of the types of people that are your typical high school coaches. With the exception of football, in many instances, the high school coach is simply someone who is helping out by coaching. I, in no way am attempting to cast a negative light on these people, for they contribute so many things to our children by their involvement. They however, typically do not have the extensive background and training that your typical club coach possesses. The club teams that we have participated with, in Florida (Coral Springs), Kansas (Kansas City Blazers) and Oklahoma (Kerr McGee) had coaches that had extensive experiences with National and Olympic swimmers and fully supported High school athletics.

Under the current rules in Kansas, the high school athlete is forced to make a very difficult decision: forego their training regiment to participate in high school swimming, or not swim high school. This is a very unfortunate situation in that high school athletics offers the athlete lessons of teamwork, camaraderie, school spirit, fair competition and sportsmanship.

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If the intent of the current rule is to keep the student athlete from being overwhelmed by a rigorous training and study schedule, rest assured that my experience with the high GPA's of not only my daughters, but other swimmers, have proven this intent to be ill-conceived. Every club team that we have participated with frequently recognizes athletic and scholastic accomplishments equally and the coaches have always stressed the importance of maintaining good grades.

In summary, I would ask the State to approve House Bill 2345 so that every student athlete can have the same opportunities without having to face the difficult decision of choosing between his/her club team or high school team.

House Committee on Federal and State Affairs

Mr. Chairman and members of the committee: Thank you for allowing me the opportunity to speak to you concerning HB 2345. My name is Eric Nelson and I am testifying before this committee in support of this bill and strongly recommend your support.

I am the Head Coach and General Manager for the Wichita Swim Club. I am also the Director Central Zone of USA Swimming and a member of the USA Swimming Board of Directors.

The points I would like to address that favor a passage of this bill include freedom of choice, expanding opportunities, access to professional expertise and safety.

Freedom of Choice: If a student chooses to be part of a High School team, it makes sense that there is a practice schedule, a meeting schedule and a competition schedule. It also makes sense that a Coach and Administration expect the swimmer to attend these functions as a condition of your membership or participation with that team. Where Kansas differs from 42 other States is that our rules say that not only does the High School tell you to be at a team practice from 3-5, but the High School we will tell you where you can't be from say 6:00-7:30 that morning or what you can't be doing on Saturday morning or what you can't do over your school's winter holiday. This is the crux of the argument for those of us who support the bill's intent. We aren't seeking special treatment for student's participation but rather allowing the swimmer the CHOICE to do with their free time as all other Americans enjoy.

Opportunity: There are many high schools in this state that do not own their own pools. Practice time and space must be obtained by renting from civic recreation centers, other high schools, colleges or private clubs. The amount of time and space that is available varies widely throughout the state. If my passion is to be the best High School swimmer I can be, why should the State prohibit me from seeking additional training opportunities of my choosing? Similarly, if a student-athlete has ambitions and goals that won't be fully accommodated solely with a High School training program, why should we, in effect, place rules and restrictions barring achievement through practice?

Access: This State has many fine High School coaches and administrators. It also has many outstanding full-time professional swimming coaches not employed by school districts. You might be surprised to find out there have been 6 swimmers from our state who earned Olympic berths and several others who have competed for the United States in prestigious international competitions such as the World Championships, Pan American Games, Pan Pacific Games, Goodwill Games and World University Games. A greater number have been successful NCAA Division I, II, III and NAIA student-athletes. An even greater number of athletes have been motivated to pursue their dreams and tried to become as great as they could possibly could. What motivation does the state have in preventing these people from accessing some of the best people in our sport and achieving these dreams? A student in Johnson County should have the right to seek expert instruction from nationally renowned coach Pete Malone just as a student in an underserved part of our state (whose coach may admittedly have little to no knowledge of his sport) have the right to seek the pool time, structure and expertise of his local swim club.

Safety: While we should applaud the life skill of students taking initiative, I worry when swimmers are forced to take their training into their own hands. Currently, I have several swimmers who will swim on their own on days when their high school team does not have a scheduled practice. They

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Testimony for House Bill 2345

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present testimony on House Bill 2345. I am Richard B. Maxfield. I am a licensed psychologist in independent practice in Topeka, Kansas. I have been for the past four years the President of the Topeka Swim Association and have been a member of the Board of Directors of Missouri Valley Swimming. It is in that final capacity that I come before you.

Missouri Valley Swimming is the official affiliate of U.S.A. Swimming. Missouri Valley Swimming is comprised of over 50 independent swim teams and represents over 3600 year-round athletes and a similar number of seasonal athletes who reside in Western Missouri or Kansas. Missouri Valley Swimming serves an oversight and organizational role for both swimming competition and Olympic development. We provide swim meets in which the athletes may participate. We provide oversight for professional coaches and club development. We provide safety curricula for coaches and we train officials to run swim meets.

Missouri Valley Swimming has produced Olympic team members for each of the past six or seven Olympics. This past year we had one young woman from Wichita represent us and the state of Kansas on the U.S. Olympic team. In addition, the Wichita Swim Club coach was the only swim coach in America to produce members of both the Olympic team and the Para-Olympic team.

The measure before you simply allows elite athletes to participate fully in their sport. Swimming is a demanding sport, which requires year-round training in order for an athlete to succeed to his or her fullest potential. Current high school rules prevent swimmers from continuing with their club team and professional coach while at the same time swimming for their high school.

Elite swimmers are now put in the unfortunate position of choosing whether to continue with their club team or participate with their high school program. House Bill 2345 would allow these athletes to participate fully in both offerings. The current compromise, which elite swimmers frequently arrive at with the blessing of both their club and high school coach, is to begin the season late, swim as few meets for their high school as is allowable in order to qualify for the state high school championships. This is an unhappy compromise as swimmers are not fully members of their high school team from the beginning of the season. Enacting this legislation would allow them to participate fully.

Most states allow swimmers to participate in their U.S.A. Swimming affiliated clubs as well as their high school teams. Obviously, swimmers who train more and more effectively will increase their chances of athletic success. Depriving student athletes in Kansas of the opportunity for the best training and opportunities for competition puts them at a competitive disadvantage when compared to athletes from other jurisdictions. Not only are our swimmers competing for berths on national teams, often they are competing for college acceptance and/or scholarships. Putting them at a competitive disadvantage with swimmers born and raised in other states seems simply unfair to me.

I have heard some concerns that this legislation would put the student athlete in difficult conflicts between the high school coach and the Missouri Valley Swim Club coach. I believe that is actually a symptom of the current regulations of the High School Activities Association rather than an inherent problem in having two teams within which to participate. I believe that coaches from Missouri Valley Swim Clubs and high school educators who also happen to be swim coaches will be mature enough to work out any potential conflicts to the benefit of the student athlete. Information from other states, which allow dual participation, suggests that my analysis of this situation is correct.

Missouri Valley Swimming is firmly in support of the concept of allowing for dual participation for our student athletes. House Bill 2345 accomplishes that goal and we are therefore in support of this measure.

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swim on their own with their own workouts, often with no supervision. I don't think this is this is what's best for athletes.

You may encounter some opposition to this bill. Some will say it is bad to upset the system. Others will tell you it will destroy a system that is working and working well. They might present some scenarios of abuse that will happen should Kansas embrace this bill. I am not advocating any encroachments on a school's authority to make rules for its sports teams. However, I am advocating eliminating school's authority on a student's time and choice of activity once those requirements have been meet. I thank you for your time and strongly encourage you to pass this bill.

To: House Federal and State Affairs Committee

**By: Catherine J. Weatherford
14040 Aberdeen
Leawood, Kansas 66224**

Subject: Testimony on HB 2345

Date: March 3, 2005

Good afternoon. Thank you for allowing us the opportunity to appear before the committee today in support of HB2345, a bill about choice for high school athletes and their parents. This bill will allow Kansas athletes to have the choice whether to participate in both high school and non-school activities concurrently.

I am the mother of three daughters. Each has their own particular passions. Our oldest daughter, now 26, was a basketball player and participated year round in high school, recreation leagues, church leagues, and even nationally ranked AAU basketball teams. She was able to do this because we lived in another state when she attended high school which allowed dual participation in both school and non-school activities. Our middle daughter, currently a junior in high school, has taken dance lessons and voice lessons and sang in her church choir and other organized vocal groups and plays, on

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a year round basis and also participated in school plays and school chorus groups at the same time. Our youngest daughter, a swimmer, is currently barred from these choices. When she gets to high school – she will have to choose high school swimming or Kansas City Blazer swimming. Just as many of you have told your own children, I have told my daughters that they can do anything if they work hard enough, that they can become anything they want to be if they are dedicated enough, that they can achieve anything if they set their goals high enough. And yet, my 12-year-old daughter cannot do that because Kansas High School Activities Association rules prohibit her from making that choice. My daughter wants a high school letter jacket and the high school sports experience. Yet, she also wants to pursue her passion for swimming on a daily basis. At 12, she has big dreams of where her swimming might take her, including becoming a swim coach.

We ask you to pass HB 2345 because it is about choice. Student athletes and their parents should be permitted to choose how to spend their free time outside of school once they have fulfilled their commitments to their school teams and activities.

We ask you to pass HB2345 because it is about a commitment to excellence. Young athletes work hard to achieve their personal goals. Reaching their highest potential is directly correlated to the commitment of time and hard

work spent in development of technique, strength, and stamina. This requires year round training. Work ethic, time management, achieving goals, and team play bring excellence not only in the sport of choice but also in life after the sports career is long over.

We ask you to pass HB2345 because it is about maximizing the high school experience. For many high school athletes, outside sports clubs provide the avenue for young people to learn sports and embrace athletics so that they are then able to participate in high school sports. Students should not be forced to choose loyalties—school or club. Representing your high school in any organized competition is one of the highlights of a student’s high school experience.

We ask you to pass HB2345 because it is good public policy. There is a public relations campaign I hear quite often on TV and radio. The announcer says that we should always ask the question, “Is it good for the children?”

Honorable members of this committee, this bill is good for the children.

Again, we thank you for your time today and your commitment to Kansas and to our children.

Testimony in Support of HB 2345
Gabe Downey

I would like to thank the committee for allowing me the opportunity to speak here this afternoon. I believe that this is important legislation for all sports and all athletes; specifically I would like to address the sport of diving. I am the head coach of the Kansas City Dive Club, which operates extensively in Johnson County and is the largest club diving program in the state of Kansas. Prior to founding the Kansas City Dive Club I was an assistant coach with the Jayhawk Dive Club in Lawrence and the head girls' diving coach at Shawnee Mission North High School. I have coached four Kansas State Champions, six high school All-Americans and thirty-three United States Diving Junior National Qualifiers. As an athlete I was a four-time Kansas State Champion, former state record holder, seven-time US Diving Junior National Qualifier, and Big 12 Finalist at Nebraska.

The current high school rules place Kansas' divers at an inherent disadvantage to their counterparts throughout the nation. High school programs train and compete on the one-meter springboard, the lower board, with no training whatsoever on the three-meter springboard, the high board, or on platform. In fact, Olympic level diving has no one-meter competition; divers compete on the three-meter springboard and the ten-meter platform exclusively. This presents a surmountable problem for these athletes, for while their peers are training on the three-meter and platform throughout the year, Kansans are unable to train for the duration of their three-month high school season. The competitive calendar magnifies this disadvantage.

The boys' season concluded almost three weeks ago in Manhattan. These boys have been training exclusively on the one-meter springboard since mid-November when the season started. United States Diving's (the national governing body for diving) Indoor Regionals meet, the qualifier for the Indoor National Championships begins in St. Louis in two weeks. The girls' season began Monday; these girls will have gone three weeks without three-meter training as they enter one of the year's biggest competitions.

I'm proud to say that one of my athletes finished second in Manhattan at the state meet. Despite his success, he was at practice Sunday morning, the day after the competition, because he knew how little time he had to prepare for the next meet. He now has five weeks to readjust his technique, learn and master Olympic level dives on the three-meter, and maintain his one-meter ability. He is a junior this year, and beginning in July collegiate coaches can begin recruiting him to their programs. These coaches watch juniors closely as they decide which divers to recruit for their programs. There will be at least ten collegiate diving coaches in St. Louis; there were none in Manhattan.

In addition to US Diving meets, club divers participate in AAU meets, with the goal of reaching the AAU National Championships. To qualify for AAU Nationals a diver must achieve a qualifying score in AAU, US Diving, or high school competition. The activities association's rules prevent Kansas' divers from competing in nearly all outside meets during the high school season. This rule hurts divers' preparation, competitiveness, and opportunity to qualify.

Platform diving presents another wrinkle into the mix. Personally, I equate the differences between springboard diving and platform diving with the differences between shot put and hammer throw. The hammer and shot both involve spinning and throwing

an object, and some of the techniques transfer interchangeably, but no one will accuse them of being one in the same. Platform diving utilizes completely different takeoffs and different body motions; typically divers perform different dives altogether.

Regarding high school diving, there is a general belief in the diving community that high school coaches are untrained and uneducated in diving. I disagree with that assessment and enjoy working with many of my colleagues throughout the state. The trouble is that there aren't many of them. Diving is a very specialized sport with unique characteristics and requires years of training to understand, and more importantly to teach safely. In the heavily populated areas, Wichita, Topeka, Johnson County, coaches are sparse. They are even more rare in our smaller communities and rural areas. In the recently completed boys season there were eight diving coaches for fifteen programs. Many of the coaches assume multiple duties coaching one, two, or in one case four schools. Two of the schools had no coach whatsoever.

One of my club athletes is a junior at Bishop Miege High School in Johnson County. Caleb trained with me until mid-November when the high school season started. Caleb went without a coach until the beginning of February when the school finally found a coach. Needless to say, now that he's able to come back to practice, we're spending a lot of time on mechanics and technique.

I would like to briefly address the issue of private lessons. The activities association has said that we can work as 'one coach, one diver'. Again speaking strictly for diving, there are many intrinsic flaws in this proposal. Facilities limitations present a major problem. To my knowledge, in Johnson County there is only one indoor three-meter springboard. There is only one indoor platform, a five-meter platform, not the Olympic-level ten-meter platform, in the state of Kansas. The scarcity of these boards simply does not allow any realistic opportunity for these athletes to train.

Speaking for myself, my schedule does not allow much time for private lessons. My first practice begins at 3:45, just late enough for the kids to travel from school to the pool. My final practice ends at 9:00. Weekends are busier, as I hold practices from 8:30-5:30 on Saturdays. When possible, I offer private lessons in thirty-minute increments from 12:00-4:30 on Sundays. Not nearly enough time to affect real change, but we do the best that we can.

Moreover, private diving lessons can be very expensive. In addition to the coach's private lessons fees, which are invariably higher than a group lesson or club practice, divers often must rent pool time, a very expensive proposition for one athlete.

Ultimately, the issue is as much about the message we are sending these kids. I believe it is important that we teach these youngsters to strive for greatness in all facets of their lives. I believe we should teach them that lofty goals require constant determination. I believe that we should never constrain a child's potential with limits. Clearly Kansas divers' opportunities are all too often limited. Limited by geography, limited by facilities, limited by untrained or non-existent coaches. Above all else, I believe fundamentally and absolutely that we must never limit a child's opportunity for success, but more importantly must never limit a child's opportunity to reach for success.

**Mary-Lane Kamberg
2128 E. 144th St.
Olathe, KS 66062-2355
(913) 764-4950**

The current position of the Kansas High School Activities Association regarding the prohibition against high school athletes training with club teams during the high school season (Rule 22) negatively affected my daughter, Becky Kamberg, who graduated from Olathe South in 1995. Becky had been a summer swimmer since she was 6 years old and was excited to join her high school swim team as a freshman. She enjoyed the sport so much that she was inspired to join the Kansas City Blazers, a year-round team, at the end of the high school season. Her goal was to improve her skills and achievements.

She said, "Mom, the fastest swimmers I know are Blazers. I want to be a Blazer."

So we signed her up for the club team and watched her progress from a district to regional to junior national and senior national levels, taking time away from her rigorous training schedule to swim for Olathe South. The high school program was a definite step down in terms of time in the water, and her conditioning suffered each year. It usually took the entire summer season to recoup the levels she had achieved prior to each high school season.

However, in the summer after her junior year, college coaches began expressing interest in her as a scholarship athlete. At the time, we had financial problems and a scholarship was her ticket to higher education. When she qualified for the senior national championships, her marketability to colleges increase from partial scholarship to full scholarship status and offers. She signed a letter of intent with Indiana University in the fall of her senior year, continuing to train with her club team. Unfortunately, when the girls high school season arrived, she was faced with a tough decision: whether to swim for the high school team or give it up so she could continue to train with the Blazers. She had no choice. She could not afford to lose her conditioning level this time. Her college coach was expecting a senior national level swimmer to enroll the following fall.

My daughter loved participating on her high school team. She had fun representing her school (they placed second at state her junior year). And she enjoyed getting some recognition for her achievements in the school setting. Swimming is a practically invisible sport except during Olympic years. Many people don't realize that U.S. Swimmers' domination in international competition comes from years of year-round training.

The current situation in Kansas (which few other states have) discourages excellence and achievement. Because swimmers cannot train with their club coaches during the high school season, they must choose to lose ground if they want to participate on their school teams. In other states, where dual participation is allowed, high school swimmers set national records because they are allowed to **and choose to** continue rigorous training that average high school athletes choose not to do. (Successful people do what unsuccessful people refuse to do.)

Because of the current rules, my daughter had to give up an activity that taught lessons of a special kind of teamwork that club competition does not always offer.

In contrast, my other daughter played basketball at the national level. Although she chose not to play basketball in college, coaches from Division I universities expressed interest in her. Her participation on the high school basketball team gave her the chance to have fun, represent her school, and develop her skills and achievements without losing ground. The sports have different conditioning requirements at the elite level, and the high school program offered the same opportunities for college recruitment that Becky's club team -- but **NOT** high school program -- offered. Can you imagine prohibiting football players from lifting weights and then wondering why college coaches wouldn't look twice at them?

Lest you think that my children are "dumb jocks," let me tell you that they both were district honor scholars in high school and both earned bachelor degrees and graduated with scholastic honors -- one from Indiana University and the other from Kansas State.

Please vote to let Kansas high school athletes train with "Dual participation."

Thank you for your consideration.

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Date 3-3-05

Attachment 14

Margaret A. Bonicelli
14132 Eby Street
Overland Park, KS 66221
913-897-0922

Honorable Members of the Kansas House of Representatives, thank you for allowing me the opportunity to present written testimony in support of House Bill 2345.

KSHSAA Rule 22 forbids outside competition &/or practice while participating in a school activity such as swimming, diving, gymnastics, tennis, cheerleading, debate, etc. Essentially it prevents those kids that choose to work extra hard from participating with their schools (which they **want** to do), if they are year-round participants with another team. If kids are training for National or International competitions (i.e. the Olympics), they can't afford to quit their year-round program because they ultimately lose their competitive edge. It also puts kids that would like to earn a college scholarship at a disadvantage if they choose to compete with their high school teams because their performance ultimately suffers. House Bill 2345 will change this!

As a 'for instance', our son, Eric, is a freshman this year at Blue Valley Northwest High School. He REALLY wanted to swim for his high school! As a kid who swims 3-6 hours per day year round, he has missed out on many of the "fun" activities that his friends have gotten to do, such as sleepovers, get-togethers, spring break trips, etc. During the summer months when his friends are staying up late, he is in bed by no later than 8 p.m. because he gets up at 4 a.m. to swim! By swimming for his high school he has the opportunity to show his friends WHY he has been doing this for all of these years, and at the same time he can help his school perform well at the state championships. This should be a no-brainer, right??? To do this, he had to "quit" his club team to swim high school (we still had to pay the club fees to hold his spot, mind you) and he ended up dividing the season between the two teams. He went out for the BVNW team mid-year so that he would be able to swim in enough meets to go to state, but could still stay and train with his club team a little longer, especially during winter break. Sounds like a good compromise, right? Well, it was the most difficult decision he has ever had to make in his life! He was being pulled in both directions and wanted to be able to do both. In the end, everyone suffered a consequence: his high school team, his club team, and most importantly, he himself.

Why should kids have to choose? Should they be penalized for wanting to work hard and excel? Rule 22 needs to be eliminated or changed, to allow kids to choose to participate with their high school team and train with their club team, as long as they fulfill their high school requirements. This includes maintaining their grades (which is required to participate on most high school teams - Eric has a 3.57 GPA right now), making the required number of high school practices, and attending meets.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 15

Katie Klinkenborg
10301 Catalina
Overland Park, KS 66207

TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2345
2005 KANSAS LEGISLATURE

To distinguished members of the Kansas House of Representatives:

Chairman and members of the committee, thank you for the opportunity to testify in support House Bill 2345.

My name is Katie Klinkenborg; I am here to testify in support of House Bill 2345.

I am a senior at Shawnee Mission East High School and a Student Athlete. I am here today to talk about my personal views and experience with Rule 22 of the Kansas State High School Activities Association (KSHSAA) rulebook. This rule currently prevents student athletes from participating in outside sports activities while competing for their respective High Schools.

I have been a competitive swimmer for the past ten years and I am very dedicated to my sport. Rule 22 has forced me to choose between my High School and my club team. This has always been a great struggle for me, with pressure from both my classmates and the High School Swim Coach. I would have preferred to do both, but Rule 22 does not allow for it.

I chose to swim for my club team because of the consistency in the training. At the elite level we have a yearlong training cycle and with that comes personal goals and milestones which I strive to reach throughout the entire year. My personal experience has shown that by taking several months off from this regime to swim and compete solely for my High School had, for me, a negative impact on this yearly program and my own personal progress.

I would have liked to have had the opportunity to swim for both, working out with my club team, continuing in my yearly training cycle, and competing for my High School. This would allow me to set and reach personal goals with both!

In closing, if this rule is changed it will have no impact on me, as this is my last year of High School. Next year I will continue my swimming career as a scholar athlete at the University of Northern Iowa. My goal today is to see that athletes of all sports are allowed to train at their optimum level, and have the right to choose to participate in an outside sports activity while competing for and representing their High School. House Bill 2345 will allow this to happen!

The ability to choose what we as student athletes want to do outside of School should be just that – our choice! **I urge your support of House Bill 2345.** Thank You!

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 16



P.O. BOX 1100 LAWRENCE, KS 66044 (785) 841-8891

**TESTIMONY OF LAWRENCE AQUAHAWK COACH MIKE
SODERLING IN SUPPORT OF H.B. 2345**

My name is Mike Soderling, and I am the head coach for the Lawrence Aquahawks, a United States Swimming member. We have 150+ swimmers on our team from ages 6 through 18. Each year most of our high school seniors go on to swim in college, many with scholarships. I strongly urge your support of H.B. 2345 for the mutual benefit of high school swimming, club swimming and, most importantly, our young athletes.

Passage of this bill would allow a cooperative, collaborative effort between the high school coach, the year-round coach and the swimmer in devising a training schedule that best meets the swimmer's short-term needs and long term goals:

- High school coaches would retain full discretion to manage each high school team as they determine is best during the high school season.
- The swimmer, through the joint efforts of both coaches, could gain additional pool time and individualized training, as needed.
- The swimmer would not be penalized by being forced to choose between the high school team and their club program, where many of these athletes have been swimming since age 8.
- Additional club swimmers would participate in high school swimming while they trained for National and International competitions, and high school teams in Kansas would have better swimmers and results.

The Passage of H.B. 2345 would allow these swimmers to train with both teams concurrently, under the guidance of both coaches, without sacrificing the enjoyment and recognition of participating in school sports or the continuity of their training and long term goals.

During the high school season, the current rule prohibits club coaches from training the swimmers they coach for 10 months of the year. I am firmly convinced that with enactment of this bill, the high school teams would have **more swimmers and better swimmers** – both the quality and numbers of swimmers would be improved. Our young athletes would experience the best of both formats, and would gain the benefit of **both** coaches' perspectives and experience in learning sportsmanship, discipline, training methods, swimming techniques and other lifetime skills.

For these reasons, and in the best interest of our hard-working young athletes, please support H.B. 2345.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 17

TO: Members of the Kansas Legislature
REGARDING: HB 2345- Dual Participation in High School Swimming
WRITTEN TESTIMONY ONLY!

Dear members of the Kansas Legislature,

My name is Alex Boyer, and I am currently attending Southwest Jr. High School in Lawrence. I was privileged enough to swim for the Lawrence High Lions this season, and I have great pride in my accomplishments, and in my team. I am also an 8 year member of USA swimming, with the Kansas City Blazers (3 years) and the Lawrence Aquahawks (5 years). I am considered a distance swimmer, and my best events range from the 200 Free to the 1650 Free. High school training isn't geared toward swimmers like me, simply because events over a 500 are not offered. This causes my times to slip when I return to the Aquahawks after State.

Not only did I notice my times slipping after State, but they were dropping beforehand. This can make for a disappointing end to the season. I not only noticed it in myself, but many of my friends who also swim USA. I as well as many of my friends had a disappointing State and all we want to do is succeed at the highest possible level. We can't do that if we are not allowed to partially train with our USA teams.

Please, I am asking you to vote yes on HB 2345, not only to help Kansas swimmers to succeed, but to also help raise the competition of all Kansas meets.

Sincerely Yours,
Alex Boyer

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 18

Date: March 1, 2005
To: **State of Kansas Legislature**
Re: **House Bill No. 2345**
From: **Ashley R. Robinson**
Free State High School
Lawrence, Kansas

Committee Members:

I am writing this letter in favor of House Bill No. 2345.

As a Junior at Free State High School in Lawrence, I've participated in athletics since my freshman year. This is my first year on the Cheer squad (varsity), my second year of participation on the Cross Country team (lettered both years) and this spring will be my third year on the Girls Swim team (lettered both previous years and 3-time State champion). It is regarding the sport of swimming that I can best explain why I am in support of this bill.

I've been a swimmer since the age of 8, joining my club team while barely able to make it across the pool. But I loved swimming and have worked very hard to achieve a degree of success. When faced with the decision to swim with my high school team, I was well aware of the problems other swimmers before me faced in making that decision—a reduced level of training, poor timing with regard to USA Swimming championship events, a lackluster summer season as a result of reduced fitness level, to name a few. Regardless, I decided to join the team and have thoroughly enjoyed the experience. However in so doing, I've suffered all of the problems mentioned above.

By way of explanation, the high school swimming team trains differently than I do with my club. Swimming fitness is achieved through hours and hours of conditioning, almost exclusively in the pool. Although running might improve fitness, you can't replace time in the pool by running. High school teams are limited in their practice time and since I am restricted from practicing with my club, I don't swim as much during the high school season. This may not effect my *high school* swim performance since the season and the distances are short (500 yards is the longest event), but when returning to my club in May where I'm swimming 800 and 1500 yards competitively, I'm basically out of shape for the endurance swimming of club competition.

High school sports are great for helping the student feel committed to the school, gain peer recognition and build friendships that might not otherwise be built. I would never discourage my friends from participating in high school sports, but why should my training suffer if I choose to? As club swimmers increasingly choose to forgo their HS teams because of the reasons mentioned, those teams become mediocre and fewer students will participate. Everyone, on the other hand, wants to be a part of a *winning* team.

One of my best opportunities to win a college scholarship is through my performance as an athlete but I'll be competing against other HS swimmers throughout the country who do not have restrictions on their training if they participate in a high school sport. As it is currently, Kansas students are at a disadvantage among their peers throughout the country. Is that what Kansas High School kids deserve?

I urge you to vote in favor of House Bill #2345.

FEDERAL AND STATE AFFAIRS
Date 3-3-05
Attachment 19

March 1, 2005

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE
Kansas State Legislature
Kansas State Capital
Topeka, Kansas

To the Committee:

I am the parent of a student at Free State High School in Lawrence who is also a student athlete. I want to address a bill in front of you for consideration, House Bill #2345, and strongly encourage your favorable recommendation to the full Legislature.

This measure is long overdue for the student prep athletes in the State of Kansas. Under rule 22, student athletes who practice and compete in events sanctioned by the national governing body for a sport are prohibited from participation on their high school team concurrently. The only persons this rule effects negatively is the student athletes, the very ones our High School Activities Association should be encouraging to excel.

It's been inferred that this rule limits conflict between the high school sporting events and potential club events:

If that were the goal, why do we allow students to participate in more than one HS activity at a time – any one of these can conflict with another at any given time. Rather, this can be looked on as an opportunity for the student to develop decision-making skills--the ability to weigh the alternatives and “make the right choice” is a valuable asset to develop throughout her/his life.

The issue of equity for economically disadvantaged students has been used for justification for not allowing dual participation:

If equity is the goal, why then are students who participate in club activities at any time of the year allowed to compete on a HS team. By the time a child is of HS age, if he/she has not received previous training and/or coaching in a sport, even if it is through a Rec League, they would be at such a competitive disadvantage, restricting participation in as much amounts to “punishment” for those that have previously honed the skill. The goal of equity is an excellent one but this rule cannot achieve it.

I believe our schools should promote and teach excellence in our students whenever, wherever and by every means possible. When my daughter took up the clarinet in 7th grade and joined the school band, somewhere along the line, we were told that she would play better if we would supplement her education in school with some private lessons. From the teacher's standpoint, a by-product of the lessons would have also been a better sounding band. Similarly, our schools do not have the resources to teach/coach Olympic sports to the same level of a private club but that does not detract from the enthusiasm, comradery and school spirit generated by participation on the High School team.

I encourage you to allow our students to partake in the full High School experience by allowing participation in HS sports/activities while simultaneously seeking to achieve excellence on their own time, in their own way.

Sincerely,

Jeannie Robinson
318 Clayton Ct.
Lawrence, KS 66044

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 20

Deborah A. Boyer
1626 Bobwhite Dr.
Lawrence, Ks, 66047
785-865-2683
debbie.boyer@sbcglobal.net

February 23, 2005

To: House Federal & State Affairs Committee
Re: HB 2345
WRITTEN TESTIMONY ONLY

Committee members,

I'm writing in support of House Bill 2345 to allow dual participation in High School sports. It has been a trend in the schools lately to not hurt children's self esteem at the expense of challenge, competition, and excellence. It is better not to give a test that they may fail, rather than giving them the tools to succeed. The dual participation rule 22, as it is stated now in the KSHSAA regulations, is doing just that to Kansas High School sports.

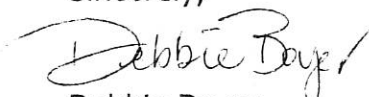
KSHSAA has stated that a rationale for the restrictive dual participation rule is that "schools want to avoid perpetuation of single sport participation year round". My question is why? If the child and their family want to make the commitment to a sport they love, then how can KSHSAA say we can't? In an era of wanting children to keep active and eat right, why are we telling them they can't be active and devote their time to a sport they love – even if it requires a year round commitment to excel. We are sending our children a mixed message.

Instead of encouraging kids to excel in their chosen sport, Rule 22 penalizes them for participating and excelling in a year round sport. Soccer, Swimming, and Gymnastics are several sports requiring a large time commitment from the kids and their parents on a year round basis. If the student loves the sport and chooses to make that commitment, then they are faced with a tough decision when it comes to playing for their high school team. No child should be faced with that decision

By not allowing kids to improve on their own if they so choose, KSHSAA has created mediocrity. With academics I can give my children the tools and encouragement to succeed and be competitive, but in the sports arena my hands, as a parent, are tied. Competition and striving to excel are great qualities we need to instill in our children for their future. Please vote to support this bill and put the decision back in the hands of the athletes and their parents.

Thank you for your consideration of this bill.

Sincerely,


Debbie Boyer

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 21

Hannah Hoisington
5009 W. 131st Street
Leawood, KS 66209
913-685-8498

My name is Hannah Hoisington. I am sophomore at Blue Valley North High school, a member of the Kansas City Blazers Elite Team, and planning on swimming for my high school team this March. I love to swim with my club team and love the experience I gain from it. I also love to swim for my high school and enjoy the different atmosphere. Swimming on both teams are completely different and that is what I like most about it. I like to contribute to my school and receive recognition for my achievements that are not so public with club swimming. But near the end of the season I am out of shape because of the difference of training between club and high school swimming. I feel that I am letting my team down by not being able to perform to my full potential at the state meet. If you pass this law I will be able to experience both teams without the disappointment at the end of the year.

We have Missouri high school swimming boys on our team that performed excellently at state and I feel this is because they were able to train on both teams. They did not abuse this privilege at all, but used it to their advantage to become better. I know people that have not swam high school because of the repercussions when they return after the season. I know that they are missing an amazing experience and a chance to get to know new people at their school. My sister has not swum high school since her freshman year because she does not want to disrupt her plans to get her national cuts as well as participate in major meets. This is her senior year and she is wrestling with choosing to prepare for her college team or have fun her last year at school with a team she enjoys being around. I don't think anyone should have to make that choice.

During the high school season I would follow my high school coach's rules if this law was passed. High school swimming would always have priority and what ever my coach felt was in the best interest for me and my team I would follow during his season. High school swimming would be my main priority during the season.

Our state is one of very few that still enforces this law. I honestly think it is a ridiculous law and that if you really think about the choices that you are having us make that you will realize that this not fair to us. It comes down to this; we can receive recognition from our school and possibly not perform our best or you can let us train with both our club and high school teams and allow us to reach our maximum potential.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 22

Peter D. Malone
Head Coach, Kansas City Blazers
8008 Westgate
Lenexa, KS 66215

Thank you for taking the time to read my testimony on House Bill 2345. I am Peter D. Malone, head coach of the Kansas City Blazers swim team for the last 30 years. I have been a national team coach for the USA Swimming, and have been on the U.S. Olympic Committee since 1978. I have served on many national team staffs, and most recently served as head team leader and head women's coach for the short course World Championships help last October. You may learn more about me by visiting www.kcblazers.com to review my credentials. I would like to say that I am an educator first and a coach second. Specifically swimming is my vehicle to help shape children and young adults into successful and happy adults.

The issue in front of you is not about coach's club or high school or about the activities association. It is about student athletes having the equal opportunity to pursue goals and dreams, and parents to fulfill their responsibility on directing their children's choices and decisions. I do not support taking away the authority of the high school coach. I actually support them having the right to determine the standards for the members of their teams with the approval of head administrators of their schools. I also support that parents and athletes have the right and the opportunity to do what they choose with their free time outside of school responsibility and high school team standards.

This country is as different as night and day based upon where you live and who your parents are. This country and its ideals are based on democratic freedom and equal opportunity. The needs all over Kansas vary greatly, and the present rules of the activities association prevent equal opportunity for athletes to reach their goals and their potential. They vary from person to person. We are creative in what we do in the academic arena but we are holding back those in rural areas that have limited opportunity and for those who would like to excel at the highest level. The purpose of this bill, as I see it, is to ensure that the parents and student athletes have the equal opportunity to excel as other people of the same category do throughout this country. Why put limits on a person's dreams and potential, and on allowing their parents to fulfill their responsibility of being good and mentoring parents?

I have coached three Kansas Olympians. Two of them were still in high school when they made the Olympic team, and neither was able to swim high school without giving up their club program and doing proper preparation for the Olympic Games. They were both female, so they had Olympic Trials in March and games in July. With the rules as they are, these young ladies could not have participated in high school swimming, even if they chose to. The third was male and attended UCLA on full scholarship, also making the Olympic team after his sophomore year of college. The UCLA program and I worked in harmony to fulfill this young man's dream and his responsibility to the UCLA program. He was unable to swim high school and get the training needed to get to that level under the circumstances that were available to him at his high school. All three of student athletes would have loved to represent their high school and the state of Kansas. They are also proud of their chosen routes in all aspects. One is a graduate of Stanford University and was team captain, and was selected as the outstanding student athlete for females for Stanford her junior year. The other is a graduate of Colorado State Veterinary School and a wonderful vet. The third is a practicing attorney in St. Louis. Wow! What they have done and what they will do with who they have become. I would say each would tell you they would have loved to participate in high school swimming had the opportunity been available without compromising their dreams.

I face these decisions every year with my athletes, and I always counsel them that life will be full of choices and decisions. I also tell them that they will grow and benefit from those choices if they make the most of what you do. However, I do believe that this choice is one that should not have to be made at this point in their development. OPPORTUNITY SHOULD BE OUR GOAL, **NOT** LIMITS.

THANK YOU FOR YOUR VALUABLE TIME and for your leadership for our wonderful state of Kansas. I am always happy to return to the state of Kansas from my travels around the country and the world. It is time to bring this issue into the 21st century for Kansas, and to open up the opportunity for all to compete, and let our parents be the parents.

Peter D. Malone

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 23

Andrew A. Jacobs, Ph.D.
12012 Wenonga
Leawood, KS 66209
913-339-9599

As a sport psychologist since the early 1980's, I have had the privilege of working with athletes at all levels of competition from youth sports, all the way up to the Olympic team (I was the team psychologist for the 1984 and 1988 US Olympic Cycling teams. We won 9 medals in 1984, the first medals in cycling in the Olympics since 1912.) I have worked with US Cycling team at three World Championships in addition to the two Olympic teams. I have worked with professional athletes in almost every sport, have been the team psychologist with numerous professional, collegiate and amateur teams. I have had a private practice in psychology since 1981 and have hosted a radio show about self-improvement and success since 1992 in Kansas City.

I am stating just a few of my credentials to emphasize that I know a little bit about sports, self esteem and success. In addition, I am the father of two boys, ages 13 and 15, both of whom are athletes in many sports, and with my 13 year old, a competitive swimmer. I cannot emphasize enough what kinds of benefits athletic competition can have on young people. Our society is filled with many potholes for our youth to fall into. We are in the midst of a crisis with steroid use, a crisis with teenage depression, substance abuse, obesity and suicides. There is pressure from all areas in a young person's life to go down the wrong path. However, we all know that there is one area that can assist a young person to grow, mature, develop self-confidence, and learn about how to make the right decisions. That area is in athletics. Sports is about learning about yourself, about the limits you set for yourself, and what you can do to overcome failure. Too many school districts in our society are finding ways to eliminate athletics, physical education and the soft sciences. However, the research has found that the most successful people in our society have become successful by learning how to maximize their strengths and minimize their weaknesses. The best area to develop these skills is in athletics. Any opportunity a young person has to grow in athletics WILL give them an opportunity to become a better person and be able to contribute to our society in a productive way. I firmly believe that any young person who wants to become a better athlete, will become a better person by learning about commitment, sacrifice, dedication, positive attitudes, respect, honesty and hard work. We need to give young people every option they can have to be able to develop these skills. Any young person who wants to better themselves by hard work and training should be given that opportunity. Any adult who wants to sets limits on the opportunities we can and should give our youth needs to set up an appointment in my office. I will be glad to discuss with them the positives that athletic involvement has, and the detriments that over-controlling adults can have in limiting their success. I can back this up with the work I have done with champions in almost every sport, with swimming being the best. Feel free to reach me at my office with any questions.

Sincerely,

Andrew A. Jacobs Ph.D.
www.winnersunlimited.com

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 24

Abby Hoisington
Senior, Blue Valley North High School, member of The Kansas City Blazers
5009 W. 131st Street
Leawood, KS 66209
913-685-8498

As sports psychologist Dr. Andrew Jacobs has often told me, "Sports is the greatest theater in the world- everyone knows their part, but no one knows what is going to happen." However, when all opportunities are not available, the potential of this magnificent display of physical ability becomes severely limited. Such is the case for Kansas' athletes today.

Sure, my desire for this rule to change is partially selfish. I swam for my high school, Blue Valley North, my freshman year. I absolutely loved it. The excitement of competing for my school was exhilarating. The group of girls that made up the team was unmatched. I met new people and was under new coaching instruction, and I was publicly recognized for my achievements. It was a great experience. I wouldn't hesitate to do it again, except for one problem: this ridiculous rule. While swimming for my high school was a wonderful experience, I felt that what I had missed while absent from my club team, the Kansas City Blazers, outweighed it.

Both high school swimming and club swimming have their benefits. In high school, you are presented with multiple opportunities, as I mentioned before. However, the current athletic swimming scholarship that I have received to attend Pennsylvania State, starting next year, is a result of my accomplishments during the time I was swimming with the Kansas City Blazers. In addition, club swimming has allowed me to travel all over the nation for various meets like U.S. Open, National Championships, Sectionals, and Division I meets. This has given me greater visibility to college coaches so that I received multiple offers to swim at various Division I colleges across the country. Swimming has given me the opportunity to attend a college I might not have had the chance to otherwise.

I have no desire to break the rules. That's why I have had to choose the last three years. I chose to continue, uninterrupted, with the Blazers. If I could do both, I would in a second. Unfortunately, I am not allowed that luxury. However, other states are. It's not fair to be faced with this decision when others in the majority of the nation are not, and they are benefiting from it. Not only are the swimmers in these states benefiting from this difference in rules, but also the state itself. When allowed to participate in both, most athletes choose to. This results in an overall elevation of the level of competition. The general level of competition of Kansas state high school swimming is lower than the majority of other states in the country. The greater the competition becomes, the greater the excitement is, creating enjoyment not only for participants, but also spectators.

As for coaches, they are not stripped of their authority, whether they coach high school or club. They can work together to plan out a schedule for the swimmer so that both sides are satisfied and the ultimate goal is reached: the swimmer is happy. Why do we, as swimmers, go through the intense training and emotional toll asked of us to achieve our peak potential? Because it is the sport we have fallen in love with. I have been swimming since I was a few months old, year 'round since I was eight. Swimming has been a major part of my life as far back as I can remember. Being denied the right to participate in the sport I love, in any way offered, is absolutely absurd and flat out wrong. Why should one rule dictate the happiness of the student-athletes in this state? It is unacceptable and selfish that this authority should hold such a decision over our heads. It is not their choice to make.

In conclusion, please understand, I am not fighting for this rule to be changed for myself anymore, but for my younger sister, brother and all others that might be affected by the irrationality of this rule, and are therefore faced with the requirement to choose. They should not have to miss out on the rewards of either high school or club swimming. It is not a choice for anyone but each individual.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 25

JOHN J. JURCYK, JR.*
 CHARLES A. GETTO*
 FREDERICK J. GREENBAUM*+
 LAWRENCE D. GREENBAUM*+
 JOHN DAVID JURCYK*+
 DOUGLAS M. GREENWALD*+
 DANIEL F. CHURCH*+
 ANTON C. ANDERSEN*+
 ROSEMARY PODREBARAC*+
 GREGORY D. WORTH*
 DERYL W. WYNN*
 CLIFFORD K. STUBBS*+
 CARL A. GALLAGHER*
 ERIC T. LANHAM*+
 STEPHEN A. MCMANUS*+||
 GREGORY P. GOHEEN*
 BYRON A. BOWLES, JR.*+
 DAVID F. MENGHINI*+
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 BRIAN J. ZICKEFOOSE+
 TIMOTHY C. GAARDER+
 COUNSEL:
 FRANK D. MENGHINI*
 ROBERT D. BENHAM*+
 WALTER J. KENNEDY*+

*JAMES R. GOHEEN 1942-1994
 DANIEL B. DENK 1943-2003*

TESTIMONY OF CARL GALLAGHER

My name is Carl Gallagher. I practice law with the firm of McAnany, Van Cleave & Phillips in Kansas City. Prior to joining McAnany, I served as an Assistant Attorney General for the State of Kansas for almost ten years.

My daughter is a ninth grader in the Lawrence public schools. She has been swimming for the Lawrence Aquahawks since she was in second grade. This year she would be eligible to swim with the Free State High School team. However, she qualified for both the Region VII Sectional meet which is taking place in Topeka this weekend as well as the Junior National meet to be held in Orlando, Florida during spring break. She will not swim for the high school team.

My daughter's long term goal is to obtain a college swimming scholarship. She knows that in order to obtain such a scholarship, she must attract attention of college coaches through her performance. Because college swimming is not revenue producing, college coaches must recruit as cost effectively as possible. Thus, they attend Sectional and national meets, such as Junior Nationals, rather than high school meets. Coaches are able to see more of the top swimmers in the country at these meets in the most cost effective way to decide who to recruit for their programs. The swimmers also are exposed to more schools which broadens their potential opportunities to swim in college.

In order to qualify for these meets, high school aged swimmers must engage in training for most of the year. Some periods of training are more rigorous than others, but all are focused on achieving qualifying times for the regional and national meets and then performing well in those meets. Current KSHSAA restrictions on practice time and working with club coaches prohibit swimmers, such as my daughter, from participating in the high school program. This is because she will be unable to reach either her short term goals - qualifying for regional and national meets - or her long term goal - a college scholarship - if she loses the practice time with her club team and the guidance of her club coach.

{Ko256559.DOC; 1}

IN SUPPORT OF HB 2345
WRITTEN TESTIMONY ONLY

As a swim and soccer family we are in strong support of HB 2345. Participation in the Aquahawks and Kaw Valley Soccer both in Lawrence have allowed our athletes to reach their full potential and they both have a strong desire to participate in high school in their respective sport. Because of their club participation they would be great assets to their high school teams. As it stands now, this participation will come with great personal sacrifice since they will not be able to continue their club training simultaneously. This ultimately hurts the high school teams as well. Why would we not want to elevate high school sports to the level of club participation? Why would we want to punish our children for their level of commitment to their sport? Both these clubs have programs to allow participation across all demographics. Passage of HB 2345 will provide the best possible training and highest level of competition for all our high school athletes and allow our children to be the best they can be. This is something all Kansans should want.

John and Kathy Neet
Lawrence

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 27

Dear Representatives-I am writing to SUPPORT HB 2345.

I have daughters who swim and play volleyball. They do so for Lawrence Aquahawks, Topeka Juniors and Kansas City Oz. They will not, however, be swimming at their high school this spring. They want and need to stay in top shape to be able to pursue their sports in college. The irony is that the effect of the KSHSAA rule discourages high school activities. Unlike neighboring states that have acted more progressively in recognizing the value of staying in shape and promoting high caliber performance by boys and girls, the KSHSAA continues to stick its head in the sand. Why should Kansas kids be put at a competitive disadvantage in competing for college scholarships?

Cal Karlin,
4717 Woodland Drive, Lawrence, Kansas 66049 (785) 843-6600

FEDERAL AND STATE AFFAIRS

Date 3-3-05
Attachment 28

FROM: William Sparks

WRITTEN TESTIMONY ONLY!

I am writing in support of House Bill 2345 and in opposition to Rule 22 fostered by the Kansas State High School Activities Association. Rule 22 states that "A student who is a member of a school athletic, scholars' bowl or debate squad, effective Tuesday following Labor Day through Friday preceding Memorial Day, may not participate as a member of an outside team or as an independent competitor in the same sport, scholar's bowl or debate activity.

In that Kansas is one of only eight states that continue to have this rule speaks to it's redundancy. I request your measured consideration to eliminate this rule.

My son has swam competitively since he was six. He swims year round and trains at a very high level. During the high school season his training suffers immeasurably. It is unfortunate that a young person committed to achieving a high level of excellence has to make very difficult choices about whether to compete for his high school or for his club team. This bill is forcing many young people to make these choices.

Championship swimming requires year around training at a very high level. To maintain a competitive edge, serious swimmers are required to make a commitment that goes beyond seasonal swimming. My son swims 7,000 to 9,000 yards per day. This level of training typically does not occur at the high school level. As parents, we have encouraged our son to consider other sports as well. But he believes that if he makes that choice it would hinder his ability to compete at the highest level. This is his choice. He should not be penalized by the KSHSAA for making this choice.

Many of the advocates who wish to maintain the current rule argue that such a high level of commitment in a sport like swimming serves to impact a student's performance in the classroom. This is a "hollow" argument. Many of the best youth swimmers in Kansas, both male and female are members of the honor or high honor rolls at their respective schools. My son takes accelerated classes (advanced) classes. Last semester his GPA was 3.91 on a 4.0 scale. Swimming teaches all of the positive attributes we are trying to develop in our young adults (self-discipline, goal setting, self-responsibility, commitment and a sense of collegiality with both competitors and teammates).

Even though the idea of single-sport participation seems to perpetuate a narrow focus for our youth, in reality it establishes the premise that it is important to identify goals and work toward achieving those goals, a value that only serves young people at the highest level when they move into adulthood.

In the final analysis, young people have the right to make individual decisions regarding the level of performance they strive to achieve. This unfortunate rule is forcing young adults to chose between high school swimming and club swimming, when in fact they could do both at a very high level. Kansas should consider the choice of 42 other states in eliminating such a rule and by allowing each swimmer to make their own individual decisions.

Respectfully,

William G. Sparks III, Ph.D.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 29



PROSOCO
SINCE 1939

Corporate Office
3741 Greenway Circle
Lawrence, KS 66046
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Fax: (785) 830-9797

Auto attendant
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(800) 877-2700

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(732)390-1490
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New Braunfels, TX
(830) 624-1800
Fax (830) 624-1801

Tolland, CT
(860) 872-9839
Fax: (860) 343-2993

Rock Hill, SC
(803) 329-0980
Fax (803) 329-0477

Chicago, IL
(773) 857-5463
Fax (773) 857-5465

Oakley, CA
(925) 625-9191
Fax (925) 625-9101

Estill Springs, TN
(931) 649-3037
Fax (931) 649-3716

Mechanicsville, PA
(215) 489-2680
Fax (215) 489-2628

Cuyahoga Falls, OH
(330) 926-9770
Fax (888) 685-0770

Pinehill, NJ
(856)783-4104
Fax (888)806-7707

www.prosoco.com

March 2, 2005

RE: HB 2345 - Written Testimony Only

TO: Kansas House Federal State Affairs Committee

My name is Bruce Boyer; I am Vice President of PROSOCO Inc. in Lawrence Kansas. My son Alex is 15 and competed as a swimmer for Lawrence High School (LHS) this year. It was a great year for Alex, not only did he have the opportunity to join the big kids at High School but he ended up as top point earner for the team and qualified for State Competition in both individual events and relay competition. He is very proud of his LHS letter jacket. Alex also made the Presidents Honor Role, All City Choir and takes every advanced class available so I would say he is pretty well rounded. As a parent I am very proud of his dedication to both academics and athletics.

My issue is that, due to the limitations of KSHSAA, Alex missed out on a lot of the team aspects of competing for his school by having to follow the arcane rules that KSHSAA forces upon the kids. Alex had to join the LHS team late since the other team members were going to be spending the first several weeks going over the basics and there would be no way for him to keep up his conditioning. Obviously, LHS team would have benefited by having an accomplished swimmer as a role model during this developmental phase and Alex would have benefited by having an opportunity to interact more with his older team mates and feeling the camaraderie that team high school sports offer.

Alex, to his credit, did his best to avoid the perception of being a ringer by staying involved in as many of the non-swimming functions with the LHS team as he could. KSHSAA rules dictate that (at least in the most recent interpretation) once he starts swimming for the school he cannot work out or compete with his club any more.

The rules apparently allow me to instruct him (I am not a swimmer) or hire a coach/trainer while renting an entire lane for private lessons, this limitation is stupid and caters to the wealthy denying any child of average means the ability to excel at the sport they love. Interestingly enough, the logical alternative is just a couple of lanes away with the club team.

It is truly ironic that a high school swimmer who is dedicated to their sport enough to want to work out with his/her club team in addition to participating in their high school program is sanctioned more severely than a kid who is flunking out in school or caught using drugs or steroids.

Require full participation to be a member of a high school team just don't try to dictate what the kids do on their own time, KSHSAA appears to think they have that right.

Regards,

Bruce Boyer
1626 Bobwhite Drive
Lawrence, Kansas 66047

FEDERAL AND STATE AFFAIRS

Date 3-3-05
Attachment 30

Written Testimony Only re: House Bill 2345

Sirs,

We are writing in support of House Bill 2345 to repeal KHSAA Rule 22 prohibiting dual participation. As parents of a competitive swimmer, we feel the present situation is not conducive to our daughter participating in High School sports at this time. Swimming requires year round training to remain competitive. When a competitive swimmer swims with their High School team, their training level is decreased due to the wide range of ability present on that squad. It is our understanding that KSHAA feels that allowing dual participation would negatively impact those athletes who are unable to compete with a club. The present situation negatively impacts those athletes who do have a strong commitment to their sport. This present situation replaces parental decision making, and violates student's civil rights to excel.

Many states have successfully changed their participation rules to allow dual participation. Kansas should do likewise. We strongly support House Bill 2345. We hope the committee will find favorably on this measure and pass it on to the house for consideration. Thank you.

Sincerely,
Bob Ham Dawn Dirks
1069 N. 900 Rd
Lawrence, Ks. 66047

TO: Distinguished Members of the House of Representatives of the Kansas State Legislature

FROM: William Sparks
1881 Pine Street
St. Louis, MO 63103
314-206-7810

WRITTEN TESTIMONY ONLY

I am writing in support of House Bill 2345 and in opposition to Rule 22 fostered by the Kansas State High School Activities Association. Rule 22 states that "A student who is a member of a school athletic, scholars' bowl or debate squad, effective Tuesday following Labor Day through Friday preceding Memorial Day, may not participate as a member of an outside team or as an independent competitor in the same sport, scholar's bowl or debate activity.

In that Kansas is one of only eight states that continue to have this rule speaks to its redundancy. I request your measured consideration to eliminate this rule.

My son has swum competitively since he was six. He swims year round and trains at a very high level. During the high school season his training suffers immeasurably. It is unfortunate that a young person committed to achieving a high level of excellence has to make very difficult choices about whether to compete for his high school or for his club team. This bill is forcing many young people to make these choices.

Championship swimming requires year around training at a very high level. To maintain a competitive edge, serious swimmers are required to make a commitment that goes beyond seasonal swimming. My son swims 7,000 to 9,000 yards per day. This level of training typically does not occur at the high school level. As parents, we have encouraged our son to consider other sports as well. But he believes that if he makes that choice it would hinder his ability to compete at the highest level. This is his choice. He should not be penalized by the KSHSAA for making this choice.

Many of the advocates who wish to maintain the current rule argue that such a high level of commitment in a sport like swimming serves to impact a student's performance in the classroom. This is a "hollow" argument. Many of the best youth swimmers in Kansas, both male and female are members of the honor or high honor rolls at their respective schools. My son takes accelerated classes (advanced) classes. Last semester his GPA was 3.91 on a 4.0 scale. Swimming teaches all of the positive attributes we are trying to develop in our young adults (self-discipline, goal setting, self-responsibility, commitment and a sense of collegiality with both competitors and teammates).

Even though the idea of single-sport participation seems to perpetuate a narrow focus for our youth, in reality it establishes the premise that it is important to identify goals and work toward achieving those goals, a value that only serves young people at the highest level when they move into adulthood.

In the final analysis, young people have the right to make individual decisions regarding the level of performance they strive to achieve. This unfortunate rule is forcing young adults to chose between high school swimming and club swimming, when in fact they could do both at a very high level. Kansas should consider the choice of 42 other states in eliminating such a rule and by allowing each swimmer to make their own individual decisions.

Respectfully,
William G. Sparks III, Ph.D.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 32

February 27, 2005

Dear Kansas House Representatives: John Edmonds, Arlene Siegfried, Steve Brunk, Ray Cox, Barbie Craft, Don Dahl, Bonnie Hay, Everett Johnson, and Lance Kinzer,

I am interested in letting you know how important House Bill 2345 is in positively impacting the lives of many Kansas high school students. I hope you will seriously consider this new bill.

The current regulations regarding high school athletics prohibit students from participating in an outside team in the same sport they are participating in high school.

My child has been swimming competitively on a club team since she was 6 years old. She is now 16 and is faced with the decision to swim in high school while not having any contact with her club team. If she chooses to swim with the high school team her right to excel will be hindered. In addition, this current archaic rule replaces my parental decision making by dictating that my child swim with either her high school or club team, but not both.

The current rule is extremely disadvantageous to student athletes who strive for excellence and desire to improve their skills and possibly participate in college or the Olympics. Kansas high school students must compete nationally for scholarships and college opportunities against students from other states most of whom are allowed to participate in their club and high school team at the same time. Consequently, Kansas high school students are at a competitive disadvantage to students in other states.

Why is it acceptable to allow a child to be tutored outside of class to help the excel academically, but not be involved outside of high school sports to improve their performance? Shouldn't we want what is best for the child and if they want to excel shouldn't they be provided every opportunity?

Please help even the competitive field, pass House Bill 2345 and allow Kansas high school student athletes to be the best they can be. Thank you for your time and consideration in this important matter.

Sincerely, 
Julie Swank

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 3.3

Katie Swank

Mrs. Adams

Adv. English 10

21, November 2004

Please Read This!
This is a paper my daughter wrote for her English class last semester. It is very insightful as to how a high school athlete perceives Kansas regulations.

A Promising Compromise

The hoards of fans cheering you on, the local newspaper covering the school team, and the thrill of winning a close competition are all a part of what makes high school athletics appealing and different from other athletic teams. Many student athletes are encouraged to participate in athletics so as to promote the team, include more participants, and achieve success as a team. But in the state of Kansas, a law exists that restrict participants in high school athletic activities from reaching their full potential. This law determined by Kansas High School Activities Association states that while athletes are participating in their high school team, they are not permitted to train or work with their club team. A penalty of disqualification and being kicked off the team are risked if an athlete goes against this rule. If student athletes are motivated to work hard and compete, they should be encouraged and allowed to do their best. Instead, this law permits and discourages an athlete from reaching their full potential while competing for their high school.

Encouraging participants of varied skill level is what makes a team successful. Newer participants on high school teams are able to learn

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 34

from their experienced teammates and the team in its entirety benefits. High school teams have a large number of competitors. Many of them may be learning to play the sport for the first time in their life. The skill level and abilities are extremely varied on these teams; beginners and gifted athletes compete on the same team. It is difficult for a coach to implement a practice which will challenge the gifted club athlete while keeping the practice elementary for the beginner athlete. The problem comes in when athletes who train with a club team, and have a higher skill level are expected to train at an intensity that suits all skill levels, with the other high school teammates. This means that the level of intensity for experienced athletes drops dramatically, therefore not challenging the athletes. A drastic decrease in training effects athletes in a negative way for an extended period of time and this is noticeable thorough performance.

Competing when not in top physical shape can case injury that disables athletes from further competition. Knowledge and coaching skills present another obstacle for high schools. There are often times in smaller, remote towns where some high school coaches may not have direct experience in coaching or competing in the sport they coach. The limited experience and knowledge of that type of high school coach could limit the growth of a dedicated club athlete. While competing for high school teams may be more enjoyable, there are many risks and difficulties that arise due to lack of training and experienced coaching.

Students who choose to participate in a club sport train year round at extremely high intensity are dedicated to bettering themselves, and hold high standards and lofty goals to achieve. For many athletes, participation on club teams provides chances for college scholarships, and qualification to compete in national level competitions all over the globe. Whereas high school, offers a chance the athlete to represent their school, and enjoy the spirited team atmosphere. These environments differ greatly, and neither one is better than the other. But if both high school teams and club teams worked together for the better of their athlete, both teams would benefit.

Not only are the club team athletes hindered by this law, but the high school team is as well. In Colorado, a team of five boys or girls that attend the same high school can train together and compete in club team basketball during the off season of high school. When the high school season rolls around, the team is able to easily work together due to experience and exposure to one another. Training and competing together would provide more of an advantage for the high school team. In Kansas, this law permits no more than three athletes from the same high school from competing as a team during the off season. Therefore, the high school team suffers.

Just within the last month, our neighboring state Missouri passed a law that allows the participation of high school athletes with their club team. Kansas needs to join the other states in the United States that are

attempting to improve the system of athletics to allow better performance for both high school and club teams. By doing this, better athletes will arise from Kansas and move onto collegiate or national level competitions.

Kansans need to level the playing field and allow our athletes to compete in this same manner to ensure each athlete reaches their full potential and will not be limited if they live in Kansas. Why penalize students and limit their athletic training? The law does not limit students from receiving tutoring outside of class to improve their academics or musical abilities. Passing a law to allow high school athletes to train with a club team and participate in high school athletics would benefit both sides without compromise and allow an athlete to reach their full potential.

Dear Representative Carter

It would be in the best interest of the swimmers if they were allowed to swim for both their high school and their club team. It would greatly benefit their performance and would allow for much more than the mediocrity that seems to be encouraged with the present rules.

When I am swimming with my club team I get about 16 hours of practice time a week. By the end of the week we have swum almost 50,000 yards. During those practices, I feel as though I am working to my full potential. Also, my coach was a swimmer so I know I can trust her with my training. When I am swimming with my high school team I get maybe 10 hours of practice time a week. At practice with my high school team, I'm lucky if I swim 20,000 yards a week. My coach is a great motivator, but we just don't receive the same kind of training during high school swimming as we would with a club team. My club coach even encourages us to swim extra so that we are more likely to have a good summer season.

I love high school swimming and it is a great experience that every swimmer should be able to enjoy. However, some swimmers are at such a high level that high school swimming isn't a possibility for them because they won't receive the kind of training they need. This is why swimmers should be able to swim for both their club team and their high school

Thank you for your time.

Sincerely,
Rachel Mzhickteno
Varsity Swimming
Topeka High

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 35

Members of the House Federal & State Affairs Committee:

Re: House Bill 2345

This letter is a plea for your help in supporting HB 2345.

Its time to take a hard look at Rule 22 of the Kansas State High School Activities Association (KSHSAA) rulebook. This rule currently prevents student athletes from participating in outside sports activities while competing for their respective High Schools.

My daughter is a senior at Shawnee Mission East High School and because of Rule 22 she has not had the opportunity to experience High School Athletics, instead choosing to stay and compete with her club team. She would have preferred to do both, however, Rule 22 has prevented her and many student athletes like her from doing the same.

Those student athletes who are dedicated to their respective sport(s), and as long as their High School requirements have been met, should have the opportunity to compete for their Schools as well as, continue to train, compete, and have contact with their club teams, if they so chose.

Kansas is one of only eight states with this rule still in place, 42 others have realized the unfairness of this rule and have changed it. It is critical that you as representatives of this State review Rule 22 and take the steps necessary to change it.

The ability to choose what they as student athletes want to do outside of School should be just that – Their choice!

Please help in supporting House Bill 2345.

Regards

Derek Klinkenborg
10301 Catalina
Overland Park, Kansas 66207
(913) 766-5867

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 36

RE: House Bill 2345: KS High School Rule Change

My name is Laura Angela Shelton and I live at 14317 W. 89th Street in Lenexa, Kansas. I am writing to you today because I understand that you are on the committee that is discussing House Bill 2345.

As you are aware, House Bill 2345, would require the Kansas State High School Activities Association to change Rule 22. This rule currently prevents students from participating in outside activities during the High School Sport season EVEN AFTER ALL OF THE HIGH SCHOOL REQUIREMENTS HAVE BEEN MET.

What the KSHSAA is doing is controlling what my daughter chooses to do in her free time. That's not right and needs to be changed.

Let me take a few minutes of your time to explain to you why this rule makes my 16-year-old daughter cry. I hope you can help.

In K and 1st grade my daughter's friends starting joining soccer teams and softball teams. They were good at those sports. My daughter didn't like those sports and didn't want to participate. My daughter felt left out and eventually those friends wanted to be around their "team friends" and stopped calling my daughter. I enrolled her in ballet and about a billion other things trying to find "a place for her to fit in" but she hated them all. Finally, my daughter started swimming for an indoor/outdoor year-around swim team in 6th grade. It was a sport she enjoyed and more importantly, she made some friends. Last year she was a freshman at Shawnee Mission West in Johnson County and joined the school swim team. During the High School Swim Team Season she was required to stop participating with her year-around swim team friends in order to remain "eligible" for high school athletics. You see the rule prevents participation in the same sport with any other group during the High School season. She met all the criteria set out by the High School coach for being a part of the team: She attended all the after-school practices required by the coach. She (cheerfully) came to Monday morning before-school practice which was required for varsity swimmers. She kept up her grades and she didn't take drugs or use alcohol. So, you know what she wanted to do in her free time? She wanted to swim with her year-round swim team friends a couple hours in the evening. Or, she wanted to get up at 6 a.m. on Saturday morning and choose to swim with her club team friends. But the state of Kansas FORBIDS her to do what she loves to do in her free time. That's crazy. KANSAS IS ONE OF ONLY 8 STATES LEFT THAT HAVE NOT CHANGED THIS HIGH SCHOOL ATHLETIC RULE. Missouri changed their rule last year. Please help me by voting to get this rule changed in Kansas.

My daughter is not an All-Star swimmer. She's not going to get a college scholarship for swimming. She didn't even have fast enough times last year to even make it to the Kansas State Meet. You see, taking away her Club swimming takes away a social gathering for a 16-year-old teen.

House Bill 2345 is about allowing FREE CHOICE ... Let my daughter (and me) choose what she can and cannot do in her free time.

Thank you.

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 37

Dear Representative Carter

My name is Pete Henry and I was a swimmer for four years, two of them being in high school. The rule that prohibited me from swimming with my club team and staying with my high school team was detrimental to my swimming success. The main problem that I faced was the coaching change, though I was also forced to choose between supporting my high school team at their early meets and swimming my winter championship meets with my club team.

The coaches of most high school teams, not excluding mine, are teachers. Most high schools, also not excluding mine, don't attract people to coach swimming, as they may for football or basketball, but, instead, a teacher who has little to no background in swimming agrees to coach the swim team for a little extra money. This makes for a poor coach, especially in comparison to someone who has experience coaching and does it for a living. This results, in my case and in the cases of many of my friends, in slower times throughout the high school swimming season. If I had had the opportunity to continue training with my club coach, my times, I am confident, would not have slowed as they did.

In conclusion, I believe that if athletes were to be allowed to swim with both their high school and their club teams, they would be more successful, and both teams would benefit from the change.

Sincerely,

Peter M Henry
Topeka High School

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 38

Dear Representative Carter

A high school swimming season that gave athletes the option of training with their extra-curricular club team would be highly beneficial to the athletes because of increased training time in a world where pool time is hard to come by, and better consistency in coaching and training methods. The current situation in KSHSAA Swimming and Diving is a ridiculous one. Most competitive teams offer before-school practices to increase training time and yardage during the peak of the training season. Under current KSHSAA rules, these practices are illegal to attend when in a team situation. Most high school teams, in contrast, do not have full time paid coaches that could provide the time for such practices. The lack of use of the vital tool in training of two-a-day practices is a shame for the quality of the KSHSAA swimming competition, and significantly worsens the times in Kansas as compared to states such as Missouri, that do allow dual practicing with club and high school teams. Also, the coaches of the club teams often have much more expertise as full time trained coaches in swimming technique than high school coaches. The consistency of this expertise throughout the year would also help to raise the standard of excellence in KSHSAA Swimming. Athletes could benefit a great deal from the allowance of dual membership and training between the teams of their respective schools as well as their club.

Thank you for your consideration in this matter.

Sincerely,

Nick Rockefeller

President

Topeka Swim Association Youth Advisory Council

Varsity Swimmer on the Washburn Rural High School Swimming & Diving Team

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 39

February 24, 2005

TO: Committee Members – House Federal & State Affairs Committee

This letter has been constructed as “*written testimony*” to express my support for House Bill 2345, currently under review in the House and Federal State Affairs Committee. I have an athlete that wants to excel at her sport but is currently being hindered by the Kansas State High School Athletic Association Rule 22 that states that she is barred from practicing with her club team while also participating with her high school swim team.

I believe that these standards violate the free will of athletes to reach for the highest level of achievement that he/she can reach. In addition, as college entry becomes more competitive, this current rule puts athletes in Kansas at a disadvantage, as more than 90% of states in the U.S. allow athletes to practice with a club team while participating with the same high school sport. And is this rule applied evenly? Does it apply to a school choir member that participates in a community chorale group? Does it apply to a dancer that practices her craft at the community art center to receive additional training? Does it apply to a student that receives private tutoring to achieve a better score on a SAT test? Is it therefore equitable to hinder the growth of an athlete, unlike the singer, dancer or academic student that is only trying to excel? These current rules only penalize excellence, and do not allow children to work to their full potential and their highest goals.

High School Rule #22 has created unnecessary tension amongst the high schools and club coaches within my area and has made many athletes make an agonizing decision whether to stay with their club or swim at the high school level. I believe the freedom of this decision should be left to the athlete and parent. It should be a realistic expectation that an athlete can both excel at a chosen sport and experience the thrill of representing their high school and receive recognition from their peers for hard work and dedication.

In closing, I thank you for your review of this very important matter. And I hope that you will support House Bill 2345 so that many athletes can continue to grow and excel at both the high school and personal level.

Regards,

Jolisa Buchner
5810 Grayhawk Ct.
Lawrence, KS 66047
(785) 832-1355

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 40

Dear Representative Kuether:

My name is Michael Powell and I am a junior on the swim team at Topeka High School. I also swim on the Topeka Swim Association, our city's year-round club. For years the Kansas State High School Activities Association (KSHSAA) has unfairly barred many athletes like myself from participating in meets and practices for both teams at the same time. They extend this restriction to all other sports as well. While at first glance it may seem that they have some grounds for doing this, it really only harms state athletics. Take swimming for example. Many swimmers are forced to join their high school teams late in order to be able to go to some of the big meets in December (the beginning of the men's season). Others are forced to quit entirely if they want to compete at several national meets, which last year took place one week before the state championships. While I am not of the caliber to swim at those meets, there are Kansas athletes who can. While dual participation could cause conflicts between high school coaches and club coaches, the individual coaches should be the ones to have power over these few cases rather than the KSHSAA restricting all athletes. In reality dual participation would likely solve conflicts between coaches. Many club coaches resent the time taken out of the season by high school athletics and vice versa. It is for these reasons that I urge you to vote in favor of House Bill 2345 which would stop the unfair restrictions that the KSHSAA has imposed. Missouri has already passed a similar law, and if this bill is voted down Missouri athletes will forever have an advantage over Kansas Athletes.

Thank you for considering this matter,

Michael Powell

Topeka High School

FEDERAL AND STATE AFFAIRS

Date 3-3-05

Attachment 41

**Genevieve Dobelbower
7531 SW 25th Street
Topeka, KS 66614
785-478-3304**

**TESTIMONY FOR MARCH 3, 2005 ON HB2345
HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS**

Mr. Chairman and members of the committee, thank you for the opportunity to testify on HB 2345. I am Genevieve Dobelbower and I am testifying before this committee as the parent of a swimmer to urge your support of HB 2345. I would say that we as Kansans have settled for mediocrity for too long. Speaking academically it is like saying we are no longer going to offer honors courses since not everyone will want to do it and we don't want to make those that can't feel bad. I talked to our son, Tyler, who is swimming in college. He would not be there, of course, if he did not have higher aspirations than what high school offered. But at the same time he gave much more to the high school team than he ever got back, but what he got was a chance to compete on his level. Why those that are in favor of keeping things the way they are don't want the high achievers is beyond my comprehension.

What Tyler said was that the beginners of any sport learn so much from the experience from the year-rounders. He was a true role model not only by his speed, dedication, and humble character, but he also helped the coach 'coach'. He gave step-by-step demonstrations on the freestyle flip turn as well as the backstroke turn. He also led workouts when the coach was working one-on-one with a teammate. By being there, he added to the team and did not detract from it. In fact, he did not compete in all of the meets so others could have a chance. He also competed when he was sick and shouldn't have because the coach wanted to win the league meet. He was very much for the team. When it came time to go to state, the coach took any and all of the kids that wanted to go. I reminded Tyler they were there for him and he showed them a lot of appreciation. I think they were proud that someone they had swum with all season won state. They also thought he deserved it because that saw all of the hard work he had put in.

To summarize, I would say I would like the state of Kansas' record board to reflect the true swimmers we have in Kansas and not be minus the ones who want to swim in college or the Olympics anymore. I encourage you to pass House Bill 2345. Thank you.

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Member of the National Federation of State High School Associations

March 3, 2005 House of Representatives Committee on Federal and State Affairs

RE: House Bill # 2345

Chair Edmonds and members of the Committee:

I appear today in opposition of House Bill #2345. My opposition on behalf of the seven hundred ninety-five member schools of the Kansas State High School Activities Association is based on the following:

1. **In 1995 in the case of Robinson v. KSHSAA, the Kansas Supreme Court** found the Kansas State High School Activities Association to be, “*a private, voluntary, non-profit association of member schools.*” The KSHSAA is incorporated under the laws of Kansas. Its governance procedure is a democratic process whereby the member schools of the Association elect two local board of education members from each congressional district, as well as superintendents and principals to represent them in a legislative body known as the Board of Directors. This 78 member body meets twice annually, (spring and fall) and is empowered to change rules in the KSHSAA Handbook and Bylaws of the Association. Bylaw changes must subsequently be approved by the Kansas State Board of Education. The Executive Board of the KSHSAA is defined in the Bylaws and consists of 9-14 members who must also serve on the Board of Directors. The Executive Board consists of six classification representatives of the senior high schools, a middle/junior high representative, a local board of education member, a state board of education member and at large representative(s) to ensure gender, ethnic and congressional district representation. A separate Appeals Board exists to ensure fair and impartial due process for member schools, students and parents. The Appeals Board is comprised of four school administrators and four local board of education members who represent the congressional districts.
2. This **governing structure was revised in April of 1993 with the involvement of the Kansas Legislature** and has resulted in the most participatory and inclusive system in the nation. No other state activities or athletic association in the country has greater involvement from it's' member schools nor access by students and parents.
3. Annually there is a turnover of 20 – 25 new members on the Board of Directors. With two year terms and a maximum of no more than six consecutive years of service, the result is a continuous infusion of new members with new ideas and backgrounds. This has proven to be very beneficial to the Association and the member schools. The result is ***participatory democracy at its best.*** The member schools of the Association determine not only the issues, but the rules and policies by which they govern themselves.

4. Six years ago, Kansas was the **second state association in the nation to develop a student advisory committee** comprised of twelve high school student representatives. The issue of **problems caused by dual participation has never been raised by any of the seventy plus students serving on that body.**
5. The Rules and Bylaws of the KSHSAA are accessible on the Association's website in a printable form at www.kshsaa.org so parents and students have complete access to the information.
6. Annually, the KSHSAA conducts **seven fall regional meetings** throughout the state for the express purpose of providing a forum for issues and concerns of the member schools. Each spring, the Executive Board meets with **five advisory groups, including the Kansas Athletic Coaches Association**, to allow them to propose rules changes. **Neither of these procedures ever resulted in the issue of dual participation being raised.**
7. ***KSHSAA Bylaw Article XVI, Amendments***, provides the direct opportunity for the following parties to refer a proposed rule change to the Board of Directors:
 - a. Board of Directors members
 - b. The Executive Board, by majority vote
 - c. Any superintendent, principal, board of education or board of education member of a member school
 - d. The Board of Directors, by majority vote

None of those persons/entities have raised the dual participation issue or sought change to the Outside Competition or Seasons of Activities Rules.

8. **There is an important fundamental difference between interscholastic, educationally based sports programs, the USOC and private, elite club sport programs.** The two systems have uniquely different roles. The interscholastic sports programs offered by Kansas schools are based on rules grounded in sound educational policy and practice. To the overwhelming majority of Kansas children and families, their schools offer the best sports and activity program available. Kansas schools have established KSHSAA rules to offer a balanced, well rounded program and **encourage participation by the maximum number of students possible, regardless of ability.** More important than focusing on winning or individual accomplishment, interscholastic programs focus on life experience by teaching dedication, selflessness, teamwork, commitment, sportsmanship and citizenship. No other youth sport programs are based on the premise that to earn the privilege of participation, one must be successful academically and be a student in good standing.
9. **You are being told that Kansas is only one of eight states to have an outside competition/team loyalty rule. That is incorrect.** I have enclosed the results of a study completed this week by the National Federation of State High School Associations. With 42 of 51 state associations responding, **17 have such a rule, another 11 have a similar rule** with some modifications. Only 14 state associations report having no such rule.

10. What rules does the KSHSAA have that effect students participating on both school and club teams?

- a. Rule 30-2-2 Seasons of Activities
- b. Rule 22-1-1, 3 Outside Competition
- c. Rule 4-1-1 United States Olympic Committee-Sponsored National Trials & Competitions
- d. Rule 26-1 Anti-Tryout and Private Instruction

Rule 30-2-2 was established based on the negative experience of club swimmers and divers not participating on school teams until coming out the final two weeks of the school season. As the better athletes, they would displace teammates who had participated since the beginning of the school season. Since the final two weeks of the season are the league and state meets, there were hard feelings and schools felt the wrong priorities were being taught.

How the relevant KSHSAA rules are applied to dual participation athletes?

- a. There are no restrictions on athletes in the three summer months or during the school year prior to or following the school season of sport.
- b. During the school season (from first practice to final competition) athletes may not practice or compete with other organized teams while a member of their school team.
- c. Under Rule 4, exceptions are granted to athletes to compete individually or on a club team if the event is a USOC sanctioned Olympic Development event. Unlike many states, no limits are placed on how many such events an athlete may participate in. Athletes and school coaches self monitor to ensure post season eligibility per Rule 30.
- d. Private lessons are always permitted, even during the school season. Private lessons may be with the athlete's club coach.
- e. Parents may work with their own child at any time of year with no restrictions.
- f. There is no KSHSAA rule limiting the opportunity or amount of time a school team athlete may practice on their own, outside of his/her school practice sessions and competitions. Understandably, school coaches have a keen interest in the training schedule and regimen their athletes are following. **This is also why medical professionals and the National Association of State Boards of Education Commission on High School Sports have expressed their concerns about overuse injuries.*

11. Elimination of the Outside Competition rule would have major negative repercussions. Its absence would create a very real **danger of have vs. have not among schools and individual students.** Not all families have the economic resources to participate in private club sports. Children who do not are at a distinct disadvantage of making their school team and competing for state championships. The next group of unhappy parents you will hear from will be a much larger group who feel the competitive arena will have changed dramatically and in a negative way for their children.

12. The recent *Report of the National Association of State Boards of Education Commission on High School Athletics in an Era of Reform*, cautions against sport specialization, over scheduling of student athletes and commercialization of youth sports. State association rules that buffer against these excesses are given the Commission's strong support.

13. **Not every Kansas school is located proximate to elite level club sports.** Facilities and additional coaching available through club programs gives certain schools a distinct competitive edge. Removal of the Outside Competition Rule would exacerbate that situation.
14. **I have provided you with copies of two recent articles from the *New York Times* and the *Arizona Republic* which address several issues relevant to the unfettered expansion of club sports in America.** Increasing rates and severity of injuries in adolescent athletes is described as a national epidemic. Overscheduled and over trained children are burning out, dropping out of sports and experiencing alarming numbers of serious injuries. In part, outside competition rules are an attempt to protect the school athlete from these factors, if only during the school sport season.
15. **To preempt the Association's self governance process raises very real concerns. If a precedent for legislative intervention on specific Association rules is established, one can only imagine the number and variety of specific rules the Kansas legislature will be asked to change in the future. I would urge you to please give serious consideration to that possibility.**
16. **If KSHSAA rules are eliminated in not just swimming, but all Olympic sports as this bill proposes, what will keep local boards of education and school coaches from imposing similar rules? This bill impacts ten sports in Kansas schools. Only football and golf would not be affected.** Will the legislature be willing to become involved with local board of education policy making?
17. **Based on experience of other state associations, elimination of state association rules does eliminate the conflict between club and interscholastic programs.** In several states, school and club coaches have adopted rules requiring athletes to pick one program or the other and essentially the student is worse off than under previous rules.
18. **History clearly demonstrates willingness and a record of the KSHSAA being responsive to member school needs and proposals.** As one would expect in a self governing membership organization, the democratic process determines the level of support for policy changes and ultimately whether they become adopted. The KSHSAA asks for continued legislative support for what has proven to be an outstanding governance system. It is one which many other state associations have seen fit to borrow from and emulate.
19. **We respectfully ask that you not advance House Bill #2345 out of committee.**

Thank you for the opportunity to present this testimony and provide you with additional materials regarding the KSHSAA.

Respectfully,



Gary Musselman
KSHSAA Executive Director

Steve Grant, Athletic Director and Asst. Principal, Lawrence Free State High School

Summary of remarks regarding opposition to House Bill #2345

March 3, 2005

1. Involvement in high school sports promotes teamwork, not always found in club sports. To be quite honest, the proponents of this bill seem to be self serving in their support of this legislation, and not concerned with the well-being of all high school athletes. This bill appears to cater to the elite athlete at just a few schools. What lesson are we teaching other students on the high school teams? Allowing outside competition and practice could create dissension among high school athletes.
2. Actually, adopting this proposal may hurt the club sports. Some athletes' goals are to be able to participate on their high school team. This is the epitome of participation for the vast majority of our student athletes. Do you really want to change all that for the sake of a very few parents who are concerned about scholarships and college opportunities for their kids? This bill caters to the elite athletes in all the Olympic sports, and goes against everything that high school athletics stand for.
3. Currently the KSHSAA enforces regulations concerning the start times of particular seasons and the number of competitions in which student athletes may be involved. This is done to protect the integrity of the educational environment. After all, the student athletes are students first and athletes second. If this proposal is adopted will there be regulations that will specify the number of games or the length of the seasons? Will this proposal actually increase the number of class periods kids could miss? Will kids miss classes on Thursday or Friday to travel with club teams to competitions?
4. The bill addresses the fact that the KSHSAA will not be able to impose penalties or sanctions on students who wish to participate on club teams and school teams, but does not address any school penalties. In an informal survey at Free State, coaches seem to agree that if a student missed a practice or a competition to attend a club practice or competition, the school will impose sanctions on the student. Nothing will be gained by passing this bill. At many schools, athletes will not be allowed to participate on both teams if doing so prevents kids from attending school sponsored games or practices. I know the legislature is not interested in micromanaging to the point of making policy decisions for individual schools.
5. The research is replete with evidence that involvement in school activities has a very high correlation to academic achievement. The research addresses school activities, not club activities. The high degree of scholastic achievement and

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recognition, and being able to compete and/or perform in front of their peers will possibly be impacted if this bill passes.

6. Many of the Olympic sports coaches are already being emasculated by summer and club coaches. We are finding that more and more of our athletes are looking to them for tutelage, college advice, etc. The high school coach is being left out and the high school programs are being minimized. Of the few things preventing the collapse of high school athletics and the elimination of respect for high school coaches is the KSHSAA rule restricting dual participation. Not having this regulation could certainly lead to the collapse of high school athletics.
7. Club coaches could potentially have even more influence than they do now. In baseball (or any other sport) kids will choose to play with club teams that are not restricted by game limits, travel limits, budget constraints, etc. A student may decide to play for his/her club team and travel to Florida or California for a tournament as opposed to playing for his school team.
8. This bill is not in the best interests of the vast majority of Kansas kids. I believe the legislature considers this when they enact any legislation affecting the school children of Kansas. Speaking on behalf of Free State, I know my coaches do not support this, and I am confident that the KSHSAA member schools do not support this. To my knowledge, parents have not approached the KSHSAA or my school about possible modifications to KSHSAA guidelines that would allow outside competition. Perhaps that is something that should be considered.
9. Along with looking at increased funding for public schools, I hope that the state legislature will continue to look to do what is best for all students, including opposing this bill.

**TESTIMONY OF
RANDALL J. FORBES**

**BEFORE THE KANSAS HOUSE
FEDERAL AND STATE AFFAIRS COMMITTEE**

IN OPPOSITION TO H.B. 2345

My name is Randy Forbes. I am a Topeka attorney and have represented the Kansas State High School Activities Association for approximately 25 years.

You may think that an attorney has little to add to this process. But, keep in mind that it will be attorneys who would go to court arguing what the words in H.B. 2345 mean and it will be other attorneys - called judges - who will declare what the words in H.B. 2345 mean. After 28 years of practice, I have some insight into how attorneys think.

Before I address the language in H.B. 2345, I would like to mention a little something about the Kansas State High School Activities Association.

**THE KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION
IS IN ACTUALITY JUST KANSAS HIGH SCHOOLS AND JUNIOR HIGH SCHOOLS**

The Kansas State High School Activities Association (the "Association") is a voluntary association presently comprised of 368 high schools (99+ %) and 427 middle and junior high schools (90+ %). The Association is the vehicle the vast majority of the State's schools have chosen to adopt and enforce a uniform set of rules for competitions between the member schools. What is most important is that the Association is governed by 78 individuals selected from all parts of this state. They come from the State Board of Education, local boards of education, athletic organizations, each congressional district, and each high school league. These are the people who make the rules of the Association. In addition, you should know, any

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member school can propose a change in the rules. Finally, please recognize that these 78 people are associated with education – because providing young people with an education is the first goal of our school system. It is important that high school activities further and not hinder that goal. Individuals who are intimately familiar with the demands and challenges of the educational process are therefore in the best position to determine how interscholastic activities should fit with academic pursuits.

For over 90 years the states schools have come together in the form of an association to adopt rules that apply to high school athletics. At no time in those 90 years has the Kansas Legislature stepped into the role of the Board of Directors and dictated what rules could and could not be adopted by the state's schools through this democratic process.

**BECAUSE OF OPENENDED AND UNDEFINED LANGUAGE, H.B. 2345
WOULD HAVE UNINTENDED AND EXTREMELY NEGATIVE RESULTS**

Interpreted literally, the language of H.B. 2345 would have the effect of negating virtually all of the Association's eligibility rules and could negate many of the rules of competition. H.B. 2345 literally says Kansas high school and middle schools, through the Association, cannot infringe in any manner on a student training for a sanctioned event. Who will decide when a student is training for a sanctioned event? The dictionary defines training as any act or process that prepares one to do something. Attorneys will quite logically argue that participating in high school athletics is always training for a sanctioned event and every athlete wants to participate in such an event at some point in the future. Because the bill provides no mechanism to determine otherwise, a Judge could logically agree. Therefore, if all high school participation is training for a sanctioned event, H.B. 2345 would prohibit schools, through the

Association, from having rules that infringe on participation in high school athletics. For example, the schools and Association could not, as they have for many years, require:

- (a) that an athlete pass a preparticipation physical examination;
- (b) that participating athletes meet minimum academic standard and be progressing toward graduation;
- (c) that athletes not participate while suspended from school for a disciplinary infraction;
- (d) that students not compete after reaching a certain age because of the safety risks to much younger athletes; or
- (e) that athletes lose eligibility if they have been recruited to change schools for athletic purposes.

In actuality, H.B. 2345 would have the effect of prohibiting all eligibility rules because, by definition, such rules infringe upon the training which occurs as a part of participation in high school athletics.

And what about the rules of the game? What if a student athlete decided that to train for a sanctioned event he needed to use a kind of baseball bat that is not permitted in high school competition. Or what if a wrestler decided he needed three coaches – his two high school coaches and his outside team coach – at the mat during a high school competition that, by rule, permits only two coaches at the mat? You can think of a thousand other examples. The point is that H.B.2345 would prohibit the schools from enforcing uniform rules of play.

**H.B. 2345 IS CONTRARY TO THE RECENT RECOMMENDATIONS
OF A BLUE RIBBON COMMISSION CONVENED BY THE
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION**

A blue ribbon commission convened by the National Association of State Boards of Education in January 2004 recently published a report dealing with the relationship between

high school athletics and academic achievement. While recognizing that athletics can be a beneficial part of academic achievement, the report expressed real concern that the influence of club sports and the push towards specialization in just one sport could adversely effect academic achievement. One of the specific recommendations the report made to educators was “[m]onitoring the effect of non-school sports and sports specialization on high school participation.” H.B. 2345 would severely restrict schools in collectively dealing with such issues. To a great extent, H.B. 2345 would effectively place control in the hands of national sports bodies that have no responsibility for school attendance or academic achievement.

**H.B. 2345 CONFLICTS WITH THE REQUIREMENTS OF THE
FEDERAL TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT**

In 1998 the United States Congress passed The Ted Stevens Olympic and Amateur Sports Act. 36 U.S.C.A. 220501, *et seq.* The Amateur Sports Act recognizes the importance of high school interscholastic athletics by requiring national governing bodies to coordinate with organizations such as the Kansas State High School Activities Association to minimize conflicts in practices and competition. To the contrary H.B. 2345 places the entire burden on the Association by requiring that it do nothing to infringe on training for or participation in an event sanctioned by a national governing body. Contrary to the concept of the Amateur Sports Act, no cooperation would take place because the Association would be required by H.B. 2345 to avoid any potential conflict. H.B. 2345 directly conflicts with the considered national policy expressed in the Amateur Sports Act.

As President of the Kansas Swimming Coaches' Association, your high school coaches, I have some grave concerns about the possible ramifications of House Bill 2345. The removal of all restrictions by the KSHSAA goes well beyond the pool or playing field. Currently the KSHSAA has academic restrictions in place to guarantee that our youth are *Students* first and *Athletes* second. Students in many schools, if not most schools, must attend a minimum number of hours in order to compete that day. The removal of restrictions could first impact the classroom performance of athletes. High school coaches would have no authority to enforce academic standards and classroom attendance. Is this a wise move?

High school coaches, as I read the proposed bill, would have no authority to restrict their athletes from participating wherever, and whenever they wished to do so. Who would have ultimate authority in the resolution of conflicts should they arise? As the bill is written, the club coach would dictate when, and if, a high school athlete could participate on a high school team. Who decides, for instance, when a pitcher will be used? Or which meet to attend if a conflict arises? What if there is a difference in coaching philosophy? (Blazer examples) The issue becomes even more muddled in a situation like mine where I might have swimmers from several different clubs on the same high school team. How can a high school coach be expected to maintain any sense of "team" and fairness under such circumstances? There would be no restrictions placed on athletes to meet minimum high school participation standards in order to compete in state competition. (SME example)

Currently swimmers, as an example, are allowed to swim in outside competition provided they file the correct paperwork. They can also receive "private instruction" during their high school season. With such provisions as the status quo is there really a need for a change?

What this bill does is remove the level playing field among schools. Many areas of the state do not have access to outside organizations that sponsor sports teams during the school year. Allowing the club coaches to dictate the programs of "elite" athletes puts those areas at an unfair advantage. I would hate to see this legislature pass this bill for the benefit of a few, at the expense of many. I urge you to vote against this bill.

Arvel McElroy

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