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## Opponent Testimony

**HB 2030 - AN ACT concerning the Kansas state high school activities association;  
authorizing certain students to participate in activities offered by school districts;  
allowing nonpublic school students who enroll part time in a public school to participate  
in nonpublic school activities.**

Provided by

**Deena Horst and Ann Mah, Legislative Liaisons**

**Kansas State Board of Education**

To

**Committee on K-12 Education Budget**

**January 24, 2023**

Chairwoman Williams, Vice-Chairwoman Landwehr, and Ranking Minority Member Winn:

HB 2030 would allow a nonpublic school student who enrolls in one class in a public school to participate in said public school activities. The local board of education may require a student who participates in an activity to enroll in a particular course or to have completed a course in order to participate if such coursework is required of all students who participate in the activity. Fees required of all participating students are also to be required to be paid. KSHSAA would be unable to prohibit nonpublic school students from participating in public school activities. Thank you for the opportunity to share with you our thoughts regarding HB 2030. Those concerns and questions follow:

**HB 2030 sets the stage for what is hopefully an unintended potential for misuse to ensure activity participation by students who do not meet the requirements of passing a certain number of courses each school year.** Public school students who have not been allowed to participate in activities because of failing academic grades, will now be able to simply withdraw from the public school to attend a nonpublic school except for the course in which he/she decides to enroll. Their nonpublic school experience may not include the courses required of students at that student's grade level, nor the rigor. Such a possibility ensures that the public schools' full-time students are required to meet a different standard than the nonpublic school

*Kansas leads the world in the success of each student.*

student because there is no requirement for the nonpublic school to provide proof that the standards of education are at least at the same level as the public school. Since the state, unless the school is accredited by the Kansas State Department of Education, has no input as to the quality of instruction or curriculum, a student could be acquiring a high grade from parents who home school with a curriculum that allows the student to focus on one set of skills [i.e. playing basketball] during the nonpublic school hours.

**Not only is there a possibility that a part-time nonpublic school student and the full-time public school student are earning their ability to participate in an activity under different rules, but there is the potential that a nonpublic school student will displace a student on a team whose time is spent in the classrooms of the public school rather than in a nonpublic school.** Each student participating in an activity is expected to represent the school in which he/she spends the bulk of their time. Being a resident in a community is not the same as being a part of the student body in which you participate all day with the others who participate in your activity. We as adults expect to operate under the same rules, why would we expect public school students to have different rules to follow than their teammate who happens to be a nonpublic school student?

**From the concerns the Legislature has recently expressed concerning the rigor and quality of public school education, there is an amazing lack of similar concern that the nonpublic school students are performing at least at the same academic level as is required of the public school students participating in activities.** To ensure that nonpublic school students are being held to the same academic level expected of full-time public school students, it is only fair that academic standards and grading practices be made available to the public school that is providing the activity.

**There is no mention of transportation. Are there expectations of transportation to and from the public school for nonpublic school students?** If so, then reimbursement as per the transportation formula should apply where applicable.

**Another issue with this bill is the intrusion into what is the responsibility of KSHSAA to determine as stated K.S.A. 72 - 7114. [The purpose of the association is to regulate, supervise, promote and develop activities in which public high schools may participate.]** KSHSAA policy is determined by the Board of Directors, which include a total of 77 members. (Those 77 members include 2 members of local boards of education that are elected from each Congressional district, 2 State Board of Education members, one member from each league, one member from non-league member schools, one member from each of the activities (music, speech, scholars bowl), a member representing coaches, a member representing activity/athletic administration, and the Governor appoints a member from each Congressional district. Middle and Junior Highs also select four members.) The policies that this bill negates were determined to be important for all participants in activities by the Board of Directors. All of the policies seek to ensure students are academically in good-standing, are all following the same transfer rules, etc. Such rules ensure all student participants are meeting the same expectations. HB 2030 appears to interfere with the enforcement of such rules.

If a nonpublic school provides activities for its students, there appears to be no restriction if students from that nonpublic school decide they want to participate in the activity at the public school rather than at the school at which they spend the larger part of their learning experience. If this is an intended result of HB 2030, you will be allowing coach shopping by nonpublic school students and they will immediately play Varsity while public school students who might do the same will, by rule, only be able to participate at the Junior Varsity level for a year.

**Public schools are always available for parents. Choosing to instead attend a nonpublic school is a personal decision that should be recognized as having some benefits and the loss of other benefits.** Parents can always choose to send their child to the public school, however, parents of public school students often do not have the choice of their children attending a nonpublic school. The selection of the school one's child(ren) will attend should include whether there is the availability of participation in activities and whether it matters to that family. **There are many nonpublic schools that have activity programs that compete with public schools. Thus, we question the need for this bill.**

Thank you again for providing us with the opportunity to share thoughts and concerns regarding HB 2030.