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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Education  
FROM: Dan Rossmiller, WASB Government Relations Director  
DATE: June 21, 2021  
RE: OPPOSITION to SENATE BILL 384, relating to school district membership in an interscholastic athletic association in the 2021-22 school year

Chair Darling and members of the committee. Thank you for the opportunity to detail our opposition to the provisions of Senate Bill 384.

The Wisconsin Association of School Boards (WASB) is a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards. Our members are responsible for setting school district policies on participation in extracurricular activities and interscholastic athletics.

The WASB opposes the provisions Senate Bill 384 that would usurp local school board decision making and interfere with the ability of school boards to control or influence the policies of the organizations of which they are voluntary members. The WASB opposed similar provisions last session.

Interscholastic athletics and other extracurricular activities offered in public schools are, as the name suggests, something extra. They are intended to supplement the school curriculum. In this regard, the sports, music, drama, forensics, and other activities offered by each public school district are viewed as an extension of the classroom and of the school day. School-based athletic programs, for example, are not community or recreational youth sports programs. They are neither designed nor intended to provide programming to the general public in the way a YMCA or community-based recreation program might. Again, they are an extension of the school day.

Public schools provide athletics and other extracurricular activities because they have educational value and create incentives for students to enroll in and remain in public schools and perform well enough to remain eligible to participate in those activities. These opportunities reduce truancy, reduce discipline referrals, boost students' grades (GPA), promote a sense of belonging and community, improve school climates, increase graduation rates, and keep students engaged in school offerings and interested in their education.

Public schools exert institutional control at the district level (by requiring such things as school attendance, certain levels of academic standing or grade point averages, and adherence to codes of conduct) over who may participate in such activities and are accountable for how those activities are conducted.

Public schools also exert institutional control at the conference and at the state level through membership in bodies such as the Wisconsin Interscholastic Athletic Association (WIAA) that establish and enforce eligibility criteria and other rules, including transfer rules, intended to promote competitive fairness. Those statewide rules, like the local district rules, govern who may participate in such activities. Those rules provide for an appeal process under which a student athlete's individual circumstances are carefully considered. School districts exercise this institutional control at the statewide level through a representative process into which they have input. This bill would interfere with our member school boards' ability to regulate and control a private, non-profit organization in which they are members and would instead substitute lawmakers' judgment for the judgment of the WIAA and its public school members about what is in the best interests of competitive fairness.

However, what is more troubling about this bill is that it would prohibit our member school boards from being members of a private organization in which they have played a governing role for over 125 years.

Pursuant to resolutions adopted by our member school boards the WASB opposes legislative attempts, such as this bill, to regulate private, non-profit organizations such as the WIAA by restricting school districts' ability to participate in organizations such as the WIAA or its activities unless they follow legislative mandates such as those that would be imposed by Senate Bill 384.

We appreciate that under Senate Bill 384 the provisions relating to WIAA membership would be temporary in nature. This is a positive aspect, but it does not remove our objection to the bill, which are more fundamental.

Thank you for the opportunity to share our concerns with you. Please feel free to contact me if you have questions or would like additional information. I can be reached at [drossmiller@wasb.org](mailto:drossmiller@wasb.org) or (608) 512-1720.

# Mike Kuglitsch

STATE REPRESENTATIVE • 84<sup>TH</sup> ASSEMBLY DISTRICT

DATE: June 21, 2021  
RE: **Testimony for 2021 Senate Bill 384**  
TO: Senate Committee on Education  
FROM: Representative Mike Kuglitsch  
SUBJECT: WIAA participation in the 2021-22 school year

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Thank you Madame Chair and Members of the Committee for your consideration of Senate Bill 384, relating to participation in high school athletics during the 2021-22 school year.

The pandemic has changed how we educate our children and some students have excelled at learning remotely, but others have had challenges learning outside of a face-to-face environment. In extreme instances, the knowledge deficit became so great parents were forced to look for alternative learning opportunities or accept that their child will be left behind their peers for years to come.

As a result, many families made the decision to change schools and seek in-person learning opportunities that better suited their children's needs. Sports in this situation were often an afterthought as high school athletics paused for the coronavirus pandemic, but now that things are returning to normal, families are learning that decision came with consequences.

Students who transferred schools due to academic challenges during the pandemic are learning their participation in sports may be off the table for the upcoming school year because of the Wisconsin Interscholastic Athletic Association's (WIAA) transfer rule. The WIAA, with limited exceptions, requires a student-athlete to sit out for one year after moving schools without physically moving addresses. While these restrictions may be necessary during normal times, student-athletes should not be punished because their families sought the best learning opportunity possible during a crisis.

Senate Bill 384 grants high school athletes who transferred schools in 2020-21 or the upcoming school year due to the coronavirus pandemic a one-year reprieve from the WIAA transfer rule. This bill only affects sports eligibility for the 2021-2022 school year.

The NCAA has already set a standard for athletes at the college level where they will not have to wait a year to play if they transferred after the 2020-21 school year, why should athletes in Wisconsin be penalized?

Thank you Madame Chair, I ask for your support of this legislation.

DATE: 6/21/2021  
RE: **Testimony for 2021 Senate Bill 384**  
TO: Assembly Committee on Education  
FROM: Blake Thelen  
SUBJECT: WIAA participation in the 2021-22 school year

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Members of the Senate Committee on Education, thank you for taking my testimony today on Senate Bill 384 to allow student-athletes who transferred during the COVID-19 crisis to get a waiver from WIAA transfer restrictions. My name is Blake Thelen and I hope my story will highlight why this bill is so important.

Last year, in Oconomowoc we experienced just about every type of learning possible in just a semester's time. We started the year in hybrid, having in person classes every other day mixed with virtual learning, then we switched to full in-person, then finally ending the semester in full virtual. While we were in virtual learning, I noticed my grades were dropping, my mental health was falling apart and I was having trouble just getting out of bed. It took a lot of courage to even tell my parents but I knew that I needed a different environment if I was going to survive.

After discussing with my parents, I was lucky enough to find a spot at Lake Country Lutheran to attend in-person classes. The school work was harder and I struggled to catch up to my classmates but I loved it. Spring semester was a great experience and I was making new friends and found a new home at Lake Country.

Football is a big part of my life and I was excited to play for my new school in the fall. Unfortunately, I found out this spring that because of the WIAA transfer rules, I would have sit out of sports for a year because I transferred schools without my family moving addresses. I was devastated, after all I had experienced in the last year, finding out I wasn't going to be able to play the sport I loved was tough to handle. My transfer was all about academics, I was transferring from a Division 1 school to a Division 5 school, this wasn't about going to a football powerhouse.

Yesterday, the WIAA changed their stance to say that if I returned to Oconomowoc I wouldn't have to sit out a year. Oconomowoc is a great school and I'm sorry that I had to leave but I have found a new home at Lake Country Lutheran. To move back now means that I'm only moving back to play football. I want to finish my high school career at Lake Country and take advantage of all that is there.

Please support SB 384 so students like me aren't punished for making the best academic choice possible during COVID. So many students are facing the same dilemma right now and all we want to do is move on with our lives and try to finish high school as normal as possible.

Thank you.

Blake Thelen



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## **Fox Valley**

### **LUTHERAN H.S.**

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May 17, 2021

To whom it may concern:

My name is Alan Nolte and I serve as the Principal at Fox Valley Lutheran High School in Appleton, Wisconsin.

I write in favor of Senate Bill 384 because I believe it provides families with the most flexibility in making the best decisions regarding their child's education.

COVID-19 has certainly had a profound impact on K-12 education over the last year. Schools and school districts were forced to make tough decisions regarding how best to care for the physical and mental health of their students while still providing a high-quality education.

Parents also faced tough decisions during the pandemic as they considered virtual, hybrid or in-person options. In many cases, they simply had no choice. Many families also faced the additional challenge of weighing the benefits of transferring to a better-quality option for learning that could have jeopardized their child's eligibility for interscholastic athletic participation.

Generally, I would argue it is not in the best interest of the state to compel a private organization such as the WIAA to be more flexible with their policies and practice. However, it may be necessary under unique and extraordinary circumstances to do so, especially if no consideration would otherwise be given as appears to be the case in this instance.

Our high school's mission statement makes clear we exist in part to "partner with parents" in serving their children. However, it is first and foremost the parents' responsibility to make the best-informed decision about what is best for their child's education. While there may be fear from some that parents will use this as an opportunity to take advantage of a difficult situation, I feel that is a poor argument for offering no consideration in these unprecedented times.

I encourage the Senate Education Committee to strongly consider SB384 to afford parents the opportunity to have their concerns fairly heard as they determine how best to educate their children and provide them with a well-rounded high school experience.

Sincerely,

Alan J. Nolte, Principal  
Fox Valley Lutheran High School

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June 14, 2021

## **WIAA Statement on Opposition to Latest School Athletics Transfer Legislation (AB 383/SB 384)**

The WIAA respectfully objects to the provisions in AB383/SB384 wherein the legislature is inserting themselves into the decision-making process of a private, member driven organization.

As we all witnessed, the pandemic wreaked havoc on our lives over the last year and a half, and high school athletics were not immune from its reach. School districts around the state wrestled constantly with providing opportunity for their student athletes to compete while also protecting their safety as well as the safety of the community around them.

Due to the unprecedented situation, some parents and students chose to leave their schools in order to attend a school that was participating in an athletic season. Some of these students now want to return to their original school in the Fall of 2021 and rejoin their respective athletic program. The WIAA understands this and is working with our Board to formulate a fair policy that takes into account the dynamics of what occurred while preserving fairness to all students. We expect to have that decision soon.

First, WIAA will be addressing the topic of COVID-19 transfers with our Board next week Wednesday. Our recommendation is that students who wish to transfer back to the school they left last year due to instructional style, will be eligible immediately upon their return. We anticipate all schools will return to in-person instruction next fall.

Second, transfer students who wish to remain at their current/new school will be eligible on the anniversary of their transfer date – most presumably on/around Sept. 1.

The WIAA will always oppose legislation that amends transfer rules outside of the existing, deliberative process that exists through our current membership practices. We believe it is often in response to an isolated case and does not take into account the big picture as it relates to fairness to all student athletes. Most do not consider the fact that transfer rules in organizations like the WIAA help to promote member harmony, as well as protect opportunities for the displaced student. However, we do believe that WIAA's transfer policies as they relate to the COVID-19 aftermath will align with the goal of the current policy in AB 383/SB384.

Lastly, just three months ago a bill with similar intent and language (SB 39) was vetoed by the Governor. For these reasons we ask the Assembly and Senate to oppose AB 383/SB 384.