

My name is Marvin Estes. I have been in education in Kansas, both public and private schools for 52 years as a coach, teacher, building principal, and superintendent. Thirty one of my years have been in public schools and twenty of my years have been in private schools, all at Kapaun Mt. Carmel. I previously served on "Public versus Private Schools" committees sponsored by KSHSAA. I have participated in many discussions about the issues we are now debating in front of the body that will ultimately recommend action on the issues at hand which may include the Kansas Legislature. So it is a serious issue.

I understand the positions of both sides in this discussion and have personally been compassionate for both the public and private school perspectives in which I have served. I also respect and have admiration for any school or athlete that achieves very high performance as a team member or individual. This however is not our main goal as educators and coaches. Our focus should be on each student having a meaningful and educational experience whether winning or losing and being a part of being connected to others as a team member.

I wish to speak today on the following topics:

1. Equity in athletics is very difficult to legislate. The **expectations** of each community, school, parents, and student athletes will dictate performance level more than any other factor. This should be the focus of schools in all areas of academics and activities and it can happen in any school borne out by the domination in various sports and academics in many public and private schools. Some public schools have dominated various sports to a greater extent than the majority of private schools.
2. A high percentage of our students that attend Kapaun have completed their middle school in a diocesan middle school. Parents choose to send their students to a Catholic School for the purpose of religious education which permeates all areas at the school. Academics, activities, and competition all have the flavor of the mission of the school, diocese, and the Catholic Church.
3. Many public schools in our area are now "open enrollment" schools which allows them to accept students from other districts. This fits the idea that parents can choose the best education path for their children and I support public schools having that option. By their very nature, private schools are all "open enrollment" schools however, as stated earlier, our high school's student body is a very high percentage of students who have attended Catholic middle schools. The open enrollment option has equalized what used to be a major complaint about the advantage of private schools over public schools.
4. I wish to compare the preparedness of public school athletes compared to our program at Kapaun. Although we have very gifted and quality parent volunteers, they are just that. Volunteers! We do not have paid, professionally trained, contracted coaches in the Catholic middle schools. Our Catholic middle schools compete in their own league with both volunteer coaches and in many cases, volunteer officials. Will this also be a part of the equalization plan? Will schools with limited facilities expect to be supported to equalize the performance equity for all schools?
5. Parents should have the right to choose the school they want their children to attend. Because they choose a private school, they should not expect their children to be disadvantaged by any adopted rule that prevents the achievement of the reasons they sent their children to the school they chose in the first place. Private school families not only pay their fair share of taxes to support all public schools, they must also pay the tuitions required to attend a private school. Such a commitment is indicative of the expectations these parents have for their children in all aspects of the school their child attends.

Marvin Estes

Teacher, head girls' track coach  
Kapaun Mt. Carmel Catholic High School  
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I am against modifying the KSHSAA rules which would impose a multiplier for certain schools.

My name is Rebecca Morrisey and I currently serve as the principal of Topeka High School. As an urban school with a high number of students in poverty or near poverty level households, I can certainly speak to inequity in our educational systems, and this includes in those areas under the KSHSAA umbrella.

As a member of the KSHSAA Board of Directors and a forty year educator, coach, and administrator in the state of Kansas, I applaud the work of the multiplier sub-committee. The areas that they have identified, which included socio economic status and program success are certainly factors that we should consider beyond just the size of a school. In fact, socio-economic status should be considered as a “de-multiplier.” Participation numbers of students in these settings is far lower than participation numbers in suburban and rural settings, and should also be considered.

I would ask that this recommendation be returned to KSHSAA to expand its scope to ensure true equity beyond just the public and private discussion. Penalizing only the private schools, and doing so across the board will certainly not provide equity across the board, and will in fact provide even further inequity to our larger schools with high populations of low SES families.

Causing greater inequity should not be the answer to the current challenges in the arrangement or the Class system for KSHSAA. If you approve this recommendation, you will have attempted to solve one problem by creating another one.

I am happy to discuss this further with anyone who has questions.

**Ms. Rebecca Morrisey**  
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Speakers name: Todd Herrenbruck MD

Organization represented: President of SalinaOrtho

Testimony to Oppose the amendment as stands.

First I would like to thank the committee for allowing testimony by email on this crucial topic. I believe most involved in this discussion have competitive balance and safe playing environments at the foremost of their minds, so I appreciate the open forum.

I have practiced sports medicine as an Orthopedic Surgeon for over 20 years. I have worked at the professional level all the way down. Through that lens, I've seen the added injury risks incurred when the competitive balance is extremely skewed. This added risk, most prominent in the collision sports (i.e. football, wrestling), but certainly evident in the contact sports (soccer, basketball etc), has not been addressed properly by this new proposal. The risk incurred by a struggling collision sport program, that is required to move up to faster and bigger competition because of the well deserved success of its fellow non contact sport program is very real, and frankly not appropriately addressed by this proposal.

At best it seems short sighted, and at worst vindictive to force a struggling football program to suffer a greater competitive disadvantage through a jump in classification because the school has been highly successful in golf or swimming.

In today's digital age, it would seem an easy fix to focus any move up in classification as a reward for the program having the success without punishing the other kids and programs.

While I understand that this Rule proposal has its main goal to address the few schools (private and public) that seem to be magnets for a given sport, it seems to fall extremely short in addressing THAT specific issue, while adding a potentially higher injury risk for many struggling programs. It is my hope that the committee takes this into account as it considers this flawed proposal.

Thank you for your service

Todd Herrenbruck.

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To Whom It May Concern

My name is Richard Mick and I am a longtime resident of the state of Kansas. For most of my adult life, I have taught and coached at Newton High School. For over 20 years, I was the Head Cross Country Coach and Assistant Track and Field Coach. I also coached basketball and was the Head Girl's Basketball Coach for two years at NHS. In addition to that, I competed in Kansas at both Downs High School (1985-87) and Newton High School (1987-89). I was an all league performer in basketball at both schools and earned multiple state medals in both Cross Country and Track and Field. After high school, I competed at both Emporia State (basketball and Cross Country/Track) and Kansas State University (Cross Country). One thing that is unique about my background related to this topic is the education my own kids have had with both public and private schools. All four of my kids attended St. Mary's in Newton through 8<sup>th</sup> grade and then attended Newton High School. So, looking through the "parenting" lens, I have experienced both public and private schools in depth. Besides my coaching at Newton High School, I coached multiple seasons at St. Mary's in both basketball and Track and Field.

Enough of my background. Please consider the following.

Please vote "no" to the proposed multiplier involving student athletes in the state of Kansas. Here are a few reasons for my request.

1. If there is a problem, this does not solve it. The only thing it does, is bump schools up one classification. What is to happen when a 5A school (Kapaun Mt. Carmel, for example) moves up to 6A and then wins several championships at that level?? You can't bump them to 7A, because it doesn't exist.
2. "Recruiting" is rampant across the state, in public schools as well as private schools. Especially in your urban areas. I coached for over two decades and I still remember a conversation I had with the mom of a girl I was coaching on our basketball team (Newton – 5A level). Both of us were at a gas station and she informed me that a local coach had just "recruited" her daughter to transfer to their school. The mom showed me the phone number of the coach who had recruited this girl. The school? Wichita Heights. A public school on the north end of Wichita. Point being, maybe private school coaches do "recruit", but public school coaches do also.
3. Private school parents pay taxes to fund public schools. They also tithe and/or pay tuition to send their kids to private school. In essence, they are paying twice for education. In doing so, they save taxpayers tens of thousands of dollars. This should be taken into account when considering a formula that, in my opinion, punishes their kids.
4. Using "success" to justify a multiplier?? There have been many public school dynasties in Kansas over the years. Were they accused of recruiting or penalized in any way?? Wichita South boy's basketball, Hutchinson football, Andale football, Smith Center football, Shawnee Mission Northwest Cross Country, Liberal Track and Field, McPherson basketball, Newton basketball. There have been plenty of "dynasties" in sports in Kansas over the years yet these schools were never "punished" by being forced to move up a classification.
5. The playing field will never be completely level. Every school has advantages and disadvantages. Public schools spend way more money on facilities, uniforms and coaching salaries. Is this viewed as an advantage?? Many private school coaches are actually volunteers. They get paid nothing. Raising funds for private schools isn't as simple as passing a bond issue. It takes sacrifice of many families to provide the bare necessities of education. Point being, public schools have certain advantages, especially in terms of finances and facilities. This should not be overlooked.

6. From personal experience, I was never “recruited” to play sports in a private school even though I’ve always been an active, practicing Catholic 30 miles from both Bishop Carroll and Kapaun Mt. Carmel. I was a school record holder in Cross Country and Track and Field and was a first team All AVL basketball player. Likewise, all my kids attended Newton High School after finishing 8<sup>th</sup> grade at St. Mary’s in Newton. None of them were “recruited” by the local Catholic schools. Garrett was a sub 2:00 800 meter runner and a state medalist in both Cross Country and Track and Field. Owen earned all league honors in baseball.
7. The divide we are seeing in Kansas is as much about the “haves and have nots” as it is public versus private schools. The suburban schools with students from higher SES backgrounds seem to be thriving while those schools with students from lower SES schools are struggling. How many league and state titles has Wichita Southeast won in the last 20 years?? Or, Kansas City Washington?? Now compare that to a Maize, or a Shawnee Mission Northwest. To me, that divide is just as “telling” as the supposed public versus private school divide.
8. I believe our legislature recently passed as bill that says students can attend any school they want as long as that school has the “room” to take them. If so, this new policy could drastically change the landscape of sports as student athletes do not have to attend the school they are closest to. This has been one of the main complaints against private schools like Bishop Miege.
9. I don’t think we should be telling students that they have more or less “value” than other students. Public school students shouldn’t be told that they “count less” than their private school counterparts.
10. The proposed multiplier is extremely “complicated” in my opinion. Because of that, there will likely be a lot of confusion amongst athletes, parents and the general public.

I would encourage you to ask yourself if this is a “private school” problem or a Bishop Miege problem? From the comments and information I see on social media, it would appear to be more of a Bishop Miege problem. If Bishop Miege is abusing their privileges, then find a way to “punish” them. Don’t punish all the other private schools.

At the very least, if a multiplier is applied to schools, add it to ALL schools based on success. That way public schools aren’t discriminated against.

Have we considered other options? As a supporter of Catholic schools, I see the benefit of them having their own state championships. Is it possible for them to participate against public schools during the regular season but then have KSHSAA sponsor state competitions for them?? For example, have a “private school” state championship in basketball at its own separate location. Have a “private school” state Cross Country race at Rim Rock mixed in with all the other races. I realize this is a “stretch” so to speak. I don’t really see it as a viable option. More than anything, I’m just thinking outside the box. Another possibility might be basing classifications on “participation” rates, rather than just enrollment. Over a 5 year period, how many students did Maize have compete in 1 or more activities as compared to a Wichita North? How many students participated in one or more activities for Newton in that 5 year stretch vs Andover?? Or Derby?? Or Topeka Hayden?? To me, student participation might be very telling as far as success in activities. The schools with high rates of participation have much more success. The obvious problem with this is you could actually have coaches “discouraging” participation so as to keep their school at a lower classification. However, this problem could be alleviated somewhat by looking at participation rates over an extended period of time (5 or 10 years) rather than just the past year or two.

A third alternative might be to put a boundary on all private schools. Any students enrolled at the private school who are from outside this boundary, count 1.5 towards enrollment. I actually think this

is a viable option but would be difficult to enforce. Schools would be asked to “self report” the number of students from outside the boundary. Or, KSHSAA could try to oversee it but that would be difficult. I hope you will consider my thoughts and ideas with all sincerity. Adopting the proposed multiplier would be a major change to activities/athletics in the state of Kansas and should not be taken lightly. If you have questions or need clarification, please do not hesitate to contact me. Thank you for all you do. Sincerely,

Richard A. Mick – Newton  
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