

# Mike Kuglitsch

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

DATE: June 15, 2021  
RE: **Testimony for 2021 Assembly Bill 383**  
TO: Assembly Committee on Education  
FROM: Representative Mike Kuglitsch  
SUBJECT: WIAA participation in the 2021-22 school year

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Thank you Mr. Chair and Members of the Committee for your consideration of Assembly Bill 383, 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.

Assembly Bill 383 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 Mr. Chair, I ask for your support of this legislation and I am happy to take any questions.



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.

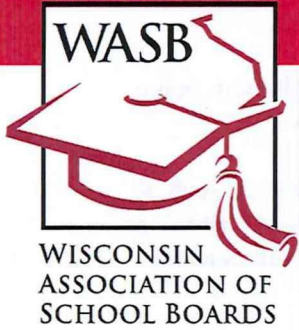
Due to the unprecedented situation, some parents and students chose to leave their schools in order to attend a school that was participating in an athletic season. Some of these students now want to return to their original school in the Fall of 2021 and rejoin their respective athletic program. The 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.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Assembly Committee on Education  
FROM: Dan Rossmiller, WASB Government Relations Director  
DATE: June 15, 2021  
RE: OPPOSITION to ASSEMBLY BILL 383, relating to school district membership in an interscholastic athletic association in the 2021-22 school year

Chairman Thiesfeldt and members of the committee. Thank you for the opportunity to detail our opposition to the provisions of Assembly Bill 383.

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 Assembly Bill 383 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 Assembly Bill 383.

We appreciate that under Assembly Bill 383 the provisions relating to WIAA membership would be temporary in nature. This is a positive aspect, but it does not remove our objection to be 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.