



North Dakota High School Activities Association

ndhsaa.com | ndhsaanow.com | ndhsaa.net

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House Bill 1491

Testimony of Matthew Fetsch

House Education Committee

February 11, 2025

Chairman Heinert and members of the Committee, thank you for the opportunity to provide information regarding HB 1491. I am Matthew Fetsch, Executive Director of the North Dakota High School Activities Association (NDHSAA) and am submitting testimony in opposition to HB 1491. Allowing participants in education-based athletics and activities to transfer between schools for athletically motivated reasons with no limitations on eligibility would be catastrophic to consistent student learning and the educational process the State of North Dakota and its communities invest in. Even more problematic would be the elimination of recruiting and undue influence penalties that are currently in place to prohibit member schools, booster clubs, or foundations from incentivizing a student to transfer schools.

Current National Collegiate Athletic Association (NCAA) rules that allow schools to recruit athletes through “pay to play,” where students sign and/or transfer to the college program who is the highest bidder, including a free transfer each school year. As disastrous as these concepts have been at the collegiate level, they are still even more restrictive than HB 1491 would be. This bill specifically forces all schools and the NDHSAA to presume no recruitment or undue influence occurs anywhere. In addition, HB 1491 prohibits delaying or limiting eligibility, essentially allowing students to transfer and be declared immediately varsity eligible in a neighboring town if a family produces a rental document for an apartment. How would we explain to high school teachers it is okay for students to miss standards, chapters, or units of instruction due to transfers and they must now provide remediation for these students? Imagine explaining to small school ranked #1 in the state, with a once in a generation team, that their first-round opponent in the region tournament has five new starters that just transferred in last week!



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Recent NDHSAA Member School Data

In April 2024, the NDHSAA Board of Directors conducted a comprehensive survey of member school administrators to gather current data. This survey included twenty questions, ranging from whether to play 7th place matches at state volleyball to reviewing the current drug, alcohol, and tobacco by-law. By far the highest response rate to any question was support for the current transfer rule, where 115 of 127 respondents (90.6%) indicated they support the current by-law as written.

There is a misconception that there are many students who are unable to participate in school activities due to the NDHSAA transfer rule. Please review the included one-page handout with a simplified explanation of the NDHSAA transfer rule; you will see twelve exceptions to the transfer rule which result in immediate varsity eligibility for transfer students. These exceptions were approved by our member schools and are not deemed “motivated by athletics or activities”. Since the beginning of the 2024-25 school year, 209 students have transferred between member high schools. 185 of them (89%) were immediately varsity eligible due to meeting one of the twelve approved exceptions.

“Education-Based Athletics and Activities - The Front Porch of our Schools”

While the absence of professional sports and power conference colleges may be a reason high school events are frequently a top story, a greater reason is that high school sports are not only education based but are also intertwined with our communities. Pep rallies, cheerleaders, bands...even fire trucks escorting teams out of town as they head to tournaments. North Dakota’s open enrollment law empowers school choice; HB 1491 would quickly eliminate the importance of educational and community values that current rules project.

Because of these values, North Dakota high school sports and activities are a leader across our country. Without question, we have the best media coverage in the country, whether it be television, streaming, radio, or newspaper. NDHSAA’s recent classification procedure for basketball, football, and volleyball has become one of the most mirrored nationally. In addition, the NDHSAA Sportsmanship & Citizenship Committee, made up of



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diverse stakeholders from across the state, created a spectator ejection policy to protect our student athletes and officials from abusive fan conduct---this has also been duplicated in other states and been a well-received tool for member school administrators and fans. Finally, our state has largely been able to hold off falling victim to a nationwide officials' shortage, bucking the trend in almost every other state. I attribute this to our schools and communities protecting the integrity of the high school experience for all involved.

Conclusion

In closing, I encourage you to not let what a few may call "perfect" be the enemy of what the majority considers "good." The current NDHSAA transfer rule serves its purpose as a deterrent from students transferring schools for athletically motivated reasons in order to protect consistency in student learning. The NCAA had similar rules in place until a couple of years ago when their organization abandoned any pretense of prioritizing education. I do not believe NDHSAA member schools, the communities they represent, or the State of North Dakota want to follow the NCAA's lead. NDHSAA member schools have the ability to amend the transfer rule; again 91% of the membership support the current rule as written. I am not aware of any teacher, coach, or school administrator within our 171 member schools that supports HB 1491. For all of these reasons, the NDHSAA opposes HB 1491 and encourages the House Education Committee to vote DO NOT PASS.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Matthew Fetsch".

Matthew Fetsch
Executive Director



Claire Grinde, Hillsboro/Central Valley



Carson Gette, Kindred HS



Deng Deng, Four Winds HS



NORTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION

ABBREVIATED TRANSFER INFORMATION

PROCESS STEPS INVOLVING STUDENT TRANSFER ELIGIBILITY

- Students and parents should review [Safeguarding Your Eligibility](#) and the [Condensed Eligibility Rules](#) prior to contacting their incoming school administrator.
NDHSAA Eligibility Information: <https://ndhsaa.com/administrators-coaches/eligibility>
- Talk to your incoming school administrator about NDHSAA transfer rules **BEFORE** completing your student's transfer.
- If varsity eligibility is most important to your student, **DO NOT** open enroll to a new school or otherwise transfer to a new school unless your student is a first-time 9th grader or meets another transfer waiver criteria.
- Local school administrators (AD, Principal, Supt.) determine their students' eligibility status. If questions arise following administrator contact, the administrator should contact NDHSAA.
- Following administrator contact, parents may send transfer questions to NDHSAA via the Parent Inquiry Form. The parent and involved administrator together will receive a determination via email <https://ndhsaa.com/parent-inquiry-form>
- Transfers do not waive student penalties involving alcohol/tobacco/drug or academic rules.

NOTES ABOUT HARDSHIP APPLICATIONS

- This application is not a tool to shop for schools. Hardships are only approved when students are forced to transfer without choice due to circumstances beyond their or their parents control.
- The hardship eligibility application is initiated by school administrators after a forced transfer has occurred.
- Retransfer to resident district after open enrollment or other conditions of choice involving convenience or financial reasons shall not be approved under this application process.

*** Please refer to chart on other side regarding transfer waiver criteria**

NDHSAA Part II, Article XIV, Section IX: Abbreviated Student Transfer Chart:



Ryan Hanson, Grafton HS

My student is considering transferring to a new high school in a different district or attendance zone.

Consult with incoming school administrator **BEFORE** completing a transfer. **PLEASE DO NOT** assume transfer rules.



SCAN QR CODE FOR MORE INFORMATION ON TRANSFER ELIGIBILITY

Transferring students who are immediately varsity eligible under these approved waivers:

- Change of residence when entire family has moved and old residence is completely vacated
- Human Services or court-ordered placement for court-determined reasons
- First-time 9th grader
- Special Education or English Language Learner (ELL) placement
- Transferring between schools with an existing coop (remains varsity eligible in cooped sports/activities between schools)
- CSJET Foreign Exchange student in district of residence (requires NDHSAA approval)
- Students who change schools due to legal adoption.
- Students who transfer to be with parent who is a state legislator during the legislative session
- Students returning to their school after participating in the U.S. Congressional Program
- A student who returns to his/her school from studying in a foreign country (not including Canada or U.S. Territory/military base) and provide evidence the transfers were not motivated by athletics or activities
- National Guard members returning to their high school
- If a high school building closes
- Approved hardship involving abandonment or death of parents; or, other exceptional reason

***** Transfers are considered complete once a student has attended at or competed for the new school.**

***** Once a transfer has occurred, the decision is considered final.**

Transferring students who are not varsity eligible are able to immediately participate on sub-varsity teams until they have attended their new school one calendar year:

- Any transfer after first-time 9th grade not involving approved waiver (above)
- Open enrolled students. Open enrollment does not waive the transfer rule
- Students transferring between public/private schools or private/private schools
- Students transferring to live with guardians without court determined order
- Students living on their own separately from their parents
- Students whose families maintain dual residences