

Do Pass Testimony of Susan Draper, Citizen of North Dakota on HB 1491

Chairman Heinert and members of the House Education Committee, thank you for the opportunity to provide information regarding HB 1491. My name is Susan Draper, and I am a resident here in Bismarck ND and asking this committee to render a DO pass on HB 1491. Our family was directly affected by the "rule" that is currently being instilled by the NDHSAA. You heard from my daughter about her story and how it affects us, now hear mine.

The opposing argument will be that this bill will not have any consequences for recruitment, but the NDHSSA already has consequences in place if a student/athlete is found to be in violation of either moving district without reporting that two parents have moved together and or recruiting has been done by the coach or district and proven to be true. In addition, each player has to have a minimum of 9 practices before they can compete.

The consequence of a violation of the above policy is the loss of a state championship if won, placement in seeding at the state championship, and the athlete being suspended and not being able to compete. But this all revolves around "the NDHSAA knowledge" The NDHSAA on numerous occasions will ask parents/administrators, are you putting in a report or just calling for information. If a report is not filed, they don't act on it. I don't think there is a coach or AD in ND that would risk a state championship by recruiting athletes to come to their schools. Furthermore, if an athlete is being recruited in most instances, wouldn't both parents move to the school district? This rule is based off of a few individuals who will try to work the system but is affecting students that are innocent and just want to play ball.

In bill HB 1491 recruiting is addressed in number 1, knowing that this would be an issue and currently it is an issue, lets be honest. In the bill though it states they shall presume no recruitment or undue influence has occurred. This means that the student athletes should be given the benefit of the doubt rather than having to prove themselves innocent. We live in the United States of America where the 5th, 6th, 8th and 14th Amendment all imply this, you are innocent until proven guilty, I would hope that the NDHSAA would stand by this as well. This would also mean that the NDHSAA administration, the school AD's and school district personnel would need to investigate rather than assume the worst. If 2 administrative members from NDHSAA, 2 ADs from Bismarck, and 1 AD from Williston, can find time to investigate one 16-year-old athlete, I am sure they can find time to investigate other athletes as well. Let me be clear that at no time were we asked or accused of recruitment, we just simply moved to a new town, but my husband stayed 50% of his time to work in Williston, ND.

I will elaborate on what our family went through so our daughter could swim high school. We had to submitted, lease agreements for both homes, our mortgage information, my husbands offer letter from his new job (which might I add had personal information), the resignation letter from the previous employer, a letter from his previous employer stating we had moved out, the Legacy AD and the Bismarck ND AD walked through our home in Bismarck to make sure my husband was moved in, and the Williston AD walked through our previous home in Williston to make sure we had moved out. When I asked if I didn't comply with their requests what would happen, I was told that she wouldn't be able to swim at the varsity level so we complied. I asked each of the AD's how many times they had walked through homes of families that had transferred in from another school, two of the AD's replied with this was their first, one replied that in an 8-year career this was his 4th

home visit, and Kevin from the NDHSAA said when he was AD he walked through everyone. When I asked why we were being subjected to all of these requests their response was our daughter was a high-profile athlete, and they needed to make sure they were protecting everyone involved.

Who determines which athletes are investigated, is it based on who is “told on” or “turned in”? Or is every transfer student treated the same? Right now, there are two varsity athletes playing in different districts that have similar situations to mine, when I told the administration this, they said they don’t have time to look at all transfers details that come into the districts, that it would be a full time job to investigate every situation. Wouldn’t the passing of this bill make their jobs easier; they would only have to investigate if the accusation of recruiting is made.

Again, I would ask that you render DO pass on HB 1491, to prevent our situation from happening to any further students.

Thank you for your time and consideration.

Susan Draper