

2017 HOUSE EDUCATION

HCR 3012

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HCR 3012
2/7/2017
Job 28028

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging the North Dakota High School Activities Association to expand the classification of schools in the state for boys' and girls' basketball to include a third tier and to rename the tiers Class AAA, Class AA, and Class A and to expand athletic offerings to include six-man football.

Minutes:

Attachments 1 and 2.

Chairman- Mark S. Owens: opens the hearing on HCR 3012

Representative Schatz: see attachment 1 for testimony.

Chairman- Mark S. Owens: are there any questions.

Rep. Mary Johnson: is the field size the same for 6-man football as it is for 11-man football.

Representative Schatz: no its 40 yards by 80 yards I believe.

Rep. Mary Johnson: so you can fit a six-man football field inside a regular football field.

Representative Schatz: you are correct, yes.

Vice Chairman- Cynthia Schreiber-Beck: you talked about Delaware vs North Dakota's square mileage, but I would like to know the number of students involved in sports involved in North Dakota compared to Delaware. That would be the honest comparison that I would believe. Let's narrow it down to high school.

Representative Schatz: Delaware has 970,000 people in it, I don't know the number of students, we have 750,000, the point is the travel. The school are much closer together so there is no need to have rural schools like we do, they all can travel 10 miles and get to a large school more than likely.

Vice Chairman- Cynthia Schreiber-Beck: you referenced, a sister state has a system, is that a system that you are implying that this should be identical to South Dakota's system.

Representative Schatz: Correct, I feel that South Dakota provides a better service along those lines, and it makes it more competitive. One of the things that bothers me about sports is when a team is overmatched, it is humiliating for you to go out there and play them, because they are going to beat you bad. Depending on the coach, it is up to him how bad that is going to be. If you are going to allow big schools to play little schools in district tournaments you are going to have that, and I don't see the reason why we are one of two states, and we are really the biggest one that only has a two class system. Why aren't we giving our kids more of a chance to excel and play in a state tournament. That stuff is really fun for a school, but it is out of the reach of littlest schools.

Vice Chairman- Cynthia Schreiber-Beck: one more question, it may or may not be related. If they decided to go this route, is there additional costs to do this. I am guessing not for a school because you would reduce miles, but the cost to the association to make this happen. The number of referees, the number of all those things, will that change, I don't know I am just asking.

Representative Schatz: most of the time basketball makes money, because there is only really two sports that make money, and that is basketball and football. Everything else doesn't, because nobody wants to show up to them. You can fill a gym, and if its 10 dollars a crack you can pay for a lot of referees that way. I think this thing would pay for itself, it would probably make high school activity association a profit. I do not know that, but I would assume that.

Rep. Rich S. Becker: two questions, the first one is somewhere in the 50's we went from three classes a, b, and c down to just a and b. Can you comment on what were the factors that took that into consideration.

Representative Schatz: I can't remember exactly the year if it was 62 it was in there someplace. but I think the factors were you had a number of consolidations, so the real little schools. As transportation improved we paved the roads, many things happened, and so it was easier to get to the next biggest town, those schools ended up closing up, I think the reason they finally said no more class c, as it was at the time. However, currently we are going backwards in those times. We were at 120 all the time, but now we are at 40 or 50, it might hang in there at 50, but again when you are going to play a school with 300, because they are classed at B, you are not going to win very often. You are not going to have a lot of fun doing it either, especially if you gotta play 4 or 5 of those schools.

Rep. Rich S. Becker: the other question is, can there be any negative effect. How is this going to effect the class B schools, if you are going to be taking some of their students away from them, to form a new class, is it going to further consolidate some of the class B schools, and lastly how is this going to affect New England since it is your home district. Will there be enough people in New England to where you can have your own team, or will you still have to coop.

Representative Schatz: are you talking about basketball or are you talking about football.

Rep. Rich S. Becker: I guess I am talking about both.

Representative Schatz: First of all, if you were to do this plan, have a three class system, it would create more competition, because now you would have to have more schools of all the same size, those types of schools would have to play each other. Now for you to dominate that, it's going to be tough, because you are all the same size, it is easy to beat up on somebody with 50 kids in it, I don't know how they would do it, not exactly sure the number of breaks, that would be up to the high school activity association, but I am assuming somewhere under 100 might be eligible for a class c, that is what is was once called. I would like to go AAA, AA, A that is what a lot of other states do, that way C has a negative connotation to it. I think you create more competition, I think you create more interest in the game, and the blowouts, and those things will not be there often, it would be more exciting to go to a game. It is easy to be a winner when you are going to win $\frac{3}{4}$ of your games before you even step on the floor that season because you know you have the talent for that, and that is what I am against, I want to instill some more competition in this thing too. I am going to comment about the 6 man. The amount of travel that is going on in football, I think is ridiculous, the reason for that is that they do not have a game a smaller school can play, that they want to play something, but they do not have a vehicle to do it. So now they are getting on a bus, and they are driving all the time. Vice Chairman- Cynthia Schreiber-Beck mentioned the costs, there is a huge cost, but not just in bus miles, but in also in kids sitting on that bus all the time. What's that cost, how would you like to sit on a bus 2 hours a day to go to practice, that would drive me crazy, I would not like that, I can see why some guys do not play. I am not doing that I can go ride my motorcycle, so they are scaring them off of sports, and I am against that. I am a believer in sports, I coach for 26 years but you have to do it in a reasonable amount of time, so you are not burdening them with playing the sport, you want to get athletic activity out of it, and team work and all the things that go into it, but as far as you are sitting on a bus, where is the value in that.

Rep. Matthew Ruby: do you know how many schools are in class a and in class b.

Representative Schatz: do you mean basketball, they kind of changed the rules for this, sometimes in football there is AAA, AA, A, and nine man, and so a school like St Mary's won't play Bismarck High in Football, but they will play them in basketball. I am not exactly sure what that is, but I know there is 16 in football, and they have to add 7 or 8 schools like that, I am not sure.

Rep. Matthew Ruby: I know in wrestling it is 2 to 1 class B to class A. To me the three system makes sense. To go with football, you keep talking about the issue with driving, and I coach and we have a kid that drives 50 miles a day for practice, but we see in nine man the way the regions are, that kind of traveling, that is what I worry about 6 man football, is there going to be so few, and they are going to be scattered throughout the state that to have 2 regions, that is a lot of travel on a Friday, you are basically driving to Fargo from Minot most Fridays for football, that is my worry with the 6 man football, do you foresee something like that, it will be able to consolidate some.

Representative Schatz: you only do it 4 times, play 4 at home and 4 on the road, if the 4 on the road are over 100 miles, well I don't know, you wish it wasn't, but it's also going to create less travel for the little six-man team, I can see our conference, and I am just going back to when I was in high school we had a thing called the cannon ball conference. It went from

New England all the way over to Flasher, and all the schools right now are about the same size, where they can have their own six-man league, and go back to the way we used to do it, except it would be six man, because they just do not have the numbers to play nine-man or eleven-man. That might create some travel problems, but like I say it is only 4 times a year, and everybody is traveling in this state, especially these AAA teams.

Rep. Dennis Johnson: we have a 3 tier system, and right in our area they have gone to state many times, 4 wins, they had been second place, state champions in basketball. I can see what you are doing here, I would think this is something the schools would be wanting to do if they feel this strongly about. I think your attendance for the tournaments may sound like a good idea, I cannot see that being.

Representative Schatz: I am thinking you want the superintendent to call you and say he wants to do it, and he probably doesn't. But the coaches, the players, and the parents I think that is a little different matter, especially when it comes to the football and the travel or they are not playing. Now the basketball I would like to see how many of the little schools would like to do that, it would have to take some kind of pole, and find out if they would be interested in doing that, I mean from the coaches I talked to yes, they want more competition, why are the only state in the union that has a 2 class system of our size. I think it's time we expand and help the kids, this is for the kids, this isn't for anybody else. It might be some more work for somebody else, sorry that is your job, but I want to help kids, and I want to have kids stay as close to home as they can, and have a good experience instead of a bad experience.

Rep. Dennis Johnson: back to your three tier system, and not enough kids wanting to play I remember when the one local school they finally sold all their equipment because they could not get enough kids to even want to go out for football, so they co-opted another team, and they had their 3 or 4 kids that really felt strongly about playing, had the opportunity when they did co-op with another school.

Representative Schatz: it will vary from school to school, I am not going to say that this is going to work for everybody, but it would be an option.

Rep. Mary Johnson: the reference from the time that it went from 3 to 2. Was it done through legislative action.

Representative Schatz: no, that was done by high school activity association, I don't know if the legislature urged them to, I doubt it. And this is a resolution, it's nothing more than just saying, this would be a good idea if you did this, and you would give your kids more competition and a better experience.

Chairman- Mark S. Owens: any other comments, questions. anyone else in support of HCR 3012. Anyone else in opposition to HCR 3012

Matthew Fetsch: see attachment 2 for testimony.

Chairman- Mark S. Owens: are there any questions.

Rep. Pat D. Heinert: sir when the association has a resolution on the table. The change the process of what classifications we have, it is always at a vote and the majority rules.

Matthew Fetsch: up to this point it has been, because until 2007 it was one of our bi-laws which takes a majority membership to change since October 2007, the board has been in my opinion very proactive with pursuits of three class proposals and ideas, and at this point it is a board of director's decision. Up to this point there have been several straw polls for them to gather input, but it's not a binding vote.

Rep. Matthew Ruby: when looking at those votes, the last one was 110 to 47, was it may be considered that there might have been some votes that wanted to keep the tier system in order to have an easier week every now and then, the higher end class B schools that are going to play some lower end class B schools, and it is like a second bi-week where they can go through the motions, unless they have an off night they are probably going to win. Is that taken into consideration at all.

Matthew Fetsch: I cannot specifically answer that, I just know that on that date when the straw poll was taken, 47 to 110 that was on a specific plan, so it was broken down, here is a, b, c if that's what they were called in that proposal, so each school knew where they fell, what region they would be in, who they would be competing against, my guess is that maybe had more to do with how they voted, than the concept itself.

Rep. Matthew Ruby: and in this one there is only three teams that signed up, so they will have to go Montana for many of their games.

Matthew Fetsch: My guess from my understanding, they will play each other, they will go into Montana to find some games, and I believe they will also some nine man teams will play some JV games in a six-man fashion against those teams, the hope is that they can fill the schedule.

Rep. Bill Oliver: I know in college AD's make up the schedule, what happens in high school, who makes up the schedule.

Matthew Fetsch: same in high school, the athletic administrators typically at least a year in advanced make their schedule for the following year, the main reason for that is with shortage of officials across the state in every sport, they want to get those locked in as soon as possible.

Rep. Rich S. Becker: if this were to go through where we had a three classification. Would it be an option and would it be practical for a small school to be a class b in one sport and class c in another sport.

Matthew Fetsch: That would be possible, when the realignment committee in 2009, put together a three class proposal took it to member schools, in there it was for basketball and volleyball, and that's how they are aligned, and any proposal the board is ever seriously considered included all three of those sports, boys' and girls' basketball, and volleyball. Back at that time it did happen.

Rep. Rich S. Becker: as I asked Representative Schatz, what would be unintended consequences, is there any negativity if you create a new class. Are some of those students going to come from the b class which is going to hurt the b school.

Matthew Fetsch: I can't answer that positively, but the best comparison we really have is football where we currently have four classification, and ironically the unintended consequence that the board has discussed seriously is travel, where the reality is the more divisions and classifications you have, the more you travel, and we see that football travels more than any other activity we have, and Representative Schatz is right, you are talking about maybe 4 times a year where you have to travel vs basketball plying 21 contests, if 10 or 11 of those are on the road you are now traveling that many times, you are not traveling always on a Friday or Saturday but on a weeknight. That will be an unintended consequence, another one that has been discussed is where our state tournament sites are located, and depending on the format of the tournaments I know that last year I talked with Watford City quite a bit about a proposal their athletic administrator was putting together, and in there it had a b and c combined boys tournament, same weekend same venue, for example with that, the only place logistically we would be able to pull that off with the crowds would be the Alerus center or Fargo dome with a curtain and split courts, there would be no other facility to have it under one roof.

Chairman- Mark S. Owens: any further questions or comments

Rep. Andrew Marschall: what role does the legislature have when it comes to sports, what can we or why should we even legislate when it seems like you have got a really good handle on the sporting in being able to get the kids to play, and that kind of thing.

Matthew Fetsch: I don't know I do not have a good answer for you.

Rep. Matthew Ruby: when you guys take a vote for your membership, is this one vote per school or is it school board, how does that go.

Matthew fetch: good question, those numbers you see is each member school, we have 171 total that get to vote up to this point, that is how that has always been conducted, again anytime we have amendments to our constitution and bi-laws that are voted on by the membership every school has one vote.

Chairman- Mark S. Owens: anyone else in opposition to HCR 3012, any neutral testimony on HCR 3012, closing the hearing on HCR 3012.

2017 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

HCR 3012
2/8/2017
Job 28057

- Subcommittee
 Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging the North Dakota High School Activities Association to expand the classification of schools in the state for boys' and girls' basketball to include a third tier and to rename the tiers Class AAA, Class AA, and Class A and to expand athletic offerings to include six-man football.

Minutes:

No attachments.

Chairman- Mark S. Owens: this was the division of creating a new class, and school activities and school associations expanding it to include six-man football, what is the committees wishes.

Rep. Andrew Marschall: I move a do not pass on HCR 3012.

Chairman- Mark S. Owens: I have a do not pass on HCR 3012 from Rep. Pat D. Heinert, and a second from Rep. Bill Oliver. Discussion.

Rep. Andrew Marschall: I don't think that the legislature should necessarily be getting involved in athletic sports, that is how I am looking at it, I would agree with the do not pass.

Vice Chairman- Cynthia Schreiber-Beck: I believe the testimony from Mr. Fetsch from the high school activities association indicated, despite as many as 16 members school indicate an interest in six-man football, through various surveys over the past 6 years only three member schools have indicated that would fill teams next fall, they have been given the opportunity, and why would we put anything into code about it.

Chairman- Mark S. Owens: any further discussion.

Rep. Dennis Johnson: When there are over 300 schools that started cutting back at 2 team system because of lack of teams, and with 171 it certainly is not more, we are half of that, it is sort of common sense to me to get rid of this.

Chairman- Mark S. Owens: any further discussion. Seeing none I will call the clerk to call roll on a do not pass on HCR 3012, 12-0-2, Rep. Bill Oliver will carry this bill will be sent to the consent calendar.

Date: 2/8/17

Roll Call Vote # 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3012

House Education Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Heinert Seconded By Rep. Oliver

Representatives	Yes	No	Representatives	Yes	No
Chairman- Mark S. Owens	✓		Rep. Andrew Marschall	✓	
Vice Chairman- Cynthia Schreiber-Beck	✓		Rep. Bill Oliver	✓	
Rep. Rich S. Becker	AD		Rep. Brandy Pyle	AB	
Rep. Pat D. Heinert	✓		Rep. Matthew Ruby	✓	
Rep. Dennis Johnson	✓		Rep. Denton Zubke	✓	
Rep. Mary Johnson	✓		Rep. Ron Guggisberg	✓	
Rep. Donald W. Longmuir	✓		Rep. Corey Mock	✓	
	6			6	

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Oliver

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3012: Education Committee (Rep. Owens, Chairman) recommends DO NOT PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3012 was placed on the Tenth order on the calendar.

2017 TESTIMONY

HCR 3012

Attachment 1
HCR 3012

2/7/17

HCR 3012

Chairman Owens and members of the house Education Committee,

HCR 3012 is a resolution to the High School Activities Association to encourage them to expand the classes of basketball from two to three. This resolution also encourages them to expand the divisions in football from 4 to 5 by creating a new league for the game of 6-man football.

North Dakota is one of only two states in the union that have only two classes, the other being Delaware which has only 2435 sq. miles, while North Dakota has 70,762. Often times the NDHSAA, has made adjustments for certain teams and I feel it is time to let the little schools have a league of their own. Many of our schools are isolated and not capable of consolidating without causing children to bus or drive extraordinary amounts of miles. Sports are about competition but when large schools play small schools, the numbers usually prevail. If enacted, this three class system would have schools of near equal size competing and will give them a sense of fairness. Our sister state to the south has this system and it is time we give all of our teams a better chance to go to a state tournament.

Football also needs a division for the smaller, isolated districts. The popular thing is cooping districts and make players ride buses long distances for practices. Our district in New England has entered into such an agreement and our students will have to travel 43 miles one way to be in a coop. I know of one team that is made up of 5 districts and the travel is too much. What this does is cause some boys to not play because they don't have that kind of time to waste. 6-man football could give the smaller towns their teams back and might bring back the pride of have one's own team. Montana has a 6-man league and I went on Utube and watched a game. I thought it the perfect solution for local programs.

So thank you Mr. Chairman and I will stand for any questions.

Attachment 2

HCR 3012

2/7/17

February 7, 2017
House Education Committee
HCR 3012

Chairman Owens and Committee Members:

My name is Matthew Fetsch. I am the Executive Director of the North Dakota High School Activities Association (The Association). My Board of Directors has asked that I provide testimony opposing House Concurrent Resolution 3012, along with some background information.

The Association is comprised of 171 member schools that have the opportunity to propose amendments to the organization's Constitution and By-Law's, including those that reference classifications. There are also other avenues to propose changes to athletic regulations, including Coaches Advisory Committees, Class B District Chairmen, and Class A Review.

The Association's Board of Directors is comprised of 9 elected representatives and 2 appointed representatives that represent three Class A and four Class B geographic regions across the state, as well as four sister organizations, the North Dakota Department of Public Instruction, the North Dakota Association of Secondary School Principals, the North Dakota Athletic Administrators Association, and the North Dakota School Boards Association.

North Dakota has operated under a two-class system of basketball since the 1963-64 season. In October 1962, the Association membership voted 128-3 to change from three classes of basketball to two, under the premise that 319 basketball teams was not enough to justify three classes. Currently there are 130 basketball teams in North Dakota.

In October 2007, member schools voted to grant the Association's Board of Directors authority to establish the number of divisions in each activity. In January 2008, a straw poll was taken on whether the Board should propose a 3-class plan. Membership voted 78-55 against the Board doing so. A little over a year later, in February 2009, the Board of Directors' realignment committee organized regional meetings across the state to gather feedback on a 3-class plan they had drafted. Due to overwhelming opposition, the Board dropped the drafted plan in April 2009. In October 2010, a member school requested a straw poll of membership on a proposed 3-class plan that failed by a 47-110 vote. No further plans have been voted on by the membership since due to lack of agreement, a cohesive plan, etc. The Association's Board of Directors has discussed three divisions of basketball several times since January 2010, most recently in June 2016.

The Association will be offering 6-man football for the first time in the fall of 2017. Schools had until September 15, 2016 to declare whether or not they would field a 6-man team during the 2018 and 2019 football seasons. Despite as many as 16 member schools indicating an interest in 6-man football through various surveys over the past six years, only three member schools have indicated that they will field teams next Fall.

In closing, the Association's Board of Directors suggest classification of schools is left to their discretion, as they continue to act on behalf of the member schools with which they correspond regularly and were elected to represent.

Thank you for your time today, and I will do my best to answer any questions that you may have.