

# HOUSE BILL REPORT

## ESSB 6383

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### As Passed House - Amended:

February 29, 2012

**Title:** An act relating to the Washington interscholastic activities association.

**Brief Description:** Regarding Washington interscholastic activities association penalties.

**Sponsors:** Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Benton, Eide, Schoesler, Kohl-Welles, Chase, Padden, Stevens, Hobbs, Pflug, Hargrove, Harper, McAuliffe, Prentice, Shin, Fraser, Fain, Hill, Baumgartner, Nelson, Swecker, Holmquist Newbry, Kline, Hatfield, Becker, Conway, Hewitt, King, Parlette, Ranker, Litzow, Zarelli, Ericksen, Morton and Honeyford).

### Brief History:

#### Committee Activity:

Education: 2/17/12, 2/21/12 [DP].

#### Floor Activity:

Passed House - Amended: 2/29/12, 67-31.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Authorizes the Washington Interscholastic Activities Association (WIAA), or other voluntary nonprofit entity to whom control and supervision of interscholastic activities has been delegated, to impose penalties for rules violation.
- Prohibits the imposition of penalties upon a student unless the student "knowingly" violated the rules or unless a student gained a significant competitive advantage or materially disadvantaged another student by means of a rule violation.
- Provides that any penalty for a rule violation must be proportional to the offense.
- Prohibits school districts, the WIAA districts, and leagues that participate in interschool extracurricular activities from imposing more severe penalties for rule violations than can be imposed by the rules of the WIAA, or other voluntary nonprofit to whom control and supervision of such activities has been delegated.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- Imposes specific limitations and processes with respect to removing a team from postseason competition for a rule violation.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 15 members: Representatives Santos, Chair; Lytton, Vice Chair; Dammeier, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Dahlquist, Assistant Ranking Minority Member; Ahern, Angel, Billig, Fagan, Finn, Haigh, Hunt, Ladenburg, Parker and Wilcox.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Hargrove, Klippert, Liias, Maxwell and McCoy.

**Staff:** Cece Clynch (786-7195).

### **Background:**

*Interscholastic Activities.* School districts are specifically authorized to control, supervise, and regulate interscholastic activities. Districts may delegate this authority to the Washington Interscholastic Activities Association (WIAA) or another voluntary nonprofit entity.

The WIAA is a private, nonprofit 501(c)(3) service organization that was formed in 1905 to create equitable playing conditions between high school sports teams in Washington. The WIAA consists of nearly 800 member high schools and middle/junior high schools, both public and private, and is divided into nine geographic service districts. It is funded primarily through ticket sales for state tournaments and other events. Additional funding is derived from sponsorships, membership fees, a percentage of merchandise sales, and other items.

The WIAA oversees athletics and fine arts and hosts 83 state championship events for the following sports and activities: baseball, basketball, bowling, cheerleading, cross country, dance and drill, debate, drama, football, golf, gymnastics, music, softball, swimming and diving, soccer, tennis, track and field, volleyball, and wrestling. The WIAA state championships run from early November through late May.

*General Appeal Provisions.* The school code includes a general appeal provision, specifying when and by whom actions against a school district or official may be filed in court. Any person who is aggrieved by a decision or order of a school official or board may appeal the matter to the superior court of the county in which the district is located. This general provision is not applicable to discharge actions or actions which adversely affect an employee's contract status.

The appeal must be heard de novo and expeditiously by the court. De novo means afresh or anew rather than just reviewing the record.

Decisions by the WIAA are considered decisions of the school district conducting the activity and may be appealed pursuant to these general appeal provisions found in the school code.

**Summary of Bill:**

In this legislation, known as the Knight Act, the Legislature finds that the mission of the WIAA is to assist member schools in operating student programs that foster achievement, respect, equity, enthusiasm, and excellence in a safe and organized environment. The Legislature intends to ensure that this mission is successfully carried out by:

- preventing the occurrence of arbitrary sanctions that unfairly prevent students from participating or diminish students' achievements;
- prescribing the WIAA's processes for establishing penalties for rules violations, redefine the scope of penalties that are permitted to be imposed, and build in protections to assure that punishment is meted out to the appropriate party and in a proportional manner; and
- ensuring that state and local rules relating to interschool extracurricular activities are consistent with one another, promote fairness, and allow for a clear process of appeal.

Explicit provision is made that rules and policies, already required to be written, must also be adopted.

The WIAA is specifically authorized to impose penalties for rule violations upon coaches, school district administrators, school administrators, and students, as appropriate. No penalty may be imposed upon a student, however, unless the student knowingly violated the rules or gained a significant competitive advantage or materially disadvantaged another student through a rule violation. "Knowingly" is defined as having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved. Any penalty for rules violations must be proportional to the offense and only imposed on the offending individual or individuals.

Only the WIAA executive board may remove a team from postseason competition. Rule violation does not automatically result in removal from postseason competition. Penalties levied against coaches and programs must be considered before removing a team from postseason competition, and removal from postseason competition must be the last option.

If a matter is appealed from the WIAA appeals committee to the executive board, the executive board's review is de novo, meaning that the executive board will hear the matter afresh rather than just review the record that was made before the appeals committee.

If a rule violation is reported to the WIAA within 10 days of postseason play, then the only review is conducted by the executive board in order that a decision can be rendered in a timely manner. The executive board must make every effort to render a decision before postseason play begins.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Student athletes and their families put a tremendous amount of effort into participating in team sports. It can be devastating for a team to be precluded from participating in postseason play because a form was not turned in or a team played too many games than the rules allow. Over the past 20 years there have been several instances in which too harsh of punishment was meted out by the WIAA. An immediate ban from postseason play can be too harsh. Perhaps, instead, the team can be banned from participating in future years. There have been other instances when a district has meted out a punishment that is not aligned with the WIAA. The grid that will be developed will allow coaches and schools to know what to expect. The expedited appeal directly to the executive committee will prevent situations in which a team is prohibited from participating in postseason play. Postseason play is not just another game for a team. For an individual player, postseason play may make the difference in whether the player is offered a scholarship. Other provisions that were not included in the bill concerned eligibility and audits of the WIAA. The WIAA is over 100 years old. Everyone on the WIAA board is an educator. It can be difficult when competition is at stake.

There are two very key pieces in this bill. The first is the provision regarding rules violations that are reported to the WIAA within 10 days of postseason play. The bill provides that the only review in such cases would be by the executive board. Current law requires that there be a hearing before the appeals committee, and then that decision can be taken up to the executive board. There may be a total of four separate hearing levels that have to occur in a very short space of time, which makes it very hard on everyone. Because of the immanency of postseason games, there have been times when four consecutive hearings were held in the space of 24 hours, which is hard on the players, coaches, and teams. Only the Legislature can make this change since it is required by statute. The second important piece is development of the grid, which is actually already underway. Making removal from postseason competition the last option is workable. The definition of "knowingly" has been worked and additions made with respect to the advantaging of the player who has violated the rules and the disadvantaging of other players. Several years ago, before changes were made with respect to the State Board of Education (SBE), the WIAA used to report to the SBE. It is not unusual for the WIAA to be sued in court.

(Opposed) None.

**Persons Testifying:** Senator Benton, prime sponsor; and Mike Colbrese, Washington Interscholastic Activities Association.

**Persons Signed In To Testify But Not Testifying:** None.