

## Senate Education Committee

*Kat Bourque 271-3093*

**SB 46**, relative to participation in public school cocurricular programs offered in another school district.

**Hearing Date:** January 24, 2017

**Time Opened:** 9:27 a.m.

**Time Closed:** 9:59 a.m.

**Members of the Committee Present:** Senators Reagan, Ward, Watters and Kahn

**Members of the Committee Absent :** Senator Giuda

**Bill Analysis:** This bill requires the school district in which the pupil resides to grant a pupil's request to participate in a cocurricular program in another school district if such program is not offered in the school district in which the pupil resides.

**Sponsors :**

Sen. French

Rep. Testerman

Rep. Hill

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**Who supports the bill:** Hon. Dr. Joe Hannon, Joey Hannon, Rep. Hill, Lettie Tzizik, Tyler Betts, Aria Tzizik, Krista Butts

**Who opposes the bill:** Carl Ladd (New Hampshire School Administrators Association)

**Who is neutral on the bill:** No one

**Summary of testimony presented in support :**

*Senator French*

*Prime Sponsor*

- Senator French introduced the bill and added that several expert witnesses were available to answer questions and give testimony.

*Dr. Joe Hannon*

- Dr. Hannon testified as a member of his community.
- He noted that this bill is very timely due to the drug and alcohol use on the rise in many communities. He believes that it is important that we increase and use every opportunity to allow children to participate in cocurricular and sporting activities that decrease their risk for drug and alcohol use.
- In his own school district, there is no football at the high school. NHIAA allowed another school to accept a student to play, but Dr. Hannon's own district said this wasn't allowed because of interscholastic state rules.
- This bill would apply to debate teams, other activities and other sports.
- Dr. Gannon believes that parents should have the ability to make this decision for

their students.

- Some studies have shown that increased participation in sports and extra-curricular activities reduces drug use and smoking. There were some studies that did show mild increase in alcohol consumption associated with some sports, but this is rare.
- Senator Reagan asked if Dr. Hannon could explain the definition of cocurricular. Dr. Hannon explained that under RSA 193:1-c, cocurricular activities are designed to supplement and enrich education in general. They are not limited to football or band and could include other creative activities like drama club or scouting.
- Senator Reagan asked if cocurricular activities are strictly non-academic. Dr. Hannon explained that it could be any activity that supplements academics, and that the activity itself could still be academic in nature.
- Dr. Hannon explained that if there is no cost to the host school, this bill would not apply.
- Senator Watters asked if this bill is amending RSA 193:1-c, which references non-public or home-educated pupils. Dr. Hannon said that this bill is not changing the law but was simply referencing the definition from this statute.
- Senator Watters referenced charter schools and asked if Dr. Hannon was envisioning that those students will be able to take advantage of this, too. Dr. Hannon said that this would be applicable to all kinds of students.
- Senator Watters asked if this bill would still achieve its goal if there is no provision that the receiving school would have to accept the students. Dr. Hannon said that he does not want to put the financial burden on the receiving school, but would be open to an amendment.
- Senator Watters asked if the receiving school will be liable for insurance of the students coming to participate in a cocurricular activity. Dr. Hannon confirmed that the receiving school would be assuming liability. If they do not want to do that, they don't have to accept the student. The only control this bill seeks to improve is local control.
- Senator Watters asked if Dr. Hannon was concerned about issues like concussions and other effects with sports like football. Dr. Hannon stated that of course he shares these concerns. He added that new safety guidelines are released all the time while brain injuries continue to decrease. There are many sports more dangerous than football, but it happens to be one of the most commonly-played sports.
- Senator Kahn asked about adding an additional sentence in the bill regarding the receiving school in order to make it clearer. Dr. Hannon stated that adding this for clarification would not be a problem. The receiving school has right to determine acceptance and pass the cost to the sending district, if needed.

#### *Joey Hannon*

- Dr. Hannon's son, Joey, believes that this is a very important bill to kids because it allows the parents to make the best decision with other school districts.
- He added that football is a good example of a cocurricular sport that has taught him a lot of lessons like building school spirit and releasing energy.
- This bill would allow students to go to different schools to participate in schools' activities that aren't available at their own.
- Joey added that other kids and students believe that this bill is a great idea, too.

#### *Lettie Tzizik*

- Ms. Tzizik lives in the Oyster River school district.
- She spoke of daughter's experience playing football. Her daughter was given the opportunity to play for another district and their own school district turned it down because they didn't want a certain attitude within their district.
- If parents move out of the district in order to accommodate an activity or sport that their child may want to take part in, wonderful students and parents take their tax money elsewhere.
- Senator Watters expressed reluctance in the legislature inserting itself into local school board decisions. He asked in Ms. Tzizik agreed that the best resource would be to change the school board through the electoral process. Ms. Tzizik stressed that this has been attempted and she plans to run for school board this year. Ms. Tzizik asked that the state step in and put wording into law that will allow for students to go to another district to participate in these activities.

#### *Aria Tzizik*

- Lettie Tzizik's daughter, Aria, has played football for past two years.
- She believes that football has taught her how to control her behavior.
- She added that school should not be able to say that a certain sport can be played at another district but a different sport cannot.

#### *Krista Butts*

- She is a resident of Lee, a mother of three boys in Oyster River School District and former school board member.
- In this district, there is an issue of bullying within the school board. She stated that the district has trouble getting normal people to run for school board. Individuals have a vested interest in not getting new people on the school board. She added that this includes spreading rumors and physical intimidation.
- This bill is not just about football, but many cocurricular activities.
- She understands the concerns regarding the receiving district.
- Her school district had a relationship with the Portsmouth district where girls' hockey would come to their district, while football players from Oyster River would go to Portsmouth. Portsmouth approved this contract. Oyster River decided to accept the girls' hockey players but not send the football players.
- She stated that the reason her district doesn't want the kids to play football is simply because they are playing football.
- This bill is a way to allow parents and children to have local control and to decide on their own.
- She stated that the school board in Oyster River suggested to her that since her son plays football, he has a better chance of becoming a criminal.
- She believes if students are engaged in both their minds and bodies, they will do well in school.
- Regarding liability, the way their co-op agreement was worked out meant that the sending district assumed no cost whatsoever. The receiving district also did not want to have costs. What happened was they assumed the liability for their children, figured out the cost, and passed it along to their parents. They would agree to pay this fee. In this case it was \$1,000, which she believes is a better option than paying for private school.

## **Summary of testimony presented in opposition :**

*Carl Ladd*

*NH School Administrators Association*

- Mr. Ladd is concerned about implementation of this bill.
- There are already rules about the formation of cooperative teams between schools if one school doesn't have a particular sport or activity.
- It is the intent of the legislation to not pass on costs, but there are always costs regardless.
- Referencing the issue of liability, Mr. Ladd expressed concern as to who is liable when students enter into these activities with another school district.
- He is concerned as to whether or not there is a mechanism for the receiving school district to reject a request. The current language seems ambiguous in this area.
- Senator Reagan asked if receiving schools have this kind of control currently. Mr. Ladd stated that they would control this for any student coming to participate at a different school only within their district.
- Senator Watters asked if the receiving school is liable for the student when they arrive at the school. Mr. Ladd explained that if they were participating in the program, the receiving school would be liable through the duration of the activity.
- Senator Watters asked if it is his belief that this bill, as written, does not achieve what it wants to achieve because it has no authority of the receiving school, would Mr. Ladd favor articulated language of the receiving school having the right to refuse students. Mr. Ladd agreed that further language would make the bill stronger.

**Neutral Information Presented:** N/A

**Future Action:** Pending

KAB

Date Hearing Report completed: January 25, 2017