

MINNESOTA DEPARTMENT OF

*Children,
Families &
Learning*

04 - 0019

**2003 Report on
the Minnesota
State High
School League**

**Report to the
Legislature**

**As required by
Minnesota
Statute
§ 128C.20**

COMMISSIONER:

Cheri Pierson Yecke, Ph.D.

FOR MORE INFORMATION CONTACT:

Jim Mortenson, Esq.

Minnesota Department of Education

T: (651) 582-8604

FAX: (651) 582-8725

E-MAIL: jim.mortenson@state.mn.us

December 2003

**2003 Report on
the Minnesota
State High
School League**

**Report to the
Legislature**

1500 Highway 36 West

Roseville, MN 55113-4266

TTY: (800) 627-3529 OR (651) 582-8201

**As required by
Minnesota
Statute
§ 128C.20**

Upon request, this report can be made available in alternative formats.

ESTIMATED COST OF PREPARING THIS REPORT

This report provides information that is maintained and published by the Department of Education as a part of its normal business functions. Therefore, the cost information reported below does not include the cost of gathering the data but rather is limited to the estimated cost of actually analyzing the data, determining recommendations and preparing this report document.

Special funding was not appropriated for the costs of preparing this report.

The estimated cost incurred by the Minnesota Department of Education in preparing this report is \$350.00.

REPORT ON THE MINNESOTA STATE HIGH SCHOOL LEAGUE

Purpose of the Report

Minnesota Statute §128C.20, Subdivision 1, requires the Commissioner of Education (MDE) to conduct an annual review of the Minnesota State High School League (MSHSL). The MSHSL receives no state funds and is an independent, non-profit, voluntary entity that provides “educational opportunities through interscholastic athletic and fine arts programs for students and leadership and support for member schools.” State law specifically directs the Commissioner to obtain and review the following information:

1. An accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of and the expenditures by the executive director of the MSHSL and MSHSL staff;
2. A list of all complaints filed with the MSHSL, all lawsuits filed against the MSHSL, and the disposition of those complaints and lawsuits;
3. An explanation of the executive director’s performance review;
4. Information about the extent to which the MSHSL has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy and rules; and
5. An evaluation of any proposed changes in MSHSL policy.

The Commissioner has obtained the following sources of data for this report: correspondence from the President of the MSHSL Board of Directors, the Annual Financial Report and Management Letter completed by the state auditor for the year ended July 31, 2002, the 2002-2003 Annual Report of the MSHSL, correspondence between MSHSL and U.S. Department of Education Office for Civil Rights, Department of Employee Relations notice to MSHSL of compliance with the Local Government Pay Equity Act, MSHSL Fair Hearing Procedures, MSHSL Revenue Sharing Plan for School Reimbursement, Pep and Marching Band Performance Guidelines, MSHSL policy recommendation for Recognition of Volunteers, MSHSL Proposed Policy Change for Dance Team State Qualifiers, and MSHSL Temporary Scrimmage Policy. Interviews were also conducted with the Executive Director of the MSHSL.

State Auditor’s Financial and Compliance Audit

The Commissioner must obtain and review an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information regarding the compensation of, and the expenditures by, the executive director of the MSHSL and MSHSL staff. The Minnesota State Auditor’s report reviewed the basic financial statements of the MSHSL for fiscal year 2002. In its Management Letter, the state auditor included the following conclusions and recommendations:

1. The MSHSL and each Region Committee should continue to be aware of the risks and internal control weaknesses associated with limited segregation of duties. The MSHSL and Region Committees should continue their efforts to monitor and provide oversight in this area. This was a previously reported item which was not resolved.
2. Statutorily required economic interest statements for public officials of the MSHSL are on file with the Minnesota Campaign Finance and Public Disclosure Board.
3. Improvement was evident in the ticket reporting and required signatures documenting region tournaments.
4. The MSHSL should become knowledgeable on how the Governmental Accounting Standards Board (GASB) pronouncement issued in June 1999 will affect its annual financial reporting. This item for consideration was also stated in the 2001 management letter.

The state auditor performed tests of compliance with appropriate laws and regulations. The results of their tests indicated that, for the items tested, the MSHSL complied with the material terms and conditions of applicable legal provisions.

A. Compensation of the MSHSL's Executive Director and Staff

According to the President of the Board of Directors, staff salaries are based on a range established in policy by the Board of Directors. Salaries are based, among other criteria, upon a comparison of similar athletic and activity associations in the states that comprise the Big 10 athletic conference (Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin). The Department of Employee Relations (DOER) affirmed MSHSL's compliance with pay equity laws.

B. Expenditures of the MSHSL's Executive Director and Staff

According to the President of the Board of Directors, the director and his staff were reimbursed a total of \$14,700 for statewide travel. The President states that expenses are reimbursed as identified in the Board of Directors policy and in Minnesota Statute §43A.18, Subdivision 2, the Commissioner's Plan.

Complaints and Lawsuits

The Commissioner must obtain and review a list of all complaints filed with the MSHSL, all lawsuits filed against the MSHSL, and the disposition of those complaints and lawsuits.

State law does not proscribe a dispute resolution method for the MSHSL, but the MSHSL has established a policy for hearing disputes regarding student eligibility including hearing and hearing review procedures. During the 2002-2003 school year, there were six hearings held to resolve disputes over eligibility. No lawsuits were filed against the MSHSL during the 2002-03 school year.

Descriptions of the hearings held during the 2002-2003 school year are as follows:

- October 2002 – Bylaw 106, Graduates of Secondary Schools. Hearing officer recommended and Board approved that student-athlete was eligible to participate in varsity competition.

- October 2002 – Bylaw 111, Transfer and Residence. Hearing officer recommended and Board approved that student-athlete was ineligible for varsity athletic programs for 50% of the regularly scheduled varsity contests for one calendar year, beginning at the time of his initial enrollment at the high school.
- November 2002 – Bylaw 205, Chemical Eligibility. Hearing officer recommended and Board approved that student-athlete was ineligible to participate in MSHSL-sponsored activities for eight additional weeks of the next athletic activity season in which she participates.
- December 2002 - Bylaw 205, Chemical Eligibility. Hearing officer recommended and Board approved that student-athlete was in violation and having previously served his penalty of two contests or two weeks is now eligible.
- January 2003 – Bylaw 205, Chemical Eligibility. Hearing officer recommended and Board approved that student-athlete is immediately eligible for both Category I and II activities because penalty had been served.
- April 2003 – Bylaw 111, Transfer and Residence. Hearing officer recommended and Board approved that student-athlete is ineligible to participate in MSHSL sponsored varsity athletic programs for 50% of the regularly scheduled varsity contests for one calendar year, beginning at the time of his re-enrollment at the high school for the 2003-04 season.

The United States Department of Education, Office for Civil Rights (OCR) provided the MSHSL a complaint about the location of the state girls' hockey tournament in 2000. The complaint was resolved with the approval of OCR in 2000 and the Board affirmed their earlier agreement with OCR on September 16, 2002, when the final round of the hockey tournament, held in February 2003, was moved from St. Cloud to the University of Minnesota campus in Minneapolis.

A complaint over the use different facilities for boys' and girls' state hockey tournaments was filed in State District Court on November 26, 2003. The essence of the complaint, filed by several female student-athletes who play interscholastic ice hockey, is that it is unfair that the boys' tournament is held at the Xcel Energy Center in St. Paul while the girls' tournament is not. The Plaintiffs are seeking the requirement that the girls' state hockey tournament be held at the Xcel Energy Center.

Executive Director's Performance Review

The Commissioner must obtain and examine the executive director's performance review. The annual evaluation of the executive director has been completed and is positive. According to President Jeff Olson: "It is clear from the evaluations completed by the Executive Committee that Mr. Stead has done an excellent job in meeting his job responsibilities as the Executive Director of the Minnesota State High School League ." Current President Wayne Pender states: "In all areas, Dave met or exceeded his performance expectations. He is well organized, does his 'homework' on League issues, works effectively with the staff he supervises, and makes League improvement a priority. Further Mr. Stead is an excellent representative of the values and mission of the League, and he has the ability to move Board goals into action."

MSHSL Program Implementation

The Commissioner must obtain and review information about the extent to which the MSHSL has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy rules.

According to the Board President, the Board's affirmative action policies ensure that jobs within the League are equally accessible to all qualified persons. The President states that staff follow Minn. Stat. § 128C.15, Subd. 2, when employment opportunities become available.

According to the Board President, the League's comparable worth plan was initially adopted in the fall of 1988. A consultant was subsequently hired to evaluate jobs and assign pay grades. The comparable worth plan submitted by the consultant was approved by the Board on August 14, 1997. In January 2001 the League sent its most recent pay equity report to the Minnesota Department of Employee Relations (DOER). DOER notified the MSHSL that it was in compliance in June 2001.

According to the Board President, the League's Sexual, Racial and Religious Harassment and Violence and Hazing Policy was adopted as a Bylaw and it is enforced statewide. The MSHSL has shared the vision of the harassment/hazing policy with all of the states in the National Federation of State High School Associations.

Evaluation of Proposed Changes in League Policy

The Executive Director provided one known proposed policy at the time this report was being created. That proposed policy concerns public comments at board meetings. The proposed policy change is intended to fairly limit public comments at board meetings to items on the agenda for that meeting. A procedure for bringing forth comments on issues not on the agenda is also proposed. The purpose of these changes is to balance public participation with the effective conduct of League business.

The President also provided a list of policy changes made during the 2002-2003 year. The changes are as follows:

- September 2002 – Changes clarified the existing Fair Hearing procedure and clarified the manner in which reimbursement of school districts for tournament related expenses will occur.
- March 2003 – Developed guidelines in conjunction with the Minnesota Music Educators Association to provide guidance to member schools as they contemplate music activities in their schools.
- June 2003 – Request League staff to identify individuals who volunteer to support student-athletes and fine arts participants so that they can be publicly thanked by having their names published in a tournament program. Change to ensure equitable representation from all areas of the state in dance team competitions. Assigning the responsibility for making workshop attendance decisions to the Executive Director. Change to permit children, who will in all probability be held by their parents at tournaments, to be admitted for free to reserved seating tournaments. Change permitting officials to work scrimmage games during the early part of each athletic season without permission from the League office.

Conclusion

Minnesota Statute §128C.20, Subdivision 1, requires the Commissioner of MDE to conduct an annual review of the Minnesota State High School League. This report documents the required review.

MINNESOTA
DEPARTMENT OF

*Children
Families &
Learning*

MISSION

*“Increasing the capacity of
Minnesota communities to
measurably improve the well being
of children and families.”*

1500 HIGHWAY 36 WEST
ROSEVILLE, MN 55113-4266

T: (651) 582-8200
TTY: (651) 582-8201
<http://cfl.state.mn.us>