



**2005 Report on the
Minnesota State
High School League**

December 2005

**Report
To the
Legislature**

**As required by
Minn. Stat. §
128C.20**

COMMISSIONER:

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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 (Commissioner) to conduct an annual review of the Minnesota State High School League (MSHSL). The MSHSL “is a nonprofit corporation that is a voluntary association of high schools . . . whose governing boards have delegated their control of extracurricular activities . . . to the [MSHSL].” Minn. Stat. § 128C.01, Subd. 1. Minnesota Statute §128C.20, Subdivision 1, 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 (Board President), Department of Employee Relations notice to MSHSL of compliance with Local Government Pay Equity Act dated June 26, 2001, MSHSL Policy Committee – Recommended Changes in Policies for Awards, Appendix A, MSHSL 2004-2005 Annual Report, the Annual Financial Report and Management Letter completed by the State of Minnesota, Office of the State Auditor, for the year ended July 31, 2004, the MSHSL Annual Financial Report 2003-2004 year ended July 31, 2004.

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 about 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 2004. In its Management Letter, the state auditor included the following schedule of findings and recommendations:

1. It is the responsibility of the MSHSL and each region committee to continue to be aware of the risks associated with limited segregation of duties. The MSHSL and region committees should continue to monitor and provide oversight in this area. This was a previously reported item not resolved.
2. Region secretaries are employees and, as such, are subject to MSHSL policies and guidelines. The MSHSL’s *Board of Directors Policy Manual and Guidelines* requires the use of special expense

forms to document prior approval and authorization of expenses incurred in connection with official functions of the MSHSL that do not fall under regular expense and travel policies. In four regions, special expense forms were not consistently used to document approval and authorization of some expenses that meet the criteria for special expenses. In another region, invoices were not submitted as support with a special expense form. While acknowledging the MSHSL has made progress in the area of special expenses, it was recommended the MSHSL continue its efforts to clarify management's expectations and guidelines for special expenses. The MSHSL should monitor and work with region secretaries to ensure the consistent use of appropriate forms to document and authorize special expenses. This was a previously reported item not resolved.

In accordance with Minn. Stat. § 128C.12, 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 Board President, 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 Ten athletic conference (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin). The Department of Employee Relations (DOER) affirmed MSHSL's compliance with pay equity laws in a letter to the MSHSL dated June 26, 2001.

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

According to the Board President, the director and his staff were reimbursed a total of \$13,995 for statewide travel during the 2004-2005 school year. The Board 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 2004-2005 school year, there were 18 hearings held to resolve disputes over eligibility; three complaints were filed with the Minnesota Department of Human Rights (all subsequently dismissed); one legal action is still pending from prior years and one new legal action was filed against the MSHSL (subsequently dismissed).

Descriptions of the hearings held during the 2004-2005 school year are as follows:

- July 2004 – Bylaw 110, Semesters Enrolled. Hearing Officer recommended and Board approved that student-athlete was ineligible under Bylaw 108.02, to participate in MSHSL sponsored activities for the 2004-05 school year.
- July 2004 – Bylaw 110, Semesters Enrolled. Hearing Officer recommended and Board approved that student-athlete was eligible to participate in MSHSL sponsored activities for the 2004-2005 school year.

- September 2004 – Bylaw 111, Transfer and Residence. Hearing Officer ruled and Board approved that student-athlete was ineligible to participate in varsity competition for a period equal to fifty percent of the regular season varsity games scheduled in each sport in which the student participates, the period being extended for one calendar year beginning with the first day of attendance at the new school.
- September 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in 100% of all varsity games scheduled in each sport in which the student participates from August 16, 2004 through January 14, 2005. From January 14, 2005 through the end of the school year, the student-athlete was eligible to participate in fifty percent of the regular season varsity games.
- September 2004 – Bylaw 205, Chemical Eligibility. Hearing Officer recommended and Board approved that student-athlete was ineligible for the next twelve consecutive interscholastic contests of four weeks, twenty-eight calendar days, whichever is greater, beginning after the student-athlete's prior violations have been served.
- September 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible for a period equal to 50% of the regular season varsity games scheduled in each sport in which the student-athlete participates for the 2004-2005 school year.
- October 2004 – Bylaw 205, Chemical Eligibility. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in MSHSL-sponsored activities for 3 weeks, 21 calendar days or 6 events, whichever is greater.
- October 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in varsity competition for a period equal to 50% of the regular season varsity games scheduled in each sport in which the student-athlete participates.
- November 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was eligible to participate in B-squad or junior varsity competition for one year, commencing with student-athlete's first day of attendance at the new school.
- November 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in varsity athletic competition for a period equal to 100% of the regular season varsity games scheduled in each sport in which the student-athlete participates through March 31, 2005 and 50% of said regular season varsity games from April 1, 2005 through August 31, 2005.
- November 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended but Board did not approve that student-athlete was ineligible to participate in varsity competition for a period equal to 50% of the regular season varsity games scheduled in each sport in which the student-athlete participates, with the period of ineligibility being for one calendar year beginning with the first day of attendance at new school.
- November 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended but Board did not approve that student-athlete was ineligible to participate in varsity competition for a period equal to 50% of the regular season varsity games scheduled in each sport in which the student-athlete participates being for one calendar year beginning with the first day of attendance at the high school October 12, 2004.
- December 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in varsity competition for a period equal to 50% of the regular season varsity games scheduled in each sport in which the student-athlete participates being for one calendar year beginning with the first day of attendance at the new school.
- December 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in varsity competition for a period equal to

50% of the regular season varsity games scheduled in each sport in which the student-athlete participates the period being for one calendar year beginning with the first day of attendance at the new school.

- December 2004 – Bylaw 111, Transfer and Residence. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in varsity competition for a period equal to 50% of the regular season varsity games scheduled in each sport in which the student-athlete participates the period being for one calendar year beginning with the first day of attendance at the new school.
- May 2005 – Bylaw 205, Chemical Eligibility. Hearing Officer recommended and Board approved that student-athlete was immediately eligible to participate in MSHSL sponsored activities for the 2004-2005 school year.
- May 2005 – Bylaw 205, Chemical Eligibility. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in MSHSL-sponsored activity for the next two consecutive interscholastic contests or 2 weeks, 14 calendar days, whichever is greater, in which the student-athlete is a participant.
- May 2005 – Bylaw 205, Chemical Eligibility. Hearing Officer recommended and Board approved that student-athlete was ineligible to participate in MSHSL-sponsored activities for the next six consecutive interscholastic contests or 3 weeks, 21 calendar days, whichever is greater, in which the student-athlete is a participant.

Three complaints were filed with the Minnesota Department of Human Rights by a parent claiming the MSHSL had discriminated against the parent's minor daughter. On April 15, 2004, the Minnesota Department of Human Rights dismissed all charges. The charging party then requested the Minnesota Department of Human Rights reopen the case. The Minnesota Department of Human Rights reviewed the record, and in a letter dated June 10, 2004, stated that "it does not appear that there is sufficient basis to reopen this case." The letter further stated "the Department will take no further action on this matter."

A complaint and motion for a preliminary injunction was filed in Federal District Court and served on the MSHSL on November 26, 2003, over the use of different facilities for boys' and girls' state hockey tournaments. 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 sought the requirement that the girls' state hockey tournament be held at the Xcel Energy Center. The MSHSL has agreed to hold the 2006 - 2008 girls' tournament at the Xcel Energy Center. The lawsuit is still being monitored by the Court.

The MSHSL was recently named in a lawsuit filed in the Anoka County District Court regarding the eligibility of a student-athlete. The parties stipulated to dismiss the action and on October 18, 2004, Anoka County Judge Morrow dismissed the action with prejudice and on the merits, but without further cost to any of the parties.

Executive Director's Performance Review

The Commissioner must obtain and review an explanation of the executive director's performance review. The annual evaluation of the executive director was completed in May of 2005 and is positive. According to President Sharon Euerle: "It is because of [executive director's] leadership that the [MSHSL] is a sound organization. [Executive director] is extremely committed to promoting the mission and values of the MSHSL and implements the Board's goals as well. He is a person of integrity, fairness, and honesty and consistently models these qualities for his staff and for the leadership of the MSHSL and its member schools."

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 and rules.

According to the Board President, the Board's affirmative action policies ensure that jobs within the MSHSL 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 MSHSL'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 DOER. DOER notified the MSHSL that it was in compliance in June 2001. The next compliance review is scheduled for 2006.

According to the Board President, the MSHSL'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 Commissioner must obtain and review an evaluation of any proposed changes in MSHSL policy. The Board President provided a list of policy changes made during the 2004-2005 school year. The changes are as follows:

- Changes in Policies for Awards -- allows member schools an opportunity to order Certificates of Participation and/or medals for cheerleaders in select sports.

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.