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REPORT OF THE
JOINT STANDING COMMITTEE ON
EDUCATION ON ITS STUDY OF
THE MAINE SECONDARY SCHOOL
PRINCIPALS' ASSOCIATION

JANUARY 1985

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STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
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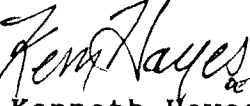
January 25, 1985

Rep. John Diamond
Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Rep. Diamond:

Enclosed are copies of the Report of the Joint Standing Committee on Education of the 111th Legislature on its study of the Maine Secondary School Principals' Association. I hope you find the materials contained therein useful.

Please contact me if you have any questions.

Sincerely,

Kenneth Hayes
Chairman

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REPORT OF THE
JOINT STANDING COMMITTEE ON EDUCATION
ON ITS STUDY OF
THE MAINE SECONDARY SCHOOL PRINCIPALS' ASSOCIATION

I. INTRODUCTION

As a result of its consideration of LD 2083, AN ACT Relating to Eligibility for Interscholastic Secondary School Athletics, during the Second Regular Session of the 111th Legislature, the Education Committee requested and was granted authority to study the Maine Secondary School Principals' Association's 20 year old eligibility rule. A subcommittee consisting of Senators Kenneth Hayes and Nancy Clark and Representatives Stephanie Locke, Frederick Soucy and Kenneth Matthews was formed. The subcommittee met over the summer to discuss the rule -- its history and rationale. The subcommittee also met with Richard Tyler, the new executive director of the MSSPA, to discuss background information on the Association and its role in school activities.

II. THE MAINE SECONDARY SCHOOL PRINCIPALS' ASSOCIATION

A. History

Historically, the MSSPA dates from 1921 and the founding of the State Principals Association to deal with problems in interscholastic athletics. Prior to that time each school adopted its own academic standards, athletic eligibility rules and playing rules which led to a good deal of bitterness over interscholastic athletic competition. The objective of the

Association was to introduce uniformity to the situation so that each school and each competitor had a fair and equitable opportunity to succeed on the playing field.

Over the years the Association has grown and expanded its role to include professional and academic concerns as well as athletic activities. The Association was incorporated as a non-profit organization under the laws of Maine in 1951.

The MSSPA believes that they assumed their role as referee in the area of interscholastic activities by default. That is, no other organization has been willing to assume the responsibility of establishing uniform competition policies and sponsoring state level competitions. Traditionally, that fact has led the Association to be very sensitive to outside criticism of their actions. Presently, that sensitivity may be lessening as the Association is beginning to recognize the legitimate public interest in their policies. The Committee feels the MSSPA and its Executive Director were most cooperative during its study.

B. Organizational Structure

The MSSPA is a private, non-profit, voluntary educational organization of Maine secondary schools and principals. Its activities are governed by a constitution and by-laws. The Association is divided into 2 divisions -- Professional Activities and Interscholastic Activities. The Division of Professional Activities is made up of principals and assistant principals and is funded through dues (\$65.00 per year) from individual members. There are approximately 260 members. The purpose of the Professional Activities Division is to promote

the professional improvement and well-being of secondary school principals and assistants.

The membership of the Division of Interscholastic Activities consists of secondary schools approved by the Department of Education and Cultural Services. Membership fees are paid by the schools (50¢ per student enrolled in grades 10-12). The purpose of the Interscholastic Activities Division is to promote and regulate educationally sound student activities conducted by Maine's secondary schools for their students. All the State's public schools belong to the MSSPA, and 25 private academies are also members.

Each division is headed by an Executive Committee elected by the Division's membership for 3 year terms. Each Executive Committee is responsible for the management of the business affairs of its Division. The Executive Committee of each Division is authorized to establish standing committees to recommend policies in specific areas of interest. The Professional Activities Division has 7 standing committees dealing with areas designed to improve the administrative and substantive knowledge of secondary school principals. The Interscholastic Activities Division has 29 standing committees, most dealing with activities in which the Division sponsors competition.

The Association's constitution provides for an Executive Director to carry out the policies of the Executive Committees and to conduct the day-to-day business of the Association. For 45 years following establishment of the old SPA, the director of secondary education at the Department of Educational and

Cultural Services served as part-time secretary for the MSSPA. A part-time treasurer was also provided by the DECS. By 1967, Association affairs had grown to the extent that a full time executive secretary-treasurer and a full time office secretary were employed and housed in an office at 15 Western Avenue in Augusta. The staff has since been expanded to include a part-time assistant executive director and a part-time bookkeeper.

Salaries for members of the MSSPA office staff for 1983-84 were as follows:

Executive Director	\$37,230.00	full-time
Assistant Executive Dir.	15,761.00	part-time
Secretary	11,742.00	full-time
Bookkeeper	828.08	part-time
Legal Counsel	1,140.00	consultant

The MSSPA and members of its staff belong to the Maine State Retirement System as a participating local district.

C. Operation of the Interscholastic Activities division

As stated above, the Interscholastic Division's Executive Committee is authorized to conduct the business affairs of the division between Association meetings. There are eight public school principals, one academy headmaster, two athletic directors and the three Association officers serving on the Executive Committee. There are also liaison representatives from the Maine Department of Educational and Cultural Services, Maine School Superintendents' Association and the Maine Interscholastic Athletic Directors' Association.

For the purpose of membership on the other standing committees of the Division, the Association divides the State into five regions. Each region and/or school classification is guaranteed representation on each standing committee. Thus, all sections of the state have direct input and voice in determining operational policy for each activity. The size of the committees varies with the complexity of the activity; i.e., basketball has twenty-four members, drama - six members, speech and debate - five members, golf and tennis - four members each. Most committees have five members.

Non-athletic committees are composed of principals or assistant principals and liaison representatives from appropriate organizations; e.g., officers of the Maine Drama Council sit with our Drama Committee to provide input on the supervision of regional and state contests.

Each athletic committee is composed of principals and-or assistant principals, athletic directors assigned by the Maine Interscholastic Athletic Directors Association, all as voting members, and a liaison non-voting representative appointed by the Maine High School Coaches Association. The MSSPA feels that the effect of this diverse membership is to provide the best expertise available for the governance of each sports activity. Sports committees determine state contest entry procedures and the means to determine state champions.

The Association sponsors and financially supports, state-wide tournaments, meets, contests or endeavors in a wide range of activities:

<u>Non-Athletic (6)</u>	<u>Athletic (14)</u>		
debate	baseball-softball	golf	tennis
dramatics	basketball	ice hockey	track
Honor Society	cross country	ski	wrestlingw
science fair	field hockey	soccer	
speech	football	swim	
Student Council	gymnastics		

A 1982-83 student-participation study of the athletic activities revealed that 36,891 boys and girls took part in the above activities. There is obviously some duplication of numbers, but the statistic is indicative of high interest in the activities governed by the Interscholastic Activities Division.

D. MSSPA Finances

The Association receives income from a variety of sources -- individual and school membership dues, admission charges at MSSPA sponsored tournaments, sale of publications and interest on investments.

Professional dues for a principal or assistant principal to join MSSPA are \$65.00 annually. Dues for schools to participate in the activities of the Interscholastic Division are 50 cents per student enrolled in grades 10-12 based on the school's October 1 enrollment.

Admission charges for spectators at tournaments sponsored by MSSPA vary from activity to activity, and are listed below:

<u>Activity</u>	<u>Student Fee</u>	<u>Adult Fee</u>
Baseball	\$1.50	\$2.50
Basketball	1.50	3.00
Field Hockey	1.50	2.50
Football	1.50	2.50
Gymnastics	1.50	2.50
Hockey	2.00/3.00	3.00/4.00
Soccer	1.50	2.50
Softball	1.50	2.50
Swim	2.00	3.00
Track	1.00	2.00
Wrestling	1.50	2.50

The Association stresses that while they sponsor 19 state level activities only 3 show a profit -- basketball, football and ice hockey. Eight others have income but not enough to cover expenses and eight have no income at all.

It is clear, however, from examination of Association financial records that the MSSPA takes in considerably more revenue each year than it expends. For the year ending June 30, 1984, the excess was \$60,000. That amount added to previous balances gave the Association a reserve account balance of \$268,775.45 on June 30, 1984. The operating budget for the year was \$277,000.

III. COMMITTEE DELIBERATIONS

LD 2083 was introduced last session to alter the implementation of the MSSPA's 20 year old eligibility rule by the Interscholastic Activities Division's Executive Committee in the case of a high school basketball player. The rule is one of several eligibility rules adopted by the Association and applying to all secondary school interscholastic athletic events. The rule reads:

Section 2. Pupil Eligibility-A pupil shall be eligible to participate in any interscholastic secondary school athletic contest:

E. Who is under twenty years of age at the time of participation.

The bill would have allowed an individual who was 20 years old during the regular season but who turned 21 thereafter to participate in the post-season tournament for that sport.

During its study, the Committee considered a number of issues directly and indirectly related to the rule and its implementation by the MSSPA. Among them were: (A) the rule itself - its rationale and reasonableness, (B) the procedures by which the Association implemented the rule, including the need for oversight and review of Association decisions and (C) the role the MSSPA has played in the emphasis perceived by some to have been placed on interscholastic athletics at the expense of academic and non-athletic activities at the secondary level.

A. The 20-year old eligibility rule

The rule in question has a long history in Maine dating back to at least 1930. The rationale generally presented for such age limit rules is (1) older athletes constitute a danger

to the safety of younger athletes, (2) older athletes are not the usual high school athlete and it is unfair for younger athletes to have to compete with them, (3) it reduces the possibility of athletes voluntarily repeating grades to gain a competitive advantage and (4) it provides needed uniformity in the determination of athletic eligibility. It should be noted that Maine is one of the minority of states with a 20 year old rule. Most states limit participation to 19-year olds.

On several occasions since the original adoption of the rule, proposals have been made to modify it in one way or another. However, each attempt was defeated by the membership, including one which was presented subsequent to consideration of LD 2083 by the Legislature.

The Committee recognizes the support within the Association for the rule and also recognizes that it represents a policy which has received considerable debate by those most closely connected with its administration -- secondary school principals. While the Committee might have adopted a somewhat different rule if it had been making the decision, the decision which the Association made is based on sound goals and has been adequately considered by the appropriate decision makers. That being so, the Committee will not substitute its judgment for that of the Association.

Recommendation: The Committee supports the right of the MSSPA to make appropriate rules and to enforce them equitably.

B. MSSPA administrative procedures

Considerable time was spent examining the procedure by which the Association reached its decision in the eligibility

case. Apparently, there were mistakes on both sides of the question. The school administrators did not bring the case to the MSSPA for consideration in a timely fashion. When they did, however, the Association, in an attempt to deal with the case quickly, dispensed with a number of common procedural safeguards which the Committee considers essential. The final decision on eligibility was made during a conference phone call and the affected student, his coach and administrators were not invited to participate.

Furthermore, under the rules of the Association in effect at that time, the initial decision was made by the Executive Committee of the Interscholastic Activities Division. Appeal from their opinion could be had only to the Executive Committee again and would be allowed only if new evidence was introduced.

Since the consideration of LD 2083 by the Legislature, the Association has adopted several changes in its procedural rules. Presently, the initial decision would be made by the standing committee on eligibility. Appeal could be made from that decision to the same committee on the grounds of new evidence or to the Executive Committee on any grounds. If appealed to the Executive Committee, and if the Committee's decision is unfavorable, further appeal may be made to the Executive Committee only on the basis of new evidence. There is no appeal beyond the final Executive Committee decision.

The Education Committee feels that the procedural amendments just outlined are very promising signs and an admirable beginning of reform but only a beginning. For one thing, the initial decision could still be made by conference

call. The Committee feels very strongly that certain matters, student eligibility among them, are simply not appropriately made by phone call conferences. In the second place, the Committee is concerned that there are certain basic procedural safeguards, which are not spelled out in the Association's by-laws. For example, persons who will be affected by decisions of the MSSPA should be given timely notice of the meeting at which the decision will be made. They should be allowed to attend that meeting and participate in a meaningful way. Whether or not they attend, the decisions of the Committee should be documented and notice of the decision provided to the affected persons. Finally, there should be a legitimate appeal process with notice to the affected parties of their rights thereunder. The Committee's third concern is that the final decision still rests within the MSSPA. The Committee feels it is not sound public policy for the same agency (although different committees of that agency) to make the initial decision and the final decision on appeal.

Recommendations:

(1) The Committee recommends that legislation be introduced requiring decisions on eligibility to be made in an open public meeting, following notice and opportunity for hearing.

(2) The Committee recommends that legislation be introduced establishing the possibility of an appeal to an outside entity following issuance of a final decision by the Association. The Committee feels the State Board of Education is an appropriate body to hear such an appeal. The Committee

further feels such an appeal would lend added legitimacy to decisions currently made entirely within the MSSPA.

C. Emphasis on athletics in secondary schools.

The Committee was concerned with the perception that interscholastic athletics were emphasized to the detriment of academic and non-athletic interscholastic activities. That perception may or may not be accurate but like any perception if perceived widely enough it tends to be self-fulfilling. That could mean that more and more students will come to believe that academic programs, non-athletic activities and intramural sports are less valuable than interscholastic athletic programs and that success in athletic programs is more important than success in other activities.

The Committee recognizes that emphasis on athletics in schools may be merely a reflection of the society's feelings as a whole. The Committee also recognized that the MSSPA through its sponsorship of non-athletic events may act as a brake on that tendency. Nevertheless, the Committee feels that the Association could play a stronger role in creating a positive image for non-athletic activities.

Recommendations:

(1) The Committee recommends that the MSSPA pursue a course to provide comparable recognition to non-athletic interscholastic activities and to the less prestigious interscholastic athletic events. That could be accomplished by providing trophies, medals, awards, certificates, etc. to participating students and schools which are similar in size, style and prestige to those awarded in the major athletic

events. The quality of facilities such as auditoriums, meeting rooms, changing rooms, and sound systems should be comparable to those provided for major athletic tournaments. Comparable efforts should be made to publicize the time and place of such events and to credit publicly those who participate. The MSSPA should make efforts to encourage their member principals to ensure that such things as uniforms, costumes, and props used in non-athletic activities are of comparable quality to the uniforms and equipment used by athletic teams. Use of practice and rehearsal facilities should be alternated so that one activity is not favored over another. It does not appear that implementation of these recommendations would cost the MSSPA a great deal of money. To the extent that it will require expenditures, the Association has adequate reserve funds on hand at present to help assure comparable recognition.

The Committee feels that a variety of activities in schools is important to the development of students and that no program is intrinsically more valuable than another. Therefore, students should be encouraged to have an interest in a broad range of activities. If these recommendations are carried out, participants in the activities which are presently considered less glamorous will gain a more positive image of themselves and the range of interests acceptable within the peer group will broaden. It may even lead gradually to more public interest and involvement in non-athletic activities within the whole community.

(2) The Committee recommends that the MSSPA take steps to encourage its member schools to provide the broadest range of intramural sports possible.

(3) The Committee recommends that the MSSPA adopt policies to encourage its member schools to preserve the school day for academic programs and to prevent interruptions for outside activities to the maximum extent possible.

0209

FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY FIVE

AN ACT Concerning Decisions on Student Eligibility
to Participate in Interscholastic Activities.

Be it enacted by the people of the State of Maine as follows:

Sec. 1 20-A MRSA §405, sub-§7 is enacted to read:

7. On the written request of a student or his parent or guardian, the state board shall review final decisions on that student's eligibility to participate in interscholastic activities made by the local school board or any group or association to which the school board has delegated authority to enforce interscholastic eligibility rules. The request shall be filed within 30 days of the issuance of the decision.

Sec. 2 20-A MRSA, §5201, sub-§5 is enacted to read:

5. Decision making. Any board, association, corporation or other organization which makes decisions affecting the eligibility of students to participate in interscholastic activities shall do so in a meeting which, at the request of the student, shall be open to the public. The meeting shall be preceded by adequate notice and shall provide opportunity for participation by affected persons.

STATEMENT OF FACT

This bill is the result of the Education Committee's study of the Maine Secondary School Principals' Association eligibility rules. Section 1 would allow appeal from final decisions on a student-athlete's eligibility to the State Board of Education. Section 2 would require decisions on the eligibility of students to be made in public meetings following notice and opportunity for public participation.