



John Nygren

WISCONSIN STATE REPRESENTATIVE ★ 89TH ASSEMBLY DISTRICT

Thank you Chairman Swearingen and members of the Assembly Committee on State Affairs for holding a public hearing on AB 873. I appreciate the opportunity to testify on this important piece of legislation.

This legislation seeks to bring the Wisconsin Interscholastic Athletic Association (WIAA) in line with the state open records and meetings law. This bill was originally authored in 2009 by then Democratic State Representative Tony Staskunas. As Representative Staskunas argued back in 2009, the WIAA is primarily funded through revenues generated through athletic competitions. These events are, by the vast majority, held in high school gyms, fields and other facilities that are built and maintained at the expense of the Wisconsin taxpayer. Because of this, I believe the documents and meetings that craft the rules and policies, which greatly impact student athletes, referees, school administrators, and many others should be open to public scrutiny.

Most recently, the WIAA has hired four lobbyists to lobby against this bill. What is interesting about that is that the WIAA could be paying lobbyists, with revenue generated off of taxpayers and the facilities they finance to argue against taxpayer access. If this isn't a great example of why the WIAA should be subject to open records, I don't know what is.

In essence, WIAA is a quasi-governmental agency. That is, school boards delegate the power to regulate sporting activities to the WIAA. Delegating the decision-making authority does not mean the WIAA can avoid transparency. The WIAA has a governmental power and should be treated as a governmental entity.

I have received contacts from all corners of the state; parents and referees alike would like more insight into the processes of the WIAA. Following the debacle that took place in Hilbert, where a student athlete was suspended for 5 games for tweeting her displeasure with the WIAA, Wisconsin has been on the receiving end of national shame from the likes of Scott Van Pelt of ESPN, and even our own Aaron Rodgers. If the public had more insight and input into the crafting of these rules, perhaps this situation could have been avoided altogether.

I appreciate the opportunity to testify before you today on this important piece of legislation and welcome any questions you have at this time.

http://host.madison.com/wsj/opinion/editorial/u-rah-rah-open-records/article_080446d4-5e5c-51d9-84a3-e0e86f7718ae.html

U-rah-rah, open records!

Wisconsin State Journal editorial Jan 22, 2016



AMBER ARNOLD -- State Journal

Mount Horeb fans cheer on their team in the second half of a WIAA Division 2 state boys basketball championship game against Rice Lake at the Kohl Center in Madison in 2015.

We got the records, yes we do! We got the records, how 'bout you?

The Wisconsin Interscholastic Athletic Association probably won't like that cheer, either.

But we urge high school sports fans, parents, athletes and taxpayers to join in, rooting for the Legislature to finally apply Wisconsin's open records and meetings law to the WIAA.

The organization's latest flap over student cheers helps show the need for more transparency, which will better inform decisions and build public trust.

We're all for good sportsmanship. And certainly the athletic association that oversees high school sports had a worthy goal in trying to encourage respectful competition when it emailed guidelines on fan behavior last month. The WIAA told school administrators to step in if fans jeer rival teams with certain chants.

On the WIAA's naughty list was the ubiquitous "Air ball! Air ball!" (which fans yell when an opposing basketball player misses the rim with a shot). The WIAA scolded chants of "O-ver-ra-ted!" and even "Scoreboard!" (which students holler to emphasize their team is ahead).

Some cheers with nasty language and sentiments warrant intervention by high school officials. But the above cheers are relatively tame if playfully delivered. Moreover, enforcing a strict speech code will inevitably cause more problems than it solves — as the WIAA just found out.

The controversy drew ridicule from national media after a girls basketball player in Hilbert tweeted a vulgar word in response to the WIAA guidelines — and she was promptly suspended from several games.

The WIAA has a rich history of overseeing school sports. But too many of its deliberations and decisions affecting athletes, their communities, conferences, rules, tournaments and safety are done in secret.

That should end.

The WIAA is organized as a private nonprofit. So it contends transparency laws don't apply. It also worries about the effect of openness on sensitive topics such as student privacy and its assessment of referees. But if school districts can live with strong open government requirements, so can the WIAA. If anything, academic issues are more significant and challenging.

Another important point is that our state's good government laws already respect the need for limited closed-session meetings, with a balancing test that prioritizes the public good.

School administrators guide the WIAA, and it collects millions of dollars in revenue at games featuring mostly public school teams.

Rep. John Nygren, R-Marinette, vowed this week to revive legislation applying the state's transparency rules to the WIAA.

Nygren helped orchestrate last summer's failed attempt to exempt lawmakers from many open government rules, which was a huge mistake and debacle.

But on this issue, the GOP leader is on the public's side. He deserves bipartisan support in steering this bill to victory.

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Include WIAA in open records, meetings laws

Green Bay Press-Gazette Editorial Board 6:52 p.m. CST January 23, 2016



(Photo: File/USA TODAY NETWORK-Wisconsin)

The WIAA has been the target of scorn and derision since its sportsmanship guidelines became news on the local, state, national and international levels.

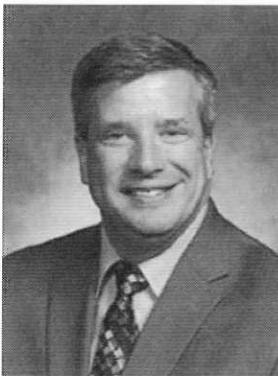
The guidelines call on school administrators to monitor the use of chants like "air ball" and "scoreboard" during high school sporting events. In December, the Wisconsin Interscholastic Athletic Association sent an email to schools reinforcing its sportsmanship standards.

The issue caught fire when a Hilbert High School basketball player objected to the guidelines and voiced her objection with a tweet that told the WIAA to "eat ****." Her subsequent suspension became a news story and shed light on the WIAA sportsmanship rules, and from there the story grew. And grew. And grew.

The publicity caught the attention of state Rep. John Nygren, R-Marinette, and he didn't like what he saw. The 89th Assembly District representative wants to revive a six-year-old bill that would make the WIAA follow the state's Open Meetings and Open Records laws.

"It is clear, beyond all doubt, that left unchecked, an authority like the WIAA will continue to test the boundaries to see how far they can go," Nygren said in a statement issued this past week.

We couldn't agree more and are happy to see Nygren feels that way after his Joint Finance Committee tested those boundaries last summer.



Nygren (Photo: Nygren)

Former state Rep. Tony Staskunas, D-West Allis, introduced the WIAA bill in 2009. It basically said that public schools should be blocked from joining associations, like the WIAA, that don't follow the state's open records and open meetings laws.

The Green Bay Press-Gazette Editorial Board came out in strong support of the issue back then.

That support continues today.

The WIAA considers itself a private, voluntary, nonprofit organization. In justifying its exemption from complying with state laws regarding open records and meetings, the WIAA has said it already publishes information in an annual yearbook, and it gets only about 6 percent of revenues from public schools dues while 90 percent comes from tickets sales for high school playoff games.

Those objections don't change the fact that it is in reality a quasi-governmental agency. It requires public high schools and players to follow its rules. And while it's a voluntary association, there's really nowhere else for public schools to go for interscholastic sports.

It's also true that the WIAA publishes a lot of information in its annual yearbook, including finances and sportsmanship guidelines (which have been around a lot longer than many in the national media realized when they were making fun of Wisconsin).

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However, the information we get is what the WIAA decides to share. It also doesn't address the fact that the public can be shut out of discussions on such things as conference realignment, player eligibility and scheduling.

In other words, it's not unreasonable to worry that we're not getting the full story on some issues if there isn't the rule of law to back us up.

Also, even if 90 percent of the income is generated by tickets sales for high school playoff games, those are still mostly public school teams competing most often in publicly financed venues. Without the public schools' support, the WIAA goes away.

We support Nygren's efforts for two reasons.

One, in July he voted as a member of the Joint Finance Committee to sneak in legislation gutting the open records law. We took Nygren and others to task. In his statement about the WIAA, he sounds like he supports open records, and we support that: "When decisions are made with taxpayer money, the public deserves to have a say, or at least a look into the decision room. Policies like these, which suggest a mere suppression of speech, deserve more oversight and scrutiny, and I aim to ensure that in the future."

Second, the WIAA should be accountable to taxpayers and the public as a quasi-governmental agency.

The association has a tremendous responsibility in ensuring its clients (the schools and students) have a positive experience in high school athletics. With that responsibility comes tremendous accountability. In order to be accountable, the WIAA, its board and its members should be expected to operate under the state's Open Records and Meetings laws that publicly funded groups must abide by.

In the interest of full disclosure: In 2008, the WIAA sued Gannett Co, publishers of the Green Bay Press-Gazette and nine other daily newspapers in Wisconsin, and the Wisconsin Newspaper Association for violating the organization's rules regarding live video of high school playoffs, specifically a football game streamed by the Post-Crescent of Appleton in November 2008.

The Green Bay Press-Gazette is part of the USA TODAY NETWORK-Wisconsin.

NYGREN ON WIAA

Anyone paying attention to the news the past couple of weeks has seen the embarrassment that our state has suffered at the hands of the Wisconsin Interscholastic Athletic Association (WIAA). High school is a crucial point in time for individuals. Oftentimes, it plays a major role in shaping young people for the rest of their lives. The lessons, morals, and experiences learned in high school stick with a student forever.

The WIAA has taken it upon themselves to change the experiences students face by disallowing such "offensive" language as 'Air Ball,' 'Scoreboard,' and even chanting 'USA-USA.' It is clear, beyond all doubt, that left unchecked, an authority like the WIAA will continue to test the boundaries to see how far they can go. The WIAA has taken it far enough to encourage the punishment of students who speak out against the WIAA.

Because of this, I will be re-introducing a bill originally authored by former Democrat Representative Tony Staskunas which will make the WIAA subject to the open records and meetings laws. When decisions are made with taxpayer money, the public deserves to have a say, or at least a look into the decision room. Policies like these, which suggest a mere suppression of speech, deserve more oversight and scrutiny, and I aim to ensure that in the future.

— State Rep. John Nygren, R-Marinette

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