



Ohio High School Athletic Association

Jerry D. Snodgrass, Executive Director

TESTIMONY RE AM. SUB. HB 166 – May 23, 2019

Good morning Committee Members:

My name is Jerry Snodgrass, Executive Director of the Ohio High School Athletic Association. I am here this morning, along with my colleague, Dr. Deborah Moore, Senior Director of Compliance and Sports Medicine, to speak to you on behalf of our 814 member high schools and 900+ member 7-8th grade schools in opposition to Amended Substitute (Am. Sub.) House Bill 166. The specific section of the Bill is found in lines 25266 to 25279 of Am. Sub. HB 166 currently pending in the Ohio Senate. Our members believe the objectionable language found in Am. Sub. HB 166 would significantly disrupt their current system of participation opportunities for international students.

Under the member schools' current system for participation opportunities, international students in Ohio under a J-1 Student/Secondary Schools visa have full participation opportunities for the entire duration of their visas in either a public or a non-public school. Likewise, international students living in Ohio with a parent have the same participation opportunities as any other Ohio resident. However, our schools (and OHSAA staff) believe this objectionable language that formerly appeared as HB 23 and was attached to Am. Sub HB 166 will erode the foundational principles upon which interscholastic athletics are built by fostering an environment for the exploitation of families and athletes, creating an open invitation for schools, primarily non-public, to actively recruit student-athletes, and to tip the scales of competitive balance by permitting non-public schools to do something that their public counterparts cannot do.

To advise you on the legislative history of this objectionable language, please note that this identical language appeared as stand-alone bills in the current legislative session (HB 23) and last year's legislative session. The identical language in both bills has been thoroughly vetted by the House Education Committee in both 2018 and 2019. In both instances, two separate Committee Chairmen declined to schedule any further committee hearings on the bills, indicating to us that there was little support among representatives for this legislation.

The proponents of this added language to Am. Sub. House Bill 166 believe that in adopting this language, that international students on an F-1 Visa will be provided the same opportunity to participate in interscholastic athletics as students whose parents reside in Ohio. **This statement is flawed for a variety of reasons, not the least of which is the fact that F-1 Visa students can only attend public schools for ONE year.** *Without an accompanying change in federal law, Section 625 of Public Law 104-208, F-1 Visa students will never have the same opportunity to participate as Ohio residents unless they attend a non-public school.* This objectionable language will only provide a full participation opportunity for F-1 Visa students at select schools across the state, not Ohio's PUBLIC schools. The opportunities expressed in Am. Sub. HB 166 will only be afforded to those international students who attend a non-public school. This unequal and unbalanced participation opportunity would create a "competitive balance" issue for Ohio's public schools, an issue from which they may never recover. Passage of the bill with this objectionable language would most certainly lead to the membership requesting that we create separate post-season tournaments for member public and member non-public schools. Creating separate tournaments would create additional costs, costs that would more than likely be passed on to member schools that currently pay no fee to be voluntary members of the OHSAA. Not only do member schools pay no fee to voluntarily join the OHSAA, but member schools are provided benefits of membership at no cost to the school. One such benefit of membership is a \$595,000 catastrophic insurance policy that is fully funded by the OHSAA. The OHSAA as a non-profit 503c organization receives no public funds, and we are concerned about being able to provide Ohio's student-athletes with the same level of resources/benefits they currently receive if our member schools vote to conduct two separate tournaments, one for public schools and one for non-public schools, in 26 different sports. Many of these tournaments operate at a loss, thus two separate tournaments would greatly impact the resources we are able to provide our member schools.

Since Federal Law prohibits students on an F-1 Visa from ever attending a public school below the 9th grade, and restricts students with this visa type from attending a public high school in the United States for more than one year (two semesters), who are the intended beneficiaries of the House Bill? Students who attend non-public schools only. No F-1 Visa student, at any time, for any reason, can attend public school in the United States for more than one year, thus how would any student on an F-1 Visa have the same participation opportunities at any public school, as an Ohio resident, or even a student who attends a non-public school? The passage of this bill would tip the landscape in interscholastic athletics, providing an 'opportunity' for non-public schools to enroll F-1

Visa students at the elementary and middle school levels, as well as the high school level and foster a climate ripe for the recruitment and *exploitation* of international students.

The differences between the F-1 Visa and the J-1 Student/Secondary Schools Visa are not only distinct, but alarming. Interscholastic participation is afforded students who possess a J-1 Visa as well as students who have a parent who resides in Ohio. Some of the differences between the two Visa types are highlighted below:

-Under the J-1 Visa program, to be eligible as a program sponsor, an organization must demonstrate its ability to comply and remain in continual compliance with all provisions of the Exchange Visitor Program regulations (22 CFR part 62). These federal regulations assuage the member schools' concerns about exploitation of students and their families and the recruitment of students to participate in programs in the United States. In contrast, under the F-1 Visa program, the academic institution can be and often is the sponsoring institution. Thus, creating a situation where academic institutions and others associated with those institutions can recruit and exploit the student athletes and their families for personal and financial gain.

-The F-1 Visa permits an extended stay in the United States whereas the J- Visa permits students to stay (and attend) two semesters only. J-1 Visas may not be renewed; thus, they are only valid for one year. This is the 'true' secondary school international exchange student Visa type.

-The F-1 Visa has no age restriction. Recipients of the J-1 Visa must be at least 15 years of age, and no older than 18 years, 6 months at the time the student begins their academic program in the United States. The J-1 Visa aligns itself with the age requirements for interscholastic participation, whereas the F-1 Visa is ripe for exploitation. School districts would have to determine not only if a student is the appropriate age, but that the student has not graduated from their home high school. Many countries have educational systems that do not align with those in the United States thus making it very difficult to determine if a student has graduated from the school in their home country thus making the student ineligible for interscholastic athletics in Ohio.

-The F-1 Visa provides for the direct placement of students into a particular school/host family. This Visa does not restrict 'host families' regarding the number of students a family may host. If an individual wanted to host an entire soccer, golf, or tennis team, he/she would be afforded that opportunity. This is not true for students on a J-1 Visa. Under the J-1 Visa program, students are randomly placed and at times are not even given the state of their choice in which to study. No more than two foreign secondary students may be placed in a host family home. There are no safeguards prohibiting the exploitation of international students under the F-1 Visa program.

-There were 6500 high school students who traveled to the United States through the F-1 Visa program in 2007. That number rose to 90,000 by 2015. By comparison, 23,716 students participated in J-1 programs during the 2016-17 academic year. Can there be any doubt as to which Visa type is ripe for exploitation? Can there be any doubt as to which visa type would lead to greater displacement of participation opportunities for students whose parents are Ohio residents? Can there be any doubt, considering the restrictions on students who possess J-1 Visas and the host parents, which visa type has more safeguards in place to restrict the impermissible recruitment and the exploitation of international students? Under the F-1 Visa program there is absolutely NOTHING that would prohibit headhunters/brokers from approaching the families of student-athletes in other countries along with the exchange of a payment of thousands of dollars while making the promise of placing their child in a residence/school that will enhance their opportunities for a professional athletic career contradicting the mission and goals of high school sports. This exploitation is already occurring in NCAA schools and opens the door to a great number of legal issues.

In conclusion, our voluntary members have gone to great lengths to develop, modify and implement a system for fair and equitable competition. I represent the vast majority of our schools when I indicate Am. Sub HB 166 with the objectionable language found in lines 25266 through 25279 has the potential to significantly erode the system of competitive balance the member schools have worked diligently to implement for the betterment of all student-athletes in the member schools that voluntarily join the OHSAA.

Thank you so much for allowing us to address you this morning. We are happy to entertain any questions from anyone on the committee.