

JOURNAL OF AMATEUR SPORT

JAS

[HTTP://WWW.JAMSPORT.ORG](http://www.jamSPORT.org)

National Review of Interscholastic Competitive Balance Solutions Related to the Public-Private Debate

James E. Johnson¹

Daniel R. Tracy¹

David A. Pierce²

¹*Ball State University*

²*Indiana University – Purdue University Indianapolis*

The public-private debate in interscholastic athletics has vexed athletic administrators and policy-makers for more than a century. The ability of private schools to secure athletic talent beyond the defined geographic borders that restrain public schools has led to competitive imbalance in many states. Competitive imbalance is evidenced by a disproportionate amount of athletic success demonstrated by private schools, often in the form of state championships. To determine the current landscape of interscholastic competitive balance, commissioners and high-ranking officials at each state association listed within the directory of the National Federation of State High Schools (NFHS) were contacted to identify their policies. Current competitive balance solutions include enrollment classifications, separate playoffs, enrollment multipliers and subtractors, tournament success factors, and consideration of socioeconomic factors. The results of this analysis provide an overview of competitive balance solutions being implemented in the United States.

Interscholastic sport is extremely popular in the United States with nearly 7.8 million students participating during the 2013-14 academic year (NFHS, 2014). This number eclipses the participation numbers for college and professional sport combined, and demonstrates the

abundance of high school sport opportunities. Despite its popularity, however, high school sport has an ongoing issue that continually causes a quandary for state athletic associations. The issue, sometimes referred to as the public versus private debate (Monahan, 2012), highlights the differences in

athletic success between boundary and non-boundary high schools. This paper examines the public versus private debate within the context of competitive balance by answering the overarching research question: *What competitive balance solutions are being implemented by interscholastic state associations within the United States?*

Public and Private

Public high schools are generally referred to as boundary schools because their enrollment comes from a designated geographical area. These geographical areas dictate that students living within the boundaries attend a specific high school. Students within this boundary can attend the high school without being denied. Private schools are more broadly defined and can include religiously-affiliated parochial schools, preparatory schools, independent vocational-technical schools, charter schools, and other schools operating outside of public school restrictions (Cohen, 1997; Popke, 2012). According to the United States National Center of Education Statistics (2013a) there are 30,381 public schools and 11,941 private schools that offered secondary education for students in grades 9-12. This means that nearly 28.2% of high schools are considered private. However, only 13% of high schools that participate in athletic competitions are considered private (Cohen, 1997). Additionally, only 8% of total secondary enrollment (grades 9-12)

attend private high schools (National Center of Education Statistics, 2013b). These facts reinforce the notion that private schools, while somewhat abundant, tend to be smaller and more selective than their public counterparts.

The primary difference between public and private schools is that private school enrollments are not restricted by geographical boundaries. Private schools can therefore be more selective in the number and quality of students admitted (Cohen, 1997; Epstein, 2008; James, 2010; Popke, 2012). Critics suggest this difference grants private schools a distinct athletic advantage because private schools can secure athletic talent from a wider area. The larger the area from which to accept students, combined with the ability to admit only selected students, provides a more selective group of athletes than may be found in public schools (Popke, 2012). Beyond the geographical and admission differences, private schools are generally understood to have other socioeconomic advantages that would enhance the likelihood of attendance and athletic success. Cohen (1997) noted that private school students, "tend to come from wealthier backgrounds, families who can afford membership at the finest fitness facilities and extras like private lessons" (para.1). Epstein (2008) further noted that private schools generally have "better facilities, better coaching, greater access to facilities and staff out of season, greater parental

involvement, and that non-boundaried schools pick their students and maintain low attendance numbers to compete at lower division levels" (p. 3).

Recruiting

These advantages have led many critics to claim that private schools have the ability to recruit specific athletes from public school districts, thus engaging in a type of cherry-picking for the best athletes in a particular area (James, 2013). The recruiting allegation is central to the public versus private debate because it suggests the advantages of private schools can be used to lure public school students away from the natural geographic boundaries of their public school districts (Cohen, 1997; Epstein, 2008; James, 2013; Popke, 2012).

Epstein (2008) noted that while recruiting is prohibited in nearly all state athletic associations, "there are still those who use recruiting as an explanation for the disproportionate number of state championships won by private schools and evaluate seemingly benign actions on the part of private schools as deliberate efforts to recruit athletes" (p. 17). While recruiting violations have occurred, many accusations are difficult to prove because they are not blatant violations, especially when attempting to discern between the athletic and academic motives of parents, students, administrators, and coaches. For example, the director of the

Delaware Secondary School Athletic Association noted:

Coaches aren't trying to induce kids to attend a particular school for athletic reasons; those kinds of things aren't flagrant anymore... Most of it is by word of mouth among the players themselves. In a small state like Delaware, where say in basketball, the kids all play AAU basketball, go to summer camps and so on, those kids know who's going to have a good team. As of two years ago, we have a statewide school choice program in effect, so a kid can now apply to a school because it has four returning starters and all they need is a point guard. That's the kind of thing that happens now, and it's very difficult to control. (Cohen, 1997, para.29)

The widely held accusations about recruiting, however, are counter to the anti-recruiting legislation that exists in virtually every state high school athletic association. To preserve competitive balance, most state associations specifically restrict recruiting students for athletic purposes, and most have punishments for recruiting violations. State associations can place restrictions on recruiting based on the Supreme Court's decision in *Tennessee Secondary School Athletic Association vs. Brentwood Academy* (2007). However, the viability of implementing even greater recruiting restrictions than are currently in place can

prove difficult. Monitoring behaviors of coaches, players, and parents throughout a given state is already a difficult process. Providing evidence of overt recruiting is often complicated, and evidence of covert recruiting is frequently nonexistent (Saul, 2012). Adding additional personnel to investigate and enforce increased recruiting restrictions would be financially and logistically challenging for most state associations.

Disproportionate Success

The boundary limitations for public schools, as well as the socioeconomic advantages and alleged recruiting behaviors by private schools, have been the cornerstone arguments for why private schools routinely win disproportionately more state championships relative to the number of public schools. It is clear this disproportionality exists in a large number of states and has gradually increased over the last few decades (Popke, 2012). The first study assessing national public versus private school athletic success was completed in 1997 (Cohen, 1997). The results revealed private schools won approximately 18.4% of state championships in all sports despite only accounting for 13.1% of all schools. The states with the most disproportionality demonstrated much wider gaps. For example, in Tennessee only 15% of schools were private, but won 54% of the state championships.

Ohio had 33% of championships won by private schools despite only 8.5% of the schools being private.

Since the initial study in 1997, "the championship chasm between public and non-public schools has widened significantly in some states" (Popke, 2012, para.6). For example, in Alabama in 2011-12, private schools won more than 36% of all state titles. Fifteen years earlier, in 1996-97, private schools won only 25.5% of state titles. The continually growing trend of private school success is also evident in states like California where 26% of schools are private, but win nearly 53% of all state titles, including all five classes of boys and girls basketball in 2012.

Furthermore, states that did not indicate a disproportionate amount of private school championships in 1997 (e.g., Minnesota and South Dakota) currently show double-digit increases between percentage of private schools and percentage of championships won (Popke, 2012). Additionally, private schools have enjoyed prominence in post-season national rankings with six of the Top 25 spots in boys' basketball (MaxPreps, 2013a) and seven in football (MaxPreps, 2013b).

Theoretical Foundations of Equity and Fairness

The power and authority to determine rules and regulations for high school sports lies within individual state

high school athletic associations (Wong, 1994). As the regulatory bodies responsible for the administration of state high school championships for each sanctioned sport, state high school athletic associations are charged with implementing and enforcing regulations that create fair and competitive competition (Hums & MacLean, 2013). State associations have pursued a variety of solutions over the years to eliminate disproportionate success. Most of the competitive balance solutions have come as the result of state associations approving recommendations by a committee tasked with determining the best approach within their state. In states without such committees, proposals generated by individuals, coaching associations, and other stakeholders are sent to the state athletic association for a vote. These efforts to ensure reasonable competition, often referred to as competitive balance solutions (Epstein, 2008), are rooted in the concepts of fairness and justice.

The National Interscholastic Athletic Administrators Association identifies fairness as an important concept in its code of ethics, which also includes honesty, integrity, sportsmanship, and individual dignity (Blackburn, Forsyth, Olson, & Whitehead, 2013). These concepts are important because critics of current competitive balance solutions suggest the system is fundamentally unfair (Popke, 2012). The ambiguity with

how these concepts apply to interscholastic competition is central to the difficulty of adequately changing the systems to meet the spirit of these concepts. For each state, these concepts may emerge in different ways and within different contexts. A mutually agreed upon definition of fair competition, and how it might be implemented, is a primary obstacle for policy-makers:

It seems every state and everybody wants what is perceived as a *level playing field*, but no one seems to have an agreed-upon definition of a *level playing field* or the best way to get there. I think one of the major concerns is a reluctance to change and the fear of the unknown.

(Brocato, 2013, para. 20)

If competitive balance is the ultimate goal, the theoretical concept most applicable is distributive justice (Beauchamp, 1991; Frankena, 1973; Rachels, 1989). This concept refers to the disbursement of benefits so that individuals and groups receive benefits or burdens based on their distinguishing characteristics. Within this theory, there are two components that ensure justice is met. A comparative component is utilized to assess whether a remuneration or burden is applied consistently for all people or groups. This component is key to the competitive balance solutions because it would directly compare the criteria by which schools are categorized and required to compete in post-season

tournaments. The second component of distributive justice is scarcity for any benefit that can be obtained by only one or a select few (Bowie & Simon, 1977). In high school athletics, winning post-season championships would fall under this scarcity component.

Within the theory of distributive justice, three different perspectives can help explain how fairness is not an easily agreed upon construct. First, the libertarian perspective posits "fair procedures, rules, and regulations be in place in society to ensure that people have the freedom to make social and economic choices they please" (DeSensi & Rosenberg, 2010, p. 100). Thus, individuals or groups that deserve to be rewarded the most are the ones that are most industrious and successful based on the rules. Adaptation to the rules is required because limited governing is desired. Changing the rules to accommodate the less industrious is not preferred. This perspective is capitalistic in nature and is a stance sometimes supported by private schools who argue that students have the right to attend these schools and compete in the same manner as public high schools. Thus, from a libertarian perspective, if private high schools are successful they should be rewarded due to their ability to be successful under a rule structure applied evenly to all.

The egalitarian perspective suggests that treatment should be equal as long as

the qualities of the individual or groups are relatively equal. If a group is not equal in terms of resources or skills, they should not be treated as such, and should be allotted additional resources to ensure equality (Raphael, 1981). This perspective would support governing bodies creating competitive balance solutions, especially in favor of public schools. For example, if a disproportionate amount of private schools win post-season competitions due to greater resources or lack of boundary restrictions, the egalitarian point of view would support legislation to counterbalance those advantages. Thus, policy from state athletic associations aimed at competitive balance solutions to specifically buffer disproportionate success would support distributive justice from the egalitarian perspective.

The utilitarian perspective emphasizes that the whole or community is a priority over any one individual. In general, policies that produce the greatest good for the greatest amount of people are preferred. This perspective is widely used in corporate and public policy. Thus, a cost/benefit analysis is often conducted in a way that is the most just for the most people. Applied to high school competitive balance, public schools might argue that policy should favor them because there are more public schools than private schools competing in athletics. However, private schools

could argue that the greatest good is for all students to be treated equally through an open competition without separate limitations to one group. Determining what maximizes the utility is the greatest challenge when creating policy based on the utilitarian perspective.

In light of the equity and fairness principles pursued by state athletic associations, as well as the perceived competitive imbalance between public and private schools, this issue has the potential to impact millions of interscholastic student-athletes, parents, coaches, administrators, and other stakeholders. Understanding what is being done to ensure competitive balance from a national perspective will allow individual state athletic associations to make informed decisions about what is fair and appropriate for their own states. Perhaps more importantly, benchmarking competitive balance solutions nationally will provide baseline data, which future researchers and administrators can build upon. Therefore, the purpose of this paper was to examine the current landscape of interscholastic competitive balance solutions being implemented in the United States.

Method

Between January 30 and April 20, 2014, each member state association listed within the directory of the National Federation of State High Schools (NFHS) was contacted (NFHS, 2011).

The analysis did not include NFHS affiliate associations. In most cases, the commissioner (or equivalent position) was directly responsible for providing the data. When the commissioner was not available, a similar high-ranking administrator (e.g., executive director, director of membership) with access to the data provided information. For each of the 50 states, as well as the District of Columbia, the number of members, public schools, private schools, single vs. multiple class systems, whether there were separate playoffs for public and private schools, whether there was a multiplier used (and the multiplier number), and any other competitive balance legislation (e.g., success factors, socioeconomic formulas) were collected via telephone and email. This comprehensive descriptive analysis was the first to capture all 51 NFHS member state athletic association competitive balance solutions.

Results

Table 1, accompanied by Appendix A (which explains the table subscripts), provides a summary of the national landscape for competitive balance solutions as they relate to the public vs. private debate. The number of athletically eligible high schools in a given state ranged from a low of 44 (District of Columbia) to a high of 1,540 (California). Texas had the most public schools at 1,398, while California had the most

private schools at 412. The state with the highest percentage of private schools was Delaware with 44.8% of the 58 schools designated as private. Eight states had multipliers (i.e., a number which is multiplied by actual enrollment to create an inflated artificial enrollment then used for classification) currently in use with a range from 1.30 (New Mexico) to 2.0 (California, Florida, and New Jersey). With respect to the use of classes based on enrollment figures, all states had multiple classes for at least one sport, and 17 states utilized multiple classes for every sport. Four states implemented some form of separate playoffs for private high schools. Finally, 17 states had some form of legislation (e.g., success factor, socioeconomic formula) in place. These legislative measures originated from a variety of sources including member schools and administrators (see Table 1). It is important to note that the results of this evaluation investigated membership numbers and athletic policies that are constantly in flux. Legislation proposed to state athletic associations could change the landscape of competitive balance literally overnight. However, even with the dynamic nature of competitive balance, the results of this study provide a solid foundation from which to understand the contemporary landscape of competitive balance throughout the United States.

Discussion

State associations have implemented a variety of competitive balance solutions with the hopes of achieving fairness. These solutions have included enrollment classifications, creating separate playoff systems, applying a private school multiplier, developing a tournament success factor, and taking into account the socioeconomic status of schools. Understanding how individual state associations are using competitive balance solutions will allow administrators the ability to compare their solutions with national baseline information. This comparison could have a variety of benefits that might include revised policy and creation of best practices. Ultimately, however, the stakes for student-athletes and their families are highest because competitive balance and equitable playing opportunities are critical to the missions of interscholastic sport associations. The following sections summarize the current usage of competitive balance strategies in the United States, and expand on the impact of their implementation.

Class Sports

Every state implements some form of enrollment classification system for at least one sport, and 17 states have multiple classes for all sports. This competitive balance solution is by far the most common and longstanding. From a theoretical perspective, class sports are

utilitarian in nature allowing public and private schools the ability to compete without restriction based on boundaries. However, in states with both single and multiple class sports there is a wide range of implementation, which can alter the perception of equity and fairness. In many states, the number of classes is determined by the number of high schools participating in a particular sport. In other states, classifications apply broadly to all team sports. No matter the system used to determine the classification structure, the concept of classifications is easily understood. Competition is thought fair when a comparable number of eligible athletic participants compete against schools with a similar number of participants. In other words, class sports eliminate large schools with deep athletic talent pools dominating much smaller schools with shallow talent pools.

Given the widespread use of class sports, this structure appears to be somewhat successful in mitigating athletic dominance based strictly on enrollment. However, this common solution to competitive balance does little to help the public vs. private issue, and could be argued to be one of the catalysts of private school success within smaller classifications. For example, Johnson, Pierce, Tracy, & Haworth (2014) noted that private schools in Indiana were disproportionately successful in the smallest classifications because private

schools were more abundant in those classes. Additionally, Johnson et al. noted that there is likely a threshold where the largest public schools have enough talent to neutralize some advantages held by private schools. In Florida, the public vs. private issue has been indirectly addressed by separating class sports into rural (1A) and urban classifications (1B; Ring, 2010). Because most private schools are in urban environments, the 1B class includes the traditionally powerful private schools. It is difficult to determine the long-term ramifications in Florida because the legislation has only been through one classification cycle. Thus, states that classify schools based strictly on enrollment appear to be rejecting some important differences in the nature of schools (e.g., public/private, rural/urban, socioeconomic profile), and the athletic talent available in those contexts.

There are enrollment-based solutions that have been proposed which could address private school success. An enrollment-based solution that was defeated based on accusations of discrimination occurred in Pennsylvania's attempt to adopt the Bohannon plan (Popke, 2012). This plan would have reclassified all schools based on enrollment *and* public/private designation whereby the top 25% of both public and private schools would be in the highest class. Thus, because there are fewer private schools, the highest enrolled

private schools would be competing against the highest enrolled public schools, even though enrollments could be drastically different (Drago, 2011). This failed plan demonstrates the difficulty of making an enrollment-centric competitive balance solution for both public and private schools. However, similar concepts have been successfully defended to create enrollment multipliers.

Multiplier

Building on enrollment classification solutions, this competitive balance approach requires enrollment at private high schools to be multiplied by a designated number (currently between 1.3 and 2.0) resulting in an artificial enrollment number higher than the actual enrollment. The multiplied enrollment number is then used to classify the school relative to a state's normal enrollment-based classification system (which is practiced in some form in every state). For example, if a multiplier of 1.3 was applied to a private school with enrollment of 1,300 students, the enrollment number used to classify the school would be 1,690 (1.3×1300). Epstein (2008) noted the "underlying motivation for the multiplier is to give an artificial advantage to boundaried schools to compensate for real or perceived illicit recruiting that is not adequately or effectively policed" (p. 3). In a slightly different approach, some states reclassify

private schools by moving them to a certain classification. For example, in Arkansas, a private school that enrolls more than 80 students is automatically moved up by one classification in all sports. In Texas, private schools are automatically placed in the largest classification in the state, which is a stark disincentive for private school inclusion. Multipliers also address distributive justice, but are much more egalitarian in nature due to the specific targeting of private schools. Thus, using a multiplier directly assumes private schools have advantages not available to public schools, and that those advantages should be corrected to ensure that distributive justice is met.

The results of this study indicated that eight states have adopted a multiplier ranging from 1.3 to 2.0. However, it is important to note that three states applied a multiplier to only single-sex schools. The impact of the multiplier on delivering competitive balance, however, indicates limited success. For example, in 2002, a multiplier of 1.35 was ratified in Missouri because 33.2% of state champions and 26.9% of semifinalists were private schools despite only 20.3% of all schools designated as private. Three years after the multiplier was enacted, private schools still won 32.3% of championships and 29% of all semifinals (Epstein, 2008). In this case, "the numbers became even more disproportioned" (Epstein, 2008, p.13).

In Tennessee, however, the multiplier has resulted in fewer private school championships (Epstein, 2008), but that might be due to the unique nature of the Tennessee classification system where there are only two divisions that are very different in size (e.g., six classes in Division 1 football vs. two classes in Division 2 football). Thus, the multiplier alone may not be the answer to competitive balance unless it is strategically intertwined with a classification system that allows for the most equitable impact on private schools. For states that believe in multipliers, it appears to be an ongoing battle to find the appropriate number that results in competitive balance. Or, as expressed by James (2013), is a multiplier a copout for good performance? James asks; "Is it possible that success begets success, and that the key challenge in athletics is to build a tradition of success rather than legislating success through a gerrymandered multiplier?" (p. 429).

In addition to the difficulty associated with pinpointing the correct number to ensure competitive balance, a multiplier appears to be a blunt instrument that impacts many private schools that are not athletically successful (James, 2013). This means that a private school with little athletic success would still be subjected to the multiplier, and perhaps be moved to a higher and more competitive class where it would be "legislated into David and Goliath

matches it never wanted to play" (Epstein, 2008, p. 8). These issues, in turn, open up state associations to legal action by private schools like the one seen in Illinois where a multiplier of 1.65 was used. Among the issues in the *De La Salle v. Illinois High School Association* (2005) case were private schools' right to participate in and host state tournaments, loss of students' educational and personal development associated with participation in interscholastic athletics, equal treatment in general, and loss of potential benefits that accrue from a successful showing in the state tournament. As a result of a settlement agreement, Illinois waived the multiplier for private schools who have not met certain success criteria. Epstein (2008) noted the legal challenges awaiting implementation of multipliers:

As more and more states consider multipliers, the chances of constitutional challenges to the multiplier down the road increase. It is not clear that the most frequently articulated goal of multiplier supporters, to create a system where state high school athletic wins and championships are in proportion to the percentage of students attending public and private schools, is even a legally laudable one. (p. 21)

Separate Playoffs

Like multipliers, separate playoffs have been an option for states specifically targeting the public versus private issue. Georgia, Louisiana, New Jersey, and Tennessee are currently the only states to administer a separate playoff for public and private schools. However, it is important to note that several states (e.g., Maryland, South Carolina, Texas, and Virginia) have one or more separate governing bodies for private schools, which results in a separate playoff system due to the separate nature of multiple governing bodies.

Each state has its own philosophy regarding how and why to pursue separate playoff legislation (Popke, 2012), and utilize different models for executing the playoffs. For example, in 2013, Louisiana passed legislation that split the state's high school football playoffs into select and non-select brackets. The non-select (public) schools compete amongst five classes for five state championships while the select (faith-based, private, charter, magnet, laboratory and dual-curriculum) schools compete for four state championships in four classes. Tennessee draws the distinction between tournament playoff divisions on whether or not a school offers need-based financial aid to varsity athletes. Many private schools have opted to play in Division II, but private schools can compete in Division I against public schools by being subjected to the 1.80

enrollment multiplier for classification. In Georgia, the need for a separate playoff was precipitated by a group of small rural schools that threatened to secede from the state athletic association (Coleman, 2012). This threat led to a split in the smallest class (class A) for all sports.

In contrast, there are forces that prevent associations from pursuing a separate playoff system. Ohio has failed to pass separate playoff legislation in fear of private schools forming their own athletics governance structure that would compete with the public school athletic association (Monahan, 2012). If private schools were able to establish their own association, they could ostensibly establish recruiting bylaws, which would result in more aggressive recruiting tactics aimed at public school athletes (Popke, 2012). One member of the OHSAA explained the lack of support for separate playoffs this way:

Let me paint the worst-case scenario for you: If it passes and the non-public schools are kicked out of the normal tournament structure and are just playing other private schools, private schools could certainly withdraw from the association and form their own association. We are worried that would happen, because there have already been many private schools that said they would support a new association. If the private schools

form their own association, they will have their own bylaws, their own regulations, their own everything. So then we're competing for officials, we're competing for tournament sites, we're competing for all kinds of things. Perhaps the deepest repercussion would be if that potential association of non-public schools establishes bylaws that allow for recruiting. We could do nothing about it, because they would have their own association... So, essentially, public school kids could be aggressively recruited by private schools. (Popke, 2012, para.19)

Potential litigation also plays a role in the decision to not implement a separate playoff system. For example, Maryland eliminated the use of a separate playoff system in 2005 after litigation brought forth by a private school wrestling coach (who also happened to be an attorney) that requested 7.7 million dollars in financial damages based on the inability of private and home-schooled children to compete against public schools (Epstein, 2008).

The impact of separate playoffs on competitive balance can be further analyzed by examining Wisconsin, which held separate playoffs since 1902, but elected to merge public and private schools in 2000 (Christi, 2000). Since then, private schools have been particularly successful, especially in

basketball (Venci, 2009). Supporters of separate playoffs point to Wisconsin as a state where separate playoffs seemed to work and, when merged, showed a disproportionate amount of wins by private schools. Returning to the theoretical perspective, the difficulties with implementing separate playoff structure resemble the difficulties with implementing a multiplier. An egalitarian solution specifically targeting private schools is not easily accepted or enforced, and proving the first component of distributive justice (an unequal comparative component) could prove extremely difficult in a court of law. However, it is clear that this solution is the only competitive balance solution to eliminate the public vs. private issue by isolating private schools to separate playoffs. This strategy is obviously successful in addressing the disproportionate amount of success seen by private schools because those schools are now segregated to their own classification, but the ethical and legal implications of this solution appear to be more than most states are willing to endure.

Athletic Success

Connecticut, Indiana, and Rhode Island have led the way in recent years with respect to classifying schools based at least partially on athletic success. Indiana and Connecticut have adopted tournament success factors (TSF) to

address competitive balance, but with different approaches. Beginning with the 2013-14 academic year, Connecticut applied a TSF to private school sport programs that voluntarily participated, but public schools were not subject to the TSF. Each sport determined whether or not it wanted to participate in the TSF and examined success over a three-year period. However, each sport had flexibility in defining success (i.e. quarterfinal, semifinal, championship game appearances). In contrast, the Indiana TSF is more prescriptive. Sports do not have the ability to opt out of the initiative, both public and private schools are subject to the TSF, and success is defined in a systematized way over a two-year period. Teams earn point values for sectional, regional, semi-state, and state championships. Teams move up one class if they exceed a point threshold over a two-year period. After another two-year period, teams are again reclassified based on their performance where they could move up, down, or remain in the same class (IHSAA, n.d.).

Rhode Island began new realignment guidelines in 2014 with a formula that determines classifications for a two-year period. However, a combination of winning percentage and enrollment was used instead of tournament success. The formula consists of 70% winning percentage over the past eight years, 10% winning percentage over the previous three years, and 20% enrollment. The

winning percentages are weighted by division. For example, a win against a Division I team is weighted at 1.0, while a win against a Division IV team is weighted at .22 (RIIL, n.d.).

It is too early to determine whether these success factors are effective to ensure competitive balance, or if they adequately address the public vs. private issue. However, it is clear from the first round of reclassification in Indiana that the success factor does, at least circuitously, impact disproportionate private school success. Johnson et al. (2014) explained that:

Although the Indiana TSF was not specifically designed to address the public versus private debate, it appears to do so indirectly. The fact that 64.7% of reclassified programs were private when only 14% of the schools in the state are private is powerful. An equally powerful truth is that five of the 17 reclassified programs were from football, all of which were private schools. (p. 60)

Observing the continued results from Indiana, Connecticut, and Rhode Island, as well as other states that adopt similar success factors in the coming years, will be critical to determine if this competitive balance solution can minimize the public private debate. Even if this solution works, there will likely be issues with programs feeling as though their reclassifications are punishments for success (Johnson, et al., 2014).

Socioeconomic Factors

Oregon and Oklahoma have adopted legislation that takes socioeconomic factors into account when classifying schools. To date, the socioeconomic metric of choice is the number of students that qualify for free or reduced lunches. In Oregon, the number of students who receive free and reduced lunch is multiplied by .25. That number is subtracted from the total student enrollment. Oklahoma uses the number of students on free or reduced lunches amidst an array of other concepts discussed above. Rule 14 Section 1 of Oklahoma's "Rules Governing Interscholastic Activities in Senior High Schools" details the reclassification process for member schools (OSSAA, 2013). Schools are placed one classification above their enrollment-based classification if they meet any three of the following four criteria:

- i. has the ability to decline admission or enrollment to a student, even if the student and the student's parents (or custodial parent or court-appointed guardian with legal custody of the student) reside within that school's public school district or designated geographic area;
- ii. the school is located within a fifteen (15) mile radius of a school placed in the 5A or 6A classification according to ADM (i.e. enrollment);

- iii. fewer than twenty-five (25) percent of the children enrolled at the school in grades nine through twelve qualify for free or reduced lunches;
- iv. the school's ADM in grades nine through 12 has increased by fifty (50) percent or more over the previous three school years. (OSSAA, 2013, p. 27)

Finally, a tournament success factor is also taken into consideration. Teams moved up one classification based on the criteria above are moved back down in classification if they have not finished among the top eight teams in at least three of the previous five years.

Like success formulas, states that have implemented socioeconomic formulas have done so in the recent past. Oklahoma initiated their formula in 2011, while Oregon was initiated in 2013. Also like success formulas, it is too early to determine their impact on the public/private debate. However, with one of the principle arguments of competitive imbalance being financial resources (Epstein, 2008; James, 2013), the impact of wealth cannot be ignored. For example, in Oregon, it was noted "*wealthy* schools are typically successful schools" (Yost, 2012, para. 9). If wealth can be shown as a factor more important than public or private designation, using wealth as a primary factor could be an effective solution. However, like other solutions, using only this factor may

exclude many of the criteria that could most effectively ensure competitive balance.

Whether it is success factors or socioeconomic factors, the theoretical concept of distributive justice still applies. Unlike multipliers and separate playoffs specifically targeted towards private schools, these solutions are libertarian in nature because they focus on the relative industriousness of specific schools and their ability to adapt to the established rules. Schools are not targeted due to their nature (i.e., public or private), but rather how they perform in regard to a set of criteria (e.g., athletic success, financial constraints). These contemporary solutions are not without criticism, and time will tell if they can hold up legally, ethically, and politically.

Limitations

There are three primary limitations with this study. First, the study is descriptive in nature and cannot make determinations about the motives of state athletic associations relative to their policy. For this reason, the historical or social contexts of each state's information cannot be determined. Second, this study was conducted using only NFHS member associations, and did not include affiliate associations. Therefore, not all high schools in the nation were accounted for. This is an important point because a few states had separate associations that play a significant role in

their state's interscholastic landscape (see Appendix A). Third, the information provided in this study is likely to change regularly as high schools are created, or as state associations change policy.

Suggestions for Future Research

Based on the findings and limitations of this study, there are some important suggestions for future research. Examining the context from which many of the policy decisions are created will help scholars and administrators recognize the nuanced decisions of specific state associations. Understanding the historical, social, and political pressures from which these policies develop can provide each state's unique story regarding their attempts to achieve fair and balanced competition. Thus, each state is a case study in itself that could add to interscholastic body of knowledge. These investigations could be accomplished using a mixed method approach where qualitative interviews could shed light on the decision-making process. Finally, examining affiliate associations could provide a more comprehensive understanding of interscholastic competition in some states.

Conclusion

Competitive balance within American high school athletics has been a topic of conversation for more than a century. At the heart of that conversation has been the public vs. private debate, which has

spurred a variety of potential competitive balance solutions. Among those solutions are classifications based on enrollment, multipliers, recruiting restrictions, separate playoffs, tournament success factors, consideration of socioeconomic status, or some formula that includes one or more of these factors. These solutions have resulted in some success, but often bring about criticism from a variety of stakeholders. The current landscape of competitive balance in the United States suggests most states engage in some form of competitive balance solution that directly or indirectly impacts private school participation. As administrators contemplate the competitive balance in their own state associations, they can use this information as a cornerstone to build or modify future policy.

References

- Beauchamp, T. L. (1991). *Philosophical ethics: An introduction to moral philosophy* (2nd ed.). New York: McGraw-Hill.
- Blackburn, M., Forsyth, E., Olson, J., & Whitehead, B. (2013). *NLAAA's guide to interscholastic athletic administration*. Champaign, IL: Human Kinetics
- Bowie, N. E., & Simon, R. L. (1977). *The individual and the political order: An introduction to social and political philosophy*. Englewood Cliffs, NJ: Prentice-Hall.
- Brocato, R. (2013, April 10). LHSAA considers Indiana plan, more intense changes to save itself. *SportsNOLA*. Retrieved from <http://www.sportsnola.com/sports/prep-sports/blogs/lhsaa-considers-indiana-plan-more-intense-changes-to-save-itself.html>
- Christi, C. (2000, June 11). WISAA 1957-2000: Time for a change. *Milwaukee Journal Sentinel*, p. C1.
- Cohen, A. (1997, December 1). Private Enterprise. *Athletic Business*. Retrieved from <http://www.athleticbusiness.com/articles/article.aspx?articleid=834&zoneid=9>
- Coleman, S. T. (2012, January 10). GHSA votes to separate class A public, private schools for playoffs and championships. *Atlanta Journal-Constitution*. Retrieved from <http://blogs.ajc.com/georgia-high-school-sports/2012/01/10/ghsa-votes-to-separate-class-a-public-private-schools-for-playoffs-and-championships/>
- DeSensi, J. T., & Rosenberg, D. (2010). *Ethics and morality in sport management*. Morgantown, WV: Fitness Information Technology.
- Drago, M. (2011, May 15). 'Bohannon plan' could be a sensible solution. *Reading Eagle*. Retrieved from <http://readingeagle.com/article.aspx?id=308095>
- De La Salle v. Illinois High School Ass'n, No. 05 CH 16410 (111. Cir. Ct. Cook Co. 2005)
- Epstein, T. L. (2008). Prep plus: Evaluating the motivations for and effects of enrollment multipliers and other measures in high school sports. *Texas Review of Entertainment and Sports Law*, 10, 1-22.
- Frankena, W. K. (1973). *Ethics* (2nd ed.). Englewood Cliffs, NJ: Prentice-Hall.
- Hums, M. A., & MacLean, J. C. (2013). *Governance and policy in sport organizations*. Scottsdale, AZ: Holcomb Hathaway.
- IHSAA. (n.d.). Team sports reclassification – Tournament success factor. Retrieved from <http://www.ihsaa.org/Portals/0/ihsaa/documents/quick%20resour>

- ces/
Tournament%20Success%20Factor%20Provisions.pdf
- James, J. T. (2013). How much does a private school student count? A critical analysis of the athletic multiplier. *Catholic Education: A Journey of Inquiry and Practice*, 10(4), 408-432.
- Johnson, J. E., Pierce, D. A., Tracy, D. R., & Haworth, G. J. (2014). The public vs. private debate: A case study of Indiana interscholastic sport and the Tournament Success Factor. *Global Sport Business Journal*, 2(3), 44-62.
- MaxPreps. (2013a). *High school basketball rankings central*. Retrieved from <http://www.maxpreps.com/polls/basketball/xcellent25.htm>
- MaxPreps. (2013b). *High school football rankings central*. Retrieved from <http://www.maxpreps.com/polls/football/xcellent25.htm>
- Monahan, S. (2012, January). Public vs. private schools - leveling the playing field. *High School Today*, 5(4), 12-14.
- National Center for Education Statistics (2013a). *Number of public school districts and public and private elementary and secondary schools: Selected years, 1869-70 through 2010-11*. Retrieved from http://nces.ed.gov/programs/digest/d12/tables/dt12_098.asp
- National Center for Education Statistics (2013b). *Private elementary and secondary school enrollment and private enrollment as a percentage of total enrollment in public and private schools, by region and grade level: Selected years, fall 1995 through fall 2009*. Retrieved from http://nces.ed.gov/programs/digest/d12/tables/dt12_067.asp
- NFHS. (2011). *State association listing*. Retrieved from <http://www.nfhs.org/stateoff.aspx>
- NFHS. (2014). *2013-14 High School athletics participation survey*. Retrieved from http://www.nfhs.org/ParticipationStatics/PDF/2013-14_Participation_Survey_PDF.pdf
- OSSAA. (2013). Rules governing interscholastic activities in senior high schools. Retrieved from http://www.ossaaonline.com/docs/2013-14/PoliciesRules/1314_Rules.pdf
- Popke, M. (2012, December). Demand to close gap between public, non-public schools increases. *Athletic Business*. Retrieved from <http://www.athleticbusiness.com/articles/article.aspx?articleid=3938&zoid=9>
- Rachels, J. (Ed). (1989). *The right thing to do: Basic readings in moral philosophy*. New York: Random House.

- Raphael, D. D. (1981). *Moral philosophy*. Oxford: Oxford University Press.
- RIIL. (n.d.). *New RIIL Re-Alignment Guidelines*. Retrieved from http://www.schtools.com/membersnew/documents/RIIL/2014-2016_realignment_guidelines.pdf
- Ring, L. (2010, November). Board expands classifications in team sports, creates, rural division. Retrieved from <http://www.fhsaa.org/news/2010/1122-0>
- Saul, S. (2012, May 21). Public money finds back door to private schools. *The New York Times*. Retrieved from http://www.nytimes.com/2012/05/22/education/scholarship-funds-meant-for-needy-benefit-private-schools.html?page-wanted=all&_r=3&v&
- Tennessee Secondary School Athletic Association v. Brentwood Academy, 127 S.Ct. 2489, 2496 (2007).
- Venci, S. (2009, April 9). There are no easy answers in public v. private debate. *Green Bay Press Gazette*, p. B1.
- Wong, G. (1994). *Essentials of sport law*. Westport, CT: Praeger.
- Yost, A. (2012, December). Behind the numbers for OSAA...not fast and loose. *The Corvallis Gazette-Times*. Retrieved from http://www.gazettetimes.com/behind-the-numbers-for-osaa-not-so-fast-and-loose/article_6fbc4e6c-496c-11e2-a920-001a4bcf887a.html

Tables

Table 1

NFHS State Association Data

Additional notes and information pertaining to subscripts can be found in Appendix A.

State	Members	Public	Private	Class	Sep. Playoffs	Multiplier	Legislation
Alabama	414	363	51	All Multiple	No	Yes (1.35)	No
Alaska	200	188	12	Single and Multiple	No	No	No
Arizona	269	241	28	Single and Multiple	No	No	Yes ¹
Arkansas	294	278	16	All Multiple	No	No	Yes ²
California	1,540	1,128	412	Single and Multiple	No	Yes (2.00) ⁴	Yes ³
Colorado	343	310	33	Single and Multiple	No	No	No
Connecticut	189	⁵	⁵	All Multiple	No	No	Yes ⁶
Delaware	58	32	26	Single and Multiple	No	No	No
D.O.C.	44	34	10	Single and Multiple	No	No	No
Florida	682	471	211	Single and Multiple	No	Yes (2.00) ⁴	No
Georgia	450	400	50	All Multiple	Yes	No	Yes ⁷
Hawaii	96	60	36	Single and Multiple	No	No	No
Idaho	157	146	11	All Multiple	No	No	No
Illinois	815	640	175	Single and Multiple	No	Yes (1.65) ⁸	No
Indiana	412	364	48	Single and Multiple	No	No	Yes ⁹
Iowa (IAHSAA) ¹⁰	373	333	40	Single and Multiple	No	No	No
Kansas	354	327	27	All Multiple	No	No	No
Kentucky	277	230	47	Single and Multiple	No	No	No
Louisiana	389	299	90	All Multiple	Yes ¹¹	No	No
Maine	152	120	32	Single and Multiple	No	No	Yes ¹²
Maryland	198	198	0	Single and Multiple	No ²⁰	No	No
Massachusetts	372	319	53	Single and Multiple	No	No	Yes ¹³
Michigan	760	649	111	Single and Multiple	No	No	Yes ¹²
Minnesota	520	⁵	⁵	Single and Multiple	No	No	No
Mississippi	259	246	13	All Multiple	No	No	No
Missouri	591	521	70	Single and Multiple	No	Yes (1.35)	No
Montana	179	170	9	All Multiple	No	No	No
Nebraska	309	276	33	Single and Multiple	No	No	No
Nevada	106	90	16	All Multiple	No	No	No
New Hampshire	91	81	10	Single and Multiple	No	No	Yes ¹²
New Jersey	437	361	76	Single and Multiple	Yes	Yes (2.00) ⁴	Yes ¹²
New Mexico	160	137	23	Single and Multiple	No	Yes (1.30)	No
New York	783	723	60	Single and Multiple	No	No	Yes ¹⁴
North Carolina	399	395	4	All Multiple	No	No	No
North Dakota	171	161	10	Single and Multiple	No	No	No
Ohio	825	702	123	Single and Multiple	No	No	No
Oklahoma	481	455	26	All Multiple	No	No	Yes ¹⁵
Oregon	289	213	76	All Multiple	No	No	Yes ¹⁶
Pennsylvania	760	621	139	Single and Multiple	No	No	No
Rhode Island	55	42	13	Single and Multiple	No	No	Yes ¹⁷
South Carolina	207	203	4	Single and Multiple	No ²⁰	No	No
South Dakota	181	168	13	Single and Multiple	No	No	No
Tennessee	399	330	69	All Multiple	Yes	Yes (1.80)	Yes ¹⁸
Texas	1,400	1,398	2	All Multiple	No ²⁰	No	Yes ¹⁹
Utah	136	112	24	All Multiple	No	No	No
Vermont	80	65	15	Single and Multiple	No	No	No
Virginia	313	313	0	All Multiple	No ²⁰	No	No
Washington	399	344	55	Single and Multiple	No	No	No
West Virginia	126	117	9	Single and Multiple	No	No	No
Wisconsin	505	429	76	Single and Multiple	No	No	No
Wyoming	71	70	1	Single and Multiple	No	No	No

Appendix A

Additional Information Relating to Table 1.

Note : Numerous state associations distinguish public charter, magnet, university, American Indian reservation and town academy etc. schools differently regarding public or private status. The numbers reported in Table 1 are shown based on how each NFHS member state association classifies a school with selective enrollment.

Subscript Information:

- ¹ Arizona passed a motion in March 2013 that changed its Division and Section placement by implementing computer scheduling software that would move non-private schools down to make divisions equal.
- ² In Arkansas, a private school that enrolls more than 80 students is automatically moved up by one classification in all sports.
- ³ Following regular season competition in California, sections within the state association determine where each team moves on to play in state tournaments.
- ⁴ California, Florida, and New Jersey double the total enrollment of single-sex schools.
- ⁵ Connecticut and Minnesota chose to not indicate the number of public and private school members.
- ⁶ Connecticut has a state tournament success factor that impacts classifications of schools that draw from outside their district — charter, magnet, parochial, vocational technical, vocational agricultural and inter-district magnet schools -- or those which have project choice programs, for boys and girls soccer and boys and girls basketball.
- ⁷ Georgia has separate playoffs for public and private playoffs for all sports within their smallest classification, Class A.
- ⁸ In Illinois, a 1.65 enrollment multiplier is implemented, but there are waivers that can be granted to schools that meet specific criteria.
- ⁹ Indiana enacted a tournament success factor for all of its sanctioned team sports in 2012.
- ¹⁰ The Iowa High School Athletic Association (IAHSAA) only governs boy's athletics, the Iowa Girls High School Athletic Union (IGHSAU) governs girl's athletics.
- ¹¹ In 2013, Louisiana passed legislation that split the state's high school football playoffs into select and non-select brackets. The non-select (public) schools compete amongst five classes for five state championships while the select (faith-based, private, charter, magnet, laboratory and dual-curriculum) schools compete for four state championships in four classes.
- ¹² In several states (e.g. Maine, Michigan, New Hampshire, New Jersey) schools can opt to compete in a larger class but must go through an application and review process.
- ¹³ Massachusetts has individual sport committees made up of athletic directors, principals, and other administrators that can consider level of play and whether or not to move a team up or down a classification.

- ¹⁴ New York has 11 sections that each have a “Classification of Non-Public Schools Committee” that can determine a non-public school’s classification based on overall success.
- ¹⁵ Rule 14 Section 1 of Oklahoma’s “Rules Governing Interscholastic Activities in Senior High Schools” details the reclassification process for member schools. If a member school meets three of more of the following four stipulations, it will be moved to a higher classification.
- i.) has the ability to decline admission or enrollment to a student, even if the student and the student's parents (or custodial parent or court-appointed guardian with legal custody of the student) reside within that school's public school district or designated geographic area;
 - ii.) the school is located within a fifteen (15) mile radius of a school placed in the 5A or 6A classification according to ADM (i.e. enrollment);
 - iii) fewer than twenty-five (25) percent of the children enrolled at the school in grades nine through twelve qualify for free or reduced lunches;
 - iv) the school's ADM in grades nine through 12 has increased by fifty (50) percent or more over the previous three school years.
- Also, if a school finishes among the top eight within their class three or more times over a five-year period in a specific sport, that specific sport team will remain in that class regardless of enrollment.
- ¹⁶ Oregon implements an enrollment subtractor. The number of students who receive free and reduced lunch is multiplied by .25 and then that number is subtracted from the total enrollment of students.
- ¹⁷ Rhode Island began new realignment guidelines in 2014-2015 with a formula that takes into account win/loss percentage and enrollment when classifying schools in the sports of baseball, boys and girls basketball, fast pitch softball, field hockey, football, boys and girls lacrosse, boys and girls soccer, boys and girls tennis, boys and girls volleyball, and wrestling.
- ¹⁸ Tennessee classifies schools into Division I and Division II. Division II exists for schools that to give need-based financial aid to varsity athletes. Many private schools have opted to play in Division II, however, private schools can compete in Division I but must be subjected to a 1.80 enrollment multiplier for classification.
- ¹⁹ In Texas, private school members are automatically placed into the largest classification in the state, 6A.
- ²⁰ Maryland, South Carolina, Texas, and Virginia noted that single or multiple athletic associations with high or solely private membership exist within their state. Only the member state associations identified by the National Federation of State High Schools were contacted for this study.