



Report on the Minnesota State High School League Fiscal Year 2026

Report to the Legislature

As required by Minnesota Statutes 2025, section 128C.20

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As requested by Minnesota Statutes 2025, section 3.197: This report cost approximately \$500 to prepare, including staff time, printing and mailing expenses.

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Legislative Charge

The Minnesota State High School League (MSHSL) “is a nonprofit corporation that is a voluntary association of high schools ... whose governing boards have delegated their control of extracurricular activities . . . to the [MSHSL].” [Minn. Stat. 128C.01 \(2025\)](#).

Per state law, each year the commissioner of education is required to obtain and review the following information about the MSHSL:

1. an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of and the expenditures by the executive director of the MSHSL and MSHSL staff;
2. a list of all complaints filed with the MSHSL and all lawsuits filed against the MSHSL and the disposition of those complaints and lawsuits;
3. an explanation of the executive director’s performance review;
4. information about the extent to which the MSHSL has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy and rules; and
5. an evaluation of any proposed changes in MSHSL policy.

[Minnesota Statutes 2025, section 128C.20](#).

Introduction

The commissioner has obtained the following sources of data for this report:

- Correspondence from the board president of the MSHSL.
- Correspondence from the 2024-25 president of the MSHSL board of directors, which includes an explanation of the executive director’s performance review.
- Notice of Pay Equity Compliance presented to the MSHSL by the Minnesota Management and Budget (MMB), dated March 12, 2024.
- Please note that at the date of submission, the State of Minnesota Office of the State Auditor Management and Compliance Report for the MSHSL had not been completed and is not included.

Analysis

State Auditor’s Financial and Compliance Audit

The commissioner must obtain and review an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of, and expenditures by, the executive director of the MSHSL and MSHSL staff. At the date of this report’s submission, that audit had not been completed and is not included.

Salaries and Expenses

A. Compensation of the MSHSL’s Executive Director and Staff

According to the board resident, MSHSL staff salaries are based on a range established by the Board of Directors. Beginning with the 1997-98 school year, staff salaries have been based upon a comparison of similar athletic and activity associations in the states that originally comprise the Big Ten athletic conference (Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, Ohio, Pennsylvania, and Wisconsin), among other criteria. These criteria include education levels, administrative certifications, responsibilities, and size and scope of the state association. MMB affirmed the MSHSL's compliance with pay equity laws in a certificate dated March 12, 2024.

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

According to the board president, during the 2024-25 school year, the Executive Director and his staff were reimbursed \$25,258.40 for statewide travel. Expenses are reimbursed as identified by the Board of Directors Policy and Minnesota Statutes 2025, section 43A.18, subdivision 2, the Commissioner's Plan.

Complaints and Lawsuits

The commissioner must obtain and review a list of complaints filed with the MSHSL, all lawsuits filed against the MSHSL, and the disposition of those complaints and lawsuits.

Beginning August 1, 2017, a new Transfer Eligibility Review process was implemented by the MSHSL. This process was part of the action plan the MSHSL completed following an audit conducted by the Minnesota Office of the Legislative Auditor.

According to the MSHSL, it and member schools receive several inquiries from school patrons and students regarding League rules. The League staff proactively provides support for schools and works to find opportunities for student eligibility within the rules established by the member schools whenever possible. Many of the inquiries received by the League center around student transfer and varsity eligibility. To assist with those inquiries, the League has posted a page for students and parents titled "MSHSL Eligibility Brochure" on the MSHSL website, mshsl.org. In addition, the League has provided video instruction and in-person meetings for school administrators to assist them in working through student situations.

A. Overview of the Transfer Eligibility Review Requests Processed During the 2024-25 School Year

During the 2024-25 school year, member schools submitted 1,933 Transfer Eligibility Determinations. Of those submissions, school administrators on behalf of students and families, submitted 141 completed Transfer Eligibility Review requests seeking varsity eligibility review for those students. League staff reviewed those submissions and granted varsity eligibility for 49 students. Of the 92 requests that were denied, the families of 23 students requested the opportunity to discuss their transfer eligibility request with the MSHSL Board of Directors Eligibility Committee. The Board of Directors granted 12 requests for varsity eligibility. A total of 11 requests were denied by the Board of Directors Eligibility Committee, and the parents of five of those students chose to appeal directly to the MSHSL Board of Directors Executive Committee by means of a paper review regarding the transfer eligibility of their student and the determination of the Eligibility Committee. The Executive Committee granted varsity eligibility for two of the requests and upheld the determinations made by the Eligibility Committee for three of the requests.

B. Overview of the Lawsuits Filed During the 2024-25 School Year

Female Athletes United v. Keith Ellison, et al.,

Plaintiff filed suit on or about May 19, 2025, against the MSHSL and several other defendants, including the Attorney General, Department of Education, Department of Human Rights and multiple school districts. In short, Plaintiff alleges that allowing transgender females to participate in girls' high school athletics constitutes sex discrimination in violation of Title IX. Plaintiff filed a motion for preliminary injunction which was denied by the United States District Court on September 19, 2025. Plaintiff appealed that decision to the 8th Circuit Court of Appeals on September 26, 2025. Oral argument on the appeal has not yet been scheduled but will occur sometime during the week of January 12-16.

C. Overview of the Complaints Filed During the 2024-25 School Year

U.S. Department of Education/Health and Human Services Investigation

On or about February 12, 2025, the United States Department of Education's Office for Civil Rights announced an investigation into the MSHSL related to the possibility of allowing male athletes to compete in women's sports. On or about June 26, 2025, the United States Department of Health and Human Services announced it was initiating a compliance review of the Minnesota Department of Education and the MSHSL based upon Minnesota allowing biological males to participate in female-only sports. Although not in the 2024-25 school year, the MSHSL was notified by the DOE and HHS on or about September 30, 2025, that it was in violation of Title IX.

Previously Filed Complaint on November 17, 2023

Susan Lombardi o/b/o minor child v. MSHSL, MDHR Reference No. 75486

Plaintiff filed a charge of discrimination alleging that the MSHSL discriminated against her son because of a disability when it denied his eligibility for varsity competition. An answer was filed by the MSHSL on or about December 20, 2023. The matter remains pending.

Executive Director's Performance Review

The commissioner must obtain and review an explanation of the executive director's performance review.

The annual evaluation of the Executive Director was conducted in July 2025. This process involved input from the six-member Executive Committee of the MSHSL Board of Directors, comprised of Board Officers and Committee Chairpersons, and a final written performance review by Don Peschel, President of the Minnesota State High School League Board of Directors. The following results were obtained based on the below rating scale and comments:

Rating Scale:

- 1 – Exceeds Expectations
- 2 – Meets Expectations
- 3 – Does Not Meet Expectations

Board Operations:

- Provides the Board of Directors with adequate and timely information: 1
- Develops an agenda and organizes meetings for the Board of Directors: 1
- Facilitates a sound Board/Staff working relationship through communications; clarification of roles, authority, and responsibility; and an environment which values trust, cohesiveness, respect, integrity and perspective sharing: 1

Comments:

- Erich is very strategic in his level of communications with staff and the board. His meetings are scheduled in a timely manner and he facilitates positive relationships with staff and board members in regard to the core values of his leadership. He exceeds expectations in his area.

League Management:

- Prepares an annual budget for consideration and adaptation by the Board of Directors: 1
- Appropriately administers the MSHSL Budget: 1
- Develops recommendations regarding MSHSL policies and positions for consideration by the Board of Directors: 1
- Works cooperatively with the MSHSL Board to develop goals or action plans consistent with the MSHSL's mission and governing values: 1
- Implements the MSHSL's mission, strategic directions, policies, programs and services: 1
- Maintains necessary MSHSL records: 1
- Continuously evaluates MSHSL programs, services and needs and makes recommendations to the Board as appropriate: 1
- Coordinates and directs the MSHSL personnel including hiring, evaluation, productivity, staff involvement, morale, delegation of authority, position descriptions, administration of salary, fringe benefits, working conditions, and termination of employees: 1

Comments:

- Erich's management skills are excellent. His skill set for leadership in this area are top notch. He navigates the league's budget effectively and follows the league's mission and policies. Erich takes an innovative approach to his management style and coordinates management of his staff effectively.

Leadership:

- Exercises initiative through the generation of ideas and willingness to implement those ideas once they become policy: 1
- Exhibits consistent rational behavior: 1
- Seeks improvement in skills, knowledge and organizational mission: 1
- Provides an appropriate role model for peers and subordinates, exemplifying MSHSL values: 1
- Displays an interest in and commitment to organizational mission, goals and values: 1
- Recommends goals and priorities to the Board: 1
- Accepts responsibility: 1
- Leads with concern and support for others: 1
- Provides adequate information and support for the Board regarding state and national issues: 1

Comments:

- Erich is an exceptional leader. He listens to ideas and evaluates the relevancy of those ideas as they pertain to the league. He has a genuine concern for his staff and the members of the board. The board is constantly updated on state and national issues that affect the league in a timely manner. Erich practices actively the appropriate behavior in his position and is a role model for others that serve under him.

Cooperative Relationships:

- Maintains communication and coordination with MSHSL members, affiliated organizations, groups and individuals impacting fine arts and athletic activities: 1
- Maintains necessary communication and coordination with the National Federation of State High School Associations: 1
- Develops a sense of teamwork among staff members and the Board of Directors: 1

Comments:

- Communication with board members and staff members is at the core of Erich's philosophy. He is an expert at team building and works collaboratively with his staff and the Board of Directors.

Performance on implementation of Board Goals:

- Institutes internal mechanism to address goals set by Board of Directors: 1
- Increased the MSHSL's communication with member schools and affiliated organizations: 1
- Achieved goals set by the Board of Directors: 1

Comments:

- Erich actively communicates with members schools and other organizations affiliated with the MSHSL. He adheres to the mission of the league and embraces the league's goals and strategic directions as set by the Board of Directors.

General Comments:

- Erich is a true professional in his position as Executive Director. He pays close attention to detail and is an amazing communicator. His efforts and leadership have grown the league and provided guidance for member schools. The league is very fortunate to have him as their leader. He focuses on programming and ensures that member schools and participants are compliant with the league's by-laws.

MSHSL Program Implementation

The commissioner must obtain and review information about the extent to which the MSHSL has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy and rules.

According to the board president, the Board of Directors affirmative action policies ensure that jobs within the League are equally accessible to all qualified persons. The staff follows Minnesota Statutes 2025, section 128C.15, subdivision 2, when employment opportunities become available. In addition, employment

information is placed on the League's website and communicated directly to our member schools primarily through electronic mail.

According to the League's comparable worth plan was initially adopted in the fall of 1988, and subsequently, the Board of Directors employed Miriam Kragness, ROI Consultants, Inc., to evaluate jobs and assign pay grades. The comparable worth plan she submitted was approved by the Board of Directors on August 14, 1997, and continues to be a guide for the League in developing compensation amounts for the League. The League completed and filed its most recent Pay Equity Report with The Minnesota Department of Management and Budget (MMB) and the Notice of Pay Equity Compliance was received and dated March 12, 2024.

According to the board president, the League's Sexual, Racial and Religious Harassment and Violence and Hazing Policy was adopted as a Bylaw, and it is published statewide in the MSHSL Official Handbook and on the MSHSL website. The MSHSL staff is trained annually on this Policy with the most recent training on July 8, 2025, by Erich Martens, MSHSL Executive Director utilizing resources provided by the Law Office of Kevin M. Beck. Further, all members of the Board of Directors, MSHSL Staff and Region Secretaries are provided a verbal and written review of the Policy annually by legal counsel or the Executive Director of the MSHSL at its annual workshop in August. This most recently took place on July 28, 2025. These individuals provide written verification that they are familiar with the policy and that it has been explained to them.

According to the board president, on April 4, 2024, the Board of Directors approved the formation of the 9th Grade Governance Task Force. The task force was created to study and develop recommendations for the Board of Directors to formally adopt a timeline of action steps necessary for the full governance of ninth grade, the governance documents and provisions that will need to be revised and the many considerations that will be a part of this process. At their June 2024 meeting, the Board of Directors unanimously passed a resolution supporting a call for a Member School vote to be held Friday, October 4 through Friday, October 18, 2024, intended to amend the MSHSL Constitution to include all 9th graders in MSHSL Member Schools. The Member School vote also included a second amendment proposal designed to change and update outdated and inconsistent language in the Constitution. These changes will be technical in nature and will not change intent or application. Ongoing communication with all League members and constituents included the benefits, costs, adjustments and outcomes of making this decision. This includes multiple informational brochures, presentations, video explanations, and website presence. Key within the communication was the Fall 2024 Area Meetings held at nine different locations across the state. On December 5, 2024, the Board of Directors approved the ratification of the member school vote which supported both amendments with over 97 percent of the 526 voting Member Schools in support of the amendments. The task force continued to lead the League in fully identifying the bylaws and policies that would need to be edited and updated prior to the 2025-26 school year. Bylaw amendments were brought to the Representative Assembly on May 13, 2025, and were approved by a significant majority. Additional changes to policy will be considered for action by the Board of Directors as determined by the Board throughout the coming 2025-26 school year.

According to the board president, the League is constantly reviewing additional programming that may be appropriate for inclusion into the MSHSL. In 2024-25, the League offered boys volleyball as a fully sanctioned sport for the first time, celebrating its first state tournament in June 2025 at the University of St. Thomas. In addition, the growth in participation in girls wrestling continues to push the League to consider the timeline of establishing a fully sanctioned girls wrestling program which would go beyond a girls wrestling division in

individual wrestling. Finally, girls flag football is being played at more and more member schools and students are enjoying their participation. This sport may be considered for emerging status in the near future.

On April 3, 2025, the MSHSL Board of Directors approved the renaming of an existing committee to be the Access, Engagement and Opportunity Committee. The work of the committee continued in the 2024-25 school year and included several different focus areas. Work will continue into the following years under the revised title.

According to the board president, in June 2022, the MSHSL and six other statewide organizations (MSBA, MASA, MASSP, AMSD, MNIAAA and MSHSCA) partnered on an initiative to improve student leaders and support the work done in member schools that was “Together We Make a Difference.” The initiative's main goal was to bring student voice and engagement in establishing expectations of safe and respectful behavior by all involved in their schools and interscholastic contests. To reach this goal, the initiative engaged student groups to work and engage in conversations about how all members can establish, support and expect positive behavior at our schools and contests. The Student Advisory and Leadership Team (SALT) was created in September 2022 with a mission to advise League Staff and the Board of Directors and create leadership training and development opportunities for students in Minnesota. In September 2022, Student World Regional Café Meetings were held across the state along with a Statewide Conference on January 13, 2023. Taking feedback from students and member schools the 2023 Statewide Conference was held at the RiverCentre in St. Paul. Over 600 students and their advisors attended the conference focused on reducing disrespectful and racist words and actions. In hearing feedback from students and schools, the 2024 Together 3.0 Leadership Conference were held in four different locations across Minnesota. This provided the opportunity for more students to attend with more minimal disruption to their school day and further limiting travel. The long-range planning for the League and its partner organizations is to continue this work and training sessions in future years.

In February 2025, in response to numerous questions and concerns expressed by the administrators of our member schools, the Board of Directors approved the formation of the Enrollment and Eligibility Ad Hoc Committee to study the eligibility rules for students who enroll in online schools. The Committee was tasked to further study and recommend potential language to connect enrollment and eligibility, specifically, for students who are enrolled in public school administered online schooling as well as other more recently adopted models of education. Its work will continue until it has met the needs of the Board, with the intent to deliver and policy recommendations to the Board in December 2025. This timeline is designed to allow the Board to implement any updated eligibility bylaws or policies beginning in the 2026–27 school year.

Evaluation of Proposed Changes in MSHSL Policy

The commissioner must obtain and review an evaluation of any proposed changes in the MSHSL policy. The board president provided a copy of policies that were developed and revised by the board of directors and changes to the bylaws and constitution that have been approved by the board of directors, representative assembly, and member school vote ratification this last calendar year.

- Appendix A and E: Bylaw 100 and 500 Series edits pertaining to 9th Grade Governance.
- Appendix B, C and D: Bylaw 200, 300 and 400 Series edits pertaining to 9th Grade Governance.

- Constitutional Amendment: amends the MSHSL Constitution to include all 9th graders in MSHSL Member Schools.
- Constitutional Amendment: updates archaic, outdated and inconsistent language in the Constitution.

The board of directors approved the following additional policy changes:

- 2024-25 MSHSL Strategic Directions: initiatives under consideration by the board of directors.
- Spring, Fall, and Winter Activity Advisory Proposals: review of recommendations made to the MSHSL by the regional secretaries and committees.
- Timeline for Competitive Section Placement and District Football assignment for 2025-26 and 2026-27: preparing the timeline for each process and action required by member schools.
- Head Coach Certification Requirement: updates the current rule that the Minnesota Head Coach Requirements applies to all Member Schools in all athletics regardless of the type of school.
- Alumni Policy: provided clarification about alumni participation bylaw.
- Member School Limitation: establishes clear and concise language that a Member School may have only one interscholastic program in a sport.
- Continuing Education Policy: updated coach continuing education requirements to bring policies and practices into alignment.

Conclusion

Minnesota Statutes 2025, section 128C.20, subdivision 1, requires the commissioner of the Minnesota Department of Education to conduct an annual review of the MSHSL. This report documents the required review.