

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1185  
Ways and Means

(Delegate Kipke)

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Public and Nonpublic Schools - Interscholastic Athletics Eligibility -  
Reclassification of Student Athletes

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This bill requires the Maryland State Department of Education (MSDE) to *allow* a student athlete who was eligible to participate in an interscholastic sport as a junior during the 2020-2021 school year, and is a senior during the 2021-2022 school year, to be reclassified as a junior *only* for the purpose of recruitment by the National Collegiate Athletic Association (NCAA) during the 2021-2022 school year. A reclassified student athlete may only participate in the public high school in which the student is enrolled and must otherwise meet requirements for student eligibility for participation in interscholastic athletics at the high school level under COMAR 13A.06.03.02. A nonpublic school may also allow a student athlete to be reclassified as a junior for the purpose of NCAA recruitment. **The bill takes effect July 1, 2021, and terminates June 30, 2022.**

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Fiscal Summary

**State Effect:** As explained below, assuming the bill does not affect the graduation timelines of students, MSDE can authorize local school systems to reclassify students using existing resources. To the extent students remain enrolled in public school for an additional year, State aid increases by an average of approximately \$8,000 per additional student.

**Local Effect:** As explained below, assuming the bill does not affect the graduation timelines of students, local school systems can reclassify students as juniors only for purpose of recruitment by the NCAA using existing resources. However, resources may be diverted from other student athletes. To the extent students remain enrolled in public school for an additional year, local school system revenues and expenditures increase, potentially significantly. Likewise, under those circumstances, local government expenditures increase.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** According to the Code of Maryland Regulations, local school systems may adopt rules governing their athletic programs that are more restrictive than those of Maryland Public Secondary Schools Athletic Association (MPSSAA). However, less restrictive rules may not be adopted.

### *COMAR 13A.06.03.02 – Eligibility for Interscholastic Athletics*

According to regulations, to be eligible to participate in interscholastic athletics at the high school level, a student must be officially registered and attending the member MPSSAA school they are authorized to attend. A student may represent only the school in which they are registered and where the student is anticipated to complete graduation requirements.

Each local school system must establish standards of participation, which assure that students involved in interscholastic athletics are making satisfactory progress toward graduation.

Students who are 19 years old or older as of August 31 are ineligible to participate in interscholastic athletics. Students in grades 9, 10, 11, and 12 may participate in interscholastic athletic contests for a maximum of *four* seasons in any one sport.

Middle, intermediate, or junior high school students are not eligible to compete or practice with high school teams. However, grade 9 public school students who reside in the attendance area of a high school organized grades 10 to 12 may participate in the interscholastic athletic program of that high school.

Students must maintain amateur status as defined in regulations. Students, while participating on a school team, are permitted to participate on sports teams outside of school during the high school sport's season. However, unless prior written approval is obtained, the participation may not conflict with school practice or contests. Students that elect to participate on an outside team and do not participate and practice with the school team throughout the designated sport's season are ineligible to represent the school in all contests that determine a county, district, regional, or State championship.

Students must present to their high school principal a certificate of permission to participate signed by their parent or guardian. Students must be examined and certificated, as specified, to the high school principal as being physically fit to participate in any try-out, practice, or contest of a school team.

Graduates of high schools are not eligible to practice with or participate in interscholastic sports teams. However, they may participate in the remaining athletic contests of that

semester. Students are considered graduates when they have completed the work required for graduation and are declared graduates by the local board of education.

### *Credits Earned Toward Graduation*

Each school system in Maryland must recognize and accept any and all credits a student earned toward graduation in any other public school in Maryland and must develop a written policy on grading and reporting. According to MSDE, a common practice of school systems is to schedule students “toward graduation” based upon the credits earned. Moreover, the Maryland [Student Record Manual](#) notes that students move to the next grade level by means of promotion. For most local school systems, grade promotion is triggered by the number of accumulated credits toward graduation. Upon passing a course and earning credit in the course, the earned credit contributes toward the number of credits needed for graduation. Upon completion of all graduation requirements, the student is graduated.

### *National Collegiate Athletic Association*

NCAA operates by the bylaws that are set by its members. The [NCAA Division I](#) requires 16 core-course units to be completed within four years/eight semesters from the initial start of a student’s ninth grade year. In addition, 10 of the required 16 units must be completed before starting the seventh semester (resulting in a maximum of 6 core units in grade 12).

NCAA bylaws permit students to participate one year after their expected high school graduation date (based on four years after the initial start of a student’s ninth grade year) without impacting their NCAA eligibility. The only shorter timeframe is Division I tennis, which permits participation for six months after the expected graduation date. As a result, if students repeat a year of high school, they should be mindful of the potential impact on their amateurism certification for seasons of eligibility.

**State/Local Fiscal Effect:** It is assumed that reclassifying students that are juniors during the 2020-2021 school year as a junior for the 2021-2022 school year *only* for the purpose on NCAA recruitment has no impact on the graduation timeline for students. As those students will be *academic seniors* during the 2021-2022 school year. It is assumed that these academic seniors will graduate on time at the same rate as they would under current law as students graduate from high school when they meet graduation requirements and NCAA eligibility rules are based on the courses completed from a student’s initial start of ninth grade. The bill does not allow students to be reclassified *academically* as juniors.

It should be noted that the classification of a students as a junior for NCAA recruitment purposes by MSDE or local school systems does not change NCAA’s underlying bylaws that govern college athletics, student athlete eligibility, or team recruitment requirements.

Thus, it is assumed that the bill can be implemented with no material effect on the State or local finances. However, to the extent students remain enrolled in public school for an additional year due to the bill, State aid increases by an average of approximately \$8,000 per additional student and local school system revenues and expenditures increase, potentially significantly. Likewise, under those circumstances local government expenditures increase.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2021  
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