

For the purpose of equitable participation and parity, schools are classified based on the school enrollment of grades nine through 11. However, inclusion of graduate students would undermine this calculation. Inclusion of graduate students would skew school classification based on the number of graduates in the jurisdiction. With an additional pool of potential non-enrolled students, schools will benefit over other schools that have less graduate students. Additionally, the inclusion of graduate students has the potential to displace current high school students for participation opportunities on interscholastic athletic teams.

Interscholastic athletics are highly competitive. Senate Bill 759 does not waive the regulation regarding exhausting eligibility in a sport after four seasons of participation. Local school systems who have administered a high school sport season would not be allowed to have students who graduated with four seasons of participation return in 2021-22, while other school systems would be allowed to use graduated students. The competitive equity will be a challenge for local school systems and the MPSSAA in administering equitable state tournament competitions.

Another unanticipated effect of Senate Bill 759 will be school administrators, who are charged with the overall safety and well-being of students, to be required to assume responsibility for students that are not enrolled in schools. Local school systems will be required to review liability coverage, transportation requirements, and policies as it relates to non-enrolled students entering school campuses. There would be no form of disciplinary action for graduate students, leading to increased issues of safety for coaches, student participants and officials.

The MSDE and the MPSSAA are concerned that Senate Bill 759 will undermine the equitable participation and parity that currently exists within public schools, create greater risk management concerns on the health and safety of participants, create undue burdens on school administrators as it relates to non-enrolled students, limit scheduling opportunities against other states, and exacerbate the participation opportunities for future generations of high school students.

We respectfully request that you consider this information as you deliberate Senate Bill 759. For further information, please contact Zachary Hands, at 410-767-0504, or Zachary.hands1@maryland.gov.