

# **SB759\_FAV\_Athletewaiver\_Ready**

Uploaded by: Ready, Justin

Position: FAV

**JUSTIN READY**  
*Legislative District 5*  
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Finance Committee



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**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

**SB 759 State Department of Education – Interscholastic Athletes Eligibility  
Waiver – Graduate Athletes**

Responding to the unusual circumstances of the past year and the sacrifices that our students have made, SB759 would grant current high school seniors one more year of athletic eligibility. The student participating would have to have maintained their academic eligibility through the 2020-2021 academic year, and may only play at the school they already attended.

Students were forced to sacrifice all or most of their final year of high school sports and deserve the opportunity to enjoy their final season, as well as compete for scholarships that may have been lost due to their inability to play High school. Sports mean so much to all our communities as well as the student-athletes who have worked for years. Student-athletes should have the opportunity to finish their high school athletic careers properly.

**AACPS SB759 Athletics Waiver OPP 2.25.21.pdf**

Uploaded by: Ortiz, Jeanette

Position: UNF



**SB759 STATE DEPARTMENT OF EDUCATION - INTERSCHOLASTIC ATHLETICS ELIGIBILITY  
WAIVER - GRADUATE ATHLETES**

February 25, 2021

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS

**OPPOSE**

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

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Anne Arundel County Public Schools (AACPS) opposes **SB759 State Department of Education - Interscholastic Athletics Eligibility Waiver - Graduate Athletes**. This bill requires MSDE to waive eligibility requirements for participation in interscholastic athletics in order to allow graduate athletes who graduate from public high school in 2021 to participate in interscholastic athletics for the 2021-2022 school year only. It provides that graduate athletes may participate in an interscholastic athletic program only at the high school from which they graduated and may be enrolled at institution of higher education.

AACPS has several concerns with this legislation as it would have a negative impact on the school system. First, allowing graduates to engage in high school athletics will result in a participation log jam and have the unintended negative consequence on how many underclassmen will be kept on teams to accommodate for roster spots taken by graduates. In addition, this legislation will likely reduce or eliminate the ability for Maryland schools to compete with schools from other states due to eligibility guidelines. This bill also creates a situation where school systems would have no real academic or behavioral guardrails in place for the graduates who would participate. SB759 will also create inequities in participation in high school athletics. Sports teams have roster limitations and allowing graduates to take up roster spots on any high school sports team will take away participation opportunities for existing eligible high school students. AACPS does not believe it acceptable to allow any stipulation that creates an environment that directly or indirectly encourages or pressures schools to prioritize the participation of a graduate over that of a current student.

Finally, this bill will likely result in an unfunded mandate as there may be a cost to the school system for liability insurance for graduates. Further, it is unclear whether obtaining such insurance is even technically or legally feasible.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB759.

# **SB 759.Extra year of sports eligibility.pdf**

Uploaded by: Woolums, John

Position: UNF

**BILL:** Senate Bill 759  
**TITLE:** State Department of Education - Interscholastic Athletics Eligibility Waiver  
- Graduate Athletes  
**POSITION:** OPPOSE  
**DATE:** February 25, 2021  
**COMMITTEE:** Education, Health, and Environmental Affairs  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 759.

This bill would allow a non-public school student who has graduated from high school in 2021 to participate in high school sports in the 2021-2022 school year. MABE opposes this bill in light of the disruption it would introduce into the management of interscholastic sports programs offered in Maryland's public schools.

Local boards of education recognize that the COVID-19 pandemic and resulting school closures have presented enormous challenges for all students, families, and educators, including the impacts on interscholastic sports in the spring of 2020 and the 2020-2021 school year. However, MABE believes that the disruption of allowing students and non-students to participate in interscholastic sports programs in the coming school year outweigh the intended benefits.

Interscholastic sports programs in Maryland's public schools are conducted in accordance with the standards developed by the Maryland Public Secondary Schools Athletic Association (MPSSA) and the regulations adopted by the State Board of Education. Since 1991, interscholastic sports in Maryland have operated in accordance with the "Master Agreement Outlining the Interscholastic Structure for Public Schools in Maryland," which establishes the responsibilities of MPSSA, MSDE, and local school systems. Local boards of education believe that this system of regulations and oversight is working well.

In particular, Maryland places a high priority on establishing and maintaining a statewide interscholastic athletic system that assures that sports activities are a part of and contribute toward the entire educational program. Senate Bill 759 would disrupt this balance by introducing a significant separation between the status of high school athletes who are no longer enrolled students, the enrolled students in the educational setting, and the sports team on which the students and non-students are participating.

For these reasons, MABE requests an unfavorable report on Senate Bill 759.

# **SB 759 - LOI - Interscholastic Athletics Eligibili**

Uploaded by: Hands, Zachary

Position: INFO



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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<b>BILL:</b>	Senate Bill 759	<b>DATE:</b>	February 25, 2021
<b>SUBJECT:</b>	Interscholastic Athletics Eligibility Waiver – Graduate Athletes	<b>COMMITTEE:</b>	Education, Health, and Environmental Affairs
<b>POSITION:</b>	Information Only		
<b>CONTACT:</b>	Zachary Hands 410-767-0504 (Annapolis) <a href="mailto:Zachary.hands1@maryland.gov">Zachary.hands1@maryland.gov</a>		

**EXPLANATION:**

The Maryland State Department of Education (MSDE) and the Maryland Public Secondary Schools Athletic Association (MPSSAA) is providing information for consideration regarding Senate Bill (SB) 759, State Board of Education – Interscholastic Athletics Eligibility Waiver – Graduate Athletes, which would require the MSDE and the MPSSAA waive eligibility regulations found in COMAR 13A.06.03 *Interscholastic Athletics in the State* during the 2021-22 academic year.

Interscholastic athletics in Maryland are governed by regulations adopted by the Maryland State Board of Education. The first eligibility criterion cited in COMAR 13A.06.03.02 requires students who represent schools in interscholastic athletic programs to be officially registered, enrolled, and attending the school. This stipulation is the most fundamental principle in any interscholastic or intercollegiate eligibility code for school-based athletics. Senate Bill 759 requires the waiver of certain regulations to allow for graduate students to participate during the 2021-22 academic year.

Senate Bill 759 waives the age restriction rule of COMAR 13.06.03. This regulation is continuously applied for the health and safety and equitable participation of student-athletes. Senate Bill 759 has the ability to allow 19 and 20-year old students to compete against 14-year old students. This age discrepancy raises numerous health and safety and equitable participation concerns in all sports, especially in contact sports that already have higher rates of injury.

Senate Bill 759 will limit scheduling opportunities for Maryland public schools. Each state has regulations for equitable participation between schools. Common regulations require school teams to only participate against other high school teams that have similar eligibility policies. The policies found in Delaware, Pennsylvania, Virginia, West Virginia, and Washington D.C., prohibit member schools in those states to play high schools with fifth-year students, graduate students, or students over the age of 19. Senate Bill 759 will not allow for these scheduling opportunities, increasing travel and transportation costs to travel to other Maryland counties to participate.



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](mailto:Zachary.hands1@maryland.gov).