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BILL:	Senate Bill 851	DATE:	March 7, 2024
SUBJECT:	Public Schools – Interscholastic Athletics – Student Eligibility Waiver and School Classification	COMMITTEE:	Education, Energy, and the Environment
POSITION:	Information		
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EXPLANATION:

The Maryland Public Secondary Schools Athletic Association (MPSSAA) offers this written testimony regarding Senate Bill 851, *Public Schools – Interscholastic Athletics – Student Eligibility Waiver and School Classification*. The MPSSAA recognizes the growing alternatives to the traditional school experience for enrolled students. Senate Bill 851 would authorize county boards of education to waive eligibility regulations so that a student who is attending a public school that is not the student’s “zoned school” may participate in interscholastic athletics at the student’s zoned school, if the student’s school of attendance does not have an interscholastic athletics program. The MPSSAA respectfully requests the following information be taken into consideration regarding the possible impacts of Senate Bill 851.

Interscholastic athletics in Maryland public schools are governed by the MPSSAA. The MPSSAA receives its authority from the Master Agreement Outlining the Interscholastic Athletic Structure for Public Schools in Maryland. Each of the 24 local educational agencies (LEAs) and the Maryland State Department of Education are signatories of that agreement. The regulations found in COMAR 13A.06.03 provide for a well-balanced interscholastic program and equity of competition for over 112,000 public school participants annually.

The MPSSAA Board of Control, at their legislative meeting in December 2023, debated a proposal from Washington County Public Schools through the amendment process in COMAR 13A.06.03.11 that is similar to Senate Bill 851. The deliberations identified a number of challenges that are discussed in more detail below, including differences in how each LEA zones schools, increased transportation demands within an already tight school system budget, and inequities among zoned schools without sport programs and non-zoned schools without sport programs. The MPSSAA Board of Control was unable to support a measure like Senate Bill 851 because of these inequities and continues to discuss regulatory amendments to expand participation opportunities equitably across all jurisdictions.

COMAR 13A.06.03.01 states, “Local school systems may adopt rules governing their athletic programs that are more restrictive than those of the MPSSAA. Less restrictive rules may not be adopted.” This regulation sets a baseline agreement among all LEAs for equitable participation and competition between interscholastic athletic programs across the State. Senate Bill 851 would disrupt that baseline by creating less restrictive eligibility criteria for some jurisdictions. The MPSSAA is aware of one LEA (Baltimore City Public Schools) that does not designate zoned high schools for students. Thus, Senate Bill 851 would provide an opportunity for students in certain parts of the State that is not afforded to the thousands of student participants from Baltimore City or other LEAs that do not have zoned schools for their students.

Senate Bill 851 states, “A county board may waive the eligibility regulation if “[t]he public school the student attends . . . does not have an interscholastic athletics program.” This statement draws into question whether “interscholastic athletics program” means any sport or the sport in which a student seeks to participate. This definition is crucial to equitable participation. Some LEAs do not offer complete programming at a non-zoned school. The MPSSAA would need to understand if students are allowed to participate in one sport at their zone school while remaining affiliated with the school of attendance for another sport.

Senate Bill 851 could pose challenges when reporting the number of students enrolled (counting students twice), raise questions about multi-sport participation in the same sport season, and create an inequity for students at a zoned school without a sport offering as compared to students at a non-zoned school without a sport offering. Senate Bill 851 only allows a student at a non-zoned school to compete at a zoned school but does not address students at zoned schools without a sports program. Furthermore, each LEA is already experiencing the pressure that the NCAA transfer portal has created, with students and families attempting to transfer schools for athletic purposes on a yearly basis.

Senate Bill 851 does not consider transportation responsibilities or costs on LEAs. If a student is enrolled at a non-zoned school, but is allowed to participate at their zoned school, the LEA may incur transportation costs to return the student to their zoned school for practice and contests or may need to transport the student from their non-zoned school to meet their zoned school at an away sporting contest. Senate Bill 851 also does not take into consideration administrative oversight of two different schools, including attendance policies, discipline, and health and safety services such as follow-ups on concussions or other injuries.

COMAR 13A.06.03.06 requires each LEA to submit to the MPSSAA the actual enrollment of students at each member school so that the MPSSAA can determine classifications based on the total number of students the school may draw participants from. When fielding a team, a school with a pool of 2,000 students has a competitive advantage over a school with a pool of 300 students, even if only one student participates. Senate Bill 851 does not consider the pool of students from the non-zoned school, but rather only factors in the actual participant that is given a waiver.

The MPSSAA is unaware of any student who is unable to compete in interscholastic athletics in Washington County Public Schools based on the current COMAR language. Senate Bill 851 looks to disperse students back to multiple designated schools, while current procedures adopted by the local educational agency and in compliance with COMAR allows students to participate collectively at a single designated school that accounts for the total pool of students. These same procedures have been used by Baltimore City Schools and other jurisdictions to provide opportunities for students based on alternative educational opportunities and/or low enrollment schools.

The MPSSAA respectfully requests that you consider this information as you deliberate Senate Bill 851.