

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 980 (Delegate West, *et al.*)
Ways and Means

Children Exempt From Public School Attendance - Participation in Public High School Clubs and Activities

This bill requires, beginning September 1, 2017, a local school system to allow a student participating in a home instruction program or enrolled in private school to participate in the extracurricular clubs and activities (including interscholastic athletics) of the public high school that the student would be assigned to if the student was attending public school, subject to specified conditions.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: None. The Maryland State Department of Education (MSDE) can adopt regulations using existing resources.

Local Effect: Local school systems may experience minimal one-time expenditures in FY 2018 to implement the requirements of the bill.

Small Business Effect: None.

Analysis

Bill Summary: A student participating in home instruction or enrolled in private school who participates in an extracurricular club or activity must:

- meet the same eligibility or tryout criteria and equivalent academic requirements for participation as a student who attends the public high school;

- comply with the same responsibilities and standards of performance and behavior, including practice requirements, that are required of a student who attends the public high school; and
- pay any out-of-pocket expenses incurred by the public high school as a result of the child's involvement in the extracurricular club or activity.

A public high school may assess a child who intends to participate in an extracurricular club or activity to determine if the child meets the academic requirement noted above. The student participating in a home instruction program or enrolled in private school must notify the public high school that the child intends to participate by the third day of the semester in which participation is intended.

MSDE may adopt regulations to implement the requirements of the bill.

Current Law: The Code of Maryland Regulations (COMAR), as established by the State Superintendent of Schools, governs the athletic program for all high school students in Maryland public secondary schools that are members of the Maryland Public Secondary Schools Athletic Association (MPSSAA). Local school systems may adopt rules governing their athletic programs that are more restrictive than those of MPSSAA; less restrictive rules may not be adopted.

Per COMAR, to be eligible for participation in high school level interscholastic athletics, students must be officially registered and attending the member MPSSAA school they are authorized to attend, under regulations of the local school system. They may represent only the school in which they are registered and at which it is anticipated they will complete their 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.

Failure to comply with regulations constitutes a violation which results in specified penalties against the MPSSAA member school and either the student or the coach or both. Depending upon the severity of the violation, more than one penalty may be imposed against the MPSSAA member school, student, coach, or all of the above.

Background: According to MSDE, nearly 27,000 students in Maryland were taught through home instruction during the 2014-2015 school year, ranging from 77 students in Kent County to 4,051 in Prince George's County. In addition, 54,600 students attended private school in the same year. MPSSAA is governed by a Board of Control and Executive Council that is represented by school superintendents, athletic coordinators, principals, athletic directors, and coaches. In addition, there are many standing and tournament committees that administer State tournaments, as well as many other programs. MPSSAA currently includes nearly 200 public high schools, with more than 112,000 participating student athletes.

Local Fiscal Effect: It is assumed that, under the bill, the total number of students participating in extracurricular activities is not expanded; instead, an unknown number of public school students will be, in effect, displaced by the same number of students receiving home instruction or enrolled in private school. Therefore, the bill is not anticipated to have a substantial effect on the number of personnel who are responsible for supervising these activities or their work hours. Thus, annual expenditures are not increased substantially, though there may be some one-time additional expenditures to develop policies, procedures, and guidelines for appropriate integration of students receiving home instruction or enrolled in private school into extracurricular programs. For example, the authority of public school employees to maintain discipline and accountability among these additional students may need to be clarified by each local school system.

Also, policies and procedures may need to be developed to determine the precise academic standards that students receiving home instruction or enrolled in private school must meet to participate in public school athletics. The bill authorizes, but does not require, a local school system to conduct an assessment of a student's academic readiness, learning progress, and skill acquisition. Therefore, any assessment costs under the bill are at the discretion of the public high school; potentially, these costs will be covered by the students receiving home instruction or enrolled in private school.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Maryland State Department of Education; Maryland Association of Boards of Education; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510