



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

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<b>BILL:</b>	House Bill 817	<b>DATE:</b>	February 12, 2021
<b>SUBJECT:</b>	Interscholastic Athletics Eligibility Waiver – Graduate Athletes	<b>COMMITTEE:</b>	Ways and Means
<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 House Bill (HB) 817, 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. House Bill 817 requires the waiver of certain regulations to allow for graduate students to participate during the 2021-22 academic year.

House Bill 817 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. House Bill 817 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.

House Bill 817 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. House Bill 817 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. House Bill 817 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 House Bill 817 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 House Bill 817 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 House Bill 817. For further information, please contact Zachary Hands, at 410-767-0504, or [Zachary.hands1@maryland.gov](mailto:Zachary.hands1@maryland.gov).