

TO: Andy Warner, Executive Director, MPSSAA
FROM: Dr. David T. Sovine *DTS*
DATE: October 19, 2023
RE: Proposed Written Amendments to COMAR

In accordance with COMAR 13A.06.03.11 (Amendments), as Superintendent of Washington County Public Schools, I am writing this letter to inform the Maryland Public Secondary Schools Athletic Association (MPSSAA) that Washington County Public Schools (WCPS) would like to propose the following written amendment to the COMAR 13A.06.03.02 Eligibility and COMAR 13A.06.03.06 Classification.

WCPS would like to propose the following changes to COMAR 13A.06.03.02(A):

Student eligibility for participation in interscholastic athletics at the high school level shall be based on the following criteria:

A. Students shall 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.~~ Local school systems may only authorize the participation of students who are legally enrolled and at which it is anticipated they will complete their graduation requirements as a student of the local school system. The local school system may authorize the participation of the student at the school in which the student would have otherwise been required to attend in person by local school system policy if the student is enrolled and attending a school within the school system that does not have interscholastic athletic programs.

Additionally, WCPS would like to propose the following additional language to COMAR 13A.06.03.06(A) in order to clarify how enrollment numbers from an alternative school would be counted for classification purposes.

A. For the purpose of parity in competition in meets and tournaments administered by the MPSSAA, member schools shall be divided into classifications based on enrollment. If, in this calculation, two or more schools with equal enrollments fall between two classifications, they shall be placed in the lower classification. The local school system shall include in this calculation students from the alternative school or other non-member MPSSAA schools who are authorized to attend the school in which the student would otherwise have been required to attend in person by local school system policy.

In Washington County, the Barbara Ingram School for the Arts (BISFA) is open to all high school students interested in arts programming. All BISFA students specialize in one of eight arts programs. Since BISFA opened its doors in 2009, it has never had an enrollment greater than 400 students in an academic year. BISFA is a unique school that affords students excellent opportunities in the arts, but the size of the school and the enrollment structure pose a challenge to the district's ability to provide students with the opportunity to participate in athletics as found in their home school.

There are students who attend BISFA who would also like to engage in athletic programs. BISFA, much like other small programmatic schools and virtual schools, does not have athletic programs, and there are no athletics facilities or fields. In addition, in this case, and in similar small specialty school scenarios, there is not enough interest among the students to maintain eligibility to participate because there is not the required number of players. In addition to allowing students from small programmatic schools access to athletic programming, the proposed amendment also recognizes the accessibility of participating in a sports team where students live rather than having to travel to a different school. Students who attend small, programmatic schools, including when districts have elected to establish virtual or alternative schools, would benefit from maintaining access to the full complement of resources offered in their home school.

I appreciate your review and careful consideration of this matter. Thank you for all you have done, and continue to do to support high school athletes and the arts in Washington County and across the state.

Dr. David T. Sovine
Superintendent
Washington County Public Schools

Washington County Public Schools Proposal

MARYLAND STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

13A.06.03 Interscholastic Athletics in the State

Authority: Education Article, SS2-205 and 2-303(j),
Annotated Code of Maryland

.02 Eligibility

Student eligibility for participation in interscholastic athletics at the high school level shall be based on the following criteria:

- A. Students shall 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.~~ **Local school systems may only authorize participation of students who are legally enrolled and at which it is anticipated they will complete their graduation requirements as a student of the local school system. The local school system may authorize participation of the student at the school in which the student would otherwise been required to attend in person by local school system policy if the student is enrolled and attending a school within the school system that does not have interscholastic athletic programs.**

.06 Classification

- A. For the purpose of parity in competition in meets and tournaments administered by the MPSSAA, member schools shall be divided into classifications based on enrollment. If, in this calculation, two or more schools with equal enrollments fall between two classifications, they shall be placed in the lower classification. **The local school system shall include in this calculation students from the alternative schools or other non-member MPSSAA schools who are authorized to attend the school in which the student would otherwise been required to attend in person by local school system policy.**

MPSSAA Constitution Committee – Voted 9-0 in favor of the proposal.

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.02 Eligibility

- A. Students shall be officially registered and attending the member MPSSAA school they are authorized to attend under the 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.**

Education Article Section 7-1401

Effective July 1, 2023, Maryland Senate Bill 610 from the 2023 Maryland State General Assembly was enacted into law. Education Article Section 7-1401 authorizes the Maryland State Department of Education to approve of local educational agency virtual schools to operate. Under the provisions of this educational article, the students of virtual schools shall be afforded the opportunity to participate in organized athletics and on athletic teams at the public school the student would otherwise be required to attend in person.

Guidance

Senate Bill 610 went into effect on July 1, 2023, and the relevant provision is now codified as Section 7-1404 of the Education Article, Annotated Code of Maryland. That provision states that a virtual school shall provide to each enrolled student access to extracurricular activities and “notwithstanding any other law or regulation and subject to a participation agreement between the public school and the parent or guardian of the student, to the extent practicable, participation in organized athletics and on athletic teams at the public school the student would otherwise be required to attend in person.” Md. Code Ann., Educ. § 7-1404(a)(4)(ii).

As stated, this provision applies “notwithstanding any other law or regulation,” and that includes COMAR 13A.06.03.02A, which states the general rule that “students shall be officially registered and attending the member MPSSAA school they are authorized to attend” and that “they may represent only the school in which they are registered and at which it is anticipated they will complete their graduation requirements.” Therefore, consistent with Section 7-1404 of the Education Article, students who are registered and attending a virtual school are nonetheless eligible to participate on athletics teams at the member MPSSAA school they would otherwise be required to attend in person.