



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.
Maryland State Superintendent of Schools

DATE: June 23, 2020

SUBJECT: Request for Waivers Related to Interscholastic Athletics due to the COVID-19 Pandemic

PURPOSE:

To review waiver recommendations related to requirements for interscholastic athletics as a result of the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures. The waiver recommendations would apply to interscholastic athletics from July 1, 2020, through June 30, 2021.

BACKGROUND/HISTORICAL PERSPECTIVE:

As a result of the COVID-19 pandemic and state of emergency declared by Governor Larry Hogan, Maryland schools have been closed since March 16, 2020, and will be closed through the remainder of the 2019-2020 academic year. On April 28, 2020, the Maryland Public Secondary Schools Athletic Association (MPSSAA) announced the cancellation of the remainder of the Spring Sports season and all in person interscholastic athletic and activities. The MPSSAA has focused all efforts on aligning the return of interscholastic athletics and activities with the Maryland State Department of Education *Maryland Together: Maryland's Recovery Plan for Education* and the Governor's *Maryland Strong: Roadmap to Recovery*. Some of the most common and fundamental statewide regulations for interscholastic athletic participation as found in COMAR 13A.06.03 require set scheduling, set practice dates, length of preseason practice, out-of-season practice, and other limits of participation that present logistical barriers as it relates to delayed or modified instructional decisions. Based on the ongoing emergency, the superintendents of the 24 Maryland local school systems jointly request through the MPSSAA waiving certain regulations while the State of Emergency continues. Waiver of the regulations will give the local school systems the flexibility to navigate county COVID-19 restrictions and administer interscholastic athletic opportunities based on local conditions.

EXECUTIVE SUMMARY:

The designees for interscholastic athletics for the local school system superintendents have been meeting regularly with the MPSSAA Executive Director to address issues related to COVID-19, such as identifying concerns, sharing best practices, and making recommendations for the return of interscholastic athletics and activities aligned with the *Maryland Together: Maryland's Recovery Plan for Education*. The MPSSAA Executive Council with support from all 24 local school system superintendents has identified certain waivers of Code of Maryland Regulations (COMAR) pursuant to the State Board's authority under COMAR 13A.01.01.02-1 that would alleviate logistical barriers related to delayed or modified instructional decisions. Through the MPSSAA, the local superintendents of schools on behalf of the local school systems have collectively requested the following waivers of COMAR for good cause, as necessary and justifiable, arising from the state of emergency:

COMAR 13A.01.01.02-1 *Waivers from Regulations* – Request a waiver from the requirement that each local superintendent of schools on behalf of the school system file a waiver request with the State Superintendent of School regarding statewide interscholastic athletics governed under COMAR 13A.06.03 *Interscholastic Athletics in the State*.

COMAR 13A.06.03.03 A - *Sports Season* - Request waiver of the defined sport seasons. The waiver request allows the MPSSAA to modify the length and timeframes of sports seasons. This allows local school systems to administer interscholastic athletic participation based on local county conditions and orders and allows the MPSSAA to work with individual local school systems to safely operate interscholastic athletics consistent with the latest county, State, and federal information, and to make calculated decisions to best support safe student, school personnel, and referee participation. **NOTE:** As MPSSAA members, the local school systems agree to institute schedules that adhere to defined practice and seasonal structure based on MPSSAA decisions. The MPSSAA maintains authority on defining sport seasons.

COMAR 13A.06.03.03 B(1) - *Maximum Number of Contests During a Sports Season* - Request waiver of the requirement that all sports schedules must be set by the first allowable playdate. This allows local school systems the flexibility to reschedule and adapt to the latest local and State COVID-19 guidance and orders. Some areas of the State may see interruptions during the course of the year or their local health department may implement stricter requirements that would affect intercountry and statewide contests. **NOTE:** MPSSAA does not seek a waiver of the requirements for B(1)(a) through (q) for seasonal and weekly limitations for the number of contests allowed per school athletic team and student participation during the course of a season.

COMAR 13A.06.03.04C(9) - *Limits of Participation* - Request waiver of the limit of participation to permit students who play on junior varsity and varsity teams in the previous season to participate in interscholastic competition and in intramurals or school sponsored athletic programs in the same sport outside the sport season. Intramural programs may be one of the earlier stages to create student participation before expanding into interscholastic and multi-school participation.

COMAR 13A.06.03.04E - *Out-of-Season Practice* - Request waiver of the regulations related to school participation in practice outside the defined seasonal limitations or beyond the regular sports season. This waiver allows for the MPSSAA and local school systems to re-engage coach and student interaction for the social-emotional and physical well-being of the student. Moreover, it permits coaches to conduct teaching and training beyond the regular sports seasons to help students' athletic conditioning and skill development after the long layoff from interscholastic sports. Flexibility for allowing coaches to conduct reconditioning and training is necessary for student safety and to permit schools to safely operate practices and individual student drills. **NOTE:** As MPSSAA members, the local school systems agree to institute a set out-of-season practice time frame per sport before operating any out-of-season practices and obtain approval from the MPSSAA Executive Director for the out-of-season practice time frame.

COMAR 13A.06.03.08(1)(b) - *Sanctioning for Interstate Competition* - Request waiver of the sanction request deadline date for interstate competition. The waiver does not change the requirement to request sanction approval from the MPSSAA, but provides flexibility to make necessary modifications during the course of the year.

COMAR 13A.06.03.08(2)(c) - *Sanctioning for Intrastate Competition* - Request waiver of the sanction request deadline date for intrastate competition. The waiver does not change the requirement to request sanction approval from the MPSSAA, but provides flexibility to make necessary modifications during the course of the year.

ACTION:

Request approval of the identified waivers.

ATTACHMENT:

COMAR regulations related to the waiver requests.