



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

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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** July 24, 2018

**SUBJECT:** COMAR 13A.06.03.06  
*Interscholastic Athletics in the State - Classification*  
**ADOPTION**

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**PURPOSE:**

Request permission to adopt amendments to COMAR 13A.06.03.06 *Interscholastic Athletics in the State - Classification*. The purpose of this action is to amend the section regarding how schools are classified for parity and equitable participation in interscholastic athletics.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review Committee (AELR) for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, the MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND:**

The current athletic regulation pertaining to how the Maryland Public Secondary Schools Athletic Association (MPSSAA) classifies schools was last amended in 1968-69 with an MPSSAA membership of under 140 schools. Current MPSSAA membership has grown to nearly 200-member schools and includes a vastly different educational genetic makeup and school structure than when the regulation was first adopted.

The amendment calls for the removal of “as equally as possible” and the word “four” from the statement “four classifications.” The language still provides direction to the MPSSAA Board of Control to create classifications; however, it will allow for an individual analysis on each sport based on how many of the 200-member schools compete. For instance, currently only 129 schools compete in field hockey as compared to 199 schools in girls’ basketball. The same four classification system for both sports creates inequity in regions and challenges parity in classifications.

Another change requires the removal of the words “by November 1” which will allow the MPSSAA to collect the enrollment figures in conjunction with MSDE’s collection schedule to ensure proper accounting of students. This will ensure the numbers submitted to the MSDE are the same figures submitted to the MPSSAA.

The process found in COMAR 13A.06.03.11 for amending the athletic regulations specifies that “amendments approved by the MPSSAA shall be forwarded to the State Superintendent of Schools who will receive recommendations from local superintendents of schools before the State Superintendent of Schools submits recommendations to the State Board of Education.” The local superintendents unanimously endorsed the proposed amendment.

#### **EXECUTIVE SUMMARY:**

The regulations that govern interscholastic athletics provide for equity of competition throughout the state. As such, those regulations are the result of a collaborative process between the Maryland Public Secondary Schools Athletic Association (MPSSAA), local superintendents, the State Superintendent, and the State Board of Education.

The proposed change amends the section regarding how schools are classified for parity and equitable participation in interscholastic athletics.

The State Board reviewed the regulations and granted permission to publish at the April 24, 2018 State Board Meeting. The Regulation was published in the Maryland Register from June 8, 2018 through July 9, 2018. The MSDE received no comments during the public comment period.

#### **ACTION:**

Request that the State Board adopt the amendments to COMAR 13A.06.03.06 *Interscholastic Athletics in the State - Classification*.

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 06 SUPPORTING PROGRAMS**

### **Chapter 03 Interscholastic Athletics in the State**

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

#### **.06 Classification.**

A. For the purpose of parity in competition in meets and tournaments [coordinated] *administered* by the MPSSAA, member schools shall be divided [as equally as possible] into [four] 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.

B. The local superintendent of schools shall submit to the MPSSAA Executive Director [by November 1,] a report on the actual school enrollment of students in Grades 9, 10, and 11 in each of the member MPSSAA schools as of September 30, in each even-numbered year. The MPSSAA Executive Director and [the] Classification Committee [of the MPSSAA] shall present a recommendation for classification of member schools *for each MPSSAA-administered sport* to the MPSSAA Board of Control for adoption. Classification shall be determined every 2 years based on the September 30 enrollment of the previous year.

C. When the MPSSAA Board of Control adopts classifications for member schools, the classifications shall remain in effect for the next 2 school years.

D. A new member MPSSAA school that opens or a member school whose enrollment is significantly changed by growth or consolidation during the two-year period shall be placed in the proper classification by the Classification Committee. "Significantly changed" means a decrease or an increase in enrollment of more than 25 percent. This new placement shall affect only the involved school and may not affect the classification of other member schools.

E. When a member MPSSAA school does not have all three grades included in the enrollment figures upon which the classification is based in the even-numbered year, but will have all three grades in the following odd-numbered year when classification becomes effective, the enrollment figure shall include the existing grades and average of the current class sizes applied to each projected grade.

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State Superintendent of Schools