



Mohammed Choudhury
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Mohammed Choudhury
Maryland State Superintendent of Schools

DATE: August 24, 2021

SUBJECT: Request for Waivers Related to Interscholastic Athletics for the 2021-2022 School Year

PURPOSE:

The purpose of this item is to review waiver recommendations related to requirements for interscholastic athletics as a result of the extraordinary circumstances created by the COVID-19 pandemic and to maximize opportunities for a continuity of participation. The waiver recommendations would apply to interscholastic athletics through June 30, 2022.

BACKGROUND/HISTORICAL PERSPECTIVE:

As a result of the COVID-19 pandemic, participation opportunities were limited for student-athletes during the 2020-2021 academic year. The Maryland Public Secondary Schools Athletic Association (MPSSAA) fully expects all local school systems to begin participation on the first available practice date and compete within the traditional seasonal timeframes defined in COMAR 13A.06.03.03 A. The MPSSAA waivers do not seek to change any designated sport seasons or request out-of-season participation during the 2021-2022 academic year. The MPSSAA believes there could be potential situations in which a school or team may have to temporarily pause or quarantine due to COVID-19 exposures. The MPSSAA requested waivers that would allow local school systems to modify schedules to minimize an adverse effect on schools and teams in order to maximize a continuity of participation. On May 19, 2021, the MPSSAA Board of Control approved the proposed waivers by a vote of 59-0. The Superintendents of the 24 Maryland local school systems jointly request, through the MPSSAA, waiving these regulations in support of a continuity of participation in the 2021-2022 academic year. Waiver of the regulations will give the local school systems the flexibility to navigate county COVID-19 restrictions and administer interscholastic athletic opportunities.

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 a continuity of participation during the 2021-2022 academic year. The MPSSAA Board of Control 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 COVID-19 exposures. Through the MPSSAA, the Local School System Superintendents have collectively requested the following waivers of COMAR as necessary and justifiable:

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 experience 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.06.03.08(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.

CODE OF MARYLAND REGULATIONS

Applicable to the Requested Waivers

Background - Authority of the State Board and State Superintendent of Schools to Grant Waivers:

13A.01.01.02-1

.02-1 Waivers from Regulations

A. Authority. Upon a demonstration of good cause, substantial compliance, or comparable effort by an educational institution or program seeking a waiver, the State Board of Education may grant waivers from its regulations.

B. Term.

(1) The term of a waiver may not exceed 3 years.

(2) Requests to renew waivers for additional 3-year terms may be filed with the State Superintendent of Schools.

C. Procedure.

(1) The head of an educational institution or program, including an institution of higher education, or the local superintendent of schools on behalf of a school or school system, shall file a waiver request with the State Superintendent of Schools. The request shall include a description of the desired outcome and an explanation of why the waiver is necessary and justifiable under the circumstances.

(2) The State Superintendent of Schools shall submit to the State Board of Education each waiver request within 45 calendar days of its receipt with a recommendation for either granting or denying the waiver, specifying its term, and providing written justification for any recommended denial.

(3) The State Board of Education shall render a decision at its next regularly scheduled meeting. The decision of the State Board of Education on a waiver request is final.

CODE OF MARYLAND REGULATIONS (COMAR) - WAIVERS

13A.06.03.03

.03 Sports Seasons

Member MPSSAA schools shall conduct all interscholastic athletic contests and practice sessions in accordance with the following:

B. Maximum Number of Contests Permitted During a Sports Season.

(1) All school athletic schedules shall be established before the first MPSSAA allowable play date of each sport's season according to the following instructions.

13A.06.03.09

.09 Sanction Rules

C. Sanctioning Guidelines.

(1) Sanctioning for Interstate Competition.

(b) A school or school system that wishes to serve as a host for an interstate contest shall file the appropriate sanction request form prior to the first play date and at least 15 days prior to the event for events within the first 2 weeks of the season.

13A.06.03.09

.09 Sanction Rules

C. Sanctioning Guidelines.

(2) Sanctioning for Intrastate Competition.

(c) The host school shall file the appropriate sanction request form with the MPSSAA Executive Director prior to the first play date and at least 15 days prior to the event for events within the first 2 weeks of the season.