



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.

ATTACHMENTS (2):

COMAR regulations related to the waiver requests
PowerPoint

Maryland Public Secondary Schools Athletic Association (MPSSAA)

State Board of Education Meeting
June 23, 2020



Background Information

- On March 16, 2020, interscholastic athletics was postponed until further notice as a result of the response to Covid-19.
- On April 28, 2020, interscholastic athletics and activities were cancelled for the remainder of the 2020-2021 academic year as a result of the response to Covid-19.
- On April 28, 2020, the MPSSAA announced it will be, “focusing all efforts on aligning the return of interscholastic athletics with the "Maryland Strong Road Map to Recovery" and the multi-phased approach within each stage of the recovery.”
- On June 10, 2020, the Maryland State Department of Education re-released the [*Maryland Together: Maryland's Recovery Plan for Education*](#). The guidance document provides information from the MPSSAA on aligning the return of interscholastic athletics with the Governor's [*Maryland Strong Road Map to Recovery*](#) and the multi-phased approach within each stage of the recovery.



Guiding Principles

- Annually over 111,000 student-athletes participate in interscholastic athletic competitions administered by the MPSSAA with an additional 6,500 in corollary sports and over 10,000 additional participants in other extracurricular activities and middle school athletic programs.
- Re-engagement of students in a safe and controlled environment is paramount to the social-emotional and physical well-being of the student.
- Maximize the participation opportunities for schools and students by administering:
 - Team-based and skill development practices with no competition for extended periods of time.
 - Intra-school competitions utilizing multiple varsity teams or intramurals.
 - Competition confined to a set number of schools in the same geographic area.
- Interscholastic athletic decision must mirror local school system decision on instructional, logistical, and health decisions. The same policies for student transportation, size of group gatherings, in-person instruction, health care screenings, and other items should extend to extracurricular participation decisions.



MPSSAA Roadmap Forward

- The MPSSAA envisions three states of interscholastic athletics and activities.
 - Cancellation of All Athletics and Activities (Stages I and II)
 - Interruptions could occur at the onset or during the course of the school year at any point in time.
 - Modified and Gradual Resumption and Administration of Athletic and Activities (Stages I and II)
 - Lowest Risk: Performing skill-building drills or conditioning at home, alone or with family members.
 - Increasing Risk: Summer out-of-season school-based open conditioning, exercise, weight training, and non-sport specific student gatherings/In-Season team based practices.
 - More Risk: Within-team competition.
 - Even More Risk: Full competition between teams from the same local geographic area.
 - Highest Risk: Full competition between teams from different geographic areas.
 - Full Resumption and Administration of Activities (Stage III)



MPSSAA Waiver Request

- 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.
- The request for waiver of these regulations allows for local school systems to maximize participation opportunities for the social-emotional and physical well-being of the student.
- The request for waiver of these regulations will give the local school systems the flexibility to navigate local COVID-19 restrictions or interruptions in order to administer interscholastic athletic opportunities aligned with local educational decisions.



MPSSAA Waiver Requests

- **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.
- **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.
- **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.
- **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.
- **COMAR 13A.06.03.08(1)(b) - *Sanctioning for Interstate Competition*** - Request waiver of the sanction request deadline date for interstate competition.
- **COMAR 13A.06.03.08(2)(c) - *Sanctioning for Intrastate Competition*** - Request waiver of the sanction request deadline date for intrastate competition.



CODE OF MARYLAND REGULATIONS

Applicable to the Requested Waivers (June 23, 2020)

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.

Broad Powers Given to the State Superintendent by the State Board on March 24, 2020

As a result of the March 24, 2020, emergency State Board resolution, the State Superintendent can make decisions on behalf of the State Board to take appropriate actions to control and prevent the spread of the COVID-19 virus. Under the resolution, the State Superintendent in consultation with and with instruction of the President of the State Board is authorized to take appropriate actions that will be reviewed by the State Board at its next meeting.

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:

A. The sports seasons shall be defined as follows:

- (1) "Fall" means the 6th Wednesday following the first Sunday of July, until the final date of the local, conference, district, regional, or State tournament.
- (2) "Winter" means November 15th until the final date of the local, conference, district, regional, or State tournament.
- (3) "Spring" means March 1st until the final date of the local, conference, district, regional, or State tournament.
- (4) When November 15th or March 1st falls on Sunday, practice will start the preceding Saturday.
- (5) Required Practice. A member MPSSAA school may not participate in a regularly scheduled game until at least 20 calendar days have elapsed after and including the first day of practice. Golf is the only exception to this regulation.

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.06.03.04

.04 Operational Guidelines

The regulations given below are established for all MPSSAA interscholastic sports:

C. Limits of Participation.

- (9) A varsity or junior varsity team member of the previous season may not participate in interscholastic competition and in intramurals or school sponsored athletic programs in the same sport outside the sport season.

13A.06.03.04

.04 Operational Guidelines

The regulations given below are established for all MPSSAA interscholastic sports:

E. Out-of-Season Practice.

- (1) Member MPSSAA schools and coaches of member schools shall confine school practices to the seasonal limitations as defined in Regulation .03 of this chapter.
- (2) A coach may not coach a team representing the coach's school beyond the sports season as defined in Regulation .03 of this chapter.

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.