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TO: Members of the State Board of Education
FROM: Jack R. Smith, Ph.D. *JRS/cln*
DATE: December 8, 2015
SUBJECT: Code of Maryland Regulations (COMAR) 13A.06.03
Interscholastic Athletics in the State
ADOPTION

PURPOSE:

The purpose of this action is to seek adoption of amendments to regulations under COMAR 13A.06.03 Interscholastic Athletics in the State.

BACKGROUND/HISTORICAL PERSPECTIVE:

The current athletic regulation pertaining to the sport of swimming provide for a maximum of 12 regular season competitions with a limit of two per week and a prohibition of competition on consecutive days. Swimming is a winter sport conducted during the months of December to February.

Very few schools have swimming pools and the great majority of practices and competitions are conducted in off campus facilities. As a result, the rescheduling of weather related postponements becomes problematic as school systems compete with multiple organizations for limited pool time. The inability to schedule meets on consecutive days further reduces the potential for making up postponed contests. Therefore, some schools are unable to conduct a full season.

The prohibition on consecutive days of competition has been in place since these regulations were first adopted 40 years ago. They were put in place to prevent a perceived overuse of athletes. Like many other beliefs of the time, theories about exercise and endurance in adolescence have been reexamined. The maximum combined distance one could swim in a meet is 1,500 yards. During a normal practice session a swimmer would swim an average of 3,000 yards. Thus a swimmer would actually exercise twice as much by practicing the day before competition than actually competing on consecutive days.

The process for amending the regulation 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 this proposed amendment which is now presented to the State Board for consideration.

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Opportunities for public comment were provided through publication of the proposed regulation in the Maryland Register from September 18, 2015 through October 19, 2015. No comments were received.

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 to the swimming regulation provides schools with flexibility to reschedule postponed events and complete a full season of competition.

ACTION:

I am requesting that the State Board grant adoption of the proposed amendments to COMAR 13A.06.03 Interscholastic Athletics in the State.

JRS:scs

Attachment

PROPOSED ACTION ON REGULATIONS

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(e) Include the expected and measurable outcomes resulting from proposed expenditures.

(2) Collaborative Planning. An eligible recipient shall use a collaborative planning process to ensure the participation of all groups involved in local planning and assessment for career and technology education. These groups include, but are not limited to, the local advisory council, program/craft advisory committees, [private industry councils] local workforce investment boards, and local economic development personnel, as well as representatives from secondary and postsecondary instructional areas, guidance and counseling, special education, student support services, [Job Training Partnership] and Workforce Innovation and Opportunity Act programs [and Welfare-to-Work].

(3) Maintenance of Fiscal Effort.

(a) (text unchanged)

(b) If fiscal effort cannot be maintained, the eligible recipient may request a waiver in writing. The request for waiver shall be submitted to the Assistant State Superintendent, Division of Career [Technology and Adult Learning] and College Readiness, Maryland State Department of Education, not later than June 30 of the fiscal year in which effort cannot be maintained. The Assistant State Superintendent may grant a request for waiver of maintenance of effort for good cause.

(4) Financial Reporting Requirements.

(a) (text unchanged)

(b) An eligible recipient shall submit an Annual Financial Report of Expenditures to the State Department of Education not later than September 30 of each year. The report shall include expenditures [by parts of the Act], source year of funds, and State, local, and federal expenditures during the fiscal year. *The Maintenance of Fiscal Effort figure is also reported and it represents the official Maintenance of Effort figure for the eligible recipient.* The State Department of Education may withhold CTE payments from an eligible recipient that does not submit this report by the specified date.

(5) Liquidation of Financial Obligations.

[(a) For the purposes of this subsection, the term "liquidation" means the elimination of financial obligations.]

[(b)] (a) The liquidation of financial obligations incurred in a given fiscal year shall be completed within 90 calendar days after the end of the grant period.

(b) The unused balance of funds granted to the eligible recipient which is remaining after the 90 calendar day liquidation period shall be refunded immediately to the State Department of Education.

(c) If obligations cannot be eliminated within the 90 calendar day liquidation period, the eligible recipient may request, in writing, an extension of the liquidation period *as follows*:

(i) The request for extension shall be submitted to the Assistant State Superintendent, Division of Career [Technology and Adult Learning] and College Readiness, Maryland State Department of Education, at least 15 calendar days before the end of the liquidation period[.]; and

(ii) The Assistant State Superintendent may approve a request for extension for good cause.

(6) Equipment Management and Inventory. The Division of Career [Technology and Adult Learning] and College Readiness and each eligible recipient shall establish and maintain equipment inventories and appropriate record-keeping systems for equipment with an initial cost of [\$1,000] \$5,000 or more that was purchased with federal funds.

(7) Program Reports.

(a) Program reports shall be submitted by the eligible recipient according to a form prescribed by the Maryland State

Department of Education and as identified on the Notice of Grant Award.

(b) Interim program reports are due no later than January 15 of each year.

(c) Final program reports are due July 31 of each year.

(d) Other required reports such as outcome data, enrollment files, work-based learning questionnaires, pregraduate surveys, verification of eligible programs, Pell grant recipients, including justification of greater or less than 5 percent variance if needed, local agreed-upon performance levels, and others as may be required are due by the date identified and provided to eligible recipients by the Maryland State Department of Education.

(e) The State Department of Education may withhold CTE payments from an eligible recipient that does not submit this report by the specified date.

(f) For grants, applications, and other related items, spending authority becomes effective the first day of the month in which all required items have been submitted in approvable form.

C. Equity. An eligible recipient receiving federal funds shall comply with the provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and shall provide information to the Division of Career [Technology and Adult Learning] and College Readiness, as requested, to demonstrate compliance.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Subtitle 06 SUPPORTING PROGRAMS

13A.06.03 Interscholastic Athletics in the State

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

Notice of Proposed Action

[15-256-P]

The Maryland State Board of Education proposes to amend Regulation .03 under COMAR 13A.06.03 Interscholastic Athletics in the State. This action was considered at the Maryland State Board of Education meeting on July 28, 2015.

Statement of Purpose

The purpose of this action is to provide local education agencies with the flexibility to reschedule postponed swimming events and complete a full season of competition.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to R. Andrew Warner, Executive Director, MD Public Secondary Schools Athletic Association, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0376 (TTY 410-333-6442), or email to robert.warner1@maryland.gov, or fax to 410-333-3111. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on December 8, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.03 Sports Season.

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

A. (text unchanged)

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:

(a)—(m) (text unchanged)

(n) Swimming:

(i) (text unchanged)

(ii) (text unchanged)

(iii) [Meets may not be held on consecutive days] *Three meets in 1 week may be scheduled once during the season.*

(o)—(q) (text unchanged)

(2)—(3) (text unchanged)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

**Title 15
DEPARTMENT OF
AGRICULTURE**

**Subtitle 20 SOIL AND WATER
CONSERVATION**

15.20.05 Manure Transport Project

Authority: Agriculture Article, §8-704.2, Annotated Code of Maryland

Notice of Proposed Action

[15-560-P]

The Secretary of Agriculture proposes to amend Regulations .02—.04 and .06, adopt new Regulation .07, and recodify existing Regulations .07—.09 to be Regulations .08—.10 under COMAR 15.20.05 Manure Transport Project.

Statement of Purpose

The purpose of this action is to implement Ch. 36, Acts of 2014, which eliminates the 50 percent match requirement poultry companies provided as an eligibility requirement for State cost-share to transport poultry litter and allows MDA to establish the match percent. The 87.5 percent cost share for nonpoultry growers is unchanged. Additional modifications are to clarify current administration of the program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This action will allow more farmers with excess manure to utilize the Manure Transport Program and reduce economic impacts of nutrient management requirements. Farmers receiving excess manure can improve soil health and

potentially save on nutrient input costs for their crops. Truckers may also benefit from increased business.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	Nominal
B. On other State agencies:	NONE	
C. On local governments:	(E-)	Nominal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Moderate
E. On other industries or trade groups:	(+)	Moderate
F. Direct and indirect effects on public:	(+)	Unknown

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Economic impacts to agency are nominal. The agency will use existing administrative staff to implement regulatory changes.

C. Soil conservation districts assist farmers in applying for Manure Transport grants. Regulatory changes could result in increased participation and related workload costs.

D. Participants voluntarily use the Manure Transport Program to reduce costs in addressing excess manure or issues in complying with nutrient management requirements; program reduces costs.

E. Manure brokers and truckers could benefit from additional business.

F. The public will benefit from accelerating water quality improvements.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Minimal impact to small business. Program is voluntary. MDA will have the flexibility to provide cost share to additional applicants because they have the flexibility to adjust integrator match. Animal producers benefit by receiving financial assistance to address excess manure or problems complying with nutrient management requirements. Manure brokers and truckers benefit if business increases.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Louise Lawrence, Chief, Maryland Department of Agriculture, 50 Harry Truman Parkway, Annapolis, Maryland 21401, or call 410-841-5734, or email to louise.lawrence@maryland.gov, or fax to 410-841-5873. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)