

BILL: House Bill 1122
TITLE: Public Schools - Home School Students - Extracurricular Activities
(Right to Play Act of 2022)
POSITION: OPPOSE
DATE: March 9, 2022
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) opposes House Bill 1122, which would require local school systems to allow students participating in home instruction to participate in a school's extracurricular clubs and activities, including interscholastic athletics.

Local school systems have consistently raised concerns regarding the increased administrative burdens, costs, and liabilities that could arise if students participating in home instruction or nonpublic school students were permitted to participate in public school extracurricular activities. For these reasons, MABE has consistently opposed legislation similar to House Bill 1122; legislation which has been considered and rejected by the General Assembly many times in the past.

There are many compelling reasons to reject the proposal to allow non-enrolled students to participate in school activities provided for enrolled students. The comprehensive scope of school system responsibilities for enrolled students extends to student health, e.g. enforcing compliance with mandated vaccinations; providing appropriate educational accommodations; e.g. developing individualized educational programs (IEPs) and 504 Plans; enforcing student discipline policies, e.g. in-school suspension; and academic eligibility, e.g. grade point average requirements. These responsibilities are assigned to school system staff who are informed about the specific needs of individual enrolled students. Allowing a non-enrolled student to participate with enrolled students in extracurricular activities and sports would introduce serious challenges regarding school system liability, the extension of limited staff resources, and the unavoidable disruption to the activities of cohorts of enrolled students.

Lastly, Maryland's public school finance system is premised on the availability of per pupil funding provided by local governments, the state, and federal government based on student enrollment. Enrollment based funding is determined by the number of students present in the school system on September 30 of the prior school year. Funding is essential, but not provided in this legislation, to support the types of extracurricular activities and interscholastic sports activities proposed to be made available to non-enrolled students engaged in home instruction.

For these reasons, MABE requests an unfavorable report on House Bill 1122.