



April 2017

**Supplemental Information and FAQ Related to
Athletic Eligibility and Duration of Competition**

Athletic Placement Process §135.4(c)(7)(ii)(a)

1. What is the Athletic Placement Process?

In general, interscholastic athletics for students in grades 7 through 12 must be organized for students in like grade groups. However, pursuant to Commissioner's regulation §135.4(c)(7)(ii)(a), a school district may choose to permit certain students to compete at a level of competition deemed appropriate to their physiological maturity, physical fitness, and skill level in relationship to other students at the desired level of competition.

Though not required, many school districts throughout the State employ the Athletic Placement Process (APP) to provide appropriate interscholastic athletic opportunities for exceptional student athletes in grades 7 and 8 to play at the high school level. The standards by which such participation is permitted are commonly referred to as the Athletic Placement Process (APP). The APP, which was last updated in 2015, provides a protocol for districts that choose to allow students in grades 7 and 8 to play at the high school level, or for students in grades 9-12 to participate at the middle school level. Such protocol ensures that student athletes are able to participate safely at an appropriate level of competition based upon physical and emotional readiness and athletic ability, rather than age and grade alone. The Athletic Placement Process for Interscholastic Athletic Programs guidance is attached to this document but is also available here:

<http://www.p12.nysed.gov/ciai/pe/documents/AthleticPlacementProcess2-11-15Revised.pdf>

2. How Does the Proposed Amendment Change the Athletic Placement Process?

In general, the proposed amendments do not change the existing APP. However, there are 13 public school districts in the State that operate to serve students in grades K-8 only, and contract for the education of their high school students with other public school districts pursuant to the provisions of Education Law §§2040, 2045 and Commissioner's regulation §174.4. Because of their unique configuration, these 13

public school districts do not have their own “district high school,” and as a result, questions have arisen regarding the ability of students who are enrolled in K-8 public school districts to participate in the APP because they are not “enrolled” in a district with its own high school. The proposed amendment is designed to clarify the conditions under which K-8 public school districts may also employ the APP protocol to allow the opportunity for exceptional student athletes to participate in interscholastic sports at the high school(s) with which the K-8 school district contracts for the education of its high school students, when such students are bona fide students of the K-8 school district.

3. What Impact does the APP Have on a Student’s Athletic Eligibility if they Move to Another State?

Each state has varying regulations and governing body bylaws which set the parameters for athletic eligibility within New York State. Any impact a student’s participation in high school athletic competition as a 7th or 8th grade student might have upon his/her eligibility upon relocating to another state, would be determined by the governing regulations in that particular state. If a student athlete relocates to another state, it would be advised that parents check with the relevant athletic governing bodies within that state, in order to adequately determine the future eligibility status of their son and/or daughter.

4. How will the Proposed Amendment Expressly Enabling K-8 Districts to Utilize the APP be Implemented?

During the public comment period, several commenters raised questions about the practical implementation of the APP in these uniquely situated K-8 districts. Particularly, which medical director will be responsible for approving the student for participation? Which school administrator will be responsible for approving the student for participation? Which school district will be responsible for transportation? Which school district will be responsible for any disciplinary action? Which school district will be responsible in the event of an injury?

The existing regulation provides that the board of education may permit students to participate through the APP, which inherently would require a policy for the schools to implement. Therefore, the Department recognizes that additional revisions to the existing APP guidance will be necessary to provide these few K-8 school districts and the districts with which they contract for the education of their high school students with the necessary guidance to safely and appropriately implement the APP. In fact, several commenters expressed that these questions could easily be addressed through collaboration among partner districts, and supported policies enacted by the respective boards of education to ensure compliance with the regulations. The Department is currently working to compile such model policies, and anticipates attaching these policies to the amended APP guidance upon adoption of the regulation.

Duration of Competition (§135.4(c)(7)(ii)(b)(1)(i))

1. General Information:

Commissioner's regulation §135.4(c)(7)(ii)(b)(1)(i), relating to the duration of competition, limits the participation of students in high school athletic competition to four consecutive seasons commencing with the student's entry into the ninth grade and prior to graduation. However, the regulation provides that a request for an extension of duration of competition may be granted if sufficient evidence demonstrates that the student's failure to enter competition during one or more seasons was directly caused by illness or accident, and such illness or accident will require the student to attend school for one or more additional semesters to graduate. In response to public comment, the Department revised the amendment to clarify and further define the circumstances under which extended eligibility may be granted. The revised language provides as follows:

"If sufficient evidence is presented by the chief school officer to the section to show that the pupil's failure to enter competition during one or more seasons of a sport was caused by illness, [or] accident, or documented social/emotional condition or documented social/emotional circumstances beyond the control of the pupil such pupil's eligibility shall be extended accordingly in that sport...

Additionally, the Department anticipates issuing further guidance relating to the implementation of the proposed amendments.

General Health and Safety Protocols for Athletic Events

There are several areas in which the statutes and regulations require certain training and safety equipment to be present at school sponsored athletic contests. This is not a comprehensive collection of all the safety resources available to schools, but serves to provide a general overview.

Concussion Management

The Concussion Management and Awareness Act (Ch. 496 of the Laws of 2011) required the Commissioner of Education, in conjunction with the Commissioner of Health, to promulgate rules and regulations related to students who sustain a concussion at school and at any district-sponsored event or related activity. Commissioner's regulation §136.5 relates to concussion management and awareness, and includes provisions for the removal from athletic activities of a student who has sustained a concussion. Comprehensive guidance on this issue can be found here: [Updated Concussion Management Guidelines based on the Concussion Management and Awareness Act effective July 1, 2012](#)

Automated External Defibrillators (AEDs)

Commissioner's regulation §136.4 requires that during any school-sponsored athletic contest or school-sponsored competitive athletic event held at any location, public school officials and administrators responsible for such contest or event shall ensure that automated external defibrillator equipment is provided on-site and that at least one staff person who is trained, pursuant to Public Health Law section 3000-b(3)(a), in its use is present during such contest or event.

For more information on AED requirements see:
<http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/AEDs.html>

Coaching First Aid Knowledge and Skills

Commissioner's regulation §135.5 requires coaches to hold valid certification in first aid knowledge and skills, including instruction in the administration of adult cardiopulmonary instruction.

For more information on this requirement see:
<http://www.p12.nysed.gov/ciai/pe/documents/August2016COACHES-FIRST-AID-AND-CPR-AED-REQUIREMENT.pdf>

Medical Personnel for practices and/or games

With respect to medical personnel, the Commissioner's regulation §135.5 does not require that they are in attendance at practices and/or games. Normal procedure would be for the coach to attend to the student first, followed by calling 911 in the event of a serious injury. Most nurses are employed during the day and not normally in attendance for after school events. It would not be possible for every district to have a medical person in attendance at every practice and/or athletic event after school. In addition, some schools have an athletic trainer on staff while others may not be able to afford one.

For further clarification on the Commissioner's Regulations for Physical Education and Athletics please contact the Office of Curriculum and Instruction at (518) 474-5922.