



## MEMO

**TO:** NYSPHSAA Section Executive Directors  
**FR:** Dr. Robert J. Zayas, NYSPHSAA Executive Director *RJZ*  
**RE:** NYSED Bona Fide Student Regulation & Remote Education  
**DATE:** August 10, 2020

The following interpretation is provided pertaining to students who will receive remote only education during the 2020-2021 school year in response to the COVID-19 crisis.

The New York State Education Department regulations (135.4 Physical Education) state:

(c) Program Plans, E, iii,

*“(2) Registration. A pupil shall be eligible for interschool competition or inclusive athletic activities in a sport during a semester, provided that he is a bona fide student, enrolled during the first 15 school days of such semester, is registered in the equivalent of three regular courses, is meeting the physical education requirement, and has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.”*

In discussions with representatives from the New York State Education Department, the above regulation provides a student with the opportunity to participate in interscholastic athletics if they are receiving credit for three courses and physical education, regardless of the education platform utilized by the school district (i.e. remote only, hybrid, etc.). Students who opt for a remote only education because of the COVID-19 crisis would be eligible for interscholastic athletics (when permitted) if they meet the Bona Fide student regulation above. Please note, as of today, August 10, 2020, interscholastic athletics continue to be prohibited by state officials.

I am hopeful this memo will provide clarity for school districts, parents, and coaches as they prepare for the quickly approaching 2020-2021 school year.

If you have any questions or concerns related to this memo, please contact me as soon as possible.

Thank you.