



Regulations & Laws on Interscholastic Athletics

Presented By:

Stephanie M. Roebuck, Esq.
Keane & Beane, P.C.

Melissa N. Knapp, Esq.
Thomas, Drohan, Waxman, Petigrow & Mayle, LLP



NYS Public High School Athletic Association's Transgender Guidelines

- All students must be provided the opportunity to participate in NYSPHSAA activities in accordance with their gender identity and the Commissioner's regulations.
- DASA prohibits discrimination and/or harassment based on a student's actual sex and gender or perceived sex and gender by students or employees whether on school property or at school functions.

NYSPHSAA Rules & Regulations, Section 32 (Transgender Guidelines)

https://dataserver.lrp.com/DATA/servlet/DataServlet?fname=Policy_NY_State_Public_HS_Athletic_Assoc.pdf



NYS Public High School Athletic Association's Transgender Guidelines

Relevant definitions under NYSPHSAA Guidelines:

- Assigned Sex at Birth = The sex designation, usually male or female, assigned to a person when they are born.
- Gender Identity = A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or behavior assigned sex at birth.
- Transgender = An adjective describing a person whose sex assigned to him or her at birth does not correspond to their gender identity.



NYS Public High School Athletic Association's Transgender Guidelines

Procedure:

- The student/parent/guardian notifies that the student would like to participate in athletics consistent with the gender he/she identifies with.
- The student's home school will determine the eligibility of a student seeking to participate in athletics in a manner consistent with his/her gender identity where the student's gender identity does not correspond to his/her sex assigned at birth.
- The Superintendent will confirm the gender identity asserted for purposes of trying out for a sports team through documentation from the parent, guardian, guidance counselor, or from a doctor, psychologist or other medical professional.
- On a seasonal basis the school will provide approval of eligibility to try out for an interscholastic sports team or teams which corresponds to the student's gender identity.
- The Athletic Director should notify the NYSPHSAA if any accommodations are needed.



NYS Public High School Athletic Association's Transgender Guidelines

- The District's determination as to eligibility of a transgender student to participate in athletics may be appealed to the Commissioner of Education.



NYS Public High School Athletic Association's Transgender Guidelines

Privacy Policy: All discussions and documentation shall be kept confidential to the extent permitted by law unless the student and the family make a specific request in writing.



Mixed Competition in Athletics

Commissioner Regulation 135.4 allows for male and female students to participate on the same interschool athletic team under certain circumstances.

- If a school does not provide separate competition for male and female students in a specific sport, no student shall be excluded from competition solely because of sex (with some exceptions).
- Softball and Baseball are considered single sport for purposes of mixed competition.
- The Superintendent or the Section may decline to permit a male to participate on a team organized for females upon a finding that such participation would have a significant adverse effect upon the opportunity of females to participate successfully.
- If the school does provide separate competition for males and females:
 - Males may not participate on female teams.
 - Females may be permitted to participate on male teams with the Superintendent's approval.



Mixed Competition in Athletics

Baseball, basketball, boxing, field hockey, football, ice hockey, lacrosse, rugby, soccer, softball, speedball, team handball, power volleyball, and wrestling have additional requirement:

- Review Panel must determine if the student meets the school's prerequisites required for all students' participation in interscholastic sports.
- Must make determination before tryouts so the athlete does not miss any practices/games (assuming information available to district before tryouts).



Mixed Competition in Athletics

November, 30, 2022 Memo from SED – Information Regarding Mixed Competition in Athletics

- Rescinded the 2015 Mixed Competition in Athletics Guidelines.
- Students may not be excluded from participating on a sports team on the basis of sex or gender.
- All students shall have the same requirements when trying out for interschool athletic teams:
 - Signed parent/ guardian consent;
 - A current health examination;
 - A completed and signed Interval Health History Form if the health examination was not completed within 30 days of the state of the season; and
 - Clearance from the medical director.



Mixed Competition in Athletics

- Tanner Staging = An objective classification system that providers use to document and track the development and sequence of secondary sex characteristics of children during puberty.
- Should NOT be conducted on students wishing to try out and participate in mixed competition athletics.



Mixed Competition in Athletics – Proposed Amendment

- In Spring, 2024, SED proposed an amendment to Part 135 of the Commissioner’s regulations.
- A Notice of Proposed Rule Making was published and there was a sixty-day comment period.
- The proposed amendment was scheduled to be considered at the September 2024 Board of Regents meeting but it was tabled.



Mixed Competition in Athletics – Proposed Amendment

- The proposed amendment to Section 135 of the Commissioner’s Regulations:
 - Requires a school to allow a student of a different gender to participate in the team selection process if the school does not offer separate teams for males and females for a particular sport.
 - Requires that the criteria for determining whether students will be selected to participate in the team shall be the same for all students who qualify to tryout, regardless of gender, and shall be publicly posted on the district website.
 - Requires that expectations for personal and social responsibility, sport-specific skill development, knowledge of the game, and physical fitness are the same for all students, regardless of gender.



Mixed Competition in Athletics – Proposed Amendment

- Requires all students to be permitted to participate on teams that do not have a tryout process, regardless of gender.
- If a person is aggrieved by the selection process for participation they may appeal to the Commissioner of Education.
- Eliminates sentence in current regulation that for the purposes of mixed competition, baseball and softball shall be considered a single sport.



Coaching Certification

- Certified physical education teachers are permitted to coach any sport in any school.
- Certified teachers in areas outside of P.E. (including school leader or pupil personnel services) with coaching qualifications may coach any sport in any school, if they complete:
 - First aid requirement;
 - Approved course in Philosophy, Principles and Organization of Athletics in Education within two years from the date of initial appointment as a coach;
 - Approved courses on Health Sciences Applied to Coaching and Theory and Techniques of Coaching within five years of appointment as a coach; and
 - Course on mild traumatic brain injuries on a biennial basis.



Coaching Certification

Temporary Coaching License for Non-Teachers:

- A non-teacher who has coaching qualifications and experience may be appointed as a temporary coach if there are no teachers available and they are issued a temporary coaching license from SED.
- Superintendent must submit statement to SED that there are no qualified certified teachers available to coach.
- Must complete course on mild traumatic brain injuries on a biennial basis.
- Initial Temporary License:
 - Complete first aid requirements prior to first day of coaching
 - Complete CPR training
 - Complete training on identifying and reporting child abuse and maltreatment, DASA, and School Violence



Coaching Certification

- Renewal of Temporary License:
 - Must complete or be enrolled in the same required courses that certified teachers must take (same timeline as well)
- Professional Coaching Certificate:
 - 3 years satisfactory experience as NY Licensed Coach
 - Complete all requirements for renewal of temporary license
 - 3 years of satisfactory evaluations (sport specific)
 - Valid for 3 years