

6934

I N S E N A T E

February 26, 2010

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to eligibility for senior high school athletic competition

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 3208-b
2 to read as follows:

3 S 3208-B. ELIGIBILITY FOR SENIOR HIGH SCHOOL ATHLETIC COMPETITION;
4 DISABILITY EXCEPTION. 1. THE COMMISSIONER SHALL PROMULGATE REGULATIONS
5 TO ELIMINATE THE AGE REQUIREMENT ON ELIGIBILITY FOR SENIOR HIGH SCHOOL
6 ATHLETIC COMPETITION WHEN A STUDENT WITH A DEVELOPMENTAL DISABILITY,
7 SUCH AS AUTISM OR ASPERGER SYNDROME, OR A PHYSICAL DISABILITY, WHO IS
8 OTHERWISE QUALIFIED TO COMPETE AND HAS BEEN SELECTED FOR SUCH COMPETI-
9 TION IN THE PAST, HAS NOT YET GRADUATED HIGH SCHOOL. THE COMMISSIONER
10 SHALL PROMULGATE REGULATIONS TO GUARANTEE THAT A STUDENT WITH A DEVELOP-
11 MENTAL OR PHYSICAL DISABILITY IS ELIGIBLE FOR FIVE YEARS OF SENIOR HIGH
12 SCHOOL ATHLETIC COMPETITION IF SUCH STUDENT IS QUALIFIED TO COMPETE AND
13 HAS BEEN SELECTED FOR SUCH COMPETITION. THE COMMISSIONER SHALL DEFINE
14 DEVELOPMENTAL OR PHYSICAL DISABILITY FOR PURPOSES OF THIS WAIVER IN
15 ACCORDANCE WITH PART TWO HUNDRED OF THE COMMISSIONER'S REGULATIONS.

16 2. THE ATHLETIC DIRECTOR OR THE SUPERINTENDENT OF ANY SCHOOL OR SCHOOL
17 DISTRICT IN THE SAME SECTION OF THE NEW YORK STATE PUBLIC HIGH SCHOOL
18 ATHLETIC ASSOCIATION MAY FILE A COMPLAINT TO CHALLENGE A STUDENT WITH A
19 DISABILITY FROM BEING ELIGIBLE FOR A FIFTH YEAR OF SENIOR HIGH SCHOOL
20 COMPETITION WITH THE DIRECTOR OF SUCH SCHOOL DISTRICT'S SECTION OF THE
21 NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION IF THERE ARE
22 CONCERNS REGARDING THE SAFETY OF SUCH STUDENT OR OTHER STUDENT ATHLETES
23 COMPETING WITH SUCH STUDENT.

24 3. UPON RECEIPT OF SUCH COMPLAINT, A DISTRICT DIRECTOR MAY DISQUALIFY
25 A STUDENT'S ELIGIBILITY FOR A FIFTH YEAR OF ATHLETIC COMPETITION. A
26 DISQUALIFIED STUDENT MAY COMMENCE AN APPEALS PROCESS WITH THE ATHLETIC
27 COUNCIL OF THE NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION
28 WITHIN TWO WEEKS OF SUCH DETERMINATION. THE ATHLETIC COUNCIL SHALL

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 REVIEW THE DISTRICT DIRECTOR'S DECISION AND ANY EVIDENCE OR MATERIALS
2 USED TO MAKE SUCH DECISION. SUCH COUNCIL MAY HEAR ORAL ARGUMENTS FROM
3 INVOLVED AND INTERESTED PARTIES. THE COUNCIL SHALL HAVE THE POWER TO
4 AFFIRM, REVERSE, OR MODIFY THE DECISIONS OF THE DISTRICT DIRECTOR.
5 4. AN APPEAL FROM THE DETERMINATION OF THE ATHLETIC COUNCIL MAY BE
6 TAKEN TO THE APPEAL PANEL OF THE NEW YORK STATE PUBLIC HIGH SCHOOL
7 ATHLETIC ASSOCIATION WITHIN TWO WEEKS OF SUCH DETERMINATION. THE APPEAL
8 PANEL SHALL REVIEW THE EVIDENCE, MAY HEAR ORAL ARGUMENTS FROM INVOLVED
9 AND INTERESTED PARTIES, AND SHALL HAVE THE POWER TO AFFIRM, REVERSE, OR
10 MODIFY THE DECISIONS OF THE ATHLETIC COUNCIL.
11 S 2. This act shall take effect immediately.