S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. MORELLE, ORTIZ, ROBINSON, ZEBROWSKI, ESPAILLAT, BOYLAND, EDDINGTON, WEISENBERG -- Multi-Sponsored by -- M. of A. DESTITO, FIELDS, GORDON, HOOPER, PARMENT, PERRY, PHEFFER, SWEENEY, TOWNS -- read once and referred to the Committee on Education

AN ACT to promote interscholastic athletic programs and competition that provides equal opportunities to all students on basis of athleticism, sportsmanship and performance

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

Section 1. This act shall be known and may be cited as the "fairness in high school athletic competition act".

S 2. Legislative intent. The legislature hereby finds that interscholastic athletic programs promote positive social, physical and academic development in students. Furthermore, students who excel at interscholastic sports may be afforded athletic scholarships and/or weighted consideration when applying to colleges. Since this system allows such benefits for athletic excellence, the methods by which interscholastic athletic competitions are conducted must provide equal opportunities for all students to compete. No priority should be given to students or school programs, with regard to representation at interscholastic championship events, based on geography or any other factors unrelated to the standards of athletic competition and sportsmanship. Any system for determining participation in championship events, which is utilized by the public schools of the state of New York, must be accountable to the student athletes, and provide a fair opportunity to compete based on athleticism, sportsmanship and performance in qualifying events.

The legislature finds that the current system utilized by the public schools of the state of New York does not meet this standard. For the purposes of high school sports, the state is divided into eleven sections. These regions consist of a number of schools, which compete within a single section, for rights to represent that section in higher

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

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level championship events. The sections, however, are severely disproportionate, and for certain sports representation at championship events favors athletes who compete in sections with fewer schools. The legislature further finds that talented athletes, who may rank at the top of statewide standings, are unable to compete in championship events, while lesser athletes from smaller sections have qualified. In some sports, these students are disenfranchised by their geography, and an inadequate system used to determine qualifying athletes.

Additionally, the legislature finds that, outside of New York city, the public schools of New York state participate as members of the New York state public high schools athletic association. The organizational structure of the New York state public high schools athletic association does not allow for equitable representation of its voting members based on the number of schools each voting member represents. Each section, regardless of the number of participating schools per sport, shares an equal voice in deciding championship standards. The legislature finds that this disproportionate representation unfairly discriminates against student athletes from larger sections.

The legislature intends, by enactment of this act, to require equal opportunity for high school athletes to participate in championship events, that is based solely on athleticism, sportsmanship and performance in qualifying events. It is the intent of the legislature to have this act only apply to individual state or intersectional championship athletic events not included in the New York state public high schools athletic association five class system. It is also the intent that this act shall not apply to those interscholastic athletic qualifying events for state or intersectional competition where a statewide qualifying time or distance is used.

S 3. No system for determining participation in championship interscholastic athletic events shall be used by the public schools of New York state, unless such system provides a fair and equitable opportunity for students to participate in championship events based on athleticism, sportsmanship and performance in qualifying events. Furthermore, any system implemented must defer from using a geographically based entry format, unless such system applies a multiple-entry format that provides proportional representation of the geographic regions or sections. This section shall only apply to interscholastic qualifying events for individual state or intersectional championships not included in the New York state public high schools athletic association five class system, and shall not apply to those interscholastic athletic state qualifying events where a statewide qualifying time or distance is used.

S 4. This act shall take effect immediately.