

**New York State Public
High School Athletic Association**

Section VI

**Most Frequently Asked
Questions
About Extended Eligibility
(With Answers)**

Extended Eligibility Committee

Mark DiFilippo, Chair

Updated 8/18/16

1-Q What is the Regulation of the Commissioner of Education that governs the duration of athletic competition in the senior high schools throughout New York State?

1-A DURATION OF COMPETITION (CR135.4C7). A pupil shall be eligible for senior high school athletic competition in a sport during each of four consecutive seasons of such sport commencing with the pupil's entry into the ninth grade and prior to graduation, except as otherwise provided in this subclause, **or except as authorized by a waiver granted under clause (d) of this subparagraph to a student with a disability.** If a board of education has adopted a policy, pursuant to subclause (a) (4) of this subparagraph, to permit pupils in the seventh and eighth grades to compete in senior high school athletic competition, such pupils shall be eligible for competition during five consecutive seasons of such sport commencing with the pupil's entry into the eighth grade, or six consecutive seasons of a sport commencing with the pupil's entry into the seventh grade. A pupil enters competition in a given year when the pupil is a member of the team in the sport involved, and that team has completed at least one contest. A pupil shall be eligible for interschool competition in grades 9, 10, 11 and 12 until the last day of the school year in which he or she attains the age of 19, except as otherwise provided in subclause (a) (4) **or clause (d)** of this subparagraph or in this subclause. The eligibility of competition of a pupil who has not attained the age of 19 years prior to July 1st may be extended under the following circumstances:

(i) 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**, such pupil's eligibility shall be extended accordingly in that sport. *In order to be deemed sufficient, the evidence must include documentation showing that as a direct result of the **illness or accident**, the pupil will be required to attend school for one or more additional semesters in order to graduate.*

(ii) If the chief school officer demonstrates to the satisfaction of the section that the pupil's failure to enter competition during one or more seasons of a sport is caused by such pupil's enrollment in a national or international student exchange program or foreign study program, that as a result of such enrollment the pupil will be required to attend school for one or more additional semesters in order to graduate, and that, the pupil did not enter competition in any sport while enrolled in such a program, such pupil's eligibility shall be extended accordingly in such sport.

2-Q What is the interpretation of the phrase "...similar circumstances beyond the control of the student..."?

2-A **This phrase has been eliminated commencing the 2015-16 school year.**

3-Q When should a request for extended eligibility be made?

3-A A request for extended eligibility can only be made when a student fails to graduate with his/her class and enters his/her fifth year of school as a bona fide **student (August 1 – fall season; October 1 – winter season; February 1 – spring season).**

4-Q Is there an application form for extended eligibility and how is it obtained?

4-A Application forms may be obtained by going to the Section VI website:

Form Link https://www.section6.e1b.org/cms/lib/NY19000854/Centricity/Domain/19/Ext_Eligibility_Application.pdf

Send completed forms to Mark DiFilippo at mdifilippo@e1b.org

5-Q Who files the request for extended eligibility?

5-A As stated in the Commissioner's Regulation, the chief school officer must file the request. He/she, of course, may require assistance from the athletic director, principal, guidance counselor.... in gathering the "sufficient evidence"(A deputy superintendent is acceptable in applications involving City of Buffalo Public Schools).

6-Q Does this mean that an individual student, parent or coach cannot file a request for extended eligibility.

6-A Yes, however, the student, parent or coach may present evidence to school authorities which persuades them to file a request for extended eligibility.

7-Q If a student fails to participate in a given sports season after his/her entry into the ninth grade for one of the reasons specified in the Commissioner's Regulations, will he/she be granted extended eligibility?

7-A Not necessarily! If the student never intended to participate in a given sport and had an **"accident or illness..."** during that particular sports season, the student's failure to enter competition was not caused by the **"accident or illness"**.

8-Q If a student does not graduate with his/her class because he/she is in a program which requires more than four years of high school (e.g. Special Education, etc.), will that student be permitted to extend his/her athletic eligibility for a fifth year?

8-A If the student participated in interscholastic athletic competition for four years (contact sports) upon entry into the ninth year of school, he/she has exhausted all eligibility and will not be allowed to participate for a fifth year.

In non-contact sports, however, the Board of Regents passed an emergency regulation allowing students with disabilities a 5th year of competition even if they exceed the 19 year old rule. The regulation is in effect now (September 2010), but will not be permanent until the October Board of Regents meeting.

The temporary language is as follows:

"(d) Waiver from the age requirement and four-year limitation for interschool athletic competition for students with disabilities in senior high school grades 9,10,11 and 12. For purposes of this clause, the term non-contact sport shall include swimming and diving, golf, track and field, cross country, rifle, bowling, gymnastics, skiing and archery, and any other such non-contact sport deemed appropriate by the Commissioner. A student with a disability, as defined in section 4401 of the Education Law, who has not yet graduated from high school may be eligible to participate in a senior high school non-contact athletic competition for a fifth year under the following limited conditions:

- (1) such student must apply for and be granted a waiver to the age requirement and four-year limitation prescribed in subclause (b) (1) of this subparagraph. A waiver shall only be granted upon a determination by the superintendent of schools or chief

executive officer of the school or school system, as applicable that the given student meets the following criteria:

- (i) such student has not graduated from high school as a result of his or her disability delaying his or her education for one year or more;
- (ii) such student is otherwise qualified to compete in athletic competition for which he or she is applying for a waiver and the student must have been selected for such competition in the past:
- (iii) such student has not already participated in an additional season of athletic competition pursuant to a waiver granted under this subclause;
- (iv) such student has undergone a physical evaluation by the school physician, which shall include an assessment of the student's level of physical development and maturity, and the school physician has determined that the student's participation in such competition will not present a safety or health concern for such student; and
- (v) the superintendent of schools or chief executive officer of the school or school system has determined that the given student's participation in the athletic competition will not adversely affect the opportunity of the other students competing in the sport to successfully participate in such competition.

9-Q If a student never participated in any interscholastic athletic competition during his/her four years of high school and returned for a fifth year, would the student be eligible to participate in interscholastic athletics?

9-A No, unless the student's failure to enter competition was due to accident or illness and the chief school officer provided sufficient evidence showing that as a direct result of the accident, illness or similar circumstance beyond the control of the student, the pupil was required to attend school for one or more additional semesters in order to graduate.

10-Q Is a foreign student who has graduated from the secondary school system in his/her country eligible to participate in interscholastic athletics in New York State?

10-A No. Graduates are ineligible for athletic competition whether they are from the United States or abroad.

11-Q Has the 19-year old rule ever been waived?

11-A The rule has never been waived for participation in contact sports. Effective September 2010, the rule will be waived for students with disabilities in non-contact sports according to the conditions specified in 8 – A above.