

**REGULATIONS OF THE COMMISSIONER OF EDUCATION
ON
MIXED COMPETITION**

Section 135.4 (c) (7) (ii) (c)

- (c) Male and female pupils on interschool athletic teams.
- (1) Equal opportunity to participate in interschool competition, either on separate teams or in mixed competition on the same team, shall be provided to male and female students, except as hereinafter provided. In schools that do not provide separate competition for male and female students in a specific sport, no student shall be excluded from such competition solely by reason of sex except in accordance with the provisions of subclauses (2) and (4) of this clause. For the purpose of this clause, baseball and softball shall be considered to constitute a single sport.
 - (2) In the sports of baseball, basketball, boxing, field hockey, football, ice hockey, lacrosse, rugby, soccer, softball, speedball, team handball, power volleyball where the height of the net is set at less than eight feet, and wrestling, the fitness of given student to participate in mixed competition shall be determined by a review panel consisting of the school physician, a physical education teacher designated by the principal of the school, and if requested by the parents of the pupil, a physician selected by such parents. Such panel shall make its determination by majority vote of the members, and in accordance with standards and criteria issued by the department.
 - (3) Where a school provides separate competition for male and female pupils in interschool athletic competition in a specific sport, the superintendent of schools, or in the case of a nonpublic school or school system which elects to be governed by this clause, the chief executive officer of the school or school system, may permit a female or females to participate on a team organized for males. However, where separate competition is provided, males may not participate on teams organized for females.
 - (4) Where a school does not provide separate competition for male and female pupils in interschool athletic competition in a specific sport, the superintendent of schools, or in the case of a nonpublic school or school system which elects to be governed by this clause, the chief executive officer of the school or school system, or the section may decline to permit a male or males 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 in interschool competition in that sport.

GUIDELINES FOR MIXED COMPETITION ON INTERSCHOLASTIC ATHLETIC TEAMS

These guidelines are issued to assist schools in the implementation of Section 135.4(c)(7)(ii)(c) of the Regulations of the Commissioner of Education which govern interscholastic competition involving members of both sexes on a single school team. The following general information should be noted by the school personnel who are responsible for the implementation of the Regulations:

- The **purpose of the regulation** is to preserve the health and safety of students while assuring that students of both sexes have opportunity to participate successfully in interschool competition. Athletic opportunity in mixed competition is allowed under the conditions set forth in the regulations for specific sports identified in subclause (2) of section 135.4(c)(7)(ii)(c), as well as all other sports not so identified.
- The regulation provides for students involved in mixed competition to be placed on teams at appropriate levels of competition based upon the individual's medical history, maturity, physical data, fitness scores and skills. The guidelines are to be used for both junior high school and senior high school programs.
- If a **team is organized primarily for one sex** and members of the opposite sex are also members, the team should continue to be classified as either a male or female.
- If a team was formed **originally for one sex** but is composed of a significant number of pupils of the opposite sex, it is recommended that separate teams be formed for that sport. This would allow for the greatest number of students to participate and not limit opportunities for or have a disproportionate effect on any one sex.
- When there are **separate teams for each sex** in a specific sport, a male may not try out for a females' team. However, the superintendent of schools may permit a female to try out for a male team, except that competition in the sports identified in subclause (2) of the regulation is subject to the review and approval of a panel. Where separate teams are provided, a female who wishes to try out for a male team in these sports must have the approval of the superintendent and the review panel. This type of crossover should be based upon that female's athletic ability to compete successfully.
- The sport of boxing is identified in the regulation because it appears in the Title IX Federal Regulations. It is not an indication that the State Education Department considers boxing a desirable sport for secondary students.
- Mixed competition in a sport identified in subclause (2) is subject to **review and approval by a panel**. This panel must include the school physician and a physical education teacher appointed by the principal and may include a

physician chosen by the student's parent(s). This panel is responsible for determining the readiness of the student in terms of medical health, maturity, fitness and skill of the individual in relationship to other members of the team. The intent of the regulation is to match the student's readiness with an appropriate placement, as well as to provide the pupil with a successful competitive opportunity. When the physical abilities of the individual are deemed by the panel to be short of or exceed the physical abilities of other team members, thereby creating a hazardous condition or unfair advantage for that student or other members of the team, denial of participation would be appropriate.

- These procedures apply only to a student's eligibility to try out for a team of the opposite sex. The coach must decide if the pupil is to remain on the team or be dropped from the team in the same manner as all other pupils trying out for the team. If a coach has a "no cut" policy, the student of the opposite sex must be allowed to remain on the team the same as other students.

The following chart indicates which regulatory provisions apply to specific sport and program offerings:

**GUIDE TO MIXED COMPETITION
APPROVAL FOR INTERSCHOLASTIC ATHLETICS**

REGULATIONS OF THE COMMISSIONER OF EDUCATION
SECTION 135.4(c)(7)(ii)(c)

	TEAMS PROVIDED IN A SPORT		
1. PANEL APPROVED SPORTS *	ONE TEAM FOR MALES	ONE TEAM FOR FEMALES	MALE & FEMALE TEAMS
a) Males on a female team	(Not applicable)	With approval of Supt. or Chief School Officer, Review Panel and Section. ** Subclause (2) & (4)	Not Permitted Subclause (3)
b) Females on a male team	With approval of the Review Panel Subclause (2)	(Not applicable)	With approval of Superintendent or Chief School Officer and Review Panel.** Subclause (2) and (3)
2. ALL OTHER SPORTS			
2. ALL OTHER SPORTS	ONE TEAM FOR MALES	ONE TEAM FOR FEMALES	MALE & FEMALE TEAMS
a) Male on a female team	(Not applicable)	With approval of Supt. or Chief School Officer and Section. Subclause (4)	Not Permitted Subclause (3)
b) Female on a male team	No approval required Permitted under Subclauses (1), (3) and (4)	(Not applicable)	With approval of Superintendent or Chief School Officer Subclause (3)

* *Baseball/Softball, Basketball, Boxing, Field Hockey, Football, Ice Hockey, Lacrosse, Rugby, Soccer, Speedball, Team Handball, Power Volleyball (net height less than 8 feet) and Wrestling.*

***This order of approvals is recommended so as to avoid the unnecessary formation of a review panel in cases where the superintendent or chief school officer does not wish to approve the student for mixed competition.*

REVIEW PANEL PROCEDURES

Upon a request to the school authorities for a pupil to participate in mixed competition, as provided in the Regulations of the Commissioner of Education, a review panel shall be formed. The Director of Physical Education should coordinate the activities of the review panel. The information reported on the form, **ATHLETIC PROFILE FOR MIXED COMPETITION**, shall be used by the review panel in making a determination.

COMPLETING THE ATHLETIC PROFILE

Part I: School Information

- Fill in the information as indicated.

Review Panel

- A **school physician** and a **physical education teacher** (designated by the principal) shall serve on the review panel as school representatives. The parent(s) of the pupil shall also be given the option of having a **physician of choice** serve on the panel. If parent(s) elect not to have a physician on the panel and a disagreement on the determination of participation by the pupil develops, the parents should be so advised. If the parents still opt not to select a physician for the panel, it is recommended that the school principal appoint another physician so there are two physicians and a physical education teacher on the panel as intended by the regulation.
- The review panel should convene as soon as feasible in order to give the pupil a reasonable opportunity for an early try out for the team, if approved to do so.

Part II: Pupil Information

- The Director of Physical Education should be responsible for providing the panel with all available information.

Part III: Physical Education and Medical History

- The information on the physical education history of the pupil should be obtained from the physical education teachers who have had the pupil in classes.
- The school nurse should provide the information on the medical history of the pupil by reference to the available health records.

Part IV: Physical Data

- The school physician shall provide the information obtained as part of the normal health examination for participation in athletics.
- The developmental age or maturity level of the pupil can be established by using the Developmental Screening Procedures used in the Athletic Placement Process for Interscholastic programs (APP) (See February 2015 APP: <http://www.p12.nysed.gov/ciai/pe/documents/AthleticPlacementProcess2-11-15Revised.pdf>). Note: For modified students, please see Appendix B in the Mixed Competition Guidelines for recommended Tanner scores.
- A determination of general body type should be made by the physician during the health examination. Comments on joint structure would also be helpful.
- If the school physician determines during the health examination the pupil has a physical impairment which would make it unsafe for the pupil to participate in the sport, the review panel need not convene.

Part V: Athletic Performance Testing (Fitness)

- The Fitness Test scores used are taken from the President's Council Fitness test benchmarks at the 50th percentile for the National Physical Fitness Award Qualifying Standards. See: <https://www.presidentschallenge.org/challenge/physical/benchmarks.shtml> This test should be used as a means of assessing the student's fitness level.
 - See: Appendix A in the Mixed Competition Guidelines.
- Scores achieved on this test shall be recorded on the profile form where indicated. The test should be administered by a physical education teacher.
- When reviewing the test scores, the panel needs to be made aware that the relative importance of the test item to the demands of the sport.
- When reviewing the test scores, the panel should refer to the standards related to the sex of the team and the level of play at which the pupil wishes to play.
- Please note that the President's Council Fitness Test scores are not intended as qualifying or disqualifying scores for mixed competition. The scores that appear in the chart are not absolute requirements for the panel to consider. The scores only provide a reference as to what could normally be found among the members of the team for that sex at that level of play. If the scores of the

pupil differ from the standards, the panel should assess the significance of that difference for the pupil being considered. The panel should also consider the strengths and abilities of the team in question.

Part VI: Panel Decision

- Once the panel has reached a decision, the pupil and his/her parents shall be so advised.
- A “YES” decision means the pupil may try out for the team. The coach will then apply the same try- out criteria used for all other pupils trying out for the team and determine whether or not the pupil may remain on the team..
- The panel decision applies only to the sport and season for which the application was made. Subsequent seasons or sports will require another review. Therefore, all students that have been previously approved to participate in a mixed competition situation must be re-approved each season for each sport in which he/she wishes to participate.

INDIVIDUAL ATHLETIC PROFILE FOR MIXED COMPETITION

PLEASE TYPE OR PRINT

PART I: School Information

Date: _____

District _____ Superintendent _____

City _____ Director of P.E. _____

School Physician _____

Family Physician _____

Physical Education Teacher _____

PART II: Pupil Information

Previous mixed competition YES NO

What sport and level? _____

Name _____

Sport and level being requested? _____

Age _____ Grade _____

PART III: Physical Education and Medical History

Is the pupil enrolled in regular physical education without restrictions?

YES NO If NO, Explain _____

History of conditions, injuries or illness that would be restricting?

YES NO If YES, Explain _____

PART IV: Physical Data

Weight _____ lbs Height _____ Feet _____ Inches Maturity Level (See

Appendix B) _____ Body Type (check) Mesomorph: _____ Endomorph:

_____ Ectomorph: _____ Comments:

PART V: Fitness Test Scores

Curl-Ups: _____ Upper Body (Pull-ups or Pushups) _____

Shuttle Run: _____ Flexibility: _____

Endurance:

1 mile run _____ Or 500 yard swim _____

PART VI: Panel Decision

Approved for try out: _____ YES _____ NO

Reason(s) _____

Panel Members:

School Physician (print or type name) _____

Signature _____

Physical Education Teacher (print or type name) _____

Signature _____

Family Physician (print or type name) _____
(or other appointee)

Signature _____

**FITNESS TEST FOR MIXED
COMPETITION**

Benchmarks as provided by the
Presidents Council Fitness Test at
the 50th percentile: See:
[https://www.presidentschallenge.org/
challenge/physical/benchmarks.shtml](https://www.presidentschallenge.org/challenge/physical/benchmarks.shtml)

The standards are based on the 50th percentile for a 13 year old (modified), 15 year old (freshman/JV), and a 16 year old (Varsity).

				Choose one ¹			Choose one ²	
Gender	Level	Curl-Ups	Shuttle Run	V-sit or	Sit and Reach	1 mile walk/run	Pull-Ups or	Right Angle Push-Ups
Male	Modified	42	10.2	+0.5	26	8:06	3	24
	Fresh/JV	45	9.7	+2.0	30	7:30	6	30
	Varsity	45	9.4	+3.0	30	7:10	7	30
Female	Modified	37	11.1	+3.5	31	10:23	1	11
	Fresh/JV	36	11.0	+5.0	36	9:58	1	15
	Varsity	35	10.9	+5.5	34	10:31	1	12

SWIMMING

The swimming endurance component of the physical fitness test allows the athlete to choose which endurance test he/she prefers. It will be necessary to choose one: either the one mile run or the 500 yard swim.

SWIMMING TIMES REQUIRED FOR 500 YARD SWIM

BOYS

LEVEL	500 Yard Swim Time (min:sec)
Modified	9:15
Freshman	9:00
Junior Varsity	8:45
Varsity	8:30

GIRLS

LEVEL	500 Yard Swim Time (min:sec)
Modified	10:00
Freshman	9:45
Junior Varsity	9:30
Varsity	9:00

¹ Flexibility can be measured by performing the V-sit Reach or the Sit and Reach
² Upper body strength can be measured by performing pull-ups, or right angle push-ups.

PHYSICAL MATURITY CHART
Recommended Tanner Scores for the Athletic Placement Process
**Modified levels are used for mixed gender competition only*

Approved Sports	MALES				FEMALES			
	Modified*	Freshman	JV	Varsity	Modified*	Freshman	JV	Varsity
Archery	1	2	2	2	1	2	2	2
Badminton	1	2	3	4	1	2	3	4
Baseball	2	3	4	5	2	3	4	5
Basketball	2	3	4	5	2	3	4	5
Bowling	1	2	2	2	1	2	2	2
Competitive Cheerleading	2	3	4	5	2	3	4	5
Cross-Country	2	3	4	5	2	3	4	5
Fencing	1	2	3	4	1	2	3	4
Field Hockey	2	3	4	5	2	3	4	5
Football	2	3	4	5	2	3	4	5
Golf	1	2	2	2	1	2	2	2
Gymnastics	2	3	4	5	2	3	4	5
Ice Hockey	2	3	4	5	2	3	4	5
Lacrosse	2	3	4	5	2	3	4	5
Rifle	1	2	2	2	1	2	2	2
Skiing	2	3	4	5	2	3	4	5
Soccer	2	3	4	5	2	3	4	5
Softball	2	3	4	5	2	3	4	5
Swim/Diving	2	3	4	5	2	3	4	5
Tennis	2	3	4	5	2	3	4	5
Track & Field	2	3	4	5	2	3	4	5
Volleyball	2	3	4	5	2	3	4	5
Wrestling	2	3	4	5	2	3	4	5