

## **GUIDELINES FOR AN AGE AND/OR FOUR YEAR LIMITATION WAIVER FOR STUDENTS WITH DISABILITIES**

The purpose of these guidelines is to provide direction to school districts on the waiver process to allow a student with a disability to continue participation beyond the age or four year limitation for interscholastic athletics.

### **Commissioner's Regulation 135.4(c)(7)(ii)(b)(1)**

(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 shall5 Te

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The regulation provides a waiver for students with disabilities, as defined in section 4401 of the Education Law, to the age and four-year limitations for participation in senior high school athletic competition, as set forth in Section 135.4 of the Commissioner's Regulations. This amendment will advance initiatives of inclusion by allowing students with disabilities who would otherwise be unable to participate in interscholastic athletic competition due to their age or years in school to participate in a sport for one additional season if they have not graduated as a result of their disability delaying their education.

The amendment is designed to offer students with disabilities continued socialization with teammates during practices and games and to further develop the student's skills and abilities associated with his or her participation in such sport, all while assuring the health and safety of the given student and the other students competing in the sport and preserving fair athletic competition.

Each waiver will be assessed on a case-by case basis and will only be granted after a determination is made by the superintendent of schools or chief executive officer of a non-public school that the student meets all eligibility requirements. The waiver will be limited to non-contact sports to ensure the safety of the given student as well as the other students competing in the sport who may be younger and less physically developed. These non-contact sports 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.

Additionally, the student's participation would not be scored for purposes of competition to ensure fair competition among students who may present different levels of physical maturity and athletic ability. The proposed amendment is designed to prevent abuse of the waiver process, for example, by a student seeking an additional year of competition to further his or her athletic career. It is also designed to avoid use of such waiver to fill positions on teams or reward a given student for athletic ability. Instead, the proposed amendment aims to afford students with disabilities continued access to athletic activities for inclusion purposes.

### **Additional Information**

If an athlete with disabilities has received an extension of eligibility pursuant to CR 135.4(c)(7)(ii)(b)(1)(i): *due to illness, accident, or similar circumstances beyond the control of the student*, they may be eligible to use this provision for one additional year of participation pursuant to the rules set forth in the regulation.

### **Waiver Process**

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