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TITLE 8. EDUCATION DEPARTMENT  
CHAPTER II. REGULATIONS OF THE COMMISSIONER  
SUBCHAPTER G. HEALTH AND PHYSICAL EDUCATION  
PART 135. HEALTH, PHYSICAL EDUCATION AND RECREATION  
**Current through May 31, 2014**

**\* Section 135.1.\* Definitions.**

Definitions as used in this Part:

- (a) **Commissioner** means the Commissioner of Education.
- (b) **Department** means the Education Department of the State of New York.
- (c) **Satisfactory, appropriate, approved, acceptable, adequate, equivalent, essential, sufficient, suitable mean satisfactory, appropriate, approved, acceptable, adequate, equivalent, essential, sufficient, suitable, respectively**, in the judgment of the commissioner.
- (d) **School personnel** means persons employed by school authorities in conducting the schools.
- (e) **Adaptive physical education** means a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capacities and limitations of pupils with handicapping conditions who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program.
- (f) **Athletic association** means an approved central organization of schools joined together on a large geographic area or statewide basis for the purpose of governing athletic programs for all its member schools.
- (g) **Bona fide student** means a regularly enrolled student who is taking sufficient subjects to make an aggregate amount of three courses and who satisfies the physical education requirement.
- (h) **Extraclass periods in physical education** mean those sessions organized for instruction and practice in skills, attitudes and knowledge through participation in individual, group and team activities organized on an intramural, extramural or interschool athletic basis to supplement regular physical education class instruction.
- (i) **Extramural activities** mean those games or other events which involve the participation of pupils from two or more school districts and which are conducted as play-days or sports days at the end of the intramural season.
- (j) **Health education** means instruction in understandings, attitudes and behavior in regard to the several dimensions of health. This instruction relates to alcohol, tobacco and other drugs, safety, mental health, nutrition, dental health, sensory perception, disease prevention and control, environmental and public health, consumer health, first aid, and other health-related areas.
- (k) **Instructional physical education** means the required physical education program which has as its foundation planned sequential learning experiences for all students.
- (l) **Interschool activities** mean those which provide competition between representatives of two or more schools and which offer enriched opportunities for the selected and more highly skilled individuals.
- (m) **Intramural activities** mean those activities conducted within one school district involving only those pupils enrolled in such school district and which are organized to serve the entire enrollment.
- (n) **Invitation activities** mean those games or other events dealing with one sport, arranged by invitation of one school to one or more other schools without leading to any formal schedule and championship.

(o) **League** means an organization of schools joined for the purpose of providing athletic competition among schools of comparable size, interests, and within reasonable distance of each other.

(p) **Mixed competition** means the combination of male and female pupils participating on the same interschool athletic teams.

(q) **Organized practice** means a session of an athletic squad or group organized for interschool athletics for the purpose of providing instruction and practice in physical conditioning activities, skills, team play and game strategy, under the supervision of a qualified school official.

(r) **Physical fitness** activities mean those physical activities which are designed to develop endurance, strength and agility and to fit the individual so that he can perform the task repeatedly without undue fatigue and with a reserve capacity to meet unexpected stresses and hazards.

(s) **Physiological maturity** means a stage of maturation identified by the school physician in determining an appropriate level of interschool athletic competition in accordance with standards established by the commissioner.

(t) **Recreation** means the program which is organized to include types of activities such as arts and crafts, athletics, dramatics, music, rhythms, sports, swimming and water safety provided at the discretion of school district authorities under the supervision of qualified personnel and designed to provide for the worthy use of leisure by individuals and groups.

(u) **Sports day** means a day when pupils from two or more schools meet and engage in a variety of competitive sports events.

(v) **Section** means an organization of schools within a specified geographic area which holds membership in an athletic association, and is established for the purpose of administering athletic programs for the member schools and leagues within such area.

#### **\* Section 135.2.\* General regulations.**

(a) All schools under the jurisdiction of the State Education Department shall provide a program of health, physical education and recreation in an environment conducive to healthful living. This program shall include:

- (1) health and safety education;
- (2) physical education, including athletics; and
- (3) recreation.

(b) It shall be the duty of trustees and boards of education:

- (1) to provide approved and adequate personnel and facilities;
- (2) to maintain for each child cumulative records covering the essential features of the health and physical education program and, when a pupil transfers to another school, to provide such school with a certified transcript thereof;
- (3) to make reports to the department on forms prescribed by the commissioner.

#### **\* Section 135.3.\* Health education.**

(a) Provision for health education. It shall be the duty of the trustees and boards of education to provide a satisfactory program in health education in accordance with the needs of pupils in all grades. This program shall include, but shall not be limited to, instruction concerning the misuse of alcohol, tobacco and other drugs.

(b) Health education in the elementary schools.

(1) The elementary school curriculum shall include a sequential health education program for all pupils, grades K-6. In the kindergarten and primary grades, the teacher shall provide for pupil participation in planned activities for developing attitudes, knowledge and behavior that contribute to their own sense of self-worth, respect for their bodies and ability to make constructive decisions regarding their social and emotional, as well as physical, health. Personal health guidance shall also be provided according to the individual needs of pupils. This guidance shall include the development of specific habits necessary to maintain good individual and community health. In addition to continued health guidance, provision shall be made in the school program of grades 4-6 for planned units of teaching which shall include health instruction through which pupils may become increasingly self-reliant in solving their

own health problems and those of the group. Health education in the elementary school grades shall be taught by the regular classroom teachers.

(2) All elementary schools shall provide appropriate instruction concerning the acquired immune deficiency syndrome (AIDS) as part of the sequential health education program for all pupils, grades K-6. Such instruction shall be designed to provide accurate information to pupils concerning the nature of the disease, methods of transmission, and methods of prevention; shall stress abstinence as the most appropriate and effective premarital protection against AIDS, and shall be age appropriate and consistent with community values. No pupil shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian of such pupil has filed with the principal of the school which the pupil attends a written request that the pupil not participate in such instruction, with an assurance that the pupil will receive such instruction at home. In public schools, such instruction shall be given during an existing class period using existing instructional personnel, and the board of education or trustees shall provide appropriate training and curriculum materials for the instructional staff who provide such instruction and instructional materials to the parents who request such materials. In public schools, the board of education or trustees shall establish an advisory council which shall be responsible for making recommendations concerning the content, implementation, and evaluation of an AIDS instruction program. The advisory council shall consist of parents, school board members, appropriate school personnel, and community representatives, including representatives from religious organizations. Each board of education or trustees shall determine the content of the curriculum and approve its implementation, and shall be responsible for the evaluation of the district's AIDS instruction program.

(c) Health education in the secondary schools.

(1) The secondary school curriculum shall include health education as a constant for all pupils. In addition to continued health guidance in the junior high school grades, provision shall also be made for a separate one-half year course. In addition to continued health guidance in the senior high school, provision shall also be made for an approved one-half unit course. Health education shall be required for all pupils in the junior and senior high school grades and shall be taught by teachers holding a certificate to teach health. A member of each faculty with approved preparation shall be designated as health coordinator, in order that the entire faculty may cooperate in realizing the potential health-teaching values of the school programs. The health coordinator shall insure that related school courses are conducted in a manner supportive of health education, and provide for cooperation with community agencies and use of community resources necessary for achieving a complete school-community health education program.

(2)(i) All secondary schools shall provide appropriate instruction concerning the acquired immune deficiency syndrome (AIDS) as part of required health education courses in grades 7-8 and in grades 9-12. Such instruction shall be designed to provide accurate information to pupils concerning the nature of the disease, methods of transmission, and methods of prevention; shall stress abstinence as the most appropriate and effective premarital protection against AIDS, and shall be age appropriate and consistent with community values. No pupil shall be required to receive instruction concerning the methods of prevention of AIDS if the parent or legal guardian of such pupil has filed with the principal of the school which the pupil attends a written request that the pupil not participate in such instruction, with an assurance that the pupil will receive such instruction at home. In public schools, such instruction shall be given during an existing class period using existing instructional personnel, and the board of education or trustees shall provide appropriate training and curriculum materials for the instructional staff who provide such instruction and instructional materials to the parents who request such materials. In public schools, the board of education or trustees shall establish an advisory council which shall be responsible for making recommendations concerning the content, implementation, and evaluation of an AIDS instruction program. The advisory council shall consist of parents, school board members, appropriate school personnel, and community representatives, including representatives from religious organizations. Each board of education or trustees shall determine the content of the curriculum and approve its implementation and shall be responsible for the evaluation of the district's AIDS instruction program.

(ii) Boards of education or trustees that make condoms available to pupils as part of the district's AIDS instruction program shall:

- (a) submit a condom distribution policy to the advisory council for appropriate recommendations;
- (b) make condoms available only to pupils who participate in an appropriate AIDS instruction program as defined in this section;
- (c) provide each pupil receiving condoms with accurate and complete personal health guidance as to the risks of disease that may result from the pupil's use or misuse of such product, which appropriately takes into account the child's age;
- (d) assure that such personal health guidance is provided by health service personnel or school personnel trained and supervised by competent health professionals or health educators; and
- (e) submit for approval by the commissioner a plan for the training of health service personnel, as defined in section 136.1(c) of this Title, or school personnel who will provide such personal health guidance. Such plan shall be approved upon a finding of the commissioner that the training is adequate to prepare such personnel or school personnel to provide the required personal health guidance in an effective manner.

**\* Section 135.4.\* Physical education.**

(a) School district plans. It shall be the duty of trustees and boards of education to develop and implement school district plans to provide physical education experiences for all pupils as provided in this section. Such current plans shall be kept on file in the school district office and shall be filed with the Division of Physical Education, Fitness, Health, Nutrition and Safety Services. All school districts shall comply with the provisions of this section by August 1, 1982. However, the requirement for submission of a plan shall become effective by January 1, 1983. A school district may conduct an instructional physical education program which differs from, but is equivalent to, the required program of instruction set forth in paragraph (2) of subdivision (c) of this section, with the approval of the commissioner. An equivalent program may be implemented only after approval from the Division of Physical Education, Fitness, Health, Nutrition and Safety Services. A request for approval to conduct an equivalent instructional physical education program shall be filed with the Division of Physical Education, Fitness, Health, Nutrition and Safety Services, and shall include the:

- (1) program goals and objectives;
- (2) way in which students are to be scheduled and the length of time daily, weekly, monthly or yearly;
- (3) program activities offered at each grade level or each year of instruction; and
- (4) assessment activities for determining the students' performance toward the goals and objectives of the program.

(b) Nonpublic schools. Similar courses of instruction shall be prescribed and maintained in private schools in the State, and all pupils in grades kindergarten through 12 shall attend such courses. If such courses are not established and maintained in any private school, instruction in such school shall not be deemed to be substantially equivalent to instruction given to children of like ages in the public school or schools of the city or district in which the child resides.

(c) Program plans. School district plans shall include the following:

- (1) Curriculum.
  - (i) The curriculum shall be designed to:
    - (a) promote physical activity and the attainment of physical fitness, and a desire to maintain physical fitness throughout life;
    - (b) attain competency in the management of the body and useful physical skills;
    - (c) emphasize safety practices;
    - (d) motivate expression and communication;
    - (e) promote individual and group understanding;
    - (f) provide knowledge and appreciation of physical education activities;
    - (g) make each individual aware of the effect of physical activity upon the body;
    - (h) provide opportunities for the exercise of pupil initiative, leadership and responsibility;
  - and
  - (i) reinforce basic learnings of other areas of the total school curriculum.
- (ii) There shall be experiences of sufficient variety in each of the following:

- (a) basic and creative movement;
  - (b) rhythm and dance;
  - (c) games;
  - (d) perceptual-motor skills;
  - (e) individual and team sports;
  - (f) gymnastics;
  - (g) aquatics, where possible;
  - (h) lifetime sports activities;
  - (i) outdoor living skills; and
  - (j) other appropriate activities which promote the development of boys and girls.
- (iii) There shall be opportunity provided for participation in appropriate extra-class activities.
- (iv) There shall be activities adapted to meet the needs of pupils who are temporarily or permanently unable to participate in the regular program of physical education. Adaptive physical education programs shall be taught by a certified physical education teacher.
- (v) There shall be continuous evaluation of the instructional program and assessment of individual pupil needs and progress. Appropriate cumulative records shall be maintained which cover the essential features of the physical education program for each pupil, and when a pupil transfers to another school, such records shall be transferred with the student's transcript.

(2) Required instruction.

(i) Elementary instructional program--grades K through 6. Pupils in grades K-6 shall participate in the physical education program as follows:

(a) all pupils in grades K-3 shall participate in the physical education program on a daily basis. All pupils in grades 4-6 shall participate in the physical education program not less than three times each week. The minimum time devoted to such programs (K-6) shall be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing and showering;

(b) notwithstanding the provisions of clause (a) of this subparagraph, pupils in grades 5-6 who are in a middle school shall participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester, or a comparable time each semester if the school is organized in other patterns; or

(c) as provided in an equivalent program approved by the Commissioner of Education.

(ii) Secondary instructional program--grades 7 through 12. All secondary pupils shall have the opportunity for regular physical education, but not less than three times per week in one semester and two times per week in the other semester, taught by a certified physical education teacher, and all such pupils shall participate in the physical education program either:

(a) a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester; or

(b) a comparable time each semester if the school is organized in other patterns; or

(c) for pupils in grades 10 through 12 only, a comparable time each semester in extraclass programs for those pupils who have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities; or

(d) for pupils in grades 10 through 12 only, a comparable time each semester in out-of-school activities approved by the physical education staff and the school administration; or

(e) as provided in an equivalent program approved by the Commissioner of Education.

(3) Attendance.

(i) All pupils shall attend and participate in the physical education program as approved in the school plan for physical education and as indicated by physicians' examinations and other tests approved by the Commissioner of Education. Individual medical certificates of limitations must indicate the area of the program in which the pupil may participate.

(ii) School district plans shall indicate through the sequential curriculum the steps to be taken to insure that each pupil meets the requirement for participation in physical education program which complies with the provisions of this section. School districts may award local diploma credit for the required program, and may also submit plans for elective units in physical education for additional credit.

(4) Personnel.

(i) Elementary classroom teachers may provide instruction under the direction and supervision of a certified physical education teacher.

(ii) When students participate in out-of-school activities as part of alternative programs, such activities may be taught by noncertified personnel, provided they have appropriate experience and are so approved by the board of education.

(iii) Each school district operating a high school shall employ a director of physical education who shall have certification in physical education and administrative and supervisory service. Such director shall provide leadership and supervision for the class instruction, intramural activities, and interschool athletic competition in the total physical education program. Where there are extenuating circumstances, a member of the physical education staff may be designated for such responsibilities, upon approval of the commissioner. School districts may share the services of a director of physical education.

(5) Facilities. Trustees and boards of education shall provide adequate indoor and outdoor facilities for the physical education program at all grade levels.

(6) Administrative procedures.

(i) School district plans for the physical education program shall include information on the following administrative procedures:

(a) curriculum development in relation to grade levels, as referred to in paragraph (1) of this subdivision;

(b) appropriate examinations and tests to be employed by school authorities in determining pupil needs and progress in physical fitness, knowledge and skills;

(c) class size and grouping patterns which are compatible with the activities being taught;

(d) use of nonschool facilities;

(e) use of noncertified persons, such as student leaders, practice teachers, etc.;

(f) use of supplementary personnel which are described in section 80.33 of this Title;

(g) summer school physical education programs, if conducted; and

(h) policies and procedures for the conduct of extraclass programs.

(ii) Periodic reports regarding the status and progress of equivalent programs which have been approved by the commissioner shall be filed with the Division of Physical Education, Fitness, Health, Nutrition and Safety Services as requested.

(7) Basic code for extraclass athletic activities. Athletic participation in all schools shall be planned so as to conform to the following:

(i) General provisions. It shall be the duty of trustees and boards of education:

(a) to conduct school extra class athletic activities in accordance with this Part and such additional rules consistent with this basic code as may be adopted by such boards relating to items not covered specifically in this code. A board may authorize appropriate staff members to consult with representatives of other school systems and make recommendations to the board for the enactment of such rules;

(b) to make the extraclass athletic activities an integral part of the physical education program;

(c) to appoint individuals, whether in a paid or non-paid (volunteer) status, to serve as coaches of interschool athletic teams, other than intramural teams or extramural teams, in accordance with the following:

(1) Certified physical education teachers may coach any sport in any school.

(2) Teachers with coaching qualifications and experience certified only in areas other than physical education may coach any sport in any school, provided they have completed:

(i) the first aid requirement set forth in section 135.5 of this Part;

(ii) an approved pre-service or in-service education program for coaches or will complete such a program within five years of appointment. Such program shall include an approved course in philosophy, principles and organization of athletics, which shall be completed within two years after initial appointment as a coach, and approved courses in health sciences applied to coaching, and theory and techniques of coaching that is sport specific, which shall be completed within five years after initial appointment as a coach. Such approved programs for coaches will consist of one of the following (credits and hours vary depending upon the contact and endurance involved in the sport): a department-approved college program of from two to eight credits; or a department approved in-service education program, conducted by schools, colleges, professional organizations or other recognized groups or agencies, from 30 to 120 clock hours; or an equivalent experience which is approved by the Commissioner of Education. Upon application to the Commissioner of Education in a format prescribed by the

commissioner and setting forth the reasons for which an extension is necessary, the period in which to complete such training may be extended to no more than seven years after such appointment; provided that coaches who have a lapse in service due to maternity leave, military leave, or other extenuating circumstances may apply to the commissioner for an additional extension of no more than two years to complete course work; and

(iii) on a biennial basis, a course of instruction relating to mild traumatic brain injuries pursuant to section 136.5(b) of this Title.

(3) Temporary coaching license. Except as provided in subclause (4) of this clause and notwithstanding the provisions of section 80-5.10 of this Title, other persons with coaching qualifications and experience satisfactory to the board of education may be appointed as temporary coaches of interschool sport teams whether in a paid or non-paid (volunteer) status, when certified teachers with coaching qualifications and experience are not available, upon the issuance by the commissioner of a temporary coaching license. A temporary coaching license, valid for one year, will be issued under the following conditions:

(i) the superintendent of schools shall submit a statement to the department that the district is unable to obtain the services of a certified teacher with coaching qualifications and experience;

(ii) candidates for initial temporary licensure shall have completed the first aid requirement set forth in section 135.5 of this Part prior to the first day of coaching;

(iii) candidates for the first renewal of a temporary license shall have completed or be enrolled in an approved course in philosophy, principles and organization of athletics;

(iv) candidates for any subsequent renewal of a temporary license shall have completed an approved pre-service or in-service education program for coaches which shall include an approved course in philosophy, principles and organization of athletics, which shall be completed within two years after initial appointment as a coach, and approved courses in health sciences applied to coaching, and theory and techniques of coaching that is sport specific, which shall be completed within five years after initial appointment as a coach. Such approved programs for coaches shall consist of one of the following (credits and hours vary depending upon the contact and endurance involved in the sport): a department-approved college program of from two to eight credits; or a department approved in-service education program, conducted by schools, colleges, professional organizations or other recognized groups or agencies, from 30 to 120 clock hours; or an equivalent experience which is approved by the Commissioner of Education. Upon application in a format prescribed by the Commissioner of Education and setting forth the reasons for which an extension is necessary, the period in which to complete such training may be extended to no more than seven years after such appointment; provided that coaches who have a lapse in service due to maternity leave, military leave, or other extenuating circumstances may apply to the commissioner for an additional extension of no more than two years to complete course work; and

(v) on a biennial basis, candidates shall have completed a course of instruction relating to mild traumatic brain injuries pursuant to section 136.5(b) of this Title.

(4) professional coaching certificate.

(i) Notwithstanding the provisions of subclauses (1)-(3) of this clause, other persons with coaching qualifications and experience satisfactory to the board of education may coach a specific sport in any school, upon the issuance by the commissioner of a professional coaching certificate. A professional coaching certificate, valid for three years, shall be issued to a candidate who submits a fee of \$50 together with an application, in a form prescribed by the commissioner, which satisfactorily establishes that:

(A) the candidate has completed the requirements set forth in items (3)(ii), (iii), (iv) and (v) of this clause; and

(B) the candidate has a minimum of three years coaching experience in a specific sport in a New York State interschool athletic program;

(ii) a professional coaching certificate shall be valid for a three year period, provided that such certificate may be renewed for additional three year periods upon the submission of a fee of \$50 together with a renewal application for each successive renewal period, in a form prescribed by the commissioner, which satisfactorily establishes that:

(A) the candidate meets the requirements of subitems (i)(A) and (B) of this subclause; and

(B) the candidate has received a satisfactory evaluation by the principal or athletic director for each of the preceding three years that the candidate coached in the specific sport for which a professional coaching certificate is sought;

(iii) evaluation by principal or athletic director;

(A) A school district that employs an individual as a coach pursuant to a professional coaching certificate shall ensure that the principal or athletic director responsible for the supervision of such individual conducts an evaluation of such individual during each year in which such individual is so employed;

(B) Each evaluation shall include, but not be limited to, a review of the coach's: communication and interpersonal skills, including interactions with colleagues, students, parents and the general public; supervisory, organizational, and leadership capabilities; knowledge and proficiency in first aid, CPR, sexual abuse guidelines, and other athlete injury-related protocols and procedures; and adherence to guidelines for purchasing equipment, uniforms and related supplies and for storing and maintaining sports equipment;

(5) persons who were employed as coaches in New York State schools on or before September 1, 1974 and who do not meet the requirements set forth in subclause (1), (2), (3) or (4) of this clause, may continue to coach any sport;

(d) to determine the need for an athletic trainer and to permit individuals to serve as athletic trainers for interschool athletic teams, intramural teams or physical education classes only in accordance with the following:

(1) Qualifications. Persons serving as an athletic trainer shall possess a valid license as a certified athletic trainer from the State of New York issued pursuant to article 162 of the Education Law and, commencing July 10, 2003 and thereafter, shall have successfully completed training pursuant to Public Health Law, section 3000-b(3)(a) in the operation and use of an automated external defibrillator provided that persons already serving as athletic trainers on July 10, 2003 shall successfully complete such training no later than December 31, 2003.

(2) Scope of duties and responsibilities. The practice of the profession of athletic training shall be as defined in Education Law, section 8352. Consistent with Education Law, section 8352, the services provided by an athletic trainer shall include, but not be limited to, the following:

(i) prevention of athletic injuries, including assessment of an athlete's physical readiness to participate;

(ii) management of athletic injuries;

(iii) reconditioning to minimize the risk of re-injury and to return the athlete to activity as soon as possible, excluding the reconditioning of neurologic injuries, conditions or disease:

(iv) health care administration, including medical recordkeeping, documentation and reporting of injuries, writing policies and procedures, budgeting and referral of injured athletes to appropriate authorized health care professionals when indicated;

(v) education and counseling of coaches, parents, student athletic trainers and athletes;

(vi) risk management and injury prevention, including:

(A) assisting in the arrangement of pre-participation examinations;

(B) assisting in the proper selection and fitting of protective equipment, including the application of wraps, braces, tape and pads;

(C) assisting in the inspection of fields and playing surfaces for safety;

(D) advising on weather-related conditions and care for their specific injuries/illnesses;

(E) advising on designing and implementation of fitness and conditioning programs for athletes;

(F) advising students on the maintenance and attainment of optimal body weight and physical conditioning to prevent and avoid athletic injury; and

(G) advising the athlete in avoidance of substance abuse;

(vii) management of athletic injuries, including:

(A) recognizing the various types of musculoskeletal and nervous system injuries that may occur in athletes;

(B) understanding the various phases of healing and promoting an environment that assists in the healing process;

(C) referring the athlete for further evaluation and accurate diagnosis after the initial management of an injury; and

(D) accessing local health services, including social support services available to the athlete;

(viii) immediate care of athletic injury and physical conditions, including responsibility for:

(A) the initial on-the-field injury assessment of acute injuries;

(B) administering appropriate first aid and emergency care to the injured athlete including, as necessary, the use of an automatic external defibrillator, and deciding on the management of acute injuries, provided that nothing herein shall authorize the use of an automatic external defibrillator by an athletic trainer who has not successfully completed training in the use of such equipment pursuant to Public Health Law, section 3000-b(3)(a); and

(C) the recognition and evaluation of potentially serious, life threatening injuries;

(ix) treatment and reconditioning of athletic injuries, including responsibility for:

(A) under the supervision of a physician, designing reconditioning programs that make use of appropriate therapeutic exercise, reconditioning equipment or therapeutic modalities in relation to athletic injuries;

(B) overseeing the reconditioning process and returning the athlete to full activity;

(C) designing and supervising an athletic injury reconditioning program and modifying that program based on the healing process;

(D) using appropriate therapeutic exercise techniques;

(E) designing a series of sport-related activities that allow the athlete to gradually progress to complete functional ability; and

(F) assisting in social support of an injured athlete, with regards to pain threshold, compliance, competitiveness, and the ability to adjust to injury;

(x) organization and administration, including:

(A) responsibility for maintaining an athletic training room facility;

(B) maintaining detailed injury reports, treatment records, and reconditioning program;

(C) responsibility for ordering equipment and supplies;

(D) establishing rules and policies for the daily operation of the athletic training room; and

(E) educating student athletic trainers by providing a quality environment consistent with all rules and regulations to develop professionally;

(xi) professional development and responsibilities, including:

(A) attending continuing education programs offered at State, district or national meetings;

(B) consulting and reviewing professional journals and textbooks;

(C) educating the community of health care professionals as to the role of the certified athletic trainer;

(D) informing parents, coaches and athletes as to the importance of quality health care for the physically active; and

(E) on a biennial basis, completing a course of instruction relating to mild traumatic brain injuries pursuant to section 136.5(b) of this Title;

(e) to give primary consideration to the well-being of individual boys and girls in the conduct of games and sports;

(f) to sacrifice no individual for the sake of winning events;

(g) to conduct all activities under adequate safety provisions;

(h) to equalize insofar as possible the powers of opponents in individual and group athletic competition;

(i) to provide adequate health examination before participation in strenuous activity and periodically throughout the season as necessary, and to permit no pupil to participate in such activity without the approval of the school medical officer;

(j) to maintain an equitable division of facilities, budget and personnel between boys and girls;

(k) to permit no athletic team to represent a school except in conformance with this Part;

(l) to approve all traveling of individuals or teams under their jurisdiction;

(m) to permit no post-season games or tournaments;

(n) to permit no post-schedule games or tournaments other than those conducted by school authorities in accordance with approved standards;

(o) to permit any individual or team to represent a school only in games, meets or tournaments which are conducted by secondary school authorities;

(p) to provide opportunity for instruction, practice and competition for pupils in grades four through six in extraclass programs which shall be basically intramural activities;

(q) to provide opportunity for instruction and practice for pupils in grades 7 through 12 in extraclass athletic activities which are intramural activities and approved interschool competition;

(r) to limit athletic activities conducted by the school to appropriate competition and practice between pupils in grades 7 through 12, except that a post-graduate pupil may participate in intramural activities;

(s) to provide the same general degree of opportunity for participation in intramural and interscholastic activities to both males and females.

(ii) Provisions for interschool athletic activities for pupils in grades 7 through 12. It shall be the duty of the trustees and boards of education to conduct interschool athletic competition for grades 7 through 12 in accordance with the following:

(a) Interschool athletic competition for pupils in junior high school grades seven, eight and nine. Such competition shall be conducted in accordance with the following: Seventh and eighth grade teams may participate only with teams of like grade groups, with the following exceptions:

(1) In junior high school, competition may include grades seven through nine.

(2) In six-year high schools, competition may include grades seven through nine.

(3) In four-year high schools, ninth grade pupils may participate in junior high competition.

(4) A board of education may permit pupils in grades no lower than seventh to compete on any senior high school team, or permit senior high school pupils to compete on any teams in grades no lower than seventh, provided the pupils are placed at levels of competition appropriate to their physiological maturity, physical fitness and skills in relationship to other pupils on those teams in accordance with standards established by the commissioner.

(b) Interschool athletic competition for pupils in senior high school grades 9, 10, 11 and 12. Inter-high school athletic competition shall be limited to competition between high school teams, composed of pupils in grades 9 to 12 inclusive, except as otherwise provided in subclause (a)(4) of this subparagraph. Such activities shall be conducted in accordance with the following:

(1) Duration of competition. 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 a 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 for 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, accident, or similar circumstances beyond the control of the student, 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, accident or other circumstance beyond the control of the student, 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 program, such pupil's eligibility shall be extended accordingly in such sport.

(2) Registration. A pupil shall be eligible for interschool competition in a sport during a semester, provided that he is a bona fide student, enrolled during the first 15 school days of such semester, is registered in the equivalent of three regular courses, is meeting the physical

education requirement, and has been in regular attendance 80 percent of the school time, bona fide absence caused by personal illness excepted.

(3) Sports standards. Interschool athletic programs shall be planned so as to provide opportunities for pupils to participate in a sufficient variety of types of sports. Sports standards, such as number of contests, length of seasons, time between contests, required practice days, etc., for all interschool sports shall conform to guidelines established by the Commissioner of Education.

(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 purposes 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 a 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.

(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 noncontact athletic competition 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 the 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 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

(iv) 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.

(2) Such student's participation in the additional season of such athletic competition shall not be scored for purposes of such competition.

**\* Section 135.5.\* First aid knowledge and skills requirements for coaches.**

(a) Coaches of extra class periods in physical education, as defined in section 135.1(h) of this Part, shall meet the requirements of this section.

(b) Except as provided in subdivision (c) of this section, all coaches must hold valid certification in first aid knowledge and skills, including instruction in the administration of adult cardiopulmonary resuscitation, as issued by the American National Red Cross, or meet equivalent requirements as set forth in this section.

(c) By January 15, 1993 all coaches employed on or after January 15, 1992 must hold valid certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation, as issued by the American National Red Cross, or meet equivalent requirements as set forth in this section.

(d) For the purpose of this section, the following shall be deemed as equivalent to certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation as issued by the American National Red Cross:

(1) completion of an approved course for coaches in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation;

(2) completion of an approved college or university first aid knowledge and skills course, including instruction in administration of adult cardiopulmonary resuscitation;

(3) completion of approved college or university courses in athletic training and sports medicine, which include first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation; or

(4) equivalent experience which is approved by the Commissioner of Education.

(e) Except as provided in subdivision (c) of this section, prior to the start of each sports season, coaches must provide valid evidence to their chief school officer that their first aid and adult cardiopulmonary resuscitation knowledge and skills are current pursuant to the requirements established by the American National Red Cross or that they meet equivalent requirements as set forth in subdivision (d) of this section.

**\* Section 135.6.\* Comprehensive school health education demonstration program.**

(a) Definition. As used in this section, eligible local educational agency means a board of cooperative educational services or the trustees or board of education of a public school district, except that the board of education of a community school district within the City of New York shall not be an eligible local educational agency unless its participation in the demonstration program is authorized by the board of education of the city school district of the City of New York.

(b) Program components. The comprehensive school health education demonstration program established pursuant to section 804-a of the Education Law shall be limited to health education in grades K through 6 and shall consist of the following components:

(1) Developer grants for comprehensive school health education programs.

(i) Developer grants may be awarded to eligible local educational agencies for the development, implementation, and evaluation of a comprehensive health education program, including such activities as:

(a) coordination of health instruction with other available programs in the school and community related to health education;

(b) provision of in-service training and materials for elementary level school teachers in comprehensive health education;

(c) development and implementation of evaluation procedures to measure students' knowledge, skills, behaviors and attitudes prior to and after program implementation; and

(d) development and implementation of a mechanism for project maintenance and long-range programming.

(ii) Subject to the availability of funds, recipients of developer grants who successfully complete the development, implementation and evaluation of a program in accordance with subparagraph (i) of this paragraph shall be required to assist other eligible local educational agencies with replication of such program.

(2) Health education regional training centers. Grants may be awarded to eligible local educational agencies for participation in the establishment of health education regional training centers for the purpose of developing materials and providing training programs to meet the needs of teachers in the implementation of comprehensive school health education programs at the elementary level.

(3) Statewide advocacy program. Grants may be awarded to eligible local educational agencies for participation in the development and implementation of a statewide advocacy program, to create an awareness on the part of school administrators of the need to develop strategies for implementing comprehensive school health education programs at the elementary level.

(4) Replication grants. Grants may be awarded to eligible local educational agencies for the replication of an elementary level health education program which has been validated by the National Diffusion Network, or which is consistent with the State syllabus in health education and has been approved by the commissioner for the purpose of this section.

(c) Grant applications. An eligible local educational agency desiring to participate in the program shall submit for approval a grant application in a form and by the date prescribed by the commissioner to implement one or more of the program components set forth in paragraphs (b)(1)-(4) of this section. The grant application shall set forth so much of the following information with respect as is appropriate to the program components for which funding is requested:

- (1) the specific need for the program;
- (2) the specific goals and objectives to be achieved;
- (3) the schools and grades to be served within the public school district, board of cooperative educational services or community school district;
- (4) the specific services to be provided;
- (5) the number and types of participants to be served;
- (6) a description of the health curriculum and/or materials to be developed, implemented, evaluated and/or replicated and the manner in which this will be accomplished;
- (7) the type of in-service training or advocacy functions to be conducted;
- (8) a description of any proposed contractual/consultant arrangements;
- (9) evaluation strategies to be undertaken;
- (10) a description of how the program will be coordinated with existing resources and services in the school and community;
- (11) a description of how long-range planning will be instituted for program continuance;
- (12) a description of how the program will be replicated, if appropriate;
- (13) other information determined by the commissioner to be essential to the operation of the program; and
- (14) a proposed first-year budget, including staffing needs.

(d) No grant to a local educational agency shall exceed \$200,000 per school year.

(e) Allowable costs. Grant funds shall be used solely for allowable costs of the comprehensive school health education program. In no case shall the cost of services already required of, or currently provided by, the local educational agency as of the effective date of this section be considered allowable costs for the purposes of this section. Allowable costs may include:

- (1) Salaries of certified teachers including health educators, elementary classroom teachers, and school nurse-teachers; administrators, including health coordinators; curriculum and training specialists; and noninstructional support personnel;
- (2) employee benefits;
- (3) teacher in-service training costs, including stipends and substitute pay;
- (4) contractual and consultant costs, including staff development, curriculum development, coordination activities, evaluation, travel expense, rental of space, and other services designed to achieve program goals and objectives;
- (5) supplies and materials;
- (6) instructional equipment;
- (7) rental of other related equipment;

- (8) library and computer professional and student resources and materials;
- (9) reasonable costs of evaluation;
- (10) curriculum development activities;
- (11) replication;
- (12) travel essential to program goals and objectives;
- (13) a maximum five-percent overhead allowance;
- (14) program costs related to printing, duplication and communication; and
- (15) other costs determined to be essential to program goals and objectives, as approved by the commissioner.

(f) Termination of grant. The commissioner may terminate a grant at any time when in the judgment of the commissioner a program is not meeting the purposes of this section.

(g) Reports and records.

(1) Each participating local educational agency shall:

(i) file an interim report with the commissioner on or before December 31st of the current year of funding and a final report on or before July 15th of the school year next following the current year, containing such information as the commissioner may require;

(ii) file an annual evaluation report by a date prescribed by the commissioner, which contains such information as the commissioner may require; and

(iii) notify the department of any change in professional staff, program design or ability to meet stated goals and objectives.

(2) Financial records shall be maintained.

(3) All programs shall be subject to the general supervision of the commissioner and the department who shall have the right to examine the facilities, operations and records relating to such program at any time.