



NYSAAA

New York State Athletic Administrators Association

Honorable Lester W. Young, Jr., Chancellor
Honorable Betty A. Rosa, Commissioner
New York State Education Department
89 Washington Avenue
Albany, New York 12234

May 27, 2024

Chancellor Young & Commissioner Rosa,

As participants in the October discussions regarding Mixed Competition and the subsequent approval by the Regents to allow males to participate in select female sports, the New York State Athletic Administrators Association is adamantly opposed and rightfully concerned about the potential physical, mental, and liability implications for school districts, community members, families, and specifically, female athletes. These implications could include increased risk of injury, unfair competition, and potential loss of opportunities in their respective sports.

Newsday published a report erroneously, including the NYSAAA among the organizations that supported the decision to redefine mixed competition. To set the record straight, we do not support the resolution.

As stated earlier, representatives from the NYSAAA were active participants in the discussions, including stakeholders from several professional organizations and individuals representing themselves as experts in their fields. We seized this opportunity to voice our concerns and advocate for the interests of our members and the wider community, demonstrating our unwavering commitment to their safety and well-being. Unfortunately, our concerns were met with silence at those meetings and ultimately ignored without considering the decision's ramifications.

First and foremost, athletic administrators are steadfast in their commitment to adhering to their school district's rules and policies, as well as those of the New York State Public High School Athletic Association and the codified 14 legal duties of athletic administrators. These duties include ensuring student-athletes safety, providing appropriate medical care, and maintaining safe playing conditions. Within those 14 duties are specific directives to protect the health and welfare of the student-athletes under our charge and our school district from vulnerability to litigation and situations that can create a **"SIGNIFICANT ADVERSE EFFECT"** on female athletes.

The Duty to Supervise, the Duty to Match Up Athletes, the Duty to Provide Medical Care, the Duty to Warn, and the Duty to Maintain Safe Playing Conditions are five of those duties that were blatantly disregarded by the Regents in their decision. This decision not only undermines the safety of our student-athletes but also opens the door to potential litigation. For instance, the duty to match up athletes, ensure fair competition, and prevent injuries was not considered when creating the proposal.

The Regents' proposed elimination of physical testing using only the example of a female potentially playing football is considered misleading and purposefully distracting from the issue. While it is a given that any male wishing to participate on a flag football or field hockey team would have little or no trouble passing an athletic competency test, it, therefore, assumes that by eliminating a test, gender equity is preserved. Still, physical equity is not addressed by the decision. This decision could lead to a disparity in physical size and strength between male and female athletes, which could affect fairness and compromise the competition's safety. The one area we can all agree on is eliminating the Tanner evaluation, as it has always been a demeaning and subjective test.

Yes, we can all cite examples of females on football teams. The testing and evaluation by the committee and coaches is there to protect the health of that female and was never intended to block any request to participate. Yet, for reasons not stated, the Regents apply the same logic to permitting boys to enter girls' programs. This is not only disingenuous but also dismisses all that Athletic Administrators have worked to provide to their athletes: a safe playing environment. Additionally, putting the onus on the coach to singularly determine eligibility will cause the coach to be subjected to pressure from the administration, who is unwilling to question the rule and potentially replace that female. This could lead to a conflict of interest for the coach and potentially compromise the safety of the female athlete. In other words, we will be asked to trust that a coach or school will not attempt to gain a competitive advantage, yet they will have that advantage by displacing a female with a male in competition.

We respectfully ask the Regents to rescind the mandate and reconsider maintaining competence testing for females interested in those boys' available sports should a girls' sport not exist. The mandate is unnecessary, irresponsible, and an infringement upon girls' sports during a time when their chosen sports are being invaded by politics and a total disregard for existing regulations that protect female athletes. We urge the Regents to prioritize the safety and well-being of our female student-athletes by retracting this decision.

The Executive Board of the New York State Athletic Administrators Association

Alan Mallanda, Executive Director, NYSAAA
Dr. Jim Wright, Associate Executive Director, NYSAAA
Susan Dullea, President, NYSAAA
Jennifer Keane, President-elect, NYSAAA