



November 10, 2025

Dr. Louis N. Wool
President, Lower Hudson Council of School Superintendents

Dr. Jeremy Luft
President-Elect, Lower Hudson Council of School Superintendents

Via Email

Dear Dr. Wool and Dr. Luft,

Thank you for your continued engagement regarding competitive balance in interscholastic athletics. The Lower Hudson Council of School Superintendents' commitment to fairness reflects the same principles that guide the New York State Public High School Athletic Association (NYSPHSAA) and its member schools.

On October 10, 2025, I attended your Council's meeting to listen directly to members' questions and clarify NYSPHSAA policies concerning classification, transfers, and recruiting. The discussion was productive, and I appreciated the opportunity to explain the work already underway to address these concerns.

In response to Section I's request for review, NYSPHSAA established the Ad Hoc Schools Without Boundaries Committee in October 2024. Its charge was to examine the relationship between public, non-public, and charter schools and to develop lawful, data-based recommendations to strengthen equity. The committee included representatives from all 11 sections, as well as non-public and charter school delegates, ensuring statewide perspective.

Over the following year, the committee met five times, analyzing state and national data, reviewing eight membership generated proposals, and conducting a statewide survey of 786 high schools. Nearly half of the respondents reported accepting tuition-paying students, underscoring that 'boundary' issues extend beyond non-public institutions alone. Guided throughout by NYSPHSAA legal counsel, Renee James, the committee concluded that meaningful reform must be grounded in constitutional principles of equal protection and due process and built on objective, sport-specific, performance-based criteria rather than categorical separation.

A guiding precedent for this work was the New York State Education Department Decision No. 14,104 (April 6, 1999), Appeal of the Norte Dame and Seton Catholic High Schools. In that decision, the Commissioner ruled that blanket reclassification of all non-public schools without sport-specific evidence was "arbitrary and capricious." That determination remains instructive: equitable competition must be achieved through data and due process rather than through wholesale separation by school type. The Oversight Committee model that emerged from the Ad Hoc Committee directly reflects that principle.

At its July 8, 2025 meeting, the Ad Hoc committee voted 10-1 (Section I opposed) to recommend creation of consistent criteria and a statewide Oversight Committee. The model establishes clear, performance-based criteria for potential movement of non-public and charter schools, a uniform annual review cycle, and a two-tiered appeal process for schools and sections. The Central Committee discussed the proposal in July, and on October 21, 2025, the Executive Committee formally approved it for implementation

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beginning in the 2026-27 school year. This member-approved action capped a year-long, transparent process grounded in legal precedent and statewide collaboration.

NYSPHSAA appreciates the intent of the Council's request to explore separate postseason classifications for public and non-public schools. While the Association understands the concern driving that proposal, implementing such a structure as described would conflict with established legal precedent and the Association's governance framework. The New York State Education Department's 1999 decision makes clear that any separation based solely on school type, without sport-specific competitive evidence, could be considered arbitrary. Moreover, NYSPHSAA's Constitution requires that any major structural change be initiated and approved by the membership. For these reasons, NYSPHSAA will not pursue the separation model advanced by the Council but will move forward with the member-approved Oversight Committee model, which promotes competitive balance through consistent, data-based review. Under the existing NYSPHSAA process, Sections retain the authority to reclassify non-public and charter schools to higher competitive levels when warranted by performance and in accordance with established procedures.

NYSPHSAA operates as a membership-governed, not-for-profit educational organization recognized by the New York State Education Department. Its policies and procedures are adopted through a representative structure defined in the Association's Constitution, rather than by unilateral action of the Executive Director or any external agency. This governance model ensures accountability, transparency, and alignment with the educational mission of our member schools.

NYSPHSAA welcomes continued partnership with the Lower Hudson Council, the Commissioner of Education, and the Board of Regents as we move forward. Our shared goal is simple yet vital: to provide every student-athlete in our Association with a fair, transparent, and educationally sound competitive experience. The work completed over the past year reflects that enduring commitment.

Thank you for your leadership and for advancing this important dialogue.

Sincerely,

Dr. Robert Zayas
Executive Director
New York State Public High School Athletic Association

cc: Dr. Betty A. Rosa, Commissioner of Education
Chancellor Lester W. Young Jr., Board of Regents
Members, New York State Board of Regents
NYSPHSAA Executive Committee
NYSPHSAA Central Committee