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Immediate Reform Required to Restore Fairness in High School Athletics

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

**Cc: Dr. Betty A. Rosa, Commissioner of Education & President, University of the State of New York – commissioner@nysed.gov
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From: Dr. Louis N. Wool, President, Lower Hudson Council of School Superintendents

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

Date: October 22, 2025

Dear Dr. Zayas and Members of the Executive Committee,

On behalf of the Lower Hudson Council of School Superintendents, I write to express our deep concern that the New York State Public High School Athletic Association has departed from its foundational mission to provide equitable competition for student-athletes. When public schools are compelled to compete against private and parochial schools unrestricted by district boundaries, the principles of fairness and educational integrity—cornerstones of your Association—are compromised.

We are grateful for your willingness to attend the October 10 meeting of the Lower Hudson Council of School Superintendents to share and explain the Association's positions. Your participation offered our members an opportunity to understand the rationale behind current practices. However, none of the information presented addressed the essential inequity that continues to disadvantage public-school athletes across New York State.

Public schools draw their athletes from within district boundaries; private and parochial schools do not. They can—and do—recruit regionally and even nationally, assembling athletic rosters whose “effective enrollment” far exceeds their reported BEDS numbers. Claiming ignorance of the fact that these schools recruit by using the success of their programs to entice

students from across New York State to enroll solely for athletic participation is naïve and, frankly, irresponsible. As the success of athletic programs grows, so do the talented students seeking to enroll, building even stronger teams. A successful public school will always be restricted to the athletes who reside in its community; a successful private school is open to any athlete willing to pay to play—or accept a scholarship—making its effective BEDS number unlimited, and most importantly, irrelevant to determining classification by school population. This imbalance distorts competition and erodes morale. Public-school athletes representing a single community are too often pitted against teams drawn from much larger, more physically diverse populations. The result is neither fair nor educationally sound.

The pattern is increasingly evident in championship outcomes, where private and parochial schools consistently dominate particular sports. No principle of educational athletics justifies a system that knowingly places students at a disadvantage in disadvantageous competitive conditions.

These inequities are reinforced by a lack of public accountability. Private and parochial schools operate outside the framework that governs public institutions: they are not subject to the Freedom of Information Law (FOIL), public records-retention rules, or the residency restrictions that define student eligibility in public schools. This absence of oversight enables selective enrollment and recruitment practices that directly contradict the Association's stated commitment to equitable competition.

To restore trust and integrity, the Association should immediately implement the following measures: (1) require annual attestations from non-public schools affirming that no recruitment for athletic purposes has occurred; (2) disclose financial-aid and scholarship data to verify equitable distribution; and (3) publish communications related to recruitment or athletic outreach to students and families. These are reasonable and necessary safeguards—**minimum transparency standards essential** to maintaining public confidence in the fairness of competition.

The NYSPHSAA's own handbook states that "leagues are formed for the purpose of providing interschool athletic competition among schools of comparable size." Yet the Association routinely reclassifies public schools for minor enrollment changes while ignoring the competitive advantage of private schools that recruit from among thousands of students. This contradiction undermines both fairness and the Association's credibility.

More concerning still, the NYSPHSAA operates without formal oversight by the Board of Regents or the Commissioner of Education. Such independence may once have seemed practical, but it now exposes a serious structural weakness: a self-governing organization exercising statewide authority over public-school athletics without direct public accountability. Until that oversight gap is addressed, public schools remain

bound by decisions made by an entity not accountable to the same legal or constitutional standards under which they operate.

Accordingly, the Lower Hudson Council of School Superintendents calls upon the NYSPHSAA to take immediate corrective action before the start of the winter season. Specifically, the Association should:

- Adopt separate postseason classifications for private and parochial schools to ensure competition reflects enrollment realities and recruitment reach.
- Establish and enforce oversight mechanisms verifying compliance with recruitment and scholarship transparency requirements.
- Engage with the New York State Education Department to explore formal alignment of NYSPHSAA governance with the Commissioner of Education's oversight authority.

These steps are essential to restore fairness and rebuild confidence in interscholastic athletics.

The Lower Hudson Council of School Superintendents believes that the credibility of interscholastic athletics depends on fairness and transparency—principles not currently being met. Section I and other regions have already advanced a practical and equitable solution: separate postseason classifications for private and parochial schools. Implementing this reform would honor the Association's mission and reaffirm its commitment to public trust.

We hope that the NYSPHSAA will demonstrate that it can operate effectively and equitably within its current model by enacting these reforms before the winter season begins. However, if the Association does not act, it will confirm the inherent inadequacy of a self-governing organization lacking formal oversight by the Commissioner of Education or the Board of Regents.

The Council remains committed to collaboration and constructive dialogue, but we also bear an obligation to pursue structural solutions that ensure public accountability and equitable opportunities for all student-athletes.

**Sincerely,
Louis N. Wool, Ed.D.**

**President, Lower Hudson Council of School Superintendents
Jeremy Luft, Ed.D.
President-Elect, Lower Hudson Council of School Superintendents**