



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy Urges State Education Department to Reform Regulations for Student-Athletes with Disabilities

TIMOTHY M. KENNEDY July 25, 2013

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State Ed guideline may block local student-athlete David Gorczynski from running cross country for his fourth and final year on his Orchard Park High School team.

Kennedy writes to State Education Commissioner urging a change to their policy to allow students with disabilities to participate in high school athletics all four years.

Kennedy: State Education Department Should Reform their Guidelines and Allow David Gorczynski to Cross the Finish Line

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, is urging the New York State Education Department (NYSED) to change a rule that may prevent a local student-athlete from participating in his fourth and final year of high school athletics. NYSED will not allow David Gorczynski, a student at Orchard Park High School, to run cross country this year, citing a rule within the Commissioner's Regulations.

Kennedy has called on NYSED to enact an immediate change to the policy to allow David to compete, and to ensure student-athletes with disabilities across the state are offered the opportunity to participate in high school athletics all four years of their schooling.

“Nothing could stop David Gorczynski from running cross country, until he was slowed down by a NYSED guideline,” said Senator Kennedy. “With the support of his family and his

team, he overcame seemingly insurmountable obstacles to finish every race he ran. Now, he needs our help. He needs a boost to climb over this last hurdle – a hurdle that remains in the Commissioner’s Regulations. The State Education Department needs to reform this guideline and allow David to cross the finish line.

“It’s a small change that will have an enormous impact for young, aspiring athletes. Changing this rule would solidify that students with disabilities are no different from their peers,” Kennedy added. “High school athletics provide students with disabilities a unique opportunity to develop new skills and remain active, while competing alongside their teammates to achieve a common goal. All students deserve a fair shot and an equal opportunity to participate in programs that our schools offer – and students with disabilities should not be denied those opportunities.”

“One only needs to see the joyful smile on David’s face as he runs to the finish line, letting us know that we all have benefited from his experience as a member of the Orchard Park High School Cross Country Team,” said David’s mother Mary Ellen Gorczynski. “I hope that the Board of Regents will agree with Senator Kennedy and myself and change this rule.”

NYSED regulations automatically end a student’s high school athletics career on the final day of the school year in which the student-athlete turns 19 years of age. However, the guidelines offer an exception for students who were delayed or held back as a result of their disabilities. Students with disabilities can gain access to a waiver allowing them to participate in high school athletics after their 19th birthday.

But, this rule – which Kennedy is urging NYSED to change – prevents the granting of a waiver to a student over nineteen years of age if they have secured a waiver in previous years. In other words, students over age 19 can only gain access to a participation waiver one time, for one year.

Kennedy says David Gorczynski and many students with disabilities have their educations delayed in elementary or middle school and will be twenty-one years old before completing their fourth year of high school. As a result, they would have to secure a participation waiver for both their third and fourth years of high school, which is currently prohibited under NYSED regulations. Kennedy wants this rule changed to allow David and student-athletes across the state to participate in high school sports all four years of school.

In a letter to NYSED leadership, Kennedy urges an immediate change, writing, “Specifically, I ask that subsection (iii) be stricken from the Commissioner’s Regulations to ensure students with disabilities are able to participate in all four years of high school athletics.”

[Click here to view Senator Kennedy's letter to NYSED, urging this immediate policy change.](#)

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Senator Timothy M. Kennedy represents the New York State Senate’s 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.