

10-16-17
Memorandum of Understanding
by and between
Averill Park Central School District
and
Wynantskill Union Free School District

WHEREAS, the Wynantskill Union Free School District ("Wynantskill UFSD") is a K-8 District and contracts with the Averill Park Central School District ("Averill Park CSD") a K-12 District as an option for Wynantskill student residents to receive education in grades 9-12;

WHEREAS, the Board of Regents of the New York State Education Department amended 8 NYCRR Section 135.4(c)(7)(ii) to permit exceptional student athletes who are in 7th and 8th grade attending a K-8 school district the opportunity to request to participate in interscholastic athletics at the high school level utilizing what is commonly referred to as the Athletic Placement Process ("APP") at the district the K-8 district contracts with for the education of its high school students; and

WHEREAS, Averill Park CSD and Wynantskill UFSD agree that it is in the best interest of students in 7th and 8th grade who satisfy certain criteria to be permitted to apply for permission to participate in Averill Park CSD interscholastic athletics at the high school level before they enter high school at Averill Park CSD and wish to have a Memorandum of Understanding as to how such requests for APP will be handled.

IT IS HEREBY AGREED AS FOLLOWS:

1. Effective September 1, 2017, a Wynantskill UFSD resident student (or the student's family) may initiate a request to Wynantskill UFSD to have their child/children be considered for participation on Averill Park CSD high school interscholastic athletic teams. Wynantskill UFSD will consider such request in consultation with Averill Park CSD. Any such requests must first be submitted to Wynantskill UFSD who may then, if they deem the student eligible for further consideration, choose to forward it to the attention of the Superintendent of Schools or Athletic Director of the Averill Park CSD for its review and consideration.
2. Wynantskill UFSD will notify the requesting parent or guardian that by requesting to participate in Averill Park CSD high school athletics they are selecting Averill Park CSD as the high school of residence when that student advances to ninth grade. In addition, the parent or guardian will be notified by Wynantskill UFSD that if they choose to have their child attend a high school commencing in ninth grade with which the Wynantskill UFSD contracts with to provide high school for its residents other than Averill Park CSD after having participated in interscholastic sports at Averill Park CSD pursuant to the APP process, they will have a year of ineligibility from participating in any interscholastic athletic contest in a particular sport for a period of one year.
3. The student must satisfy Averill Park CSD requirements for APP consideration to be approved for participation in interscholastic athletics at Averill Park CSD. Both the Averill Park CSD and Wynantskill UFSD school physicians must approve and execute any approval form required for APP, indicating that the specific student satisfies the physical requirements for participation in high school athletics and is

physically capable of safely participating. Averill Park CSD will administer a physical fitness test of the child to determine physical fitness for participation;

4. The student will be provided and must comply with Averill Park CSD rules regarding academic eligibility and attendance at school for participation in sports and must comply with the Averill Park CSD code of conduct at all times during participation in high school athletics, including in-season and off-season.

5. Transportation of the student to and from Averill Park CSD for practices, games, or any other activity associated with the student's participation in Averill Park CSD athletics is the responsibility of the parent(s). Transportation for athletic contests will be the responsibility of the parent(s) in transporting the child to and from Averill Park CSD, and, if the athletic contest is an away contest, to and from Averill Park CSD in time to be transported by Averill Park CSD with the team. Upon return to Averill Park CSD after an athletic contest is completed (or at the conclusion of in the event of a "home" contest), the parent(s) of the student is responsible for transporting the student back to Wynantskill.

6. Averill Park CSD and Wynantskill UFSD will each maintain insurance coverage which covers the student's participation in high school athletics. To the fullest extent permitted by law, Wynantskill UFSD shall defend, indemnify and save harmless Averill Park CSD, its officials, employees and agents, from and against all claims, damages, losses and expenses arising out of or in consequence of any negligent or intentional act or omission of Wynantskill UFSD, its officials, employees, volunteers or agents and which arise out of this Agreement. To the fullest extent permitted by law, Averill Park CSD shall defend, indemnify and save harmless Wynantskill UFSD, its officials, employees and agents, from and against all claims, damages, losses and expenses arising out of or in consequence of any negligent or intentional act or omission of Averill Park CSD, its officials, employees, volunteers or agents and which arise out of this Agreement. Neither party is entitled to indemnification for its own negligent or intentional acts or omissions.

7. Each District will adopt a resolution or amend Board of Education policies permitting the participation of Wynantskill UFSD 7th and/or 8th graders who meet the APP requirements to participate in Averill Park CSD high school athletics, consistent with this Agreement;

8. This Agreement sets forth the full agreement between Averill Park CSD and Wynantskill UFSD and cannot be modified, amended or changed without the express written consent of all parties hereto.

9. This Memorandum of Agreement is subject to the approval of the Board of Education of each District.