

## 40. Coaches and Athletic Trainers

### Coaches

#### 40:1. Must a teacher who coaches interscholastic sports be certified as a physical education teacher?

No. A certified physical education teacher may coach any sport in any school. However, a teacher certified in an area other than physical education also may coach any sport in any school, provided he or she has been trained in first aid, including cardiopulmonary resuscitation, and completes an education program for coaches within five years of appointment. That educational program must include an approved course in philosophy, principles, and organization of athletics to be completed within the first two years of appointment, and courses in health sciences applied to coaching and sport-specific coaching theory and techniques to be completed within five years of appointment. They must also complete a course relating to concussions (§ 3001-b; 8 NYCRR §§ 135.4(c)(7)(i)(c)(2), 135.5; see **40:9**).

The commissioner of education may grant an extension of the time period in which to complete such training to no more than seven years after such appointment. Coach training programs can be either a department-approved college program, in-service education program, or an equivalent approved by the commissioner. Coaches who have a lapse in service due to maternity leave, military leave, or other extenuating circumstances may apply for an additional extension of no more than two years. The availability of this additional extension offers the specified individuals the possibility of up to nine years from appointment to complete required coursework (8 NYCRR § 135.4(c)(7)(i)(c)(2)).

Where two or more certified teachers with coaching qualifications and experience apply for one available position, a district may appoint any one of the qualified applicants to the position (*Appeal of Chichester*, 39 Ed Dept Rep 470 (1999)). However, a district may have an obligation, based on the teachers' collective bargaining agreement or past practice, to offer available coaching positions to certified teachers who are members of the bargaining unit in that district before making such positions available to other certified teachers. Notably, the Public Employment Relations Board (PERB) has ruled that a single documented instance of offering the right of first refusal for available coaching positions to teachers in a district's collective bargaining unit does not establish a past practice that the district is obligated to follow in the future (*Canastota CSD*, 32 PERB ¶ 3003 (1999)).

#### 40:2. May a person uncertified as a teacher coach interscholastic sports?

Yes, if he or she holds a temporary coaching license or a professional coaching certificate (8 NYCRR § 135.4(c)(7)(i)(c)(3), (4)(i)(A), (B)). An application for either must be submitted on-line through the NYS Education Department TEACH system at: <http://www.highered.nysed.gov/tcert>.

In addition, although fingerprinting and a criminal history record check are not a prerequisite for such a license or certificate, all prospective employees of a covered school must satisfy NYS Education Department fingerprinting requirements (8 NYCRR §§ 80-1.11, 87.2(k), 87.3(a); NYS Education Department, *Guidelines for the Coaching Requirements* (revised May 2014), at: [http://www.p12.nysed.gov/ciai/pe/toolkitdocs/coaching-guidelinesRev5\\_14.pdf](http://www.p12.nysed.gov/ciai/pe/toolkitdocs/coaching-guidelinesRev5_14.pdf); see **chapter 41**).

#### 40:3. Are there any limitations on the employment of an uncertified interscholastic sports coach on a temporary basis?

Yes. A school district may employ such an individual only if it has been unable to obtain the services of a certified teacher with coaching qualifications and experience or a coach with a professional coaching certificate (8 NYCRR § 135.4(c)(7)(i)(c)(3); *Appeal of Folsom*, 37 Ed Dept Rep 343 (1998); see also *Appeal of Gilbert*, 40 Ed Dept Rep 350 (2000); *Appeal of Cracchiolo*, 36 Ed Dept Rep 230 (1996)).

In addition, school districts may not hire uncertified coaches in lieu of certified applicants based on subjective determinations that the certified applicant was “not qualified” (*Appeal of Haas*, 46 Ed Dept Rep 430 (2007); *Appeal of Folsom*; *Appeal of Feiss*, 37 Ed Dept Rep 339 (1998); compare *Appeal of Brown*, 39 Ed Dept Rep 343 (1999), where a district passed over a certified coach because during the previous year he had been ejected from two games for unsportsmanlike conduct). Where no certified candidate applies for a particular coaching position for a particular season by the announced application deadline, and the district appoints an uncertified person with a temporary coaching license and coaching qualifications and experience to the position, a certified teacher who comes forward for the first time after the application deadline has no claim to that coaching position for that season (*Appeal of Folsom*).

#### 40:4. What requirements must a person uncertified as a teacher meet to serve as a temporary coach?

Whether appointed in a paid or volunteer capacity, temporary coaches must first obtain a sport-specific *temporary coaching license*. Such a license is valid for one year, except that it may be renewed subject to the requirements specified in commissioner’s regulations (8 NYCRR § 135.4(c)(7)(i)(c)(3)).

In addition, pursuant to commissioner’s regulations, a temporary coaching license will be issued only if the school district seeking to employ the temporary coach has been unable to obtain the services of a certified teacher with coaching qualifications and experience, and the candidate for the license has completed the following coursework or training requirements:

- first aid training, including cardiopulmonary resuscitation training, prior to the first day of coaching;
- at least two hours of coursework or training for identifying and reporting child abuse and maltreatment (§ 3036; 8 NYCRR § 135.4(c)(7)(i)(c)(3)(ii); see also 8 NYCRR §§ 135.5, 135.7). Those already holding a temporary coaching license as of August 6, 2014 had until July 1, 2015 to meet this requirement (8 NYCRR § 135.7(b)); and
- on a biennial basis, a course of instruction related to mild traumatic brain injuries (8 NYCRR § 135.4(c)(7)(i)(c)(3)(v); see also 8 NYCRR § 136.5(b); see **40:9**).

An uncertified non-teacher appointed to a coaching position by a school district may not undertake coaching responsibilities until he or she actually has received a temporary coaching license (*Appeal of Kimball*, 36 Ed Dept Rep 508 (1997)).

Applications for a temporary coaching license must be submitted online through SED’s TEACH system and reviewed at a local level by board of cooperative educational services (BOCES) Regional Certification Offices (RCO) (see NYS Education Department, *Credentialing of Athletic Coaches Memo* (June 2009), at: <http://www.highered.nysed.gov/tcert/resteachers/memos/memo06112009.html>).

#### 40:5. What are the requirements for a professional coaching certificate?

To qualify for such a certificate, the uncertified non-teacher must have completed all the requirements for a *temporary coaching license* (see **40:4**), and a minimum of three years coaching experience in a

specific sport in a New York State interschool athletic program (8 NYCRR § 135.4(c)(7)(i)(c)(4)(i)(B); see also § 3001-b; 8 NYCRR § 135.5).

Each professional coaching certificate is sport specific (i.e., football, field hockey, soccer, basketball, softball, track, etc.) and is valid for a three-year period. However, it is renewable for additional three-year periods upon application to the commissioner, and satisfactory evaluations for each of the preceding three years for the specific sport for which the certificate is sought that are conducted in accordance with regulatory requirements (8 NYCRR § 135.4(c)(7)(i)(c)(4)(ii)(B), (iii)).

The commissioner's regulations place an applicant for a coaching position who possesses a professional coaching certificate on "equal footing" with certified teachers seeking appointment to the same position (*Appeal of Parisi*, 42 Ed Dept Rep 271 (2003)).

**40:6. Must a school district evaluate the performance of a certified professional coach?**

Yes. A school district that employs an individual as a coach pursuant to a professional coaching certificate must ensure that the principal or athletic director responsible for supervision of that individual conducts an evaluation during each year in which the non-teacher coach is employed (8 NYCRR § 135.4 (c)(7)(i)(c)(4)(iii)). While not specifically required by statute or the commissioner's regulations, school districts may consider having this review take place at the end of the season for that particular sport.

**40:7. Are there any special certification requirements applicable to all coaches?**

Yes. All coaches must hold valid certification in first aid or meet equivalent requirements of the commissioner of education. This must include instruction in the administration of adult cardiopulmonary resuscitation (CPR). In addition, prior to the beginning of each sports season, coaches must provide valid evidence to the superintendent that their first aid and adult CPR knowledge and skills are current under the requirements established by the American Red Cross or equivalent requirements certified by the commissioner (§§ 3001-b, 3001-c; 8 NYCRR § 135.5).