

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(15) and 303 (14 **Del.C.** §§122(b)(15) & 303)
14 **DE Admin. Code** 1035

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

1035 In-Season Athletic Activities and Contact

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§122(b)(15) and 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), proposes to amend 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact. The regulation sets forth the requirements for athletic activities and contact during the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season. The proposed amendments are to add "event" as a defined term to Section 2.0 and amend Section 6.0, which concerns sanctioning of invitationals, meets, and tournaments. The proposed amendments are based on the current practice for sanctioning.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before May 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns requirements for athletic activities and contact during the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns requirements for athletic activities and contact during the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season and is not designed to help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns requirements for athletic activities and contact during the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season, which will help to ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns requirements for athletic activities and contact during the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority or flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 303(b)), DIAA develops rules and regulations relating to middle and secondary school interscholastic athletics for schools in Delaware, including the regulation of athletic programs of all public schools and such nonpublic schools that elect to become full or associate DIAA Member Schools. The Board enforces the regulations (14 **Del.C.** §304).

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 **Del.C.** §304).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state or to the local school boards of compliance with the amended regulation.

1035 In-Season Athletic Activities and Contact

1.0 Content

In accordance with 14 **Del.C.** §303(b), this regulation sets forth the requirements for athletic activities and contact In-Season.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Board" means the Delaware Interscholastic Athletic Association Board of Directors established pursuant to 14 **Del.C.** Ch. 3.

"Competition" means a contest between schools in which student athletes compete.

"Event" means an invitational, meet, or tournament.

"In-Season" means the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season.

"Member School" means a full or associate member school of the DIAA.

"Practice" means working on skills for a particular sport within a single team at a Member School as guided by coaches and includes team workouts and inner-team scrimmages.

"School day" or **"School days"** means actual school attendance days during the regular academic school year including a partial day that students are in attendance at school for instructional purposes as adopted by the district or governing body of the school not to include weekends, holidays, summer school, etc.

"Scrimmage" means an informal competition between schools in which a final score is not kept, the time periods are permitted to be modified, the results of the competition are not reported to the media, the coaches are permitted to interrupt the play to provide instruction, and the competition is strictly for practice purposes.

"Unified Partner" means a student who is not identified as a Unified Athlete, is enrolled at a DIAA Member School, and does not appear on any school eligibility report submitted to DIAA for a non-Unified school team in the same sport.

3.0 Sports Seasons

3.1 Fall Sports Season

3.1.1 For the high school level, the fall sports season shall begin on the Monday 3 weeks before Labor Day and end with the start of the state championship tournament in that sport. Any regular season contest that was postponed must be rescheduled and played before the beginning of the state tournament in that sport. A conference championship game must also be completed before the start of the state tournament in that sport. Practice for any fall sport shall not begin earlier than the Monday 3 weeks before Labor Day. The first allowable Competition date in the fall sports season shall be the first Wednesday after Labor Day.

3.1.2 For the middle school level, the fall sports season shall begin on the Monday 1 week before Labor Day and end not later than December 1. Practice for any fall sport shall not begin earlier than the Monday 1 week before Labor Day. The first allowable Competition date for the fall sports season shall be on the first Monday 2 weeks after Labor Day.

3.1.3 For football Practices at the middle and high school levels, the first 3 days of Practice shall be primarily for the purpose of physical conditioning and shall be restricted to noncontact activities. Coaches may introduce offensive formations and defensive alignments, run plays "on air," Practice noncontact phases of the kicking game, and teach noncontact positional skills. Protective equipment shall be restricted to helmets, mouth guards, and shoes on the first day of Practice. Shoulder pads may be added on the second and third day of Practice. The use of dummies, hand shields, and sleds in contact drills is prohibited until the fourth day of Practice. Blocking, tackling, and block protection drills which involve any contact between players are also prohibited until the fourth day of Practice.

- 3.1.4 No Member School shall participate in spring football games nor shall a Member School conduct football Practice of any type outside of the regular fall sports season except when participating in the state tournament. "Organized football" or "organized football practice" shall be defined as any type of sport which is organized to promote efficiency in any of the various aspects of football. Touch football, featuring blocking, tackling, ball handling, signaling, etc. shall be considered "organized football" and shall be illegal under the intent of this rule.
- 3.2 Winter Sports Season
- 3.2.1 For the high school level, the winter sports season shall begin with the first approved day for Practice and end with the start of the state championship tournament in that sport. Any regular season contest that was postponed must be rescheduled and played before the beginning of the state tournament in that sport. Conference championships must also be completed before the start of the state tournament in that sport. Practice for any winter sport shall begin on the Monday of the 19th week of the NFHS standardized calendar. Competition for the winter sports season shall begin on the Wednesday of the 22nd week of the NFHS standardized calendar.
- 3.2.2 For the middle school level, the winter sports season shall begin on the Monday of the 19th week of the NFHS standardized calendar and end not later than March 1. Practice for any winter sport shall not begin earlier than on the Monday of the 19th week of the NFHS standardized calendar. The first allowable Competition date in the winter sports season shall be on the Wednesday on the 22nd week of the NFHS standardized calendar.
- 3.3 Spring Sports Season
- 3.3.1 For the high school level, the spring sports season shall begin on the Monday of the 35th week of the NFHS standardized calendar and ends with the start of the state championship in that sport. Any regular season contest that was postponed must be rescheduled and played before the beginning of the state tournament in that sport. Conference championships must also be completed before the start of the state tournament in that sport. Practice for any spring sport shall not begin earlier than the Monday of the 35th week of the NFHS standardized calendar. Competition for the spring sports season shall begin on the Monday of the 38th week of the NFHS standardized calendar.
- 3.3.2 For the middle school level, the spring sports season shall begin on the Monday of the 35th week on the NFHS standardized calendar and end not later than the last School Day. Practice for any spring sport shall not begin earlier than the Monday of the 35th week on the NFHS standardized calendar. The first allowable Competition date in the spring sports season shall be on the Monday on the 38th week of the NFHS standardized calendar.
- 3.4 A Member School that participates in a game prior to the first allowable date or after the start of the state championship shall be required to forfeit the contest and be assessed a \$500.00 fine per each illegal contest. The school shall be referred to the DIAA Sportsmanship Committee for consideration of further action.
- 3.5 A Member School that conducts Practice prior to the first allowable date shall pay a fine of \$500.00 per each illegal Practice. The school shall be referred to the DIAA Sportsmanship Committee for consideration of further action.
- 3.6 No Member School shall participate in a post-season contest without the written approval of the Executive Director.

4.0 Practice Sessions

- 4.1 Member Schools shall comply with the following for all Practice sessions:
- 4.1.1 All Practice sessions shall be conducted under the supervision of the school's certified, emergency or approved volunteer coaching staff.
- 4.1.2 Member Schools may conduct Practice sessions during the approved sports seasons as defined in Section 3.0.
- 4.1.3 Member Schools shall conduct Practice sessions regularly during the 21 calendar days prior to the first scheduled contest.
- 4.1.4 There must be 1 day of no activity (Practice, Scrimmage, or contest) during any 7-day period.
- 4.1.5 A student that has not previously participated in that sports season shall be required to participate with the team for a period of at least 7 calendar days prior to participating in a contest. Eligibility for participation in a contest shall begin on the eighth calendar day of participation with the team. However, if a student has been participating in a state tournament during the preceding sports season and is unable to begin practicing at least 7 calendar days before the team's first contest, student shall be exempt from this requirement.

- 4.1.6 Students shall have unrestricted access to drinking water and be permitted a minimum of one 5-minute rest period during each hour of Practice.
- 4.1.7 Member Schools shall comply with the heat related Practice modifications designated by the Board.
- 4.1.8 Holding Practice on holidays and weekends shall be left to the discretion of the Member Schools. However, the restrictions on nonschool day Practice sessions apply and there must be 1 day of no activity (Practice, Scrimmage, or contest) during any 7-day period.
- 4.2 Member Schools shall comply with the following for all Practice sessions held on nonschool days. A nonschool day is defined as a day when, in accordance with the approved school calendar, students are not scheduled for academic instructional activities.
 - 4.2.1 Each Practice session shall be no more than 3 hours in length.
 - 4.2.2 Practice session on a nonschool day is defined as the time a participant engages in physical or instructional activity.
 - 4.2.3 The hourly Practice limitation does not include time for non-instructional activities such as dressing, showering, transportation, or training room care.
 - 4.2.4 Students shall not participate in more than 2 Practice sessions totaling no more than 5 hours of Practice on nonschool Practice days including a 1-hour walk-through session. A walk-through session shall be defined as a teaching opportunity with no protective equipment (e.g., shin guards, helmets, etc.) or equipment related to a given sport (e.g., soccer balls, field hockey sticks, etc.).
 - 4.2.5 On days when 2 Practice sessions are conducted, no Practice session shall exceed 3 hours in length and must be separated with at least 1 hour of recovery time between the end of the first Practice and the beginning of the next Practice.
 - 4.2.6 Split sessions, defined as a Practice session held for different groups of students playing the same sport, may be conducted but Practice time shall not exceed 3 hours per session and 5 hours total daily for any individual athlete.
- 4.3 Member Schools shall comply with the following for all Practice sessions held on official student School Days.
 - 4.3.1 Practice sessions shall be limited to 2 hours.
 - 4.3.2 The 2-hour limit on Practice sessions on official School Days includes all instructional activity on the field, court, mat, or track or in the pool, weight room, or classroom such as team meetings, film reviews, blackboard sessions, warm-up and cool-down exercises, drills or mandatory strength training.
 - 4.3.3 The 2-hour Practice session limitation does not include time for non-instructional activities such as dressing, showering, transportation, or training room care.
 - 4.3.4 Split sessions may be conducted but Practice time shall not exceed 2 hours for any individual athlete.
- 4.4 A Member School that fails to comply with these Practice requirements shall pay a \$500.00 fine for each day of non-compliance.

5.0 Maximum Game Schedules and Designated Sports Seasons

- 5.1 The maximum number of regularly scheduled interscholastic contests or Competition dates for each team and individual in the recognized sports and their sports season shall be designated by the Board.
- 5.2 Additional Requirements for the High School Level
 - 5.2.1 The third contest or Competition date in a week shall be held on Friday (no early dismissal permitted), Saturday or Sunday. This requirement does not apply when a Member School is closed for the entire week such as during winter or spring vacation.
 - 5.2.1.1 A team shall not participate in 2 or more different events at the same level of competition on the same day. However, a team shall be permitted a 1 time per season exception to participate in 2 different events on the same day. If a team elects to use the exception it shall count as 2 contests or 2 Competition dates as applicable toward the season team limitation.
 - 5.2.1.2 With the exception of cross country, indoor track, outdoor track and golf, participation in a triangular meet shall count as 2 contests and participation in a quadrangular meet shall count as 3 contests toward the seasonal limitation.
 - 5.2.1.3 Participation in any part of a quarter or half shall count as a quarter or half toward the weekly and daily limitations in that sport. However, in the case of football, participation on a free kick or a play from a scrimmage kick formation shall not count as a quarter. Overtime periods shall be considered as part of the fourth quarter or second half.
 - 5.2.2 A week shall be designated as starting on Monday and ending on Sunday for all sports except football. A football week shall begin the day of the varsity game and end the day preceding the next varsity game or the following Friday. The preceding game limitations, with the exception of the individual daily limitation,

shall not prohibit the rescheduling of postponed games at the discretion and convenience of the Member Schools involved provided the game was postponed due to inclement weather, unplayable field conditions, failure of the assigned officials to appear for the game, breakdown of the bus or van carrying the visiting team, or any other circumstances beyond the control of site management which preclude playing the game. However, a team may not participate in more than four contests or Competition dates in a week.

- 5.2.3 The maximum number of regularly scheduled contests for each of the recognized sports, except football, shall be exclusive of conference championships, playoffs to determine tournament state berths, and the state tournament or meet. Member Schools are limited to 1 conference championship event. In wrestling, the state meet qualifying tournaments shall count as the only permissible event in addition to the regular season and state meets. The maximum number of regularly scheduled football contests shall be exclusive of the state tournament. Any playoffs to determine state tournament berths shall be under the control and supervision of the DIAA tournament committee.
- 5.2.4 A Unified Partner shall not participate on a non-Unified school team at any level in the same sport during the same school year.
- 5.2.5 A Member School which participates in more than the allowable number of contests in a season shall be suspended from the state playoffs or, if a nonqualifying team, fined \$500.00 for each contest.
 - 5.2.5.1 A school which exceeds the weekly contest limitation shall be required to forfeit the contest and pay a \$250.00 fine.
 - 5.2.5.2 A student who exceeds the weekly or daily contest limitation shall be considered an ineligible athlete.
- 5.3 Additional Requirements for the Middle School Level
 - 5.3.1 Game limitations, with the exception of the individual daily limitation, shall not prohibit the rescheduling of postponed games at the discretion and convenience of the Member Schools involved provided the game was postponed due to inclement weather, unplayable field conditions, failure of the assigned officials to appear for the game, breakdown of the bus or van carrying the visiting team, or any other circumstances beyond the control of site management which preclude playing the game. However, a team may not participate in more than 3 contests and Competition dates in a week.
 - 5.3.2 A student shall participate in a particular sport for only 1 season during each academic year.
 - 5.3.3 A Member School that participates in more than the allowable number of contests in a season shall be fined \$500.00 for each contest.
 - 5.3.4 A Member School that exceeds the weekly contest limitation shall forfeit the contest and pay a \$250.00 fine. A week shall be designated as starting on Monday and ending on Sunday for all sports except football. A football week shall begin the day of the middle school varsity game and end the day preceding the next middle school varsity game or the following Friday.
 - 5.3.5 A student who exceeds the weekly or daily contest limitation shall be considered an ineligible athlete.
- 5.4 Student athletes may participate on a nonschool team or in a nonschool event In-Season provided the requirements in 14 **DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact are met.

6.0 Sanctioning of Competitions

- 6.1 Purpose of Sanctioning - The purpose of sanctioning an Event is to enhance the likelihood the Event will adhere to the criteria in subsection 6.3, serve to promote sound regulation of the conditions under which students and teams compete, encourage well-managed rules and regulations, add an element of due diligence that encourages Member Schools' compliance with rules and regulations, protect the welfare of student athletes, protect the existing programs sponsored by Member Schools and thereby promote the opportunity for a larger number of student athletes to gain the benefits of interscholastic competition, help to reduce the abuses of excessive competition, promote uniformity in obtaining approval for Events, and help protect students from exploitation.
- 6.1.2 Member Schools may participate in tournaments or meets Events involving 4 or more schools only if the event Event has been sanctioned by DIAA and, if applicable, by the NFHS.
- 6.3 Tournaments or meets Events shall be sanctioned by DIAA in accordance with the following criteria: criteria in subsections 6.3.1 through 6.3.8.
 - 6.1.4 6.3.1 ~~The event~~ Event shall not be for determining a state, regional or national champion.
 - 6.1.2 6.3.2 ~~The event~~ Event shall be organized, promoted, and conducted by and all profits go to a nonprofit organization. Involvement by a commercial organization shall be limited to providing financial support.

- ~~6.1.3~~ 6.3.3 Nonsymbolic competition awards shall have a value of not more than ~~\$50.00~~ \$150 per recipient and shall require the prior approval of the Executive Director.
- ~~6.1.4~~ 6.3.4 Nonschool ~~event~~ Event organizers shall submit a full financial report to the DIAA office within 90 calendar days of the completion of the ~~event~~ Event.
- ~~6.1.5~~ 6.3.5 The ~~event~~ Event organizer shall submit a list of out of state schools which have been invited to participate in the Event to the DIAA office and such schools shall be subject to approval by the Executive Director.
- ~~6.1.6~~ 6.3.6 Out of state schools which are not members of their state athletic association shall verify in writing that their participating athletes are in compliance with their state athletic association's eligibility rules and regulations.
- ~~6.1.7~~ 6.3.7 The ~~event~~ Event organizer shall not accept financial support or sell advertising to companies involved in the production or distribution of alcohol and tobacco products.
- ~~6.1.8~~ 6.3.8 The ~~event~~ Event organizer shall comply with all applicable NFHS sanctioning requirements, including that the Event shall be sponsored or co-sponsored by a member school of the host state athletic association.
- 6.4 In order to compete in Events out-of-state or in a state that does not border Delaware, a Member School shall ensure that the sponsoring institution or agency applied to its home association for sanctioning and DIAA Member Schools are listed as participants.
- 6.5 Process for Sanctioning
- 6.5.1 Event Involving DIAA Member Schools Only (Sponsored by DIAA Member School)
- 6.5.1.1 For an Event that involves only DIAA Member Schools (4 or more) and is sponsored by a DIAA Member School, the sponsoring DIAA Member School shall complete the "Application for Sanction of DIAA Member Schools Only Athletic Event" form.
- 6.5.1.2 The completed form shall be submitted to the Executive Director at least 30 days prior to the date of the proposed Event.
- 6.5.1.3 The Executive Director or designee will determine whether to grant the application.
- 6.5.2 Event Involving DIAA Member Schools Only (Not Sponsored by DIAA Member School)
- 6.5.2.1 For an Event that involves only DIAA Member Schools (4 or more) and is not sponsored by a DIAA Member School, the organization sponsoring the Event shall complete the "Application for Sanction of DIAA Member Schools Only Athletic Event" form.
- 6.5.2.2 The completed form shall be submitted to the Executive Director at least 30 days prior to the date of the proposed Event.
- 6.5.2.3 The Executive Director or designee will determine whether to grant the application.
- 6.5.3 Event Involving 1 or more Schools from Bordering States (Sponsored by DIAA Member School)
- 6.5.3.1 For an Event that involves schools located in Maryland, Pennsylvania, or New Jersey and is sponsored by a DIAA Member School, the sponsoring DIAA Member School shall complete the "Application to State Association for Sanction of Interstate Athletic Event" form.
- 6.5.3.2 The completed form shall be submitted to the Executive Director at least 30 days prior to the date of the proposed Event.
- 6.5.3.3 The Executive Director or designee will determine whether to grant the application.
- 6.5.4 Out-of-State Event Involving 1 or more DIAA Member Schools
- 6.5.4.1 For an out-of-state Event involving 1 or more DIAA Member Schools, the state association designee from a border state or NFHS Sanctioning Office shall send the appropriate sanctioning form.
- 6.5.4.2 The completed form shall be submitted to the Executive Director at least 30 days prior to the date of the proposed Event.
- 6.5.4.3 The Executive Director or designee will determine whether to grant the application.
- ~~6.2~~ 6.6 Participation in a nonsanctioned ~~event~~ Event shall result in payment of a ~~\$400.00~~ \$100 fine. A second offense shall result in a ~~\$250.00~~ \$250 fine and loss of eligibility to participate in sanctioned ~~events~~ Events for the remainder of the sport season. A third offense shall result in a ~~\$500.00~~ \$500 fine and loss of eligibility to participate in sanctioned ~~events~~ Events for the remainder of the school year.

26 DE Reg. 202 (09/01/22)

27 DE Reg. 744 (04/01/24) (Prop.)