

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 303 (14 **Del.C.** §303)  
14 **DE Admin. Code** 1009

### FINAL

### ORDER

#### 1009 DIAA High School Interscholastic Athletics

##### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** § 303, the Delaware Interscholastic Athletic Association ("DIAA") proposed to repeal subsection 2.3 of 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics because it has been incorporated into a new regulation, 14 **DE Admin. Code** 1030 Student Athlete Eligibility: Amateur Status.

Notice of the proposed repeal of subsection 2.3 was published in the *Register of Regulations* on September 1, 2024. On October 1, 2024, Joy McGrath, Head of School and Neil Cunningham, Athletic Director, at St. Andrew's School submitted a letter to the Board arguing that DIAA should not eliminate amateur status for student athletes. St. Andrew's stated that removing amateurism standards was irresponsible and that "of course school children are amateurs."

##### II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

##### III. FINDINGS OF FACTS

On October 10, 2024, the DIAA Board considered the written submittals. The DIAA Board found that because the letter from St. Andrew's demonstrated a clear misunderstanding of the repeal of subsection 2.3 of 14 **DE Admin. Code** 1009, there was no basis to make any changes to the proposed regulation. The Board noted that DIAA was not eliminating amateur status for students but had simply moved the provisions related thereto to another section. DIAA's repeal of subsection 2.3 is not an elimination of amateurism in Delaware but rather the removal of now redundant provisions. As a result, the Board voted to approve and amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics.

##### IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics. Therefore, pursuant to 14 **Del.C.** § 303(b)(1), 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics, attached hereto as Exhibit A, is hereby amended.

##### V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics in the *Administrative Code of Regulations* for the Department.

##### VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

**IT IS SO ORDERED** the 10th day of October 2024.

/s/ Douglas Thompson, Chairperson

/s/ Bradley Bley, D.O., FAAP, RMSK, CSCS

(absent) Dorrell Green

/s/ Bonnie Ingram-Grubb

/s/ Ted Laws

/s/ Ivan Neal

/s/ Susan Haberstroh

(absent) Jason Miller, Vice Chairperson

/s/ Kevin Smith

/s/ Allison Alpaugh

/s/ Lenny Richardson

/s/ Matt Smith

/s/ Kevin Dickerson, Ed.D.

/s/ Christian Beretta

**\*Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

## 1009 DIAA High School Interscholastic Athletics

### 1.0 Definitions, National Federation of State High School Associations, Conferences, Contracts, and Equivalency Rules

#### 1.1 Definitions

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

**“Administrative Head of School”** means the chief or head individual in charge of the school traditionally referred to or generally known as the principal or headmaster.

**“Attendance zone”** means the geographical area set by law or the governing body of a public school that entitles a student to attend a certain public school.

**“Board”** means the Delaware Interscholastic Athletic Association Board of Directors established pursuant to 14 Del.C. Chapter 3.

**“Competition”** means an event, contest, scrimmage, or play day in which students or school teams compete either to determine a winner or for practice purposes.

**“Department”** means the Delaware Department of Education.

**“Guardian”** or **“legal guardian”** means an individual who legally has responsibility for the care and management of the student during the student’s minority. The relationship is a legal one and must be created by a court order signed by a judge, commissioner, or master of a court of competent jurisdiction.

**“Individualized Education Program”** or **“IEP”** means a written statement for a child with a disability as defined in 14 DE Admin. Code 922.

**“Legally in attendance”** means present at school as determined by a pre-established written policy adopted by the local school board or governing body of the school.

**“Member School”** means a full or associate member school of the DIAA.

**“Play day”** means a preseason event involving a series of scrimmages held during the legal practice period for that sport season involving multiple Member Schools.

**“Principal”** or **“headmaster”** means the Administrative Head of School and includes but is not limited to Head of School, Administrator, Executive Director, or Charter Head.

**“Relative caregiver”** means an adult who, by blood, marriage or adoption, is the child’s great grandparent, grandparent, step grandparent, great aunt, aunt, step aunt, great uncle, uncle, step uncle, step parent, brother, sister, step brother, step sister, half brother, half sister, niece, nephew, first cousin or first cousin once removed but who does not have legal custody or legal guardianship of the student.

**“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.

**“State Board”** means the State Board of Education pursuant to 14 Del.C. §104.

**“Student with a Disability”** means a “child with a disability” as that term is defined in 14 DE Admin. Code 922 or a qualified person with a disability under Section 504 of the Rehabilitation Act of 1973.

**“Superintendent”** means the chief school officer of a school district.

**“Unified Athlete”** means a student with autism or a mild, moderate, or severe intellectual disability as defined in Section 3.0 of 14 DE Admin. Code 922 who is enrolled at a DIAA Member School.

**“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.

**“Unified Sports”** means a co-ed program that combines an approximately equal number of students with and without autism or intellectual disabilities on a sports team for training and interscholastic competition.

#### 1.2 National Federation of State High School Associations

- 1.2.1 DIAA is affiliated with the National Federation of State High School Associations (NFHS). The playing rules, codes of conduct, sanctions, and guidelines in the NFHS rules books are adopted except as modified by the Board.
  - 1.2.1.1 The playing rules of the United States Tennis Association and the United States Golf Association are adopted for the sports of tennis and golf, respectively, except as modified by the Board.
  - 1.2.1.2 In addition to the playing rules, codes of conduct, sanctions, and guidelines in the NFHS rules book, the playing rules of US Lacrosse are adopted for girls' lacrosse except as modified by the Board.
  - 1.2.1.3 The playing rules of the Special Olympics Delaware (SODE) for Unified flag football are adopted except as modified by the Board in consultation with SODE. The playing rules of the NFHS for basketball and track are adopted for Unified basketball and Unified track except as modified by the Board in consultation with SODE.
- 1.3 Conferences. Member Schools may establish voluntary conference organizations that may be composed of public and nonpublic schools. When established, a conference must submit its proposed membership and its constitution and bylaws to the Board and be approved by the Board before the schools may enter into any contractual agreements. All subsequent amendments to the constitution and bylaws of the conferences must be compatible with all provisions of the DIAA Regulations; interpretations and with the rulings of the Executive Director, Sportsmanship Committee, and Board; state tournament regulations; and DIAA approved playing codes.
- 1.4 Contracts
  - 1.4.1 Contracts between DIAA Member Schools and between DIAA Member Schools and full Member Schools of comparable state associations are encouraged but not required.
    - 1.4.1.1 Conference master contracts are approved substitutes for individual contracts.
    - 1.4.1.2 A signed individual contract or conference master contract shall be hand-delivered or mailed to the DIAA office. Without a signed individual contract or conference master contract that is delivered or postmarked prior to the date of the contest in question, a Member School has no right of appeal to the Executive Director or the Board as provided in subsection 1.4.4.
  - 1.4.2 Contracts between DIAA Member Schools and nonmember or associate Member Schools of comparable state associations are required.
    - 1.4.2.1 A copy of the signed contract must be either received by the Executive Director or postmarked prior to the contest for which the agreement was drawn up. Failure to file a signed contract as prescribed shall result in the DIAA Member School being assessed a \$50 fine.
    - 1.4.2.2 A Member School has no right of appeal to the Executive Director or the Board as provided in subsection 1.4.4 unless a signed individual contract is in place and is delivered or postmarked prior to the date of the contest in question.
  - 1.4.3 Contracts shall be interchanged according to the following provisions:
    - 1.4.3.1 Contracts on the accepted form shall be arranged by the competing schools for each season's interscholastic athletic contests.
    - 1.4.3.2 Contracts shall be drawn up by the facility manager or other designated staff member of the home school of the earlier varsity contest.
  - 1.4.4 If a game is not played, it shall be considered a "no contest." Notwithstanding the above, if a signed individual contract or conference master contract was received in the DIAA office or postmarked prior to the contest in question, and one of the participating schools breached the agreement, the non-breaching school may appeal for a forfeit to the Executive Director or the Board. If the Executive Director or Board finds a forfeit is appropriate, the no contest shall be replaced with the forfeit. If a game is not played because an out of state opponent qualifies for its state championship series and the date of the playoff game conflicts with the date of the regular season game, a forfeit shall not be awarded.
- 1.5 Equivalency Rules
  - 1.5.1 A full Member School shall not participate in a scrimmage or contest with an in-State school that is not a member in good standing of DIAA.
  - 1.5.2 A full Member School shall not participate in a scrimmage or contest with an associate or nonmember school of another state association unless the opposing school, as part of a written contract, certifies that its contestants are eligible under the rules of its home state association.
  - 1.5.3 An associate Member School shall not participate in a scrimmage or contest with an associate or nonmember school of another state association unless the opposing school complies with the conditions specified in subsection 1.5.2. However, the opposing school shall be exempt from those rules which DIAA has waived for its associate Member School.

- 1.5.4 Member Schools shall not participate in a practice, scrimmage, or contest with a nonschool sponsored team.
- 1.5.5 Member Schools shall not participate in a practice, scrimmage, or contest with postgraduate students or college students. This provision shall not apply to games played against the alumni or faculty of the school when the game is sponsored by school authorities.
- 1.5.6 Member Schools shall not participate in a practice, scrimmage, or contest with a non-high school team.
- 1.5.7 All schools participating in a scrimmage must consider the event to be a scrimmage and cannot count the results as part of their regular season results. Teams are limited to 3 scrimmages and play days total on 3 competition dates each season. Except for the sport of football, a team is permitted a fourth scrimmage on a date between the end of the team's regular season and the start of the state tournament for the team's sport. The sport of wrestling is permitted to conduct joint practices on dates between the end of the regular season and the Individual State Wrestling Tournament.
- 1.5.8 A school which participates in a game against an illegal opponent shall be required to forfeit the contest and be assessed a \$500 fine.

**11 DE Reg. 1642 (06/01/08)**

**15 DE Reg. 75 (07/01/11)**

**19 DE Reg. 745 (02/01/16)**

**21 DE Reg. 719 (03/01/18)**

**22 DE Reg. 398 (11/01/18)**

**24 DE Reg. 540 (12/01/20)**

**26 DE Reg. 185 (09/01/22)**

## **2.0 Eligibility: No Student Shall Represent a School in an Interscholastic Scrimmage or Contest if the Student Does Not Meet the Following Requirements**

### **2.1 Eligibility, Age**

- 2.1.1 Students who become 19 years of age on or after June 15 immediately preceding the student's year of participation shall be eligible for all sports provided all other eligibility requirements are met. In determining the age of a contestant, the birth date as entered on the birth record of the Bureau of Vital Statistics shall be required and shall be so certified on all eligibility lists. Requests for a waiver of the age requirement shall only be considered for participation on an unofficial, nonscoring basis in noncontact or non collision sports.

### **2.2 Eligibility, Residence**

- 2.2.1 With the exception of boarding school students, a student must be living with the student's custodial parents, legal guardians, or relative caregiver in the attendance zone of the school which the student attends, or be a student 18 years of age or older and living in the attendance zone of the school which the student attends (subsection 2.2.1.7) in order to be eligible for interscholastic athletics in that school. In cases of joint custody, the custodial parent shall be the parent with actual physical placement as determined by court. In the case of shared placement or where residential placement has not been determined by a court, the parents must commit to sending the student to a particular school for the year. Maintaining multiple residences in order to circumvent this requirement shall render the student ineligible.

- 2.2.1.1 A student who, pursuant to established school board policy or administrative procedure, remains in a school the student has been attending after their legal residence changes to the attendance zone of a different school in the same school district, may exercise, prior to the first official student day of the subsequent academic year, a 1-time election to remain at their current school and thereby not lose athletic eligibility. If a student chooses to remain at their current school and then transfers to the school in a new attendance zone on or after the first official student day of the subsequent academic year, the student shall be ~~ineligible under subsection 2.4~~ subject to 14 Del.C. §§314-315.

- 2.2.1.2 A student who changes residence to a different attendance zone after the start of the last marking period and, pursuant to established school board policy or administrative procedure, shall be granted permission to continue attending their present school. The student shall retain their athletic eligibility in that school for the remainder of the school year provided all other eligibility requirements are met.

- 2.2.1.3 A student shall be permitted to complete their senior year at the school the student is attending and remain eligible even though a change of legal residence to the attendance zone of another school has occurred. This provision shall apply to any change of legal residence that occurs after the completion of the student's junior year.

- 2.2.1.4 A student may be residing outside of the attendance zone of the school which the student attends if the student is participating in the School District Enrollment Choice Program as authorized by 14 **Del.C.** Ch. 4.
- 2.2.1.5 A student who is a nonresident of Delaware may be eligible if the student's custodial parent or legal guardian is employed full-time by a public school district in Delaware and the student attends school in the district in accordance with 14 **Del.C.** §607.
- 2.2.1.6 Notwithstanding subsection 2.2.1, a student shall be eligible at a public or career technical school if the student is enrolled in accordance with 14 **Del.C.** §202(f), the Caregivers School Authorization. An exception would be a student whose relative caregiver does not provide the documentation required by the Relative Caregivers School Authorization (proof of relation and proof of full-time care) but is permitted to register on the basis of a petition for the transfer of guardianship. A student who registers on the basis of a petition for the transfer of guardianship is not eligible to scrimmage or compete until the relative caregiver has provided the aforementioned required documentation or has received a signed court order designating the relative caregiver as the student's legal guardian.
- 2.2.1.7 A student who reaches the age of majority (18) and leaves their parents' place of residency and jurisdiction thereof, and moves to another attendance zone to continue their high school education shall be ineligible to participate in athletics for 180 school days commencing with the first day of official attendance on or after their 18<sup>th</sup> birthday. This provision shall not apply to a student participating in the School District Enrollment Choice Program, as authorized by 14 **Del.C.** Ch. 4, provided the student's choice application was properly submitted prior to a change of residence.
- 2.2.1.8 Notwithstanding subsection 2.2.1, a student who is homeless as defined in the McKinney-Vento Education for Homeless Children and Youths Act, 42 U.S.C. §11434a(2) shall be eligible to participate at the public school in which the student is enrolled.
- 2.2.1.9 For purposes of eligibility, a student who is placed within the custody of the Department of Services for Children, Youth and Their Families (DSCYF) is eligible to participate in interscholastic athletics immediately at the school the student attends.

### 2.3 Eligibility, Amateur Status

- ~~2.3.1 A student may not participate in an interscholastic sport unless they are considered an amateur in that sport. A student forfeits amateur status if they do any of the following:~~
  - ~~2.3.1.1 Knowingly plays on or against a professional team which is defined as a team having one or more members who have received or are receiving directly or indirectly monetary consideration for their athletic services.~~
  - ~~2.3.1.2 Signs a professional contract, accepts reimbursement for expenses to attend a professional tryout, or receives financial assistance in any form from a professional sports organization.~~
  - ~~2.5.1.3 Enters a competition under an assumed name. The surname and given name used by any player in the student's first game of interscholastic competition shall be used during the remainder of the student's interscholastic career. Any change in spelling or use of another name shall be regarded as an attempt to evade this rule unless the change has been properly certified by the player to the principal or headmaster of the school.~~
  - ~~2.3.1.4 Receives remuneration of any kind or accepts reimbursement for expenses in excess of the actual and necessary costs of transportation, meals, and lodging for participating in a team or individual competition or an instructional camp or clinic. Reimbursement for the aforementioned expenses is permitted only if all of the participants receive the same benefit.~~
  - ~~2.3.1.5 Receives cash or a cash equivalent (savings bond, certificate of deposit, etc.), merchandise (except as permitted by subsection 4.1.4) or a merchandise discount, (except for discount arranged by school for part of team uniform) a reduction or waiver of fees, a gift certificate, or other valuable consideration as a result of the student's participation in an organized competition or instructional camp or clinic. Accepting an event program or a complimentary item (t shirt, hat, equipment bag, etc.) that is inscribed with a reference to the event, has an aggregate retail value of no more than \$150, and is provided to all of the participants, shall not jeopardize the student's amateur status.~~
  - ~~2.3.1.6 Sells or pawns awards received.~~
  - ~~2.3.1.7 Uses the student's athletic status to promote or endorse a commercial product or service on the internet; in a newsprint, radio, television advertisement or any other form of media; or personal appearance.~~

~~2.3.2 Accepting compensation for teaching lessons, coaching, or officiating shall not jeopardize the student's amateur status.~~

~~2.3.3 A student who forfeits their amateur status under the provisions of this rule is ineligible to participate at the interscholastic level in the sport in which the violation occurred. The student may be reinstated after a period of up to the number of days in the school year provided that during the suspension, the student complies with all of the provisions of this rule. The suspension shall date from the time of the last offense.~~

#### 2.4 2.3 Eligibility, Passing Work

~~2.4.1 2.3.1The intent of the Passing Work Rule is to promote educational standards, underscore the educational values of participating in interscholastic athletics, encourage appropriate academic performance, and allow the use of interscholastic participation as a motivator for improved classroom performance.~~

~~2.4.2 2.3.2In order to be eligible for participation in interscholastic athletic contests and scrimmages, a student must pursue a regular course of study or its equivalent as approved by the local governing body, and must be passing at least five credits. Two of those credits must be in the areas of English, Mathematics, Science, World Language, or Social Studies. However, in the case of a student in the twelfth grade, the student must be passing all courses necessary for graduation from high school in order to be eligible for participation. A course necessary for graduation shall be any course, whether taken during or outside the regular school day, that satisfies an unmet graduation requirement. A student who is receiving special education services and is precluded from meeting the aforementioned academic requirements due to modifications in the grading procedure or course of study shall be adjudged eligible by the principal or headmaster if the student is making satisfactory progress in accordance with the requirements of their Individualized Education Program (IEP).~~

~~2.4.3 2.3.3A student whose work in any regular marking period does not meet the above standards shall be ineligible to participate in an interscholastic athletic contest or scrimmage for the next marking period.~~

~~2.4.3.1 2.3.3.1In the case of a conflict between the marking period grade and the final grade, the final grade shall determine eligibility.~~

~~2.4.3.2 2.3.3.2The final accumulation of credits shall determine eligibility for the first marking period of the following school year. When a student makes up a failure or earns the required credits during the summer, the student shall become eligible provided the student successfully complete the course work prior to the first official student day of the school year.~~

~~2.4.3.3 2.3.3.3Written verification of the successful completion of a correspondence course must be received before a student shall regain eligibility.~~

~~2.4.4 2.3.4A student forfeits or regains eligibility, in accordance with the provisions of this rule, on the day when marking period grades are issued or published. The calendar used to establish when marking period grades are issued or published must be established by the governing body of the school prior to the start of the school year.~~

~~2.4.5 2.3.5Local school boards and nonpublic schools may establish more stringent requirements for academic eligibility than the minimum standards herein prescribed.~~

#### 2.5 2.4 Eligibility, Years of Participation

~~2.5.1 2.4.1The intent of the Years of Participation Rule is to promote timely progress toward graduation by discouraging students from delaying or interrupting their high school education; to disallow students to enroll for 1 semester each school year to increase athletic ability and skill; to promote equality of competition; to diminish risks stemming from unequal competition; and to place emphasis on the academic mission of the school. In addition, the intent of the rule is to help to prevent redshirting; to avoid exploitation by coaches who otherwise might seek to obtain transfers or to delay a student's normal progress through school; and to prevent displacement of younger student-athletes by older student-athletes who wish to unfairly prolong their high school athletic careers.~~

#### ~~2.5.2 2.4.2Years of Participation Rule~~

~~2.5.2.1 2.4.2.1No student shall represent a school in an interscholastic athletic contest or scrimmage after 4 consecutive years from the date of the student's first entrance into the ninth grade unless a waiver is granted for hardship reasons. Eighth grade students who are enrolled in or transfer to schools that allow eighth grade participation at the high school level in accordance with subsection ~~2.7.5~~ 2.4.5 of this regulation begin their 5 years of eligibility for high school participation the first year they enter eighth grade.~~

~~2.5.2.2 2.4.2.2No student shall have more than 4 opportunities to participate in a fall sport or combination of fall sports, in a winter sport or combination of winter sports, or in a spring sport or combination of spring sports. Eighth grade students who are enrolled in schools that allow eighth grade participation at the high school level in accordance with subsection ~~2.7.5~~ 2.4.5 of this regulation~~

shall have no more than 5 opportunities to participate in a fall sport or combination of fall sports, in a winter sport or combination of winter sports, or in a spring sport or combination of spring sports.

~~2.5.3~~ 2.4.3 Waiver of the Years of Participation Rule. "**Hardship**" shall be defined as extenuating circumstances peculiar to the student athlete caused by unforeseen events beyond the election, control, or creation of the student athlete, the student's family, and the student's school which (1) deprive the student of all or part of one of the student's opportunities to participate in a particular sports season; and (2) preclude the student from completing the academic requirements for graduation within the normal period of eligibility; and (3) deprive the student of all or part of one of the student's opportunities to participate in a particular sport. The waiver provision is intended to restore eligibility that has been lost as a result of a hardship situation. Injury, illness, or accident, which cause a student to fail to meet the basic requirements, are possible causes for a hardship consideration.

~~2.5.3.1~~ 2.4.3.1A waiver shall not be granted under this section where DIAA finds that the student was academically eligible pursuant to DIAA's minimum passing work standards but was ineligible to participate under more stringent locally adopted academic standards and where the local school board or board of directors has adopted its own waiver or exemption policy.

~~2.5.3.2~~ 2.4.3.2A clear and direct causal relationship must exist between the alleged hardship condition and the failure of the student to complete the academic requirements for graduation within the normal period of eligibility and the loss of all or part of one of the student's opportunities to participate in a particular sports season.

~~2.5.3.3~~ 2.4.3.3The burden of proof rests with the student in conjunction with the waiver process as described in 14 **DE Admin. Code** 1020. Claims of extended illness, debilitating injury, emotional stress, etc. must be accompanied by appropriate documentation. Evidence must be submitted to verify that the student, their parents, legal guardians, or relative caregiver sought assistance to ameliorate the effects of the hardship condition.

~~2.5.4~~ 2.4.4Satisfactory completion of studies in accordance with promotion policies established by the local governing body shall determine a student is beyond the eighth grade.

~~2.5.5~~ 2.4.5Limited Participation - Eighth Grade Students

~~2.5.5.1~~ 2.4.5.1A high school may elect to allow students in the eighth grade to participate at the high school level to extent allowed in this section if the eighth grade is part of the same administrative unit as grades 9 through 12. Beginning with the 2016-2017 school year, prior to allowing any eighth grade participation, Member Schools are required to adopt policies consistent with this section and submit a request to the DIAA Board of Directors for approval. The request must provide sufficient evidence to determine that the school is eligible to permit eighth grade students to represent the school in high school interscholastic athletics. The burden shall be on the school to establish they are eligible under this regulation.

~~2.5.5.2~~ 2.4.5.2It is the school's discretion to allow eighth grade participation at the high school level.

~~2.5.5.3~~ 2.4.5.3Only rising eighth graders who have been in regular attendance at the eligible school for at least one full school year immediately prior to the eighth grade are eligible to represent the school in high school interscholastic athletics. Students who transfer into the eligible school for the eighth grade are ineligible to represent the high school at any level in any interscholastic sport. This subsection does not apply to schools that begin with the eighth grade.

~~2.5.5.4~~ 2.4.5.4A junior high or middle school student who participates in a subvarsity or varsity contest at the high school level shall be ineligible to participate at the junior high or middle school level in the same sport during the same season. This subsection does not preclude an eighth grade student from participating in a try-out at the high school level while still retaining middle school eligibility.

~~2.5.6~~ 2.4.6Seventh grade students shall not be permitted to participate on high school interscholastic teams.

~~2.5.7~~ 2.4.7Participation of Postgraduates

~~2.5.7.1~~ 2.4.7.1Participation shall be defined as taking part in a school sponsored practice, scrimmage or contest on or after the first allowable date for practice in that sport.

~~2.5.7.2~~ 2.4.7.2Postgraduates shall not be eligible to participate in interscholastic athletics. All graduates of recognized high schools shall be considered postgraduates.

~~2.5.7.3~~ 2.4.7.3A regularly enrolled student taking courses in an institution of higher education shall be eligible provided the student meets all other DIAA requirements.

~~2.5.7.4~~ 2.4.7.4Students whose commencement exercises are prior to the completion of the school's regular season schedule and the state tournament shall be eligible to compete.

~~2.6~~ 2.5 Eligibility of Foreign Exchange Students and International Students

~~2-6-4~~ 2.5.1 For the purpose of subsection ~~2-6~~ 2.5, a foreign exchange or international student is a high school student who:

~~2-6-4.1~~ 2.5.1.1 Is in the United States on a J-1 (Exchange Visitors) or F-1 (Academic Student) Visa;

~~2-6-4.2~~ 2.5.1.2 Is enrolled at a DIIA Member School;

~~2-6-4.3~~ 2.5.1.3 Is participating in a program or placed at a school that is approved by the Student and Exchange Visitors Program and recognized by DIIA;

~~2-6-4.4~~ 2.5.1.4 Is randomly selected for or placed in the program or school and not on any basis relating to the student's athletic abilities or interests;

~~2-6-4.5~~ 2.5.1.5 If applicable, is randomly assigned to a host family by a method that ensures the assignment is not for an athletic purpose;

~~2-6-4.6~~ 2.5.1.6 Does not reside with any members of the coaching or athletic staff of the Member School; and

~~2-6-4.7~~ 2.5.1.7 Meets all of the eligibility requirements except for subsection 2.2 (Residence) of this regulation.

~~2-6-2~~ 2.5.2 A foreign exchange or international student who participates in a DIIA-recognized program, as provided in subsection ~~2-6-3~~ 2.5.3, is eligible to participate in interscholastic athletic contests and competitions.

~~2-6-3~~ 2.5.3 For the purpose of subsection ~~2-6~~ 2.5, a DIIA-recognized program is either a Council on Standards for International Educational Travel (CSIET)-approved program or a DIIA-recognized international student academic program.

~~2-6-3.1~~ 2.5.3.1 CSIET Approved Programs. All international student programs which are included on the Advisory List of International Educational Travel and Exchange Programs of the CSIET shall be considered recognized by DIIA.

~~2-6-3.2~~ 2.5.3.2 DIIA Recognized International Student Academic Programs. A Member School may obtain recognition of its international student academic program by submitting its program for approval to the DIIA Executive Director with adequate documentation. The Member School must provide a copy of its policies and enrollment applications and agreements to the DIIA Executive Director for recognition. The burden is on the Member School to establish its program meets all the requirements.

~~2-6-3.2.1~~ 2.5.3.2.1 In order to obtain approval as a DIIA recognized international student academic program, the Member School must, at a minimum, specifically incorporate and formally adopt the following requirements, policies, participation limits, and notification requirements in its program:

~~2-6-3.2.1.1~~ 2.5.3.2.1.1 A student may not be accepted in the school or program for athletic purposes, including recruiting by an outside party. The school must include a statement in its application and program materials providing notice of the prohibitions on recruitment and athletic purposes and advising that based on its program requirements and DIIA regulations that recruitment based on athletics by anyone including an outside source will result in the student being permanently ineligible in interscholastic athletics at any DIIA Member School. The school, student, and parent must all sign a statement verifying that the student was not athletically recruited in any way and attesting that the student did not enroll for athletic purposes and has enrolled in the school for educational purposes.

~~2-6-3.2.1.2~~ 2.5.3.2.1.2 With the exception of the requirement in subsection 2.2 that a student must be living with their custodial parent, legal guardian, or relative caregiver in the attendance zone of the school, the program must require that students meet all other eligibility requirements including a preparticipation evaluation or physical including a parent's signature.

~~2-6-3.2.1.3~~ 2.5.3.2.1.3 The program must specify that the student's participation is limited to the subvarsity level for the first year of attendance at the school and that students will be ineligible for state tournament competition during the first year of attendance. If a school does not have a subvarsity team, a student may practice at the varsity level during their first year of attendance. After 1 year of attendance at the school in an approved international student academic program, the international student may be eligible for varsity participation and state tournament competition.

~~2-6-3.2.1.4~~ 2.5.3.2.1.4 All of the specific requirements must be part of the school's international student academic program and must be communicated to the students in advance of registration.

~~2-6-3.1.2~~ 2.5.3.2.2 At least annually and prior to athletic participation, the school shall provide to the DIIA Executive Director a list of the international students enrolled in its programs and include signed copies of the required forms.

~~2-6-3.1.3~~ 2.5.3.2.3 If the Member School changes its program, the Member School shall notify the Executive Director who must approve the changes for the purpose of subsection ~~2-6~~ 2.5.



~~2.6.4~~ 2.5.4 International students who are not in the United States on a J-1 or F-1 Visa and are not participating in a CSJET-recognized program or DIAA recognized international student academic program are considered to be transfer students and are ineligible to compete in interscholastic athletics unless they are in compliance with all DIAA eligibility requirements including subsection 2.2.

~~2.6.5~~ 2.5.5 Athletic recruitment of foreign exchange and international students by a Member School is prohibited. Any such students recruited shall be ineligible for the duration of their attendance at the Member School.

~~2.6.6~~ Effective Date. Subsection 2.6 of this regulation shall be effective on July 1, 2018.

## 2.7 2.6 Student Eligibility Report Forms

~~2.7.1~~ 2.6.1 Member Schools shall use eligibility forms approved by the Executive Director. A copy of the original eligibility report and subsequent addenda must be either received by the Executive Director or postmarked prior to the first contest for which the students listed are eligible. Failure to file an eligibility report as prescribed shall result in a \$50 fine against the school.

~~2.7.2~~ 2.6.2 In the case of a student who met all DIAA eligibility requirements but was omitted from the eligibility report due to administrative or clerical error, the student shall be adjudged eligible and the school assessed a \$25 fine.

## 2.8 2.7 Use of an Ineligible Athlete

~~2.8.1~~ 2.7.1 If a school uses an ineligible athlete, the administrative head or their designee shall notify the opposing school or event sponsor, in the case of a tournament or meet, and the Executive Director in writing of the violation and the forfeiture of the appropriate games, matches, and points won.

~~2.8.2~~ 2.7.2 The deliberate or inadvertent use of an ineligible athlete in the sports of soccer, football, volleyball, field hockey, basketball, baseball, softball, lacrosse, Unified flag football, and Unified basketball shall require the offending school to forfeit the contests in which the ineligible athlete participated.

~~2.8.2.1~~ 2.7.2.1 If the infraction occurs during a tournament, including a state championship, the offending school shall be replaced by its most recently defeated opponent. Teams eliminated prior to the most recently defeated opponent shall not be allowed to reenter the tournament, team and individual awards shall be returned to the event sponsor and team and individual records and performances shall be nullified.

~~2.8.2.2~~ 2.7.2.2 The offending school may appeal to the DIAA Board of Directors for a waiver of the forfeiture penalty. If the forfeiture penalty is waived, the offending school shall be reprimanded and fined a minimum of \$200 but no more than \$1,000 and referred to the DIAA Sportsmanship Committee for consideration of further action unless the athlete or their parents or legal guardians knowingly withheld information or provided false information that caused the student to be eligible for interscholastic competition. The burden of proof, in both instances, rests entirely with the offending school. A forfeit shall constitute a loss for the offending school and a win for its opponent for purposes of standings and playoff eligibility and shall be automatic and not subject to refusal by the offending school's opponent.

~~2.8.3~~ 2.7.3 The deliberate or inadvertent use of an ineligible athlete in the sports of cross country, wrestling, swimming, track, golf, tennis, and Unified track shall require the offending school to forfeit the matches won and points earned by the ineligible athlete or by a relay team of which the student was a member.

~~2.8.3.1~~ 2.7.3.1 The points contributed by an ineligible athlete to their team score shall be deleted and the contest score as well as the affected placements will be adjusted according to the rules of the sport.

~~2.8.3.2~~ 2.7.3.2 If the infraction occurs during a tournament, including a state championship, the ineligible athlete shall be replaced by their most recently defeated opponent or the next highest finisher. Contestants eliminated prior to the most recently defeated opponent shall not be allowed to reenter the tournament.

~~2.8.3.3~~ 2.7.3.3 Individual awards earned by the ineligible athlete and team awards, if necessary because of adjustments in the standings, shall be returned to the event sponsor. Individual records and performances by the ineligible athlete shall be nullified.

~~2.8.4~~ 2.7.4 If an ineligible athlete participates in interscholastic competition contrary to DIAA rules, but in accordance with a temporary restraining order or injunction against their school and DIAA, and the injunction is subsequently vacated, stayed, or reversed, or the courts determine that injunctive relief is not or was not justified, or the injunction expires without further judicial determination, the penalties stipulated in subsections ~~2.8.1~~ and ~~2.8.2~~ 2.7.1 and 2.7.2 shall be imposed.

~~2.8.5~~ 2.7.5 The intentional use of an ineligible athlete by a Member School or repeated indifference to its responsibility to determine the eligibility of its athletes will subject the school to additional penalties which

may include suspension for the amount of days up to length of the school year from the date the charge is substantiated.

~~2-8-6~~ 2.7.6 If a coach knowingly withholds information or provides false information that causes an athlete to be eligible for interscholastic competition, the coach shall be suspended from coaching in any sport at any DIAA Member School for the amount of days up to length of the school year from the date the charge is substantiated.

~~2-8-7~~ 2.7.7 If an athlete or their parents, legal guardians, or relative caregiver knowingly withholds information or provides false information that causes the student to be eligible for interscholastic competition, the athlete shall be suspended from participation in any sport at any DIAA Member School for up to the amount of days up to the length of the school year from the date the charge is substantiated.

## ~~2-9~~ 2.8 Determination of Student Eligibility and the Appeal Procedures

~~2-9-1~~ 2.8.1 Determining student athletic eligibility is the responsibility of each Member School's administration. Member Schools shall maintain records verifying athletic eligibility. Upon the Executive Director's request, the Member School shall provide all information verifying eligibility.

~~2-9-2~~ 2.8.2 In cases of uncertainty or disagreement, the eligibility of a student shall be determined by the Executive Director. Any request from a Member School regarding an eligibility determination shall be in writing and contain the school's eligibility determination and all information used to reach the determination. When necessary within the Executive Director's discretion, the Executive Director may also make eligibility determinations without an official request from the Member School. If the Executive Director determines that the student is ineligible, the school and the student shall be notified and the student suspended immediately from participation in interscholastic athletics.

~~2-9-3~~ 2.8.3 The school and the student shall be informed that the decision of the Executive Director may be appealed to the DIAA Board of Directors.

~~2-9-4~~ 2.8.4 Decisions of the Board to affirm, modify, or reverse the eligibility rulings of the Executive Director may be appealed to the State Board.

**9 DE Reg. 126 (07/01/05)**

**11 DE Reg. 1642 (06/01/08)**

**15 DE Reg. 75 (07/01/11)**

**19 DE Reg. 745 (02/01/16)**

**21 DE Reg. 147 (08/01/17)**

**21 DE Reg. 218 (09/01/17)**

**21 DE Reg. 719 (03/01/18)**

**22 DE Reg. 61 (07/01/18)**

**22 DE Reg. 767 (03/01/19)**

**24 DE Reg. 540 (12/01/20)**

**26 DE Reg. 185 (09/01/22)**

**28 DE Reg. 117 (08/01/24)**

**28 DE Reg. 119 (08/01/24)**

## **3.0 State Championships and All-Star Contests**

### **3.1 State Championships**

**3.1.1 State Championships:** The minimum number of high schools which must sponsor a sport at the varsity level in order for DIAA to approve a state championship shall be 16.

**3.1.1.1** State championship play shall be permitted at the varsity level only in the following coed sports: baseball, football, golf, and wrestling; the following boys' and girls' sports: basketball, cross country, indoor track, lacrosse, outdoor track, soccer, swimming and diving, and tennis; and the following Unified Sports: basketball, flag football, and outdoor track provided each tournament or meet is under the direct control and supervision of or has the approval of DIAA.

**3.1.1.2** A Member School which does not pay all fines incurred during the school year by July 1<sup>st</sup> shall be ineligible to participate in a state championship event in any sport during the following school year until such time as all fines are paid.

**3.1.2** All state championships shall be managed by committees established by the Board.

**3.1.2.1** Each tournament format, as well as the criteria and procedures for selecting and seeding the participating teams, must be approved by the Board and any subsequent changes must also be approved by the Board. The Executive Director shall advise the committees as to which proposed changes must be presented to the Board. If the Executive Director and the committee cannot agree, the proposed change must be presented to the Board for approval.

- 3.1.2.2 All financial arrangements, including the collection of monies and expenditures, must be approved by the Executive Director
- 3.1.2.3 Championship play in other sports must be confined to the individual conferences and conducted in accordance with the rules of the conference as approved by the Board.

### 3.2 All-Star Contests

- 3.2.1 An all-star contest shall be defined as an organized competition in which the participants are selected by the sponsoring organization or its designee on the basis of their performance during the interscholastic season in that sport.
- 3.2.2 Students who have completed their eligibility in a sport may participate in all-star contests in that sport, if approved by DIAA, prior to graduation from high school.
- 3.2.3 Member Schools shall not make their facilities, equipment, or uniforms available to the sponsoring organization or the participants unless the all-star contest is approved by DIAA.
- 3.2.4 The all-star contest must be approved by DIAA in accordance with the following criteria:
  - 3.2.4.1 The contest shall not be for determining a regional or national champion.
  - 3.2.4.2 The contest 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.
  - 3.2.4.3 The awards given shall be in compliance with Section 4.0.
  - 3.2.4.4 Exceptions to the adopted rules code for the sport, including uniform regulations, shall require the approval of DIAA.
- 3.2.5 A full financial report must be filed with the Executive Director within 90 days of the contest. Failure to submit a financial report within the specified period of time shall result in the sponsoring organization being assessed a \$300.00 fine.
- 3.2.6 The event organizer shall not accept financial support or sell advertising to companies involved in the production or distribution of alcohol and tobacco products.

**11 DE Reg. 1642 (06/01/08)**

**15 DE Reg. 75 (07/01/11)**

**19 DE Reg. 745 (02/01/16)**

**24 DE Reg. 540 (12/01/20)**

**26 DE Reg. 185 (09/01/22)**

## 4.0 Awards and Scholarships

### 4.1 Awards

- 4.1.1 Member Schools and support groups affiliated with Member Schools, such as an alumni association or booster club, shall be allowed to present recognition awards for team and individual accomplishments. The awards, including artwork and lettering, shall require the approval of the Administrative Head of School and their value shall be mostly symbolic, no more than \$500. Member Schools and support groups affiliated with Member Schools are also permitted to sponsor banquets.
- 4.1.2 A nonprofit group such as a coaches' association, booster club that is not affiliated with a Member School, or community service organization shall be allowed to present recognition awards for team and individual accomplishments with the approval of the Administrative Head of School. Nonprofit groups shall also be permitted to sponsor banquets.
- 4.1.3 Commercial organizations shall be allowed to present recognition awards for team or individual accomplishments with the approval of the Administrative Head of School.
- 4.1.4 Permissible awards include trophies, plaques, medals, letters, certificates, photographs, and similar items. Jackets, sweaters, shirts, watches, rings, charms, and similar items if properly inscribed with a reference to the team or individual athletic accomplishment are also acceptable. The awards shall have symbolic value only. Awards with utilitarian value are prohibited. The aggregate retail value of the award shall not exceed \$500 per team or per individual.

### 4.2 Scholarships

- 4.2.1 Member Schools and support groups affiliated with Member Schools shall be permitted to present postsecondary scholarships.
- 4.2.2 Nonprofit organizations cosponsoring a tournament shall be allowed to give postsecondary scholarships to participating schools provided they are not awarded on the basis of team or individual performance in the tournament. Scholarship monies shall be awarded in accordance with DIAA and NCAA regulations.

**11 DE Reg. 1642 (06/01/08)**

## **5.0 Use of Influence for Athletic Purposes**

- 5.1 Definition. The use of influence for athletic purposes shall include, but not be limited to, the following:
- 5.1.1 Offer of money, room, board, clothing, transportation, or other valuable consideration to a prospective athlete or their parents, legal guardians, or relative caregiver.
  - 5.1.2 Offer of waiver or reduction of tuition or financial aid if based, even partially, on athletic considerations. Nonschool affiliated scholarship or financial aid programs which are primarily restricted to students of 1 school if the aid is based, even partially, on athletic considerations.
  - 5.1.3 Preference in job assignments or offer of compensation for work performed in excess of what is customarily paid for such services.
  - 5.1.4 Offer of special privileges not accorded to other students.
  - 5.1.5 Offer of financial assistance including free or reduced rent, payment of moving expenses, etc., to induce a prospective athlete or their parents, legal guardians, or relative caregiver to change residence.
- 5.2 Illegal Contact with Students, Student's Parents, Legal Guardians, or a Relative Caregiver
- 5.2.1 A school employee or Board approved volunteer may not initiate contact or request that a booster club member, alumnus, or player initiate contact with a student enrolled in another school or their parents, legal guardians, or a relative caregiver in order to persuade the student to enroll in a particular school for athletic purposes. Illegal contact shall include, but not be limited to, letters, questionnaires or brochures, telephone calls, and home visits or personal contact at athletic contests.
  - 5.2.2 If a coach or athletic director is contacted by a prospective athlete or their parents, legal guardians, or a relative caregiver, the former must refer the individuals to the principal or headmaster or school personnel responsible for admissions.
- 5.3 Permitted Activities
- 5.3.1 A school employee or Board approved volunteer may do the following:
    - 5.3.1.1 Discuss the athletic program with a prospective student or their parents, legal guardians, or relative caregiver during an open house or approved visit initiated by the parents, legal guardians, or relative caregiver.
    - 5.3.1.2 Provide information concerning sports offered, facilities, conference affiliation, and general athletic policies. However, they are not permitted to state or imply in any way that their athletic program is superior to that of another school or that it would be more beneficial or advantageous for the prospective student to participate in athletics at their school.
    - 5.3.1.3 Conduct an informational presentation at a feeder school.
- 5.4 School Choice. If the number of applicants under the School District Enrollment Choice Program exceeds the number of available student openings, the selection criteria established by the district shall not include athletic considerations.
- 5.5 Penalties. The use of influence or illegal contact including but not limited to, violations of subsections 5.1 and 5.2 by a person employed by or representing a Member School including members of alumni associations, booster groups, and similar organizations to persuade, induce, or facilitate the enrollment of a student in that school for athletic purposes may render the student ineligible for up to one full school year from the date the charge is substantiated. In addition, the offending school may be placed on probation, as determined by the Board, and the offending employee, if a coach, may be suspended for up to one full school year from the date the charge is substantiated.

## **6.0 Interscholastic Unified Sports**

- 6.1 Interscholastic Unified Sports is a joint effort between DIAA and Special Olympics Delaware (SODE) to incorporate Special Olympics Unified Sports® programs in DIAA Member Schools as an extension of their existing interscholastic athletic programs. Unified Sports brings students with and without intellectual

disabilities together to compete in DIAA recognized sports. Unified Sports teams shall follow all rules and regulations governing interscholastic athletics unless otherwise provided.

- 6.2 To be eligible to participate in Unified Sports, Unified Athletes and Unified Partners shall meet the eligibility requirements set forth in Section 2.0 of this regulation and **14 DE Admin. Code** 1028, comply with the pre-participation physical examination requirements set forth in **14 DE Admin. Code** 1034, and appear on the eligibility report as set forth in subsection ~~2-9~~ 2.6 of this regulation.
- 6.2.1 A student athlete whose functional limitations are based solely on emotional, physical, sensory, or behavioral disability, is not eligible to participate as a Unified Athlete but may be eligible to participate as a Unified Partner.
- 6.2.2 Any student athlete who appeared on the eligibility report for football at any time during the season is not eligible to compete in Unified flag football.
- 6.2.3 Any student athlete who appeared on the eligibility report for Unified flag football at any time during the season is not eligible to compete in football.
- 6.2.4 Any student athlete who appeared on the eligibility report for basketball at any time during the season is not eligible to compete in Unified basketball.
- 6.2.5 Any student athlete who appeared on the eligibility report for Unified basketball at any time during the season is not eligible to compete in basketball.
- 6.2.6 The use of an ineligible student athlete is subject to subsection ~~2-10~~ 2.7 of this regulation.
- 6.3 The composition of a Unified Sports team shall include student athletes with necessary sport-specific skills and shall combine an approximately equal number of Unified Athletes and Unified Partners. A Unified Sports team shall not include student athletes who dominate play, exclude other teammates from contributing to the success of the team, or present a health and safety risk. By permitting any student athlete to dominate play, other student athletes' roles and opportunities are greatly limited.
- 6.4 Student athletes who participate in Unified Sports are allowed to concurrently participate in non-interscholastic sports offered in the SODE Community program.

**7 DE Reg. 1698 (06/01/04)**

**9 DE Reg. 126 (07/01/05)**

**9 DE Reg. 1954 (06/01/06)**

**11 DE Reg. 1642 (06/01/08)**

**14 DE Reg. 1186 (05/01/11)**

**15 DE Reg. 75 (07/01/11)**

**19 DE Reg. 745 (02/01/16)**

**21 DE Reg. 147 (08/01/17)**

**21 DE Reg. 218 (09/01/17)**

**21 DE Reg. 719 (03/01/18)**

**22 DE Reg. 61 (07/01/18)**

**22 DE Reg. 398 (11/01/18)**

**22 DE Reg. 767 (03/01/19)**

**23 DE Reg. 123 (08/01/19)**

**24 DE Reg. 540(12/01/20)**

**26 DE Reg. 185 (09/01/22)**

**28 DE Reg. 117 (08/01/24)**

**28 DE Reg. 119 (08/01/24)**

**28 DE Reg. 385 (11/01/24) (Final)**