

**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)

PROPOSED

PUBLIC NOTICE

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

1040 Out-of-Season and Summer Athletic Activities and Contact

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New 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 the adoption of 14 **DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact.

On June 28, 2018, through Senate Concurrent Resolution No. 79, the General Assembly directed the Department, with DIAA's assistance, to promulgate regulations that permit coaches to coach student athletes out-of-season with restrictions that minimize the risk of unethical activity. In October 2018, the Board voted to amend 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009 to allow coaches to have instructional contact with student athletes if certain requirements were met and the amendment went into effect on June 2, 2019.

Thereafter, the Board sought recommendations from its Sports Medicine Advisory Committee and Rules and Regulations Committee as it continued to work on drafting amendments to the regulations that would allow instructional contact with student athletes out-of-season during the school year. On May 1, 2021, the Board proposed amendments to 14 **DE Admin. Code** 1009. In addition, the Board held a public hearing concerning the proposed amendments on June 17, 2021. At the public hearing, the Board heard from Trina Leclerc, Jennifer Mayer, and Bill Schultz. In addition, the Board received one written submittal from Ms. Leclerc. Ms. Leclerc commented that the parameters for out-of-season coaching in the school setting make it difficult to enforce. Ms. Leclerc also commented that she supports the implementation of the portion of the proposed regulation that allows DIAA school coaches to coach their student athletes in the private organization in any capacity and that there should be a requirement that the activity be affiliated with a national organization that monitors and regulates the activity. Ms. Leclerc further commented that she does not favor private lessons or exclusive school team events which allow coaches to be paid and that fair compensation of school coaches who choose to coach outside the school setting has the potential benefit to all student athletes from a variety of different schools and backgrounds. Jennifer Mayer, a coach and athletic director, commented about managing and enforcing the proposed requirement that school-sponsored informal instruction be limited to a maximum of four hours per week per student. Bill Schultz, an athletic director, commented that the proposed requirement that the maximum number of students participating in school-sponsored informal instruction be limited to a percentage of the traditional number of student athletes on the field of play or court at one time forces a coach or coaching staff to make decisions based on who they think are the best athletes.

On July 14, 2021, the Board considered the public comments received and voted to withdraw the proposed amendments to 14 **DE Admin. Code** 1009 and to develop further amendments to the proposed section that concerned out-of-season and summer athletic activities and contact. Since July 2021, DIAA has worked with the Public Integrity Commission to develop a regulation for out-of-season and summer athletic activities and contact that is consistent with the State's ethics law. Also, the Board sought further recommendations from the DIAA Rules and Regulations Committee.

On May 12, 2022, the Board voted to propose a new regulation that provides the requirements for athletic activities and contact out-of-season, during the period of time from the end of the season until the next official starting practice date for a particular sport, and in the summer, during the period of time from the last scheduled date for DIAA spring sport championships to August 1st for both the middle and high school levels. The proposed regulation includes specifying the content and purpose of the regulation in Section 1.0; incorporating new and existing defined terms into Section 2.0; specifying the requirements for open gym programs in Section 3.0; specifying the requirements for individual and team workouts and conditioning programs in Section 4.0; specifying the requirements for school-sponsored informal instruction in Section 5.0; adding a section concerning noninstructional meetings in Section 6.0; specifying the requirements for school camps and clinics in Section 7.0; specifying the requirements for commercial camps and clinics in Section 8.0; specifying the requirements for nonschool athletic activities, programs, and teams in Section 9.0; and adding a section concerning violations and penalties in Section 10.0. The proposed regulation, 14 **DE Admin. Code** 1040, is intended to replace Section 6.0 and subsection 7.6 of 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009. As a result, the Board is

simultaneously proposing to repeal Section 6.0 and subsection 7.6 from 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009.

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 July 6, 2022. 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 new regulation help improve student achievement as measured against state achievement standards? The new regulation concerns the requirements for athletic activities and contact out-of-season and in the summer and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation concerns the requirements for athletic activities and contact out-of-season and in the summer and is not designed to help to ensure students in Delaware public schools receive an equitable education.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation concerns the requirements for athletic activities and contact out-of-season and in the summer, which will help to ensure all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation concerns the requirements for athletic activities and contact out-of-season and in the summer and is not designed to help ensure students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new 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 new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new 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 new 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 new 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 new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

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

1040 Out-of-Season and Summer Athletic Activities and Contact

1.0 Content and Purpose of the Out-of-Season and Summer Athletic Activities and Contact Rules

1.1 In accordance with 14 **Del.C.** §303(b), this regulation sets forth the requirements for activities and contact Out-of-Season and in the Summer at the middle and high school levels.

1.2 The purpose of the rules in this regulation is to help prevent overuse injuries in student athletes; to encourage student athletes to participate in multiple sports rather than specialize in one sport; to permit certain opportunities for all student athletes to work with their coaches during Out-of-Season and in the Summer; to enhance student athletes' performance; and to help prevent exploitation of student athletes by those who seek to capitalize on their skill or reputation.

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.

"Conditioning Program" means a voluntary conditioning program that is available to all interested, accepted and registered students at a Member School, is not restricted to members of a particular team, and in which sport-specific equipment and organized drills in the skills and techniques of a particular sport are prohibited.

"Dead Period" means a period when interscholastic athletic-related activities, including Informal Instruction, are not permitted.

"DIAA" means the Delaware Interscholastic Athletic Association established pursuant to 14 Del.C. §301.

"Informal Instruction" means drills to teach sport-specific skills with only demonstration-level contact permitted. Informal instruction does not involve team competitions or contests. Intentional or direct contact is not permitted.

"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 as provided in 14 DE Admin. Code 1035 In-Season Athletic Activities and Contact.

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

"Out-of-Season" means the period of time from the end of the season until the next official starting Practice date for that sport as provided in 14 DE Admin. Code 1035 In-Season Athletic Activities and Contact.

"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.

"Summer" means the period of time from the last scheduled date for DIAA spring sport championships to August 1st.

"Workout" means generic conditioning activities engaged in by individual student athletes, including aerobic, agility, balance, flexibility, and resistance training.

3.0 Open Gym Programs

3.1 A Member School may open its gymnasium or other facility for informal, recreational activities Out-of-Season and in the Summer provided the requirements in subsections 3.1.1 through 3.1.4 are met.

3.1.1 The open gym program shall be available to all students accepted and registered in the Member School and shall not be restricted to members of a particular team. The open gym program shall not be available to students who are not accepted and registered in the Member School.

3.1.2 Student athletes' participation in the program shall be voluntary.

3.1.3 The activities shall be student-generated. Sport-specific drills and Competition with fixed team rosters are prohibited.

3.1.4 The Member School shall require student athletes to provide their own workout clothing so that the school's uniforms are not used.

3.2 Coaches who supervise an open gym program shall meet the requirements in subsections 3.2.1 through 3.2.3.

3.2.1 A coach shall not provide instruction at an open gym program. The coach may provide equipment and supervise the activities at an open gym program Out-of-Season and in the Summer. Coaches who supervise an open gym program shall follow all of the requirements in subsection 6.2.1.

3.2.2 A coach shall not directly or indirectly require a student athlete to participate in the activities.

3.2.3 If a coach's school or district decides to compensate the coach for supervising an open gym, the coach may be compensated for supervising an open gym if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

4.0 Individual and Team Workouts and Conditioning Programs

4.1 A Member School may provide individual and team Workouts and Conditioning Programs Out-of-Season and in the Summer provided the requirements in 4.1.1 through 4.1.6 are met.

4.1.1 The Workout session or Conditioning Program shall be available to all students accepted and registered in the Member School and shall not be restricted to members of a particular team. The Workout session or Conditioning Program shall not be available to students who are not accepted and registered in the Member School.

4.1.2 Student athletes' participation in the Workout session or Conditioning Program shall be voluntary.

4.1.3 Aerobic, agility, balance, flexibility, and resistance training is permitted. Sport-specific instruction and equipment is prohibited.

4.1.4 The Member School shall require student athletes to provide their own workout clothing so that the school's uniforms are not used.

4.1.5 Workouts and Conditioning Programs shall meet the safety standards required during In-Season Practice.

- 4.1.6 During the Summer, a Member School may conduct a Conditioning Program if it is phased in gradually, individually, and progressively to minimize the risk of injury.
- 4.2 Coaches who supervise individual and team Workouts and Conditioning Programs shall meet the requirements in subsections 4.2.1 through 4.2.3.
 - 4.2.1 A coach shall not provide instruction at individual or team Workouts or Conditioning Programs. The coach may provide equipment and supervise Workouts and Conditioning Programs Out-of-Season and in the Summer. Coaches who supervise a Workout or Conditioning Program shall follow all of the requirements in subsection 4.1.
 - 4.2.2 A coach shall not directly or indirectly require a student athlete to participate in a session or program.
 - 4.2.3 If a coach's school or district decides to compensate the coach for supervising a Workout or Conditioning Program, the coach may be compensated for supervising a Workout or Conditioning Program if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

5.0 School-Sponsored Informal Instruction

- 5.1 A Member School may provide Informal Instruction Out-of-Season and in the Summer provided the requirements in subsections 5.1.1 through 5.1.12 are met.
 - 5.1.1 A student athlete may request Informal Instruction Out-of-Season and in the Summer provided the Informal Instruction meets all of the requirements in subsections 5.1.2 through 5.1.12.
 - 5.1.2 The Informal Instruction shall be open, voluntary, and equally available to all accepted and registered students in the Member School and shall not be restricted to members of a particular team. The Informal Instruction shall not be available to students who are not accepted and registered in the Member School.
 - 5.1.3 Student athletes' participation in Informal Instruction shall be voluntary.
 - 5.1.4 Informal Instruction may be scheduled for a single session that occurs on one date or multiple sessions that occur over a period of time. The intent of subsection 5.1.4 is to prohibit multiple coaches from providing Informal Instruction to multiple groups of students at the same time.
 - 5.1.5 Drills to teach sport-specific skills with only demonstration-level contact are permitted. Drills that promote direct or intentional physical contact are prohibited in all sports except wrestling. Team Competitions or contests are prohibited.
 - 5.1.6 The Member School shall require student athletes to provide their own workout clothing so that the school's uniforms are not used.
 - 5.1.7 Informal Instruction shall not exceed two hours per day and a maximum of four hours per week per student inclusive of all Out-of-Season interscholastic athletic activities.
 - 5.1.8 Informal Instruction should be scheduled during times that do not overlap with In-Season Practices or Competitions.
 - 5.1.9 Dead Periods shall begin with the first permissible Practice date of a sports season as provided in 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact. Each season's Dead Period shall end four weeks after the first permissible Practice date of the respective sports season as provided in 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact. An additional Dead Period shall begin with the last scheduled spring championship game and end two weeks later.
 - 5.1.9.1 Student athletes should have at least 12 weeks of rest total in any given sport in a calendar year.
 - 5.1.9.2 Member Schools are responsible for tracking the rest periods for their student athletes.
 - 5.1.10 All Informal Instruction shall be approved by the Member School.
 - 5.1.11 Informal Instruction shall meet the safety standards required during In-Season Practice as provided in 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact.
 - 5.1.12 Any use of school equipment shall be approved by the Principal or Head of School. Protective equipment, the primary purpose of which is to protect the wearer from physical injury, may be used.
- 5.2 Coaches who provide Informal Instruction shall meet the requirements in subsections 5.2.1 through 5.2.5.
 - 5.2.1 A coach may provide Informal Instruction to any student accepted and registered in the Member School at which the coach coaches Out-of-Season and in the Summer.
 - 5.2.2 A coach who provides Informal Instruction shall follow the requirements in subsection 5.1.
 - 5.2.3 A coach shall not provide Informal Instruction that limits participation to members of the coach's school team.
 - 5.2.4 A coach shall not directly or indirectly require a student athlete to participate in Informal Instruction.

- 5.2.5 If a coach's school or district decides to compensate the coach for providing Informal Instruction, the coach may be compensated for providing Informal Instruction if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

6.0 Noninstructional Meetings

Coaches may hold noninstructional meetings for the purpose of distributing tryout schedules, medical forms, and parent permission slips to prospective team candidates and returning student athletes Out-of-Season and in the Summer. Coaches shall not discuss strategy and techniques or permit or require any physical activity.

7.0 School Camps and Clinics

- 7.1 A school camp or clinic is a camp or clinic that is open to all student athletes regardless of whether they are accepted and registered students at the school, is operated for profit as a school fundraiser or not-for-profit, and provides coaching or other sports training that is consistent with the DIAA's purpose as provided in 14 Del.C. § 301.
- 7.2 Member Schools, including school organizations and school-related groups, such as booster clubs, shall meet the requirements in subsections 7.2.1 through 7.2.5.
- 7.2.1 The school camp or clinic shall be open, voluntary, and equally available to all students and shall not be restricted to members of a particular team.
- 7.2.2 The Member School shall not host or fund a school camp or clinic that limits participation to its own teams.
- 7.2.3 Student athletes' participation in a school camp or clinic shall be voluntary.
- 7.2.4 The Member School shall require student athletes to provide their own clothing so that the school's uniforms are not used.
- 7.2.5 Any use of school equipment shall be approved by the Principal or Head of School.
- 7.3 Coaches shall meet the requirements in subsections 7.3.1 through 7.3.5.
- 7.3.1 A coach may provide instruction to any student athlete, including student athletes accepted and registered in the Member School, at a school camp or clinic at the Member School where the coach coaches Out-of-Season and in the Summer.
- 7.3.2 A coach who provides instruction to student athletes at a school camp or clinic shall follow the requirements in subsection 7.2.
- 7.3.3 A coach shall not host or fund a school camp or clinic that limits participation to members of the coach's school team.
- 7.3.4 A coach shall not directly or indirectly require a student athlete to participate in a school camp or clinic.
- 7.3.5 If a coach's school or district decides to compensate the coach for providing instruction at a school camp or clinic, the coach may be compensated for providing instruction at a school camp or clinic if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.
- 7.4 Student athletes may choose to participate in school camps and clinics Out-of-Season and in the Summer provided the requirements in subsections 7.4.1 through 7.4.3 are met.
- 7.4.1 The student athlete shall not wear the Member School's uniform.
- 7.4.2 The student athlete shall not use school equipment unless the student athlete has obtained the Member School's approval as provided in subsection 7.2.5.
- 7.4.3 The student athlete's participation must be voluntary and not be required by the student athlete's school coach.

8.0 Commercial Camps and Clinics

- 8.1 A commercial camp or clinic is a camp or clinic that is operated for profit and provides coaching or other sports training for a fee.
- 8.2 Member Schools, including school organizations and school-related groups, such as booster clubs, shall meet the requirements in subsections 8.2.1 and 8.2.2.
- 8.2.1 The Member School shall not provide equipment to a student athlete to use at a commercial camp or clinic. Notwithstanding the foregoing requirement, a Principal or Head of School may approve the use of school equipment by a student athlete if the commercial camp or clinic does not provide equipment and the Principal or Head of School believes that the student athlete lacks the resources to obtain such equipment.
- 8.2.2 The Member School shall require student athletes to provide their own clothing so that the school's uniforms are not used.

8.3 Coaches who provide instruction at a commercial camp or clinic shall meet the requirements in subsections 8.3.1 through 8.3.4.

8.3.1 A coach may have instructional contact with student athletes who are not returning members of the coach's school team at a commercial camp or clinic Out-of-Season and in the Summer.

8.3.2 A coach may have instructional contact with returning members of the coach's school team at a commercial camp or clinic Out-of-Season and in the Summer provided that the requirements in subsections 8.3.2.1 through 8.3.2.13 are met.

8.3.2.1 The coach shall have obtained approval to have the instructional contact from the Member School at which the coach coaches.

8.3.2.2 The coach shall not use the name of the Member School at which the coach coaches.

8.3.2.3 The coach shall not directly or indirectly require a student athlete to participate in the commercial camp or clinic.

8.3.2.4 The commercial camp or clinic is open and equally available to all student athletes.

8.3.2.5 Out-of-Season, the coach's instructional contact with returning student athletes at the commercial camp or clinic shall be limited as follows:

8.3.2.5.1 For individual athletic activities, the coach may provide instruction to returning student athletes up to two hours per day except during the no-contact periods provided in subsection 8.3.2.9. The instruction shall not exceed a total of four hours per week.

8.3.2.5.2 For team-based athletic activities, the coach may provide instruction to returning student athletes up to five hours per day and for a total of four days per week except during the no-contact periods provided in subsection 8.3.2.9.

8.3.2.6 During the Summer, a coach may have instructional contact with returning student athletes at up to three commercial camps or clinics as follows:

8.3.2.6.1 For day camps and clinics, the coach may provide instruction to returning student athletes up to eight hours per day for up to five days per week except during the no-contact periods provided in subsection 8.3.2.9.

8.3.2.6.2 For overnight camps and clinics, the coach may provide instruction to returning student athletes according to the agenda published by the camp or clinic except during the no-contact periods provided in subsection 8.3.2.9.

8.3.2.7 The number of returning student athletes to whom the coach provides instruction at the commercial camp or clinic shall not exceed the maximum number set forth below. If a coach provides instruction to both sexes in a sport, the maximum number of returning student athletes shall not exceed the maximum number of returning student athletes for each sex (e.g., up to 8 girls and 8 boys in outdoor track and field). For modified versions of the sports below (e.g., 7-on-7 football and 3-on-3 basketball), the maximum number of returning student athletes shall not exceed 80% of the number of players that would constitute a starting lineup in the modified sport.

<u>Sport</u>	<u>Maximum Number of Returning Student Athletes</u>
<u>Baseball</u>	<u>7</u>
<u>Basketball</u>	<u>4</u>
<u>Cross Country</u>	<u>8</u>
<u>Golf</u>	<u>4</u>
<u>Field Hockey</u>	<u>9</u>
<u>Football</u>	<u>9</u>
<u>Indoor Track</u>	<u>8</u>
<u>Lacrosse - Boys'</u>	<u>8</u>
<u>Lacrosse - Girls'</u>	<u>10</u>
<u>Outdoor Track and Field</u>	<u>8</u>

<u>Soccer</u>	<u>9</u>
<u>Softball</u>	<u>6</u>
<u>Swimming and Diving</u>	<u>8</u>
<u>Tennis</u>	<u>4</u>
<u>Volleyball</u>	<u>5</u>
<u>Wrestling</u>	<u>9</u>

- 8.3.2.8 If the number of returning student athletes exceeds the maximum number permitted under subsection 8.3.2.7, the coach shall not have any instructional contact with any returning student athletes at the camp or clinic. Rotating players from the same school team is not permitted.
- 8.3.2.9 The coach shall not have any instructional contact with any returning student athletes during the seven-day period before the start of the fall, winter, and spring seasons as defined in **14 DE Admin. Code 1035 In-Season Athletic Activities and Contact**.
- 8.3.2.10 The commercial camp or clinic is sponsored by a nonschool organization that is affiliated and in good standing with an overseeing national organization for a minimum of one year. For the purpose of subsection 8.3.2.10, national organizations include, but are not limited to, Amateur Athletic Union (AAU), Olympic Development Program (ODP), USA Track and Field (USATF), and USA Volleyball (USAV).
- 8.3.2.11 The commercial camp or clinic was advertised in print and online for at least two weeks prior to the start date of the camp or clinic.
- 8.3.2.12 The nonschool organization conducting the commercial camp or clinic is insured.
- 8.3.2.13 The instructional contact is voluntary (i.e., not for pay) or the source of compensation for instructional contact is anonymous and equal for each Member School, as provided in subsection 8.3.3, and as verified by the commercial camp or clinic.
- 8.3.3 A coach may be compensated by the commercial camp or clinic for instructional contact with student athletes who are not on the coach's school team. A coach shall not be compensated by the Member School at which they are employed, including school organizations and school-related groups, such as booster clubs, or by a student athlete or a student athlete's family. A coach may be compensated by the commercial camp or clinic for instructional contact with returning student athletes who are on the coach's school team if the source of compensation is anonymous and equal for each Member School. For the purpose of Section 8.0 of this regulation, anonymous means that the origin of the funds in the source from which the coach is paid is unknown to coaches and participants.
- 8.3.4 Prior to the start date of providing instruction at a commercial camp or clinic, a coach shall complete, sign, and submit the DIAA-approved form verifying that the coach meets the requirements in subsections 8.3.1 through 8.3.3 to the DIAA Office and the coach's Member School.
- 8.3.4.1 If a coach will be compensated for instructional contact with any student athletes who are on the coach's school team, before the coach submits the coach's form to the DIAA Office, the coach is required to have an authorized representative of the commercial camp or clinic complete and sign the declaration on the coach's form that the source of compensation is as provided in subsection 8.3.3. If an authorized representative of the commercial camp or clinic does not complete or sign the declaration on the coach's form, the coach's form will be deemed incomplete by DIAA and the coach will not be permitted to have instructional contact with any returning student athletes on the coach's school team at the commercial camp or clinic until the coach has submitted a form with a declaration that is completed and signed by an authorized representative of the organization.
- 8.3.4.2 If a coach submits a form verifying that the coach will not be providing instruction to returning members of the coach's school team but the coach's circumstances change (e.g., at the time the coach submitted the form, the coach was unaware student athletes from the coach's school team would be attending the camp or clinic), the coach shall submit a new form to the DIAA Office prior to providing instruction to any returning members of the coach's school team at the camp or clinic.
- 8.4 Student athletes may choose to participate in commercial camps and clinics, including private lessons, Out-of-Season and in the Summer provided the requirements in subsections 8.4.1 through 8.4.4 are met.
- 8.4.1 The student athlete shall participate unattached and not as a representative of the student athlete's Member School.

- 8.4.2 The student athlete shall not wear the Member School's uniform.
- 8.4.3 The student athlete shall not use school equipment unless the student athlete has obtained the Member School's approval as provided in subsection 8.2.1.
- 8.4.4 The student athlete's participation must be voluntary and not be required by the student athlete's school coach.

9.0 Nonschool Athletic Activities, Programs, and Teams

- 9.1 DIAA does not have jurisdiction over nonschool athletic activities, programs, or teams conducted by outside organizations that are not affiliated with Member Schools even if school facilities are used.
- 9.2 Member Schools, including school organizations and school-related groups, such as booster clubs, shall meet the requirements in subsections 9.2.1 through 9.2.3.
 - 9.2.1 The Member School shall not provide any form of financial assistance or transportation to student athletes who participate in nonschool athletic activities or programs or on nonschool athletic teams.
 - 9.2.2 The Member School shall not provide equipment to a student athlete to use in a nonschool athletic activity or program or on a nonschool athletic team. Notwithstanding the foregoing requirement, a Principal or Head of School may approve the use of school equipment by a student athlete if the organization conducting the nonschool athletic activity, program, or team does not provide equipment and the Principal or Head of School believes that the student athlete lacks the resources to obtain such equipment.
 - 9.2.3 The Member School shall require student athletes to provide their own clothing so that the school's uniforms are not used.
- 9.3 Coaches who provide instruction at nonschool athletic activities or programs or to nonschool athletic teams shall meet the requirements in subsections 9.3.1 through 9.3.4.
 - 9.3.1 A coach may have instructional contact with student athletes who are not returning members of the coach's school team at nonschool athletic activities or programs or on nonschool athletic teams Out-of-Season and in the Summer.
 - 9.3.2 A coach may have instructional contact with student athletes who are returning members of the coach's school team at nonschool athletic activities or programs or on nonschool athletic teams Out-of-Season and in the Summer provided the requirements in subsections 9.3.2.1 through 9.3.2.14 are met.
 - 9.3.2.1 The coach shall have obtained approval to have the instructional contact from the Member School at which the coach coaches.
 - 9.3.2.2 The coach shall not use the name of the Member School at which the coach coaches.
 - 9.3.2.3 The coach shall not directly or indirectly require a student athlete to participate in a nonschool athletic activity, program, or team.
 - 9.3.2.4 The nonschool athletic activity, program, or team is open and equally available to all student athletes.
 - 9.3.2.5 The coach's instructional contact with returning student athletes at the nonschool athletic activity, program, or team shall be limited as follows:
 - 9.3.2.5.1 For individual athletic activities Out-of-Season and in the Summer, the coach may provide instruction to returning student athletes up to two hours per day except during the no-contact periods provided in subsection 9.3.2.9. The instruction shall not exceed a total of four hours per week.
 - 9.3.2.5.2 For team-based athletic activities Out-of-Season, the coach may provide instruction to returning student athletes up to two hours per day and for a total of four hours per week except during the no-contact periods provided in subsection 9.3.2.9.
 - 9.3.2.5.3 For team-based athletic activities during the Summer, the coach may provide instruction to returning student athletes up to five hours per day and for a total of four days per week except during the no-contact periods provided in subsection 9.3.2.9.
 - 9.3.2.6 The number of returning student athletes to whom the coach provides instruction at the nonschool athletic activity, program, or team shall not exceed the maximum number set forth below. If a coach provides instruction to both sexes in a sport, the maximum number of returning student athletes shall not exceed the maximum number of returning student athletes for each sex (e.g., up to 8 girls and 8 boys in outdoor track and field). For modified versions of the sports below (e.g., 7-on-7 football and 3-on-3 basketball), the maximum number of returning student athletes shall not exceed 80% of the number of players that would constitute a starting lineup in the modified sport.

<u>Sport</u>	<u>Maximum Number of Returning Student Athletes</u>
<u>Baseball</u>	<u>7</u>
<u>Basketball</u>	<u>4</u>
<u>Cross Country</u>	<u>8</u>
<u>Golf</u>	<u>4</u>
<u>Field Hockey</u>	<u>9</u>
<u>Football</u>	<u>9</u>
<u>Indoor Track</u>	<u>8</u>
<u>Lacrosse - Boys'</u>	<u>8</u>
<u>Lacrosse - Girls'</u>	<u>10</u>
<u>Outdoor Track and Field</u>	<u>8</u>
<u>Soccer</u>	<u>9</u>
<u>Softball</u>	<u>6</u>
<u>Swimming and Diving</u>	<u>8</u>
<u>Tennis</u>	<u>4</u>
<u>Volleyball</u>	<u>5</u>
<u>Wrestling</u>	<u>9</u>

- 9.3.2.7 If the number of returning student athletes exceeds the maximum number permitted under subsection 9.3.2.6, the coach shall not have any instructional contact with any returning student athletes at the nonschool athletic activity, program, or team. Rotating players from the same school team is not permitted.
- 9.3.2.8 During the Summer, subsection 9.3.2.6 does not apply to nonschool athletic teams participating in leagues in the following sports: baseball, basketball, field hockey, lacrosse, soccer, softball, and volleyball.
- 9.3.2.9 The coach shall not have any instructional contact with any returning student athletes during the seven-day period before the start of the fall, winter, and spring seasons as defined in 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact.
- 9.3.2.10 The nonschool athletic activity, program, or team is sponsored by a nonschool organization that is affiliated and in good standing with an overseeing national organization for a minimum of one year. For the purpose of subsection 9.3.2.10, national organizations include, but are not limited to, Amateur Athletic Union (AAU), Olympic Development Program (ODP), USA Track and Field (USATF), and USA Volleyball (USAV).
- 9.3.2.11 The nonschool athletic activity, program, or team was advertised in print and online for at least two weeks prior to the start date of the activity, program, or team.
- 9.3.2.12 The nonschool organization conducting the activity, program, or team is insured.
- 9.3.2.13 The coach may hold organizational practices for a league or tournament if it is permitted by the written, pre-established rules of the league or tournament. If the league or tournament does not have written, pre-established rules regarding organizational practice, then organizational practice is not permitted. In no event shall more than one organizational practice be permitted and the number of games and practices shall not exceed three in one week.
- 9.3.2.14 The instructional contact is voluntary (i.e., not for pay) or the source of compensation for instructional contact is anonymous and equal for each Member School, as provided in subsection 9.3.3, and as verified by the organization conducting the nonschool athletic activity, program, or team.

9.3.3 A coach may be compensated for instructional contact with student athletes who are not on the coach's school team by the organization conducting the nonschool athletic activity, program, or team. A coach shall not be compensated by the Member School at which they are employed, including school organizations and school-related groups, such as booster clubs, or by a student athlete or a student athlete's family. A coach may be compensated for instructional contact with returning student athletes who are on the coach's school team by the organization conducting the nonschool athletic activity, program, or team if the source of compensation is anonymous and equal for each Member School. For the purpose of Section 9.0 of this regulation, anonymous means that the origin of the funds in the source from which the coach is paid is unknown to coaches and participants.

9.3.4 Prior to the start date of providing instruction at a nonschool athletic activity or program or to a nonschool athletic team, a coach shall complete, sign, and submit the DIAA-approved form verifying that the coach meets the requirements in subsections 9.3.1 through 9.3.3 to the DIAA Office and the coach's Member School.

9.3.4.1 If a coach will be compensated for instructional contact with any student athletes who are on the coach's school team, before the coach submits the coach's form to the DIAA Office, the coach is required to have an authorized representative of the organization conducting the nonschool athletic activity, program, or team complete and sign the declaration on the coach's form that the source of compensation is as provided in subsection 9.3.3. If an authorized representative of the organization conducting the nonschool athletic activity, program, or team does not complete or sign the declaration on the coach's form, the coach's form will be deemed incomplete by DIAA and the coach will not be permitted to have instructional contact with any returning student athletes on the coach's school team at the nonschool athletic activity or program or on the nonschool athletic team until the coach has submitted a form with a declaration that is completed and signed by an authorized representative of the organization.

9.3.4.2 If a coach submits a form verifying that the coach will not be providing instruction to returning members of the coach's school team but the coach's circumstances change (e.g., at the time the coach submitted the form, the coach was unaware student athletes from the coach's school team would be attending the camp or clinic), the coach shall submit a new form to the DIAA Office prior to providing instruction to any returning members of the coach's school team at the nonschool activity, program, or team.

9.4 Student athletes may participate in nonschool athletic activities, programs, and teams Out-of-Season and in the Summer provided the requirements in subsections 9.4.1 through 9.4.4 are met.

9.4.1 The student athlete shall participate unattached and not as a representative of the student athlete's Member School.

9.4.2 The student athlete shall not wear the student athlete's Member School's uniform.

9.4.3 The student athlete shall not use school equipment unless the student athlete has obtained the Member School's approval as provided in subsection 9.2.2.

9.4.4 The student athlete's participation must be voluntary and not be required by the student athlete's school coach.

10.0 Violations and Penalties

10.1 The Board may investigate, conduct hearings, and impose penalties upon Member Schools, coaches, and student athletes for violations of any of the requirements of this regulation. Penalties for violating this regulation include a letter of reprimand, probation, suspension, fine, and any other action the Board deems appropriate.

10.2 A coach who is in violation of this regulation shall be suspended from coaching in the coach's sport at any DIAA Member School for up to the total number of days in the school year from the date the charge is substantiated.

25 DE Reg. 1089 (06/01/22) (Prop.)