

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 303(b)(1)d (14 **Del.C.** § 303(b)(1)d)

FINAL

ORDER

1030 Student Athlete Eligibility: Amateur Status

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** § 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposed the adoption of 14 **DE Admin. Code** 1030 Student Athlete Eligibility: Amateur Status. The regulations set forth what student athletes may and may not do to retain amateur status and participate in interscholastic athletics. Further, the proposed regulations define "name, image, and likeness" in Delaware and allow student athletes to earn compensation from the use of the name, image, and likeness. The proposed regulations mandate that if any students earn compensation from their name, image, and likeness, the student shall in no way include images of or references to the member school they attend. Finally, other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on July 1, 2024. The DIAA Board did not receive any written public comment.

**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 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 September 11, 2024, the DIAA Board considered the written submittals. The DIAA Board found that because there were no written public comments submitted, there was no basis to make any changes to the proposed regulation and voted to approve and adopt **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status**.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, DIAA concludes that it is appropriate to adopt **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status**. Therefore, pursuant to **14 Del.C. § 303(b)(1)d**, **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status**, attached hereto as Exhibit A, is hereby adopted.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status** adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code 1030 Student Athlete Eligibility: Amateur Status** in the *Administrative Code of Regulations* for the Department.

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 11th day of September 2024.

/s/ Douglas Thompson, Chairperson

/s/ Allison Alpaugh

/s/ Dorrell Green

/s/ Bonnie Ingram-Grubb

(absent) Shawn Larrimore, Ed.D.

(absent) Ted Laws

(Voted in favor; unavailable to sign) Ivan Neal

(absent) Jason Miller, Vice Chairperson

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

(absent) Jackie Griffith

/s/ Lenny Richardson

/s/ Christian Beretta

/s/ Kevin Dickerson, Ed.D.

/s/ Matthew Smith

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

1030 Student Athlete Eligibility: Amateur Status

1.0 Content

In accordance with 14 Del.C. §303, this regulation sets forth the requirement that students maintain amateur status in order to be eligible to participate in interscholastic athletics at the middle and high school levels.

2.0 Definitions

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

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

"Name, image, and likeness" means a student athlete's name, image, or likeness which readily identifies the student athlete and includes symbols, words, or designs.

3.0 Eligibility: Amateur Status

3.1 Purpose of the Amateur Status Rule - The purpose of the amateur status rule is to promote amateurism, stimulate participation for the sake of the game itself, help prevent exploitation of students, and encourage students to engage in athletic competition for physical, mental, and social benefits.

3.2 Amateur Status Rule - A student shall not participate in an interscholastic sport unless the student is considered an amateur in that sport. A student forfeits amateur status if the student does any of the following in subsections 3.2.1 through 3.2.7.

3.2.1 The student plays on or against a professional team, which is defined as a team having 1 or more members who have received or are receiving directly or indirectly monetary consideration for their athletic services.

3.2.2 The student 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.

3.2.3 The student enters a competition under an assumed name. The surname and given name used by any student 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 the amateur status rule unless the change has been properly certified by the student to the administrative head. For the purpose of this regulation, administrative head means the chief or head individual in charge of a DIAA Member School, traditionally referred to or generally known as the principal or headmaster.

3.2.4 The student 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.

3.2.5 The student receives cash or a cash equivalent (such as a savings bond or certificate of deposit), merchandise (except as permitted by subsection 4.1.4 of 14 DE Admin. Code 1009) or a merchandise discount, (except for a discount arranged by the student's school for part of a 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 (such as t-shirt, hat, or equipment bag) 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.

3.2.6 The student sells or pawns awards received.

3.2.7 The student 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 by personal appearance.

3.3 A student who forfeits the student's amateur status 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 requirements of this regulation. The suspension shall date from the time of the last offense.

- 3.4 Notwithstanding subsections 3.2 and 3.3, a student may earn compensation from the use of the student's name, image, and likeness provided that the compensation is not contingent on specific athletic performance or achievement, is not provided as an incentive to enroll or remain enrolled at a specific school and is not provided by the school or any person acting as an agent for the school. If a student earns compensation from the use of the student's name, image, and likeness, the student shall follow the requirements in subsections 3.4.1 through 3.4.5.
- 3.4.1 The student shall not use marks, including the Member School logos, school name, school mascot, or any trademarked DIAA logos or acronyms.
- 3.4.2 The student shall not wear Member School apparel or equipment which includes school name, school logo, school mascot, or any apparel displaying trademarked DIAA logos or acronyms.
- 3.4.3 The student shall not use a Member School facility for the purpose of name, image, and likeness compensation.
- 3.4.4 The student shall not endorse tobacco, alcohol, or gambling products.
- 3.4.5 If the student signs an agency contract under 24 Del.C. §5409, the student shall inform the athletic director for the student's Member School of the existence of the contract not later than 72 hours after entering into the contract or before the next scheduled athletic event in which the student may participate, whichever occurs first.
- 3.5 Accepting compensation for teaching lessons, coaching, or officiating shall not jeopardize the student's amateur status.

28 DE Reg. 294 (10/01/24) (Final)