

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) and 303(a) (14 **Del.C.** §§122(b) & 303(a))
14 **DE Admin. Code** 1008

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

1008 DIAA Junior High and Middle School Interscholastic Athletics

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** Sections 122(b) and 303(a), the Secretary of Education seeks the approval of the State Board of Education to amend 14 **DE Admin. Code** 1008 DIAA Junior High and Middle School Interscholastic Athletics. The Delaware Interscholastic Athletic Association ("DIAA"), working in consultation and cooperation with the Department of Education, developed the amendments to 14 **DE Admin. Code** 1008. The amendments include adding five defined terms to subsection 1.1; revising the Junior High and Middle School Transfer Rule (subsection 2.4), Passing Work Rule (subsection 2.6), and Years of Participation Rule (subsection 2.7) to be consistent with changes to 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics that went into effect in 2017; clarifying the concussion protocol in Section 3.0; specifying the required concussion training course for coaches in Section 7.0; adding the requirement that all football coaches complete Heads Up Football training to subsection 7.4; and revising subsection 7.6, which concerns coaching out of season, in accordance with Senate Concurrent Resolution No. 79.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2018 to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml or obtained at the Department of Education's Office of the Secretary, located at the address above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns interscholastic athletics at the junior high and middle school level.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns interscholastic athletics at the junior high and middle school level.
3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation is intended, in part, to help ensure all students' health and safety are adequately protected.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation is related to interscholastic athletics at the junior high and middle school level.
5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will be placed in the same entity.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies.
9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of the amended regulation.
10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no

expected cost to the state and to the local school boards of complying with the amended regulation.

1008 DIAA Junior High and Middle School Interscholastic Athletics

1.0 National Federation of State High Schools, Conferences, Contracts, Equivalency Rules and Definitions

1.1 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“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.

“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.

“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.

“Qualified Healthcare Professional” means a Doctor of Medicine (MD); a Doctor of Osteopathic Medicine (DO); or a school nurse, nurse practitioner, physician assistant, or athletic trainer. Qualified Healthcare Professionals shall be licensed by their state and in good standing with the State of Delaware.

“Qualified Physician” means a Doctor of Medicine (MD) or a Doctor of Osteopathic Medicine (DO) who is licensed by their state and in good standing with the State of Delaware.

“Receiving School” means the school a student transfers to after leaving his or her previous school.

“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, stepparent, brother, sister, stepbrother, stepsister, 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(s)” 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.

“Sending School” means the school a student transfers from to go to a different school.

“State Board” means the State Board of Education of the State of Delaware 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.

“Transfer” means the student has officially withdrawn from the sending school and has officially enrolled in the receiving school in accordance with the receiving school's established registration process.

1.2 National Federation of 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 DIAA Board of Directors.

1.2.1.1 The playing rules of the United States Tennis Association, the United States Golf Association and the United States Lacrosse Association are adopted for the sports of tennis, golf and girls’ lacrosse respectively except as modified by the DIAA Board of Directors.

1.3 Conferences

1.3.1 Member schools may establish voluntary conference organizations that may be composed of public and nonpublic schools. When established they must submit its proposed membership and its constitution and

bylaws to the DIAA Board of Directors and must be approved by the DIAA Board of Directors before the schools may enter into any contractual agreements.

- 1.3.1.1 All subsequent amendments to the constitution and bylaws of the conference must be compatible with all provisions of the DIAA Regulations; interpretations and rulings of the Executive Director, Sportsmanship Committee, and Board of Directors; state tournament regulations; and DIAA approved playing codes.

1.4 Contracts

- 1.4.1 Contracts between DIAA member schools or 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 In the case of a dispute and provided either a signed individual contract or conference master contract was received in the DIAA office or postmarked prior to the contest in question, appeal may be made to the Executive Director or the DIAA Board of Directors which, after review of the circumstances, may assign an appropriate penalty.

- 1.4.1.2.1 Without a signed individual contract or conference master contract, a member school has no right of appeal to the Executive Director or the DIAA Board of Directors.

- 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 \$50.00 fine.

- 1.4.2.2 In the case of a dispute, a member school has no right of appeal to the Executive Director or the DIAA Board of Directors unless a signed individual contract is in place.

- 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 faculty manager or other designated staff member of the home school of the earlier contest.

- 1.4.3.3 A signed contract or any part thereof may not be nullified or modified except by mutual agreement of both schools involved.

- 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 DIAA Board of Directors. If the Executive Director or Board finds a forfeit is appropriate, the no contest shall be replaced with the forfeit.

1.5 Equivalency Rules

- 1.5.1 A full member school shall not participate in a scrimmage or contest with an instate middle school that is not a member in good standing of DIAA.

- 1.5.1.1 Scrimmage is defined as: an informal competition between schools in which officials are not compensated, 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. All participating schools must consider the event to be a scrimmage and therefore cannot count the results as part of their regular season results.

- 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 in state school that is not a member in good standing of DIAA unless the opposing school complies with the conditions specified in 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 non school sponsored team.

- 1.5.5 Member schools shall not participate in a practice, scrimmage, or contest with a non-middle school team.

- 1.5.6 Member schools shall not participate in a practice, scrimmage, or contest with elementary, high school or college-aged 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.
- 1.5.7 A school which participates in a game against an illegal opponent shall be required to forfeit the contest and be assessed a \$500.00 fine.

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

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, Grades and Age

- 2.1.1 The junior high and middle school interscholastic program shall include grades 6 to 8, inclusive. No junior high or middle school student who has completed a season at the junior high or middle school level shall compete in the same sport at the senior high school level during the same school year. A junior high or middle school student who participates in a varsity or sub varsity game at the high school level shall be ineligible to participate at the junior high or middle school level in the same sport. This does not prohibit an eighth grade school student attending a school approved to play eighth grade students at the high school level from trying out for a varsity or sub varsity sport at the high school level.
 - 2.1.1.1 Eighth grade students who become 15 years of age on or after June 15 immediately preceding the school year in a school terminating in the eighth grade shall be eligible for all sports during the current school year provided all other eligibility requirements are met.
 - 2.1.1.2 Permission shall be granted for 15 year old eighth grade students in a school terminating in the eighth grade who are ineligible for junior high or middle school competition to participate in the district high school athletic program provided they meet all other eligibility requirements. 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.
- 2.1.2 Requests for waiver of the age requirement shall be considered only for participation on an unofficial, non scoring basis in non contact sports.

2.2 Eligibility, Residence

- 2.2.1 With the exception of boarding school students, a student must be living with their custodial parent(s) legal guardian(s) or Relative Caregiver in the ~~attendance-zone~~ Attendance Zone of the school which he/she attends 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 action. In the case of shared placement or where residential placement has not been determined by a court, the parent(s) 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 they have been attending after their legal residence changes to the ~~attendance-zone~~ 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 one time election to remain at their current school and thereby not lose athletic eligible. If a student chooses to remain at their current school and then transfers to the school in a new ~~attendance-zone~~ Attendance Zone on or after the first official student day of the subsequent academic year, the student shall be ineligible under subsection 2.4.
 - 2.2.1.2 A student who changes residence to a different ~~attendance-zone~~ Attendance Zone after the start of the last marking period and, pursuant to established school board policy or administrative procedure, is granted permission to continue attending his/her 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 may be residing outside of the ~~attendance-zone~~ Attendance Zone of the school which they attend if the student is participating in the Delaware School Choice Program as authorized by 14 **Del.C.** Ch.4.
 - 2.2.1.4 A student who is a non resident of Delaware shall be eligible to attend a public school if, in accordance with 14 **Del.C.** §607, their custodial parent, legal guardian or Relative Caregiver is a full time employee of that district.

2.2.1.5 Notwithstanding 2.2.1, a student shall be eligible at a public school if he/she is enrolled in accordance with 14 **Del.C.** §202(f), the Relative Caregivers School Authorization.

2.2.1.5.1 An exception would be a student whose Relative Caregiver does not provide the documentation required by the Relative Caregiver 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 them as the student's legal guardian.

2.2.1.6 Notwithstanding 2.2.1, a student who is homeless as defined in the McKinney-Vento Act, 42 U.S.C. 11434a(2) shall be eligible to participate at the public school in which he/she is enrolled.

2.2.1.7 For purposes of eligibility, a child placed within the Department of Services for Children, Youth and Their Families (DSCYF) custody is eligible to participate in interscholastic athletics immediately at the school they attend.

2.3 Eligibility, Enrollment and Attendance

2.3.1 A student must be legally enrolled in the junior high or middle school which they represent in order to participate in a practice, scrimmage, or contest.

2.3.2 Students with disabilities who are placed in special schools or programs.

2.3.2.1 Definitions:

"Campus" means a contiguous land area containing one or more school buildings.

"Special School or Program" means a school or program approved by the Department of Education with the approval of the State Board of Education to serve students with disabilities, but does not include alternative schools.

2.3.2.2 A student with a disability who is placed in a special school or program administered by a school district or charter school which sponsors junior high or middle school interscholastic athletics shall be eligible to participate in interscholastic athletics as follows:

2.3.2.2.1 If the special school or program sponsors the interscholastic sport in question, the student shall be eligible to participate only at the school or program.

2.3.2.2.2 If the special school or program does not sponsor the interscholastic sport in question and the student is served in a regular junior high or middle school for all or part of the school day, the student shall be eligible only at that regular junior high or middle school.

2.3.2.2.3 If the special school or program does not sponsor the interscholastic sport in question, and the student is served exclusively in the special school or program, and the special school or program is located on the campus of a regular junior high or middle school, the student shall be eligible only at the regular junior high or middle school on the same campus.

2.3.2.2.4 If the special school or program does not sponsor the interscholastic sport in question, and the student is served exclusively in the special school or program, and the special school or program is not located on the campus of a regular junior high or middle school the student shall be eligible only at the regular junior high or middle school designated to serve the special school's or program's students.

2.3.2.2.4.1 School districts or charter schools which administer special schools or programs and have multiple middle schools or junior high schools shall decide which of its regular middle schools or junior high schools shall be designated to serve special school or program students in these circumstances.

2.3.3 Enrollment Requirements for the School District Enrollment Choice Program:

2.3.3.1 Pursuant to 14 **Del.C.** §407(a)(2), a student who is enrolled in a traditional public, vocational, or charter school outside of the student's feeder pattern through the School District Enrollment Choice Program shall remain enrolled in the school for a minimum of two years. A waiver request is not required and the student is not ineligible under this subsection if one of the exceptions as provided in 14 **Del.C.** §407(a)(2) applies or the student's enrollment in the school is terminated as provided in 14 **Del.C.** §407. Even if a waiver request is not required and the student is not ineligible under this subsection, a waiver request may be required and the student may be ineligible under subsection 2.4 of this regulation.

2.3.3.2 Pursuant to 14 **Del.C.** §506(d), a student who is in his or her first year of attendance at a charter school shall remain enrolled in the charter school for a minimum of one year. A waiver request is not required and the student is not ineligible under this subsection if good cause exists as provided in 14 **Del.C.** §506(d).

- 2.3.4 A student may not participate in a practice, scrimmage, or contest during the time a suspension, either in school or out of school, is in effect or during the time they are assigned to an alternative school for disciplinary reasons.
- 2.3.5 A student must be legally in attendance at school in order to participate in a practice, scrimmage, or contest except when excused by proper school authorities in accordance with pre-established written school policy.
- 2.3.5.1 A student who is not legally in attendance at school due to illness or injury shall not be permitted to participate in a practice, scrimmage, or contest on that day.
- 2.3.6 A Student who fails to complete a semester or absence for one or more semesters for reasons other than personal illness or injury shall be ineligible for 90 school days from his/her reentry to school.
- 2.3.7 An ineligible student who practices in violation of 2.3.1 through 2.3.6 shall, when the student regains their eligibility, be prohibited from practicing, scrimmaging or competing for an equivalent number of days.
- 2.4 Eligibility, Transfers
- 2.4.1 ~~No previous interscholastic athletic participation.~~
~~A student who has not previously participated in interscholastic athletics (previous participation is defined as having competed in grades 6 through 8), is released by a proper school authority from a sending school, has completed the registration process at the receiving school, and is pursuing an approved course of study shall be eligible immediately upon registration provided they meet all other DIAA eligibility requirements.~~
- 2.4.2 ~~Previous interscholastic athletic participation.~~
~~If a student has previously participated in interscholastic athletics, they shall be ineligible for a period of 90 school days commencing with the first day of official attendance in the receiving school unless one of the following exceptions applies:~~
- 2.4.2.1 ~~The transfer is within a school district and is approved by the district's Superintendent pursuant to established school board policy or administrative procedure. This provision shall not apply to a student who transfers to a feeder pattern school from a "choice school" within the district and who has not completed the two year attendance requirement unless they satisfy the conditions stipulated in 2.4.2.5.1 through 2.4.2.5.4. This provision shall also not apply to a student who transfers from a "choice school" to another "choice school" within the district (2.4.6.1).~~
- 2.4.2.2 ~~The transfer is caused by court action, court action being an order from a court of law affecting legally committed students. In the case of a transfer of guardianship or custody, the transfer shall be the result of a court order signed by a judge, commissioner, or master of a court of competent jurisdiction. A petition for the transfer of guardianship or custody, an affidavit, (except as permitted by 2.4.2.3) or a notarized statement signed by the affected parties shall not be sufficient to render the student eligible to participate in interscholastic athletics.~~
- 2.4.2.2.1 ~~For purposes of eligibility, a child placed within DSGYF custody is eligible to participate in interscholastic athletics immediately at the school they attend.~~
- 2.4.2.3 ~~The transfer is in accordance with 14 Del.C. §202(f), the Caregivers School Authorization.~~
- 2.4.2.3.1 ~~An exception would be a student whose Relative Caregiver does not provide the documentation required by the Relative Caregiver 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 them as the student's legal guardian.~~
- 2.4.2.4 ~~The transfer is the result of a change in residence by the custodial parent(s), legal guardian(s) or Relative Caregiver to the attendance zone of a public school that student was not attending. If, as a result of the change of residence, the student could now enroll in a different public school, the student may make a one-time election and select any school including a private school. A change in residence has occurred when all occupancy of the previous residence has ended and a new legal residence has been established. Maintaining dual residency for purposes of athletic eligibility shall render the student ineligible.~~
- 2.4.2.5 ~~The transfer occurs after the close of the sending school's academic year and prior to the first official student day of the receiving school's academic year provided:~~
- 2.4.2.5.1 ~~The student has completed the registration process at the receiving school prior to the first official student day of the academic year. The first official student day shall be defined as the first day on which students in any grade in that school are required to be in attendance.~~

- 2.4.2.5.2 The student has not attended class, excluding summer school, or participated in a scrimmage or contest at the sending school since the close of the previous academic year.
- 2.4.2.5.3 The student's legal residence is located in the attendance zone of the receiving school.
- 2.4.2.5.4 All other DIAA eligibility requirements have been met.
- 2.4.2.6 The transfer is the result of the student being homeless as defined in the McKinney-Vento Act, 42 U.S.C. 11434a(2):
 - 2.4.2.6.1 Notwithstanding the above, the student shall be ineligible under the 90 school day ineligibility clause where the student's homeless status is created by the student or his/her family for the primary reason of:
 - 2.4.2.6.1.1 Seeking a superior team;
 - 2.4.2.6.1.2 Seeking a team more compatible with the student's abilities; or
 - 2.4.2.6.1.3 Dissatisfaction with the student's position or playing time; or
 - 2.4.2.6.1.4 The student following the coach to another school to which the coach has transferred; or
 - 2.4.2.6.1.5 Dissatisfaction with the philosophy, policies, methods or actions of a coach or administrator pertaining to interscholastic athletics; or
 - 2.4.2.6.1.6 Avoiding disciplinary action imposed by another state athletic association; or
 - 2.4.2.6.1.7 Avoiding disciplinary action imposed by the school of origin related to affecting interscholastic athletic participation.
- 2.4.3 Transfer Because of Financial Hardship. If a waiver of the 90 school day ineligibility clause is requested due to financial hardship, the parent(s), legal guardian(s) or Relative Caregiver's responsible for providing documentation to the DIAA Board of Directors to support the request.
 - 2.4.3.1 Documentation for Financial Hardship: Documentation for financial hardship shall include:
 - 2.4.3.1.1 Proof of extreme financial hardship caused by significant loss of income and increased expenses; and
 - 2.4.3.1.2 A statement from the Principal or Headmaster of both the sending and receiving schools that the student is not transferring for athletic advantage (2.4.5).
- 2.4.4 Transfer Because of a Custody Change: In cases of joint or shared custody when a primary residence is established, a change in a student's primary residence without court action subjects the student to the 90 school day ineligibility clause.
- 2.4.5 A change of custody or guardianship for athletic advantage shall render a student ineligible under the 90 school day ineligibility clause. A transfer for athletic advantage shall include, but not be limited to, if the reason for student's transfer was for any of the following:
 - 2.4.5.1 To seek a superior team.
 - 2.4.5.2 To seek a team more compatible with student's abilities.
 - 2.4.5.3 Dissatisfaction with the student's position or playing time.
 - 2.4.5.4 The student follows the coach to another school to which the coach has transferred.
 - 2.4.5.5 Dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator pertaining to interscholastic athletics.
 - 2.4.5.6 To avoid disciplinary action imposed by another state athletic association.
 - 2.4.5.7 To avoid disciplinary action imposed by the sending school related to or affecting interscholastic athletic participation.
- 2.4.6 A student who transfers from a public, private, or charter school to a school of choice, as authorized by 14 ~~Del.C.~~ Ch. 4 shall be eligible immediately provided the transfer occurs after the close of the sending school's academic year and prior to the first official student day of the receiving school's academic year.
 - 2.4.6.1 A student who transfers from a school of choice to another school of choice shall be ineligible to participate in interscholastic athletics during their first year of attendance at the receiving school unless the receiving school sponsors a sport(s) not sponsored by the sending school in which case the student shall be eligible to participate in that sport only.
- 2.4.7 A student who transfers from a school of choice to either a private school, public school, or, after completing their two year commitment, to a public charter school, shall be eligible immediately provided the transfer occurs after the close of the sending school's academic year.
- 2.4.8 If a student transfers with fewer than ninety (90) school days left in the academic year, they shall be ineligible for the remainder of the school year but shall be eligible beginning with the subsequent fall sports season provided they are in compliance with all other eligibility requirements.
- 2.4.1 Purpose

2.4.1.1 The intent of the Junior High and Middle School Transfer Rule is to deter students from transferring schools for athletic purposes, to help discourage recruitment, and to reduce the opportunity for undue influence to be exerted by persons who seek to benefit from a student's athletic talent. DIAA recognizes that, because of the number of transfers that occur each year, it is difficult to carry out that intent if an individualized determination is required for all students who transfer schools. The exceptions in subsection 2.4.3 of this regulation involve circumstances in which establishing a hardship for eligibility purposes is not required; strict enforcement of the rule will not serve to accomplish the purpose of the rule; the spirit of the rule will not be offended or compromised; the principle of educational balance over athletics will not be offended or compromised; and there is no safety to teammates or competitors.

2.4.2 Junior High and Middle School Transfer Rule

2.4.2.1 Unless one of the exceptions found in subsection 2.4.3 of this regulation applies, a student who has previously participated in interscholastic athletics that transfers to a DIAA member school shall be ineligible in all sports for a period of 90 school days commencing with the first day of official attendance in the Receiving School.

2.4.3 Exceptions to the Junior High and Middle School Transfer Rule

2.4.3.1 A student, the student's family, and the student's Receiving School are not required to submit a waiver request and establish the conditions for granting a waiver set forth in subsection 9.1.1 of 14 **DE Admin. Code** 1006, including hardship, and the period of ineligibility shall not apply if the student meets one of the following exceptions and the student's Transfer was not for athletic advantage as provided in subsection 2.4.5 of this regulation:

2.4.3.1.1 McKinney-Vento Act (Homeless Students) - The period of ineligibility shall not apply if the Transfer is the result of the student becoming homeless as defined in the McKinney-Vento Education for Homeless Children and Youths Act, 42 U.S.C. §11434a(2).

2.4.3.1.2 Transfer Because of Administrative Assignment - The period of ineligibility shall not apply if the Transfer is within a school district and is approved by the district's Superintendent pursuant to established school board policy or administrative procedure. This subsection shall not apply if the student is enrolled in a traditional public, vocational, or charter school through the School District Enrollment Choice Program and transfers to the student's feeder pattern school within the district unless the student satisfies the conditions stipulated in subsections 2.4.3.1.9.1 through 2.4.3.1.9.4. For the purpose of this subsection, a student's feeder pattern consists of the public schools in which the student would normally be enrolled based on the student's place of residence. This subsection shall also not apply if the student is enrolled in a traditional public, vocational, or charter school through the School District Enrollment Choice Program and transfers to a different traditional public, vocational, or charter school within the district through the program.

2.4.3.1.3 No previous interscholastic athletic participation - A student who has not previously participated in interscholastic athletics, is released by a proper school authority from a Sending School, has completed the registration process at the Receiving School, and is pursuing an approved course of study shall be eligible immediately upon registration provided the student meets all other DIAA eligibility requirements.

2.4.3.1.4 Transfer Due to Court Action - A student may transfer without loss of athletic eligibility if the Transfer is caused by court action, court action being an order from a court of law affecting legally committed students. In the case of a transfer of guardianship or custody, the Transfer shall be the result of a court order signed by a judge, commissioner, or master of a court of competent jurisdiction. A petition for the transfer of guardianship or custody, an affidavit (except as permitted by subsection 2.4.3.1.5 of this regulation), or a notarized statement signed by the affected parties shall not be sufficient to render the student eligible to participate in interscholastic athletics.

2.4.3.1.4.1 Sole, Joint, or Shared Custody - In cases of sole, joint, or shared custody once a primary residence is established, a change in the student's primary residence without court action renders the student ineligible unless one of the other exceptions in subsection 2.4.3 of this regulation applies.

2.4.3.1.4.2 DSCYF Custody - For the purposes of eligibility, a student placed within DSCYF custody is eligible to participate in interscholastic athletics immediately at the school he or she attends.

2.4.3.1.5 Transfer Based Upon Relative Caregivers School Authorization - A student may Transfer without loss of athletic eligibility if the transfer is based upon the submission of a Caregivers School Authorization in accordance with 14 **Del.C.** §202(f).

- 2.4.3.1.5.1 An exception would be a student whose caregiver does not provide the documentation required by the Relative Caregivers School Authorization (including proof of relationship 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 caregiver has provided a custody or guardianship petition to the receiving school in accordance with 14 **Del.C.** §202(f)(1).
- 2.4.3.1.6 Transfer Due to Change of Residence - The Transfer is the result of a change in residence by the custodial parent(s), Legal Guardian(s), or Relative Caregiver to the Attendance Zone of a public school that student was not attending. If, as a result of the change of residence, the student could now enroll in a different public school, the student may make a one-time election and select any school including a private school. A change in residence has occurred when all occupancy of the previous residence has ended and a new legal residence has been established. Maintaining dual residency for purposes of athletic eligibility shall render the student ineligible.
- 2.4.3.1.7 Transfer under Unsafe School Choice Policy - A student may transfer without loss of athletic eligibility if the student attends a persistently dangerous school or is the victim of a violent felony while in or on the grounds of a school in which he or she is enrolled and the student opts to transfer to a safe school in the same school district in accordance with 14 **DE Admin. Code** 608 Unsafe School Choice Option Policy.
- 2.4.3.1.8 Transfers with Fewer Than 90 Days Left in Academic Year - If a student transfers with fewer than ninety (90) school days left in the academic year, the student shall be ineligible for the remainder of the school year but shall be eligible beginning with the subsequent fall sports season provided the student is in compliance with all other eligibility requirements.
- 2.4.3.1.9 Transfers after the Close of an Academic Year and Prior to the Start of a New Academic Year - The period of ineligibility shall not apply if the Transfer is after the close of the Sending School's academic year and prior to the first official student day of the Receiving School's academic year provided:
- 2.4.3.1.9.1 The student has completed the registration process at the Receiving School prior to the first official student day of the academic year. The first official student day shall be defined as the first day on which students in any grade in that school are required to be in attendance.
- 2.4.3.1.9.2 The student has not attended class, excluding summer school, or participated in a scrimmage or contest at the Sending School since the close of the previous academic year.
- 2.4.3.1.9.3 The student's legal residence is located in the Attendance Zone of the Receiving School.
- 2.4.3.1.9.4 All other DIAA eligibility requirements have been met.
- 2.4.4 Transfer Because of a Financial Hardship. If a waiver of the Junior High and Middle School Transfer Rule is requested due to a financial hardship, the parent(s), Legal Guardian(s) or Relative Caregiver is responsible for providing documentation to the Board to support the request.
- 2.4.4.1 Documentation for Financial Hardship: Documentation for financial hardship shall include:
- 2.4.4.1.1 Proof of extreme financial hardship caused by significant and unexpected reduction in income or increase in expenses; and
- 2.4.4.1.2 A statement from the Principals or Headmasters of both the Sending and Receiving Schools that the student is not transferring for athletic advantage as that term is used in subsection 2.4.5 of this regulation.
- 2.4.5 Transfers for Athletic Advantage - The exceptions listed in subsection 2.4.3 of this regulation shall not apply if the Transfer was for athletic advantage. If the student transfers for athletic advantage, the student may still request a waiver of the transfer rule. A transfer for athletic advantage includes but is not limited to any transfer where the primary reason for the student's transfer was for any of the following:
- 2.4.5.1 To seek a superior team;
- 2.4.5.2 To seek a team more compatible with the student's abilities;
- 2.4.5.3 Dissatisfaction with the student's position or playing time;
- 2.4.5.4 The student follows the coach to another school to which the coach has transferred;
- 2.4.5.5 Dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator pertaining to interscholastic athletics;
- 2.4.5.6 To avoid disciplinary action imposed by another state athletic association; or
- 2.4.5.7 To avoid disciplinary action imposed by the Sending School related to or affecting interscholastic athletic participation.

2.4.6 Transfers under the School District Enrollment Choice Program (14 Del.C. Ch. 4)

2.4.6.1 If a student is enrolled in a public or private school and transfers to a traditional public, vocational, or charter school outside of the student's feeder pattern through the School District Enrollment Choice Program, the student shall be eligible immediately provided the Transfer occurs after the close of the Sending School's academic year and prior to the first official student day of the Receiving School's academic year and the student meets all other eligibility requirements.

2.4.6.2 If a student is enrolled in a traditional public, vocational, or charter school outside of the student's feeder pattern through the School District Enrollment Choice Program and transfers to a different traditional public, vocational, or charter school outside of the student's feeder pattern through the program, the student shall be ineligible to participate in interscholastic athletics during the student's first year of attendance at the Receiving School.

2.4.6.2.1 A waiver request is not required and the period of ineligibility under subsection 2.4.2 shall not apply if the student meets all other eligibility requirements and:

2.4.6.2.1.1 One of the exceptions to the Junior High and Middle School Transfer Rule as provided in subsection 2.4.3 applies; or

2.4.6.2.1.2 The student wishes to participate in an interscholastic sport that was not offered at the Sending School.

2.4.6.3 If a student is enrolled in a traditional public, vocational, or charter school outside of the student's feeder pattern through the School District Enrollment Choice Program and transfers to a private or public school, he or she shall be immediately eligible provided the Transfer occurs after the close of the Sending School's academic year and the student meets all other eligibility requirements.

2.4.6.4 For the purpose of this subsection, a student's feeder pattern consists of the public schools in which the student would normally be enrolled based on the student's place of residence.

2.5 Eligibility, Amateur Status

2.5.1 A student may not participate in an interscholastic sport unless they are considered an amateur in that sport. A student forfeits their amateur status if they do any of the following:

2.5.1.1 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.

2.5.1.2 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 competition under an assumed name. The surname and given name used by any player in the 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.

2.5.1.4 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.

2.5.1.5 Receives cash or a cash equivalent (savings bond, certificate of deposit, etc.), merchandise (except as permitted by 9.1.4) 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 their participation in an organized competition or instructional camp or clinic. Accepting an event program or a complimentary item(s) (T shirt, hat, equipment bag, etc.) that is inscribed with a reference to the event, has an aggregate retail value of no more than \$150.00, and is provided to all of the participants, shall not jeopardize his/ her amateur status.

2.5.1.6 Sells or pawns awards received.

2.5.1.7 Uses their athletic status to promote or endorse a commercial product or service on the internet; in a newsprint, radio, or television advertisement or any other form of media; or personal appearance.

2.5.2 Accepting compensation for teaching lessons, coaching, or officiating shall not jeopardize their amateur status.

2.5.3 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. They may be reinstated after a period of up to 180 school days provided that during the suspension, they comply with all of the provisions of this rule. The suspension shall date from the time of the last offense.

2.6 Eligibility, Passing Work

2.6.1 The 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.

~~2.6.1.2~~ 2.6.2 In order to be eligible for participation in interscholastic athletics, including practices, 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 four full-year courses. Two of those courses must be in the areas of English, Mathematics, Science, World Language or Social Studies.

~~2.6.1.4~~ 2.6.2.1 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 his or her Individualized Education Program (IEP).

~~2.6.2.2~~ 2.6.3 A student whose work in any regular marking period does not meet the above standards shall be ineligible to participate in an interscholastic athletics, including practices, athletic contest or scrimmage for the next marking period.

~~2.6.2.12~~ 2.6.3.1 In the case of a conflict between the marking period grade and the final grade, the final grade shall determine eligibility.

~~2.6.2.22~~ 2.6.3.2 The final accumulation of credits passed coursework shall determine eligibility for the first marking period of the following school year. When a student makes up a failure or earns the required credit(s) passing grade(s) during the summer, they the student shall become eligible provided they he or she successfully complete completed the course work prior to the first official student day of the school year.

~~2.6.2.32~~ 2.6.3.3 Written verification of the successful completion of a correspondence course must be received before a student shall regain their eligibility.

~~2.6.32~~ 2.6.4 A student forfeits or regains their eligibility, in accordance with the provisions of this rule, on the day report cards are issued 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.

~~2.6.42~~ 2.6.5 Local school boards and nonpublic schools may establish more stringent requirements for academic eligibility than the minimum standards herein prescribed.

~~2.6.5~~ An ineligible student who practices in violation of 2.6.1, 2.6.2 or 2.6.3, shall, upon regaining their eligibility, be prohibited from practicing, scrimmaging, or competing for an equivalent number of days.

2.7 Eligibility, Years of Participation

~~2.7.1~~ No student shall represent a school in an interscholastic athletic contest or scrimmage after four (4) consecutive semesters from the date of their first entrance into the seventh grade in schools which restrict participation in interscholastic athletics to students in grades 7 and 8 unless a waiver is granted for hardship reasons.

~~2.7.1.1~~ No student shall have more than two (2) 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.

~~2.7.1.2~~ **“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, their family, or school which (1) deprive them of all or part of one of their opportunity to participate in a particular sports season; (2) preclude them from completing the academic requirements for graduation within the normal period of eligibility; and (3) deprive them of all or part of one of their 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 accidents, which cause a student to fail to meet the basic requirements, are possible causes for a hardship consideration.

~~2.7.1.2.1~~ A 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 has adopted its own waiver or exemption policy.

~~2.7.1.2.2~~ A clear and direct causal relationship must exist between the alleged hardship condition and the failure of the student to complete the academic requirements for promotion within the normal period of eligibility and the loss of all or part of one of their opportunities to participate in a particular sports season.

- 2.7.1.2.3 ~~The burden of proof rests with the student in conjunction with the waiver process as described in 14 DE Admin. Code 1006. Claims of extended illness, debilitating injury, emotional stress, etc., must be accompanied by appropriate documentation. Evidence must be submitted to verify that the student or their parent(s), legal guardian(s) or Relative Caregiver sought assistance to ameliorate the effects of the hardship condition.~~
- 2.7.2 ~~No student shall represent a school in athletics after six (6) consecutive semesters from the date of their first entrance into the sixth grade in schools which permit students in grades 6, 7 and 8 to participate in interscholastic athletics unless a waiver is granted for hardship reasons as defined in subsection 2.7.1.~~
- 2.7.2.1 ~~No student shall have more than three 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.~~
- 2.7.2.2 ~~Participation on the part of a sixth grade student shall be at the discretion of the individual school.~~
- 2.7.2.3 ~~Sixth grade students shall not be permitted to participate in football unless the conference develops a classification system that is approved by the DIAA Board of Directors.~~
- 2.7.2.4 ~~Students attending schools that compete in football without a classification system approved by the DIAA Board of Directors shall have four consecutive semesters of eligibility to play football from the first time they entered the seventh grade.~~
- 2.7.3 ~~Students below the sixth grade shall not be permitted to practice, scrimmage, or compete on junior high or middle school interscholastic teams.~~
- 2.7.4 ~~Participation 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.~~
- 2.7.5 ~~In the event of a student that transfers between the types of schools described in 2.7.1 and 2.7.2, no student shall represent a school in athletics after six (6) consecutive semesters from the date of student's first entrance into sixth grade unless a waiver is granted for hardship reasons as defined in subsection 2.7.1.~~
- 2.7.1 The intent of the Years of Participation Rule is to promote timely progress toward graduation by discouraging students from delaying or interrupting their junior high or middle school education; to disallow students to enroll for one 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 prevent redshirting; to avoid exploitation by coaches who might otherwise 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 junior high or middle school careers.
- 2.7.2 Years of Participation Rule
- 2.7.2.1 Students enrolled in a grade below the sixth grade shall not be permitted to practice, scrimmage, or compete on junior high or middle school interscholastic teams.
- 2.7.2.2 Schools Which Allow Students in Grades 6, 7, and 8 to Participate
- 2.7.2.2.1 Participation in interscholastic athletics on the part of a sixth grade student shall be at the discretion of the student's school.
- 2.7.2.2.1.1 Sixth grade students shall not be permitted to participate in football unless the conference develops a classification system that is approved by the Board.
- 2.7.2.2.1.2 If a student attends a school that competes in football but has not developed a Board-approved classification system, the student shall have four (4) consecutive semesters of eligibility (two (2) consecutive opportunities) to play football from the first time the student enters the seventh grade.
- 2.7.2.2.2 No student shall represent a school in an interscholastic athletic contest or scrimmage after six (6) consecutive semesters from the date of the student's first entrance into the sixth grade in schools which permit students in grades 6, 7 and 8 to participate in interscholastic athletics unless a waiver is granted.
- 2.7.2.2.3 No student shall have more than three (3) 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.
- 2.7.2.3 Schools Which Allow Students in Grades 7 and 8 to Participate
- 2.7.2.3.1 No student shall represent a school in an interscholastic athletic contest or scrimmage after two (2) consecutive school years from the date of the student's first entrance into the seventh grade in schools which restrict participation in interscholastic athletics to students in grades 7 and 8 unless a waiver is granted.

2.7.2.3.2 No student shall have more than two (2) 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.

2.7.2.4 Participation 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.

2.7.2.5 In the event that a student transfers between the types of schools described in subsections 2.7.2.2 and 2.7.2.3, the student shall not represent a school in interscholastic contests or scrimmages after six (6) consecutive semesters from the date of student's first entrance into sixth grade unless a waiver is granted.

2.7.3 Waiver of the Years of Participation Rule

2.7.3.1 "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, or school which (1) deprive the student of all or part of one of the student's opportunities to participate in a particular sports season; (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 accidents, which cause a student to fail to meet the basic requirements, are possible causes for a hardship consideration.

2.7.3.1.1 A waiver shall not be granted under this subsection 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 has adopted its own waiver or exemption policy.

2.7.3.1.2 A clear and direct causal relationship must exist between the alleged hardship condition and the failure of the student to complete the academic requirements for promotion 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.

2.7.3.1.3 The burden of proof rests with the student in conjunction with the waiver process as described in Section 9.0 of 14 **DE Admin. Code** 1006. Claims of extended illness, debilitating injury, emotional stress, etc. must be accompanied by appropriate documentation. Evidence must be submitted to verify that the student or his or her parent(s), Legal Guardian(s), or Relative Caregiver sought assistance to ameliorate the effects of the hardship condition.

2.8 Student Eligibility Report Forms

2.8.1 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 \$50.00 fine against the school.

2.8.1.1 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, he/she shall be adjudged eligible and the school assessed a \$25.00 fine.

2.9 Use of an Ineligible Athlete:

2.9.1 If a school uses an ineligible athlete, the administrative head or their designee shall notify the opposing school(s) 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 game(s), match(es) or point(s) won.

2.9.2 The deliberate or inadvertent use of an ineligible athlete in the sports of soccer, football, volleyball, field hockey, basketball, baseball, softball, and lacrosse shall require the offending school to forfeit the contest(s) in which the ineligible athlete participated.

2.9.2.1 If the infraction occurs during a tournament, 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.

2.9.2.2 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 \$200.00 but no more than \$1,000.00 and referred to the DIAA Sportsmanship Committee for consideration of further action unless the athlete or their parent(s) or legal guardian(s) knowingly withheld information or provided false information that caused them to be eligible for interscholastic competition. The burden of proof, in both cases, 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. A forfeit shall be automatic and not subject to refusal by the offending school's opponent.

- 2.9.3 The deliberate or inadvertent use of an ineligible athlete in the sports of cross country, wrestling, swimming, track, golf, and tennis shall require the offending school to forfeit the matches won and points earned by the ineligible athlete or by a relay team of which they were a member. The points contributed by an ineligible athlete to their team score shall be deleted and the contest score as well as any affected placements will be adjusted according to the rules of that sport.
 - 2.9.3.1 If the infraction occurs during a tournament, the ineligible athlete shall be replaced by his/her most recently defeated opponent or next highest finisher. Contestants eliminated prior to the most recently defeated opponent shall not be allowed to reenter the tournament.
 - 2.9.3.2 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.
- 2.9.4 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 or 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 as stipulated in 2.9.1 and 2.9.2 shall be imposed.
- 2.9.5 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 number of days up to the length of the school year from the date the charge is substantiated.
- 2.9.6 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 up to the number of days up to the length of the school year from the date the charge is substantiated.
- 2.9.7 If an athlete or their parent(s), legal guardian(s), or Relative Caregiver knowingly withholds information or provides false information that causes the athlete 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 number of days up to the length of the school year from the date the charge is substantiated.
- 2.10 Determination of Student Eligibility and the Appeal Procedures
 - 2.10.1 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.
 - 2.10.2 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.
 - 2.10.3 The school and the student shall be informed that the decision of the Executive Director may be appealed to the DIAA Board of Directors.
 - 2.10.4 Decisions of the DIAA Board of Directors to affirm, modify, or reverse the eligibility rulings of the Executive Director may be appealed to the State Board of Education in accordance with the procedure described in 14 DE Admin. Code 1006.10.1.3.

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

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

22 DE Reg. 60 (07/01/18)

3.0 Physical Examinations, Concussion Protocol, Weight Control Programs for Wrestling and Required Medical Personnel in Attendance at All Football Games

3.1 Physical Examinations

- 3.1.1 A student shall not be eligible to try out, practice, scrimmage, or compete in an interscholastic contest unless a licensed physician (MD or DO), a licensed nurse practitioner, or a licensed physician's assistant verifies in writing on or after April 1 and before beginning such athletic activity for the current school year that the student has been adequately examined within the last 12 months and is cleared medically to participate. However, should any conditions found in subsection 3.1.3 of this regulation occur since the last examination, a reexamination is required before the student can be medically cleared. A student who participates in a contest without a preparticipation physical evaluation shall be considered an ineligible athlete and the athlete and the school shall be subject to the penalties stipulated in subsection 2.9.
- 3.1.2 A DIAA approved form certifying the examination to that effect, as well as the parent's, legal guardian's or Relative Caregiver's consent, shall be on file with the administrative head of the school prior to the student participating in a practice, scrimmage, or game.
- 3.1.3 For any subsequent sports season in the school year, a limited reexamination shall be performed if any of the following circumstances exist: the athlete has been treated for an injury during the preceding sports season, the athlete has been out of school during the preceding sports season with an illness other than the usual minor upper respiratory or gastrointestinal upset, an operation has been performed on the athlete during the preceding term, or the athlete has a remedial defect.
- 3.1.4 The medical history of the student ~~should~~ shall be available at the time of each examination.
- 3.1.5 A player is temporarily ineligible to participate if the player who is otherwise properly certified to participate in interscholastic athletics but is physically unable to participate due to illness or injury for five (5) consecutive days on which a practice, scrimmage, or contest is held. Prior to resuming participation, the player must present to the ~~administrative head of school~~ Administrative Head of School or his or her designee, a statement from a licensed physician (MD or DO), a nurse practitioner, or a ~~physician's~~ physician assistant that the player is again physically able to participate. If a player is physically unable to participate due to a head injury, the concussion protocol in subsection 3.2 shall be followed.

3.1.6.2 Concussion Protocol

- ~~3.1.6.1 The DIAA Board of Directors shall adopt a concussion protocol. The concussion protocol may be amended or updated as necessary by the Sports Medicine Advisory Committee with approval of the DIAA Board of Directors.~~
- ~~3.1.6.2 The concussion protocol shall require that any athlete removed from play for a suspected concussion must be evaluated by a qualified healthcare professional. If the qualified health care professional is unable to rule out a concussion, the athlete must be referred for further evaluation and written clearance before the athlete may return to play. A qualified healthcare professional shall be defined as a MD or DO; or school nurse, nurse practitioner, physician assistant, or athletic trainer with collaboration and/or supervision by a MD or DO as required by their professional state laws and regulations. The qualified healthcare professional must be licensed by their state, be in good standing with the State of Delaware, and if the evaluation is provided on site, must also be approved or appointed by the administrative head of school or designee, or the DIAA Executive Director.~~
- ~~3.1.6.3 The concussion protocol shall require that an athlete receive written clearance to return to play when the athlete received a concussion or the qualified healthcare professional was unable to rule out a concussion. Written clearance for return to play after a concussion shall be from a qualified physician (MD/DO) only.~~
- ~~3.1.6.4 Failure to comply with medical requirements of the DIAA concussion protocol shall result in that individual or school being considered ineligible and shall be penalized according to DIAA regulation 2.9.~~
- 3.2.1 If an athlete is suspected of sustaining a concussion or exhibits signs or symptoms of a concussion, he or she shall be removed from the practice or game immediately.
- 3.2.2 A Qualified Healthcare Professional shall determine whether an apparent concussion has occurred. The Qualified Healthcare Professional shall be approved by the host to provide on-site evaluations of athletes who are suspected of sustaining a concussion or exhibit signs or symptoms of a concussion. If a Qualified Healthcare Professional is not present or is not appointed or approved by the host, the injury shall be treated as a concussion and the athlete shall not return to play until he or she is evaluated by a Qualified Healthcare Professional in an appropriate medical setting.
- 3.2.3 If a Qualified Healthcare Professional determines that an athlete did not sustain a concussion, the athlete may return to play.
- 3.2.4 If a Qualified Healthcare Professional determines that the athlete sustained a concussion or is unable to rule out a concussion, the athlete shall be referred for further evaluation by a Qualified Physician. The athlete shall be ineligible to participate in practices, scrimmages, or contests until he or she receives

written clearance from a Qualified Physician on the DIAA Acute Concussion Evaluation (ACE) and Return to Play Form.

3.2.5 Failure to comply with the requirements of this regulation shall result in the athlete being considered ineligible. The athlete and member school shall be penalized according to subsection 2.10 of this regulation.

3.2.6 If an official observes an apparent injury, the official shall report the injury to the athlete's coach.

3.2.7 The Sports Medicine Advisory Committee may recommend amendments to the Concussion Protocol to the Rules and Regulations Committee and the Board.

~~3.23.3~~ Middle School Wrestling

~~3.2.43.3.1~~ 3.2.43.3.1 Weight Control Program - Each year, four weeks from the first day the student appears at practice, a wrestler must establish his/ her minimum weight class at a weigh in witnessed by and attested to in writing by the athletic director or a designated staff member (excluding coaches) of the school the wrestler attends. A wrestler may recertify at a lower weight during the 4 weeks from the first day they appear at practice. However, once certified at a weight, a wrestler may not weigh in more than one class above the weight of the certification without automatically recertifying at a higher weight. Once recertified to a higher weight class the wrestler can no longer recertify lower. After 4 weeks from the first practice day a wrestler may not compete in a weight class below his duly established weight class.

~~3.2.4.43.3.1.1~~ 3.2.4.43.3.1.1 By the end of four weeks of practice, a certified team roster listing the established minimum weight class of each wrestler shall be sent to the Executive Director of DIAA. Further, duly attested notices of additions to the certified roster shall be sent to the Executive Director without delay.

~~3.2.23.3.2~~ 3.2.23.3.2 Weight classifications and length of match shall be designated by the DIAA Board of Directors.

~~3.2.33.3.3~~ 3.2.33.3.3 A team which begins its season in October shall receive a one pound growth allowance in November and an additional pound in December. A team which begins its season in November shall receive a one pound growth allowance in December, an additional pound in January, and a third pound in February.

~~3.2.43.3.4~~ 3.2.43.3.4 Schools which desire to conduct their wrestling program at a time other than the specified season must request permission from the Executive Director.

~~3.2.53.3.5~~ 3.2.53.3.5 Except as modified by this section, the current edition of the NFHS Wrestling Rules Book shall apply.

~~3.33.4~~ Required Medical Personnel In Attendance at All Football Games

~~3.3.43.4.1~~ 3.3.43.4.1 Provision shall be made for a ~~qualified healthcare professional~~ Qualified Healthcare Professional to be present at all interscholastic football games in which a ~~member school~~ Member School participates. A ~~qualified health care professional shall be defined as an MD or DO; or school nurse, nurse practitioner, physician assistant, or athletic trainer with collaboration and/or supervision by a MD or DO as required by their professional state laws and regulations.~~ Qualified Healthcare Professional must be licensed and in good standing with the State of Delaware and Qualified Healthcare Professional must be approved or appointed by the ~~administrative head of school~~ Administrative Head of School or his or her designee. The host school shall provide this service. Failure by the host school to provide this service shall result in a \$250.00 fine.

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

4.0 Sports Seasons, Practice Sessions and Maximum Game Schedules and designated Sports Seasons

4.1 Sports Seasons

4.1.1 The fall sports season shall begin on August 25 and end not later than December 1. Practice for any fall sport shall not begin earlier than August 25.

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

4.1.1.2 No member school shall participate in spring football games nor shall a member school conduct football practice of any type outside of the regular fall sports season except when participating in the state tournament. "Organized football" or "organized football practice" shall be defined as any type of sport which is organized to promote efficiency in any of the various aspects of football.

Touch football, featuring blocking, tackling, ball handling, signaling, etc. shall be considered "organized football" and shall be illegal under the intent of this rule.

- 4.1.2 The winter sports season shall begin 21 days before the first Friday in December and end not later than March 1. Practice for any winter sport shall not begin earlier than 21 days before the first Friday in December.
 - 4.1.3 The spring sports season shall begin on March 1 and end not later than the last school day. Practice for any spring sport shall not begin earlier than March 1.
 - 4.1.4 A school which participates in a game prior to the first allowable date shall be required to forfeit the contest and be assessed a \$500.00 fine per each illegal contest. The school shall be referred to the DIAA Sportsmanship Committee for consideration of further action.
 - 4.1.5 A school which conducts practice prior to the first allowable date shall pay a \$500.00 fine per each illegal practice day. The school shall be referred to the DIAA Sportsmanship Committee for consideration of further action.
 - 4.1.6 No Member school shall participate in a post season contest without the written approval of the Executive Director.
- 4.2 Practice Sessions
- 4.2.1 Member schools shall comply with the following for all practice sessions:
 - 4.2.1.1 All practice sessions shall be conducted under the supervision of the school's certified, emergency or approved volunteer coaching staff.
 - 4.2.1.2 Member schools may conduct practice sessions during the approved sports seasons as defined in subsection 4.1.
 - 4.2.1.3 Member schools shall conduct practice sessions regularly during the 21 calendar days prior to the first scheduled contest.
 - 4.2.1.4 There must be one day of no activity (practice, scrimmage, or contest) during any seven-day period.
 - 4.2.1.5 A student that has not previously participated in that sports season shall be required to participate with the team for a period of at least seven calendar days prior to participating in a contest. Eligibility for participation in a contest shall begin on the eighth calendar day of participation with the team. However, if a student has been participating in a state tournament during the preceding sports season and is unable to begin practicing at least seven calendar days before the team's first contest, student shall be exempt from this requirement.
 - 4.2.1.6 Students shall have unrestricted access to drinking water and be permitted a minimum of one five-minute rest period during each hour of practice.
 - 4.2.1.7 Member schools shall comply with the heat related practice modifications designated by the DIAA Board of Directors.
 - 4.2.1.8 Holding practice on holidays and weekends shall be left to the discretion of the member schools. However, the restrictions on non-school day practice sessions apply and there must be one day of no activity (practice, scrimmage, or contest) during any seven day period.
 - 4.2.2 Practice on Non School Days - Member schools shall comply with the following for all practice sessions held on non-school days. A non-school day is defined as a day when, in accordance with the approved school calendar, students are not scheduled for academic instructional activities.
 - 4.2.2.1 Each practice session shall be no more than three hours in length.
 - 4.2.2.2 Practice session on a non-school day is defined as the time a participant engages in physical or instructional activity.
 - 4.2.2.3 The hourly practice limitation does not include time for non-instructional activities such as dressing, showering, transportation, or training room care.
 - 4.2.2.4 Students shall not participate in more than two practice sessions totaling no more than five hours of practice on non-school practice days including a one-hour walk-through session. A walk-through shall be defined as a teaching opportunity with no protective equipment (e.g., shin guards, helmets, etc.) or equipment related to a given sport (e.g., soccer balls, field hockey sticks, etc.).
 - 4.2.2.5 On days when two practice sessions are conducted, no practice session shall exceed three hours in length and must be separated with at least one hour of recovery time between the end of the first practice and the beginning of the next practice.
 - 4.2.2.6 Split sessions, defined as a practice session held for different groups of students playing the same sport, may be conducted but practice time shall not exceed three hours per session and five hours total daily for any individual athlete.

- 4.2.3 Practice on Official Student School Day - Member schools shall comply with the following for all practice sessions held on official student school days.
 - 4.2.3.1 Practice sessions shall be limited to two hours.
 - 4.2.3.2 The two hour limit on practice sessions on official school days includes all instructional activity on the field, court, mat, or track or in the pool, weight room, or classroom such as team meetings, film reviews, blackboard sessions, warm-up and cool-down exercises, drills or mandatory strength training.
 - 4.2.3.3 The two hour practice session limitation does not include time for non-instructional activities such as dressing, showering, transportation, or training room care.
 - 4.2.3.4 Split sessions may be conducted but practice time shall not exceed two hours for any individual athlete.
- 4.2.4 A school which fails to comply with these practice requirements shall pay a \$500.00 fine for each day of non-compliance.

4.3 Maximum Game Schedules and Designated Sports Seasons:

- 4.3.1 The maximum number of regularly scheduled interscholastic contests or competition dates for each team and individual in the recognized sports and their sports season shall be designated by the DIAA Board of Directors.
- 4.3.2 Game limitations, with the exception of the individual daily limitation, shall not prohibit the rescheduling of postponed games at the discretion and convenience of the member schools involved provided the game was postponed due to inclement weather, unplayable field conditions, failure of the assigned officials to appear for the game, breakdown of the bus or van carrying the visiting team, or any other circumstances beyond the control of site management which preclude playing the game. However, a team may not participate in more than three contests and competition dates in a week.
- 4.3.3 A student shall participate in a particular sport for only one season during each academic year.
- 4.3.4 A school which participates in more than the allowable number of contests in a season shall be fined \$500.00 for each contest.
- 4.3.5 A school which exceeds the weekly contest limitation shall forfeit the contest and pay a \$250.00 fine. A week shall be designated as starting on Monday and ending on Sunday for all sports except football. A football week shall begin the day of the middle school varsity game and end the day preceding the next middle school varsity game or the following Friday.
- 4.3.6 A student who exceeds the weekly or daily contest limitation shall be considered an ineligible athlete and the school subject to the penalties stipulated in 2.9.

9 DE Reg. 124 (07/01/05)

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

5.0 School and Team Competition, Sanctioning of Competitions and All Star Contests

5.1 School and Team Competition

- 5.1.1 Sponsoring Interscholastic Teams: Interscholastic competition is defined as any athletic contest between students representing two or more schools. Member of school clubs who participate in noncompetitive, recreational activities or compete unattached are not considered to be engaged in interscholastic competition. Students are considered to be representing a school if the school does any of the following:
 - 5.1.1.1 Partially or wholly subsidizes the activity (providing equipment, uniforms, transportation, entry fees, etc.).
 - 5.1.1.2 Controls and administers the funds, regardless of their source, needed to conduct the activity.
 - 5.1.1.3 Permits the students to compete under the name of the school.
 - 5.1.1.4 Publicizes or promotes the activity through announcements, bulletins, or school sponsored publications in excess of what is customarily done for "outside" organizations.
 - 5.1.1.5 Presents or displays individual or team awards.
- 5.1.2 Schools may sponsor teams for interscholastic competition in a sport provided the following criteria are met:
 - 5.1.2.1 The governing body of the participating district or nonpublic school approves participation in the sport. The administrative head of the school shall notify the Executive Director in writing of the school's intent to sponsor a team in a new sport.

5.1.2.2 The governing body of the participating district or nonpublic school controls the funds needed to support the proposed team, regardless of their source, in the same manner as existing teams (coaches' salaries, purchase and repair of equipment, medical supervision, transportation, preparation and maintenance of practice and game facilities, awards, etc.). Requests from outside sources to make financial contributions or to donate equipment or services must be submitted in writing and must include an acknowledgment that the equipment becomes the property of the school. The contribution or donation must be approved in writing by the administrative head of the school.

5.1.2.3 The participating schools agree to comply with all applicable DIAA rules and regulations as stated in the current DIAA Official Handbook.

5.1.3 Levels of Participation

5.1.3.1 Level 1 or developmental sport, less than seven participating schools. DIAA rules and regulations shall not be in effect.

5.1.3.2 Level 2 or recognized sport, seven or more participating schools. Participating schools must petition the DIAA Board of Directors for official recognition of the sport.

5.1.3.2.1 At the time of official recognition, DIAA shall provide rules publications to the participating schools, designate an approved official's association, conduct an annual or biannual rules clinic for coaches and officials, and establish a maximum game schedule. DIAA rules and regulations shall then be in effect.

5.1.3.2.2 Withdrawal of level 2 status: If, for two consecutive years, less than the required number of schools participate in a sport, DIAA may withdraw official recognition for a period of time as determined by the Board of Directors.

5.1.4 Membership on Coed Teams

5.1.4.1 If a school sponsors a boys' team and a girls' team in a particular sport, boys shall participate on the boys' team and girls shall participate on the girls' team even if the teams compete during different seasons. Sports are considered to be the same when one set of NFHS Rules govern both genders. If a school sponsors only a boys' team in a particular sport, girls shall be permitted to participate on the boys' team but if a school sponsors only a girls' team in a particular sport, boys shall not be permitted to participate on the girls' team. Notwithstanding the restrictions herein, a transgendered student, defined as a student whose gender identity differs from the student's assigned sex at birth, may be eligible to participate on a team other than their assigned sex at birth in accordance with a member school policy that meets the minimum standards designated by the DIAA Board of Directors.

5.2 Sanctioning of Competitions

5.2.1 Member schools may participate in tournaments and meets involving four or more schools only if the event has been sanctioned by DIAA and, if applicable, by the NFHS. Tournaments and meets shall be sanctioned in accordance with the following criteria:

5.2.1.1 The event shall not be for determining a state, regional or national champion.

5.2.1.2 The event shall be organized, promoted, and conducted by and all profits go to a nonprofit organization. Involvement by a commercial organization shall be limited to providing financial support.

5.2.1.3 Non symbolic competition awards shall have a value of not more than \$50.00 per recipient and shall require the prior approval of the Executive Director.

5.2.1.4 Non school event organizers shall submit a full financial report to the DIAA office within ninety (90) calendar days of the completion of the event.

5.2.1.5 The event organizer shall submit a list of out of state schools which have been invited to participate and such schools shall be subject to approval by the Executive Director.

5.2.1.6 Out of state schools which are not members of their state athletic association shall verify in writing that their participating athletes are in compliance with their state athletic association's eligibility rules and regulations.

5.2.1.7 The event organizer shall not accept financial support or sell advertising to companies involved in the production or distribution of alcohol and tobacco products.

5.2.1.8 The event organizer shall comply with all applicable NFHS sanctioning requirements.

5.2.2 Participation in a non sanctioned event shall result in payment of a \$100.00 fine. A second offense shall result in a \$250.00 fine and loss of eligibility to participate in sanctioned events for the remainder of the sport season. A third offense shall result in a \$500.00 fine and loss of eligibility to participate in sanctioned events for the remainder of the school year.

5.3 All Star Contests: Junior high and middle school students shall not participate in an all-star event until they have completed their high school eligibility in that sport.

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

6.0 Athletic Camps and Clinic Sponsorship, Commercial Camps and Clinics and Open Gyms, Conditioning Programs and Non School Competition

6.1 Out of Season Athletic Camps and Clinic Sponsorship

6.1.1 DIAA does not restrict a student's decision to attend an out of season athletic camp or clinic. However, schools, school organizations, coaches, or school related groups, such as booster clubs, may not sponsor an athletic camp, tournament, league or clinic which limits membership to their own district, locale, or teams. Coaches employed by an out of season athletic camp or clinic may only instruct their own athletes in accordance with 7.5.

6.2 Team Attendance at Out of Season Commercial Camps and Clinics

6.2.1 School related groups, such as booster clubs, which desire to sponsor the attendance of their school's enrolled students at an out of season athletic camp or clinic, may do so with the approval of the local school board or governing body. School funds shall not be used for this purpose. The disbursement of funds to pay for camp or clinic related expenses (fees, travel costs, etc.) shall be administered by the Principal or Headmaster or their designee and the funds shall be allocated according to the following guidelines:

6.2.1.1 All students and team members shall be notified of the available sponsorship by announcement, publication, etc.

6.2.1.2 All applicants shall share equally in the funds provided.

6.2.1.3 All applicants shall be academically eligible to participate in interscholastic athletics.

6.2.1.4 All applicants shall have one year of prior participation in the sport for which the camp or clinic is intended or, absent any prior participation, he/she shall be judged by the coach to benefit substantially from participation in the camp or clinic.

6.3 Individual Attendance at Commercial Camps and Clinics

6.3.1 Commercial camps and clinics are defined as a camp or clinic operated for profit which provides coaching or other sports training for a fee.

6.3.2 A student may participate in a commercial camp or clinic, including private lessons, both during and out of the designated sport season provided the following conditions are observed:

6.3.2.1 The student must participate unattached and may not wear school uniforms.

6.3.2.2 The student may use only school equipment whose primary purpose is to protect the wearer from physical injury.

6.3.2.3 The school may not provide transportation or pay fees.

6.3.2.4 The school coach may not require athletes to participate in a camp or clinic or provide instruction to returning athletes in a camp or clinic except as in accordance with 7.5.

6.4 Open Gym Programs

6.4.1 A Member school may open its gymnasium or other facility for informal, recreational activities in accordance with the following provisions:

6.4.1.1 The open gym must be available to all interested students, must not be restricted to members of a particular team, and must be publicized as such.

6.4.1.2 Student participation must be voluntary and the open gym must not be a prerequisite for trying out or being selected for a particular team.

6.4.1.3 The activities must be unstructured and student generated. Organized drills in the skills or techniques of a particular sport are prohibited. Organized competition with fixed team rosters is also prohibited.

6.4.1.4 A coach may not predetermine that the open gym will include only their sport and publicize the open gym as being restricted to that sport. It is the responsibility of the adult supervisor to permit as many different activities as the facility can effectively and safely accommodate.

6.4.1.5 A coach may open the facility and distribute playing equipment but may not instruct, officiate, participate, organize the activities, or choose teams in their assigned sport.

6.4.1.6 Playing equipment is restricted to that which is customarily used in a contest in a particular sport. Playing equipment which is only used in a practice session is prohibited.

- 6.4.1.7 The participants must provide their own workout clothing.
- 6.4.1.8 Open gyms may not be limited to members of a particular team, but they are restricted to students enrolled at the school and are not available to students enrolled at other schools regardless of grade.

6.5 Conditioning Programs

- 6.5.1 A member school may conduct a conditioning program in accordance with the following provisions:
 - 6.5.1.1 The conditioning program must be available to all interested students, must not be restricted to members of a particular team, and must be publicized as such.
 - 6.5.1.2 Student participation must be voluntary. The conditioning program must not be a prerequisite for trying out for a particular team.
 - 6.5.1.3 Permissible activities include stretching, lifting weights, jumping rope, running, calisthenics, aerobics, and similar generic conditioning activities. Organized drills in the skills or techniques of a particular sport are prohibited.
 - 6.5.1.4 A coach may not provide instruction in sport specific skills or techniques.
 - 6.5.1.5 Sport specific equipment is prohibited.
 - 6.5.1.6 The participants must provide their own workout clothing.
 - 6.5.1.7 Conditioning programs may not be limited to members of a particular team but they are restricted to students enrolled at the school and are not available to students enrolled at other schools regardless of grade.

6.6 Non School Competition in which Participants are Competing Unattached and are Not Representing Their Schools

- 6.6.1 A student may participate on a nonschool team or in a non-school individual event both during and out of the designated sport season. However, the student owes their primary loyalty and allegiance to the school team of which they are a member. A school shall have the authority to require attendance at practices and contests and students not in compliance shall be subject to disciplinary action as determined by the school.
- 6.6.2 Participation on a non school team or in a non school individual event shall be subject to the following conditions:
 - 6.6.2.1 With the exception of organized intramurals, the student may not wear school uniforms.
 - 6.6.2.2 With the exception of organized intramurals, the student may use only school equipment whose primary purpose is to protect the wearer from physical injury.
 - 6.6.2.3 The school or a school affiliated support group may not provide transportation.
 - 6.6.2.4 The school or a school affiliated support group may not pay entry fees or provide any form of financial assistance.
 - 6.6.2.5 The school coach may not require athletes to participate in non school competition or provide instruction to athletes in non school competition except as in 7.5.
 - 6.6.2.6 Nothing in this regulation shall be construed as prohibiting schools from providing transportation or school-supplied assistive technology and equipment to or for non-school activities for students with disabilities.
- 6.6.3 14 Del.C. §122(b)(14) requires written parental permission prior to participation on a similar team during the designated sport season. Written authorization must be on file in the student's school prior to engaging in a tryout, practice, or contest with a similar team. Consent forms shall be available in all member schools. Similar teams shall include organized intramural teams as well as non school teams in that sport.

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

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

7.0 Certified, and Emergency, and Volunteer Coaches, Student Teaching, and Coaching Out of Season

7.1 Certified Coaches

- 7.1.1 Only those professional employees certified by the Department of Education and whose salary is paid by the State or local Board of Education, or in the case of charter and nonpublic schools by a similar governing body, if acceptable as a coach by the governing body, shall coach, assist in coaching, or direct Member school teams in any district. The terms of employment must be for the regular school year and the professional assignment shall be no less than half of the school day, exclusive of coaching duties.

7.1.2 All head coaches shall be required to attend the DIAA rules clinic for their sport or, if applicable, pass an open book rules examination supplied by the DIAA office. A school shall pay a \$50.00 fine and the head coach shall be placed on probation if they fail to attend the DIAA rules clinic or pass the open book rules examination in their sport. Failure to comply for a second consecutive year shall result in the school paying a \$50.00 fine and the coach being suspended for up to five contests as determined by the Executive Director.

7.1.2.1 Certified coaches at all levels of competition shall be required to hold a current certification in adult CPR.

7.1.2.2 Certified coaches at all levels of competition shall ~~be required to complete an approved concussion course~~ the NFHS' "Concussion in Sports" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

7.2 Emergency Coaches

7.2.1 An emergency coach shall be defined as an individual who is either not certified by the Department of Education, or is certified by the Department of Education but is not employed for the school year or whose professional assignment is less than half of the school day. An individual who meets the requirements of a certified coach as specified in subsection 7.1.1, but whose professional assignment is located in a different school or district than his/her coaching assignment shall not be considered an emergency coach by DIAA.

7.2.1.1 Emergency coaches at all levels of competition shall be required to hold a current certification in adult CPR.

7.2.1.2 Emergency coaches at all levels of competition shall ~~be required to complete an approved concussion course~~ the NFHS' "Concussion in Sports" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

7.2.2 Member schools shall be required to annually reopen all positions that are held by emergency coaches.

7.2.3 Emergency coaches may be employed provided the local governing body adheres to the following procedures:

7.2.3.1 The employing Board of Education must attempt to locate an acceptable, certified professional staff member by advertising the coaching vacancy in the district for as many days as are required by the district's collective bargaining agreement.

7.2.3.2 If an acceptable, certified professional staff member is not available, an individual who is acceptable to the employing Board of Education may be hired as an emergency coach.

7.2.3.3 Any individual employed as a coach under the emergency provision must comply with the following regulations:

7.2.3.3.1 A coach must be officially appointed by the local Board of Education. The Superintendent or his/her designee may temporarily appoint an individual if a coaching vacancy arises and the sport season begins during the interim between meetings of the local Board of Education.

7.2.3.3.2 The coaching salary must be paid exclusively by the local Board of Education.

7.4.7.3 Volunteer Coaches

~~7.4.7.3.1~~ In addition to the members of the school's regular coaching staff, the local governing body may supplement a school's coaching staff with volunteer coaches. Volunteer coaches are individuals who donate their services to a school, ~~and~~ who have been approved by that school's local governing body, ~~and~~ who are supervised by a certified or emergency coach. A current list of approved volunteer coaches shall be on file in the school's administrative office before any coaching duties are assumed. Volunteer coaches at all levels of competition shall complete the NFHS' "Concussion in Sports" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

7.4 Football Coaches

7.4.1 All football coaches (including certified, emergency, and volunteer coaches) at all levels of competition shall annually complete Heads Up Football training.

~~7.3~~7.5 Student Teaching and Coaching

~~7.3~~7.5.1 Students who are practice teaching in a Member school shall be permitted to assist in all professional activities during their practice teaching period.

~~7.5~~7.6 Coaching Out of Season

~~7.5~~7.6.1 From August 2nd through the first day after the last spring sport DIAA state tournament event, a certified, emergency, or volunteer coach shall not be allowed to provide instruction out of the designated season in their his or her assigned sport to returning members of the teams of the school at which they coach, or transfer students from other schools who play the coach's sport any student registered in the school at which he or she coaches.

~~7.5.1.47.6.1.1~~ A coach shall not be allowed to participate on a team in their his or her assigned sport with the aforementioned players.

~~7.5.1.27.6.1.2~~ A coach shall also be prohibited from officiating contests in their his or her assigned sport if the aforementioned players are participating except in organized league competition.

~~7.5.1.2.17.6.1.2.1~~ The league shall not be organized, and conducted, and funded by the employing school, the employing school's booster club, or the employing school's coaching staff.

~~7.5.1.2.27.6.1.2.2~~ The league shall have written rules and regulations that govern the conduct of contests and establish the duties of contest officials.

~~7.5.1.2.37.6.1.2.3~~ The league shall have registration and entry procedures, forms, and fees; eligibility requirements; and fixed team rosters, team standings, and a master schedule of contests.

~~7.5.1.37.6.1.3~~ A certified, emergency, or volunteer coach shall not be allowed to provide instruction or coach during the designated season in their his or her assigned sport to current members of the varsity or subvarsity teams of the school at which he/she he or she coaches outside of school sponsored practices, scrimmages, and contests.

~~7.5.1.47.6.1.4~~ A coach who is in violation of this section shall be suspended from coaching in the specified 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.

~~7.5.27.6.2~~ From the first day after the last spring sport DIAA state tournament event through August 1st, a certified, emergency or volunteer coach shall be allowed to provide instruction in their his or her assigned sport to ~~returning members of the varsity or subvarsity teams~~ all accepted and registered students of the school at which ~~they coach he or she coaches~~. Instructional contact with the aforementioned returning school team members all accepted and registered students must be approved by the member school and shall be subject to the following conditions:

~~7.5.2.1~~ A coach may provide instruction to an unlimited number of their returning school team members in formal league or tournament competition or in formal instructional camps or clinics provided the league or tournament or instructional camp or clinic is insured, organized and conducted by a nonschool-affiliated organization.

~~7.6.2.1~~ Participation in a formal league and tournament or instructional camp or clinic, or informal instruction, shall be open, voluntary, and equally available to all accepted and registered students of the member school.

~~7.5.2.2~~ A coaching staff may provide instruction to a maximum of two returning school team members in an informal setting where the student has initiated the contact and it was not scheduled. A coaching staff may have multiple two-hour sessions on any given day. Returning school team members shall not receive more than two hours of sports instruction per day.

~~7.6.2.2~~ Coaches are permitted to hold an organizational practice for formal league/tournament competition only as permitted by the written, pre-established rules of the formal league/tournament. In no event shall more than one organizational practice be permitted and the number of games and practice shall not exceed three in one week. If the formal league/tournament does not have written, pre-established rules regarding practice, then no practice is permitted.

~~7.5.2.37.6.2.3~~ A coach shall not receive any compensation, from any source, for the instruction of their returning school team members. Reimbursement for out of pocket expenses (e.g. gas, food, lodging) incurred by returning school team members and coaches to attend leagues or tournaments or instructional camps or clinics are not prohibited provided that no local school or state educational funds are used.

~~7.5.2.4~~ Participation in the formal league or tournament or instructional camp or clinic, or informal instruction shall be open, voluntary and equally available to all returning school team members as well as to members of the student body.

~~7.6.2.4~~ A coach may provide instruction to an unlimited number of accepted and registered students in formal league or tournament competition or in formal instructional camps or clinics provided the league or tournament or instructional camp or clinic is insured, organized and conducted by a non school affiliated organization. A coach may provide instruction to returning accepted and registered students with the member school's permission.

~~7.5.2.5~~ Coaches are permitted to hold an organizational practice for formal league/tournament competition only as permitted by the written, pre-established rules of the formal league/tournament. In no event shall more than one organizational practice be permitted and the number of games and practice shall not exceed three in one week. If the formal league/tournament does not have written, pre-established rules regarding practice then no practice is permitted.

7.6.2.5 Use of school equipment shall be approved by the Principal or Headmaster and shall be subject to the following conditions:

7.6.2.5.1 Helmets and shoulder pads shall not be used in lacrosse and football.

7.6.2.5.2 Protective equipment, the primary purpose of which is to protect the wearer from physical injury, may be used in the following sports: baseball, field hockey, and softball.

~~7.5.2-67.6.2.6~~ 7.6.2.6 A coach in violation of this section shall be suspended from coaching in the specific 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.

7.6.3 Effective Date

7.6.3.1 Subsection 7.6 shall be effective on June 2, 2019.

11 DE Reg. 1639 (06/01/08)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

21 DE Reg. 717 (03/01/18)

8.0 Required Use of Officials, Recognition of Officials' Associations, and Attendance at Rules Clinics

8.1 Required Use of Officials

8.1.1 Member Schools and tournament sponsors shall be required to use officials recognized and approved by DIAA for interscholastic contests. Use of non-approved officials without permission from the Executive Director shall result in the school or tournament sponsor being assessed a \$100.00 fine per game per non-approved official.

8.1.1.1 In the case of emergencies, such as an act of God, refusal by an association to work games, or a shortage of qualified officials, Member Schools which desire to use other than approved officials must obtain permission from the Executive Director.

8.1.2 If more than one association is approved to officiate a particular sport, a conference or, in the absence of a conference affiliation, an individual school shall determine which association shall provide the officials for its home contests.

8.2 Recognition of Officials' Associations

8.2.1 The officiating of interscholastic contests in the state of Delaware which involve one or more Member Schools shall be under the control of the DIAA and such control may include, but not be restricted to, giving examinations, evaluating officials, setting game fees, determining the number of officials per game, and assigning officials.

8.2.2 An officials' association which desires to officiate middle school and high school contests and competitions shall request recognition and approval from DIAA by submitting the following documents to the DIAA Officials' Committee:

8.2.2.1 A letter of request to be recognized by DIAA and indicating the association's willingness to abide by the Department's rules and regulations. The president of the requesting officials' association or his or her designee shall petition the Board to render a decision.

8.2.2.2 A brief history of the association including but not limited to the officiating experience (if any) of the members and if a new association is being formed, the purpose for which the association is being formed.

8.2.2.3 A copy of the association's constitution and bylaws including a statement that it does not discriminate on the basis of age, gender, race, religion, etc.

8.2.2.4 A description of the association's evaluation and rating system.

8.2.2.5 A description of the association's recruiting and training programs for new members.

8.2.2.6 A membership roster indicating the number of years of experience at the subvarsity, varsity, and state tournament levels for each member and also their most recent rating in a previous association. This information must be documented and is subject to verification.

8.2.2.7 Letters of recommendation or names of references from leagues which the association has serviced during its existence.

8.2.3 The Officials' Committee shall review the aforementioned documents and meet with the officers of the association to discuss their petition.

8.2.4 The Officials' Committee may consult with any other interested parties during the evaluation process.

8.2.5 The Officials' Committee shall report its findings to the Board and recommend that the officials' association be granted recognition, granted recognition with conditions, or denied recognition.

- 8.2.6 The Board shall consider the petition for recognition and the Officials' Committee's recommendation and make a decision to approve or deny the request. The petitioner may request an evidentiary hearing before the Board pursuant to the procedures in subsection 10.1.3.2 of 14 **DE Admin. Code** 1006. The Board shall decide if the petitioning officials association shall be granted recognition, granted recognition with conditions, or denied recognition.
- 8.2.7 An approved association shall serve a minimum two year probationary period during which time the association shall be evaluated. An association designated as probationary is ineligible to provide officials to work the applicable DIAA State Tournament.
- 8.2.7.1 Members of the Officials' Committee and the applicable Sport Committee shall comprise the Officials Association Evaluation Committee (Evaluation Committee). The new officials association shall be evaluated according to the following criteria:
- 8.2.7.1.1 Total number of games worked at the varsity level.
- 8.2.7.1.2 Total number of officials who worked games at the varsity level.
- 8.2.7.1.3 Total number of Member Schools who contracted the services of the association.
- 8.2.7.1.4 A comparison of the percentage of games the association worked against the percentage of games worked by other DIAA recognized officials associations in that sport.
- 8.2.7.1.5 A comparison of the percentage of the association's registered officials against the number who worked varsity level games.
- 8.2.7.1.6 A comparison of the ratio from subsection 8.2.7.1.5 against any existing association(s)' same ratio.
- 8.2.7.1.7 In addition, the evaluation may be based on any other available information which may include but is not limited to: the associations ability to work a minimum of 25 percent of all varsity contests played by DIAA Member Schools in that sport; written complaints by contracted schools; evaluations by Member Schools; input from Member Schools; or any other relevant information.
- 8.2.7.2 The results of all evaluations shall be shared with the probationary association at the end of each season. The association shall have the opportunity to add comments to the final evaluation.
- 8.2.8 At the end of the minimum two-year probationary period the Evaluation Committee shall recommend to the Board one of the following options based on the evaluations and the probationary association's ability to work varsity contests equal to or greater than twenty-five (25) percent of all varsity contests played by Member Schools:
- 8.2.8.1 Re-approve conditionally for another year on probationary status.
- 8.2.8.2 Disapprove so as to no longer remain as an approved association.
- 8.2.8.3 Re-approve conditionally with state tournament consideration based upon the sport worked.
- 8.2.8.4 Completely approve the association with full state tournament consideration equal to any existing association(s).
- 8.2.9 The Board shall consider the petition for recognition and the Evaluation Committee's recommendation and make a decision. The probationary officials association may request an evidentiary hearing before the Board pursuant to the procedures in subsection 10.1.3.2 of 14 **DE Admin. Code** 1006. The Board shall decide if the petitioning officials association shall be:
- 8.2.9.1 Re-approved conditionally for another year on probationary status.
- 8.2.9.2 Disapproved so as to no longer remain as an approved association.
- 8.2.9.3 Re-approved conditionally with state tournament consideration based upon the sport worked.
- 8.2.9.4 Completely approved with full state tournament consideration equal to any existing association(s).
- 8.2.10 Once an officials' association is completely approved, it is required to annually submit a written report on the appropriate form to the Officials' Committee. The report shall include information on the association's executive board, membership, and recruitment strategies.
- 8.2.11 The Officials' Committee shall review the submitted report to ensure that the association is meeting the goals of education-based athletics. If the Officials' Committee determines that the association is not meeting the goals of education-based athletics, the Officials' Committee shall notify the association of the goals it has not met, the association may be placed on an improvement plan, and the Officials' Committee shall decide whether to recommend revocation of the association's approval and recognition to the Board.
- 8.3 Attendance at Rules Clinics
- 8.3.1 Officials shall be required each year to both attend the DIAA rules interpretation clinic and to pass the rules examination provided by the DIAA office for the sport(s) they officiate.

- 8.3.2 Failure on the part of an official to attend the DIAA rules interpretation clinic and pass the rules examination in the same season shall cause the official to be placed on probation and to lose his or her eligibility to officiate a state tournament contest during that season.
- 8.3.3 Failure to satisfy both requirements in the same season for two consecutive years shall cause the official to lose varsity officiating status during the second season. Failure to fulfill this obligation in subsequent years shall cause the official to continue to be restricted to subvarsity contests until both requirements have been satisfied in the same season.
- 8.3.4 Attending the fall soccer rules interpretation clinic shall satisfy the clinic attendance requirement for both the boys' and girls' soccer seasons. Attending the spring soccer rules interpretation clinic shall satisfy the clinic attendance requirement for only the girls' soccer season.
- 8.3.5 If, for a legitimate reason which is documented by the president of their association, an official is unable to attend the DIAA rules interpretation clinic, the official may complete an online course or, in the absence of an online course, attend a clinic conducted by another NFHS member state association provided the following procedures are observed:
 - 8.3.5.1 No later than the day of the DIAA rules interpretation clinic, the president of the association shall notify the DIAA office, in writing, of any officials who are unable to attend the clinic.
 - 8.3.5.2 The out of state clinic shall be conducted by an individual either trained by the NFHS or designated as a clinician by the state's athletic association.
 - 8.3.5.3 The official shall arrange for a letter to be sent to the Executive Director from the state's athletic association office verifying the official's attendance at the clinic.

8.4 Tournament Fees

- 8.4.1 The Officials' Committee shall work with the Executive Director to help determine the fee amount for officiating a state tournament contest.

11 DE Reg. 1639 (06/01/08)

19 DE Reg. 743 (02/01/16)

21 DE Reg. 717 (03/01/18)

9.0 Awards

9.1 Awards

- 9.1.1 Member schools and support groups affiliated with a 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 the school and their value shall be mostly symbolic, not more than \$250.00. Member schools and support groups affiliated with Member schools are also permitted to sponsor banquets.
- 9.1.2 A non profit group such as a coaches association, booster club 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 the school. Non profit groups shall also be permitted to sponsor banquets.
- 9.1.3 Commercial organizations shall be allowed to present recognition awards for team and individual accomplishments with the approval of the administrative head of the school.
- 9.1.4 Permissible awards include trophies, plaques, medals, letters, certificates, photographs, and similar items. Jackets, sweaters, shirts, watches, rings, charms, and similar items if properly inscribed (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 \$250.00 per team or per recipient and shall require prior approval of the Executive Director.

11 DE Reg. 1639 (06/01/08)

19 DE Reg. 743 (02/01/16)

10.0 Use of Influence for Athletic Purposes

- 10.1 Definition: The use of influence for athletic purposes shall include, but not be limited to, the following:
 - 10.1.1 Offer of money, room, board, clothing, transportation, or other valuable consideration to a prospective athlete or their parent(s), legal guardian(s) or a Relative Caregiver.
 - 10.1.2 Offer of waiver or reduction of tuition or financial aid if based, even partially, on athletic considerations. Non-school affiliated scholarship or financial aid programs which are primarily restricted to students of one school if the aid is based, even partially, on athletic considerations.

- 10.1.3 Preference in job assignments or offer of compensation for work performed in excess of what is customarily paid for such services.
- 10.1.4 Offer of special privileges not accorded to other students.
- 10.1.5 Offer of financial assistance including free or reduced rent, payment of moving expenses, etc., to induce a prospective athlete or their parent(s), legal guardian(s) or Relative Caregiver to change residence.
- 10.2 Illegal Contact with Students, Student's Parent(s), Legal guardians, or a Relative Caregiver
 - 10.2.1 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 parent(s), legal guardian(s) 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.
 - 10.2.2 If a coach or athletic director is contacted by a prospective athlete or their parent(s), legal guardian(s) or Relative Caregiver, the former must refer the individual(s) to the Principal or Headmaster or school personnel responsible for admissions.
- 10.3 Permitted Activities
 - 10.3.1 A school employee or Board approved volunteer may do the following:
 - 10.3.1.1 Discuss the athletic program with a prospective student or their parent(s), legal guardian(s) or Relative Caregiver during an open house or approved visit initiated by the parent(s), legal guardian(s) or Relative Caregiver.
 - 10.3.1.2 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.
 - 10.3.1.3 Conduct an informational presentation at a feeder school.
- 10.4 School Choice
 - 10.4.1 If the number of applicants under the Delaware School Choice Program exceeds the number of available student openings, the selection criteria established by the district shall not include athletic considerations.
- 10.5 Penalties
 - 10.5.1 The use of influence or illegal contact including but not limited to violations of 10.1 and 10.2 by a person(s) 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 DIAA Board of Directors, and the offending employee, if a coach, may be suspended for up to one full school year from the date the charge is substantiated.

7 DE Reg. 1692 (06/01/04)

9 DE Reg. 124 (07/01/05)

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

11 DE Reg. 1639 (06/01/08)

14 DE Reg. 1184 (05/01/11)

15 DE Reg. 74 (07/01/11)

19 DE Reg. 743 (02/01/16)

21 DE Reg. 717 (03/01/18)

22 DE Reg. 60 (07/01/18)

22 DE Reg. 186 (09/01/18) (Prop.)