

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 1009

FINAL

REGULATORY IMPLEMENTING ORDER

1009 DIAA High School Interscholastic Athletics

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education seeks the consent of the State Board of Education ("State Board") to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics. This regulation is being amended in consultation and cooperation with the Delaware Interscholastic Athletic Association (DIAA). The regulation is being amended to add sections that specify the purpose of the transfer, passing work, and years of participation eligibility rules; clarify the transfer and years of participation rules as to eighth grade students who are eligible to participate in interscholastic athletics at the high school level; organize existing sections of the transfer rule for clarity; change the time period for the subsection that allows a student who has previously participated in interscholastic athletics to transfer one time from the first year of eligibility to the first and second years of eligibility; change the transfer options permissible under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, to conform to federal and state law; and to eliminate the prohibition against practicing if a student is ineligible under the passing work rule. It is important to note that the amendments to the published regulation were a result of input and engagement from the DIAA Rules and Regulations Committee and focus groups, member schools, athletic directors and the Governor appointed DIAA Board of Directors ("DIAA Board").

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on April 1, 2017, in the form hereto attached as Exhibit "A". Comments were received from Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) noting that: (1) Section 2.4.4.1.4.2 disallows a student from engaging in all athletic activities unrelated to sports played at a former school. The Department notes that while most of the language in Section 2.4.4.1.4.2 is not new, language was added regarding students in their second year of eligibility for interscholastic athletic participation at the high school level. The intent of Section 2.4.4.1.4.2 is to prevent multi-sport athletes from benefitting by transferring schools more than once in the same school year; (2) Section 2.4.7 disallows a student transferring to a choice school in grades 10-12 from participating in any sport offered at former school even if the student did not participate in any sports at the former school. The Department notes that the language in Section 2.4.7 aligns with current Title 14 Delaware Code Ch. 4, §410; (3) the Department retained the word "athletics" in Section 2.4.7 to avoid any implication that the DIAA is regulating non-athletic activities. The Department originally struck the word "athletics" and added "contests or competitions" to align this section with Title 14 of the Delaware Code Ch. 4, §410 and to clarify that students can participate in practices in the sports that are regulated by the DIAA; (4) Section 2.7.3 omits the concept that an IEP team is the primary decision-maker in the context of participation in athletics and imposes a burden of proof on a student with an IEP to justify participation in athletics, which is a foreign concept in special education. The Department notes that Section 2.7.3 is existing language and it applies equally to all students regardless of disability. (5) the regulation does not address how the participation of students with disabilities is affected by participating in unified sports and suggested inserting an exception to Section 2.7 for students with disabilities. The Department appreciates the suggestion to clarify students with disabilities' participation in unified sports. The DIAA Board has not discussed any changes to date regarding students with disabilities who participate in unified sports.

The DIAA Board did agree that the word "impair" in Section 2.4.1 should be changed to "discourage." Also the Department notes that the word "sole" was inadvertently omitted in the types of parental custody noted in the regulation, and the term "or required hours" was added to the definition of "One School Year." These nonsubstantive changes were made to further clarify the regulation.

Additionally, the State Board requested more information regarding why the change to subsection 2.6 to add the option of allowing students to participate in practices was made. The State Board considered these changes during its regular monthly meetings on May 18, 2017 and June 15, 2017. However, the State Board did not have a sufficient number of affirmative votes to approve the changes. The Department is bringing forward this regulation for reconsideration.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic

Athletics in order to add sections that specify the purpose of the transfer, passing work, and years of participation eligibility rules; clarify the transfer and years of participation rules as to eighth grade students who are eligible to participate in interscholastic athletics at the high school level; organize existing sections of the transfer rule for clarity; change the time period for the subsection that allows a student who has previously participated in interscholastic athletics to transfer one time from the first year of eligibility to the first and second years of eligibility; change the transfer options permissible under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, to conform to federal and state law; and to eliminate the prohibition against practicing if a student is ineligible under the passing work rule.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 1009 DIAA High School Interscholastic Athletics hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

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

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on July 27, 2017. The effective date of this Order shall be ten (10) days from the date this Order is published in the Delaware *Register of Regulations*.

IT IS SO ORDERED the 27th day of July 2017.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 27th day of July 2017

State Board of Education

Dennis L. Loftus, Ed.D., President

Nina L. Bunting, Vice President

G. Patrick Heffernan

Barbara B. Rutt (absent)

Gregory B. Coverdale, Jr.

Liane M. Sorenson (absent)

Terry M. Whittaker, Ed.D.

1009 DIAA High 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.

“Relative Caregiver” means, pursuant to 14 Del.C. §202(f)(1), an adult who, by blood, marriage or adoption, is the child’s great grandparent, grandparent, step grandparent, great aunt, aunt, step aunt, great uncle, uncle, step uncle, step parent, brother, sister, step brother, step sister, half brother, half sister, niece, nephew, first cousin or first cousin once removed but who does not have legal custody or legal guardianship of the student.

“School day(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.

“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.

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 their conferences' proposed membership and its constitution and bylaws to the DIAA Board of Directors and 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 conferences must be compatible with all provisions of the DIAA Regulations; interpretations and with the 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 varsity 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.

1.4.4.1 If a game is not played because an out of state opponent qualifies for its state championship series and the date of the playoff game conflicts with the date of the regular season game, a forfeit shall not be awarded.

1.5 Equivalency Rules

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

1.5.1.1 Scrimmage shall be defined in as: an informal competition between schools in which the 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 non member school of another state association unless the opposing school, as part of a written contract, certifies that its contestants are eligible under the rules of its home state association.

1.5.3 An associate Member school shall not participate in a scrimmage or contest with an associate or non Member school of another state association 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 post graduate students or college students. This provision shall not apply to games played against the alumni or faculty of the school when the game is sponsored by school authorities.

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

1.5.7 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. 1642 (06/01/08)

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

19 DE Reg. 745 (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, Age

2.1.1 Students who become 19 years of age on or after June 15 immediately preceding the student's year of participation shall be eligible for all sports provided all other eligibility requirements are met. In determining the age of a contestant, the birth date as entered on the birth record of the Bureau of Vital Statistics shall be required and shall be so certified on all eligibility lists.

2.1.1.1 Requests for a waiver of the age requirement shall only be considered for participation on an unofficial, nonscoring basis in non contact or non collision 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 of the school which the student attends, or be a student 18 years of age or older and living in the attendance zone of the school which the student attends (2.2.1.7) in order to be eligible for interscholastic athletics in that school. In cases of joint custody, the custodial parent shall be the parent with actual physical placement as determined by court. In the case of shared placement or where residential placement has not been determined by a court, the parents must commit to sending the student to a particular school for the year. Maintaining multiple residences in order to circumvent this requirement shall render the student ineligible.

- 2.2.1.1 A student who, pursuant to established school board policy or administrative procedure, remains in a school the student has been attending after their legal residence changes to the attendance zone of a different school in the same school district, may exercise, prior to the first official student day of the subsequent academic year, a one time election to remain at their current school and thereby not lose athletic eligibility. If a student chooses to remain at their current school and then transfers to the school in a new attendance zone on or after the first official student day of the subsequent academic year, the student shall be ineligible under subsection 2.4.
- 2.2.1.2 A student who changes residence to a different attendance zone after the start of the last marking period and, pursuant to established school board policy or administrative procedure, shall be granted permission to continue attending their present school. The student shall retain their athletic eligibility in that school for the remainder of the school year provided all other eligibility requirements are met.
- 2.2.1.3 A student shall be permitted to complete their senior year at the school the student is attending and remain eligible even though a change of legal residence to the attendance zone of another school has occurred. This provision shall refer to any change of legal residence that occurs after the completion of the student's junior year.
- 2.2.1.4 A student may be residing outside of the attendance zone of the school which the student attends if the student is participating in the Delaware School Choice Program as authorized by 14 **Del.C.** Ch. 4.
- 2.2.1.5 A student who is a non resident of Delaware shall be eligible to attend a public school, charter school or career technical school if, in accordance with 14 **Del.C.** §607, the student's custodial parent or legal guardian or Relative Caregiver is a full time employee of that district.
- 2.2.1.6 Notwithstanding 2.2.1, a student shall be eligible at a public or career technical school if the student is enrolled in accordance with 14 **Del.C.** §202(f), the Caregivers School Authorization.
 - 2.2.1.6.1 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 the Relative Caregiver as the student's legal guardian.
- 2.2.1.7 A student who reaches the age of majority (18) and leaves their parents' place of residency and jurisdiction thereof, and moves to another attendance zone to continue their high school education shall be ineligible to participate in athletics for 180 school days commencing with the first day of official attendance on or after their 18th birthday. This provision shall not apply to a student participating in the Delaware School Choice Program, as authorized by 14 **Del.C.** Ch. 4, provided the student's choice application was properly submitted prior to a change of residence.
- 2.2.1.8 Notwithstanding 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 the student is enrolled.
- 2.2.1.9 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 high school which they represent in order to participate in a practice, scrimmage or contest.
- 2.3.2 A student who attends two (2) different schools during the regular school day shall be eligible to participate only at the school at which the student is receiving instruction in the core academic areas, and is satisfying the majority of graduation requirements; not a school at which they are receiving only specialized educational instruction such as vocational training.
- 2.3.3 Students with disabilities who are placed in special schools or programs
 - 2.3.3.1 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.

2.3.3.2 A student with a disability who is placed in a special school or program shall be eligible to participate in interscholastic athletics as follows:

2.3.3.2.1 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.

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

2.3.3.2.3 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 high school, the student shall be eligible only at the regular high school on the same campus.

2.3.3.2.4 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 high school, the student shall be eligible only at the regular high school designated to serve the special school's or program's students.

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

2.3.4 A student who is participating in the Delaware School Choice Program, as authorized by 14 Del.C. Ch. 4, is obligated to attend the choice school for a minimum of two (2) years unless the student's custodial parent(s), legal guardian(s) or Relative Caregiver relocate to a different school district or the student fails to meet the academic requirements of the choice school. If a student attends a choice school for less than two (2) years and subsequently returns to their home school, the student must receive a release from the "choice district" in order to legally enroll at their home school. Without a release, the student would not be legally enrolled and consequently would be ineligible to participate in interscholastic athletics. Notwithstanding this section, the transfer regulation still applies to all students participating in the Delaware School Choice Program who transfer to another school regardless of whether they are released by the sending school or are not released.

2.3.5 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 the student is assigned to an alternative school for disciplinary reasons.

2.3.6 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.

2.3.6.1 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.

2.3.7 A student who fails to complete a semester or is absent for one or more semesters for reasons other than personal illness or injury shall be ineligible for 90 school days from the date of their reentry to school.

2.3.8 An ineligible student who practices in violation of 2.3.1 through 2.3.7 shall, when regaining eligibility, be prohibited from practicing, scrimmaging, or competing for an equivalent number of days.

2.4 Eligibility, Transfers

2.4.1 Purpose

The intent of the High School Transfer Rule is to deter students from transferring schools for athletic purposes, to help ~~improve~~ 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 2.4.4 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 risk to teammates or competitors.

2.4.2 Definitions:

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

"First year of eligibility" means the school year during which a student first enters ninth grade becomes eligible for and participates in high school interscholastic athletics and ends ending on the day prior to the first day of school of the student's second year of eligibility.

“One school year” means the number school attendance days **[or required hours]** in a school year as adopted by the student’s district or school: (i.e. 180 attendance days).

“Previous participation” means having ~~completed~~ participated in interscholastic athletics in ~~grades 9 through 12~~ at the high school level, including eighth grade students pursuant to 14 DE Admin. Code 1009-2.7.3 and students enrolled in grades 9 through 12.

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

“Second year of high school eligibility” means the next school year after a student first ~~enters ninth grade~~ becomes eligible for and participates in high school interscholastic athletics and includes sophomores, ~~and repeating freshman~~ freshmen, and freshmen who participated during the eighth grade.

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

“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.

2.4.2 No previous interscholastic athletic participation

2.4.2.1 ~~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 they meet all other DIAA eligibility requirements.~~

2.4.3 Previous interscholastic athletic participation High School Transfer Rule

2.4.3.1 First Year of Eligibility Unless one of the exceptions found in subsection 2.4.4 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 that the student previously participated in during the preceding 180 school days. The period of ineligibility shall be one school year commencing with the first day of official attendance in the receiving school. The period of ineligibility shall continue to the next grade/school year, if necessary, until the total number of school days in the school year has passed.

2.4.3.1.1 ~~A student who has previously participated in interscholastic athletics may transfer one time during their first year of eligibility without loss of athletic eligibility. However, students shall not participate in a contest at the varsity level for two different schools in the same sport during the same school year unless one of the exceptions applies.~~

2.4.3.1.2 ~~Unless one of the exceptions applies, a student who has previously participated in interscholastic athletics that transfers more than one time during their first year of eligibility, shall be ineligible in any sport for a period of 90 school days commencing with the first day of official attendance in the receiving school. The period of ineligibility shall continue to the next grade/school year until 90 school days have passed.~~

2.4.3.2 ~~Second year of Eligibility forward: Unless one of the exceptions applies, a student who has previously participated in interscholastic athletics that transfers to a DIAA member school after the first day of school of their second year of high school eligibility shall be ineligible in all sports that the student previously participated in during the preceding 180 school days. The period of ineligibility shall be one school year commencing with the first day of official attendance in the receiving school. The period of ineligibility shall continue to the next grade/school year, if necessary, until the total number of school days in the school year has passed.~~

2.4.4 Exceptions to the High School Transfer Rule

2.4.4.1 ~~The period of ineligibility shall not apply if the transfer is the result of the student being homeless as defined in the McKinney-Vento Act, 42 U.S.C. 11434a(2). 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 2.4.6 of this regulation:~~

2.4.4.1.1 ~~Notwithstanding the above, the student shall be ineligible under the applicable transfer ineligibility clause where the student's homeless status is created by the student or their family for the primary reason of: 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).~~

2.4.4.1.1.1 ~~Seeking a superior team; or~~

2.4.4.1.1.2 ~~Seeking a team more compatible with the student's abilities; or~~

2.4.4.1.1.3 ~~Dissatisfaction with the student's position or playing time; or~~

- ~~2.4.4.1.1.4 The student following the coach to another school to which the coach has transferred; or~~
- ~~2.4.4.1.1.5 Dissatisfaction with the philosophy, policies, methods or actions of a coach or administrator pertaining to interscholastic athletics; or~~
- ~~2.4.4.1.1.6 Avoiding disciplinary action imposed by another state athletic association; or~~
- ~~2.4.4.1.1.7 Avoiding disciplinary action imposed by the school of origin related to or affecting interscholastic athletic participation.~~
- 2.4.4.1.2 Transfer Because of Promotion or Administrative Assignment - Transfer because of promotion or administrative assignment to the ninth grade from a school whose terminal point is the eighth grade, or to the tenth grade from a junior high school whose terminal point is the ninth grade, shall not constitute a transfer. Students so promoted or administratively assigned shall be eligible.
- 2.4.4.1.3 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.
- 2.4.4.1.4 Previous interscholastic athletic participation - A student who has previously participated in interscholastic athletics may transfer one time during his or her first or second year of eligibility at the high school level without loss of athletic eligibility provided that the student meets all other eligibility requirements, including subsection 2.4.7 of this regulation.
 - 2.4.4.1.4.1 Students shall not participate in a contest at the varsity level for two different schools in the same sport during the same school year unless one of the other exceptions in subsection 2.4.4 of this regulation applies.
 - 2.4.4.1.4.2 A student who has previously participated in interscholastic athletics and transfers more than one time during his or her first or second year of eligibility at the high school level, shall be ineligible in any sport for a period of 90 school days commencing with the first day of official attendance in the receiving school unless one of the other exceptions in subsection 2.4.4 of this regulation applies. The period of ineligibility shall continue to the next grade/school year until 90 school days have passed.
- 2.4.4.1.5 No Participation in a Sport within the Preceding 180 School Days - A student who previously participated in interscholastic athletics but did not participate in a sport within the preceding 180 school days and was eligible by both DIAA and local school rules to do so during the previous school year shall be eligible to participate in that sport at the receiving school.
- 2.4.4.1.6 Transfer to School of Residence - A student may transfer to his or her school of residence, which is based on the legal address of the student's custodial parent(s) or court-appointed legal guardian(s), one time without loss of athletic eligibility. For this exception to apply, the transfer must be the student's first transfer during his or her years of high school interscholastic athletic eligibility.
- 2.4.4.1.7 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 2.4.4.3.2.1 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.
 - 2.4.4.1.7.1 Sole, Joint, or Shared Custody - In cases of [sole,] joint, or shared custody once a primary residence is established, a change in a student's primary residence without court action renders the student ineligible unless one of the other exceptions in subsection 2.4.4 of this regulation applies.
 - 2.4.4.1.7.2 DSCYF Custody - For purposes of eligibility, a student placed within DSCYF custody is eligible to participate in interscholastic athletics immediately at the school he or she attends.
- 2.4.4.1.8 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).
 - 2.4.4.1.8.1 An exception would be a student whose caregiver does not provide the documentation required by the Relative Caregiver 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).

2.4.4.1.9 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.

2.4.4.1.10 Transfer Due to Seat Opening in Receiving School - A student may transfer without loss of athletic eligibility if the transfer is a result of a seat opening in the receiving school, and the student had previously applied to the school and had been rejected due to a lack of capacity. For this exception to apply, the receiving school must have appropriate documentation including: a student application from a previous school year; a letter in response to the application notifying the student that they were not accepted; and a letter dated after the start of the school year offering the student a seat in the receiving school.

2.4.4.1.11 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.

2.4.4.1.12 Transfer Because Sending School Closed or Dropped Sport/Athletic Program - A student may transfer without loss of athletic eligibility if the transfer is a result of any of the following:

2.4.4.1.12.1 The closure of the sending school;

2.4.4.1.12.2 The sending school discontinuing a single sport at the varsity level. In order for this exception to apply when a school discontinues a single sport at the varsity level, the student must have previously participated in that sport.

2.4.4.1.12.3 The sending school dropping their entire athletic program. Dropping their athletic program is defined as the school discontinuing all of their interscholastic athletics sports programs. For this exception to apply, adequate documentation must be submitted to the receiving school and sent to the DIAA Executive Director for approval as sufficient.

2.4.4.2 The exceptions listed in 2.4.4.3 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 student's transfer was for any of the following:

2.4.4.2.1 To seek a superior team.

2.4.4.2.2 To seek a team more compatible with student's abilities.

2.4.4.2.3 Dissatisfaction with the student's position or playing time.

2.4.4.2.4 The student follows the coach to another school to which the coach has transferred.

2.4.4.2.5 Dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator pertaining to interscholastic athletics.

2.4.4.2.6 To avoid disciplinary action imposed by another state athletic association.

2.4.4.2.7 To avoid disciplinary action imposed by the sending school related to or affecting interscholastic athletic participation.

2.4.4.3 The period of ineligibility shall not apply if the student meets one of the following exceptions and the transfer was not for athletic advantage:

2.4.4.3.1 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 2.4.4.3.1.2), or a notarized statement signed by the affected parties shall not be sufficient to render the student eligible to participate in interscholastic athletics.

2.4.4.3.1.1 For purposes of eligibility, a child placed within DSCYF custody is eligible to participate in interscholastic athletics immediately at the school they attend.

- 2.4.4.3.2 The transfer is in accordance with the student being placed with a Relative Caregiver as per 14 ~~Del.C.~~ §202(f), the Caregivers School Authorization.
- 2.4.4.3.2.1 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 the Relative Caregiver as the student's legal guardian.
- 2.4.4.3.3 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.
- 2.4.4.3.4 If the student is in their second year of eligibility and the transfer is a result of a seat opening in the receiving school if the student had previously applied to the school and had been rejected due to a lack of capacity. For this exception to apply, the receiving school must have appropriate documentation including: a student application from a previous school year; a letter in response to the application notifying the student that they were not accepted; and a letter dated after the start of the school year offering the student a seat in the receiving school.
- 2.4.4.3.5 A student who did not participate in a sport and was eligible by both DIAA and local school rules to do so during the previous school year shall be eligible to participate in that sport at the receiving school.
- 2.4.4.3.6 Transfer Because of Promotion or Administrative Assignment: Transfer because of promotion or administrative assignment to the ninth grade from a school whose terminal point is the eighth grade, or to the tenth grade from a junior high school whose terminal point is the ninth grade, shall not constitute a transfer. Students so promoted or administratively assigned shall be eligible.
- 2.4.4.3.7 The transfer is the result of a student exercising transfers options (i.e. failure to make adequate yearly progress, persistently dangerous schools, etc.) mandated by the Elementary and Secondary Education Act, 20 U.S.C. 6316 (E) & (F); 14 ~~Del.C.~~ §155; 14 **DE Admin. Code** 103; and 14 **DE Admin. Code** 608.
- 2.4.4.3.8 The transfer is a result of any of the following: For this exception to apply, adequate documentation must be submitted to the receiving school and sent to the DIAA Executive Director for approval as sufficient.
- 2.4.4.3.8.1 The closure of the sending school.
- 2.4.4.3.8.2 The sending school discontinuing a single sport at the varsity level. In order for this exception to apply when a school discontinues a single sport at the varsity level, the student must have previously participated in that sport.
- 2.4.4.3.8.3 The sending school dropping their entire athletic program. Dropping their athletic program is defined as the school discontinuing all of their interscholastic athletics sports programs.
- 2.4.5 Transfer Because of a Financial Hardship: If a waiver of the transfer ineligibility clause High 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 DIAA Board of Directors to support the request.
- 2.4.5.1 Documentation for Financial Hardship: Documentation for financial hardship shall include:
- 2.4.5.1.1 Proof of extreme financial hardship caused by significant and unexpected reduction in income or increase in expenses; and
- 2.4.5.1.2 A statement from the principals or headmasters of both the sending and receiving schools that the student is not transferring for athletic advantage as the term is used in 2.4.4.2 subsection 2.4.6 of this regulation.
- 2.4.6 Transfer Because of 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 applicable ineligibility clause. Transfers for Athletic Advantage - The exceptions listed in subsection 2.4.4

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 student's transfer was for any of the following:

- 2.4.6.1 To seek a superior team.
- 2.4.6.2 To seek a team more compatible with student's abilities;
- 2.4.6.3 Dissatisfaction with the student's position or playing time;
- 2.4.6.4 The student follows the coach to another school to which the coach has transferred;
- 2.4.6.5 Dissatisfaction with the philosophy, policies, methods, or actions of a coach or administrator pertaining to interscholastic athletics;
- 2.4.6.6 To avoid disciplinary action imposed by another state athletic association;
- 2.4.6.7 To avoid disciplinary action imposed by the sending school related to or affecting interscholastic athletic participation.

2.4.7 Pursuant to 14 **Del.C.** Ch. 4 a student who transfers from a school of choice to another school of choice in grades 10, 11, and 12 shall be ineligible to participate in interscholastic ~~athletics contests or competitions~~ during ~~their~~ the student's 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(s) only.

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 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 a competition under an assumed name. The surname and given name used by any player in the student's first game of interscholastic competition shall be used during the remainder of the student's interscholastic career. Any change in spelling or use of another name shall be regarded as an attempt to evade this rule unless the change has been properly certified by the player to the principal or headmaster of the school.
- 2.5.1.4 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 the student's 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 the student's amateur status.
- 2.5.1.6 Sells or pawns awards received.
- 2.5.1.7 Uses the student's athletic status to promote or endorse a commercial product or service on the internet; in a newsprint, radio, television advertisement or any other form of media; or personal appearance.

2.5.2 Accepting compensation for teaching lessons, coaching, or officiating shall not jeopardize the student's 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. The student may be reinstated after a period of up to the number of days in the school year provided that during the suspension, the student complies with all of the provisions of this rule. The suspension shall date from the time of the last offense.

2.6 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.

~~2.6.12.6.2~~ 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 five (5) credits. Two (2) of those credits must be in the areas of English, Mathematics, Science, World Language, or Social Studies. However, in the case of a student in the twelfth grade, the student must be passing all courses necessary for graduation from high school in order to be eligible for participation. A course necessary for graduation shall be any course, whether taken during or outside the regular school day, that satisfies an unmet graduation requirement.

~~2.6.1.12.6.2.1~~ 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).

~~2.6.22.6.3A~~ 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.

~~2.6.2.12.6.3.1~~In the case of a conflict between the marking period grade and the final grade, the final grade shall determine eligibility.

~~2.6.2.22.6.3.2~~The final accumulation of credits shall determine eligibility for the first marking period of the following school year. When a student makes up a failure or earns the required credit(s) during the summer, the student shall become eligible provided ~~they~~ he or she successfully complete the course work prior to the first official student day of the school year.

~~2.6.2.32.6.3.3~~Written verification of the successful completion of a correspondence course must be received before a student shall regain eligibility.

~~2.6.32.6.4A~~ student forfeits or regains 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.

~~2.6.42.6.5~~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, 2.6.3 or 2.6.4 shall, upon regaining 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 years from the date of the student's first entrance into the ninth grade unless a waiver is granted for hardship reasons. The intent of the Years of Participation Rule is to promote timely progress toward graduation by discouraging students from delaying or interrupting their high school education; to disallow students to enroll for 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 to prevent redshirting; to avoid exploitation by coaches who otherwise might seek to obtain transfers or to delay a student's normal progress through school; and to prevent displacement of younger student-athletes by older student-athletes who wish to unfairly prolong their high school athletic careers.~~

~~2.7.1.1 No student shall have more than four (4) opportunities to participate in a fall sport or combination of fall sports, in a winter sport or combination of winter sports, or in a spring sport or combination of spring sports.~~

~~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 the student of all or part of one of their opportunities to participate in a particular sports season; and (2) preclude the student from completing the academic requirements for graduation within the normal period of eligibility; and (3) deprive the student of all or part of one of 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 graduation within the normal period of eligibility and the loss of all or part of one of the student's opportunities to participate in a particular sports season.~~
- 2.7.1.2.3 ~~The burden of proof rests with the student in conjunction with the waiver process as described in 14 **DE Admin. Code** 1006.9. Claims of extended illness, debilitating injury, emotional stress, etc., must be accompanied by appropriate documentation. Evidence must be submitted to verify that the student, their parent(s), legal guardian(s) or Relative Caregiver sought assistance to ameliorate the effects of the hardship condition.~~
- 2.7.2 ~~Satisfactory completion of studies in accordance with promotion policies established by the local governing body shall determine when a student is beyond the eighth grade. Years of Participation Rule~~
 - 2.7.2.1 ~~No student shall represent a school in an interscholastic athletic contest or scrimmage after four (4) consecutive years from the date of the student's first entrance into the ninth grade unless a waiver is granted for hardship reasons.~~
 - 2.7.2.1.1 ~~Eighth grade students who are enrolled in or transfer to schools that allow eighth grade participation at the high school level in accordance with subsection 2.7.5 of this regulation begin their five years of eligibility for high school participation the first year they enter eighth grade.~~
 - 2.7.2.2 ~~No student shall have more than four (4) opportunities to participate in a fall sport or combination of fall sports, in a winter sport or combination of winter sports, or in a spring sport or combination of spring sports.~~
 - 2.7.2.2.1 ~~Eighth grade students who are enrolled in schools that allow eighth grade participation at the high school level in accordance with subsection 2.7.5 of this regulation shall have no more than five (5) opportunities to participate in a fall sport or combination of fall sports, in a winter sport or combination of winter sports, or in a spring sport or combination of spring sports.~~
- 2.7.3 ~~Limited Participation – Eighth Grade Students Waiver of the Years of Participation Rule~~
 - 2.7.3.1 ~~A high school may elect to allow students in the eighth grade to participate at the high school level to extent allowed in this section if the eighth grade is part of the same administrative unit as grades 9 through 12. Beginning with the 2016-2017 school year, prior to allowing any eighth grade participation, Member schools are required to adopt policies consistent with this section and submit a request to the DIAA Board of Directors for approval. The request must provide sufficient evidence to determine that the school is eligible to permit eighth grade students to represent the school in high school interscholastic athletics. The burden shall be on the school to establish they are eligible under this regulation. "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; and (2) preclude the student from completing the academic requirements for graduation within the normal period of eligibility; and (3) deprive the student of all or part of one of the student's opportunities to participate in a particular sport. The waiver provision is intended to restore eligibility that has been lost as a result of a hardship situation. Injury, illness or accident, which cause a student to fail to meet the basic requirements, are possible causes for a hardship consideration.~~
 - 2.7.3.1.1 ~~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 or board of directors 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 graduation within the normal period of eligibility and the loss of all or part of one of the student's opportunities to participate in a particular sports season.~~
 - 2.7.3.1.3 ~~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, their parent(s), legal guardian(s) or Relative Caregiver sought assistance to ameliorate the effects of the hardship condition.

~~2.7.3.2 It is the school's discretion to allow eighth grade participation at the high school level.~~

~~2.7.3.3 Effective with the 2016-2017 school year, only rising eighth graders who have been in regular attendance at the eligible school for at least one full school year immediately prior to the eighth grade are eligible to represent the school in high school interscholastic athletics. Students who transfer into the eligible school for the eighth grade are ineligible to represent the high school at any level in any interscholastic sport. This subsection does not apply to schools that begin with the eighth grade.~~

~~2.7.3.4 Eighth grade students who are enrolled or transfer to schools that allow eighth grade participation at the high school level begin their five years of eligibility for high school athletic participation the first year they enter eighth grade.~~

~~2.7.3.5 A junior high or middle school student who participates in a sub-varsity or varsity contest at the high school level shall be ineligible to participate at the junior high or middle school level in the same sport during the season. This does not preclude an eighth grade student from participating in a try-out at the high school level while still retaining middle school eligibility.~~

~~2.7.4 Seventh grade students shall not be permitted to participate on high school interscholastic teams. Satisfactory completion of studies in accordance with promotion policies established by the local governing body shall determine a student is beyond the eighth grade.~~

2.7.5 Participation of Postgraduates Limited Participation - Eighth Grade Students

~~2.7.5.1 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. A high school may elect to allow students in the eighth grade to participate at the high school level to extent allowed in this section if the eighth grade is part of the same administrative unit as grades 9 through 12. Beginning with the 2016-2017 school year, prior to allowing any eighth grade participation, Member schools are required to adopt policies consistent with this section and submit a request to the DIAA Board of Directors for approval. The request must provide sufficient evidence to determine that the school is eligible to permit eighth grade students to represent the school in high school interscholastic athletics. The burden shall be on the school to establish they are eligible under this regulation.~~

~~2.7.5.2 Postgraduates shall not be eligible to participate in interscholastic athletics. All graduates of recognized high schools shall be considered postgraduates. It is the school's discretion to allow eighth grade participation at the high school level.~~

~~2.7.5.3 A regularly enrolled student taking courses in an institution of higher education shall be eligible provided he/she meets all other DIAA requirements. Effective with the 2016-2017 school year, only rising eighth graders who have been in regular attendance at the eligible school for at least one full school year immediately prior to the eighth grade are eligible to represent the school in high school interscholastic athletics. Students who transfer into the eligible school for the eighth grade are ineligible to represent the high school at any level in any interscholastic sport. This subsection does not apply to schools that begin with the eighth grade.~~

~~2.7.5.4 Students whose commencement exercises are prior to the completion of the school's regular season schedule and the state tournament shall be eligible to compete. A junior high or middle school student who participates in a sub varsity or varsity contest at the high school level shall be ineligible to participate at the junior high or middle school level in the same sport during the same season. This subsection does not preclude an eighth grade student from participating in a try-out at the high school level while still retaining middle school eligibility.~~

~~2.7.6 Seventh grade students shall not be permitted to participate on high school interscholastic teams.~~

2.7.7 Participation of Postgraduates

~~2.7.7.1 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.~~

~~2.7.7.2 Postgraduates shall not be eligible to participate in interscholastic athletics. All graduates of recognized high schools shall be considered postgraduates.~~

~~2.7.7.3 A regularly enrolled student taking courses in an institution of higher education shall be eligible provided he or she meets all other DIAA requirements.~~

~~2.7.7.4 Students whose commencement exercises are prior to the completion of the school's regular season schedule and the state tournament shall be eligible to compete.~~

2.8 Eligibility of Foreign Exchange Students and International Students

- 2.8.1 Notwithstanding 2.2 and 2.4, foreign exchange students and international students may be eligible to participate in interscholastic athletics upon arrival at their host school provided they meet the age requirements and are enrolled as participants in a recognized foreign exchange program, international student program or DIAA recognized international student academic program.
- 2.8.1.1 Foreign Exchange (J-1) Students - For purposes of these regulations a foreign exchange student shall possess a J-1 Student visa. The J-1 student visa is for students participating in study-based exchange and visitor programs in the U.S. These programs are sponsored by an educational or other nonprofit institution, which must be accredited through the Exchange Visitor Program designated by the U.S. State Department. All foreign exchange programs which are included on the Advisory List of International Educational Travel and Exchange Programs of the Council on Standards for International Educational Travel (CSIET) and are two (2) semesters in length shall be considered as recognized. Students participating in a CSIET foreign exchange program are eligible to participate in interscholastic athletics for one school year provided they are otherwise eligible.
- 2.8.1.2 International (F-1) Students - For purposes of these regulations an international student shall possess an F-1 visa. An F-1 visa is issued to international non-resident alien students whose primary purpose for visiting the United States is to study fulltime at an approved institution in accordance with federal law.
- 2.8.1.2.1 CSIET Approved Programs - All international student programs which are included on the Advisory List of International Educational Travel and Exchange Programs of the Council on Standards for International Educational Travel (CSIET) shall be considered as recognized. Students participating in a CSIET approved international student program, are limited to the sub-varsity level and the student is not eligible for state tournament competition during the first year of attendance. For purposes of these regulations the student's first year shall be a period of 365 calendar days after the student's first day of attendance at the receiving school. Beginning with their second year of attendance international students are eligible to participate at the varsity level and in state tournaments.
- 2.8.1.2.2 DIAA Recognized Academic Programs - International students participating in a DIAA recognized international student academic program who otherwise meet all other requirements may participate in interscholastic athletics to the extent specified in this section. During the international student's first year of attendance at the member school, participation is limited to the sub-varsity level and the student is not eligible for state tournament competition. For purposes of these regulations the student's first year shall be a period of 365 calendar days after the student's first day of attendance at the receiving school.
- 2.8.1.2.2.1 In order to obtain approval as a DIAA recognized international student academic program, the Member school must at a minimum specifically incorporate and formally adopt the following requirements, policies, participation limits, and notification requirements in their program:
- 2.8.1.2.2.1.1 A student may not be accepted in the school or program for athletic purposes, including recruiting by an outside party. The school must include a statement in their application and program material providing notice of the prohibitions on recruitment and athletic purposes and advising that based on their program requirements and DIAA regulations that recruitment based on athletics by anyone including an outside source will result in the student being permanently ineligible in interscholastic athletics at any DIAA member school. The school, student, and parent must all sign a statement verifying that the student was not athletically recruited in any way and attesting that the student did not enroll for athletic purposes and has enrolled in the school for educational purposes.
- 2.8.1.2.2.1.2 With the exception of the requirement in 2.2 that a student must be living with their custodial parent, legal guardian, or relative caregiver in the attendance zone of the school, the program must require that students meet all other eligibility requirements including a pre-participation evaluation or physical including a parent's signature.
- 2.8.1.2.2.1.3 The program must specify that the international student's participation is limited to the sub-varsity level for the first year of attendance at the school and that students will be ineligible for state tournament competition during the first year of attendance. If a school does not have a sub-varsity team, a student may practice at the varsity level during their first year of attendance. After one year of attendance at the school in an approved international student academic program, the international student may be eligible for varsity participation and state tournament competition.

2.8.1.2.2.1.4 All of the specific requirements must be part of the school's international student academic program and must be communicated to the students in advance of registration.

2.8.1.2.2.2 The Member school may obtain recognition of their school's international student academic program by submitting their program for approval to the DIAA Executive Director with adequate documentation. The member school must provide a copy of their policies and enrollment applications and agreements to the DIAA Executive Director for recognition. The burden on the Member school to establish their program meets all the requirements.

2.8.1.2.2.3 At least annually and prior to athletic participation, the school shall provide to the DIAA Executive Director a list of the international students enrolled in their programs and include signed copies of the required forms.

2.8.2 International students who are not participating in a CSIET-recognized foreign exchange program, CSIET recognized international student program, or DIAA recognized international student academic program are considered to be transfer students and are ineligible to compete in interscholastic athletics unless they are in compliance with all DIAA eligibility requirements including 2.2.

2.8.3 Once enrolled, foreign exchange and other international students shall comply with all DIAA eligibility rules with the exception of 2.2.

2.8.4 Athletic recruitment of foreign exchange students or other international students by a member school or any other entity is prohibited, and any such students recruited shall be ineligible for the duration of their attendance at a DIAA member school.

2.9 Student Eligibility Report Forms

2.9.1 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.

2.9.1.1 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, they shall be adjudged eligible and the school assessed a \$25.00 fine.

2.10 Use of an Ineligible Athlete:

2.10.1 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), and point(s) won.

2.10.2 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.

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

2.10.2.2 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 the student to be eligible for interscholastic competition. The burden of proof, in both instances, rests entirely with the offending school. A forfeit shall constitute a loss for the offending school and a win for its opponent for purposes of standings and playoff eligibility and shall be automatic and not subject to refusal by the offending school's opponent.

2.10.3 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 the student was a member. The points contributed by an ineligible athlete to their team score shall be deleted and the contest score as well as the affected placements will be adjusted according to the rules of the sport.

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

- 2.10.3.1.1 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.
- 2.10.4 If an ineligible athlete participates in interscholastic competition contrary to DIAA rules, but in accordance with a temporary restraining order or injunction against their school and DIAA, and the injunction is subsequently vacated, stayed, or reversed, or the courts determine that injunctive relief is not or was not justified, or the injunction expires without further judicial determination, the penalties stipulated in 2.10.1 and 2.10.2 shall be imposed.
- 2.10.5 The intentional use of an ineligible athlete by a member school or repeated indifference to its responsibility to determine the eligibility of its athletes will subject the school to additional penalties which may include suspension for the amount of days up to length of the school year from the date the charge is substantiated.
- 2.10.6 If a coach knowingly withholds information or provides false information that causes an athlete to be eligible for interscholastic competition, the coach shall be suspended from coaching in any sport at any DIAA member school for the amount of days up to length of the school year from the date the charge is substantiated.
- 2.10.7 If an athlete or their parent(s), legal guardian(s) or Relative Caregiver knowingly withholds information or provides false information that causes the student to be eligible for interscholastic competition, the athlete shall be suspended from participation in any sport at any DIAA member school for up to the amount of days up to the length of the school year from the date the charge is substantiated.
- 2.11 Determination of Student Eligibility and the Appeal Procedures
 - 2.11.1 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.
 - 2.11.2 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.
 - 2.11.3 The school and the student shall be informed that the decision of the Executive Director may be appealed to the DIAA Board of Directors.
 - 2.11.4 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 14 **DE Admin. Code** 1006.11.

9 DE Reg. 126 (07/01/05)
11 DE Reg. 1642 (06/01/08)
15 DE Reg. 75 (07/01/11)
19 DE Reg. 745 (02/01/16)

3.0 Physical Examinations, Weight Control Program 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 (M.D. or D.O.), 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 school subject to the penalties stipulated in 2.10.
 - 3.1.2 A DIAA approved form certifying the examination 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 sports season, or the athlete has a remedial defect.

- 3.1.4 The medical history of the student should 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 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 or designee, a statement from a licensed physician (MD or DO), a nurse practitioner, or a physician's assistant that the player is again physically able to participate.
- 3.1.6 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 2.10.

3.2 Wrestling Weight Control Program

- 3.2.1 For health and safety reasons, the DIAA State Wrestling Committee has established the Delaware Wrestling Weight Control Program which requires each wrestler to establish their minimum weight class via body composition testing. The Delaware Wrestling Weight Control Program as established by the DIAA State Wrestling Committee is adopted and may be amended or updated as necessary by the Delaware Wrestling Committee with approval of the DIAA Board of Directors. The program requires hydration testing with a specific gravity not greater than 1.025, which immediately precedes the body composition assessment. A minimum weight class is determined by a body fat assessment. Male wrestlers may not compete at a weight class lower than 7% body fat and female wrestlers may not compete at a weight class lower than 12% body fat. Any wrestler's assessment that is below seven percent for males and twelve percent for females shall require a medical release signed by a licensed physician (MD or DO). The release shall not allow a wrestler to participate at a weight class below that for which the initial assessment allows. The program restricts wrestlers to an average weight loss of 1.5 percent a week, with descent, until the wrestler has reached the minimum weight determined by the initial body composition testing. A two-pound growth allowance shall be permitted on or after December 26th each year for wrestlers who have certified at their approved minimum weight class. Wrestlers shall not receive the two pound growth allowance until they have certified at their minimum weight.
 - 3.2.1.1 Wrestlers must certify at their minimum weight class on or before the last competition date for wrestling in order to be eligible to participate at their minimum weight class in the dual meet and state tournaments series including qualifying tournaments.
- 3.2.2 The Delaware Wrestling Weight Control Program includes an online roster management program utilizing the National Wrestling Coaches Association weight management program. The program creates an "alpha master roster" which must be presented to the opposing coach or tournament director prior to weighing in. Each DIAA member school shall have access to the alpha master roster of all DIAA member schools.

3.3 Required Medical Personnel In Attendance at All Football Games

- 3.3.1 Provision shall be made for a qualified healthcare professional to be present at all interscholastic football games in which a 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. The qualified healthcare professional must be licensed and in good standing with the State of Delaware and must be approved or appointed by the administrative head of school or 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. 1642 (06/01/08)

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

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

4.0 Sports Seasons, Practices Sessions and Maximum Game Schedules and Designated Sports Seasons

4.1 Sports Seasons

- 4.1.1 The fall sports season shall begin on or after August 15th and end with the start of the state championship in that sport. Any regular season contest that was postponed must be rescheduled and played before the beginning of the state tournament in that sport. A conference championship game must also be completed before the start of the state tournament in that sport and practice for any fall sport shall not begin earlier than August 15th. The first allowable competition date in the fall sports season shall be the first Friday after Labor Day.
 - 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 non contact activities. Coaches may introduce offensive formations and defensive alignments, run plays "on air," practice non contact phases of the kicking game, and teach non contact 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 with the first approved day for practice and end with the start of the state championship in that sport. Any regular season contest that was postponed must be rescheduled and played before the beginning of the state tournament in that sport. Conference championships must also be completed before the start of the state tournament in that sport and 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 ends with the start of the state championship in that sport. Any regular season contest that was postponed must be rescheduled and played before the beginning of the state tournament in that sport. Conference championships must also be completed before the start of the state tournament in that sport and 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 or after the start of the state championship shall be required to forfeit the contest and be assessed a \$500.00 fine per each illegal contest. The school shall be referred to the DIAA Sportsmanship Committee for consideration of further action.
- 4.1.5 A school which conducts practice prior to the first allowable date shall pay a fine of \$500.00 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 1009.4.1.

- 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 session shall be defined as a teaching opportunity with no protective equipment (e.g., shin guards, helmets, etc.) or equipment related to a given sport (e.g., soccer balls, field hockey sticks, etc.).
 - 4.2.2.5 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 The third contest or competition date in a week shall be held on Friday (no early dismissal permitted), Saturday or Sunday. This requirement is waived when a school is closed for the entire week such as during winter or spring vacation.

- 4.3.2.1 A team shall not participate in two or more different events at the same level of competition on the same day. However, a team shall be permitted a one time per season exception to participate in two different events on the same day. If a team elects to use the exception it shall count as two contests or two competition dates as applicable toward the season team limitation.
- 4.3.2.2 With the exception of cross country, indoor track, outdoor track and golf, participation in a triangular meet shall count as two contests and participation in a quadrangular meet shall count as three contests toward the seasonal limitation.
- 4.3.2.3 Participation in any part of a quarter or half shall count as a quarter or half toward the weekly and daily limitations in that sport. However, in the case of football, participation on a free kick or a play from a scrimmage kick formation shall not count as a quarter. Overtime periods shall be considered as part of the fourth quarter or second half.
- 4.3.3 A week shall be designated as starting on Monday and ending on Sunday for all sports except football. A football week shall begin the day of the varsity game and end the day preceding the next varsity game or the following Friday.
 - 4.3.3.1 The preceding game limitations, with the exception of the individual daily limitation, shall not prohibit the rescheduling of postponed games at the discretion and convenience of the member schools involved provided the game was postponed due to inclement weather, unplayable field conditions, failure of the assigned officials to appear for the game, breakdown of the bus or van carrying the visiting team, or any other circumstances beyond the control of site management which preclude playing the game. However, a team may not participate in more than four contests or competition dates in a week.
- 4.3.4 The maximum number of regularly scheduled contests for each of the recognized sports, except football, shall be exclusive of conference championships, playoffs to determine tournament state berths, and the state tournament or meet. Member schools are limited to one conference championship event. In wrestling, the state meet qualifying tournaments shall count as the only permissible event in addition to the regular season and state meets. The maximum number of regularly scheduled football contests shall be exclusive of the state tournament.
 - 4.3.4.1 Any playoffs to determine state tournament berths shall be under the control and supervision of the DIAA tournament committee.
- 4.3.5 A student shall participate in a particular sport for only one season during each academic year.
- 4.3.6 A school which participates in more than the allowable number of contests in a season shall be suspended from the state playoffs or, if a nonqualifying team, fined \$500.00 for each contest.
 - 4.3.6.1 A school which exceeds the weekly contest limitation shall be required to forfeit the contest and pay a \$250.00 fine.
 - 4.3.6.2 A student who exceeds the weekly or daily contest limitation shall be considered an ineligible athlete and the school subject to the process stipulated in 2.10.

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

9 DE Reg. 1964 (06/01/06)

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

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

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

5.0 School and Team Competition, Sanctioning of Competitions, State Championships 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. Members of school clubs who participate in non- competitive, recreational activities or compete unattached are not considered to be engaged in interscholastic competition students who 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 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 12 participating schools at the varsity level. DIAA rules and regulations shall not be in effect.

5.1.3.2 Level 2 or recognized sport, 12 or more participating schools at the varsity level. 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 officials' association, conduct an annual or biannual rules clinic for coaches and officials, establish a maximum game schedule, and form a committee to promote the continued development of the sport and prepare for a future state championship. All DIAA rules and regulations shall then be in effect.

5.1.3.3 Level 3 or championship sport 16 or more participating schools at the varsity level. Upon petition by the sport committee and adoption of a tournament proposal, DIAA shall establish a state championship.

5.1.3.4 Withdrawal of level 2 or level 3 status. If, for two consecutive years, less than the required number of schools participate in a sport, DIAA may withdraw official recognition or suspend the state tournament/meet 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.

5.1.4.2 Coed teams shall participate only in the boys' state championship tournament or meet.

5.2 Sanctioning of Competitions

5.2.1 Member schools may participate in tournaments or meets involving four or more schools only if the event has been sanctioned by DIAA and, if applicable, by the NFHS. Tournaments or 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
- 5.3 State Championships
 - 5.3.1 State Championships: The minimum number of high schools which must sponsor a sport at the varsity level in order for DIAA to approve a state championship shall be 16.
 - 5.3.1.1 State championship play shall be permitted at the varsity level only in football, basketball, indoor and outdoor track, cross country, swimming, wrestling, golf, baseball, soccer, tennis, field hockey, softball, girls' volleyball, and lacrosse provided such tournament or meet is under the direct control and supervision of or has the approval of DIAA.
 - 5.3.1.2 A member school which does not pay all fines incurred during the school year by July 1st shall be ineligible to participate in a state championship event in any sport during the following school year until such time as all fines are paid.
 - 5.3.2 All state championships shall be managed by committees established by the DIAA Board of Directors.
 - 5.3.2.1 Each tournament format, as well as the criteria and procedures for selecting and seeding the participating teams, must be approved by the Board of Directors and any subsequent changes must also be approved by the Board. The Executive Director shall advise the committees as to which proposed changes must be presented to the Board. If the Executive Director and the committee cannot agree, the proposed change must be presented to the DIAA Board of Directors for approval.
 - 5.3.2.2 All financial arrangements, including the collection of monies and expenditures, must be approved by the Executive Director
 - 5.3.2.3 Championship play in other sports must be confined to the individual conferences and conducted in accordance with the rules of the conference as approved by the DIAA Board of Directors.
- 5.4 All Star Contests
 - 5.4.1 An all star contest shall be defined as an organized competition in which the participants are selected by the sponsoring organization or its designee on the basis of their performance during the interscholastic season in that sport.
 - 5.4.2 Students who have completed their eligibility in a sport may participate in all star contests in that sport, if approved by DIAA, prior to graduation from high school.
 - 5.4.3 Member schools shall not make their facilities, equipment, or uniforms available to the sponsoring organization or the participants unless the all star contest is approved by DIAA.
 - 5.4.4 The all star contest must be approved by DIAA in accordance with the following criteria:
 - 5.4.4.1 The contest shall not be for determining a regional or national champion.
 - 5.4.4.2 The contest shall be organized, promoted, and conducted by and all profits go to a nonprofit organization. Involvement by a commercial organization shall be limited to providing financial support.
 - 5.4.4.3 The awards given shall be in compliance with 9.0.
 - 5.4.4.4 Exceptions to the adopted rules code for the sport, including uniform regulations, shall require the approval of DIAA.
 - 5.4.5 A full financial report must be filed with the Executive Director within ninety 90 days of the contest. Failure to submit a financial report within the specified period of time shall result in the sponsoring organization being assessed a \$300.00 fine.
 - 5.4.6 The event organizer shall not accept financial support or sell advertising to companies involved in the production or distribution of alcohol and tobacco products.

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

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

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

6.0 Athletic Camps and Clinics 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 returning athletes in accordance with 7.5.

6.1.1.1 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. 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:

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

6.1.1.1.2 All applicants shall share equally in the funds provided.

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

6.1.1.1.4 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.

6.2 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 provided in 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 non school 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 the student is 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. 1964 (06/01/06)

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

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

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

7.0 Certified, Emergency and Volunteer Coaches, Student Teaching and Coaching 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 varsity head coaches (junior varsity if the school does not sponsor a varsity team) 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 be assessed a \$50.00 fine and the head coach shall be placed on probation if the head coach fails to attend the DIAA rules clinic or pass the open book rules examination in their respective sport. Failure to comply for a second consecutive year shall result in the school being assessed 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.

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 regular school year or whose professional assignment is less than half of the school day. An individual who meets the requirements of a certified coach but whose professional assignment is located in a different school or district than their coaching assignment shall not be considered an emergency coach by DIAA.
 - 7.2.1.1 Emergency head coaches at all levels of competition shall be required to hold a current certification in adult CPR.
 - 7.2.1.2 Certified coaches at all levels of competition shall be required to complete an approved concussion course.
- 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 Emergency coaches must be officially appointed by the local Board of Education. The superintendent or their 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 Emergency Coaches coaching salary must be paid exclusively by the local Board of Education.

7.3 Student Teaching and Coaching

- 7.3.1 Students who are practice teaching in a member school shall be permitted to assist in all professional activities during their practice teaching period.

7.4 Volunteer Coaches

- 7.4.1 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. A current list of approved volunteer coaches shall be on file in the school's administrative office before any coaching duties are assumed.

7.5 Coaching Out of Season

- 7.5.1 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 assigned sport to returning members of the varsity or subvarsity teams of the school at which they coach or transfer students from other schools who play the coach's sport. Coaches shall also be prohibited from coaching rising ninth graders (rising eighth graders if eighth grade is part of the same administrative unit as grades 9 through 12) who participated in his/her assigned sport at a feeder school. A rising ninth grader is a student who has completed eighth grade requirements, but is not yet enrolled in ninth grade. A rising eighth grader is a student who has completed seventh grade requirements, but is not yet enrolled in eighth grade.
- 7.5.1.1 A coach shall not be allowed to participate on a team in their assigned sport with the aforementioned players.
- 7.5.1.2 A coach shall also be prohibited from officiating contests in their assigned sport if the aforementioned players are participating except in organized league competition.
- 7.5.1.2.1 The league shall not be organized and conducted by the employing school, the employing school's booster club, or the employing school's coaching staff.
- 7.5.1.2.2 The league shall have written rules and regulations that govern the conduct of contests and establish the duties of contest officials.
- 7.5.1.2.3 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.
- 7.5.1.3 A certified, emergency, or volunteer coach shall not be allowed to provide instruction or coach during the designated season in their assigned sport to current members of the varsity or subvarsity teams of the school at which they coach outside of school sponsored practices, scrimmages, and contests.
- 7.5.1.4 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.
- 7.5.2 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 assigned sport to returning members of the varsity or subvarsity teams of the school at which he/she coaches. Instructional contact with the aforementioned returning school team members shall be subject to the following conditions:
- 7.5.2.1 A coach may provide instruction to an unlimited number of 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 non school affiliated organization.
- 7.5.2.2 A coaching staff may provide instruction to a maximum of two returning school team members in an informal setting which means student initiated and non scheduled. A coaching staff may have multiple two hour sessions in any given day. Returning school team members shall not receive more than 2 hours of sports instruction per day.
- 7.5.2.3 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 and 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 members of the student body.
- 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.
- 7.5.2.6 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.

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

8.1 Recognition of Officials' Associations

- 8.1.1 The officiating of interscholastic contests in the state of Delaware which involve one (1) 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.
- 8.1.2 An official's association which desires to officiate middle school and high school contests shall request recognition and approval from DIAA by submitting the following documents to the DIAA Officials' Committee:
 - 8.1.2.1 A letter of request to be recognized by DIAA and indicating the association's willingness to abide by DIAA rules and regulations. The president of the requesting officials' association or their designee shall petition the DIAA Board of Directors to render a decision.
 - 8.1.2.2 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.
 - 8.1.2.3 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.
 - 8.1.2.4 A description of the association's evaluation and rating system.
 - 8.1.2.5 A description of the association's recruiting and training programs for new members.
 - 8.1.2.6 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.
 - 8.1.2.7 Letters of recommendation or names of references from leagues which the association has serviced during their existence.
- 8.1.3 The Officials' Committee shall review the aforementioned documents and meet with the officers of the association to discuss their petition.
- 8.1.4 The Officials' Committee shall reserve the right to consult with any other interested parties during the evaluation process.
- 8.1.5 The Officials' Committee shall report its findings to the DIAA Board of Directors and recommend that the officials' association be granted recognition, granted recognition with conditions, or denied recognition.
- 8.1.6 The Board of Directors shall consider the petition for recognition and the Official's Committee recommendation and make a decision to approve or deny the request. The petitioner may request an evidentiary hearing be held before the Board pursuant to the procedures in 1006.10.1.3.2. The Board shall decide if the petitioning officials association shall be granted recognition, granted recognition with conditions, or denied recognition.
- 8.1.7 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.
 - 8.1.7.1 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:
 - 8.1.7.1.1 Total number of games worked at the varsity level.
 - 8.1.7.1.2 Total number of officials who worked games at the varsity level.
 - 8.1.7.1.3 Total number of member schools who contracted the services of the association.
 - 8.1.7.1.4 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.
 - 8.1.7.1.5 A comparison of the percentage of the association's registered officials against the number who worked Varsity level games.
 - 8.1.7.1.6 A comparison of the ratio from 8.1.7.1.5 against any existing association(s)' same ratio.
 - 8.1.7.1.7 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.

- 8.1.7.2 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.
- 8.1.8 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:
 - 8.1.8.1 Re-approve conditionally for another year on probationary status.
 - 8.1.8.2 Disapprove so as to no longer remain as an approved association.
 - 8.1.8.3 Re-approve conditionally with state tournament consideration based upon the sport worked.
 - 8.1.8.4 Completely approve the Association with full state tournament consideration equal to any existing associations(s).
- 8.1.9 The Board of Directors shall consider the petition for recognition and the Official's Committee recommendation and make a decision. The probationary officials association may request an evidentiary hearing be held before the Board pursuant to the procedures in 1006.10.1.3.2. The Board shall decide if the petitioning officials association shall be:
 - 8.1.9.1 Re-approved conditionally for another year on probationary status.
 - 8.1.9.2 Disapproved so as to no longer remain as an approved Association.
 - 8.1.9.3 Re-approved conditionally with state tournament consideration based upon the Sport worked.
 - 8.1.9.4 Completely approved with full state tournament consideration equal to any existing associations(s).
- 8.1.10 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 Required Use of Officials
 - 8.2.1 Member schools and tournament sponsors shall be required to use officials 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.
 - 8.2.1.1 In the case of emergencies such as an act of God, refusal by an association to work games, or a shortage of qualified officials, schools which desire to use other than approved officials must obtain permission from the Executive Director.
- 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 their 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 the association, an official is unable to attend the DIAA rules interpretation clinic, they may view a videotape of the DIAA clinic or, in the absence of a videotape, 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 notifies the Executive Director, in writing, of the official's inability to attend the clinic.
 - 8.3.5.2 The out of state clinic is 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 arranges for a letter to be sent to the Executive Director from the state's athletic association office verifying their attendance at the clinic.

9.0 Awards and Scholarships

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, no 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 or 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.

9.2 Scholarships

- 9.2.1 Member schools and support groups affiliated with member schools shall be permitted to present post secondary scholarships.
- 9.2.2 Non profit organizations cosponsoring a tournament shall be allowed to give post secondary scholarships to participating schools provided they are not awarded on the basis of team or individual performance in the tournament. Scholarship monies shall be administered in accordance with DIAA and NCAA regulations.

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

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) or legal guardian(s) or 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 his/her 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 his/her 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 a 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. 1954 (06/01/06)

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

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

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

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

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