

**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
Statutory Authority: 14 Delaware Code, Section 303 (14 **Del.C.** §303)  
14 **DE Admin. Code** 1040

**PROPOSED**

**PUBLIC NOTICE**

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

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

**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

**B. SYNOPSIS OF SUBJECT MATTER OF REGULATION**

Pursuant to 14 **Del.C.** §303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 **DE Admin. Code** 1040 DIAA Out-of-Season and Summer Athletic Activities and Contact. The proposed amendments clarify the parameters for out-of-season contact and coaching permitted for interscholastic athletics. The proposed changes add definitions for, *inter alia*, camps and clinics, clubs, and travel teams. The proposed changes set for when the regulation applies and further clarifies when no high school athletic participation is permitted. Finally, the proposed changes provide greater detail as to what is permitted in regard to out-of-season camps, clinics, leagues, and workouts.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before June 2, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

**C. IMPACT CRITERIA**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns out-of-season athletic participation and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns out-of-season athletic participation and is designed to improve or have no effect on the receipt of an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns out-of-season athletic participation and is designed to improve or have no effect on student health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed change will have no effect on students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation will have no effect on the authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 **Del.C.** §304).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation will have no effect on state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

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

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

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

- 1.1 In accordance with 14 **Del.C.** §303(b), this regulation sets forth the requirements for activities and contact out-of-season and in the summer at the ~~middle and high school levels~~ level.
- 1.2 The purpose of the rules in this regulation is ~~to help prevent overuse injuries in student athletes; to encourage student athletes to participate in multiple sports rather than specialize in 1 sport; to permit certain opportunities for all student athletes to work with their coaches during out-of-season and in the summer; to enhance student athletes' performance; and to help prevent exploitation of student athletes by those who seek to capitalize on their skill or reputation.~~ to:
  - 1.2.1 Help prevent overuse injuries in student athletes;
  - 1.2.2 To encourage student athletes to participate in multiple sports rather than specialize in 1 sport;
  - 1.2.3 To permit certain opportunities for all student athletes to work with their coaches during out-of-season and in the summer;
  - 1.2.4 To enhance student athletes' performance; and
  - 1.2.5 To help prevent exploitation of student athletes by those who seek to capitalize on their skill or reputation.

### 2.0 Definitions

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

**"Academic year"** means the first student day until the last student day of school.

**"Board"** means the Delaware Interscholastic Athletic Association Board of Directors established pursuant to 14 **Del.C.** Ch. 3.

**"Camp"** means an event where participants receive instruction, training, and evaluation on a specific sport or sports, the camp shall take place over several days. The camp may include competitions with camp participants. A camp shall not serve as out-of-season practice sessions.

**"Clinic"** means a meeting where participants receive instruction and evaluation on a specific sport. The clinic shall take place on a single day. A clinic shall not serve as an out-of-season practice session.

**"Club team"** means an organized competitive team that allow athletes to compete beyond the school team for a cost or fee. Club teams are not school sponsored teams.

**"Coach"** means any certified, emergency, or volunteer coach or instructor who is on a member school coaching staff.

**"Commercial camp or clinic"** means a camp or clinic that is operated for profit and provides coaching or other sports training for a fee. A commercial camp or clinic is run by a non-member school organization.

**"Competition"** means a contest between schools in which student athletes compete.

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

**"Dead period"** means a period when interscholastic athletic-related activities, including informal instruction, open gym, school sponsored camps or clinics, team-associated commercial camps or clinics, and school sponsored league play are not permitted.

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

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

**"In-season"** means the period of time from the beginning of the season until the last scheduled date for DIAA championships for the sport's season as provided in 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact.

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

**"Open gym"** means a time when a gym or facility is available for student lead unstructured athletic activities, such as: pickup basketball, volleyball, soccer, etc.; participating in fitness stations, running laps, and other student lead sport activities.

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

**"Out-of-season league"** means a league made up of school sponsored teams who compete against each other in a structured league format, outside of that sport's regular season. The league shall have established rules and definitive start and end dates.

**"Practice"** means working on skills for a particular sport within a single team at a ~~Member School~~ member school as guided by coaches and includes team workouts and inner-team scrimmages.

**"School sponsored"** means a team made up of players from the school, coached by the schools coach, wearing the school colors, and using the school name and or nickname. The team is endorsed by the school.

**"Showcase"** means an event during live NCAA recruiting periods for players to showcase their skills in front of college coaches.

**"Summer"** means the period of time from the ~~last scheduled date for DIAA spring sport championships~~ to August 1st last student day, until the first student day of the following school year.

**"Travel team"** means an organized competitive team that allows athletes to compete beyond the school team for a cost or fee. Travel teams are not school sponsored teams.

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

### **3.0 Open Gym Programs**

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

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

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

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

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

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

~~3.2.1 A coach shall not provide instruction at an open gym program. The coach may provide equipment and supervise the activities at an open gym program out-of-season and in the summer. Coaches who supervise an open gym program shall follow all of the requirements in subsection 3.1.~~

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

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

**26-DE-Reg-1053 (06/01/23)**

### **3.0 Applicability**

3.1 This regulation applies to all out-of-season coaching opportunities, including open gyms, workout and conditioning programs, informal instruction, and school based or commercial camps or clinics.

3.2 Other requirements

3.2.1 Out-of-season athletic activities and contact must meet the safety standards required during in-season practice as provided in 14 DE Admin. Code 1034 Health and Safety Requirements

3.2.2 All DIAA heat and cold weather restrictions must be followed.

3.2.3 Student athlete participation shall be voluntary and not be directly or indirectly required by a coach.

3.2.4 All out of season coaching shall be approved by the member school.

3.2.5 A coach must obtain approval from the athletic director, principal, or head of school to have out-of-season instructional contact.

3.2.6 Any use of school equipment shall be approved by the athletic director, principal, or head of school. Protective equipment, the primary purpose of which is to protect the wearer from physical injury, may be used.

3.2.7 Use of school uniforms is prohibited.

- 3.2.8 A coach may be compensated for out-of-season coaching duties if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

#### **4.0 Dead Periods**

- 4.1 Pre-season dead periods shall take place during the 7-day period before the start of the fall, winter, and spring seasons as defined in 14 DE Admin. Code 1035 In-Season Athletic Activities.
- 4.1.1 Coaches should not have any instructional contact during the 7-day pre-season dead period.
- 4.1.2 During the pre-season dead periods the only activities permitted are non-instructional meetings as defined in Section 10.0.
- 4.2 In-season dead periods shall begin with the first permissible practice date of a sports season as provided in 14 DE Admin. Code 1035 In-Season Athletic Activities and Contact. Each season's dead period shall end 4 weeks after the first permissible practice date of the respective sports season as provided in 14 DE Admin. Code 1035 In-Season Athletic Activities and Contact.
- 4.2.1 The fall sports in-season dead period applies to all winter and spring sports teams and shall begin on the first day of the earliest sports practice for the member school. If the member schools football team starts early due to a week zero game, this begins the dead period for the member school.
- 4.2.2 The winter sports in-season dead period applies to all fall and spring sports teams.
- 4.2.3 The spring sports in-season dead period applies to all fall and winter sports teams.
- 4.2.4 During the in-season dead period the only activities permitted are workouts and conditioning sessions as defined in Section 8.0.
- 4.3 Student athletes should have at least 11 weeks of rest total in any given sport in a calendar year.

#### **5.0 Academic Year**

- 5.1 The academic year runs from the first student day, until the last student day, and all dead periods as defined in Section 4.0 apply.
- 5.2 The following out-of-season coaching activities are permitted during the academic year:
- 5.2.1 Open gym;
- 5.2.2 Individual or team workouts and conditioning;
- 5.2.3 Informal instruction;
- 5.2.4 Non-instructional meetings;
- 5.2.5 School camps and clinics;
- 5.2.6 Commercial camps and clinics; and
- 5.2.7 Out-of-season league play so long as the following conditions are met:
- 5.2.7.1 Coaches may only coach players from the coach's school in 1 out-of-season league during the academic year;
- 5.2.7.2 Coaching staff may not split to coach in multiple leagues, but schools may field more than 1 team per league so long as student athletes do not participate on more than 1 team;
- 5.2.7.3 Coaches may not coach during the defined dead periods; and
- 5.2.7.4 Coaches do not coach in showcases or tournaments during the academic year.

#### **6.0 Summer**

- 6.1 The summer period runs from the last student day, until the first student day of the following school year, and all dead periods as defined in Section 4.0 apply.
- 6.2 The following out-of-season coaching activities are permitted during the summer:
- 6.2.1 Open gym;
- 6.2.2 Individual or team workouts and conditioning;
- 6.2.3 Informal instruction;
- 6.2.4 Non-instructional meetings;
- 6.2.5 School camps and clinics;
- 6.2.6 Commercial camps, clinics, showcases; and
- 6.2.7 Out-of-season league play.

## **7.0 Open Gym Programs**

- 7.1 A member school may open its gymnasium or other facility for informal, recreational activities out-of-season and in the summer provided the requirements in Section 3.0 "Applicability", Section 4.0 "Dead Periods", and subsections 7.2 through 7.4 are met.
- 7.2 The open gym program shall be available to all students accepted and registered in the member school and shall not be restricted to members of a particular team. The open gym program shall not be available to students who are not accepted and registered in the member school. The open gym period shall not be advertised as a sport specific open gym.
- 7.3 The activities shall be student-generated. Sport-specific drills and competition with fixed team rosters are prohibited.
- 7.4 A coach shall not provide instruction at an open gym program. The coach may provide equipment and supervise the activities at an open gym program out-of-season and in the summer.

## **4.0 8.0 Individual and Team Workouts and Conditioning Programs**

- 4.1 ~~8.1~~ A Member School member school may provide individual and team workouts and conditioning programs out-of-season and in the summer provided the requirements in 4.1.1 through 4.1.6 Section 3.0 and subsections 8.1.1 through 8.1.3 are met.
  - 4.1.1 ~~8.1.1~~ The workout session or conditioning program shall be available to all students accepted and registered in the Member School member school and shall not be restricted to members of a particular team. The workout session or conditioning program shall not be available to students who are not accepted and registered in the Member School member school.
  - 4.1.2 Student athletes' participation in the workout session or conditioning program shall be voluntary.
  - 4.1.3 ~~8.1.2~~ Aerobic, agility, balance, flexibility, and resistance training is are permitted. Sport-specific instruction and equipment is are prohibited.
  - 8.1.3 Coaches who supervise individual and team workouts and conditioning programs shall meet not provide sports specific instruction at individual or team workouts or conditioning programs. The coach may provide instruction or demonstration on proper and safe workout, conditioning, and strength training techniques. The coach may provide equipment and supervise workouts and conditioning programs out-of-season and in the summer.
  - 4.1.4 The Member School shall require student athletes to provide their own workout clothing so that the school's uniforms are not used.
  - 4.1.5 Workouts and conditioning programs shall meet the safety standards required during in-season practice.
  - 4.1.6 During the summer, a Member School may conduct a conditioning program if it is phased in gradually, individually, and progressively to minimize the risk of injury.
- 4.2 Coaches who supervise individual and team workouts and conditioning programs shall meet the requirements in subsections 4.2.1 through 4.2.3.
  - 4.2.1 A coach shall not provide instruction at individual or team workouts or conditioning programs. The coach may provide equipment and supervise workouts and conditioning programs out-of-season and in the summer. Coaches who supervise a workout or conditioning program shall follow all of the requirements in subsection 4.1.
  - 4.2.2 A coach shall not directly or indirectly require a student athlete to participate in a session or program.
  - 4.2.3 If a coach's school or district decides to compensate the coach for supervising a workout or conditioning program, the coach may be compensated for supervising a workout or conditioning program if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

## **5.0 9.0 School-Sponsored Informal Instruction**

- 5.1 ~~9.1~~ A Member School member school may provide informal instruction out-of-season and in the summer provided the requirements in Sections 3.0 and 4.0 and subsections 5.1.1 through 5.1.12 9.1.1 through 9.1.5 are met.
  - 5.1.1 A student athlete may request informal instruction out-of-season and in the summer provided the informal instruction meets all of the requirements in subsections 5.1.2 through 5.1.12.
  - 5.1.2 ~~9.1.1~~ The informal instruction shall be open, voluntary, and equally available to all accepted and registered students in the Member School and shall not be restricted to members of a particular team. The informal instruction shall not be available to students who are not accepted and registered in the Member School member school.
  - 5.1.3 Student athletes' participation in informal instruction shall be voluntary.

- ~~5.1.4 9.1.2~~ Informal instruction may be scheduled for a single session that occurs on 1 date or multiple sessions that occur over a period of time. ~~The intent of subsection 5.1.4 is to prohibit multiple coaches from providing informal instruction to multiple groups of students at the same time.~~
- ~~5.1.5~~ Drills to teach sport-specific skills with only demonstration-level contact are permitted. Drills that promote direct or intentional physical contact are prohibited in all sports except wrestling. Team competitions or contests are prohibited.
- ~~5.1.6~~ The Member School shall require student athletes to provide their own workout clothing so that the school's uniforms are not used.
- ~~5.1.7 9.1.3~~ Informal instruction shall not exceed 2 hours per day and a maximum of 4 hours per week per student inclusive of all out-of-season interscholastic athletic activities.
- ~~5.1.8 9.1.4~~ Informal instruction should be scheduled during times that do not overlap with in-season practices or competitions.
- ~~9.1.5~~ Drills to teach sport-specific skills with only demonstration-level contact are permitted. Drills that involve direct or intentional physical contact are prohibited in all sports except wrestling. Team competitions or contests are prohibited.
- ~~5.1.9~~ Dead periods shall begin with the first permissible practice date of a sports season as provided in **14 DE Admin. Code 1035 In-Season Athletic Activities and Contact**. Each season's dead period shall end 4 weeks after the first permissible practice date of the respective sports season as provided in **14 DE Admin. Code 1035 In-Season Athletic Activities and Contact**. An additional dead period shall begin with the last scheduled spring championship game and end 2 weeks later.
- ~~5.1.9.1~~ Student athletes should have at least 12 weeks of rest total in any given sport in a calendar year.
- ~~5.1.9.2~~ Member Schools are responsible for tracking the rest periods for their student athletes.
- ~~5.1.10~~ All informal instruction shall be approved by the Member School.
- ~~5.1.11~~ Informal instruction shall meet the safety standards required during in-season practice as provided in **14 DE Admin. Code 1035 In-Season Athletic Activities and Contact**.
- ~~5.1.12~~ Any use of school equipment shall be approved by the Principal or Head of School. Protective equipment, the primary purpose of which is to protect the wearer from physical injury, may be used.
- ~~5.2~~ Coaches who provide informal instruction shall meet the requirements in subsections 5.2.1 through 5.2.5:
- ~~5.2.1~~ A coach may provide informal instruction to any student accepted and registered in the Member School at which the coach coaches out-of-season and in the summer.
- ~~5.2.2~~ A coach who provides informal instruction shall follow the requirements in subsection 5.1.
- ~~5.2.3~~ A coach shall not provide informal instruction that limits participation to members of the coach's school team.
- ~~5.2.4~~ A coach shall not directly or indirectly require a student athlete to participate in informal instruction.
- ~~5.2.5~~ If a coach's school or district decides to compensate the coach for providing informal instruction, the coach may be compensated for providing informal instruction if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

## **6-9 10.0 Noninstructional Meetings**

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

## **7-9 11.0 School Camps and Clinics**

- ~~7.1 11.1~~ A school camp or clinic is a camp or clinic that is open to all student athletes regardless of whether they are accepted and registered students at the school, is operated for profit as a school fundraiser or not-for-profit, and provides coaching or other sports training that is consistent with the DIAA's purpose as provided in **14 Del.C. § 301**.
- ~~7.2 11.2~~ Member Schools Coaches and member schools, including school organizations and school-related groups, such as booster clubs, shall meet the requirements in Sections 3.0 and 4.0 and subsections ~~7.2.1 through 7.2.5~~ 11.2.1 through 11.2.4.
- ~~7.2.1 11.2.1~~ The school camp or clinic shall be open, voluntary, and equally available to all students and shall not be restricted to members of a particular team.
- ~~7.2.2 11.2.2~~ The ~~Member School~~ member school shall not host or fund a school camp or clinic that limits participation to its own teams.

- 11.2.3 A coach may provide instruction to any student athlete, including student athletes accepted and registered in the member school, at a school camp or clinic at the member school where the coach coaches out-of-season and in the summer.
- 11.2.4 A coach shall not host or fund a school camp or clinic that limits participation to members of the coach's school team.
- 7.2.3 ~~Student athletes' participation in a school camp or clinic shall be voluntary.~~
- 7.2.4 ~~The Member School shall require student athletes to provide their own clothing so that the school's uniforms are not used.~~
- 7.2.5 ~~Any use of school equipment shall be approved by the Principal or Head of School.~~
- 7.3 ~~Coaches shall meet the requirements in subsections 7.3.1 through 7.3.5.~~
  - 7.3.1 ~~A coach may provide instruction to any student athlete, including student athletes accepted and registered in the Member School, at a school camp or clinic at the Member School where the coach coaches out-of-season and in the summer.~~
  - 7.3.2 ~~A coach who provides instruction to student athletes at a school camp or clinic shall follow the requirements in subsection 7.2.~~
  - 7.3.3 ~~A coach shall not host or fund a school camp or clinic that limits participation to members of the coach's school team.~~
  - 7.3.4 ~~A coach shall not directly or indirectly require a student athlete to participate in a school camp or clinic.~~
  - 7.3.5 ~~If a coach's school or district decides to compensate the coach for providing instruction at a school camp or clinic, the coach may be compensated for providing instruction at a school camp or clinic if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.~~
- 7.4 ~~Student athletes may choose to participate in school camps and clinics out of season and in the summer provided the requirements in subsections 7.4.1 through 7.4.3 are met.~~
  - 7.4.1 ~~The student athlete shall not wear the Member School's uniform.~~
  - 7.4.2 ~~The student athlete shall not use school equipment unless the student athlete has obtained the Member School's approval as provided in subsection 7.2.5.~~
  - 7.4.3 ~~The student athlete's participation must be voluntary and not be required by the student athlete's school coach.~~

## **8.012.0 Commercial Camps and Clinics**

- 8.1 12.1A commercial camp or clinic is a camp or clinic that is operated for profit and provides coaching or other sports training for a fee. A commercial camp or clinic is run by a non-member school organization.
- 8.2 12.2Member Schools Coaches and member schools, including school organizations and school-related groups, such as booster clubs, shall meet the requirements in Sections 3.0 and 4.0 and subsections 8.2.1 and 8.2.2 12.2.1 through 12.2.8.
  - 8.2.1 ~~The Member School shall not provide equipment to a student athlete to use at a commercial camp or clinic. Notwithstanding the foregoing requirement, a Principal or Head of School may approve the use of school equipment by a student athlete if the commercial camp or clinic does not provide equipment and the Principal or Head of School believes that the student athlete lacks the resources to obtain such equipment.~~
  - 8.2.2 ~~The Member School shall require student athletes to provide their own clothing so that the school's uniforms are not used.~~
- 8.3 ~~Coaches who provide instruction at a commercial camp or clinic shall meet the requirements in subsections 8.3.1 through 8.3.4.~~
  - 8.3.1 12.2.1A coach may have instructional contact with student athletes who are not returning members of the coach's school team at a commercial camp or clinic out-of-season and in the summer.
  - 8.3.2 ~~A coach may have instructional contact with returning members of the coach's school team at a commercial camp or clinic out of season and in the summer provided that the requirements in subsections 8.3.2.1 through 8.3.2.13 are met.~~
    - 8.3.2.1 ~~The coach shall have obtained approval to have the instructional contact from the Member School at which the coach coaches.~~
    - 8.3.2.2 ~~The coach shall not use the name of the Member School at which the coach coaches.~~
    - 8.3.2.3 ~~The coach shall not directly or indirectly require a student athlete to participate in the commercial camp or clinic.~~
    - 8.3.2.4 ~~The commercial camp or clinic is open and equally available to all student athletes.~~

- 8.3.2.5 Out-of-season, the coach's instructional contact with returning student athletes at the commercial camp or clinic shall be limited as follows:
- 8.3.2.5.1 For individual athletic activities, the coach may provide instruction to returning student athletes up to 2 hours per day except during the no-contact periods provided in subsection 8.3.2.9. The instruction shall not exceed a total of 4 hours per week.
  - 8.3.2.5.2 For team-based athletic activities, the coach may provide instruction to returning student athletes up to 5 hours per day and for a total of 4 days per week except during the no-contact periods provided in subsection 8.3.2.9.
- 8.3.2.6 During the summer, a coach may have instructional contact with returning student athletes at up to 3 commercial camps or clinics as follows:
- 8.3.2.6.1 For day camps and clinics, the coach may provide instruction to returning student athletes up to 8 hours per day for up to 5 days per week except during the no-contact periods provided in subsection 8.3.2.9.
  - 8.3.2.6.2 For overnight camps and clinics, the coach may provide instruction to returning student athletes according to the agenda published by the camp or clinic except during the no-contact periods provided in subsection 8.3.2.9.
- 8.3.2.7 The number of returning student athletes to whom the coach provides instruction at the commercial camp or clinic shall not exceed the maximum number set forth below. If a coach provides instruction to both sexes in a sport, the maximum number of returning student athletes shall not exceed the maximum number of returning student athletes for each sex (e.g., up to 8 girls and 8 boys in outdoor track and field). For modified versions of the sports below (e.g., 7 on 7 football and 3 on 3 basketball), the maximum number of returning student athletes shall not exceed 80% of the number of players that would constitute a starting lineup in the modified sport.

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

- 8.3.2.8 If the number of returning student athletes exceeds the maximum number permitted under subsection 8.3.2.7, the coach shall not have any instructional contact with any returning student athletes at the camp or clinic. Rotating players from the same school team is not permitted. During the summer, subsections 8.3.2.7 and 8.3.2.8 do not apply to team camps provided that the school



team's attendance is funded through fundraisers and all other requirements of subsection 8.3.2 are met. For the purpose of this regulation, a team camp is a sports training camp hosted by a college or university as a fundraiser for 1 day, overnight, or up to 4 days that a school team attends in an effort to strengthen the team's bond and to help the team learn to work together as 1 unit.

8.3.2.9 The coach shall not have any instructional contact with any returning student athletes during the 7-day period before the start of the fall, winter, and spring seasons as defined in 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact.

8.3.2.10 The commercial camp or clinic is sponsored by a nonschool organization that is affiliated and in good standing with an overseeing national organization for a minimum of 1 year. For the purpose of subsection 8.3.2.10, national organizations include, but are not limited to, Amateur Athletic Union (AAU), Olympic Development Program (ODP), USA Track and Field (USATF), and USA Volleyball (USAV).

8.3.2.11 The commercial camp or clinic was advertised in print and online for at least 2 weeks prior to the start date of the camp or clinic.

8.3.2.12 The nonschool organization conducting the commercial camp or clinic is insured.

8.3.2.13 The instructional contact is voluntary (i.e., not for pay) or the source of compensation for instructional contact is anonymous and equal for each Member School, as provided in subsection 8.3.3, and as verified by the commercial camp or clinic.

8.3.3 A coach may be compensated by the commercial camp or clinic for instructional contact with student athletes who are not on the coach's school team. A coach shall not be compensated by the Member School at which they are employed, including school organizations and school-related groups, such as booster clubs, or by a student athlete or a student athlete's family. A coach may be compensated by the commercial camp or clinic for instructional contact with returning student athletes who are on the coach's school team if the source of compensation is anonymous and equal for each Member School. For the purpose of Section 8.0 of this regulation, anonymous means that the origin of the funds in the source from which the coach is paid is unknown to coaches and participants.

8.3.4 Prior to the start date of providing instruction at a commercial camp or clinic, a coach shall complete, sign, and submit the DIAA approved form verifying that the coach meets the requirements in subsections 8.3.1 through 8.3.3 to the DIAA Office and the coach's Member School.

8.3.4.1 If a coach will be compensated for instructional contact with any student athletes who are on the coach's school team, before the coach submits the coach's form to the DIAA Office, the coach is required to have an authorized representative of the commercial camp or clinic complete and sign the declaration on the coach's form that the source of compensation is as provided in subsection 8.3.3. If an authorized representative of the commercial camp or clinic does not complete or sign the declaration on the coach's form, the coach's form will be deemed incomplete by DIAA and the coach will not be permitted to have instructional contact with any returning student athletes on the coach's school team at the commercial camp or clinic until the coach has submitted a form with a declaration that is completed and signed by an authorized representative of the organization.

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

8.4 Student athletes may choose to participate in commercial camps and clinics, including private lessons, out-of-season and in the summer provided the requirements in subsections 8.4.1 through 8.4.4 are met.

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

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

8.4.3 The student athlete shall not use school equipment unless the student athlete has obtained the Member School's approval as provided in subsection 8.2.1.

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

12.2.2 During the academic year, the coach's instructional contact with returning student athletes at the commercial camp or clinic shall be limited to instruction to athletes up to 2 hours per day and a maximum of 4 hours per week on a school day. On non-school days the coach may provide instruction for up to 5 hours per day and a maximum of 4 days per week. During the summer, a coach may have instructional contact with returning student athletes at up to 3 commercial camps or clinics as follows:

- 12.2.2.1 For day camps and clinics, the coach may provide instruction to returning student athletes up to 8 hours per day for up to 5 days per week except during the dead periods provided in Section 4.0; and
- 12.2.2.2 For overnight camps and clinics, the coach may provide instruction to returning student athletes according to the agenda published by the camp or clinic except during the dead periods provided in Section 4.0.
- 12.2.3 During the summer, a coach may have instructional contact with returning student athletes at team based camps. For the purpose of this regulation, a team camp is a sports training camp hosted by a college or university as a fundraiser for 1 day, overnight, or up to 4 days that a school team attends in an effort to strengthen the team's bond and to help the team learn to work together as a unit.
- 12.2.4 The commercial camp or clinic is sponsored by a non-school organization that is in good standing.
- 12.2.5 The commercial camp or clinic was advertised in print and online for at least 2 weeks prior to the start date of the camp or clinic.
- 12.2.6 The non-school organization conducting the commercial camp or clinic is insured.
- 12.2.7 The instructional contact is unpaid or the source of compensation for instructional contact not directly from the member school, student athlete, or athlete's family.
- 12.2.8 A coach may be compensated by the commercial camp or clinic for instructional contact with student athletes who are not on the coach's school team. A coach shall not be compensated by the member school at which they are employed, including school organizations and school-related groups, such as booster clubs, or by a student athlete or a student athlete's family. A coach may be compensated by the commercial camp or clinic for instructional contact with returning student athletes who are on the coach's school team if the source of compensation is not directly from the member school, student athlete, or athlete's family.

**27 DE Reg. 861 (05/01/24)**

### **13.0 Out-of-Season League Play**

- 13.1 A coach may have instructional contact with student athletes who are returning members of the coach's school team in out-of-season leagues, out-of-season and in the summer provided the requirements in Sections 3.0 and 4.0 and the following are met:
  - 13.1.1 The out-of-season league is sponsored by a non-school organization;
  - 13.1.2 The out-of-season league was advertised in print and online for at least 2 weeks prior to the start date of the activity, program, or team;
  - 13.1.3 The organization conducting the out-of-season league is insured;
  - 13.1.4 The coach holds organizational practices only if it is permitted by the written, pre-established rules of the league. If the league does not have written, pre-established rules regarding organizational practice, then organizational practice is not permitted;
  - 13.1.5 No more than 1 organizational practice may be held per game;
  - 13.1.6 The number of games and practices shall not exceed 3 in 1 week;
  - 13.1.7 During the academic year, coaches do not coach in more than 1 out-of-season league;
  - 13.1.8 Coaching staff do not split to coach in multiple leagues. Schools may field more than 1 team per league;
  - 13.1.9 If schools field more than 1 team per league, no student athletes may participate on more than 1 team; and
  - 13.1.10 The league does not overlap with the regular season or playoffs for the sport.
- 13.2 Coaching in showcases or tournaments is not permitted during the academic year.

### **9.014.0 Nonschool Non-school Athletic Activities, Programs, Travel Programs, Clubs, and Teams**

- 9.1 14.1 DIAA does not have jurisdiction over ~~nonschool~~ non-school athletic activities, programs, travel programs, clubs or teams conducted by outside organizations that are not affiliated with ~~Member Schools~~ member schools even if school facilities are used.
- 9.2 14.2 ~~Member Schools~~ schools, including school organizations and school-related groups, such as booster clubs, shall meet the requirements in subsections ~~9.2.1 through 9.2.3~~ 14.2.1 through 14.2.3.
- 9.2.1 14.2.1 ~~The Member School~~ member school shall not provide any form of financial assistance or transportation to student athletes who participate in ~~nonschool~~ non-school athletic activities or programs or on ~~nonschool~~ non-school athletic teams.
- 9.2.2 14.2.2 ~~The Member School~~ member school shall not provide equipment to a student athlete to use in a ~~nonschool athletic activity or program or on a nonschool athletic team~~ non-school athletic activities.

programs, travel programs, clubs, or teams. Notwithstanding the foregoing requirement, a ~~Principal or Head of School~~ principal or head of school may approve the use of school equipment by a student athlete if the organization conducting the ~~nonschool~~ non-school athletic activity, program, or team does not provide equipment and the ~~Principal or Head of School~~ principal or head of school believes that the student athlete lacks the resources to obtain such equipment.

~~9.2.3~~ 14.2.3 ~~The Member School~~ member school shall require student athletes to provide their own clothing so that the school's uniforms are not used.

~~9.3~~ 14.3 Coaches who provide instruction at ~~nonschool athletic activities or programs or to nonschool athletic teams~~ non-school athletic activities, programs, travel programs, clubs, or teams shall meet the requirements in subsections ~~9.3.1 through 9.3.4~~ 14.3.1 through 14.3.4.

~~9.3.1~~ 14.3.1 A coach may have instructional contact with student athletes who are not returning members of the coach's school team at ~~nonschool athletic activities or programs or on nonschool athletic teams~~ non-school athletic activities, programs, travel programs, clubs, or teams out-of-season and in the summer.

~~9.3.2~~ 14.3.2 A coach may have instructional contact with student athletes who are returning members of the coach's school team at ~~nonschool athletic activities or programs or on nonschool athletic teams~~ non-school athletic activities, programs, travel programs, clubs, or teams out-of-season and in the summer provided the requirements in subsections ~~9.3.2.1 through 9.3.2.14~~ 14.3.2.1 through 14.3.2.12 are met.

~~9.3.2.1~~ 14.3.2.1 The coach shall have obtained approval to have the instructional contact from the ~~Member School~~ member school at which the coach coaches.

~~9.3.2.2~~ 14.3.2.2 The coach shall not use the name of the ~~Member School~~ member school at which the coach coaches.

~~9.3.2.3~~ 14.3.2.3 The coach shall not directly or indirectly require a student athlete to participate in a ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams.

~~9.3.2.4~~ 14.3.2.4 The ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams are open and equally available to all student athletes.

~~9.3.2.5~~ 14.3.2.5 The coach's instructional contact with returning student athletes at the ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams shall be limited as follows:

~~9.3.2.5.1~~ 14.3.2.5.1 For individual athletic activities out-of-season and in the summer, the coach may provide instruction to returning student athletes up to 2 hours per day except during the no-contact periods provided in subsection ~~9.3.2.9~~ 14.3.2.8. The instruction shall not exceed a total of 4 hours per week.

~~9.3.2.5.2~~ 14.3.2.5.2 For team-based athletic activities out-of-season, the coach may provide instruction to returning student athletes up to 2 hours per day and for a total of 4 hours per week except during the no-contact periods provided in subsection ~~9.3.2.9~~ 14.3.2.8.

~~9.3.2.5.3~~ 14.3.2.5.3 For team-based athletic activities during the summer, the coach may provide instruction to returning student athletes up to 5 hours per day and for a total of 4 days per week except during the no-contact periods provided in subsection ~~9.3.2.9~~ 14.3.2.8.

~~9.3.2.6~~ 14.3.2.6 The number of returning student athletes to whom the coach provides instruction at the ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams shall not exceed the maximum number set forth below. If a coach provides instruction to both sexes in a sport, the maximum number of returning student athletes shall not exceed the maximum number of returning student athletes for each sex (e.g., up to 8 girls and 8 boys in outdoor track and field). For modified versions of the sports below (e.g., 7-on-7 football and 3-on-3 basketball), the maximum number of returning student athletes shall not exceed 80% of the number of players that would constitute a starting lineup in the modified sport.

Sport	Maximum Number of Returning Student Athletes
Baseball	7
Basketball	4
Cross Country	8

Golf	4
Field Hockey	9
Football	9
Indoor Track	8
Lacrosse - Boys'	8
Lacrosse - Girls'	10
<del>Outdoor</del> Track and Field	<del>8</del> <u>24</u>
Soccer	9
Softball	7
Swimming and Diving	8
Tennis	4
Volleyball	5
Wrestling	9

- ~~9.3.2.7~~ 14.3.2.7 If the number of returning student athletes exceeds the maximum number permitted under subsection ~~9.3.2.6~~ 14.3.2.6, the coach shall not have any instructional contact with any returning student athletes at ~~the nonschool athletic activity, program, or team~~ any non-school athletic activities, programs, travel programs, clubs, or teams. Rotating players from the same school team is not permitted.
- ~~9.3.2.8~~ During the summer, subsection ~~9.3.2.6~~ does not apply to nonschool athletic teams participating in leagues in a DIAA recognized sport.
- ~~9.3.2.9~~ 14.3.2.8 The coach shall not have any instructional contact with any returning student athletes during the 7-day period before the start of the fall, winter, and spring seasons as defined in **14 DE Admin. Code** 1035 In-Season Athletic Activities and Contact.
- ~~9.3.2.10~~ 14.3.2.9 The ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams are sponsored by a ~~nonschool~~ non-school organization that is affiliated and in good standing with an overseeing national organization for a minimum of 1 year. For the purpose of subsection ~~9.3.2.10~~ 14.3.2.9, national organizations include, ~~but are not limited to,~~ Amateur Athletic Union (AAU), Olympic Development Program (ODP), USA Track and Field (USATF), and USA Volleyball (USAV).
- ~~9.3.2.11~~ 14.3.2.10 The ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams were advertised in print and online for at least 2 weeks prior to the start date of the activity, program, or team.
- ~~9.3.2.12~~ 14.3.2.11 The ~~nonschool~~ non-school organization conducting the activity, program, travel program, club, or team is insured.
- ~~9.3.2.13~~ The coach may hold organizational practices for a league or tournament if it is permitted by the written, pre-established rules of the league or tournament. If the league or tournament does not have written, pre-established rules regarding organizational practice, then organizational practice is not permitted. In no event shall more than 1 organizational practice be permitted and the number of games and practices shall not exceed 3 in 1 week.
- ~~9.3.2.14~~ 14.3.2.12 The instructional contact is voluntary (i.e., not for pay) or the source of compensation for instructional contact is anonymous and equal for each ~~Member School~~ member school, as provided in subsection ~~9.3.3~~ 14.3.3, and as verified by the organization conducting the ~~nonschool~~ non-school athletic activity, program, travel program, club, or team.
- ~~9.3.3~~ 14.3.3A A coach may be compensated for instructional contact with student athletes who are not on the coach's school team by the organization conducting the ~~nonschool athletic activity, program, or team~~ non-school athletic activities, programs, travel programs, clubs, or teams. A coach shall not be compensated by the ~~Member School~~ member school at which they are employed, including school organizations and school-related groups, such as booster clubs, or by a student athlete or a student athlete's family. A coach may be compensated for instructional contact with returning student athletes who are on the coach's

school team by the organization conducting the ~~nonschool~~ non-school athletic activity, program, or team if the source of compensation is ~~anonymous and equal for each Member School~~ not directly from the member school, student athlete, or athlete's family. For the purpose of Section 9-0 14.0 of this regulation, anonymous means that the origin of the funds in the source from which the coach is paid is unknown to coaches and participants.

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

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

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

9.4 14.4 ~~Student athletes may participate in nonschool~~ non-school athletic activities, programs, and travel programs, clubs, or teams out-of-season and in the summer provided the requirements in subsections 9.4.1 through 9.4.4 14.4.1 through 14.4.4 are met.

9.4.1 14.4.1 ~~The student athlete shall participate unattached and not as a representative of the student athlete's Member School~~ member school.

9.4.2 14.4.2 ~~The student athlete shall not wear the student athlete's Member School's~~ member school's uniform.

9.4.3 14.4.3 ~~The student athlete shall not use school equipment unless the student athlete has obtained the Member School's~~ member school's approval as provided in subsection 9.2.2 14.2.2.

9.4.4 14.4.4 ~~The student athlete's participation must be voluntary and not be required by the student athlete's school coach.~~

**26 DE Reg. 1053 (06/01/23)**

#### **40-015.0 Violations and Penalties**

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

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

**26 DE Reg. 203 (09/01/22)**

**26 DE Reg. 1053 (06/01/23)**

**27 DE Reg. 861 (05/01/24)**

**28 DE Reg. 785 (05/01/25) (Prop.)**