

May 3rd, 2019

Department of Education
Office of the Secretary
Attn: Proposed Changes to Regulation 1008 and 1009

Subject: Proposed DIAA Regulations Regarding Out of Season Coaching by High School Coaches

I write to you today about the proposed changes to DIAA regulations regarding Out of Season Coaching. I am a parent of a former DIAA student athlete and a professional involved with multiple youth organizations now and for over ten years.

I have been following this issue very closely and have been at every DIAA Board Meeting since August and both Rules and Regulations Committee meetings in February and March of 2019 and I have made a public comment at every single one of those meetings, often twice. In addition, I have already directly sent two letters (one to the entire DIAA Board and Rules and Regulations Committee and one to Mr. Neubauer, Dr. Layfield, and Mr. Cimagila) that have gone essentially unanswered about my concerns about the proposed regulations in regards to the clarity in the language and the scope of the changes. My public comment at the DIAA Board meetings in my opinion has never been reflected accurately in the meeting minutes and often has been misstated. So, I write this letter with a lot of background to the proposed changes on the table.

First, I do believe that the current rules for out of season coaching in Delaware do need to be updated to reflect the current environment of youth sports and should be revised to be more in line with our surrounding states. The current regulations do put our Delaware student athletes at disadvantage because they are often limited in selecting the coach or team that they believe will allow them to be successful in the athletic endeavors. This decision/choice on who can and how a student athlete should receive training from for their athletic development belongs with the student athlete and their parents and no regulations should restrict that choice. In addition, we are losing qualified coaches in both the school and non-school setting because coaches are making a choice. Many qualified coaches are not coaching high school and many high school coaches (which are some of the best in the state in their sport) are not coaching outside of the school because of these restrictions. Our high school coaches are normally the best vetted coaches and understand the importance of academic-based athletics and why would we not want them to have more reasonable interaction with their student athletes if possible. However, my opinion regarding the out of the season coaching has never supported basically unrestricted year around coaching in any environment that is currently being proposed but instead just for the flexibility for student-athletes and their parents to have the choice of coach, team, club, clinic, camp, etc. in non-school setting in the off-season. I have attached my public comment from 10-2018 as a reference regarding the case for relaxing the restrictions on out of season coaching as well as a proposal that was submitted to the board in July 2018. I also attached the letter (referenced above) that was sent on March 8th DIAA Board and Rules and Regulations Committee about my concerns about the proposed regulations.

More importantly, I would like to address my concerns about the proposed changes. These changes go beyond the scope of the original motion that was passed/approved at the January DIAA meeting in regards to Question #22 and Question #24 dealing with coaching out of season for non-school sports activities [during the school/academic year], and relaxing the restrictions that are currently in place for the summer from the WestEd Out of Season Coaching Survey which was also agreed with the Member Schools at their annual meeting with DIAA in January 2019. These proposed regulations will create undue pressure on and burn-out for the student athlete which was never the intent of any effort to change the rules. Student athletes could end up in the gym, court, or field up to 6 hours for each sport they play just at their school in addition to their current sports season without even mentioning the possibility of non-school training activities. The multi-sport athlete, which everyone including yourself says they want to preserve, will end up the victim in this new world. Multi-sport athletes will now feel more pressure to select a single sport simply because 1) the avenue has been given to them to specialize in their own school setting and 2) they will not be able to keep up in the new world. Not to even mention this environment will create the potential for more injuries to the athletes by not allowing them rest or recover.

In addition, stronger programs in school will get stronger, struggling programs will continue to struggle and be discontinued. School programs with better financial resources will far surpass those without, as those programs are

able to finance outside locations to hold practices. Programs that do not rely on transportation for students will have more opportunities for their programs than those that do.

In speaking with multiple parents of student athletes, these proposed changes do not align with their original concerns around out of season coaching restrictions. The majority of parents are looking for the ability to select their athlete's coach for coaching services outside of the school season without any restrictions on their choices. Now by allowing high school coaches to hold regular school-based practices during the school year, their choice has essentially been made for them again even if these practices or activities are labeled voluntary.

Also, these proposed changes do not align with the WestED survey data. The survey did not provide any data to support the unilateral changes regarding elimination of open gyms, conditioning and unfettered access to the student athletes during the school year. The survey did not ask any questions regarding coaching of an entire team or any student-athletes by their high school coaches in school-sponsored events during the school/academic year. At present, there has been no comprehensive data to show that the member schools want this and the large majority of athletic directors recently validated that in their April's meeting that they do not support the regulations 100% as written and were not pleased with the change in scope. It is my understanding this occurred before the last DIAA Meeting and several DIAA Board members were aware of the athletic directors' concerns and nothing was raised at DIAA Board Meeting on April 11th which could have been an opportunity for the DIAA Board to revisit proposed regulations at that time.

While my suggestion would be to modify these regulations before approving and passing, if DIAA chooses to stay with the regulations as they are drafted, they need to be rewritten for more clarity in language. Recently, I have engaged in discussion with others about them and received two different interpretations from two separate attorneys. The use of the word "programs" being defined as "school sponsored" in section 1.1 clearly impacts the application/meaning of section 7.6.1.2. One opinion states that the subsections of 7.6.1.2 only applies to the out of coaching season in a program (i.e. school sponsored). With that said, high school coaches would now be able to provide instructional contact to their school students outside their designated sports season in a non-school affiliated organization without any restrictions, rather it be time, numbers, availability, compensation, etc. This is consistent with the comments I heard from DIAA Board and Rules and Regulations Committee members that they cannot regulate the practices of outside organizations. On the other side, another attorney has interpreted that since 7.6.1.2 states "Programs" that high school coaches are only allowed to coach their school students outside of the designated sports season if it is in a program (school-sponsored). While he stated this is the proper way to read the regulation, he also stated the 7.6.1.2.4 reference to non-school affiliated organization does not fit in that section and creates inconsistent language and intent of the regulations. Again, based on the meetings I attended, there is clearly an intention to allow the high school coaches to provide instructional contact outside of the designated sports season to their school students in non-school setting. This is further reinforced based on the fact that the original motion passed at the January meeting was to review the rules and regulations specifically related to Question #22 in the DIAA's Out of Season Coaching survey as it relates to non-school affiliated programs. A few other areas of inconsistent or unclear language raised are:

- 1) Do the dead periods apply only to programs or any type out of season coaching in any environment?
- 2) Are the dead periods applied only to student athletes that are participating in the current sports season?
- 3) Also, does the 6 hours limit apply to non-school camps and clinics? The regulations only seem to waive that specifically for school sponsored camps and clinics.

I suggest strongly that wording of the regulations needs to be addressed to make it clearer before the regulations can put into effect. Yes, they will be a learning period and yes, they will misinterpretations but I do believe for a change of this magnitude that could impact the next year's sports season tremendously that it should start in a place with consistent language, wording and understanding. To ignore these inconsistencies or lack of clarity is a bad business practice and opens the DIAA Board to the opportunity for negative criticism and puts the coaches, athletic directors and student athletes in a world of ambiguity.

Next, I would like to address the compensation (or lack thereof) to these coaches for out of season coaching. While I understand this stance lies in the Public Integrity Committee opinion of 2003 (16 years old), the climate of youth sports and student athletics is much different now. While I do not favor private lessons or exclusive school team events which allow coaches to be paid, I do believe in fair compensation of our high school coaches who choose to coach outside the school setting that has the potential benefit to all student-athletes from a variety of different

schools and backgrounds. This issue should receive a fresh look and ensure that the ethical issue relating to a school coach providing private lessons to a student athlete is not being confused with that coach providing professional coaching services to a non-school team, camp, clinic, as long as the program is open, voluntary and available to all student athletes. How is this any different from a teacher that works for outside organization and teaches SAT class? What about athletic trainers or school doctors that are providing services to a school for their athletes during school season and then those athletes go to their practice for additional services or follow up treatment? Should these trainers or doctors not receive payment for these services?

If compensation for coaching your players out of season is 100% prohibited, I ask the following scenario to be considered or addressed. If a coach is coaching a team of 10 players, and 3 of them are from their school, can the coach's salary be reduced by number of players from their school – in case by 30%. In this scenario, the coach is not being paid to coach those players.

In closing, at this time, as written, I recommend that the DIAA Board not simply reject the proposed changes but modify these proposed changes to stay in the scope of the original motion in January 2019 board meeting and adjust the regulations to only address out of coaching in non-school setting (Question #22) during the academic/school year and changes in the summer months (Question #24). The DIAA Board and Rules and Regulations Committee has made progress on this complicated task and heard from both the public and members schools positively that some of the restrictions should be relaxed. Therefore to fully reject this proposal would be a step in the wrong direction but instead scaling back the access of coaches will allow for this initiative to move forward and give the opportunity for more oversight and less impact concerning unintended consequences as well as a better understanding what changes are causing any negative impact to our student athletes.

Respectively submitted
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Parent of Former DIAA Student Athlete
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