




August 4, 2024

TO: High School Principals, Heads of Schools, Conference Presidents, Athletic Directors, and Head Coaches

FROM: David L. Baylor 
Executive Director

SUBJECT: State of Delaware Interscholastic Athletics Transfer Law

On Friday, August 2, 2024, Governor John Carney signed Senate Bill 281 into law. The new transfer law requires any student in grades 9 through 12, who transfers to a DIAA member school, and intends to participate in interscholastic athletics, comply with the provisions outlined in the transfer law.

The purpose of this memorandum is to inform you effective August 2, 2024, the new “Transfer Law” is in effect. Furthermore, any student that enrolls in their receiving school after August 2, 2024, will be subject to the transfer law. Below you will find an explanation of the transfer law. As this is an overview of the law, a more detailed document, as well as a PowerPoint, and Frequently Asked Question “FAQ” document will be forthcoming.

Summary of Senate Bill 281 (Delaware Interscholastic Athletics Transfer Law)

Senate Bill 281, signed into law on August 2, 2024, introduces a new policy for high school student-athletes in Delaware who transfer schools. Below are the key points of the law:

Definitions and Key Terms:

- Athletic Advantage - Defined as transferring for reasons such as seeking a superior team, dissatisfaction with the current team, following a coach, or avoiding disciplinary action.
- Receiving School - The school a student transfers to.
- Sending School - The school a student transfers from.
- Immediate Eligibility - Conditions under which a student can immediately participate in sports without a waiver.

Transfer and Eligibility Regulations:

1. Immediate Eligibility:

- Students can participate immediately if they did not participate in the interscholastic sport during the previous 180 school days, were placed in custody by the Department of Children, Youth and Families, or it's their first transfer prior to the start of their third year of eligibility.

- Immediate eligibility requires documentation through a tracking form and appropriate documentation if applicable.

2. Periods of Ineligibility:

- Students transferring after the start date of the fall sports season in their third year or fourth year of eligibility face a 30-day or half-season period of ineligibility, even if it's their first time transfer.

- Ineligibility periods begin on the first day of competition for the receiving school.

- Students who transfer more than once, will also be ineligible for post-season participation, in addition to the 30-day or half-season period ineligibility.

3. Exceptions to Ineligibility:

- No waiver required if transferring due to homelessness, court action, unsafe school conditions, harassment, intimidation, or bullying, or a change in residence (In all of these cases, the appropriate documentation to support the exception must be provided to the Executive Director for approval).

Waiver Process

1. Waiver Criteria:

- Waivers may be granted if strict enforcement of ineligibility is deemed unnecessary, does not compromise educational balance, and does not pose a safety risk.

2. Application Requirement:

- Applications must include detailed documentation such as transcripts, attendance records, letters from school officials, proof of withdrawal and acceptance, and legal or medical documents as needed.

3. Executive Director's Role:

- The Executive Director makes the final decision on waivers within 15 days of application. The date of receipt is contingent upon receipt of all necessary documentation to be able to make an appropriate decision. This decision can be appealed to a 3-member panel of Board members.

- Appeals must be filed within 15 days, and the panel must issue a decision within 30 days without holding a hearing or reviewing new evidence.

Recent and Current Transfer Options:

There are students that have transferred prior to the enactment of the transfer law. Those students would fall under the previous transfer regulation outline in 14 Del. Admin. C. §1009 2.4. However, due to the unique situation surrounding the new transfer law, there are a couple of options available for student athletes who find themselves in this situation.

Below you will find two scenarios as they relate to student athletes that has officially withdrawn from their previous school and officially enrolled at their new school by August 2, 2024. I have outlined two scenarios for school administrators and student athletes that fall into this situation:

Scenario 1:

A student-athlete and their family, through the receiving school's athletic director, must submit a waiver request using the current waiver form pursuant to 14 Del. Admin. C. §1009 2.4, Eligibility, Transfer regulation. The process that was previously followed through DIAA regulation will continue to be followed. The Board of Directors will have the final decision on the approval of the waiver. An interim waiver may be issued by the Executive Director until the Board reviews the waiver request at their next meeting. If the Board ratifies the Executive Director's decision, no further action is required. If the Board decides not to ratify the Executive Director's decision, the student-athlete will be immediately ineligible, and a hearing before the Board will be scheduled.

Scenario 2:

The student-athlete and their parents, in consultation with the receiving school's athletic director, may choose to waive submitting a waiver request and comply with the requirements of the new transfer law. The decision rest with the student-athlete and their parents or legal guardian, and the school's athletic director.

Transfer Tracking Form Requirements:

The purpose of the DIAA (Delaware Interscholastic Athletic Association) Tracking Form is to monitor and document the transfer of interscholastic student athletes who are in grades 9 through 12. This form is used to ensure that all student athletes transferring between schools adhere to the regulations and guidelines set forth by the DIAA.

Key reasons for using the DIAA Tracking Form include:

1. Eligibility Verification: To confirm that student athletes meet the eligibility criteria for participation in interscholastic sports after transferring to a new school.
2. Compliance with Rules: To ensure compliance with DIAA transfer rules and policies and Delaware State Law, which are designed to promote fair competition and prevent recruitment violations.
3. Tracking Athletic Participation: To maintain accurate records of student athletes' athletic transfer/participation history, which is important for evaluating eligibility and maintaining the integrity of interscholastic sports programs.

4. Preventing Disadvantages: To prevent student athletes from gaining an unfair advantage by frequently transferring schools for athletic purposes, and to protect the integrity of high school sports.

5. Facilitating Communication: To facilitate communication between the schools involved in the transfer process, ensuring all necessary information is shared and documented.

Overall, the DIAA Tracking Form serves as an important tool for maintaining fair play, ensuring eligibility, and upholding the standards of interscholastic athletics.