

Constitutionality of Interscholastic Athletic Associations' Eligibility Rules:

Out-of-Season Participation Rules for Student-athletes and Coaches

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I. Introduction

The purpose of this article is to discuss in general the constitutionality issues surrounding interscholastic athletic association eligibility rules and specifically the out-of-season participation rules for student-athletes and coaches. The constitutionality issues focus on the right to participate, due process, and equal protection. Further, a few court challenges regarding out-of-season participation rules will be discussed. Finally, the authors will provide a detailed table describing the rules in each of the fifty states and a number of Canadian provinces.

A. Historical Perspective

The National Federation of State High School Athletic Associations (NFHSAA or National Federation) is a federation of state groups. The National Federation was organized in 1920 as the Midwest Federation of State High School Athletic Associations with Illinois, Indiana, Iowa, Michigan, and Wisconsin as members. The organization adopted its present title in 1922 when eleven states were represented. The National Federation cooperates with other athletic organizations in (1) writing rules for all sanctioned sports and (2) maintaining national records. Further, the National Federation engages in the sanctioning of multi-school interstate meets and tournaments to ensure high standards of conduct and adherence to accepted regulations.³

On the state level, the control and conduct of the interscholastic athletic program is placed in the hands of the state associations. These groups have come into being in order to establish uniform procedures and regulations for interscholastic activities, to protect the welfare of the students, and to establish sensible and educationally sound controls.

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³ National Federation of High School Athletic Association's Handbook (1995).

As early as 1895 a committee was formed in Wisconsin to establish rules for interscholastic sports. By the mid-1920s most states had associations. In 1996 all states have athletic, activity, leagues, or principal's associations that engages in the control of interscholastic athletics. The activities of these statewide organizations are not necessarily limited to the field of sports, and the names of the different groups vary markedly.⁴

In addition to establishing rules and regulations, other activities of state associations may include: (1) interpretation of playing rules; (2) operation of athletic insurance plans; (3) registration and classification of officials; (4) preparation and distribution of publications; (5) conduct of multischool meets and tournaments; and (6) provision of a judicial service for settling controversies and hearing appeals.⁵

B. Out-of-Season Participation

One of the more recent trends in amateur sports litigation involves high school athletic coaches and student-athletes challenging rules which prohibit their participation and/or attendance at camps or programs that specialize in teaching the skills of the sport. Every state association has adopted regulations have been instituted to limit such activity in order to protect the student-athlete, and to equalize interscholastic competition.

State association rules and regulations frequently prohibit athletes from competing and coaches from coaching during the off-season, including the summer. Athletes and coaches so affected often bring forth complaints to obtain relief in the form of injunctions. The injunction would force the association to allow participation, which is especially critical to the student-athlete hoping to obtain a college scholarship. Coaches, who rely on summer employment through coaching at camps and recreational areas are limited in some states and would similarly benefit from injunctive relief.

C. Basic Rationale for Out-of-Season Regulations

In *Hall v. University of Minnesota*⁶ Judge Lord intimates that amateur sports is not as pure as it used to be. The concept of amateurism began in the 1700's and was a leisure outlet for the upper case. These amateurs desired no income nor had aspired a greater level of notoriety from their athletic pursuits. In contrast, present day amateurs have visions of greatness. The distinction between amateurs and professionals can become confused as youth athletes become college stars and possible professional athletes. The higher the level of participation, the greater the confusion between amateurism and professionalism.

More and more high school athletes are striving to earn college athletic scholarships and are beginning to specialize in one sport rather than participating in two or three as was the norm. Intercollegiate athletic programs, in many respects, have become a grooming ground for professional sports. This has further clouded the distinction between amateur and professional sports.

The key to the analysis of amateur sports is the status of the amateur athlete. However, the definitions and categorizations are somewhat confusing and contradictory. Each governing body of sport can and does subscribe to a somewhat different definition of the term amateur. Due to this flexibility in defining amateur status, there is a possibility that an individual can be viewed as an amateur under the rules of the USOC, but not be an amateur under the state high school association rules or those of the NCAA.

Courts are generally very reluctant to overrule the rules of the athletic associations with regard to eligibility, participation, and discipline of participants. Generally, courts will not interfere with the internal affairs of voluntary associations. In the absence of mistake, fraud, collusion, or arbitrariness, the decisions of the governing body of the association will typically be accepted by the courts as valid. Voluntary associations may adopt reasonable by-laws and rules which will be deemed valid and binding upon their members unless these rules violate some law or public policy. The courts do not have the responsibility to inquire into the expediency, practicability, or wisdom of these regulations. These general principles apply to cases that involve the governing bodies of state high school athletic associations and college sports. Finally, the courts will not substitute their interpretations of the associations' rules and regulations for the interpretations placed on these rules by the association itself, so long as that interpretation is fair and reasonable.⁷

⁴ George, Jack F., and Lehman, Harry A. *School Athletic Administration*, 12 (1966).

⁵ *Id.*

⁶ 530 F.Supp. 104 (D.Minn. 1982).

⁷ *Kentucky High School Athletic Association v. Hopkins County Board of Education*, 552 S.W.2d 685, 687 (Ky.App.1977). Also See generally W. Champion, Jr., *Fundamentals of sport law* 293-295 (1990).

Eligibility rules cover the whole gamut of interpersonal relationships and characteristics. However, this analysis will target only one aspect of eligibility - out-of-season participation.

II. Constitutional Issues Relating to Interscholastic Eligibility Rules

There are three constitutionality issues surrounding interscholastic eligibility rules that can affect student-athletes. The three issues are right to participate, due process, and equal protection. Each of the issues will be discussed briefly.

A. Right to Participate

One of the fundamental questions that must be analyzed relating to eligibility of a student athlete, whether it be interscholastic or intercollegiate, is whether that individual has the right or privilege to participate. If there is a right, then the relationship between the athlete and the controlling organization which administers the competition will be on a much different legal plane than if it were viewed as a privilege. The question generally before the bar is, whether a student athlete in a public institution has a sufficiently important interest in participation in his/her sport so as to require that he/she receive procedural safeguards as required by due process. The threshold question in any inquiry into a claim that an individual has been denied procedural due process is whether the interest asserted by the individual rises to the level of a 'property' or 'liberty' interest protected by the U.S. Constitution and all state constitutions.

When confronted with this precise issue, the overwhelming majority of courts have held that participation in interscholastic or intercollegiate athletics or other extracurricular activities is not a constitutionally protected liberty or property interest.⁸ In *Hall v. University of Minnesota*,⁹ the court found that there was

⁸ See *Niles v. University Interscholastic League*, 715 F.2d 1027, 1031 (5th Cir.1983); *Hebert v. Ventetuolo*, 638 F.2d 5, 6 (1st Cir.1981); *Walsh v. Louisiana High School Athletic Association*, 616 F.2d 152, 159 (5th Cir.1980); *Dennis J. O'Connell High School v Virginia High School League*, 581 F.2d 81, 84 (4th Cir.1979); *Moreland v. Western Pennsylvania Interscholastic Athletic League*, 572 F.2d 121, 123-24 (3rd Cir.1978); *Colorado Seminary (University of Denver) v. NCCA*, 570 F.2d 320,321 (10th Cir.1978); *Hamilton v. Tennessee Secondary School Athletic Association*, 552 F.2d 681, 682 (6th Cir.1976); *Albach v. Olde*, 531 F.2d 983, 984-85 (10th Cir.1976); *Parish v. NCAA*, 506 F.2d 1028, 1034 (5th Cir.1975); *Mitchell v. Louisiana High School Athletic Association*, 430 F.2d 1155, 1158 (5th Cir.1970); *Oklahoma High School Athletic Association v. Bray*, 321 F.2d 269, 273 (10th Cir.1963); *Justice v. NCAA*, 577 F.Supp. 356, 366 (D.Ariz.1983); *Park Hills Music Club, Inc. v. Board of Education*, 512 F.Supp. 1040,1043 (S.D.Ohio 1981); *Blue v. University Interscholastic League*, 503 F.Supp. 1030, 1034-35 (N.D.Tex.1980); *Williams v. Hamilton*, 497 F.Supp. 641, 645 (D.N.H.1980); *Ward v. Robinson*, 496 F.Supp. 1, 1-2 (E.D.Tenn.1978); *Kite v. Marshall*, 494 F.Supp. 227, 232 (S.D.Tex.1980), rev'd on the grounds, 661 F.2d 1027 (5th Cir.1981); *Fluitt v. University of Nebraska*, 489 F.Supp. 1194, 1202-03 (D.Neb.1980); *Kulovitz v. Illinois High School Association*, 462 F.Supp. 875, 877-78 (N.D.Ill.1978); *Yellow Springs Exempted Village School District v. Ohio High School Athletic Association*, 443 F.Supp. 753, 758 n.37 (S.D.Ohio 1978), rev'd on other grounds, 647 F.2d 651 (6th Cir.1981); *Dallam v. Cumberland Valley School District*, 391 F.Supp. 358, 361-62 (M.D.Pa.1975); *Stock v. Texas Catholic Interscholastic League*, 364 F.Supp. 362, 364-365 (N.D.Tex.1973); *Taylor v. Alabama High School Athletic Association*, 336 F.Supp. 54, 57 (M.D.Ala.1972); *Paschal v. Perdue*, 320 F.Supp. 1274, 1276 (S.D.Fla.1970); *Scott v. Kilpatrick*, 286 Ala. 129, 133, 237 So.2d 65, 656 (1970); *Florida High School Activities Association v. Bradshaw*, 369 So.2d 398, 403 ((Fla.App.1979); *Smith v. Crim*, 240 Ga. 390, 393, 240 S.E.2d 884, 886 (1977); *Haas v. South Bend Community School Corporation*, 259 Ind. 114, 124, 162 N.E.2d 250, 255 (1959), overruled on other grounds, *Haas v. South Bend Community School Corporation*, supra; *Kriss v. Brown*, 180 Ind.App. 594, 604, 390 N.E.2d 193, 199-201 (1979); *Kentucky High School Athletic Association v. Hopkins County Board of Education*, 552 S.W.2d 685, 689 (Ky.App.1977); *Chabert v. Louisiana High School Athletic Association*, 312 So.2d 343, 345 (La.App.1975); *Sanders v. Louisiana High School Athletic Association*, 242 So.2d 19, 28 (La.App.1970); *Marino v. Waters*, 220 So.2d 802, 806 (La.App.1969); *NCAA v. Gillard*, 352 So.2d 1072, 1081 (Miss.1977); *State ex rel. Missouri State High School Activities Association v. Schoenlaub*, 507 S.W.2d 543, 359 (Mo.1974); *Menke v. Ohio High School Athletic Association*, 2 Ohio App.3d 244, 245, 441 N.E.2d 620, 624 (1981); *Morrison v. Roberts*, 183 Okl. 359, 361, 82 P.2d 1023, 1024-25 (1938); *Whipple v. Oregon School Activities Association*, 52 Or.App. 419, 423, 629 P.2d 384, 386 (1981); *Caso v. New York State Public High School Athletic Association*, 78 A.D.2d 41, 46, 434 N.Y.S.2d 60, 64 (1980); *Pennsylvania Interscholastic Athletic Association v. Greater Johnstown School District*, 76 Pa.Comm. 65, 71, 463 A.2d 1198, 1201 (1983); *Adamek v. Pennsylvania Interscholastic Athletic Association Inc.*, 57 Pa.Comm. 261, 262, 426 A.2d 1206, 1207 (1981); *Bruce v. South Carolina High School League*,

a limited property interest in participation in intercollegiate sports. However, in *Colorado Seminary v. NCAA*,¹⁰ the Tenth Circuit Court of Appeals held that the interests of student athletes, including those on scholarship, to participate in intercollegiate hockey did not rise to the level of a constitutionally protected right.¹¹

Similarly, the majority of state courts rarely find that a right to participate in school athletics is a constitutionally protected interest.¹² As stated in the Supreme Court of Appeals of West Virginia, "participation in interscholastic athletics or other nonacademic extracurricular activities does not rise to the level of a constitutionally protected 'property' or 'liberty' interest."¹³ Because participation in sports is not a funda-

258 S.C. 546, 551-52, 189 S.E.2d 817, 819 (1972); *Tennessee Secondary School Athletic Association v. Cox*, 221 Tenn. 164, 176, 425 S.W.2d 597, 602 (1968); *Sullivan v. University Interscholastic League*, 599 S.W.2d 860, 863 (Tex.Civ.App.1980). *aff'd in part and rev'd in part on other grounds*, 616 S.W.2d 170 (Tex.1981); *Starkey v. Board of Education*, 14 Utah 2d 227, 231, 381 P.2d 718,721 (1963); but see *Breden v. Independent School District 742*, 477 F.d 1292, 1299 (8th Cir. 1973) ("substantial and cognizable" interest justifying application of equal protection principles); *Hall v. University of Minnesota*, 530 F. Supp. 104, 110 (D.Minn.1982) (interest in admission to degree program and potential professional basketball player career sufficient to implicate due process protection); *Barnhorst v. Missouri State High School Activities Association*, 504 F.Supp. 449, 458 (W.D.Mo.1980) (sufficient interest in participation in extracurricular activities to justify application of equal protection principles) and cases cited therein, *rev'd on other grounds*, 682 F.2d 147 (8th Cir.1982); *Pegram v. Nelson*, 469 F. Supp. 1134, 1140 (M.D.N.C.1979) (Total exclusion from extracurricular activities for a lengthy period of time 'could' under certain circumstances be a sufficient deprivation to implicate due process); *Moran v. School District #7, Yellowstone County*, 350 F.Supp. 1180, 1184 (D.Mont.1972) ("right to attend school includes the right to participate in extracurricular activities" justifying application of equal protection principles); *Behagen v. Intercollegiate Conference of Faculty Representatives*, 346 F.Supp. 602, 604 (D.Minn.1972) (economic and educational interest in intercollegiate athletics requires compliance with minimum due process standards); *Kelly v. Metropolitan County Board of Education*, 293 F. Supp. 485, 492 (M.D.Tenn.1980)(equal protection), *rev'd on other grounds*, 436 F.2d 856 (6th Cir.1970), on remand, 492 F.Supp. 167 (M.D.Tenn.1980); *Lee v. Florida High School Activities Association*, 291 So.2d 636, 638 (Fla.App.1974) (Denial of opportunity to establish athletic eligibility constituted a denial of due process); *French v. Cornwell*, 202 Neb. 569, 571, 276 N.W.2d 216, 218 (1979), citing *Braesch v. DePasquale*, 200 Neb. 726, 732, 265 N.W.2d 842, 845 (1978) (assuming the implication of a liberty or property interest for purpose of determining whether process given was sufficient); *Duffley v. New Hampshire Interscholastic Athletic Association, Inc.*, 446 A.2d 462 467 (N.H.1982) (right to participate in interscholastic athletics entitled to procedural due process under New Hampshire Constitution); see also Comment, *Judicial Review of NCAA Decisions: Does the College Athlete Have a Property Interest in Interscholastic Athletics?*, 10 *Stetson L.Rev.* 483, 499-505 (1981); note, *The NCAA, Amateurism, and the Student-Athlete's Constitutional Rights Upon Ineligibility*, 15 *New Eng.L.Rev.* 597, 614-622 (1980).

⁹ See *Supra* note 3 at 107.

¹⁰ *Colorado Seminary (University of Denver) v. NCCA*, 570 F.2d 320, (10th Cir.1978)(a case arising in connection with the NCCA's imposition of sanctions against the university for failure to declare several of its players ineligible).

¹¹ *Id.*

¹² See *Scott v. Kilpatrick*, 237 So. 2d 652, 656 (Ala. 1970); *Florida High Sch. Activities Ass'n v. Bradshaw*, 369 So. 2d 398, 420-03 (Fla. Dist. Ct. App. 1979); *Smith v. Crim*, 240 S.E.2d 884, 886 (Ga. 1977); *Kriss v. Brown*, 390 N.E.2d 193, 199-201 (Ind. Ct. App. 1979); *Kentucky High Sch. Athletic Ass'n v. Hopkins County Bd. of Educ.*, 552 S.W.2d 685, 689 (Ky.Ct.App. 1977); *Chabert v. Louisiana High Sch. Athletic Ass'n*, 312 So. 2d 343, 345 (La. Ct. App. 1975); *Sanders v. Louisiana High Sch. Athletic Ass'n*, 242 So. 2d 19, 28 (La. Ct. App. 1970); *Marino v. Waters*, 220 So. 2d 802, 806 (La. Ct. App. 1969); *NCAA v. Gillard*, 352 So. 2d 1072, 1081 (Miss. 1977); *State ex rel. Missouri State High School Activities Association v. Schoenlaub*, 507 S.W.2d 543, 359 (Mo.1974); *Caso v. New York State Pub. High Sch. Athletic Ass'n*, 78 A.D.2d 41, 46 (N.Y. App. Div. 1980); *Menke v. Ohio High Sch. Athletic Ass'n*, 441 N.E.2d 620, 624 (Ohio Ct. App. 1981); *Morrison v. Roberts*, 82 P.2d 1023, 1025 (Okla. 1938); *Whipple v. Oregon Sch. Activities Ass'n*, 629 P.2d 384, 386 (Or.Ct. App. 1981); *Pennsylvania Intersch. Athletic Ass'n v. Greater JohnsTown Sch. Dist.*, 463 A.2d 1198, 1201-02 (Pa. Commw. Ct. 1983); *Adamek v. Pennsylvania Intersch. Athletic Ass'n*, 426 A.2d 1206, 1208 (Pa. Commw. Ct. 1981); *Bruce v. South Carolina High Sch. League*, 189 S.E.2d 817, 819 (S.C. 1972); *Tennessee Secondary Sch. Athletic Ass'n v. Cox*, 425 S.W.2d 597, 602 (Tenn. 1968); *Sullivan v. University Intersch. League*, 599 S.W. 2d 860, 863 (Tex. Civ. App. 1980) , *rev'd in part on the other grounds*, 616 S.W.2d 170 (Tex. 1981); *Starkey v. Board of Educ.*, 381 P.2d 718, 721 (Utah 1963); *Bailey v. Truby*, 321 S.E.2d 302, 315-16 (W. Va. 1984).

¹³ *Bailey v. Truby*, 321 S.E.2d 302, 316 (W.Va. 1984).

mental interest, and therefore, eligibility to participate is not entitled to a strict standard of review by the court.¹⁴

B. Due Process and Equal Protection

Under certain circumstances, a student athlete may properly establish an entitlement to due process protection in connection with his suspension and exclusion from high school athletics.¹⁵ Similarly, some students have been able to successfully argue an equal protection right to participate in high school athletics.¹⁶ Thus, in reviewing the constitutionality of eligibility regulations two other basic rights need to be considered - due process and equal protection.

Due process has been used to eliminate regulations that are overbroad in restricting a student athletes protected rights as well as regulations that overlook more feasible alternatives which would be less restrictive of a student athlete's protected liberties.¹⁷ For example, procedural due process is required before a student can be dismissed for misconduct.¹⁸ Students will be granted both notice and an opportunity to be heard prior to disciplinary expulsion because of potential interference with a protected liberty interest.¹⁹

Equal protection, unlike due process, requires only a rational relation to a legitimate state interest if the regulation neither infringes upon fundamental rights nor burdens an inherently suspect/protected class.²⁰ In *Bell v. Lone Oak Independent School District*,²¹ the Texas Supreme Court held that a regulation prohibiting married high school students from participating in interscholastic activities was a violation of the equal protection clause. The court found no logical basis for the so-called married student rule. The right to marry is a basic and fundamental right. The no-marriage rule established a classification of individuals to be treated differently from the remainder of the students without being designed to promote a compelling interest. The out-of-season participation rules do not infringe upon fundamental rights nor burden an inherent suspect class.

¹⁴ See *Spring Branch I.S.D. v Stamos*, 695 S.W.2d 556, 560, reh overr, app dism'd, 475 US 1001, 89 L.Ed.2d 290, 106 S.Ct. 1170; *Boyd v. Board of Directors of McGhee School District*, 612 F.Supp. 86, 89 (E.D.Ark. 1985); *Tiffany v. Arizona Interscholastic Association*, 151 Ariz. 134, 726 P.2d 231, 235 (App.1986); although it appears that under certain circumstances, a high school student can properly establish an entitlement to due process protection in connection with his suspension and exclusion from high school athletics.

¹⁵ See *Boyd v. Board of Directors of McGhee Sch. Dist.*, 612 F. Supp. 86, 43 (E.D. Ark. 1985); *Tiffany v. Arizona Intersch. Ass'n*, 726 P.2d 231, 235 (Ariz. Ct. App. 1986); *Spring Branch I.S.D. v Stamos*, 695 S.W.2d 556, 560 (Tex. 1985), *appeal dismissed*, 475 U.S. 1001 (1986). See also *Behagan v. Intercollegiate Conf. of Faculty Representatives*, 346 F. Supp. 602, 604 (D. Minn. 1972) (economic and educational interest in intercollegiate athletics require compliance with minimum due process standards); *Hall v. University of Minn.*, 530 F. Supp. 104, 110 (D. Minn. 1982); *Pegram v. Nelson*, 469 F. Supp. 1134, 1140 (M.D.N.C. 1979) (total exclusion from extracurricular activities for a lengthy period of time could under certain circumstances be a sufficient deprivation to implicate due process); *Kelley v. Metropolitan County Bd. of Educ.*, 293 F. Supp. 485, 492 (M.D. Tenn. 1968), *rev'd on other grounds*, 436 F.2d 856 (6th Cir. 1970), *on remand*, 492 F. Supp. 167 (M.D. Tenn. 1980); *French v. Cornwell*, 276 N.W.2d 216, 218 (Neb. 1979), (Citing *Braesch v. DePasquale*, 265 N.W.2d 842, 845 (Neb. 1978)); *Duffley v. New Hampshire Intersch. Athletic Ass'n*, 446 A.2d 462, 467 (N.H. 1982) (holding that the right to participate in interscholastic athletics merits procedural due process under the New Hampshire Constitution).

¹⁶ *Brenden v. Independent Sch. Dist.*, 447 F.2d 1292, 1299 (8th Cir. 1973) (a "substantial and cognizable" interest justifies application of equal protection principles); *Barnhorst v. Missouri State High Sch. Activities Ass'n*, 504 F. Supp. 449, 458 (W.D. Mo. 1980) (holding that student may not have a right to participate in athletic competition, but review of request requires equal protection), *rev'd on other grounds*, 682 F.2d 147 (8th Cir. 1982); *Moran v. School Dist. #7, Yellowstone County*, 350 F. Supp. 1180, 1184 (D. Mont. 1972).

¹⁷ *W. Champion, Jr., Fundamentals of Sport Law*, 307 (1990); See also *J. Weistart and C. Lowell, The Law of Sports* § 1.15 (1979).

¹⁸ Note, *Board of Curators of the University of Missouri v. Horowitz: Student Due Process and Judicial Deference to Academic Dismissals*, 15 Willamette L.Rev. 577 (1979).

¹⁹ *Id.* A "liberty interest" now includes an individual's interest in his or her good name and reputation.

²⁰ *Champion*, *Supra* note 3 at 307.

²¹ *Bell v. Lone Oak Independent School District*, 507 S.W.2d 636 (Tex.Civ.App.1974), set aside and caused dismd on other grounds, 515 S.W.2d 252.

III. STATUS OF OUT-OF-SEASON RULES IN NORTH AMERICA (1996)

A review of the by-laws for each state association and four Canadian provinces revealed that all of the state associations had a rule regarding out-of-season participation but none of the four provinces had such a rule. Table 1 describes the out-of-season participation rules for each state and the four Canadian provinces.

Table 1

Out-of-Season Participation Rules

STATE	RULE
Alabama	<p>Fifty Percent Rule The number of students from one school who are participating on a non-school team outside the school season will be limited to 50 percent of the number of players required to play the game of that sport.²²</p> <p>Summer Camps One team camp per sport is allowed provided the expenses are paid by the school, and the length of the camp does not exceed one week (seven consecutive days).²³ Students who are attending camps as individuals will abide by the Fifty Percent Rule.²⁴ A high school coach may work at summer camps but can coach his/her own team at only one allotted team camp per sport. In any other camps where the coach may work, the Fifty Percent Rule will be in effect for any camp team he/she coaches.²⁵ A high school coach may handle a summer recreational or special program team without a limit to the number of his/her own students on the team if the program does not constitute a high school league.²⁶</p> <p>Summer Practice Rule Coaches are allowed to work with their players during the summer months while school is out (from the end of school until the start of fall sports practice). Balls of any sport may be used, but no football protective equipment may be used during this time.²⁷ There shall be no mandatory practice for any sport until the starting practice date for all fall sports.²⁸ Each school and each individual student is permitted to attend one team camp per sport during the summer months.²⁹ Summer high school leagues (competition between school teams) are not permitted. High school facilities and equipment may not be used to conduct summer leagues involving students with any high school athletic eligibility remaining.³⁰ Weight training and conditioning programs are exempt from these restrictions.³¹</p>
Alaska	<p>Those students who were or will be eligible to participate during the regular school term, are allowed to participate in activities that begin or end at times other than during the</p>

²² ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION HANDBOOK rule I, § 6, at 23 (1994-95).

²³ *Id.* at § 16, at 40.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 40.

²⁸ *Id.* at 41.

²⁹ *Id.* at 41.

³⁰ *Id.* at 41.

³¹ *Id.* at 41.

regular school term (180).³²

Arkansas

A. Students may participate in the following: (1) A National Team (tryouts included), which is one selected by the national governing body of the sport on a national qualification basis; this may be either through a defined selective process or actual tryouts for the purpose of international competition. This competition requires the entries to officially represent their respective nations; or (2) an Olympic Development Program. This is defined as a training program or competition: a. conducted or sponsored by the United States Olympic Committee (USOC); or b. directly funded and conducted by the USOC member national governing body (NGB) on a national level; or c. which the NGB specifically authorized, involving only athletes previously identified by them as having potential for future participation in regional, national, or international competition in the sport involved; Provided in (1),(2) and (3): a. if participation is during the school year, it must be approved by the student's school administration, and the state high school association is notified in writing by the principal at least 30 days prior to the date of the program; and b. the student is responsible for making any prior arrangements needed to complete any missed academic lessons, assignments and tests before the last day of classes of the credit grading period in which that student's absence occurs; and c. the student misses no state high school association sponsored athletic event involving a team in that sport.³³

Participation in Individual Non-School Activities

A student may enter non-school competition as an individual during or outside of the school season for that sport if he/she is a member of a school's athletic program as a participant in a sport and has engaged in interscholastic competition in that sport; the individual sports included are Cross Country, Track, Gymnastics, Tennis, Golf, and Swimming.³⁴

Summer Athletic Camp Guidelines

Students are permitted to participate in athletic camps if: (1) no school time is lost; (2) a student or his/her parent is responsible for payment of the fees; (3) there is no competition between the camps either during or after the camp; (4) the student does not violate the amateur rule as to receiving payment for coaching; (5) no pads of any type are used football camps, including shoulder, rib, hip, or, thigh; also, no sleds or tackling machines shall be used. Helmets and mouth protectors are permitted; (6) the school is responsible for informing its students of the summer camp regulations and monitoring the activities of the camp; and (7) A violation of these regulations may subject the school to a penalty for the sport involved throughout the following season and may cause a student to be ineligible for up to one year.³⁵

California

Outside Competition

- A. No eligibility will be lost if a high school team member were to participate in a spontaneous recreational activity or game in which sides or teams are chosen without regard to players representing any group or organization.³⁶
- B. Any high school student who has been selected or qualified for participation on the United States team which will engage in Pan-American or Olympic competition, may participate on that team, even if it is during the high school season of sport.³⁷
- C. A high school student who has been selected or qualified for an Olympic develop-

³² ALASKA SCHOOL ACTIVITIES ASSOCIATION art. 7, § 4, at 25 (1995-96).

³³ ARKANSAS ACTIVITIES ASSOCIATION OFFICIAL HANDBOOK rule 12, at 48 (1994-95).

³⁴ *Id.* at rule 13, at 48.

³⁵ *Id.* art II, § 8, rule 11, at 38.

³⁶ CALIFORNIA INTERSCHOLASTIC FEDERATION CONSTITUTION AND BYLAWS § 602, at 22 (1994-95).

³⁷ *Id.* at § 603.

ment program may participate during the high school season of sport if the program is: (1) Certified as such by the National Federation, verified by the State CIF, AND (2) Conducted or sponsored by the United States Olympic Committee, OR (3) Directly funded and conducted by the national governing body for the sport on a national level shall be permitted to participate in such programs without loss of interscholastic eligibility, if the following conditions are met, OR

(4) Authorized by a national governing body for athletes having potential for future national team participation: (a) the student informs the high school principal at least 30 days prior to participating in the program, AND (b) principal verifies authenticity of the program, AND

(c) the student makes prior arrangements to complete missed academic lessons, assignments, and tests before the last day of classes of the semester in which the student's absence occurs.³⁸

D. Upon individual petition, each CIF section may grant approval for a gifted athlete to travel to a foreign country to participate in international competition sanctioned by the governing body for that sport in the United States.³⁹

E. No official certification or recognition may be given on the part of the CIF member school or personnel of the CIF member school in order that unattached athletes may participate in contests.⁴⁰

F. An unattached athlete may not represent any team. Any points won by the athlete shall not be credited to any team. An unattached athlete is not permitted to use a uniform which identifies a school or "outside" team.⁴¹

G. CIF competition is not permitted to include unattached competition. Individuals or teams entered in CIF competition must represent a CIF member school. No other form of representation shall be permitted in CIF competition.⁴²

During the summer period California Interscholastic Federation rules and regulations do not apply to any activities except: (1) No physical conditioning or practice sessions for football prior to the opening of authorized practice may be conducted by a high school, unless specifically authorized by the appropriate CIF section; and (2) Participation in any other sports during the summer is governed by the nationally recognized authority for each sport, if such authority exists.⁴³

Colorado

Non-school Activities Out-of-Season

A. Students certified to participate as members of any high school sport may not compete on any other team, or in any non-school activity or event in that sport during that sports season.⁴⁴ There are two exceptions to this rule: (1) Participants in individual fall sports (boys' golf, boys' tennis, boys' and girls' gymnastics, and boys' and girls' cross country) may compete, with the permission of the principal, in non-school activities in their sport through Labor Day;⁴⁵

(2) A participant in a spring sport may compete in non-school events on the day following the completion of his or her school's competition at the level at which the student competes.⁴⁶

³⁸ *Id.* at § 604, at 22-23.

³⁹ *Id.* at 23.

⁴⁰ *Id.* at § 607, at 23.

⁴¹ *Id.* at § 608, at 23.

⁴² *Id.* at § 609, at 23.

⁴³ *Id.* at § 1203, at 29.

⁴⁴ COLORADO HIGH SCHOOL ACTIVITIES ASSOCIATION HANDBOOK, CONSTITUTION & BYLAWS § 2000.2, at 78.

⁴⁵ *Id.* at § 2000.21, at 78.

⁴⁶ *Id.* at § 2000.22, at 78.

B. College tryouts are permissible immediately following the last scheduled state championship in that activity.⁴⁷

C. Members of any high school sport may not practice with any individual or non-school group without prior approval from the high school principal.⁴⁸

D. Any student who violates rule (A) shall be ineligible to participate in a specific or all interscholastic athletic activities for a period of time to be determined by the Commissioner.⁴⁹

E. Any requests for participation in international competition that is held during the school year involving eligible high school students must be submitted to the CHSAA Commissioner. An international competition or training program can be classified by the following criteria:

(1) Conducted or sponsored by the United States Olympic Committee; or (2.) Directly funded and conducted by a national governing body for athletes having potential for future national participation.⁵⁰

F. Any exceptions to these rules may be considered when individual athletes receive an invitation to participate in qualifying events for national teams recognized by the United States Olympic Committee. Students granted approval based upon this point shall count competition in each non-school event as one of the allowable contests specified in the Athletic By-Laws of that particular sport.⁵¹

Summer Camps

A sports camp is any instructional class that is limited to one sport and which involves participation by the individual student. No coach or school representative may directly or by implication direct a student to attend a camp(s) as a condition to practicing, participating or otherwise influencing a student's opportunity to participate in any school sport.⁵² No sports camp may be sponsored by any school during the Winter Holiday season; no faculty member may be connected with a camp during this Winter Holiday period in which any of his/her students are enrolled or participating.⁵³

Connecticut

During the School Year Out of Season Including the Summer

Member schools may permit student athletes to participate in non-school contests as individuals or as members of a non-school team.⁵⁴ Member schools may not permit their coaches to coach or instruct their member school athletes in the sport which they coach; there are five exceptions to this rule: (1) A member school coach may coach or instruct his/her son/daughter; (2.) A member school coach may coach if he/she is a full time employee of a recreational institution; (3) A member school coach may coach a non-school team provided no more than three of his/her member school athletes are on the team; coaching or instructing in a non-school setting is prohibited; (4) If a member school coach is working in a camp as a volunteer or employee during the summer, or portion thereof, as a coach where his/her athletes attend, he/she may coach when the following conditions are met: (a) the contact period between coach and his/her athletes is not more than ten (10) days; (b) the coach does not coach or instruct his/her team as an exclusive team unit; (c) the number of athletes from a member school team does not exceed ten per cent (10%) of the total number of athletes in attendance at the camp during a specific time period; (5) A member school coach working for a summer club in the sports of swimming, tennis and gymnastics as a full time bona-fide paid employee

⁴⁷ *Id.* at 79.

⁴⁸ *Id.* at § 2010, at 81.

⁴⁹ *Id.* at § 2020, at 81.

⁵⁰ *Id.* at § 2550.1, at 102.

⁵¹ *Id.* at § 2550.11, at 102.

⁵² *Id.* at § 2791.1, at 107.

⁵³ *Id.* at § 2791.11, at 108.

⁵⁴ CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE HANDBOOK § 2.1(a), at 16 (1994-95).

may coach if the following conditions are met: (a) the coach does not coach or instruct his/her athletes as an exclusive team unit; (b) the contact period between coach and his/her athletes will terminate fifteen (15) calendar days prior to the CIAC designated starting practice date for that sport.⁵⁵

There are seven definitions listed for the following terms in the CIAC by-laws: bona-fide paid employee, open registration, recreational institution, camp, "their member school athletes," non-school program, and summer club.⁵⁶ Member schools may not organize or allow coaches to organize, supervise or operate athletic practices or interscholastic athletic contests for their athletes.⁵⁷ Member schools may not provide school-owned uniforms, equipment worn by the student in non-school contests, or insurance coverage to students or coaches.⁵⁸

Camps

Students are allowed by the member schools to attend camps held during non-school time provided the following standards are met: (1) Attendance is limited to non-school time; (2) Students may not wear school-owned uniforms; (3) The camp is not organized, supervised or operated by the school, although camp expenses may be financed by Booster Clubs.⁵⁹

Clinics

Students are permitted by the member schools to attend clinics during non-school time provided the following standards are met: (1) Attendance is limited to non-school time; (2) Students may not wear school-owned uniforms; (3) The student clinic is not organized, supervised or operated by the school.⁶⁰

Member schools may permit their coaches to use their athletes and school-owned equipment in clinics (except student clinics), when the coach is a presenter and the athletes are used to demonstrate what is being presented. There is a limit of three (3) such clinics per year and the clinics may not be held at the member school. For these events, students may wear school uniforms, however, school time may not be used.⁶¹ Clinics will be limited to no more than one day unless prior approval is granted by the CIAC.⁶²

Delaware

A certified emergency, or volunteer coach shall not be allowed to provide instruction out of the designated season in his/her assigned sport to returning members of the varsity or subvarsity teams of the school at which he/she coaches. The coach will also be prohibited from coaching rising ninth graders (and rising eighth graders if eighth grade is part of the same administrative unit as grades 9-12) who participated in his/her assigned sport at a feeder school. A coach shall be prohibited from participating on a team in his/her assigned sport with the aforementioned players; the coach will not be allowed to officiate contests in his/her assigned sport if the aforementioned players are participating.⁶³ Any coach who is found to be in violation of this rule will be suspended in the

⁵⁵ *Id.*

⁵⁶ *Id.* at 16-17.

⁵⁷ *Id.* at 17.

⁵⁸ *Id.*

⁵⁹ *Id.* at § 2.2, at 17.

⁶⁰ *Id.* at § 2.3, at 17-18.

⁶¹ *Id.* at § 2.3, at 18.

⁶² *Id.*

⁶³ DELAWARE SECONDARY SCHOOL ATHLETIC ASSOCIATION 30TH ANNUAL OFFICIAL HANDBOOK rule 22, at 37 (1995-96).

⁶⁴ *Id.*

specified sport for up to one calendar year from the date the charge is substantiated.⁶⁴

Criteria For Approving Summer Camp Participation and Sponsorship

A. DSSAA does not restrict an individual's decision to attend a summer camp, although schools, school organizations, coaches, or school related groups, such as booster clubs, may not sponsor a camp which limits membership to their own district, locale, or teams. Coaches employed by a summer camp may not instruct their own athletes.

B. School related groups, such as booster clubs, desiring to sponsor the attendance of their school's enrolled students at athletic camps, may do so with the approval of the local school board or governing body. The disbursement of funds to pay for camp related expenses shall be administered by the principal or the principal's designee and the funds shall be allocated according to the following rules: (1) All students and team members shall be notified of the available sponsorship by announcement, publication, etc.; (2) All applicants shall share equally in the funds provided; (3) All applicants shall be academically eligible for participation in interscholastic athletics; (4) All applicants shall have one (1) year prior participation in the sport for which the camp is intended or, absent any prior participation, he/she shall be judged by the coach to benefit substantially from participation in the camp. (5) All applicants and their parents shall sign a written statement indicating that they understand the camp is not managed or operated under the supervision or authority of DSSAA and that the camp has neither the approval nor disapproval of DSSAA.⁶⁵

Florida Information not available.

Georgia If a student has participated on or practiced in a non-school sponsored athletic activity or instructional camp during the school year which was coached, directly or indirectly, by the coach of that school's athletic activity, he/she loses eligibility to participate in the corresponding GHSA school sponsored athletic activity. This does not prohibit individual instruction of a student by a coach outside a team or competitive setting. As of August, 1994, Cheerleaders and Volleyball players will not be allowed to attend camps during the month of August.⁶⁶

Hawaii When a student participates in an HHSAA approved sport in other than HHSAA competition, at any time during the calendar year, the student's amateur standing is determined by the rules of the amateur governing body of the sport.⁶⁷ Any violation of the amateur standing rule of the amateur governing body of competition shall lead to the student becoming ineligible for HHSAA competition in that sport.⁶⁸

Idaho Pre & Post Season Regulations

Students are allowed to participate in practice or competition outside the sport season only if the following standards are met:⁶⁹ A. Attendance is limited to nonschool time; summer programs are terminated before the first practice date of the high school sports season.⁷⁰ B. Participation is voluntary.⁷¹ C. Any fees charged must be provided by the student or his/her parents. No school funds, booster club funds, or other such funds

⁶⁵ *Id.* rule 32, at 43.

⁶⁶ GEORGIA HIGH SCHOOL ASSOCIATION CONSTITUTION AND BYLAWS § 1.46, at 39 (1994-95).

⁶⁷ HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION OFFICIAL HANDBOOK art. IV, § 4, at 20 (1994-95).

⁶⁸ *Id.* at 21.

⁶⁹ IDAHO HIGH SCHOOL ACTIVITIES ASSOCIATION RULES AND REGULATIONS MANUAL rule 17-2, at 85 (1994-95).

⁷⁰ *Id.* at § 17-2-1, at 85.

⁷¹ *Id.* at § 17-2-2, at 85.

may be used for entry fees, equipment, transportation, or uniforms.⁷² D. No school-owned uniforms and/or protective equipment are used. Schools are not allowed to rent protective equipment to students, camps, or clinics.⁷³ E. Attendance is open to all high school students.⁷⁴ F. Spectator admission is without charge.⁷⁵ G. Awards and amateur regulations of the IHSAA are adhered to.⁷⁶

H. No more than two students may be coached at one time by a member of their high school staff of that sport during the school year. The school year will be concluded after the last IHSAA spring sport state championship.⁷⁷ I. Coaches are not permitted to coach students of the school competitively (during competition) prior to the start of the sport season during the school year.⁷⁸ J. Students will only be allowed to attend team camps from the last day of IHSAA state competition to the last day of July.⁷⁹

Illinois

No individual who coaches any sport at a member school is permitted to coach or supervise a non-school team in any interscholastic sport comprised of students from that school, except within the guidelines set forth by the IHSA Board of Directors.⁸⁰ Students may participate in non-school athletic competition, either as individuals or team members, at any time they are not members of a school team in the same sport.⁸¹

Coaching School Participation

A coaching school is defined as any program sponsored by an organization or individual which provides instruction in sports theory and skills to groups of persons.⁸²

A. Students are prohibited from participating in any coaching school for any interscholastic sport during the school year. Any violation of this rule will lead to ineligibility for a period not to exceed one year.⁸³

B. Lessons in which no more than two students from the same school participate, school physical conditioning programs, recreational programs and non-school competitive programs are not considered as coaching schools and may be participated in by high school students within the limitations of the stated By-laws.⁸⁴

A high school student may participate in a summer recreational league in any sport with the following limitations: (1) The student may not represent his/her school in any such program other than on a team participating in the IHSA Summer Baseball/Softball Program. (2) The student may participate on a team comprised exclusively of students from his/her own high school provided no coach from the school is involved in any manner with the team and provided the team neither represents nor is sponsored by a school. (3) The student may participate on a team comprised of students from more than one high school provided the team neither represents nor is sponsored by a school.⁸⁵

Students may participate in a sport clinic held by a park district as a part of a

⁷² *Id.* at § 17-2-3, at 85.

⁷³ *Id.* at § 17-2-4, at 85.

⁷⁴ *Id.* at § 17-2-5, at 85.

⁷⁵ *Id.* at § 17-2-6, at 85.

⁷⁶ *Id.* at § 17-2-7, at 85.

⁷⁷ *Id.* at § 17-2-8, at 85.

⁷⁸ *Id.* at § 17-2-9, at 85.

⁷⁹ *Id.* at § 17-2-10, at 85.

⁸⁰ ILLINOIS HIGH SCHOOL ASSOCIATION OFFICIAL HANDBOOK § 2.090, at 19 (1994-95).

⁸¹ *Id.* at § 3.114, at 25.

⁸² *Id.* at § 3.123, at 25.

⁸³ *Id.* at § 3.121, at 25.

⁸⁴ *Id.* at § 3.124, at 25.

⁸⁵ *Id.* at § 3.110, at 65-66.

community recreation program offered to all residents of a particular park district.⁸⁶

A student may participate in sports camps, during the school year, provided no more than two (2) students from the same high school are participants in the lesson session.⁸⁷ All members of a school team may attend the same summer sports camp provided they are in no respect sponsored by the school.⁸⁸ A school coach may be a staff member at a summer camp at which students from his/her school may attend provided none of the coach's assignments at the camp involve exclusively students from the coach's school.⁸⁹ A school may sponsor an athletic camp for grade and/or high school students provided the program is not restricted to certified athletes; it also must provide common instruction and activities for all participants.⁹⁰

Indiana

During School Year Out-of-Season

Individual Sports (Cross Country, Golf, Gymnastics, Swimming, Tennis, Track, Wrestling)

- A. Students may participate in non-school contests as individuals or as members of a non-school team in non-school contests.
- B. Coaches, from a member school coaching staff, may coach students in that sport if not under the organization, supervision and operation of the member school.
- C. Member schools may not organize, supervise or operate athletic practices or interschool athletic contests.
- D. Member schools may not provide school-owned uniforms or equipment worn by the student in non-school contests.⁹¹

Team Sports (Baseball, Basketball, Football, Soccer, Softball and Volleyball)

- A. Students may participate in team sport contests as members of a non-school team provided no more than the following number of students who have participated in a contest the previous year as a member of one of their school teams in that sport are members of the same non-school team, at the same time.

Baseball - 5 Football - 6 Softball - 5

Basketball - 3 Soccer - 6 Volleyball - 3

The following standards must also be met: (1) Participation is limited to non-school time. (2) If any fees are charged, they must be provided solely by the student, parent or guardian. o school or athletic funds shall be used for such when students of grades 9-12 are involved. (3) Member schools may not promote, organize, supervise or operate such contest(s). (4) Participation shall be open to all students. (5) If spectator admission is permitted, it must be without charge and no revenue shall be generated from such contest(s) excluding international competition. (6) Merchandise and awards, other than those of symbolic value, may NOT be accepted for athletic proficiency. Students must remain at amateur status.

- B. Students may not receive instruction from individuals who are members of their high school coaching staff.
- C. Coaches, from a member school coaching staff, may not instruct students who have participated in a contest as a member of their school's team.
- D. Member schools may not organize, supervise or operate athletic practices.
- E. Member schools may not provide school-owned uniforms or equipment worn by the student on non-school teams.⁹²

⁸⁶ *Id.* at § 3.120, at 66.

⁸⁷ *Id.* at § 3.120, at 67.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 68.

⁹¹ INDIANA HIGH SCHOOL ATHLETIC ASSOCIATION BYLAWS & ARTICLES OF INCORPORATION rule 15, at 35 (1994-95).

⁹² *Id.* at 35-36.

Camps

Students may attend camps during non-school time provided the following guidelines are met:

- A. Attendance is limited to non-school time unless the camp is a verified olympic development camp.
- B. If any fees are charged, they must be provided solely by the student, parent or guardian except for underprivileged students. No school or athletic funds are allowed to be used for such.
- C. No school-owned uniforms or equipment worn by the student shall be used.
- D. No more than three students in basketball and volleyball, five students in baseball and softball, or six students in football and soccer who have participated in a contest the previous year as a member of one of their school teams in that sport may participate on the same team or in the same work station or drill at the same time. All work stations or drills must be held independent of each other and may not be integrated to simulate a game.
- E. Member schools may not organize, supervise or operate school-sponsored camps; however, schools may rent or lease their facilities to non-school sponsors.
- F. Coaches from a member school coaching staff may not instruct students who have participated in a contest as a member of the school's team in that sport.
- G. Competition must be limited to intra-camp practices, contests and instruction.
- H. Spectator admission, if permitted, must be without charge.
- I. Merchandise and awards, other than those of symbolic value, may not be accepted for athletic proficiency. The students must remain at amateur status.
- J. Length of attendance is unlimited.
- K. Seniors or graduates who plan to attend should check with appropriate college rules and regulations regarding recruiting before participating.⁹³

Clinics

- A. The criteria for students attending clinics during non-school time must meet the same standards that have been set forth for camps (listed above). The only difference is that attendance is limited to non-school time (with no exceptions).
- B. Coaches may use students, school owned equipment in schools, camps and/or coaches clinics held in the State of Indiana or in an adjacent state, when the coach is a presenter. Approval must be obtained from the Commissioner at least 10 days in advance by submitting names of demonstrators, date, location, etc. in writing. Coaches may not use a student for demonstration purposes in more than three (3) such clinics per sport between July 1 and June 30 each year. No more than one (1) such clinic may be in an adjacent state.
- C. Member schools may not organize, supervise or operate school-sponsored student-clinics.
- D. Member schools may not provide school-owned uniforms or equipment worn by the student.⁹⁴

During Summer

Individual Sports (Cross Country, Golf, Gymnastics, Swimming, Tennis, Track, Wrestling)

All of the rules pertaining to this circumstance are identical to the rules regarding individual sports during the school year out-of-season.⁹⁵

Team Sports (Baseball, Basketball, Football, Soccer, Softball and Volleyball)

- A. Students may participate in team sports contests as members of a non-school team provided no more than the following number of students who have participated in a

⁹³ *Id.* at 36.

⁹⁴ *Id.* at 36-37.

⁹⁵ *Id.* at 38.

contest the previous year as a member of one of their school teams in that sport are members of the same non-school team at the same time. Exception: Baseball and Softball.

Basketball - 3 Soccer - 6

Football - 6 Volleyball - 3

B. Students may participate on a school or non-school amateur baseball and/or softball team.

C. Students may not receive instruction from individuals who are members of their high school coaching staff. (Exception: Baseball and Softball).

D. Coaches, from a member school coaching staff, may not instruct students who have participated in a contest as a member of their school's team. (Exception: Baseball and Softball).

E. Member schools may not organize, supervise or operate athletic practices or interschool athletic contests. (Exception: Baseball and Softball).

F. Member schools may not provide school-owned uniforms or equipment worn by the student on non-school teams. EXCEPTION: Baseball and softball if school sponsored.⁹⁶

Camps

Students may participate in non-school sponsored camps provided the following standards are met: A. Attendance is limited to non-school time. B. Fees, if charged, must be provided solely by the student, parent or guardian except for underprivileged students. No school or athletic funds shall be used for such. C. No school-owned uniforms or equipment worn by the student shall be used. D. No more than three students in basketball and volleyball, five students in baseball and softball, or six students in football and soccer who have participated in a contest the previous year as a member of one of their school teams in that sport may participate on the same team or in the same work station or drill at the same time. All work stations or drills must be held independent of each other and may not be integrated to simulate a game. E. Member schools may not organize, supervise or operate school-sponsored camps for students of grades 9-12; however, schools may rent or lease their facilities to non-school sponsors. Member schools may organize, supervise, or operate school sponsored camps for students below grade 9 and use their student-athletes as demonstrators, etc., with the following provisions: (1) Student-demonstrators may not be instructed in that sport by a member school coach at any time during the camp. Instructions may be given only regarding supervision, officiating, and demonstration responsibilities. (2) Student-athletes may not be retained after a particular session to hold an organized practice. (3) Student-athletes are not permitted to scrimmage during camps. (4) The member school coach conducting the camp must submit notification in writing to the principal listing the names of the student-athletes who will be assisting with the camps.

F. Coaches from a member school coaching staff may not instruct more than three students in basketball and volleyball, five students in baseball and softball, or six students in football and soccer in that sport who have participated in a contest the previous year as a member of one of their school teams in that sport.

G. Competition must be limited to intra-camp practices, contests and instruction.

H. Spectator admission, if permitted, must be without charge.

I. Merchandise and awards, other than those of symbolic value, may not be accepted for athletic proficiency. Students must remain amateurs.

J. Length of attendance is unlimited.

K. Seniors or graduates who plan to attend should check with appropriate college rules and regulations regarding recruiting before participating.

L. Attendance must be terminated prior to Monday, Week 3 for football and Monday,

⁹⁶ *Id.* at 38.

Week 5 for all other sports.⁹⁷

Clinics

The standards which students must meet in order to participate in non-school sponsored clinics are the same as those found for clinics occurring during the school year out-of-season, except for the following: A. Member schools may not organize, supervise or operate school-sponsored clinics for students of grades 9-12; however, schools may rent or lease their facilities to non-school sponsors. Member schools may organize, supervise, or operate school-sponsored clinics for students below grade 9 and use their student-athletes as demonstrators, etc., with the following provisions: (1) Student-demonstrators may not be instructed in that sport by a member school coach at any time during the clinic. Instructions may be given only regarding supervision, officiating, and demonstration responsibilities. (2) Student-athletes may not be retained after a particular session to hold an organized practice. (3) Student-athletes are not permitted to scrimmage during clinics. (4) The member school coach conducting the clinic must submit notification in writing to the principal listing the names of the student-athletes who will be assisting with clinics.

B. Coaches from a member school coaching staff may not instruct more than three students in basketball and volleyball, five students in baseball and softball, six students in football and soccer in that sport who have participated in a contest the previous year as a member of one of their school teams in that sport.

C. Attendance must be terminated prior to Monday, Week 3 for football and Monday, Week 5 for all other sports.⁹⁸

Iowa

At the conclusion of the school sport season, when the school is eliminated from tournament play, a student may then participate on a non-school team without jeopardizing eligibility.⁹⁹ No member of the school coaching staff in that sport may coach the students on a non-school team. The rule allows the school coaches to continue to coach the school team as the school team until the tournament is over but no competition can take place against a non-member school, including a non-school team.¹⁰⁰

Camps and Clinics

A. There is a limit (10 days) to the amount of days a coach may come in "contact" with his/her student-athletes; this limit applies to each individual sport in the summer.

B. Coaches may run summer camps that are exclusively for their potential team members.

C. Student-athletes may play on the same team during the summer in a league if their high school coach of the same sport is not the summer league coach. The high school coach is permitted to observe the them on this team.¹⁰¹

Kansas

A student who is a member of a school athletic squad effective Tuesday following Labor Day through Friday preceding Memorial Day may not participate as a member of an outside team or as an independent competitor in the same sport; the only exception to this would be any United States Olympic Committee-Sponsored National Trials and Competitions. Informal participation on the part of the student-athlete is not considered a violation of this rule, provided it was not formally called or organized, no coaching takes place, where no official score is kept, time kept, officials used, etc. Any violations of this rule will result in the student becoming ineligible for the remainder of that sport's

⁹⁷ *Id.* at 38-39.

⁹⁸ *Id.* at 39-40.

⁹⁹ IOWA HIGH SCHOOL ATHLETIC ASSOCIATION CONSTITUTION & BYLAWS § 36.15(7), at 18 (1994-95).

¹⁰⁰ *Id.* at 58.

¹⁰¹ *Id.* at 47-52.

season unless he/she is reinstated by the Executive Board.¹⁰²
A coach/coach's aide may not attend clinics or camps with his/her athletes.¹⁰³

- Kentucky In sports other than football and basketball, a student may participate on an outside team during the school year without penalty, although the members of the coaching staffs may not be involved with the outside team of the same sport in any way.¹⁰⁴
Summer Participation
A high school player may play for a church or independent team in the summer as long as the athletic competition is not in conflict with KHSAA Bylaws (such as a football team playing in pads). Following the conclusion of the academic school year, student-athletes may play in non-school competition as an individual or member of a team.¹⁰⁵ Individual athletes and athletic teams representing member schools may participate in non-school competition following the conclusion of the school year provided that such competition is not in conflict with other KHSAA Bylaws.¹⁰⁶
Member schools of the KHSAA may participate in a summer sports program for the following sports: baseball, cross country, golf, soccer, softball, swimming, tennis, track, volleyball and wrestling. Only participants eligible during the spring semester may compete on the school teams. All of the KHSAA eligibility rules apply, and full control of the summer program shall remain with the participating high school and the principal of that school.¹⁰⁷
- Louisiana **Independent Teams**
Participation with an independent team is legal in the following situations:
A. Prior to reporting for the school team.¹⁰⁸
B. After no longer being a member of the school team for any reason.¹⁰⁹
C. After the school team has completed its sport season including the state playoffs, if applicable.¹¹⁰
D. During the summer months when school is not in regular session and prior to the start of the LHSAA sports season in a sport.¹¹¹
- Maine If the student refrains from participating on an outside team to which objection is made by local school authorities, he/she will remain eligible to participate in any interscholastic secondary school athletic contest.¹¹²
- Maryland There is no specific rule regarding outside participation out-of-season.
Summer Camps
A. Students may attend a summer sports camp of their choice.
B. MPSSAA member schools, member school coaches, school-related organizations, or individuals shall not sponsor or conduct a camp in which students who are returning players are involved or participate. A camp composed of several coaches with their

¹⁰² KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION HANDBOOK rule 22, § 1, at 32 (1994-95).

¹⁰³ *Id.* rule 30 § 1, at 35.

¹⁰⁴ KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION HANDBOOK bylaw 8, at 14, (1994-95).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at bylaw 34, at 28.

¹⁰⁷ *Id.*

¹⁰⁸ LOUISIANA HIGH SCHOOL ATHLETIC ASSOCIATION OFFICIAL HANDBOOK art. 4, § 4.3.8.1.2.1, at B-30 (1994-95).

¹⁰⁹ *Id.* at § 4.3.8.1.2.2, at B-30.

¹¹⁰ *Id.* at § 4.3.8.1.2.3, at B-30.

¹¹¹ *Id.* at § 4.3.8.1.2.4, at B-30.

¹¹² BYLAWS OF THE MAINE PRINCIPALS' ASSOCIATION art. III, § 2(D), at 10-11 (1994-95).

respective teams is a violation of this regulation.

C. Coaches of member MPSSAA member schools, while affiliated with a camp, shall not conduct any form of team or group practice involving their school. Such a practice is considered a violation of the out-of-season practice rule.

D. A MPSSAA member school shall not provide school uniforms or equipment for students who attend a camp outside of the defined sports season.¹¹³

Any paid or volunteer coach at a member school may coach a non-school team provided the following criteria is observed: A. The team may not use a name connected with the school.

B. The team may not use school uniforms or equipment.

C. The team is participating in a league, clinic, or similar activity sponsored by an educational or non-profit organization outside of the school system.

D. The outside teams roster does not exceed 80% of returning players of what would constitute a starting lineup in that sport.¹¹⁴

Massachusetts A school or a member of that school's coaching staff may not in any way subsidize students who might attend any sports-related activity outside of the authorized seasonal limits for that sport. Schools are permitted to issue equipment during the out-of-season period, however, school districts should review any liability issues that could arise from such issuance. Student participation in out-of-season summer activities may not be funded in any way by high school booster clubs.¹¹⁵

A high school coach may be employed by a park or recreation department or other organization or may volunteer for such a group to teach his/her sport out-of-season provided the following conditions are met: A. No candidate may either be required to attend or be penalized for not attending.¹¹⁶ B. School funds are not used.¹¹⁷ C. At no time may the coach supervise any group or subgroup which includes 50% or more students who are among his/her athletes.¹¹⁸

Michigan Sports activities out-of-season are permitted, provided the following conditions are met:

A. No use of school transportation.

B. No use of school owned and issued warm-ups and/or uniforms.

C. No payment with school district funds of entry fees for teams or individuals to camps or competition unless those funds were generated through school approved activities of booster clubs, school teams, student groups, and community, civic or service groups and are not provided to students on the basis of athletic ability or potential.

D. No mandatory practices.

E. Compliance with all applicable regulations and interpretations, including but not limited to the following: 1. Outside of the MHSAA defined season for a sport, a coach may coach in that sport a maximum of three students from the same school or cooperative program in grades 7 through 12 from Monday the week of August 15 through the last day of the school year. No activities involving two or more 3-player teams are allowed during this time. 2. Informal football activities may take place with a coach and a maximum of seven students during the summer, but no activities involving two or more teams are allowed. Coaches may participate at summer football skills camps where more than 7 students from their school district in grades 7 through 12 are participating if

¹¹³ MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION HANDBOOK subtitle 06, § .04(I), at 27 (1994-95).

¹¹⁴ *Id.* at § .04G(2), at 37.

¹¹⁵ MASSACHUSETTS INTERSCHOLASTIC ATHLETIC ASSOCIATION HANDBOOK rule 51, at 23 (1995-97).

¹¹⁶ *Id.* rule 50.4.1, at 22.

¹¹⁷ *Id.* rule 50.4.2, at 22.

¹¹⁸ *Id.* rule 50.4.3, at 22.

they occur prior to August 1. 3. During the summer, prior to Monday the week of August 15, coaches of these team sports are limited to 15 days when they may coach in competition students of their school district in grades 7 through 12 if the teams are represented by more than the following player limitations: Soccer (7), Basketball (3), Volleyball (3), Ice Hockey (3). A maximum of seven players at one time may engage in organized competition in football when their school coach is present for a maximum of seven days. 4. Coaches of fall season team sports, from August 1 to Monday the week of August 15, are subject to the player limitations listed, when coaching students of their school district in grades 7 through 12 in sport specific activities: Football (7), Boys Soccer (7), and Girls Basketball (3).¹¹⁹

Minnesota

During the School Year, Prior To and Following the High School Sports Season

A student may participate in contest, meets or tournaments as an individual competitor or as a member of a non-school team provided that: (A) Activities are voluntary and not influenced or directed by a salaried or non-salaried member of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. (B) Participation does not violate the All-Star bylaw. (C) Students may not use any type of high school uniform. (D) A student may not receive coaching or training from a salaried or non-salaried member of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. Power skating and indoor soccer are included in this limitation. (E) A student may receive training through private lessons from a person who is not a salaried or non-salaried member of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. (F) A student's fee for non-school coaching or training must be provided by the student or the student's parent(s) or guardian(s) unless approved by the Board of Directors.¹²⁰

Summer Camps/Clinics

Students may participate in summer activities through training at summer camps or clinics or participation on competitive non-school teams, provided that these activities are voluntary and not influenced or directed by a salaried or non-salaried member of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. There is no limitation on the number of students from any one school who wish to participate on non-school sponsored teams.

The following are guidelines which have been set for summer participation: (A) A student may not use any type of high school uniform. Balls may be issued at school administration discretion, and goalie equipment may be issued for summer use. (B) A student may attend camps and clinics and receive training through group lessons as well as private lessons from individuals who are not salaried or non-salaried members of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. (C) Attendance at camps/clinics for a fall sport must terminate two weeks (14 calendar days) prior to the start of that high school sport season. (D) A student may not receive coaching or training from a salaried or non-salaried member of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. Power skating and indoor soccer are included in this limitation.

(1) Member schools have the authority to waive item "D" and permit synchronized swimmers, swimmers and divers, gymnasts, tennis players, softball players, baseball players, soccer players, wrestlers, golfers, and slalom skiers to receive coaching or training from a member of the student's sophomore, B squad, junior varsity or varsity high school coaching staff in that sport. These requests shall be approved annually. (2) The desig-

¹¹⁹ MICHIGAN HIGH SCHOOL ATHLETIC ASSOCIATION HANDBOOK 11(G), at 49-50 (1995-96).

¹²⁰ MINNESOTA STATE HIGH SCHOOL LEAGUE OFFICIAL HANDBOOK § 209.03, at 54 (1994-95).

nated school representative of the member high school shall document, in writing: (a) the circumstances that necessitate the need for the waiver; (b) a letter on file from each student requesting the waiver; (c) a letter of verification from the coach indicating an approval to coach the students; and (d) the exact dates during the summer vacation period when the waiver will be in effect. (3) The information required by the waiver shall be documented on an official MSHSL Summer Waiver For Coaching Form which is available from the League Office. (4) The action by the designated school representative of the member high school shall be taken prior to the first Monday in May, and a copy of the waiver form shall be forwarded to the MSHSL to be placed on file not later than June 1 of the year the waiver is to be in effect.¹²¹

Mississippi

Summer Competition Rules and Regulations

The following rules and regulations govern participation by students of member schools in athletic activities following the close of their school's interscholastic sports season: (A) The persons or organizations desiring to host or sponsor a basketball tournament following the close of one basketball season and prior to the opening of the next succeeding season shall get approval for holding such a tournament, at least five days prior to the tournament, from the Executive Director, Requests for approval must list all participating teams, coaches, and schools represented on each team. (B) The Executive Director must be notified in writing at least five days in advance if eligible students of member schools are to participate in basketball tournaments outside the state. Such notice will give date, time, and location of tournament. (C) Participants may compete under the school name. (D) Participants may not compete in school uniforms but may compete in school colors. (E) Participants may not be sponsored, officially or unofficially, by a member school. (F) All parts of these Summer Competition Rules apply to all athletic competition. (G) Any school or schools violating any of these regulations shall be suspended for one full calendar year.¹²²

Summer Camp Regulations

A student may not attend a summer camp unless the camp complies with the following regulations: (A) Shall not violate any rule or regulation of the Mississippi High School Activities Association. (B) Team camps are allowed with approval from the MHSAA office. Camp students may use school uniforms if approved by the school. (C) Camp fee (tuition) shall be paid by the athlete or his/her parents without concession. (D) An individual athlete who attends a football camp shall not participate in any activity with pads. (E) An individual athlete shall not attend a camp(s) in a particular sport for a total of more than two weeks. (F) No money shall be received and no award of more than \$500.00 shall be received. (G) Football camps shall not be attended after July 31st.¹²³

Missouri

During any sport season a student is not a member of a school sport squad and during the summer vacation period, he/she may participate in non-school sponsored competition in a sport in which MSHSAA member schools compete interscholastically provided: (A) If held during the school year, no school time is missed to compete, practice for, or travel to the site of the non-school competition unless the absence is approved in advance by the school administrator. (B) No non-school basketball, football, or volleyball team is comprised solely of members of the same school team or students who will be members of the same school team as other players on the non-school team the next year. (C) It is not an all-star contest as defined in the bylaws. (D) If held during the school year but outside the designated school season for the sport, the participant shall

¹²¹ *Id.* at § 209.04, at 55-56.

¹²² MISSISSIPPI HIGH SCHOOL ACTIVITIES ASSOCIATION HANDBOOK art. I, § D(1)(c), at 18 (1995-96).

¹²³ *Id.* at § D(1)(d), at 18.

receive no coaching from a member of the coaching staff of the school the student attends or will attend the following year. If held during the summer months, the participant shall receive no coaching in basketball, football, soccer, volleyball, or wrestling from a member of the coaching staff of the school the participant will attend the following year.¹²⁴

Sports Camp/Clinic and Group Sport Lessons Eligibility Standards

A student may participate in a specialized camp, clinic, or other similar program involving coaching and instruction in a sport provided the program and the student's participation meet the following requirements: (A) No school coach or other school representative may directly or by implication direct a student to attend a specialized sports camp as a condition for team membership. (B) The camp fee (tuition) shall be provided by the student or the student's parents. (C) A student shall not receive pay or expenses for working in a specialized sports camp or serving as an instructor or counselor at a camp involving a sport in which he/she participates. (D) The camp program shall not include any type of competition with teams of another camp. (E) No school owned uniforms or player equipment shall be used. Member schools may not rent, sell, lease, or loan their uniforms or player equipment for use in non-school sponsored camps or clinics. (F) No summer specialized sports camp involving a fall season sport shall be attended after July 31. (G) A student may not attend a school or non-school sponsored specialized summer sports camp(s) in any one sport for longer than two calendar weeks in one calendar year where the student receives instruction or coaching from a member of the coaching staff of the school the student attends or will attend the following year. A calendar week for sport camp eligibility is defined as any seven consecutive days regardless of which actual day of the week the sport camp begins. (H) With the exception of the above (G) rule, there is no restriction on the number of non-school sponsored specialized sports camps an individual athlete may attend during the summer provided all of the standards in this By-law are met. (I) During the school year, a student may attend a non-school sponsored specialized sports camp, clinic or participate in group sport lesson outside the school sport season provided:

(1) It is not a team camp per se in that primary emphasis shall be on teaching individual player skills; (2) There is no competition other than limited scrimmage situations incidental to the teaching of individual player skills in which no more than two students from the same school are participating on the same team; (3) Travel to and from and participation in the camp, clinic, or group sport lesson does not result in any loss of school time; (4) No member of the coaching staff of the school the student is attending or will be attending the following year is involved in any way in the organization, sponsorship, administration, or instruction of the camp, clinic, or group sport lesson; and (5) No camp, clinic, or group sport lesson is attended within 14 days of the start of the first allowable practice for the school sports season for the sport concerned.¹²⁵

Montana There is no rule regarding out-of-season play.

Specialized Camp Rule

Any student enrolled in a school holding membership in the MHSA shall be allowed to participate in specialized camps in all sports so long as the program and the student's participation meet the following requirements: (A) An MHSA member school may not sponsor or have any part in any way in financing a specialized camp. (B) The fee must be provided by the student or the student's parents/legal guardians. (C) No student shall participate in a specialized sports camp in which any of his/her coaches or high school

¹²⁴ MISSOURI STATE HIGH SCHOOL ACTIVITIES ASSOCIATION OFFICIAL HANDBOOK bylaw 235.2, at 25 (1994-95).

¹²⁵ *Id.* at bylaw 241.0, at 29-30.

faculty members are involved except from June 1 through July 31 of each calendar year. (This rule does not apply to individual sports.) (D) The MHSA Award Rule must be followed.¹²⁶

Nebraska

Except during the season of the sport involved, a student may be a member of a non-school team and compete in non-school competition.¹²⁷

Camps/Clinics

Except during the season of a sport, students may attend clinics for that particular sport during the school year. If more athletes are in attendance at a camp than are allowed under organized practice rules in that sport, no more than the limit for organized practice can be active participants in the clinic.¹²⁸ The athlete and/or his/her parent(s) shall pay the fees and expenses for attendance to such camps or schools. The school, booster clubs, and/or other organizations shall not provide expenses, transportation, or support for individuals participating in camps, schools and non-school competition.¹²⁹

Summer Activities

There shall be no restrictions on athletes nor on high school coaches from the close of school for the second semester until the opening date of the fall sports season.¹³⁰

A coach may represent the school and be paid by the school, if the summer activity is sponsored by the school. If the school is not involved, a coach may: (A) Coach teams in summer leagues. (B) Assist athletes who are voluntarily training. If a school facility is used, the rent/lease arrangement must follow the same policy as applied to any non-school group. (C) Be employed or involved as an instructor in a summer camp or specialized athletic school and work with athletes from his/her high school.¹³¹

During the summer, an athlete may: (A) Compete as unattached individuals as long as: (1) The athlete does not use school uniforms or identify with the school. (2) The athlete does not use school equipment. (3) The school shall not provide resources for the athlete, nor release coaches on school time to transport participants to or from the event. (B) Attend specialized sports camps and schools, as long as all fees and expenses are paid by the individual or his/her parent(s). The school, booster clubs, and/or other organizations shall not provide expenses, transportation or support. (C) Participate in summer leagues formed for competition in any activity: (1) Students may be coached during competition by their high school coach in these leagues. (2) Member schools shall not provide financial assistance to the students, coaches, or organizers of the league. (3) The school shall not provide transportation, uniforms, nor pay entry fees. (4) The school shall not be represented in any way. The school name or nickname should not be used by students participating in summer competition.¹³²

Nevada

Participation in Out-of-Season Activities

Participation in an out-of-season activity by a student is voluntary and must be directed toward improving individual skills. A member school may not sponsor a team or an individual student, provide a uniform, transportation or otherwise be responsible for a student in an out-of-season competition. This includes, but is not limited to, camps, summer leagues, and trips abroad.

¹²⁶ MONTANA HIGH SCHOOL ASSOCIATION OFFICIAL HANDBOOK§ 3, at 36 (1994-95).

¹²⁷ NEBRASKA SCHOOL ACTIVITIES ASSOCIATION YEARBOOK§ 4, at 34 (1994-95).

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.* at § 5, at 35.

¹³¹ *Id.* at 36.

¹³² *Id.*

If all of the guidelines for these activities are followed, a coach may work with individual students in the out-of-season. The contact, however, must be voluntary and may not be a prerequisite for a tryout for a team by the student or for the acceptance of the student on that team during the regular interscholastic season. With the permission of a member school and school district, the facilities and equipment of a member school, except for the use of a uniform or of protective football equipment, may be used by a coach and a student out-of-season. A student may not attend a camp or all-star competitions which conflicts with an in-season sport.¹³³

Students participating in individual sports may compete in outside competition in the respective sport at any time as unattached participants. Students involved in team sports may participate on organized teams at times other than when they are engaged in the same sport at their respective schools. Schools may not provide financial support, equipment, uniforms or recognition for unattached participant or team activities.¹³⁴

New Hampshire **Out-of-Season Competition**

A school may not, in any way, subsidize students who might attend a summer camp outside the authorized seasonal limits for a sport.¹³⁵

Summer Activities

Competition during the school summer vacation period in athletic activities of a non-professional nature by certified members of school teams shall not be considered in violation of the NHIAA eligibility regulations.¹³⁶

A high school coach who is employed by a park or recreational commission or department, or other organization, or who acts in a volunteer capacity for any such group, to teach his/her sport, may do so only if the following conditions exist: (A) That no school funds are used (excludes facilities and equipment). (B) The program is open to all youth of the area served on an equal basis and is so advertised. (C) Special emphasis must be made by Principals and Athletic Directors to insure that coaches do not require an athlete to participate in any activity. The option of participation must be made by the athlete/parent(s).¹³⁷

New Jersey

Out-of-Season

Recreation and Club Programs: The NJSIAA does not have any jurisdiction over these programs conducted by outside organizations even though school facilities are used; however, school uniforms and other individually issued equipment may not be used by student-athletes. Coaches may not be involved when the school district's student-athletes are involved in that specific phase of the program during the out-of-season period. Schools, school organizations, or school-related groups such as Booster Clubs may not assist the student-athlete's participation or influence the sponsoring agency in non-school Recreation and Club Programs during the out-of-season period.¹³⁸

Camps/Clinics

The NJSIAA does not restrict an individual's choice to attend any participatory camps or clinics; however, schools, school organizations, or school-related groups such as Booster Clubs may not assist the student-athletes' attendance at any camp or clinic during the out-of-season period. This includes providing uniforms, equipment, and funds related to the camp or clinic, including transportation. Coaches may not instruct their student-

¹³³ NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION HANDBOOK § 2060.1, at 67-68 (1995-96).

¹³⁴ *Id.* at 68.

¹³⁵ NEW HAMPSHIRE INTERSCHOLASTIC ACTIVITIES ASSOCIATION HANDBOOK bylaw art. II, § 16, at 30-31 (1994-95).

¹³⁶ *Id.* at § 8, at 28.

¹³⁷ *Id.*

¹³⁸ NEW JERSEY STATE INTERSCHOLASTIC ATHLETIC ASSOCIATION HANDBOOK bylaw art. XIV, § 5, at 71 (1994-95).

athletes, although they may attend the participatory camp/clinic as a spectator.¹³⁹

New Mexico **Out-of-Season**

Students may participate in non-school activities/athletics out-of-season, but during the school year providing they receive permission from the principal (does not have to be the same sport or be in season). Documentation must be on file at the school in which the student participates and such documentation may be requested by the NMAA office.¹⁴⁰

Summer Camps

A. Summer camps are restricted to the time that school is out until school begins the next fall or the practice season for that sport begins, whichever comes first. It is required that those non-school organizations, institutions, corporations, etc., achieve, in advance, approval for the conduct and administration of any camp. Such approval may be accomplished by a letter of request to the Director outlining the procedures, format and policies.¹⁴¹ (B) Schools may not sponsor summer camps.¹⁴² (C) Camp fee may not be paid from school funds; this includes state generated funds and gate receipts.¹⁴³ (D) School facilities may be rented by non-school sponsoring organizations.¹⁴⁴ (E) Non-school sponsoring organizations may employ school coaches/personnel as directors, instructors, supervisors, etc.¹⁴⁵ (F) School funds may not be used to provide transportation for coaches, other school personnel or players.¹⁴⁶ (G) Camps may not include any type of competition other than customary practice situations.¹⁴⁷ (H) Camps shall be open to anyone on a first-come, first-served voluntary basis and are to be no less than four days of instruction by definition.¹⁴⁸

Summer Recreation Programs

(A) A school may not sponsor an organized summer recreation program for senior high students. (B) An organized program is a program including, but not limited to, one or more of the following: teams are not formed, a schedule of games is established, personnel are paid and officials are used.¹⁴⁹

New York **Post Schedule/Season**

No team, or individual student may represent its school in any post-schedule contest other than those conducted by school or State Association authorities in accordance with approved standards.¹⁵⁰ No team, or individual student, may represent its school in any post-season games, meets, or tournaments.¹⁵¹

Camp and Recreation Programs

Since all organized practice and game are to be conducted in the specified sport season, Camp and Recreation Programs are approved: (A) If they do not promote, and there is no implication of, out-of-season athletic practice or competition composed exclusively of secondary school athletes under the direct supervision of their coach. (B) If instruction, practice, and athletic competition is not offered as pre-season experience, giving unfair advantage.¹⁵²

¹³⁹ *Id.* at § 6, at 71-72.

¹⁴⁰ NEW MEXICO ACTIVITIES ASSOCIATION OFFICIAL HANDBOOK § 4.14.3(D), at 44 (1994-96).

¹⁴¹ *Id.* at § 4.9.1, at 39.

¹⁴² *Id.* at § 4.9.2, at 39.

¹⁴³ *Id.* at § 4.9.3, at 39.

¹⁴⁴ *Id.* at § 4.9.4, at 39.

¹⁴⁵ *Id.* at § 4.9.5, at 39.

¹⁴⁶ *Id.* at § 4.9.6, at 39.

¹⁴⁷ *Id.* at § 4.9.7, at 39.

¹⁴⁸ *Id.* at § 4.9.8, at 39.

¹⁴⁹ *Id.* at § 4.9.9, at 39.

¹⁵⁰ NEW YORK STATE PUBLIC HIGH SCHOOL ATHLETIC ASSOCIATION INCORPORATED HANDBOOK at 65 (1994-96).

¹⁵¹ *Id.*

¹⁵² *Id.* at 58.

North Carolina There are no specific guidelines regarding out-of-season participation during the school year.

Camps/Clinics

Any skill development sessions are allowed, but shall not be held during any tryout period of an in-season sport or during the last 10 student days of the 180-day school calendar. Tryout periods include August 1 through September 15, the month of November, and February 15 through March 15. All skill development sessions must be voluntary and open to all athletically eligible students. At no time may a coach require of any student off-season skill development sessions as a measure of continued participation on a team. In order to take part in out-of-season sessions, the student must be eligible under NCHSAA guidelines. All sessions will be limited to the number of participants on a daily basis, one less than a team. There is no restriction on the number of coaches who may work with the athletes.¹⁵³

North Dakota **Out-of-Season**

There are no restrictions that shall prohibit any student from participating as an unattached individual or as a member of a non-school team in these sports during the off-season for that sport in the school term, providing the contest is not "all-star" in nature.¹⁵⁴

Ohio **Out-of-Season**

A member of an interscholastic squad sponsored by the Board of Education may participate in non-interscholastic competition, prior to, and after, the school season under the following conditions: (A) The number of players from the same school on the squad is limited to a maximum of 50% of the members of a team as defined in the playing rules of the sport. From June 1 through July 31 this restriction is not in effect. (B) A player may continue participation with a non-interscholastic team in a national qualifying tournament after July 31 until the team is eliminated from the national qualifying tournament but no later than Labor Day.¹⁵⁵

After a student becomes a member of a football squad, the student may not participate in a non-interscholastic contest in football during the school year. From June 1 through July 31, members of a football squad may play in non-contact football contests and attend non-contact team football camps.¹⁵⁶

In non-interscholastic competition in team sports (field hockey, football, soccer, volleyball, basketball, ice hockey, baseball, fast pitch softball) members of the school coaching staff may coach athletes from the school district where the coaching staff is employed to coach for a maximum of 10 days from June 1 to July 31. This rule has two exceptions: (A) The paid or unpaid coach employed by a Board of Education may coach athletes from the school district where the coach is employed as coach from June 1 through July 31 if the 50% limitation is observed. (B) If the 50% limitation is observed, a coach may continue participation with a non-interscholastic team in a national qualifying tournament after July 31 until the team is eliminated from the national qualifying tournament but no later than Labor Day.¹⁵⁷

The penalties for any violations of this rule are as follows: (A) The maximum penalty for any member of a school squad, excepting a senior, shall be ineligibility in that

¹⁵³ NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION HANDBOOK 163 (1994-95).

¹⁵⁴ NORTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION OFFICIAL HANDBOOK part 2, art. XIII, § III, at 15 (1995-96).

¹⁵⁵ OHIO HIGH SCHOOL ATHLETIC ASSOCIATION HANDBOOK 10-3-3, at 46 (1995-96).

¹⁵⁶ *Id.* at § 10-3-4, at 46.

¹⁵⁷ *Id.* at § 10-3-5, at 47.

sport the ensuing season. If a senior, the maximum penalty shall be ineligibility for all interscholastic athletics the remainder of the school year.¹⁵⁸ (B) The penalty for a coach may include suspension, probation, public censure, fine not to exceed \$1,000.00 per occurrence, or such other penalty as the Commissioner may deem appropriate.¹⁵⁹

Camps/Clinics

A. Instructional programs out of the season of the sport involving team play may be attended only from June 1-July 31. There may be no instructional programs involving team play from August 1-May 31 except during the season of the sport.

B. Individual skill instruction may be received in any sport by a squad member at any time in individual or group lessons. The coach may not conduct individual or group lessons for a squad member except during June 1- July 31 and during the season of the sport.

C. There is no limit on the number of players from the same school participating on the same team during the period June 1-July 31.

D. Athletes who violate the instructional program regulations may be penalized not to exceed one year of ineligibility for interscholastic athletics.

E. Any coach, paid or unpaid, approved by the Board of Education in the school year just completed may have contact in an instructional program as director or employee with players from the school where employed for a period not to exceed 10 days from June 1 to July 31.

F. Members of the coaching staff are limited to a total of 10 days in any combination of instructional program days and non-interscholastic days as specified in the bylaws.

G. Any coach who violates any of the instructional program regulations may be prohibited from involvement for one calendar year in any instructional programs with athletes from the school where employed.

H. It is not necessary for instructional programs to be registered, sanctioned or approved by the OHSAA, but schools are responsible for enforcing the regulations.¹⁶⁰

Oklahoma There are no specific regulations regarding out-of-season participation during the school year.

Summer Camps, Summer Leagues, Etc.

A. Coaches may coach in summer time basketball and football leagues as long as they follow the five restrictions listed in this rule.

B. School personnel shall be permitted to conduct summer training camps provided they comply with the following regulations. A student shall be ineligible in football and/or basketball until reinstated by the Board of Directors if he participates in a summer camp or clinic involving coaching and instruction unless the program meets the following standards applying to a summer athletic camp: (1) The camp shall not include any type of competition other than customary practice situations. (2) An individual camp fee shall be paid by the student-athlete or his/her parent(s) without concession. (3) No awards having intrinsic value shall be offered or given to the student-athlete. (4) A student athlete shall be permitted to attend any number of summer athletic camps for football and/or basketball, except that they are limited to two team camps. (5) The camp director shall submit to the Association office upon request, a roster of those students in attendance. (6) No session of any summer athletic training camp will be approved for more than two consecutive weeks. (7) No session of a summer athletic training camp involving junior and senior high school students shall be held before school is out for the school year nor after the first full week in August. (8) No team football camps are permitted between July 15 and the normal starting date for limited

¹⁵⁸ *Id.* at § 10-4-1, at 47.

¹⁵⁹ *Id.* at § 10-4-2, at 47.

¹⁶⁰ *Id.* at 54-55.

football practice.

There are definitions given for: camp, team camp, and summer league.¹⁶¹

Oregon

Summer Participation

Summer teams may begin competing on May 27, the first day after the end of the Association Year.¹⁶²

A student may participate in a summer recreational league in any sport with the following limitations: (A) The student may not represent his/her school in any such program. (B) The student may participate on a team comprised exclusively of students from his/her own high school, provided the team is in no manner sponsored by nor represents the school. (C) the student may participate on a team comprised of students from more than one high school, provided the team neither represents nor is sponsored by a school.

A student cannot be required to participate on a summer team as a condition of being a member of the school team in that sport.¹⁶³

Camps

Athletic camps are permissible only during the defined sports season. Any group meeting for a sport outside the defined sports season during the OSAA year would be considered an athletic camp if any of the following criteria are met: (A) Students, as a team, are housed and/or fed at the school; (B) Students, as a team, are housed, and/or fed away from the school; (C) Students, as a team, are taken on an outing such as to the mountains or to the beach.¹⁶⁴

The Executive Board has determined that commercial summer camps do not properly come under the jurisdiction of the Association. Service clubs, school organizations or schools are not to finance students at commercial summer camps. This is strictly a volunteer choice of the parent(s), and in no way can a student be required to attend a commercial summer camp.¹⁶⁵

Pennsylvania

Out-of-Season

Outside of the defined season for sports, member schools may not sponsor teams, but member schools and coaches and/or students of member schools may be involved with sports activities such as training programs, recreational activities, clinics, and camps; this is provided that the school does not sponsor teams, and provided that any participation by coaches and/or students is as private citizens and is voluntary. Coaches and/or students acting as private citizens, and on a voluntary basis, may participate on teams that are not affiliated with their school or other member schools during the out-of-season period. Any sports activity that occurs outside of the defined season for a sport is outside the jurisdiction of P.I.A.A. except as set forth above, and as follows: (A) The coach or other personnel representing the school shall not require an athlete to participate in a sport or a training program for a sport outside of the P.I.A.A.-defined sport's season. The participation of students in any sports activity that occurs outside of its defined season must be voluntary. (B) In order to maintain eligibility to represent a member school in football, a student shall not participate in organized contact football camps, clinics, drills, practices, games, scrimmages or similar contact activities outside the P.I.A.A.-defined football season. (C) The school's blocking/tackling dummies and blocking/tackling sleds may not be used by schools, community organizations and groups, coaches and students

¹⁶¹ OKLAHOMA SECONDARY SCHOOL ACTIVITIES ASSOCIATION ADMINISTRATION HANDBOOK policy X, at 36 (1994-95).

¹⁶² OREGON SCHOOL ACTIVITIES ASSOCIATION HANDBOOK rule 6-1.1, at A-5 (1994-95).

¹⁶³ *Id.* at rule 10-29, at A-20.

¹⁶⁴ *Id.* at BP-3.

¹⁶⁵ *Id.*

outside the P.I.A.A.-defined football season. (D) The school's name, nickname, interscholastic athletic uniform, interscholastic athletic equipment, and interscholastic athletic health/first-aid supplies may not be used by community organizations and groups. The school's name, nickname and interscholastic athletic uniforms may not be used by students, however, the principal may permit students to use the school's interscholastic athletic equipment, and the school's interscholastic athletic health/first-aid supplies.¹⁶⁶

Rhode Island **Out-of-Season**

During the academic year, the student may participate in non-school sponsored competition in a sport provided: (A) It is not an all-star contest or team. (B) No coaching is received from a student's high school coach(es) in that sport. (C) Prospective members of a high school club, freshman, junior varsity or varsity team do not comprise in excess of fifty (50%) percent of the active members of the non-school team or athletes on the high school varsity eligibility list are not comprised of members of the non-school team in excess of fifty (50%) percent of the membership of the non-school team during the next RIIIL season for the sport in question. Schools should obtain and maintain an up-to-date active roster of athletes participating on non-school athletic teams during the school year. The RIIIL may request the school(s) to submit the roster of active members of a non-school team should a question of RIIIL eligibility arise.

(D) Students participating in summer programs may continue to play until the official day the eligibility listing for Fall sports is due in the RIIIL office, which is one week before the first varsity game. (E) Summer programs involving the 50% rule and high school coaches coaching their own students can begin on June 15, of any given school year. Students still involved in RIIIL playoffs may not participate until their playoffs have ended. (F) Summer programs involving the 50% rule and high school coaches coaching their own students who will participate on fall teams must complete play prior to the submission of the varsity eligibility list to the RIIIL office.¹⁶⁷

There are no specific regulations regarding students participation in summer camps/clinics.

South Carolina **Outside Competition**

A. The student is restricted to participation or practice in a particular sport only on the school team until the season ends. The restriction does not apply to athletics in which a student participates as an individual such as tennis or golf. Any violation of this rule will result in the immediate ineligibility of the student involved.

B. Responsibility for control of students in out of season competition rests with the school. Squad rosters, with the exception of softball and baseball, during May, Jun and July, are restricted to seventy-five percent of the allowable starters in that sport from any one school. This restriction includes all students who were included on the school's certificates of eligibility for the previous season except those no longer having eligibility in that sport and those who have not dressed for a varsity contest. Summer basketball leagues and similar activities are restricted by this section. Any school violating this regulation will be fined \$500.00 and placed on probation in the sport involved.¹⁶⁸

Camps

A. From June 1-July 31, attendance at team boarding camps is not restricted except for all fall sports. Fall sport teams may not attend boarding camps after July 19 unless an equal number of practice days at the beginning of the in-season period is forfeited. Attendance at camps during this time period must be approved by the League Office.

B. Squads may attend one non-boarding camp. A format of the week's activities must

¹⁶⁶ PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION HANDBOOK bylaw art. XV, § 1, at 17 (1995-96).

¹⁶⁷ RHODE ISLAND INTERSCHOLASTIC LEAGUE RULES AND REGULATIONS§ 7, at 34-35 (1993-95).

¹⁶⁸ SOUTH CAROLINA HIGH SCHOOL LEAGUE HANDBOOK at A-22 & A-23 (1995-96).

be submitted to the League Office prior to this camp.

C. Attendance at camps from August 1 to the closing of school are governed by the following restrictions: (1) All fees and expenses must be paid by the student or the parent(s); (2) Students may be transported by their coach; (3) A coach may serve as an instructor at the camp, but may not teach skills to students from their own school during the closed season;

(4) Attendance at camps during a sports season that are controlled entirely by a school and restricted to its students are exempt from these regulations. A violation of any part (C) of this rule will result in a \$500.00 fine and probation on the school.¹⁶⁹

Clinics

A. A clinic must be approved by the principal of a member school and held within his/her school's attendance area.

B. A clinician's fee and expenses should be reasonable. Principals should pay close attention to this item before giving approval.

C. Room and board must not be a part of the clinic.

D. The clinic must not exceed three days.

Team competition is prohibited and all physical activity must be restricted to fundamentals.¹⁷⁰

South Dakota There are no specific regulations regarding out-of-season participation during the school year or student participation in summer camps/clinics.

Tennessee Out-of-Season

After a student's name is listed on the school eligibility report the student shall not participate in an independent game until the season has closed or his/her name has been removed from the eligibility report at the request of the school principal.¹⁷¹

Camps

All expenses of an athlete who attends any athletic camp where specialized instruction is offered in any sport sponsored by TSSAA must be paid by the athlete or his/her parent(s).¹⁷²

Texas Out-of-Season

A. Students in grades 9-12 may play and practice on non-school seven-man flag football, basketball, volleyball, and soccer teams except during the school season in that sport, under the following conditions: (1) School coaches shall not coach students from their own attendance zone, with the exception of their own adopted or birth children; (2) School equipment shall not be used non-school teams/leagues; (3) Contact activities and equipment are prohibited in seven-man flag football; (4) No more than the following number of incoming 10th-12th grade students from the same school may participate on the same non-school team roster/squad: (a) *Basketball*: Maximum of 3 students from the same school per team/squad.; (b) *Seven-Man Flag Football*: Maximum of 4 students from the same school per team/squad; (c) *Soccer*: No limit on the number of students from the same school per team/squad; (d) *Volleyball*: Maximum of 4 students from the same school per team/squad. (B) Students in grades 9-12 may play and practice on non-school baseball or softball teams, except during the school baseball or softball season under the following conditions: (1) School coaches may coach non-school composite summer league baseball or softball teams/squads if no more than 6 incoming 10th-12th grade students from that coach's school district attendance zone are on the team/squad.

¹⁶⁹ *Id.* at A-23.

¹⁷⁰ *Id.*

¹⁷¹ TENNESSEE SECONDARY SCHOOL ATHLETIC ASSOCIATION REGULATIONS art. II, § 10, at B-4 (1994-95).

¹⁷² *Id.* at § 28, at B-10.

There is no limit on the number of students from the same school on the same team/squad if school coaches are not coaching any of their own 10-12 grade students; (2) School equipment shall not be used for non-school teams.¹⁷³

Camps

A. For baseball, basketball, football, soccer, softball, and volleyball camps where school personnel *do not* work with their own students, the following is true: (1) In June, July and August, on non-school days prior to the second Monday in August, students may attend athletic camps that give instruction in team sports; (2) Coaches who are parents are not prevented from working with, instructing, transporting, or registering their own adopted or birth children in such a camp; (3) Schools may furnish school owned equipment and/or school owned individual player equipment for use in these camps; (4) No more than the following number of incoming 10th through 12th grade students from the same school district attendance zone shall play on the same team in games played in these camps: baseball, softball, and soccer - no limit; basketball - 3; football - 4; volleyball - 4.; (5) Fees for attendance at any camp for these students shall be paid for by the students and/or their parent(s); (6) Incoming 10th-12th grade students shall not attend invitation-only camps that give instruction in team sports or individual instructional camps where students receive specific sport instruction in baseball, basketball, football, soccer, softball, or volleyball; (7) Coaches who work in camps where students from their own attendance zone are attending the camp shall not be paid more because their students are attending.¹⁷⁴

B. For baseball, basketball, football, soccer, softball, and volleyball camps where school personnel work with their own students, the following is true: (1) In June, July and August, on non-school days prior to the second Monday in August, all students other than students who will be in their second, third or fourth year of high school may attend one camp in each team sport, held within the boundaries of their school district, in which instruction is given in that team sport, and in which a 7th-12th grade coach from their school district attendance zone works with them, under the following conditions: (a) Attendance at each type of sports camp is limited to no more than six consecutive days; (b) Students shall not attend football camps where contact activities are permitted; (c) Fees shall be paid by the students and/or the parent(s); (d) Schools may furnish, in accordance with local school district policies, school-owned equipment, with some restrictions.¹⁷⁵

Utah

There are no specific regulations regarding out-of-season participation during the school year.

Camps/Clinics

A. A student may not attend a camp/clinic sponsored by the school for a sport or activity during the summer or school year within three weeks of the starting date of an activity.

B. Schools may participate in one (1) team camp per activity during the off-season for any sport or activity. Additionally, the maximum expenditure for each student participating in the team camp may not exceed \$250.00 for registration costs, meals, and lodging. Transportation costs may be in addition to the \$250.00. A team camp is defined as one where any of the following are true: (1) A coach and three or more players from two or more schools participate; (2) Where games/scrimmages between participating schools (two or more) or teams whose members come from respective schools (two or more) are played; and (3) Where the participant enrollment from any one school is limited.

¹⁷³ UNIVERSITY INTERSCHOLASTIC LEAGUE CONSTITUTION & CONTEST RULES (UNIVERSITY OF TEXAS AT AUSTIN DIVISION OF CONTINUING EDUCATION) 1209(h), at 193 (1994-95).

¹⁷⁴ *Id.* at § 1209(b), at 192.

¹⁷⁵ *Id.* at § 1209(c), at 192.

C. Subject to the time restrictions of item (A) above, schools may hold clinics for instructional purposes. Clinics are those activities which are instructional in nature, are open to all and which do not fall under the definition of team camps above.¹⁷⁶

Vermont

Out-of-Season

The school, a school's organization (Booster's) and the like may not assist the student-athlete during the out-of-season period or provide equipment, uniforms, transportation or funds related to camp or clinic attendance when same is of a participatory nature.¹⁷⁷

From the last day of school to the start of the fall season all restrictions are rescinded. Local schools may determine to what extent the school, the coaches, and the students are to be involved in the "summer recess" program.¹⁷⁸

There are no specific regulations regarding the students and/or coaches participation in camps/clinics.

Virginia

Out-of-Season

Students may participate on an independent team during the school year as long as it does not conflict with the school team's schedule or activities.¹⁷⁹

There are no specific regulations regarding student participation in summer camps/clinics.

Washington

Out-of-Season

During any sport season after joining a school squad, students may participate in non-school athletic activities, provided they do not miss a team practice or scheduled contest. Missing a team practice or contest may be allowed if such activity does not adversely affect the performance of the athlete in practice and or competition, in the judgement of the coach and/or principal.¹⁸⁰ Students shall not compete in the uniform of the school at non-school events.¹⁸¹

Camps/Clinics

A school athlete's participation in a commercial summer camp, school sponsored summer camp, summer clinic, or other similar program in any sport shall not begin until the conclusion of the final WIAA State Tournament of the school year.¹⁸² Participants in a school sponsored fall sport cannot attend any summer camps or summer clinics in that sport after August 1 until the first fall sport turnout.¹⁸³

Washington
(D.C.)

There are no specific regulations regarding out-of-season participation during the school year, or student participation in summer camps/clinics.

West Virginia

There are no specific regulations regarding out-of-season participation during the school year.

Camps/Clinics

A. School organized out-of-season practice or school-organized summer camps shall not be permitted.¹⁸⁴

B. A coach or surrogate may not be present as an observer, lecture participant, staff

¹⁷⁶ UTAH HIGH SCHOOL ATHLETIC ASSOCIATION BYLAWS § 18, at 31 (1994-95).

¹⁷⁷ BYLAWS AND POLICIES OF THE VERMONT PRINCIPALS' ASSOCIATION, INC. art. III, § 4(B), at 30 (1995).

¹⁷⁸ *Id.* at § 4(C), at 30.

¹⁷⁹ VIRGINIA HIGH SCHOOL LEAGUE, INC. HANDBOOK rule 28-11-1, at 72 (1995-96).

¹⁸⁰ WASHINGTON INTERSCHOLASTIC ACTIVITIES ASSOCIATION HANDBOOK § 18.18.0, at 28 (1994-95).

¹⁸¹ *Id.* at § 18.18.3, at 28.

¹⁸² *Id.* at § 17.24.4, at 22.

¹⁸³ *Id.* at § 17.24.5, at 22.

¹⁸⁴ WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION RULES AND REGULATIONS HANDBOOK § 127-3-7.1, at 38 (1993).

member, or in any capacity at any summer camp where the number of his/her athletes exceeds fifty percent of the number of persons designated as the starting line-up or cheerleading squad. Nor may a school or related organization be involved in fund raising projects to subsidize student attendance at or in camps.¹⁸⁵

C. A coach or surrogate shall not work with individuals in any form of drills or practice of his coaching assignment except during those dates specified as the season for that specific sport.¹⁸⁶

D. Coaches may not promote, initiate, organize, supervise, or participate in out-of-season events involving athletes of the same sport as their coaching assignment. An exception to this is when the local Board of Education or other agency employees and remunerates the coach at least minimum wage to organize and/or supervise a recreation program for youth.¹⁸⁷

There are no regulations regarding student participation in summer camps/clinics.

Wisconsin

Out-of-Season

There are no restrictions on students for participating on independent or non-school teams at times other than the sport season of the same sport.

It is not permissible for a student to wear a school uniform or other team apparel other than during the designated school season of sport.¹⁸⁸

Camps/Clinics

A. It is not permissible for any person or organization, except the student or parent(s), to pay the cost or fee of any kind of nonschool activity involving specialized training or similar instruction. This provision shall not prevent a school from covering the costs of team participation in a clinic or similar activity during the season of a sport.¹⁸⁹

B. A student must discontinue summertime participation in non-school programs prior to the first day of the school's official opening day of practice in the same sport.¹⁹⁰

Wyoming

There are no specific regulations regarding out-of-season participation during the school year.

Camps/Clinics

A. Specialized sports camps for all athletic activities are permitted with no stipulation concerning the number of participants from any single school.¹⁹¹

B. A high school student may attend any individual or team specialized sports camp(s)/clinic(s) of his/her choice.¹⁹²

C. No coach or school representative may directly or by implication direct a student to attend camps/clinics as a condition to practicing, participating, or otherwise influencing a student's opportunity to participate in any school interscholastic athletic program.¹⁹³

D. No student shall participate in a specialized sports camp/clinic during which individual skills are taught for a period greater than two calendar weeks (fourteen days) during any calendar year in which any of his/her coaches or high school faculty members are involved.¹⁹⁴

E. There shall be no participation in a specialized camp/clinic the two weeks prior to the

¹⁸⁵ *Id.* at § 127-3-7.2, at 38.

¹⁸⁶ *Id.* at § 127-3-7.3, at 38.

¹⁸⁷ *Id.* at § 127-3-7.5, at 39.

¹⁸⁸ WISCONSIN INTERSCHOLASTIC ATHLETIC ASSOCIATION OFFICIAL HANDBOOK art. VI, § 2(C), at 38 (1995-96).

¹⁸⁹ *Id.* at § 2(D), at 38.

¹⁹⁰ *Id.* at § 2(E), at 38.

¹⁹¹ WYOMING HIGH SCHOOL ACTIVITIES ASSOCIATION HANDBOOK rule 5.4.1, at 27 (1995-96).

¹⁹² *Id.* at rule 5.4.2, at 27.

¹⁹³ *Id.* at § 5.4.3, at 27.

¹⁹⁴ *Id.* at § 5.4.4, at 27.

beginning of a sport season if the student's coach(es) is a clinician.¹⁹⁵

F. The athletic camp fee shall be paid by the student athlete or his/her parent(s). No school funds may be used for entry fees, equipment, transportation, or uniforms. Fund raising activities sponsored by a member school to send athletes to camp are illegal.¹⁹⁶

G. Students who attend specialized sports camps will not be covered by school insurance.¹⁹⁷

- Alberta There are no specific regulations regarding out-of-season participation during the school year or student participation in summer camps/clinics.
- Ontario There are no specific regulations regarding out-of-season participation during the school year or student participation in summer camps/clinics.
- Prince Edward There are no specific regulations regarding out-of-season participation during the school year or student participation in summer camps/clinics.
- Saskatchewan There are no specific regulations regarding out-of-season participation during the school year or student participation in summer camps/clinics.

IV. Court Challenges

There have been a number of court challenges to out-of-season participation regulations.¹⁹⁸ These challenges have focused on constitutional grounds relating to equal protection and due process and fundamental rights arguments.¹⁹⁹

If the regulation neither infringes upon a fundamental right nor burdens an inherently suspect class, then equal protection requires only a rational relation to a legitimate state interest.²⁰⁰ The right to play interscholastic or intercollegiate sports has rarely been viewed as a fundamental right.²⁰¹ Only when other factors are present (e.g. a college senior who will lose his ability to earn a living as a professional athlete if he is denied further intercollegiate eligibility) is there realistic possibility that the privilege to play will be elevated to a property right.²⁰² Playing sports, then, is a privilege as opposed to a fundamental right.²⁰³

An equal protection analysis is the first and most obvious approach to the constitutionality of the out-of-season participation regulations.²⁰⁴ In the *Sullivan* case,²⁰⁵ the plaintiff claimed that the state illegally discriminated against those who participate in extracurricular activities opposed to those who do not, that is, those who hang around the malls. Further, equal protection is directed to the State and admonishes that "no state shall ... deny to any person within its jurisdiction the equal protection of the law." However, equal protection does recognize that a State cannot function without some classification of its citizens for various purposes along with the corresponding different treatment of others.

¹⁹⁵ *Id.* at § 5.4.5, at 27.

¹⁹⁶ *Id.* at § 5.4.6, at 27.

¹⁹⁷ *Id.* at § 5.4.7, at 27.

¹⁹⁸ See *Arremony v. Connecticut Interschol. Athletic Conference*, ; *Barry v. Connecticut Interschol. Athletic Conference*, ; *Robinson v. Kansas State High Sch. Activities Ass'n, Inc.*, 95C1064 (D.C. Sedgewick County, KS 1995).

¹⁹⁹ See cases cited *supra* note 37; see also *Associated Students, Inc. of Cal. State Univ. v. NCAA*, 493 F.2d 1251 (9th Cir. 1974); *Kite v. Marshall*, 494 F. Supp. 227 (S.D. Tex. 1980), *revid on other grounds*, 661 F.2d 1027 (5th Cir. 1981), cert. denied, 457 U.S. 1120 (1982); *State ex rel. Bartmess v. Board of Trustees*, 726 P.2d 801 (Mont. 1981); *Bailey v. Truby*, 321 S.E.2d 302 (W. Va. 1984).

²⁰⁰ See *Champion*, *supra* note 14, at 307.

²⁰¹ See *Supra* note 5.

²⁰² *Id.*

²⁰³ See *Spring Branch I.S.D. v. Stamos*, 695 S.W.2d 556, 560, reh overr, app idsm'd, 475 US 1001, 89 L.Ed.2d 290, 106 S.Ct. 1170; *Eanes Independent School District v. Logue*, 712 S.W.2d 741, 742 (Tex.1986).

²⁰⁴ *Champion*, *Supra* note 14 at 335.

²⁰⁵ *Sullivan v. University Interscholastic League*, 616 S.W.2d 170, 172 (Tex.1981).

In *Gilpin*,²⁰⁶ the court determined that the Kansas State High School Athletic Association²⁰⁷ acts "under the color of law" because of the pervasive influence and control exercised by the Association acts under color of state law, and that its actions are subject to judicial scrutiny under the purview of the Civil Rights Act.²⁰⁸

In *Robinson v. Kansas State High School Activities Ass'n, Inc.*,²⁰⁹ the district court held that a 1956 statute²¹⁰ was unconstitutional that delegated rules authority to the Kansas State High School Activities Association, Inc. (KSHSAA). The current question before the court dealt with a request for injunctive relief for three basketball players who were determined ineligible for violation of the out-of-season participation regulation.²¹¹ However, Judge Bell held that the state high school activities association's exclusive recognition by the legislature is unconstitutional. Judge Bell stayed the order for appeal to the Kansas Supreme Court.²¹²

In an interview regarding the Kansas situation with Mr. Kaye Pearce, Executive Director, the KSHSAA²¹³ is hopeful that the Kansas Supreme Court²¹⁴ will reverse the finding of the district court. If the court were to concur with the district court the KSHSAA would have to close its doors. The next question will be what will happen to the NCAA which is also headquartered in Kansas, and other high school athletic or activities associations with similar state legislation as that being challenged in Kansas. This decision, if upheld, will make the future governance of interscholastic athletics, and possibly intercollegiate athletics in Kansas and other states extremely difficult if not impossible.

In *Stone v. Kansas State High School Activities Association, INC.*,²¹⁵ the court held that Stone could challenge the out-of-season participation rules of the KSHSAA. The KSHSAA exercises substantial control over the public schools of this state and it does so as a result of its exclusive recognition by the legislature.²¹⁶

²⁰⁶ *Id.* at 1237.

²⁰⁷ The Kansas State High School Activities Association is a voluntary non-profit corporation created to regulate, supervise, promote, and develop interscholastic activities among the students of the secondary schools of the State of Kansas. It is not an agency of the state or of any local governmental unit. Nevertheless, it is sanctioned and regulated by state law pursuant to K.S.A. § 72-130 et seq. The majority of the members of the KSHSAA are state public schools. The funds for the KSHSAA come from membership dues derived, in large part, from gate receipts generated by games between members, majority of which are held in state-owned and state-supplied facilities. The KSHSAA exercises general control over all activities and contests between members schools, and has exclusive control over all state athletic meets. The KSHSAA is authorized to conduct investigations and to assess penalties against members schools for violations of its rules. The principals of each member school are responsible to it in all matters pertaining to inter-school activities. The KSHSAA determines individual eligibility in all sports.

²⁰⁸ See, *Gilpin v. Kansas State High School Activities Ass'n, INC.*, 377 F.Supp. 1233 (D. Kansas, 1973); see also *Breden v. Independent School District 742*, 477 F.2d 1292 (8th Cir. 1973), *aff'g.* 342 F.Supp. 1224 (D. Minn. 1972); *Mitchell v. Louisiana High School Athletic Association*, 430 F.2d 1155 (5th Cir. 1970); *Oklahoma High School Athletic Association v. Bray*, 321 F.2d 269 (10th Cir. 1963); *Reed v. Nebraska School Activities Association*, 341 F.Supp. 258 (D.Neb. 1972).

²⁰⁹ 95C1064 (D.C. Sedgewick County, KS 1995)

²¹⁰ See K.S.A. 72-130 *et seq.*

²¹¹ Kansas: A student who is a member of a school athletic squad effective Tuesday following Labor Day through Friday preceding Memorial Day may not participate as a member of an outside team or as an independent competitor in the same sport; the only exception to this would be any United States Olympic Committee-Sponsored National Trials and Competitions. Informal participation on the part of the student-athlete is not considered a violation of this rule, provided it was not formally called or organized, no coaching takes place, where no official score is kept, time kept, officials used, etc. Any violations of this rule will result in the student becoming ineligible for the remainder of that sport's season unless he/she is reinstated by the Executive Board. A coach/coach's aide may not attend clinics or camps with his/her athletes (Kansas State High School Activities Association Handbook, rule 22 § 1, at 32; rule 30 § 1, at 35 (1994-95)).

²¹² *Robinson v. Kansas State High School Activities Association, Inc.*, 95C1064 (D.C. Sedgewick County, KS 1995).

²¹³ Telephone interview on January 30, 1996. The Kansas State High School Activities Association, Inc. (KSHSAA) was founded in 1910. The statute delegating the KSHSAA authority for promulgating regulations was enacted in 1956.

²¹⁴ *Robinson v. Kansas State High School Activities Ass'n, Inc.* 95-74817-S (Kansas S.Ct.) scheduled to be decided in April 1996.

²¹⁵ 761 P.2d 1255 (Kan.App. 1988).

²¹⁶ *Supra* note 50.

When KSHSAA acts, it acts, in effect, as a government body. Accordingly, the court held that KSHSAA's rules are subject to the same constitutional scrutiny that would apply had these rules been adopted directly by either the legislature or the school districts of this state.²¹⁷

V. Summary, Conclusions, and Recommendations

A. Summary

Amateur athletes are ordinarily conducted as part of the educational activities of high schools. It is also common for these to be rules which limit eligibility to those who choose to participate out-of-season in camps or summer leagues. These rules govern coaches as well as student-athletes. They have been developed to control out-of-season participation to limit such activities in order to protect the student-athlete, and equalize interscholastic competition. However, these rules have often been challenged by coaches and student-athletes. But, the courts have commonly ruled in favor of the interscholastic association in order to preserve equalized interscholastic competition.

B. Conclusions

A student's fundamental rights have their genesis in the express and implied protections of personal liberty recognized in federal and state constitutions. A student's right to participate in extracurricular activities does not rise to the same level as the right to free speech or free exercise of religion, both of which have long been recognized as fundamental rights under federal and state constitutions. More specifically, since the out-of-season participation rule neither infringes upon fundamental rights nor burdens an inherently suspect class, therefore, it is not subject to strict or heightened equal protection scrutiny.

C. Recommendations

The recommendations relating to out-of-season participation requirements for amateur sports include, but are not limited to:

- ✓ regulations should have three objectives, namely, the protection of the student-athlete, the promotion of education, and the continuation of amateurism;
- ✓ regulations must not be arbitrary, capricious, or drafted in bad faith; and
- ✓ regulations must be rationally related to the legitimate state of providing equalized competition.

²¹⁷ *Supra* note at 1258. See *United States v. Guest*, 383 U.S. 745, 755, 86 S.Ct. 1170, 1176, 16 L.Ed.2d 239 (1966) (14th Amendment applies "where there has been involvement of the State or of one acting under the color of its authority"); *Gilpin v. Kansas State Activities Ass'n, Inc.*, 377 F.Supp. 1233 (D.Kan.1974) (KSHSAA acts under color of state law); and *Betts v. Easley*, 161 Kan. 459, 467, 169 P.2d 831 (1946) (when labor union acts under federal law as the exclusive bargaining agent for railroad employees, it acts as a government agency and its actions are subject to constitutional scrutiny)