

# ***RECOMMENDATIONS***

**February 9, 2021 Delaware Interscholastic Athletic Association**



Joint Legislative Oversight  
& Sunset Committee

The following are Delaware Interscholastic Athletic Association (“DIAA”) initial draft recommendations for the Joint Legislative Oversight & Sunset Committee (“JLOSC” or “Committee”). JLOSC staff drafted these recommendations after completion of research, analysis, and following observations made during the presentation meeting. These recommendations are not final until adopted by JLOSC. JLOSC will review and discuss recommendations at a public meeting, where the Committee is free to modify, reject, or create brand new recommendations.

The Committee is statutorily authorized to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity’s functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified time period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

Under §10213(a), Title 29, the Committee must first determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select to continue or terminate the entity under review.

## **Recommendation 1: Continue or Terminate**

Option 1: The Delaware Interscholastic Athletic Association shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Delaware Interscholastic Athletic Association is terminated, and the Committee will sponsor legislation to implement this recommendation.

## **Recommendation 2: General Statutory Updates & Technical Corrections**

JLOSC will sponsor a bill to make technical corrections to DIAA’s entire governing statute, Chapter 3, Title 14.<sup>1</sup>

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<sup>1</sup> The Committee’s legislative attorney will draft any legislation resulting from approved recommendations, unless otherwise noted.

### **Recommendation 3: Strategic Plan**

DIAA shall engage the necessary units within the Delaware Department of Education to establish a strategic planning process with a focus on:

- a. Student athlete development.
- b. Equity among student athlete opportunities.
- c. Communication and marketing.
- d. Community engagement.
- e. Board, committee member, and staff training program.
- f. Other areas deemed appropriate.

### **Recommendation 4: Expired Terms**

DIAA shall work with the Governor's office to address the current number of expired terms by March 1, 2022.

### **Recommendation 5: Board Composition**

Amend Chapter 3, Title 14, to address removal of a board member at any time for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance and change DIAA's Board composition as follows:

- a. Add a third school district superintendent/assistant superintendent, creating an equitable representation among counties.
- b. Add a third nonpublic school representative.
- c. Of the 6 public members, 1 shall be a current or recent parent of a student athlete from a member school.

### **Recommendation 6: Board Meetings**

DIAA shall restructure Board meetings as follows:

- a. When possible, limit the number of executive sessions to 1 per meeting or schedule a separate executive session meeting.<sup>2</sup>
- b. Establish a standing public comment period that occurs prior to a scheduled executive session.
- c. Explore the creation of an Executive Committee, made up of current Board members with appropriate representation, to conduct initial waiver hearings.

### **Recommendation 7: Standing Committees**

DIAA shall make the following changes to regulations as it pertains to the standing committee structure:

- a. Create a transparent selection process for committee members.
- b. Develop a structure to ensure composition is representative of the athletic and education stakeholder populations.
- c. Ensure all membership information and committee decisions are easily accessible on the DIAA website.

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<sup>2</sup> A separate executive session meeting has been utilized by several public bodies, including the [Board of Medical Licensure and Discipline](#).

### **Recommendation 8: DIAA Staff**

DIAA shall develop a new staff position to equip the Association with the ability to:

- a. Ensure compliance among member schools.
- b. Increase communication with student athletes and their guardians.
- c. Create equitable waiver and transfer policies through education and increased communication.
- d. Conduct investigations in a timelier manner.

### **Recommendation 9: Fees and Revenue**

Amend Chapter 3, Title 14 to allow DIAA the ability to pursue sponsorship opportunities and other non-tournament related revenue streams. Additionally, the DIAA Board shall adopt a policy of enforcing the current fee structure in the event of a violation.

### **Recommendation 10: Out of Season Coaching**

Pursuant to Senate Concurrent Resolution 79 of the 149<sup>th</sup> General Assembly, the DIAA Board shall adopt an out of season coaching policy by December 31, 2021.

### **Recommendation 11: Website Updates**

DIAA shall restructure and update its website as follows:

- a. Summaries of all promulgated regulations and other DIAA policies.
- b. Standing committee information, including but not limited to, committee authority, current membership, current vacancies, meeting notices, and adopted decisions and recommendations to the Board.
- c. Sport-specific pages featuring FAQs, policy documents, and tournament manuals.
- d. Easily accessible information on the waiver and transfer processes.

### **Recommendation 12: Follow Up Reporting**

DIAA shall submit a status report, no later than January 31, 2022, to the JLOSC on the implementation process of the adopted recommendations.

### **Recommendation 13: Release from Review or Hold Over**

Option 1: DIAA is released from review upon enactment of JLOSC-sponsored legislation and submission of the status report.

- OR -

Option 2: DIAA is held over and shall report to the Committee in January 2022.