

DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION

STATUS REPORT

JULY 31, 2021

Summary: The Delaware Interscholastic Athletic Association (DIAA) aims to preserve and promote the educational significance of interscholastic athletics, ensure interscholastic athletics remains compatible with the educational mission of member schools, provide fair competition among member schools, promote sportsmanship and ethical behavior, establish and enforce standards of conduct for student athletes, coaches, administrators, officials, and spectators, protect the physical well-being of student athletes, and promote healthy adolescent lifestyles. DIAA is a self-supporting unit of the Delaware Department of Education (DDOE) that regulates middle and high school athletics for the State. DIAA is affiliated with the National Federation of State High School Association (NFHS). NFHS is a national resource for the association providing guidance for interscholastic athletics.

DIAA received notification in June 2019 from the Joint Legislative and Oversight Sunset Committee (JLOSC) that a comprehensive legislative oversight and sunset review would be conducted.

- DIAA's initial presentation meeting was scheduled for March 17, 2020 but was postponed due to the COVID-19 pandemic.
- DIAA's initial presentation meeting was instead held on February 10, 2021.
- DIAA had recommendation meetings on February 16, 2021, March 23, 2021 and May 4, 2021.
- JLOSC released its June 2021 final report adopting 15 recommendations for DIAA.

DIAA Updates

Since the May 4, 2021 JLOSC recommendation meeting, DIAA has conducted one public hearing to hear public comment on proposed changes to Regulation 1009, three board meetings, three standing committee meetings and 15 sport committee meetings. Over a two-week period, DIAA successfully conducted spring championships for its spring sports (baseball, lacrosse (boys' and girls'), girls' soccer, golf, outdoor track and field (boys', girls and unified'), softball and tennis (boys' and girls')). In total, DIAA hosted 152 athletic contests and crowned 14 team champions. DIAA conducted all three-sport regular and championship seasons for 2020-2021 while under the State of Emergency due to the COVID-19 pandemic. The successful athletic operations during the regular and championships seasons were a result of using mitigating strategies from the

Department of Public Health (DPH) and recommendations by DIAA Sports Medicine Advisory Committee.

In partnership with American Lung Association, through DPH's Tobacco Prevention Community Contract, DIAA ran a vaping education contest in May which was intended to educate Delaware students about the health dangers of e-cigarette and vaping usage. The vaping education contest winners were: Non-conference winner – Ursuline Academy, Blue Hen Conference winner – St. Georges High School and Middle School winner – Tatnall School.

DIAA also recognized the academic, athletic and leadership achievements of six student athletes who were named 2021 Harry Roberts Senior Scholar Athlete Award winners. DIAA recognized the following student athletes: First Place – Jacob Bole (Caesar Rodney High School) and Emma Fisher (Middletown High School); Second Place – Spencer Zbranak (Sanford School) and Stephanie Kulenguskey (Ursuline Academy), and Third Place – Declan Burke (Indian River High School) and Katherine Zabel (Sanford School).

Regulation 1011 Interscholastic Athletics during the COVID-19 Pandemic: In April 2021, the DIAA Board of Directors voted to publish amendments to Regulation 1011. The proposed amendments included repealing the pre-participation physical examination requirements that applied to the 2020-2021 school year; revising the four Return to Play Stages to eliminate sports categorized as low, medium, and high risk for COVID-19 spread based on guidance from the American Medical Society for Sports Medicine and the National Federation of State High School Associations; repealing Section 5.0, which provided the dates for the fall, winter, and spring sport seasons during the 2020-2021 school year and set forth sport-specific requirements; revising the face covering requirements in subsection 3.5.3.3; and adding the previous requirements that the Board may mandate sport-specific requirements that are designed to protect the physical well-being of student athletes and that Member Schools follow any sport-specific plans approved by the Board to Section 3.0. The proposed amendments were published in the *Register of Regulations* on May 1, 2021. On June 10, 2021, the DIAA Board of Directors voted to propose the amendments, as published, for adoption by the Department. The State Board of Education approved the proposed amendments on June 17, 2021. Thereafter, on July 12, 2021, the Governor issued an order terminating the declaration of a State of Emergency and all related orders, effective July 13, 2021 at 12:01 a.m. E.D.T. In order to be consistent with the Governor's Order, the DIAA Board of Directors repealed the regulation, which was originally put in place to comply with the State of Emergency. Because the repeal was necessary to conform with current law, the regulation was repealed through the informal rulemaking process.

DIAA will continue to collaborate with the Department of Public Health and seek recommendations from the DIAA Sports Medicine Advisory Committee regarding mitigating strategies that may be considered for sports during the 2021-22 sport seasons.

Regulation 1009 DIAA High School Interscholastic Athletics: On April 8, 2021, the DIAA Board of Directors voted to publish amendments to Regulation 1009, including changes to coaching out-of-season activities. The proposed amendments were published with the *Register of Regulations* on May 1, 2021 with a written public comment period ending on July 6, 2021. The Board conducted a public hearing concerning proposed amendments on June 17, 2021 and heard comments from three individuals. The Board received one written comment. At its July 2021 meeting, the Board voted to withdraw the proposed amendments and to continue to address concerns regarding coaching out-of-season. DIAA is working with the Public Integrity Commission to draft further changes to the regulation that are consistent with the Code of Conduct (29 Del. C. ch. 58) for public school coaches.

JLOSC Recommendation Updates

Adopted Recommendation 4: 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 with a goal of improving time management and streamlining operations.
- f. Other areas deemed appropriate.

DIAA Update: In May 2021, DIAA staff presented a plan of action regarding the development of a strategic plan and addressing a potential timeline to the DIAA Board of Directors. The DIAA Board of Directors voted to approve the plan of action. DIAA staff will present an update to the plan of action to DIAA Board of Directors at the August 2021 board meeting to address scope of work, budget implications, and a timeline for approval.

Adopted Recommendation 5: Expired Terms

DIAA shall request quarterly updates from the Governor's office as it addresses the current number of expired terms.

DIAA Update: Board and Commissions within the Governor's Office provided DIAA with the following updates regarding the DIAA Board of Directors:

- Robert Watson, Jr. was reappointed for a term that ends on June 23, 2023.
- Vetra Evans-Gunter was reappointed for a term that ends on June 11, 2024.
- Sherry Kijowski, Ed.D., the Principal of Caesar Rodney High School, was appointed to replace Evelyn Edney, Ed.D. Dr. Kijowski's term ends on June 18, 2024.
- Raymond (Mark) Robinson, the Athletic Director at St. Georges Technical High School, was appointed to replace Jeremy Jeanne. Mr. Robinson's term ends on June 18, 2024.

- Kevin T. Smith, the Athletic Director at Cape Henlopen High School, was appointed to replace Robert Cilento. Mr. Smith's term ends on June 18, 2024.
- Matthew W. Smith, the Athletic Director at St. Mark's High School, was appointed to replace Michael Hart. Mr. Smith's term ends on June 18, 2024.
- Matthew Donovan, Ed.D. and Stan Waterman resigned from the Board.

Adopted Recommendation 8: Board Meetings

DIAA shall restructure Board meetings as follows:

- a. When possible, limit the number of executive sessions to one per meeting or schedule a separate executive session meeting.
- b. Establish a standing public comment period that occurs at the beginning of the meeting prior to a vote on any action item and 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.

DIAA Update: At the July 14, 2021 meeting, DIAA had one executive session during which three hearings were convened. DIAA Board will continue to evaluate conducting one executive session to track length of time in executive session and whether entertaining motions in general session should occur after each waiver executive session or when returning to general session after one executive session. On July 29, 2021, a hearing panel of three DIAA Board members convened hearings on two waiver requests. The hearing panel will issue a proposed order with its recommended findings of fact, conclusions of law, and decision to the DIAA Board of Directors for consideration.

Adopted Recommendation 9: Standing Committees

DIAA shall make the following changes to the standing committee structure:

- a. Update the committee membership information to include more specific standards relating to size, applicable stakeholder representation, subject matter expertise, and public accessibility.
- b. Create a more transparent selection process for committee membership including public notification and access to current vacancy information and application documentation.
- c. Ensure all membership information and committee decisions are easily accessible on the DIAA website.
- d. Adopt a specific disciplinary process should a violation of regulations occur.

DIAA Update:

The committee membership information is addressed in subsection 3.2.2 of Regulation [1006](#).

DIAA committee vacancies are listed on the [DIAA's website](#). DIAA staff updated the committee application with the DIAA Board of Directors' approval at the April 2021 board meeting. The

updated committee application is located on the [DIAA's website](#). DIAA will discuss further ways to create a more transparent selection process for committee membership at an upcoming Board meeting.

As of June 2021, DIAA included all committee membership information on the [DIAA's website](#).

DIAA will discuss adopting a specific disciplinary process should a violation of regulations occur at an upcoming board meeting.

Adopted Recommendation 10: DIAA Staff

DIAA shall develop a new staff position to submit to the Department of Education and Joint Finance Committee that will allow the Association 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.

DIAA Update: DIAA will discuss developing the new staff position at the November 2021 board meeting.

Adopted Recommendation 11: Update and Enforce Fee Structure

The DIAA Board shall assess the current fee structure, make necessary changes, and adopt a mechanism for enforcement in the event of violations.

DIAA Update: DIAA will discuss assessing the current fee structure at the November 2021 board meeting.

Adopted Recommendation 13: 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.

DIAA Update:

DIAA staff is working with the Department of Education to create subpages on the DIAA Board of Directors' website to restructure it.

Standing committee information was added to the DIAA's website in June 2021. The committee charges were moved from their current location on the website and included on the created committee page. Meeting notices are located on the DIAA website calendar and on the State of

Delaware Public Meeting Calendar site. Committee member rosters, as approved by the Board, are included in the DIAA board minutes which are also posted on the DIAA website. The committee rosters will be kept up-to-date on the recently created committee pages as decisions or changes are approved by the DIAA Board.

Sport-specific pages, FAQs, policy documents and tournament manuals were already included on the DIAA's website. DIAA sport-specific pages are located under [Sports](#) and FAQs, policy documents, and tournament manuals are listed under [Manuals](#).

Information on waiver requests is available on the [website](#), which includes links to guidelines and the waiver request form.

An update on restructuring the website will be provided to the DIAA Board of Directors during September 2021 meeting.