

INSTRUCTIONS

Update Reporting 2021 Holdover Update



Joint Legislative Oversight
& Sunset Committee

OCTOBER UPDATE

Use this form to report all updates that have occurred between August and October 2021.

DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION STATUS REPORT October 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 submitted July 31, 2021 status report to JLOSC.

DIAA Updates

Since submission of the July 31, 2021 status report to JLOSC, DIAA has conducted three board meetings, three standing committee meetings and three sports committee meetings. DIAA fall sport season started with practice on August 6 for football 3A schools, August 9 for football 2A/1A schools and August 16 for boys' soccer, cross country, field hockey, unified football and volleyball. Competition for fall sports started on September 1 for approved football schools and

September 8 for all other fall sports and those football schools who did not seek a waiver to start their season early. The DIAA new football classification system started this fall season. Football expanded from a two-division format to a three-tier classification system. Instead of conference affiliation, the class system has district divisions. Delaware Association of Athletic Directors (DAAD) oversees the regular season operations collectively for football under the new format. Middle school practices started on August 30 with competition starting on September 20.

DIAA will conduct fall sports championships starting November 4 – December 11. DIAA will announce championship sites for football, unified football and volleyball the first week of November. In the past, the championships for these sports have been held at the University of Delaware. This year, the Board approved exploring other host sites. Cross country will hold championships at Brandywine Creek State Park and boys' soccer and field hockey at Dover High School.

DIAA Meetings

- August 12, 2021 DIAA Board of Directors Meeting
- August 19, 2021 DIAA Board of Directors Meeting
- September 9, 2021 DIAA Board of Directors Meeting
- September 16, 2021 DIAA Unified Sports Committee
- September 19, 2021 DIAA Wrestling Committee
- September 20, 201 DIAA Girls Lacrosse Committee Meeting
- September 20, 2021 DIAA Sports Medicine Advisory Committee Meeting
- September 22, 2021 DIAA Sportsmanship Committee Meeting
- October 4, 2021 DIAA Baseball Committee Meeting
- October 13, 2021 DIAA Officials Committee Meeting
- October 14, 2021 DIAA Board of Directors Meeting
- October 18, 2021 Boys and Girls Basketball Committee Meetings
- October 25, 2021 DIAA Rules and Regulation Committee Meeting
- October 27, 2021 DIAA Track and Field Committee Meeting

DIAA Board of Directors Update

- The board discussed the creation of an emergency regulation that included face coverings, screenings and sport-specific guidance after the Governor announced the requirement that face coverings must be worn in all K-12 school buildings. The board voted to approve the creation of an emergency regulation, but the motion did not pass, as 10 votes are required to adopt a DIAA regulation. The board approved sport-specific guidance that included risk mitigation strategies for interscholastic athletics. The guidance is not mandatory for member schools to implement but a resource to assist member schools as they continue to navigate through the COVID-19 health pandemic. DIAA continues to collaborate with Delaware Division of Public Health (DPH) and DIAA Sports Medicine Advisory Committee (SMAC) and considers Centers for Disease Control and Prevention (CDC) guidance for mitigating strategies to ensure the safe operations of sports.
- The board approved fall sports tournament criteria and seeding criteria for teams to be eligible for tournament participation. The board discussed potential fall tournament

eligibility concerns due to the effects of COVID-19 on member schools' ability to play all their scheduled contests. The board voted to decrease the current eligibility requirements that teams have to meet in an effort to provide some relief if games are lost due to the spread of COVID-19 and quarantining. Boys' soccer and field hockey minimum game requirements decreased from 12 to 10 games. Volleyball minimum game requirement decreased from 13 to 10 matches, football 8 to 7 games, unified flag football decreased from 6 to 5 minimum games played, and cross country's minimum meet requirement remains at 5 meets. Any contest that was on a team's schedule on the sport's first date of competition and experienced a COVID-19 related schedule disruption that is not able to be rescheduled will still be counted as a no-contest.

- The board approved the formation of the DIAA Transgender Policy Sub-Committee to review DIAA current transgender policy.
- The board continues discussion on conducting executive sessions due to the number of waiver requests received and increasing the number of monthly meetings to address waivers and board business. The need for multiple executive sessions is determined based on waiver requests received. The board has held one executive session for all waivers to return to the general meeting session to make motions and decisions. Feedback received on one executive session is the process is difficult to follow at times and the process is cumbersome for student athletes waiting to hear waiver decisions. The board will continue to assess the concerns and work to streamline processes to ensure board meetings are efficient and productive.
- The board approved revisions to the waiver application. The revisions were added to clearly identify required documents and provide additional information for more complete waiver content to assist the board with making waiver decisions.

- Waiver Requests Conducted during Board Meetings

Month	Waivers Received	Waivers Approved	Executive Director Waivers Granted and Board Ratified	Waivers Not Approved
August (Hearing Panel Used – 2)	6	3	0	3
September	4	1	2	1
October	12	3	7	2

- In August, the Board conducted hearings on four requests to waive a regulation. The Board also deliberated and reached a final decision on two waiver requests that were heard by a hearing panel consisting of three Board members. In September, a decision to deny a waiver request was appealed to the State Board of Education under 14 *Del. C.* § 312.

- The board approved the following committee appointments and reappointments for DIAA standing and sport committees.

Committee	Appointments	Reappointments	Resignations
Boys' Soccer	3	6	1
Girls' Soccer	1	0	1
Football	1	2	1

Cross Country	2	0	2
Student Athlete Development	7	0	0
Sportsmanship	3	5	0
Volleyball	1	0	1
Girls' Lacrosse	0	3	1

- The board ratified the following sanctions approved by executive director.

Sanctions	Approved	Denied
DIAA – in state	24	0
NFHS - national	31	2– no invited DIAA school

- Board Membership Update - DIAA Board of Directors membership has experienced turnover during 2021. Since the July 2021 update, DIAA board member Bruce Harris will not accept reappointment and is in holdover status until a replacement is named. Courtesty Little submitted his resignation on August 4, 2021, leaving one of the Sussex County public member positions vacant. The other Sussex County public member position has been vacant since April 25, 2021. The board currently consists of 15 active board members and has five vacant positions. DIAA office is in communication with the Governor's Office regarding immediate board membership appointments for vacant and expired term board members.
- On July 14, 2021, Dr. Bradley Layfield was re-elected as the Board's Chairperson and Douglas Thompson was elected as the Board's Vice Chairperson.

Vacant Positions:

- o 2 Sussex County Public Member Position
- o 1 Kent County Public Member Positions
- o 1 New Castle County Public School Position
- o 1 New Castle County Non-Public School Position

DIAA Office Updates

- There has been no change to the DIAA staff.
 - o Donna Polk, executive director – hired 11/2018, ED 2/2020
 - o Stephanie Mark, coordinator – hired 6/2020
 - o Tanya Reed, administrative assistant – hired 3/2021
- DIAA's new website went live in September 2021. The new website platform provides a more user-friendly navigation to locate information on the website. DIAA continues to add features that will enhance workflow processes. One feature added includes a "contact us" inquiry form for member schools and the public to request information and report a violation or complaint. The DIAA calendar and athletic director contact information has been migrated to a searchable format to find relevant information quicker and easier.
- DIAA has partnered with Go-Fan, a digital ticketing platform that provides a ticketless, cashless and contactless experience for DIAA championship events.

- DIAA recognized eleven member schools as Dale Farmer State Champions in Sportsmanship Award for the 2020-2021 school year. Schools demonstrated a strong school community commitment to sportsmanship.
- DIAA was awarded a mini-grant for 2021-2022 from the American Lung Association Tobacco Prevention and Physical Activity Nutrition and Obesity program through the Delaware Division of Public Health's Tobacco Prevention Community Contract.
- Executive Director:
 - o Provides weekly open office hour with DIAA conference presidents and non-conference athletic directors to ask questions, have discussions and receive information.
 - o August 10, 2021 attended Seaford High School coaches preseason meeting to speak with coaches.
 - o Attends weekly NFHS Section II meeting with Section II Executive Directors (DC, KY, MD, OH, PA, VA, WV) to receive updates nationally and regionally.
 - o Served as speaker on 2021 NFHS Summer Meeting Women's Leadership Session during 2021 NFHS Summer Meeting.
 - o Committee member on DDOE Esports Committee
- DIAA Coordinator of Athletics
 - o Provides open office hours for officials' association presidents and officials to ask questions and receive information regarding Dragonfly website features, officials testing and registration.
 - o Attends monthly meetings with state association marketing directors where marketing best practices are shared.
 - o Met with officials' association presidents prior to fall sport season to provide updates on official registration process and NFHS sport exam open and close dates.
 - o Conducted fall sport rule clinics with DIAA fall sport state interpreters for fall sport head coaches and officials
 - August 2, 2021 Football and Unified Flag Football
 - August 3, 2021 Soccer
 - August 4, 2021 Field Hockey
 - August 5, 2021 Volleyball
 - o Conducted 2021-22 winter sport rules clinics with DIAA winter sport state interpreters for winter sport head coaches and officials
 - October 20, 2021 Swimming and Diving
 - October 25, 2021 Basketball/Unified Basketball
 - October 26, 2021 Wrestling
- DIAA hosted new athletic director training and Delaware Association of Athletic Directors (DAAD) meeting on August 2-3. DIAA presented information to new athletic director during orientation session. DIAA also presented at DAAD August 4 and October 6 meetings.

- Complaints/Inquiries Received in writing since June 2021

Type of Complaint/Inquiry Received	Member School		Public		
	Inquiry/ Interps	Complaints	Inquiry	Complaints	Possible Violation
Championship Dates	1		3		
Championship Information			3		
Championship Scores/Stats			4		
Championship Criteria			3		
College Coach Attending Championships			1		
Sports Divisions	2		1		
How to File A Complaint			7		
Eligibility/Transfers	13		23		2
Sport Participation at Another School	4		4		
Waiver Appeal Process			1		
Physical Forms			10		
Conference Affiliation			1		
Officials			1	2	
Vaccination			1		
Practice/Game Start Date			2		4
Transgender Policy	6		3		
Coaching Out of Season	3				1
Equipment	10				
International Students	3				
Participation Rules	3				1
Sanction Events	18				
Coach				1	
Eligibility Waivers				1	
Athletic Trainer Responsibilities				1	
Attendance Policy Day of Game				1	
Regular Season Game Entrance				1	
Football Realignment				1	
Mask Requirement				4	
Championship Roster Size				2	
Recruitment		1			2

Open Gym					1
Finance Policy Requirement for Payment			3	1	
Total – Received in Writing Only	63	1	68	14	11

- NFHS Updates:
 - o DIAA staff (executive director and coordinator) attended 2021 NFHS summer meeting end of July and NFHS Section II meeting end of September.
 - o DIAA state interpreters attended NFHS fall sports mid-season webinars and winter sports state interpreters meeting virtually.
 - o NFHS rules for DIAA consideration
 - NFHS Weight Classes Established in High Schools Effective 2023-2024
 - NFHS Shot Clock Allowed by State Adoption for High School Basketball in 2022-2023
 - o NFHS Committee Representation by Delaware

NFHS Committee	Name, Title
Strategic	Donna Polk, DIAA Executive Director
Technology – Section II	Donna Polk, DIAA Executive Director
Girls Lacrosse Rules – Section II	Stephanie Mark, DIAA Coordinator
Coaches Association Advisory – Section II	Dr. James Connor, St. Georges Tech High School Assistant Principal
Football Rules	Andrew Bero, DIAA State Interpreter
Football Manual – Section II	Andrew Bero, DIAA State Interpreter
Boys Lacrosse Rules – Section II	JP Bennett, Delaware Lacrosse Officials Association Assignor
Field Hockey Rules – Section II	Dorinda Toney, Delaware Field Hockey Umpires Association Assignor

- Regulations for DIAA Consideration
 - o Regulation 1009 and Coaching Out of Season
 - o Regulation Restructuring for editorial and clarification
 - o Transfer Regulation
 - o Officials Fees
 - o Student Athlete Enrollment and Participation for Another Member School
 - o Amateurism Rules due to recent NCAA Name, Image and Likeness
- DIAA Areas of Opportunities/Improvement
 - o Continued website updates to enhance resource offerings for stakeholders and public and features to improve office workflow processes
 - o Working with Websites4sports (member school website platform for eligibility, scheduling, compliance management and other work flow processes) to create a DIAA platform that will import member school information for reports and enhance DIAA office workflow processes (waiver application upload option, championship reconciliation reports, participation reports, coaches verification requirements, etc.)

- Working and exploring partnership with Teal Properties Group (TPG) a sponsorship sales company to assist athletic state associations with new revenue streams
- Working with local universities and colleges to partner to provide compliance and initial eligibility education
- DIAA Challenges
 - Board meeting time devoted to conducting waivers during board meetings
 - Board meeting executive sessions length of time
 - Board membership turnover resulting in quorum issues during board meetings
 - Stakeholder and public understanding of DIAA purpose, authority and role
 - Compliance management/oversight
 - Sportsmanship concerns during sporting events from fans, coaches and student athletes
 - Officials shortage – looking at recruiting efforts and ideas
- DIAA Hot Topics
 - DIAA governance structure, authority and understanding the role of DIAA
 - Waivers
 - Public vs private school – equity, opportunities
 - Transfers/recruitment
 - Compliance management
 - Shortage of officials
 - Rescheduled games due to shortage of officials
 - Division classification vs three-tier classification

JLOSC Recommendation Updates

Adopted Recommendation 3: Out-of-Season Coaching

JLOSC will sponsor legislation amending Chapter 3, Title 14 clarifying that interscholastic coaches who privately coach out-of-season are not in violation of the State Employees', Officers', and Officials' Code of Conduct so long as the criteria DIAA promulgates through regulations are met.

Option 1: The DIAA Board shall consider changes to section 6.8.3 (“Nonschool Recreation and Club Programs and Competitions”) of the current proposed Regulation 1009 DIAA High School Interscholastic Athletics within three months following the effective date of this legislation.

DIAA Update:

Regulation 1009 DIAA High School Interscholastic Athletics:

- 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.

- July 2021 board meeting, the board voted to withdraw the proposed amendments and to continue to address concerns regarding coaching out-of-season.
- August/September 2021 DIAA worked with the Public Integrity Commission (PIC) to draft further changes to the regulation that are consistent with the Code of Conduct (29 *Del. C.* ch. 58) for public school coaches.
- On October 19, 2021, PIC reviewed a draft of changes concerning out of season interscholastic athletic activities. PIC will issue a written decision to DIAA within 30 days of its October 19th meeting. PIC's written decision and the draft regulation will be provided to the DIAA board at a future meeting.

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:

- 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.
- August 2021, DIAA staff presented a quote from Delaware Academy for School Leadership (DASL) with two options: one consisting of an advisory consultant and the second DASL taking the lead with developing a strategic plan. The board approved option two.
- September 2021 – DIAA received proposed scope of work from DASL for review and was shared with the board at its October board meeting.
- October 2021 - The board was provided an update on the contract and scope of work received from DASL. The board voted to seek an advisory opinion from the Public Integrity Commission due to current board members DASL Advisory Committee affiliation.

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:
 - o August 4, 2021 Courtesty Little resigned from the board
- October 2021 provided an update to Director of Board and Commission Appointments Lori James on board membership vacancies and appointment needs for DIAA Board for January 2022.

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:

- 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.
- 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.
- August 12, 2021 meeting, DIAA Board heard 6 waivers and held one executive session twice to hear two waivers during each executive session and individual executive sessions for two waivers to ensure a quorum met to make motions due to board members recusing and attendance availability.
- Public comment period will be discussed during the November or December meeting.
- In December 2020, the board created a process by which a panel of three board members would conduct hearings on waiver requests and submit recommended findings of fact and conclusions of law to the full Board.. The Board will consider the process at a future meeting.

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.
- 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:

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

DIAA Update:

- The recommendation has been shared with DDOE Operations Support Associate Secretary who is working with Office of Management and Budget regarding the request for an additional DIAA position.

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:

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

DIAA Update:

- DIAA staff continues working with the Department of Education Operations Support staff to create subpages under the Governance Section of the website.
 - o Summary of regulations page is being create with estimated completion December 2021.
- June 2021, standing committee information was added to the DIAA's website. 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 and tournament manuals are located under [Sport Championships](#) 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.
 - o October 2021, the updated waiver form and checklist were uploaded to the website.
 - o During October 6, 2021 DAAD meeting, a brief tutorial was presented to athletic directors.
- September 2021, an update was provided to the DIAA Board sharing the newly launched DIAA website which is a resource for member schools and the public.