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Reps. Hensley, Hilovsky

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 260

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF EDUCATION
AND THE DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 122, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 122. Rules and regulations.

4 (b) The Department shall prescribe rules and regulations:

5 ~~(15) Governing the conduct of interscholastic athletics between all public schools and such nonpublic schools~~
6 ~~as shall become member schools in the Delaware Interscholastic Association. Rules and regulations on this subject~~
7 ~~shall be proposed by the Secretary subject to approval by the State Board of Education. The Secretary, with the~~
8 ~~approval of the State Board, shall delegate to the Delaware Interscholastic Athletic Association the authority, with~~
9 ~~Department oversight and subject to State Board review of disputes involving such rules and regulations, to implement~~
10 ~~the Department's rules and regulations on this subject. The Department shall not approve any rule or regulation that~~
11 ~~denies a student the right to simultaneously try out for, practice with or participate in games on a team similar to the~~
12 ~~school team on which that student is a member, except that the authority for such dual membership and participation on~~
13 ~~a similar team shall be authorized only upon written consent by the parent, custodian or guardian of the student. Such~~
14 ~~written consent shall clearly state the authority to participate on a particularly specified team of a designated~~
15 ~~organization or institution; [Repealed.]~~

16 Section 2. Amend § 303, Title 14 of the Delaware Code by making deletions as shown by strike through and
17 insertions as shown by underline as follows:

18 § 303. Regulations, policies, and procedures.

19 (a) The Board shall ~~work in consultation and cooperation with the Department in the development of~~ promulgate
20 regulations relating to member school interscholastic athletics. The Board ~~and the Department~~ may develop necessary
21 policies and procedures to implement this chapter.

22 (b)(1) The ~~Board, in consultation and cooperation with the Department,~~ Board shall develop regulations relating to
23 secondary and middle school interscholastic athletics. ~~The~~ In addition to the regulations required under § 304 of this title
24 and § 10111 and § 10113 of Title 29, the regulations must include at least all of the following:

- 25 a. Regulation of interscholastic athletic programs of each public school at the middle and high school
26 levels.
- 27 b. Regulation of the interscholastic athletic program of each nonpublic school that elects to become a
28 member school.
- 29 c. The manner in which a nonpublic school may elect to become a member school.
- 30 d. Eligibility requirements for a student to participate in interscholastic athletics.
- 31 e. Requirements for a student who participates in interscholastic athletics and nonschool competitions.
- 32 f. Requirements for a coach or sports official in interscholastic sports.
- 33 g. Sanctioning of school team competitions.
- 34 h. Other matters affecting interscholastic athletics.

35 (2) The Board may not approve a regulation that denies a student the right to simultaneously try out for,
36 practice with, or participate in a game on a team similar to the school team on which that student is a member. The
37 Board may, however, authorize dual membership and participation on a similar team only upon written consent by the
38 student's parent, custodian, or guardian. The written consent must clearly state the authority to participate on a
39 particularly specified team of a designated organization or institution.

40 Section 3. Amend § 304, Title 14 of the Delaware Code by making deletions as shown by strike through and
41 insertions as shown by underline as follows and by redesignating accordingly:

42 § 304. Other duties, powers, and authority.

43 The Board has the duties, powers, and authority necessary for the enforcement of this chapter and the regulations
44 adopted under this chapter. Regulations under this chapter must do at least all of the following:

- 45 (1) Establish annual membership fees.
- 46 (2) Establish standing committees.
- 47 (3) Determine the existence of a violation of the regulations by a member school, athlete, coach,
48 administrator, official, or spectator and penalize a violation by official reprimand, placement on probation, fine,
49 suspension, or other action as the Board deems appropriate.
- 50 (4) Investigate, conduct a hearing on, and take action on an alleged violation of a regulation under this chapter
51 that a member school, athlete, coach, administrator, official, or spectator commits.

- 52 (5) Interpret ~~the Department's~~ regulations made under this ~~section, chapter,~~ and conduct hearings and take
53 action on requests for a waiver of the regulations.
- 54 (6) Establish the fee for officiating a contest or competition.

SYNOPSIS

This Act is a result of the work of the Delaware Interscholastic Athletic Association ("DIAA") Task Force. The current process for promulgating DIAA-related regulations grants the regulatory authority to the Department of Education ("Department") which is, in turn, required to delegate its authority to the DIAA. The current process also requires steps in addition to the regulatory process already required under the Administrative Procedures Act, Chapter 101 of Title 29. The additional process encumbers the DIAA's ability to make changes to regulations with the speed and flexibility often needed in the regulation of interscholastic athletics.

Language in Section 1 of this Act, in the second half of § 122(b)(15), Title 14, starting with "The Department shall not approve any rule or regulation that denies a student the right..." is removed from that paragraph. However, the language remains in Section 2 of this Act, in the already-existing § 303(b)(2), Title 14.

This Act removes the requirements that the Secretary of the Department propose DIAA-related regulations and the State Board of Education approve the proposed regulations. It also removes the requirement that DIAA and Department collaborate to develop regulations. This Act grants directly to the DIAA the authority to promulgate regulations.

Author: Senator Poore