



SPONSOR: Sen. Poore & Rep. Longhurst & Sen. Buckson & Rep. Dukes
Sens. Gay, Hoffner, Mantzavinos, S. McBride, Pettyjohn, Pinkney, Sokola, Walsh, Wilson; Reps. Hilovsky, D. Short, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 259

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

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

1 Section 1. Amend § 302, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 302. Definitions.

4 As used in this chapter:

5 (1) “Advanced practice registered nurse” means as defined in § 1902 of Title 24.

6 (2) “Athletic trainer” means as defined in § 2602 of Title 24.

7 (4) (3) “Association” means the Delaware Interscholastic Athletic Association.

8 (2) (4) “Board” means the Board of Directors of the Delaware Interscholastic Athletic Association.

9 (3) (5) “Department” means the Delaware Department of Education.

10 (4) (6) “Health-care provider” means a licensed physician (doctor of medicine or doctor of osteopathic
11 medicine), physician, a physician assistant, or an advanced practice registered nurse, or another licensed health-care
12 professional, each of whom who is trained and experienced in the evaluation, management, and care of concussions.
13 concussions, or such other licensed health-care professional who is trained and experienced in the evaluation,
14 management, and care of concussions.

15 (5) (7) “Member school” means a full or associate member school of the Association.

16 (8) “Physician” means as defined in § 1702 of Title 24.

17 (9) “Physician assistant” means as defined in § 1770A of Title 24.

18 (6) (10) “Secretary” means the Secretary of the Delaware Department of Education.

19 (7) (11) “State Board” means the State Board of Education.

20 Section 2. Amend § 305, Title 14 of the Delaware Code by making deletions as shown by strike through and
21 insertions as shown by underline as follows and by redesignating accordingly:

22 § 305. Board composition.

23 (a) The Board of Directors consists of ~~22~~ 17 members, 15 of whom are voting members. The
24 membership is composed as follows:

25 ~~(1) Three school-district superintendents or assistant superintendents. Each of these members must represent a~~
26 ~~school in a different county.~~

27 ~~(2) Three representatives of school-district boards of education. Each of these members must represent a~~
28 ~~school in a different county.~~

29 ~~(3) Three public school principals or assistant principals. Each of these members must represent a school in a~~
30 ~~different county.~~

31 ~~(4) Two public school athletic directors or coaches. Each of these members must represent a school in a~~
32 ~~different county.~~

33 ~~(5) Three nonpublic school representatives, comprised as follows:~~

34 ~~a. One representative must be a secondary school administrator.~~

35 ~~b. One representative must be a secondary school athletic director or coach.~~

36 ~~c. One representative must be a head of school or its equivalent.~~

37 ~~(6) The Secretary or the Secretary's designee.~~

38 ~~(7) One physician licensed by the Delaware Board of Medical Practices and knowledgeable about sports~~
39 ~~medicine.~~

40 ~~(8) Six public members, comprised as follows:~~

41 ~~a. Each county must be represented by 2 members who reside in that county.~~

42 ~~b. One member must be a parent of a current or recent student athlete from a member school.~~

43 ~~c. Each member must be a Delaware resident for at least 3 years.~~

44 ~~d. Each member must be knowledgeable about athletics.~~

45 ~~e. A member may not be an employee of a member school.~~

46 ~~f. A member may not have a material financial interest in providing goods or services to the Association~~
47 ~~or a member school.~~

48 (1) The President of the Delaware Chief School Officers Association, of the Delaware Association of School
49 Administrators, or the President’s designee.

50 (2) Three public school principals. Each of these members must represent a different county in this state, and
51 each member must represent a member school.

52 (3) One nonpublic school head of school or the equivalent, who represents a member school.

53 (4) Four athletic directors. Three of the members must represent a different county, and 1 member must
54 represent a nonpublic school.

55 (5) One of the following professionals, who is knowledgeable about sports medicine:

56 a. A physician.

57 b. A physician assistant.

58 c. An advanced practice registered nurse.

59 (6) One mental or behavioral health specialist who is employed by a member school.

60 (7) One athletic trainer.

61 (8) Three public members, 1 each appointed by the Speaker of the House of Representatives, the Pro Tempore
62 of the Senate, and the Governor, and composed as follows:

63 a. One member may be a parent of a current or recent student athlete from a member school.

64 b. Each member must be a Delaware resident for at least 3 years.

65 c. Each member must be knowledgeable about athletics.

66 d. A member may not be an employee of a member school.

67 e. A member may not have a material financial interest in providing goods or services to the Association
68 or a member school.

69 (9) The Director of Athletics, Community, and Campus Recreation of the University of Delaware, or the
70 Director’s designee. This is a nonvoting member.

71 (10) The Director of Athletics of Delaware State University, or the Director’s designee. This is a nonvoting
72 member.

73 (b) ~~The Governor shall appoint each member under paragraphs (a)(1) through (a)(5), (a)(7) and (a)(8) of this~~
74 ~~section with the advice and consent of the Senate.~~ appoint, with the advice and consent of the Senate, each member except a
75 member who serves by virtue of position or a member that the Speaker of the House of Representatives or Pro Tempore of
76 the Senate appoints under paragraph (a)(8) of this section. The Governor shall consider knowledge of athletics in general
77 and interest in interscholastic athletics in deciding ~~whether to appoint a nominee.~~ whom to appoint.

78 (c)(1) A member ~~appointed under paragraphs (a)(1) through (a)(5), and (a)(8) of this section~~ who is not appointed
79 under this section by virtue of position serves a 3-year term and may not serve more than 3 terms or a total of 9 years. The
80 terms may be consecutive or nonconsecutive. The Governor, Speaker of the House of Representatives, or Pro Tempore of
81 the Senate may appoint a member for a term of less than 3 years to ensure terms expire on a staggered basis.

82 (2) The member ~~servng~~ who is appointed under paragraph ~~(a)(7)~~ (a)(5) of this section has no limit to the
83 number of years per term or number of terms that the member serves, except that the member serves at the Governor's
84 pleasure.

85 (d) A member serves until a replacement is appointed under the same process as the member's appointment. A
86 member appointed to fill a vacancy serves for the remainder of the term of the member whom that member replaces.

87 (e) [Repealed.]

88 (f) An act or vote by an individual appointed in violation of this section is invalid. An amendment or revision of
89 this chapter is not sufficient cause for an appointment or attempted appointment in violation of this section unless the
90 amendment or revision amends this section to permit the appointment or attempted appointment.

91 (g) A school district or nonpublic school may not have more than 1 member on the Board.

92 (h)(1) ~~The Governor~~ An appointing authority under this section may remove a that appointing authority's member
93 for gross inefficiency, misfeasance, nonfeasance, ~~or malfeasance~~ malfeasance, or neglect of duty in office.

94 (2) ~~The Governor~~ An appointing authority may consider a that appointing authority's member who is in
95 neglect of duty in office or ceases to meet a county representation or residency requirement to have resigned and may
96 accept the member's resignation.

97 a. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular board
98 meetings or attends less than 50% of board meetings in a calendar year, unless a majority of the board excuses the
99 member for good cause.

100 b. A member ceases to meet a residency requirement if the member is no longer a resident of the county
101 in which the member resided when appointed to the Board and the residency was a requirement of the
102 appointment.

103 (i) A member who may select a designee must select the designee only from that member's organization, to serve
104 in the member's stead and at the member's pleasure. The member must provide the designation to the chair in writing. A
105 designee has the same duties and rights as the member the designee represents.

SYNOPSIS

This Act is a result of the Delaware Interscholastic Association ("DIAA") Task Force. Based on the findings of the task force, this Act updates and modernizes the DIAA Board of Directors' composition. This Act also makes technical corrections that conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Poore