



SPONSOR: Sen. Gay & Rep. Dorsey Walker
Sens. Hansen, Pinkney; Reps. Griffith, K. Johnson

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 130

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO OUT-OF-SEASON COACHING OF STUDENT ATHLETES.

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

1 Section 1. Amend Chapter 3, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 313. Out-of-season coaching of student athletes.

4 (a) A public school coach who provides out-of-season instruction, with or without pay, for returning members of a
5 varsity or sub-varsity team of the school where the coach works as a coach does not violate Chapter 58 of Title 29 (State
6 Employees', Officers' and Officials' Code of Conduct) if the coach and the organization providing the out-of-season sport
7 meet the standards established by regulations promulgated under this section. For the purposes of this section,
8 “organization” means an entity that organizes or otherwise facilitates playing sports, including a camp, clinic, league, club,
9 or other athletic program.

10 (b) The Board shall formulate regulations to establish standards for out-of-season coaching under this section. The
11 regulations must do all of the following:

12 (1) Be promulgated under the procedures specified under Chapter 101 of Title 29 (Administrative Procedures
13 Act).

14 (2) Address all of the following:

15 a. Whether the Association should limit the number of Association athletes who may participate on a
16 coach's out-of-season team or program and, if so, what that number is.

17 b. Contact periods.

18 c. The amount of contact time.

19 d. Monitoring coaches' and organizations' compliance with the regulations.

20 Section 2. The Delaware Interscholastic Athletic Association Board of Directors shall submit to the Registrar of
21 Regulations by August 15, 2021, proposed regulations to address any criteria under § 313(b) of Title 14 of this Act that are
22 not already addressed in a proposed or enacted regulation.

SYNOPSIS

This Act is the result of the Joint Legislative Oversight and Sunset Committee's review of the Delaware Interscholastic Athletic Association (“DIAA”) and addresses out-of-season coaching for student athletes. The State Public

Integrity Commission (“PIC”) has issued advisory opinions stating that a public school coach violates the State Employees’, Officers and Officials’ Code of Conduct (Chapter 58, Title 29) (“Code of Conduct”) if the coach provides out-of-season instruction for pay for returning members of the varsity or sub-varsity teams of the school where the coach works as a coach. See Commission Op. No. 02-02 and Commission Op. No. 02-60. The 149th General Assembly passed Senate Concurrent Resolution 79 (“SCR 79”), directing the Department of Education (“DOE”), with the assistance of DIAA, to promulgate regulations that permit coaches to coach student athletes out of season, with or without pay, with restrictions to safeguard the health of student athletes and minimize the risk of unethical behavior. SCR 79 directed the DOE to publish proposed regulations by October 1, 2018.

In April 2021, as a result of DIAA’s ongoing work, the DIAA published proposed regulations addressing most of the criteria listed in SCR 79. One of the remaining hurdles to completing the proposed regulations has been the limitations imposed by the PIC advisory opinions.

The purpose of this Act is to codify the General Assembly’s recognition that Delaware athletes are at a disadvantage when competing against youth from other states because Delaware coaches cannot coach their students out of season. Under this Act, out-of-season coaching does not violate the Code of Conduct if the coach and the organization providing the sport meet certain criteria that provide restrictions to minimize the risk of unethical activity.

This Act recognizes that DIAA does not have the authority – or desire – to regulate non-DIAA organizations or coaches’ actions outside of DIAA programs. Rather, this Act tasks DIAA with setting the parameters that establish whether a specific instance of out-of-season coaching violates the Code of Conduct.

Under this Act, the DIAA Board must submit proposed regulations to the Registrar of Regulations by August 15, 2021, to address any of the criteria under § 313(b) of Title 14 of this Act that are not already addressed in proposed or enacted regulations.

Author: Senator Gay