SPONSOR: Rep. Jaques & Sen. Simpson & Sen. Sokola
Reps. Miro, Mitchell, Smyk; Sens. Hocker, Lopez, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 98
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

Section 1. Amend Section 312 , Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 312. Appeals of decisions by the Association.

The Association shall decide on all controversies involving the rules and regulations, including any waiver thereof, adopted pursuant to this chapter, and any waiver of the ineligibility in Section 410(a) of Title 14 of the Delaware Code. Any party to such a controversy may appeal to the state Board by setting forth such grievance in a petition which shall be served upon the Executive Director of the Association by certified or registered mail within 30 days after receiving notice of the decision. The state Board shall provide by rules and regulations for adequate procedures for the hearing of any such appeal and shall decide the controversy. All such appeals shall be on the record, and the state Board shall overturn the Association's decision only if it decides that the Association's decision was not supported by substantial evidence or was arbitrary or capricious. The decision of the state Board shall be final and not subject to further appeal.

Section 2. Amend Section 410, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 410. Interscholastic sports.

(a) A student enrolled in grades 10 through 12, inclusive, in a receiving ~~district~~ local education agency shall not be eligible to participate in interscholastic athletic contests or competitions during the 1st year of enrollment in any receiving ~~district~~ local education agency if the student was enrolled in a different receiving ~~district~~ local education agency during the preceding school year unless the interscholastic sport in which the student wishes to participate is not offered in the receiving ~~district~~ local education agency in which the student was enrolled in the previous school year.

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(b) The Board of Directors of the Delaware Interscholastic Athletic Association may waive the ineligibility in Section 410(a) of this Title if the Board of Directors determine, in accordance with its rules and regulations, that the standards for granting a waiver have been met.

(c) A waiver of Section 410(a) of this Title is not required for a student who transfers to and enrolls in grades 10 through 12 in a receiving local education agency that is a charter school:

(1) in the charter school's first year of operation; or

(2) in the charter school's first year of serving grades 10, 11, or 12.

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