

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(15) and 303 (14 **Del.C.** §§122(b)(15) & 303)
14 **DE Admin. Code** 1043

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

1043 Officials

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§122(b)(15) and 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1043 Officials. The regulation concerns the requirements for DIAA-recognized officials' associations, requirements for officials who officiate at DIAA Member Schools, and the fees for officiating contests and competitions. The Board proposes to amend the rates for officiating regular season contests in subsection 5.1 and amend the fees for officiating scrimmages in subsection 5.3.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before May 2, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation pertains to officials and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation pertains to officials and is not designed to help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation does not change the requirement that officials complete a course regarding concussion in sports, which is designed to help ensure that all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation pertains to officials and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority or flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 303(b)), DIAA develops rules and regulations relating to middle and secondary school interscholastic athletics for schools in Delaware, including the regulation of athletic programs of all public schools and such nonpublic schools that elect to become full or associate DIAA Member Schools. The Board enforces the regulations (14 **Del.C.** §304).

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 **Del.C.** §304).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? In accordance with 14 **Del.C.** §304(6), the Board establishes the fees for officiating contests and competitions at DIAA Member Schools. The Officials' Committee recommended the proposed amendments to the Board.

1043 Officials

1.0 Content

In accordance with 14 **Del.C.** §303(b), this regulation sets forth requirements for DIAA-recognized officials' associations, requirements for officials who officiate at DIAA Member Schools, and the fees for officiating contests and competitions. Additional requirements for officials are set forth in 14 **DE Admin. Code** 1023 Sportsmanship.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Board" means the Delaware Interscholastic Athletic Association Board of Directors established pursuant to 14 **Del.C.** Ch. 3.

"Competition" means a contest between schools in which student athletes compete.

"Member School" means a full or associate member school of the DIAA.

"Play day" means a preseason event involving a series of scrimmages held during the legal practice period for that sport season involving multiple Member Schools.

"Scrimmage" means an informal competition between schools in which a final score is not kept, the time periods are permitted to be modified, the results of the competition are not reported to the media, the coaches are permitted to interrupt the play to provide instruction, and the competition is strictly for practice purposes.

3.0 Recognition of Officials' Associations

3.1 The officiating of interscholastic contests in the State which involve 1 or more Member Schools shall be under the control of the DIAA and such control may include, but not be restricted to, giving examinations, evaluating officials, setting game fees, determining the number of officials per game, and assigning officials.

3.2 An officials' association which desires to officiate middle school and high school contests and Competitions shall request recognition and approval from DIAA by submitting the following documents to the DIAA Officials' Committee:

3.2.1 A letter of request to be recognized by DIAA and indicating the association's willingness to abide by the Delaware Department of Education's rules and regulations. The president of the requesting officials' association or their designee shall petition the Board to render a decision.

3.2.2 A brief history of the association, including, but not limited to, the officiating experience (if any) of the members and if a new association is being formed, the purpose for which the association is being formed.

3.2.3 A copy of the association's constitution and bylaws including a statement that it does not discriminate on the basis of age, gender, race, religion, etc.

3.2.4 A description of the association's evaluation and rating system.

3.2.5 A description of the association's recruiting and training programs for new members.

3.2.6 A membership roster indicating the number of years of experience at the subvarsity, varsity, and state tournament levels for each member and also their most recent rating in a previous association. This information must be documented and is subject to verification.

3.2.7 Letters of recommendation or names of references from leagues which the association has serviced during its existence.

3.3 The Officials' Committee shall review the aforementioned documents and meet with the officers of the association to discuss their petition.

3.4 The Officials' Committee may consult with any other interested parties during the evaluation process.

3.5 The Officials' Committee shall report its findings to the Board and recommend that the officials' association be granted recognition, granted recognition with conditions, or denied recognition.

3.6 The Board shall consider the petition for recognition and the Officials' Committee's recommendation and make a decision to approve or deny the request. The petitioner may request an evidentiary hearing before the Board. The Board shall decide if the petitioning officials' association shall be granted recognition, granted recognition with conditions, or denied recognition.

3.7 An approved association shall serve a minimum 2-year probationary period during which time the association shall be evaluated. An association designated as probationary is ineligible to provide officials to work the applicable DIAA State Tournament.

- 3.7.1 Members of the Officials' Committee and the applicable Sport Committee shall comprise the Officials Association Evaluation Committee (Evaluation Committee). The new officials' association shall be evaluated according to the following criteria:
 - 3.7.1.1 Total number of games worked at the varsity level.
 - 3.7.1.2 Total number of officials who worked games at the varsity level.
 - 3.7.1.3 Total number of Member Schools who contracted the services of the association.
 - 3.7.1.4 A comparison of the percentage of games the association worked against the percentage of games worked by other DIAA recognized officials' associations in that sport.
 - 3.7.1.5 A comparison of the percentage of the association's registered officials against the number who worked Varsity level games.
 - 3.7.1.6 A comparison of the ratio from subsection 3.7.1.5 against any existing associations' same ratio.
 - 3.7.1.7 In addition, the evaluation may be based on any other available information which may include but is not limited to: the associations ability to work a minimum of 25 percent of all varsity contests played by DIAA Member Schools in that sport; written complaints by contracted schools; evaluations by Member Schools; input from Member Schools; or any other relevant information.
- 3.7.2 The results of all evaluations shall be shared with the probationary association at the end of each season. The association shall have the opportunity to add comments to the final evaluation.
- 3.8 At the end of the minimum 2-year probationary period, the Evaluation Committee shall recommend to the Board 1 of the following options based on the evaluations and the probationary association's ability to work varsity contests equal to or greater than 25 percent of all varsity contests played by Member Schools:
 - 3.8.1 Re-approve conditionally for another year on probationary status.
 - 3.8.2 Disapprove so as to no longer remain as an approved association.
 - 3.8.3 Re-approve conditionally with state tournament consideration based upon the sport worked.
 - 3.8.4 Completely approve the association with full state tournament consideration equal to any existing associations.
- 3.9 The Board shall consider the petition for recognition and the Evaluation Committee's recommendation and make a decision. The probationary officials association may request an evidentiary hearing before the Board. The Board shall decide if the petitioning officials' association shall be:
 - 3.9.1 Re-approved conditionally for another year on probationary status.
 - 3.9.2 Disapproved so as to no longer remain as an approved association.
 - 3.9.3 Re-approved conditionally with state tournament consideration based upon the sport worked.
 - 3.9.4 Completely approved with full state tournament consideration equal to any existing associations.
- 3.10 Once an officials' association is completely approved, it is required to annually submit a written report on the appropriate form to the Officials' Committee. The report shall include information on the association's executive board, membership, and recruitment strategies.
- 3.11 The Officials' Committee shall review the submitted report to ensure that the association is meeting the goals of education-based athletics. If the Officials' Committee determines that the association is not meeting the goals of education-based athletics, the Officials' Committee shall notify the association of the goals it has not met, the association may be placed on an improvement plan, and the Officials' Committee shall decide whether to recommend revocation of the association's approval and recognition to the Board.

4.0 Rules Clinics and Other Training for Officials

- 4.1 Officials shall be required each year to both attend the DIAA rules interpretation clinic and to pass the rules examination provided by the DIAA office for the sports they officiate. In addition, officials shall complete the NFHS' "Concussion in Sports" course online through NFHSlern.com every 2 years.
- 4.2 Failure on the part of an official to attend the DIAA rules interpretation clinic and pass the rules examination in the same season shall cause the official to be placed on probation and to lose their eligibility to officiate a state tournament contest during that season.
- 4.3 Failure to satisfy both requirements in the same season for 2 consecutive years shall cause the official to lose varsity officiating status during the second season. Failure to fulfill this obligation in subsequent years shall cause the official to continue to be restricted to subvarsity contests until both requirements have been satisfied in the same season.
- 4.4 Attending the fall soccer rules interpretation clinic shall satisfy the clinic attendance requirement for both the boys' and girls' soccer seasons. Attending the spring soccer rules interpretation clinic shall satisfy the clinic attendance requirement for only the girls' soccer season.

- 4.5 If, for a legitimate reason which is documented by the president of the association, an official is unable to attend the DIAA rules interpretation clinic, the official may complete an online course or, in the absence of an online course, attend a clinic conducted by another NFHS member state association provided the following procedures are observed:
- 4.5.1 No later than the day of the DIAA rules interpretation clinic, the president of the association shall notify the DIAA office, in writing, of any officials who are unable to attend the clinic.
- 4.5.2 The out of state clinic shall be conducted by an individual either trained by the NFHS or designated as a clinician by the state's athletic association.
- 4.5.3 The official shall arrange for a letter to be sent to the Executive Director from the state's athletic association office verifying the official's attendance at the clinic.
- 4.6 Failure on the part of an official to complete the NFHS' "Concussion in Sports" course every 2 years shall cause the official to be placed on probation and to lose his or her eligibility to officiate a state tournament contest for 1 season.

5.0 Fees for Officiating Contests and Competitions

- 5.1 Pursuant to 14 Del.C. §304(6), the Board has established the following fees for officiating regular season contests and Competitions. The Board has the authority to review and amend the fees.

Sport	Level	Number of Officials per Contest	Time Adjustment	Rate per Official (Regular Season Contests)
Baseball	Varsity	2		\$95 <u>\$97</u>
	Subvarsity	2		\$70 <u>\$72</u>
	Middle School	2		\$60 <u>\$62</u>
Basketball	Boys' Varsity	3, or 2 upon request		\$95 <u>\$97</u>
	Girls' Varsity	2, or 3 upon request		\$95 <u>\$97</u>
	Subvarsity	2	8 minute quarters	\$70 <u>\$72</u>
	Subvarsity	2	7 minute quarters	\$70 <u>\$72</u>
	Subvarsity	2	6 minute quarters	\$70 <u>\$72</u>
	Middle School	2	6 minute quarters	\$60 <u>\$62</u>
Cross Country	Starter/Referee	Upon request		\$80 <u>\$82</u>
	Timer/Judge	Upon request		\$80 <u>\$82</u>
Field Hockey	Varsity	2		\$95 <u>\$97</u>
	Subvarsity	2		\$70 <u>\$72</u>
	Middle A	2	25 minute halves	\$60 <u>\$62</u>
	Middle B	2	25 minute or less halves at the Member School's discretion	\$60 <u>\$62</u>
Football	Varsity	5		\$95 <u>\$97</u>
	Timer	1		\$60 <u>\$62</u>
	Subvarsity	3	8 or 10 minute quarters	\$70 <u>\$72</u>
	Middle School	3	8 minute quarters	\$60 <u>\$62</u>

Lacrosse (Boys' and Girls')	Varsity	2, or 3 if requested		\$95 <u>\$97</u>
	Subvarsity	2		\$70 <u>\$72</u>
	Middle School	2		\$60 <u>\$62</u>
Soccer (Boys' and Girls')	Varsity	2, or 3 if requested		\$95 <u>\$97</u>
	Subvarsity	2		\$70 <u>\$72</u>
	Subvarsity	3		\$60 <u>\$62</u>
	Middle A	2	30 minute halves	\$60 <u>\$62</u>
	Middle B	2	30 minute or less halves	\$60 <u>\$62</u>
Softball	Varsity	2		\$95 <u>\$97</u>
	Subvarsity	2		\$70 <u>\$72</u>
	Middle School	2		\$60 <u>\$62</u>
Swimming and Diving	Referee	1		\$80 <u>\$82</u>
	Judge	1		\$80 <u>\$82</u>
Track and Field	Starter/Referee	Upon request		\$80 <u>\$82</u>
	Timer/Judge	Upon request		\$80 <u>\$82</u>
Volleyball (Boys' and Girls')	Varsity	2		\$95 <u>\$97</u>
	Linesman	2 by request		\$45 <u>\$46</u>
	Subvarsity	2		\$70 <u>\$72</u>
	Middle School	2		\$60 <u>\$62</u>
Wrestling	Varsity	1		\$95 <u>\$97</u>
	Subvarsity	1		\$70 <u>\$72</u>
	Varsity+	1		\$95 <u>\$97</u> , then \$5 per match, up to 9 matches; not to exceed \$45
	Middle School	1		\$60 <u>\$62</u>
	Middle+	1		\$60 <u>\$62</u> , then \$5 per match, up to 9 matches; not to exceed \$45

5.2 Pursuant to 14 **Del.C.** §304(6), the fee for traveling to and from contests and Competitions shall be \$0 for 0 to 15 miles, \$5 for 16 to 40 miles, \$10 for 41 to 60 miles, and \$20 for 61 or more miles from the official's residence.

5.3 Pursuant to 14 **Del.C.** §304(6), the fees for officiating a scrimmage shall be as follows:

Sport	Standard Crew Size	Scrimmage Fee (per hour up to 2 hours)
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Baseball	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Basketball - Boys'	3	\$57 (\$114 total) <u>\$58 (\$174 total)</u>
Basketball - Girls'	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Field Hockey	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Football	5	\$57 (\$114 total) <u>\$58 (\$290 total)</u>
Lacrosse - Boys' and Girls'	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Soccer - Boys' and Girls'	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Softball	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Swimming	2	\$48 (\$96 total) <u>\$49 (\$98 total)</u>
Volleyball - Boys' and Girls'	2	\$57 (\$114 total) <u>\$58 (\$116 total)</u>
Wrestling	1	\$57 (\$114 total) <u>\$58</u>

- 5.4 For the purpose of determining the fee for officiating a play day, each court or field is considered a single scrimmage.
- 5.5 The fee for state tournament contests and Competitions shall be the rate at the varsity level as provided in subsection 5.1 and an additional:
- 5.5.1 \$5 for first, second, and quarterfinal rounds of Competition.
 - 5.5.2 \$10 for the semi-final round of Competition.
 - 5.5.3 \$15 for the final or championship contest.
- 5.6 The Officials' Committee shall work with the Executive Director to help determine the fee amount for officiating a state tournament contest.

26 DE Reg. 209 (09/01/22)

27 DE Reg. 158 (09/01/23)

27 DE Reg. 747 (04/01/24) (Prop.)