

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(15), 303, and 304(2) and 29 Delaware Code, Section 10113(b)(2) (14 **Del.C.** §§122(b)(15), 303, & 304(2) and 29 **Del.C.** §10113(b)(2))  
14 **DE Admin. Code** 1021

### FINAL

### ORDER

#### 1021 DIAA Committees

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§122(b)(15), 303, and 304(2), the Delaware Interscholastic Athletic Association ("DIAA") Board of Directors developed amendments to 14 **DE Admin. Code** 1021 DIAA Committees. The regulation sets forth rules of practice and procedure of the concerning the DIAA Board of Directors' committees. The proposed amendments are to revise subsection 4.3, which concerns the membership makeup of committees, replace the annual election requirement for most of the committees with a two-year election requirement, and add the requirement that an individual may not be appointed to serve on more than one recognized sport committee during a particular sport season.

The amendments are exempt from the requirement of public notice and comment and are adopted informally in accordance with 29 **Del.C.** §10113(b)(2).

#### II. FINDINGS OF FACT

The Department finds that the regulation relates to interscholastic athletics at the middle and high school levels and is necessary to implement 14 **Del.C.** Ch. 3. The Department further finds that the regulation sets forth rules of practice and procedure used by the DIAA Board of Directors. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1021 DIAA Committees.

#### III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1021 DIAA Committees. Therefore, pursuant to 14 **Del.C.** §§122(b)(15), 303, and 304(2) and 29 **Del.C.** §10113(b)(2), 14 **DE Admin. Code** 1021 DIAA Committees, attached hereto as Exhibit "A," is hereby amended.

#### IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1021 DIAA Committees amended hereby shall be in the form attached hereto as Exhibit "A" and said regulation shall be cited as 14 **DE Admin. Code** 1021 DIAA Committees in the *Administrative Code of Regulations* for the Department.

#### V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

**IT IS SO ORDERED** the 15th day of August, 2023.

#### Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

#### 1021 DIAA Committees

##### 1.0 Content

This regulation sets forth the process for an individual to be appointed or removed as a member of 1 of the 27 standing committees or another committee established by the Delaware Interscholastic Athletic Association's Board of Directors pursuant to 14 **Del.C.** §304(2). In addition, this regulation outlines committees' reporting requirements to the Board.

**26 DE Reg. 552 (01/01/23)**

##### 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.

"Department" means the Delaware Department of Education established pursuant to 14 Del.C. §101.

"DIAA" means the Delaware Interscholastic Athletic Association established pursuant to 14 Del.C. §301.

**26 DE Reg. 552 (01/01/23)**

### **3.0 Standing Committees**

3.1 The Board has established the following standing committees:

3.1.1 The recognized sport committees are:

- 3.1.1.1 Baseball Committee
- 3.1.1.2 Boys' Basketball Committee
- 3.1.1.3 Boys' Lacrosse Committee
- 3.1.1.4 Boys' Soccer Committee
- 3.1.1.5 Boys' Volleyball Committee
- 3.1.1.6 Cross Country Committee
- 3.1.1.7 Field Hockey Committee
- 3.1.1.8 Football Committee
- 3.1.1.9 Girls' Basketball Committee
- 3.1.1.10 Girls' Lacrosse Committee
- 3.1.1.11 Girls' Soccer Committee
- 3.1.1.12 Girls' Volleyball Committee
- 3.1.1.13 Golf Committee
- 3.1.1.14 Softball Committee
- 3.1.1.15 Swimming and Diving Committee
- 3.1.1.16 Tennis Committee
- 3.1.1.17 Track and Field Committee
- 3.1.1.18 Wrestling Committee

3.1.2 The other committees are:

- 3.1.2.1 Awards Committee
- 3.1.2.2 Classification Committee
- 3.1.2.3 Officials Committee
- 3.1.2.4 Rules and Regulations Committee
- 3.1.2.5 Scheduling Committee
- 3.1.2.6 Sports Medicine Advisory Committee
- 3.1.2.7 Sportsmanship Committee
- 3.1.2.8 Student-Athlete Development Committee and Student-Athlete Advisory Subcommittee
- 3.1.2.9 Unified Sports® Committee

3.2 The Board may appoint additional committees to assist in the performance of its duties.

**26 DE Reg. 552 (01/01/23)**

### **4.0 Committee and Subcommittee Membership**

4.1 Committees shall consist of no less than 10 and no more than 15 committee members in addition to 1 current Board member. The Student-Athlete Advisory Subcommittee shall consist of no less than 10 and no more than 21 subcommittee members.

4.2 Committee members shall have expertise in the committee's subject matter.

4.3 Committee membership shall be ~~geographically representative of the DIAA Member Schools located within all 3 counties and may include administrators, athletic directors, coaches, local school board members, officials, public members, licensed physicians and sports medicine professionals, school staff, state interpreters, coaches' association representatives, and mental health professionals~~ as provided in subsections 4.3.1 through 4.3.5.

4.3.1 Each committee shall include a current Board member as a member of the committee except for the Student-Athlete Advisory Subcommittee.

- 4.3.2 ~~Each~~ In addition to 1 current Board member, each recognized sport committee, as provided in subsection 3.1.1, ~~shall~~ may consist of the following members:
- 4.3.2.1 At least ~~one~~ 1 athletic director from a DIAA Member School. If there are 2 or more athletic directors on a recognized sport committee, the athletic directors shall be from DIAA Member Schools in different counties;
  - 4.3.2.2 One representative each from the Blue Hen, Diamond State, Henlopen, and Independent Conferences;
  - 4.3.2.3 One non-conference representative;
  - 4.3.2.4 One coaches' association representative;
  - 4.3.2.5 One officials' association representative from each DIAA-recognized association in the applicable sport; and
  - 4.3.2.6 At least ~~one~~ 1 public member who is a current Delaware resident at the time of application. If there are 2 or more public members on a recognized sport committee, the public members shall reside in different counties in Delaware.
- 4.3.3 All other committees, including the committees provided in subsection 3.1.2, may consist of the following members:
- 4.3.3.1 Administrators from DIAA Member Schools in different counties;
  - 4.3.3.2 Athletic directors from DIAA Member Schools in different counties;
  - 4.3.3.3 Coaches from DIAA Member Schools in different counties;
  - 4.3.3.4 Local school board members from DIAA Member Schools in different counties;
  - 4.3.3.5 Officials who officiate at DIAA Member Schools;
  - 4.3.3.6 Public members who resided in Delaware for at least 3 years prior to being appointed to the committee and who reside in different counties in Delaware;
  - 4.3.3.7 Physicians and sports medicine professionals who hold an active, unencumbered license to practice in Delaware;
  - 4.3.3.8 School staff members from DIAA Member Schools in different counties;
  - 4.3.3.9 DIAA State Interpreters;
  - 4.3.3.10 Coaches' association representatives; and
  - 4.3.3.11 Mental health professionals who hold an active, unencumbered license to practice in Delaware.
- ~~4.3.4~~ 4.3.4 ~~The Student-Athlete Development Committee shall~~ may also include school counselors, mental health professionals, and school climate or student discipline personnel from DIAA Member Schools in different counties.
- ~~4.4~~ 4.3.5 ~~The~~ Notwithstanding subsection 4.3.3, the Student-Athlete Advisory Subcommittee shall be comprised of student-athletes ~~only and shall be geographically representative of the three counties.~~ The student-athletes shall be from DIAA Member Schools in different counties in Delaware.
- ~~4.5~~ 4.4 The Executive Director shall make a call for applications to fill vacancies on committees. Prospective and current committee members shall submit a DIAA Committee Application to the DIAA Office. The Executive Director and the committee's chairperson shall review the applications and make recommendations to the Board for approval and appointment or reappointment.
- ~~4.6~~ 4.5 ~~Except for the Sports Medicine Advisory Committee, each~~ Each committee shall elect a chairperson, vice chairperson, and secretary ~~annually every 2 years.~~ annually every 2 years. ~~The Sports Medicine Advisory Committee shall elect a chairperson, vice chairperson, and secretary every 2 years.~~
- 4.6.1 The committee chairperson shall preside over all meetings of the committee.
  - 4.6.2 The committee's vice chairperson shall serve in the capacity of the committee's chairperson in the chairperson's absence.
- ~~4.7~~ 4.6 The Executive Director shall make a call for applications to fill vacancies on the Student-Athlete Advisory Subcommittee. Prospective and current subcommittee members shall submit a DIAA Committee Application to the DIAA Office. The Student-Athlete Development Committee shall review the applications and appoint or reappoint members.
- 4.7 An individual may be appointed to serve on no more than 1 recognized sport committee during a particular season.
- 4.8 Committee and subcommittee members shall serve staggered 4-year terms.
- 4.9 Committee members who miss ~~three~~ 3 consecutive meetings shall be reported to the Board, which may appoint replacement committee members.

- 4.10 Members of the Student-Athlete Advisory Subcommittee who miss 3 consecutive meetings shall be reported to the Student-Athlete Development Committee, which may appoint replacement subcommittee members.
- 4.11 The Board may remove a committee member whose actions are contradictory to the committee's purpose or DIAA's purpose or are in violation of applicable law. In such case, the Board shall appoint a replacement committee member.
- 4.12 The Student-Athlete Development Committee may remove a member of the Student-Athlete Advisory Subcommittee whose actions are contradictory to the subcommittee's purpose or DIAA's purpose or are in violation of applicable law. In such case, the Student-Athlete Development Committee shall appoint a replacement subcommittee member.

## **5.0 Committee Reports and Recommendations**

- 5.1 The recognized sport committees, as provided in subsection 3.1.1, shall provide a report to the Board at the conclusion of the state tournament for their sport. The other committees, as provided in subsection 3.1.2, shall provide a progress report to the Board after each meeting.
- 5.2 Committees shall submit the report in writing to the DIAA Office or designate at least 1 committee member to deliver the report in writing at the Board's next regularly scheduled meeting.
- 5.3 Recommendations to the Board from committees shall be submitted in writing to the DIAA Office at least 1 week prior to the Board's next regularly scheduled meeting. The committee shall designate at least 1 committee member to attend the Board's meeting and present the committee's recommendation to the Board.

## **6.0 Administrative Assistance from DIAA Office**

The Executive Director and the Coordinator of Interscholastic Athletics shall provide administrative assistance to the committees before, during, and after committee meetings subject to the Department's approval and supervision.

**26 DE Reg. 195 (09/01/22)**

**26 DE Reg. 552 (01/01/23)**

**27 DE Reg. 154 (09/01/23) (Final)**