

**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)

**PROPOSED**

**PUBLIC NOTICE**

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

**1042 Coaches**

**A. TYPE OF REGULATORY ACTION REQUESTED**

Adoption of a New 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"), proposes the adoption of 14 **DE Admin. Code** 1042 Coaches. The regulation provides certain requirements for coaches at DIAA Member Schools. The proposed regulation includes specifying the content of the regulation in Section 1.0 and incorporating new and existing defined terms into Section 2.0. Additionally, the Board is simultaneously proposing to repeal existing sections from 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009 and incorporate them into this new regulation. Specifically, proposed Section 3.0 is formerly subsection 7.1 of 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009; proposed Section 4.0 is formerly subsection 7.2 of 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009; proposed Section 5.0 is formerly subsection 7.3 of 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009; and proposed Section 6.0 is formerly subsection 7.4 of 14 **DE Admin. Code** 1008 and 14 **DE Admin. Code** 1009. In addition, the proposed regulation adds the requirement that certified and emergency coaches hold current AED and first aid certification to subsections 3.3 and 4.2; adds the requirement that volunteer coaches hold current CPR, AED, and first aid certification to subsection 5.2; and replaces "Heads Up Football Training" with "certified football" in Section 6.0.

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 July 6, 2022. 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 new regulation help improve student achievement as measured against state achievement standards? The new regulation concerns requirements for coaches at DIAA Member Schools and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation concerns requirements for coaches at DIAA Member Schools and is not designed to help to ensure students in Delaware public schools receive an equitable education.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The requirements that all coaches hold current CPR, AED, and first aid certification and complete a course regarding concussion in sports are designed to help ensure that all students' health and safety are adequately protected. Similarly, the requirement that football coaches annually complete certified training is also designed to help ensure that all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation concerns requirements for coaches at DIAA Member Schools and is not designed to help ensure students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new 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 new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new 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 new 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 new 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 new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the new regulation? There is no expected cost to the state or to the local school boards of compliance with the new regulation.

## **1042 Coaches**

### **1.0 Content**

In accordance with 14 **Del.C.** §303(b), this regulation sets forth requirements for certified, emergency, and volunteer coaches at the middle and high school levels. Additional requirements for coaches are set forth in other interscholastic athletic regulations, including 14 **DE Admin. Code** 1023 Sportsmanship, 14 **DE Admin. Code** 1035 In-Season Athletic Activities and Contact, and 14 **DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact.

### **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.

**"Department"** means the Delaware Department of Education.

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

**"School Day"** or **"School Days"** means actual school attendance days during the regular academic school year including a partial day that students are in attendance at school for instructional purposes as adopted by the district or governing body of the school not to include weekends, holidays, summer school, etc.

**"Unified Sports"** means a co-ed program that combines an approximately equal number of students with and without autism or intellectual disabilities on a sports team for training and interscholastic competition.

### **3.0 Certified Coaches**

3.1 Only those professional employees certified by the Department and whose salary is paid by the State or local board of education, or in the case of charter and nonpublic schools by a similar governing body, if acceptable as a coach by the governing body, shall coach, assist in coaching, or direct member school teams in any district. The terms of employment shall be for the regular school year and the professional assignment shall be no less than half of the School Day, exclusive of coaching duties.

3.2 All middle school head coaches and high school varsity head coaches (or the junior varsity head coach, if the school does not sponsor a varsity team) shall be required to attend the DIAA rules clinic for their sport or, if applicable, pass an open book rules examination supplied by the DIAA office. A Member School shall be assessed a \$50.00 fine and the coach shall be placed on probation if the coach fails to attend the DIAA rules clinic or pass the open book rules examination in the coach's respective sport. Failure to comply for a second consecutive year shall result in the school being assessed a \$50.00 fine and the coach being suspended for up to five contests as determined by the Board.

3.3 Certified coaches at all levels of competition shall hold a current certification in adult CPR, AED, and first aid.

3.4 Certified coaches at all levels of competition shall complete the NFHS' "Concussion in Sports" course online through [NFHSLearn.com](http://NFHSLearn.com) every two years.

3.5 Certified coaches of Unified Sports shall complete the NFHS' "Unified Sports®" course online through [NFHSLearn.com](http://NFHSLearn.com) every two years.

### **4.0 Emergency Coaches**

4.1 An emergency coach shall be defined as an individual who is either not certified by the Department, or is certified by the Department but is not employed for the regular school year or whose professional assignment is less than half of the School Day. An individual who meets the requirements of a certified coach but whose

professional assignment is located in a different school or district than their coaching assignment shall not be considered an emergency coach.

4.2 Emergency coaches at all levels of competition shall hold a current certification in adult CPR, AED, and first aid.

4.3 Emergency coaches at all levels of competition shall complete the NFHS' "Concussion in Sports" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

4.4 Emergency coaches of Unified Sports shall complete the NFHS' "Unified Sports®" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

4.5 Emergency coaches may be employed provided the local governing body adheres to the following procedures:

4.5.1 The employing board of education must attempt to locate an acceptable, certified professional staff member by advertising the coaching vacancy in the district for as many days as are required by the district's collective bargaining agreement.

4.5.2 If an acceptable, certified professional staff member is not available, an individual who is acceptable to the employing board of education may be hired as an emergency coach.

4.5.3 Any individual employed as a coach under the emergency provision must comply with the following regulations:

4.5.3.1 Emergency coaches must be officially appointed by the local board of education. The Superintendent or designee may temporarily appoint an individual if a coaching vacancy arises and the sport season begins during the interim between meetings of the local board of education.

4.5.3.2 The emergency coaches' coaching salary must be paid exclusively by the local board of education.

## **5.0 Volunteer Coaches**

5.1 In addition to the members of the school's regular coaching staff, the local governing body may supplement a school's coaching staff with volunteer coaches. Volunteer coaches are individuals who donate their services to a school, who have been approved by that school's local governing body, and who are supervised by a certified or emergency coach. A current list of approved volunteer coaches shall be on file in the school's administrative office before any coaching duties are assumed.

5.2 Volunteer coaches at all levels of competition shall hold a current certification in adult CPR, AED, and first aid.

5.3 Volunteer coaches at all levels of competition shall complete the NFHS' "Concussion in Sports" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

5.4 Volunteer coaches of Unified Sports shall complete the NFHS' "Unified Sports®" course online through [NFHSLearn.com](https://www.nfhslearn.com) every two years.

## **6.0 Football Coaches**

All football coaches (including certified, emergency, and volunteer coaches) at all levels of competition shall annually complete certified football training.

**25 DE Reg. 1091 (06/01/22) (Prop.)**