

PROGRESS REPORT

DIAA

January 2023



Joint Legislative Oversight
& Sunset Committee

Summary Update

Since submission of the October 2021 status report to JLOSC, DIAA has conducted monthly meetings, committee meetings, championships in all three sport seasons for 2021-22, fall 2022 championships and will conduct winter 2023 championships February/March 2023. DIAA continues to evaluate its sports offerings and opportunities. DIAA current emerging sports consists of boys volleyball and girls wrestling. DIAA was able to advance the sport of softball to increase opportunities for more teams participating in the tournament moving from a 16 team tournament to 24 team tournament which now mirrors baseball. DIAA moved championships to university sites for three girls sports allowing for a better student athlete experience. Girls lacrosse and girls soccer championships were conducted at Delaware State University and softball moved to University of Delaware. Field hockey was able to return to University of Delaware in November 2022. Field hockey will remain at University of Delaware as long as schedules permit. The board approved boys volleyball as a DIAA recognized sport in May 2022. Girls wrestling continues gaining interest with schools seeking to increase participation. The new football three-tier classification system completed its second season during fall 2022 sport season. The board will continue to evaluate the current football classification system and discuss the current division system at its March board meeting.

DIAA conducts its championships at the following sites: University of Delaware hosts football, girls volleyball, swimming, unified basketball, girls basketball and boys basketball championships. Cross country championships will rotate between county parks in the state, golf rotates between golf courses within the three counties, and indoor track returned to Prince Georges Sports and Learning Complex in Landover, MD for the first time since 2020. There is a need for an indoor track facility in Delaware to conduct DIAA indoor track championships. Baseball championships are conducted at Frawley stadium. Championships conducted on member school campuses are as follows: boys soccer, wrestling, boys lacrosse, tennis and outdoor track and field.

DIAA continues to recognize the academic excellence of student athletes by honoring student athletes during each sport championships. This has been well received by student athletes and the community.

DIAA Board Updates

The board continues to evaluate committee work and office operations. The board is currently evaluating the following:

- Tournament selection criteria
- Officials ratings and selection for championships
- Transfer regulations
- Committee membership makeup
- Eighth grade participation of the high school level
- Health and safety protocols

DIAA Office Updates

In January 2022, the DIAA staff consisted of Donna Polk, executive director, Stephanie Mark, coordinator of interscholastic athletics and secretary Tanya Reed. James Bell replaced Stephanie Mark in June 2022, Starr Otu replaced Tanya Reed in July 2022 and Faye Wheeler replaced Starr Otu in January 2023. DIAA will hire a replacement for James Bell who departed DIAA February 10, 2023. DIAA has contracted with Monique Smith to assist with student services planning and programming and obtaining speakers for leadership/training opportunities for the association and Evan Courtney to assist with DIAA operations. DIAA staffing workload remains a concern to ensure appropriate oversight and management of all areas of responsibility for the association.

DIAA Challenges

- Number of DIAA staff
- Available facility to conduct indoor track championships
- Board meeting time devoted to conducting waivers during board meetings
- Compliance management/oversight
- Sportsmanship concerns during sporting events from fans, coaches and student athletes
- Officials shortage – looking at recruitment efforts and ideas

DIAA Hot Topics

- Transfers/recruitment practices and polices
- Compliance management
- Recruitment and retention of officials
- Division classification vs three-tier classification
- Name, Image and Likeness
- Basketball Shot Clock
- Mental Health Awareness
- Fulltime athletic trainers and athletic directors
- Eighth grade participation at the high school level
- Participation numbers

Adopted Recommendation 3: Out-of-Season Coaching

JLOSC will sponsor legislation amending Chapter 3, Title 14 clarifying that interscholastic coaches who privately coach out-of-season are not in violation of the State Employees', Officers', and Officials' Code of Conduct so long as the criteria DIAA promulgates through regulations are met.

Option 1: The DIAA Board shall consider changes to section 6.8.3 (“Nonschool Recreation and Club Programs and Competitions”) of the current proposed Regulation 1009 DIAA High School Interscholastic Athletics within three months following the effective date of this legislation.

Update from Entity:

DIAA Update:

Regulation 1009 DIAA High School Interscholastic Athletics:

- April 8, 2021, the DIAA Board of Directors voted to publish amendments to Regulation 1009, including changes to coaching out-of-season activities. The proposed amendments were published with the *Register of Regulations* on May 1, 2021 with a written public comment period ending on July 6, 2021.
- The board conducted a public hearing concerning proposed amendments on June 17, 2021 and heard comments from three individuals. The board received one written comment.
- July 2021 board meeting, the board voted to withdraw the proposed amendments and to continue to address concerns regarding coaching out-of-season.
- August/September 2021 DIAA worked with the Public Integrity Commission (PIC) to draft further changes to the regulation that are consistent with the Code of Conduct (29 *Del. C.* ch. 58) for public school coaches.
- On October 19, 2021, PIC reviewed a draft of changes concerning out of season interscholastic athletic activities. PIC will issue a written decision to DIAA within 30 days of its October 19th meeting. PIC's written decision and the draft regulation will be provided to the DIAA board at a future meeting.
- May 2022 board meeting, the board voted to propose a new regulation that provides the requirements for athletic activities and contact out-of-season, during the period of time from the end of the season until the next official starting practice date for a particular sport, and in the summer, during the period of time from the last scheduled date for DIAA spring sport championships to August 1st for both the middle and high school levels.
- June 2022 notice of the proposed regulation was published in the Registrar of Regulations. The board received written comment sharing concerns regarding proposed regulations.
- August 2022 board meeting, the board considered written comments submitted. The board discussed that the proposed regulation provides more opportunities for student athletes to have instructional contact with their school coach than the current regulation. The board discussed the need to keep data in order to follow the impacts of the proposed regulation once implemented. The board decided not to make further changes as a result of the written submittals at this time and approved proposed regulation subject to State Board of Education approval.
- September 2022, the State Board of Education approved proposed regulation that included out of season coaching.
- February 2022, the board approved amendments to Regulation 1040 that removed the specified sports language and replaced with DIAA recognized sports to ensure all sports included. The proposed regulation was submitted to the Registrar of Regulation for written comment.

Adopted Recommendation 4: Strategic Plan

DIAA shall engage the necessary units within the Delaware Department of Education to establish a strategic planning process with a focus on:

- a. Student athlete development.
- b. Equity among student athlete opportunities.
- c. Communication and marketing.

- d. Community engagement.
- e. Board, committee member, and staff training program with a goal of improving time management and streamlining operations.
- f. Other areas deemed appropriate.

Update from Entity:

DIAA Update:

- May 2021, DIAA staff presented a plan of action regarding the development of a strategic plan and addressing a potential timeline to the DIAA Board of Directors. The DIAA Board of Directors voted to approve the plan of action.
- August 2021, DIAA staff presented a quote from Delaware Academy for School Leadership (DASL) with two options: one consisting of an advisory consultant and the second DASL taking the lead with developing a strategic plan. The board approved option two.
- September 2021 – DIAA received proposed scope of work from DASL for review and was shared with the board at its October board meeting.
- October 2021 - The board was provided an update on the contract and scope of work received from DASL. The board voted to seek an advisory opinion from the Public Integrity Commission due to current board members DASL Advisory Committee affiliation.
- December 2021 – Received notification from selected vendor that they would not be able to move forward with providing service.
- January – March 2022 – Received proposals from new vendors
- April 2022 – The board approved new vendor.
- May – December 2022 – Strategic plan created using feedback from the board and stakeholders.
- February 2023 – The board approved final draft of strategic plan.

Adopted Recommendation 5: Expired Terms

DIAA shall request quarterly updates from the Governor’s office as it addresses the current number of expired terms.

Update from Entity:

DIAA Update:

- Board and Commissions within the Governor’s Office provided DIAA with the following updates regarding the DIAA Board of Directors:
 - o August 4, 2021 Courtesty Little resigned from the board
- October 2021 provided an update to Director of Board and Commission Appointments Lori James on board membership vacancies and appointment needs for DIAA Board for January 2022.
- December 2021 provided an update to Director of Board and Commission on board membership vacancies and appointments. Received notification that vacant seating on the board will be filled starting March 2022.
- March 2022 one vacancy approved. Joe Papili will fill the nonpublic school administrator position.

- June 2022 four appointments approved. Allison Alpaugh filled the Sussex County principal position vacated by Dr. Bradley Layfield, Dr. William O'Hanlon filled the New Castle County position vacated by Dr. Matthew Donovan, Lenny Richardson filled the Sussex County public member position vacated by Chuck Little and Jason Miller filled the Kent County school board member position vacated by Vetra Evans-Gunter.
- October 2022 and December 2022 received notification the vacant Kent County public positions and working on the newly added third superintendent position.
- January 2023 two appointments approved. Jackie Griffith filled Kent County public member position vacated by Bruce Harris and Bonnie Ingram Grubb filled Kent County public member position vacated by Gary Cimaglia.
- The head of school position is slated for recommendation in March 2023 which will leave one vacant position to fill (Sussex County School Board Member).
- There are two board members with expiring terms: Doug Thompson and Ted Laws.

Adopted Recommendation 8: Board Meetings

DIAA shall restructure Board meetings as follows:

- a. When possible, limit the number of executive sessions to 1 per meeting or schedule a separate executive session meeting.¹
- b. Establish a standing public comment period that occurs at the beginning of the meeting prior to a vote on any action item and scheduled executive session.
- c. Explore the creation of an Executive Committee, made up of current Board members with appropriate representation, to conduct initial waiver hearings.

Analyst's Note: Holding individual executive sessions for each applicable agenda item is not a requirement of 29 Del. C. § 10004 (FOIA). Because FOIA does not require individual executive sessions, the Board could save time by addressing all executive session matters in one session.

Update from Entity:

DIAA Update:

- July 14, 2021 meeting, DIAA had one executive session during which three hearings were convened. DIAA Board will continue to evaluate conducting one executive session to track length of time in executive session and whether entertaining motions in general session should occur after each waiver executive session or when returning to general session after one executive session.
- July 29, 2021, a hearing panel of three DIAA board members convened hearings on two waiver requests. The hearing panel will issue a proposed order with its recommended findings of fact, conclusions of law, and decision to the DIAA Board of Directors for consideration.
- August 12, 2021 meeting, DIAA Board heard 6 waivers and held one executive session twice to hear two waivers during each executive session and individual executive

¹ A separate executive session meeting has been utilized by several public bodies, including the [Board of Medical Licensure and Discipline](#).

- sessions for two waivers to ensure a quorum met to make motions due to board members recusing and attendance availability.
- Public comment period will be discussed during the November or December meeting.
 - In December 2020, the board created a process by which a panel of three board members would conduct hearings on waiver requests and submit recommended findings of fact and conclusions of law to the full Board. The Board will consider the process at a future meeting.
 - The board has moved to hearing waivers in one executive session which has allowed for more efficient operations. Depending on the number of waivers determines the length of time in executive session.
 - The board in February 2023 started to hear agenda items prior to conducting waivers. This will ensure important business of the association can be discussed and allow the public not to have to wait through long executive sessions while conducting hearings.
 - The board received notification of two appeals to State Board of Education. One was upheld and the other is pending.

Adopted Recommendation 9: Standing Committees

DIAA shall make the following changes to the standing committee structure:

- a. Update the committee membership information to include more specific standards relating to size, applicable stakeholder representation, subject matter expertise, and public accessibility.
- b. Create a more transparent selection process for committee membership including public notification and access to current vacancy information and application documentation.
- c. Ensure all membership information and committee decisions are easily accessible on the DIAA website.
- d. Adopt a specific disciplinary process should a violation of regulations occur.

Update from Entity:

DIAA Update:

- The committee membership information is addressed in subsection 4.0 of Regulation [1021](#).
- DIAA committee vacancies are listed on the [DIAA's website](#). DIAA staff updated the committee application with the DIAA Board of Directors' approval at the April 2021 board meeting. The updated committee application is located on the [DIAA's website](#). DIAA will discuss further ways to create a more transparent selection process for committee membership at an upcoming board meeting.
- June 2021, DIAA included all committee membership information on the [DIAA's website](#).
- The process for processing violations of DIAA regulations is located in 2.0 of Regulation 1023.

Adopted Recommendation 10: DIAA Staff

DIAA shall develop a new staff position to submit to the Department of Education and Joint Finance Committee that will allow the Association to:

- a. Ensure compliance among member schools.
- b. Increase communication with student athletes and their guardians.
- c. Create equitable waiver and transfer policies through education and increased communication.
- d. Conduct investigations in a timelier manner.

Update from Entity:

DIAA Update:

- The recommendation has been shared with DDOE Operations Support Associate Secretary who is working with Office of Management and Budget regarding the request for an additional DIAA position.

Adopted Recommendation 11: Update and Enforce Fee Structure

The DIAA Board shall assess the current fee structure, make necessary changes, and adopt a mechanism for enforcement in the event of violations.

Update from Entity:

DIAA Update:

- DIAA will continue to assess and evaluate the current fee structure and follow enforcement per regulation.

Adopted Recommendation 13: Website Updates

DIAA shall restructure and update its website as follows:

- a. Summaries of all promulgated regulations and other DIAA policies.
- b. Standing committee information, including but not limited to, committee authority, current membership, current vacancies, meeting notices, and adopted decisions and recommendations to the Board.
- c. Sport-specific pages featuring FAQs, policy documents, and tournament manuals.
- d. Easily accessible information on the waiver and transfer processes.

Update from Entity:

DIAA Update:

- DIAA staff continues working with the Department of Education Operations Support staff to create subpages under the Governance Section of the website.
 - o Summary of regulations page is being create with estimated completion December 2021.
- June 2021, standing committee information was added to the DIAA's website. The committee charges were moved from their current location on the website and included on the created committee page. Meeting notices are located on the DIAA website calendar and on the State of Delaware public meeting calendar site. Committee member rosters, as approved by the board, are included in the DIAA board minutes

- which are also posted on the DIAA website. The committee rosters will be kept up-to-date on the recently created committee pages as decisions or changes are approved by the DIAA Board.
- Sport-specific pages, FAQs, policy documents and tournament manuals were already included on the DIAA's website. DIAA sport-specific pages and tournament manuals are located under [Sport Championships](#) and FAQs, policy documents, and tournament manuals are listed under [Manuals](#).
 - Information on waiver requests is available on the [website](#), which includes links to guidelines and the waiver request form.
 - o October 2021, the updated waiver form and checklist were uploaded to the website.
 - o During October 6, 2021 DAAD meeting, a brief tutorial was presented to athletic directors.
 - September 2021, an update was provided to the DIAA Board sharing the newly launched DIAA website which is a resource for member schools and the public.
 - September 2022, FAQ created for Regulation 1040 specific to coaching out of season regulation.