



SPONSOR: Sen. Lopez & Rep. Bush
Sen. Poore; Rep. Michael Smith

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 3

SUSPENDING THE REQUIREMENT THAT STUDENT ATHLETES WEAR FACE COVERINGS WHILE PARTICIPATING IN NON-HIGH-RISK INTERSCHOLASTIC SPORTS OUTDOORS IN ORDER TO ESTABLISH PARITY IN FACE COVERING REQUIREMENTS FOR YOUTH AND AMATEUR SPORTS AND FOR INTERSCHOLASTIC SPORTS.

1 WHEREAS, a State of Emergency continues to exist in the State of Delaware due to the public health threat posed
2 by the novel COVID-19 virus; and

3 WHEREAS, on November 13, 2020, the Delaware State Board of Education approved Regulation 1011 of Title 14
4 of the Delaware Administrative Code, promulgated by the Delaware Interscholastic Athletic Association (DIAA) Board of
5 Directors; and

6 WHEREAS, Regulation 1011 regulates interscholastic athletics during the COVID-19 pandemic and implements a
7 phased return to play framework and sports-specific guidance to protect the physical well-being of student athletes and
8 promote healthy adolescent lifestyles; and

9 WHEREAS, the General Assembly and Governor express their sincere appreciation to the members of the DIAA
10 Board of Directors for their hard work on behalf of Delaware's student athletes and families, as the thoughtful return to play
11 guidance reflected in Regulation 1011 has allowed participants in every interscholastic sport the opportunity to have a
12 sports season during the 2020-2021 school year; and

13 WHEREAS, all active COVID-19 restrictions issued as part of the State of Emergency Declaration and subsequent
14 modifications have been combined into a single order as part of the Twenty-Seventh Modification to the State of
15 Emergency Order (the "Omnibus Modification"); and

16 WHEREAS, on April 1, 2021, Governor Carney issued the ninth revision to the Omnibus Modification, which
17 eased COVID-19 restrictions on youth sports and amateur adult sports by allowing athletes participating in non-high-risk
18 sports outdoors to remove face coverings when actively engaged in practice or game play while on the field; and

19 WHEREAS, according to the Governor's ninth revision to the Omnibus Modification, the Division of Public
20 Health supported the easing of restrictions on youth and recreational sports; and

21 WHEREAS, the Omnibus Modification does not apply to interscholastic sports; and

22 WHEREAS, the DIAA Board of Directors held two meetings, one on April 8, 2021 and the other on April 19,
23 2021, to consider amending Regulation 1011 to conform to the Governor's Omnibus Modification, but did not pass a
24 proposed regulation, in part due to procedural concerns about the regulatory process; and

25 WHEREAS, due to regulatory and procedural steps required to amend Regulation 1011, the 2020-2021
26 interscholastic sports season will likely end before the DIAA Board of Directors can amend the sport specific guidance in
27 the regulation to mirror the provisions in the Omnibus Modification; and

28 WHEREAS, it is desired that there be parity between the Governor's restrictions on face coverings for youth and
29 amateur sports and the face covering restrictions imposed on interscholastic sports.

30 NOW, THEREFORE:

31 BE IT RESOLVED by the Senate and the House of Representatives of the 151st General Assembly of the State of
32 Delaware, with the approval of the Governor, that the following provisions in Regulation 1011 of Title 14 of the Delaware
33 Administrative Code are hereby suspended, for the remainder of the 2020-2021 school year, to the extent the provisions
34 mandate that student athletes wear face coverings outdoors when actively engaged in practice or game play while on the
35 field:

36 (a) 5.6.1.1.1 (Baseball).

37 (b) 5.6.1.4.1 (Field Hockey).

38 (c) 5.6.1.9.1 (Girls' Lacrosse).

39 (d) 5.6.1.10.1 (Soccer).

40 (e) 5.6.1.11.1 (Softball).

41 (f) 5.6.1.13.1 (Tennis).

42 (g) 5.6.1.14.1 (Track and Field).

43 BE IT FURTHER RESOLVED that upon this resolution going into effect, an authenticated copy of this Joint
44 Resolution must be forwarded to the Executive Director of the DIAA, who shall be responsible for its dissemination to all
45 DIAA Member Schools.

SYNOPSIS

This Joint Resolution suspends the requirement that student athletes participating in non-high risk sports outdoors wear masks while actively engaged in practice or game play while on the field for the remainder of the 2020-2021 school year. This establishes parity between the Governor's face covering restrictions for youth and amateur sports and the face covering restrictions for interscholastic sports. Finally, this Joint Resolution requires that an authenticated copy of the resolution be forwarded, upon the resolution going into effect, to the Executive Director of the DIAA, who shall be responsible for its dissemination to all DIAA Member Schools.

Author: Senator Lopez