

DELAWARE STATE BOARD OF EDUCATION

Special Meeting Minutes

**June 30, 2020
Virtual Meeting
5:00pm**

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the State Board of Education, to be conducted electronically, either by means of telephone conference call or video-conference call.

Members Present: Nina Lou Bunting; Vincent Lofink; Dr. Audrey Noble; Dorcas Olatunji; Rev. Provey Powell, Jr.; Wali Rushdan II; Whitney Sweeney.

Members Absent: Candice Fifer

Others Present: Dr. Susan Bunting, State Board of Education (SBE) Executive Secretary and the Secretary of Education, Delaware Department of Education (DDOE); Jenna Ahner, SBE Executive Director; Kathleen Smith, SBE Administrative Assistant; Carla Jarosz, Deputy Attorney General (DAG), Delaware Department of Justice (DDOJ); Dr. Bradley Layfield, Chair, Delaware Interscholastic Athletics Association (DIAA) Board of Directors; Dr. Brad Bley, Board member, DIAA; Donna Polk, Executive Director, DIAA; Laura Makransky, DAG, DDOJ; members of the public.

I. Opening

A. Call to Order:

Ms. Sweeney called the meeting to order at 5:00 p.m. Ms. Sweeney shared that on March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the State Board of Education, to be conducted electronically, either by means of telephone conference call or video-conference call.

Ms. Sweeney announced the guidelines for conducting the electronic meeting. She shared information on how public comment would be conducted later in the meeting.

B. Roll Call of State Board Members

Ms. Smith conducted roll call for the meeting with five members present (Bunting, Lofink, Noble, Powell, and Sweeney).

C. Approval of Agenda

A motion was made by Mr. Lofink and seconded by Ms. Bunting to approve the June 30, 2020 agenda as presented. The motion carried (5 Yes to 0 No - Yes: Bunting, Lofink, Noble, Powell, and Sweeney).

II. Regulations

A. Delaware Interscholastic Athletic Association Regulations For Discussion or Action

1. Emergency Regulation 1010 - Interscholastic Athletics During COVID-19 Pandemic (For Action after Public Comment)

Ms. Jarosz, DAG representing the SBE, provided context on the process of implementing emergency regulations.

Ms. Sweeney invited the speakers to introduce themselves and provide a brief background on the process of developing this regulation, specifically with regard to the information and guidance utilized.

Ms. Polk provided an overview of the cancellation of the spring 2020 school sports season and the Governor's Emergency Order that permits youth sports. She shared that the DIAA Board of Directors worked closely with the DIAA Sports Medicine Advisory Committee (SMAC) and the DIAA Rules and Regulations Committee to develop a proposed path forward for interscholastic athletics during COVID-19. Dr. Layfield stated the need to have a system in place when school buildings reopen that aligns with Department of Public Health (DPH) guidelines. Dr. Bley shared information regarding the guidance of the National Federation of High School Sports (NFHS) in addition to the DPH guidelines. Ms. Polk commented on the benefits for students in returning to summer conditioning including mental and physical health, re-establishing relationships with teammates and coaches, and getting back to a regular routine.

B. Public Comment

Ms. Sweeney opened the floor to public comment prior to the State Board of Education's discussion.

John Wilson, President, Delaware Football Coaches Association, thanked Ms. Polk for speaking about the development of the regulation and asked why DIAA is developing guidelines regarding return to play rather than allowing individual districts to establish guidelines as will be done in Pennsylvania.

Mark Robinson, member of the public, spoke about weighing the physical and mental health benefits and risks of returning to play. He spoke of the importance of returning to athletics to support the mental health and well-being of students.

2. Emergency Regulation 1010 - Interscholastic Athletics During COVID-19 Pandemic (For Action after Public Comment)

Ms. Polk provided a high-level overview of the regulation. She shared that the regulation is meant to focus on athletic activities this summer and that the DIAA Board will continue to determine next steps for moving into the Fall.

Board members asked which definitions were new in section 2.0, if there had been discussion about changing the name of the Pre-Participation Physical Evaluation Form due to its abbreviation PPE being most recently associated with Personal Protective Equipment, and for clarification of the terms Reexamination and Vulnerable Individual.

In section 3.0 Board members asked questions regarding the physical forms, whether the supplemental form is optional, and for clarification about an athlete's clearance to resume participation after reporting a fever and receiving further screenings. Board members asked about the process for an individual to be cleared by DPH.

Mr. Rushdan and Ms. Olatunji arrived and were marked present.

In section 4.0 Board members asked how the DIAA return to play stages align with the phases of economic reopening and the phases being considered by the reopening school work groups. Board members asked about whether sports can take place even if school is conducted remotely or in a hybrid model of in-person and online instruction, and how hotspots will be identified and considered in the stages. Board members discussed what information or data DIAA will use to move between stages, the process of the DIAA meeting to determine these stages, and the provision for any member school to enact stricter measures than called for in the current stage. Board members inquired about limitations on spectators and how social distancing for athletes will be achieved for specific sports.

Board members also asked about how parents were engaged to provide feedback during the development of the regulation, if the imposition of penalties for violations aligns with existing regulations, how requirements will be enforced or monitored, what the appeal process will be, and what precautions will be taken regarding using equipment.

The Board recognized that while school sports are an avenue for physical well-being, the social and emotional well-being of the students is important, too, and acknowledged the need for attention to the whole child during the pandemic and the time of social unrest. Board members also expressed concern for equity in youth participation in sports.

Ms. Sweeney requested that DIAA representatives follow-up with clarification about the process for a student to be cleared by DPH.

A motion was made by Mr. Lofink and seconded by Rev. Powell to approve Emergency Regulation 1010 - Interscholastic Athletics During COVID-19 Pandemic as presented. The motion carried (6 Yes to 0 No - Yes: Bunting, Lofink, Noble, Powell, Rushdan, and Sweeney).

III. Adjournment

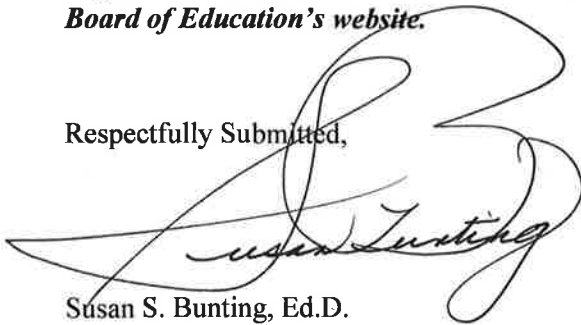
A motion to adjourn was made by Rev. Powell and seconded by Mr. Lofink. The motion carried (6 Yes to 0 No – Yes: Bunting, Lofink, Noble, Powell, Rushdan, and Sweeney).

The meeting adjourned at 6:40 p.m.

The next meeting of the State Board of Education will be held virtually on July 16, 2020.

Digital recordings of the meeting can be found in the "audio recordings" section of the State Board of Education's website.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, which appears to read "Susan S. Bunting". The signature is written over the text "Respectfully Submitted," and extends upwards and to the right.

Susan S. Bunting, Ed.D.
Executive Secretary and Secretary of Education