



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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August 26, 2015

Ms. Tina Shockley, Education Associate  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 19 DE Reg. 105 [DIAA Proposed Sportsmanship Regulation]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to adopt some amendments to its "sportsmanship" standards applicable to DIAA-regulated athletics. The proposed regulation was published as 19 DE Reg. 105 in the August, 2015 issue of the Register of Regulations. SCPD has the following observations.

First, §1.2.1.5.2.8 requires coaches to "forbid the use of tobacco, alcohol, and non-prescribed drugs...". This is "overbroad" in multiple contexts.

A. Students who have reached the age of 18 can legally use tobacco and students who have reached age 21 can consume alcohol. There is no legal basis for a coach to forbid adult athletes from using tobacco or alcohol when not involved in school functions. Compare 14 DE Admin Code 877. Section 1.2.1.5.2.8 is not limited to school functions and sites.

B. An across-the-board ban on use of "non-prescribed drugs" would penalize an athlete from using even benign over-the-counter drugs (e.g. Neosporin for a cut; Aspirin or Advil for a headache or inflammation reduction). Trainers at athletic contests would be barred from even suggesting use of benign over-the-counter drugs (e.g. Neosporin).

Second, the grammar in §1.2.1.5.4.1 should be corrected. In the second sentence, delete "shall".

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Mark Murphy, Secretary of Education  
Mr. Kevin Charles, DIAA  
Mr. Chris Kenton, Professional Standards Board  
Dr. Teri Quinn Gray, State Board of Education  
Ms. Mary Ann Mieczkowski, Department of Education  
Ms. Kathleen Geiszler, Esq., Department of Justice  
Ms. Terry Hickey, Esq., Department of Justice  
Ms. Ilona Kirshon, Esq., Department of Justice  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
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