

DIAA Board of Directors' Meeting Minutes
November 10, 2004
Conference Room, John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:10 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Mark Holodick, Gerald Allen, Kathleen Wilbur, Sue Spilecki, Joan Samonisky, Dr. Kevin Carson, William Passwaters, Ted Williams, Sister Ann Michele, Dr. Lewis Atkinson, Phyllis Kohel, Zane Robinson, Ed Kee, Dr. Robert Andrzejewski, Robert Reed, and Dr. Garrett Lyons. Jack Holloway, Executive Director, and Mary Cooke, Deputy Attorney General, were also in attendance. Dr. Jeffrey Hawtof was unable to attend.

C. Approval of Agenda

Mr. Kobasa noted that there was an addendum to the agenda. Mr. Williams made a motion to approve the agenda with the amendments. The motion was seconded by Mr. Allen and carried unanimously.

D. Approval of Minutes of the Annual Meeting and November 10, 2004 Board of Directors' Meeting

Mr. Kee made a motion to approve the minutes of the November 10, 2004 Board of Directors' Meeting as submitted. The motion was seconded by Dr. Carson and carried unanimously.

II. Public Comment

None.

III. Action Items

B. Decision Regarding Joey Lamp – Sussex Central High School

Mr. Allen made a motion to go into executive session at 9:15 a.m. under the FIOA exception for the discussion of contents excluded from the definition of public records such as pupil files and student confidential records. The motion was seconded by Mr. Passwaters and carried unanimously. Mr. Williams made a motion to come out of executive session at 9:30 a.m. The motion was seconded by Mr. Allen and carried unanimously.

A. Request by Red Lion Christian School for a Waiver of 14 DE Admin Code 1009.3.4.2 - Jessica Hsu

Tracey Pritchard, Director of Guidance, Steve Hsu; Jessica's father, and Jessica Hsu were in attendance to present this request. Mr. Hsu requested that this request be held in closed session. Ms. Samonisky made a motion to go into executive session at 9:35 a.m. pursuant to the Freedom of Information Act Section 10004. B. 6. for the discussion of documents that are excluded from the definition of public records such as student pupil files or confidential medical information. The motion was seconded by Sister Ann Michele and carried unanimously. Mr. Reed made a motion to go into deliberation. The motion was seconded by Mr. Zane and carried unanimously. While in deliberation the Board discussed the waiver request for Jessica Hsu. Mr. Williams made a motion to come out of deliberation and executive session. The motion was seconded by Mr. Kee and carried unanimously. Mr. Williams made a motion to approve the waiver request based upon the hardship presented and the recommendation of the licensed social worker. The motion was seconded by Mr. Kee and carried by a vote 13 – yes (Kobasa, Holodick, Allen, Andrzejewski, Spilecki, Samonisky, Carson, Williams, Lyons, Sister Ann Michele, Reed, Robinson, and Kee) and 2 – no (Wilbur and Passwaters).

The Board recessed at 10:40 a.m. and reconvened at 10:50 a.m.

C. Decision Regarding Igor Banovic – Concord High School

Mr. Holloway explained a situation involving a student from Concord High School that was a foreign exchange student last year and participated on their basketball team. Mr. Holloway stated that this student wanted to attend Concord for his senior year but that he had to apply for a Visa. Mr. Holloway then explained that the student was now an International student and is considered a transfer student and was ineligible for participation for 90 school days. Mr. Holloway commented that the school is seeking a waiver of the eligibility rules and will be coming before the Board in December.

D. Decision Regarding Anthony Scalia – A. I. duPont High School

Mr. Holloway reminded the Board members that he was directed by them to review with the superintendent of the Red Clay School District the timeline with regards to applying for Choice. Mr. Holloway commented that after reviewing this situation with Dr. Andrzejewski he felt that the student would be eligible at A. I. duPont High School.

E. Field Hockey Protest Wilmington Christian vs. Tatnall School – October 26, 2004

Mr. Holloway commented that he received a written complaint regarding a field hockey game which was tied at the end of regulation and two overtimes were played

and the game ended in the second overtime where Tatnall scored the winning goal. Mr. Holloway stated that one of the coaches investigated this situation and after reviewing the rule book determined that there should not have been a second overtime and that the field hockey officials made a mistake. Mr. Holloway explained that the coach wanted to protest this situation and that he contacted the state rules interpreter and the National Federation to see if there could be a protest. Mr. Holloway commented that it was determined that there could be a protest. Mr. Holloway explained that he declared the game a tie and contacted The Tatnall School to inform them of his decision and also informed the school that they could appeal his decision. Mr. Holloway commented that The Tatnall School did not appeal his decision but wanted to go on record that they disagree with the ruling. Mr. Holloway stated that DIAA needs to revise its protest procedure and put a time limitation in the procedure. Mr. Holloway commented that he also recommended to the National Federation that there should be some common grounds between the various sports.

F. Field Hockey Protest Dickinson High School vs. Newark High School – October 2, 2004

Mr. Holloway reviewed a situation where Dickinson High School's athletic director agreed to play a game with Newark High School's athletic director but later found out that Dickinson High School's open house was scheduled for the same day and could not play on that date so the two schools tried to reschedule unsuccessfully. Mr. Holloway explained that there was no contract between the schools and he therefore ruled the game a no contest according to DIAA regulation 1009.1.3.4.

G. Request for Sanction of Tournaments

Mr. Holloway informed the Board that due to health concerns Mr. Jacobs has withdrawn his application for the Slam Dunk to the Beach Tournament. Mr. Williams made a motion to accept the withdrawal from Mr. Jacobs. The motion was seconded by Mr. Allen and carried unanimously. Dr. Carson made a motion to accept all other applications for sanction. The motion was seconded by Mr. Kee and carried unanimously.

H. Schuster Appeal

Ms. Cooke commented on a letter she received from a doctor regarding the Schuster issues and that the letter is dated after the decision was issued. Ms. Cooke explained that she will argue through this appeal that this information should not be considered as a part of the appeal because it was not presented to the Board at the time of the hearing.

IV. Executive Director Report

A. Use of Our New Facility for DIAA Board Meetings

Mr. Holloway commented on the new facility and stated that it could be a new site for Board meetings. The Board agreed and will start meeting at this facility beginning July 14, 2005.

B. Fall Tournaments

Mr. Holloway commented that the fall tournaments have started and are going well. Mr. Holloway also commented that we have started using Wesley College as the site for the soccer quarterfinal round, semifinal round, and the final.

I. E. DIAA Financial Report

Mr. Holloway explained that he and Tina have met with Book Associates and have found certain discrepancies which have been corrected and feels comfortable moving forward.

V. Presentation and Discussion

A. Report of the NASBE Commission on High School Athletics

Richard Farmer, member of the Delaware State Board of Education and a member of the NASBE Commission, was in attendance to give an overview of the Report of the NASBE Commission on High School Athletics.

VI. Other

VII. Public Comment

None

VIII. Adjournment

Mr. Reed made a motion to adjourn at 12:20 p.m. The motion was seconded by Sister Ann Michele and carried unanimously.

Tina Tyre