

DIAA Board of Directors' Meeting Minutes  
May 13, 2010 – 9:00 a.m.  
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Debbie Corrado, Joan Samonisky, Catherine Marvel, Harvey Hyland, Dianne Sole, Susan Coffing, Teresa Taylor, Dr. Jeffrey Hawtof, Woody Long, Michael Modica, Dr. George Stone, Randall O'Neal, and Ron Eby and Dr. Michael Owens. Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General were also in attendance. Curtis Bedford, Eugene Montano, Edna Cale, and Robert Reed were unable to attend.

C. Approval of Agenda

Ms. Samonisky made a motion to approve the agenda. The motion was seconded by Ms. Corrado and carried unanimously.

D. Approval of Minutes of April 15, 2010 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of the April 15, 2010 Board of Directors meeting. The motion was seconded by Dr. Hawtof and carried unanimously.

E. DIAA Financial Report

Mr. Charles reviewed a financial document with the Board and stated that he will email that report to the Board in advance of meetings in the future. Mr. Charles stated that the income to date is \$618,325.00 which is 86% of the projected revenue. Mr. Charles stated that for the reporting period \$13,130.00 which is from boys' and girls' basketball, member dues from one school, and weight management income. Mr. Charles stated that the expenditures to date are \$617,000.00 and for the reporting period are \$63,326.00 and we are at 86% of our expenditures for the year. Mr. Charles stated that the expenses for this reporting period are mainly from tournament expenses. Dr. Hawtof made a motion to approve the financial report. The motion was seconded by Mr. Long and carried unanimously.

### III. Action Items

#### A. Approval of Tournament Sanctions

Mr. Charles stated that there are two requests for sanction which are track and field and a cross country event for the fall. Ms. Samonisky made a motion to approve the sanction requests. The motion was seconded by Dr. Hawtof and carried unanimously.

#### C. Consideration of NFHS Position Statements on Medical Appliances; Supplements; Energy Drinks; Anabolic Steroid

Mr. Charles stated that at the March meeting of the Sports Medicine Advisory Committee the Committee considered several position statements by the NFHS on various topics and thought that the DIAA Board should adopt as the official position on these topics. Mr. Charles stated that the topics include dietary supplements, medical appliances, anabolic steroids, and energy drinks. Mr. Charles informed the Board that the advantage of adopting the NFHS position statements is that the NFHS has already done the research and a thorough review on these items. Mr. Charles commented that this would allow us to put these documents on our website and in our manuals. Mr. Charles stated that we are looking for the DIAA Board to adopt these as the official position on these items. Dr. Hawtof made a motion to approve. The motion was seconded by Dr. Sole and carried unanimously.

#### D. Paperless Board Meetings

Mr. Charles explained that he is currently exploring the possibility of paperless Board meetings. He estimated that to copy and mail materials for the DIAA Board meetings costs around \$200 per meeting. Mr. Charles stated that he was exploring the possibility if this could be done electronically to minimize the amount of paper and expense. Mr. Charles stated that the Collette Building has lap tops for Board members to use during the meetings. Mr. Charles emphasized it is not his intent to pass the cost of copying packets to Board members. Board members would still have the option of receiving hard copy Board packets. Ms. Fontello commented that all information must be secure and protected. Ms. Fontello also noted that special procedures may need to be developed to address waiver requests and other hearings. She explained that the Board must have access to all of the documents and requests and the confidentiality of the student and family records must be maintained. Dr. Owens suggested trying this procedure for a month and see how it works out. Mr. Wagner made a motion to table this until the June meeting and have a couple of people pilot this procedure. The motion was seconded by Dr. Hawtof and carried unanimously. The three Board members who agreed to pilot this program are Ms. Taylor, Dr. Hawtof, and Ms. Coffing.

B. Request for Waiver of DIAA Reg. 1009.2.4 by Wilmington Friends for E. R.

Eric Romano; students father, Jane Schindewolf; students mother, Emily Romano; student, and Cathlene Hopkins; Director of Admissions and Financial Aid were in attendance to present this case.

Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained the there were 15 voting members present and participating to consider this matter. Ms. Fontello also advised that the burden of proof is on the Student to prove the reasons for the waiver request and that the information must be presented to the Board in the hearing. She further explained that the Board will not be able to consider additional information after the hearing. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Ms. Fontello reviewed all documents pertaining to this request. The additional documentation required for the waiver request was reviewed. Student and Ms. Hopkins provided additional documentation. All the documentation was made part of the record and in addition to the testimony given, the Board considered and relied upon the written documentation provided.

Student, her parents, and Ms. Hopkins presented Student's waiver request and provided testimony regarding the request. Ms. Hopkins testified regarding the unique program offered at the school and the benefits of participating in the program. She explained that students typically do not come to Wilmington Friends at the 11<sup>th</sup> grade level. Ms. Hopkins further explained that Emily was transferring to Wilmington Friends to enroll in the International Baccalaureate Diploma Program. Ms. Hopkins gave a description of the program and explained the uniqueness of the program and that is a multi year program with a sequence of courses around the program which results in the Student graduating with a IB diploma. She further explained that the IB Program utilizes international standards, challenges students in multiple subjects, and requires students complete service requirements through participation in athletics, arts, and the community. Ms. Hopkins stated that this program is only offered at two schools in Delaware and Ursuline Academy does not offer the program. She also reviewed the rigorous accreditation process that Friends had to undertake to offer the IB program. Ms. Hopkins stated that Emily previously participated in field hockey, swimming, and track during her freshman and sophomore years at Ursuline which would make her ineligible to fully participate in those sports at Wilmington Friends without a waiver.

Emily testified and explained the reasons for her waiver request. She further commented that this process began with her when she went on a mission trip overseas to an impoverished country. Emily explained that the trip changed her perspective and that she wants to pursue a career in medicine. Emily stated that she wants to practice medicine overseas in impoverished nations. Emily stated that she did some research and feels the International Baccalaureate Diploma Program is a more

challenging academic program and decided to transfer to Wilmington Friends School to pursue their course of study. Emily explained that she has previously participated in field hockey, swimming, and track and that she really enjoys sports and would like to continue to participate.

Mr. Romano testified regarding the reasons for the waiver request. He commented that Emily has attended Ursuline since she was three but that when she was a freshman Emily started asking for more challenging academics. Mr. Romano stated that they decided as a family that the change to Wilmington Friends was the right move for Emily.

Mr. Long made a motion to approve the waiver request based on the testimony and documentation provided the Board finds that the Student has met their burden of proof and established that the IB program constitutes a change in course of study and thus Emily was leaving Ursuline Academy for a different academic program. The motion was seconded by Ms. Marvel and carried unanimously.

#### G. Cape Henlopen self-Report

Mr. Charles explained that Cape Henlopen High School golf team used an ineligible golfer against Indian River High School. Mr. Charles further explained that the student was ineligible because he was not in legal attendance at school that day. Mr. Charles stated that the coach does not teach in the school and could not check attendance on a regular basis. Mr. Charles stated that the school did notify Indian River of the recalculated match score. Mr. Charles recommended the school establish a daily attendance report for coaches. Approval of the action taken was addressed under section I of the agenda.

#### H. Middletown Self-Report

Mr. Charles stated that Middletown used four ineligible players in boys lacrosse matches. Mr. Charles stated that the students were ineligible because they did not have a pre participation physical. Mr. Charles stated that at Middletown it was the coaches responsibility to make sure that a student has a physical. As a result of this incident the school shifted responsibility to the athletic director. Middletown did send letters to William Penn High School and Delcastle informing them of the forfeiture. Approval of the action taken was addressed under section I of the agenda.

#### I. Milford Self-Report

Mr. Charles explained that Milford High School used a pitcher who did not have the required two days of rest before he pitched against Lake Forest High School. Mr. Charles stated that a letter of forfeiture was sent to Lake Forest.

Ms. Corrado made a motion to approve the action that was taken on Items G, H, and I. The motion was seconded by Dr. Hawtof and carried by a vote of 13 – yes ( Kobasa, Corrado, Samonisky, Marvel, Hyland, Sole, Coffing, Taylor, Hawtof, Long, Modica, O'Neal, and Eby) and 2 – abstentions ( Wagner and Stone).

#### E. Delaware Sports Commission Membership

Mr. Charles advised that DIAA has received correspondence from the Delaware Sports Commission. The correspondence invites DIAA to become a member of the Delaware Sports Commission. Mr. Charles explained that the Delaware Sports Commission is a newly created entity in Delaware whose function is to try to generate revenue for the State and businesses in Delaware by attracting sports tournaments. Mr. Charles stated that one of their goals is to improve the sports facilities in Delaware. Mr. Charles commented that being a member may allow DIAA access to Delaware Sports Commission facilities when they open. Mr. Charles also stated that he is on the Board of Directors for the Delaware Sports Commission. Mr. Charles questioned if DIAA wanted to become a member and raised the question if this may create a conflict of interest. Mr. Charles also stated that the dues are \$250.00 . The Board discussed possible conflicts. Mr. Eby made a motion to table this request to provide time to review the issues raised and any potential conflicts. The motion was seconded by Dr. Hawtof and carried unanimously.

#### F. Financial Concerns Committee Action Items

Mr. Charles commented that he has received a few inquiries regarding the temporary game reductions. He advised that he had been asked if DIAA was going to lift the 10% reduction in Maximum Game Schedule passed by the Board in 2009. The Board discussed the questions asked and the responses given. Ms. Samonisky stated that the Independent Conference wants to keep it as is. Mr. Wagner stated that the Henlopen Conference were overwhelmingly in favor of keeping it as is. Ms. Corrado stated that most of the Blue Hen Conference wanted to keep the reduction as is. Dr. Owens provided input on projected state revenues and suggested the Board make no changes. After discussion the general consensus of the Board was not to take any action to change maximum game schedules for 2010-11.

The Board recessed at 10:05 a.m. and reconvened at 10:15 a.m.

#### IV. B. Draft Revisions to Waiver & Transfer Regs.

Mr. Charles stated that there were 54 waiver requests in 2009 and that he is considering a new procedure regarding waiver requests. He explained that he is looking to see if a procedure could reduce the the number of waiver hearings that come before the Board. Mr. Charles stated that he had some conversations with other Executive Directors and stated that he received information from Louisiana where they have an

Appeals Committee which meets three times a year just to hear appeals. . Mr. Charles stated that under the modified Louisiana model if an appeal is denied it would then go to the Board. Mr. Charles briefly reviewed a draft of a possible new procedure to help streamline the waiver process and stated that he will email it to all the Board members for their review and wait for their response. Ms. Fontello advised that any new procedure would need to comply with Delaware law and provide adequate due process to the students/requestors. She further commented that Delaware is a state actor and that some of the other state's athletic associations are private and that DIAA may not be able to implement the same procedures. Ms. Fontello advised that any regulation changes would need to follow the standard process.

#### A. SMAC Committee Report

Mr. Charles reviewed a document regarding the care of students with diabetes in the school setting. Mr. Charles stated that the Sports Medicine Advisory Committee is trying to implement Diabetes Care in the schools in Delaware. Mr. Charles also stated that the NFHS is developing free online training course on concussions and wants to make the course mandatory. Mr. Charles stated that he is looking in to conducting the training at the annual rules clinics. Mr. Charles also shared the CDC Concussion Return to Play Form review by DIAA SMAC and suggested this may be an optional form to guide return to play decision following a concussion.

#### C. Update on Board appointments

Mr. Charles reviewed the new Board members and stated that the Governor has nominated Pam Love replacing Ms. Samonisky, Laura Leone to replace Ms. Corrado, Dr. Mark Holodick to replace Dr. Stone, and Craig Eliason to replace Mr. Reed. Mr. Charles stated that Mr. Wagner and Mr. Modica will continue to serve on the Board.. Mr. Charles also informed the Board that Dr. Michael Owens was leaving the department to take a position at Del-Tech Owens Campus and that Dr. Amelia Hodges will be taking his place until a replacement is found for Dr. Owens.

#### D. DIAA/NFHS SLC Report

Mr. Neubauer commented that all 40 candidates for the DIAA SLC have been selected and that the conference will be held in August. Mr. Neubauer stated that six students have been selected to attend the NFHS SLC and that Sebrina Perialas and Ed Smith will be the adult delegates.

#### E. Legal Issues

Ms. Fontello stated that there was nothing to report at this time.

#### F. Miscellaneous

Mr. Charles reported that there were a few conflicts on the DIAA Board of Directors

meetings for next year and reviewed them with the Board.

Mr. Neubauer commented that a site has been confirmed for the NFHS Section II meeting that DIAA will be hosting this year and it is the Atlantic Sands Hotel in Rehoboth Beach, DE.

Mr. Charles presented Dr. Stone, Ms. Samonisky, Dr. Owens and Ms. Corrado with a gift for their years of service on the DIAA Board.

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Hawtof made a motion to adjourn at 12:05 p.m. The motion was seconded by Mr. Long and carried unanimously.

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Tina Hurley

