

DIAA Board of Directors' Special Meeting Minutes
November 11, 2010 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:35 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Eugene Montano, Edna Cale, Craig Eliassen, Susan Coffing, Teresa Taylor, Pam Love, Harvey Hyland, Curtis Bedford and Ron Eby. Patricia Davis-Oliva, Deputy Attorney General and Kevin Charles, Executive Director were also in attendance. Laura Leone, Catherine Marvel, Dr. Dianne Sole, Dr. Jeffrey Hawtof, Woody Long, Dr. Mark Holodick, Randall O'Neal and Dr. Amelia Hodges were unable to attend.

C. Approval of Agenda

Ms. Cale made a motion to approve the agenda. The motion was seconded by Mr. Montano and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Self-Report by Red Lion Christian Academy and DIAA Investigation

Mr. Shawn Tucker; attorney for Red Lion Christian Academy, Charles Oberly; attorney for Red Lion Christian Academy, Shannon Dare; Superintendent for Red Lion Christian Academy, and Ken Howard; athletic director for Red Lion Christian Academy were in attendance to present this request. Mr. Oberly confirmed that he does not have any objection to the notice of today's meeting. It was noted that DAG, Paula Fontello was present and was assisting Mr. Charles in presenting his recommendations. Mr. Oberly stated that RLCA did not have an objection to Ms. Fontello representing Kevin Charles. Ms. Fontello presented a signed conflict waiver for the record. Ms. Davis-Oliva asked if there were any objections to entering the document into the record. No objections were made. Ms. Davis-Oliva stated the Red Lion Christian Academy self-report and DIAA Executive Director Response and Recommendations were distributed to Board members before the meeting. Ms. Davis-Oliva asked if there were any objections to entering these documents into the record. No objections were made. Ms. Fontello clarified for the record that Ms. Davis-Oliva

would be providing legal guidance to the Board. Ms. Fontello clarified for the record that the Board would not be receiving legal guidance from her today and that this change is not reflective of any concern with the proceedings but just to maintain integrity of the process and that she is appearing to assist the DIAA Executive Director present his recommendations to the Board. Ms. Fontello further explained that Red Lion Christian Academy is presenting their self-report and the DIAA Executive Director, Kevin Charles is presenting his recommendation that the Board accept the self-report with additional items as will be presented. It was explained that RLCA's self-report is conditioned on the Board accepting the recommendations presented today. It was also clarified that if the Board does not accept the self-report and recommendations that Mr. Charles reserves the right to continue with the investigation in all the areas of concern.

Mr. Oberly thanked the Board for meeting today. Mr. Oberly stated that they were here to present the self-report by Red Lion Christian Academy. Mr. Oberly stated that after many meetings they have come to the 11th hour with the football tournament approaching. Mr. Oberly reviewed the self-report items. Mr. Oberly stated that the first one dealt with allegations that Red Lion exceeded the number of middle school football games allowed in a season. Mr. Oberly stated that this was correct in that Red Lion did in fact in 2009 participated in eight football games and self-reported and will pay the \$500.00 fine associated with this violation. Mr. Oberly commented that a new athletic director has been hired and will make sure this does not happen again. Mr. Oberly then commented on the second allegation which was exceeding the maximum number of allowable games played in a week. Mr. Oberly stated that there were allegations that the middle school exceeded the allowable games in a week two times, once in September and once in November. Mr. Oberly explained that the DIAA regulations did not define what a week was in the middle school section and that the school mistakenly violated this regulation. Mr. Oberly stated that the school accepts this violation and will pay the fine of \$250 per game which is \$500.00. Mr. Oberly then commented on the third item which was the allegations exceeding the two hour football practice limit. Mr. Oberly stated that all the coaches were spoken to and was determined that there were violations of this rule but not sure how many. Mr. Oberly stated that this was discussed with all the coaches and that a daily log has been implemented to prevent this from happening again. Mr. Oberly then commented on the allegations regarding the influence for athletic purposes. Mr. Oberly stated that Red Lion Christian Academy has denied that they have participated in this. Mr. Oberly stated that Red Lion Christian Academy does not offer scholarships. Mr. Oberly stated that students enrolled interested in financial aid could apply on line with FACTS Grant and Aid and if that didn't cover everything there was a program called FOCAS. Mr. Oberly explained that the controversy arose in that Mr. Sills who is a football coach, on the booster club, and behind FOCAS which is an independent corporation. Mr. Oberly stated that Red Lion contends that none of the students were given financial assistance based upon athletic consideration but that Red Lion understands that DIAA has interpreted its rules to prohibit a coach or booster club member from serving as a member of FOCAS at the same time. Mr. Oberly stated that RLCA has come to accept DIAA's interpretation that a coach or booster club

member cannot participate in financial aid decisions. Mr. Oberly stated the RLCA will voluntarily withdraw from the DIAA State Football Tournament. Mr. Oberly stated that this has been a long investigation and looks forward to moving ahead. Ms. Davis-Oliva asked if the Board had any clarification questions for Mr. Oberly. There were no questions.

Ms. Fontello stated that she is assisting the DIAA Executive Director Kevin Charles in presenting his recommendations on what action the Board should take with RLCA's self-report. Ms. Fontello reviewed the Executive Director's recommendations and stated that Red Lion may not agree with the DIAA interpretations however at this time they are willing to accept the interpretations and not dispute them and agree to bring their program in compliance with DIAA regulations including the interpretations. Ms. Fontello explained that the Executive Director is recommending that the Board accept RLCA's self-report along with his recommendations of sanctions and corrective action. Ms. Fontello stated that Mr. Charles has met with Red Lion on numerous occasions to get to this process today. Ms. Fontello stated that the first item deals with exceeding the number of middle school football games and that Red Lion is willing to concede this submit the mandatory fine of \$500 and that Red Lion has taken corrective actions to address this. Ms. Fontello stated that Mr. Charles' recommendation is to accept the self-report and the corrective action. Ms. Fontello commented on item 2 which deals with exceeding the minimum number of allowable games in a week. Ms. Fontello stated that although Red Lion initially disagreed on the interpretation of this rule, RLCA is now aware of the interpretation of the regulation and what a week means and they did self-report each incident and they are willing to forfeit the second game and pay the penalty of \$500. Ms. Fontello stated that the Executive Director's recommendation is to accept the self-report, the fine, the forfeitures, and the corrective action as noted. Ms. Fontello commented on the third item which involves exceeding the two hour football practice limits. Ms. Fontello stated that Red Lion has investigated this themselves and Red Lion concedes the violation and that they recognize that they exceeded the allowable number of hours in each practice session and have put in place a corrective action plan noted in their self report. Ms. Fontello stated that the Executive Director recommends that the Board accepts the \$500 fine and the corrective action. Ms. Fontello commented on the next item which deals with Influence for Athletic Purposes. Ms. Fontello stated that for the purposes of today Red Lion has completed their investigation. Ms. Fontello stated that Mr. Charles has presented to Red Lion DIAA's interpretation of what this regulation means. Ms. Fontello stated that although Red Lion does not agree with that interpretation, RLCA is now willing to accept that interpretation. Ms. Fontello stated that DIAA's interpretation was that you cannot have an agent of a school on both sides of a financial aid process. Ms. Fontello stated the Executive Director recommends that the Board accept the self-report and Red Lion's acceptance of the DIAA interpretation and bring their program in compliance with the DIAA interpretation. Ms. Fontello clarified that this will end the investigation and RLCA has agreed to bring their program into compliance and not dispute the DIAA interpretation. Ms. Fontello stated that in working through the process to get to his recommendation, the regulations were reviewed and it was noted

that if a school is not in compliance with DIAA regulations the school is not eligible to participate in the state tournament. She explained that given that, Red Lion Christian Academy is conceding that and voluntarily withdrawing from the football tournament this year. Ms. Fontello stated that in an interest to resolve all the matters before the Board and to balance the competing interest of the regulations and the possible consequences and the impact that this will have on the students and other students outside Red Lion, the Executive Director is recommending that the Board accept this as the appropriate penalty and that the football tournament will proceed this year without Red Lion. Ms. Fontello also stated that in addition to all the corrective action discussed in the self-report and the recommendation, Mr. Charles is also recommending that a one year probationary period be placed on Red Lion and that the school work with Mr. Charles to make sure all the regulations are being complied with. Ms. Fontello explained that the probation will have the following conditions: RLCA will implement corrective action including all the items discussed in the Executive Director's recommendations and RLCA's self-report; RLCA will work with DIAA and the DIAA Executive Director to ensure all athletes are in compliance with DIAA eligibility rules; RLCA will work with DIAA and the DIAA Executive Director to ensure all athletes are in compliance with DIAA eligibility rules; RLCA will work with DIAA and the DIAA Executive Director in developing a corrective action plan regarding acceptance of financial assistance for students; RLCA will make available upon request all financial aid awards given to athletes from all sources and verification of the athletic eligibility; and RLCA upon request will provide verification of athletic eligibility. Ms. Fontello also stated that in addition to this Mr. Charles plans to call a special summit to address member school concerns regarding coaching out of season, commercial camps and clinics and financial assistance. Ms. Fontello stated that Red Lion has agreed to participate in this and even co-host the event. Ms. Fontello explained that in reaching this recommendation a key part of this is that in order to facilitate cooperation and implementation of the corrective action and supervision, it is important that the investigation be concluded. She explained that the thought process behind the resolution is one to facilitate cooperation in allowing Mr. Charles to work with the school and get access to the school's programs and not make findings of past violations while working with the school. Mr. Charles confirmed his recommendation and his plan and indicated that he believes DIAA should move forward. Mr. Charles stated that he agrees that the recommendations presented are the most productive way to resolve and to move forward.

Mr. Charles was sworn in. Mr. Eliassen commented that he was impressed with the Executive Director and Red Lion working together. Mr. Eliassen commented that he found the practicing over two hours annoying. Mr. Eliassen asked what the fine would be if there were nine violations of the two hour practice limit. Mr. Charles responded that the regulations does not specify per occurrence and could be a weakness in the regulations. Mr. Eliassen also asked about the scholarships and what Mr. Charles knew about it. Mr. Charles commented that the scholarships are at a level where it is approaching the percentage of students who participate in sports at the school. Mr. Charles stated that in 2010 there is a more reasonable divide of athletes

and non athletes receiving FOCAS funds. Mr. Eliassen then asked if financial awards are given to all students and that Red Lion should provide financial aid documentation to Mr. Charles as part of the probationary process. Mr. Oberly stated that Red Lion would be happy to cooperate with that and agreed that the condition of the financial assistance would go to all students and not just athletes. Mr. Eby asked why we were only looking at football and was concerned about financial aid being given in other sports. Mr. Charles explained the process. Ms. Fontello added that the financial assistance that was of primary concern was the financial assistance given to football players. Mr. Charles stated that this is an area that needs to be looked at and again this is a forward looking agreement. Ms. Taylor asked if students getting the financial aid now will not receive it next year as a result of moving forward. Mr. Charles stated that he did not know. Mr. Montano commented on his concerns with the ability of teachers being able to change grades and how this could be prevented in the future. Mr. Charles stated that concern will be addressed as part of the corrective action plan. Ms. Love asked how many scholarships were given to relatives of football players receiving financial assistance. Mr. Tucker stated that there were instances where siblings of football players received financial aid. Mr. Tucker provided some data regarding FOCAS financial aid. Ms. Taylor asked the age of the current football team. Mr. Dare responded that the age was 8th graders to 10th graders. Mr. Dare was sworn in. Some questions were asked and Mr. Charles responded that the details of the corrective plan and explained that the action is to move forward and to work with Red Lion in future complaints.

The Board recessed at 10:30 a.m. and reconvened at 10:40 a.m.

Ms. Coffing made a motion to go into deliberation. The motion was seconded by Ms. Taylor and carried unanimously. The Board came out of deliberation.

Mr. Montano made a motion to accept the self report with the executive director's recommendation of one year probation with the items specified in the report and corrective actions and additional terms and that DIAA would also add as an additional sanction one year probation for the head football coach, Eric Day. The motion was seconded by Ms. Cale and carried by a vote of 10 – yes (Kobasa, Wagner, Bedford, Montano, Cale, Eliassen, Hyland, Coffing, Love, and Eby) and 1 – no (Taylor). Mr. Oberly stated that Red Lion does not object to DIAA's additional condition and that RLCA accepts DIAA's decision and feels it is appropriate.

VI. Public Comment

None.

VII. Adjournment

Ms. Coffing made a motion to adjourn at 11:35 a.m. The motion was seconded by Ms. Taylor and carried unanimously.

Tina Hurley