

DIAA Board of Directors' Meeting Minutes
Thursday, May 12, 2011 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:20 a.m. by Gerald Kobasa, DIAA Chairperson.

B. Roll Call

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

C. Approval of Agenda

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

D. Approval of Minutes of April 14, 2011 Board of Directors' Meeting

Ms. Cale made a motion to approve the minutes of April 14, 2011 Board of Directors' meeting. The motion was seconded by Ms. Coffing and carried unanimously.

E. Financial Report

Mr. Charles reviewed the income and expenses and commented that the income year to date was \$617,137.91 which is 86% of the projected revenue. Mr. Charles advised that the income for the reporting period of April 7, 2011 through May 5, 2011 was under \$4,000.00. Mr. Charles advised that the year to date expenses were \$605,608.14 which is 84% of the projected expenditures. Mr. Charles stated that the expenses for the reporting period are \$6,200. Mr. Charles explained that the budget is just under \$12,000 in the black. Mr. Charles commented that he estimates that we will finish the year with revenue slightly above the projected amount and expenditures below projected. Mr. Long made a motion to accept the financial report. The motion was seconded by Ms. Cale and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 2 tournament sanctions requests which are for track and field in Pennsylvania. Mr. Charles reviewed the requests and advised that the sanction requests were in compliance with DIAA and the NFHS requirements. Ms. Leone made a motion to approve the sanctions. The motion was seconded by Mr. Montano and carried unanimously.

B. Request for Waiver of DIAA Reg. 1007.2.3.1.1.1 by Dover HS for M. P.

Student and student's father, Mr. Montano; principal at Dover High School, Carlton Brown; head football coach at Dover High School, and Eric Torbert; athletic director at Dover High School were in attendance to present this request. Mr. Montano recused himself from the Board. Student's parent requested a closed hearing. Dr. Hawtof made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Ms. Marvel and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 that there are 13 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. 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.

Ms. Leone made a motion to go into deliberation. The motion was seconded by Dr. Hawtof and carried unanimously. Mr. Long made a motion to come out of deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Dr. Hawtof made a motion to come out of executive session. The motion was seconded by Ms. Taylor and carried unanimously. Ms. Love made a motion to deny Student's request to remove the penalty of the game suspension pursuant to 1007.2.3.1.1.1 because the Student failed to meet his burden of proof and granting the request would compromise the spirit of the rule. The motion was seconded by Mr. Long and carried unanimously. Dr. Holodick made a motion to refer this type of situation to the Sportsmanship Committee. The motion was seconded by Ms. Taylor and carried unanimously.

The Board recessed at 10:35 a.m. and reconvened at 10:40 a.m.

C. Request for Waiver of DIAA Reg. 1009.2.6.2 by Newark HS for P. Y.

Student and student's parents, Mr. Bedford; principal at Newark High School, and Steve Bastianelli; athletic director at Newark High School were in attendance to present this request. Mr. Bedford, Ms. Taylor, and Ms. Marvel recused themselves from the Board. Student's parent requested a closed hearing. Dr. Hawtof made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Montano and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 that there are 12 voting members present and participating to consider this matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. 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.

Mr. Montano made a motion to go into deliberation. The motion was seconded by Dr. Hawtof and carried unanimously. Mr. Montano made a motion to come out of deliberation. The motion was seconded by Mr. Wagner and carried unanimously. Dr. Hawtof made a motion to come out of executive session. The motion was seconded by Mr. Wagner and carried unanimously. Mr. Montano made a motion to deny the waiver request based on the intent of the rule. The motion was seconded by Dr. Hawtof and carried by a vote of 11 – yes (Kobasa, Wagner, Montano, Cale, Eliassen, Leone, Hyland, Love, Hawtof, Long, Holodick) and 1 – no (Coffing).

E. Application for Associate Membership by RLCA

Ken Howard, athletic director at Red Lion Christian Academy was in attendance to present this request.

Mr. Howard first thanked Mr. Charles for his support during his first year as athletic director. Mr. Howard then reminded the Board of the investigation done back in November and the conclusion. Mr. Howard stated that he has had several meetings with Mr. Charles since then discussing moving forward and what is best for both DIAA and Red Lion. Mr. Howard stated Red Lion is requesting associate member status for football and basketball only. Mr. Howard reviewed a document that he had put together which outlined a plan

for Red Lion. Mr. Howard was asking the Board to review this plan to see if they would accept or adjust. Mr. Charles reviewed the current associate member schools and stated that the schools must request associate membership each year. In a response to a Board member's question Mr. Charles stated that there are no other associate member schools that begin practice early. Dr. Hawtof commented that the Board must consider whether the exceptions that Red Lion is requesting will create an unfair advantage for Red Lion when playing a DIAA full member school. Mr. Howard explained the difficulty his school was having to secure football games with DIAA member schools and as a result his school must schedule out-of-state schools to fill their schedule. Mr. Howard commented that out of state schools practice and play earlier than Delaware schools. Mr. Howard also stated that there were only eight or nine DIAA schools that were willing to put Red Lion on their schedule for basketball as well which causes them to go outside of the state for teams to play.

Mr. Howard also explained that there are some admission policies that need to be addressed and would ask the DIAA executive director to interview selected members of the administrative staff. Mr. Howard suggested holding a financial aid summit with other DIAA heads of schools to outline and discuss acceptable practices for offering financial aid. Mr. Howard then commented on FLASH Training. Mr. Howard commented that FLASH Training is not an organization of Red Lion and that it is a private business that is held on their campus and that it is a physical training program for all athletes.

Mr. Howard stated that Red Lion wants to be accountable to DIAA and wants to eliminate concerns the DIAA has regarding their boys' basketball and football programs. Mr. Howard commented that this plan is intended to build enrollment and increase student-athlete exposure. Mr. Howard stated that Red Lion will abide by the Rules and Regulations of the DIAA with exceptions to 1009.4.1 and 1009.10.1 and would establish by-laws designed to protect the student athletes.

After some discussion Board members felt that the Red Lion Christian Academy application requires closer review and requested a committee be formed to review. A sub-committee was formed and Ms. Taylor, Mr. Long, Mr. Kobasa, Mr. Howard, Mr. Wagner, and Mr. Charles agreed to serve on this committee. The Committee is expected to meet in June and report back to the Board for consideration of the request at the July meeting. Dr. Hawtof made a motion to table this request. The motion was seconded by Ms. Cale and carried unanimously.

- F. Waiver of DIAA Reg. 1008 & 1009.2.4 for Elkton Christian Academy Students

Mr. Charles explained that a parent of a child that attends Elkton Christian Academy contacted him and stated that the school would be closing and wanted to know how this would affect his child's athletic eligibility. Mr. Charles requested written confirmation from the school and that he subsequently received a letter from Timothy Britton of Elkton Christian Academy informing him that the school would be closing in June 2011. Mr. Charles stated that the school was definitely closing and that they may reopen but under a different entity. Mr. Charles stated that this situation is similar to that of Moyer Academy last year and that the DIAA Board granted students a one-year waiver for a one time transfer making them eligible. Ms. Fontello clarified that the matter before the Board was not an actual waiver request that has come in from the school but that the Executive Director sees a potential problem with the students that attend Elkton Christian Academy and has asked the Board to approve a blanket waiver. Mr. Charles advised that there may be a large volume of requests coming forward and as the Executive Director is asking for waiver for any student coming forth. Mr. Charles advised that he does anticipate the regulation change will take place in time to assist the students. He explained that he is requesting the waiver now so that each one of these kids can take advantage of an exception. Dr. Hawtof made a motion to allow the students a one-time waiver to transfer to a new school with no loss of eligibility. The motion was seconded by Mr. Bedford and carried unanimously.

D. Application for Associate Membership by DISC Schools

Mr. Charles advised that this was the annual application for associate membership by the Delaware Independent Conference Schools. Mr. Charles stated that this application is identical to last years application with one exception. Mr. Charles explained that last year they asked for relief from 1009.2.7 in its entirety. Mr. Charles stated that this year's request is more specific in that they are asking for a waiver of 1009.2.7.1 which applies specifically to 5th year seniors. Mr. Charles advised that the application includes a request to allow transfer students be able to participate immediately against other DISC schools and asking that their 5th year students be able to participate against other DISC member schools and to allow St. Andrews' girls' soccer team to participate in the fall instead of the spring. Ms. Fontello asked for clarification on the transfer rule and Mr. Charles explained the history to the Board and stated that he would verify that the request is the same as last year. Mr. Charles responded to questions from the Board regarding the application.. Mr. Eliassen made a motion to approve contingent upon confirming that there is nothing new in this application with 2.7.1. The motion was seconded by Dr. Hawtof and carried unanimously.

G. Self-Report by Archmere Academy

Mr. Charles advised that he was notified by the athletic director at Archmere Academy that during a tennis match with Concord High School they moved a 1st doubles team member down to 2nd doubles to play in that match without a challenge match. This is a violation of DIAA approved policy for tennis. Mr. Charles stated that Archmere did forfeit that match and advised Concord of the forfeit. Ms. Cale made a motion to accept the self-report. The motion was seconded by Ms. Coffing and carried unanimously with Dr. Holodick abstaining.

IV. Executive Director Report

A. Legal

Ms. Fontello advised that she is in receipt of the proposed written decision from the hearing officer in the M. M. case and the hearing officer is recommending that the State Board uphold DIAA decision regarding that student. Ms. Fontello stated that the written decision in the second pending matter has not been received yet.

B. Misc.

Mr. Charles advised that there are two proposed bills that will affect interscholastic athletics. Legislation is being considered which would require DIAA to develop a concussion policy. Mr. Charles stated the proposed bill would require DIAA to adopt rules and regulations applicable to DIAA member schools regarding the appropriate recognition and management of student-athletes that are exhibiting signs and symptoms consistent with a concussion. Mr. Charles stated that we will also have to provide information on an annual basis with parents and students about concussions and the effects of concussions. Mr. Charles informed the Board that we have already done this with the exception of the parent and student sign off. Ms. Fontello advised that this legislation did raise one issue regarding the regulations and she is looking into whether this could be modified and if this could go in the FAQ's section of the regulation. Mr. Charles stated that the second piece of legislation is being pursued by the Delaware Athletic Trainers Association to allow public schools to use state funds to hire athletic trainers. Athletic Trainers are asking to be listed in state code as a profession that can be funded using state funds.

Mr. Charles stated that the NFHS passed two rule changes. The NFHS now requires field hockey players to wear eye protection. Mr. Charles stated that this is the first time this has ever been mandated for field hockey. Mr. Charles stated that the second change was that the NFHS modified the weight classes in wrestling.

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- V. Other
- VI. Public Comment
- VII. Adjournment

Dr. Hawtof made a motion for the Board to adjourn at 1:05 p.m. The motion was seconded by Ms. Cale and carried unanimously.

Tina Hurley