

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

I. Opening

A. Call to Order

The meeting was called to order at 9:10 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, Harvey Hyland, Susan Coffing, Terre Taylor, Pam Love, Dr. Jeffrey Hawtof, Dr. Dianne Sole, and Ron Eby. Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Catherine Marvel, Dr. Mark Holodick, Woody Long, Randall O'Neal, Pam Love, and Dr. Amelia Hodges were unable to attend the meeting.

C. Approval of Agenda

Mr. Kobasa stated that Item III. G. was being added to the agenda. Dr. Hawtof made a motion to approve the amended agenda. The motion was seconded by Mr. Eby and carried unanimously.

D. Approval of Minutes of May 12, 2011 Board of Directors' Meeting

Ms. Cale made a motion to approve the minutes of May 12, 2011 Board of Directors' meeting. The motion was seconded by Mr. Eby and carried unanimously.

E. Financial Report

Mr. Charles reviewed the income and expenses through June 2 and commented that the income year to date was \$673,777.91 which is 93% of the projected revenue. Mr. Charles advised that the income for the reporting period of was \$56,640.00 which was from fees and tournament income. Mr. Charles stated that he is still expecting around \$50,000.00 in tournament revenue. Mr. Charles advised that the year to date expenses were \$679,339.00 which is 94% of the projected expenditures. Mr. Charles stated that the expenses for the reporting period are \$43,000 of which \$30,000 were for tournament expenses. Mr. Charles commented that he estimates that we will finish the year with revenue above and expenditures below the projected amount. Ms. Leone made a motion to accept the financial report. The motion was seconded by Dr. Hawtof and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 9 tournament sanction requests which are for softball all-star game, cross country, field hockey, wrestling, and the Diamond State Classic. Mr. Charles reviewed the requests and advised that the sanction requests were in compliance with DIAA and the NFHS requirements. Dr. Hawtof made a motion to approve the sanctions. The motion was seconded by Mr. Wagner and carried unanimously.

D. Request for Membership by the new Maurice J. Moyer Academy

Andre Thornton, athletic director at Moyer Academy and Barry Young, assistant principal were in attendance to present this request. Mr. Charles gave a brief background on Moyer Academy. Mr. Charles stated that a new Moyer Academy opened up and operated without athletics last year and is now applying for membership for the 2011-12 school year. Mr. Thornton stated that he came from Florida and is excited to get started at Moyer Academy. Mr. Young commented that he was part of the old Moyer Academy and is anxious to get athletics at the school. Mr. Wagner questioned whether this request would fall under the old or new guidelines. Mr. Wagner stated if this would fall under the new guidelines the school would be in a probationary period. Mr. Charles clarified that the revised regulations requires that member schools must meet certain criteria in order to participate in a DIAA approved state tournament one of which states the school must be a member of DIAA for two full years.

Mr. Thornton commented that the school has students in grades 6 through 12.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Dr. Sole and carried unanimously. Dr. Hawtof made a motion to come out of deliberation. The motion was seconded by Ms. Leone and carried unanimously. The new provisions of the regulations were discussed and it was clarified that the regulations do not have a grandfather clause and would apply to the upcoming school year and the requirements apply to the school for participation in the state tournaments. The members of the school were asked if they understood and if they consent to join DIAA under the new guidelines which would mean they will not be eligible for a DIAA tournament for three years. The school stated that they would join under the new guidelines. Mr. Thornton questioned whether or not they have to be under the new guidelines even though they have not yet been approved. It was clarified that the membership is for the upcoming school year and the new guidelines will apply to all members for the 011-2012 school year. Dr. Hawtof made a motion to approve the membership for the 2011-2012 school year under the new guidelines. The motion was seconded by Mr. Wagner and carried unanimously.

B. Request for Waiver of DIAA Reg. 1009.2.4 by Newark HS for A. H.

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 and Ms. Leone recused themselves from the Board. Student's parent requested a closed hearing. Mr. Eliassen 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 Dr. Hawtof 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 11 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.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Dr. Sole and carried unanimously. Mr. Wagner made a motion to come out of deliberation. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Montano made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Dr. Hawtof made a motion to come out of deliberation. The motion was seconded by Ms. Cale and carried unanimously. Dr. Hawtof made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously. Ms. Coffing made a motion to approve the waiver request based on the hardship described by the family in wanting to leave the sending school for academic and because of the safety concerns. The motion was seconded by Ms. Cale and carried by a vote of 10 – yes (Kobasa, Wagner, Montano, Cale, Eliassen, Hyland, Sole, Coffing, Taylor, Hawtof) and 1 – no (Eby).

The Board recessed at 10:45 a.m. and reconvened at 10:55 a.m.

C. Waiver of DIAA Reg. 1009.2.4 by Caravel Academy for M. K.

Student and student's parents, Mr. Keister; Headmaster at Caravel Academy, were in attendance to present this request. Student's parent requested a closed hearing. Mr. Wagner 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 Dr. Hawtof 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.

Dr. Hawtof made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Eby made a motion to approve the request due to emotional hardship and quality of education. The motion was seconded by Mr. Bedford and carried unanimously.

E. Approval of 2011-12 DIAA Budget

Mr. Charles advised that he usually waits to present this budget until July after which time he has all the spring tournament reports in but he stated that the budget should be approved before the new fiscal year begins. Mr. Charles reviewed the proposed budget and stated that the proposed budget has a slight increase primarily due to the projected increase in salary and OEC's. Dr. Hawtof made a motion to approve the proposed budget. The motion was seconded by Mr. Eby and carried unanimously.

G. Final Review and Approval of DIAA Regulation Amendments

Mr. Charles advised that the Amendments to the Regulations needed to be placed on today's agenda because the State Board of Education will be acting on the final copy of the DIAA Regulations next week. Mr. Charles advised that there were a few editorial changes that this Board needed to review. Mr. Charles reviewed the editorial changes with the Board. Ms. Fontello explained the changes regarding the Concussion Protocol. Dr. Hawtof asked for clarification of the definition of qualified health care professional and technical corrections were made. Dr. Hawtof made a motion to approve the regulations with the changes. The motion was seconded by Mr. Eby and carried unanimously.

F. Election of Officers 2011-2012

Mr. Charles opened the floor for the position of Chairman of DIAA. Dr. Hawtof made a motion to nominate Mr. Kobasa and close nominations. The

motion was seconded by Ms. Leone and carried unanimously.

Mr. Charles opened the floor for the position of Vice-Chairman of DIAA. Mr. Eliassen made a motion to nominate Terre Taylor and close nominations. The motion was seconded by Mr. Kobasa and carried unanimously.

IV. Executive Director Report

A. Legal

Ms. Fontello advised that the State Board did meet in May and adopted the hearing officer's decision of affirming DIAA's decision in the M.M. case.

Ms. Fontello provided an update in the J.V. appeal. Ms. Fontello stated that the hearing officer issued a proposed decision recommending the State Board uphold DIAA's decision. She advised that the State Board is also going to consider this matter at their June meeting.

B. Misc.

Mr. Neubauer informed the Board that the DIAA/Harry Roberts Senior Scholar Athlete Award was awarded to first place winners Gracie Firestone and Ethan Lee, the second place were Lindsay Oliver and Garrett Swenson, and the third place winners were Molly Cain and John Donnelly. Mr. Wagner stated that the selection committee mentioned expanding the award because of the large number of applicants. Dr. Hawtof suggested putting this on the agenda for next month.

C. Spring Tournament Update

Mr. Charles advised that the attendance at the spring sport tournaments was very good but that we do not have all the reports back. Mr. Charles commented on the no re-admittance policy at the tournaments and commented on a complaint that he received about that policy.

Mr. Neubauer reviewed all spring tournaments and stated that all tournaments went well.

D. Legislative Update

Mr. Charles advised the Board of two senate bills being acted on by the Delaware General Assembly which is Senate Bill 111 regarding concussions and Senate Bill 69 regarding certified athletic trainers.

Ms. Fontello commented that there is also other legislation that may relate to the concussion legislation and the members may want to be aware of that is House Bill 131 regarding brain injuries.

V. Other

Mr. Charles recognized the Board members who's service to the Board has been completed. They are Eugene Montano, Dr. Dianne Sole, Michael Wagner, and Randy O'Neal.

VI. Public Comment

VII. Adjournment

Dr. Hawtof made a motion for the Board to adjourn at 12:25 p.m. The motion was seconded by Mr. Wagner and carried unanimously.

Tina Hurley