

DIAA Board of Directors' Meeting Minutes
Thursday, September 8, 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, Terre Taylor, Joe Thomson, Edna Cale, Craig Eliassen, Catherine Marvel, Susan Coffing, Dr. Rene Knight-Peguero, Dr. Mark Holodick, Ron Eby, Curtis Bedford, Laura Leone, Dave Thomas, Pam Love, Dr. Kevin Fitzgerald and Dr. Amelia Hodges. Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Harvey Hyland and Woody Long were unable to attend the meeting.

C. Approval of Agenda

Mr. Kobasa commented that Item III. C. was removed from the agenda at the request of the student and school. Mr. Eby made a motion to approve the amended agenda. The motion was seconded by Ms. Cale and carried unanimously.

D. Approval of Minutes of August 11, 2011 Board of Directors' Meeting

Mr. Thomson made a motion to approve the minutes of August 11, 2011 Board of Directors' meeting. The motion was seconded by Ms. Leone and carried unanimously.

E. Financial Report

Mr. Charles advised that the income to date was \$26,752.01. Mr. Charles then reviewed the income and expenses for the reporting period of August 3 to August 31. Mr. Charles stated that the income for the reporting period was \$2.01. Mr. Charles stated that the expenses for the year are \$98,333.10 and for the reporting period are \$74,994.07. Mr. Charles reported that we are \$71,581.09 in the red which is normal for this time of year. Ms. Marvel made a motion to accept the financial report. The motion was seconded by Mr. Thomas and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 14 tournament sanction requests which include 10 for cross country, 1, spring track and field, 1 volleyball, 1 indoor track, and 1 wrestling. Mr. Charles reviewed the requests and advised that to the best of his knowledge the sanction requests were in compliance with DIAA and the NFHS requirements. Mr. Eby made a motion to approve the sanctions. The motion was seconded by Mr. Eliassen and carried unanimously.

B. Request for Waiver of 1009.2.4 by St. Elizabeth for N. C.

Student and student's father were in attendance to present this request. Student's father requested a closed hearing. Ms. Marvel 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. Cale 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 15 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. Thomas made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Ms. Cale made a motion to come out of deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Thomas made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously.

Mr. Eby made a motion to deny the waiver request because the Student failed to meet his burden of proof to establish a hardship. The motion was seconded by Ms. Cale and carried by a vote of 11 – yes (Kobasa, Taylor, Thomson, Cale, Eliassen, Leone, Coffing, Love, Fitzgerald, Holodick, Eby) and 4 no (Bedford, Marvel, Thomas, Knight).

D. Request for Waiver of 1009.2.4 by Delmarva Christian for J. W.

Keith and Christy Turner; parents of the student; Student, Jeff Mohr; athletic director at Delmarva Christian High School, and Scott Kemerling, principal at Delmarva Christian High School were in attendance to present this request. Student's parents requested an open hearing. 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 15 voting members participating and present to consider this matter. Ms. Fontello also explained the hearing procedures. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Ms. Fontello then reviewed all documents pertaining to this hearing and the documents were included in the record.

Ms. Turner explained the reasons for the waiver request. She indicated that Jacob attended public elementary school and after student needed a more challenging program, they decided to enroll him in Seaford Christian Academy for his middle school and high school education. Ms. Turner explained that due to financial difficulties in the previous school year and after significant changes took place at Seaford Christian Academy, the family became concerned for Student's education and they decided to take him out of that school. Due to transportation problems, Student was not immediately able to transfer to Delmarva Christian Academy and the family Student enrolled in his local public school, North Dorchester High School. She explained that although Student wanted to attend Delmarva Christian High School but work schedules and transportation barriers prevented his immediate enrollment. Ms. Turner further explained that it was 45 minutes away and his parents were not able to provide transportation. Ms. Turner explained that her son had to wait until after he got his driver's license and then he could enroll in Delmarva Christian High School. Ms. Turner stated that after he got his license he enrolled in Delmarva Christian High School.

Mr. Charles gave a brief background on changes at Seaford Christian School within the last two years obtained from a previous waiver request heard by the Board.

Mr. Mohr commented that the student transferred to Delmarva Christian School even though the school he was attending was in the basketball playoffs. Mr. Mohr stated that he could tell that the Student wanted to be at Delmarva Christian and it was not based on athletics.

Student explained he wanted to remain in a private school and that he wanted to transfer to Delmarva immediately but that he could not until his transportation issues were resolved. Student stated that the move was not for

athletic reasons but more of what he felt in his heart.

Mr. Thomson made a motion to go into deliberation. The motion was seconded by Dr. Fitzgerald and carried unanimously. Ms. Cale made a motion to come out of deliberation. The motion was seconded by Ms. Leone and carried unanimously.

Mr. Eliassen made a motion to grant the waiver based that the Student had met his burden and established a hardship based on unforeseen events beyond the election and control or creation of the student athlete, his family, and the school. The motion was seconded by Mr. Eby and carried unanimously.

E. Request for Membership by Glasgow Christian Academy

Mr. Keenan Dorsey, Principal of Glasgow Christian Academy was in attendance to present the request. Mr. Dorsey explained that their school has been in existence for 16 years and that he was just hired this year. Mr. Dorsey explained that his school would like to become a member of DIAA to be eligible to participate against other Delaware schools. Mr. Dorsey stated that they currently have 275 students which include preschool to eighth grade. Mr. Charles asked Mr. Dorsey to explain the schools relationship with the home-school students. Mr. Dorsey explained that some of their students are home-schooled and take two classes at the school. Mr. Charles explained to Mr. Dorsey that our regulations require that in order represent a school in athletics the student must be enrolled and taking the core subjects at the school they represent. Mr. Dorsey stated that they consider the home-schooled students as part of his school. It was clarified that the school would need to address several questions including how the school would be reporting grades for the students. Mr. Dorsey explained that he told the home school teachers that they would have to report grades for their students in order for them to participate in sports at Glasgow Christian Academy. It was clarified that the school is not requesting membership for this school year and that the school still needed to establish procedures to ensure compliance with the DIAA regulations. After some discussion on how the grades will be reported and since the school is not looking for membership until the school year 2012-13 it was suggested that Mr. Dorsey work with Mr. Charles on this request. Ms. Fontello explained the process that a similar school went through to become a DIAA member. Dr. Fitzgerald made a motion to table this request to allow the school to work with Mr. Charles on this request. The motion was seconded by Ms. Cale and carried unanimously.

F. Request to Change Classification Protocol by DIAA Track and Cross Country Committees

Mr. Charles reported that this item is a proposal from the Cross Country and

Track Committees. Mr. Charles explained that DIAA Regulations require that changes in the DIAA tournament entry procedure must be approved by the DIAA Board of Directors. Mr. Charles then explained the process in which the Committees used to determine Division I and Division II schools in track and cross country. Mr. Charles commented that currently there is an inequity in numbers where twice the number of students are competing in Division II as there are competing in Division I for these two sports. Mr. Charles stated that because of this there are some issues relating to this especially a safety issue at the start of the Division II cross country event. Mr. Charles stated that because of these issues the Committees want to level up Division I and Division II by determining classification the same way DIAA determines classification in football and dual team wrestling. Mr. Charles stated that they are asking to be able to use this process for the current scheduling cycle for the 2011-12 and 2012-13 school years. Mr. Charles stated that this will increase boys division I schools to 18 schools and girls division I will increase to 17 schools. Mr. Charles stated that in boys the schools to move to Division I will be St. Marks, Middletown, and Milford and that the girls' teams to move up will be Milford and St. Marks. In addition, the proposal includes a requirement that no school will be split by gender into different divisions. Mr. Charles stated that the proposal was presented th New Castle County and Henlopen Conference athletic directors who supported unanimously. Mr. Thomson made a motion to approve the proposal. The motion was seconded by Mr. Eby and carried unanimously.

IV. Executive Director Report

B. Misc.

Mr. Charles commented on the number of waiver requests on the agenda for the last two months and reported that it was much less than the past two years. It appears the reduction may be due to changes in the regulations.

Mr. Charles also reported on the DIAA Sportsmanship Committees final report regarding Caesar Rodney vs Dover football game, in November 2010.

Mr. Charles reported that there was a very successful bill signing for the new concussion legislation.

Mr. Charles commented on an article he received about Jeffrey Sullivan of Lake Forest a past senior scholar winner and Mr. Neubauer commented on Molly Cain of Seaford a current senior scholar winner who recently received the NIAAA National Scholarship Award.

A. Legal.

Ms. Fontello circulated two waivers for signature for the Board's records. Ms. Fontello also reported that there is a possibility of two appeals.

Mr. Thomson expressed his concerns about what he believed may be a loop hole due to the current guardianship exception in the DIAA transfer regulation with regards to transfers. The Board discussed the regulations and history of the current transfer rule.

V. Other

VI. Public Comment
None.

VII. Adjournment

Mr. Eliassen made a motion to adjourn at 12:00 p.m. The motion was seconded by Ms. Cale and carried unanimously.

Tina Hurley