

DIAA Board of Directors' Meeting Minutes
Thursday, October 13, 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, Terre Taylor, Curtis Bedford, Joe Thomson, Edna Cale, Craig Eliassen, Laura Leone, Catherine Marvel, Harvey Hyland, Dave Thomas, Susan Coffing, Pam Love, Woody Long, Ron Eby, and Dr. Amelia Hodges. Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Dr. Rene Knight-Peguero, Dr. Kevin Fitzgerald, and Dr. Mark Holodick were unable to attend the meeting.

C. Approval of Agenda

Mr. Kobasa commented that Item I. D. was being amended to include the amended minutes for the August 11, 2011 Board meeting. Ms. Cale made a motion to approve the amended agenda. The motion was seconded by Mr. Eby and carried unanimously.

D. Approval of Minutes of September 8, 2011 and the Amended Minutes of the August 11, 2011 Board of Directors' Meeting

Mr. Thomson made a motion to approve the minutes of September 8, 2011 Board of Directors' meeting. The motion was seconded by Mr. Thomas and carried unanimously.

Mr. Charles explained that two items discussed at length under miscellaneous at the August 11, 2011 Board meeting were not included in the minutes which included a complaint from a constituent regarding the handling of the Caesar Rodney/Dover fight by the Sportsmanship Committee and the DIAA Board of Directors and the Sportsmanship Award winners. Mr. Eliassen made a motion to approve the amended minutes. The motion was seconded by Ms. Cale and carried unanimously.

E. Financial Report

Mr. Charles reported on the financial report for the period of September 1, 2011 through October 3, 2011. Mr. Charles advised that the income for the reporting period was \$62,700.00 and the overall income is \$89,452.00. Mr. Charles stated that the income is mostly from tournament fees and member dues. Mr. Charles stated that the expenses to date \$185,914 and for the reporting period are \$87,581. Mr. Charles stated that the expenses are mostly from purchase orders for upcoming tournament

venues. Other expenses include salary and OEC, publications, travel, and sportsmanship Awards. Mr. Charles reported that the deficit is \$96,462 which is comparable to last year at this time. Mr. Long made a motion to accept the financial report. The motion was seconded by Mr. Bedford and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 25 tournament sanction requests which include 4 for cross country, 3 basketball, 2 swimming, 4 indoor track, 1 softball, 2 baseball, and 9 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. Ms. Marvel made a motion to approve the sanctions. The motion was seconded by Mr. Thomson and carried unanimously.

B. Request for Waiver of 1009.2.4 by Cape Henlopen HS for I. D.

Joe Thomson recused himself from this hearing. Raymond Delario; father of the student; Student, Bob Cilento; athletic director at Cape Henlopen High School, and Brian Donahue, principal at Cape Henlopen High School were in attendance to present this request. Student's father 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 14 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.

Mr. Donahue explained that his athletic director came to him in early September stating that they had a student coming to Cape Henlopen from Sussex Tech High School because of some concerns regarding a situation involving one of Sussex Tech's coaches. Mr. Donahue also stated that Cape Henlopen is the Student's home school.

Isabelle explained the situation regarding a coach at Sussex Tech and stated that the situation was ongoing since the 8th grade when this coach started asking her to come to Sussex Tech. Isabelle explained that this coach was a lacrosse coach at Sussex Tech but that the coach was her club field hockey

coach. Isabelle stated that this coach started to break down her confidence and she decided to play for a different club team. Isabelle stated that after that the coach would call her and text her often. Isabelle also stated that the coach would tell her that her parents didn't support her or care about her and that if she didn't keep a relationship with the coach the coach would not have nice things to say about her to colleges. Isabelle also explained that this coach approached her in the hallway at school and was yelling at her telling her that she treats her like dirt and that her parents do not care about her. Isabelle stated that this coach was also a substitute at Sussex Tech and any class that she had where she was substituting Isabelle said that she would leave the class. Isabelle also stated that Mr. Demby gave her permission to do this. Isabelle commented that she didn't think it was fair that she had to adjust her day at school around this coach. Isabelle stated that it was very uncomfortable for her.

Mr. Delario explained that Isabelle asked to transfer but that he asked her to try to stick it out. Mr. Delario commented that the problems did not go away. Mr. Delario stated that he did not expect bullying to come from an adult or leader at a school. Mr. Delario stated that he has had other parents come up to him and was told that their child is going through the same issues that Isabelle was going through.

Mr. Cilento commented that he would have liked to bring this to the Board sooner but because of the timeframe and the transfer they did not have everything ready for the September meeting.

Mr. Donahue stated that he is present to support Isabelle today and not to bash programs and coaches. Mr. Donahue commented that when Isabelle came to the school he contacted Dr. Demby at Sussex Tech to see what type of student she was at Sussex Tech. Mr. Donahue stated that he was informed that Isabelle had no discipline issues and is an outstanding student.

In an answer to a Board member Isabelle stated that she transferred in August. Isabelle also stated that she changed club teams in the middle of her freshman year. Mr. Delario responded to some questions by the Board and stated that some of the inappropriate comments made to Isabelle included that her parents do not support her. Mr. Delario stated that the comments started when Isabelle wanted to change club teams. Mr. Delario commented that he wrote an email to the school administrators regarding his concerns of the inappropriate comments being made to his daughter and stated that the only individual that responded to him was Dr. Demby. Isabelle responded to a question as to why she wanted to go to Sussex Tech to begin with and stated that this coach convinced her to go there. Isabelle stated that her intentions were to go to Sussex Tech and play both girls lacrosse and field hockey but that the relationship with this coach started to go bad. Isabelle stated that she had a

good relationship with her field hockey coach but did not feel that she could talk to her about the other coach because the coaches also had a good relationship. Isabelle commented that it was the summer after her sophomore year that she talked to her parents again about leaving Sussex Tech. Mr. Eby asked if he could question Joe Thomson the athletic director at Sussex Tech. Ms. Fontello ask the parties present if they had an objection and Mr. Delario stated that he did not. Mr. Delario then asked if a packet of the waiver was sent to Sussex Tech and why they were not present. Ms. Fontello explained the procedures and stated that the Board does not reach out to the other school. Ms. Fontello also explained the types of waivers that require a letter from the sending and receiving schools showing support.

Mr. Joe Thomson was sworn in. Mr. Eby asked if Ms. Fluharty was a field hockey volunteer or paid coach. Mr. Thomson responded and stated that she was not a field hockey coach. Mr. Eby then asked Mr. Thomson about an email that Mr. Delario sent to Mr. Thomson and the school. Mr. Thomson commented that he did not remember for sure. Mr. Thomson stated that an agreement was made between the principal and the family that Ms. Fluharty would not contact or ineract with Isabelle. Mr. Thomson stated that Ms. Fluharty was substituting a class of Isabelle's and a phone call came from the father to Dr. Demby and Dr. Demby then had another teacher cover that class. Mr. Thomson commented that Ms. Fluharty was then told she could not substitute classes that Isabelle was in. Mr. Thomson stated that coach Tribbett was surprised when she learned that Isabelle was going to transfer. Mr. Charles commented that he did not contact Dr. Demby regarding this case. Mr. Charles stated that he did speak with Mr. Thomson regarding the clinic and if it was being ran correctly. Mr. Delario entered a copy of a text message and an email for the Board to review.

Isabelle commented that she did not stay after practices to practice with Ms. Fluharty during her sophomore year.

The Board recessed at 10:30 a.m. and reconvened at 10:35 a.m.

Mr. Eby asked Mr. Thomson if he recalled the email. Mr. Delario commented that he didn't think Mr. Thomson had the right to respond now and that he should have responded when he received the email. Mr. Delario commented that it is not about the email but asked how many times we are going to allow the students to be bullied by adults who are supposed to be looking out for the betterment of the students. Mr. Delario stated that he feels he has proven that there is a problem here.

Isabelle commented that the reason why she decided to transfer is not why one person did not respond to another person's email or why someone thinks one way it is because she could not be in Sussex Tech anymore because of having

to deal with Ms. Fluharty. Isabelle stated that the purpose of her transferring is to leave an environment that was not comfortable for her. Isabelle stated that she was sacrificing her whole field hockey career just to be comfortable in school. Isabelle commented that it comes down to her trying to get an education where she feels comfortable.

Ms. Leone stated that enough has been said and feels that this needs to move forward.

Ms. Marvel made a motion to go into deliberation. The motion was seconded by Mr. Long and carried unanimously.

Mr. Long made a motion to come out of deliberation. The motion was seconded by Ms. Marvel and carried unanimously.

Mr. Long made a motion to accept the request for waiver of 1009.2.4 based on the hardship to her and her family and make her eligible. The motion was seconded by Ms. Marvel and carried by a vote of 12 yes (Long, Kobasa, Taylor, Bedford, Cale, Eliassen, Leone, Marvel, Hyland, Thomas, Coffing, and Love) and 1 – no (Eby).

C. Request for Waiver of 1009.2.4 by Mt. Pleasant HS for A. S.

Student and student's mother were in attendance to present this request. Student's mother requested a closed hearing. Mr. Thomas 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. Hyland 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 14 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. Eby made a motion to go into deliberation. The motion was seconded by Mr. Thomas and carried unanimously. Ms. Cale made a motion to come out of deliberation. The motion was seconded by Ms. Marvel and carried

unanimously. Ms. Taylor made a motion to come out of executive session. The motion was seconded by Mr. Hyland and carried unanimously.

Mr. Eby made a motion to deny the request due to the fact that his grades were under his control and that this does not fall under a hardship. The motion was seconded by Mr. Long and carried by a vote of 13 yes (Kobasa, Taylor, Bedford, Cale, Eliassen, Leone, Marvel, Hyland, Thomas, Coffing, Love, Long, and Eby) and 1 – no (Thomson).

D. Request for Waiver of 1009.2.4 by Pencader Charter HS for A. D.

Student, student's parents, and Pencader's basketball coach were in attendance to present this request. Student's parents requested a closed hearing. Mr. Bedford recused himself from this hearing. Mr. Harvey 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. Eby 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. Taylor made a motion to go into deliberation. The motion was seconded by Ms. Leone and carried unanimously. Mr. Eliassen made a motion to come out of deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Mr. Thomson 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 deny the request as a hardship was not proven. The motion was seconded by Mr. Eliassen and carried by a vote of 9 – yes (Kobasa, Taylor, Cale, Eliassen, Leone, Thomas, Love, Thomson and Eby), 3 – no (Marvel, Hyland, and Long), and 1 – abstention (Coffing).

F. Request for Waiver of 1009.1.4.5 by RLCA

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

Mr. Charles explained that the previous athletic director at RLCA scheduled games with Valley Forge Military Academy which is a prep school that has undergrads and post grads. Mr. Charles stated that when Mr. Howard became aware that this school had post grads he wanted to clear up that the post grads could not play and that started a series of communication between the two schools where it was clear that Valley Forge had intended from the beginning to play their post grads in the game. Mr. Charles reported that the regulation in question is 1009.1.4.5. Mr. Charles stated that he was contacted by Mr. Howard and wants to know how to proceed with this and that it is their homecoming game.

Mr. Howard explained that this situation was created when the game was scheduled last February by the former football coach. Mr. Howard further explained that in August when he sent out contracts for the fall he received information back from the Athletic Director at Valley Forge stating that he and Coach Day would have post graduates participating in this game. Mr. Howard commented that in the lateness of finding this out it would be difficult to find a different opponent to play for their homecoming game. Mr. Howard was asking if they can still play the contest. Mr. Howard commented that he reviewed the manual and understood that he could have played the contest and forfeited and paid the \$500 fine but he felt that went against what he is trying to establish at Red Lion. Mr. Howard stated that this is why he is here and he stated that Valley Forge does not have any 19 year olds on the team right now. Mr. Charles added that he did speak with the athletic director at Valley Forge Military Academy and that the oldest student on the team is 18 years old and that it was in February when the game was scheduled. Mr. Howard commented that Mr. Day is no longer an employee at Red Lion and that when Mr. Howard was hired it was Mr. Day's responsibility to oversee the football program which involved scheduling.

Mr. Eby made a motion to go into deliberation. The motion was seconded by Mr. Eliassen and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Ms. Taylor and carried unanimously.

Mr. Eby made a motion to approve the waiver of Regulation 1009.1.4.5 for this year only to allow Red Lion Christian Academy to play Valley Forge for their homecoming game. The motion was seconded by Mr. Eliassen and carried unanimously.

E. Interim Waivers by Executive Director

1. 1009.2.4 by Wilmington Friends School for D. L.

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Bedford and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under the modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello advised that a full hearing is scheduled for the November 10, 2011 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second to allow the student and parent not to appear today. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Mr. Eby made a motion to go into deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Mr. Hyland made a motion to come out of deliberation. The motion was seconded by Ms. Taylor and carried unanimously. Ms. Marvel made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously.

Ms. Marvel made a motion to deny the interim waiver for the student's appearance and the student will remain eligible under Mr. Charles's interim waiver that was granted so the student will be able to participate in volleyball until she comes for the full hearing on November 10, 2011 because the Board wants more information. The motion was seconded by Ms. Cale.

Mr. Eliassen made a motion to eliminate all procedural barriers that would prohibit Mr. Charles's decision from the Board. PAULA PLEASE HELP WITH THIS.

2. 1008.2.7 by Red Lion Christian Academy for D. L.

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a

closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Bedford and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under the modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello advised that a full hearing is scheduled for the November 10, 2011 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second to allow the student and parent not to appear today. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Ms. Taylor made a motion to come out of executive session. The motion was seconded by Mr. Eby and carried unanimously.

Mr. Long made a motion to grant the waiver and approve the two interim waivers granted by the Executive Director based on evidence presented the Student had met his burden of establishing a hardship and the information provided regarding the hardships that were beyond the control of the student. The motion was seconded by Mr. Bedford and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 10 is cancelled.

3. 1009.2.4 by Newark HS for A. W.

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Bedford and Ms. Taylor recused themselves from this hearing. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Thomson and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under the modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello advised that a full hearing is scheduled for

the November 10, 2011 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second to allow the student and parent not to appear today. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Mr. Hyland made a motion to come out of executive session. The motion was seconded by Ms. Leone and carried unanimously.

Mr. Eby made a motion to grant the waiver and approve the two interim waivers granted by the Executive Director based on evidence presented the Student had met his burden of establishing a hardship and the information provided regarding the hardships that were beyond the control of the student. The motion was seconded by Mr. Thomson and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 10 is cancelled.

4. 1009.2.4 by Pencader Charter HS for T. W.

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Taylor and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under the modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello advised that a full hearing is scheduled for the November 10, 2011 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second to allow the student and parent not to appear today. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Mr. Thomson made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously.

Mr. Thomson made a motion to grant the waiver and approve the two interim

waivers granted by the Executive Director based on evidence presented the Student had met his burden of establishing a hardship and the information provided regarding the hardships that were beyond the control of the student. The motion was seconded by Ms. Leone and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 10 is cancelled.

5. 1009.2.4 by Ursuline Academy for S. H.

Ms. Fontello advised that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Thomson made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Hyland and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that this request is being conducted under the modified hearing process and that there is a signed consent from the student's parent in this case in order to proceed under these modified procedures. Ms. Fontello advised that a full hearing is scheduled for the November 10, 2011 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second to allow the student and parent not to appear today. It was confirmed for the record that Mr. Charles remained under oath. The waiver packet and supporting documents, the letter sent to the parents from Mr. Charles, and the signed consent were made part of the record. Evidence was taken and deliberations were held.

Ms. Taylor made a motion to go into deliberation. The motion was seconded by Mr. Eby and carried unanimously. Ms. Leone made a motion to come out of deliberation. The motion was seconded by Mr. Bedford and carried unanimously.

Ms. Cale made a motion to come out of executive session. The motion was seconded by Mr. Thomson and carried unanimously.

Mr. Eliassen made a motion to grant the waiver and approve the two interim waivers granted by the Executive Director based on evidence presented the Student had met his burden of establishing a hardship and the information provided regarding the hardships that were beyond the control of the student. The motion was seconded by Mr. Eby and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for November 10 is cancelled.

G. Request for DIAA Membership by the DE Academy of Public Safety & Security

Mr. Charles explained that the Delaware Academy of Public Safety & Security is a new charter school and is required to be a member of DIAA to participate in athletics. Mr. Charles stated that the school is a 9th through 12th school and currently have students in the 9th grade. Mr. Charles stated that the school plans to have a maximum of 800 students by 2014. Mr. Charles reported that they plan to offer soccer, cross country, volleyball, basketball, baseball, and softball. The school will offer boys and girls teams. Mr. Charles reported that the school does not have any athletic facilities at this time and will play all their games as away games. Mr. Eby made a motion to accept the request upon payment of member dues. The motion was seconded by Mr. Hyland and carried unanimously.

H. Request for Membership by Tall Oaks Classical School

Mr. Charles reported that Tall Oaks Classical School is a Christian school and have recently absorbed New Castle Christian Academy which was a former member of DIAA. Mr. Charles reported that they have about 230 students K through 12. Mr. Charles commented that the school does have athletic facilities. Mr. Charles also commented that the school does have some home-schooled students but that those home school students retain their own number and do not graduate under Tall Oaks number. Mr. Charles commented that those students will not be able to participate in athletics as a DIAA member school. Mr. Charles stated that the school was in agreement with this. Mr. Eby made a motion to accept membership after payment of member dues. The motion was seconded by Mr. Eliassen and carried unanimously.

I. Request by DVOA for Alternate Uniform

Mr. Neubauer explained that according to the NFHS regulations volleyball officials are granted the option of wearing a longer sleeve official uniform shirt or a long sleeve official uniform sweater when facility conditions warrant them to be worn. Mr. Neubauer commented that the DVOA was requesting that their officials be permitted to wear these as allowed by NFHS Volleyball Rule 5-2-1, Notes 1 & 2. Mr. Eliassen made a motion to approve this request. The motion was seconded by Mr. Hyland and carried unanimously.

J. Proposed DIAA Thunder & Lightning Policy

Mr. Charles explained that he became aware of an inconsistency in the approved lightning policy and the NFHS guidelines in handling contests during lightning disturbances. Mr. Charles stated that the current policy references that the game should be stopped at the first observation of lightning and can resume 30 minutes after the last flash of lightning. Mr. Charles stated that the NFHS guidelines

reference suspending when you hear thunder or see a flash of lightening. Mr. Charles commented that to be consistent he is requesting that the Board adopt the NFHS guidelines as the Delaware policy to make it consistent with the NFHS. Mr. Thomson made a motion to adopt the policy. The motion was seconded by Mr. Bedford and carried unanimously.

IV. Executive Director Report

A. Legal

Ms. Fontello reported that she did send a letter to the Court of Chancery regarding the matter from December or January and advised the court that the matter is now mute and should be dismissed. Ms. Fontello also reported that the attorney for Saint Thomas More agreed.

V. Other

VI. Public Comment
None.

VII. Adjournment

Mr. Bedford made a motion to adjourn at 2:00 p.m. The motion was seconded by Mr. Thomson and carried unanimously.

Tina Hurley