

DIAA Board of Directors' Meeting Minutes
Thursday, March 15, 2012 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:45 a.m. by Gerald Kobasa, DIAA Chairperson.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Terre Taylor, Joe Thomson, Craig Eliassen, Catherine Marvel, Edna Cale, Dave Thomas, Susan Coffing, Pam Love, Dr. Mark Holodick, Dr. Robert Walter, Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Dr. Rene Knight-Peguero, Curtis Bedford, Laura Leone, Harvey Hyland, Dr. Kevin Fitzgerald, Woody Long, Dr. Amelia Hodges, and Ron Eby were unable to attend the meeting.

C. Approval of Agenda

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

D. Approval of Minutes of February 9, 2012 Board of Directors' Meeting

Mr. Thomson made a motion to approve the minutes of February 9, 2012 Board of Directors' meeting. The motion was seconded by Ms. Coffing and carried by a vote of 9 yes (Kobasa, Taylor, Thomson, Eliassen, Thomas, Coffing, Love, Holodick, Walter) and 1 abstention (Cale).

III. B Request for Waiver of 1009.2.4 by Cape Henlopen for K. L.

Kevin LeMaire; father of the student ("Father") Student, and Bob Cilento; athletic director 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 10 voting members participating and present to consider this matter. Father confirmed that he had no objection to Mr. Thomson, who is the athletic director at Sussex Tech, participating in the hearing. 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. Additional documents were also added

to the record as the matter proceeded.

Father explained that they were asking for a waiver request so that his daughter would be able to play sports at Cape Henlopen High School. Father explained that he had a heart attack in July and had to undergo heart surgery in August and was not supposed to go back to work until November. Father stated that it was difficult to get to student's school for after school activities because the school was a distance from their home. Father also advised that they had to take Student about a half mile away just to get the bus. Father stated that his son attends Caesar Rodney High School and that his wife works there. Because Father was the sole source of transportation his medical issues created a burden for his family. Father said that they brought her to Cape Henlopen because it was closer to their home.

Mr. Cilento commented that Student was not unhappy at Sussex Tech and it was a move for medical reasons.

Student stated that she has been practicing with the Girls' Lacrosse team.

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 Dr. Walter and carried unanimously.

Dr. Holodick made a motion to accept the waiver request due to extenuating circumstances of her Father's health issues that were beyond the control of the student which required her to go back to her feeder pattern school. The motion was seconded by Mr. Thomas and carried by a vote of 10 – yes (Holodick, Walter, Kobasa, Taylor, Thomson, Cale, Eliassen, Thomas, Coffing, and Love) and 0 – no.

E. Financial Report

Mr. Charles presented the financial report for the period of January 31, 2012 through March 8, 2012. Mr. Charles advised that the income for the reporting period was \$47,000 and the overall income is \$416,639 which is 58% of the projected budget. Mr. Charles stated that the income was from tournament revenue, officials dues and wrestling weight management. Mr. Charles stated that the expenses to date \$468,300.00 and for the reporting period are \$89,000.00. Mr. Charles stated that the expenditures are about 65% of the projected budget. Mr. Charles stated that the expenses are from tournament expenses and officials' dues. Mr. Charles reported that the balance for the year is \$51,658.00 in the red but since that time a lot of winter sport revenue has come in. In response to a Board members question, Mr. Charles explained the

weight management income and expense. Ms. Coffing made a motion to accept the financial report. The motion was seconded by Mr. Thomson and carried unanimously.

II. Public Comment

None

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 17 recommended for approval and 5 recommended for denial tournament sanction requests' which include 15 outdoor track, 1 indoor track, and 1 wrestling. Mr. Charles reviewed the requests and advised that to the best of his knowledge the sanction requests recommended for approval were in compliance with DIAA and the NFHS requirements. Mr. Eliassen made a motion to approve the recommendations. The motion was seconded by Ms. Coffing and carried unanimously.

E. Self –Report by Appoquinimink HS

Mr. Charles explained that he received notice from Appoquinimink that a indoor track pole vaulter had been competing during the season but that the student did not have a valid pre-participation physical evaluation. The school forfeited all events that the student participated in and declared the student ineligible. As a result the student did not participate in the state championships and will be ineligible the beginning of the spring sport season. Mr. Charles stated that the coach was reprimanded and suspended. Mr. Charles commented that he felt the school took an appropriate response and the school has changed the manner in which they handle the pre-participation forms. Mr. Thomson made a motion to accept the self-report. The motion was seconded by Ms. Taylor and carried unanimously.

F. Self-Report by RLCA

Mr. Charles explained that he and Mr. Howard, RLCA athletic director, discovered the boys' lacrosse coach had coached a game in a winter league that involved members of his school team. Mr. Charles stated that he received an anonymous report and that he shared it with Mr. Howard. Mr. Charles stated that the coach has been suspended by the school from participating in their first varsity contest. A Board member stated that he doesn't know how the coach could not have known that he was not allowed to coach a winter team. Mr. Charles stated that he has received numerous complaints about the lacrosse community this year. There is an obvious need for education. Ms. Taylor made a motion to accept the self-report. The motion was seconded by

Mr. Thomson and carried unanimously.

G. NFHS 100% State Membership Agreement

Mr. Neubauer explained that two years ago the NFHS revised the registration and testing process for officials by shifting all functions to online. At the same time officials dues increased \$5 cost per official. Mr. Neubauer explained that this is actually a savings for the officials. Mr. Neubauer explained that the testing is done on line now and that the rules are now on line. Mr. Neubauer stated the rules interpreters meeting are also done on line and that there is no longer costs to travel to Indianapolis. Mr. Charles added that by entering into a 100% agreement status DIAA also saves \$50 per sport is waived online registration fees. Mr. Charles stated that all the officials groups are now registered with the NFHS and are covered by insurance. Ms. Cale made a motion to accept. The motion was seconded by Ms. Coffing and carried unanimously.

IV. Executive Director Report

A. Legal

Ms. Fontello reported that there is one appeal left pending before the State Board. Ms. Fontello also reported that the hearing officer recommended that the DIAA decision be upheld. Ms. Fontello commented that she will update the Board next month.

B. Misc.

Mr. Charles reminded the Board of the public comment made at last months meeting by a father who was planning on submitting a waiver request to allow his daughter to continue attending Campus Community School while playing for another school. Mr. Charles stated that he received an email from the father stating that he was not going to do this because Campus Community was able to field a team and he could not find another school that would allow his daughter to play for them while attending Campus.

Mr. Charles commented on the NFHS Spirit of Sport Award. He announced to the Board that the NFHS had selected the first ever honoree from Delaware, Gracie Firestone from Tower Hill. Mr. Charles explained that this recognizes the individuals who display the positive ideals of sport and sportsmanship and the core mission of interscholastic athletics.

Mr. Charles reviewed the Blue White Soccer All-Star Game financial report.

Mr. Charles the reviewed the winter tournament reports with the Board. Mr. Charles reported that there were zero incidents to go to the Sportsmanship Committee from winter sports.

Mr. Charles then reviewed an article from the Delaware State News regarding concussions.

III. C. Request for Waiver of 1009.2.4 by St. Marks for M. A.

Ms. Taylor recused herself from this hearing. Van Adams; father of the student ("Father") Student, Denise Adams; mother of the Student ("Mother"), Student, and Matt Smith; athletic director at St. Marks 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 10 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. Additional documents were also added to the record as the matter proceeded.

Mr. Smith explained that Student transferred to St. Mark's and has made a great adjustment in the St. Marks community. Mr. Smith commented that Student did not receive any financial assistance while at RLCA. Mr. Smith also commented that Student wants the full educational experience in the classroom and on the field.

Mother explained that they changed from RLCA to St. Marks due to RLCA's financial situation and the subsequent changes. Mother commented that before Student attended RLCA he attended Pencader but the family withdrew him because of the financial situation Pencader was in. Mother stated that they also took their son out of RLCA because of the change in direction and philosophy at RLCA. Mother commented that she wants a stable environment for her son.

Father explained they left Pencader because of their financial situation and also because of concerns with college preparedness and the program based on his older son's subsequent attendance at college. Father stated that they chose RLCA because it was close to their house and felt it would be a good fit for their son. Father stated that once their school was in financial difficulty they

decided to change schools due to the uncertainty of the schools future. Father also felt as though RLCA had a significant change in philosophies.

Student stated that under new ownership RLCA changed and felt the religious view was now different from his own and he had felt uncomfortable on numerous occasions. He expressed that the concerns and changes were impacting his daily functioning and that he was often anxious.

Mother explained that prior to high school Student went to a small catholic school and they chose Pencader because it was a small school. Mother then explained in greater detail that they then moved him to RLCA because of the issues Pencader was going through. Mother clarified that the family could not previously afford the tuition difference at St. Marks and that is why they chose RLCA. She clarified that the family has since borrowed funds in a home equity line to afford the higher tuition.

In response to a Board member's question, Mr. Charles advised that he does not have first-hand knowledge, however, based on the information provided it is his understanding that there has been a shift in philosophy.

Mr. Thomas made a motion to go into deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Dr. Walter and carried unanimously.

A Board member inquired about the application of the transfer rule to students leaving RLCA. Mr. Charles clarified that the Board did not grant any blanket waivers for any students and that the waiver rule strictly applied in all cases for any students transferring in or out of RLCA.

Ms. Fontello clarified for the record that at the February Board meeting the Board was presented with a roster of all students that were on the football and basketball teams.

Mr. Thomas made a motion to go into deliberation. The motion was seconded by Dr. Walter and carried unanimously. Ms. Marvel made a motion to come out of deliberation. The motion was seconded by Dr. Walter and carried unanimously.

Ms. Marvel made a motion to approve the waiver based on the circumstances presented and the concerns with the financial stability, the family's personal financial hardship, the continued concerns with stability and the philosophical changes and the subsequent impact on Student. The motion was seconded by Mr. Eliassen and carried by a vote of 10 – yes (Marvel, Thomas, Coffing, Love, Holodick, Walter, Kobasa, Thomson, Cale, Eliassen) and 0 – no.

D. Request for Waiver of 1009.2.2.1 & 1009.2.8.2 by Wilmington Christian

Ms. Love was recused from this matter. Only 10 Board members were present and the matter could not be considered without a quorum of 10 participating Board members.

IV. Executive Director Report

Mr. Charles reviewed with the Board Regulation 1009.10 regarding undo influence and specifically what can members do to promote the schools programs. Mr. Charles commented that he was recently asked if a school could sponsor a little league team or could a school put a sign on the outfield fence at a little league field. After discussion, it noted that schools should be allowed to advertise at local youth sports leagues if it can be demonstrated it is part of a larger marketing campaign. However, specifically targeting a youth sports group or youth sports is not permitted. Signage must be generic and not reference any aspect of the schools' athletic program.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Eliassen made a motion to adjourn at 12:05 p.m. The motion was seconded by Ms. Coffing and carried unanimously.

Tina Hurley