

DIAA Board of Directors' Meeting Minutes
Thursday, May 10, 2012 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:12 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, Susan Coffing, Dr. Rene Knight-Peguero, Pam Love, Dr. Kevin Fitzgerald, Woody Long, Dr. Mark Holodick, Ron Eby, Dr. Robert Walter, and Dr. Amelia Hodges. Kevin Charles; Executive Director and Paula Fontello, Deputy Attorney General, were also in attendance. Dave Thomas was not in attendance.

C. Approval of Agenda

Mr. Charles commented that Item III. E. was removed because the DISC schools were working on adding another middle school and will be on the agenda next month. Mr. Long made a motion to approve the amended agenda. The motion was seconded by Ms. Cale and carried unanimously.

D. Approval of Minutes of April 19, 2012 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of April 19, 2012 Board of Directors' meeting. The motion was seconded by Mr. Eliassen and carried unanimously.

E. DIAA Financial Report

Mr. Charles presented the financial report for the period of April 11, 2012 through May 2, 2012. Mr. Charles advised that the income for the reporting period was \$2,500 and the overall income is \$642,571.08 which is 89% of the projected budget. Mr. Charles stated that the expenses to date \$601,502.81 and for the reporting period are \$8,262.31. Mr. Charles stated that the expenditures are about 83% of the projected budget. Mr. Charles stated that the expenses are from tournament expenses and publications. Mr. Charles reported that the balance for the year is \$596,584.61 to the good. Mr. Charles stated that if we continue on a good pace we should finish in the positive this year. Mr. Thomson made a motion to approve the financial report. The motion was seconded by Ms. Leone and carried unanimously.

II. Public Comment

None

III. A Approval of Tournament Sanctions

Mr. Charles presented the 9 sanction request including 3 all-star events which include two track and field, three basketball and one cross country all of which appear to be in compliance with DIAA and NFHS rules and regulations. Mr. Bedford made a motion to approve the recommendations. The motion was seconded by Ms. Cale and carried unanimously.

B. Request for Waiver of 1009.2.4 by William Penn for C. R.

Student, Student's mother, and Mel Gardner; assistant athletic director at William Penn High School were in attendance to present this request. Student's parent requested a closed hearing. Dr. Holodick recused himself from this hearing. Dr. Fitzgerald 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. Long 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.

Dr. Walter made a motion to go into deliberation. The motion was seconded by Ms. Taylor and carried unanimously. Mr. Bedford made a motion to come out of deliberation. The motion was seconded by Mr. Hyland and carried unanimously. Dr. Walter 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 approve the request based on the evidence presented the Student has met his burden of proof and established a hardship for medical reasons. The motion was seconded by Mr. Long and carried unanimously by a vote of 15 – yes (Kobasa, Taylor, Bedford, Thomson, Cale, Eliassen, Leone, Marvel, Hyland, Coffing, Love, Fitzgerald, Long, Eby, and Walter) and 0 - no.

The Board Recessed at 10:00 a.m. and reconvened at 10:15 a.m.

C. Request for Waiver of 1009.2.7 by Dickinson for M. R.

Patrick Ramone; father of the student (“Father”), Deborah Ramone (“Mother”), Student, and Andrew Dick; athletic director at Dickinson 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 17 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.

Father thanked the Board for hearing this request. Father explained the reasons for the waiver request. Father explained that prior to 2009, Student was very respectful and did well in school. Father explained that in the summer of 2009 his son started getting headaches, having manic attacks, being disrespectful, uncontrollable, and that this escalated into his sophomore year. Father clarified that Student played football, wrestled, and lacrosse during his freshman year but did not participate during Student’s sophomore year. Father stated that his son later ran away from home and encountered legal problems. Father explained that the family encountered difficulty with Student’s behavior and did not know what to do and after their son got into legal trouble he was admitted to a medical facility and diagnosed with a disorder. Father then explained that their son was placed on medication and it was a process of trial and error to get the proper dosage of the medicine correct. Father also explained that Student received follow up treatment and had to go through the difficult process of medication adjustments. Father explained that as a result of Student’s condition and all the circumstances their son did not participate in any athletics during his sophomore year. Father stated that his son has turned his life around and consistently takes his medication. In addition, his son’s juvenile record was expunged. Father explained that Student was de-choiced as a result of the circumstances and had to return to his home school. Father also clarified that as a result of the circumstances and poor attendance and failing grades and that Student repeated his sophomore year and did not play sports during the beginning of his second sophomore year because of grades. Father confirmed that his son did not participate in athletics for four full years and that his son had lost athletic opportunities as a result of his son’s condition.

Mother explained that it was very difficult to go through all the details of the past years. Mother testified regarding the circumstances and explained the reasons for the transfer request. Mother explained that they fought to get her son help and that it was not an easy process.

Student explained that it was hard to understand what was happening until he went away and got treatment. Student also explained that it helps him to be back in sports and that he believes it is helpful to be around the coaches and his friends.

Mr. Dick explained that he has known student for two years and that the Student has become a role model for other students.

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

Mr. Long made a motion to accept the request based on the evidence presented the Student has met his burden of proof and established a medical hardship. The motion was seconded by Mr. Bedford and carried unanimously.

F. Consideration of 2012 – 13 DIAA Board Officers

Mr. Kobasa asked Board members if they would volunteer to serve on a Committee to select nominations for officers to serve on the Board. Mr. Charles explained that this is Mr. Kobasa's last year as chairman. Mr. Holodick, and Ms. Coffing agreed to serve on the Committee with Mr. Kobasa and Mr. Charles.

D. Request by DIFCA to Fill Out Division II Football Bracket

Mike Tkach and Mark Delpercio were in attendance to present this request. Mr. Delpercio stated that he and Mr. Tkach are officers of DIFCA and have put together a proposal for Division II football to expand the number of playoff teams from six to eight. Mr. Delpercio explained that Division I would remain at six teams. Mr. Delpercio explained that Division I football has 33% of teams that make the playoffs while Division II has only 23%. Mr. Delpercio explained that if Division II playoff teams are increased to eight then 31% of Division II teams will make the playoffs. He also explained that the length of the season would remain the same. Mr. Delpercio stated that the coaches passed it unanimously. He stated that the New Castle County and Henlopen Athletic

Directors passed it unanimously.

Mr. Long made a motion to accept the recommendation to expand Division II football playoff to eight teams. The motion was seconded by Ms. Leone and carried unanimously.

H. Self-Report by Caesar Rodney High School

Mr. Charles explained that he received this self-report from Mike Schonewolf, athletic director at Caesar Rodney High School. Mr. Charles stated that the school used an ineligible track athlete in a Henlopen Conference on May 1. Mr. Charles explained that the athlete was not in attendance at school that day as is required by DIAA regulations. Mr. Charles commented that forfeiture was not required of the total event and only the individual events that the student participated in. Mr. Charles explained that in this case forfeiture was not needed. Mr. Charles stated that Caesar Rodney handled this appropriately and the actions taken this far are sufficient. Mr. Eby made a motion to accept the self-report. The motion was seconded by Ms. Cale and carried unanimously.

G. Proposal by Joe Thomson

Mr. Thomson explained that he has had the opportunity over the last year to sit on the DIAA Board and also has been involved in different committees, state athletic directors association as well as being involved on a national level. Mr. Thomson stated that his presentation is about where DIAA is going in the future based on feedback he has received from administrators, athletic directors, coaches, parents and athletes. Mr. Thomson explained his belief that DIAA needs to impact everyone from the Superintendent level down to the athlete and community level so that everyone understands what DIAA is about and has to offer. Mr. Thomson is suggesting that DIAA start doing a better job in education at different levels, communicating, and also becoming more proactive in enforcement of rescheduling. Mr. Thomson stated that all the schools need to be educated and need to enforce DIAA regulations. Mr. Thomson also suggested that the investigative process needs to be separated from the office of the Executive Director. Mr. Thomson reviewed the organizational chart of DIAA. Mr. Thomson suggested that a coordinator be hired to assist in seeing that this can be done. He suggested that this could be done by contracting. Mr. Thomson summarized by saying that DIAA has an ability of expanding the influence of DIAA to lower levels.

Dr. Fitzgerald made a motion to table this proposal for further consideration. The motion was seconded by Ms. Taylor and carried unanimously.

IV. Executive Director Report

A. Legal

Ms. Fontello commented on Board members' concerns from the previous Board meeting. Ms. Fontello explained that information was presented regarding a Student's participation while possibly being ineligible. Ms. Fontello advised that Mr. Charles was following up on the matter with the schools. The schools were notified of the concerns and directed to follow up regarding the Student's eligibility and take appropriate action.

B. Misc.

Mr. Charles commented that the athletic director at Red Lion Christian Academy is leaving the state for another job and wanted to say thank you to DIAA for working through all their issues.

Mr. Charles commented that the Blue Rocks were planning a Buddy Hurlock Day on May 20, 2012.

Mr. Charles commented on the wording in Regulation 2.4.3.2 and stated that editorial changes have been made.

Mr. Charles stated that he did include in the packet a draft budget for 2012-13 for the Boards review.

Mr. Charles reported on the status of the Board appointments for 2012-13.

Mr. Charles then commented that he recently attended a NFHS Board meeting, Legal meeting and Sports Medicine Advisory Committee meeting.

Mr. Charles commented on the work that this body did on practice regulation that has to deal with heat and the climatization. Mr. Charles stated that the Georgia State Association just completed a study that has revised its summer practice regulations to be more restrictive than ours. Mr. Charles stated that the National Federation is very close to putting the finishing touches on a free online course on heat acclimatization that will be available to anyone who would want to take it. Mr. Charles also commented that the Sports Medicine Committee is interested in looking at baseball pitching limits. Mr. Charles commented on international students and stated that it is a nationwide issue. Mr. Charles stated that there is a proposed bill in U. S. Congress that would allow public schools to host F1 Visa students for four years. Mr. Charles also commented that CSIET is meeting with Homeland Security to see if CSIET

can be the clearing house for international students. Mr. Charles explained the concerns expressed by the NCAA and by the NFHS on the beginnings of 7 all-star travel on 7 all-star travel football teams. Mr. Charles stated that the NCAA is very interested in trying to avoid football going the route that basketball has gone in this regard.

Mr. Charles stated that the NFHS is also working with the United States Soccer Federation who issued a directive that students participating in their regional soccer teams cannot play high school sports.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Taylor made a motion to adjourn at 12:30 p.m. The motion was seconded by Mr. Eliassen and carried unanimously.

Tina Hurley