

DIAA Board of Directors' Meeting Minutes
Thursday, June 14, 2012 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:20 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, Dr. Kevin Fitzgerald, Dr. Mark Holodick, Ron Eby, and Dr. Robert Walter. Kevin Charles; Executive Director and Paula Fontello, Deputy Attorney General, were also in attendance. Dr. Rene Knight-Peguero and Woody Long were not in attendance.

C. Approval of Agenda

Mr. Kobasa stated that items III. C. and III. D. were removed from the agenda. Mr. Eby made a motion to approve the amended agenda. The motion was seconded by Mr. Eliassen and carried unanimously.

D. Approval of Minutes of May 10, 2012 Board of Directors' Meeting

Mr. Eliassen made a motion to approve the minutes of May 10, 2012 Board of Directors' meeting. The motion was seconded by Mr. Thomson and carried unanimously.

E. DIAA Financial Report

Mr. Charles presented the financial report for the period of May 2, 2012 through June 12, 2012. Mr. Charles advised that the income for the reporting period was \$110,000.00 and the overall income is \$747,227.08 which is 103% of the projected budget. Mr. Charles stated that the expenses to date are \$677,970.64 and for the reporting period was \$76,467.83. Mr. Charles stated that the expenditures are about 94% of the projected budget. Mr. Charles stated that the expenses are from tournament expenses, Arbiter, Salary and OEC, travel and publications. Mr. Charles reported that the balance for the year is \$69,256.44 to the good. Mr. Charles stated the contingency fund stands at \$624,772.00. Mr. Charles reported that there are still more tournament reports due and two more pay cycles but anticipates ending the year with \$50,000.00 to the good. Dr. Walter made a motion to approve the report. The motion was seconded by Dr. Fitzgerald and carried unanimously.

II. Public Comment

None

III. A Approval of Tournament Sanctions

Mr. Charles presented the 8 sanction requests with 7 being approved and one denied including 4 cross country, one wrestling, one basketball, and one field hockey. Mr. Charles stated that the sanction request that he denied was a tournament out of state and no Delaware teams were invited. Based on the information presented all the approved requests are in compliance with DIAA and NFHS rules and regulations. Mr. Eby made a motion to approve the recommendations. The motion was seconded by Mr. Bedford and carried unanimously.

B. Request for Waiver of 1009.2.7 by RLCA for M. M.

Father of the student (“Father”) and Student, were in attendance to present this request. A representative from the school did not attend. Student 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 advised that there are 16 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.

Student explained that the first two years of high school he attended Delaware Military Academy and played sports both years. Student explained that the next year he went to live with another family and took on-line classes and was not allowed to play any sports. Student explained that he now attends Red Lion Christian Academy. Student is asking to be allowed to play during his senior year.

Father explained that at the end of the 2008-09 school year the season was already completed and in 2010 Student had to disenroll from DE Military Academy. Father explained that some of his grades were not up to standard. Father explained Student had to repeat the 10th grade. Father further explained that he was going through a divorce and his neighbors took him in. Father stated that Student did an on-line course before he could get into Red Lion Christian Academy. Father explained that Student was unable to play sports

while enrolled in the computer based classes. Father also stated that Student's grades were not up to standard at Delaware Military Academy. Father explained the circumstances that caused Student to leave the school. Father stated that 2010-11 he did the computer class. Father explained that Student is now living with him.

Student explained the circumstances of his transfer. Student stated that when he was living with the other family he was only allowed to go to church and school. Student stated that during that time he definitely got his priorities straight.

Father explained Student lived with the family friends for about 9 months.

Student explained that his mother passed away and explained the circumstances following her death.

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

Ms. Leone made a motion to approve the waiver based on the evidence presented the Student established a hardship and extenuating circumstances. The motion was seconded by Ms. Marvel and carried by a vote of 14 – yes (Leone, Marvel, Hyland, Thomas, Coffing, Love, Holodick, Walter, Kobasa, Taylor, Bedford, Thomson, Cale, Eliassen) and 2 – no (Fitzgerald and Eby).

The Board recessed at 10:35 a.m. and reconvened at 10:45 a.m.

F. Request for Membership by Gateway Lab School

Mr. Kevin Kemmerle, Health & Physical Education Teacher at Gateway Lab School was in attendance to present this request. Mr. Kemmerle explained that Gateway Lab School is a charter school that will ultimately have students in grades 1 – 8. Mr. Kemmerle stated that athletic activities will be added in the 2012-13 school year for grades sixth through eighth. Mr. Kemmerle explained that the school's goal is to add boys and girls cross country and boys and girls basketball. Mr. Kemmerle explained that Gateway Lab School is modeled from aspects of the Lab School of Washington which is located in Washington, D.C. which serves students with learning difficulties and ADHD. Mr. Kemmerle stated that the school occupies the space of the former St. Catherine of Siena school which has a full size gymnasium and has a field that could be used for soccer.

Mr. Thomson made a motion to approve this request. The motion was seconded by Ms. Coffing and carried unanimously. Membership will become effective upon payment of dues.

E. Request for Associate Membership by DISC Schools

Mr. Charles advised that this was the annual application for associate membership by the Delaware Independent Conference Schools. Mr. Charles stated that this application is identical to last years application. Mr. Charles reminded the Board that two years ago the DISC Schools asked for relief from 1009.2.7 in its entirety. Mr. Charles stated that this year's request is more specific in that they are asking for a waiver of 1009.2.7.1 which applies specifically to 5th year seniors. Mr. Charles advised that the application includes a request to allow transfer students be able to participate immediately against other DISC schools and asking that their 5th year students be able to participate against other DISC member schools and to allow St. Andrews' girls' soccer team to participate in the fall instead of the spring. Ms. Fontello asked for clarification regarding the application of the transfer rule and Mr. Charles explained the history to the Board and stated that he would verify that the request is the same as last year. Mr. Charles responded to questions from the Board regarding the application.

Mr. Eby made a motion to approve the request. The motion was seconded by Ms. Cale and carried unanimously.

G. Self-Report by Hodgson Vo-Tech

Mr. Charles reported on a self-report from Hodgson Vo-Tech where an unregistered female played in a boys' lacrosse game against Wilmington Charter School. Mr. Charles explained that the game was forfeited and the student and coach were disciplined. At the request of a Board member Mr. Charles reviewed the regulation governing one gender playing on teams of opposite gender.

Dr. Fitzgerald made a motion to accept the self-report. The motion was seconded by Mr. Bedford and carried unanimously.

H. Approval of 2012-13 Budget

Mr. Charles reviewed the proposed budget. Mr. Charles stated that the proposal represents a \$9,000.00 increase which is 1.2% and the changes are in income for football and member dues. Mr. Charles stated that he increased the

expense in swimming and diving, AD Workshop, Sportsmanship Budget, and the Harry Roberts Scholar Athlete Award. Mr. Charles explained that he decreased the NFHS Dues and rules clinic expenses. Mr. Charles then reviewed the Revenue Report by Sport and stated that the only two sports in the red were individual wrestling and cross country. Mr. Charles stated that the budget has been in the black for the last six years. Mr. Charles explained that we have a spending ceiling which is \$775,000.00 and may want to consider asking the General Assembly to raise that next year. Mr. Charles also explained that our revenue is 85% ticket sales. Dr. Fitzgerald made a motion to approve the budget. The motion was seconded by Dr. Holodick and carried unanimously.

IV. Executive Director Report

A. Legal

Ms. Fontello stated that she has nothing to report at this time.

B. DIAA SMAC Report

Mr. Charles reviewed the minutes from the May 7 Sports Medicine Advisory Committee Meeting. Some of the topics discussed were concussions, the preparticipation evaluation, removing the classification of sports as collision contact and non contact on the pre-participation evaluation, Glucagon legislation, 9th grade physical requirement by DOE. Ms. Fontello reported that the Department of Education has updated their regulations regarding Health exams. In response to a Board members question Mr. Charles then reported on a Similar Sport Participation Form where Delaware law requires that parents notify the school when the child is playing for other sports outside of the school.

Ms. Taylor reported that the Rules and Regulations Committee met on June 6 and reviewed 13 different topics which included discussions on the weight control which will be moved under FAQ's. Ms. Taylor reported that the Heat Index Requirements will go into the FAQ. The question of 21 calendar days of practice was discussed and recommended to clarify the start practice and start of competition each season. The 7 – day practice rule was discussed and requested an interpretation from the athletic directors and member schools on how this rule is being interpreted. Discussion of 1009.2.6.1 provided clarification that the regulation section regarding an IEP also applied to senior grades. There was discussion on Coaching out of Season and the Committee will meet again for more discussion on this. There was also discussion on Foreign Exchange students but no action was taken. Ms. Taylor reported that

the Committee voted 6 -1 on a proposal to prohibit 8th graders from playing high school varsity and only allow 8th graders to participate on sub-varsity teams.

C. Spring Tournament Report

Mr. Neubauer reviewed spring tournaments and reported that the attendance was about the same as last year.

D. July Board Meeting

Mr. Charles explained that the NFHS Summer Meeting runs through the Wednesday before the July Board meeting and will be traveling back from Indianapolis on the day of the Board meeting. Mr. Charles explained that he is looking to move the July meeting date from July 12 to July 19. Ms. Fontello clarified that the Code provides that the Board hold monthly meetings.

E. Misc.

Mr. Charles reported that DAAD would be selling t-shirts to help raise money for Buddy Hurlock medical expenses at the Blue Gold Football game.

Mr. Charles reviewed an inquiry regarding a request that the Indian mascot be removed from the Indian River School District. It was clarified that DIAA has no jurisdiction in that area.

Mr. Charles also reviewed an article in the State News about Jerry Kobasa and his service to DIAA.

Mr. Charles shared a conversation he had with Lydia Prigg from the Governor's office. Mr. Charles explained that the Governor's office is going to hold off all Board appointments and reappointments until January 2013. He explained that the reason for this is because when the terms expire in June it creates a very short window of response for the Governor's Office and the State Senate.

III. I. Election of 2012-13 Board Officers

Dr. Holodick made a motion to nominate Ms. Taylor as Chairman of the Board and nominated Mr. Bedford as Vice – Chair of the Board. The motion was seconded by Mr. Eliassen and carried unanimously.

V. Other

A. Visioning – Joe Thomson

Mr. Thomson shared with the Board that he had revised the power point based on conversations from the last Board meeting and the possibility of moving forward for a strategic action plan.

VI. Public Comment

None.

VII. Adjournment

Mr. Thomson made a motion to adjourn at 1:20 p.m. The motion was seconded by Ms. Leone and carried unanimously.

Tina Hurley