

DIAA Board of Directors' Meeting Minutes  
Thursday, July 19, 2012 – 9:00 a.m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:30 a.m. by Curtis Bedford.

B. Roll Call

The following DIAA Board members were present: Curtis Bedford, Joe Thomson, Edna Cale, Craig Eliassen, Gerald Kobasa, Catherine Marvel, Harvey Hyland, Susan Coffing, Pam Love, Woody Long, and Dr. Mark Holodick. Kevin Charles; Executive Director and Paula Fontello, Deputy Attorney General, were also in attendance. Dr. Rene Knight-Peguero, Terre Taylor, Laura Leone, Dave Thomas, Dr. Kevin Fitzgerald, Ron Eby, and Dr. Robert Walter were not in attendance.

C. Approval of Agenda

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

II. Public Comment

None

III. B. Request for Waiver of 1009.2.4 by Archmere Academy for J. E.

Student, Student's mother, and Dave Oswinkle; athletic director at Archmere Academy were in attendance to present this request. Student's parent requested a closed hearing. Mr. Kobasa 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 10 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. Holodick made a motion to go into deliberation. The motion was seconded by Mr. Thomson and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Ms. Cale and carried unanimously. Ms. Coffing made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously.

Dr. Holodick made a motion to approve the request because the testimony presented combined with the supporting documentation demonstrates a hardship has occurred that was beyond the election, control, and creation of the student and student should be eligible.. The motion was seconded by Mr. Kobasa and carried unanimously by a vote of 10 – yes (Bedford, Thomson, Cale, Kobasa, Marvel, Hyland, Coffing, Love, Long, and Holodick) and 0 - no.

C. Request for Waiver of 1009.2.4 by Archmere Academy for K. C.

Student, Student's mother, and Dave Oswinkle; athletic director at Archmere Academy were in attendance to present this request. Student's parent requested a closed hearing. Dr. Holodick 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 10 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. Thomson made a motion to go into deliberation. The motion was seconded by Ms. Love and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Ms. Marvel made a motion to come out of executive

session. The motion was seconded by Ms. Coffing and carried unanimously.

Mr. Thomson made a motion to approve the request because the testimony presented combined with the supporting documentation demonstrates a hardship has occurred that was beyond the election, control and creation of the student and student should be eligible. The motion was seconded by Ms. Cale and carried unanimously by a vote of 9 – yes (Thomson, Cale, Marvel, Hyland, Coffing, Love, Long, Kobasa, Bedford) and 1 – abstention (Holodick).

After the conclusion of the hearing, Mr. Eliassen arrived before action item III. D. was considered.

D. Request for Waiver of 1009.2.7 by Wilmington Friends for B. C.

Student's mother and father and Mark Burke; athletic director at Wilmington Friends were in attendance to present this request. Student was not present due to illness but was contacted by phone. Student is 18 years of age. Student requested a closed hearing. Due to severe illness, Student requested a waiver of the mandatory appearance and consented to his parents proceeding with the hearing on his behalf. The record contained verification of Student's medical condition. Mr. Long made a motion to waive the student's appearance due to medical conditions. The motion was seconded by Ms. Cale and carried unanimously. Mr. Long 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 11 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. Holodick made a motion to go into deliberation. The motion was seconded by Mr. Thomson and carried unanimously. Ms. Marvel made a motion to come out of deliberation. The motion was seconded by Mr. Eliassen and carried unanimously. Mr. Long made a motion to come out of executive session. The motion was seconded by Ms. Marvel and carried unanimously.

Dr. Holodick made a motion to approve the request based on the testimony and documentation provided it is clear during student's sophomore year the student athlete did not have the opportunity to participate in a full sports season and had to repeat the 10<sup>th</sup> grade because of an extenuating health circumstance that is far beyond the control of the student-athlete and thus meets the requirements for a fifth year of eligibility. The motion was seconded by Mr. Long and carried unanimously by a vote of 11 – yes (Kobasa, Bedford, Thomson, Cale, Eliassen, Marvel, Hyland, Coffing, Love, Long, and Holodick) and 0 - no.

D. Approval of Minutes of June 14, 2012 Board of Directors' Meeting

Mr. Kobasa made a motion to approve the minutes of June 14, 2012 Board of Directors' meeting. The motion was seconded by Mr. Thomson and carried unanimously.

E. DIAA Financial Report

Mr. Charles presented the final financial report for the FY 2012 year. Mr. Charles stated that each of the sport tournaments showed a profit except for cross country. Mr. Charles stated that we ended the year with a net income of \$58,385.53. This is the sixth consecutive year with a net income. Mr. Charles reported that the total assets in the contingency fund are \$613,901.87. Ms. Cale made a motion to accept the financial report. The motion was seconded by Ms. Coffing and carried unanimously.

A Approval of Tournament Sanctions

Mr. Charles presented the 11 sanction requests with 6 cross country, one wrestling, two basketball, one indoor track and one outdoor track meet. Based on the information presented all the approved requests are in compliance with DIAA and NFHS rules and regulations. Mr. Kobasa made a motion to approve the recommendations. The motion was seconded by Ms. Cale and carried unanimously.

E. Consideration for Membership for Eastside Charter School

Mr. Charles explained that this is a request from Eastside Charter School to become a DIAA member school. Mr. Charles explained that the school is a K-8 located in Wilmington with 200 male students and 200 female students. Mr. Charles reported that they school is interested in participating in basketball, track, soccer, volleyball, and cheerleading and they do have the facilities to have their own events. Dr. Holodick made a motion to approve the application

for membership. The motion was seconded by Mr. Eliassen and carried unanimously. Membership is effective upon completion of all required paperwork and payment of membership dues.

IV. Executive Director Report

A. Legal

Ms. Fontello reported on the status of n insurance matter.

B. Committee Reports

Mr. Charles reviewed the softball and girls' lacrosse reports.

C. Final Attendance Report

Mr. Charles presented to the Board the final attendance report for the 2011-12 school year.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Thomson made a motion to adjourn at 11:50 a.m. The motion was seconded by Ms. Leone and carried unanimously.

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Tina Hurley