

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

I. Opening

A. Call to Order

The meeting was called to order at 9:10 a.m. by Terre Taylor.

B. Roll Call

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

C. Approval of Agenda

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

D. Approval of Minutes of DIAA July 19, 2012 Board Meeting

Ms. Cale made a motion to approve the minutes of the July 19, 2012 Board meeting. The motion was seconded by Mr. Long and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported on the reporting period of July 1 through August 1, 2012. Mr. Charles stated that the revenue was \$29,065.00 which was primarily from corporate partners Nike, Wilson, and Fruit of the Loom. Mr. Charles stated that the expenditures for this period were just under \$80,000.00. Mr. Charles stated that the expenditures included \$4,000.00 for tournament expenses, catastrophic health insurance for the member schools, salary and OEC's, and the first payment for the scholarships. Mr. Charles stated that we are in the red at this time \$51,853.00 which is normal for this time of year. Mr. Charles stated that the contingency fund is now at \$563,000.00. Mr. Kobasa made a motion to accept the financial report. The motion was seconded by Ms. Cale and carried unanimously.

II. Public Comment

None

III. A Approval of Tournament Sanctions

Mr. Charles presented the 8 sanction requests with 5 cross country, one wrestling, one basketball, and one spring track. 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 Mr. Thomson and carried unanimously.

B. Request for Waiver of 1009.2.4 by Caravel Academy for L. F.

Student and Student's grandfather were in attendance to present this request. Student's grandparent requested a closed hearing. Mr. Bedford 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. Coffing 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. Thomson made a motion to go into deliberation. The motion was seconded by Ms. Cale and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Ms. Coffing 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. Thomson made a motion to approve the request based on hardship outside the control of the Student based on the circumstances and situations that were presented by the Grandfather and Student. The motion was seconded by Mr. Eby and carried by a vote of 13 – yes (Kobasa, Taylor, Thomson, Cale, Leone, Marvel, Hyland, Thomas, Coffing, Fitzgerald, Holodick, Bedford, and Eby) and 1 – no (Long).

C. Request for Waiver of 1009.2.4 by Caravel Academy for J. F.

Student and Student's mother and father were in attendance to present this request. Student's parents requested a closed hearing. Dr. Holodick recused himself. 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. Bedford 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. Thomson made a motion to go into deliberation. The motion was seconded by Ms. Marvel and carried unanimously. Ms. Marvel made a motion to come out of deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Ms. Leone made a motion to come out of executive session. The motion was seconded by Ms. Marvel 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. Coffing and carried by a vote of 13 – yes (Thomson, Cale, Leone, Marvel, Hyland, Thomas, Coffing, Knight, Eby, Taylor, Walter, Kobasa, and Bedford) and 1 – No (Long).

D. Request for Waiver of 1009.2.7 by St. Marks for K. S.

James Stave; father of the student ("Father"), Kellie Stave ("Mother"), Student, and Matt Smith; athletic director at St. Mark's 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 15 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.

Student explained that she attended RLCA since kindergarten and explained the circumstances of her transfer and all the changes that have occurred during her time there. Student testified to her academic history and the AP classes that she needed. Student explained the process and commented that it was a difficult decision.

Mr. Stave testified to the reasons for Student's transfer. Father explained that the decision to move his daughter was difficult since he had five other children go through RLCA. Mr. Stave testified to the changes in the school and their concerns, he explained a lot of teachers were being laid off and so many other things happening so he went to the administration and after meeting with them he felt the school was in trouble. Mr. Stave stated that their decision to transfer Student was made late and some schools would not take Student. Father testified regarding all the schools they explored and how they made their selection. Father stated that his family have all played sports and hoped that Student would be able to also.

Mr. Thomson made a motion to grant the request based on the hardship presented in testimony. The motion was seconded by Mr. Kobasa and carried unanimously by a vote of 15 – yes (Kobasa, Bedford, Thomson, Cale, Leone, Marvel, Hyland, Thomas, Coffing, Knight, Fitzgerald, Long, Holodick, Eby, and Walter)

The Board recessed at 10:55 a.m. and reconvened at 11:05 a.m.

E. Request for Waiver of 1009.2.4 by Middletown for K. G.

Brian Glancy; father of the student ("Father"), Cindy Glancy ("Mother") mother of the student, Student, and Felicia Duggins; Assistant Principal at Middletown High School were in attendance to present this request. Student's father requested an open hearing. Ms. Cale recused herself from this 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 15 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.

The Father of Student advised the Board that he was an attorney but was not appearing in his official capacity. Father testified regarding the reason for the waiver request. Father explained that his son's sister also attended St. Elizabeth High School. Father also explained that his family has lived in Middletown for 20 years and that his son has lived there his whole life. Father stated that his son attended Townsend Elementary and MOT Charter. Father explained how his son ended up at St. Elizabeth High School where his sister attended. Father explained that when his son's sister entered high school, there was only one high school in the district and it was over-crowded. Father testified that his son's older sister attended St. Elizabeth High School and that it had worked out well for her. However, since she graduated the environment at St. Elizabeth High School changed. As a result, his son transferred to Middletown High School for his senior year. Father explained that the commute from Middletown to St. Elizabeth High School was lengthy and cumbersome and that the family had dealt with it for years. Father stated that his son began driving by himself last year and the drive was a drain on his son. Father also stated that during his son's sophomore year, the family also had concerns with the Catholic Diocese and the many lawsuits against the Diocese. Father explained that the circumstances were affecting the atmosphere at St. Elizabeth High School and they were concerned about the financial viability of the school. Father explained that things calmed down since his son's sophomore year. Father also explained that his son's classes became less challenging and that during his junior year his son was spending more time on religious aspects. Father commented that they knew St. Elizabeth was a Catholic school and that they are not religious. Father explained that initially his son just attended one religious class but during his son's junior year the religious aspects went beyond that and there were multiple events at the church across the street. Father explained that the increase in religious aspects conflicts with the family's hands off approach with religion. Father explained that there were ongoing concerns with the viability of the school. Father then commented that his son now has to pay for his own gas. Father commented that his son's transfer had nothing to do with sports and that his son has always participated but is not a star athlete. Father explained that there was not one single event that caused a hardship but it was the cumulative events of the environment at St. Elizabeth High School and the commute. Father explained that his son's friends mostly attend Middletown and would be good for his son. Father stated that his son would have more challenging courses at Middletown and his son was removed from the concerns they had with the Catholic diocese.

Student testified and explained the reasons for his waiver request. Student explained that the transfer was not for athletic advantage. Student stated that he was active on the soccer team at St. Elizabeth High School and had he stayed there would have gotten more playing time.

Ms. Duggins testified that the Student's transfer was not for athletic reasons and will not give Middletown High School an athletic advantage in soccer or golf. In a response to a question by a Board member, Student explained that the St. Elizabeth High School bankruptcy and financial problems were more of a concern during his sophomore year and that he did not have concerns about it during his junior year. Student responded to another question by a Board member and confirmed that there were not any cuts at St. Elizabeth High School that he was aware of. Mother confirmed that her son enrolled in Middletown High School in June 2012. Student confirmed that he was aware of the DIAA transfer rule prior to transferring to Middletown High School.

Ms. Leone made a motion to go into deliberations. The motion was seconded by Ms. Coffing and carried unanimously. Ms. Marvel made a motion to come out of deliberation. The Motion was seconded by Dr. Walter and carried unanimously. The Board came out of deliberations asked more questions and allowed additional testimony.

Student explained that during his junior year the time at church tripled. Student explained that the length of prayer time increased and he responded to a Board member that the increased prayer was not interfering with his academic program. The Student explained that the commute is tiresome and that when he turns 18 he will have to pay for his own gas. The Student further explained that he is concerned about having to pay for his own gas because he has not been able to find a job.

Mother explained that she had been driving her son to school prior to his junior year. Mother also explained that she works in Wilmington and has to be at work by 6:30 a.m. Mother explained that it was very stressful for her last year because she would have to call home to make sure her son was awake and when he didn't answer the phone she would worry that he didn't get up in time. Mother stated that she was afraid that her son would be rushed driving on I95.

Father explained again that the hardship is due to an accumulation of events such as the atmosphere at St. Elizabeth and the stress of his son having to drive on his own.

Mr. Eby made a motion to deny the request due to a hardship not being proved. The motion was seconded by Mr. Thomson and failed on a 7 – yes (Kobasa, Taylor, Thomson, Leone, Fitzgerald, Long, and Eby) and 8 – no (Bedford, Marvel, Hyland, Thomas, Coffing, Knight, Holodick, and Walter)

Ms. Coffing made a motion to approve the request based on testimony provided. The motion was seconded by Ms. Marvel and failed by a 7 – yes

(Bedford, Marvel, Hyland, Thomas, Coffing, Holodick, and Walter) and 8 – no (Kobasa, Taylor, Thomson, Leone, Fitzgerald, Knight, Long, and Eby).

The waiver request was denied because Student failed to establish a hardship and the motion to approve did not obtain the required number of affirmative votes required to approve the waiver request.

#### F. Interim Waivers by Executive Director

##### 1. 1009.2.4 by Middletown HS for B. A.

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. Ms. Cale 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 Dr. Fitzgerald 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 September 13, 2012 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. Harvey made a motion to come out of executive session. The motion was seconded by Mr. Bedford and carried unanimously. Dr. Fitzgerald 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. Kobasa and carried by a vote of 16 – yes (Kobasa, Taylor, Bedford, Thomson, Cale, Leone, Marvel, Hyland, Thomas, Coffing, Fitzgerald, Holodick, Long, Eby, Leone, and Knight-Peguero) and 0 – no. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for September 13, 2012 is cancelled.

##### 2. 1009.2.4 by A. I. DuPont for J. Q.

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 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 Dr. Knight-Peguero 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 September 13, 2012 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. Harvey made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously. Dr. Fitzgerald 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. Kobasa and carried by a vote of 16 – yes (Kobasa, Taylor, Bedford, Thomson, Cale, Leone, Marvel, Hyland, Thomas, Coffing, Fitzgerald, Holodick, Long, Eby, Leone, and Knight-Peguero) and 0 – no. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for September 13, 2012 is cancelled.

### III. G. RLCA Membership Request – Operation Changes

Keenan Dorsey; Principal at RLCA, Dr. Chuck L. Betters; Headmaster at RLCA, Dr. Chuck F. Betters; Senior Minister at Glasgow Church, and Dominic Vonvetti; athletic director at RLCA were in attendance to present this request. All persons participating in this hearing were sworn in.

Mr. Charles explained that the request by Red Lion Christian Academy was to be able to permit home-schooled students that are enrolled in their school to participate in athletics. Mr. Charles reviewed the regulation and stated that RLCA is requesting a modification of that rule.



Dr. Chuck F. Betters thanked the Board for hearing their request. Dr. Betters gave a brief background of RLCA and stated that in January 2012 Glasgow Church acquired the property and entity known as Red Lion Christian Academy. Dr. Betters explained at that time DIAA was contacted for athletic guidance, full membership approval and permission to participate in DIAA athletic events. Dr. Betters explained that before the acquisition of Red Lion Christian Academy Glasgow Church had already established very successful private and home school components known as Glasgow Christian Academy. Dr. Betters stated that they currently have close to 200 home schooled students at Glasgow from K-12. Dr. Betters stated that they are requesting that home schooled students be allowed to participate on sports teams. Dr. Betters explained that the students would be accountable to RLCA and would give up their DOE individual school number and fall under RLCA school number. Dr. Betters commented that their goal would be to require the following: students would take a RLCA approved curriculum; students would attend a minimum of three hours of class time for at least two core classes; that RLCA would monitor grading; RLCA would monitor attendance; and, students would receive an RLCA diploma. Dr. Betters commented that enrollment for grades 8 – 12 is around 175 and the total enrollment is 655.

Mr. Charles commented that in listening to the request it sounds like the same program as Mt. Sophia where home schooled students go there for structure and curriculum but are not full-time students. Mr. Charles reported that about 50% of the states are allowing home school students to enroll and participate in athletic activities. Mr. Charles also stated that states that permit home school students to participate in sports have developed a method for determining academic eligibility.

Dr. Betters explained that each student would become a student of RLCA and would receive report cards from RLCA and would graduate from RLCA but would still get part of their education from their home school. He also stated that RLCA would oversee this.

After lengthy discussion Ms. Fontello clarified that as proposed home schooled students would now be considered RLCA students; anyone providing instruction would now be considered a RLCA teacher; and that RLCA would be responsible for accountability of the students and teachers. Ms. Fontello explained that what the DIAA regulation requires is that the regular course of study is approved by the local governing body. Ms. Fontello asked Mr. Dorsey what the local governing body would be at RLCA. Dr. Betters responded by saying that the school does have a governing body. Dr. Betters also confirmed that RLCA would be responsible for the instruction that the home school teachers are providing.

Dr. Betters explained that Glasgow Christian Academy does not exist

anymore. He stated that it merged with RLCA and they kept the name RLCA with a subtitle, a ministry of Glasgow Church. Dr. Betters further explained that prior to this RLCA was a ministry of Red Lion Evangelical Church. He explained that the Red Lion Evangelical Church is no longer connected with RLCA.

Ms. Fontello explained that regulation 1009.2.6.1 requires that in order for a student to be eligible in interscholastic athletics a student must be pursuing a regular course of study or its equivalent as approved by the local governing body and must be passing at least 5 credits with two in the area of English, math, science, social studies. Ms. Fontello further explained that with Mt. Sophia, they had to come back to the Board several times to have their policies reviewed by the Board.

Ms. Coffing made a motion conditionally accept the request with conditional approval provided the school meets with the Executive Director and produce documentation of the policies that are in place that will govern the oversight of the curriculum and the portfolio including attendance. The motion was seconded by Dr. Walter and carried unanimously.

#### H. Consideration of Buddy Lloyd as State Wrestling Chair

Mr. Charles explained that the current chair is Pete Parlett and that he wants to remain on the Committee but step down as Chair. Mr. Charles commented that Buddy Lloyd has a wealth of experience. Mr. Eby commented that you couldn't find a better person to serve as Chairman of the Wrestling Committee. Mr. Kobasa made a motion to accept Buddy Lloyd as chair. The motion was seconded by Mr. Long and carried unanimously.

### IV. Executive Director Report

#### B. Misc.

Mr. Charles reviewed the proposed budget.

Mr. Charles then shared with the Board a contract from Home Team Marketing that he will be bringing to the Board next month. Mr. Charles explained that there are 17 states involved with Home Team Marketing and are also affiliated with the National Federation.

Mr. Charles reviewed the PIAA regulations regarding the International Exchange and International Students. Mr. Charles explained that international students are distinct from foreign exchange students. Mr. Charles stated that both are regulated by Home Land Security. Mr. Charles wanted the Board to see PIAA's policy to determine if the DIAA Board is interested in pursuing a

similar policy. The consensus of the Board was to draft something up for them to review next month.

A. Legal

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

III. I. Self-Report by Appoquinimink High School

Mr. Charles stated that he has been working on this with Appoquinimink High School for several months. Mr. Charles explained that the school came to him in the Spring and reported that one of their girls basketball players did not live in their district. Mr. Charles further reported that the mother tried to enroll a brother and sister using the same documentation. Mr. Charles further explained that Appoquinimink determined that the documentation was fraudulent. Mr. Charles stated that the school determined that both head coach and assistant coach were aware of rumors that the student did not live in the district. Mr. Charles stated that the Appoquinimink High School did a very thorough job in investigating this. Mr. Charles further stated that the student is no longer at the school and the school has suspended the coaches from coaching any sport at Appoquinimink for one full school year. Mr. Charles stated that our regulations state that if false documentation is provided the student would be suspended at any DIAA school for up to a year and a coach would be suspended from coaching at any DIAA school for up to a year. Mr. Charles stated that the school did a very good job and had to forfeit all the games the student played in. It was clarified that action regarding the student and the coaches was not before the Board for consideration at this meeting.

Mr. Long made a motion to approve the schools self-report based on the Executive Director's review. The motion was seconded by Mr. Bedford and carried unanimously.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Coffing made a motion to adjourn at 2:35 p.m. The motion was seconded by Mr. Bedford and carried unanimously.

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Tina Hurley

August 9, 2012 DIAA Board of Directors Meeting