

DIAA Board of Directors' Meeting Minutes
Thursday, March 14, 2013 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:15 a.m. by Terre Taylor.

B. Roll Call

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

C. Approval of Agenda

Ms. Taylor commented that Item III. C, III. D. 1, and III. E. were being removed from the agenda. Dr. Fitzgerald made a motion to approve the amended agenda. The motion was seconded by Mr. Eby and carried unanimously.

D. Approval of Minutes of DIAA February 14, 2013 Board Meeting

Mr. Eliassen made a motion to approve the minutes of the February 14, 2013 Board meeting. The motion was seconded by Mr. Kobasa and carried unanimously.

III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 14 events to be considered for sanction and all appear to be in compliance with DIAA and NFHS regulations. Mr. Kobasa made a motion to approve the sanction events. The motion was seconded by Ms. Leone and carried unanimously.

I. E. DIAA Financial Report

Mr. Charles provided updates on the reporting period of February 6, 2013 to March 7, 2013. Mr. Charles stated that the revenue to date was \$401,661.00 which was 55% of the projected revenue. Mr. Charles reported that income for the reporting period was \$34,000 which was primarily from tournament fees, officials dues, and member dues. Mr. Charles explained that the expenditures to date are \$458,616 which was 63% of the projected expenditures. Mr.

Charles reported that expenditures for this period were \$72,355. Mr. Charles reported that the expenditures were primarily from tournaments and salary and OEC's. Mr. Charles reported that DIAA is in the red at this time which is normal for this time of year. Mr. Thomson made a motion to accept the financial report. The motion was seconded by Ms. Cale and carried unanimously.

II. Public Comment

None

III. B. Request to Waive 1009.2.4 by Salesianum for Case #2013-3-1

Student and Student's father 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 privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Eliassen 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. Ms. Fontello also noted that there was no representatives present from the school.

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

Dr. Holodick made a motion to come out of executive session. The motion was seconded by Ms. Leone and carried unanimously.

Dr. Fitzgerald made a motion to approve the waiver request presented based on the information presented the Student established a hardship and allow the student to participate in tennis. The motion was seconded by Dr. Holodick and carried by a vote of 10 – yes (Fitzgerald, Holodick, Eby, Taylor, Kobasa, Thomson, Cale, Eliassen, Leone, and Thomas) and 0 – no

III. D. Interim Waivers by Executive Director

2. 1009.2.4 by Delmarva Christian High School for DIAA – 2013-3-4

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. Fontello explained that this request is being conducted under modified hearing procedures with the consent of the parents 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 April 11, 2013 meeting should it be necessary. Ms. Fontello explained that Mr. Charles deviated from the normal procedures due to the lengthy agenda and matters that were anticipated to take up a great deal of time and in an attempt to accommodate the large number of waiver requests received for winter and spring sport athletes. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to be immediately eligible to participate and the second to allow the student and parent not to appear for today's hearing. Mr. Eby 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. Mr. Charles was sworn in. 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. Kobasa made a motion to come out of executive session. The motion was seconded by Ms. Leone and carried unanimously.

Mr. Kobasa made a motion to grant the waiver and approve the two interim waivers granted by the Executive Director based on the evidence presented the testimony and waiver package the Student had met the burden and established a hardship. The motion was seconded by Mr. Eliassen and carried by a vote of 10 – yes (Kobasa, Thomson, Cale, Eliassen, Leone, Thomas, Coffing, Fitzgerald, Eby, and Taylor) and 0 – no. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for April 11, 2013 is cancelled.

3. 1009.2.4 by Seaford HS for Case # 2013-3-5

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. Fontello explained that this request is being conducted under modified hearing procedures with the consent of the parents 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 April 11, 2013 meeting should it be necessary. Ms. Fontello explained that Mr. Charles deviated from the normal procedures due to the January annual meeting, a lengthy agenda and matters that were anticipated to take up a great deal of time and in an attempt to accommodate the large number of waiver requests received for winter and spring sport athletes. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to be immediately eligible to participate and the second to allow the student and parent not to appear for the hearing today. Mr. Kobasa 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 Ms. Cale and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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. Thomson made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Eby 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 the 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 Ms. Cale and carried by a vote of 10 – yes (Eby, Taylor, Kobasa, Thomson, Cale, Eliassen, Leone, Thomas, Coffing, and Fitzgerald), 0 – no. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for April 11, 2013 is cancelled.

4. 1009.2.4 by William Penn HS for Case #2013-3-6

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. Fontello explained that this request is being conducted under modified hearing procedures with the consent of the parents 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 April

11, 2013 meeting should it be necessary. Ms. Fontello explained that Mr. Charles deviated from the normal procedures due to the January annual meeting, a lengthy agenda and matters that were anticipated to take up a great deal of time and in an attempt to accommodate the large number of waiver requests received for winter and spring sport athletes. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to be immediately eligible to participate and the second to allow the student and parent not to appear for the hearing today. Mr. Thomson 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 Ms. Cale and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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. Eby made a motion to come out of executive session. The motion was seconded by Mr. Kobasa and carried unanimously.

Mr. Thomson made a motion to grant the waiver and approve the two interim waivers granted by the Executive Director based on evidence the Student had met the 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 Ms. Cale and carried by a vote of 10 – yes (Thomson, Cale, Eliassen, Leone, Thomas, Coffing, Fitzgerald, Eby, Taylor, and Kobasa) and 0 – no. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for April 11, 2013 is cancelled.

G. Appoint Harry Roberts Scholar-Athlete Review Committee

Mr. Charles explained that they have begun to receive applications for the Harry Roberts Scholar-Athlete Award and would like to form a committee to review those applications. The Chair approved the committee and Ms. Cale, Ms. Coffing, and Ms. Taylor agreed to serve on this committee. It was decided that the committee would meet by the end of April.

H. Request to Waive 1009.6.5 by Middletown HS

Ms. Cale recused herself from the proceedings. Based on the recusal it was noted that there were not enough Board members present to consider the request. This item was subsequently tabled until the April meeting.

F. Request to Waive 1009.7.5 by DIFCA

Mr. Mark DelPercio, site manager for the Central Delaware NFL High School Player Development Program, was in attendance to present this request. Ms. Fontello confirmed that there would be no individual pupil files discussed and advised that the hearing would be 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 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. DelPercio explained that the camp is free for players and is sponsored by the NFL. He reminded the Board that this camp was held a few years ago at Red Lion Christian Academy. Mr. DelPercio stated that the last two years the camp was held in June to accommodate DIAA rules and to accommodate coaches schedules. Mr. DelPercio explained that the first camp day is spent talking about character development, concussions, and other materials supplied by the NFL. After the first day the program becomes a skilled development camp. Mr. DelPercio advised that a second camp was added in Cape Henlopen. Mr. DelPercio stated that dates of the Middletown camp would be May 28 through June 1 to avoid conflicts with final exams and coaches going on vacations.

Mr. Charles explained that he reached out to John Wilson, president of DIFCA, to confirm that that DIFCA endorsed the move to May 28 – June 1. Mr. Charles stated that he also reached out to the conferences but did not get much feedback. Mr. Charles also clarified that DIAA baseball, golf, softball, and girls soccer state tournaments are still ongoing during this week. However, the girls sports are generally unaffected by football; golf is during the day; baseball may be the only sport affected but only the finals remain during that week. It was also noted that only two schools might be affected by the NFL camp. In a response to a question by the Board Mr. DelPercio advised that he was unsure as to why more schools were not participating in this free camp. Mr. DelPercio stated that the players ages range from incoming freshman to seniors. Mr. Charles clarified that DIAA regulation does not allow coaching of your own students until the first day after the last spring sport DIAA state tournaments have ended. Mr. Charles also clarified that incoming freshman for the 2013-2014 school year would not be able to participate in the camp

because the camp is being held during the 2012-2013 school year and the students are still in eighth grade.

Dr. Fitzgerald made a motion to go into deliberation. The motion was seconded by Ms. Leone and carried unanimously. Dr. Fitzgerald made a motion to come out of deliberation. The motion was seconded by Ms. Cale and carried unanimously.

Mr. Thomson made a motion to grant DIFCA's request for a waiver of 14 DE Admin. Code 1009.7.5.1 to allow the coaches to participate in the NFL HSPD program on May 28, 2013 through June 1, 2013 and permit the coaches to fully participate in the program and coach their own underclassmen during the program prior to the end of the DIAA Spring Tournaments. It was clarified that this waiver does not apply to eighth graders. The motion was seconded by Ms. Cale and carried unanimously.

The Board recessed at 11:55 a.m. and reconvened at 12:05 p.m.

IV. Executive Director Report

A. Legal Report

B. Misc.

Mr. Charles gave a report on the winter tournaments and reported that they went very well with good attendance and minimal weather problems. Mr. Neubauer thanked the sites that stepped up at the last minute to host basketball games.

Mr. Charles reported that the Rules and Regulations Committee developed a sub-committee to review Coaching Out-of-Season. Mr. Charles gave a brief background on the rule. Mr. Charles stated that the sub-committee met and they want to research other states to see what some of the newer policies are. Mr. Charles stated that the committee is interested in a change that Virginia did last year. Mr. Charles reviewed the draft policy with the Board.

V. Other

VI. Public Comment

None.

VII. Adjournment

March 14, 2013 DIAA Board of Directors Meeting

Ms. Leone made a motion to adjourn at 12:40 p.m. The motion was seconded by Ms. Coffing and carried unanimously.

Tina Hurley