

DIAA Board of Directors' Meeting Minutes
Thursday, July 10, 2014 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Vice-Chair Curtis Bedford.

B. Roll Call

The following DIAA Board members were present: Curtis Bedford, Susanne Williams, Evelyn Edney, Edna Cale, Craig Eliassen, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Susan Coffing, Mike Hart, Dr. Kevin Fitzgerald, Dr. Mark Holodick, Ron Eby, Leroy Mann, and Nils Marcune. Kevin Charles, Executive Director, Paula Fontello, Deputy Attorney General and DIAA staff Thomas Neubauer and Tina Hurley was also in attendance. Willie Savage, Dr. Robert Walter, Laura Leone, Terre Taylor, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

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

D. Approval of Minutes of DIAA June 12, 2014 Board Meeting

Mr. Eby made a motion to approve the minutes of the June 12, 2014 Board meeting. The motion was seconded by Ms. Cale and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported on the end of year financial report and reported that the end of year revenue was \$869,454 which was 109% of the projected revenue. Mr. Charles reported that income for the reporting period of June 4, 2014 to June 30, 2014 was \$42,575. All the revenue came from tournament income. Mr. Charles explained that the expenditures for the year are \$768,251 which was 96% of the projected expenditures. Mr. Charles reported that expenditures for this period were \$46,240. Dr. Fitzgerald made a motion to accept the financial report. The motion was seconded by Mr. Eliassen and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 7 events to be sanctioned including 3 cross country, 1 field hockey, 1 wrestling and 1 track and field and 1 indoor track and field. All appear to be in compliance with DIAA and NFHS regulations. Mr. Cilento made a motion to approve the sanction events. The motion was seconded by Mr. Hart and carried unanimously.

D. Approval of FY 15 Board Calendar

Mr. Charles reviewed the DIAA Board Calendar for FY 15. Dr. Fitzgerald made a motion to approve the FY 15 Board of Directors calendar. The motion was seconded by Mr. Cimaglia and carried unanimously.

B. Request to Waive 1009.2.7 by Salesianum for DIAA 2014 – 7-1

Student and Student's parents were in attendance to present this request. Student is 18 years of age and requested a closed hearing. A school representative was not in attendance. Mr. Hart recused himself from this hearing. Dr. Layfield made a motion to go into executive session at the student's request for the purposes of protecting 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 was less than a full Board present and there were only 14 voting members present and participating to consider the 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.

While in executive session, the hearing proceeded and evidence was taken and deliberations were held. Dr. Holodick made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Dr. Fitzgerald made a motion to come out of deliberation. The motion was seconded by Mr. Mann and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously.

Ms. Coffing made a motion to grant Student's request based on the evidence presented and allow the student to participate. The motion was seconded by

Ms. Cale and carried by a vote of 14 – yes (Bedford, Williams, Edney, Cale, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Fitzgerald, Holodick, Eby, Mann, and Marcune).

D. Interim Waivers by the Executive Director

1. 1009.2.4 by Caesar Rodney for DIAA 2014-7-2

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. Dr. Fitzgerald recused himself from this hearing. Mr. Marcune made a motion to go into executive session at the parent's request for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Cimaglia 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 a modified hearing process and that the student's parents sent in a signed consent in order to proceed under these modified procedures and also requested a closed proceeding. Ms. Fontello advised that a full hearing is scheduled for the August 14, 2014 meeting should it be necessary. Ms. Fontello explained that Mr. Charles granted two interim waivers one allowing the student to participate and the second regarding the mandatory appearance provision to allow the student and parent not to appear today. Ms. Fontello further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall athletics while predicting that the other items on the agenda would take up considerable time. 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. Hart made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously.

Mr. Hart made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by the Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student. The motion was seconded by Mr. Marcune and carried unanimously. Ms. Fontello noted for the record that the waiver request is granted and the full hearing scheduled for August 14, 2014 is no longer necessary and is cancelled.

E. Approval of FY 15 Budget

Mr. Charles presented the proposed FY 15 DIAA Budget for Board consideration and approval. Key points include:

- The General Assembly approved a new DIAA spending limit of \$850,000.
- A proposal to increase football and basketball ticket prices for games played at the University of Delaware.
- A proposal to increase the school sport fee for wrestling from \$50 to \$100 to cover the cost of the NWCA OPC and online scoring.
- A budget line for coaches education to cover membership to USA Football for safety training of DIAA member school football coaches.
- A contractual line for new projects to overhaul regulations and create an athletic director/coaches education program.
- FY 15 proposed income of \$808,900.
- FY 15 proposed expenditures of \$847,600.
- The difference to be AdHoc projects paid for from the DIAA contingency fund.

After discussion Mr. Cilento made a motion to create a committee to evaluate DIAA ticket prices and to approve the FY 15 budget proposal without an increase in football and basketball ticket prices. The motion was seconded by Mr. Eliassen and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Fontello reported that she had no legal matters to discuss at this point.

B. Misc.

Mr. Charles and Mr. Neubauer reported on the NFHS Summer meeting in Boston. Key issues of importance to DIAA were discussed.

Mr. Charles reported on the final attendance report for state tournaments.

Mr. Charles shared with the Board a letter he received from Bobby Jacobs regarding Slam Dunk to the Beach.

Mr. Charles shared with the Board a letter he received from Mr. Roach, Headmaster of St. Andrew's School. The letter discussed using St. Andrew's School as a resource for hosting DIAA events and the unique challenge of a boarding school as it relates to DIAA eligibility regulations.

Mr. Charles shared with the Board that Dr. Michael Axe, Chair of DIAA Sports Medicine Advisory Committee, was awarded honorary membership to the American Physical Therapy Association. Dr. Axe joins a very exclusive group of only 18 physicians awarded this honor since 1936.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Cale made a motion to adjourn at 11:05 a.m. The motion was seconded by Dr. Layfield and carried unanimously.

Tina Hurley