

DIAA Board of Directors' Meeting Minutes
Thursday, December 11, 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 Chairperson Terre Taylor.

B. Roll Call

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

C. Approval of Agenda

Mr. Cilento made a motion to approve the agenda. The motion was seconded by Dr. Edney and carried unanimously.

D. Approval of Minutes of DIAA November 13, 2014 Board Meeting

Mr. Eby made a motion to approve the minutes of the November 13, 2014 Board meeting. The motion was seconded by Mr. Eliassen and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that to date the revenue received for FY15 was \$296,074 and for the reporting period was \$147,190 which was mostly from fall tournament revenue, member dues, and tournament entry fees. Mr. Charles reported that the expenses to date were \$292,505 and for the reporting period is \$60,516 which was mostly from tournament expenses and salary. Mr. Charles reported that DIAA is in the black at this time but doesn't expect that to be the case once all tournament income and expenses are processed. The carry over balance is currently \$932,853. Mr. Hart made a motion to approve the financial report. The motion was seconded by Mr. Cilento and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that based on the information provided, all sanctioned events appear to be in compliance with DIAA and NFHS regulations. Mr. Eliassen made a motion to approve the sanction events. The motion was seconded by Ms. Cale and carried unanimously.

B. Request by Concord HS for Waiver of 1009.2.4 for DIAA 2014-12-1

Student, and Student's mother, and Leonard Potter; Vice Principal for Concord High School were in attendance to present this request. Student's mother requested a closed hearing. Mr. Eby made a motion to go into executive session at the parent's request 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 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 was less than a full Board present and there were only 13 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.

Ms. Coffing made a motion to go into deliberation. The motion was seconded by Mr. Mann and carried unanimously. Mr. Hart made a motion to come out of deliberation. The motion was seconded by Mr. Cimaglia and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously.

Ms. Coffing made a motion to grant Student's request based on the evidence presented Student met the burden of establishing a hardship and the information provided regarding the hardships established that the circumstances were beyond the election, creation, or control of the student, family, and school. The motion was seconded by Mr. Eliassen and failed by a vote of 6 – yes (Bedford, Edney, Cale, Eliassen, Coffing, and Mann) and 7 – no (Taylor, Williams, Cimaglia, Cilento, Hart, Fitzgerald, and Eby). As a result of the waving failing to receive the requisite number of votes, the waiver request was denied.

C. Request by Milford HS to Waive 1009.2.4

Student, Student's Father, Student's mother, and Mike Tkach; athletic director for Milford High School were in attendance to present this request. Student's parents requested a closed hearing. Mr. Eby made a motion to go into executive session at the parent's request 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 Ms. Williams 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 13 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.

Mr. Cilento made a motion to go into deliberation. The motion was seconded by Mr. Mann and carried unanimously. Mr. Cimaglia made a motion to come out of deliberation. The motion was seconded by Ms. Williams and carried unanimously. Ms. Cale made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously.

Mr. Mann made a motion to grant Student's request and allow him to be immediately eligible based on the evidence presented Student met the burden of establishing a hardship and the information provided regarding the hardships established that the circumstances were beyond the election, creation, or control of the student, family, and school. The motion was seconded by Mr. Cimaglia and carried by a vote of 13 – yes (Taylor, Bedford, Williams, Edney, Cale, Eliassen, Cimaglia, Cilento, Coffing, Hart, Fitzgerald, Eby, and Mann).

D. Proposal to Revise Medals

Mr. Charles gave some history on the DIAA medals that are presented to state tournament athletes and reported that it has been more than 20 years since the medal has been revised. Mr. Charles presented several sample medals to the Board and asked for their suggestions in purchasing a new medal. Board members provided feedback and asked the Executive Director to bring back prices on different style medals. After some discussion Mr. Hart made a motion to ask our vendor to order enough of the current medals to get through the current school year and have Mr. Charles bring prices of other medals to the next Board meeting for review. The motion was seconded by Mr. Cimaglia

and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Fontello reported that there were no legal updates at this time.

Mr. Charles commented on a class action lawsuit involving concussion management being filed in the state of Illinois. Mr. Charles reported that the National Federation will be speaking to this at the winter meeting in January.

B. 1. Fall Unit Count

Mr. Charles reported on enrollment figures for member schools and the alignment of schools in Division I and 2 through school year 2016-17.

2. Delaware Entry into NFHS High School Record Book

Mr. Charles reported that Elena Delle Donne's consecutive free throw record is now in the NFHS Record Book.

3. Youth Concussion Summits

Mr. Charles reported on the second statewide concussion summit and stated that DIAA continues to be in good standing.

4. DIAA SMAC Report

Mr. Charles reviewed the agenda of the last DIAA Sports Medicine Advisory Committee with the Board. Mr. Charles stated that items on the agenda included changing the pitch count in baseball and the Transgender Policy.

5. Baseball Tournament Report & Committee Meeting

Mr. Charles shared the baseball tournament report with the Board.

6. 2014 Fall Tournament Reports

Mr. Charles reviewed with the Board the fall tournaments reports.

7. Media & Other

Mr. Charles shared some articles of interest with the Board.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Eliassen made a motion to adjourn at 12:05 p.m. The motion was seconded by Mr. Cimaglia and carried unanimously.

Tina Hurley