

DIAA Board of Directors' Meeting Minutes
Thursday, February 12, 2015 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:05 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, Dr. Bradley Layfield, Laura Leone, and Dr. Robert Walter. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, and DIAA staff Thomas Neubauer, Tina Hurley, and Intern Brittany Blacksten were also in attendance. Dr. Mark Holodick, Leroy Mann, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

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

D. Approval of Minutes of DIAA January 15, 2015 Board Meeting

Mr. Cilento made a motion to approve the minutes of the January 15, 2015 Board meeting. The motion was seconded by Mr. Cimaglia and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that to date the revenue received for FY15 was \$415,548 and for the reporting period was \$23,099 which was mostly from fall tournament revenue and officials fees. Mr. Charles reported that the expenses to date were \$408,075 and for the reporting period is \$41,470 which was mostly from tournament expenses and salary. Mr. Charles reported that DIAA is in the black at this time. The carry over balance is currently \$936,756. Mr. Hart made a motion to approve the financial report. The motion was seconded by Dr. Layfield and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that he received 22 requests for sanction, 5 basketball, 4 indoor track and field, 2 wrestling, 1 baseball, and 10 outdoor track and field. Mr. Charles stated that he had approved 19 of the 22 events. Three were denied because no Delaware teams were participating. Mr. Charles stated that to the best of his knowledge they were in compliance with DIAA and NFHS regulations. Dr. Layfield made a motion to approve the 19 sanction events. The motion was seconded by Mr. Cilento and carried unanimously.

B. Request by William Penn HS for Waiver of 1009.2.4 for DIAA 2015-2-1

Student, and Student's father were in attendance to present this request. Student's father requested a closed hearing. Ms. Taylor asked if the father was okay with the DIAA intern staying in the room during the hearing. The father stated that he did not mind if the intern stayed in the room during the closed session. Mr. Cilento 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 Mr. Hart and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that DIAA is a 20 member Board and has 19 voting members. Ms. Taylor 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. Taylor explained that there was less than a full Board present and there were only 15 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. Cimaglia made a motion to go into deliberation. The motion was seconded by Dr. Walter and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Hart and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Bedford and carried unanimously.

Ms. Cale made a motion to deny Student's request based on the lack of evidence presented and the Student did not meet the burden of establishing a hardship. The motion was seconded by Dr. Walter and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Edney, Cale, Eliassen, Leone, Cimaglia, Layfield, Cilento, Coffing, Hart, Eby, and Walter).

C. Request by AI duPont HS to Waive 1009.2.3 For 2015-2-2

Student and Student's mother were in attendance to present this request. Student's mother requested a closed hearing. Ms. Taylor asked if the mother was okay with the DIAA intern staying in the room during the hearing. The mother stated that he did not mind if the intern stayed in the room during the closed session. Mr. Bedford made a motion to go into executive session at the mother'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 Dr. Fitzgerald and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor explained that DIAA is a 20 member Board and has 19 voting members. Ms. Taylor 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. Taylor explained that there was less than a full Board present and there were only 15 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. Hart 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. Cilento 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. Hart made a motion to deny Student's request based on grounds that there is not enough evidence presented and the Student did not meet the burden of establishing a hardship. The motion was seconded by Ms. Cale and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Edney, Cale, Eliassen, Leone, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Eby, and Walter) and 1 – no (Coffing).

F. Interim Waiver Requests

1. 1009.2.4 by Newark HS for DIAA 2015-2-5

Ms. Taylor clarified for the record that this matter is being considered under modified procedures with the consent of the parent. Ms. Taylor explained that this request is being conducted under a modified hearing process and that student's parents sent in a signed consent in order to proceed under these

modified procedures and also requested a closed proceeding. Ms. Taylor advised that a full hearing is scheduled for the March 19, 2015 meeting should it be necessary. Ms. Taylor 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. Taylor further explained that Mr. Charles granted the interim waivers and modified the procedures in an attempt to accommodate the waiver requests for fall and winter athletics while predicting that the other items on the agenda would take up considerable time. It was clarified that the parent requested a closed hearing for the purpose of protecting the privacy of the pupil file. Mr. Bedford recused himself from this hearing. Dr. Walter 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. Hart 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 from past proceedings today. 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.

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

Mr. Cilento 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 established that the circumstances were beyond the election, creation, or control of the student, family, and school. The motion was seconded by Mr. Hart and carried unanimously. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for March 19, 2015 is no longer necessary and is cancelled.

E. Request to Waive 1009.2.4 by Wilmington Christian for DIAA 2015-2-4

William Grantham; father of student, Student, and Joe Thomson; athletic director at Wilmington Christian School were in attendance to present this request. Mr. Grantham requested an open hearing. Ms. Taylor explained that DIAA is a 20 member Board and has 19 voting members. Ms. Taylor 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. Taylor explained that there are 14 voting members participating and present to consider this matter. Ms. Taylor 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. Taylor then reviewed all documents pertaining to this hearing and the documents were included in the record. Father explained that his family has a history of serving in the military and that his son expressed interest in the Coast Guard and allowed his son to file an application with DAPPS before the January 31 deadline just to keep all options open. Father further explained that his son was attending Brandywine High School and was playing on the baseball team. The father explained that the baseball coach learned that his son applied to another school and confronted his son about it. The Student admitted to the coach that he had applied and the coach immediately kicked him off the team. The father commented that he went to pick his son up and he found his son sitting on the curb crying. Father further testified that after the incident the athletic director of Brandywine High School called the Student out of class to discuss his resignation from the baseball team. Student explained that he did not quit the team but that he was kicked off by the coach. The father explained that he met with the principal at Brandywine High School who stated he understood several players had problems with the Coach but other players liked him and that there would be no formal discipline. The father explained that he was concerned for his son and he transferred him to Wilmington Christian School.

Mr. Thomson, the athletic director for Wilmington Christian School testified that the school does not have a standout baseball team and that this transfer was not for athletic advantage.

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

Mr. Eby made a motion to accept the waiver request based on this was a hardship beyond the creation or control of the student. The motion was seconded by Ms. Leone and carried unanimously.

I. Request to Waive 1009.7.5.1 by DIFCA

Mr. Charles explained that Mark DelPercio would like to hold the NFL High School Player Development Program May 26, 2015 through May 30, 2015. Mr. Charles explained that since this program will be held prior to the last spring sport tournament it will require a waiver of DIAA Regulation 1009.7.5.1 so that coaches will be able to have contact with their returning players. Mr. Charles explained that this request has been granted in the past but this year they are holding it while students are still in school in hopes that there will be more participation. Mr. Hart made a motion to approve this request. The motion was seconded by Ms. Cale and carried unanimously.

G. Proposal to Update DIAA Medals & Trophy

Mr. Charles reviewed the proposal for the new medals along with the costs. Mr. Charles reported that he has polled the athletic directors and they are in favor. Mr. Charles reviewed the different sizes of the medals and the costs associated with those medals. Mr. Eby made a motion to go with the 3 inch medals for first place and the 2.25 inch for all other places. The motion was seconded by Dr. Walter and carried unanimously.

H. Consideration of IHSA Joint Defense and Agreement

This item was tabled.

IV. Executive Director Report

A. Legal Report

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

B. 1. Winter Tournament Update

Mr. Charles reviewed the winter tournaments with the Board. He stated that indoor track was the only tournament held thus far. The tournament was held in Landover, Maryland at the Prince Georges Center for the second year. The meet was well attended and ran smoothly.

2. NFHS Network & School Broadcast Program

Mr. Charles reported on the NFHS Network agreement and the impact on requests by member school broadcast teams who wanted to stream their school's games. Mr. Charles shared a new policy which would permit student broadcast as long as they were part of the NFHS Network school based broadcast program. Under those conditions the school can broadcast the game without a fee but must stream behind the NFHS Network paywall. Otherwise the school will be charges \$250 and cannot stream to the NFHS Network.

3. Update on Board Appointments

Mr. Charles reported that there are no updates at this time.

4. Update on Girls Lacrosse Officials

Mr. Charles reported that the girls' lacrosse officials association disbanded in December and a new officials association is being formed. He provided an update on progress made in creating the new association.

V. Other

Mr. Charles stated that Delaware Special Olympics has worked with the Governor's Advisory Council on Exceptional Citizens on legislation to require that public member schools that enroll children with special needs and sponsor track & field must offer a Unified Track Team. The draft legislation includes financial assistance for participating schools. Mr. Charles reported that eleven schools have committed to unified track this spring.

Dr. Walter asked if there was a way that this Board could get a message back to the school involved in a hearing we heard today about a coach bullying and that we have concerns about it. Ms. Taylor asked Mr. Charles if he has discussed that case with the school and Mr. Charles responded that he has not spoken with the school but that he had a conversation with the district superintendent. Mr. Charles stated that the district superintendent commented that the coach is old school and most of his players enjoy playing with him while some don't. Mr. Charles stated that if the coach did say what was reported that he felt it was very inappropriate. Mr. Charles asked the District Attorney General for DIAA to review this and to see if DIAA should send a letter to the school district.

VI. Public Comment

None.

VII. Adjournment

Dr. Fitzgerald made a motion to adjourn at 12:35 p.m. The motion was seconded by Mr. Cimaglia and carried unanimously.

Tina Hurley