

DIAA Board of Directors' Meeting Minutes  
Thursday, March 19, 2015 – 9:00 a.m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:00 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, Dr. Bradley Layfield, Robert Cilento, Mike Hart, Dr. Mark Holodick, Dr. Kevin Fitzgerald, and Leroy Mann. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, and DIAA staff Thomas Neubauer, Tina Hurley, and Intern Brittany Blacksten were also in attendance. Susan Coffing, Ron Eby, and Dr. Robert Walter were unable to attend.

C. Approval of Agenda

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

D. Approval of Minutes of DIAA February, 2015 Board Meeting

Dr. Fitzgerald made a motion to approve the minutes of the February 12, 2015 Board meeting. The motion was seconded by Mr. Cilento and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that to date the revenue received for FY15 was \$418,365 and for the reporting period was \$2,817.00 which was mostly from indoor track and officials dues. Mr. Charles reported that the expenses to date were \$454,647 and for the reporting period is \$46,572 which was mostly from winter tournament expenses and salary. Mr. Charles reported that DIAA is in the red at this time. The carry over balance is currently \$893,001. Dr. Fitzgerald 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 20 requests for sanction all for outdoor track and field. Mr. Charles stated that he had approved 19 of the 20 events. One event was 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 Indian River HS for Waiver of 1009.2.4 for DIAA 2015-3-1

Student, Student's father, and Todd Fuhrmann; athletic director 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. Dr. Layfield 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. Cimaglia 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 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.

Dr. Fitzgerald made a motion to go into deliberation. The motion was seconded by Ms. Williams and carried unanimously. Dr. Layfield made a motion to come out of deliberation. The motion was seconded by Mr. Bedford and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously.

Dr. Fitzgerald made a motion to approve Student's request based on the evidence presented of a financial hardship and the Student met the burden of establishing a hardship. The motion was seconded by Mr. Cilento and carried by a vote of 13 – yes (Taylor, Bedford, Williams, Edney, Cale, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Holodick, and Mann).

C. Request by Salesianum to Waive 1009.2.4 For 2015-3-2

Student and Student's parents were in attendance to present this request. Student's mother requested a closed hearing. Mr. Hart recused himself from this hearing. Ms. Taylor asked if the mother was okay with the DIAA intern staying in the room during the hearing. The mother stated that she did not mind if the intern stayed in the room during the closed session. Dr. Layfield 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 Ms. Williams 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 12 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.

Dr. Fitzgerald made a motion to go into deliberation. The motion was seconded by Mr. Cilento and carried unanimously. Dr. Holodick made a motion to come out of deliberation. The motion was seconded by Dr. Layfield and carried unanimously. Dr. Edney made a motion to come out of executive session. The motion was seconded by Mr. Eliassen and carried unanimously.

Dr. Fitzgerald made a motion to approve Student's request based on the hardship that the special educational needs of the student could not be accommodated by the sending school. The motion was seconded by Mr. Cimaglia and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Edney, Cale, Eliassen, Cimaglia, Layfield, Cilento, Fitzgerald, Holodick, and Mann).

D. Interim Waiver Requests

1. 1009.2.4 by Mt. Pleasant HS for DIAA 2015-3-3

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 April 9, 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. Dr. Holodick recused himself from this hearing. Mr. Eliassen 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.

Mr. Eliassen made a motion to go into deliberation. The motion was seconded by Mr. Mann and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously. Dr. Fitzgerald made a motion to come out of executive session. The motion was seconded by Dr. Layfield 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 April 9, 2015 is no longer necessary and is cancelled. Dr. Fitzgerald made a motion to deny the request for the 2015-16 school year at St. Elizabeth. The motion was seconded by Ms. Cale and carried unanimously.

2. 1009.2.4 by Brandywine for DIAA 2015-3-4

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 April 9, 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. Dr. Holodick recused himself from this hearing. Mr. Eliassen 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. Fitzgerald made a motion to go into deliberation. The motion was seconded by Mr. Cimaglia and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Hart and carried unanimously. Mr. Cimaglia made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Dr. Layfield 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 April 9, 2015 is no longer necessary and is cancelled.

3. 1009.2.4 by Salesianum for DIAA 2015-3-5

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 April 9, 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. Hart recused himself from this hearing. Mr. Cilento 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 Dr. Layfield 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.

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

Dr. Fitzgerald made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver. The evidence presented by Mr. Charles showed that 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. Cilento and carried unanimously. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for April 9, 2015 is no longer necessary and is cancelled.

#### E. Request for Membership by The Delaware Met Charter High School

Mr. Charles stated that by law all public schools must be a member of DIAA. Mr. Charles explained that the school is opening in the Fall of 2015 and said that the school will sponsor girls volleyball, cross country, boys' and girls' basketball, wrestling, boys' volleyball and track and field. The school is

located in the City of Wilmington. Mr. Hart made a motion to approve the request. The motion was seconded by Dr. Holodick and carried unanimously.

F. Request for Membership by Kuumba Academy Charter School

Mr. Charles explained that this is a charter school with K – 5 students and is expanding to 8<sup>th</sup> grade by 2016. Mr. Charles further explained that there are 464 students and they will be sponsoring volleyball, basketball, swimming, and track and field. The school is located in the City of Wilmington. Mr. Cilento made a motion to approve this request. The motion was seconded by Mr. Mann and carried unanimously.

I. Request for Membership by First State Military Academy

Mr. Charles explained that this is a new charter school opening in the Fall of 2015 for 9<sup>th</sup> and 10<sup>th</sup> grades and is located in Clayton, Delaware. Mr. Charles further explained that the school plans to sponsor cross country, volleyball, boys' soccer, basketball, wrestling, lacrosse, softball, baseball, and girls' soccer. Ms. Cale made a motion to approve this request. The motion was seconded by Dr. Fitzgerald and carried unanimously.

G. Self-Report by Hodgson

Mr. Charles explained that he was notified by the athletic director at Hodgson Vo-Tech that an ineligible boys basketball player was used in a game versus Concord on January 31, 2015 where they used an academically ineligible player. Mr. Charles reported that Hodgson did forfeit the game. Dr. Layfield made a motion to accept the self-report. The motion was seconded by Mr. Bedford and carried unanimously.

H. Request by DFOA to Wear 2" Striped Shirts

Mr. Neubauer explained that he received a request from the Del-Mar-Va Football Officials Association that they would like DIAA to allow them to wear a 2" black and white striped shirt as part of their official varsity uniform beginning with the 2015 season. These shirts are permitted by NFHS Regulations with State Association approval. Mr. Hart made a motion to approve the request provided that the entire crew working a game wear the same style shirt. The motion was seconded by Dr. Layfield and carried unanimously.

IV. Executive Director Report

A. Legal Report

Mr. Charles reported that DIAA has recently received an appeal from the last Board meeting. Mr. Charles reported that he also just did a deposition testimony in a lawsuit from a spectator at a football game in 2011.

B. 1. Winter Tournament Update

Mr. Charles reviewed the winter tournaments with the Board. Mr. Charles reported that all tournaments went well even though there were a couple of weather related issues. Mr. Charles commented that the attendance in all tournaments was good.

2. USA Football Summit

Mr. Charles reported on the USA Football Summit that was held in February in Indianapolis. Mr. Charles explained USA Football is promoting a coaches certification program and the Heads Up Football safe tackling program and a safe blocking technique program. Mr. Charles also explained that DIFCA supports its member coaches to become certified.

3. Update on Regulation Revision

Dr Lew Atkinson has been retained to review the DIAA Regulations. Three separate focus groups met the past week to review the areas of; Coaching Out of Season, Academic Eligibility and Student Mobility.

4. Update on Girls Lacrosse Officials

Mr. Neubauer reported that he received a draft of the DSWLOA constitution and bylaws and that all games have been received for scheduling through the *Arbiter* software. Mr. Neubauer stated that the new association is ready to start the season.

5. Update on Realignment Task Force

Terre Taylor gave an update on the work of this subcommittee. They have met three times and produced alternate state wide alignment scenarios for most sports. They will meet again this afternoon, and will present several new alignment concepts at the Statewide A.D.s Meeting on April 1.

V. Other

March 19, 2015 DIAA Board of Directors Meeting

VI. Public Comment

None.

VII. Adjournment

Dr. Layfield made a motion to adjourn at 12:30 p.m. The motion was seconded by Mr. Cimaglia and carried unanimously.

---

Tina Hurley