

DIAA Board of Directors' Meeting Minutes  
Thursday, July 9, 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, Evelyn Edney, Ted Laws, Craig Eliassen, Gary Cimaglia, Robert Cilento, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Dr. Mark Holodick, Ron Eby, and Leroy Mann. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, and DIAA staff Thomas Neubauer and Tina Bates were also in attendance. Laura Leone, Dr. Bradley Layfield, Susan Coffing, and Dr. Robert Walter were unable to attend.

C. Approval of Agenda

Ms. Taylor commented that Item III. I. was being added to the agenda. Mr. Cilento made a motion to approve the agenda with the addition. The motion was seconded by Mr. Hart and carried unanimously.

D. Approval of Minutes of DIAA May 14, 2015 Board Meeting

Dr. Fitzgerald made a motion to approve the minutes of the May 14, 2015 Board meeting. The motion was seconded by Mr. Eby and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that to date the revenue received for FY15 was \$723,214 and for the reporting period was \$97,923 which included some winter tournament income and spring tournament income. Mr. Charles reported that the expenses to date were \$700,638. The contingency fund balance is currently \$951,859. Mr. Charles reported that the FY16 budget will be on the August agenda. Mr. Charles reported that the financial report does not include all income and expenses from the spring sports season. Mr. Bedford made a motion to approve the financial report. The motion was seconded by Mr. Eby and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that he received 12 requests for sanction. Mr. Charles

reported that the 12 events included 2 basketball, 6 cross country, 1 indoor track and field, 1 wrestling, and 2 outdoor track. Mr. Charles stated that to the best of his knowledge they were in compliance with DIAA and NFHS regulations. Mr. Eby made a motion to approve the 12 sanction events. The motion was seconded by Mr. Cilento and carried unanimously.

B. Request To Waive 1009.2.4 by Middletown HS for DIAA 2015-7-1

Brant Perry; athletic director at Middletown High School, Joe Lahutsky; assistant principal at Middletown High School, Student's parents, and Student were in attendance to present this request. Student's parents requested a closed hearing. 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. 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 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.

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

Mr. Hart made a motion to approve Student's request based on the evidence presented of the severity of the punishment was found to be a hardship as it did not fit the situation. The motion was seconded by Mr. Cilento and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Edney, Laws, Cimaglia, Cilento, Hart, Fitzgerald, Breeding, Holodick, and Eby).

C. Request To Waive 1009.2.4 by Middletown HS for DIAA 2015-7-2

Brant Perry; athletic director at Middletown High School, Joe Lahutsky; assistant principal at Middletown High School, Student's mother, and Student were in attendance to present this request. Student's mother requested a closed hearing. Mr. Laws 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 Mr. Breeding 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. Hart and carried unanimously. Dr. Holodick made a motion to come out of deliberation. The motion was seconded by Mr. Bedford and carried unanimously. Mr. Breeding made a motion to come out of executive session. The motion was seconded by Mr. Eby 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. Hart and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Edney, Laws, Cimaglia, Cilento, Hart, Fitzgerald, Breeding, Holodick, and Eby).

#### H. Revision to DIAA Regulations

Mr. Charles explained that changes to the regulations previously approved by the Board who reviewed by the Delaware Department of Education and DIAA DAG. There are minor changes to these regulations that must be approved by the DIAA Board before moving to the State Board of Education for final approval. Mr. Charles reviewed changes to regulation 1009.2.7 for their approval. Mr. Charles stated that the two changes are: the regulation will become effective in the 2016-17 school year; and the requirement for attending in the 7<sup>th</sup> grade does not apply to schools that begin with the 8<sup>th</sup> grade. Mr. Eby made a motion to accept this change effective with the 2016-17 school year. The motion was seconded by Mr. Cilento and carried unanimously.

Mr. Charles reviewed the next change to 1009.3.1.1 and explained that this change was presented previously by Dr. Walter at the request of Delaware Pediatricians. Mr. Charles explained the change is that physicians may now verify that the student is approved to play by signing the PPE on or after April 1<sup>st</sup>. The approval must be based on a physical examination conducted within the past 12 months. Mr. Hart made a motion to approve this change. The

motion was seconded by Mr. Cimaglia and carried by a vote of 13 – yes (Taylor, Bedford, Williams, Edney, Laws, Cimaglia, Cilento, Hart, Fitzgerald, Breeding, Holodick, Eby, and Mann) 0 – no, and 1 – abstention (Eliassen).

Mr. Charles added that language has been added to require that certified and emergency coaches complete a DIAA approved concussion course every two years. This change merely puts in regulation the current practice required by Delaware Code. Mr. Cilento made a motion to approve this change. The motion was seconded by Mr. Mann and carried unanimously.

I. Consideration of the 2015-16 Board Meeting Schedule

Mr. Charles explained that the Board generally meets the second Thursday of the month with the exception of January which is the annual meeting. Mr. Charles explained that for the FY 16 calendar the November meeting was being changed to November 5 due to a conflict and that the January meeting is moved to January 21 to coincide with the annual meeting.

Mr. Eby made a motion to approve the meeting schedule. The motion was seconded by Mr. Hart and carried unanimously.

E. Request for Membership by Tall Oaks

Beth Weber, athletic director for Tall Oaks was in attendance to present this request. Ms. Weber explained that Tall Oaks Classical School is applying to become a full member of DIAA beginning in the 2015-16 school year. Ms. Weber stated that Tall Oaks is a K-12 Christian Private School in New Castle and plans to sponsor Boys and Girls Cross Country, Soccer, Volleyball, Boys and Girls Basketball, Wrestling, Boys and Girls Track and Field and Girls Tennis. Dr. Fitzgerald made a motion to approve the request for membership. The motion was seconded by Mr. Eby and carried unanimously.

G. Proposal to Expand Volleyball Tournament

David Lee, Volleyball Coach at Dickinson High School and former Vice President of DIVCA was in attendance to present this proposal. Mr. Lee explained that the DIVCA wants to expand the DIAA girls volleyball tournament from its current 16-team to a 24-team playoff. Mr. Lee explained the format and said that the tournament could be completed without adding extra dates to the end of the season. Mr. Lee explained that changing to a Division I/II would not work for the sport of volleyball. Mr. Lee stated that the expansion has the support of coaches, conferences, and the tournament committee. Mr. Charles explained how the tournament would be affected. Ms. Taylor commented that the realignment committee is reviewing the issue of selection for tournaments and divisional classification which may ultimately affect this expansion.

Dr. Fitzgerald made a motion to approve the proposal to expand the volleyball

tournament for a two year period and also requested the issue of sub .500 record teams qualifying for the state tournament be forwarded to the state volleyball committee for evaluation. The motion was seconded by Mr. Eliassen and carried unanimously.

F. Request for Membership by Aquinas Academy

Jack Moore, principal of Aquinas Academy, was in attendance to present this request. Mr. Moore stated that Aquinas Academy was requesting to become an Associate Member of the DIAA. Mr. Moore explained that Aquinas was a member of DIAA in the past but that they had to withdraw due to the restrictions on allowing homeschool students to participate in DIAA events. Mr. Moore stated that with the recent modifications to that restriction his school was asking to rejoin DIAA. Mr. Moore was also asking that his school be allowed to pay \$500 for member dues because the school only offers three sports. Mr. Moore also added that his school would not have a sports team each season and will work to meet this regulation in the future. Mr. Moore also requested to be able to use home schooled students enrolled at Aquinas under the standard restrictions applied to similar DIAA member schools.

Mr. Hart made a motion to accept the request for membership with the three conditions. The motion was seconded by Dr. Holodick and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Geiszler reported that regulation changes will go into effect the middle of September.

B. 1. HB 175

Mr. Charles commented that House Bill 175 which would require schools that have a track team or special needs students to have a Unified Sports Pilot Program is out of the House but did not make it to the floor. The bill will remain in consideration for the General Assembly next year.

2. Spring Sports Reports

Mr. Charles reported on spring tournaments.

3. NFHS Network Agreement Extension

Mr. Charles reported that the NFHS agreement was extended by 5 years and also gave a breakdown of the future payout.

4. Follow-up on DIFCA Proposal from April

Mr. Charles reported on the Heads Up Football training received by Delaware coaches. Dr. Fitzgerald and Dr. Holodick reported that more discussion is needed on the parts of the DIFCA proposal tabled at the May 2015 Board meeting.

5. Update on Regulations Revisions – Focus Groups

Mr. Charles explained that there are three focus groups that meet and discuss regulations regarding the academic rule, coaching out-of-season and the transfer rule. Mr. Charles provided an update on the revision the focus groups are considering.

6. Realignment Committee Update

Terre Taylor provided an update on the realignment committee meetings.

7. DE Sports Commission

Mr. Charles reported on the sports complex being built in Kent County.

8. Media

Mr. Charles reported on media coverage regarding DIAA.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Hart made a motion to adjourn at 11:35 a.m. The motion was seconded by Mr. Bedford and carried unanimously.

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Tina Bates