

DIAA Board of Directors' Meeting Minutes
Thursday, August 13, 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, Ted Laws, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Susan Coffing, Mike Hart, Mike Breeding, Ron Eby, Dr. Robert Walter, and Leroy Mann. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, Associate Secretary; Karen Field-Rogers and DIAA staff Thomas Neubauer and Tina Bates were also in attendance. Laura Leone, Dr. Kevin Fitzgerald, Dr. Mark Holodick, Evelyn Edney, and Craig Eliassen were unable to attend.

C. Approval of Agenda

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

D. Approval of Minutes of DIAA July 9, 2015 Board Meeting

Mr. Hart made a motion to approve the minutes of the July 9, 2015 Board meeting. The motion was seconded by Mr. Eby and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that the financial report has been reconciled and final revenue received for FY15 was \$817,203 and final expenses for the year were \$802,797 with a net profit of \$14,207. Mr. Charles stated that this has been a transitional year moving from Quickbooks to the FSF system. The contingency fund balance is currently \$943,690. Mr. Cilento made a motion to approve the financial report. The motion was seconded by Mr. Hart and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that he received 14 requests for sanctioning. Mr. Charles reported that the 14 events included 13 cross country and 1 wrestling. Mr. Charles stated that to the best of his knowledge they were in compliance with DIAA and NFHS regulations. Mr. Cimaglia made a motion to approve the 14

sanction events. The motion was seconded by Mr. Cilento and carried unanimously.

B. Request To Waive 1009.2.4 by Caravel Academy HS for DIAA 2015-8-1

Tracy Cameransi; Student's mother, Deanna Cameransi; Student, and Matt Smith; athletic director at St. Mark's High School were in attendance to present this request. Student's mother requested an open hearing. Ms. Taylor recused herself and was not present for this hearing.

Mr. Bedford explained that DIAA is a 20 member Board and has 19 voting members. Mr. Bedford further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Bedford explained that there are 11 voting members participating and present to consider this matter. Mr. Bedford also explained the hearing procedures. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Mr. Bedford then reviewed all documents pertaining to this hearing and the documents were included in the record.

Ms. Cameransi explained that she was asking for a waiver for her daughter to be able to participate in athletics at Caravel Academy. Ms. Cameransi further explained that her daughter was transferring from St. Mark's High School to Caravel Academy because she was not happy with the direction that St. Mark's was going. Ms. Cameransi stated that she was concerned with the amount of staff members that have left the school, the drop in students, the fact that St. Marks was on their third principal since her daughter has been there, and was very concerned with drugs in the school. Ms. Cameransi commented that Caravel Academy is also cheaper and closer to their home. Ms. Cameransi also commented that in previous years her daughter has received financial aid but that she was denied aid for this year. Ms. Cameransi explained that she owned her own business and that it was not doing well and could not financially afford St. Mark's High School.

Mr. Smith commented that spring sports started practice on February 28 and Deanna quit on March 2. Mr. Smith stated that he met with mom and she explained some family issues and asked if the coach would take her back. Mr. Smith stated that Deanna started back on the team on March 8 and that the mom never mentioned concerns of drug use in the school.

A Board member asked the cost difference of St. Mark's and Caravel Academy. Another Board member asked if they have ever considered public school and the mom replied that Deanna had never attended a public school.

Dr. Layfield made a motion to go into deliberation. The motion was seconded by Dr. Walter and carried unanimously. Mr. Hart made a motion to come out of deliberation. The motion was seconded by Dr. Layfield and carried

unanimously.

Dr. Layfield made a motion to deny the waiver request due to the lack of evidence for a financial hardship. The motion was seconded by Mr. Breeding and carried by a vote of 11 – yes (Bedford, Williams, Laws, Cimaglia, Layfield, Cilento, Coffing, Hart, Breeding, Eby, and Walter) 0 – no.

C. Request To Waive 1009.2.4 by McKean HS for DIAA 2015-8-2

Brian Budd; athletic director at McKean High School, Student's father, and Student were in attendance to present this request. Student's father requested a closed hearing. Mr. Laws made a motion to go into executive session at the father'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. Mann 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.

Mr. Laws made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Hart made a motion to come out of deliberation. The motion was seconded by Dr. Layfield and carried unanimously. Mr. Laws made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously.

Ms. Coffing made a motion to approve Student's request based on the evidence presented of a hardship and the Student met the burden of establishing a hardship. The motion was seconded by Mr. Laws and carried by a vote of 9 – yes (Taylor, Bedford, Williams, Laws, Layfield, Cilento, Coffing, Walter, and Mann) and 4 – no (Cimaglia, Hart, Breeding, and Eby).

D. Request to Waive 1009.2.4 by Caravel Academy for DIAA-2015-8-5

Decarla Pearsall; Student's mother, Keith Medley; Student, Dorothy Richardson; Student's grandmother, Devin Hynson; Student Advocate, and Matt Smith; athletic director at St. Mark's High School were in attendance to present this request. Student's mother requested an open hearing. Ms. Taylor recused herself and was not present for this hearing. Mr. Laws recused himself

from this hearing.

Mr. Bedford explained that DIAA is a 20 member Board and has 19 voting members. Mr. Bedford further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Bedford explained that there are 10 voting members participating and present to consider this matter. Mr. Bedford also explained the hearing procedures. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Mr. Bedford then reviewed all documents pertaining to this hearing and the documents were included in the record.

Ms. Pearsall explained that they were asking for a waiver to allow her son to participate in athletics at Caravel Academy. Ms. Pearsall further explained that she was transferring her son to Caravel Academy from St. Mark's because her son was bullied by a coach via text messages, his locker was broken into, drugs, and racial slurs. Ms. Pearsall presented copies of text messages from her son's coach. Ms. Pearsall commented that the incidents have been going on since 9th grade.

Mr. Smith commented that the coach was fired immediately. Mr. Smith also commented that he believes the student wanted to play a different position in football.

Mr. Medley explained what he went through at St. Mark's High School and commented that he was hurt by the comments the coach made and could not take the racial slurs anymore.

Dr. Walter made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Hart made a motion to come out of deliberation. The motion was seconded by Mr. Cimaglia and carried unanimously.

Dr. Walter made a motion to approve the waiver based on the evidence provided that the student was bullied by his coach. The motion was seconded by Ms. Coffing and carried by a vote of 10- yes (Bedford, Williams, Cimaglia, Layfield, Cilento, Coffing, Hart, Breeding, Walter, and Mann).

E. Interim Waivers by the Executive Director

1. 1009.2.7 by Newark HS for DIAA-2015-8-3

Ms. Taylor 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. Mr. Breeding 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. Walter and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor 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. Taylor advised that a full hearing is scheduled for the September 10, 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 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 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. Cilento made a motion to go into deliberations. The motion was seconded by Mr. Cimaglia and carried unanimously. Mr. Cimaglia made a motion to come out of deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Ms. Williams 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 were beyond the control of the student, family, and school. The motion was seconded by Mr. Breeding and carried unanimously. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for September 10, 2015 is no longer necessary and is cancelled.

2. 1009.2.4 by AI DuPont HS for DIAA – 2015-8-4

Ms. Taylor 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. Ms. Taylor recused herself from this hearing. Mr. Breeding 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. Walter and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor 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. Taylor advised that a full hearing is scheduled for the September 10, 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 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 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. Cilento made a motion to go into deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Cimaglia made a motion to come out of deliberation. The motion was seconded by Dr. Layfield and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Ms. Coffing 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 financial hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Mr. Mann and carried unanimously. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for September 10, 2015 is no longer necessary and is cancelled.

3. 1009.2.4 by Sussex Academy for DIAA 2015-8-6

Ms. Taylor 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. 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 Mr. Cimaglia and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor 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. Taylor advised that a full hearing is scheduled for the September 10, 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 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 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. Cilento made a motion to go into deliberation. The motion was seconded by Mr. Cimaglia and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Hart 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 were beyond the control of the student, family, and school. The motion was seconded by Mr. Cilento and carried by a vote of 11 – yes (Taylor, Bedford, Williams, Cimaglia, Layfield, Cilento, Coffing, Hart, Breeding, Eby, and Mann) and 1 – no (Walter). Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for September 10, 2015 is no longer necessary and is cancelled.

4. 1009.2.4 by Lake Forest HS for DIAA – 2015-8-7

Ms. Taylor 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. Mr. Eby 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 Ms. Williams and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Taylor 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. Taylor advised that a full hearing is scheduled for the September 10, 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 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 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. Cilento 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. Ms. Coffing made a motion to come out of executive session. The motion was seconded by Mr. Mann 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 were beyond the control of the student, family, and school. The motion was seconded by Dr. Walter and carried unanimously. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for September 10, 2015 is no longer necessary and is cancelled.

F. 2015-16 Officials Agreement

Mr. Charles reviewed the new official's agreement. Mr. Charles then advised the Board that DIOC Chair Kelly Callahan notified him Wednesday night that the official's association did not approve the new agreement. Mr. Charles stated the officials had identified three issues of concern: the interval between wage and salary reviews; the methodology used to conduct wage and salary reviews; and the lack of a guarantee that officials associations will be paid by member schools. Mr. Charles noted that the interval between reviews and methodology were future issues that did not affect this year's agreement. He further noted that the agreement included a commitment by DIAA to work with the Delaware Department of Education to identify measures officials' associations can use to minimize the possibility a school does not pay their officiating bill.

Some discussion ensued regarding passing the agreement without the salary and wage survey in the agreement since that would not impact the 2015-16

school year.

Dr. Walter made a motion to approve the agreement for one year striking section IX. B. A second to the motion was made by Mr. Eby and carried unanimously.

G. Request for DIAA Membership by Early College HS

Mr. Charles reported that he received a request for membership from Early College High School. Mr. Charles explained that Early College High School is a tuition-free public charter school. Mr. Charles commented that they plan to sponsor boys' and girls' cross country, boys' and girls' basketball, and boys' and girls' outdoor track and field. Mr. Charles stated that the school is located at Delaware State University and will begin with grades ninth and tenth. Mr. Charles stated that the school leader is Evelyn Edney.

Mr. Hart made a motion to approve the request. The motion was seconded by Dr. Walter and carried unanimously.

H. FY16 DIAA Budget

Mr. Charles presented the proposed FY 16 DIAA Budget for Board consideration and approval. Mr. Charles reported that the projected revenue is \$829,500 with the projected expenses being \$849,900. Mr. Charles explained that the expenses were heavy this year because of the purchase of medals and trophies for the next five years in order to receive bulk discount pricing.

After discussion Mr. Hart made a motion to approve the proposed FY16 budget. The motion was seconded by Dr. Layfield and carried unanimously.

I. Official Apparel Contract

The DIAA Board reviewed and approved the state tournament apparel agreement with Marketing Special Promotions, LLC (MSP). MSP is locally owned and operated as a Delaware business. They sub contract their screen printing and embroidery work to Delaware businesses. They have a proven record of sales delivery in North Carolina and Connecticut.

Dr. Layfield made a motion to approve the apparel contract. The motion was seconded by Dr. Walter and carried unanimously.

J. DFRC Kick Off Classic

Mr. Charles explained that this was an annual request by the Delaware Interscholastic Football Coaches Association for a waiver of 1009.4.1 to allow schools to have their first competition date on September 10 which is one day early. The request is so that the DFRC Kickoff Classic Games can be held one

day before the regular first competition date. Mr. Charles stated that all teams involved will meet the mandated 21 day practice period prior to their first competition.

Mr. Hart made a motion to approve the request. The motion was seconded by Mr. Cimaglia and carried unanimously.

K. Field Hockey OT Procedure

Mr. Neubauer explained that the Field Hockey Committee asked for a change in the overtime procedure from having a 10 minute sudden victory period of play, to a 15 minute period of play. Mr. Neubauer commented that coaches, member schools and the officials from across the state were all in strong support of this change. Mr. Neubauer stated that this is done to help eliminate ties during the regular season.

Dr. Layfield made a motion to approve this request. The motion was seconded by Mr. Bedford and carried unanimously.

L. Water Breaks Stoppage Policy for Game Competition

Mr. Neubauer reported that this request has unanimous support from schools. Mr. Neubauer explained the water break stoppage policy in continuous play sports where the temperature and humidity can equal 160. Mr. Neubauer stated that a water break shall be given after 20 minutes of play in a half. Mr. Neubauer explained that these breaks shall be a minimum of 3 minutes and a maximum of 5 minutes.

Ms. Coffing made a motion to approve the Water Breaks Policy. The motion was seconded by Mr. Cimaglia and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Geiszler reported that she had nothing to report at this time.

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Layfield made a motion to adjourn at 3:00 p.m. The motion was seconded by Mr. Cimaglia and carried unanimously.

Tina Bates