

DIAA Board of Directors' Meeting Minutes  
Thursday, September 10, 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, Evelyn Edney, Ted Laws, Craig Eliassen, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Susan Coffing, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Dr. Mark Holodick, Ron Eby, Karen Field-Rogers and Leroy Mann. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, Lisa Spence-Russ, and DIAA staff Thomas Neubauer and Tina Bates were also in attendance. Susanne Williams, Laura Leone, and Dr. Robert Walter were unable to attend.

C. Approval of Agenda

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

D. Approval of Minutes of DIAA August 13, 2015 Board Meeting

Mr. Hart made a motion to approve the minutes of the August 13, 2015 Board meeting. The motion was seconded by Mr. Laws and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that the revenue for FY16 were \$56,655 and for the month of August were \$19,250 which mostly included member dues. Mr. Charles then reported that the expenses for the FY16 were \$223,441 and for the month of August were \$137,572 which included expenses for awards, salary and OEC's, officials registrations, the Student Leadership Conference, and some remaining expenses for spring tournaments. Mr. Charles stated that the amount for the awards was for medals and trophies for the next five years. Mr. Charles stated that we are in the red at this time which is normal. Dr. Layfield 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 22 requests for sanctioning. Mr. Charles

reported that the 22 events included 2 field hockey, 9 cross country, 9 boys and girls basketball, including the Slam Dunk, and 2 indoor track and field. 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 22 sanction events. The motion was seconded by Mr. Hart and carried unanimously.

B. Request to Waive 1009.2.4 by A. I. duPont HS for DIAA 2015-9-1

Student and Student's father were in attendance to present this request. Student's father requested a closed hearing. Dr. Layfield 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. 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 14 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. Breeding and carried unanimously. Mr. Hart made a motion to come out of deliberation. The motion was seconded by Mr. Cimaglia and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Dr. Layfield 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 8 – yes (Bedford, Laws, Cilento, Coffing, Hart, Fitzgerald, Breeding, and Holodick) and 6 – no (Taylor, Edney, Eliassen, Cimaglia, Layfield, and Eby).

C. Request to Waive 1009.2.4 by Caesar Rodney HS for DIAA 2015-9-2

Student and Student's mother were in attendance to present this request. Student's mother requested a closed hearing. Mr. Cimaglia 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. Laws and carried unanimously. Dr. Fitzgerald recused himself from this hearing.

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

Mr. Eby made a motion to deny Student's request due to lack of proof of a financial hardship. The motion was seconded by Mr. Cimaglia and carried by a vote of 10 – yes (Taylor, Laws, Cimaglia, Layfield, Cilento, Hart, Breeding, Holodick, Eby, and Mann) and 4 – no (Bedford, Edney, Eliassen, and Coffing).

D. Request to Waive 1009.2.4 by Newark HS for DIAA-2015-9-3

Student; Student's mother; and Steve Bastianelli, athletic director at Newark High School were in attendance to present this request. Student's mother requested a closed hearing. 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 Mr. Breeding and carried unanimously. Dr. Fitzgerald recused himself from this hearing. Mr. Bedford recused himself from this hearing.

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

Dr. Layfield made a motion to deny Student's request due to lack of proof of a hardship. The motion was seconded by Mr. Laws and carried by a vote of 14 – yes (Taylor, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Holodick, Eby, and Mann).

F. Interim Waivers by the Executive Director

1. 1009.2.7 by Caesar Rodney HS for DIAA-2015-9-5

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. Hart 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. Bedford 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 October 8, 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. Hart and carried unanimously. Mr. Cilento made a motion to come out of deliberations. The motion was seconded by Mr. Cimaglia and carried

unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Dr. Layfield 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 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, Edney, Laws, Cimaglia, Layfield, Cilento, Hart, Breeding, Holodick, and Mann) and 2 – no (Eliassen and Eby). Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for October 8, 2015 is no longer necessary and is cancelled.

#### V. Other

Dr. Fitzgerald proposed that the DIAA Board create a committee to recognize individuals that have spent many years serving DIAA and that have made an impact in DIAA sports. Ms. Taylor appointed Dr. Fitzgerald as chair of this short term ad hoc Committee and also nominated Matt Smith to serve on this Committee. Ms. Edney stated that she will also serve on this Committee.

#### IV. Executive Director Report

Mr. Charles reported that he presented the proposed regulation changes to the State Board of Education at their August 17, 2015 meeting and that they were published for public comment. Mr. Charles reviewed questions that the State Board had on some of the proposed changes. Mr. Charles stated that the proposal will be presented for approval at the October 15, 2015 meeting of the State Board of Education.

Mr. Charles reported that the DIAA Officials Committee met with the DIOC to work out the 3 remaining issues raised by DIOC leadership. Some compromise was reached regarding the officials' agreement but full agreement was not reached. DIOC leadership presented the revised agreement to the member associations. DIOC leadership advised DIAA that the voting by member associations was split and recommended that DIAA work directly with each association. DIAA did contact each fall sport association and received immediate feedback that six of the seven associations were prepared to sign the agreement.

#### E. Request to Waive 1009.2.4 by Archmere Academy for DIAA 2015-9-4

Student and Student's father were in attendance to present this request. Student's mother requested a closed hearing. 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 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.

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

Mr. Hart made a motion to approve the Student's request due to the unreliable academic situation at Brandywine High School. The motion was seconded by Mr. Laws and failed by a vote of 5 – yes (Taylor, Bedford, Laws, Eliassen, and Hart) and 8 – no (Edney, Cimaglia, Layfield, Cilento, Coffing, Fitzgerald, Breeding, and Mann)

#### IV. Executive Director Report

##### A. Legal

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

##### C. Marketing Update

Mr. Neubauer reviewed with the Board the current corporate sponsors which include Nike, Spalding, Wilson, Dudley, American Lung Association, New Balance, Mid-Atlantic Dairy. Mr. Neubauer also reported that \$147,000 is received annually in cash and product from corporate sponsors.

##### E. DIAA Travel

Ms. Taylor proposed that the DIAA Board communicate to the appropriate person the importance of travel for the Executive Director and the Coordinator of Officials. Ms. Taylor commented on the information that is received at the meetings and conferences that the two attend and the importance to the DIAA member schools. The consensus of the Board was that Ms. Taylor draft a letter

in support of travel for the Executive Director and the Coordinator of Officials.

D. Exertional Heat Illness Update

Mr. Charles informed the Board that there has been an increase nationwide in deaths of high school athletes due to exertional heat illness. Mr. Charles shared with the Board efforts by DIAA staff to remind our member schools of DIAA regulations regarding this issue.

F. Update on DIAA Board Appointments

Mr. Charles reviewed updates with the Board regarding Board Appointments.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Laws made a motion to adjourn at 1:00 p.m. The motion was seconded by Mr. Cimaglia and carried unanimously.

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Tina Bates