

DIAA Board of Directors' Meeting Minutes
Thursday, February 11, 2016 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by Chairperson Terre Taylor. Ms. Taylor introduced new Board member Douglas Thompson and introduced Amelia Hodges from the Department of Education who is taking Karen Field Rogers position.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Curtis Bedford, Dr. Kevin Fitzgerald, Susanne Williams, Dr. Evelyn Edney, Ted Laws, Dr. Bradley Layfield, Douglas Thompson, Craig Eliassen, Gary Cimaglia, Robert Cilento, Mike Hart, Mike Breeding, Susan Coffing, Leroy Mann, and Amelia Hodges. Kevin Charles, Executive Director, Kathleen Geiszler, Deputy Attorney General, DIAA staff Thomas Neubauer and Tina Bates were also in attendance. Dr. Mark Holodick and Ron Eby 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 January 21, 2016 Board Meeting

Mr. Laws made a motion to approve the minutes of the January 21, 2016 Board meeting. The motion was seconded by Mr. Hart and carried unanimously.

III. B. Request to Waive 1009.2.4 by St. Andrews for DIAA 2016-2-1

Student and Student's mother 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. Cilento 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 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 Mr. Breeding and carried unanimously. Ms. Williams made a motion to come out of deliberation. The motion was seconded by Mr. Eliassen and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously.

Dr. Fitzgerald made a motion to grant Student's request and allow student to participate in all DIAA events based on the evidence of a hardship. The motion was seconded by Mr. Eliassen and carried by 13 – yes (Taylor, Bedford, Williams, Edney, Laws, Eliassen, Layfield, Cilento, Coffing, Hart, Fitzgerald, Breeding, and Thompson)

E. DIAA Financial Report

Mr. Charles reported that the revenue for FY16 was \$479,131 which is 58% of the projected budget. Revenue for the month of January was \$44,509 which mostly included tournament revenue, sports fees, and member dues. Mr. Charles then reported that the expenses for the FY16 were \$503,667. Expenses for the month of January were \$50,333 which included expenses for salary and OEC's, officials' dues, and fall sport expenses. Mr. Charles stated that the balance is \$24,500 in the red at this time which is normal for this time of year. Mr. Hart made a motion to approve the financial report. The motion was seconded by Dr. Fitzgerald and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles commented that in an effort to save paper we are preparing a list of the events for approval rather than making copies of all the applications. Mr. Charles reported that he received 14 requests for sanctioning. Mr. Charles reported that the 14 events included 1 indoor track, 10 outdoor track, 2 baseball, and 1 softball. Mr. Charles stated that two of the outdoor track and the softball requests were denied. The two baseball requests were pending approval which is contingent on participation by Delaware schools. Mr. Charles stated that to the best of his knowledge they were in compliance with DIAA and NFHS regulations. Mr. Cilento made a motion to approve the sanction events. The motion was seconded by Dr. Layfield and carried unanimously.

C. Request to Waive 1009.2.4 by Dover High School for DIAA 2016-2-2

Student and Student's mother were in attendance to present this request. Student's mother requested a closed hearing. Dr. Edney and Dr. Fitzgerald recused themselves from this 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. 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 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. Laws made a motion to go into deliberation. The motion was seconded by Dr. Layfield and carried unanimously. Dr. Layfield made a motion to come out of deliberation. The motion was seconded by Mr. Mann and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Cimaglia and carried unanimously.

Mr. Eliassen made a motion to grant Student's request based on the documentation provided supports a hardship. The motion was seconded by Mr. Bedford and carried by 11 – yes (Taylor, Bedford, Williams, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Thompson, and Mann) 2 – no (Laws and Breeding)

D. 1. Interim Waiver by Red Lion Christian Academy for 1009.2.4 DIAA-2016-2-3

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. Dr. Layfield 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. Eliassen 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 March 10, 2016 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 winter 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.

Dr. Fitzgerald 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. Laws and carried unanimously. Dr. Layfield 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 approve the two interim waivers granted by the Executive Director and grant the Student's waiver based on the evidence presented by the Student met the burden of establishing a hardship that was beyond the control of the student, family, and school. The motion was seconded by Mr. Cilento and carried by a vote of 15 – yes (Taylor, Bedford, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Breeding, Thompson, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for March 10, 2016 is no longer necessary and is cancelled.

2. Interim Waiver by A. I. DuPont High School for DIAA 2016-2-4

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. Dr. Layfield 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 March 10, 2016 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 winter 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. Bedford made a motion to go into deliberations. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Laws made a motion to come out of deliberations. The motion was seconded by Mr. Mann 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. Fitzgerald made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver based on the evidence presented by the Student met the burden of establishing a hardship that was beyond the control of the student, family, and school. The motion was seconded by Mr. Eliassen and carried by a vote of 15 – yes (Taylor, Bedford, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Breeding, Thompson, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for March 10, 2016 is no longer necessary and is cancelled.

3. Interim Waiver by Archmere Academy for 1009.2.4 DIAA-2016-2-5

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. Dr. Layfield 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 March 10, 2016 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 winter 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. Bedford and carried unanimously. Dr. Layfield made a motion to come out of deliberations. 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. Hart and carried unanimously.

Mr. Thompson made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver based on the evidence presented by the Student met the burden of establishing a hardship that was beyond the control of the student, family, and school. The motion was seconded by Dr. Edney and carried by a vote of 15 – yes (Taylor, Bedford, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Breeding, Thompson, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for March 10, 2016 is no longer necessary and is cancelled.

4. Interim Waiver by Appoquinimink for 1009.2.4 DIAA-2016-2-6

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. Dr. Layfield 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 March 10, 2016 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 winter 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. Laws made a motion to go into deliberations. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Laws 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 Mr. Breeding 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 based on the evidence presented by the Student met the burden of establishing a hardship that was beyond the control of the student, family, and school. The motion was seconded by Mr. Breeding and carried by a vote of 14 – yes (Taylor, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Breeding, Thompson, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for March 10, 2016 is no longer necessary and is cancelled.

5. Interim Waiver by Newark High School for 1009.2.4 DIAA-2016-2-7

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. Dr. Layfield 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. 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 March 10, 2016 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 winter 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. Laws made a motion to go into deliberations. The motion was seconded by Mr. Cimaglia and carried unanimously. Dr. Layfield 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 Mr. Cimaglia and carried unanimously.

Mr. Laws made a motion to approve the two interim waivers granted by the Executive Director and grant the Student's waiver based on the evidence presented by the Student met the burden of establishing a medical hardship that was beyond the control of the student, family, and school. The motion was seconded by Mr. Breeding and carried by a vote of 14 – yes (Taylor, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Breeding, Thompson, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for March 10, 2016 is no longer necessary and is cancelled.

E. Baseball Pitch Count Proposal by SMAC & Baseball Committee

Mr. Charles explained that he received a pitching rule proposal from the DIAA Sports Medicine Advisory Committee and the Baseball Committee to limit a pitcher to a maximum of 85 pitches per game for the first 6 games of the 2016 baseball season. After the first 6 games the current pitching rules will apply. The Committees were also proposing restrictions for pitchers during doubleheaders. A pitcher is ineligible to pitch in the second game if they pitch 3 innings in the first game or they throw 30 or more pitches in two innings in the first game or they throw 40 or more pitches in any one inning in the first game.

Some discussion ensued regarding whether or not a date should be used instead of the first six games.

Mr. Hart made a motion to accept the proposal as written with a two year trial basis. The motion was seconded by Mr. Laws and carried by a vote of 13 – yes (Taylor, Williams, Edney, Laws, Eliassen, Cimaglia, Cilento, Coffing, Hart, Fitzgerald, Breeding, Thompson, and Mann) and 0 – no.

IV. Executive Director Report

A. Legal – No Report

B. Misc.

Mr. Charles shared the tournament director's reports for the boys' soccer and indoor track and field tournaments.

Mr. Neubauer commented on the Boys' Soccer Committee meeting held on January 27, 2016.

Ms. Taylor reported on the Softball Committees recent meeting. She shared items that were discussed at the meeting one of which was the committee would like to end the softball tournament prior to Memorial Day.

The Board discussed comments made by the Rules and Regulations Committee on proposed changes to the Academic and Transfer Rules made by the focus groups. Dr. Fitzgerald also shared discussions by the school chiefs on the proposed changes to those two regulations.

Mr. Charles advised the Board that proposed changes from the focus groups on coaching out-of-season are in limbo because of the 2003 opinion on the subject by the Public Integrity Commission. The Rules and Regulations Committee suggested that the Board request an updated opinion from the Public Integrity Commission.

Mr. Cimaglia reported on HB 175 which is a bill that would mandate public schools with track and field and special needs students to sponsor a Unified Track Program. The bill is contingent on funding. Mr. Cimaglia explained that Special Olympics Delaware Administration met with the Bill's sponsor. The Bill may be tabled and an alternate approach taken by the General Assembly to support Unified Sports. Mr. Cimaglia commented that 20 schools are ready for unified sports in track which is two times the number from last year.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Laws made a motion to adjourn at 12:40 p.m. The motion was seconded by Dr. Edney and carried unanimously.

Tina Bates