

DIAA Board of Directors' Meeting Minutes
Thursday, March 10, 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.

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, Susan Coffing, Leroy Mann, Ron Eby, 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 Mike Breeding were unable to attend.

C. Approval of Agenda

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

D. Approval of Minutes of DIAA February 11, 2016 Board Meeting

Mr. Cimaglia made a motion to approve the minutes of the February 11, 2016 Board meeting. The motion was seconded by Dr. Layfield and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that the revenue for FY16 was \$484,926 which is 57% of the projected budget. Revenue for the month of February was \$5,798 which mostly included tournament revenue. Mr. Charles then reported that the expenses for the FY16 were \$566,437. Expenses for the month of February were \$62,770 which included expenses for salary and OEC's, contractual, and winter sport expenses. Mr. Hart made a motion to approve the financial report. The motion was seconded by Mr. Cilento and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that he received 12 requests for sanctioning. Mr. Charles reported that the 12 events included 11 outdoor track which were all approved and 1 lacrosse which was denied. Mr. Charles stated that to the best of his

knowledge they were in compliance with DIAA and NFHS regulations. Mr. Laws made a motion to approve the sanction events. The motion was seconded by Ms. Williams and carried unanimously.

III. B. Request to Waive 1009.2.4 by Dover HS for DIAA 2016-3-4

This item was removed from the agenda.

III. C. Request to Waive 1009.2.4 by St. Elizabeth High School for DIAA 2016-3-6

Student and Student's mother and father, and Joe Papili; athletic director at St. Elizabeth High School were in attendance to present this request. Student's parents requested a closed hearing. Mr. Hart recused himself from this hearing. Mr. Eby 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 Dr. Layfield 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.

Ms. Edney made a motion to go into deliberation. The motion was seconded by Mr. Cilento and carried unanimously. Dr. Layfield made a motion to come out of deliberation. 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. Cimaglia and carried unanimously.

Mr. Cilento 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 Dr. Layfield and carried by 12– yes (Taylor, Bedford, Williams, Edney, Laws, Cimaglia, Layfield, Cilento, Coffing, Fitzgerald, Eby, and Thompson)

D. 1. Interim Waiver by St. Elizabeth High School for DIAA-2016-3-1

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. Cimaglia 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 April 14, 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. Laws and carried unanimously. Mr. Hart made a motion to come out of deliberations. The motion was seconded by Dr. Fitzgerald and carried unanimously. Mr. Eby made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously.

Mr. Bedford 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. Laws and carried by a vote of 14 – yes (Taylor, Bedford, Williams, Edney, Laws, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Thompson, Eby, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for April 14, 2016 is no longer necessary and is cancelled.

2. Interim Waiver by Newark High School for DIAA 2016-3-2

Ms. Taylor and Mr. Bedford recused themselves from this hearing. Dr. Layfield was selected to run the meeting. Dr. Layfield 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. Laws 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. Coffing and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield 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. Dr. Layfield advised that a full hearing is scheduled for the April 14, 2016 meeting should it be necessary. Dr. Layfield 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. Dr. Layfield 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. Hart and carried unanimously. Mr. Cimaglia made a motion to come out of deliberations. The motion was seconded by Mr. Hart and carried unanimously. Mr. Mann made a motion to come out of executive session. The motion was seconded by Mr. Eby and carried unanimously.

Mr. Cimaglia 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 12 – yes (Williams, Edney, Laws, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Thompson, Eby, and Mann) and 0 – no. Dr. Layfield noted for the record that the waiver request is granted and the full hearing scheduled for April 14, 2016 is no longer necessary and is cancelled.

3. Interim Waiver by Seaford High School for 1009.2.4 DIAA-2016-3-3

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. Mann 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 April 14, 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. Hart made a motion to go into deliberations. The motion was seconded by Dr. Layfield and carried unanimously. Ms. Williams made a motion to come out of deliberations. The motion was seconded by Ms. Edney and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Mr. Eby 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 14 – yes (Taylor, Bedford, Williams, Edney, Laws, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Thompson, Eby, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for April 14, 2016 is no longer necessary and is cancelled.

4. Interim Waiver by Caesar Rodney High School for 1009.2.4 DIAA-2016-3-5

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.

Fitzgerald recused himself from this hearing. Mr. Cimaglia 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. Mann 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 April 14, 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. Cimaglia and carried unanimously. Mr. Cimaglia made a motion to come out of deliberations. The motion was seconded by Dr. Layfield and carried unanimously. Mr. Hart made a motion to come out of executive session. The motion was seconded by Ms. Williams 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 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. Cimaglia and carried by a vote of 13 – yes (Taylor, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Coffing, Hart, Eby, Thompson, and Mann) and 0 – no. Ms. Taylor noted for the record that the waiver request is granted and the full hearing scheduled for April 14, 2016 is no longer necessary and is cancelled.

E. DIFCA Heads Up Football Camp Proposal

Mark DelPercio was in attendance to present this proposal. Mr. Delpercio explained that they had lost the support for the previous DIFCA camps they have received in the past from the NFL. Mr. Delpercio further explained that

the reason for this request is because the camp happens in the last week of the school year and that the DIAA regulations do not allow contact with coaches and students at that time. Mr. Delpercio reminded the Board that he received approval to have the camp last year and it was very successful. Mr. Delpercio stated that this year's Heads Up Football Camp will serve as a Heads Up re-certification for Delaware Coaches. Mr. Delpercio added that for the coaches who did not attend the training last year, additional training will be available online through USA Football. Mr. Delpercio explained that the 5-day camp will be monitored by USA Football Master Trainers and the coaches would follow the 5-Day Acclimatization period recommended by the Korey Stringer Institute, USA Football and the NFHS.

Mr. Charles commented that he supports the program as it teaches football safety skills to coaches.

Ms. Taylor commented that DIFCA is very serious about safety in the sport of football.

Mr. Hart made a motion to allow the Heads Up Football Camp to run. The motion was seconded by Mr. Laws and carried by a vote of 13 yes (Taylor, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Coffing, Hart, Fitzgerald, Eby, Thompson, and Mann) and 0 – No. Mr. Cilento recused himself from this hearing.

IV. Executive Director Report

B. Misc.

Path Forward - Mr. Charles informed the Board that he will be retiring June 30.

Dr. Hodges explained the interview process and the need to create screening and interview committees. Dr. Fitzgerald commented that someone from the Chief School Officers should be on the committee. The Board discussed the process to select the next executive director. The vacancy notice must be updated and approved by the DIAA Board; a review committee is to be established that is representative of the Board; and, the Board tentatively concluded the top three candidates should be interviewed by the Board.

III. F. Self-Report by Newark High School

Mr. Charles reported that Newark High School informed him that they used two ineligible athletes in a wrestling meet held on February 16, 2016 against Wilmington Friends. Mr. Charles explained that one student did not have the

required number of practice days before he competed and the other student was academically ineligible. Mr. Charles stated that Wilmington Friends was awarded the forfeit points. Mr. Charles stated that he was satisfied with the schools actions. Mr. Cilento made a motion to approve the self-report. The motion was seconded by Mr. Eliassen and carried unanimously.

G. Election of Officers

Mr. Laws made a motion to nominate Dr. Layfield for the position of Chair. Dr. Layfield accepted the nomination. Nominations were closed. The motion was seconded by Mr. Cilento and carried unanimously.

Dr. Fitzgerald made a motion to nominate Mr. Cimaglia for the position of Vice Chair. Mr. Cimaglia accepted the nomination. Nominations were closed. The motion was seconded by Mr. Laws and carried unanimously.

IV. Executive Director Report

A. Legal - Kathleen Geiszler

Ms. Geiszler informed the Board that she has taken another job and that this was her last meeting. Ms. Geiszler stated that her office is in the process of filling her position. Ms. Geiszler also stated that she enjoyed her time working with DIAA.

B. Misc.

Mr. Charles informed the Board that Jack Holloway was chosen to be inducted into the NFHS Hall of Fame.

Mr. Neubauer reported on the January 11, 2016 Officials Committee meeting.

Mr. Neubauer reported on the discussions by the cross country committee on the proposal to revise the cross country championships. Mr. Neubauer explained the proposal was made because of safety concerns due to the number of athletes on the course. Mr. Neubauer commented that the proposal calls for pre-state meet qualifying events which would serve to reduce the number of competitors at the state meet. Mr. Neubauer commented that the proposal needs more work.

Mr. Charles reported on the winter tournaments and reported that the indoor track and field went well with an increase in attendance. Mr. Charles commented that there was a lightning postponement during the swimming and diving championships. Mr. Charles also reported on the dual team and individual state meets as well as the boys and girls basketball tournaments.

Mr. Hart informed the Board that he would like to present Bob Colburn with the DIAA Distinguished Lifetime Achievement Award. He explained that Mr. Colburn is retiring after 50 years of coaching baseball at St. Andrews School. Mr. Hart made a motion to present Mr. Bob Colburn the DIAA Distinguished Lifetime Achievement Award. The motion was seconded by Dr. Fitzgerald and carried unanimously.

V. Other

Mr. Hart shared with the Board concerns that the New Castle County athletic directors have regarding consistent and fair scoring for pole vault during track and field meets. Mr. Hart suggested that DIAA might consider issuing a standard ruling on the matter so that everyone scores the pole vault the same way.

Mr. Hart also shared concerns by New Castle County athletic directors about the decline in diving. The question has been raised as to whether it is time to eliminate diving in Delaware or a high school sport due to the lack of pools with diving boards.

Mr. Charles presented Ms. Taylor with the 2015-16 NFHS Outstanding State Service Award. Mr. Charles noted her work as DIAA Board Chair, Rules and Regulations Chair, Softball Committee Chair and the Realignment Ad-Hoc Committee Chair.

VI. Public Comment

None.

VII. Adjournment

Dr. Layfield made a motion to adjourn at 12:15 p.m. The motion was seconded by Mr. Hart and carried unanimously.

Tina Bates