

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

I. Opening

A. Call to Order

The meeting was called to order at 9:35 a.m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Stan Waterman, Dr. Matthew Donovan, Susanne Williams, Craig Eliassen, Dr. Bradley Layfield, Robert Cilento, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Vetra Evans-Gunter, Douglas Thompson, Dr. Bradley Bley, Jeremy Jeanne, Robert Watson, Jr. Thomas Neubauer; Executive Director, Laura Makransky, Deputy Attorney General, and DIAA staff Tina Bates were also in attendance. Ted Laws, Dr. Mark Holodick, Dr. Evelyn Edney, Leroy Mann, Dr. Amelia Hodges, and Gary Cimaglia were unable to attend.

C. Approval of Agenda

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

E. Approval of Minutes of DIAA July 14, 2016 Board Meeting

Mr. Cilento made a motion to approve the minutes of the July 14, 2016 Board meeting. The motion was seconded by Dr. Donovan and carried unanimously.

F. DIAA Financial Report

Mr. Neubauer explained that DIAA is a self-sufficient agency and generally through December operates in the red. Mr. Neubauer reported that the income for the month was \$28,702 largely from corporate sponsorship. Mr. Neubauer reported that the expenses were high this month due to the retirement payoff for Mr. Charles who recently retired. The contingency fund balance is currently \$903,377.85. Mr. Hart made a motion to approve the financial report. The motion was seconded by Mr. Thompson and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 16 sanctioned events that needed to be approved which included 10 cross country, 1 volleyball, 3 wrestling, 1 indoor track, and 1 spring track. Mr. Neubauer stated that to the best of his

knowledge the events were in compliance with DIAA and NFHS regulations. Mr. Cilento made a motion to approve the sanction events. The motion was seconded by Dr. Fitzgerald and carried unanimously.

B. Request to Waive 1009.2.4 by Ursuline Academy for DIAA 2016-8-1

Student and Student's mother and father were in attendance to present this request. Student's mother requested a closed hearing. Dr. Donovan recused himself from this hearing. Mr. Hart 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. Eliassen and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield 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. Hart and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Breeding and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Ms. Williams and carried unanimously.

Mr. Hart made a motion to grant Student's request and allow student to participate in all DIAA events based on the evidence of a hardship involving bullying. The motion was seconded by Mr. Eliassen and carried by 13– yes (Waterman, Williams, Eliassen, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne)

C. Request to Waive 1009.2.7 by Newark HS for DIAA 2016-8-2

Student and Student's great-grandmother, Barry Zehnder; head football coach, and Michael Brogan; assistant football coach were in attendance to present this request. Student's great-grandmother requested a closed hearing. Mr. Breeding 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 Ms. Williams

and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield explained that there was less than a full Board present and there were 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. Jeanne made a motion to go into deliberation. The motion was seconded by Mr. Cilento and carried unanimously. Mr. Jeanne made a motion to come out of deliberation. The motion was seconded by Dr. Donovan and carried unanimously. Mr. Jeanne made a motion to go back in to deliberation. The motion was seconded by Ms. Evans-Gunter. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Ms. Williams and carried unanimously. Mr. Hart made a motion to come out of executive session. The motion was seconded by Mr. Breeding and carried unanimously.

Mr. Jeanne made a motion to grant Student's request for an extra year and allow student to participate in all DIAA events based on the evidence of a hardship. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 13 – yes (Waterman, Donovan, Williams, Eliassen, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 1 – no (Layfield).

D. Request to Waive 1009.2.6.1 by St. Mark's HS for DIAA 2016-8-3

Student and Student's father were in attendance to present this request. Student's father requested a closed hearing. Mr. Hart recused himself from this hearing. Ms. Evans-Gunter 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 Ms. Williams and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield 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.

Mr. Cilento made a motion to go into deliberation. The motion was seconded by Dr. Donovan and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Watson, Jr. and carried unanimously. Mr. Eliassen made a motion to come out of executive session. The motion was seconded by Mr. Watson, Jr. and carried unanimously.

Dr. Bley made a motion to grant 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. Cilento and carried by 13– yes (Waterman, Donovan, Williams, Eliassen, Layfield, Cilento, Watson, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

G. In the Matter of Waiver 1009.2.7 by Milford HS for DIAA 2016-8-6

Student and Shawn Strickland; football coach were in attendance to present this request. Student is 18 years of age. Student requested a closed hearing. Mr. Jeanne made a motion to go into executive session at the student'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 Ms. Evans-Gunter and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Dr. Layfield explained that DIAA is a 20 member Board and has 19 voting members. Dr. Layfield further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Dr. Layfield explained that there was less than a full Board present and there were 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.

Dr. Bley made a motion to go into deliberation. The motion was seconded by Ms. Williams and carried unanimously. Mr. Eliassen made a motion to come out of deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Breeding made a motion to come out of executive session. The motion was seconded by Dr. Donovan and carried unanimously.

Dr. Fitzgerald made a motion to grant 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. Hart and carried by 10– yes

(Waterman, Donovan, Williams, Eliassen, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, and Bley) and 4 – no (Layfield, Cilento, Breeding, and Jeanne)

F. In the Matter of Waiver 1009.4.3.1 by MOT Charter for DIAA 2016-8-4

Edward Southworth; Head of School, and Jean Ramos; Athletic Director of MOT Charter were in attendance to present this hearing. Ms. Ramos explained that MOT Charter has been a member of DIAA since 2004 and in 2015 expanded to 11th grade. Ms. Ramos explained that the school was currently offering volleyball, boys' and girls' soccer, field hockey, golf, boys' and girls' cross country, boys' and girls' basketball, softball, baseball, and boys' lacrosse. Ms. Ramos stated that the school was requesting approval from the Board to sponsor these sports and also was requesting a waiver of DIAA Regulation 4.3.1 so that other schools would be permitted to add MOT Charter to their schedule. Mr. Neubauer explained that the school did not need a waiver to sponsor the sports Ms. Ramos requested that a waiver of 4.3.1 be approved in order to allow other DIAA member schools to schedule an extra game at the varsity level without penalty.

Dr. Donovan made a motion to go into deliberation. The motion was seconded by Mr. Jeanne and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Mr. Jeanne and carried unanimously.

Mr. Hart made a motion based on evidence provided and past history to support this waiver and allow schools to participate against MOT Charter so that they can fill their schedule. The motion was seconded by Mr. Cilento and carried unanimously.

E. In the Matter of Interim Waiver Request:

1. 1009.2.4 by RLCA for DIAA 2016-8-5

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. 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. Cilento 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 September 8, 2016 meeting should it be necessary. Dr. Layfield explained that Mr. Neubauer 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. Neubauer 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. Neubauer remained under oath from past proceedings today. The waiver packet and supporting documents, the letter sent to the parents from Mr. Neubauer, 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. Jeanne and carried unanimously. Ms. Williams made a motion to come out of deliberations. The motion was seconded by Mr. Hart and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Mr. Waterman 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 Mr. Hart and carried by a vote of 12 – yes (Waterman, Donovan, Williams, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no. Dr. Layfield noted for the record that the waiver request is granted and the full hearing scheduled for September 8, 2016 is no longer necessary and is cancelled.

H. A. In the Matter of Request for Eighth Graders to Play High School

Mr. Neubauer reported that as required by DIAA Regulation 1009.2.7.3. he received letters seeking permission to allow eighth grade student athletes the opportunity to participate on their schools high school athletic teams from the Charter School of Wilmington, Delmar, Wilmington Christian, Tower Hill, Conrad, Newark Charter, and Laurel.

Mr. Hart made a motion to approve the requests. The motion was seconded by Mr. Watson, Jr. and carried unanimously.

I. In the Matter of Request by DIFCA to Waive Regulation 1009.4.1.1

Mr. Neubauer reported that he received a letter from DIFCA requesting a waiver of DIAA Regulation 1009.4.1.1 in order for them to hold the annual DFRC KO Classic Games on Thursday, September 8, 2016.

Mr. Cilento made a motion to accept the request. The motion was seconded by Dr. Donovan and carried unanimously.

J. In the Matter of Understanding between DIAA and Member Schools

Mr. Neubauer reviewed the new DIAA Member dues form for the 2016-17 school year. Mr. Neubauer explained that Dr. Layfield would be signing the forms. Dr. Donovan made a motion to approve Dr. Layfield's signature on the new member dues forms. The motion was seconded by Mr. Thompson and carried unanimously. Mr. Cilento made a motion to approve the new member dues form for the 2016-17 school year. The motion was seconded by Mr. Watson, Jr. and carried unanimously.

IV. Executive Director Report

A. Legal -

Ms. Makransky reported that there were no legal matters at this time.

B. Misc.

Mr. Neubauer confirmed that Terre Taylor has accepted the position of Coordinator of Officials and plans to begin in September.

Mr. Neubauer reported on the 13th DIAA Student Leadership Conference and stated that everything went well.

Mr. Neubauer reported on the status of Eastern Christian Academy

Mr. Neubauer reported on the August birthdays and wished Dr. Fitzgerald, Mr. Thompson, Ms. Bates, and himself a happy birthday.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Watson, Jr. made a motion to adjourn at 2:11 p.m. The motion was seconded by Dr. Donovan and carried unanimously.

Tina Bates

August 11, 2016 DIAA Board of Directors Meeting