

DIAA Board of Directors' Meeting Minutes  
Thursday December 8, 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 Dr. Bradley Layfield.

B. Roll Call

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

C. Approval of Agenda

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

D. Approval of Minutes of DIAA November 10, 2016 Board Meeting

Mr. Cilento made a motion to approve the minutes of the November 10, 2016 Board meeting. The motion was seconded by Mr. Cimaglia and carried unanimously.

E. DIAA Financial Report

Mr. Neubauer reported that the income for the month was \$164,000 largely from tournament fees. Mr. Neubauer reported that the expenses were \$82,643 which included salary and benefits and tournament expenses. The contingency fund balance is currently \$896,580. Mr. Cilento made a motion to approve the financial report. The motion was seconded by Dr. Donovan and carried unanimously.

II. Public Comment

None

III. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 33 sanctioned events that needed to be approved which included 5 basketball, 15 indoor track, 11 wrestling, 1

outdoor track and 1 softball. Mr. Neubauer stated that to the best of his knowledge all events were in compliance with DIAA and NFHS regulations. Mr. Lawst made a motion to approve the sanction events. The motion was seconded by Mr. Hart and carried unanimously.

B. Request to Waive 1008.2.1 – by Smyrna Middle School 2016-12-1

Student, Student's mother, Pam Denny-Griffiths; social worker, and Bill Schultz; athletic director at Smyrna High School were in attendance to present this request. Ms. Evans-Gunter recused herself prior to the hearing. Mr. Cilento made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Laws 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 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.

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

Dr. Holodick made a motion to approve Student's request due to extenuating circumstances around homelessness beyond the control of the student. The motion was seconded by Mr. Cilento and carried by a vote of 15 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Thompson, Bley, and Jeanne) and 0 – no.

C. Request to Waive 1009.2.7.3 by Tower Hill 2016-12-2

Student, Student's mother, and Jack Holloway; athletic director at Tower Hill School were in attendance to present this request. Mr. Thompson made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. 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. 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 17 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 Mr. Watson and carried unanimously. Mr. Cimaglia made a motion to come out of deliberation. The motion was seconded by Dr. Donovan 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 Student's request based the testimony presented that there is a hardship. The motion was seconded by Mr. Hart and carried by a vote of 17 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

D. Request to Waive 1009.2.7.3 by Tower Hill 2016-12-3

Student, Student's mother, and Jack Holloway; athletic director were in attendance to present this request. Mr. Laws made a motion to go into executive session for the purposes of discussing the request, including the content of the pupil file. 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. 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 17 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. Mann made a motion to go into deliberation. The motion was seconded by

Mr. Hart and carried unanimously. Mr. Laws made a motion to come out of deliberation. The motion was seconded by Mr. Jeanne and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Dr. Donovan and carried unanimously.

Mr. Cilento made a motion to grant Student's request based on the evidence of a hardship presented and student is eligible to participate. The motion was seconded by Mr. Hart and carried by a vote of 17- yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

E. Request to Waive 1009.2.4 by Mt. Pleasant HS 2016-12-4

Student, Student's mother, and Iman Turner; school counselor were in attendance to present this request. Dr. Holodick recused himself prior to the hearing and was not present during the hearing. Dr. Fitzgerald made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. 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. 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 16 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. Cimaglia and carried unanimously. Mr. Cimaglia made a motion to come out of deliberation. The motion was seconded by Mr. Eliassen and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously.

Dr. Fitzgerald made a motion to grant Student's request based on the evidence of a hardship presented. The motion was seconded by Mr. Jeanne and carried by a vote of 16- yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

F. In the Matter of Interim Waiver Requests

1. 1009.2.3.4 by Mt. Pleasant HS 2016-12-5

Dr. Layfield advised that this matter was being considered under modified procedures with the consent of the students' parents. Dr. Bley made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Jeanne and carried unanimously.

While in executive session, the hearings proceeded, evidence was taken, and the Board held deliberations.

Mr. Hart made a motion to go into deliberations. The motion was seconded by Dr. Donovan and carried unanimously. Mr. Laws made a motion to come out of deliberations. The motion was seconded by Mr. Watson and carried unanimously. Mr. Hart 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 approve the two interim waivers granted by the Executive Director and grant the Student's waiver request based on the hardship presented. The motion was seconded by Mr. Eliassen and carried by a vote of 17 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

2. 1009.2.4 by Sussex Central HS 2016-12-6

The waiver request was withdrawn prior to the meeting. The Board did not consider the request during the meeting.

3. 1009.2.4 by St. Mark's HS 2016-12-7

Dr. Layfield advised that this matter was being considered under modified procedures with the consent of the students' parents. Mr. Cilento made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Mann and carried unanimously.

While in executive session, the hearings proceeded, evidence was taken, and the Board held deliberations.

Mr. Hart made a motion to go into deliberations. The motion was seconded by Mr. Jeanne and carried unanimously. Dr. Fitzgerald made a motion to come out of deliberations. The motion was seconded by Mr. Cilento 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 approve the two interim waivers granted by the Executive Director and grant the Student's waiver request based on the hardship presented. The motion was seconded by Mr. Watson and carried by a vote of 13 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Layfield, Cilento, Watson, Hart, Holodick, Evans-Gunter, Mann, and Bley) and 3 – no (Fitzgerald, Thompson, and Jeanne) and 1 abstention (Cimaglia).

4. 1009.2.4 by Dickinson HS 2016-12-8

Dr. Layfield advised that this matter was being considered under modified procedures with the consent of the students' parents. Mr. Jeanne made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Cilento and carried unanimously.

While in executive session, the hearings proceeded, evidence was taken, and the Board held deliberations.

Ms. Evans-Gunter 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. Mann and carried unanimously. Mr. Mann made a motion to come out of executive session. The motion was seconded by Mr. Watson 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 request based on the hardship presented. The motion was seconded by Mr. Eliassen and carried by a vote of 17 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

5. 1009.2.4 by Padua Academy 2016-12-9

Dr. Layfield advised that this matter was being considered under modified procedures with the consent of the students' parents. Mr. Mann made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Ms. Evans-Gunter and carried unanimously.

While in executive session, the hearings proceeded, evidence was taken, and the Board held deliberations.

Dr. Fitzgerald made a motion to go into deliberations. The motion was

seconded by Mr. Mann and carried unanimously. Mr. Cimaglia made a motion to come out of deliberations. The motion was seconded by Mr. Jeanne and carried unanimously. Mr. Hart made a motion to come out of executive session. The motion was seconded by Ms. Evans-Gunter 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 request based on the hardship presented. The motion was seconded by Mr. Cimaglia and carried by a vote of 17 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

6. 1009.2.7 by Appoquinimink HS 2016-12-10

Dr. Layfield advised that this matter was being considered under modified procedures with the consent of the students' parents. Mr. Mann made a motion to go into executive session for the purpose of discussing the request, including the content of the pupil file. The motion was seconded by Mr. Cimaglia and carried unanimously.

While in executive session, the hearings proceeded, evidence was taken, and the Board held deliberations.

Mr. Watson made a motion to go into deliberations. The motion was seconded by Mr. Mann and carried unanimously. Ms. Williams made a motion to come out of deliberations. The motion was seconded by Ms. Evans-Gunter and carried unanimously. Mr. Hart 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 approve the two interim waivers granted by the Executive Director and grant the Student's waiver request based on the hardship presented that the school dropped the program student was interested in. The motion was seconded by Mr. Hart and carried by a vote of 17 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Holodick, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

The Board recessed at 11:45 a.m. and reconvened at 12:00 p.m.

G. Pitch Limit Proposal – DE SMAC & Baseball Committee

Mr. Neubauer explained that the NFHS changed Baseball Rule 6-2-6 to require State Associations to adopt a pitching limit procedure based on the number of pitches an athlete throws in a day and a week. The DIAA State Baseball Committee with the advice of the DIAA Sports Medicine Advisory

Committee presented the following Pitch Limit Proposal for all DIAA Member Schools;

**BASEBALL PITCH LIMIT PROPOSAL High School per NFHS Rule 6-2-6 for 2017 season**

<u>PITCHES THROWN</u>	<u>REST PERIOD</u>
1-25	none (no days)
26-50	1 Day
51-80	2 Days
81-105	3 Days

\*105 pitch limit in any one day, pitcher may finish the batter if the 105 pitch count is reached during the at bat.

A maximum of 205 pitches may be thrown in a 7 day period.

85 maximum pitches for the first six games of the season. All teams become eligible for the 105 pitch count after one team finishes their sixth contest. Cannot occur before April 5, 2017.

**FOR DOUBLEHEADERS**

A player is ineligible to pitch in the second game of the day; [they may play a field position or DH] if during the first game they do any one of the following;

1. - throw 25-39 pitches in two [2] consecutive innings
2. - throw more than 40 pitches in any one inning
3. - the pitcher starting the 2<sup>nd</sup> game of the day will be held to the 105 pitch limit, any pitches thrown during the 1<sup>st</sup> game will be counted towards this 105 pitch limit for the day.

**BASEBALL PITCH LIMIT PROPOSAL Middle School per NFHS Rule 6-2-6 for 2017**

**season**

<u>PITCHES THROWN</u>	<u>REST PERIOD</u>
1-20	0 DAYS
21-35	1 DAY
36-50	2 DAYS
51-65	3 DAYS
66-90	4 DAYS

\*90 pitch limit in any one day, pitcher may finish the batter if the 90 pitch count is reached during the at bat.

A maximum of 175 pitches may be thrown in a 7-day period.

70 maximum pitches for the first four games of the season. All teams become eligible for the 90 pitch count after one team finishes their fourth contest. Cannot occur before April 5, 2017.

Mr. Laws made a motion to accept the recommendation of the Executive Director and SMAC as to the baseball pitch limit. The motion was seconded by Mr. Jeanne and carried unanimously.

V. Other

Mr. Hart made a motion to take the Board's discussion of 14 Del. C. §410 from the table. The motion was seconded by Mr. Cilento and carried unanimously. The Board then discussed 14 Del. C. §410. Mr. Eliassen made a motion to propose a legislative change to 14 Del. C. §410. The motion was seconded by Mr. Hart and carried unanimously.

F-1/J-1 Visas

Mr. Neubauer reported that he will provide the Board with an update at a



future Board meeting.

#### DAAD's Request for Support

Mr. Neubauer reported that DAAD requests that the Board support a salary supplement for nationally certified athletic directors. The Board discussed that further information was needed before action was taken on the request.

### VI. Executive Director Report

#### A. Legal

None.

#### B. Discussion of Officials

Mr. Neubauer reported on the fall tournaments.

Mr. Neubauer reported on the NFHS Network

#### C. Correspondence

Mr. Neubauer reported that he received a thank you email from a student's parents concerning a waiver request that was granted by the Board.

### VII. Public Comment

None.

### VIII. Adjournment

Mr. Hart made a motion to adjourn at 1:14 p.m. The motion was seconded by Mr. Eliassen and carried unanimously.

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Tina Bates