

DIAA Board of Directors' Meeting Minutes
Thursday, March 9, 2017– 9:00 a. m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:02 a. m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

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

C. Approval of Agenda

Mr. Hart made a motion to approve the agenda. The motion was seconded by Mr. Jeanne and carried unanimously, 13 – yes (Layfield, Cimaglia, Bley, Breeding, Donovan, Eliassen, Evans-Gunter, Hart, Jeanne, Laws, Thompson, Waterman, and Williams) and 0 – no.

D. Approval of Minutes of DIAA January 19, 2017 Board Meeting

Dr. Donovan made a motion to approve the minutes of the January 19, 2017 Board meeting. The motion was seconded by Mr. Laws and carried unanimously, 13 – yes (Layfield, Cimaglia, Bley, Breeding, Donovan, Eliassen, Evans-Gunter, Hart, Jeanne, Laws, Thompson, Waterman, and Williams) and 0 – no.

E. DIAA Financial Report

Mr. Neubauer reported that to date the revenue received for the reporting period of December through the end of February was \$50,528 which was mostly from fall tournament revenue, member dues, and tournament entry fees. Mr. Neubauer reported that the expenses for the reporting period were \$104,908 which is normal for this time of year. The balance for the period was a deficit of \$54,379.58 which is normal for this time of year. Mr. Laws made a motion to approve the financial report. The motion was seconded by Dr. Bley and carried unanimously, 14 – yes (Layfield, Cimaglia, Bley, Breeding, Donovan, Eliassen, Evans-Gunter, Hart, Jeanne, Laws, Thompson, Waterman, Watson, and Williams) and 0 – no.

II. Public Comment

Jae Street, Julius Inge, and Jen Field were present and made comments regarding an incident that happened during and after an A. I. DuPont High School versus Delaware Military Academy boys' basketball game. Because of this incident, the AI varsity team was disciplined by the AI Administration, including removal from DIAA State Tournament consideration and the removal of any player on the team being considered for the Blue-Gold All Star contest. The group was looking for an investigation, reinstatement to the Blue Gold game and recognition for senior players. The group also asked that DIAA review the game tape to evaluate the referees.

III. A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 22 requests for sanctioning. Mr. Neubauer reported that the 22 events included 16 approved, 4 no action, 1 denied, and Boys Volleyball with no jurisdiction. Mr. Neubauer stated that to the best of his knowledge the 16 approved were in compliance with DIAA and NFHS regulations. Mr. Eliassen made a motion to approve the 16 sanction events. The motion was seconded by Mr. Hart and carried unanimously, 15 – Yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

B. Request to Waive 1009.2.4 by Conrad DIAA 2017-2-1

Student, Student's father, and Barry Polsky; athletic director at Conrad 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 Dr. Donovan and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board came out of executive session.

Mr. Cimaglia made a motion to grant the waiver request based on the testimony of the student and the student's parent and that a hardship was presented. The motion was seconded by Mr. Thompson and carried by a vote of 15 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne), 0 – no, and 1 – abstention (Mann).

C. Request to Waive 1009.2.4 by Caravel DIAA 2017-2-2

Student, and Student's father were in attendance to present this request. The Board went into executive session for the purposes of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver request based on testimony and documentation provided. The motion was seconded by Dr. Donovan and carried by a vote of 16 – yes (Waterman, Donovan, Williams, Laws, Eliassen, Cimaglia, Layfield, Cilento, Hart, Breeding, Evans-Gunter, Thompson, Bley, Edney, Mann, and Jeanne), 1 – no (Watson).

D. Request to Waive 1009.2.4 by Appoquinimink HS DIAA 2017-2-4

Student and Student's mother and father were in attendance to present this request. The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board came out of executive session.

Mr. Watson made a motion to grant the waiver request because the student, his family, and the school established the five conditions for granting a waiver. The motion was seconded by Mr. Mann and carried by a vote of 17 – yes (Waterman, Donovan, Williams, Laws, Edney, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, Mann, and Jeanne), 0 – no.

E. Request to Waive 1009.2.4 by Charter School of Wilmington DIAA 2017-2-5

Student, Student's father, Chris Eddy; athletic director at Charter School of Wilmington, and Dr. Samuel Paoli; President of Charter School of Wilmington were in attendance to present this request. The Board went into

executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver request because the student presented a hardship based on the documents and testimony. The motion was seconded by Mr. Watson and carried by a vote of 16 – yes (Waterman, Donovan, Williams, Edney, Laws, Eliassen, Cimaglia, Layfield, Cilento, Watson, Breeding, Evans-Gunter, Thompson, Bley, Mann, and Jeanne), 0 – no, and 1 – abstention (Hart).

L. In the Matter of Request to use Eighth Graders at the High School Level 1009.2.7.3

Mr. Neubauer reported that as required by DIAA Regulation 1009.2.7.3, he received a letter seeking permission to allow eighth grade student athletes the opportunity to participate on their schools high school athletic teams from Dickinson High School.

Mr. Cilento made a motion to approve the request. The motion was seconded by Mr. Hart and carried unanimously, 16 – yes (Layfield, Cimaglia, Bley, Breeding, Cilento, Donovan, Edney, Eliassen, Evans-Gunter, Hart, Jeanne, Laws, Mann, Waterman, Watson, and Williams).

N. In the Matter of Proposed Changes to Regulations 1009.2.4 (Eligibility, Transfers), 1009.2.6 (Eligibility, Passing Work), and 1009.2.7 (Eligibility, Years of Participation)

The Board reviewed the draft proposal and discussed the changes; they then made 2 additional edits. Motion to publish the proposed changes as amended was made by Mr. Watson. The motion was seconded by Mr. Waterman and carried unanimously, 16-Yes (Layfield, Cimaglia, Bley, Breeding, Cilento, Donovan, Edney, Eliassen, Evans-Gunter, Hart, Jeanne, Laws, Mann, Waterman, Watson, and Williams).

O. In the Matter of Proposed Changes to 14 Del. C. Ch. 3 & 4

The Board discussed proposing language to change 14 Del. C. Chapters 3 and 4 so the Board could grant a waiver of the requirements of 14 Del. C. § 410

and that that proposed language could change as it proceeds through the legislative process.

Mr. Eliassen made a motion to approve the proposed changes. The motion was seconded by Dr. Bley and carried unanimously, 16 – Yes (Layfield, Cimaglia, Bley, Breeding, Cilento, Donovan, Edney, Eliassen, Evans-Gunter, Hart, Jeanne, Laws, Mann, Waterman, Watson, and Williams).

F. Request to Waive 1009.2.4 by Milford HS DIAA 2017-3-1

Student, Student's mother and father, Ryan Winkleblech; athletic director at Milford High School, and Shawn Snyder; Principal of Milford High School were in attendance to present this request. The Board went into executive session for the purposes of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board then came out of executive session.

Mr. Jeanne made a motion to grant the waiver request because the student, her family, and the school established the five conditions for granting a waiver. The motion was seconded by Mr. Breeding and carried by a vote of 15 – yes (Waterman, Donovan, Williams, Edney, Eliassen, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Mann, Bley, and Jeanne), 0 – no.

K. In the Matter of Diamond State Athletic Conference Realignment Request

This request was submitted by Mr. Oswinkle to add four schools to the Diamond State Athletic Conference. One of these schools being the Charter School of Wilmington [CSW] the Conference would now be composed of 1 school classified as Division 1 [CSW] and 7 schools classified as Division 2. Mr. Neubauer commented that the conference had some schools leave so the addition was to the advantage of a stronger Conference. Mr. Neubauer explained that Conference only receives an automatic tournament bid in boys' and girls' soccer, and that if CSW were to win the Conference title and bid, then the Conference would not be able to receive that bid.

Mr. Hart made a motion to accept the request. The motion was seconded by Mr. Eliassen and carried unanimously, 14 – Yes (Layfield, Bley, Breeding, Cilento, Donovan, Edney, Eliassen, Evans-Gunter, Hart, Jeanne, Mann, Waterman, Watson, and Williams) and 0 – no.

H. Request to Waive 1009.2.4 by Smyrna High School DIAA 2017-3-3

Student and Student's mother were in attendance to present this request. The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board then came out of executive session.

Mr. Cilento made a motion to grant the waiver request because the student, her family, and the school established the five conditions for waiver. The motion was seconded by Mr. Hart and carried by a vote of 13 – yes (Waterman, Donovan, Williams, Edney, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Mann, Bley, and Jeanne), 0 – no, and 1 – abstention (Evans-Gunter).

I. Request to Waive 1009.2.4 by Indian River 2017-3-4

Student and Student's mother were in attendance to present this request. The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board then came out of executive session.

Ms. Williams made a motion to grant the request because the student has proven a hardship and all five standards for granting a waiver. The motion was seconded by Mr. Eliassen and carried by a vote of 14 – yes (Waterman, Donovan, Williams, Edney, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Mann, Bley, and Jeanne), 0 – no.

P. Request to Waive 1009.2.6 by Sussex Central High School DIAA 2017-3-5

Student, Student's mother and father, Dr. Bradley Layfield; principal at Sussex Central High School, and Shawn Tidwell; athletic director at Sussex Central High School were in attendance to present this request. Dr. Layfield

and Mr. Mann recused themselves prior to the start of the hearing. The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board then came out of executive session.

Mr. Jeanne made a motion to grant the waiver request because the student, her family, and the school established the five conditions for granting a waiver. The motion was seconded by Mr. Watson and carried by a vote of 11 – yes (Waterman, Donovan, Williams, Eliassen, Cilento, Watson, Hart, Breeding, Evans-Gunter, Bley, and Jeanne), 0 – no.

Q. Request to Waive 1009.2.4.7 by Newark High School DIAA 2017-3-6

Student and Student's father were in attendance to present this request. The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. 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 the written documentation provided.

The Board then came out of executive session.

Mr. Cilento made a motion to not grant the waiver request based on 14 Delaware Code Section 410 because the student transferred between two choice schools. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes (Waterman, Donovan, Williams, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, and Bley), 0 – no.

M. Request by Tatnall/Sanford to Waive 1009.5.1.1

Mr. Stan Waterman; assistant athletic director at Sanford, was in attendance to present this request. Mr. Waterman explained that the Sanford School and Tatnall School are asking for a waiver of 1009.5.1 to allow the two schools to combine so as to create a JV baseball program because neither school has a physical education program and students are required to accumulate 8 credits in athletics. Mr. Waterman stated that each team would practice separately, there would be an adult coach for both sides at the practices, and students

would be in grades 9th to 12th grade.

Mr. Neubauer commented that this would not jeopardize their varsity status and that this was due to the schools physical education requirement.

Mr. Watson made a motion to grant the request for both associate member schools to participate in a joint JV baseball program for the 2016-17 school year based on the fact that the schools lack of physical education and participation in athletics is a requirement and report back to DIAA after the season. The motion was seconded by Mr. Eliassen and carried by a vote of 6 – yes (Donovan, Williams, Eliassen, Layfield, Watson, and Evans-Gunter), 3 – no (Hart, Breeding, and Bley) and 1 – abstention (Cilento).

J. In the Matter of Interim Waiver Requests

1. 1009.2.4 by Delmarva Christian High School DIAA 2017-2-6

The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

While in executive session Mr. Neubauer was sworn in, the hearing proceeded, evidence was taken, and the Board held deliberations.

The Board then came out of executive session.

Mr. Cilento made a motion to approve the Executive Director's decision to grant a temporary waiver and to grant the waiver request because the student, his family, and the school established the five conditions for granting a waiver. The student, her family, and her school are not required to appear at the Board's April meeting. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes (Waterman, Donovan, Williams, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, and Bley) and 0 – no.

2. 1009.2.4 by Middletown HS DIAA 2017-2-7

Dr. Layfield made a motion to table the waiver request and the Executive Director's decision to grant a temporary waiver because the Board would not have had a quorum present to consider the request and decision. Mr. Hart made a motion to second and the motion carried unanimously, 11 – yes (Waterman, Donovan, Williams, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, and Bley) and 0 - no.

G. Request to Waive 1009.2.4 by Smyrna DIAA 2017-3-2

Dr. Layfield made a motion to deem this request abandoned as no one was present to represent the student or school. The motion was seconded by and

carried by a vote of 11 – yes (Waterman, Donovan, Williams, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, and Bley) and 0 – no.

IV. Executive Director Report

A. Legal Report

Ms. Makransky reported on the status of the two pending appeals before the State Board of Education, SBE 2016-04 and SBE 2016-05.

B. Misc.

Mr. Neubauer reported that the winter tournaments were going well.

V. Other Matters Before the Board for Discussion Only

VI. Public Comment

None.

VII. Adjournment

Ms. Williams made a motion to adjourn at 4:00 p.m. The motion was seconded by Dr. Bley and carried unanimously, 11 – yes (Waterman, Donovan, Williams, Eliassen, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, and Bley) and 0 – no.

Tina Bates