

DIAA Board of Directors' Meeting Minutes
Thursday, March 8, 2018– 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:08 a. m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

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

C. Approval of Agenda

Mr. Hart made a motion to approve the agenda. The motion was seconded by Mr. Breeding and carried unanimously, 14 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Daugherty, Thompson, and Bley) and 0 – no.

D. Approval of Minutes of DIAA February 8, 2018 Board Meetings

Mr. Cimaglia made a motion to approve the February 8, 2018 minutes. The motion was seconded by Dr. Donovan and carried by a vote of 10 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, and Breeding), 0 – no, and 4 – abstentions – (Edney, Daugherty Thompson, and Bley)

E. DIAA Financial Report

Mr. Neubauer reported on the DIAA budget and commented that the income to date is \$444, 493. Mr. Neubauer reported that the expenses to date were \$478,935. Mr. Neubauer explained that he will need to work with the business office to raise the spending limit. Mr. Thompson made a motion to approve the financial report. The motion was seconded by Dr. Edney and carried unanimously, 14 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Daugherty, Thompson, and Bley) and 0 – no.

II. Public Comment

None.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there are 7 sanctioned events before the Board for approval – Basketball: Joe O’Neill Invitational (2/18-26/18), Indoor Track: Dream Big Invitational (2/24/18), Outdoor Track: Unified Track Invitational (4/28/18), Cardinal Gibbons Classic (3/24/18), Charter Mini Meet #1 (4/11 & 25/18), Mustang Invitational (4/21/18), and New Castle County Champ (5/11-12/18), Mr. Neubauer stated that to the best of his knowledge the 7 approved were in compliance with DIAA and NFHS regulations. Mr. Laws made a motion to approve the sanctioned events. The motion was seconded by Dr. Bley and carried unanimously, 14 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Daugherty, Thompson, and Bley) and 0 – no.

B. Request to waive 1009.2.4 by Sussex Tech – 2018-3-1

Student; Student’s Parents; Student’s Sister; Nick Pegelow, athletic director for Sussex Technical High School; and John Demby, principal for Sussex Technical High School were in attendance to present this request. The Board went into executive session for the purposes of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

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 went into deliberation. The Board came out of deliberation and then came out of executive session.

Dr. Daugherty made a motion that an exception to the High School Transfer Rule applied and, therefore, a waiver of the Transfer Rule was not required. The motion was seconded by Mr. Laws and carried by a vote of 14 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Daugherty, Thompson, and Bley), 0 – no, and 1 abstention (Jeanne).

C. Request to Waive 1009.2.7.5.3 by Laurel HS – 2018-3-2

Student and Student’s Parents were in attendance to present this request. The Board went into executive session for the purposes of discussing the contents

of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

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 went into deliberation. The Board came out of deliberation. The board went into deliberation and came out of deliberation and then came out of executive session.

Mr. Hart made a motion to deny the request based on a lack of evidence to support the existence of a hardship. The motion was seconded by Mr. Mann and carried by a vote of 17 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Thompson, Mann, Bley, and Jeanne), 0 – no.

D. Request to Waive 1009.2.7.5.3 by Wilmington Friends – 2018-3-3

Student, Student's Father and Jeff Ransom athletic director for Wilmington Friends School were in attendance to present this request. The Board went into executive session for the purposes of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

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 went into deliberation. The Board came out of deliberation and then came out of executive session.

Mr. Cimaglia made a motion to approve the waiver based on the testimony and evidence presented that a hardship does exist and the other conditions for granting a waiver were established. The motion was seconded by Mr. Watson and carried by a vote of 17 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Thompson, Mann, Bley, and Jeanne) and 0 – no.

E. Request to Waive 1009.2.4 by Sussex Central HS – 2018-3-4

Student; Student's Father; Dr. Bradley Layfield, Principal at Sussex Central High School, and Shawn Tidwell, athletic director for Sussex Central High School were in attendance to present this request. Dr. Layfield and Mr. Man

both recused themselves from this matter prior to the start of the hearing. The Board went into executive session for the purposes of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

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 went into deliberation. The Board came out of deliberation and then came out of executive session.

Mr. Hart made a motion to approve the waiver based on the testimony and evidence presented that a hardship does exist and the other conditions for granting a waiver were established. The motion was seconded by Mr. Laws and carried by a vote of 14 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Bley, and Jeanne) and 0 – no.

F. Ratification of Interim Waiver

1. Request to Waive 1009.2.4 by Laurel HS.-2018-3-5

Dr. Bley made a motion to go into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Mr. Jeanne and carried unanimously by a vote of 16 –yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, and Jeanne) and 0 – no.

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

Dr. Fitzgerald made a motion to come out of executive session. The motion was seconded by Mr. Cimaglia and carried unanimously.

Mr. Hart made a motion to approve the Executive Director's decision to grant a temporary waiver and to grant the waiver request because the student, her 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 Dr. Donovan and carried by a vote of 16 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, and Jeanne) and 0 no.

2. Request to Waive 1009.2.4 by Laurel HS.-2018-3-6

Dr. Fitzgerald made a motion to go into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Mr. Cimaglia and carried unanimously by a vote of 16 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, and Jeanne) and 0 no.

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

Mr. Watson made a motion to come out of executive session. The motion was seconded by Dr. Daugherty and carried unanimously.

Mr. Cimaglia 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, his family, and his 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 16 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, and Jeanne) and 0 no.

3. Request by Glasgow HS to Waive 10009.2.4 – 2018-3-7

Mr. Mann made a motion to go into executive session for the purpose of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy. The motion was seconded by Dr. Fitzgerald and carried unanimously by a vote of 16 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, and Jeanne) and 0 no. Mr. Jeanne recused himself from this matter.

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

Mr. Laws made a motion to come out of executive session. The motion was seconded by Dr. Daugherty and carried unanimously.

Dr. Daugherty made a motion to approve the Executive Director's decision to grant a temporary waiver and to grant the waiver request because the student, her 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 15 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, and Bley) and 0 no.

Potential Litigation

Mr. Hart made a motion to go into executive session for the purpose of discussing potential litigation. The motion was seconded by Mr. Laws and carried unanimously. Dr. Daugherty made a motion to come out of executive session. The motion was seconded by Mr. Laws and carried unanimously.

G. Smyrna HS Appeal of Suspension Penalty

Dr. Layfield recused himself from this matter. Mr. Cimaglia commented that this item is a request to review a sub-committee's decision to uphold a Smyrna High School wrestler's suspension under regulation 1007.2.3.1.5. Mr. Cimaglia reported that Smyrna High School submitted an appeal to DIAA's Executive Director Thomas Neubauer on Hunter Moyer's behalf. Mr. Cimaglia explained that the student received two unsportsmanlike conduct penalties which resulted in his suspension in the first round of the DIAA Individual Wrestling Tournament. Mr. Neubauer referred the appeal to a sub-committee that included himself, DIAA Coordinator of Athletics Terre Taylor, DIAA Chairperson Dr. Bradley Layfield, Sportsmanship Committee Chair Heath Chasanov, DIAA Wrestling Interpreter Ross Thomas, DIAA Wrestling Past Committee chair Kevin Charles, and the Delaware Wrestling Officials Association's President Joe Lobo. Mr. Cimaglia stated that based on the subcommittee's review of the record, the sub-committee unanimously upheld the suspension. Mr. Cimaglia explained that the NFHS rule 8.1.4 provides that unsportsmanlike conduct by a wrestler at the conclusion of a match results in the deduction of 1 team point for the first offense and that the wrestler will be removed from the premises for the remainder of the event and two team points shall be deducted for the second offense. Mr. Cimaglia stated that in addition Regulation 1007.2.3.1.1 provides that a player that is disqualified after a contest for unsportsmanlike behavior shall be suspended from the next complete contest at that level of competition. Mr. Cimaglia stated that a FAQ from the regulation states that the wrestler shall be suspended from the first round of a subsequent tournament. Mr. Cimaglia explained that the Board would determine whether to approve the sub-committee's decision. The Board reviewed the record, including video from the wrestling match in question.

Mr. Laws made a motion to approve the subcommittee's decision to uphold the suspension. The motion was seconded by Mr. Watson and carried on a vote of 15 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, and Jeanne), 0 – no.

H. Complaint Regarding Alleged Violation by Wrestling Official

Mr. Neubauer explained that during his employment with DIAA he has never seen a written complaint from a parent about an official. Mr. Neubauer stated that his first thought was to send the complaint from Heather Moyer to the Sportsmanship Committee but after the complaint was sent to the Secretary of Education he thought it should come before the DIAA Board for guidance and action. The Board discussed the complaint. Dr. Layfield commented that the Board could consider forwarding the complaint to the wrestling officials association and request a response.

Dr. Daugherty made a motion to forward the complaint to the Delaware Wrestling Officials Association to investigate and report its findings to the Board. The motion was seconded by Mr. Breeding and carried by a vote of 16 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Cilento, Watson, Hart, Fitzgerald, Breeding, Daugherty, Mann, Bley, Layfield, and Jeanne) and 0 – no.

I. Self-Report by John Dickinson High School

Dr. Daugherty recused himself from this matter. Mr. Neubauer reported that he received a self-report violation to rule 1009.2.3 Eligibility, Enrollment, and Attendance from John Dickinson High School. Mr. Neubauer explained that the Girls' Basketball Team played an ineligible player during four games.

Dr. Bley made a motion to accept the self report from John Dickinson High School. The motion was seconded by Mr. Jeanne and carried by a vote of 15 – yes (Waterman, Donovan, Edney, Laws, Harris, Cimaglia, Cilento, Watson, Hart, Fitzgerald, Breeding, Mann, Bley, Layfield, and Jeanne) and 0 – no.

IV. Board Discussion

A. Request to Allow Home Schooled Students to Participate

Ms. Makransky reviewed with the Board the surrounding states that do not allow home schooled students to participate in athletics at public schools, which are Kentucky, Maryland, Virginia, and West Virginia, and the surrounding states that do allow them to participate, which are Ohio and Pennsylvania. The Board discussed sending a letter in response to a letter received in the DIAA office regarding homeschooled students being allowed to participate in athletics. It was the consensus of the Board to add this item to the April agenda as an action item.

B. Review Regulation 1009.2.4.4.1.6

Dr. Layfield explained that this is in response to a comment from Eric Buckson regarding the exception to the transfer rule that allows students to transfer back to their home school without harm to their athletic eligibility or requiring a waiver. Some discussion ensued regarding students that transfer in the middle of a season and can play on a school team in the same season. Mr. Neubauer commented that this was a regulatory change to help alleviate a waiver but maybe it should be looked at again by the Rules and Regulations Committee.

Mr. Jeanne made a motion to refer this to the Rules and Regulations Committee. The motion was seconded by Dr. Edney and carried by a vote of 13 – yes (Donovan, Edney, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Daugherty, Mann, Bley, and Jeanne), 0 – no.

IV. E. Status of Realignment Plans

Ms. Taylor commented that she would not present a plan for discussion because some Board members left and that she would present the plan at the April meeting. Ms. Taylor commented that she did have a brief meeting with the Independent Schools and will be meeting with them in the near future and will report back to the Board. Mr. Hart suggested that Ms. Taylor send information individually to principals as well as the athletic directors.

C. Follow Up from February Meeting, Regulation 1007.2.3

Dr. Layfield reviewed the additions and changes in 1007.2.3. After some discussion on Regulation 1007.2.3.1.3 it was suggested that this be placed on the April agenda as an action item.

D. Follow Up From February Meeting, 1006.3.0

Dr. Layfield reviewed the changes and additions with this regulation. Mr. Neubauer made the Board aware of some language regarding officials. Dr. Layfield commented that this will be an action item on the April agenda.

F. Follow Up From Public Comment From February 8 Meeting, Composition of the DIAA Board

This is a follow-up from public comment at last months meeting. Dr.

Layfield commented that Eric Buckson had also sent an email requesting the make-up of the Board. The Board discussed that the make-up of the Board is set by the Governor and this Board does not have the authority to change it. The Board suggested that Dr. Layfield send a letter to Mr. Buckson that the make-up of the Board is determined by Delaware Code.

G. DIAA Hall of Fame

Dr. Layfield commented that Dr. Fitzgerald is taking the lead with this item and because Dr. Fitzgerald had left, the item would be included on the April agenda.

V. Executive Director Report

A. Mr. Neubauer reviewed the winter tournaments with the Board and stated that to date all went well. Mr. Neubauer commented that attendance is down across most events. Dual Team Wrestling champions were for Division I Caesar Rodney, Division II Milford; Boys Swimming and Diving Salesianum, Girls Swimming and Diving Newark Charter and Basketball would conclude on Saturday, March 10 and Monday, March 12.

VI. Other Items for Discussion

Mr. Jeanne commented on an article in the NFHS magazine.

The Board discussed the new DIAA digital ads and the basketball brackets reveal.

VII. Public Comment

None.

VIII. Adjournment

Mr. Jeanne made a motion to adjourn at 1:45 p.m. The motion was seconded by Dr. Donovan and carried unanimously, 13 – yes (Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Evans-Gunter, Mann, and Jeanne) and 0 no.

Tina Bates