

DIAA Board of Directors' Meeting Minutes
Thursday, February 14, 2019– 9:00 a.m.
John W. Collette Education Resource Center

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. Matthew Donovan, Dr. Kathleen Andrus, Dr. Evelyn Edney, Ted Laws, Bruce Harris, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Robert Watson, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Vetra Evans-Gunter, Dr. Bradley Bley, Jeremy Jeanne and Michael Rodriguez, Associate Secretary of Education. Thomas Neubauer, Executive Director, Laura Makransky, Deputy Attorney General, and DIAA staff Donna Polk and Tina Bates were also in attendance. Dr. Mervin Daugherty, Doug Thompson and Leroy Mann were unable to attend.

C. Approval of Agenda

Mr. Cilento made a motion to approve the agenda. The motion was seconded by Mr. Laws and carried by a vote of 14 – yes [Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, and Bley] and 0 no.

D. Approval of Minutes of DIAA January 16, 2019 DIAA Special Board Meeting

Mr. Cilento made a motion to approve the minutes of the January 16, 2019 Board meeting. The motion was seconded by Mr. Laws and carried by a vote of 12 – yes [Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, and Breeding], 0 no and 2 – abstentions [Evans-Gunter and Bley].

E. Approval of Minutes of the DIAA January 17, 2019 Board of Directors Meeting

Mr. Laws made a motion to approve the minutes of the January 17, 2019 Board meeting. The motion was seconded by Mr. Watson and carried by a vote of 12 – yes [Waterman, Andrus, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Fitzgerald, Breeding, Evans-Gunter, and Bley], 0 no, and 2 - abstentions [Edney and Hart].

E. DIAA Financial Report

Mr. Neubauer reported that the budget is still in the black but revenue is still down due to low attendance in the fall. Mr. Neubauer reported that the Governor did approve the request to increase DIAA's spending limit, but that final decision will not be in place until the final budget bill is approved by the

General Assembly. Mr. Neubauer explained that ticket prices for events held at venues such as the University of Delaware and Prince Georges County facility need to be evaluated to see if a price increase is warranted. Mr. Neubauer reported that the Dual Team Wrestling tournament was held on February 8-9 and commented that it went very well, but attendance was lower than expectations.

Mr. Hart made a motion to accept the financial report. The motion was seconded by Mr. Cilento and carried by a vote of 14 – yes [Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, and Bley] and 0 no.

II. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 5 sanctioned events before the Board for approval – Basketball: Battle by the Bay (2/1/19), Joe O’Neill Classic (2/15-17/19), Indoor Track: Dickinson HS Indoor Track (1/19/19), Track & Field: Diamond State Relays (4/6/19), and Art Madric Hall of Fame (4/20/19). Mr. Neubauer stated that to the best of his knowledge the 5 events are in compliance with DIAA and NFHS regulations.

Mr. Breeding made a motion to approve the 5 sanctioned events as recommended by the Executive Director. The motion was seconded by Mr. Cimaglia and carried by a vote of 14 – yes [Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, and Bley] and 0 no.

B. Request to Waive 1009.2.4 by Ursuline Academy – 2019—2-1

Dr. Andrus, Mr. Breeding, and Ms. Evans-Gunter recused themselves from this hearing. 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 was made. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes [Waterman, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, and Bley] and 0 no.

Student, student’s parents, and Susan Heiss, athletic director at Ursuline Academy were in attendance to present this request.

The Board went into deliberation. The Board came out of deliberation.

Mr. Hart made a motion to come out of executive session. The motion was seconded by Mr. Cimaglia and carried unanimously, 11 – yes [Waterman, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, and Bley] and 0 – no.

Mr. Cimaglia made a motion to grant the waiver request based on evidence and testimony that student has established all five conditions for granting a waiver, including a financial hardship. The motion was seconded by Dr. Edney and carried by a vote of 11 – yes (Waterman, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, and Bley) and 0 – no.

C. Request to Confirm DIAA Committee Positions

Mr. Neubauer reported that per the Regulation 1006.3.2.2.4 the Board needs to confirm the candidates for committees. Mr. Neubauer explained that Charlie Pollard has been active as a volunteer for a number of years with the Track and Field Committee. There is an opening on this Committee and he is the best candidate to fill that position. Mr. Neubauer then reported that John Rigby has been nominated to fill a position that was vacated on the Wrestling Committee. He reported that Mr. Rigby was the strongest candidate, and met the criteria of being a representative of member Middle Schools. Mr. Hart made a motion to approve. The motion was seconded by Mr. Watson. Mr. Laws asked if there was a list of any other persons who may have expressed interest. Mr. Neubauer commented that he does have a list of the committee applicants but per the Regulation that list was not required to be presented to the Board. Mr. Laws asked that going forward he would like to see the list of applicants. The vote carried unanimously, 14 – yes [Waterman, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Bley, Andrus, Breeding, and Evans-Gunter] and 0 no.

Mr. Neubauer reported that in consultation with Dr. Layfield per Regulation 1006.3.2.2.5 the Chair of the Board names the Committee Chairs. Mr. Neubauer explained that Dr. Layfield wanted the names of the Softball Committee's Chairperson (Greg Shivery) and the Boys' and Girls' Tennis Committee's Chairperson (John Taylor) included for the Board's information. Mr. Neubauer reported that Mr. Shivery has been on the Softball Committee for two years and showed an interest in becoming the Chair. Mr. Neubauer also reported that Mr. Taylor has been a long time member of the Tennis Committee and showed an interest in the Chair position. Dr. Layfield commented that included in the packet was a list of fall and standing committees. The Board discussed that it would like to establish May of each year to look at all Committees.

D. Request to Modify Adoption of NFHS Calendar for DIAA Use

Mr. Neubauer explained that in October, the Board adopted the NFHS calendar and he recently discovered that DIAA would have an inconsistency in the fall if it strictly went to the standardized calendar because DIAA does not want to have a competition date before Labor Day. Mr. Neubauer proposed to change the regulation so that the fall practice period will begin the Monday three weeks before Labor Day, which will always guarantee that a minimum

of 21 day practice will occur before the first Competition Date for fall sports. Mr. Neubauer explained that the changes to the Regulations that the Board passed for the Winter and Spring sports seasons were to go into effect for the 2019-2020 school year.

Mr. Cilento made a motion to approve the modified NFHS calendar for DIAA use. The motion was seconded by Dr. Edney and carried by a vote of 14 – yes [Waterman, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, and Bley] and 0 – no.

E. Coaching Out of Season

Mr. Neubauer reminded the Board that after the survey on out of season coaching was completed and analyzed, the Board isolated survey questions 22 and 24 for the Rules and Regulations Committee to use as a base for changes to the Regulations. Mr. Neubauer also commented that the Rules and Regulations Committee reviewed Pennsylvania's regulation for coaching out of season as starting basis for change.

Mr. Cimaglia commented that the Rules and Regulations Committee spent several hours on the regulations covering out of season coaching and tried to focus on what the summer rules currently are and tried to apply those to the entire school year.

Mr. Cimaglia explained the Committee added a definition for accepted and registered students in the definition section of the Regulations.

Mr. Cimaglia explained that the changes in 1008/1009.6.0 were mainly grammatical changes.

Mr. Cimaglia explained that Regulation 1008/1009.7.6 which refers to the summer was almost entirely stricken to make the regulation focus on the entire school year.

Mr. Neubauer added that the Committee made sure the regulations were consistent with the Heads Up Football Training.

Mr. Neubauer also commented on the oversight by schools with regards to contact.

Mr. Cimaglia commented on changes to 1008/1009.7.6.1.2.1 to allow 6 hours per week and no more than two hours per day. Dr. Bley asked if there was a time limit on this and when should the 6 hours be. Mr. Neubauer commented that the monitoring would be at the local level.

Mr. Hart asked for clarification on the calendar week. Ms. Makransky clarified that under 1008/1009.4.3.3 a calendar week is designated as Monday through Sunday for all sports except football. Dr. Layfield suggested taking out the word “calendar”.

Mr. Cimaglia reviewed changes made in 1008/1009.7.6.1.2.5

6.5 conditioning programs the entire section was stricken because it was covered in 7.6.1.2 Mr. Cimaglia asked if it was necessary to post open gyms and does DIAA need to regulate that. Some discussion ensued as to making these changes clearer and easier to understand. Mr. Neubauer explained that we have to stay consistent with the language that was previously approved by the Public Integrity Committee. Ms. Makransky suggested changing the language “participation” to “programs” to be consistent with the Public Integrity Commission’s advisory opinion on coaching out of season.

The Board recessed at 10:20 a.m. and reconvened at 10:35 a.m.

Dr. Layfield recapped what the Board discussed thus far by stating that the change to 7.6.1.2 will be replacing participation with programs, to 7.6.1.2.1 to define what a week is, and to 7.6.2.5.1 to strike specific sports. He noted that the changes would be made to both Regulations 1008 and 1009.

Mr. Cimaglia commented that the Committee specifically addressed questions 22 and 24. Mr. Cimaglia commented that the Committee worked very hard to stay focused on what the charges to the Committee were.

Mr. Neubauer commented that open gym may be moot now and is an outdated regulation. Mr. Neubauer explained that the regulation regarding Open Gym may no longer be needed if draft amendments to the regulations before the Board are approved.

Dr. Layfield commented that if the Board approves all the changes in 7.6 the Board can strike all of 6.4 with Open Gyms because it is all covered.

Dr. Bley asked how the Board would be able to regulate 7.6.1.2.3. regarding compensation and do we need to expand on that regulation. Mr. Neubauer explained that the Public Integrity Committee does not allow state employees to be paid for coaching their own students out of season. Mr. Neubauer commented that DIAA could not put forth a rule that violates the State Code of Conduct for Public Employees. Dr. Bley asked if DIAA is allowing coaches to be paid.

Ms. Makransky explained the Public Integrity Committee’s opinion and explained that the ruling is that payment for coaching students from a school would violate the code of conduct but that reimbursement of expenses is not prohibited.

Mr. Laws made a motion to send regulations back to the Rules and Regulations Committee with suggested revisions and look at any other possible sections of the regulations that may be affected by these changes. The motion was seconded by Dr. Andrus.

Dr. Layfield commented on 7.6.1.2.5.2 regarding drills with physical contact would be prohibited, Dr. Layfield commented that the sport of wrestling is the only sport you cannot drill without coming in contact with another wrestler. Dr. Layfield feels that this would put an undue restriction on wrestling compared to other sports.

Mr. Jeanne commented that with the out of season coaching rule, he asked about the safety of athletes when they will be practicing so many hours a day. Dr. Bley responded that it is not safe and there will be an increased injury rate.

Dr. Fitzgerald questioned if schools have been held liable for injuries during out-of-season coaching. Mr. Neubauer responded that he will check with neighboring states.

The motion carried by a vote of 16 - yes – [Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne] and 0 no.

F. HCR 4

Mr. Neubauer informed the Board of House Concurrent Resolution No. 4 that recognizes the importance of improving the health and safety of student athletes.

Mr. Laws made a motion that the Board acknowledge the resolution. The motion was seconded by Mr. Jeanne and carried by a vote of 16 - yes – [Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne] and 0 no.

G. Policy for Joint Practices by Member Schools

Mr. Neubauer explained that due to the priority of reviewing the regulations the policy for wrestling was tabled at the Rules and Regulations Committee meeting so that the committee could focus on the out of season coaching rule. Mr. Laws made a motion to refer the matter, as it concerned additional sports, to the Rules and Regulations Committee. The motion was seconded by Mr. Hart and carried by a vote of 16 - yes – [Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne] and 0 no.

III. Executive Director Report

Mr. Neubauer reviewed the Indoor Track Championships. Mr. Neubauer reported that Dover High School was the champion for the boys and Padua was the girls' champion.

Mr. Neubauer reported on the Dual Team Wrestling Tournament held at Smyrna High School and A. I. DuPont High School and stated that this was the first year it was held at two sites. Mr. Neubauer reported that Smyrna is the Division I Champion and Milford is the Division II Champion.

Mr. Neubauer reported that the DIAA Swimming championships are coming up. Mr. Neubauer reported that the basketball tournament is also coming up and that only the semifinal and final rounds will be played at the Bob Carpenter Center. Mr. Neubauer also reported that this will be the first year for Unified Sports in basketball.

IV. Other Items for Discussion

A. Coaches Education

Mr. Neubauer reported that DIAA has tentatively been recommended by the Governor for the spending limit to increase and would like to look at funding for coaches education.

V. Public Comment

Trina Leclerc addressed the Board on the topic of out-of-season coaching and commented that she has some concerns on how much is too much and feels a more narrow focus may have been better.

X. Adjournment

Mr. Laws made a motion to adjourn at 11:35 a.m. The motion was seconded by Mr. Cilento and carried unanimously by a vote of 16- yes [Waterman, Donovan, Andrus, Edney, Laws, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Bley, and Jeanne] and 0 no.

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