

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

I. Opening

A. Call to Order

The meeting was called to order at 9:03 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, Bruce Harris, Gary Cimaglia, Dr. Bradley Layfield, Robert Cilento, Robert Watson, Mike Hart, Mike Breeding, Vetra Evans-Gunter, Douglas Thompson, Chuck Little, 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 Daughtery, Dr. Evelyn Edney, Ted Laws, and Dr. Kevin Fitzgerald were unable to attend.

C. Approval of Agenda

Mr. Jeanne made a motion to approve the agenda. The motion was seconded by Mr. Hart and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 no.

D. Approval of Minutes of DIAA April 11, 2019 Board of Directors Meeting

Dr. Bley made a motion to approve the minutes of the April 11, 2019 Board meeting. The motion was seconded by Dr. Bley and carried by a vote of 12 – yes [Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Little, Bley, Jeanne], 0 – no and 3 – abstentions (Waterman, Thompson, and Evans-Gunter).

E. Approval of the Executive Session Minutes from the April 11, 2019 Board Meeting

Mr. Jeanne made a motion to approve the executive session minutes from the April 11, 2019 Board meeting. The motion was seconded by Dr. Donovan and carried by a vote of 12 – yes [Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Little, Bley, Jeanne], 0 – no and 3 – abstentions (Waterman, Thompson, and Evans-Gunter).

F. DIAA Financial Report

Mr. Neubauer reported the budget is a little behind this year from where we normally are due to security costs and costs for venues. Mr. Neubauer explained that DIAA is currently at a \$10,000.00 deficit where last year at this

time the deficit was \$3,000.00. Mr. Neubauer also explained that we may exceed the DIAA spending limit and that he will make the DOE business office aware. Mr. Neubauer reminded the Board that the Governor has already increased the spending limit for next year.

Mr. Cilento made a motion to accept the financial report. The motion was seconded by Mr. Hart and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 no.

## II. Action Items

### A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 4 sanctioned events before the Board for approval –Track & Field: Gator Track & Field (4/28/19), T. C. Williams (5/4/19), SODE Track Invitational (5/4/19); Cross Country: Salesianum Cross Country (10/5/19). Mr. Neubauer stated that to the best of his knowledge the 4 events are in compliance with DIAA and NFHS regulations.

Mr. Harris made a motion to approve the 4 sanctioned events as recommended by the Executive Director. The motion was seconded by Mr. Breeding and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 no.

### B. Request to Waive 1009.2.4 by Saint Elizabeth – 2019-5-1

The Board went 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.

Student, student's mother, Joe Papili, President of Saint Elizabeth High School and Marvin Dooley, athletic director at Saint Elizabeth High School were in attendance to present this request.

The Board went into deliberation. The Board came out of deliberation. The Board went back into deliberation. The Board came out of deliberation. The Board came out of executive session.

Mr. Jeanne made a motion to grant the waiver 1009.2.4 based on evidence and testimony that the student established all five conditions for granting a waiver. The motion was seconded by Mr. Hart and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Cilento, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 no.

### C. Request to waive 1009.2.1. by Milford HS – 2019-5-3

The Board went 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.

Student; Shawn Strickland, Coach at Milford High School; and Jesse Parsley, Supervisor of Secondary Education were in attendance to present this request.

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

Mr. Jeanne made a motion to grant the waiver request based on evidence and testimony that student has established all five conditions for granting a waiver. The motion was seconded by Mr. Watson and carried by a vote of 14 – yes [Waterman, Donovan, Andrus, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne], 0 – no, and 1 – abstention (Cilento).

The Board recessed at 10:20 a.m. and reconvened at 10:30 a.m.

D. Review of Public Comments regarding proposed regulations 1008 & 1009

Dr. Layfield reported that 59 public comments have been received regarding the proposed changes to Regulations 1008 and 1009. Mr. Neubauer summarized the public comments received and said that there were nine comments from coaches that felt the changes would give them a greater opportunity and exposure to their athletes. Mr. Neubauer commented that 50 of the public comments were from athletic trainers or individuals in the medical field who were concerned with overuse, safety and the amount of hours.

Mr. Cimaglia, chairman of the Rules and Regulations Committee, reported that the committee was charged with writing the proposed changes and felt at times the Committee was not in agreement and also felt that the changes had to be made quickly. Mr. Cimaglia commented that he feels the Committee is in a good place right now but it is not complete. Mr. Cimaglia suggested that the Board refer the proposed changes back to the Rules and Regulations Committee and have the Sports Medicine Committee, athletic trainers, coaches and any other stakeholders who the Board feels would be beneficial as part of the Rules and Regulations Committee's next meeting to get their insight. Mr. Cimaglia said that he feels the concept is in the right direction but there are definitely still some holes.

Mr. Jeanne commented that he appreciates the work of the Rules and Regulations Committee. Mr. Jeanne explained that he is concerned with the six hours of practice per week and the safety of the student athletes and to allow time to do homework. Mr. Jeanne suggested just opening this up for the summer. Mr. Jeanne also commented that he is also concerned with the liability for DIAA.

Mr. Cimaglia commented the committee is trying to legislate integrity.

Dr. Bley commented that he is concerned with the schools that allow this to happen and the schools that don't and that the DIAA needs to create a fair playing field.

Mr. Jeanne commented that the superintendents were the only group against this proposal.

Mr. Breeding commented that he feels legislators are pushing the changes and that DIAA needs to slow the process down so that it is done right.

Dr. Layfield recommended that due to public comments citing safety issues, he would like to see this proposal sent back to the Rules and Regulations Committee for a recommendation from the Sports Medicine Advisory Committee.

Dr. Bley reported that the Sports Medicine Advisory Committee just met and the Committee wants to know how the changes got to this point. He stated that DIAA needs to know what the purpose of the rule is and why DIAA is trying to make changes.

Mr. Cilento also agreed that this process needs to be slowed down.

Mr. Hart commented that there has to be a change but needs to be the same for all schools. He commented that this process was done under pressure and should go back to the Rules and Regulations Committee.

Mr. Jeanne challenged the Board to go back to the root of the problem and suggested a creating subcommittee to help the Rules and Regulations Committee.

Dr. Donovan commented that the focus needs to go back to the student athletes.

Ms. Polk suggested that the Board stick to subsection 6.0 and follow the proposal and that the student athlete should be the focus.

Dr. Layfield commented that the consensus of the Board was that they want to hear from the Sports Medicine Advisory Committee. Mr. Cimaglia explained that this Committee could come before the Rules and Regulations Committee with their feedback. Dr. Layfield explained that we have 12 months to act on moving forward with the regulation change as it is presented. Dr. Layfield suggested tabling the regulation as written and refer to the Rules and Regulations Committee and Sports Medicine Advisory Committee and then

when the Rules and Regulations Committee meets have constituents come before them. Mr. Neubauer added that the constituents need to have answerable points as to why they are presenting to the Rules and Regulations Committee and that the points are specific to out of season coaching.

Mr. Cimaglia made a motion to send the proposed changes to the Sports Medicine Advisory Committee and to the Rules and Regulations Committee for recommendations to bring back to the Board and for the Rules and Regulations Committee to have presentations from various stakeholders, including DAAD, SMAC, Superintendents/Heads of School, individual and team coaches, and sports committees. The motion was seconded by Mr. Cilento.

The motion on the table carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

E. Approval of DIAA Budget FY20, SY 2019-20

Mr. Neubauer presented two proposed budgets for fiscal year 2019-20 where one includes the spending limit increase and one that does not. Mr. Neubauer reviewed two budgets, one that includes the increase in the spending limit and one is without it. Mr. Neubauer explained that he is looking to increase the admission fee to all tournaments held at non high school venues and possibly increasing sports fees. Mr. Neubauer commented that if the spending limit is increased DIAA will be able to look at grants and training programs.

Dr. Layfield asked which items would be augmented without the increase. Mr. Neubauer responded by saying the items include the athletic directors' education, coaches education, limited service contract help, security, Board of Directors' expenses, the catastrophic insurance policy, and salary.

Dr. Bley asked for an official opinion from Mr. Neubauer regarding another full-time staff member for DIAA. Mr. Neubauer directed the question back to the Board.

Mr. Hart made a motion to approve the proposed budget for fiscal year 2019-20 that includes the spending limit increase contingent upon the General Assembly's approval of the increase and if the General Assembly does not approve the spending increase, to approve the proposed budget for fiscal year 2019-20 that does not include the spending limit increase. The motion was seconded by Mr. Cilento and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, Jeanne] and 0 – no.

F. Committee Approvals and Renewals for SY 2019-2020

Mr. Neubauer reported on a list of Committee members that are up for reappointment as their term expires in 2019. The members were Baseball Committee: Bob Cilento, Sam Williams, and Tom Beddow; Boys' Basketball: Kevin Gillespie, Mike Starkey, Randy HENZES, and Tom Rosa; Boys' Lacrosse: Bill Madison, Dave Oswinkle, and Tom Rosa; Boys' Soccer: John Meyers; Cross Country: Mike Di Gennaro, Mike Mooney, and Pat Castagno; Field Hockey: Debbie Windett, Jodi Hollamon, Rosemary Bianchini, Ruth Lajoie, and Sharyn Wingate; Football: Jody Russell; Girls' Basketball: James Wearden, Josette McCullough, Kelly Callahan, Rick Shea, and Suzanne Street; Girls' Lacrosse: Dave Frederick and Willy Miranda; Girls' Soccer: Chris Myers, John Myers, and Paul Booton; Golf: Andy Dick, Jesse Parsley, and John Kelly; Officials: Pete Celeberti and Michael Hart; Rules and Regulations: Deb Corrado, Dr. Evelyn Edney, and Josette McCullough; Softball: Jeff Ransome, Sue Heiss, and Terre Taylor; Sports Medicine Advisory: Tom Beddow, Dr. Bradley Bley, and Lori Hoffman; Sportsmanship: Brian Moore, Joan Samonisky, Pete Celeberti, and Debbie Windett; Swimming & Diving: Kim Habbert, Joe Huggins and Michael Hart; Tennis: Brian McArdle, Jack Rowell, Jim Harvey, Ron Alper, and Zach Taylor; Track & Field: Pat Castagno, Dave Jones, Dr. Evelyn Edney, Gordon Thomson, Megan McLelland, and Ralph Heiss; Unified Sports: Brian Contini, Brian Mattix, and Kevin Kelly; Volleyball: Kim Habbert; and Wrestling: John Groom, Reese Rigby, Shawn Tidwell, and Steve Lex. Mr. Neubauer commented that all have shown a willingness to work and volunteer. Mr. Jeanne made a motion to approve the reappointments. The motion was seconded by Dr. Donovan and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, Jeanne] and 0 – no.

Mr. Neubauer presented two applicants that he and the respective committee chairpersons recommended the Board approve and appoint to the Tennis Committee: Simon Peppiatt and to Unified Sports Committee: Tom MacLeish. Mr. Neubauer also presented the other applicants. Mr. Jeanne made a motion to approve and appoint the applicants to the committees. The motion was seconded by Mr. Hart and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

Mr. Neubauer then reported on the new openings for committees and will ask the groups to make the openings public.

#### G. RLCA Investigation

Mr. Cimaglia made a motion to go into executive session for the purpose of discussing documents excluded from the definition of public record under 29 *Del. C.* §10002(1). The motion was seconded by Mr. Thompson and carried by a vote of 15

– yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

The Board entered into executive session.

Mr. Cilento made a motion to come out of executive session. The motion was seconded by Mr. Little and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

Mr. Hart made a motion to charge the DIAA office to initiate an investigation pursuant to Regulation 1006.8.0. The motion was seconded by Mr. Cimaglia and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

#### H. Hiring process for Executive Director

Mr. Neubauer explained the previous process for hiring a DIAA Executive Director. Mr. Neubauer reported that he received approval from the Department of Education to post the Executive Director position. Mr. Neubauer explained that the Board convened a screening committee and then convened an interview committee. Mr. Neubauer commented that the screening and interview committees should be a combination of DIAA Board members and Department of Education.

Ms. Makransky explained that the Board could determine the process for hiring an executive director, including the Board could give complete delegation to the Department of Education to hire the person, the Board could follow the process that was used in 2016, or the Board could conduct interviews and make a selection as a whole. Mr. Hart asked if the Board has the authority to say what the job requirements can be. Ms. Makransky commented that there is nothing to preclude the Board from making recommendations to include in a description of the position.

Mr. Cilento made a motion to charge Mr. Rodriguez with developing a screening committee and for the Board to delegate the authority to conduct interviews to a committee of Dr. Donovan, Mr. Laws, Dr. Layfield, Dr. Andrus, Mr. Thompson, Mr. Jeanne, and Mr. Rodriguez. The motion was seconded by Mr. Watson and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

Mr. Watson made a motion to have the Interview Committee nominate an applicant for the position. The motion was seconded by Dr. Andrus and carried by a vote of 15 – yes [Waterman, Donovan, Andrus, Harris, Cilento,

Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne] and 0 – no.

I. Request to Fund the 2019 NFHS Student Leadership Conference

Mr. Neubauer presented a request for funding for the 2019 NFHS Student Leadership Summit to be held in July and was asking for approval by the Board to send six student delegates and two adult delegates. The NFHS will pay for all costs for the students once they get to the Summit. Mr. Neubauer is asking for a spending allowance for \$2,400.00 to cover the costs of the two adults and six students to attend the NFHS Student Leadership Summit. Mr. Hart made a motion to accept the request. The motion was seconded by Mr. Cilento and carried by a vote of 14 – yes (Watson, Waterman, Donovan, Andrus, Harris, Layfield, Cilento, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne) and 0 – no.

J. Review of DIAA Eligibility form and topic of Transfer Tracer

Ms. Polk reported that in looking at the current eligibility forms she feels that there could be more information on the form. Ms. Polk explained that she would want to speak with the athletic directors on how all the information needed to be in full compliance can be completed on one form. Ms. Polk explained that she will work with Websites4sports for obtaining this information. After some discussion regarding the difference between a roster and the eligibility form Mr. Hart made a motion to table this and to discuss at the next DAAD meeting to review with athletic directors. The motion was seconded by Mr. Little and carried by a vote of 13 – yes (Waterman, Donovan, Andrus, Harris, Layfield, Cilento, Hart, Breeding, Evans-Gunter, Thompson, Little, Bley, and Jeanne) and 0 – no.

III. Legal

A. Report from the 2019 NFHS Legal Meeting

Ms. Makransky reported on the NFHS legal meeting and shared topics that were discussed at the meeting this year that included recruiting, training, managing officials, pregame prayers, AED use, role of athletic associations in recovering from school shootings, and several other topics.

IV. Discussion Items

A. DIAA Anniversary Celebrations

Ms. Polk reported that she met with a committee to discuss ways to celebrate the DIAA 100<sup>th</sup> year anniversary. Ms. Polk commented that they discussed



ways to celebrate at each sports championship throughout the year and a possible banquet at the end of the year. Ms. Polk commented on other suggestions such as doing a video and ways to get the fans involved. Ms. Polk also commented on having a banquet. Ms. Polk asked what the budget would be and that sponsors would be sought for hosting the banquet. Mr. Neubauer commented that the Board will have to work with the DOE to find out how funds can be spent.

V. Executive Director Report

Mr. Neubauer commented on an email that he received from Dr. Fitzgerald regarding a lifetime achievement award and will present it next month.

VI. Other Items for Discussion

Mr. Waterman asked about the basketball events in June. Mr. Neubauer responded that they were done through the National Federation.

VI. Public Comment

Daniel Von Fricken addressed the Board and stated that he is a parent of a student at CAB Calloway who has been a member of the Charter School of Wilmington swim team for the past four years. The issue is the rules do not adequately handle the overload of swimmers at the Charter School of Wilmington, in particular to the DIAA Swimming and Diving Championships. He explained that his son has swam for four years and has achieved state qualifying times but has not been permitted to swim in the championships for some of the times that he has qualified. He explained that this is in regards to qualifying times. Mr. VonFricken reviewed language from the DIAA Winter Tournament Manual in regards to the number of individuals permitted to participate. He feels his son should have been qualified over 8 times and was only permitted to swim 4 times. Mr. VonFricken suggested a solution which is to change the maximum swimmers per event per school for some or all events, maintain the four swimmer per event per school maximum but permit swimmers to swim up to their two event maximum and list them as unattached swimmers and have their results not count towards the high school championship totals. Mr. VonFricken stated that this will permit the swimmer to the deserved opportunity to compete by registering the time in the championships.

Nikki Lounsberry, on behalf of the Delaware Athletic Trainers Association, addressed the Board on the out of season coaching rule and commented that they would like the proposal tabled. Ms. Lounsberry commented that they would like to have the SMAC involved more.

Jennifer Mayer, athletic director at Christiana High School, the head volleyball coach at Christiana High School, an independent contractor, and a volleyball official for the University of Delaware, addressed the Board on the out of season coaching rule. Ms. Mayer commented that she is encouraged that the proposed regulations were tabled; however, she still has concerns regarding the changes that will be taking place for the summer regulations which will no longer limit the number of players or number of hours a coach can work with players. Ms. Mayer commented that the regulations should create a fair playing field.

Trina Leclerc addressed the Board on the topic of out-of-season coaching and thanked the Board for all the time spent on out of season coaching. Ms. Leclerc commented that she is not in favor of the proposed changes and felt they were beyond the scope. Ms. Leclerc commented that all that was wanted was the regulation to loosen a little to give people a choice.

X. Adjournment

Mr. Cilento made a motion to adjourn at 1:17 p.m. The motion was seconded by Mr. Jeanne and carried unanimously by a vote of 12 yes (Waterman, Donovan, Andrus, Harris, Layfield, Cilento, Hart, Breeding, Thompson, Little, Bley, and Jeanne) and 0 no.

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Tina Bates