

DIAA Board of Directors' Meeting Minutes  
Thursday, June 13, 2019– 9:00 a.m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

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

B. Roll Call

The following DIAA Board members were present: Stan Waterman, Dr. Matthew Donovan, Dr. Bradley Layfield, Robert Cilento, Robert Watson, Mike Hart, Dr. Kevin Fitzgerald, Vetra Evans-Gunter, Douglas Thompson, Chuck Little, 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, Dr. Kathleen Andrus, Bruce Harris, Ted Laws, Gary Cimaglia, and Dr. Bradley Bley were unable to attend.

C. Approval of Agenda

Mr. Cilento made a motion to approve the agenda. The motion was seconded by Dr. Donovan and carried by a vote of 11 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

D. Approval of Minutes of DIAA May 9, 2019 Board of Directors Meeting

Mr. Hart made a motion to approve the minutes of the May 9, 2019 Board meeting. The motion was seconded by Mr. Cilento and carried by a vote of 10 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no and 1 – abstention [Fitzgerald].

E. Approval of the Executive Session Minutes from the May 9, 2019 Board Meeting

Mr. Jeanne made a motion to approve the executive session minutes from the May 9, 2019 Board meeting. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 10 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no and 1 – abstention [Fitzgerald].

F. DIAA Financial Report

Mr. Neubauer reported that the budget is a little behind this year from where DIAA normally is due to attendance being down for the year. Mr. Neubauer explained that DIAA has been staying within the spending limit and he expects the expenses from his retirement to come out of 2020 funds. Mr. Neubauer also reported that the \$100,000.00 spending limit increase has moved forward and was approved.

Mr. Hart made a motion to accept the financial report. The motion was seconded by Mr. Watson and carried by a vote of 11 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, 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 –Cross Country: 62<sup>nd</sup> Lake Forest Festival (9/7/19); Girls Basketball: Pat Borowski Holiday Tournament (12/27-28/19); Wrestling: Spartan Duals (1/11/20); Outdoor Track and Field: 42<sup>nd</sup> Keith Burgess Track and Field (4/4/20). Mr. Neubauer stated that to the best of his knowledge the 4 events are in compliance with DIAA and NFHS regulations.

Dr. Fitzgerald made a motion to approve the 4 sanctioned events as recommended by the Executive Director. The motion was seconded by Mr. Jeanne and carried by a vote of 11 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

### B. Request to Waive 1009.2.4 by Padua Academy – 2019-6-1

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 parents, and Lindsay LoPilato-Brown, Athletic Director of Padua Academy, 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. Cilento made a motion to grant the waiver because the student, the student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

### C. Request to waive 1009.2.4 by Middletown HS – 2019-6-2

Dr. Donovan recused himself from this matter. 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; Student's Parents; Colleen Kelley, Athletic Director at Middletown High School, and Dr. Matthew Donovan, Principal at Middletown High School 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 because the student, the student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Thompson and carried by a vote of 10 – yes [Waterman, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

D. Request to Waive 1009.2.7 by Sussex Central HS – 2019-6-3

Dr. Layfield recused himself from this matter. 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; Student's Mother; and Brice Reed, Assistant Principal at Sussex Central High School, were in attendance to present this request.

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

Mr. Jeanne made a motion to grant the waiver request because the student, the student's family, and the student's school established all five conditions for granting a waiver. The motion was seconded by Mr. Watson and carried by a vote of 10 – yes [Waterman, Donovan, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

VII. Executive Director Report

Mr. Neubauer presented Mike Hart with the DIAA Lifetime Achievement Award in recognition of his many years of service. Mr. Hart thanked the Board and commented that he truly appreciated the award.

E. Request by DISC Schools for Associate Membership Status

Mr. Neubauer explained that this is the annual request from Delaware Independent School Conference (St. Andrew's, Sanford, Wilmington Christian, Tatnall, Tower Hill, Wilmington Friends, and The Independence School) asking for associate membership in DIAA. Mr. Neubauer further explained that the DISC requested that Regulations 1008 & 1009-2.4 (Eligibility, Transfers) and 2.7 (Eligibility, Years of Participation) not apply when DISC is involved in interscholastic athletic competitions with other DIAA associate member schools or non-member schools of DIAA.

Dr. Fitzgerald made a motion to approve this request based on the history of this request. The motion was seconded by Mr. Hart and carried by a vote of 11

– yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

F. Request to Use 8<sup>th</sup> Graders for high school athletics [1009.2.7.5.1.] – Christiana HS and Milford School District

The Board considered two requests to allow eighth grade students to participate at the high school level pursuant to Regulation 1009-2.7.5. Kevin Dickerson, Superintendent of Milford School District, requested that eighth graders at Milford Central Academy be allowed to participate on Milford High School interscholastic athletic teams. In addition, Jennifer Mayer, Athletic Director, requested that eighth grade students at Christiana Middle School Honors Academy be allowed to participate on Christiana High School varsity and sub-varsity teams for the 2019-20 school year.

Mr. Neubauer reported that both schools met the required criteria and that both 8<sup>th</sup> grades were under the same administrative head or located in the same building.

Dr. Fitzgerald made a motion to approve the requests. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

G. Request to Adopt Unified Sports Regulations

Mr. Neubauer explained that this draft regulation from the Unified Sports Committee would officially recognize Unified Sports through the DIAA regulations. Mr. Neubauer asked that the Board move this to the Rules and Regulations Committee for its review. Mr. Jeanne questioned the language in 1.1. In addition, there was discussion about the language in 3.0. Mr. Neubauer explained that this is simply the regulation to recognize the Unified Sports.

Dr. Fitzgerald made a motion to send the draft regulation from the Unified Sports Committee to the DIAA Rules and Regulations Committee for review. The motion was seconded by Mr. Cilento and carried by a vote of 11 –yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

H. Request by Delaware Valley Classical School for DIAA Membership

Mr. Neubauer reported that, according to Regulation 1006-2.0, the Delaware Valley Classical School was requesting membership with DIAA for the 2019-20 school year. Mr. Neubauer reviewed the letter of request from Anthony G.

Uri, Head of School, with the Board.

Dr. Fitzgerald made a motion to approve the request for membership by Delaware Valley Classical School. The motion was seconded by Mr. Little and carried by a vote of 11 - yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

I. Request to define “informal instruction” as used in Regulations 1008/1009.7.6.2

Mr. Neubauer reported that as of June 2, 2019 the changes to the summer time coaching out of season have gone into effect. Mr. Neubauer explained that he has received questions from athletic directors regarding what is informal instruction and also if equipment can be lent to students who are going to a football or lacrosse camp without the whole team. Mr. Neubauer explained that the Rules and Regulations Committee’s intent was that it did not want to promote full contact in football or lacrosse during the summer. Mr. Neubauer asked for the Board’s interpretation on these two terms. Mr. Neubauer explained that people are asking him if students can use the schools equipment and he is asking for help in interpreting this regulation as the Committee did not want to promote full contact in the summer months.

Dr. Fitzgerald made a motion to send the request to the Rules and Regulations Committee for clarification on safety issues. The motion was seconded by Mr. Cilento and carried by a vote of 11 –yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

J. Request to Adopt Rules Change Proposal Forms

Ms. Polk explained that she was working with Mr. Cimaglia to come up with a Rules Proposal Form and she found that a Rules Proposal Form may already exist and needs to remind the Rules and Regulations Committee of this form. Ms. Polk commented that also with this is the processing the timeline for rule regulation changes. Ms. Polk also commented that there is an out of season coaching recommendation form that would be sent to all the chairs of committees.

Dr. Fitzgerald made a motion to refer this back to the Rules and Regulations Committee for review. The motion was seconded by Mr. Jeanne and carried by a vote of 11 –yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

K. Request to Raise State Tournament Fees and Admission Prices Starting in the 2019-2020 School Year

Mr. Neubauer reported that the spending limit was increased which will help with increased costs in security and facility rental. Mr. Neubauer explained

that he is proposing to increase membership fees for all schools by \$250.00 for the school year 2020-2021 to offset the increasing costs of facilities, officials, and security. Mr. Neubauer also proposed to increase the fees to schools by \$25.00 for non revenue sports (i.e., cross country, indoor track, swimming/diving, outdoor track, and tennis) and by \$50.00 for wrestling. Mr. Neubauer also proposed increasing ticket prices by \$1.00 or \$2.00 for events held at non-school venues or weekend events. Mr. Neubauer reminded the Board that DIAA is not taxpayer funded and DIAA did not receive \$5,000.00 from the American Lung Association this year. Mr. Jeanne asked if DIAA received revenue from the programs that DIAA has for each sport. Mr. Neubauer responded that DIAA has eliminated some of the programs over the years. Dr. Fitzgerald commented that he does not see a need to charge the schools more money as well as charge spectators more money. Mr. Jeanne commented that he is concerned that attendance will go down if ticket prices are increased; he also commented that the increase of fees to schools is a concern.

Dr. Fitzgerald made a motion to table this item until the July 11, 2019 meeting. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

#### IV. Committee Reports

##### A. DESMAC

Dr. Michael Axe was in attendance to report on this Committee report. Mr. Neubauer reminded the Board that the Board charged the DESMAC to address points on the Out-of-Season Coaching at its last meeting. That Committee met last Monday. Dr. Axe commented that the information provided was compiled from all medical groups. Dr. Axe commented that the report encourages multiple sport athletes to take at least one month off, over use is being tested now and has been proven to be the cause of most injuries. Dr. Fitzgerald asked if this information could be sent to all member schools. Dr. Axe commented that someone from the DESMAC would be available to the Rules and Regulations Committee when needed.

#### III. Executive Director Hiring Update

Mr. Watson made a motion to move into Executive Session for the discussion of personnel matters. The motion was seconded by Mr. Jeanne and carried by a vote of 11 –yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

The Board entered into executive session to discuss a personnel matter.

Mr. Cilento made a motion to return to open session. The motion was seconded by Mr. Watson and carried by a vote of 10 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, and Jeanne] and 0 – no.

Mr. Jeanne made a motion to repost the position description for DIAA Executive Director and to delegate the Board's hiring authority to the Department of Education to determine the hiring process and hire a candidate for the position. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 10 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, and Jeanne] and 0 – no.

#### IX. Public Comment

Mr. Spencer Busch addressed the Board regarding a letter he sent to the Board in reference to a Concord HS lacrosse player that called his son, a Mt. Pleasant HS lacrosse player, the N-Word more than one time during the same game. Mr. Busch stated that the incident was brought to the attention of the referees by other Mt. Pleasant players only to be ignored. Mr. Busch expressed his concern with the neglect from the referees during the game. Mr. Busch expressed his concern and stated that this is unacceptable and expects the DIAA Board to handle such matters. Mr. Busch commented that there needs to be training for the referees and coaches on diversity, sensitivity and empathy for all students.

Mr. Daniel Von Fricken addressed the Board and stated that he is a parent of a CAB Calloway student who is a member of the Charter School of Wilmington Swim Team. Mr. Von Fricken commented that the DIAA rules do not adequately handle the overload of swimmers at the Charter School of Wilmington regarding the DIAA State Championship. Mr. Von Fricken stated that he spoke with someone from the NFHS and was told that DIAA is in charge of the eligibility of students and who participates in the state championships. Mr. Von Fricken explained what his son has experienced over that last five years with regards to the state championships for swimming. Mr. Von Fricken commented that swim times are not publicized at CSW and that coaches are not posting swim times. Mr. Von Fricken commented that this is about an equal opportunity to compete not winning or losing. Mr. Von Fricken commented that he believes the solution would be to have a rule change permitting unattached swimmers to swim in the DIAA championships as to not violate the maximum rule.

Ms. Jennifer Mayer, athletic director at Christiana High School addressed the Board on current regulations that are in place for the summer with regards to out of season coaching. Ms. Mayer commented that the regulation does not have a time limit and that concerns her. Ms. Mayer commented that her gym is closed for the summer so she is trying to find another gym but does not have funds to buy gym time at other buildings. Ms. Mayer commented that the issues that arose with the proposed regulations changes during the school year are

more strict than what is in place for the summer. Ms. Mayer asked the Board to revisit what is happening in the summer.

Trina Leclerc addressed the Board on the topic of out-of-season coaching and commented that she attended the Sports Medicine Advisory Committee meeting and agreed with limiting the amount of time. Ms. Leclerc stated that she feels it is important to keep the focus on the task that the Board has been working on. Ms. Leclerc commented that she is concerned that there is no deadline with getting this regulation changed. Ms. Leclerc feels the key is to remember the scope initially questions 22 and 24 and listen to all the stakeholders.

V. Discussion Items

A. DIAA Meet of Champions

The Board did not discuss the DIAA Meet of Champions.

VI. RLCA Investigation

Mr. Hart made a motion to go into executive session for the purpose of discussing documents excluded from the definition of the public record under 29 *Del. C.* § 10002(1). The motion was seconded by Dr. Donovan and carried by a vote of 10 –yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, 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. Hart and carried by a vote of 10 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

VII. Executive Director's Report

Mr. Neubauer reviewed the attendance report for the year. Mr. Neubauer commented that attendance for the fall was down, winter was up, and the spring attendance was up.

Mr. Neubauer explained that the National Federation Rule 3.1.1 states that a team is restricted to four individual entries in the championship meet and an individual is restricted to two individual events and two relay events. Mr. Neubauer further explained that Charter School of Wilmington, Salesianum, and maybe Padua would have swimmers who are the fifth best at any event and their time would be better than 50% of all the other entries that swim in the preliminary round. Mr. Neubauer explained that Mr. Von Fricken is saying



that because his son swims for Charter, DIAA/NFHS rules are preventing him from swimming. But the decision to enter him to swim in meets is a local decision. Mr. Neubauer commented that Mr. Hart, the chairman of the Swimming Committee has explained this to him as well as Fred Killian, the Swimming Rules Interpreter. Mr. Neubauer also explained that the NFHS explained this to him but that the NFHS person said that the DIAA Board could change any Federation rule it wanted to but that NFHS representative did not explain the consequences to the DIAA if they change an NFHS playing rule. Mr. Neubauer explained that it is the school's coaches decision and strategy to pick the swimmers that they want to use. Mr. Neubauer stated that this is done in track as well.

XIII. Other Items for Discussion

A. Process for Obtaining Additional Staff for DIAA

The Board did not discuss the process for obtaining additional staff for DIAA.

X. Adjournment

Mr. Cilento made a motion to adjourn at 3:25 p.m. The motion was seconded by Dr. Donovan and carried unanimously by a vote of 10 – yes [Waterman, Donovan, Layfield, Cilento, Watson, Hart, Evans-Gunter, Thompson, Little, and Jeanne] and 0 no.

---

Tina Bates