

DIAA Board of Directors' Meeting
Thursday, October 10, 2019 – 9:00 A.M.
John W. Collette Education Resource Center – Conference Room A
35 Commerce Way
Dover, DE 19904

Agenda (Amended)
Amended items denoted by +

I. Opening

A. Call to Order

The meeting was called to order at 9:21 am by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Mike Breeding, Robert Cilento, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunter, Dr. Kevin Fitzgerald, Mike Hart, Ted Laws, Dr. Bradley Layfield, Douglas Thompson, Stan Waterman, Robert Watson, and Michael Rodriguez, Associate Secretary of Education.

Gary Cimaglia, Executive Director, Laura Makransky, Deputy Attorney General, and DIAA staff Donna Polk and Amoscita Rodriguez were also in attendance. Dr. Bradley Bley arrived at approximately 10:30 am. Dr. Kathleen Andrus, Bruce Harris, Jeremy Jeanne, and Chuck Little were unable to attend.

C. Approval of Agenda

Mr. Cilento made a motion to approve the agenda. The motion was seconded by Mr. Hart and carried by a vote of 12 – yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

D. Approval of Minutes of DIAA June 13, 2019 Board Meeting

There was an insufficient number of Board members present to approve the minutes. The approval of the minutes will be included on a future agenda.

E. Approval of Executive Session Minutes of DIAA June 13, 2019 Board Meeting

There was an insufficient number of Board members present to approve the minutes. The approval of the minutes will be included on a future agenda.

F. Approval of Minutes of DIAA August 8, 2019 Board Meeting

Dr. Fitzgerald made a motion to approve both the minutes of DIAA August 8, 2019 Board Meeting. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Waterman, and Watson], 0 no, and 1 abstention [Thompson].

G. Approval of Executive Session Minutes of DIAA August 8, 2019 Board Meeting

Mr. Breeding made a motion to approve both the executive session minutes of the DIAA August 8, 2019 Board Meeting. The motion was seconded by Mr. Hart and carried by a vote of 11 – yes

[Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Waterman, and Watson], 0 no, and 1 abstention [Thompson].

H. Approval of Minutes of DIAA September 12, 2019 Board Meeting

Mr. Hart made a motion to approve the Minutes of DIAA September 12, 2019 Board Meeting. The motion was seconded by Dr. Edney and carried by a vote of 10 – yes [Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Layfield, Thompson, Waterman, and Watson], 0 no, and 2 abstentions [Breeding and Laws].

I. Approval of Executive Session Minutes of DIAA September 12, 2019 Board Meeting

Mr. Cilento made a motion to approve the Executive Session Minutes of DIAA September 12, 2019 Board Meetings. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 10 – yes [Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Layfield, Thompson, Waterman, and Watson], 0 no, and 2 – abstentions [Breeding and Laws].

J. Approval of Minutes of DIAA September 27, 2019 Special Board Meeting

There was an insufficient number of Board members present to approve the minutes. The approval of the minutes will be added to a future agenda.

K. DIAA Financial Report

Mr. Cimaglia reported that there was a difference in the beginning balance due to funds that had not been accounted for from the previous fiscal year. New expenses incurred consisted of spring sports officials fees, payoff for Thomas Neubauer’s leave and travel reimbursement, bill for student leadership conference and staff salaries & benefits.

Mr. Laws made a motion to approve the DIAA Financial Report and the motion was seconded by Ms. Evans-Gunter and carried by a vote of 12-Yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

II. Action Items

A. Approval of Tournament Sanctions

Mr. Hart made a motion to approve the sanctioned events. The motion was seconded by Mr. Laws and carried by a vote of 12 – yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

B. *Request to waive 1009.2.6. by Concord HS – 2019-10-3+

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.

Student, student’s parents, and Larry Jacobs, Athletic Director of Concord 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.

Dr. Fitzgerald 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 Dr. Edney Hart and carried by a vote of 10 – yes [Waterman, Donovan, Edney, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson] and 2 no [Laws, Breeding].

C. *Request to waive 1009.2.7. by Tower Hill – 2019-10-4

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 and student's mother 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.

Dr. Layfield made a motion to deny the waiver based on the lack of hardship. The motion was seconded by Dr. Edney and carried by a vote of 13 – yes and 0 no.

D. *Request to waive 1009.2.2. by Lake Forest HS – 2019-10-5

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 and student's mother 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. Hart made a motion to deny the waiver based on the lack of hardship. The motion was seconded by Mr. Watson and carried by a vote of 9 – yes [Waterman, Donovan, Edney, Laws, Layfield, Watson, Fitzgerald, Evans-Gunter, and Hart], 2 abstained [Cilento and Breeding], and 2 no [Thompson and Bley].

E. *Request to waive 1009.2.6. by AI DuPont HS – 2019-10-6

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, and John Barr, Athletic Director A.I. duPont 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.

Dr. Fitzgerald 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 Dr. Edney Hart and carried by a vote of 13– yes and 0 no.

F. *Request to waive 1009.2.4 by Conrad HS – 2019-10-7

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, student's aunt, and Patrick Williamson, Athletic Director Conrad Schools of Science were in attendance to present this request.

The Board came out of executive session.

Dr. Layfield 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 Dr. Bley. The motion failed with a vote of 7-no [Waterman, Donovan, Edney, Laws, Fitzgerald, Breeding, and Thompson] and 6-yes [Cilento, Watson, Layfield, Evans-Gunter, Hart, Watson, and Bley].

G. Ratification of Interim Waiver

1. Request to waive 1009.2.7 by Cape Henlopen HS – 2019-10-1

Mr. Cilento recused himself from this matter. Ted Laws made a motion to ratify the Executive Director's decision to grant a waiver. The motion was seconded by Mr. Hart and carried by a vote of 11 –yes [Breeding, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no. The student, the student's family, and the student's school are not required to appear before the Board at the November 14, 2019 Board meeting.

2. Request to waive 1008.2.7 by Georgetown MS – 2019-10-2

Dr. Layfield recused himself from this matter. Ted Laws made a motion to ratify the Executive Director's decision to grant a waiver. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 8 - yes [Waterman, Donovan, Edney, Cilento, Watson, Hart, and Evans-Gunter] and 4 no [Laws, Fitzgerald, Breeding, and Thompson]. The student, the student's family, and the school are not required to appear at the Board's November 14, 2019 meeting.

H. Approval of Purchase of 5 Year Supply of DIAA State Championship Medal & Trophy Blanks

Mr. Cimaglia informed the Board that DIAA would like to engage in a 5 year stock with Crown trophy who will provide the customized plates for trophies and medals. The total cost for 5 years of this service would be \$82K. Currently an expense of approximately \$1100 is acquired per season for trophies and medals. Mr. Hart made the motion to approve this purchase and Mr. Watson seconded the motion 12 – yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

I. Approval of Expense to use 302Sports for DIAA State Championship Marketing & Media

Donna Polk informed the Board that 302Sports is a company that is able to enhance student athletes experience during championships and promote sports during the school year by creating flyers that would be pushed on social media. They would enhance brackets for each sports, specifically for the championship semifinals and finals. They will develop sportsmanship campaign, assist with Student Leadership Conference and sponsor the 100 years banquet. Funding would come from special projects.

Dr. Bley made a motion to approve the funding for 302Sports and it was seconded by Mr. Watson carried by a unanimous vote 12-yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 no.

J. Committee Appointments

The Board did not discuss or otherwise take action on this item. Mr. Cimaglia and Ms. Polk are still working to prepare lists of members of each committee.

II. Legal
A. Attorney General Opinion 19-IB55

Ms. Makransky reported on Attorney General Opinion 19-IB55.

III. DAAD Presentation to DIAA Board on Girls Golf

Mr. Jack Holloway, representative of DAAD informed the Board that Delaware is the only state without an All Girls Golf Tournament. Dr. Fitzgerald suggested that Golf Committee create a proposal to present to the Board.

IV. Joint Legislative Oversight and Sunset Committee Update

Mr. Cimaglia informed the Board that the Questionnaire for Sunset is due on October 16, 2019.

V. Executive Director's Report
Mr. Cimaglia provided a report.

VI. Additional Staff for DIAA

The Board discussed the possibility of adding additional DIAA staff such as a compliance officer, hearing officer, and person to conduct investigations and adding it as an action item for the November Board Meeting.

VII. Other Items for Discussion

Mr. Cilento stated that some schools may need a waiver to have opening football games the Friday before Labor Day weekend which is different than the NFHS schedule.

Dr. Layfield requested that the transfer rule's automatic exception for seat openings be placed on the November agenda.

Ms. Polk informed the Board that individual and group shots of the Board will be taken at the November Board Meeting

Mr. Hart stated that the Officials Committee needs to reconvene.

VIII. Public Comment

Trina LeClerc commented on coaching out of season and stated the DIAA would be receiving a letter from a parent downstate.

X. Adjournment

Mr. Watson made a motion to adjourn. The motion was seconded by Dr. Bley. The motion carried unanimously 12 – yes [Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Hart, Laws, Layfield, Thompson, Waterman, and Watson] and 0 – no.

The meeting adjourned at 2:29 p.m.