

DIAA Board of Directors' Meeting  
Thursday, November 14, 2019 – 9:00 A.M.  
John W. Collette Education Resource Center – Conference Room A  
35 Commerce Way  
Dover, DE 19904

Minutes

I. Opening

A. Call to Order

The meeting was called to order at 9:17 am by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Dr. Kathleen Andrus, Mike Breeding, Robert Cilento, Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dr. Kevin Fitzgerald, Bruce Harris, Mike Hart, Jeremy Jeanne, Ted Laws, Dr. Bradley Layfield, Chuck Little, Douglas Thompson, Stan Waterman, and Michael Rodriguez, Associate Secretary of Education.

Laura Makransky, Deputy Attorney General, and DIAA staff Donna Polk and Amoscita Rodriguez were also in attendance. Robert Watson was unable to attend.

C. Approval of Agenda

Mr. Laws made a motion to approve the agenda. The motion was seconded by Mr. Little and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

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

Mr. Little made a motion to approve the June 13, 2019 DIAA Board Regular Meeting Minutes. The motion was seconded by Ms. Vetra-Gunther and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

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

Mr. Thompson made a motion to approve the June 13, 2019 DIAA Board Executive Session Minutes. The motion was seconded by Mr. Donovan and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

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

This item was tabled because there was not a quorum of members that were present at the September 27, 2019 meeting to vote.

G. Approval of October 10, 2019 DIAA Board Regular Meeting Minutes

Mr. Breeding made a motion to approve the October 10, 2019 DIAA Board Regular Meeting Minutes. The motion was seconded by Ms. Vetra-Gunther and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

H. Approval of October 10, 2019 DIAA Board Executive Session Minutes

Mr. Laws made a motion to approve the October 10, 2019 DIAA Board Regular Meeting Minutes. The motion was seconded by Mr. Breeding and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

I. Approval of October 29, 2019 DIAA Board Special Meeting Minutes

This item was tabled due to a need for further adjustments to the minutes.

J. Approval of October 29, 2019 DIAA Board Executive Session Minutes

This item was tabled due to a need for further adjustments to the minutes.

K. DIAA Financial Report

Mr. Laws made a motion to approve the Financial Report. The motion was seconded by Mr. Cilento and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

II. Action Items

A. Approval of Tournament Sanctions

Mr. Cilento made a motion to approve the sanctioned events. The motion was seconded by Dr. Edney and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

B. \*Request to waive 1009.2.4. by Wilmington Christian – 2019-11-1

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 Douglas Haas, Principal, Jay Fetterman, Athletic Director, and Pam Love, Assistant Athletic Director of Wilmington Christian 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 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 and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

C. \*Request to waive 1009.2.7.5.3 by Sanford – 2019-11-2

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 Stan Waterman, Assistant Athletic Director, of Sanford 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 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 and carried by a vote of 15 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, and Thompson] and 0 no. Mr. Waterman was recused from voting.

D. \*Request to waive 1009.2.7.5.3 by Sanford – 2019-11-3

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 Stan Waterman, Assistant Athletic Director, Sanford 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 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 and carried by a vote of 15 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, and Thompson] and 0 no. Mr. Waterman was recused from voting.

Dr. Layfield granted a recess at 10:50 am. The meeting reconvened at 11:08 am.

E. \*Request to waive 1009.2.4. by Appoquinimink – 2019-11-4

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, student's parents, and Chris Muscara, Athletic Director, Appoquinimink 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 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 Ms. Evans-Gunther and carried by a vote of 10 – yes [Andrus, Breeding, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Little, and Thompson] and 5 no [Cilento, Donovan, Laws, Layfield, and Thompson]. Dr. Bley abstained.

Dr. Layfield granted a recess for lunch at 12:12 pm. The meeting reconvened at 12:39 pm. Dr. Layfield stated that the agenda would be adjusted and we would discuss item IV due to the presence of representatives from Human Resources and Financial Office of the Department of Education.

VI. Executive Director Hiring Process Update

Jeanette Harmon, Department of Education Human Resources and Chuck Longfellow were present to give an update on the hiring process for an Executive Director for DIAA. Ms. Harmon explained that a Casual/seasonal employee is a temporary employee that is paid hourly and the Department recommends that an interim Executive Director be hired as Casual/Seasonal versus contracted. A casual/seasonal employee can only work 29.5 hours per week.

Mr. Jeanne made a motion that the Board move into Executive Session to discuss the specific qualifications and salary of a specific candidate for the position of the interim Executive Director 12:47 pm). After discussions, Mr. Jeanne made a motion to end Executive Session (1:19 pm).

Mr. Laws made a motion for the Board of Directors to direct the Associate Secretary to offer a casual/seasonal position to candidate #1. The employment be based on candidate #1 fulfilling all duties as determined by Associate Secretary and Department of Education.

Dr. Andrus asked what the timeline for making this effective is. Mr. Rodriguez said that it could be effective this same day.

Ms. Hammon informed the Board that the position is posted and scheduled to end this day 11/14/19. She stated that 16 applicants applied, 4 are repeat applicants and 12 new applicants. 3 of the new applicants reside out of the state of Delaware.

Mr. Rodriguez stated that after a preliminary screening the selection seems limited.

Dr. Fitzgerald made a motion to extend the posting period of the position of Executive Director until screening committee determines that there are enough qualified candidates to move forward with the interview process. The motion was seconded by Dr. Andrus and carried with a unanimous vote of 16-yes and 0-no.

F. \*Request to waive 1009.2.4. by Appoquinimink – 2019-11-5

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 parents, 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 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 and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

G. \*Request to waive 1009.2.7. by Christiana – 2019-11-6

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 parents, and Jennifer Mayer, Athletic Director of Christiana 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 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 and carried by a unanimous vote of 16 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

The student shook all of the Board members' hands to thank them for the approval.

Mr. Cilento left the meeting at 2:32 pm

H. \*Request to waive 1009.2.4. by Conrad – 2019-11-7

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 parents, and Patrick Williamson, Athletic Director of Conrad School of Science, 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 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 and carried by a unanimous vote of 15 – yes [Andrus, Bley, Breeding, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

I. \*Request to waive 1009.2.4. by DMA – 2019-11-8

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 Jeremy Jeanne, Athletic Director of Delaware Military 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. Hart 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. Breeding and carried by a unanimous vote of 13 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Layfield, Little, Thompson, and Waterman] and 0 no. Mr. Jeanne and Mr. Laws were recused.

J. \*Request to waive 1009-2.4. by MOT Charter – 2019-11-9

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 Alycia Jefferson, Athletic Director of MOT Charter 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. Hart 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. Breeding and carried by a unanimous vote of 15 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Edney, Evans-Gunther, Fitzgerald, Harris, Hart, Jeanne, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

Dr. Edney and Mr. Jeanne left the meeting at 3:50 pm.

K. \*Request to waive 1009-2.7. by Concord – 2019-11-10

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 parents, 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 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. Breeding and carried by a unanimous vote of 13 – yes [Andrus, Bley, Breeding, Cilento, Donovan, Evans-Gunther, Fitzgerald, Harris, Hart, Laws, Layfield, Little, Thompson, and Waterman] and 0 no.

Mr. Waterman left the meeting at 4:15 pm.

L. Approval and Appointments of Standing Committee Members

Fred Johnson (Athletic Director, Lake Forest HS) was appointed to the Track and Field Committee by a vote 11 –yes and 0-no. Mr. Breeding abstained.

Tom Sullivan, DVOA Official was appointed to the Volleyball Committee. Mr. Hart made the motion and it was seconded by Dr. Andrus; the motion carried with a unanimous vote 12-yes and 0-no.

Matt Carre, McKean High School Athletic Director, Dr. Sylvia Henderson, Capital School District, Assistant Superintendent, and Jed Bell, Woodbridge High School-Coach were all appointed to the Football Committee. Motion made by Mr. Laws and seconded by Mr. Donovan the vote carried 11 yes and 0-no; Mr. Breeding abstained.

III. Creating an Ad Hoc Committee for Coaching Out of Season

Dr. Fitzgerald reminded the Board that since these agenda item was tabled at the last meeting there would have to be a vote to “un-table” it. A vote yes, means to un-table and a vote no meant to keep it tabled. Dr. Layfield suggested that this item be tabled until guidance can be given by an Executive Director Motion was made by Mr. Hart to table and carried by a vote of 12 – no and 0-yes This agenda item remained tabled.

IV. Coaching Out of Season, Transfer, and Realignment Rules Proposal from Board Member

Mr. Thompson presented examples of how other states, such as California handles coaching out of season and how New Jersey handles transfers.

Mr. Laws suggested that DOE bring someone on staff that can approve interim waivers, because the delay hurts the “kids”. Dr. Layfield asked Mr. Rodriguez if this would be a duty for the interim Executive Director and Mr. Rodriguez stated that it is an item that is being negotiated.

V. DIAA Budget

Ms. Makransky informed the Board that the cost for the court reporters that are utilized at the Board meetings may be exceeding what is available in the Board’s budget and the budget may have to be revised. She suggested that this be further researched and presented at the next Board of Directors meeting

VI. Additional Staff for DIAA

A. Temporary Help during Fall Tournaments Update

Mr. Rodriguez provided an update that an offer letter was submitted to Candidate #1 and they will begin employment on Friday, November 15<sup>th</sup>. He also informed the Board that a temporary worker would also begin on Monday, November 18<sup>th</sup> to assist with administrative duties.

VIII. Commendation of Gary Cimaglia

Dr. Fitzgerald made a motion that the Board of Directors make a commendation to Mr. Cimaglia on behalf of the student athletes of the state of Delaware not only for his dedicated service as Executive Director of DIAA, but also for his service as a member of the Board of Directors. Dr. Layfield added that he be recognized for the growth of unified sports in the Special Olympics. Mr. Cimaglia will also be presented with a trophy.

IX. Discussion Items

A. Need for Temporary Help Beyond Fall Tournaments

Dr. Fitzgerald made a motion to move into Executive Session to discuss specific candidates for temporary help for DIAA. The motion was seconded by Mr. Donovan.

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

B. Transfer Rule (Regulations 1008 & 1009-2.4)

This agenda item was moved to an “Action Item” for the December 2019 meeting.

C. Consistency in Tournament Seeding

Dr. Layfield stated that since we are already actively in Fall Tournaments he would like to discuss the consistency in seeding before the winter tournaments.

X. Other Items for Discussion Only

XI. Public Comment

Eric Richardson – a parent of a 10<sup>th</sup> grade student who attends Caravel Academy. Mr. Richardson expressed that his son used to play football at Smyrna High School, but the coach cut him from the team before he transferred to Caravel. Mr. Richardson thought this action was done out of spite and he was there to advocate for his son. He missed the deadline for completing a waiver request for his son.

Jim Clowderdy – leads a volleyball club and like the modification of coaching out of season. He feels that some of the best coaches are teachers, but they cannot coach out of season.

Trina Leclerc – further reiterate the need for the Board to consider out of season coaching and she also read and was interested in the information that Mr. Thompson presented. There are just not enough coaches for the number of kids that want to play sports.

## XII. Adjournment

Mr. Laws made a motion to adjourn the meeting. The motion was seconded by. The meeting adjourned at 5:30 pm.