

DIAA Board of Directors' Meeting Minutes  
Thursday, July 12, 2018– 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, Ted Laws, Bruce Harris, Gary Cimaglia, Dr. Bradley Layfield, Robert Watson, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Vetra Evans-Gunter, Douglas Thompson, and Dr. Bradley Bley. Thomas Neubauer, Executive Director, Laura Makransky, Deputy Attorney General, Michael Rodriguez, Associate Secretary of Education and DIAA staff Terre Taylor and Tina Bates were also in attendance. Dr. Evelyn Edney, Dr. Mervin Daugherty, Robert Cilento, Jeremy Jeanne, and Leroy Mann were unable to attend.

C. Approval of Agenda

Mr. Laws made a motion to approve the agenda. The motion was seconded by Mr. Harris and carried unanimously, 13 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

D. Approval of Minutes of DIAA June 14, 2018 Board Meetings

Mr. Hart made a motion to approve the June 14, 2018 minutes. The motion was seconded by Dr. Donovan and carried by a vote of 10 – yes (Donovan, Laws, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, and Bley) and 0 – no and 3 – abstentions (Waterman, Harris, and Breeding).

E. DIAA Financial Report

Mr. Neubauer reported that DIAA did not meet the expected income for the year and that it fell short by \$23,000.00. Mr. Neubauer commented that the expenses were over by \$24,000.00 so therefore for the year we are \$47,000.00 in the negative. Mr. Neubauer reported that the attendance has been low for the year and especially low in the spring. Mr. Neubauer explained that he is working with Department of Education to have the expense limit increased for fiscal year 2020. Mr. Neubauer stated that for fiscal 2019 the fact that the DAAD grant had expired we have an additional \$18,000.00. Mr. Neubauer also commented that if income falls short we can raise ticket prices since they have not been raised in six years.

In a response to a question from the Board, Mr. Neubauer commented that livestreaming tournament games has not hurt the attendance and web streaming is a dollar more than attending the game in person. Mr. Neubauer commented that Delaware is comparable to surrounding states in ticket prices. Mr. Neubauer also reported that we no longer have Nike as a corporate sponsor which is a loss of \$25,000.00 annually.

Dr. Fitzgerald made a motion to approve the financial report. The motion was seconded by Mr. Cimaglia and carried unanimously, 14 – yes (Waterman, Donovan, Andrus, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

## II. Public Comment

None.

## III. Action Items

### A. Approval of Tournament Sanctions

Mr. Neubauer reported that there was 11 sanctioned events before the Board for approval – Cross Country: 61<sup>st</sup> Lake Forest CC Festival (9/8/18), White Clay Creek Classic (9/14/18), Great American Festival (10/6/18), Salesianum Invitational (10/6/18), Georgetown Prep Classic (10/20/18); Volleyball: DISC Volleyball Tournament (10/24/18); Indoor Track: Last Track to Philly (1/19/19); Girls Basketball: Pat Borowski Holiday Tournament (12/27-28/18); Wrestling: Spartan Duals (1/12/19); Outdoor Track: Keith S. Burgess Invitational (4/13/19), Woodward Track & Field Relay (4/13/19). Mr. Neubauer stated that to the best of his knowledge the 11 events are in compliance with DIAA and NFHS regulations. Mr. Laws made a motion to approve the sanctioned events as recommended by the Executive Director. The motion was seconded by Mr. Watson and carried unanimously, 14 – yes (Waterman, Donovan, Andrus, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

### B. Request to Waive 1009.2.4 by Caravel – 2018-7-1

Student and Student's Parents were in attendance to present this request. The Board went into executive session for the purposes of discussing the contents of a pupil file, the disclosure of which would constitute an invasion of personal privacy.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered the written documentation

provided.

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

Mr. Cimaglia made a motion to approve the waiver based on the testimony and evidence presented that a hardship does exist and the other conditions for granting a waiver were established. The motion was seconded by Mr. Watson and carried by a vote of 9 – yes (Waterman, Donovan, Andrus, Harris, Cimaglia, Watson, Hart, Evans-Gunter, and Thompson), 4 – no (Layfield, Fitzgerald, Breeding, and Bley) and 1 – abstention (Laws).

C. Ratification of Interim Waiver

1. Request to Waive 1009.2.7 by St. Marks – 2018-7-2

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.

While in executive session Mr. Neubauer was sworn in, evidence was taken, and the Board held deliberations.

Dr. Bley made a motion to approve the Executive Director's decision to grant a temporary waiver and to grant the waiver request because the student, his family, and the school established the five conditions for granting a waiver. The student, his family, and his school are not required to appear at the Board's July meeting. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Waterman, Donovan, Andrus, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

D. Request to Convert DIAA Calendar to NFHS Calendar Starting 2019-2020 SY

Mr. Neubauer reviewed the proposed NFHS calendar and suggested to start the fall practice season on the Monday of week 7 of the NFHS Calendar every year and competition start on the Wednesday of week 10. Mr. Neubauer reviewed the proposal for the winter which would be the Monday of week 19 and the competition would be the Wednesday of week 22. Mr. Neubauer commented that this is a shift from dates based on a Friday to a consistency of Monday and Wednesday. Mr. Neubauer then explained that for the spring the proposal would be the Monday of week 35 and the competition would be the Monday of week 24 because the spring is the shortest season. Mr. Neubauer commented that he feels the consistency of always starting on a Monday will be better. Mr. Neubauer commented that neighboring states also use this calendar. Dr. Fitzgerald made a motion to adopt the NFHS Calendar for the 2019-2020 school year. The motion was seconded by Mr. Breeding and carried by a vote of 14 – yes (Waterman, Donovan, Andrus, Laws, Harris,

Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

E. Request to Set Officials Fees for 2018-19 Regulation 1008/1009.8.0

Dr. Layfield explained that the Governor has not yet signed the bill. Mr. Neubauer further explained that the bill passed unanimously and is waiting for the Governor to sign. Mr. Neubauer explained that there was a question regarding the fee but that he explained the bill to the legislators and after they understood the bill was passed.

Dr. Layfield commented that the Board can vote on the new rates recommended by the Officials' Committee in August.

Dr. Fitzgerald commented that it is still up to the Officials Committee to negotiate the rates. Mr. Neubauer commented that it is a school decision on whether there has to be a contract.

Dr. Fitzgerald made a motion to approve the officials' fees for the 2018-19 school year pending approval of Bill 241 by the Governor. The motion was seconded by Mr. Laws and carried by a vote of 14 – yes (Waterman, Donovan, Andrus, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

F. Request to Approve Sportsmanship Award Winners from 2017-18

Mr. Neubauer reported that the Sportsmanship Committee recently met on July 10 and reviewed the applications for this year. Ms. Taylor reported that the winners of the now named Dale Farmer State Champions in Sportsmanship Award are Brandywine High School, Caesar Rodney High School, Caravel Academy, Charter School of Wilmington, Concord High School, Conrad Schools of Science, Lake Forest High School, Middletown High School, McKean High School, Mt. Pleasant High School, Newark Charter, Sanford School, Sussex Technical High School, Springer Middle School, Tatnall School, William Penn High School, and Woodbridge High School. Mr. Neubauer stated that he presented these schools to the Board for the Board's approval. Dr. Fitzgerald asked that since this is the first time the award is being given under the new name that Mr. Farmer's family be notified.

Mr. Cimaglia made a motion to grant the award to the 17 schools recognized. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Waterman, Donovan, Andrus, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Bley) and 0 – no.

Mr. Neubauer commented that the committee voted unanimously to suspend

the award for one year pending a reevaluation of the criteria and application. Ms. Makransky stated that this recommendation could be put on a future agenda.

#### IV. Board Discussion Items

##### A. Coaching Out-of-Season and Senate Concurrent Resolution 79

Mr. Neubauer reported that Senate Concurrent Resolution No. 79 has passed on the Senate Floor and awaits the Governor's signature. Ms. Makransky explained that Delaware's constitution requires the resolution be approved by the Governor. Once signed the resolution would have the effect of law.

Mr. Neubauer reported that the resolution is also on the agenda for the Rules and Regulations Committee on July 30, 2018.

Dr. Fitzgerald asked if we could ask the Public Integrity Committee to review their decision of 2003 again.

##### B. Update on Regulation 1006 Changes to Committees

The Board discussed implementing the changes to subsection on committees in Regulation 1006.

##### C. Sportsmanship Committee Report

Mr. Neubauer commented that he would be bringing forward as an action item maintenance for the yellow card to be looked at. Mr. Neubauer explained what the yellow card policy currently is.

#### V. Legal

Ms. Makransky reported that changes to the committees in Regulation 1006 and also the choice program enrollment requirement that is in Regulations 1008 and 1009 went into effect on July 11, 2018. Ms. Makransky also reported that the State Board would be voting on the changes to the sportsmanship penalties in Regulation 1007. Ms. Makransky informed the Board that there are three new members on the State Board and if approve the final order will be published on August 1, 2018 and changes would go into effect on August 11, 2018.

Ms. Makransky then reviewed a case she found from 1992 regarding a coach who took an athlete out of school for a physical examination so the athlete could participate in sports.

VI. Executive Director Report

Mr. Neubauer reported on his trip to the NFHS Summer Meeting in Indianapolis.

Mr. Neubauer reported on Terre Taylor's resignation.

Mr. Neubauer followed up on Bill 225 and stated that driver's license and birth certificates will be added, as will all changes needed once the Bill is finalized.

Mr. Neubauer reported that the NFHS Section II Meeting is being held September 24, 25, and 26, 2018. Mr. Neubauer invited all Board members to the dinner being held on Tuesday, September 25.

Mr. Neubauer reviewed the DIAA Logos that were created for the 100-year anniversary.

VIII. Public Comment

Mary Pat Kwoka, President of the Delaware Volleyball Coaches Association and Jennifer Meyer, athletic director and volleyball coach at Christiana High School were in attendance to speak on the Coaching Out-of-Season rule and commented that they would like to see it change.

VII. Other Items for Discussion

Congratulations to Stan Waterman for helping coach the US National Under 17 basketball team to a Gold Medal placement at the 2018 World Games.

The Board discussed adding the Hall of Fame Banquet as a discussion item on a future agenda.

X. Adjournment

Mr. Laws made a motion to adjourn at 12:53 p.m. The motion was seconded by Dr. Bley and carried unanimously, 13 – yes (Donovan, Andrus, Laws, Cimaglia, Layfield, Cilento, Watson, Hart, Fitzgerald, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

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Tina Bates