

DIAA Board of Directors' Meeting Minutes
Thursday, July 11, 2019– 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Stan Waterman, Dr. Matthew Donovan, Ted Laws, Bruce Harris, Gary Cimaglia, Dr. Bradley Layfield, Robert Watson, Mike Hart, Mike Breeding, Vetra Evans-Gunter, Douglas Thompson, and Dr. Bradley Bley. Thomas Neubauer, Executive Director, Jennifer Singh, Deputy Attorney General [substituting for Laura Makransky], and DIAA staff Donna Polk and Tina Bates were also in attendance. Dr. Mervin Daugherty, Dr. Evelyn Edney, Dr. Kathleen Andrus, Robert Cilento, Dr. Kevin Fitzgerald, Chuck Little, Jeremy Jeanne and Michael Rodriguez were unable to attend.

C. Approval of Agenda

Dr. Layfield explained that Items I. D., E., F., and G. would need to be tabled. Mr. Breeding made a motion to approve the amended agenda. The motion was seconded by Mr. Hart and carried by a vote of 12 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

D. Approval of Minutes of DIAA Board of Directors' Interview Committee June 12, 2019 Meeting

This item was tabled, due to lack of quorum being present from that Meeting date.

E. Approval of the Executive Session Minutes of DIAA Board of Directors' Interview Committee June 12, 2019 Meeting

This item was tabled, due to lack of quorum being present from that Meeting date.

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

This item was tabled, due to lack of quorum being present from that Meeting date.

G. DIAA Financial Report

Mr. Neubauer reported that the Board has a spending limit of \$950,000.00 for FY20 as the Governor approve the increase in the DIAA spending limit. Mr. Neubauer also explained that DIAA had a \$6,588.00 deficit for FY19 due partly because of the poor attendance in the fall. Mr. Neubauer reported that

the total expenses for the year were \$785,000.00 and that the income for the year was \$778,000. Mr. Neubauer commented that because the Board has a financial cushion the Board might not want to raise ticket prices as proposed last month. Mr. Neubauer also commented that just because we have received the increase in the spending limit does not mean DIAA is obligated to spend it.

Dr. Donovan made a motion to accept the financial report. The motion was seconded by Mr. Watson and carried by a vote of 12 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

II. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 5 sanctioned events before the Board for approval –Cross Country: The Panther Challenge Twilight (9/4/19), Bull Run Invitational (9/21/19), Tower Hill Centennial Meet (9/21/19), Lehigh University Paul Short Run (10/5/19); Indoor Track: Last Track to Philly (1/25/20) Mr. Neubauer stated that to the best of his knowledge the 5 events are in compliance with DIAA and NFHS regulations.

Mr. Breeding made a motion to approve the 5 sanctioned events as recommended by the Executive Director. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 12 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

B. Request to Waive 1009.2.4 by Red Lion - 2019-7-1

Ms. Singh introduced Talley Ridgeway who is a rising college freshman who wants to be an attorney and signed a confidentiality agreement.

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. Mr. Laws recused himself from this hearing. All parties were sworn in.

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. Cimaglia made a motion to grant the waiver because the student and the student's family established all five conditions for granting a waiver. The motion was seconded by Mr. Thompson and carried by a vote of 11 – yes [Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 – no.

C. Request to waive 1009.2.4 by Middletown HS – 2019-7-2

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.

Student; Student's Father; and Alycia Jefferson, Athletic Director at MOT Charter School were in attendance to present this request. All parties were sworn in.

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 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 12 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

D. Regulation 1007

Mr. Neubauer reminded the Board that this was a result of a request by Mr. Laws. Mr. Neubauer reported that in reference to Regulation 1007.1.2.1.1 DIAA was charged to bring DIAA in line with the State to allow schools to hire armed constables for school event security. Mr. Neubauer explained that this was an editorial change for the Board's approval and then send for the State Board's approval.

Mr. Hart made a motion to send this to the State Board of Education for approval. The motion was seconded by Mr. Laws and carried by a vote of 12 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

E. Regulations 1008 & 1009

Dr. Layfield explained that this is the entire regulation but would recommend breaking apart. Mr. Neubauer explained that the changes in regulations 1008.4.0 and 1009.4.0 are the start dates for practice and competition to align with the National Federations standardized calendar except for the fall which will still use Labor Day as the key date for determining practice and competition start dates. Mr. Neubauer explained that a motion for approval would go to the State Board for their approval.

Mr. Hart made a motion to send the changes to the State Board of Education for approval. The motion was seconded by Mr. Breeding and carried by a vote of 12 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

Mr. Cimaglia explained that with regards to the out of season coaching rule research

was received from the Delaware Sports Medicine Advisory Committee. Mr. Cimaglia commented that the Rules and Regulations Committee would like to do more research and wants to contact the DAAD, Chiefs, and Sports Committees for their recommendations and will bring back to the Board. Mr. Hart commented that more information is needed and reminded the Board that all Committee Members are volunteers. Mr. Cimaglia commented that the Rules and Regulations Committee meets in August and in September and will bring back any recommendations to the Board.

F. Request to Raise State Tournament Fees and Admission Prices Starting in 2019-20 School Year

Mr. Neubauer reported that if the deficit for DIAA was only \$6,000.00 there may not be a need to increase admission prices. Mr. Hart commented that prices should stay the same and review next year. Mr. Cimaglia commented that if prices are going to be increased the schools should be notified in advance the reasons why we are increasing ticket prices. No action was taken.

III. Executive Director Hiring Update

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

The Board came out of executive session. The Board returned to open session.

Mr. Neubauer reviewed the regulations regarding the hiring of the Executive Director. Some Board members expressed their concerns that members of the Board may not be on the interview committee. Dr. Layfield asked if the Board could ask the Department of Education to have two DIAA Board members as part of the Interview panel.

IV. Joint Legislative Oversight and Sunset Committee Notice

Mr. Neubauer explained that the General Assembly has the authority to review any state agency. He further explained that DIAA was reviewed by the Joint Legislative and Oversight Committee [JLOSC] of the General Assembly in 2007. Mr. Neubauer reported that he recently received a notice from the Joint Legislative Oversight and Sunset Committee that DIAA has been listed for Sunset review in 2020. Mr. Neubauer also reviewed the timeline with the Board and stated that a questionnaire is due on October 16, 2019. Mr. Neubauer commented that he feels this will be a positive measure.

V. Committee Reports

Mr. Neubauer reported that Mr. Cimaglia covered his in item II. D. and E. and that the Sportsmanship Committee meets next week on the 16th. Mr. Neubauer

reported that he is having an all sports chair meeting on July 20, 2019.

VI. Discussion Items

No discussion items.

VII. RLCA Investigation

The Board went into executive session for the purpose of discussing documents excluded from the definition of the public record under *29 Del. C. § 10002(1)*.

While in executive session personnel and student records were discussed. The board came out of executive session.

Dr. Layfield explained to Mr. Osborn and Mr. Anderson that the Board has decided that there are further questions they have for the Red Lion Administration. For the purposes of due process the Board will memorialize those in formal questions and have a hearing next month. The Board will send the Red Lion Administration a letter with those questions and the hearing date.

Dr. Layfield left the meeting and Mr. Cimaglia took over as Chair.

VIII. Legal Report

IX. Executive Director's Report

Mr. Neubauer reported on the NFHS Summer Meeting and commented that it was very productive and felt that in the future Board members should attend. Mr. Neubauer also presented the new NFHS logo.

Mr. Neubauer reported on the staffing at DIAA. Mr. Neubauer explained that he and Donna have been working on a new breakdown for positions at DIAA. Ms. Polk reviewed with the Board a staff proposal that she created and explained that it would allow for three full-time employees and a part-time employee. Mr. Cimaglia questioned what authority DIAA has for presenting this staff proposal. Mr. Neubauer explained that the Board would have to petition the Department of Education and then the possibly the State Legislators. Ms. Polk suggested hiring a temporary secretary during the transition period. Mr. Neubauer suggested getting the authority it needs

Mr. Neubauer commented that a Standing Committee addition that has been

under consideration for a number of years should be formed within the next school year. That Committee is a Student Advisory Committee. Ms. Polk and members of the Student Leadership Conference group would be the key personnel in getting this Committee established.

X. Other Items for Discussion

None.

XI. Public Comment

Trina Leclerc addressed the Board on the topic of out-of-season coaching and commented that she is pleased that the Board is looking for more feedback from other Committees. Ms. Leclerc commented that it has been a year since this topic was first discussed and appreciates the Board's work.

XII. Adjournment

Mr. Laws made a motion to adjourn at 12:03 p.m. The motion was seconded by Mr. Hart and carried unanimously by a vote of 11 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Watson, Hart, Breeding, Evans-Gunter, Thompson, and Bley] and 0 no.

Tina Bates