

DIAA Board of Directors' Meeting
Thursday, April 8, 2021 - 9:00 A.M.
Virtual Meeting

Minutes

I. Opening

A. Call to Order

Dr. Layfield called the meeting to order at 9:01 am

B. Roll Call

Committee Members Present – Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted Laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Mike Rodriguez

DIAA Staff Present - Ms. Donna Polk – DIAA Executive Director, Mrs. Stephanie Mark – DIAA Coordinator, Ms. Tanya Reed – DIAA Secretary and Ms. Laura Makransky – Deputy Attorney General

Absent – Dr. Kathleen Andrus, Dr. Bradley Bley, Mike Breeding, Robert Cilento, Jeremy Jeanne

C. Approval of Agenda

Mr. Ted Laws made a motion to approve the agenda, the motion was seconded by Dr. Matt Donovan. The motion was approved with a vote 13 Yes [Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson].

D. Approval of Minutes of DIAA March 11, 2021 Board Meeting

Ms. Vetra Evans-Gunther made a motion to approve the minutes of DIAA March 11, 2021 Board Meeting and the motion was seconded by Mr. Doug Thompson. The motion was approved with a vote 12 Yes [Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Stan Waterman, Robert Watson, 0-No and 1- Abstain Chuck Little].

E. DIAA Financial

Ms. Donna Polk gave the DIAA Financial Report, stating that DIAA’s cash balance is about \$532,000. Ms. Polk stated MOU’s from member schools continue to come in, \$19,000.00 has been received from the fall, and we are still collecting money from the winter, right now it stands at \$13,000. Dr. Amelia Hodges made a motion to approve the financial report, the motion was seconded by Dr. Matt Donovan. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther,

Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and 0-No].

II. Division of Public Health Update

Ms. Dana Carr and Mr. Jamie Mack gave an update stating that there has been a slight uptick in cases of COVID-19, but we are still trending in a good direction. Ms. Carr stated that vaccination has opened up for 16 years and older. Ms. Carr stated she does not see a relaxation in parameters and staying status quo. Mr. Mack spoke in regards to one of the most recent changes, in regards to face coverings for spring sports and outdoor activities, that they were able to relax that rule a bit from the Public Health side, but still in conversation with DIAA staff in regards to regulations and how to better support that. Mr. Mack also stated that there has been an uptick in cases but they do not feel that is school related, and reiterated Ms. Carr's sentiment that everyone needs to stay vigilant.

III. Joint Legislative Oversight Sunset Committee Update from March 23, 2021 Recommendation Meeting

Ms. Donna Polk gave an update on Sunset. The last meeting was held on March 31, 2021. Ms. Polk went over the updated recommendations from the Sunset Committee and noted that the changes that were made. Dr. Bradley Layfield also gave an update in regards to Sunset.

IV. Action Items

DAG Makransky provided guidance on the hearing proceedings and process to follow.

- A. Approval of Minutes of March 18, 2021 Hearing Panel Meeting – Mr. Mike Hart made a motion to approve the minutes, the motion was seconded by Mr. Doug Thompson. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and 0-No].
- B. Approval of Executive Session Minutes of March 18, 2021 Hearing Panel Meeting. Mr. Doug Thompson made the motion to approve the minutes the motion was seconded by Mr. Mike Hart. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and 0-No].
- C. Action on Hearing Panel Recommendations
 - i. Request to Waive Regulation 1009 2.7.5.3 by Sussex Academy-2021.4.2
Dr. Amelia Hodges made a motion to move into Executive Session, the motion was seconded by Dr. Matt Donovan. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Dorrell Green, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and 0-No].

The Board moved into Executive Session

The Board returned from executive session. Roll call was taken. Dr. Matt Donovan made a motion to accept the waiver decision of the hearing panel for Sussex Academy 4.2. The motion was seconded by Mr. Doug Thompson. The motion carried with [10-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and 0-No]. Recuse due to serving on the hearing committee were Vetra Evans-Gunther, Bruce Harris and Ted Laws.

ii. Request to Waive Regulation 1009 2.7.5.3 by Caravel Academy – 2021.4.3

Mr. Dorrell Green made a motion to move into executive session the motion was seconded by Mr. Mike Hart.

The Board moved into Executive Session

The Board returned from executive session, Roll call was taken. Dr. Matt Donovan made a motion to accept the waiver decision of the hearing panel for Sussex Academy 4.3. The motion was seconded by Mr. Chuck Little. The motion carried with [10-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and 0-No]. Recluse due to serving on the hearing committee were Vetra Evans-Gunther, Bruce Harris and Ted Laws.

iii. Request to Waive Regulation 10092.7.5.3 by Caravel Academy – 2021.4.4

Mr. Mike Hart made a motion to move into executive session the motion was seconded by Dr. Amelia Hodges. The motion carried with [10-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Dough Thompson, Stan Waterman, Robert Watson and 0-No]. Recluse due to serving on the hearing committee were Vetra Evans-Gunther, Bruce Harris and Ted Laws.

The Board moved into Executive Session

The Board returned from executive session, Roll call was taken. Dr. Matt Donovan made a motion to accept the waiver decision of the hearing panel for Caravel Academy 4.4. The motion was seconded by Mr. Mike Hart. The motion carried with [10-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Dough Thompson, Stan Waterman, Robert Watson and 0-No]. Recluse due to serving on the hearing committee were Vetra Evans-Gunther, Bruce Harris and Ted Laws.

iv. Request to Waive Regulation 1009 2.7.5.3 by Caravel Academy 0 2021.4.5

Dr. Bradley Layfield made a motion to move into executive session the motion was seconded by Mike Hart. [9-Yes Dr. Bradley Layfield, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, and 0-No]. Recluse due to serving on the hearing committee were Dr. Matt Donovan, Bruce Harris, Vetra Evans-Gunther, and Ted Laws].

Due to lack of quorum this waiver request was tabled until later in the meeting when a quorum is present.

D. Ratification of Executive Director’s Decision to Grant Interim Waiver

i. Request to waive regulation 1009 2.7 by AI DuPont High School – 2021.4.1

Mr. Ted Lawson made a motion to ratify the interim waiver by the executive director, the motion was seconded by Mr. Doug Thompson. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris and Ted Laws.

ii. Request to Waive Regulation 1009 2.7.5.3 by Caravel Academy – 2021.4.6

Mr. Doug Thompson made a motion to ratify the interim waiver by the executive director, the motion was seconded by Ms. Vetra Evans-Gunther. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris and Ted Laws.

E. Request to Waive Regulation 4.1.1 by 3A Football Classification Schools

Eric McGuire gave testimony in response to this waiver on behalf of 10 schools. The schools are requesting a waiver to engage in competition in the sport of Varsity football on or after the Wednesday prior to Labor Day. The schools request that their first allowable varsity football game be on or after September 1st, 2021. The school request the waiver that practice for any fall sport shall not begin earlier than the Monday three weeks before Labor Day, the schools request that varsity football practices being on August 6, 2021. Regulation 1006 9.1.1 provides that the board has the authority to set aside the effect of a rule subject to the limitations set forth in the specific rule and all of the conditions have been established. DAG Makransky swore in Donna Polk and Eric McGuire. Mr. McGuire gave testimony as to why this waiver should be granted. Dr. Hodges asked for clarification that it was for two years and not just for one year. Mr. Mike Hart made a motion to grant the waiver for the 3A schools, the motion was seconded by Dr. Matt Donovan. The motion carried with [13-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Dough Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws and Dr. Matt Donovan and 0-No].

Mr. Robert Watson joined the meeting at 10:42am

Dr. Bradley bley joined the meeting at 10:42am

Dr. Kathleen Andrus joined the meeting at 10:45am

The board moved back to Action item IV.

iv. Request to Waive Regulation 1009 2.7.5.3 by Caravel Academy – 2021.4.5

Dr. Bradley Layfield made a motion to move into executive session, the motion was seconded by Dr. Amelia Hodges. The motion carried with [11-Yes Dr. Bradley Layfield, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Dr. Kathleen Andrus and Dr. Bradley Bley and 0-No]. Recluse due to serving on the hearing committee were Dr. Matt Donovan, Bruce Harris, Vetra Evans-Gunther, and Ted Laws].

The Board returned from executive session, Roll call was taken. Mr. Mike Hart made a motion to accept the waiver decision by the hearing panel for Caravel Academy 4.5. The motion was seconded by Dr. Kathleen Andrus. The motion was not approved with [3 yes Dr. Bradley Layfield, Mike Hart, Chuck Little; 7-No Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Evelyn Edney, Dorrell Green, Dr. Amelia Hodges, Doug Thompson, Stan Waterman and 3 Recuse – Dr. Matt Donovan, Bruce Harris, Ted Laws, and Abstain Vetra Evans-Gunther].

Dr. Bradley Layfield made a motion to adopt the findings of fact, and to adopt the recommended conclusions of law with the exceptions of hardship and made a recommended decision not to grant the waiver requested. The motion was seconded by Mr. Doug Thompson. The motion carried with [10 yes Dr. Bradley Layfield, Mike Hart, Bruce Harris, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Evelyn Edney, Dorrell Green, Dr. Amelia Hodges, Doug Thompson, Stan Waterman; 0 – No and 3 Recuse – Dr. Matt Donovan, Bruce Harris, Ted Laws, and Abstain Vetra Evans-Gunther].

Mr. Dorrell Green left the meeting at 11:36pm

F. Request to Waive Regulation 4.1.1 by 2A Football Classification Schools

Ryan Winkleblech gave testimony in response to this waiver. The schools are requesting a waiver to engage in competition in the sport of Varsity football on or after the Wednesday prior to Labor Day. The schools request that their first allowable varsity football game be on or after September 1st, 2021. The school request the waiver that practice for any fall sport shall not begin earlier than the Monday three weeks before labor Day, the schools request that varsity football practices being on August 9, 2021. Regulation 1006 9.1.1 provides that the board has the authority to set aside the effect of a rule subject to the limitations set forth in the specific rule and all of the conditions have been established. DAG Makransky swore in Donna Polk and Ryan Winkleblech. Mr. Winkleblech gave testimony as to why this waiver should be granted. Dr. Bradley Layfield made a motion to grant the waiver for the 2A schools, the motion was seconded by Mr. Mike Hart. The motion carried with [14-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug

Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws, Dr. Kathleen Andrus and Dr. Bradley Bley and 0-No].

G. Request to Waive Regulation 4.1.1 by 1A Football Classification Schools

Jerry Kobasa gave testimony in response to this waiver. The schools are requesting a waiver to engage in competition in the sport of Varsity football on or after the Wednesday prior to Labor Day. The schools request that their first allowable varsity football game be on or after September 1st, 2021. The school request the waiver that practice for any fall sport shall not begin earlier than the Monday three weeks before labor Day, the schools request that varsity football practices being on August 9, 2021. Regulation 1006 9.1.1 provides that the board has the authority to set aside the effect of a rule subject to the limitations set forth in the specific rule and all of the conditions have been established. DAG Makransky swore in Donna Polk and Jerry Kobasa. Mr. Kobasa gave testimony as to why this waiver should be granted. Dr. Bradley Layfield made a motion to grant the waiver for the 1A schools, the motion was seconded by Dr. Matt Donovan. The motion carried with [12-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dorrell Green, Mike Hart, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws, Dr. Kathleen Andrus and 0-No and 2-Recuse Dr. Amelia Hodges, Dr. Evelyn Edney].

H. DIAA Committee Appointments and Approvals

Ms. Donna Polk went through the current Committee Recommendations for Softball, Baseball, Wrestling, and Golf.

Softball – Diane Carden, DIAA State Interpreter

Baseball – Tom Disharoon, DIAA State Interpreter

Wrestling – Joe Loboazzo, DIAA State Interpreter

Wrestling – Ron Eby, Clarence Lloyd, Russ Neal, Peter Parlett, John Rusnak, Bill Shedaker, Joe Archangelo, Jeff Hewes, Vic Leonard, Chris Mattioni (Reappointments)

Golf – Chris Brosius

Donna Polk also went through the resignations of members from Football, and Sports Medicine Committees.

Football – Joe Hemphill, George Kosonovich

Sports Medicine – Brad Sandella

Wrestling – John Groom

Dr. Matt Donovan made a motion to approve committee member appointments the motion was seconded by Mr. Mike Hart. The vote carried with [14-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws, and Dr. Kathleen Andrus and 0-No].

I. DIAA Committee Application

Ms. Donna Polk went over the recommended changes to the Committee Application. Ms. Polk stated they are proposing to add additional questions to the application. Additions to include school employer and address, professional licensures, and if they played any sports, or had coaching experience, Dr. Bley recommended adding officiating experience as well. Dr. Bradley Layfield made a motion to approve the revised committee application form, the motion was seconded by Dr. Bradley Bley. The motion carried with [14-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws, and Dr. Kathleen Andrus and 0-No].

J. Hearing Panel Schedule

Ms. Donna Polk proposed that the hearing panel board meet the last Thursday of each month, allowing enough time to get any information and letters out in enough time for scheduled board meetings. Dr. Bradley Layfield made a motion to approve the hearing panel schedule the motion was seconded by Dr. Amelia Hodges. The motion carried [14-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws, and Dr. Kathleen Andrus and 0-No].

The Board took a recess until 12:20 PM

Roll Call

Committee Members Present – Dr. Bradley Layfield, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Michael Rodriguez

DIAA Staff Present - Ms. Donna Polk – DIAA Executive Director, Mrs. Stephanie Mark – DIAA Coordinator, Ms. Tanya Reed – DIAA Secretary and Ms. Laura Makransky – Deputy Attorney General,

Absent – Mike Breeding, Robert Cilento, Dorrell Green, Jeremy Jeanne

K. Sports Medicine Advisory Committee Recommendations

i. DIAA Physical Pre participation Examination Form

Dr. Bradley Bley gave an updated noting the changes made to the physical form. Donna Polk stated a Spanish version will be made available on the website as well. A recommendation was made to add in Wrestling and Unified sports and to remove sports that DIAA doesn't sponsor. Dr. Bradley Layfield made a motion to approve the physical form, the motion was

seconded by Mr. Mike Hart. The motion carried [14-Yes Dr. Bradley Layfield, Dr. Matt Donovan, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson, Vetra Evans-Gunther, Bruce Harris, Ted Laws, and Dr. Kathleen Andrus and 0-No].

ii. **SMAC Recommendations**

Dr. Bradley Bley gave an update stated there was a significance drop off in cases from January February and into March.

L. **Regulations 1011 Interscholastic Athletics during the COVID-19 Pandemic**

i. **Sports Medicine Advisory Committee Amendments Recommendations**

Dr. Bradley Bley gave an update on recommendations to 1011 amendments. DAG Makransky gave an update on amendments to 1011. There was discussion in regards to wording changes both additions and deletions to 3.0, 5.0. DAG Makransky gave an update to definitions and changes, Dr. Bley also gave an update.

M. **Regulation 1009 DIAA High School Interscholastic Athletics**

i. **Rules and Regulations Committee Coaching Out of Season Update**

ii. **Rules and Regulations Committee Amendments Recommendation Regulation 1009-Sections 1.0 (Definitions), 3.0 (Health and Safety Requirements), 4.0 (In-Season Athletic Activities and Contact) and 6.9 (Out of Season and Summer Athletic Activities Contact).**

Dr. Dr. Matt Donovan gave an update in regards to what Rules and Regulations committee have discussed, stating that member schools are in favor of changes that were proposed. Dr. Donovan went through the additions and removal of some terms. Definitions of some of the regulations were clarified. There was an in depth discussion in regards to coaching out of season by the board members and the suggested changes to regulations. DAG Makransky gave overview of items that were discussed for change. Competition has been changed so that it reads a competition means a contest between schools in which student athletes compete. Dead period means a period when out of season when interscholastic activities are not permitted. In section 3.1.1.2 that is an area that has not yet been resolved. It is noted that Dr. Bley recommended that instead of specifying 9th grade physical be replaced with “up to date”. Therefore it would read “Student athletes without a current pre-participation physical evaluation are required to submit an up to date physical and medical history form in order to participate in interscholastic athletic activities”. Moving on to section 6.0, section 6.2 was struck in its entirety, which involved intermural sports. 6.5.1.7 Dr. Layfield suggested adding clarifying language inclusive of all out of season interscholastic athletic activities. So it would read “informal instruction shall not exceed 2 hours per day and a maximum of 4 hours per week per student inclusive of all out of season interscholastic athletic activities”. Next section is 6.5.1.9 to add a sentence that states “Member schools are responsible for tracking the rest period for their student’s athletes.” Section 6.9.3 all of the

language will remain. In section 6.10.3 “at minimum” was struck from the language. It now reads “A coach who is in violation of 6.0 shall be suspended from coaching in the coach’s sport at any DIAA member school for up to the total number of days in the school year from the date the charge is substantiated.”

DAG Makransky then went over all the options to make the decision to publish the regulation, it can either be submitted to the registrar of regulations for publication on May 1st of 2021. By law the board is required to have a minimum written comment period of at least 30 days. There is an option of having a longer written period and if that is the option the board wants to go that must be specified in the motion. Another option the board has which would be in addition to the written comment period is to hold one or more public hearing meetings on the regulation changes, this would allow individuals to provide verbal comment on proposed changes. The hearing or hearings can be held at the regular board meeting or they can be held at a different meeting whenever there is a quorum. Twenty days’ notice is required before a public hearing can be held, so assuming that it’s published on May 1st the earliest that a hearing could be held would be after May 24th. Transcripts of hearings are created and the written public comment period after you have public hearing has to be held open for another 15 days just to allow the public an opportunity to respond to any comments that were made as a part of those public hearings. There are some costs that are associated with holding public hearings, the requirement that you are required to publish notice into the newspaper of the actual public hearing and the other is the cost of transcribing the hearing. If this is the route the board wants to go this has to be specified in the motion.

The board discussed the options

Dr. Bradley Layfield made a motion to send the amended regulation 1009 as reviewed by DAG Makransky for publication in the registration of regulation for May 1st and then schedule a public hearing including the minimum 15 days of written public comment after the hearing and then will determine whether to extend the 15 days even further. The motion was seconded by Mr. Mike Hart. Dr. Bley questioned what was to be gained from doing it this way versus typical public comment. Dr. Layfield stated that due to scrutiny from Sunset process that it would be good to exhaust every effort to hear every voice that may not have been heard yet. The motion carried with [Yes-14 Dr. Bradley Layfield, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted Laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and No-0].

Dr. Bradley Layfield moved back to proposed language in 1011. Language would add the term informal instruction in with workout practice, conditioning programs and open gym programs, DAG Makransky recommended adding the definition of informal instruction that was proposed from 1009. Dr. Bradley Layfield made a motion to publish regulation 1011 as amended registered regulations, the motion was seconded by Dr. Bley. The motion carried with a [Yes-14 Dr. Bradley Layfield, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra

Evans-Gunther, Bruce Harris, Mike Hart, Dr. Amelia Hodges, Ted Laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and No-0].

V. Update to the Certification Program from Delaware Interscholastic Football Coaches Association (DIFCA) USA Football Heads Up Safety Camp for 2021

Coach Wilson gave an update on the safety camp, the committee has looked at several factors that will impact a couple things, one being the dates and also the certifications. USA Football is no longer sponsoring the heads up football certification, this means the cost is driven up and they are not linking a new program with NFHS Learn, which was traditionally used in the past. Coach Wilson believes there are three parts to this, first being that in lieu of the mandatory training that each coach is required to have therefore recommending each member school sponsor football identify a player safety coach who will be responsible for completing any of the advanced tackling and blocking systems that are provided on USA Football, this way it wouldn't be an expense to every single coach. If there are any new coaches, whether volunteer or paid they should complete the heads up training on NFHS Learn. The reason for that is because do not want any coach to come in and not have any idea about what this whole process is about. A lot of time has been spent trying to get everyone on same page. All coaches need to also get the concussion and sport heat and illness prevention and sudden cardiac arrest courses. The anticipated dates are June 1st thru June 11th, 2021, which requires the same logistics that have been used in the past, requiring teams to only be allowed to have five practices in total over the course of those two weeks. There is one additional request and that is to extend it an additional week from June 14th –to possibly the 18th or 19th. Dr. Bradley Bley made a motion to grant the request. Mr. Mike Hart seconded the motion, the motion carried with [Yes-14 Dr. Bradley Layfield, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Mike Hart, Dr. Amelia Hodges, and Ted Laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and No-0].

VI. Discussion and Approval of DIAA Football Committee Tournament Criteria

Coach Wilson gave an update, stating that the committee has met on two occasions following the realignment structure that was passed. Coach Wilson gave an overview of the Tournament Proposal that the committee came up with, they are recommending an open tournament for 3A, a 12 Team Tournament for 2A and an 8 Team Tournament for 1A. Coach Wilson also explained The Seeding Criteria Points System Proposal. Ted Laws made a motion to approve the criteria as presented. The motion was seconded by Dr. Matt Donovan. The motion carried [Yes-14 Dr. Bradley Layfield, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Mike Hart, Dr. Amelia Hodges, and Ted Laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and No-0].

VII. Coronavirus COVID-19 Impact

A. Sports Seasons Consideration during the Academic Year 2020-21

i. Spring Sports 2021

1. Determination for Spring Sports Tournament

Mrs. Stephanie Mark gave an update in regards to Spring Sports and the DIAA Tournament Summary. Dr. Evelyn Edney gave an update in regards to Track and Field and what committee discussed. Dr. Matt Donovan made a motion to approve the tournament plans, the motion was seconded by Dr. Amelia Hodges. The motion carried [Yes-14 Dr. Bradley Layfield, Dr. Kathleen Andrus, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Mike Hart, Dr. Amelia Hodges, and Ted Laws, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson and No-0].

2. Board Discussion of and Action on Face Covering Requirements in April 1, 2021 Ninth Revision to the Twenty-Seventh Modification of the Declaration of the State of Emergency for the State of Delaware Due to a Public Health Threat.

Ms. Donna Polk began this discussion stating she reached out to conference presidents to get feedback in regards to their positions on this and also reached out to Dr. Amelia Hodges. Ms. Donna Polk stated there were some concerns in regards to leaving the guidelines in place due to contact tracing and quarantine that would be impacted if the masks were off. Ms. Polk stated there is a mixture of support for and against. Dr. Amelia Hodges shared the superintendent position that the majority of the chiefs are in favor of the governors modification, also felt it was very important to inform student athletes of the risk involved related to both quarantine and potential exposure and infection, so that students can choose to wear the mask if they feel it's in their best interest. Dr. Bley commented that the SMAC committee has been watching to see what the quarantines were like at each individual school, it didn't matter if all athletes were wearing a mask or not if someone was positive on a team the entire team was quarantined. Dr. Bley stated each case is going to be very different and DPH is going to investigate every single positive case that comes up just the same as they always have, states not necessarily a reason to not follow the executive order if they are allowing to do that. Dr. Bley stated he is in favor of following the executive order at this point and time. Dr. Bley stated as a committee they reviewed the risk of cardiac and respiratory issues related to wearing a mask particularly those with pulmonary or cardiac issues. There has not been an increase or anyone being significantly ill from wearing a mask. There have however been reports of athletes being hit due to not being able to see the ball because of mask sliding up or down. Ms. Donna Polk shared that some other feedback that was received was if there were some schools that did follow the updated executive order but there were some school that did not want to then there could be a competitive advantage. The concern is how is that going to be

managed with some schools wearing and some schools not wearing the mask. Dr. Edney stated that for track they are not looking to get rid of the mask all together just to be able to pull them down when they are actually running and then replace them after. Dr. Bley stated from a health perspective that when running for 20 minutes or less with a mask on there should not be an issue from a competitive standpoint if some athletes choose to and others do not. Dr. Bradley Layfield asked if they were allowed to remove the section in regulation 1011 that says student shall wear a mask. DAG Makransky informed him that the board cannot remove that because the regulation is the law and until it is changed it stands. Dr. Bley asked if they could draft an emergency regulation to process this change much faster. DAG Makransky stated that in order to pass an emergency regulation have to determine that there is eminent peril to the public health, safety or welfare. DAG Makransky cautioned the Board, that they put the original requirements into effect as part of an emergency regulation and now wanting to eliminate them because there is now a safety risk associated, and wanted to know if it's in all spring sports or just certain spring sports. Reminded board that regardless of what they decided to do it is still subject to the State Board of Education's approval. The board continued to have lengthy discussion in regards to wearing a mask during spring sports. Dr. Bley stated that outdoor sports are at a much lower risk of these issues and that is the key differentiation. Dr. Bradley Layfield made a motion to create the emergency order to fall in line with the Governors emergency order, most current revision and subsequent revisions and modifications. The motion was seconded by Mr. Mike Hart. DAG Makransky asked if the motion was in respect to face coverings only or is it for other requirements. Dr. Bradley Layfield stated any requirements as dictated by the emergency order, whether it's face coverings, social distancing, capacities, that basically there would be an emergency regulation put in place that would fall in line with the Governors current emergency order and any subsequent modifications and revisions or any of the mitigation strategies that are being used or implemented. DAG Makransky stated that the point of 1011 so that it's clear what the requirements are for schools that are more restrictive than the Governors order. DAG Makransky asked for clarification as to what the board is trying to do with emergency order. Ms. Donna Polk reminded the board that the emergency regulation would have to go through state board for approval and they do not meet until April 22nd and DIAA would have to make sure they are on the schedule. There was continued discussion in regards to how to modify the regulation and wording. Dr. Bradley Layfield again made the motion to create the emergency regulation to fall in line with the latest revision to the emergency order and any subsequent revisions to the emergency order as it pertains to any and all mitigation strategies the Governor sets forth. Quorum was lost with only 9-Yes Dr. Bradley Layfield, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Dr. Amelia Hodges, Ted Laws and 0-No]

Roll Call was taken to determine if there was a quorum still present.

Committee Members Present – Dr. Bradley Layfield, Dr. Bradley Bley, Dr. Matt Donovan, Dry Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Dr. Amelia Hodges, Ted Laws. Mike Hart, Michael Rodriguez

DIAA Staff Present -Ms. Donna Polk – DIAA Executive Director, Mrs. Stephanie Mark – DIAA Coordinator, Ms. Tanya Reed – DIAA Secretary and Ms. Laura Makransky – Deputy Attorney General

Absent – Dr. Kathleen Andrus, Mike Breeding, Robert Cilento, Dorrell Green, Jeremy Jeanne, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson

It was determined that Quorum was lost and therefore the meeting had to be stopped.

Dr. Bradley Layfield called for a Recess to see if a Quorum could be formed again.

Roll Call was taken to determine if a quorum was present.

Committee Members Present – Dr. Bradley Layfield, Dr. Bradley Bley, Dr. Matt Donovan, Dr. Evelyn Edney, Vetra Evans-Gunther, Bruce Harris, Dr. Amelia Hodges, Ted Laws. Mike Hart, Michael Rodriguez

DIAA Staff Present -Ms. Donna Polk – DIAA Executive Director, Mrs. Stephanie Mark – DIAA Coordinator, Ms. Tanya Reed – DIAA Secretary and Ms. Laura Makransky – Deputy Attorney General

Absent – Dr. Kathleen Andrus, Mike Breeding, Robert Cilento, Dorrell Green, Jeremy Jeanne, Chuck Little, Doug Thompson, Stan Waterman, Robert Watson

The Board was not able to re-gain a Quorum as there was only 9 voting members present.

XII. Public Comment

Trinia LeClerc commented that Board should make her a committee member because she would have been 10, stated she probably has the best attendance record. Ms. LeClerc stated there was lots of good discussion, and would have liked to see the last piece go through as well. Ms. LeClerc stated she felt the football vote was very telling that the waiver made it in for Football pretty easily, that always seems to be able to make anything happen for football. States she has heard that from multiple people within the community and that if it's about football and about boys it always happens. Ms. LeClerc feels there were several things that happened very efficiently that centered around football today. She stated now that they are allowed to start a week early how does that impact the dead period? Ms. LeClerc didn't feel the question was really answered. Curious as to whether now an advantage or disadvantage was created for football. In regards to Out of season coaching, feels a lot of great progress and appreciative of everything that Dr. Matt Donovan and Dr. Bradley Layfield are doing to try and push that forward and totally understand the issues around the public integrity committee, even though she does not agree with them she does understand. Ms. Leclerc does feel it is a step forward to allow them to coach even if they cannot get paid, it's still a step in the right direction. She feels the general assembly will probably push to help correct that or make that a little more level playing field. The equity term gets thrown around all the time. Ms. LeClerc states we live in America, people have opportunities that she can get a tutor if her kid is in geometry and nothing stops her from doing that, therefore if kids want to play another sport to be better, then should let them do that. Ms. LeClerc stated everything was struck in 7.6.2 which changed the summer regulations to now only be four hours a week for each athlete, nothing else in regulation speaks to summer. She feels the board should go

back and look at that, stated she tried to get some feedback regarding that , states the ways she reads it athlete can't be in a summer league because can only be there for four hours and only informal instruction. The last thing Ms. Leclerc wanted to comment about was the twelve weeks, she wasn't sure she thought were in twelve now looks like they are in 10 because they do not have the first two weeks in August because it is now a full year. The last piece Ms. LeClerc wanted to talk about was the violations, because the Board spent a fair amount of time talking about the violation and the minimum versus the extension, she thinks it's quite interesting that there is a very complicated system now and athletic directors are going to have a lot of fun trying to keep track.. The concern about violations, states knows of a violation and bring it up every time and it hasn't been addressed, it basically has been reported in a newspaper article that the coach admitted he did it and nothing was done about it. She finds it interesting that Board is so worried about violations and has someone that does it and doesn't do anything about it. States she is a rule follower, and if a lot of time is spent trying to build regulations then need to make sure that consistently enforcing them. In closing Ms. LeClerc hopes that Board can find a way to find 1011 regulation regarding mask use forward for the children.

XIII. Adjournment

The meeting adjourned at 4:14PM.