

DIAA Board of Directors' Meeting Minutes
Thursday, June 10, 2021– 9:00 a.m.
Video Conference

MEETING MINUTES

I. Opening

A. Call to Order

Dr. Layfield called the meeting to order at 9:00 am

B. Roll Call

Committee Members Present – Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Jeremy Jeanne, Ted Laws, Doug Thompson, Robert Watson, and Michael Rodriguez.

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

Absent – Robert Cilento, Bruce Harris, Stan Waterman, Chuck Little

C. Approval of Agenda

Mr. Mike Hart made a motion to approve the agenda, the motion was seconded by Mr. Mike Breeding. The motion was approved with a vote 13 Yes [Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Jeremy Jeanne, Ted Laws, Doug Thompson, and Robert Watson] and 0 No.

D. Approval of Minutes of DIAA May 13, 2021 Board Meeting

Dr. Matt Donovan made a motion to approve the minutes of DIAA May 13, 2021 Board Meeting and the motion was seconded by Vetra Evans-Gunther. The motion was approved with a vote 12 Yes [Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Dr. Matt Donovan, Vetra Evans-Gunther, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Jeremy Jeanne, Ted Laws, Doug Thompson, and Robert Watson], 0 No and 1 Abstain Dr. Evelyn Edney.

E. Approval of Executive Session Minutes of DIAA May 13 , 2021 Board Meeting

Mr. Mike Hart made a motion to approve the minutes of DIAA May 13, 2021 Executive Session Minutes and the motion was seconded by Mr. Robert Watson. The motion was approved with a vote 12 Yes [Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Dr. Matt Donovan, Vetra Evans-Gunther, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Jeremy Jeanne, Ted Laws, Doug Thompson, and Robert Watson], 0 No and 1 Abstain Dr. Evelyn Edney.

F. DIAA Financial Report

Ms. Donna Polk gave the DIAA Financial Report, stating that DIAA's cash balance is \$541,500.00. Dr. Amelia Hodges made a motion to approve the financial report, the motion was seconded by Mr. Mike Breeding. The motion carried with vote 13 Yes [Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Jeremy Jeanne, Ted Laws, Doug Thompson, and Robert Watson and 0-No].

II. Division of Public Health Update

Ms. Dana Carr gave an update on COVID-19 stating the test positive rate has gone significantly down. Testing has also gone down and states should continue testing in the schools and making sure we are providing opportunities and information about vaccinations. Ms. Carr stated the big thing to think about moving into summer and fall is to encourage those in a mixed group of vaccinated and unvaccinated to wear a mask, inside and outside. Dr. Bley asked if the pre-screening symptom check list would be going away anytime soon. Ms. Carr stated they are still encouraging the use of health screeners.

Bob Cilento joined the meeting at 9:26am

III. Senate Bill 130

Mr. Mike Rodriguez gave an overview of what has occurred thus far in regards to Senate Bill 130. Mr. Rodriguez stated he attended a meeting last week to discuss concerns with SB 130. SB 130 would create an exception to the Code of Conduct (29 *Del. C.* Ch. 58) for public school coaches who coach out of season to allow and require DIAA to specify standards through regulation. Mr. Rodriguez provided examples of what exceptions DIAA could put into place. The ultimate result should be to minimize unethical behavior. Mr. Rodriguez also stated there were some concerns to the broad use of the term organization and this was brought to the Sunset Committee's attention. DAG Laura Makransky also gave an update to SB 130 in regards

to the Public Integrity Commission. Debbie Moreau, with the Public Integrity Commission, spoke in regards to SB 130 and the Code of Conduct. Ms. Moreau stated the PIC is not able to help write regulations as that is not its job; however, they are able to give the Board perspective on direction and stumbling blocks that there may be. Ms. Moreau also stated it might be beneficial for the Board members to take the ethics training that is provided by the PIC. Dr. Bradley Layfield asked as it pertains to SB 130, is there to be Board action on whether or not the DIAA Board wants this bill considered. DAG Makransky stated the question that has been asked of DIAA is is the bill necessary. Dr. Layfield stated his understanding is that the Public Integrity Commission feels that they can work with DIAA to allow some form of coaching out of season that doesn't violate the Code of Conduct. Dr. Layfield stated his opinion is that SB 130 is not going to be necessary. Dr. Layfield feels the Board should continue the work with Regulation 1009 as it pertains to coaching out of season with the people from the Public Integrity Commission. Dr. Bley asked Ms. Moreau if she has seen the proposed changes to Regulation 1009. Ms. Moreau stated the Commission had not looked at the regulation but that they could take a look at it. The Board continued to have a lengthy discussion in regards to SB130.

Dr. Bradley Layfield made a motion that the DIAA's standpoint is that the passage of SB 130 is not necessary and that the next steps to develop coaching out of season regulations will be done in collaboration between DIAA and the Public Integrity Commission in collaboration with the Rules and Regulations Committee of the DIAA. The motion was seconded by Mr. Bob Watson. Mr. Mike Rodriguez stated that one of the things he brought up at Sunset was if language is incorporated into the regulation like what is currently in proposed regulation about it being voluntarily open and available, how much that will actually open up coaching out of season and it wasn't clear on how far the Board must go to satisfy Senate Concurrent Resolution 79. Mr. Rodriguez stated he just wanted to raise the point and that if the language is maintained will it still comply with the Public Integrity Commission's opinion. DAG Laura Makransky stated DIAA is being held over but will be required to submit reports to the Sunset Committee by certain deadlines. DIAA should be able to keep the Sunset Committee informed as to its progress while working in consultation with the Public Integrity Commission and Rules and Regulations Committee to further develop its regulations.

Dr. Bradley Layfield asked for roll call to vote on the motion he made. The motion carried with 13 yes [Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson] and 0-No.

Jeremy Jeanne stepped away from the meeting at 9:55am

IV. Action Items

- A. Request to use 8th Graders for high school athletics 1009 2.7.5 by Laurel High School

Dr. Bradley Layfield made a motion to approve the request from Laurel High School to use 8th graders. The motion was seconded by Dr. Matt Donovan. The motion carried with 13 yes [Dr. Bradley Layfield, Dr. Bradley Bley, Mike Breeding, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson] and 0-No.

- B. Request to Use 8th Graders for High School Athletics – 100902.7.5 by Seaford High School.

Mr. Ted Laws made a motion to approve the request from Seaford High School to use 8th graders. The motion was seconded by Dr. Matt Donovan the motion carried. Mike Breeding asked a question into whether the 8th graders are in the same school as the high schoolers. The motioned carried with 12 yes [Dr. Bradley Layfield, Dr. Bradley Bley, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson and 1-No Mike Breeding.].

- C. DIAA Committee Appointments and Approvals

Mike Breeding recused himself from this matter.

Ms. Donna Polk gave an update to the appointments and approvals of committees.

- Dr. Bradley Layfield approved Dr. Bradley Bley as the new DIAA Sports Medicine Advisory Committee Chair.
- Dr. Michael Axe would continue to serve as a member of the SMAC Committee.

Andrew Layton from Woodbridge High School was recommended as the Coach for Sussex County to join the Unified committee.

Dr. Bradley Layfield made a motion to approve appointments and the motion was seconded by Mr. Bob Cilento. The motion carried with 12-yes [Dr. Bradley Layfield, Dr. Bradley Bley, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson] and 0 No.

D. Regulation 1011 Interscholastic Athletics during the COVID-19 Pandemic
Review Public Comments and Board Action

Dr. Bradley Layfield gave a summary of the State Council for Persons with Disabilities' written public comment concerning the proposed amendments to Regulation 1011. Dr. Layfield made a motion to move forward with the current proposed regulation as published and to send them to State Board of Education for approval and that the board consider repealing Regulation 1011 at the July board meeting. Dr. Bradley Bley seconded the motion. The motion carried with 13-yes [Dr. Bradley Layfield, Dr. Bradley Bley, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson, Mike Breeding] and 0 No.

E. Formal Letter of Complaint from May 17, 2021 from Thomas McKean High School.

Ms. Donna Polk gave a summary in regards to the letter received from McKean High School. The concerns in the letter addressed how the meet was managed from registration, meet schedule, inclusion of Unified program and officials management. There was recognition that Unified does not typically participate in that meet and realized the potential learning curve to include Unified participants during the meet. Ms. Polk stated she wanted to make the Board aware of the letter and asked if the Board wanted to take any further action. Ms. Polk stated the concerns will be shared with the Unified Sports Committee. Ms. Polk stated the goal is that the Unified program and athletes experience is the same as other student athlete during meets and championship events.

Dr. Bradley Layfield made a motion that the Unified Sports Committee address the concerns raised in the letter and develop a path forward and that the Committee should report back to the Board. The motion was seconded by Mr. Bob Watson. The motion carried with 13-yes [Dr. Bradley Layfield, Dr. Bradley Bley, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson, Mike Breeding] and 0 No.

V. Coronavirus COVID-19 Impact

A. Sports Seasons Consideration during the Academic Year 2020-21 and 2021-22

i. Spring Sports 2021 Championships Update

Ms. Donna Polk gave a recap of spring sports championships. Ms. Polk's shared all three sport seasons during regular season and

championships occurred this year under Covid and that definitely is a success. Ms. Polk personally thanked all of the athletic directors throughout the state for ensuring that the sport seasons were able to be held. Also extended gratitude to all others that made events possible. Mrs. Stephanie Mark presented a slide show of all the spring state championships. Ms. Donna Polk also shared with the board complaints received and challenges during spring championships. Ms. Polk also went over some of the Challenges DIAA is currently experiencing including being significantly understaffed. Ms. Polk also reviewed future opportunities including new sites for the championships. Dr. Bradley Bley asked if this was the time to add raising ticket prices and other sources of revenue to the board agendas for further discussion.

ii. Fall Sports Season 2021

Ms. Donna Polk spoke to this topic and shared DIAA is working with DPH to determine what guidelines will be in place for fall.

VI. DIAA Committee Tournament Reports

A. Boys Basketball Committee

Ms. Polk shared the basketball tournament report.

B. Unified Sports Committee – Track

Ms. Polk shared the unified sports track tournament report.

VII. DIAA Committee Meeting Updates

A. Unified Sports Committee

Minutes shared with the board

VIII. Executive Director's Report

Ms. Donna Polk gave the Executive Director's Report. Ms. Polk gave an update to the winners of the Harry Roberts Scholar-Athlete Award Winners. Ms. Polk gave recap of the Sportsmanship Awards. Ms. Polk stated numbers with NFHS live stream were good. Ms. Donna Polk also spoke of the transition that DOE is having for virtual meetings, going from GoToMeetings to WebEx. WebEx will be used for the July meeting. Ms. Stephanie Mark gave an update to the interns and the items they have been helping DIAA with. Ms. Mark also gave updates to the Sportsmanship Committee. Ms. Mark also gave an update to the vaping contest that was held.

Dr. Bradley Layfield asked Ms. Donna Polk to give an update to the board members that will be departing and the new board members that will be joining the board.

Ms. Donna Polk congratulated Mr. Stan Waterman on being chosen as Delaware State University's Men's Basketball Coach.

IX. Other Items for Discussion Only

Mr. Ted Laws stated he was informed by a few different schools, that there is a large amount of recruiting/poaching of individual players from schools not only within but also outside of the state. He asks that all Athletic Directors make sure that schools are abiding by all the guidelines and regulations.

X. Public Comment

Ms. Trina LeClerc thanked those that are leaving the Board and stated she is sad to see them go. Ms. LeClerc had one comment to make in regards to out of season coaching and that was that she finds it interesting that it has been almost 3 years that out of season coaching has been a huge topic of discussion without a resolution. Ms. Leclerc states now there is a new angle and that is that just now the DIAA has started talking to Public Integrity Commission, it seems like another missed opportunity. She states she thinks the good that the coaches bring and do is forgotten. Ms. Leclerc knows several individuals that have developed lifelong relationships with coaches they have had. She feels it's important to not lose sight of that or the athletes and coaches. Some of the coaches are teachers and they don't make a lot of money, most coaches probably coach more hours than they get paid for. The coaches want to give back and there are coaches that give their time freely to other athletes and they are pushing their student athletes away, so they are running a free clinic and not even getting paid and then tell their athletes I am sorry you can't come in. Ms. Leclerc thinks it's great that the PIC wants to work with DIAA but where have they been, and why has DIAA not spoken to them before. Sunset took a stand and they are moving forward. Ms. Leclerc states she doesn't know what the general assembly's reaction is going to be to this. She feels these things show that something has to be fixed with this Board. Ms. Leclerc doesn't understand why every other state in the country has figured out a way to handle out of season coaching but little Delaware cannot.

XI. Adjournment

Mr. Bob Watson made a motion to adjourn the meeting, the motion was seconded by Mr. Ted Laws. The motion carried with 13-yes [Dr. Bradley Layfield, Dr. Bradley Bley, Bob Cilento, Dr. Matt Donovan, Vetra Evans-Gunther, Dr. Evelyn Edney, Dorrell Green, Mike Hart, Dr. Amelia Hodges, Ted Laws, Doug Thompson, Robert Watson, Mike Breeding] and 0 No.

The meeting adjourned at 11:07 A.M.