

DIAA Board of Directors' Meeting Minutes  
Thursday, August 10, 2017– 9:00 a. m.  
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:00 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 Cilento, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Dr. Mervin Daugherty, Vetra Evans-Gunter, Douglas Thompson, Dr. Bradley Bley, Jeremy Jeanne, and Karen Field-Rogers. Thomas Neubauer, Executive Director, Laura Makransky, Deputy Attorney General, and DIAA staff Terre Taylor and Tina Bates were also in attendance. Dr. Evelyn Edney, Susanne Williams, Robert Watson, and Leroy Mann were unable to attend.

C. Approval of Agenda

Mr. Cilento made a motion to approve the agenda. The motion was seconded by Dr. Donovan and carried unanimously, 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Cilento, Hart, Breeding, Daugherty, Evans-Gunter, Thompson, and Bley) and 0 – no.

D. Approval of Minutes of DIAA July 13, 2017 Board Meeting

Mr. Hart made a motion to approve the minutes of the July 13, 2017 Board meeting. The motion was seconded by Dr. Bley and carried unanimously, 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Cilento, Hart, Breeding, Daugherty, Evans-Gunter, Thompson, and Bley) and 0 – no.

E. DIAA Financial Report

Mr. Neubauer reported that DIAA is working at a negative balance currently which is normal at this time of year. Mr. Neubauer reported that he was able to recover money owed by a previous T-Shirt vendor, Team IP. Mr. Hart made a motion to approve the financial report. The motion was seconded by Ms. Evans-Gunter and carried unanimously, 12 - yes (Waterman, Harris, Donovan, Williams, Cimaglia, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

II. Public Comment

None.

III. A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 2 cross country and 1 wrestling requests for sanctioning. Mr. Neubauer reported that the 3 events were approved and that there were three others that were pending because there were no Delaware schools participating in them. Mr. Neubauer stated that to the best of his knowledge the 3 approved were in compliance with DIAA and NFHS regulations. Mr. Cilento made a motion to approve the 3 sanction events. The motion was seconded by Mr. Harris and carried unanimously, 12 - yes (Waterman, Harris, Donovan, Williams, Cimaglia, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 - no.

E. Request to Waive 1009.4.1.1 by Glasgow HS on behalf of DIFCA/DFRC

Mr. Neubauer explained that this is the annual request by the four schools participating in the DFRC Kickoff Classic and that he received a letter on behalf of Glasgow High School, Indian River High School, Dover High School and Archmere Academy requesting a waiver of 1009.4.1.1 so that they may participate in the annual Kick Off Classic football game which will take place on Thursday, September 7, 2017. The request was to allow the schools to practice on August 14 which is one day earlier than the allowable practice date of August 15 and then to compete on day earlier, September 7<sup>th</sup>. Mr. Neubauer explained that the starting practice one day earlier this year is not as imperative as previous years because of the way the calendar falls the athletes will get the necessary 21 days of practice without extending. Ms. Taylor commented that Dover High School had a conflict with the competition date. Mr. Neubauer commented that the way the calendar fell the 21 days of practice was already in place and the extra day was not needed. Some Board members commented that if the 21 days are already in place the second part of this is a moot point for all schools.

Mr. Hart made a motion to waive 1009.4.1.1 and approve the competition date to one day early for all four schools but not give the extra practice day to Dover High School for the reason being they would still get the 21 practice days which will keep the schools in line with all the other schools. The motion was seconded by Mr. Cimaglia and carried by a vote of 13- yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, and Bley) and 0 no with 1 abstention (Jeanne).

G. Request for the Use of 8<sup>th</sup> Grade Students at the High School Level per Regulation 1009.2.7.3.1 by Odyssey Charter School

Mr. Neubauer explained that he received a letter from Odyssey Charter School seeking approval for their 8<sup>th</sup> grade students to participate at the high school

level. Mr. Neubauer commented that the campus is unified under one administration. Mr. Jeanne made a motion to grant the request and allow the 8<sup>th</sup> graders to participate on the high school teams. The motion was seconded by Mr. Hart and carried by a vote of 14 – yes (Waterman, Harris, Donovan, Williams, Laws, Fitzgerald, Cimaglia, Watson, Hart, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 – no.

B. Request to Waive 1009.2.4 by Milford High School 2017-8-1

Student, student's mother, and Ryan Winkleblech; Milford Athletic Director, were in attendance to present this request. Mr. Cilento recused himself from this hearing. The Board went into executive session for the purposes of discussing the request, including the content of the pupil file.

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.

Dr. Fitzgerald made a motion to grant the waiver based on the hardship that existed and there is no apparent athletic gain by the student by approving. The motion was seconded by Mr. Cimaglia and carried by a vote of 13 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) 0 – no.

C. Request to Waive 1009.2.7 by A. I. DuPont HS – 2017-8-2

This request was withdrawn.

D. In the Matter of Interim Waiver Requests

1. 1009.2.7 by Newark High School – 2017-8-3

The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

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

The Board then came out of executive session.

Dr. Fitzgerald made a motion to approve the interim waiver and 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 September meeting. The motion was seconded by Mr. Laws and carried by a vote of 15- yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 no.

2. 1009.2.4 by Cape Henlopen HS – 2017-8-4

Mr. Cilento recused himself.

The Board went into executive session for the purpose of discussing the request, including the content of the pupil file.

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

The Board then came out of executive session.

Mr. Hart 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 September meeting. The motion was seconded by Mr. Cimaglia and carried by a vote of 14 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 no.

F. Request by Urban Promise Academy to Become a DIAA Member

Melissa Lowe; counsel for Urban Promise and Joel Orr; teacher at Urban Promise were in attendance to present this request.

Ms. Lowe explained that Urban Promise was looking to become a member of DIAA and was looking for guidance from the Board. Ms. Lowe further explained that the school is a private Christian school and would like to sponsor junior varsity sports. Ms. Lowe explained that their largest grade is 8<sup>th</sup> grade.

Ms. Makransky reviewed regulation regarding Associate Membership.

After some discussion, Dr. Fitzgerald made a motion to table this request for more information on their admission policy and transparency with finances.

The motion was seconded by Mr. Laws and carried by a vote of 15 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 no.

The Board recessed at 11:30 a.m. and reconvened at 11:50 a.m.

#### H. Request for Approved Policy Prohibiting Use of Illegal Equipment and Uniforms in Warm-Up.

Mr. Neubauer reported that he received a request from all DIAA Sport Committees asking that the DIAA Board of Directors adopt a policy that prohibits the use of illegal equipment or the wearing of illegal uniforms during the warm-up period before interscholastic competition.

Mr. Hart made a motion to table for the DIOC to review. The motion was seconded by Mr. Breeding and carried by a vote of 15 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 no.

#### I. Approval of Committee Charges by Board for Rules and Regulations Committee

Ms. Makransky reviewed charges for each of the DIAA Committees.

Mr. Hart made a motion to table this and allow each chairperson to review the charges. The motion was seconded by Mr. Jeanne and carried by a vote of 15 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 no.

#### IV. Board Discussion Items

##### A. Waiver Request Form

Ms. Taylor reviewed the waiver request form with the Board and asked for any edits. No changes were suggested.

##### B. Regulation 1009.1.3.1 (Conferences)

Ms. Makransky reviewed 1009.1.3.1 with the Board. Mr. Laws made a motion to request copies of the most current constitutions and bylaws of each conference. The motion was seconded by Mr. Waterman and carried by a vote of 15 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and

Jeanne) and 0 no.

C. Investigator's Report

Mr. Laws made a motion to go into executive session for the purpose of discussing documents excluded from the definition of "public record" under 29 Del. C. § 10002. The motion was seconded by Dr. Donovan and carried unanimously 15 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0- no.

Mr. Jeanne made a motion to come out of executive session. The motion was seconded by Mr. Cilento and carried unanimously, 13 – yes (Donovan, Laws, Harris, Layfield, Cilento, Hart, Fitzgerald, Breeding, Daugherty, Evans-Gunter, Thompson, Bley, and Jeanne) and 0 - no.

V. Legal Report

Ms. Makransky reported that House Bill 98 was signed into law on July 17, 2017.

Ms. Makransky reported that the State Board of Education approved the changes to Regulation 1009 (the Transfer Rule, the Passing Work Rule, and the Years of Participation Rule), the final order was published in the Register of Regulations on August 1, 2017, and the changes go into effect on August 11, 2017.

Ms. Makransky reported that she will be holding a legal training for Board Members.

VI. Executive Director Report

Mr. Neubauer reported on the House Bill 98..

Mr. Neubauer reported on the DIAA Student Leadership Conference and stated that it was very successful.

VII Other Items for Discussion Only

The Board discussed the documents it sought to request from Urban Promise Academy; an application; a list of any regulations with which Urban Promise Academy cannot comply; and Urban Promise Academy's enrollment and

admission procedures.

VIII. Public Comment

None.

IX. Adjournment

Mr. Cilento made a motion to adjourn at 1:20 p.m. The motion was seconded by Dr. Bley and carried unanimously, 11 – yes (Donovan, Harris, Cilento, Laws, Layfield, Hart, Fitzgerald, Breeding, Thompson, Bley, and Jeanne) and 0 no.

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Tina Bates