

DIAA Board of Directors' Meeting Minutes
Thursday, October 11, 2018– 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:02 a.m. by Chairperson Dr. Bradley Layfield.

B. Roll Call

The following DIAA Board members were present: Stan Waterman, Dr. Matthew Donovan, Ted Laws, Dr. Bradley Layfield, Mike Hart, Dr. Kevin Fitzgerald, Mike Breeding, Vetra Evans-Gunter, Robert Watson, Bruce Harris, Leroy Mann, Doug Thompson, Gary Cimaglia, Dr. Bradley Bley and Jeremy Jeanne. Thomas Neubauer, Executive Director, Laura Makransky, Deputy Attorney General, Michael Rodriguez, Associate Secretary of Education and Tina Bates were in attendance. Dr. Mervin Daugherty, Robert Cilento, Dr. Evelyn Edney, and Dr. Kathleen Andrus were unable to attend.

C. Approval of Agenda

Mr. Laws made a motion to approve the agenda. The motion was seconded by Mr. Hart and carried unanimously, 14 – yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne] and 0 – no.

D. Approval of Minutes of DIAA September 13, 2018 Board Meeting

Dr. Donovan made a motion to approve the September 13, 2018 minutes. The motion was seconded by Mr. Jeanne and carried by a vote of 11 - yes [Waterman, Donovan, Laws, Harris, Layfield, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Jeanne], 0 – no and 3 abstentions (Cimaglia, Bley, and Watson).

E. Approval of Minutes of DIAA September 13, 2018 Executive Session

Mr. Laws made a motion to approve the September 13, 2018 executive session minutes. The motion was seconded by Mr. Hart and carried by a vote of 11 - yes [Waterman, Donovan, Laws, Harris, Layfield, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, and Jeanne], 0 – no and 3 abstentions (Cimaglia, Bley, and Watson).

E. DIAA Financial Report

Mr. Neubauer reported that finances for this time of the year were normal with expenses being higher than income. The primary expenses were the insurance premium, staff salaries, and benefits. Income to date was \$66,000 which was mostly member dues. Mr. Neubauer explained that Nike is no longer a sponsor and that Wilson is now a sponsor which created a cash difference of \$11,500.00. Mr.

Neubauer also explained that the American Lung Association annual grant was for half of the previous amount, which is a \$5,000.00 difference.

Mr. Jeanne made a motion to approve the financial report. The motion was seconded by Ms. Evans-Gunter and carried by a vote of 14 - yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne] and 0 – no.

II. Public Comment

Mary Pat Kwoka addressed the Board on the topic of out-of-season coaching.

Fred Fisher addressed the Board on the topic of coaching out of season and how it related to his child and club volleyball.

Tom McCann addressed the Board on the topic of coaching out of season and how it related to his daughter who plays club volleyball.

Trina Leclerc addressed the Board on the topic of coaching out of season and how it related to her child and possible advancement to playing at the next level.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Neubauer reported that there were 20 sanctioned events before the Board for approval – Cross Country: Sandhills Invitational (10/13/18), Manhattan College HS (10/13/18), Southern DE MS End of Season 10/24/18), DISC Championship (10/26/18), Sussex County Meet (10/30/18), New Castle County Champ (11/3/18); Field Hockey: Turf Bowl (10/4-7/18); Volleyball: DISC Volleyball Tournament (10/24-25/18), Central Delaware MS End of Season (10/26/18); Basketball – Martin Luther King, Jr. (1/21/19) and Crimson Tide Holiday (12/21 – 12/22/18); Indoor Track: Bayside conference (12/5, 12, 19/18; Bayside Conference (1/2, 9, 16/19), Indoor Track Meet HS/MS (12/15/18), Indoor Track Meet HS/MS (1/12/19), Indoor Track Meet HS/MS (1/24/19); Wrestling: Walsh Jesuit/Ironman (12/7-8/18), 50th Parkside Holiday (12/28-29/18), Mount Mat Madness XV (12/28-29/18); Golf: Champions Invitational (3/29, 3/30/19). Mr. Neubauer stated that to the best of his knowledge the 20 events are in compliance with DIAA and NFHS regulations.

Mr. Hart made a motion to approve the 20 sanctioned events as recommended by the Executive Director. The motion was seconded by Dr. Bley and carried by a vote of 14 - yes [Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne] and 0 – no.

C. Request to Waive 1009.2.4 by Appoquinimink HS, 2018-10-1

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.

The Board went into deliberation. The Board came out of deliberation. The Board returned to open session.

Mr. Jeanne made a motion to grant the waiver request because all five conditions for granting a waiver were established. The motion was seconded by Mr. Cimaglia and carried by a vote of 14 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne), 0 – no.

D. Request to Waive 1008.2.7 by Georgetown MS 2018-10-2

Dr. Layfield recused himself from this matter. 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 person privacy.

The Board went into deliberation. The Board came out of deliberation. The Board returned to open session.

Dr. Fitzgerald made a motion to grant the waiver request to participate in baseball because all five conditions for granting a waiver were established. The motion is also to deny the request for wrestling. The motion was seconded by Mr. Jeanne and carried by a vote of 12 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Hart, Fitzgerald, Breeding, Evans-Gunter, Thompson, Bley, and Jeanne), 1 – no (Watson)

B. Request to Waive 1008.2.7.2.3 by Caravel Academy, 2018-9-5

Dr. Bley recused himself from this hearing. Mr. Neubauer explained that the school was notified of the hearing but waived their right to appear. Mr. Neubauer gave sworn testimony about the current regulation and the history behind that regulation.

Dr. Bley also gave sworn testimony regarding the risk of injury to 6th grade students playing football and recommended that they not be permitted to participate.

The Board went into deliberation. The Board came out of deliberation.

Mr. Jeanne made a motion to deny the request because Caravel Academy did not establish all four conditions for a waiver. Mr. Breeding seconded the motion. The motion carried by a vote of 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, and Jeanne), 0 – no, and 1 – abstention (Laws).

E. Request to Approve Changes to Regulations 1008.2.4, 2.6, 2.7, 3.0, 7.5/1009.3.0, 7.5

The Board discussed the six timely received written submittals concerning the proposed amendments to Regulation 1008 that were published on September 1, 2018. The written submittals were from Nicholas J. Fina, Ed.D. of the State Council for Persons with Disabilities, Ann C. Fisher of the Governor's Advisory Council for Exceptional Citizens, Bob Gilmore, Taylor Trevisan, Jennifer Mayer (a coach and Christiana High School's Athletic Director), and Rodney Griffin.

Mr. Hart made a motion to approve the proposed amendments to Regulation 1008 that were published on September 1, 2018 without further changes. Mr. Laws seconded the motion. The motion carried unanimously by a vote of 14 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

In addition, the Board discussed the twelve written submittals concerning the proposed amendments to Regulation 1009 that were published on September 1, 2018. The written submittals were from Dr. Fina, Ms. Fisher, Dion Lamb, Kevin Molen (a parent), John Kwoka, Matt Carucci (the Catholic Youth Ministry Sports Coordinator), Ms. Mayer, Trina Leclerc (a parent of a former student athlete), MaryPat Kwoka (a high school and club coach), Mr. Gilmore, Mr. Trevisan, and Mr. Griffin.

Mr. Hart made a motion to approve the proposed amendments to Regulation 1008 that were published on September 1, 2018 without further changes. Mr. Laws seconded the motion. The motion carried unanimously by a vote of 14 – yes (Waterman, Donovan, Laws, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

F. Request to Waive 1009.7.5 by Padua Academy

Lindsay LoPilato-Brown, athletic director at Padua; Lauren DiSabatino, head volleyball coach at Padua; and Rainbow Shaw-Giaquinto, assistant volleyball coach at Padua were in attendance to present this request. All parties were sworn in.

Ms. LoPilato-Brown explained that she was asking for a waiver of 1009.7.5 to allow a student who is a junior at Padua Academy to participate on the Padua Academy's varsity volleyball team and to participate on the Premier Volleyball of Delaware 17's team which is coached by the same coach, Ms. DiSabatino. Ms. LoPilato-Brown also explained that the student's mother was an assistant coach on the club team.

Ms. Shaw-Giaquinto who is the student's mother explained the hardships of her daughter playing for a different team because of the DIAA coaching out of season rule.

The Board went into deliberation. The Board came out of deliberation.

Dr. Bley made a motion to deny the request as the family did not establish 4 conditions for granting a waiver. The motion was seconded by Mr. Breeding and carried by a vote of 11 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Mann, and Bley), 1 – no (Jeanne), and 2 – abstentions (Laws and Thompson).

G. Request for Grant Money by Delaware Association of Athletic Directors [DAAD]

Mr. Hart recused himself from this matter. Mr. Hart presented the request on behalf of DAAD.

Mr. Neubauer reminded the Board that the money for the grant was not included in the FY19 DIAA budget due to the shortfall from FY18 and the anticipated costs for FY19 being the same.

Mr. Rodriguez explained that he reviewed minutes from 2015-16 and reported that DAAD was to be self-sufficient in three years. Mr. Hart commented that at this time they are not able to support the program without support but that they have plans to increase income in the future. Mr. Hart also commented on restructuring the DAAD Board. In a response to a question from a Board member Mr. Neubauer responded that the Program is helpful in training athletic directors [A.D.s], but not all persons who received training stay in the A.D. position for very long and a lot of money has been spent without a useful return.

Ms. Makransky commented that she does not believe the DIAA has the authority to give money to an association such as DAAD.

Mr. Rodriguez emphasized the importance of DIAA following regulations and processes of the Department of Education.

Mr. Jeanne explained that the athletic directors are looking to receive an extra stipend for being an athletic director.

Mr. Rodriguez again explained that if this grant was approved the Board would be in violation of DOE regulations and processes.

Mr. Cimaglia made a motion to deny the request as submitted based on the representation that this is not in the 2018-19 budget. The motion was seconded by Mr. Watson and carried by a vote of 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne).

H. Request to Edit the Definition of Hardship in Regulations 1006, 1008, 1009

Mr. Neubauer explained that these were non-substantive changes.

Mr. Hart made a motion to accept the changes. The motion was seconded by Dr. Donovan and carried by a vote of 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne).

I. Request to Expand the DIAA Dual Team Wrestling Tournament

Buddy Lloyd, Chairman of the Wrestling Committee, was in attendance to present this request. Mr. Lloyd explained that the DIAA State Wrestling Committee was asking for an expansion of the DIAA Dual Team Wrestling Tournament.

Mr. Breeding made a motion to accept the request to expand the tournament from six teams to eight teams per division. The motion was seconded by Mr. Jeanne and carried by a vote of 13 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield,

Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 - no.

J. Request to Edit 1009.4.3 to Include the Sport of Wrestling

Buddy Lloyd, Chairman of the Wrestling Committee was in attendance to present this request. Mr. Lloyd explained that some DE high school athletes are being invited to the Beast of the East wrestling tournament due their qualifications as an outstanding wrestler. The Beast of the East Tournament is held annually at the University of Delaware and is nationally known as an elite event. Mr. Lloyd was asking if the athletes that are invited to an elite tournament such as this could not have their participation count towards their team and individual season limits. This exception would only be for schools that send three or fewer wrestlers to the Beast of the East Tournament. Any DIAA school sending four or more would have the limits of Regulation 1009.4.3.1 in effect.

Mr. Jeanne made a motion to approve the request. The motion was seconded by Mr. Hart and carried by a vote of 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

K. Request to Create a Rule for Joint or Multi-School Practices for the Sport of Wrestling by Odyssey Charter School

Buddy Lloyd, Chairman of the Wrestling Committee, was in attendance to present this request. Mr. Lloyd and Mr. Neubauer explained that they received a proposal from Zach Plerhoples, who is the health and P.E. teacher at Odyssey Charter School, proposing that DIAA create a rule allowing any middle and or high school wrestling team that demonstrates half or less of an official varsity wrestling roster to practice with other wrestling teams on a regular basis when permitted by both schools' administration.

After some discussion, Mr. Hart made a motion to forward the request to the Rules and Regulations Committee. The motion was seconded by Mr. Jeanne and carried by a vote of 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

IV. Board Discussion Items
None.

V. Committee Reports

Mr. Neubauer reported that the Wrestling Committee meets on a regular schedule throughout the school year. They meet in September to plan the year's event, January to set final plans for the two wrestling state tournaments. Twice in February to seed, the Dual Team Tournament and the Individual Tournament. Then in March to have a school year wrap up meeting. They are a diligent and knowledgeable group who are true stewards of the sport and the DIAA Tournaments.

VI. Legal

Ms. Makransky reported on a CNN Article on a 16-year old football player that died from a closed head injury.

Ms. Makransky also reported on litigation challenging competitive balance factor plans in Alabama and Ohio.

VII. Executive Director Report

Mr. Neubauer reported that the Coordinator's position has still not been filled. The first two candidates declined the job offer and DOE HR is moving onward to the third candidate chosen by the Interview Committee.

VIII. Other Items for Discussion

Mr. Thompson shared with the Board that he had heard that a transfer that occurred over the summer might have been for athletic advantage. Mr. Neubauer reported that he too had heard of the insinuation and had notified the receiving school to be diligent in their verification of the facts related to the transfer. Mr. Neubauer stated that he spoke to the Athletic Director and Principal of the school and was satisfied they had done their due diligence.

Mr. Cimaglia commented that he would like to discuss open gym at the next Board meeting.

IX. Public Comment

Mary Pat Kwoka addressed the Board again on the topic of coaching out of season.

Trina Leclerc addressed the Board again and reiterated her thoughts on the topic of coaching out of season.

X. Adjournment

Mr. Breeding made a motion to adjourn at 2:50 p.m. The motion was seconded by Mr. Jeanne and carried unanimously, 12 – yes (Waterman, Donovan, Harris, Cimaglia, Layfield, Watson, Hart, Breeding, Evans-Gunter, Thompson, Mann, Bley, and Jeanne) and 0 – no.

Tina Bates