

DIAA Board of Directors' Meeting Minutes
August 13, 2009 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:15 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Edna Cale, Debbie Corrado, Catherine Marvel, Harvey Hyland, Dianne Sole, Susan Coffing, Robert Reed, Woody Long, Michael Modica, and Ron Eby. Kevin Charles, Executive Director; and Paula Fontello, Deputy Attorney General were also in attendance. Mike Owens, Curtis Bedford, Eugene Montano, Joan Samonisky, Teresa Taylor, Dr. Jeffrey Hawtof, Dr. George Stone, Randall O'Neal were unable to attend.

C. Approval of Agenda

Mr. Kobasa stated that item III. C. was removed from the agenda at the request of the Student. Mr. Eby made a motion to approve the agenda. The motion was seconded by Mr. Long and carried unanimously.

D. Approval of Minutes of July 9, 2009 Board of Directors' Meeting

Mr. Reed made a motion to approve the minutes of the July 9, 2009 Board of Directors meeting. The motion was seconded by Dr. Sole and carried unanimously.

E. DIAA Financial Report

Mr. Charles commented on the new fiscal year and stated that most of the income so far was from corporate contracts such as Nike and Martin Screen Prints. Mr. Charles stated that the expenses for this year were for the catastrophic insurance policy and purchase orders for printing and publishing. Ms. Cale made a motion to approve the financial report. The motion was seconded by Mr. Modica and carried unanimously.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles commented that there were fourteen events that needed to be sanctioned and that they were all in compliance with the NFHS and DIAA regulations. Mr. Eby made a motion to approve the sanction events. The motion was seconded by Ms.

Marvel and carried unanimously.

Mr. Charles informed the Board that the NFHS has recently started an on-line sanctioning procedure. Mr. Charles stated that if any of our member schools want to run a tournament that needs NFHS approval they will need to begin the process on line. Mr. Charles commented that this is an effort to go paperless and asked if it is required for the Board to approve all the events that come in. Mr. Charles questioned the interpretation from the DIAA Regulations on whether each event needs to come before the Board or if the Executive Director can approve them. Ms. Fontello suggested that there may be a process that could work under the current regulation such as stream lining the process with a list instead of copies of all the completed applications. She stated that a process may be available where a summary of the requests are prepared on a list for consideration by the Board and will look into to make sure.

B. Request for Waiver of DIAA Reg. 1009.2.4 by St. Elizabeth for M.M.

Student, student's mother, and John Petruzzelli, Associate Principal and Director of Admissions at St. Elizabeth High School were in attendance to present this request. Student's mother requested a closed hearing. Ms. Cale made a motion to go into executive session under the recognized exception under the FOIA act for the purpose of protecting the privacy of the pupil files. The motion was seconded by Ms. Coffing and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver hearing. Ms. Fontello explained the there are 11 voting members participating and present to consider this matter. Mr. Modica recused himself. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in.

Mr. Long made a motion to come out of executive session. The motion was seconded by Mr. Eby and carried unanimously.

Ms. Corrado made a motion to approve the waiver request based on the testimony received that a hardship was established. The motion was seconded by Mr. Long and carried by a vote of 11-yes (Kobasa, Wagner, Cale, Corrado, Marvel, Hyland, Sole, Coffing, Reed, Long, and Eby) and 1 – abstention – (Modica).

D. Request for Waiver of DIAA Reg. 1009.2.4 by Pencader for K.J.

Kyle Jackson; Student, Wendy Dailey; student's mother, Roger Dailey; student's dad

were in attendance to present this request. Ms. Fontello noted for the record that there was no one present from Pencader Charter High School. Mr. Charles advised he tried to contact someone from the school but was unsuccessful. Ms. Dailey requested an open hearing. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver hearing. Ms. Fontello explained there are 12 voting members present to consider this matter. The parties confirmed that they understood and wished to proceed. All parties participating in this hearing were sworn in.

Mr. Dailey explained that they were requesting a waiver of DIAA Reg 1009.2.4 for their son Kyle even though he may not participate in athletics. Mr. Dailey commented that the transfer is for academic reasons. Mr. Dailey also testified that Kyle's siblings attend Pencader and the family would like the kids to be together. Mr. Dailey also explained that the classroom setting was much smaller at Pencader than what it is at William Penn High School. Ms. Dailey commented that Kyle was taking a lot of advanced classes at William Penn High School and it may have overwhelmed Kyle but that Kyle wants to continue with the advanced classes at Pencader. Ms. Dailey commented that Pencader Charter offers the kind of environment and concentrated studies that will help Kyle to be successful. Mr. Wagner commented that regardless of the Board's decision Kyle would be able to participate in any sport except for football or track.

Mr. Modica made a motion to approve the waiver request because based on the testimony received that a hardship was established and the transfer is based on academic reasons and not athletics. The motion was seconded by Ms. Marvel and she amended the motion to include that the parents wanted all their children in the same school. The motion carried unanimously.

F. Self-Report by Seaford School District

Mr. Charles explained that this involves a middle school track athlete that participated this year at Seaford Middle School. Mr. Charles stated that the student is 17 years old. Mr. Charles explained that the athletic director discovered this situation when doing a review of the middle school track season and contacted the DIAA office to self-report violation of the age rule. Mr. Charles explained that the student's birthday was listed as October 3, 1994 which would have meant student was 14 instead of 17. Mr. Charles stated that the athletic director also found out that the student was academically ineligible for the third marking period becoming academically eligible after the third marking period but participated in three track meets prior to becoming academically eligible. Mr. Charles then stated that the student was age ineligible regardless. Mr. Charles stated that the same student was also on the previous years eligibility report with a date of birth 1992. Mr. Charles commented that the actual birth date is 1991. Mr. Charles stated that the coach did get a letter of reprimand.

Mr. Wagner suggested that the coach take the NFHS Principles of Coaching course and go before the Sportsmanship Committee.

Ms. Fontello commented that if the Board felt that this was a sportsmanship issue under the regulation processing violations the executive director is authorized to pursue an investigation on issues that appear to be a sportsmanship violation. Ms. Fontello further commented that if the Board feels that the coaches actions appears to be a sportsmanship violation because the student was permitted to play two years in a row despite the ineligibility this can be referred to the Sportsmanship Committee but that the executive director must follow the process.

Some discussion ensued regarding who signs the eligibility forms and that the coach's signature should be added. Mr. Wagner made a motion to give the executive director the authority to change the eligibility form to include the signature of the coach as well as the athletic director and the principal. The motion was seconded by Mr. Long and carried unanimously.

Ms. Corrado made a motion to recommend that the Seaford coach take the NFHS Principles of Coaching course and the school and coach appear before the Sportsmanship Committee based on the self-report and the evidence provided. Ms. Fontello recommended that the executive director follow the proper procedures in order to have this case come before the Sportsmanship Committee. The motion was seconded by Ms. Marvel and carried unanimously.

The Board recessed at 10:50 a.m. and reconvened at 11:00 a.m.

E. Request for Waiver of DIAA Reg. 1009.2.7 by Maurice Moyer Academy for B.R.

Student and Theopalis Gregory; Director of Maurice Moyer Academy were in attendance to present this request. Student, who is 18 years of age, requested a closed hearing. Ms. Cale made a motion to go into executive session for the purpose of protecting the privacy of the pupil files as an exception of the Freedom of Information Act. The motion was seconded by Ms. Marvel and carried unanimously.

While in executive sessions, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained the there are 12 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in.

Mr. Reed made a motion to come out of executive session. The motion was seconded by Mr. Hyland and carried unanimously.

Mr. Modica made a motion to approve the 5th year waiver request based on the

testimony received that a hardship was established. The motion was seconded by Mr. Long and carried unanimously. It was noted that waiver is for a 5th year only in that the Student is age eligible this year and did not need a waiver for age although that request had been included in the original application.

G. DIOC Proposal to Standardize Overtime in Football, Softball, Soccer, and Girls Lacrosse

Mr. Charles stated that this was a request that comes from the Delaware Interscholastic Officials Committee and that Mr. Neubauer would be presenting this on behalf of DIOC.

Mr. Neubauer explained that discussions had emerged a year ago from the DIOC that certain sports had inconsistencies because of NFHS and Board policy that left the tie breaking procedures up to the individual conferences. Mr. Neubauer stated that the DIOC look at all the overtime procedures and were asking for approval of the overtime procedures/tie-breaking procedures for softball, football, soccer, and girls lacrosse. Mr. Neubauer suggested voting on each sport separately.

Mr. Neubauer reviewed softball and stated that for softball the proposal is to go to a procedure known as International Tie-Breaker which is a 7 inning regular game where if at the top of the 10th inning the game was tied the NFHS rule book allows that the batter who was last in the previous inning is now placed at second base with no outs which would facilitate trying to score runs. Mr. Neubauer stated that this is an accepted practice and has been endorsed by the committee and the coaches and the polling of the athletic directors was 18 - 10 - 2 in favor. Mr. Wagner made a motion to approve this proposal. The motion was seconded by Dr. Sole and carried unanimously.

Mr. Neubauer then reviewed the football proposal and stated that this is already being used by conference adoption. Mr. Neubauer stated that the proposal mandates use of the tiebreaker for all games played in the state. The coaches and committee were both in favor and the athletic directors voted 18-2-2 in favor for all games. Mr. Eby made a motion to approve this proposal. The motion was seconded by Mr. Reed and carried unanimously.

Mr. Neubauer reviewed the girls lacrosse proposal and stated that this was previously proposed to this Board but tabled to just include the state tournament. Mr. Neubauer stated that they now want this approved for regular season play as well. The coaches and committee are in favor and the athletic directors of schools that only participate in girls lacrosse were polled and in favor 12-4. Ms. Corrado made a motion to approve this proposal. The motion was seconded by Mr. Modica and carried unanimously.

Mr. Neubauer then reviewed soccer and stated that the proposed tiebreaking procedure is two ten minute overtime periods to be played and if tied after those two periods the game would stay a tie. The first goal scored in either of those two ten

minute periods would be sudden victory. Mr. Neubauer stated that this follows the NFHS guidelines and is currently by conference adoption. The athletic directors were 21 – 3 in favor. Mr. Charles commented that he has some discomfort with this proposal because the soccer committee has not commented on this proposal. Mr. Charles stated that two years ago the committee voted against a similar proposal. In addition the coaches have not commented on this proposal. Mr. Charles stated that in the past the committee did not want to adopt a mandatory overtime because they felt that a tie was a meaningful result in soccer because games tend to be low scoring. Ms. Corrado made a motion to table this proposal until the coaches and committee were polled. The motion was seconded by Ms. Marvel and carried unanimously.

H. Fall Sport Manual Changes

Mr. Charles commented that there are two fall sport manual changes that he wanted the Board to consider. Mr. Charles requested that Mr. Neubauer review the changes with the Board. Mr. Neubauer explained that the first one is for field hockey and was voted on by the committee and submitted to the coaches and athletic directors for their consideration. Mr. Neubauer further explained that the change was that the automatic conference berth only be awarded to a team with a .500 or better overall record and a tournament point index high enough to be in the top 50% of all eligible teams. Mr. Neubauer commented that if approved this change will eliminate the requirement that a minimum of 8 conference games be played. Mr. Charles commented that the significance of this change is that it could take away the automatic berth for a conference champion. However, the compromise is that it eliminates the mandate for 8 conference games. Mr. Eby made a motion to approve this change. The motion was seconded by Mr. Long and carried unanimously.

Mr. Neubauer then explained the change to the cross country manual that is based on the enrollment from the September 30 2008 count. Mr. Neubauer explained the new realignment. Mr. Charles stated that all the enrollment numbers came from the Department of Education. Ms. Fontello commented that the language should be in line with previous Board approved language regarding the September 30th unit count. Ms. Corrado made a motion to approve the changes and incorporate the previously approved language. The motion was seconded by Dr. Sole and carried unanimously.

I. Proposal to Establish an Expiration for Uniform Moratorium

Ms. Corrado commented that the NFHS has established new standards and requirements for uniforms and have given a time table for implementation of the changes. Ms. Corrado stated that she is asking that a moratorium be placed on this. Ms. Corrado reminded the Board they had already approved a moratorium but failed to establish an expiration for the moratorium. Ms. Corrado explained that the reason for this request is because many schools have purchased new uniforms and due to financial hardships the schools would not be able to meet the uniform requirements. Mr. Charles confirmed that this would not jeopardize the 100% compliance with the

NFHS. Ms. Corrado made a motion to establish an expiration for uniforms moratorium of up to four years and any uniform that is replaced must comply with the NFHS. The motion was seconded by Mr. Modica and carried unanimously.

IV . Executive Director Report

B. LRG Proposal

Mr. Charles explained that this was a proposed agreement between the Delaware Interscholastic Athletic Association and the Licensing Resource Group. Mr. Charles explained that major retail chains are beginning to sell clothing with local school logos or names on it. Mr. Charles stated that the schools are not receiving any compensation from this. Mr. Charles stated that the NFHS has been working with the LRG who has been working with the major retailers to come up with a program where the clothing will have an NFHS hang tag on it. Mr. Charles stated that the LRG will work with retailers to monitor and track the wholesale purchases by state and school and will then issue a check for a percentage to the state association. The state association will forward to member schools their cut. Mr. Charles stated that the money the state association received would be given back to the school. Mr. Charles stated that if DIAA signs the agreement our member schools are automatically in unless they opt out. Ms. Fontello advised that the agreement still need a legal review and there were still some questions that needed to be resolved. The consensus of the Board was in favor of this agreement since it does give the member schools the opportunity to opt out if they wanted.

A. NFHS Rules Committee Appointments

Mr. Charles informed the Board that Kelly Callahan was appointed to the NFHS Volleyball Rules Committee as well as Joan Samonisky who was appointed to the NFHS Field Hockey Rules Committee. Mr. Charles also stated that Fred Killian serves on the NFHS Swimming Committee, Fran Kulas serves on the NFHS Soccer Committee, and that Tom Ziemainski serves on the NFHS Football Committee.

C. Legal Issues

Ms. Fontello stated that she was still waiting for the Chancery Court to issue a written decision so that she can share it with the Board.

D. Misc.

Mr. Charles stated that he put in the packet a couple of articles for the Board's review. Mr. Charles commented that the DIAA Student Leadership Conference was held this past weekend with 39 students and that all went well. Mr. Charles stated that Sebrina Perialas was the director and did a great job. Mr. Charles stated that Linda Ogden, Bill Schultz, Colleen Reed, Ed Smith, John Smith, and Jen Eckman were also

adult delegates. Mr. Charles commented that the speakers were Jack Holloway, Kevin Tressolini, Bob Cilento, Dr. Jeff Hawtof, Tony Glenn, James Kiger, and Dave Baylor and that they all did a great job.

Mr. Wagner thanked the Rules and Regulations Committee for all their work and stated that the work is going well and will meet again in October.

Mr. Charles commented that he met with a company called Ticket Leap.Com which is an internet marketing ticket company. Mr. Charles explained that they are willing to work with DIAA on an internet based program that will allow people to buy tickets to our championship events, at a small convenience fee to the consumer, over the internet. Mr. Charles commented that they would also provide the scanning equipment to scan the tickets. Mr. Charles stated that he is looking at possibly doing the football, volleyball, basketball, baseball, and wrestling. Mr. Charles stated that the idea is instead of doing presale in the schools the parents or students would be directed to the internet to purchase tickets. Mr. Charles stated that he hopes to have a full proposal to bring back to the Board in September.

E. 2008-09 State Champions in Sportsmanship

Mr. Charles presented the Sportsmanship banners to the following ten schools: Cape Henlopen, Lake Forest, Caravel Academy, Caesar Rodney, Sussex Technical, Wilmington Christian, Concord, Hodgson Vo-Tech, Tower Hill and William Penn. Phillis Wheatly Middle School also won the award. Their banner will be presented at a later date.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Cale made a motion to adjourn at 12:35 p.m. The motion was seconded by Mr. Reed and carried unanimously.

Tina Hurley