

**EAST STROUDSBURG AREA SCHOOL DISTRICT  
BOARD OF EDUCATION  
POLICY REVIEW COMMITTEE MEETING  
NOVEMBER 16, 2020  
MEETING HELD VIA ZOOM DUE TO COVID-19 SCHOOL CLOSURE—4:30 P.M.  
MINUTES**

- I. Meeting was called to order at 4:30 p.m. by Sharone Glasco.
- II. **Policy Committee Members Present were:** George Andrews, Rebecca Bear, Sharone Glasco and Wayne Rohner (arrived 4:37)
- III. **Board Members Present were:** Richard Schlameuss, Lisa VanWhy
- IV. **School Personnel Present were:** Brian Borosh, Eric Forsyth, Dr. William Riker, William Vitulli, Debra Wisotsky and Stephen Zall
- V. **Members of the Public Present were:** Debra Caamano, Kate Eppler, Jennifer Floyd, Kathy Mattern, Gladys Ortiz, Bonnie Peterson, Shirley Rodriguez, Haley Williams
- VI. **APPROVAL OF AGENDA**

**ACTION BY THE COMMITTEE:** Motion was made by George Andrews to approve this agenda for November 16, 2020 (page 1), with members of the Committee reserving the right to add to the agenda and take further action as the Committee deems appropriate. Motion was seconded by Rebecca Bear and carried unanimously, 3-0.

**VII. APPROVAL OF MINUTES**

**ACTION BY THE COMMITTEE:** Motion was made by Rebecca Bear to approve the minutes for for October 19, 2020 (pages 1-4). Motion was seconded by George Andrews and carried unanimously, 3-0.

As per Board action taken at the Regular School Board Meeting on October 19, 2020, **Policy 309-Assignment and Transfer** was posted for 1<sup>st</sup> Read in October and will be going for final Board approval later this evening.

**POLICIES FOR DISCUSSION:**

**Policies presented by administration-**

- a. Policy 118.1 – Online Courses – The East Stroudsburg Area Cyber *Academy* – Dr. Vitulli shared that he started revamping this policy back in May or June of last year, as it hadn't been updated for many years. Obviously, our program has changed substantially. Mrs. Bear inquired whether this policy addresses students being able to take an online course in lieu of study hall. Dr. Vitulli stated he recently had a meeting with North staff and the ESACA guidance counselor on a proposal to offer students who have study hall the opportunity to take some online courses. That is completely separate from this policy and substantially different. Dr. Vitulli asked that he be given a day or so to get it together and that he would share that information when complete. Ms. Glasco had a question on Section 5 Guidelines, Item a. Non-Open Enrollment and whether it would be null and void during Covid-19. Dr. Vitulli stated Covid-19 could be an exception; however, based on case law, that is why this section was added. We need to be careful that we don't say our program is an open enrollment program for everyone because there will be times where it is just not suitable for certain students. Particularly, some of our special education population. Mr. Andrews added should ESACA get overloaded, students can be denied and placed on a waiting list and go through the virtual program with the brick and mortar. Dr. Vitulli stated that is part of the process we follow but it really isn't part of the policy. It is a process we follow to get control of enrollment because we had so many students enrolling at

one time. Ms. Glasco had another question with regard to page 4 bullet iv. “Full-time cyber students must maintain daily attendance in accordance with district policy.” To confirm, do students only need to login for just ten minutes? Dr. Vitulli responded that to be accounted for in cyber you just need to log in for a few minutes and your information is tracked so that we know that you logged in. Students can then work at any time during the day, night, weekends or holidays. We felt that is the best way to track attendance. Mrs. Bear asked if we are also tracking work complete as well. Dr. Vitulli responded, yes, that is part of every cyber teachers’ responsibility. Mrs. Bear wanted to be sure that students/parents are made aware when a student is failing. Dr. Vitulli stated we sometimes have to remove a student from the program and send them back to brick and mortar if they are unsuccessful. Mrs. Bear inquired under Guidelines, Item b. Equity and Access the language is contradictory, stating we can’t deny but then we can deny certain students with disabilities. Ms. Glasco shared that we want to be sure that everyone has access; however, the nature of their disability may sometimes not allow it or be a good fit for some students to enroll in ESACA. Dr. Vitulli shared that an IEP Team can make the decision to not suggest cyber, so we need to keep that in mind. At the same time, we cannot wholeheartedly deny an entire group of individuals. We cannot simply state no special education students are allowed. That is where this letter b. takes note. While it may seem opposite, they are actually quite complimentary. Mrs. Bear added it also depends on what is available to the child at home, some parents may be available to work with their child with a disability to coach them and get them through, where others may not. Dr. Vitulli stated that is where the IEP Team decision comes in and can be very helpful knowing the family dynamic. This wording also comes from case law as well.

*Act 93 of 2019 and Act 111 of 2019 made modifications to the Pennsylvania Crimes Code regarding use and sale of tobacco and vaping products on school property. Both Acts contained similar language resulting in modifications to 18 Pa. C.S. Sections 6305 and 6306.1. As a result, PSBA has updated the definitions and provisions in the following policies: Items b, c, and d.*

- b. Policy 222 Tobacco newly entitled “Tobacco and Vaping Products” – Students – Mr. Andrews inquired whether the updates were from PSBA. He added that the district updated this policy last year by adding information on vaping products; however, this language is in greater detail and more concise. Mr. Forsyth added that we were ahead of the curve adding vaping products last year. This is more comprehensive and includes some of the statutory definitions that were adjusted. Mrs. Bear noted that we also added medicinal marijuana on page two of three. I understand that the student cannot be in possession; however, can the school nurse store it in their office and administer medical marijuana to students? Mr. Forsyth stated if marijuana is prescribed, it must follow the regular medication policy. This inclusion is here so individuals carrying that card cannot utilize it as an excuse or a reason to be in possession of marijuana on school property.

Following this meeting, the district further investigated and have found that the school nurse would not be responsible for administering medical marijuana to students. The parent, legal guardian or caregiver would be responsible. The following information comes from the PA DOH Medical Marijuana Guidance for Schools and School District:

***A parent, legal guardian or caregiver may administer medical marijuana to their child/student on school premises provided that the parent, legal guardian or caregiver: (1) provides the school principal with a copy of the Safe Harbor Letter; and (2) notifies the school principal, in advance, of each instance in which the parent or caregiver will administer the medical marijuana to the child/student. The school principal shall provide notification to the school nurse in each instance a parent or caregiver will be administering medical marijuana to the child/student as well. The parent/caregiver shall follow all school protocols applicable to visitors to the school during the school day. A parent, legal guardian or caregiver shall bring to the school and administer the medical marijuana to their child/student without creating a distraction, and shall promptly remove any excess medical marijuana and related materials from the school premises after the administration of medical***

*marijuana is complete. The school shall provide a secure and private location for the parent/legal guardian/caregiver to administer the medical marijuana to the student. Students themselves shall not be permitted to possess any form of medical marijuana at any time on school property or during any school activities on school property.*

- c. Policy 323 Tobacco newly entitled “Tobacco and Vaping Products” – Employees -- Committee members questioned whether a staff member would be able to carry medicinal marijuana on their person. Mr. Forsyth stated that same exclusion is not here, you will see this policy further permits and does not prohibit an adult employee from being in possession of tobacco and vaping products. They are not able to use them on school property but it would not be illegal or a violation of school policy to have them on their person, they just couldn’t be utilized or furnished to others. Mr. Andrews asked what about medicinal marijuana because it can be vaped? Mrs. Bear stated we need to know as it will become an issue over time. Mr. Forsyth replied we could obtain more direction from our district solicitor. The way it is worded here on the page 2 of 2, third paragraph from the bottom, “The Board prohibits the use of tobacco and vaping products by employees”, so depending on the form in which it is prescribed, it may not be disruptive to utilize it. You can get it in a patch, liquid or drops. If it is prescribed in a vaping product, this policy in its current form would prohibit its use on school property. They would have to request it in a different form from their physician.
- d. Policy 707 Use of Facilities – Mrs. Bear questioned that the policy states that medical marijuana is prohibited by federal law; however, page 5 under Conduct of Patrons/Prohibited Activities, Item 3 states, “The possession, use or distribution of controlled substances prohibited by state or federal law and/or alcoholic beverages in any form”. Should it be federal law? Mrs. Bear added medicinal marijuana is governed by the individual state. Not all 50 states allow medicinal marijuana. Mr. Andrews added that this policy is in conflict with the two previous ones. Mr. Forsyth noted Item 3. is saying that visitors can’t possess, use or distribute a controlled substance or alcoholic beverage, but Item 4, only states use of tobacco and vaping products. So if someone is in possession of vaping products, it is the same as employees, they can possess but just cannot use it. Item 6 states that medical marijuana products are prohibited by federal law. Mr. Forsyth said we need to clarify in Item 6 what the activity is, as medical marijuana is not an activity. The heading states that the following activities are strictly prohibited, so are we prohibiting the possession of, or the actual use of. It is not clear. Regardless of what PSBA provided, we will check with our solicitor. There is no rush at this time; as we are currently not allowing Use of Facilities due to Covid. Policy 707 will be brought back for further discussion.

**Public Participation:** None

## VIII. ADVISORY RECOMMENDATIONS

**ACTION BY THE COMMITTEE:** Motion was made by Rebecca Bear to authorize and direct the administration to post the following item(s) with noted revisions for PUBLIC REVIEW during the month of November and subsequent Board action in December: Policies 118.1, 222, 323. Motion was seconded by George Andrews and carried unanimously, 4-0.

IX. **ADJOURNMENT:** 4:59 p.m.

**ACTION BY THE COMMITTEE:** Motion to adjourn was made by Rebecca Bear. Motion was seconded by Sharone Glasco and carried unanimously, 4-0.

Next meeting: TBD at Board Reorganization Meeting on December 1, 2020.

Respectively submitted by,  
Debra Wisotsky