

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
POLICY REVIEW COMMITTEE MEETING
NOVEMBER 15, 2021
CARL T. SECOR ADMINISTRATION CENTER & VIA ZOOM—4:30 P.M.
MINUTES**

- I. Meeting was called to order at 4:30 p.m. by Debbie Kulick.
- II. **Policy Committee Members Present were:** George Andrews, Debbie Kulick, Wayne Rohner and Richard Schlameuss
- III. **Board Members Present were:** None
- IV. **School Personnel Present were:** Brian Baddick, Anthony Calderone, Eric Forsyth, Frederick Mill, Dr. William Vitulli, Timothy Vrael, Debra Wisotsky and Stephen Zall
- V. **Members of the Public Present were:** Ann, Tyne Cruz
- VI. **APPROVAL OF AGENDA**

RECOMMENDATION OF THE COMMITTEE: Motion was made by Richard Schlameuss to approve this agenda for November 15, 2021 (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 George Andrews and carried unanimously, 4-0.

Motion was made by George Andrews to add Policy 903 to the agenda for discussion. Motion was seconded by Wayne Rohner and carried unanimously 4-0.

For Sunshine Law purposes, the motion is being added because Mr. Andrews expressed a concern he received from a community member with regard to the language that public participation could be cancelled or suspended at any Board meeting.

The agenda with addition was carried unanimously, 4-0.

VII. **APPROVAL OF MINUTES**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve the minutes for October 18, 2021 (pages 1-3). Motion was seconded by Wayne Rohner and carried unanimously 4-0.

VIII. **POLICIES FOR DISCUSSION:**

Policies presented by administration-

- a. Policy 308 Employment Contract – (REPEAL 408, 508) – Ms. Kulick announced this is a consolidation of the separate employee classification sections into one section, this will now not only apply to administrative, but all employees. Ms. Kulick read the updated language merged from both the professional and support staff policies. Mr. Andrews noticed a repeat of one sentence in the policy beginning with: willful misrepresentation. Ms. Kulick announced this duplication would be removed. Ms. Kulick asked if Mr. Forsyth had anything to add. Mr. Forsyth stated that the language that support employees shall serve a 90-day probationary period in accordance with the applicable collective bargaining agreement in order to establish a threshold for

evaluation; however, it is currently listed in the latest CBA as 90 “work” days, so we would like to make that clarification in the policy as well. This provides the proper assessment period when there are holiday periods injected into a certain person’s employment terms; so work days is what the CBA currently says. Mr. Andrews added this is important so there is no misunderstanding that it is work days vs. calendar days. Mr. Rohner asked how do we currently handle employment for the school district. Ms. Kulick noted that this language is being merged into one, basically the same as the previous policy just being listed as one reference area for all employees. Mr. Andrews added that we have been working for some time on a lot of the policies, merging the three employee sections into one. Ms. Wisotsky noted, at this point, we have only one more policy to merge and then all three sections will be collapsed into one overall section covering all employees. Mr. Rohner asked so right now, we don’t have contracts for employees. Dr. Riker stated we do and that the current language from the 300s, 400s, and 500s are all being collapsed into the 300s.

- b. Policy 346 Workers Compensation—Ms. Kulick stated this policy revision just gives better direction as to what happens under the guidelines section when reporting a worker’s comp injury. Ms. Kulick read the updated language. Ms. Kulick asked if the Inservco Online First Report of Injury form was a generic form or specific to one company. Ms. Wisotsky replied that it is the current online vendor that we utilize to report our claims. Ms. Kulick asked should we change it to “Online First Report of Injury Form” without the company name in case we change vendors. Mr. Zall stated I would imagine that whatever provider we use will have an online reporting tool. Mr. Schlameuss asked if after the form is completed, does it go to a safety committee for review. Dr. Riker shared that the safety committee meets monthly and reviews all accidents reports. Mr. Zall added that when these online reports are submitted, there are four or five individuals in the district as well as the insurance provider that receive notification. The insurance provider is/are also part of our safety committee meetings, so when we meet monthly, we come back and review all incidents. Mr. Schlameuss asked, so if something pops out that we should repair, the committee submits a work order for repair. Mr. Zall, stated yes and, in addition there is also a subcommittee that goes around doing random inspections at all facilities.
- c. Policy 903 Public Participation in Board Meetings—Mr. Andrews shared that the policy states, “If the Board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting or to a special meeting occurring before the next regular meeting.” He expanded by saying I think perhaps we should put a timeframe on it; but, I don’t think that the Board president can just say that we are not going to have public participation at a Board meeting.

Mr. Schlameuss clarified by saying, “It is not the President of the Board, it merely states, the Board. If the Board determines there is not sufficient time, there has to be five people on the Board to say no.” He asked, “George, what do you feel is a reasonable amount of time?” Mr. Schlameuss added if there is a specific item or issue and we don’t have time to hear from everyone, we really shouldn’t be voting on that issue. So if we as a Board say there really is not enough time to hear all the comments from the public and hold a vote on this issue, we can create a special meeting or could table that issue. Mr. Rohner agreed there is merit to that.

Mr. Andrews went on to state that it gives the perception that if the Board does not want to discuss a certain topic or allow the public to speak at all, they can just say there isn’t sufficient time. The public is then angered because they came out on that night to discuss a concern and are denied the opportunity. We don’t want the public to think we are a standoffish Board by not allowing them to speak. I actually have no problem with the way the policy is written; however, I am looking at it from the other side and wondering if setting a reasonable timeframe or maximum amount of time for public participation should be added.

Mr. Forsyth said part of the reason a specific timeframe is not part of the policy but the actual recital of Sunshine Law, is because there are so many factors that go into that decision. Some Boards have exercised this throughout the Commonwealth, not related to just the time factor on the clock, but an impending winter storm where they need to get things done to get everyone out safely. Therefore,

they can't predestine what time that will be. So as Rich indicated, they use their collective reasoning at the time to evaluate the totality of the circumstances to make a decision of the majority. That is why it is left open here if you recite the law. Part of the language was put in there to prevent things we hope wouldn't occur because the Board is concerned about the public, as we should be, but the language is also to prevent any one person or particular interest group from what would likely be a public comment filibuster and shutting your business down. That is why it is so hard to put out there, I appreciate George's perspective, I just want to highlight the reasons behind it and that is why it has been so rarely applied here. There really hasn't been a need in the past, but it is making the public aware that statutorily, the Board has the authority so that it is not a surprise should they have to do so.

Ms. Kulick added that the regular business still must be covered. Mr. Andrews asked should we defer to the end of the meeting and then go from there till a pre-determined time? Mr. Schlameuss noted or if we get business done and leave everything but that business and reopen it up. Then how do we keep track of everyone that spoke and if they did speak, do they speak again? There is a lot of complications here. I guess my first thinking is it would take five of us to agree that no, we are not taking any more public comment tonight.

Mr. Schlameuss asked Mr. Rohner for his thoughts. Mr. Rohner stated if we have a 2 ½ hour public participation, there is something seriously wrong with the school district. A couple of months ago we were wise to allow public participation to express displeasure with DEI even though it was not on the agenda. We were wise enough to say yes, you are here, we are going to allow you to speak. If we said no, we are creating animosity.

Mr. Schlameuss stated, I'm not looking to cut off debate at all. To Eric's point, if there is, for instance, a policy we are trying to vote on and a group of people show up and talk, and talk, and talk we can never get to a vote on that. At some point we need to stop conversation and move the meeting forward. Ms. Kulick added, I do remember a comment being made at one meeting that if you have something new to add, rather than repeat what's already been said, then please come forward. Mr. Schlameuss said if there are other ways and other districts have language, I'm willing to see it. It takes five members to end public participation, that is the first hurdle that needs to be done. Somebody needs to make a motion, second it, discussion and vote on ending public participation. Ms. Kulick closed the discussion by saying, if we keep an eye out and find some other policy that might be workable, then we are willing to consider it. I don't see the need to change the policy now, just for the sake of changing it. No further action was taken by the committee on this policy.

Public Participation: None

IX. ADVISORY RECOMMENDATIONS

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews 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 308 and 346. Motion was seconded by Wayne Rohner and carried unanimously, 4-0.

X. ADJOURNMENT: 5:03 p.m.

RECOMMENDATION OF THE COMMITTEE: Motion to adjourn was made by Richard Schlameuss. Motion was seconded by George Andrews and carried unanimously, 4-0.

Next meeting: December 20, 2021 (tentatively) at 4:30 p.m. in the Carl T. Secor Administration Board Room & via Zoom.

Respectively submitted by,
Debra Wisotsky