

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
POLICY REVIEW COMMITTEE MEETING
JANUARY 24, 2022
CARL T. SECOR ADMINISTRATION CENTER & VIA ZOOM—4:30 P.M.
MINUTES**

- I. Meeting was called to order at 4:35 p.m. by Debbie Kulick.
- II. **Policy Committee Members Present were:** George Andrews, Debbie Kulick, Wayne Rohner and Lisa VanWhy
- III. **Board Members Present were:** Jason Gullstrand
- IV. **School Personnel Present were:** Brian Baddick, Brian Borosh, Louis Carbajal, Dawn Carmeci, Marjory Gullstrand, Annmarie La Femina-Adams, Dr. William Vitulli, Catherine Schroth, Debra Wisotsky and Stephen Zall. Christopher Brown, Solicitor.
- V. **Members of the Public Present were:** Shanice Person-Correa, Tyne Cruz, Tiffany Davis, Carrie Gardner, Keith Karkut, and V. Mastro.
- VI. **APPROVAL OF AGENDA**

RECOMMENDATION OF THE COMMITTEE: Motion was made by Lisa VanWhy to approve this agenda for January 24, 2022 (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.

VII. **APPROVAL OF MINUTES**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve the minutes for November 15, 2021 (pages 1-3). The December 20, 2021 meeting was cancelled. Motion was seconded by Lisa VanWhy and carried unanimously 4-0.

VIII. **APPROVAL OF POLICY REVIEW COMMITTEE MEETING CALENDAR FOR 2022**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve the Policy Review Committee Meeting Calendar for 2022. Motion was seconded by Lisa VanWhy and carried unanimously 4-0.

IX. **POLICIES FOR DISCUSSION:**

Policies presented by administration-

- a. Policy 904 Public Attendance at School Events—Ms. Kulick noted that the purpose, definitions, and authority remain the same. On page 5, under delegation of responsibility, there’s an addition, “Refusal to leave school grounds when requested to do so by a school district employee or event official constitutes the criminal offense of defiant trespass and may result in arrest and prosecution.” On page 6, the deletion of the sentence, “A district employee may request identification from any individual on district grounds and in district

buildings. Refusal to provide such information is a criminal act and may result in a request to leave district property.”

Mr. Andrews expressed concern with a district employee having the authority to ask someone to leave. He added I understand Administration, School Police/Security should but not just any district employee. Dr. Riker responded, if a custodian is in the building and no one else is supposed to be there, then yes, I’d want them to have that authority. Mr. Andrews stated I can see an employee asking for identification. I can’t see where any employee can just ask a parent or a student to leave. They have to have a reason. I don’t want someone who just doesn’t like you to have ability to ask a person to leave. Dr. Riker stated, I think it is absurd to even suggest that an employee is going to just randomly ask someone to leave school grounds. The person would have to commit some sort of infraction; misbehave; or not be following school rules in order to be asked to leave the premises.

Mr. Rohner added this is ambiguous, what events are we talking about? For example, I live in Bushkill and am a North Campus resident. If I go to a South football game, I’m allowed to stand at the fence and have been for years. If you’re a North resident, you are told you cannot stand at the fence. So if security tells me I can’t and I tell him I’ve been doing it all my life, am I going to be told to leave? We are not being consistent district wide. I don’t see my standing at the fence as a criminal act. Ms. Kulick asked are you being defiant, then yes. Ms. Kulick added I can see the need for some mechanism like this, and it has to be written down ahead of time before you have an incident. Mrs. VanWhy asked what do we do now, if this is a change in the policy. Mr. Brown stated, I don’t regard this as a change, it’s just a restatement of the common law of trespass. Mr. Rohner stated, so what you’re saying is they will take it up individually when it shows up. Ms. Ms. Kulick agreed with his assessment that we have to see when there is a benchmark and go from there. There are no other concerns or changes to this policy at this time, so it can be moved forward or a vote later in the meeting.

- b. Policy 109 Resource Materials—Ms. Kulick invited the librarians to come up and give a history and walk the committee through their presentation. Ms. Schroth and Mrs. Gullstrand shared a folder with the committee members. The folder included: A draft of Policy 109 compiled from the American Library Association’s (ALA) recommendations for a wide array of reconsideration policies, the IU20 reconsideration policy for the consortium collection of eBooks and audiobooks that our district and many of the districts in the IU are all part of and Pleasant Valley School District’s reconsideration policy. The pieces that made the most sense to us we pulled for our district. We also include the NCTE and the American Library Association’s Intellectual Freedom Statement. Ms. Schroth shared that the policy includes a definition of what a reconsideration policy is and that the authority about what those decisions are would be made by the Board. The responsibility is similar to what we have already. The Superintendent has responsibility for implementation of all resource materials. The guidelines state that any parent or employee would have the opportunity to request the reconsideration of materials if they saw fit. The next full page is the steps that the school district and the community member will follow, should they believe a challenge of a resource material is warranted. It starts with an informal reconsideration so, for example, if a parent has an issue, they would start with the informal reconsideration through the building principal, teacher, and/or librarian, as it may not necessarily be a resource material. If dissatisfied, the person can then move on to the formal reconsideration. This draft calls for a reconsideration committee to be

formulated that would include staff members, administrators, board members, community members, students if possible or appropriate at the secondary level, and then the steps moving forward in that process. It also includes a timeline, so that it is not something that is drawn out for months and months. It has a definitive timeline when things would be required to come to a full conclusion. We also included the ALA's Bill of Rights. There is a form, titled, "Library Resource Restriction Parent Permission Form", that was discussed at the Education Committee work session. So if there's a title, topic, or author that a parent wishes their child not have access to or not be allowed to sign out of our school library. This is something we did informally in the past, they now have a formalized process to follow. Marjory and I have developed a digital Google Doc that we could put on our webpage, obviously if a parent needs a printed copy of the document, we can make that available as well. The Google Doc is a faster way for us to get that information and into the student's library portal/account.

Mrs. Gullstrand requested one addition to the form should be the parent/guardian's email and/or phone number, so that we can make sure that we respond back to the parent/guardian that we received their requested information, so that they know that we have put the requested information on their son/daughter's account. Often times the contact information we have in our system is not always accurate, so having the information on the form will allow us to quickly contact parents or to get clarification if we are unsure of what it is they are asking. Mrs. VanWhy asked how will parents know that this is there? Mrs. Gullstrand responded that they are proposing this information be included in the student handbook. We would also like to include what our library mission is and a blurb explaining that parents have a right to make choices as to what their son/daughter has access to and then inform them exactly where they can find the Google form. Mrs. VanWhy shared that she had two children go through the school district and that she never knew that she could contact the library and say oh, by the way, I don't want my child to read certain material. Second, reading this permission form, it says these specific books or subjects, but up until three months ago, I had no idea as a Board Member or a parent, that I would have to worry about obscene material being in the district. I had no idea. I would basically say no, its fine, they can take out whatever they want because I'm assuming the district does not have books with sexually explicit photos/content. As a parent, I wouldn't know what book to put on this form unless I heard chatter from the internet, Facebook or something. Ms. Kulick stated this is the purpose I think we need to address and we are not going to solve this all tonight. We need to spell things out as to where parents can locate every piece of material that we have, so that they can go look and see the titles. Mrs. VanWhy added a mere title is not always depictive of the extra content within it. Mr. Andrews noted the books in question received stellar reviews, although they don't go any further in mentioning the exact content. Ms. Kulick said we have to be able to differentiate that and I think, maybe now, there's a brighter light shone on total content because the reviews were stellar, and again, I don't think it's the ends with these only two books. Mr. Andrews added it could include topics on racism, drugs, suicide and runs the whole gamut. Ms. Schroth added every family is going to have a different definition or threshold for what is right for their child. We do have parents at this point that will select, instead of deselect materials asking they not have anything that's by far violent or has sexual content. Our card catalog thru Destiny is 100% available to parents and anyone that has a student in our district. We do have families that will utilize our Destiny system and when their child shows up for library class or to school, they have actually selected a specific title that they wish for their child to check out, so then that's the only title they take out at that time. Parents have the ability, with the software, they can go both ways,

saying I don't want them to have access to this or that; however, I only want them to have access to this specific book.

Mrs. VanWhy shared it's not the subject but the content that society has gotten more desensitized to, making people feel that it's all right but it should be a parents' decision to make and not the district's. Ms. Kulick added if we have a policy that is very specific and outlines the process, looking at it from two sides, and a place where parents can go, the other part is the responsibility of the district to be able to at least administrate the resources we purchase. Mr. Andrews added there should be no subject that's not allowed to be in the library, we should have to watch the content or be a management tool on the content which the reviews don't give. Mr. Rohner, I would like to believe that when you get a review it includes the content if not, then what is the review on? Ms. Kulick stated it is pretty much like a dichotomy of different takes on things. Mr. Rohner stated at the end of the day, the Board is making that decision, on behalf of the school district, so you know the policy that's in place allows the staff to choose, it goes to the Superintendent and then the Board, so I don't understand what the problem is. Ms. Kulick said we are giving more information to the public, a place to say okay here's what's here and where the responsibility lies, here's the process we follow if you don't like something. We don't currently have a process. Ms. Kulick noted this is a start, you have done the research and the process has given us a step-by-step place to start. The permission slip may be able to go out before the rest of the policy. Policy 109 gives administration the right based on counsel of what reaches obscenity. Yes, we give the Superintendent the right to take off the shelf in connection with our solicitor that meet the definition. Mrs. VanWhy asked, are we allowing it; I have a problem with that? Ms. Kulick that is a separate policy, once you have something here that meets the threshold for some reason, what do we do with it. Mr. Rohner reiterated, at end of day comes back to School Board. Delegation of responsibility is with this Board. No adoption or change in materials shall be made without the Superintendent's recommendation except by 2/3 vote of the Board. So if the Board decides it does not want a certain book, and I don't have a problem with "All Boys Aren't Blue" as it is a true story. I don't have a problem with any book on record. It is a recommendation at the end of the day, we decide. Mrs. VanWhy stated we don't decide on the actual books purchased before they end up in the library. I've never seen a motion for that. Mr. Andrews said, exactly and that is where the breakdown is. Mr. Rohner added then guess where the buck stops. Mrs. VanWhy said yes, we are accountable either way. These books are in our library with obscene content, we are not taking them out, we are not burning or banning books, but are we okay with that? We are going to vote later tonight but that is not the end of it. Mr. Rohner requested a PSBA generic version of Policy 109, as he would like to believe this draft is extremely similar to PSBA because if we were to research School Code Section 801, 803, 807.1 it will probably answer some of our questions.

Ms. Kulick announced that based on the committee's comments, there is much more to be completed before a final draft is ready for consideration; therefore, we should table Policy 109 for future discussion; however, the form can be tweaked and ready for distribution sooner rather than later, with a reference to know where to find the list of books on the homepage. Mrs. VanWhy shared not all parents look at the webpage, perhaps through email and ConnectEd as well. The committee thanked the two librarians who were helpful by giving the committee a lot of information so at least they can start on the expansion, which may take a few months to finalize. The committee agreed.

Public Participation:

Mr. Keith Karkut started by saying thank you for allowing him to speak. He expressed concern that they spoke an hour and as a member of the public he only had access to the one page of policy 109. That is the only thing up there no parent permission form for the public, no policy 904 for attendance at school events, even if I wanted to comment. What happens when a parent comes and is frantic and has to get their child home and a substitute guest worker is there that says you have to give me ID and the parent says no, I have to get home there is an emergency and now they are upset and criminal for wanting to take their child out on an emergency basis. Not everyone has an ID on them. Ms. Kulick responded that that particular portion is being deleted from the policy. 109 you would not see everything yet because it was just proposed at a work session by the librarians, so we are going to get that out so people can look at. Mr. Karkut, I appreciate that, the only other concern with 109 is it gives the Superintendent or designee a chance to develop ARs. Those two words can come back to haunt the Board in the future. I guarantee that ARs are the biggest thing of confusion in this district over the years of what is in the actual policy book or what the AR says. Use that as a reference tool. Thank you for your time, I appreciate it.

Ms. Tyne Cruz inquired as to why the committee was tabling this rather than voting tonight. Wasn't that part of the purpose of this meeting to vote on the books tonight. Ms. Kulick replied the books are a separate issue and that will be later at the regular school board meeting at 7pm. We are talking about a policy that we have in place. Why are you tabling the policy, what information are you waiting for? Ms. Kulick stated the policy was a submission in a draft form for us to start to consider and we want to get it in the full form before we actually present it to the public. We hope to have it next month. Ms. Cruz asked if those books stay in the library, we can obviously compromise, it would be nice if people could consider an opt in rather than an opt out. Parent also need to be fully aware of what is in the books. Send out a mass email stating, as some of you may know, we have some concerns about this book and here are the explicit images/excerpts, if you don't mind your child taking out this book, sign the form and send it back. If the parent doesn't sign and send it back, then the child can never take it out. Opting out is too much and can slip through the cracks too easily.

Shanice Person-Correa stated that she does not think sending out information on the books is the School Board's responsibility, I feel the Board, administrators and staff have enough responsibility. Parents should have the responsibility if this is a point on contingency, let them do some of the footwork. I did post a chat as I am trying to make some of the information more easily compiled. Destiny is there and is a fantastic site, but it is just a database and sometimes seeing everything laid out is better for how our society works now with everything at the click of a button. I do want to point out that Keith said this information wasn't available previously, if you do go to the website under administration this is actually the policies for review meeting, if you go there, they have the information. The education committee meeting, the form that they talk about was there to review, the info is there you just have to seek it out. It is not a lack of transparency it's just a little footwork to get the info that is being talked about. I do have a question on Policy 904 and refusal to leave school grounds. I live in the Bushkill area, if we drop a student off at an activity or carpool with someone to attend a school event, what if a student acts up and is asked to leave and they don't have a ride right then, the wording is they have to get off the premises as soon as they are told. Is there a contingency for students who can't leave right away or do they immediately get penalized and now they are getting arrested because they don't have transportation? I do understand that it is the student's responsibility to follow the guidelines, but some of the guidelines say federal regulations, local regulations and school district regulations. Kids don't look that stuff up, so is there a way we are teaching them what is expected of them in order to be here before they come. Ms. Kulick stated the Superintendent, the Chief and School Police at each school spell out what proper conduct is for students but I also understand your issue and I'm sure if we had something of that nature, there would be a solution developed. I trust our administrators would not just leave someone sitting along

Bushkill Falls Road waiting for the next deer to come by. Mr. Rohner added, I would expect any employee to be written up if they were telling students to walk home. That would upset me too.

X. ADVISORY RECOMMENDATIONS

RECOMMENDATION OF THE COMMITTEE: Motion was made by Lisa VanWhy to authorize and direct the administration to post the following item(s) with noted revisions for PUBLIC REVIEW during the month of January and subsequent Board action in February: Policy 904. The committee will table Policy 109 until administration comes up with a more comprehensive draft to reconsider. Motion was seconded by George Andrews and carried, 3-1. Wayne Rohner voted against the changes to Policy 904. After further discussion as noted below, Wayne Rohner changed his vote in favor of posting Policy 904. Motion carried 4-0.

Mr. Rohner stated I agree with the parent who spoke. I know that the North residents are treated differently than the South residents. I know that, I live it. Mr. Andrews asked what changed. You were okay with Policy 904 before. Mr. Rohner replied but now I've been given an example. If I have a staff member telling a student he has to leave the grounds who doesn't have a ride home or has to wait for the activity bus, how is the district going to handle that discipline. Ms. Kulick stated I am going to make a broad assumption that because school district employees are responsible for the care of students while they are on our grounds, that there will be an accommodation made. There will be a situation that is created. Dr. Riker added you are correct. It would be ridiculous to think that the school is going to ask a student to leave school grounds without a ride, and for them to walk down Bushkill Falls Rd. to get home. Anyone who thinks that, Board or otherwise, I can't help them. However, to Wayne's point, he is correct that the employee would be addressed if that ever did happen. Mr. Rohner asked have we had issues at events that is forcing us to update this policy. I have to assume we are having issues, yes or no. Dr. Riker stated, I'm not saying there are issues, Debbie said it well, it is in anticipation should there be an issue, what is the authority of the school employee to address the issue. Ms. Kulick added, what is the responsibility/authority of the employee to address an issue. Dr. Riker said, correct, this is only giving the employee the authority by asking the person to leave school grounds. Chris Brown noted the sentence to be added is a statement of fact, how the law is and how it works. If one of my employees asks you to leave our office and you don't, then it is considered trespass. That's on school property as well as any other property. Ms. Kulick noted what trumps all is the school employee is responsible for the welfare of the child, the student will still have to leave once a parent arrives. Mr. Rohner added clearly, we keep doing something wrong with Policy 904 because it was revised March 2019, August 2019, October 2020, July 2021 and we are going to make another revision in 2022, so obviously we have a problem with 904. Ms. Kulick declared, we are perfecting it!

XI. ADJOURNMENT: 5:40 p.m.

RECOMMENDATION OF THE COMMITTEE: Motion to adjourn was made by Lisa VanWhy. Motion was seconded by Wayne Rohner and carried unanimously, 4-0.

Next meeting: February 28, 2022 at 4:30 p.m. in the Carl T. Secor Administration Board Room & via Zoom.

Respectively submitted by,
Debra Wisotsky