

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
POLICY REVIEW COMMITTEE MEETING
MARCH 21, 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. **School Personnel Present were:** Brian Baddick, Brian Borosh, Eric Forsyth, Dr. William Riker, Dr. William Vitulli, Debra Wisotsky and Stephen Zall.
- IV. **Members of the Public Present were:** None
- V. **APPROVAL OF AGENDA**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve this agenda for March 21, 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 Lisa VanWhy and carried unanimously, 4-0.

VI. **APPROVAL OF MINUTES**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve the minutes for February 28, 2022 (pages 1-6). Motion was seconded by Wayne Rohner and carried unanimously 4-0.

VII. **POLICIES FOR DISCUSSION:**

Policies presented by administration-

- a. Policy 202 Attendance Eligibility—Ms. Kulick noted one minor change on page 7 of 9, List B, Item 5. The sentence, “Check stub from wages, public assistance, or social security issued within the past thirty (30) days indicating physical address of residence.” “Check stub” is changed to “Documentation”. The committee had no other concerns with the policy as written.
- b. Policy 251 Homeless Students—Ms. Kulick shared one minor change on page 2 of 5, “The Board designates the Director of Administrative Services to serve as the school district’s liaison for homeless students and families.” “Director of Administrative Services” is changed to “Director of Child Accounting”. Mr. Andrews asked if the Director of Child Accounting is listed on the organizational chart. Dr. Riker said yes, this reflects that change. The committee had no other concerns with the policy as written.
- c. Policy 255 Educational Stability for Children in Foster Care—Ms. Kulick shared one minor change on page 1 of 5, “The Board designates the Director of Administrative Services to serve as the school district’s liaison for homeless students and families.”

“Director of Administrative Services” is changed to “Director of Child Accounting”. The committee had no other concerns with the policy as written.

- d. Policy 903 Public Participation in Board Meetings—Ms. Kulick read the proposed addition to page one of the policy, “Any eligible public participant must register prior to the meeting using the form(s) provided by the school district.” Ms. Kulick also noted a change on page two which states, “Citizens should state their name, township, organization, if any, and present their concerns or statements.” The word “should” is changed to “are required to”. The committee was in agreement with the change on page two; however, not the proposed sentence being added to page one. Both Mr. Andrews and Mr. Rohner were opposed to the addition of this sentence. Mr. Andrews said it cuts into the public’s freedom of speech. Dr. Riker stated the sentence was added because it has been our practice for the last three or four months. Mr. Andrews stated we shouldn’t have been doing that then. Dr. Riker suggested taking it up with the Board President. Mr. Rohner promised he would take it up with the Board President, saying he is not my spokesperson. His voice equals my voice and I do plan on voting no for this. Mr. Rohner said democracy should not be impeded in any manner. Dr. Riker replied democracy is not being impeded. Mr. Rohner said it is because you chose not to let Larry Dymond speak last month. Dr. Riker noted Mr. Dymond elected not to speak because he was not speaking on an agenda item and that is your policy. Ms. Kulick stated that this particular revision to policy may require us to take it to the full Board for further discussion. I would think that if we did have folks sign in, they should perhaps have priority of going first. Mr. Andrews said there is no reason to not have anyone be allowed to speak. I can’t go along with registering and having to fill out a form. Mr. Rohner said that’s suppression. Ms. Kulick asked is it an issue because they have to put their name on a piece of paper; they are going to say their names anyway? Ms. Kulick announced being that we are not all in agreement, we can move if forward for further Board discussion. Mr. Rohner added, he will make sure the community is fully aware of what is occurring.
- e. Policy 109 Resource Materials—Ms. Kulick shared that she reviewed this over the last month and came up with some thoughts on resource material criteria for them to discuss. Both Mrs. VanWhy and Mr. Rohner expressed they are happy with the way the policy is currently written. Mr. Rohner stated all we need are administrative regulations to supplement it. Ms. Kulick stated she is fine with just administrative regulations as well. Dr. Riker added I can’t read the minds of nine Board Members who have different thoughts on what is and isn’t appropriate. It is really you as a Board member and as a full Board that have to agree to what you would like the criteria to be. While I don’t need to request that as part of administrative regulation, I think in this situation it is important you all help to weigh in on what that should look like because we all know there are very different opinions on this topic. I do not plan on writing criteria because it would be through my lens and not the lens of the Board. Mr. Rohner stated, at the end of the day, the Board will vote on the questionable purchase. Mrs. VanWhy said I’d prefer to leave it to administration and our solicitor to decide what’s appropriate. Ms. Kulick asked do we have a copy of your current selection procedures. Dr. Riker said we have already provided the procedure currently used by the librarians. The challenge is, the procedure didn’t vet out the way the Board may want the procedure to vet out select books that contain certain content. The procedure is very broad. We have come to a time where the broad application of that language, is not agreeable by all. If we tighten that language to be more restrictive on what is purchased, which you can do as a Board, the Board needs to decide what are the restrictions you want applied when considering the purchase of resource

materials. Mrs. VanWhy suggested we need a mechanism to say we are not going to allow that same purchase again or prior to allowing new books into circulation. Ms. Kulick said for instance, if someone wanted to purchase a book on bomb making and you question why do we need this book, then what happens. Dr. Riker said, I would make the decision on whether to purchase or not and if I say no, it ends there. I am very comfortable doing that. I don't need any change to the language of the policy. It is the application of the policy that is in question, not the language. The challenge is when a decision is made to not purchase a book and it is challenged, you go back to that same circle of who makes the final decision. Your thoughts may be different than mine. What's the next step? The policy doesn't speak to that and is silent on any next step. Mr. Rohner said there is no problem with the Board accepting its responsibility and voting on whether or not to purchase or not purchase. That's how I interpret the policy. If there is a book that causes public relation nightmares, then why would we purchase it. Ms. Kulick asked what are the red flags that would be raised when you look at a requested list. Dr. Riker said we, like the librarians, are not going to read each and every book and look at every graphic. So we may use something like the ALA's List of Banned or Challenged Books as a frame of reference for requested books to give us a little more insight into a book that is being asked to be purchased. Mr. Rohner stated the Board already spoke to that. Dr. Riker added the Board chose not to share the list out to our community so that they are aware of what books are challenged or banned. If we were to use criteria rather than reading every book, if it's on the ALA list, it may be a reason for me to take a closer look at why it's on the list. Mrs. VanWhy agreed, saying that is why she wanted it released to the community. I would fully support administration utilizing that list.

Ms. Kulick stated if there was a process or procedure that can be pointed to for those people who ask the question, then we say these are the steps we follow. That is why I thought you were asking for criteria. Dr. Riker said, I am asking if the Board wants certain criteria to be applied by administration when looking at the purchase of resource materials, then we need to know what that is. I don't have a problem with the policy as it reads, nor a problem making a decision not to purchase something. To Lisa's point, when that decision is made, whether or not there is a mechanism for the person who is desiring to purchase it, to appeal to the Board. Right now, there isn't. Nor is there any mechanism that says, if and when I deny a purchase or resource material, that I have to bring it before the Board. Mr. Rohner said I don't see any need for you to do that. Dr. Riker said, so when someone contacts you though as a Board member and says hey, Dr. Riker refused to purchase this resource for my class, then I would expect you as a Board to say, yes he gets to do that, end of story. Mr. Rohner agreed, follow policy and all is well. Mr. Andrews asked do we still need criteria. Dr. Riker replied, only if the Board does not trust my judgement in making those decisions and you want me to apply a different thought process. I'm not saying my decision process is on the same lines as the nine Board Members but if you trust that decision and you support it when someone comes to you and says I don't like the fact that Dr. Riker denied my purchase request. The policy gives the Superintendent the authority to do so and you don't have to do anything else. Chris Brown has already recommended that you, as a Board, do not get into the weeds of approving individual books. If you allow them to appeal this, then they can appeal anything that is denied.

Mr. Rohner stated, I want to make this point very clear. What I don't want to occur, as a School Board Director in a volunteer position, is your decisions to impact the elected officials. Having said that, at that meeting a couple of months ago, no one has a right to hang out in the parking lot and tell us, as a Board, that we are pedophiles. I personally

don't have a problem that once the book was purchased, I don't want them to remove it. That's where I stand. If I have a chance to vote as a Board and we get six members to say we don't want to purchase a book because of the graphics, then the Board has the opportunity to do their job. Mr. Andrew's said then you are overriding the Superintendent. Mr. Rohner said current policy says I can by two-thirds. So if Dr. Riker is giving us a recommendation of what we are purchasing, the Board is voting on it and we have minutes. Dr. Riker said I am more concerned on the other end, not what we are choosing to purchase but what we are not choosing to purchase. That is the item that we are talking about, not what we are purchasing, the Board never questions what I purchase but there are Board members that may question what is not being recommended to be purchased.

Ms. Kulick asked, to your point Wayne, are you asking for the list of things that we don't purchase? Mr. Rohner replied, no, I am just asking for some administrative regulations so teachers can put their lists together like the policy says they are recommending they do, that go to the Superintendent based on their recommendation. I do not have a problem with that. Now if we happen to know there is a book that is going to create or have potential of creating a public relation, then the policy allows six Board members by majority to vote. Ms. Kulick said you won't know that exists until it has been denied. Mrs. VanWhy added, the only reason that is an issue now is because we had the issue with books already purchased. If they caught it before they were purchased, we wouldn't be having this discussion at all. Mr. Rohner said, now that the public has made a stink about it, as a School Board Director, I am not just going to ignore it. I don't want administration to continue to buy a book that has the potential of public relations. Mrs. VanWhy stated, they are not going to intentionally do that. Mr. Andrews added they didn't intentionally do it in the first place. Mrs. VanWhy stated, I think they tightened up the mechanism of checking after all this "public relation" as you said. We are not perfect and we all do make mistakes. Ms. Kulick added the controversial books will be on the ALA list. It is easy enough to get the temperature of the community towards some of these things and as society changes, different things will be more acceptable.

Dr. Riker said that is where we are with the books that we have been discussing. There are obviously people that made a recommendation to purchase these books and felt it was acceptable to do so. There are other people that would say, not. To that point, twenty years ago if you had a Newberry Award Winner, I don't think people had to worry about those winners having content that would have caused a public disturbance. That wasn't something you had to think about. The range of acceptance is much broader than perhaps it once was and now, as a public school, you do have the right to decide what you purchase and what you don't, regardless of what people believe on what is not appropriate. Mr. Andrews said the decision we have as a Board is, do we go ahead with what you're recommending. Dr. Riker said yes, if I do it, then support me. If not, then you have to give me some criteria that I can apply that is truly the intent of the Board. Ms. Kulick asked is it not reasonable, if you have a questionable book that someone has requested that you say, I need to see the book. We follow Chris Brown's decision that once you purchase it, you do not take it off the shelf. In one of our conversations you said you need to develop an AR. Dr. Riker said I will not develop an AR, only an AR with criteria that members of the Board recommended. It is not required for me to do. Mrs. VanWhy said again, the only thing we don't have is the mechanism for someone to appeal to the Board. Dr. Riker said there is no appeal nor do I suggest there should be. Ms. Kulick said perhaps a resource might be reconsidered in a year and see what happens between now and then. That could be the appeal process, to wait a year. Now that we pounded that to death, our

discussion for the Board will be that we hold 109 where it is. The committee agreed with the exception of Mr. Rohner who still requested administrative regulations be developed. Ms. Kulick said again, then we would need to provide the criteria for it. Mr. Rohner said why, we usually don't have to. Dr. Riker agreed no, you don't, there is no need for administrative regulations. Mrs. VanWhy said there is not, if we are trusting administration. Mr. Rohner said then we will see what the future has to hold. Ms. Kulick stated the administrative team looks at the requested list and if they all agree, then they purchase. My other suggestion if someone appeals for being denied, the answer is that we will revisit it in another year. The committee members agreed to leave Policy 109 where it stands, unchanged.

Public Participation: None

VIII. 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 March and subsequent Board action in April: Policy 202, 251, 255, and move 903 for further discussion on inclusion or deletion of revisions on page one at the regular School Board meeting. Policy 109 will remain unchanged. Motion was seconded by Lisa VanWhy and carried unanimously 4-0.

IX. **ADJOURNMENT:** 5:19 p.m.

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

Next meeting: April 25, 2022 at 4:30 p.m. in the Carl T. Secor Administration Board Room & via Zoom.

Respectively submitted by,
Debra Wisotsky