

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF EDUCATION
POLICY REVIEW COMMITTEE MEETING
NOVEMBER 21, 2022
CARL T. SECOR ADMINISTRATION CENTER & VIA ZOOM—4:30 P.M.
MINUTES**

- I. Meeting was called to order at 4:32 p.m. by Debbie Kulick.
- II. **Policy Committee Members Present were:** George Andrews, Debbie Kulick, and Lisa VanWhy. Wayne Rohner was not in attendance due to suspension (as per Board action at the 10/17/22 Regular School Board meeting).
- III. **School Personnel Present were:** Brian Baddick, Eric Forsyth, Frederick Mill, William Vitulli, Debra Wisotsky and Steve Zall.
- IV. **Members of the Public Present were: None**
- V. **APPROVAL OF AGENDA**

RECOMMENDATION OF THE COMMITTEE: Motion was made by Lisa VanWhy to approve this agenda for November 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 George Andrews and carried unanimously, 3-0.

VI. **APPROVAL OF MINUTES**

RECOMMENDATION OF THE COMMITTEE: Motion was made by George Andrews to approve the minutes for September 19, 2022 (pages 1-3). The October 17, 2022 meeting was cancelled. Motion was seconded by Lisa VanWhy and carried unanimously 3-0.

VII. **POLICIES FOR DISCUSSION:**

Policies presented by administration-

- a. Policy 202 Attendance Eligibility—Ms. Kulick noted the revisions on page six with regard to student behavior under Former Residents and on page eight with regard to transportation and student behavior under the School Personnel Exception. Mr. Andrews questioned do we really want to state that permission could be rescinded and future requests denied. Ms. Wisotsky shared that rescission would be due to expellable offenses only not minor disciplinary issues. Mr. Forsyth added the expulsion is for those students who have moved out of the district or because they are exercising the provision to come here, are not your resident students. As a result of violating the Code of Student Conduct at that level, it relieves the school district and its taxpayers from any burden to fund an education that is no longer their responsibility.
- b. Policy 707 Use of Facilities—Ms. Kulick noted the revisions on page four and the accompanying schedule of fees that reads TBD on the use of the stadium lighting. Mr. Forsyth stated we are going to provide you with data to decide, we are metering the lights so we can determine exactly what their kilowatts per hour draw is at the current rate, so that you can make an intelligent decision as to what you would like to put there. We do not have this for this evening. Mr. Andrews asked what if a member of the public wishes to use the tennis courts? Mr. Forsyth said the tennis courts are listed under the fee schedule on the very bottom. Ms. Kulick asked are you talking about the community having access? Dr. Vitulli noted, this was a topic discussed a couple of months ago, wanting to know could the public use it. I don't believe it went any further. Mr. Andrews said we had a list of possible issues to look into such as liability and insurance, but we went no further. The question is, do we allow the tennis courts and basketball courts to be used by the general public. Or is that another policy? Dr. Vitulli said it probably would be but I defer to Eric who would be the expert on this. Mrs. VanWhy stated I know we were waiting on additional information. Ms. Kulick asked would you have it being open to the public during set hours. Mr. Forsyth said even if there is a section such as tennis court or grass field that we are looking at making available, of course district events would take

precedence, the second paragraph indicates the Board permits the use when permission has been requested in writing and has been approved in accordance with this policy. Then the fee schedules are set. Ms. Kulick stated that Stroudsburg SD opens their courts on Saturday. Mr. Forsyth replied, based on the way the language is written, if the Board wishes to do that, the fee schedule should indicate something other than established groups such as unorganized public use that is not ongoing, again, subject to schedule. That is always the trick of who gets thrown off the court. I believe right now the courts are locked. Mr. Andrews said that is the issue right now, they are locked and would have to be unlocked. The issue becomes who relocks them at night and a bunch of other issues involved. Dr. Vitulli added there is a lot more to be discussed before we can move forward with this, including signage and other requirements for liability, reasonable use, and what to expect. Ms. Kulick suggested a separate policy under public use. Mr. Forsyth replied, I don't believe so, as it falls under the canopy of this policy's intent. Dr. Vitulli suggested moving forward with the revisions to policy and that we can always revisit public use as a further revision to policy should we decide to move in that direction. We can investigate the possibility of individual public use. Mr. Forsyth added we also want the solicitor to weigh in on the legal issues of the liability. It could be something as simple as, don't quote me but we are on the record, that the policy could state something as simple as unless otherwise as posted. I'm a fan of keeping things simple. If the district just put a sign at a tennis court that public use without fees are from this time to this time, along with a disclaimer and if counsel says it's a good idea, the policy could then be amended with a cover statement, unless otherwise posted. Mrs. VanWhy suggested moving the policy forward with the current revisions and at some point we can make additional adjustments.

- c. Policy 709.1 Use of Metal Detectors (formerly Policy 226.2 Use of Metal Detectors)—Ms. Kulick noted we are looking to have this Policy on the regular agenda tonight to be accepted. It has been gutted and revised and I ask for the cliff notes version. Dr. Vitulli suggested two slight adjustments on page three, first paragraph, there is a period where there should be a comma. Also, the sentence on screenings “may be performed on every 2nd, or 5th, or 10th, etc.”. I believe we are missing either days, buses, students, person, any type of indication after those examples. Mr. Andrews asked why not simply say randomly. Dr. Vitulli said we want to express that this is not on a random basis. The fact that we pick a method of randomness shouldn't be construed in any other way. Mr. Forsyth said correct, the only thing I see missing after the 2nd, or 5th, or 10th, is the word “subject or person”. Mr. Andrews added what you're trying to say is that you're not being discriminatory. Mr. Forsyth added so if I go to the 2nd, 3rd and then change to the 6th, there is no pattern to my randomness, which is what this is saying needs to happen, then I would be subjective. So this makes it objective, random searches. This policy was reviewed very specifically by our solicitor with all of these recommendations as we didn't believe the samples were sufficient. Mrs. VanWhy asked say 2nd, 5th, 10th, whatever, is that limiting as well, even though it is random. If we say let's do every 4th one today, does that make it an issue. Mr. Forsyth said, no because it says by way of example and not limited to. You are not limited to those intervals. Dr. Vitulli said our solicitor went a little bit further by saying the method they pick can't be construed in any other way. Mrs. VanWhy asked about #7, a student who fails to cooperate with the screening procedure is subject to discipline as per district policy and the Code of Student Conduct. What would that be as far as the consequence. Mr. Forsyth said the actual charge in the Code of Student Conduct would be insubordination or brazen insubordination. Mr. Andrews asked should we clarify that here as well. Mr. Forsyth quoted from the Code of Student Conduct, “Any student who refuses to be searched will be disciplined for the reason behind the search as well as the brazen insubordination”. I always caution putting it in too many places so that we don't end up with disparity someday. Should the Board ever change the Code of Conduct and we forget to change it here then we have a conflict. I think it is very clear here and refers to a Board approved document along with the reference. Mr. Andrews asked can we at least put what section of the Code of Conduct it is for clarity. Mr. Forsyth said, again pages can change and so can headings, so stating the Code of Student Conduct is the sufficient reference. If we say page 55, paragraph six, just by virtue of adding something on page 22 can then change this reference. It is most clear this way from the standpoint of having to administer the policy. I think it gets more confusing when it states examples and that example isn't the applicable one here, it could confuse the party who is reading it. So let's just go look to the Code of Conduct and it spells it all out and keep it one place.
- d. Policy 827 Conflict of Interest—Ms. Kulick read the revision on mandatory disclosure in accordance with the federal awarding agency policy. It says if you have any conflict because you are related somehow with the federal system and you are getting the federal award, you cannot as that would be a conflict of interest. Mr. Forsyth shared the reason it is put in there, those exact words come from the consolidated federal statute on this and it only precedes it with the word that the federal awarding agency must establish conflict of interest policies for federal awards.

- e. Policy 901 Public Relations Objectives—Mr. Forsyth shared, the policies the district has had in place for public relations in the 900 section were simply adopted from the 2002 PSBA policy manual. It's been untouched for twenty years. The PSBA model is in some ways more succinct with the descriptive in other facets so we looked at that and said now that we have offices that are prepared to handle the public information for the district, we want to make sure that the Board is properly using the policy to delegate the authority where necessary and establish its objectives. We looked at the templates from PSBA and we worked through those, looking at the organizational structure of our district and pretty much struck out the old language because it wasn't reflective anywhere in the new templates and provided you with this recommendation this evening. These 900 section policies are general. As we know with public relations, each situation has to be handled uniquely but the overall concept here we believe is in harmony with what the Board's direction is especially with the findings of the recent communications audit/study performed by the Copley Group almost two years ago. We are now coming around to setting up policies to support that.
- f. Policy 902 Publications Program (formerly 902 Information Program)—Ms. Kulick shared that the revisions refer to information that can be released by the Superintendent, Director of Communications and Operations and/or designee. Mr. Andrews asked why did we remove the list of items from the policy stating he thinks it's a good list to let people know what we are tracking. Ms. Kulick replied it's not all-inclusive and you may add to it, so better to leave generic. Mr. Forsyth said ironically, it is for the very same reason that you're stating. The current definition is routine matters and all publications, releases, photographs and the like depicting the district students and staff. There are so many that this is not nearly inclusive. So we thought it better, as PSBA doesn't include a list either. We also have the PA Open Records Law which makes so much available, which isn't even a part of this. This is what we choose to bring forward to showcase the accomplishments of the district. We didn't want to be overly restrictive here because it is not about what the public is going to come looking for, this is about what we as your agents, are going to push out. We didn't want to be restricted unnecessarily that if we release something that is a good interest of the community and if it wasn't on this list, we want to be more open. Again, Mr. Andrews stated it does say not limited too but it is good to give some examples in his opinion; I won't vote against it, just rather see a list of examples. Mr. Forsyth reminded the committee this is different from the 800s policy which is the one for the public to come and request information; this is the Board's policy for us to publish information.
- g. Policy 904 Public Attendance at School Events—Ms. Kulick noted the only change is on page 6 with regard to no backpacks, purses, or non-clear bags being permitted. Mr. Andrews expressed concern with students going directly to games after school. Where are they going to put their backpacks? Mrs. VanWhy agreed as well; it already states that all book bags and large handbags are subject to search. Chief Mill interjected by stating, when I work the games, that is my biggest fear when I see kids with book bags, not knowing what's inside of them. I understand what you're saying, but for the safety, security and peace of mind, we can find another place for the book bags. Too many things are happening these days. We can put the book bags in the ticket booth office or the athletic office. If it's an athlete's, put it in the athletic office. Ms. Kulick said you would have to hire someone just to log and watch the book bags/purses. Maybe it's just the inspection at the gate that needs to take place. Chief Mill said we don't even allow kids to carry book bags within the school day. Ms. Kulick said I don't like the size of the clutch bag as well. I don't even know if my cell phone would fit. Should we have lockers like at the airport? With a reasonable search, you can just look through bags. Do we use tickets for possessions like a coat check at a restaurant? Then we need insurance if a person were to take something or individual claim something is missing. Then we have a problem. After a while people may not bring bags at all because they don't want to be held up in a line for searches. Chief Mill said he disagrees because there could be something hidden that we miss, you're saying don't inconvenience people, but if something happens, then the district is at fault. Ms. Kulick stated this needs to be rewritten to say that school security will take all items and hold in a secure place and a ticket given so that the individual can reclaim their personal items. Mrs. VanWhy said we are not just talking about backpacks. We are talking about people coming in from the public. I would not be handing over my purse to someone. I would have to do something else, but not that. First step should be a search. We'd need to hire more personnel then. Chief said if you go to a Penn State game, you can't take anything except for a small purse as far back as two, three years ago. I will do whatever the Board wants me to do but I am very emphatic about this because I don't want anything to happen here. We've had other school districts where kids are getting shot at football games. I don't want that here. I rather have something get stolen rather than someone hurt. That's my opinion but I will do whatever the Board wants. Ms. Kulick asked do we know what other district policies read, just so we have something to compare. We can go back and look deeper in the near future but to strikingly start. Chief Mill shared that Bethlehem/Pocono Mountain all do it. Ms. Kulick asked about metal detectors? Dr. Vitulli said I caution you thinking that if we have a big event that everyone could go through a metal detector. The line would be for hours. Every buckle, boots, etc. could set it off. Chief Mill stated that

winter season starts December 6th. I wouldn't have brought this if other districts weren't already doing it. I want to keep everyone as safe as possible. Mr. Forsyth shared Bethlehem's and Pocono Mountain's flyer which are one page each. It mirrors the language we provided here. They don't have it under policy because they promulgate regulations and are using them as stadium bag procedures as an attachment to the policy. We have sample flyers in our office. One of the things we were waiting for was if the Board approved the policy, providing very clear instructional signage at events that was explanative in one view and could show people what you can bring and what you can't so it can expedite their entry. We also plan on sending a release out to the community in advance as part of our public information so that nobody was surprised at an event. That is how Bethlehem has designed theirs as a poster and similarly Pocono Mountain. Ms. Kulick said I will feel better if additional information was included on medically necessary equipment and diaper bags which are an important piece to include. If the Board approves the policy, we think it is important to inform and illustrate. Examples include one of the following... size while its' nice are we really going to measure? Prior to winter sports season to decide before coming to event. We might be able to include language through the ticketing system in Hometown, when someone confirms they have purchased a ticket; the email includes the bag procedure. Mr. Andrews stated if this language was added, it could more easily be accepted. We can add by addendum. Ms. Kulick replied yes. If it doesn't work, or creates a public nightmare, it can be fixed at the next policy meeting. The committee agreed to one of the following per person, three bullets: one clear, plastic, vinyl or PVC bag/backpack; diaper bags, strollers, walkers and other medically necessary items will be permitted following a detailed search; and clothing, blankets, cameras and cell phones will be permitted if carried loosely or in an approved clear bag. The committee agreed to move ahead with the additional language discussed for first read in November with final approval in December. Mr. Forsyth reminded the committee that this won't be in place before the winter sports season starts.

- h. Policy 910 Community Engagement (formerly 910 Community Relations)—Mr. Forsyth shared this is part of the same suite of policies that we discussed earlier from twenty years ago, so we incorporated PSBA's recommended language. These policies are important and are often referred to when we are engaged in Federal Programs. They ask for various portions of these policies and in some cases I have seen them in grant programs and community engagement policy.
- i. Policy 911 News Media Relations—Mr. Forsyth stated this is boilerplate as well. The only change we made here after following the PSBA recommendations is under Delegation of Responsibility to indicate, based on our district's structure, who would be responsible for handling the policy under the Board's direction. We chose the Superintendent and/or Director of Communications and Operations. Mr. Andrews said the only issue he has is with nobody can talk to the media without permission, what about first amendment rights? Ms. Kulick added that is pretty much in most organizations. Employees can't speak on behalf of the organization; you're not giving your personal opinion but you are giving school information or interviews requested by news media. Mr. Forsyth stated if comes down to when you do it because the district's policies do have control over employees while they are engaged in the official business of the district. Ms. Kulick added in most organizations, you have a public information officer. Mr. Andrews said what you are saying is, if the person does give out information, they are subject to discipline. Mr. Forsyth stated, I think it says what it says pretty clearly to me. Ms. Kulick stated I don't have a problem with it because, I happen to live in that world. It simply states you can't represent the organization unless you've been told you can do that. Mr. Andrews asked can you give your opinion; the person should be able to say this is my opinion. Mrs. VanWhy replied employees shouldn't be giving your opinion. Mr. Forsyth noted as your public communications officer, I would very rarely ever give my opinion because I represent the Board of Education when I speak. I am very interested in what the collective thought of what the whole Board is and I understand that before I release any information for the district. We want the same from any of our employees that are engaged in the official capacity for the district. If they are interviewed outside of here, as a parent, a union member, community member, etc., this policy has absolutely no authority over them other than additional policies that speak about outside activities whereby it simply states that a person cannot knowingly make statements that are without regard for their factual and accuracy towards the district. Even in that forum, because of their connection to the district, they can be disciplinable; but, that has nothing to do with this policy. We don't want to restrict anybody, it is not intended to restrict people's freedom of speech in any way, shape, or form. I promise you that.

Public Participation: None

VIII. ADVISORY RECOMMENDATIONS

RECOMMENDATION OF THE COMMITTEE: Motion was made by Lisa VanWhy to authorize and direct the administration to include Policy 709.1 on the Regular School Board agenda for later this evening. The committee will request a waiver of the first reading prior to a motion to adopt Policy 709.1. Motion was seconded by George Andrews and carried unanimously 3-0.

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 November and subsequent Board action in December: Policies 202, 707, 827, 901, 902, 904, 910, and 911. Motion was seconded by George Andrews and carried unanimously 3-0.

IX. ADJOURNMENT: 5:33 p.m.

RECOMMENDATION OF THE COMMITTEE: Motion to adjourn was made by Lisa VanWhy. Motion was seconded by George Andrews and carried unanimously, 3-0.

Next meeting: TBD after the Board Reorganization Meeting on December 5, 2022.

Respectively submitted by,
Debra Wisotsky