

**EAST STROUDSBURG AREA SCHOOL DISTRICT  
BOARD OF EDUCATION  
POLICY REVIEW COMMITTEE MEETING  
JUNE 17, 2024  
CARL T. SECOR ADMINISTRATION CENTER & VIA ZOOM—4:30 P.M.  
MINUTES**

- I. Meeting was called to order at 4:30 p.m. by Keith Karkut.
- II. **Policy Committee Members Present were:** George Andrews, Jason Gullstrand, Keith Karkut, and Debbie Kulick
- III. **School Personnel Present were:** Brian Borosh, Eric Forsyth, John Toleno, and Steve Zall
- IV. **Members of the Board Present were:** Wayne Rohner.
- V. **APPROVAL OF AGENDA**

**RECOMMENDATION OF THE COMMITTEE:** Motion was made by Debbie Kulick to approve this agenda for June 17, 2024 (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 Jason Gullstrand and carried unanimously, 4-0.

VI. **APPROVAL OF MINUTES**

**RECOMMENDATION OF THE COMMITTEE:** Motion was made by Debbie Kulick to approve the minutes for by May 20, 2024 (pages 1-9). Motion was seconded by George Andrews and carried unanimously 4-0.

VII. **POLICIES FOR DISCUSSION:**

**New Business** – (Updates from PSBA PNN Newsletter Vol 2 - May 2024)

- a. Policy 222 Tobacco and Vaping Products (Students)—Mr. Karkut shared that it looks like, per the PNN, we are taking out the products marketed as Juul and replacing it with electronic cigarettes, but on page two of four, we removed electronic cigarettes. Why is that? Mr. Forsyth replied, in this case it is taking out the entire “including” phrase between the commas because it is just reading that the use of tobacco and vaping products regardless of whether or not they contain tobacco or nicotine etc. It is not limiting it specifically, even though it didn’t say including but not limited to, the recommendation was to strike it. Mr. Karkut noted we moved the section on students with disabilities from the very end into the authority section with no changes.
- b. Policy 227 Controlled Substances -- renamed Controlled Substances/Paraphernalia (Students)—Mr. Karkut stated we are adding the word paraphernalia, striking the purpose and going to the PSBA, recommended purpose from their PNN. It reads, “The Board recognizes that the use and abuse of controlled substances, as defined in this policy, is a serious problem with legal, physical and social implications for the whole school community.

The purpose of this policy is to prohibit student possession, use and or distribution of controlled substances, except as permitted by applicable State and or Federal law and board policy.” On page 5, anabolic steroids, “The Board prohibits the use of anabolic steroids by students involved in school-related athletics, except for a valid medical purpose. Body building muscle enhancement, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human growth hormones (HGH) shall not be included as an anabolic steroid.” We go on to students shall be made aware of, and then we've added, of the dangers of steroid use. This is one thing I have question, we took out the Superintendent or designee shall cause the prescription, implementation and enforcement or rules and regulations to prohibit the use of anabolic steroids... Why did we take that out? Dr. Toleno replied, I think because it says it under anabolic steroids, where the board prohibits the use. It's saying the same thing. It's just redundancy in my mind. Keep in mind that PSBA is going to have a lot to say about it as well. Whatever the Board policy is, PIAA is going to jump in, it's going to take care of itself. I'm not saying you shouldn't have a policy. I'm saying that it's almost a double whammy for a student athlete that would get caught. In 23 years, I haven't seen it. Again, I think that this particular statement is redundant in my mind.

- c. Policy 323 Tobacco and Vaping Products (Employees)—Mr. Karkut shared, we're striking the brand name Juul throughout the policy. He read, “The Board recognizes that tobacco and vaping products, including electronic cigarettes during school hours and on school property, presents a health and safety hazard that can have serious consequences for the user, non-user and the school environment. The purpose of this policy is to regulate the use of tobacco and vaping products by district employees and contracted personnel.” We're adding contracted personnel on page 2 of 4, at the bottom under Delegation or Responsibility. And then we're changing Office of Safe Schools to PA Department of Education on page 3 for reporting. We basically took the PNN revisions pretty much word for word.
- d. Policy 351 Drug and Substance Abuse -- renamed Controlled Substance Abuse (Employees) Mr. Karkut stated we're changing the purpose, “The Board recognizes the misuse of controlled substances by administrative, professional, and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by controlled substance abuse by district employees, especially if it relates to an employee's safety, efficiency, and productivity.” The question I have about this, is in the other policy, we added contracted employees. Do we need to have that in this one, too? Ms. Kulick asked, you mean to address them? Mr. Forsyth said I think what we're dealing with are the ways that the two laws are handled. We're dealing with the use of tobacco on school property, which is universally applicable. Now we're dealing with employees that may have substance abuse issues. Dr. Toleno stated if we have a contractor on school property under the influence of drugs, we're going to have him arrested. This is specifically what we can do to enforce policy against the employees here in the district. On page 2, Mr. Karkut read, “An employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver or convicted of an offense defined as a felony under the Controlled Substance, Drug, Device and Cosmetic Act, shall be terminated from his/her employment with the school district, in accordance with applicable law, regulations and Board policy”. Mr. Forsyth noted, we will fix that typographical error at the beginning of the last line. Mr. Karkut stated everything else seems to be just a PSBA recommendation.
- e. Policy 620 Fund Balance -- For anyone that is not aware of it, and for Dr. Toleno's insight, we've been talking about this policy for the last couple months. It was brought to our

attention, and we questioned as a committee using the PSBA recommendation, which was presented to us, and then we looked at other school districts, and determined that we should go with PSBA, and this is coming back to us for reapproval as the revised draft. Mr. Andrews asked we have restricted, committed, assigned, and unassigned. Where does the capital reserve fall into this, the committed or the assigned? Dr. Toleno stated the capital reserve would be assigned. Assigned, set aside for capital for your buildings, purchasing buses, that kind of thing. Mr. Andrews stated that's why I'm asking the question we keep going around and around and around where the capital reserve fits in on the fund balance. It is part of the fund balance, but we kept saying it wasn't, for umpteen board meetings. Dr. Toleno stated I think your auditors would say something different, your auditors would consider it part of the fund balance, and that it's an asset of the district. Mr. Andrews said, that's why I'm bringing it up again, just to make sure we all agree. Dr. Toleno replied, I'd like to get things clear in my mind. If what you're saying is true then, if capital reserve is outside of the bounds of the funds of the school district, that doesn't make sense. The Board always reserves the right to move money from capital reserve to somewhere else in any given situation. I'm not saying I recommend that. But you might have an emergency situation at some point and you're going to need some of that money out of capital reserve to cover it. Mr. Andrews said I agree, but at board meeting, we were not putting the capital reserve in our general fund balance when we were talking to the public. We were not putting the capital reserve fund in our fund balance when we told the people what we had. Dr. Toleno stated any reserve fund that we have a designation for are still funds of the district. They're just set aside as designations as opposed to thinking in the general fund, which your exposure there is different. The acceptable limit, for the State would typically be anywhere from 6-8%. That's kind of what they would like to see. That's a guideline, but it's only a guideline. So, if you're showing up at a meeting such as tonight, and you've got \$73 million in the general fund in reserves. That's not really responsible. You really need to designate those things so that people know that we have this money. Listen, we're going to need roofs in x number of years, we're going to need asphalt and paving in x number of years, but all those things have to come out of it. Mr. Karkut stated, for the sake of this policy, let's have that conversation at a later time. Mr. Karkut shared that he did some research of other districts in our area, since most of the districts adopted the PSBA template. That's what drew me to come back to this when I looked at other districts a couple of months ago. One thing different, and I did check with Peter about this, is our percentages are a little different than the area. I want to read them publicly just so we can digest it. Under guidelines on page one, "The school district will strive to maintain an unassigned general fund balance of not less than 3%, and not more than 8% of the budgeted expenditures for the fiscal year. The total fund balance, consisting of several portions including restricted, committed, assigned, and unassigned, may exceed 10% if the unassigned portion of the fund balance falls below the threshold of 3% of the budgeted expenditures, the Board, I think there might be a word missing, may pursue options for increasing revenues and decreasing expenditures, or a combination of both, until 3% is attained. If the unassigned portion of the fund balance exceeds 3% of budgeted expenditures, the Board may utilize a portion of the fund balance by appropriating excess funds for expenditures. The goal shall be to use any excess fund balance for non-recurring expenditures, not for normal operating costs." In looking at other school districts the percentage is somewhat different. Some say 5%-8% versus 3%-8%. I did check with Peter, and he's very comfortable with us going with the 3%. I just want to throw that on the table and see what you all thought. Any questions on that? Mr. Forsyth noted, the missing word, according to the PSBA recommended template in that sentence is, "will" pursue. The only other question I have is under delegation, we're suggesting the Chief Financial Officer or designee. PSBA suggesting the Superintendent or business manager. They're not offering

anything as “or designee”. Dr. Toleno stated, my recommendation would be the Superintendent and his or her designee, which would automatically fall to the business administrator. At the end of the day, the Superintendent is the only one that you can hold responsible, because I'm the only one that technically works for you. Everyone else doesn't work for you. That's why it should be the Superintendent and his or her designee, or if you feel better, put in there the business administrator. Mr. Karkut said I'm looking at Pocono Mountain and Stroudsburg as a guide. They have Superintendent and/or Chief Financial Officer. The only reason why I like that is because that can hold our Chief Financial Officer accountable to their job. Dr. Toleno replied, the answer is yes but truthfully, if you're going to go after anybody in all of this, the only person that you have the authority to go after as a School Board, is the Superintendent. The Superintendent then has to go after someone else. So, I don't think you want to look that deeply into it because you'll make yourself crazy. I think if you just do what the other two districts are doing, that's fine. I don't think you should look at it from a perspective of who do we go after? Because if we're ever in that situation, everyone's got problems. Don't base you're thinking about the policy on who are we going to wind up getting. If something goes bad, you're going to know something's going bad. Mr. Karkut asked, so are we going to just say Superintendent and Business Manager or are we going to add the word designee? Dr. Toleno suggested keeping the title consistent with the district title of CFO. I wouldn't change their language. Again, if you get too deep into the weeds at the end of the day if this were to turn bad, you're going to be going after multiple people. Mr. Karkut noted the official language of PSBA is they leave a choice for Superintendent or business manager, or designee. Dr. Toleno stated, I would say Superintendent or CFO. Ms. Kulick added don't water it down any further. Mr. Karkut noted, so just to repeat, “The Superintendent or Chief Financial Officer may assign fund balance for items deemed appropriate at any time prior to the issuance of the audited financial statements for a given year. Then, going back down one line further, we're going to do the same thing, the Superintendent or Chief Financial Officer shall be responsible for the enforcement of this policy.

- f. Policy 815.2 Artificial Intelligence (Operations) – Mr. Karkut said we're presented with our district's recommendation. and the PSBA sample. He asked Mr. Borosh, Director of Technology, to give a synopsis. Mr. Borosh shared there's two templates in front of you. One is from Mark Walz. He's a technology and special education lawyer. He formed this policy after much discussion with superintendents, assistant superintendents, tech directors, curriculum directors, etc. When you look at PSBA's policy, the first thing that sticks out to me is the first sentence recognizes the potential that Generative AI offers; it is narrow. There's a bunch of different AI as you know, you have robotics; you have machine learning; you have neural networks. It immediately narrows what you're trying to do. We have curriculum that we use here that uses different types of AI. So, by going with this policy, you immediately discount what's involved with some of the curriculum, not to mention robotics programs, etc. Dr. Toleno suggested you can take the word generative out if you like the rest of the policy. I don't know which you would feel is best. Mr. Karkut expressed concern with the recommendation given to us by administration from Mark Walz on the academic honesty section, saying I don't understand how we could even interpret that if we had to. Mr. Borosh replied, if you look, there's that scale. It was developed by the North Carolina Department of Public Instruction. I've been following AI and education very carefully over the last year. There's maybe three or four States that have issued guidance. Pennsylvania has it, so does North Carolina Department of Public Instruction, they're the ones that developed that scale. Obviously, that can be discussed, changed, or maybe it gets punted over to the Education Committee for future consideration. Again, we're just bringing two policy templates, for you

to make a decision. Mr. Andrews said I have an issue, what are we gaining by expelling or suspending a student for using AI? We're not gaining anything I see where it says that disciplinary action which may include detention, suspension, or expulsion depending on the nature of the violation. Mr. Borosh explained, that's going to be tied to the Code of Student Conduct. It'd be like any other discipline violation. Mr. Karkut added, we base our Code of Student Conduct according to the policy. Mr. Borosh said, depending on the extent there could be plagiarism, what if it's a final report for a course and it's all plagiarized. Mr. Andrews asked, what are we gaining or trying to teach students about AI, when we're expelling or suspending them? Dr. Toleno said, let me ask you this, what if there's a student that has access to AI, and there are students that don't have access to AI and the students that have access to AI perform better, that's why. Mr. Andrews asked why would you suspend the student or expel the student? Dr. Toleno replied, it doesn't only say suspension or expulsion, in all fairness. Mr. Karkut said it says, subject to disciplinary action which may include detention, suspension, expulsion. Dr. Toleno said there's a lot of different things you could do, detention, suspension, expulsion in there. Mr. Karkut stated I think this is great, because it gives a broad perspective, you don't know the severity of what they've used it for, it might need expulsion. Dr. Toleno added, what if a student gets caught using AI for assignments five times. They were caught once they get a detention, they were caught twice they get two detentions, they were caught three times and so on. What do we do? Mr. Andrews said if they do that then we have an issue with the parent, the student, and the teacher. I agree it's an issue. But I can't see suspending. What are you gaining by suspending a kid or expelling a kid for that use? I'm not saying it's right. I agree with you 100% that we have to do something but suspension or expulsion? Dr. Toleno stated, as a school administrator, you're gaining the ability to send the message to other students that this is unacceptable behavior. We're not going to tolerate it. I don't disagree with you from a perspective of what does suspension really do to anybody. I get that, but you have to understand that suspension typically isn't about that student. It's about the other students. It's about trying to send a message to the climate of the school that we're trying to create. The problem is if you don't have that, let's call the suspension extreme, the other kids are going to look and say wait a minute, why can't I cheat and get away with it then? Because that's really what AI is, let's be honest. It's cheating. It's no different than taking the results that maybe Eric has, I'm looking at his stuff and I'm just copying it down. It's cheating. At some point, if the student is so egregious about it, it must rise to the level of you know what, we're done now. You're being suspended for three days. I'm not sure where expulsion would go. It would have to be extreme, but the problem also is you don't necessarily want to leave something out, because if it ever came to an expulsion now, it's not defensible. If you don't have it in the policy, you can't defend it in a court of law if it comes down to that or in front of an arbitrator. So, I understand where you're coming from completely but just look at it from the perspective of, we all have a responsibility to send a message to the students. If the message is no one's keeping me in check on it, why don't I just keep doing it, I'm never going to get suspended for it. Here's what I think we do with AI right now, you want to get a policy in place. The beautiful part of it is, you can always revisit the policy. If the Board comes up with another way that they think would be appropriate to deal with it, maybe you take suspension out at some point, revisit it. You can always come back to a policy at any time. Right now, we need it. This is such a hot topic. We've got to get something in place. Ms. Kulick agreed, saying leave the option there. Mr. Karkut said I'm more concerned with the statement in the second line of that second paragraph where it says it is a responsibility of all teachers to provide students with notice of whether AI use is permitted or not and enforcing it. Mr. Karkut added maybe it's this chart. I was reading this again yesterday. I agree with what you're saying, but AI is not evil. It's not bad. Dr. Toleno replied, I never said it was. Mr. Karkut said, I thought you said it was not a good tool. Dr. Toleno said it's a very good tool.

Mr. Karkut noted, maybe I misunderstood. It's almost like Siri is a form of AI. Google is a form of AI. Dr. Toleno said, in all fairness, I'll give you a better example. If you're being seen by a doctor that went to a certain medical school and they did their work through AI. How are you going to feel about that because they didn't do their own work? I'm not criticizing. I'm just throwing that out there. Just realize that I don't think AI is a bad thing or a good thing. I don't see myself ever using it, because I believe that my words are good enough to get me through any situation I am in. The point is, that if a student has the resources to be able to use AI and get through an assignment in a shorter period of time than another student that doesn't have that resource, it's not right. I think if we go down these rabbit holes and start looking too deeply at it. The bottom line is if we want students to use AI, don't put a policy in but you're going to have a free-for-all on your hands. So that's where you have to look at policies as this broad governance piece to be able to keep the roof on. You don't want the roof to be blown off with every situation. If you don't have a policy for it, you have no fight to come back. What I said before is that AI is a hot topic right now because people are taking advantage of it to get out of doing work in some cases. Ms. Kulick shared, I just heard an article the other day that there's some districts that are using a specific AI program to help work with their kids. I also saw that AI was being used by a district where they could see what their students are learning and see if they're actually excelling in certain areas. Dr. Toleno said I think the purpose of this policy is to control how the kids are going to use it in the classroom so as not to have an unfair advantage over other students. Mr. Karkut asked did everyone look at the PSBA sample. Mr. Andrews said if they have internet, they should have access to it. Mr. Karkut replied there's different forms of AI, there's different levels. You can have open AI, but you can have a version of open AI that's more advanced than the basic. There's a paid version, there's a professional version. There are so many different versions. Dr. Toleno shared, kids may have access, I'm not questioning the access that the school district provides. I'm questioning that not everyone has equal support, equal direction at home, equal ability. When I talk about equity, that's where my head goes. All things are not the same for all kids in all homes. You don't know when a piece of equipment that the school district provides, even though it's typically going to be locked down to the student and only their password can be used, you just don't know how it's being used in the home, or whether they even have access when they bring it home. I'm just speaking from my years of experience, that's all. Mr. Gullstrand asked before we move on, in the portion it says any student who violate these standards after receiving notification from the teacher. Are we identifying those standards as 0 through 4? Or is there another set of standards that we have identified for them to be in violation of in the academic honesty portion. Mr. Borosh replied, everything's correlated to the chart. Mr. Gullstrand went on, so we say any student who violates these standards after receiving notification from a teacher. I think George is thinking of the real extreme area, but what we found to consider is that AI is as simple as texting, it comes up green, it fixes it. You make the correction. That's AI, that's a correction. It's a very slippery situation, are we going to allow the teachers to identify students will not be allowed to have that on while using Google Docs typing their papers. And if they do, it makes it difficult to really say specifically is that going to be an expellable offense or not. If an individual is writing their dissertation and they plagiarize information without citing those sources that's no different than having AI write those portions of it too. So that's where you begin to make that correlation, between what is an expellable offense. In my district we have a very similar policy. If you plagiarize other works you get in trouble for it. I think this kind of goes hand in hand with that policy of using AI to create that information and just taking somebody else's information and plagiarizing it. I think we have a good set in place, academically. Mr. Andrews asked if they get caught, do they get expelled or do they just get an F? Dr. Toleno shared it's like saying, someone sells a drug on the street the first time. What are they going to get? What if they do it

the second time, what are they going to get? What if they do it a third time. It's stepped discipline. Bottom line is the reason why you have more levels of discipline is for those kids or people in this society who press those limits. You do this once, here is what we're going to do. Do it twice and you didn't learn from that, this is what we're going to do. Do it three times, this is what we are going to do. At the end of the day, it's all about climate for us in a school district. We have to set the climate and we have to count on the students to be able to help us set that climate. Mr. Gullstrand added understand this, when a lot of these students go off to college they can be removed from the university. They need to understand that this is serious. Ms. Kulick noted, somebody who continuously does it and they're like, I don't care, you need to reach a conclusion. Mr. Gullstrand said we are narrowing the AI portion to writing. I mean when you do art, there are the descriptors, and how you do the focal points, camera angles and lights and all this to create that into AI to create an image, it's wonderful to have. AI is great but if you say that you created the image without using AI, then there's a difference there. Ms. Kulick shared it's the last tool for that one person who's going to really push the limit over and over and over, and there is always that one person at some point. Mr. Karkut said I found the wording about which I was worried. "Any student who violates these standards after receiving notification from a teacher will be subject to disciplinary action." Now going down to the professional development end, the Board directs the Superintendent. We have to let our teachers know what we want them to do. We're putting the burden on the teacher to determine whether it's a violation or not. I know, we have a policy, and this is very good groundwork to start. Dr. Toleno added that Eric had a great suggestion. This could be as simple as including this in the teacher handbook going forward, to go in policy and in the student handbook. Mr. Forsyth said what brought it to my mind, I was looking at the words that were very specific in the policy, notification from a teacher, and just imagining that perhaps saying receiving notification of this policy. So now it doesn't matter. As things evolve, how it's disseminated, it could be through the sign off in the Code of Student Conduct in the future. It could be through the teacher on the first day of class where they think it'll be an issue. The point is, if that doesn't happen, then you don't have the ability to do what it says here. We have to then determine how we'll provide that notification. And maybe it's not from a teacher. So that's just one suggested change that could be made. That makes sense to saying, after receiving notification of this policy. Mr. Karkut said what I'm worried about is any student who violates it. We need a policy and it's a start. The thing that worries me is AI is here to stay, it's not going to go away. It's a useful tool if used properly. I use it a lot in my business, and I don't plagiarize but I use it as a tool, as research. The intention of the committee is that we go with the suggestion of administration and not PSBA's sample. Mr. Borosh said, keep in mind, there is no district-sanctioned use, so as we come up with tools that we're going to sanction for students to use, you will make changes to this, or you may decide to put administrative regulations to hang with this.

#### **Old Business – (Review of policies last updated 2002-2007)**

- a. Policy 143 Standards for Persistently Dangerous Schools (Programs) -- Mr. Karkut explained to Dr. Toleno, we decided as a committee that we would look at policies that were older policies that haven't been looked at in many years and adjust/update them accordingly. The first one that Deb presented to us is 143 Standards for Persistently Dangerous Schools. Basically, we're taking out the words No Child Left Behind and are replacing it with Federal law. We changed the headings and they're allowed to have a guardian now. Pretty much we just took out the dated acts. My only concern is, when we crossed out No Child Left Behind are we limiting us to something. We specifically said No Child Left Behind when we created this policy. Mr. Forsyth explained it was the prevailing legislation at the time. You'll see what

we've done in the left margin. We've crossed out the old marginal references, and we replaced them with footnotes which will take you to the relevant portions of the U.S. and Pennsylvania codes for that purpose.

- b. Policy 144 Standards for Victims of Violent Crimes (Programs) -- Mr. Karkut noted we pretty much did the same update to this one.
- c. Policy 204.1 Student Excusal rename Student Excusal/Early Dismissal (Students) -- We're adding to the first guideline, "All other arrangements, such as granting permission for the student to drive, must be indicated on the early dismissal request." So obviously on our early dismissal request we had no procedure for driving home? Is that what we did? Mr. Forsyth replied, yes, that's all that's been added there. Mr. Karkut went on to read and a copy of the permission slip is going to be filed in the principal's office, not the Superintendent's office, which makes sense. Keep it in the school where it belongs.
- d. Policy 205 Postgraduate Students (Students) – Mr. Karkut shared, all we're doing is updating school code and moving the legal references to the end.

VIII. **Public Participation:** None

IX. **ADVISORY RECOMMENDATIONS**

**RECOMMENDATION OF THE COMMITTEE:** Motion was made by Debbie Kulick to authorize and direct the administration to post the following item(s) with noted revisions for PUBLIC REVIEW during the month of June and subsequent Board action in July: Policy 222, 227, 323, 351, 620, 815.2, 143, 144, 204.1, 205. Motion was seconded by George Andrews and carried unanimously 4-0.

Mr. Karkut asked why 815.2 is not number 815.1 like PSBA's. Mr. Forsyth noted that we already have an 815, which is our Acceptable Use policy and 815.1 was, I believe, PSBA's recommendation, but the numbering sequence was already used in our policy manual for another technology policy. We didn't skip any numbers, so 815.2 is correct.

X. **ADJOURNMENT:** 5:10 p.m.

**RECOMMENDATION OF THE COMMITTEE:** Motion to adjourn was made by Debbie Kulick. Motion was seconded by Jason Gullstrand and carried unanimously, 4-0.

Next meeting: July 15, 2024, at 4:30 p.m. in the Carl T. Secor Administration Center Board Room

Respectively submitted by,  
Debra Wisotsky